



Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

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

Venue: Virtual Meeting Through Microsoft Teams

Date: Tuesday, 26th May, 2020

Time: 2.00 pm

The meeting will be held remotely via Microsoft Teams. Members and Officers will be advised on the process to follow to attend the Planning Committee. Any members of the public or Press wishing to attend the meeting by teleconference should contact Governance Services on 01302 737462/ 736712/ 736723 for further details.

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Damian Allen
Chief Executive

Issued on: Friday, 15 May, 2020

Governance Services Officer for this meeting

Amber Torrington
Tel 01302 736723

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

Item	Page No.
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.	
A. Reports where the Public and Press may not be excluded.	
<u>For Decision</u>	
4. Schedule of Applications	1 - 36
<u>For Information</u>	
5. Appeal Decisions	37 - 88

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

DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 26th May 2020

To the Chair and Members of the

PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

1. A schedule of planning applications for consideration by Members is attached.
2. Each application comprises an individual report and recommendation to assist the determination process. Any pre-committee amendments will be detailed at the beginning of each item.

Human Rights Implications

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

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

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Scott Cardwell
Assistant Director of Economy and Development
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1.	19/01725/FUL	Tickhill And Wadworth	Tickhill Parish Council

Application	1
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Application Number:	19/01725/FULM
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Application Type:	Planning FULL Minor
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Proposal Description:	Change of use of former public house to ground floor retail and first floor residential including erection of extension following demolition of outbuildings
At:	Millstone Hotel, Westgate, Tickhill, Doncaster, DN11 9NF

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

Author of Report:	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.

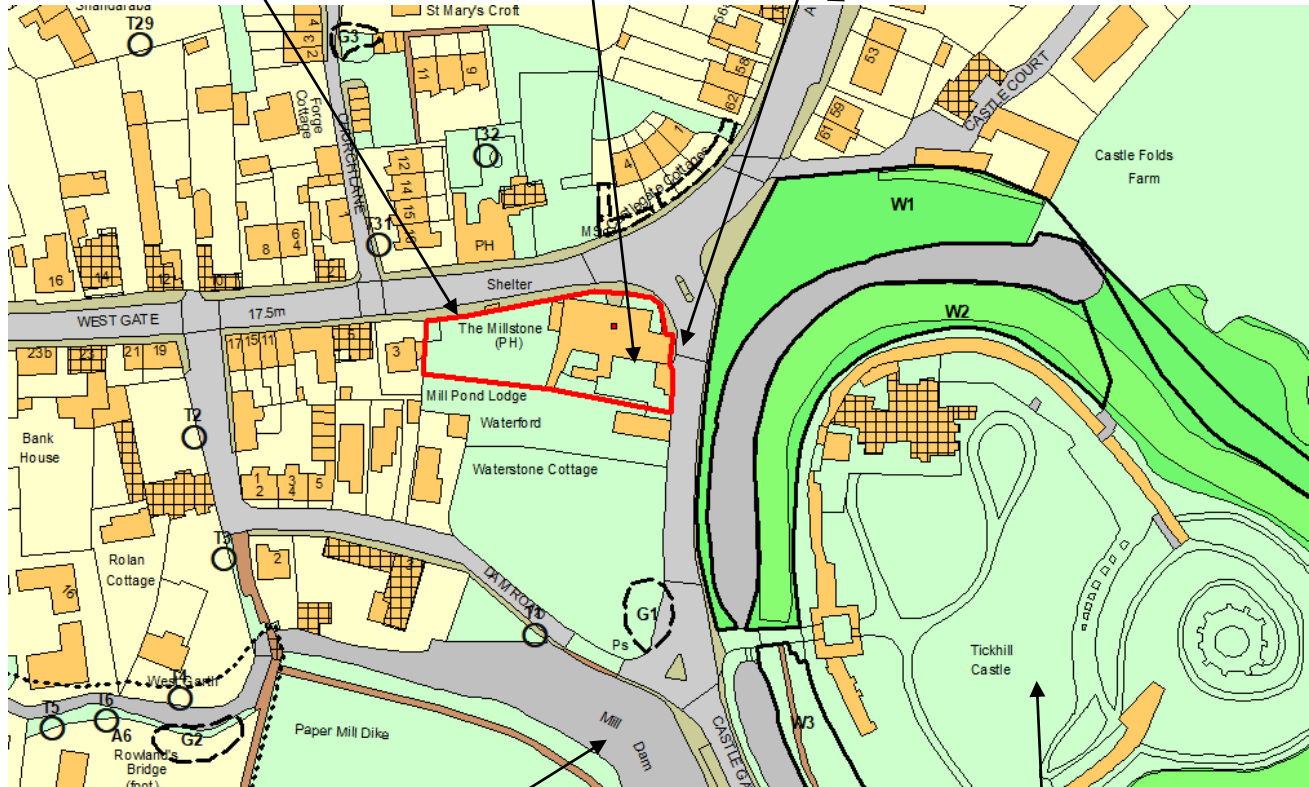
RECOMMENDATION: GRANT planning permission subject to conditions

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. This application was previously reported to the planning committee on 4th February 2020. The application was deferred at the meeting in order to assess road safety concerns. Re-consultation has taken place with Highways DC and the Safer Road Team and a meeting has been held with Highways and the applicant/agent - no objections are made on the proposed development.

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 being allocated as Flood Risk Zone 1 (FZ 1)

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 2,500m². 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 Local Plan has been approved at Full Council on the 25th July 2019 and Regulation 19 Publication is now complete.
- 5.41 Paragraph 48 of the NPPF allows LPA's to give weight to relevant policies in emerging plans depending on the stage of preparation, the extent to which there are any unresolved issues and the degree of consistency with the NPPF. The Local Plan has been formally submitted for examination on 4th March 2020 and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LA may give weight depending on the stage of the Local Plan and 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). The Council is aiming to adopt the Local Plan by winter 2020 and it has previously been afforded limited weight and the following policies would be appropriate::
- 5.42 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is afforded limited weight as there are outstanding unresolved objections.
- 5.43 Policy 11 (Residential Policy Areas) reinforces some of the wording of PH11 stating that within Residential Policy Areas, as defined on the Proposals Map and is afforded substantial weight:

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.

- 5.44 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. This policy is afforded substantial weight.

- 5.45 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. Moderate weight is afforded to Policy 38 as there are outstanding unresolved objections however they are not considered to be significant.
- 5.46 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. This policy is afforded substantial weight.
- 5.47 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. This policy is afforded substantial weight.
- 5.48 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. This policy is afforded limited weight as there are outstanding unresolved objections
- 5.49 Tickhill Neighbourhood Plan
- 5.50 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:
- 5.51 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.
- 5.52 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.
- 5.53 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.

5.54 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.

5.55 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.

5.56 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.

5.57 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.

5.58 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;

Any additional representations will be reported verbally prior to a decision being taken.

- 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 Town 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”

7.2 The impact of the proposal on the vitality and viability of the town centre has been carefully considered as part of the case officer assessment. Although the site lies outside of the area identified in the Tickhill NP appropriate weighting has been afforded to all relevant material planning considerations.

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.

8.6 **DMBC Highways DC** – response:

“The planning agent has confirmed that the prospective tenant has stated that the size of vehicle they use for servicing the site is a 10m rigid bodied HGV. As such swept path analysis has been carried out using this vehicle on the amended layout plan and I can confirm that it is not wished to raise objections to the development proposal from a highways perspective. However I would be grateful if the following could be considered when determining the application.

Standard conditions High 1, High 11 (amended) and High 3 are applicable to this application.

A suitably worded condition restricting the maximum size of vehicle to service the site to a 10m rigid bodied HGV.

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.

Informatives:

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

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

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

8.7 Ward Members and Mayor of Tickhill Town Council

Object to the proposal for the following reasons which have been summarised:

- Tickhill is designated to have a negligible expansion in terms of housing in the forthcoming Local Plan and as such there is no need for a supermarket.
- The proposal would have a detrimental impact on the Core Business Area (CBA) of Tickhill.
- Concerns that the substantial retail outlet at the garage was referred to as a "kiosk"
- The site visit by the Committee lacked the usual presence of Ward or Tickhill Town Councillors and was not only in breach of established practice but as importantly in breach of the DMBC protocol which is quite clear.
- the Applicants and the Officer have suggested to you that the NP can be sidestepped because whilst it clearly protects the CBA it is silent on an express prohibition on this retail development outside it. It is considered that the NP does say in relation to the CBA " the concentration of A1 uses in the CBA is to be protected and enhanced".
- the NP has statutory authority, endorsed by the referendum and DMBC are obliged to take it into account.
- Covid 19 has made local businesses even more fragile and yet, in Tickhill, these are the very businesses threatened by this application, that have stepped up in response to the current health crisis and, supported by a veritable army of community delivery volunteers, are playing such a vital role in supporting the vulnerable, the isolated and the needy.
- if the committee decide not to consider any expressed comments provided as prohibitive considerations, I must then strongly request a condition be placed that an adequate pedestrian crossing arrangement be provided. The road (A60) is very busy , so whilst current statistics may not highlight a problem, given the nature of this ' attraction' for pedestrians , the opportunity to incorporate this provision must not be missed.

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 use 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 Core Strategy 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.
- 9.36 Ward members have raised concerns that a site visit was undertaken in which they were not invited. Whilst an impromptu site visit was undertaken with planning committee members whilst undertaking a scheduled site visit to another address, the site visit at Tickhill was not attended by the applicants, objectors or supporters and as such no prejudice has been created to members of the planning committee.
- 9.37 The proposed plans have indicated the inclusion of a pedestrian refuge area within the central road hatching of the A60. In the intervening period since the application has been deferred by planning committee, the applicant has provided road safety information, together with a car and pedestrian daily matrix identifying the number of movements to the premises. This information has been considered by Doncaster's Safer Roads Team and Doncaster's Highways Development Control team who have commented that the applicant has been able to adequately demonstrate that a pedestrian refuge area is not necessary in order to make the proposal acceptable. There is no evidence to suggest that pedestrian safety is an issue in this location or that it would be significantly exacerbated by the proposal and consequently it is important to recognise that a condition requiring off site improvement works must meet the planning tests in order to be lawful. The planning tests ensure that conditions are; necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. In the absence of this evidence whilst the latest amended plans show a pedestrian refuge area, no weight is afforded to the need for its implementation when balancing the material planning considerations associated with this application.

Security and Crime Prevention

- 9.38 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.
- 9.39 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.
- 9.40 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.

9.41 Conclusion on Environmental Issues

- 9.42 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.

9.43 ECONOMIC SUSTAINABILITY

- 9.44 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.
- 9.45 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.
- 9.46 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. Although reference has been made to the potential for alternative premises elsewhere, it is unclear on the basis of the evidence submitted as to whether these are readily available. Notwithstanding this, 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.

- 9.47 The proposal would create approximately 280m² 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 (2,500m²) and Doncaster has no locally set threshold.
- 9.48 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.”*
- 9.49 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 this, the allocation of the land is a matter for consideration at local plan stage, not as part of the assessment of a planning application.

