



# 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, 23rd June, 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.

### **BROADCASTING NOTICE**

This meeting is being filmed for subsequent broadcast via the Council's web site.

The Council is a Data Controller under the Data Protection Act and images collected during this recording will be retained in accordance with the Council's published policy.

Please be aware that by entering the Council Chamber, you accept that you may be filmed and the images used for the purpose set out above.

---

**Damian Allen**  
Chief Executive

---

Issued on: Monday, 15 June 2020

Governance Services Officer for this meeting

David M. Taylor  
01302 736712

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

| <b>Item</b>   | <b>Page No.</b> |
|---|-----------------|
| 1. Apologies for Absence.   |                 |
| 2. To consider the extent, if any, to which the public and press are to be excluded from the meeting. |                 |
| 3. Declarations of Interest, if any.  |                 |
| 4. Minutes of the Extraordinary Planning Committee Meeting held on 15th May, 2020.                    | 1 - 4           |
| 5. Minutes of the Planning Committee Meeting held on 26th May, 2020.                                  | 5 - 10          |
| <b>A. Reports where the Public and Press may not be excluded.</b>                                     |                 |
| <u><b>For Decision</b></u>  |                 |
| 6. Schedule of Applications.  | 11 - 46         |
| <u><b>For Information</b></u>   |                 |
| 7. Appeal Decisions   | 47 - 58         |

### **Members of the Planning Committee**

Chair – Councillor Susan Durant

Vice-Chair – Councillor Sue McGuinness

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

# Agenda Item 4.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

FRIDAY, 15TH MAY, 2020

An EXTRAORDINARY MEETING of the PLANNING COMMITTEE was held as a VIRTUAL MEETING THROUGH MICROSOFT TEAMS on FRIDAY, 15TH MAY, 2020, at 2.00 pm.

#### PRESENT:

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

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

#### APOLOGIES:

An apology for absence was received from Councillor Mick Cooper.

#### 72 Declarations of Interest, if any

There were no declarations of interest made at the meeting.

#### 73 Minutes of the meeting held on 3rd March, 2020

RESOLVED that the minutes of the meeting held on 3rd March, 2020 be approved as a correct record and signed by the Chair.

#### 74 Schedule of Applications

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

#### 75 Adjournment of Meeting

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 2.55 p.m. to be reconvened on this day at 3.05 p.m.

#### 76 Reconvening of Meeting

The meeting reconvened at 3.05 pm.

77 Town and Country Planning Act 1990, Section 106 Agreements

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

| <b>Application No</b> | <b>Description and Location</b>   |
|-----------------------|---|
| 19/01982/FULM         | Erection of 671 dwellings, new access road, landscaping and public open space on Informal Land, Eden Grove, Hexthorpe, Doncaster. |

## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 15th May, 2020

|                              |   |                |                         |
|------------------------------|---|----------------|-------------------------|
| <b>Application</b>           | 1   |                |                         |
| <b>Application Number:</b>   | 19/01982/FULM   |                |                         |
| <b>Application Type:</b>     | Planning FULL Major   |                |                         |
| <b>Proposal Description:</b> | Erection of 671 dwellings, new access road, landscaping and public open space |                |                         |
| <b>At:</b>                   | Informal Land, Eden Grove, Hexthorpe, Doncaster                               |                |                         |
| <b>For:</b>                  | Miss Michaela Corbett - Countryside PLC                                       |                |                         |
| <b>Third Party Reps:</b>     | 7 Letters of objection  | <b>Parish:</b> |                         |
|                              |   | <b>Ward:</b>   | Hexthorpe & Balby North |
| <b>Third Party Reps:</b>     | 5   | <b>Parish:</b> |                         |
|                              |   | <b>Ward:</b>   | Town                    |

A proposal was made to grant the application.

Proposed by: Councillor John Healy

Seconded by: Councillor Sue McGuinness

For: 9 Against: 0 Abstain: 0

**Decision:** Planning permission granted subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to the following matters:-

- Claw back agreement for the viability of the site to be reviewed in 3 years' time and every 3 years thereafter with a final viability appraisal on completion;

- **15% on site POS (and maintenance);**
- **A pair of bus shelters approx. £12,000 in total;**
- **Returnable Transport Bond of £82,224.34; and**
- **Fitting of white noise sounders to vehicles on the adjacent site approx. £6,500 in total.**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Clare Plant on behalf of the Agents, DLP Consultants, spoke in support of the application for the duration of up to 5 minutes, and Timothy Pegg and Mark Bray, also spoke and responded to questions on behalf of the Applicants, Countryside Properties.**

**(The receipt of updated site layout plans was reported at the meeting).**

# Agenda Item 5.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

TUESDAY, 26TH MAY, 2020

A MEETING of the PLANNING COMMITTEE was held as a VIRTUAL MEETING THROUGH MICROSOFT TEAMS on TUESDAY, 26TH MAY, 2020, at 2.00 pm.