9.50 Conclusion on Economy Issues

- 9.51 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. In considering the proposal, consideration has been given to the relevant sections of the Neighbourhood Plan, Core Strategy, Unitary Development Plan, NPPF and

emerging Local Plan. On this basis it is 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. Development shall be carried out in accordance with approved details.
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. Development shall be carried out in accordance with approved details.
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 maintained 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

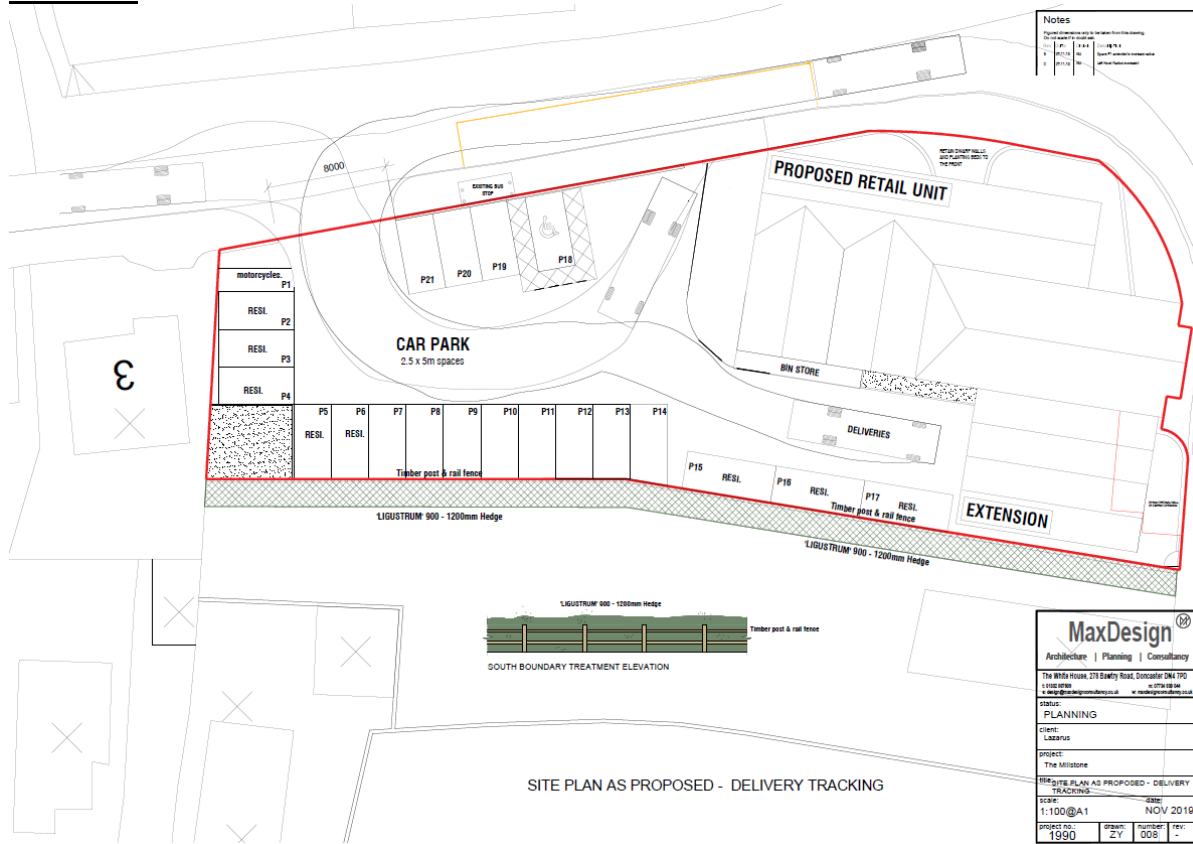
Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have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

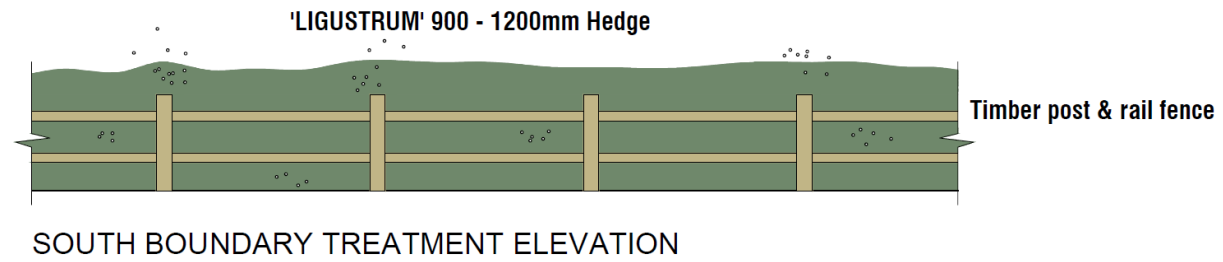
05. U0014141 The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud on the highway is an offence under provisions of The Highways Act 1980.

Appendix 1: Site Plan

Site Plan



Proposed Boundary Treatment



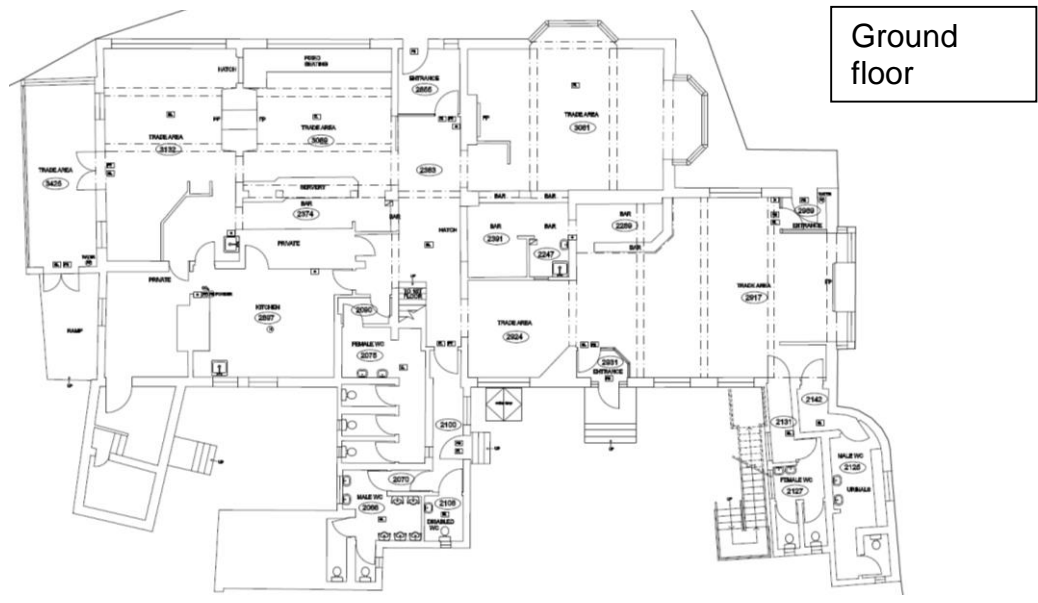
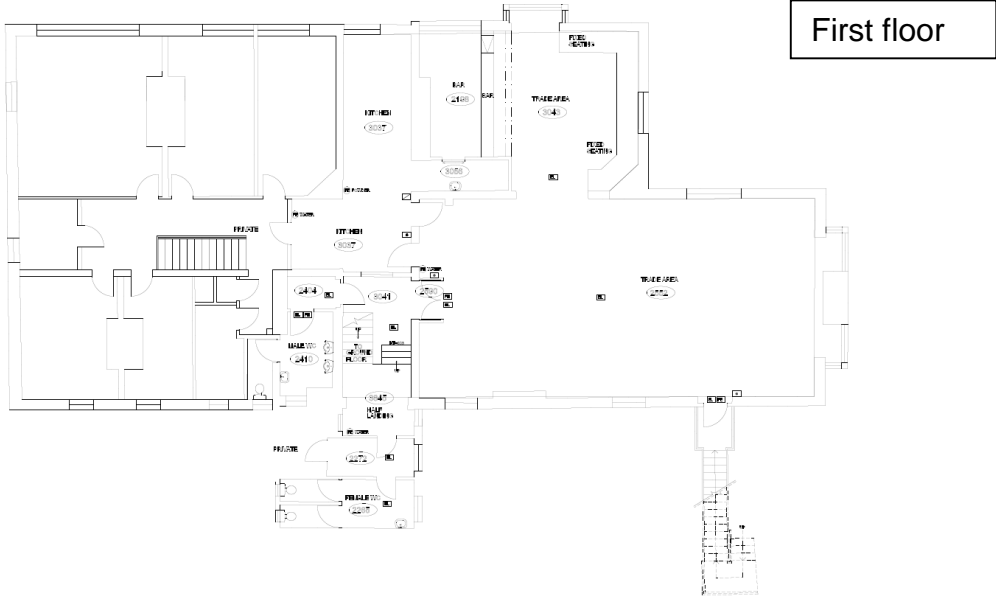
Appendix 2: Elevations

Existing Elevations

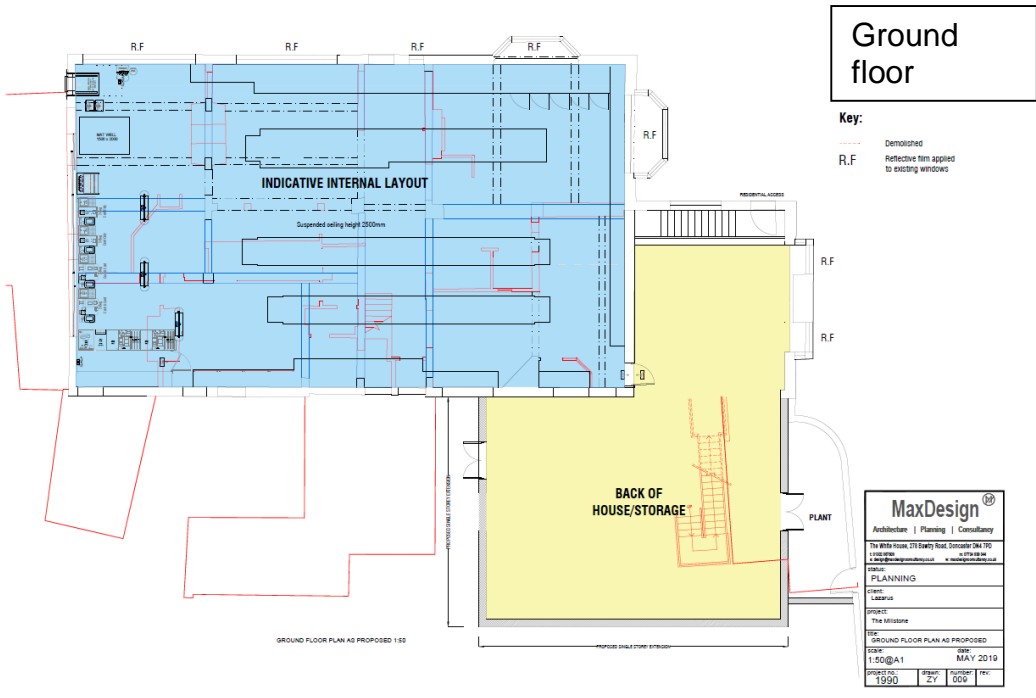
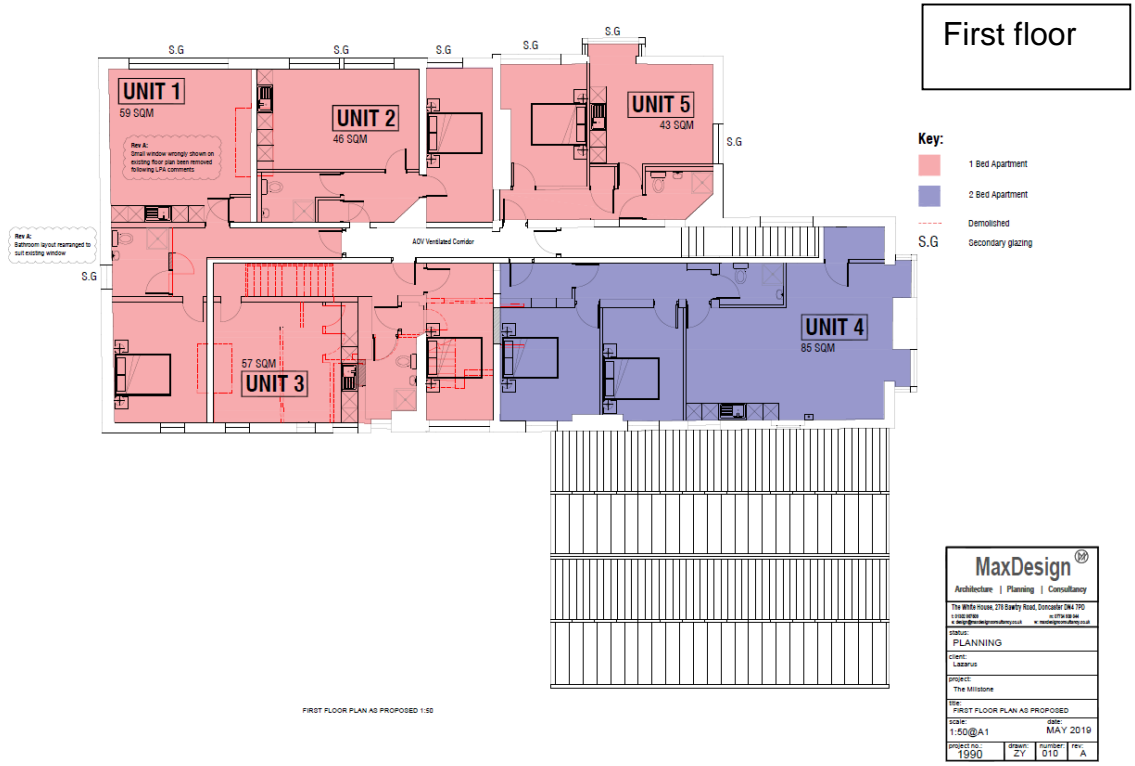


Appendix 3: Floor Plans

Existing Floor Plans



Proposed Floor Plans





To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

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

BACKGROUND

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

OPTIONS CONSIDERED

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

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

- 7.