#### PRESENT:

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

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

#### 78 Declarations of Interest, if any

There were no declarations of interest made at the meeting.

#### 79 Schedule of Applications

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

#### 80 Adjournment of the Meeting

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 3.47 p.m. and 4.37 p.m. to be reconvened on this day at 3.52 p.m. and 4.47 p.m. respectively.

#### 81 Reconvening of the Meeting

The meeting reconvened at 3.52 p.m. and 4.47 p.m. respectively.

#### 82 Duration of the Meeting

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

#### 83 Appeal Decisions

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

| <b>Application No.</b> | <b>Application Description &amp; Location</b>  | <b>Appeal Decision</b>                             | <b>Ward</b>     | <b>Decision Type</b> | <b>Committee Overturn</b> |
|------------------------|--|--|-----------------|----------------------|---------------------------|
| 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 & 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  | Appeal Dismissed 27/03/2020                        | Finningley      | Delegated            | No                        |



|              |  |                                   |                            |           |    |
|--------------|--|-----------------------------------|----------------------------|-----------|----|
|              | conservation area.<br>at 47 Warnington<br>Drive, Bessacarr,<br>Doncaster, DN4<br>6ST   |                                   |                            |           |    |
| 19/01536/OUT | Outline application<br>for the erection of<br>two storey block of<br>2 x 1 bedroom<br>apartments<br>including access<br>and layout.<br>Matters of<br>appearance,<br>landscaping and<br>scale are<br>reserved. (Being<br>resubmission of<br>planning<br>application<br>19/00341/OUT) at<br>1 Bridgeford<br>House , Church<br>Road, Stainforth,<br>Doncaster | Appeal<br>Dismissed<br>21/02/2020 | Stainforth &<br>Barnby Dun | Delegated | No |
| 19/00992/FUL | Dropped kerb. at<br>Grindlewald, Low<br>Road,<br>Conisbrough,<br>Doncaster   | Appeal<br>Dismissed<br>30/03/2020 | Conisbrough                | Delegated | No |
| 19/01114/FUL | Sub-division of<br>garden and<br>erection of new<br>dwelling to rear<br>following<br>demolition of<br>workshop at<br>Hedgegate,<br>Mosscroft Lane,<br>Hatfield,<br>Doncaster   | Appeal<br>Dismissed<br>16/03/2020 | Hatfield                   | Delegated | No |
| 19/00169/FUL | The conversion<br>and change of use<br>of a existing<br>redundant barn for<br>use as an Office<br>(B1) with<br>associated works<br>(resubmission of  | Appeal<br>Dismissed<br>06/04/2020 | Norton &<br>Askern         | Delegated | No |

|              |   |                             |                         |           |    |
|--------------|---|-----------------------------|-------------------------|-----------|----|
|              | 17/02927/FUL). at Plum Tree Farm , Wormley Hill Lane, Sykehouse, Goole  |                             |                         |           |    |
| 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 & 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 & Moorends       | Delegated | No |

## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 26th May, 2020

|             |   |
|-------------|---|
| Application | 1 |
|-------------|---|

|                     |               |
|---------------------|---------------|
| Application Number: | 19/01725/FULM |
|---------------------|---------------|

|                   |                     |
|-------------------|---------------------|
| Application Type: | Planning FULL Minor |
|-------------------|---------------------|

|                       |  |
|-----------------------|--|
| 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 |
|------|--------------------|

|                   |   |         |                       |
|-------------------|---|---------|-----------------------|
| Third Party Reps: | 45 in support<br>195 letters in opposition<br>4 representations | Parish: | Tickhill Town Council |
|                   |   | Ward:   | Tickhill & Wadworth   |

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

**Proposed by: Councillor Mick Cooper**

**Seconded by: Councillor Duncan Anderson**

**For: 11 Against: 0 Abstain: 0**

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

- 01. The proposed development fails to provide a high quality environment lacking sufficient and adequate landscaping contrary to paragraph 127 parts a) and b) of the National Planning Policy Framework (NPPF 2019) and Policy 49 of the emerging Doncaster Local Plan.**

- 02. The proposal would result in an unacceptable risk to pedestrian and road safety by virtue of vehicle movements within and outside of the site, contrary to paragraph 109 of the National Planning Policy Framework (NPPF, 2019) and Policy CS14 A(iii) of the Doncaster Core Strategy (2011 – 2028).**