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

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS [Officer Initials AB Date 12/05/2020]

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 12/05/2020]

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 12/05/2020]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 12/05/2020]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 12/05/2020]

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 12/05/2020]

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
18/02899/FUL	Erection of day room/amenity building ancillary to use of the site as a gypsy caravan site (being resubmission of previous application 18/01445/FUL refused on 02/08/18) at South Fork, Flashley Carr Lane, Sykehouse, Goole	Appeal Dismissed 18/03/2020	Norton And Askern	Delegated	No
15/00409/M	Appeal against enforcement action for alleged unauthorised use of land as lorry park at Land Off , Bankwood Lane, New Rossington, Doncaster	ENF-App Dismissed Subject to Correction 06/03/2020			
19/00382/FUL	Partial demolition of no.19 Park Drive to make room for proposed access road and erection of 3 dormer bungalows to the rear. at 19 Park Drive, Sprotbrough, Doncaster, DN5 7LA	Appeal Dismissed 03/04/2020	Sprotbrough	Delegated	No
19/01700/FUL	Erection of 2 detached houses with detached garages, associated access road and boundary wall, following demolition of existing bungalow within a conservation area. at 47 Warnington Drive, Bessacarr, Doncaster, DN4 6ST	Appeal Dismissed 27/03/2020	Finningley	Delegated	No
19/01536/OUT	Outline application for the erection of two storey block of 2 x 1 bedroom apartments including access and layout. Matters of appearance, landscaping and scale are reserved. (Being resubmission of planning application 19/00341/OUT) at 1 Bridgeford House , Church Road, Stainforth, Doncaster	Appeal Dismissed 21/02/2020	Stainforth And Barnby Dun	Delegated	No
19/00992/FUL	Dropped kerb. at Grindewald , Low Road, Conisbrough, Doncaster	Appeal Dismissed 30/03/2020	Conisbrough	Delegated	No
19/01114/FUL	Sub-division of garden and erection of new dwelling to rear following demolition of workshop at Hedgegate , Mosscroft Lane, Hatfield, Doncaster	Appeal Dismissed 16/03/2020	Hatfield	Delegated	No

19/00169/FUL	The conversion and change of use of a existing redundant barn for use as an Office (B1) with associated works (re-submission of 17/02927/FUL). at Plum Tree Farm , Wormley Hill Lane, Sykehouse, Goole	Appeal Dismissed 06/04/2020	Norton And Askern	Delegated	No
19/01163/FUL	Creation of vehicular access with turning facility to front of house at 9 Town Moor Avenue, Town Fields, Doncaster, DN2 6BL	Appeal Dismissed 16/03/2020	Town	Delegated	No
19/00939/FUL	Erection of bungalow at Rear Of 20 Talbot Avenue, Barnby Dun, Doncaster, DN3 1AE	Appeal Allowed 04/03/2020	Stainforth And Barnby Dun	Delegated	No
19/00571/FUL	Conversion of detached garage to a dwelling. at Workshop, Low Hill, Selby Road, Thorne	Appeal Allowed 03/04/2020	Thorne And Moorends	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

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PETER DALE
Director of Economy and Environment



Appeal Decision

Site visit made on 24 September 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2020

Appeal Ref: APP/F4410/W/19/3232104

South Fork, Flashley Carr Lane, Sykehouse, Doncaster DN14 9DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Isaac Johnson against the decision of Doncaster Council.
 - The application Ref 18/02899/FUL dated 15 November 2018, was refused by notice dated 28 December 2018.
 - The development proposed is the erection of day room / amenity building ancillary to use of the site as a gypsy caravan site.
-

Decision

1. The appeal is refused.

Preliminary Matters

2. I note that the Appellant has submitted a revised landscaping plan with the appeal documentation. This shows an additional line of landscaping along the boundary of the field neighbouring the site. I have not had regard to this as other parties will not have had the opportunity to comment. For the avoidance of doubt, my decision is based upon the drawings submitted to the Council with the original application.
3. The description of the site as a gypsy caravan site is used on the application form and on the Council's decision notice, and this does not appear to be at issue. I have considered the appeal on that basis, as a proposal for an amenity building ancillary to that use.

Main Issues

4. The main issue in the determination of this appeal is whether the proposed development will harm the character or appearance of the area.

Reasons

5. The appeal site is a broadly rectangular area of gravel, currently accommodating a static caravan and two other outbuildings. It is enclosed by wooden fencing on three sides and a hedge on another. The site is surrounded by open agricultural land not far from the village of Sykehouse. It is within a designated Countryside Protection Area as defined in the Council's development plan. A vehicular track links the site to Flashley Carr Lane where there is also a group of agricultural buildings. I note that the Council states that the site can be clearly seen from Flashley Carr Lane. Based upon my visit, however, I find

- that those passing would only gain a brief glimpse of the site. The site is clearly visible, however, from a public right of way that passes along the edge of it.
6. The proposed building would be a single storey, brick-built structure measuring, according to the submitted drawings, 12 metres by 6 metres. I note that the footprint of this structure would be about 25% less than that proposed in an earlier application (18/01445/FUL). It would be located on the side of the site closest to Flashley Carr Lane, opposite the existing static caravan. It would have a domestic appearance, similar to the existing static caravan save without a projecting front porch. It would accommodate a kitchen / dining room, a children's playroom, a utility room and a toilet / bathroom. New hedge planting is proposed on the southern and eastern boundary of the site.
 7. Both the Council and the Appellant refer to the document 'Designing Gypsy and Traveller Sites – A Good Practice Guide' (GPG) issued in 2008 by the Government. There is no dispute between the parties concerning the need for an amenity building. However, according to the Council the proposal would be unnecessarily large. The GPG shows an example with 3 rooms (a kitchen / day room; a utility room; and a bathroom) which, the Council estimates, measures around 7 metres by 4.3 metres in area. The proposal has 4 rooms, including a children's playroom (and a hallway) in a building more than twice as large as the example shown in the GPG.
 8. The GPG has been withdrawn. Nevertheless, it provides a guide on the scale and design of new amenity buildings for gypsies and travellers. Accordingly, I am prepared to attribute the document some weight in the determination of this appeal.
 9. Within an area subject to countryside protection policies the proposal should be designed such that its visual effect is minimised. Because of its size the proposal would be very visible to those passing along the adjacent footpath and, albeit to a lesser extent, it would also be quite visible to those travelling along the Flashley Carr Lane. A development of this size would appear to be incongruous and intrusive in the open countryside and would therefore harm its character.
 10. The new hedge planting would provide some screening for both the existing static caravan and the proposed amenity building. During my visit I saw very limited evidence of existing landscaping around the site boundary which, I understand, was required under a condition attached to the grant of permission on appeal for the static caravan¹. I recognise that any landscaping scheme will take time to take effect and that in the interim the buildings would remain very evident.
 11. I note that the purpose of the landscaping should not be to make the static caravan and the amenity building barely visible since this would serve to separate the occupants from the external world. However, neither should landscaping be used to make an unacceptable proposal invisible. Rather its purpose should be to help the development proposal assimilate into the countryside.

¹ See APP/F4410/C/12/2177807

12. The position of the amenity building would ensure that the view of the existing caravan from Flashley Carr Lane would be eclipsed and thus this would help mitigate the visual impact. However, since it would be slightly closer to this vantage point it would be more intrusive than the current caravan.
13. The planning permission granted on appeal referred to above was for one pitch. I do not consider that Policy CS13 of the Doncaster Local Development Plan Framework: Core Strategy 2011-2028, 2012 (CS) is relevant to this proposal since the policy concerns proposals for new sites and applies only where there is an unmet need. Further, the site could not accommodate more than 10 pitches and so would not accord with the policy restriction applying to proposals within Countryside Protection Policy Area.
14. Having regard to the above points I find that the proposed development would, because of its size, cause harm to the character and appearance of the area. It is thus in conflict with saved policies ENV4 (i) and (iii) of the Doncaster Unitary Development Plan 1998 that seeks to prevent development in the countryside that would lead to the visual coalescence of settlements and which, because of its design, would fail to minimise the impact on the landscape. It would also fail to accord with Policy CS3 (C1, C3 and C4) of the Doncaster Local Development Plan Framework: Core Strategy 2011-2028, 2012 which requires new development to protect and enhance the countryside, to avoid creating amenity problems, to preserve the openness of the Countryside Protection Policy Area and to be consistent with the purpose of including land within the designation.

Other Matters

15. It is noted and agreed that the proposal would not cause any highway problems. However, an absence of harm in regard to this matter does not outweigh my findings in regard to the effect the proposal would have on the character and appearance of the area.

Conclusions

16. For the above reasons the appeal is dismissed.

William Walton

INSPECTOR

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Appeal Decision

Site visit made on 27 January 2020

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 6 March 2020

March 2020

Appeal Ref: APP/F4410/C/19/3235025

Land off Bankwood Lane, Rossington, Doncaster DN11 0PS

- 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 Eliezer Halpern against an enforcement notice issued by Doncaster Metropolitan Borough Council.
- The enforcement notice was issued on 1 July 2019.
- The breach of planning control as alleged in the notice is *Without the benefit of planning permission, the material change of use of the Land from general industry (B2 use class) to Sui Generis for the parking of vehicles (including heavy goods vehicles) which are not associated with the general industry B2 use.*
- The requirements of the notice are (i) *Cease the use of the Land for the parking of vehicles (including heavy goods vehicles) which are not associated with the lawful use of the Land as general industry (B2 Use Class); and (ii) Permanently remove all vehicles (including heavy goods vehicles) from the Land other than those associated with the lawful use of the Land as general industry (B2 Use Class).*
- The period for compliance with the requirements is 30 days.
- The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.

Decision

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

Preliminary Matters

2. A temporary planning permission was granted on 14 December 2018 under reference 16/02386/COUM for the use of the appeal site for HGV parking, subject to conditions including no 1 providing that the development should cease and the land be restored after 6 months. The application was made retrospectively. This permitted use is not materially different from the use alleged in the notice and, having consulted with the parties, I consider that the breach of planning control is the failure to comply with that condition. I shall correct paragraph 3 of the notice accordingly.
3. The appellant points to the merits of the use, but no appeal is made on ground (a) seeking planning permission. Therefore the merits of the alleged development are not before me for consideration.
4. No representative of the appellant attended the site visit. I obtained a clear view of the site from the surrounding footways and proceeded to view the site from public vantage points unaccompanied.

The appeal on ground (c)

5. For an appeal on ground (c) to succeed, it must be shown that the matters alleged in the notice, if they occurred, do not constitute a breach of planning control. Here, the appellant contends that the property has been an industrial site for many years and therefore has an existing use which would allow for vehicles, including HGVs, to be parked on the land.
6. The site was for sale and clear of vehicles at the time of my visit, and the Council describes the notice as having been complied with. A notice recently affixed to the site fencing, given by the Council pursuant to section 77 of the Criminal Justice and Public Order Act 1994 and ordering the removal of several touring caravans and vehicles, described the site as 'Former Coats Viyella Clothing'. This is consistent with the Council's description of the site as a clothing factory that has been demolished, and with the appellant's description of an industrial site.
7. The last lawful use of the site, other than the temporary HGV parking permission, was as a general industrial B2 use, although the factory building has been demolished. The parties have not addressed the consequences for the lawful use of the site resulting from the demolition of the building that facilitated it. Historic aerial photographs show that there were some vehicle parking spaces laid out in association with the factory.
8. However it is not disputed that, at the time the notice was issued, the site was being used for the parking of vehicles as a stand-alone use of the site, said by the parties to be in connection with a nearby business. The 1987 Town and Country Planning (Use Classes) Order defines a Class B2 use as one for the carrying on of an industrial process. Use of the land for parking involving no industrial process is not a Class B2 use, and there is no existing Class B2 use of the site to which the parking is or could be ancillary. The stand-alone use of the site for parking is materially different from the use as a factory and the ancillary parking use by staff, visitors and delivery vehicles that may have been associated with it, not least by taking up a large area of ground previously covered by the factory building.
9. The requirement of condition no 1 is to cease the use of the land for the parking of HGVs and it follows that the continued use for that purpose at the time of issuing the notice amounted to a breach of planning control. Therefore the appeal on ground (c) fails. Although the notice has now been complied with, it is nonetheless necessary to uphold it, given its continuing effect against subsequent development pursuant to s. 181 of the 1990 Act.
10. The requirements in paragraph 5 of the notice refer to the parking of vehicles that may be associated with the lawful use of the Land as general industry (B2 Use Class). As the only use taking place on the site at the time the notice was issued was the unauthorised use for parking, I shall vary the requirements to delete reference to the stated lawful B2 use, and simply require that the use shall cease and the vehicles shall be removed.