**In accordance with Planning Guidance, ‘Having Your Say at Planning Committee’, the following individuals spoke on the application for the duration of up to 5 minutes:-**

- Mrs Wendy Hattrell and Mr Christopher Taylor spoke in opposition to the application;**
- The Mayor of Tickhill Town Council, Town Councillor John Bergin, spoke in opposition to the application; and**
- Mr Graham Raynor, the Agent, spoke on behalf of the Applicant in support of the application.**

**(The receipt of additional representations from 66 Objectors in opposition to the application and the amendment to Condition 04 with regard to the restriction of delivery hours being extended, were reported at the meeting.)**

## DONCASTER METROPOLITAN BOROUGH COUNCIL

23rd June 2020

To the Chair and Members of the

### **PLANNING COMMITTEE**

#### **PLANNING APPLICATIONS PROCESSING SYSTEM**

##### Purpose of the Report

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

##### **Human Rights Implications**

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

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

##### **Copyright Implications**

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

Scott Cardwell  
Assistant Director of 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.          | 19/02969/FUL   | Mexborough                   |        |
| 2.          | 20/00792/FUL   | Hexthorpe And Balby<br>North |        |

---

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 23<sup>rd</sup> June 2020**

|                    |   |
|--------------------|---|
| <b>Application</b> | 1 |
|--------------------|---|

|                            |              |
|----------------------------|--------------|
| <b>Application Number:</b> | 19/02969/FUL |
|----------------------------|--------------|

|                          |                  |
|--------------------------|------------------|
| <b>Application Type:</b> | Full Application |
|--------------------------|------------------|

|                              |  |
|------------------------------|--|
| <b>Proposal Description:</b> | Erection of class B1 steel portal frame building                       |
| <b>At:</b>                   | Land Adjacent To Mexborough Railway Station Station Road<br>Mexborough |

|             |                 |
|-------------|-----------------|
| <b>For:</b> | Mr Paul Woodger |
|-------------|-----------------|

|                         |      |               |            |
|-------------------------|------|---------------|------------|
| <b>Third Party Reps</b> | None | <b>Parish</b> | n/a        |
|                         |      | <b>Ward:</b>  | Mexborough |

|                         |             |
|-------------------------|-------------|
| <b>Author of Report</b> | Mark Ramsay |
|-------------------------|-------------|

**Summary**

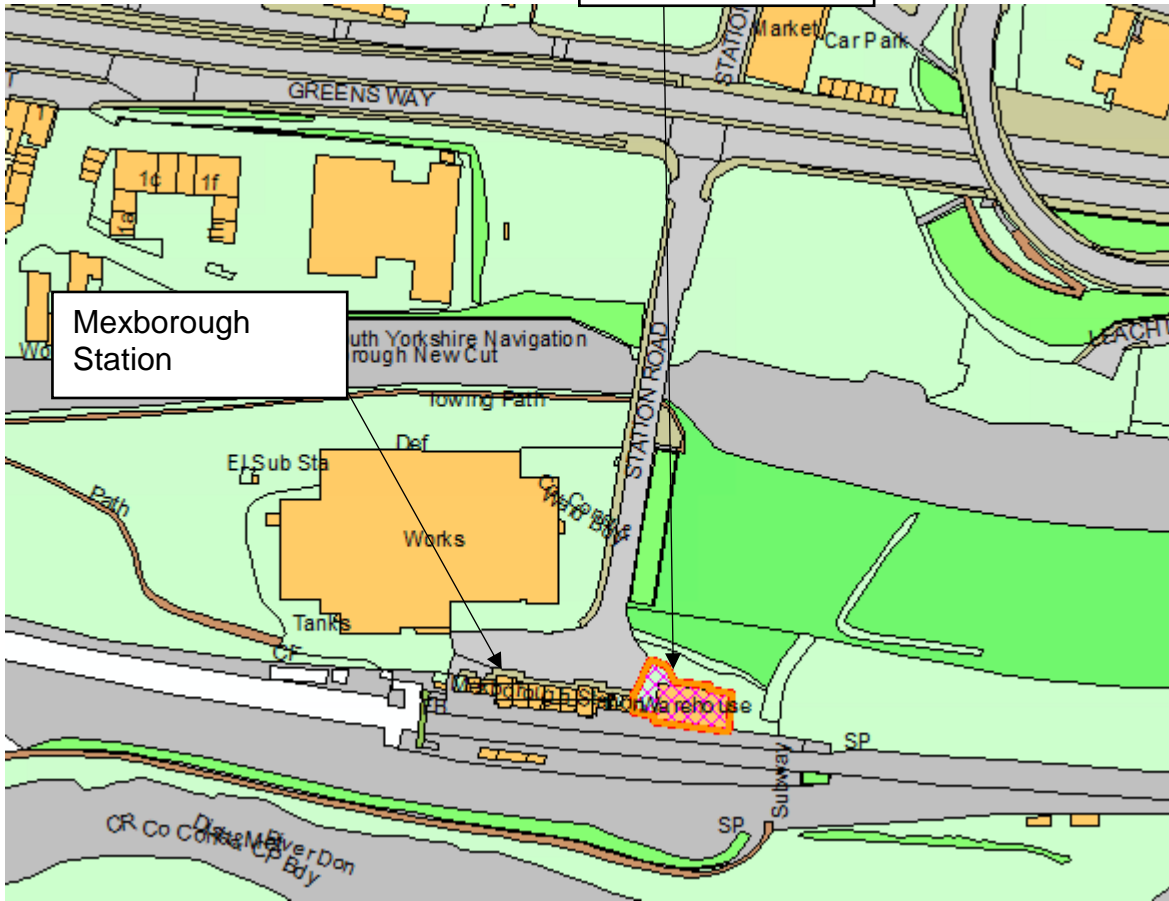
This proposal is for permission to erect a portal frame building for business use on a plot of land adjacent to Mexborough Station. The land was previously occupied by a warehouse/storage building which has since been demolished. The proposal is a departure from policies in the Unitary Development Plan, however is consistent with up to date policy set out in the Core Strategy and National Planning Policy Framework in terms of the use of previously developed land.