Formal Decision

11. It is directed that the enforcement notice be corrected by:
 - (i) The deletion of "Section 171A(1)(a)" and its substitution by "Section 171A(1)(b)" in paragraph 1; and

- (ii) The deletion of the text from paragraph 3 and its substitution by “The failure to comply with condition 1 of planning permission 16/02386/COUM dated 14 December 2018. The permission was for the “Temporary change of use from former factory and factory outlet to HGV parking for a period of 8 months (Retrospective) (amended description)”. Condition 1 stated ‘The development hereby permitted shall be for a limited period being the period of 6 months from the date of this decision. At the end of this period, the development hereby permitted shall cease and the land restored in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority’. The condition has not been complied with in that the use of the Land for parking has continued beyond the limited period permitted.”.

12. It is directed that the enforcement notice be varied by:

- (i) Deleting, from paragraph 5(i), the words “which are not associated with the lawful use of the Land as general industry (B2 Use Class)”; and
- (ii) Deleting, from paragraph 5(ii), the words “other than those associated with the lawful use of the Land as general industry (B2 Use Class)”.

13. Subject to those corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Laura Renaudon

INSPECTOR

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Appeal Decision

Site visit made on 11 March 2020

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2020

Appeal Ref: APP/F4410/W/19/3238116

19 Park Drive, Sprotbrough, Doncaster DN5 7LA

- 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 Parkinson against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/00382/FUL, dated 15 February 2019, was refused by notice dated 3 July 2019.
 - The development proposed is described as 'partial demolition of no.19 Park Drive to make room for proposed access road of Park Drive. Erection of 4no. Dormer bungalows to the rear of the site'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council accepts that the emerging Doncaster Local Plan should carry limited weight. In accordance with paragraph 48 of the National Planning Policy Framework ('the Framework') I agree. Since the determination of the planning application the Sprotbrough Neighbourhood Plan ('SNP') has been the subject of pre-submission consultation which ended on 31 January 2020. The SNP does not yet form part of the development plan however and I give it little weight in this appeal.
3. The description in the banner heading above is taken from the application form. However, following discussions with the Council the proposal was subsequently amended with the number of dwellings being reduced to 3. The Council made their decision on that basis and so shall I.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - The effects of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and general disturbance.

Reasons

Character and appearance

5. The character of the immediate area is one of an attractive residential suburb, with predominantly detached or semi-detached dwellings with long gardens extending to the rear and set within and around mature soft landscaping. There is residential development in depth from Park Drive, including much larger development to the south east and south west set round estate roads. However, Burghley Court and Birch Close are on much more extensive areas of land which appears to have been assembled from a larger number of properties. This has resulted in a more comprehensive and planned form of development set out in 'close' style arrangements that I also observed is repeated on smaller sites in the wider locality¹. The Burghley Court site is roughly as wide as the appeal site is long and I have no details of the considerations and judgements before that particular decision maker at the time. They are evidently different and not directly comparable forms of development to the proposal before me.
6. The constrained nature of the resultant plots, with uncharacteristically small gardens and set out in a linear form abutting the side boundary with No. 21, would result in a piecemeal development on a site which was originally only intended to be for 2 single residential plots. Moreover, dormer bungalows would not reflect the prevailing form and type of properties in this part of Park Drive. The host properties would be left with uncharacteristically smaller garden areas and the scheme would be dominated by harder elements such as the dwellings, double garages and overly large expanses of hard surfacing for access, parking and turning. Overall this would be an intrusion of development that would be harmfully at odds with the prevailing character and pattern of adjacent residential plots that form the immediate and overriding context of the appeal site.
7. In terms of the appearance of the Park Drive streetscene and notwithstanding those larger examples above, access drives serve single plots. They are predominantly domestic in scale and laid out to the front and side of the dwellings in combination with soft and other hard landscaping. From Park Drive there would be limited visual clues of the dwellings themselves given their location and height and I observed that the existing frontage of No. 17 is open with a large area of gravel driveway. Nonetheless, it is still domestic in character and appearance and the introduction of a 5.5m wide Tarmac driveway sited hard against the side elevation of No. 19 and occupying most of the gap between the dwellings, would undoubtedly change the nature, appearance and intensity of this access. It would be overly prominent in this front residential garden context and would cause harm to the appearance of the street scene at this point and the visual interests of its surroundings.
8. Overall, the proposal would harm the character and appearance of the area and it would be contrary to Policy PH11 of the Doncaster Unitary Development Plan 1998 ('UDP'), Policies CS1 and CS14 of the Doncaster Council Core Strategy 2012 ('CS') and the Council's associated design guidance². When taken as a whole and amongst other things these require a high quality of design and development to be of a form which would not be detrimental to the character

¹ Land off Melton Road and to the side of No. 41 'Beechwood' Park Drive.

² Doncaster Council Development Guidance and Requirements SPD 2015 and the South Yorkshire Residential Design Guide 2011.

of the surrounding area or result in over intensive development. Further, that the access would not be unsatisfactory for backland development and the development results in a positive contribution to the character and appearance of the area.

9. The proposal would also conflict with the achieving well designed places objectives of the Framework insofar as it would not add to the overall quality of an area, would not be sympathetic to local character and visually attractive as a result of layout and appropriate and effective landscaping.

Living conditions

10. The access would be sited directly between Nos. 17 and 19 following removal of a section of the latter. The number of movements from occupiers and visitors would not be great but in this confined and tranquil residential garden context they would not be insignificant. Noise from vehicle and pedestrian movements coming and going would be perceptible because of the reduced garden sizes of Nos. 17 and 19 and the number and position of windows in the side elevation of those properties, in particular those in No. 17 which appeared to serve habitable living accommodation. Noise from vehicles entering and exiting the site and the general disturbance from engine vibrations and headlights would be in such proximity to this living accommodation that it would be harmfully appreciable and audible, especially during those parts of the year where windows are likely to be open for ventilation purposes and the garden is in greater use. This would result in unacceptable living conditions for the occupiers of those properties.
11. I have considered whether mitigation could address this but there is nothing substantive before me to suggest what such mitigation could provide or whether it would be effective. There also appears to be limited space for additional landscaping measures between the properties and the access. I also accept that Burghley Court benefits from an access between 2 properties but I saw those were constructed as part of the development, are much larger with a different layout and therefore have considerably fewer windows in the side elevations than Nos. 17 and 19. Again, the situation is not directly comparable to the proposal before me. The lack of objection from the existing occupiers is also not determinative as I must consider the amenity of both existing and future occupiers.
12. For these reasons, the proposal would cause harm to the living conditions of the occupiers of Nos. 17 and 19 Park Drive in terms of noise and general disturbance. This would conflict with Policy PH11 of the UDP and Policies CS1 and CS14 of the CS insofar as they permit residential development except where the effect on the residential amenities of nearby properties would be unacceptable. It would also conflict with the Framework's objective of ensuring developments have a high standard of amenity for existing and future users.

Other Matters

13. In reaching this view I have had regard to an appeal decision on a nearby site in 2017³ which has been provided by the Council. However, that was in relation to an outline application for a lesser number of dwellings and I have not been provided with the full details of that scheme. I cannot therefore be certain that

³ APP/F4410/W/17/3179479.

it is directly comparable to the proposal before me and there is a degree of subjectivity in such judgements. Ultimately, I have formed my own view based on the evidence before me and my own observations and each case must be determined on its own merits.

14. In reaching this view I have also had regard to the appellant's reference to the 'Fixing our broken housing market' Housing White Paper but do not consider this outweighs or justifies the harm and conflict that I have identified.

Planning balance and conclusion

15. For the reasons given above, the proposal would cause harm to the character and appearance of the area and harm to the living conditions of the occupiers of Nos. 17 and 19 Park Drive in terms of noise and general disturbance. It would conflict with the development plan, when read as a whole.
16. Turning to other material considerations, the appellant does not dispute that the Council can demonstrate a 5 year supply of housing land but does refer to age of the development plan. The fact that a particular development plan policy may be chronologically old however is, in itself, irrelevant for the purposes of assessing the degree of consistency with the Framework and the weight to be attached. The policies before me are broadly consistent with the design, character and amenity objectives of national policy and on the evidence before me they should not be considered out of date. Consequently, the so called tilted balance in paragraph 11 d ii) of the Framework is not engaged.
17. There would be some modest construction and ongoing economic and social benefits from 3 dwellings including from single storey accommodation that is more suitable for the elderly and those with a disability, in an area of demand⁴. There is no evidence of a connection between the New Homes Bonus payments and the development to enable it to be considered in accordance with the advice in the Planning Practice Guidance and it therefore carries little weight. I ascribe negligible additional benefit in respect of accessibility to local services and facilities, as I consider this to be an absence of harm. I give no weight to compliance with normal development management policies regarding housing standards, flooding, highway safety and trees.
18. Drawing my conclusions together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the plan.
19. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

⁴ Doncaster Housing Needs Survey 2016.



Appeal Decision

Site visit made on 8 January 2020

by **M Seaton DipTP MRTPI**

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

Decision date: 27 March 2020

Appeal Ref: APP/F4410/W/19/3239619 47 Warnington Drive, Doncaster, DN4 6ST

- 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 P Marshall against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 09/01700/FUL, dated 9 July 2019, was refused by notice dated 17 September 2019.
 - The development proposed is the erection of 2 detached houses with detached garages, associated access road and boundary wall, following demolition of existing bungalow within a conservation area.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the South Bessacarr Conservation Area.

Reasons

3. The appeal site is comprised of a broadly rectangular plot which currently accommodates a detached bungalow and separate garage set within the front half of the site, with a substantial garden laid predominantly to lawn to the rear, with substantial mature trees set along the boundaries with the adjoining dwellings. To the East, the boundary is shared with the curtilages of dwellings on Birchwood Court, whilst to the North is further garden land. The appeal site is set within a residential area which is accessed from a series of private drives and roads.
4. The development would be situated within the South Bessacarr Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. This is also reflected in the approach set out within the National Planning Policy Framework (the Framework), which advises that 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.

5. It is apparent that despite the South Bessacarr Conservation Area (SBCA) being designated in 2004, it does not benefit from an accompanying full Conservation Area Appraisal. However, my attention has been drawn by the parties to a summary on the Council website which highlights the SBCA as a 20th Century residential suburb with a mixture of older and more modern dwellings of varying size and architectural detailing set across its extent. It is highlighted that despite this variation, many plots are generous in size with dwellings set comfortably back from the road frontage with substantial long rear gardens, with buildings well-spaced along a strong building line. The wooded character of the former Hatchell Wood and Whin Hill Plantation remains and provides a backdrop to the built form, and along with deep front gardens and wide verges provide a prevailing green character to the area. I regard these aspects to be key in defining the significance of the heritage asset.
6. On the basis of my observations of the appeal site and the Conservation Area I would agree with this broad summary, and in particular how it relates to the appeal site. The existing dwelling sits within a strong established building line along the northern side of Warnington Drive and possesses a comfortable set back from the road frontage behind a deep front garden, as well as a long rear garden within which a wooded character is maintained by the substantial and mature boundary tree planting. In this regard the appeal site currently exhibits the positive characteristics which are of importance in defining the significance of the Conservation Area.
7. The appeal proposals would result in the replacement of the existing single-storey dwelling with a substantial 2-storey property on a similar footprint, albeit with a significantly increased massing. However, in the context of adjacent development including No. 45 Warnington Drive, I do not regard the scale of the proposed dwelling on Plot 1 to be either uncharacteristic or harmful to the appearance of the Conservation Area or streetscene.
8. I accept that the access road to serve the two properties would be widened in comparison with the existing driveway, but this would not in itself have any significant visual impact in the context of the conservation area given the clear variety of other examples. Furthermore, the position of the footprint of Plot 1 would, whilst a little further forward on the site than the existing dwelling, retain a comfortable set back from the road frontage and essentially maintain the existing building line. I also consider that the dwelling proposed for Plot 2, although visible from neighbouring properties, would as a consequence of its smaller scale and massing only be visible from the streetscene through limited vistas beyond the proposed dwelling on Plot 1 and from Birchwood Court, which I am satisfied would not result in any significant harm to the streetscene.
9. Additionally, and being mindful of the existing variety of architectural detailing within the Conservation Area, I am satisfied that the detailed design of each of the proposed dwellings taken in isolation would not appear uncharacteristic or obtrusive in terms of their individual character or appearance.
10. Despite my conclusions regarding the above, the proposal comprises an uncharacteristic tandem form of development on the appeal site. Whilst I recognise that it would appear historically that other backland redevelopment or infill developments have taken place within the area covered by the SBCA, there is no evidence of a prevalence of such piecemeal or tandem development elsewhere in the vicinity. I accept that there is a certain degree of variation in

plot sizes and widths across the wider Conservation Area, but there remains an absence of development within the long rear gardens of properties on the Northern side of Warnington Drive. This retained area of openness is a positive spatial characteristic of the SBCA, and to allow its erosion would result in an undoubted adverse impact on the existing openness of the appeal site, and the Conservation Area.