The proposal is not out of character with its surroundings and sympathetic to the setting of the adjacent listed railway station. It does not represent an unacceptable impact on amenity of adjacent residential land use or highway safety and is considered to be an acceptable and sustainable form of development in line with paragraph 7, 8 and 11 of the National Planning Policy Framework (NPPF, 2019).

The report demonstrates that there are no material planning considerations that would significantly outweigh the social, economic or environmental benefits of the proposal in this location.

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

Application Site





## **1.0 Reason for Report**

- 1.1 This application is being presented to Planning Committee due to the proposal representing a departure from policies in the Unitary Development Plan. The proposal is however consistent with up to date policy set out in the Core Strategy and National Planning Policy Framework.

## **2.0 Proposal**

- 2.1 The application seeks permission to erect a portal frame building and enclose the site next to Mexborough Railway station for uses within B1 of the Use Class Order. The order defines a B1 use as (a) as an office other than a use within class A2. (b) for research and development of products or processes, (c) for any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 2.2 The proposed building will have a smaller footprint than the previously removed building. A larger forecourt area will be provided for vehicular manoeuvre. New palisade fencing gates have been erected and this is, and will remain, the main entrance to the site.
- 2.3 Since first submitted, the application has been amended in connection with the response from the Conservation Officer and indicates that external materials will be of brick and tile to better compliment the adjacent listed railway station building.

## **3.0 Site Description**

- 3.1 This site previously accommodated a former Rail storage/warehouse building which was on the site. The building had fallen into disrepair due to vandalism and corrosion. The building was deemed to be dangerous by Network Rail. As a consequence the building was demolished in 2018 and disposed of. A new paladin fence line was erected by the Applicant between the plot in question and the railway platform on completion of the sale.
- 3.2 The site is therefore currently vacant and surrounded by palisade/paladin fencing with a large gate at the entrance. The site lies to the north of the railway line and to the west of the station building and is accessed from Station Road which itself is a cul-de-sac serving the Railway Station and the development of park homes on the former carpet warehouse site.
- 3.3 To the east is the overflow car park and a pedestrian underpass that provides level access to the platforms on the opposite side of the station and also forms part of a public footpath that leads further to the south.

## **4.0 Relevant Planning History**

- 4.1 There is no recent planning history

## **5.0 Site Allocation**

- 5.1 The site is allocated in proposals maps of the Unitary Development Plan as part of the South Yorkshire Green Belt being outside the residential envelope of Mexborough. The emerging local plan would not change the Green Belt allocation.

## National Planning Policy Framework (NPPF 2019)

- 5.2 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.3 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.4 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 Paragraph 145 states that development in the Green Belt is inappropriate except (amongst other things) in terms of 'complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development'

- 5.9 Paragraph 184 states heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 5.10 Paragraph 192 advises that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.11 Paragraph 193 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

#### Core Strategy 2011 – 2028

- 5.12 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 (as amended) and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended)).
- 5.13 In May of 2012 the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.14 Policy CS3 states that development proposals in the Green Belt will follow national planning policy.
- 5.15 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.
- 5.16 Policy CS15 of the Core Strategy seeks to preserve, protect or enhance Doncaster's historic Environment.
- 5.17 Policy CS16 of the Core Strategy states that Doncaster's natural environment will be protected and enhanced.

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

- 5.18 Policy ENV 3 deals with green belt policy including stating that development is inappropriate in principle subject to various exceptions. However as stated above

this pre-dates the exceptions for brownfield sites that is included in the National Planning Policy Framework.

- 5.19 Policy ENV 34 deals with development within the setting of a listed building and resists development where it would adversely affect the setting of a listed building by virtue of its nature, height, form, scale, materials or design or by the removal of trees or other important landscape features.

#### Doncaster Local Plan

- 5.20 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted.
- 5.21 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 LPA 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).
- 5.22 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.
- 5.23 Policy 2 addresses development in the Green Belt and states that national planning policy will be applied, including the presumption against inappropriate development except in very special circumstances. This policy is afforded limited weight as there are outstanding unresolved objections.
- 5.24 Policy 37 seeks to protect the setting of listed buildings. This policy is consistent with national policy and is given substantial weight.
- 5.25 Policy 47 seeks to ensure high standards of non-residential design. This policy is consistent with national policy and is given substantial weight.

#### Other material planning considerations

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

### **6.0 Representations**

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) by means of site notice, council website, press advertisement and neighbour notification.
- 6.2 No representations have been received in response to the publicity.

## **7.0 Parish Council**

7.1 Mexborough is not a 'parished' part of the Doncaster borough.

## **8.0 Relevant Consultations**

8.1 **Conservation Officer** – Initial objections removed after proposal was modified to show that the external appearance would be brick and tile and has requested conditions for prior approval of these along with replacement of the fencing around the site.

8.2 **Highways** – No objections.

8.3 **Pollution Control** - Historic maps show the above application is located within 250 meters of a closed Landfill and requested a condition requiring site investigations for gas monitoring.

8.4 **Public Rights of Way** – The proposal is not considered to impact the nearby public footpath

8.5 **Network Rail** – Network Rail has no objection in principle to the development, but they listed requirements that must be met, especially with the close proximity of the development to Mexborough Railway Station and the operational railway environment. However much of what they are requesting would be covered by other legislation such as the Party Wall Act.

8.6 **Environmental Health** – No objections subject to conditions limiting the use of power tools and vehicle body repairs as well as limiting the opening to avoid anti-social hours.

## **9.0 Assessment**

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

- Principle of development;
- Impact on amenity;
- Impact on the character and appearance of the area;
- Impact on heritage assets;
- Highway safety and traffic;
- Overall planning balance.

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

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

### Principle of Development

- 9.3 The proposal is within the Green Belt, however it is previously developed land (Brownfield). The Unitary Development Plan only allows for replacement dwellings in the Green Belt however the NPPF (2019) offers the most up to date guidance.
- 9.4 National Policy does allow for the redevelopment of Brownfield sites so long as it does not have a greater impact on openness than the original development. The building covers a smaller footprint than the original railway building on the site and is smaller in scale so meets that test.

### Sustainability

- 9.5 The NPPF sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs
- 9.6 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development.
- 9.7 The site while outside the settlement limit of Mexborough is close to a recent development of park homes and also on the southern edge of the main settlement. It is also adjacent to the railway station and approximately half a mile from the Town Centre and Bus Station so is considered to be in a sustainable location.

## ENVIRONMENTAL AND SOCIAL SUSTAINABILITY

### Character and Appearance of the Area

- 9.8 The surroundings are characterised by the railway and expansive parking area although the station building is historic and is grade II listed. The design has been modified so that the proposal would be constructed in brick and tile and the authority would have prior approval of such materials by way of a condition. Bringing the site back in to use and the erection of a building that is sympathetic to the adjacent station would improve the appearance of the setting of the listed station and is afforded moderate weight in favour of the proposal.

### Impact on Neighbouring Land Uses

- 9.9 The application proposes a single storey unit for a business use. While the B1 classification does cover a wide range of potential uses including industrial processes, the order makes clear that these are appropriate for a residential area. Part of the station building is a residential unit (the gable end of the residential element is approximately 13 metres away from the proposed building) and the Environmental Health Officer has taken this into account in their response. They recommended conditions limiting the use of power tools, body repairs and spraying as well as limiting the opening hours. Additionally there are no windows in the side elevation of the residential unit that faces towards the proposed building. With these limitations, the harm to nearby occupants of residential accommodation

would be limited and therefore limited weight is given the potential harm to residential amenity.

#### Impact upon Highway Safety

- 9.10 The proposed access and parking area has been assessed by the Highway engineer and no objections were raised. The scheme has also been amended so that the gates do not open outwards from the site.