11. I have carefully considered the appellant's point regarding the absence of any full appraisal of the SBCA as having been undertaken by the Council, and I regard this as being at best unhelpful in allowing consideration in detail of the impact of future development proposals within the SBCA. However, I disagree with the appellant's contention that the passage of time and continued absence of this document now undermines the designation of the SBCA in the first instance. It is clear from the appeal submissions and my observations that the area possesses special interest which would be conducive to its designation as a Conservation Area, albeit that it is not within the remit of this decision letter for me to advise with any authority on the continued legitimacy of the designation.
12. Nevertheless, I do accept that irrespective of its status as a Conservation Area, in accordance with paragraph 127 of the Framework, where development accords with and is sympathetic to local character and history, including the surrounding built environment and landscape setting, development should be allowed. However, even allowing for the possibility of further landscaping of the appeal site for the reasons set out, the appeal proposal does not meet this design expectation.
13. The Framework makes a distinction between a development causing substantial harm to the significance of a designated heritage asset and works that would lead to less than substantial harm. Paragraph 196 of the Framework continues by stating that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.
14. In this case, I find that the proposal would result in less than substantial harm for the reasons described. In respect of public benefits, I accept that the provision of an additional dwelling would make a very limited contribution towards the housing supply and need of the area, and that there would also be some economic and social benefits related to the development, and the future occupation of the dwellings. I also acknowledge that despite the spatial shortcomings, the architectural design quality of the proposed development would accord with the context of the area. However, I am not persuaded that these matters represent any more than a limited public benefit which would be insufficient to outweigh the otherwise identified harm.
15. For these reasons, I have found that the proposal would neither preserve nor enhance the character or appearance of the Conservation Area, and in accordance with Section 72 of The Act, great weight should be given to the asset's conservation. There would be conflict with policies CS1, CS14 and CS 15 of the Doncaster Council Core Strategy 2011-2028, adopted 2012 and saved Policies PH11(a) and ENV25 of the Doncaster Unitary Development Plan 1998, as well as the SPD. These policies and guidance seek to ensure that development is of a high quality that reinforces local distinctiveness, preserves or enhances the character or appearance of conservation areas, and where for

housing it is of a form which would not be detrimental to the character of the surrounding area and works with its surroundings to protect the built and natural environment.

Conclusion

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

Martin Seaton

INSPECTOR



Appeal Decision

Site visit made on 27 January 2020 by Darren Ellis MPlan

Decision by Chris Hoult BA(Hons) BPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/F4410/W/19/3239860

1 Bridgeford House, Church Road, Stainforth, Doncaster DN7 5NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Dowse against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/01536/OUT, dated 24 June 2019, was refused by notice dated 9 August 2019.
 - The development proposed is the erection of 2 storey block of 2 No. 1 bedroom apartments.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The application was submitted in outline with approval sought for access and layout, with the matters of appearance, landscaping and scale reserved for subsequent approval. I have assessed the appeal proposal on that basis.
4. Two versions of the site plan have been submitted with this appeal, Drawing Nos. 18.015.2 Revision H and Revision I. Both are listed in the appellant's statement however Revision H is marked as superseded. Revision I has been included in Appendix 1 of the Council's statement as the plan relating to the application subject of this appeal, although the plan is not captioned. For the avoidance of doubt, I have used Revision I to determine the appeal.
5. I note the Council's acknowledgement that Policy PH11 of the Doncaster Unitary Development Plan was referred to erroneously in the reason for refusal on the decision notice, and therefore I have had no regard to this policy in my recommendation.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

7. Bridgeford House houses commercial units on the ground floor and residential apartments above, and has an open area to the side and rear that is currently vacant and partly used for car parking. To the rear of the appeal site is a new housing development, which is separated from the site by Stonyford Drive.
8. Outline planning permission exists for a pair of semi-detached properties¹ on the vacant land to the side of Bridgeford House, fronting onto Church Road, with access and car parking off Stonyford Drive to the rear of the site. The proposal would be accommodated at the rear of the site and would share the access from Stonyford Drive, with an alteration to the proposed car parking layout.
9. Church Road is characterised by properties with commercial units at ground floor and residential accommodation above, with the properties following a linear pattern of development along the street. During my site visit I noticed several buildings to the rear of the properties that front on to Church Road, however these are recognisably ancillary to their host building. Adjacent to the appeal site is a two-storey building that is sited to the rear of a bakery, and this building may have been used as a dwelling in the past. However, unlike the other buildings to the rear of the frontage premises to Church Road, this outbuilding has a frontage to both Church Road and Kingsway. In any event, it is sited within the curtilage of the bakery and it now reads as an ancillary outbuilding rather than a former dwelling.
10. Aside from these outbuildings, and the outbuilding to the bakery at the junction, the rear parts of the plots remain open. This sense of openness can be appreciated in glimpsed views between frontage buildings, although I acknowledge that the buildings to the rear of the funeral services premises are of more substantial construction. This is mirrored on the other side of Stonyford Drive with the new housing development where dwellings having a plot boundary to Stonyford Drive are set well back in order to accommodate sizeable rear gardens. The proposal would disrupt this broadly uniform and discernible pattern of development. It would introduce residential development to a backland area otherwise characterised by open space and outbuildings and would appear out of place. By virtue of its juxtaposition to the bakery outbuilding on the adjacent plot, with only a narrow gap separating it, it would moreover appear cramped.
11. For these reasons, the proposal would cause harm to the character and appearance of the area and therefore would be contrary to policies CS1 and CS14 of the Doncaster Council Core Strategy 2011-2028 (adopted 2012), which require, amongst other things, that development is well designed and reinforces the character of an area.

Other Matters

12. The provision of two additional residential units would make some limited meaningful difference to local housing provision. There would be a social benefit in providing extra housing units, and economic advantages would also arise from the construction and occupation of a new house. However, the benefits of the scheme would not outweigh the harm I have identified.

¹ Planning application ref. 18/02435/OUT

13. At this stage it is not possible to assess the effect the development would have on the occupiers of neighbouring properties, as the matters of appearance, landscaping and scale are reserved to be determined at a later date. However, this does not alter the harm to the character and appearance of the area that I have already highlighted.
14. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

C M Hoult

INSPECTOR

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Appeal Decision

Site visit made on 17 February 2020 by Darren Ellis MPlan

Decision by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/F4410/D/19/3239939

Grindlewald, Low Road, Conisbrough, Doncaster DN12 3ER

- 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 & Mrs Crawshaw against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/00992/FUL, dated 21 April 2019, was refused by notice dated 8 August 2019.
 - The development proposed is a dropped kerb.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for costs

3. An application for costs was made by Doncaster Metropolitan Borough Council against Mr & Mrs Crawshaw. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area, including the setting of the Conisbrough Conservation Area and the setting of Conisbrough Castle, a listed building and scheduled ancient monument; and
 - the effect of the development on highway safety.

Reasons for the Recommendation

Character and Appearance

4. The appeal site comprises of a two-storey detached dwelling at the end of a group of houses on Low Road. The properties are set back varying distances from the road and are set below the level of the highway, and as such the front gardens and driveways where present slope down from the road. The proposal

- seeks to install a dropped kerb to allow vehicular access to a new driveway for two vehicles.
5. The Conisbrough Conservation Area (CCA) abuts the south-western boundary of the property. The CCA derives much of its character from large green areas, with trees and woodland in the northern part of the conservation area with the Grade I listed Conisbrough Castle at its centre. Elements of this woodland border the appeal site to its south and west, with land surrounding the Castle opposite the appeal site on the north side. A public footpath is located close to the west of the property, is accessed off Low Road and runs through the woodlands to the south of the property.
 6. Paragraph 193 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
 7. Due to the proximity of the appeal property to the road and adjacent footpaths, it is reasonably prominent in views both to and from the CCA. While not located within the CCA, the current green and open side garden of the appeal site contributes visually to a transition from the woodland in the CCA to the ribbon built form of the dwellings along this stretch of Low Road, and it makes a positive contribution to the setting of the CCA.
 8. The proposed driveway would be a raised platform that slopes down from the road. This would be a similar arrangement to the adjacent properties. However, the neighbouring driveways are set against the backdrop of residential development. The proposed driveway would be to the side of the appeal property and adjacent to the CCA, with a backdrop of woodland. While the materials that would be used may be sympathetic to the CCA, the provision of a raised platform for the parking of cars would not be in keeping with the character and appearance of the area and would cause harm to the setting of the CCA. Any future addition of safety railings or measures within retaining walls to the raised driveway would have the potential to draw attention to the area and exacerbate the visual impact of the driveway. I do not necessarily consider that appropriate materials could be conditioned due to the height of the structure required in this sensitive area.
 9. The proposed driveway would be topped with a permeable EcoGrid system that would allow the grid and underlying grass to be used as the surface of the drive. While this would maintain a certain green appearance to the drive, the parking of cars on and the raised nature of the driveway itself would appear artificial adjacent to the woodland and in the context of the character of the area.
 10. Conisbrough Castle is sited on top of a hill opposite the appeal site. Owing to the distance from the Castle itself and its footpaths, the proposal would have limited visibility from the Castle and would not have a harmful effect on the setting of the listed building and scheduled ancient monument.

11. I note the submitted photograph of the permitted side extension to the adjacent property. However, while the extension does reduce the view of the woodland to the rear, the reduction of the view is limited and the extension is seen in context with the host dwelling and the surrounding ribbon of residential properties, and is different to the appeal site which is set at the end of this ribbon of development, directly adjacent to the CCA. I have also been referred to another planning permission, ref. 18/01717/FUL, however no details of the development that was approved or the location of the development have been submitted.
12. Above I have concluded that the proposal would cause harm to the setting of the CCA. As the harm would be to a small part of the setting of the Conservation Area, this would be less than substantial. In such cases paragraph 196 of the Framework requires this harm to be weighed against the public benefits of the proposal. Minor public benefits would accrue through the economic impacts of the construction of the proposal, but this would not outweigh the harm that I have identified, and to which I am required to give great weight.
13. The proposal would therefore conflict with the Framework. The scheme would also conflict with policies CS14 and CS15 of the Doncaster Council Core Strategy 2011-2028, May 2012 (the CS) which together state all designs must be of high quality that contributes to local distinctiveness and that proposals will be supported which preserve the setting of the Borough's heritage assets. The proposal would also be contrary to policy ENV25 of the Doncaster Unitary Development Plan, July 1998 (the UDP), which states that the desirability of preserving the character or appearance of a conservation area will be a material consideration when dealing with proposals for new development which would affect its setting. Finally, the proposal would also be contrary to policies 35, 38, 42, and 43 of the Doncaster Local Plan 2015-2035 Publication Version (the Emerging Plan) which state that proposals will be supported which preserve the setting of the Borough's conservation areas and respect and enhance character and local distinctiveness.
14. I note that the appellant intends to sow wildflower seed to increase biodiversity, and to plant a hedge to provide some screening of the driveway from the public footpath adjacent to the site. However, a hedge can be cut down or removed at any time and is therefore not sufficient for a permanent screen. Consequently, these do not mitigate against the harm identified above and would not mitigate harm from other parts of the CCA.

Highway Safety

15. Low Road is a classified road that is subject to a 30mph speed restriction. During the time of my site visit, the street was moderately busy with traffic travelling past the appeal site in both directions. On street parking was available outside the properties along this stretch of the road.
16. The proposed layout of the driveway would allow two cars to park on it. However, while the submitted drawings show that it may be possible for both cars to enter and exit the driveway in a forward gear, it would be necessary for one car to make several turning manoeuvres in order to do so, shown on the submitted drawings as a 6 point turn. While there is no restriction to the number of manoeuvres that can be made on the driveway, there is no guarantee that this would be done every time when it may feel easier for the

driver to reverse onto the carriageway instead. Additionally, the submitted drawings show a 4.2m long car. A standard family saloon or estate car would likely be longer and may not be able to carry out the manoeuvres required to exit the driveway in a forward gear should there be another car on the driveway.