#### Conclusion on Environmental and Social Issues

- 9.11 Taking the above matters into consideration, it is concluded that, subject to the imposition of suitably worded conditions for opening hours, controls on certain activities, prior approval of materials and a landscaping scheme, the development would not have a significant adverse effect on local amenity and respects the character and appearance of its surroundings including the setting of the listed station building.

#### ECONOMIC SUSTAINABILITY

- 9.12 There is some economic benefit to the development of the site through the building work involved in building the site as well bringing a redundant site back into use, especially as it is alongside a property that has heritage value. Once operational it would also see the employment of a small number of skilled staff involved in the operational business which would contribute moderate weight in favour of the proposal.
- 9.13 Para 8 a) of the NPPF sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

#### Conclusion on Economic Issues

- 9.14 The proposal would result in some economic benefit in the creation of construction jobs from the conversion and employment within the resultant business. However the jobs created would be small in scale and therefore this is given moderate weight in the determination of this planning application.

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

- 10.1 In accordance with Paragraph 11 of the NPPF (2019), the proposal is considered in the context of the presumption in favour of sustainable development. The site is alongside a listed building. The re-development of the site would enhance the current appearance of the site and also the employment opportunities provided by the resultant business are welcome. The cumulative weight afforded these benefits overcomes the limited weight given to any harm to residential amenity. On balance, therefore, the proposal is viewed favourably and recommended to be granted.

## 11.0 RECOMMENDATION

### 11.1 GRANT planning permission subject to conditions

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U0077829        The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:  
PROPOSED PARKING AREA - FLOOR LAYOUT 1:100 dated November 2019  
PROPOSED ELEVATIONS 1:100 dated November 2019  
ELEVATION STREET SCENE 1:200 dated November 2019  
FORMER and PROPOSED BUILDING ON PLOT AREA 1-125 dated November 2019  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. U0077827        The external face of the building hereby permitted shall be in smooth red engineering brick unless otherwise agreed in writing by the local planning authority. Prior to commencement of relevant works a one-metre-square sample panel of the brickwork showing the pointing and bonding shall be constructed on site and approved in writing by the local planning authority. The approved panel shall be retained on site until construction of the building has been completed. Development shall be carried out in accordance with the approved details.  
REASON  
To protect the setting of the listed building
04. U0077828        Prior to commencement of relevant works a sample of the roof cladding shall be provided on site and approved in writing by the local planning authority. The colour of the roof cladding, its trimmings/bargeboards, the frames to the roof-lights and rainwater goods shall be of one colour and shade/tone and be black or a dark grey unless otherwise agreed in writing by the local authority. Development shall be carried out in accordance with the approved details.  
REASON  
To protect the setting of the listed building
05. U0077830        Prior to commencement of relevant works details of the roller shutter and pedestrian door shall be submitted to and approved in writing by the local planning authority. Details shall include the colour of the roller shutter and the door and this shall be of one colour and shade/tone and be black or a dark grey to match the roof treatment unless otherwise agreed in writing by the local authority. Development shall be carried out in accordance with the approved details.



REASON

To protect the setting of the listed building

06. U0077831 Prior to the occupation of the development hereby granted the current palisade fencing to the entrance and to its side shall be removed and replaced with an agreed gate and fencing/walling. Details of the replacement gate and fencing/walling shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the setting of the listed building

07. U0077832 Prior to the occupation of the development hereby granted, landscaping details, including timescales, shall be submitted to and approved in writing by the local planning authority. The landscaping shall be carried out in accordance with the approved details and shall thereafter be maintained by the site owner for a period of five years. Any tree or shrub planted in accordance with the scheme which becomes damaged or diseased, or dies or is removed within the five years shall be replaced during the next planting season.

REASON

To protect the setting of the listed building

08. U0077833 The building hereby approved shall not be used before 0800 hours or after 1800 Monday to Friday or before 0800 hours or after 1300 hours on Saturdays and not at all on Sundays and Public Holidays.

REASON: To protect the amenities of the surrounding residents

09. U0077834 Other than during construction of the development, no power tool shall be used outside of the building at any time.

REASON: To protect the amenities of nearby residents

10. U0077835 No vehicle body repairs or paint spraying shall be carried out in connection with the permitted development.

REASON: To protect the amenities of nearby residents

11. U0077845 The application site is adjacent to a landfill that is known to be producing landfill gas, or has the potential to produce landfill gas and therefore the risk of landfill gas migration shall be fully investigated prior to the commencement of development on site.

a) The site investigation, including relevant ground gas monitoring shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice.

b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy, including a diagram of the installation and installation method statement shall be submitted in writing and approved by the LPA prior to any remediation commencing on site.

c) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

d) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the LPA. The verification report shall include quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. The site shall not be brought into use until such time as all verification data has been approved by the LPA

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

#### INFORMATIVE - Former Railway Property

It is incumbent upon the applicant to investigate all the covenants and understand any restrictions relating to the site which may take precedence over the authorised development and any planning conditions. In this instance, the site is subject to a demarcation agreement, the conditions of which must be adhered to by the developer.