17. When exiting the driveway, there would be sufficient visibility to the right. However, the woodland on the other side of the driveway has a wall that fronts the road that exceeds, in part, the maximum 900mm height required for an acceptable visibility splay. While this may not be the case along the whole length of the wall, even a small part above 900mm along the required splay would hinder visibility, and this would be further reduced if vegetation is allowed to grow above the height of the wall. As the land adjacent to the appeal site is outside the appellant's control, it is not possible to guarantee that the vegetation will be controlled to prevent any obstruction of the visibility splay. While the trees may be on Council land and therefore be maintained for highway safety purposes this does not necessarily extend to providing visibility splays for the proposed development.
18. The appellant has provided photographs to demonstrate that the visibility splay can be achieved. However, it is not clear at what height the photographs were taken and whether they are fully representative of what a driver would see. The photographs show a glimpsed view of a cone through trees and greenery but do not show clear visibility to my mind. From this and my observations on site I consider that it is uncertain that users of the access would have adequate visibility of the highway to the left when exiting the proposal.
19. The appellant states that the technical requirements cited by the Council is intended for developments of 10 dwellings or more. However, in this case, given the restrictions of the site and my own observations I consider them to be useful guidance in the interests of highway safety for this case.
20. Furthermore, the evidence before me does not demonstrate that the proposed surface would be suitable for the sloped driveway proposed. Grass could grow through the proposed floor grid and when wet a car would have less grip than usual. While I note that the appellant previously proposed a stone surface, this is not before me and would also not appear to be a bound material.
21. The appellant has suggested that the proposed driveway would increase highway safety, as there would be fewer cars parked on the road. However, as it would not be possible to provide adequate visibility splays and that vehicles would always be able to leave the site in forward gear, the evidence before me indicates that the scheme would harm highway safety. Furthermore, there are no restrictions on parking on the highway in this location. While I accept that the scheme may take the appellant's vehicle(s) off the road, there would be nothing to stop others parking on the road and further adversely affecting visibility for cars attempting to leave the proposed drive.
22. For these reasons, the development would have an unacceptable effect on highway safety. The proposal is therefore contrary to policy CS14 of the CS which states that the components of development will be assessed to ensure that they contribute positively to the safety of the highway. The scheme would also be contrary to policies 43 and 45 of the Emerging Plan which state that development should ensure the safety of the highway.

Other Matters

23. I understand the appellant's reasons for the development, namely to provide off-street parking, improve access to the property for a disabled family member, to allow an electric charging point to be installed, and to prevent refuse bins from blocking the pavement on refuse collection days. Nonetheless, these factors would not outweigh the harm identified above in this case.
24. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance, and in determining the appeal I have only had regard to the planning merits of the case.

Conclusion

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

J Hockley

INSPECTOR

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Appeal Decision

Site visit made on 4 February 2020 by Andreea Spataru BA (Hons) MA

Decision by Sarah Housden BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2020

Appeal Ref: APP/F4410/W/19/3240217

Hedgegate, Mosscroft Lane, Hatfield, Doncaster DN7 6BD

- 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 J Nichol against the decision of Doncaster Council.
 - The application Ref 19/01114/FUL, dated 3 May 2019, was refused by notice dated 22 August 2019.
 - The development proposed is the sub-division of garden and erection of new dwelling to rear following demolition of workshop (previously withdrawn 18/03110/FUL).
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would provide a suitable location for housing, having regard to the accessibility of services and facilities.

Reasons for the Recommendation

Character and appearance

4. Hedgegate is a detached dwelling, located on the south-eastern side of Mosscroft Lane. Development along this part of Mosscroft Lane comprises a scattering of dwellings and farm buildings, outside the main built up area of Hatfield Woodhouse.
5. Traditional properties are positioned close to the street frontage and more modern properties are set further back, creating a staggered pattern of development. The undeveloped spaces between them and views of the open countryside beyond contribute to the rural character and appearance of the area. The appeal site comprises a large garden area to the rear of the host property with a substantial lawn and several trees, shrubs and hedges, which

abuts agricultural fields to the rear and contains a dilapidated workshop. The site adjoins a small group of three dwellings served by Mosscroft Way to the north-east and the rear garden of the neighbouring property 'The Hollies' to the south-west. The proposal seeks to demolish the existing workshop and to construct a detached dwelling in the rear garden of the host property.

6. The proposed dwelling would be located behind the host property and would not have a road frontage, creating a backland form of development. Whilst the proposal would replace the existing workshop, the two buildings are not directly comparable, as the new dwelling would be a taller and bulkier structure than the workshop, with a separate garden curtilage and associated domestic paraphernalia. Thus, given its form and use, the proposed dwelling would be more visually prominent and visible when viewed from the road, compared with the existing workshop. It would further consolidate development in a location where development is scattered and sporadic in character, which would be harmful to the rural character and appearance of the area.
7. I acknowledge that the development would be contained within the existing residential garden and would be partially screened by existing trees and hedgerows. I also note that the appellant would accept a condition to deliver an enhancement to the views across the open countryside by making the best use of the natural area surrounding the garden. However, this would not address the aforementioned issues regarding the siting, form and use of a new dwelling and the harm to the rural character and appearance of the area.
8. Whilst the three dwellings at Mosscroft Way have increased the presence of built development to the north east of the appeal site, they have not harmed the rural character and appearance of the surrounding area and it follows that I do not agree with the appellant's assessment that they have created an urban appearance in this part of Mosscroft Lane. I also note that that scheme involved the removal of a plastics recycling plant and therefore involved a different balance of material considerations compared with the scheme before me. The projection to the rear of 'The Hollies' would have been assessed as an extension to the existing dwelling and against different development plan policies. Accordingly, these considerations do not outweigh my conclusion in relation to the first main issue in this case.
9. I conclude that due to its siting and visual prominence, the proposed dwelling would result in material harm to the rural character and appearance of the area. Therefore, the development would be contrary to Policies CS2, CS3 and C14 (A) of the Doncaster Core Strategy 2011-2028 (CS) and Policies ENV2 and ENV4 of the Doncaster Unitary Development Plan (UDP), which require, amongst other things, that developments reinforce local characteristics and integrate well within the surrounding local area.
10. I note the appellant's point that Policy ENV4 of the UDP is not up to date and only moderate weight should be given to any conflict with this policy in the determination of this appeal. However, paragraph 213 of the National Planning Policy Framework (the Framework) states that existing policies should not be considered out of date simply because they were adopted prior to its publication and that weight should be given to them depending on their consistency with the Framework. The overall aim of Policy ENV4 is to achieve good quality development that respects the character of the countryside, which is consistent with the provision in the Framework to recognise the intrinsic

character and beauty of the countryside. Thus, I afford the policy significant weight in the determination of this appeal.

Location

11. Policy CS2 of the CS states that new housing will be located according to the settlement hierarchy. The appeal site lies outside the settlement boundary for Hatfield Woodhouse, and for the purposes of planning policy it is within the countryside. Policy CS3 of the CS outlines the categories of development appropriate in the countryside, none of which are relevant to the appeal proposal.
12. The appeal site is approximately 1.6 kilometres from the built-up area of Hatfield Woodhouse. The services and facilities located on Bawtry Road are limited, which means that residents would need to travel to larger villages and centres in order to meet their daily needs. There are good links by road to the nearby larger settlements, including Doncaster town centre, and the extent of vehicular trips from the appeal site to reach services and facilities in nearby larger settlements would be relatively short. However, the site is not in the optimum location to maximise the use of walking, cycling and public transport to meet daily needs and residents would be likely to be dependent on the use of a private car.
13. Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations. Whilst the number of journeys generated by the occupiers of a single dwelling would be relatively small, the proposal would be contrary to the aim of CS Policy CS2 to direct new housing towards the more sustainable settlements.
14. The appellant has drawn my attention to the Council's decision for the travelling showpeople's site at Hatfield Quarry and in particular, the indication in the officer report that there are services and facilities available nearby. However, I have come to my conclusion based on my own assessment of the services and facilities available in the area and their distance from the appeal site.
15. For the above reasons, I conclude that the proposed development would conflict with the aim of CS Policy CS2 to locate development in accordance with the settlement hierarchy and would not provide a suitable location for housing, having regard to access to services and facilities. The development would therefore conflict with the objectives of Policies CS2, CS3 (B) and (C) of the CS and Policies ENV2 and ENV4 of the UDP, which amongst other matters, seek to locate new development in the most sustainable settlements and support proposals where they would be appropriate to a countryside location.

Other matters

16. Due to the structural condition of the existing workshop, I acknowledge that a new built development would be more practical than a conversion of the existing building. I have also considered that the proposal would provide accommodation for the appellants and would enable their family to live in the main house to offer ongoing support. I also acknowledge that maintenance of the garden is becoming more challenging. However, these are personal circumstances which can change over time and the development would remain long after such circumstances have ceased to be relevant. Accordingly, I do not

consider that the personal circumstances in this case are sufficient to outweigh the harm that would be caused to the character and appearance of the area and the conflict with the policies in the development plan which seek to secure a sustainable pattern of development.

17. The local planning authority has referred to two previous appeal decisions on the appeal site, but I have come to my decision based on my assessment of the appeal scheme and the evidence before me. The appellant has also referred to a recent appeal decision at Brockholes Farm, Braunton¹ but in that case, I note that the Inspector concluded that the site appeared to be more a part of the settlement rather than in an area of open countryside and the circumstances are therefore not directly comparable with the case before me. I have taken account of the other planning applications referred to by both parties, but none has altered my conclusions in relation to the main issues in this case.
18. The Council found the proposal acceptable in terms of its effect on the living conditions of future occupiers of the proposed dwelling and of the occupiers of neighbouring properties. I also note that there were no objections on ecological grounds or on highway safety. From all I have seen and read, I have no reasons to disagree. However, these are neutral factors rather than ones that carry weight in favour of the development.

Conclusion and Recommendation

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
20. Drawing matters together, I conclude that none of the other matters outlined above amount to material considerations which would outweigh the harm to the character and appearance of the area and the conflict with the spatial strategy set out in CS Policy CS2. The proposed development would be contrary to the development plan, when read as a whole. In these circumstances, there are no material considerations to justify making a decision other than in accordance with the development plan.
21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Sarah Housden

INSPECTOR

¹ Appeal Ref APP/F4410/W/16/3166003



Appeal Decision

Site visit made on 28 January 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2020

Appeal Ref: APP/F4410/W/19/3241046

Plum Tree Farm, Wormley Hill Lane, Sykehouse, Doncaster DN14 9AG

- 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 Michael Midgley against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/00169/FUL, dated 23 January 2019, was refused by notice dated 20 May 2019.
 - The development proposed is described on the application form as '*the conversion of a existing barn for use as an Office (B1) with associated works. The office is to be used by the current owner for growth of his existing consultancy business. This is a re-submission of 17/02927/FUL on a reduced scale of development*' (sic).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have described the development as 'the conversion and change of use of a existing redundant barn for use as an Office (B1) with associated works (re-submission of 17/02927/FUL)'. I note that the appellant has also used this description on the appeal form. The Council's revised description provides a succinct and accurate description of the proposal. I have therefore determined the appeal on the basis of the revised description.
3. The Council's officer report refers to the current apparent office use within part of the existing dwelling to the south of the appeal site as being 'unlawful'. Notwithstanding this matter, I have considered the appeal based on the plans submitted to and considered by the Council, which form the basis of the scheme that is before me. This is in the interests of impartiality and fairness in accordance with the principles of natural justice.
4. There is disagreement between the parties on the number of proposed car parking spaces. The Council's officer report states that there would be approximately 15 proposed spaces with the appellant advising in their statement that this was incorrect and that there would be approximately 12 proposed spaces in total. The Council, in its subsequent statement has not disputed this revised figure. For the avoidance of doubt, I have therefore determined the appeal on the basis that approximately 12 car parking spaces would be provided by the proposal, and do not consider that any parties will have been prejudiced by my doing so.

Main Issues

5. The main issues are:
- whether the site is a suitable location for office development with particular regard to the nature of the proposed use and to the accessibility of services and facilities;
 - the effect of the proposed development on the character and appearance of the countryside; and
 - whether sufficient structural evidence has been submitted for the proposed development.

Reasons

6. The appeal site is situated within an agricultural holding comprising a small area of grazing land with an L-shaped barn and residential dwelling located to the south of this. A rectangular area of land to the north and west of the barn has been fenced-off from the rest of the grazing land. At the time of my site visit this area appeared to have been used for storing and burning waste materials. To the north of the area of grazing land is a small group of buildings clustered around the junction of Rudgate Lane and Wormley Hill Lane. The surrounding area consists of agricultural land with a large open field being adjacent to the wider holding to the east and south giving it an intrinsically rural character.