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

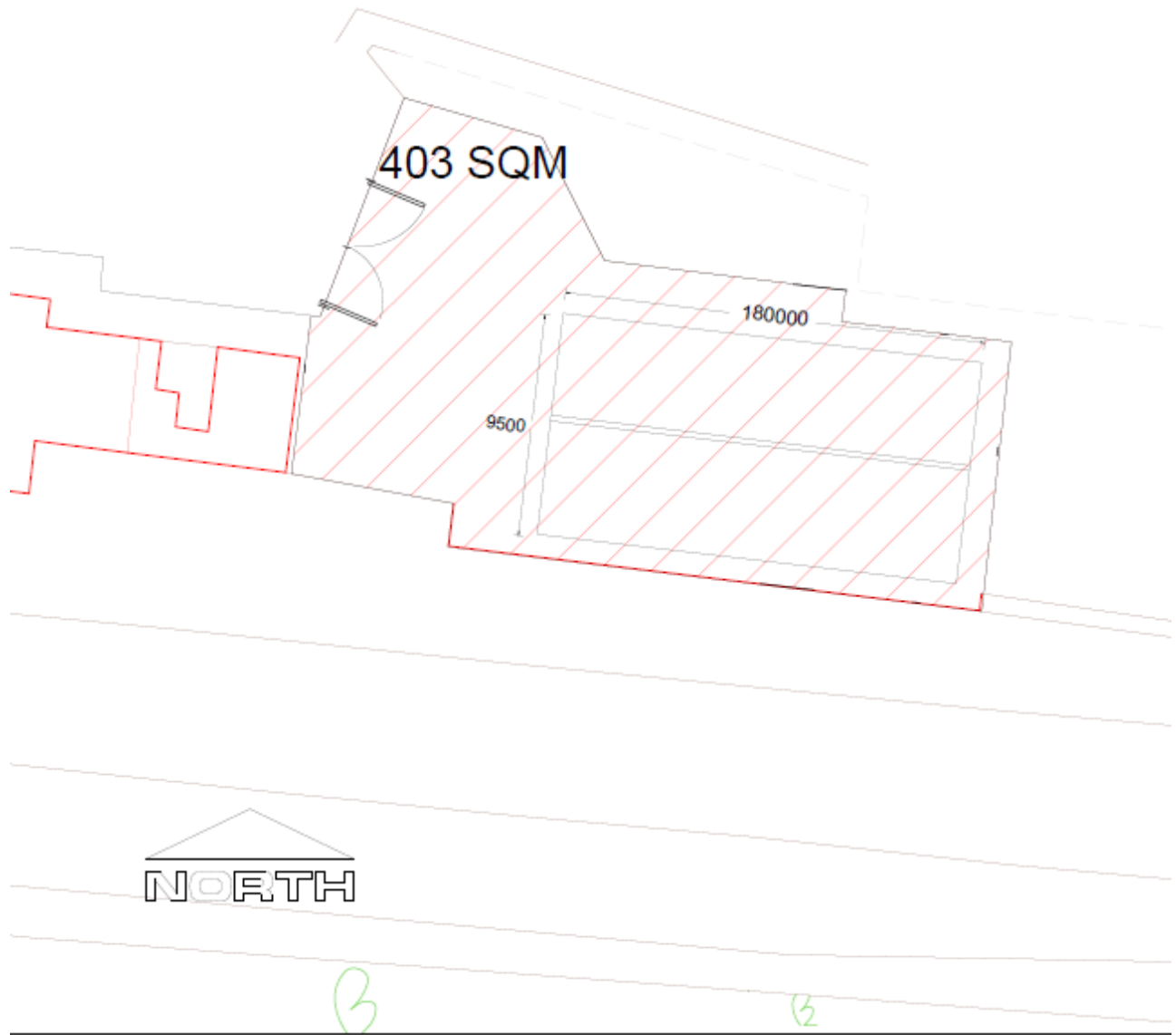
#### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