Whether a suitable location for office development

7. Given the appeal site's location and the nature of the surrounding land, the main parties consider it to be within the open countryside. I concur. Policy CS3 of the Doncaster Local Development Framework Core Strategy (adopted May 2012) (DCS) identifies the appeal site as being within a Countryside Protection Policy Area (CPPA). Within this area, proposals will be supported where they would be appropriate to a countryside location and would protect and enhance the countryside for the sake of its intrinsic character and beauty, amongst other considerations. Policy CS3 also identifies proposals that would generally be acceptable within the CPPA including the re-use of suitable buildings for uses appropriate in the countryside.
8. Given the distance of the appeal site from the nearest villages of Sykehouse and Fishlake (and the services and facilities located within them) the appeal site lies in an isolated rural location. I note the appellant's points that the appeal site is located near to a bus-stop which would provide employees with access to the facilities and services in the nearest service centres meaning that it is located in a sustainable location, and also that expanding the existing business means that the need to travel would be reduced.
9. However, this bus service only runs every two hours from this bus-stop. Whilst Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations, its overall aim is to reduce reliance on the private car as a mode of transport. Given the infrequent local bus service and the lack of a lit footpath between the appeal site and the nearest bus stop it would be highly likely that future employees would access services and commute to and from work by private car. This would not achieve the social sustainability objective set out in the Framework as these services and facilities (as well as the proposed business) would not be fully accessible by means of transport other than the private car.
10. I note the points made by the appellant that the proposal would be small-scale and therefore represent only a modest increase in vehicular movement. However, the proposal would increase the number of employees on the site by up to 10 people

meaning a corresponding increase in the number of vehicles potentially using Wormley Hill Lane which would be significant given the currently low usage of the road; something which the appellant acknowledges. Accordingly, for this reason, and considering the isolated rural nature of the area, I find that the proposed expansion of the business would not be small-scale when set within this context.

11. In support of the proposal, the appellant has argued that the presumption in favour of sustainable rural development outlined by Paragraph 83 of the Framework would be applicable in this case. However, given the accessibility issues outlined above, the proposal would also not represent the sustainable expansion of a rural business and would therefore not accord with Paragraph 83.
12. Paragraph 84 of the Framework, recognises that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport provided that proposals would not have an unacceptable impact on local roads and would exploit any opportunities to make a location more sustainable. However, for the reasons outlined above, the proposal would also not meet local business and community needs in accordance with Paragraph 84.
13. Paragraph 78 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities and I note the appellant's points regarding the economic benefits that the proposed development would potentially provide (including new employment opportunities for the residents of nearby villages and employees using local services). While the appeal scheme would deliver modest economic benefits, in the round, these benefits would not outweigh the accessibility issues that I have set out. Consequently, taking into account all of the factors discussed above, I am not satisfied that the appeal site is a suitable location for an office use.
14. I therefore conclude, on this main issue, that the proposed development would conflict with saved UDP Policies ENV4 and ENV10, DCS Policy 3 and Paragraphs 8, 83, 84 and 103 of the Framework which jointly aim to achieve sustainable development, protect and enhance the countryside and ensure good accessibility to services and facilities, amongst other considerations.

Character and appearance of the countryside

15. As set out above, the character of the appeal site and the area surrounding it (including the grazing land to the north) is intrinsically rural in nature with open agricultural land lying beyond it to the east and south. As well as converting a portion of the existing barn building into an office, the proposal would also create a new car park within the fenced-off area of land just to the north of it (which would be extended slightly) with a capacity for approximately 12 vehicles. Given that the proposed car park would extend into this more open area of land (notwithstanding the fact that it is currently fenced-off) and the number of proposed parking spaces (notwithstanding that it would not always be full), it would have an adverse visual impact, particularly when viewed from Wormley Hill Lane, thereby harming the character and appearance of the countryside.
16. I note the appellant's points that the number of proposed parking spaces would be in accordance with saved UDP Policy ENV10 and the Doncaster Development Guidance and Requirements Supplementary Planning Document (SPD) and that the car park would not appear out of place within the residential curtilage and be similar to the number of vehicles present on a working farm. However, the proposed car park would not be located within what could be considered as the typical existing curtilage of the nearby residential dwelling. Furthermore, it would

be reasonable to think that it would be unlikely that a working farm would have all its vehicles parked in one location viewable from a public highway.

17. The appellant has also stated that as the proposed car park would be set-back from the road, it would be in a less prominent location than the existing nearby dwelling. However, just because a proposed development is located further from a road does not necessarily mean that it is in a less visually prominent location, particularly when there are other characteristics being considered such as the open and rural nature of the surrounding landscape.
18. The appellant has also cited the fact that the proposal would be screened by the existing boundary wall as a mitigating factor. However, this wall is confined to the site entrance and not very high. As a result, it would not adequately screen the proposed car park from being viewed from the road. The appellant has also stated that planting has also been proposed to screen the proposed car park. However, I do not have the details of the proposed planting before me and therefore the appellant has failed to demonstrate that sufficient screening would be provided.
19. I therefore conclude, on this main issue, that the proposed development would conflict with saved UDP Policies ENV4 and ENV10 and DCS Policy 3 which aim to protect and enhance the character of the countryside, amongst other considerations.

Structural evidence

20. Saved UDP Policy ENV10 (part a) requires that buildings to be converted within the CPPA be of a permanent and substantial construction capable of conversion without major or complete reconstruction. The Council have raised a concern in relation to the structural evidence submitted by the appellant in that it only refers to the existing building and not whether it could accommodate the loads that would arise from the proposal.
21. However, paragraph 4.3 of the submitted structural survey concludes that the existing barn building is of a form that is permanent and substantial and thus would be capable of conversion without significant rebuilding of its existing structure. Consequently, based on the evidence before me, I am satisfied that the proposal would meet the requirements set by Policy ENV10 (part a).

Conclusion

22. For the above reasons the development would not be in a location suitable for office development and would harm the character and appearance of the countryside contrary to the development plan. The appeal is therefore dismissed.

C Coyne

INSPECTOR



Appeal Decision

Site visit made on 13 February 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2020

Appeal Ref: APP/F4410/D/19/3241795

9 Town Moor Avenue, Town Fields, Doncaster DN2 6BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Maria Blackie against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/01163/FUL, dated 12 May 2019, was refused by notice dated 5 September 2019.
 - The development proposed is described as construction of a driveway and widening of the gatepost to allow for off-street parking. We have previously had the application refused 17/00753/FUL but since then a neighbour has been granted permission for the same and we are able to provide evidence that we can turn safely within the area.
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. There is no dispute between the parties that the proposal would preserve the character and appearance of the Town Field Conservation Area CA. I have no reason to disagree with such a view. The point of contention between the parties relates to matter of highway safety. Therefore, the main issue is the effect of the proposal on highway safety.

Reasons

3. The appeal property is a large two-storey semi-detached house with a red brick façade and natural slate roof. The property has a relatively long, narrow front garden enclosed by a low brick wall and hedge. Two separate pedestrian gates provide access from Town Moor Avenue.
4. Town Moor Avenue is a wide tree lined street characterised by predominantly semi-detached and detached 19th century houses. The properties sit on the northern side of Town Moor Avenue overlooking open space immediately to the south of the road and are of varying size and design.
5. The appeal proposal would see the removal of a section of the front boundary treatment of the appeal property to allow vehicular access into the front garden. In addition to the access, the proposal would provide a driveway which would extend up to the front elevation of the house and a turning head approximately halfway up the garden.

6. Based on the information I have before me, the turning head at the appeal property would be narrower than the proposed driveway and its entrance would be very close to the front elevation of the house. Consequently, I do not consider that there would be sufficient space to manoeuvre a car into the turning head and outward in a forward-facing direction. This would be further exacerbated if there were more than one vehicle using the drive because there would be insufficient space to park one car whilst allowing another to manoeuvre and egress and a forward-facing direction.
7. As a consequence, cars would be reversing out of the driveway across the footpath and verge and into the road. I saw during my site visit that there was a row of mature trees within the grass verge that separates the footpath from the road along Town Moor Avenue including one tree on either side of the proposed driveway. Furthermore, I noted the presence of a traffic island located to the south west of the appeal site. I consider that these elements combined with the inability of vehicles to leave the proposed driveway in a forward-facing direction would have a significant effect on a driver's ability to enter the highway safely with the potential to lead to serious injury.
8. I therefore conclude that the proposal would have an unacceptable effect on highway safety. In this regard it would conflict with the highway safety requirements of Policy CS14 of the Doncaster Council Core Strategy 2011-2028.

Other Matters

9. The appellant submits that there are a number of similar developments in the street and indeed, during my site visit I was able to see that there are a number of properties with vehicular accesses and driveways/parking areas within the property grounds. I note the appellant's specific reference to a recently approved access and driveway at no 13 Town Moor Avenue. Whilst I do not know the full circumstances under which this or indeed other proposals were permitted, based on the information provided I can see that the approved development at no 13 has a different configuration to that proposed in this appeal. Nonetheless I must determine this appeal on its own merits and the presence of similar developments in the vicinity does not in itself justify further harm.
10. I acknowledge the appellant's comments in relation to a police incident and previous collisions along Town Moor Avenue. However, I have not been provided with any substantive evidence from either of the main parties in this regard. Consequently, none of the other issues raised outweigh the harm I have identified with reference to the main issue.

Conclusion

11. For the reasons outlined above and taking into account all other matters I conclude the appeal should be dismissed.

J Hunter

INSPECTOR



Appeal Decision

Site visit made on 12 February 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2020

Appeal Ref: APP/F4410/W/19/3241779

20 Talbot Avenue, Barnby Dun, Doncaster DN3 1AD

- 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 Richard Charlton against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref: 19/00939/FUL, dated 6 April 2019, was refused by notice dated 31 May 2019.
 - The development proposed was originally described as "on land associated with 20 Talbot Avenue which has its frontage facing Brosley Avenue. Construct a 2 bedroom bungalow".
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a bungalow at 20 Talbot Avenue, Barnby Dun, Doncaster DN3 1AD in accordance with the terms of the application, Ref: 19/00939/FUL, dated 6 April 2019, subject to the conditions in the attached schedule.

Procedural Matter

2. The description in the banner heading above is taken from the submitted planning application form. The Council's description from the decision notice more accurately reflects the proposal and so I have considered the appeal on this basis, including in my decision paragraph.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of its future occupiers by way of the private outdoor amenity space provision and privacy.

Reasons

Character and Appearance

4. The appeal site fronts onto Brosley Avenue and comprises part of the rear garden area of 20 Talbot Avenue (No 20). The site frontage is enclosed by a fairly open form of boundary treatment. No 20 is an end of terrace property that lies on a corner plot and contains a spacious garden.
5. Talbot Avenue is characterised by rows of similar terraced properties. Along Brosley Avenue and off the side roads, there is a more varied pattern of development, including semi-detached houses and bungalows. On the opposite corner of Talbot Avenue to the site, there are a pair of semi-detached

properties with a large double detached garage to its rear. The neighbouring property, 2 Talbot Circle (No 2), is located close to its Brosley Avenue frontage, whilst other properties are set further back. Areas of informal open space can also be found alongside this road and footpaths.

6. The form and massing of the proposed bungalow would be modest. The gap that would be left to No 20 would maintain a reasonable degree of spaciousness that would respect the character of the area. As a consequence, even though it would be fairly close to its own plot boundaries, the proposal would not be cramped or 'shoe horned' into the site.
7. Nor would the bungalow form of the proposal appear out of place, with the variety of dwellings that are in its vicinity. It would appear unobtrusive, in particular as it would be sited in between considerably larger neighbouring properties. The nearest bungalow would be located a short distance away. It would sit comfortably in these surroundings.
8. The size and siting of the existing properties at No 20 and No 2 would also provide some screening from broader views along these roads. It would not be unduly prominent as a small bungalow property. In addition, its angular positioning would not be dissimilar to its neighbour at No 2 and so it would not be out of keeping in this respect.
9. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. As such, it would comply with Policy CS14 A) 1. and 2. of the Doncaster Council Core Strategy 2011-2028 (2012) which concerns character, and the continuity and enclosure of streets and spaces by buildings. It would also accord with Saved Policy PH11 a) of the Doncaster Unitary Development Plan (1998) because it would not 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.

Living Conditions

10. Based on the submitted site plan, the majority of the garden area would be to the rear of the proposed dwelling. There would also be a terraced area that would be accessed by sliding folding doors. The Planning Officer Report states that the size of the proposed garden would exceed the guidelines which the Council apply, notwithstanding that it would be of a fairly short length.
11. The relationship with No 2 would be similar to the existing situation. A first floor window on the rear elevation of No 2 already faces, at an angle, towards the rear garden of No 20. In addition, the positioning of the proposed dwelling would provide some screening of the terraced area from No 2.
12. Although the first floor windows of No 20 would be orientated towards the shared boundary, they would be set off from it by the remaining garden area of the host property. The existing rear garden of No 20 itself benefits from little in the way of privacy because of its largely open form. The occupiers of the proposal would have greater privacy in this regard because the garden and terraced area would be separated from the frontage by the positioning of the proposed dwelling.
13. I have also been referred to the Council's Residential Backland and Infill Development Supplementary Planning Document (SPD). The proposal would not entirely accord with the separation distances in the SPD, although there is

some flexibility in how such distances are to be applied. For the reasons that I have set out above, in this case, it would not equate to unacceptable harm.

14. I conclude that the proposal would not have an unacceptable effect on the living conditions of its future occupiers by way of the private outdoor amenity space provision and privacy. Accordingly, it would comply with Policy CS14 and Saved Policy PH11 as far as they concern the living conditions of the future occupiers in this respect.

Other Matters

15. The Council has raised concerns regarding highway safety, although this does not feature in its reason for refusal. In relation to visibility splay issues, as I observed at the site visit, given the nature of the road to the front of the site in relation to traffic levels, it would seem to me this can be adequately provided and when controls over boundary treatment are also considered. The same applies as regards access and parking for the host dwelling. There is adequate space, if alterations need to be made.
16. A number of other material considerations have been brought to my attention by the appellant. As I have found the proposal complies with the development plan, I do not have cause to consider these further.

Conditions

17. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purposes of certainty. I have also imposed conditions concerning details of the external materials and boundary treatment in the interests of protecting the character and appearance.
18. Conditions are also imposed concerning water supply infrastructure and drainage in the interests of public health and minimising flood risk. A condition is also imposed concerning access and parking details in the interests of highway safety.
19. The Council requested detailed conditions concerning contamination and remediation. Whilst I acknowledge the lack of information on this matter, for such a modest development this would not be reasonable, in the absence of a substantive explanation to the contrary. However, I have imposed a condition dealing with contamination, if it is found. Where I have changed the wording of the remaining conditions put forward by the Council, I have done so in the interests of precision and not changing their overall intention.
20. I have applied pre-commencement conditions in respect of the drainage, access and parking details. These matters need to be agreed prior to development commencing as they would likely have to be addressed at the start of the construction phase. Hence, there is a clear justification.

Conclusion

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

Darren Hendley

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: Site Location Plan 1:1250, General Arrangement Drwg No. 832/1.
- 3) No development of the dwelling hereby permitted shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until the boundary treatments have been carried out in accordance with details that have been previously submitted to and approved in writing by the local planning authority. Thereafter the boundary treatment shall be retained.
- 5) No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within and adjacent to the site boundary have been implemented in full accordance with details that have been previously submitted to and approved in writing by the local planning authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.
- 6) No development shall commence until the foul, surface water and land drainage works have been submitted to and approved in writing by the local planning authority. The proposed dwelling shall not be occupied until the drainage works have been completed in accordance with the approved details and shall be retained thereafter.
- 7) No development shall commence until the following access and parking details have been submitted to and approved in writing by the local planning authority. These details shall include:
 - (i) the visibility splay at the access point;
 - (ii) the access and car parking for 20 Talbot Avenue;
 - (iii) surfacing, drainage works and where necessary marking out of the part of the site to be used by vehicles; and
 - (iv) a crossing over the footpath/verge.The proposed dwelling shall not be occupied until these works have been completed in accordance with the approved details and shall be retained thereafter.
- 8) Any contamination that is found during the course of construction of the approved development 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.

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Appeal Decision

Site visit made on 10 March 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2020

Appeal Ref: APP/F4410/W/19/3243991

24-26 Low Hill, Selby Road, Thorne, Doncaster DN8 4JJ

- 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 Mr¹ Darren Dunnill against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/00571/FUL, dated 8 March 2019, was refused by notice dated 29 July 2019.
 - The development proposed is conversion of detached garage to a dwelling.
-

Decision

1. The appeal is allowed and planning permission granted for the conversion of detached garage to a dwelling at 24-26 Low Hill, Selby Road, Thorne, Doncaster DN8 4JJ in accordance with the terms of the application Reference 19/00571/FUL, dated 8 March 2019, subject to the conditions set out in the Schedule of Conditions for attached to this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposal upon safe access to the site and neighbouring properties on Low Hill.

Reasons for the Recommendation

4. The South Yorkshire Residential Design Guide 2011 (the RDG) states that shared private drives are unadopted and may give access to a maximum of 5 dwellings, which is the existing situation at Low Hill. However, the RDG clarifies that this is a notional capacity which would not need to be laid to adoptable standards. In other words, the guidance refers to a notional capacity and is a general principle rather than a fixed rule. There is no corresponding policy in the development plan that seeks to set an absolute limit on the number of dwellings that can be served off a private drive. In that context, it seems to me that the RDG forms a useful benchmark against which to assess a proposal

¹ Taken from Appeal form. Application addresses as Mrs.

but does not necessarily preclude divergence from the guiding principle if circumstances warrant that approach.

5. The conversion of the detached garage would introduce an additional dwelling, thereby resulting in 6 residential properties being served from the lane. The Council argue this will lead to increased intensification of traffic on this lane which would cause harm to highway safety on Low Hill.
6. A previous appeal allowed for part of the appeal site to be used for storage of commercial vehicles, subject to a personal condition and a condition to limit the number of commercial vehicles to three, along with two trailers. In effect, that is the baseline position against which the current proposal should be assessed because that level of use has previously been found to be acceptable. The Council and a number of interested parties contend that the proposed dwelling is likely to generate more trips based on deliveries, school runs, waste disposal and emptying the cess pit. They also contend that any harm due to increased intensification of use would be further exacerbated by the width and horizontal alignment of Low Hill which has no formal turning provision.
7. Low Hill is a private access of Selby Road which as stated above provides access to about five dwellings on this lane. The road is covered with loose unbound material and, at the time of my visit, due to rain there were a few small shallow puddles of water. However, overall the lane is in good condition and is not in a state that would prevent easy access by any normal motor vehicle. I also observed on my visit that Low Hill is wide enough to pass two normal sized vehicles moving in opposite directions and is at its widest along the boundary and access gate of the appeal property. This provides adequate turning, as I experienced on my visit to the site. Vehicles would also be able to turn within the site. As stated in paragraph 4 above, the existing permission on the site allows for 3 commercial vehicles and 2 trailers which are larger than a vehicle which would be required for residential commute. Consequently, the proposal would not introduce any additional difficulty in turning on Low Hill.
8. Following concerns raised by the Environment Agency, the proposal was revised prior to being determined by the Council² and now proposes a one-bedroom dwelling. This type of dwelling would not provide family sized accommodation, and would be unlikely to create as much traffic as a larger dwelling which may well involve school run trip generation as well as other trips associated with a household with multiple family members. An additional dwelling of single occupancy, or two people at the most would not result in a significant increase in demand for mail delivery and waste disposal such that it would lead to a substantial intensification in the use of Low Hill. Such services are usually scheduled to service the whole street or area and frequency is not necessarily dictated by the number of residential dwellings or occupancy. With regards to emptying of the cesspit, it is not considered that a one-bedroom dwelling would result significant increase in foul sewage which would require more frequent trips to empty the cesspit. In any case, such trips are infrequent and quite far between to result in an increased intensification of use on Low Hill. Consequently, the proposal would not result in a significant and unacceptable intensification of use on Low Hill, over and above the established position.

² Revised 3/06/2019 – reconfigured ground floor layout to remove all habitable rooms to suit EA

9. Having regard to the above, I find that the proposed conversion of detached garage to a dwelling would not result in harm to highway safety and would not have a negative effect upon safe access to the site and neighbouring properties on Low Hill. Whilst I recognise the notional capacity of 5 dwellings being served from a private drive, as set out within the RDG, the circumstances in this case having regard to the planning history, the scale of the development proposed, and the nature of Low Hill, I am satisfied that an additional dwelling can be served from the private lane without causing undue harm to highway safety. Accordingly, the proposal complies with the National Planning Policy Framework (NPPF) and Policy CS14 of the Doncaster Council Core Strategy, 2011-2028 (2012) which amongst other things seek to ensure that new development makes a positive contribution to achieving safety of the highway and provides good access.

Other Matters

10. Neighbouring residents at 18 and 20 Low Hill have raised concerns regarding deterioration of the lane due to increased traffic, and also the issue of ownership and maintenance of the lane. I believe the issue of increased traffic and deterioration, as well as provision for turning have been sufficiently dealt with in the paragraphs above. With regards ownership of the lane and its maintenance, it is not within the remit of this decision to determine the ownership of the lane. However, as the objectors have pointed out that maintenance has always been by residents along the lane. That is a private matter between the parties involved. For the reasons given above I am satisfied that the lane can accommodate an additional dwelling without causing harm to highway safety. An additional dwelling would be unlikely to have significant impact on the integrity of the lane to a degree that would make it unsuitable for vehicular traffic and maintenance would be a matter for the private individuals concerned.
11. A concern has also been raised suggesting that the overall height would need to be raised in order to provide adequate headroom which would lead to coalescence of the settlement as well as provide overlooking from windows at the first floor into neighbouring properties. However, the plans submitted to be considered for this appeal do not suggest any increase, and any permission granted would be based specifically on submitted plans as detailed in condition 2 in the schedule below. In addition, the Council raised no issues with regard to overlooking or harm to the living conditions of neighbouring residents and I see no reason to take a different view, having regard to the design of the scheme and the separation distances involved.

Conditions

12. I have considered the conditions suggested by the Council and have attached those which meet the relevant tests, as set out at paragraph 55 of the National Planning Policy Framework, making changes to the wording, where necessary, in the interests of precision and clarity. The Council has sought a number of pre-commencement conditions. Advice in the Planning Practice Guidance is clear that such conditions should only be used where there is a clear justification and that the timing for the submission of details is fundamental to the decision. Having considered the suggested conditions, some of the details appear to be genuinely necessary 'prior to commencement' and I have

- amended the suggested wording to require the submission of details at appropriate stages.
13. The standard time limit condition has been imposed along with a condition specifying the relevant drawings as this provides certainty.
 14. As the existing use of the appeal site is as a garage for commercial vehicles and trailers there is a possibility of contamination from oil leaks. A condition which requires an appropriate contaminated land risk assessment to be carried out prior to commencement of works has been attached in order to secure the satisfactory development of the site in terms of human health and the wider environment pursuant to the National Planning Policy Framework.
 15. Details of foul, surface water and land drainage systems and cesspit are required in order to ensure that the site is connected to suitable drainage system.
 16. Details of the site car park surfacing, drainage and marking are required in order 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.
 17. A condition which specifies the minimum first floor level, as well as a condition which prevents habitable accommodation at the ground floor have been imposed in order to reduce the risk of flooding to the proposed development and future occupants.
 18. In addition to the conditions suggested by the Council I have also imposed a condition to prevent the land or garage being used for the parking or storage of commercial vehicles in order to eliminate the risk of contamination and in the interests of highway safety, to ensure that the vehicular movements are in line with the nature of the development proposed and assessed.
 19. In addition to the above conditions, the Council have also suggested an informative with regards flood risk. Whilst this is not added to appeal decisions, through the Council's evidence, the appellant is now aware of this.

Conclusion and Recommendation

20. For the reasons given above and having had regard to evidence before me, I recommend that the appeal should be allowed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be allowed.

Chris Preston

INSPECTOR

Schedule 1 – 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: Site Plan, Revised 3/06/2019 – reconfigured ground floor layout to remove all habitable rooms to suit EA (Proposed Rear Elevation, Proposed Side Elevations, Proposed Front Elevation, Existing Rear Elevation, Existing Side Elevations, Existing Front Elevation, Proposed Ground Floor Plan, Proposed First Floor Plan, Proposed Section A-A, Site Plan).
3. No development shall commence until an assessment of the risks posed by any contamination, carried out 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), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
4. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems which include an individual cesspool for the site 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.
5. No development shall commence until details of foul drainage from the site shall be discharged to its own individual cesspool, details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works on the site. The cesspool shall be operating to the satisfaction of the Local Planning Authority before any related dwelling is occupied.

6. No development shall commence until details of the marked-out area of the site to be used by vehicles which includes proposed surfacing and drainage have been submitted to and approved by the Local Planning Authority.
7. Floor levels for the first floor shall be set no lower than 5.55 metres above Ordnance Datum (AOD) and there shall be no habitable accommodation on the ground floor throughout the lifetime of the development.
8. The land or garage shall not be used for parking or storage of commercial vehicles.