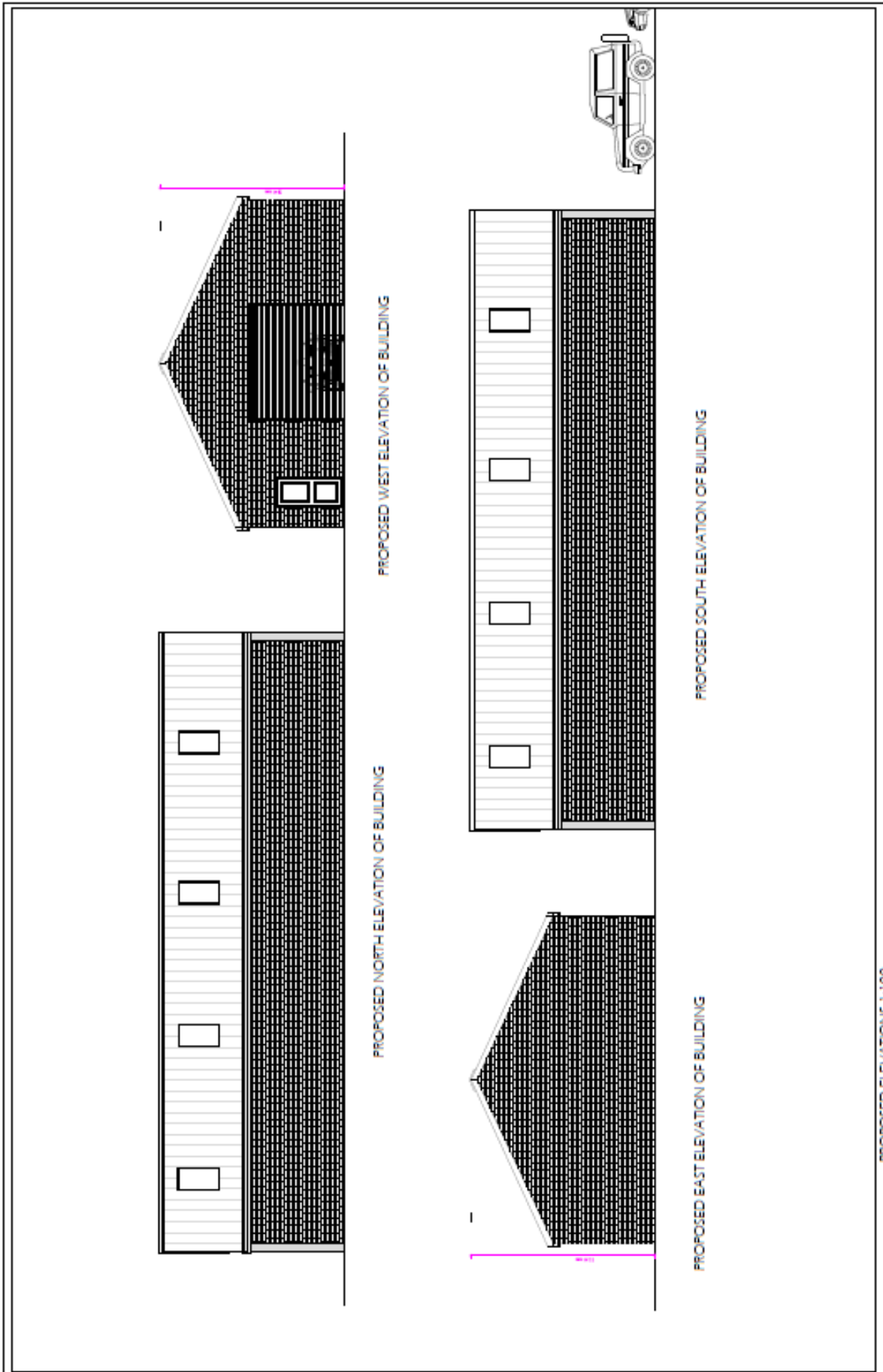
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Amend external materials

Appendix 1: Location Plan







This page is intentionally left blank

|                    |    |
|--------------------|----|
| <b>Application</b> | 2. |
|--------------------|----|

|                            |              |
|----------------------------|--------------|
| <b>Application Number:</b> | 20/00792/FUL |
|----------------------------|--------------|

|                          |                  |
|--------------------------|------------------|
| <b>Application Type:</b> | FULL Application |
|--------------------------|------------------|

|                              |  |
|------------------------------|--|
| <b>Proposal Description:</b> | Alterations to form 1 new additional flat ( Flat 11) |
| <b>At:</b>                   | Welch House Carr Lane Hyde Park Doncaster            |

|             |          |
|-------------|----------|
| <b>For:</b> | Mr Welch |
|-------------|----------|

|                          |      |                |                           |
|--------------------------|------|----------------|---------------------------|
| <b>Third Party Reps:</b> | None | <b>Parish:</b> |                           |
|                          |      | <b>Ward:</b>   | Hexthorpe And Balby North |

|                          |               |
|--------------------------|---------------|
| <b>Author of Report:</b> | Hannah Wilson |
|--------------------------|---------------|

## SUMMARY

The proposal seeks permission for alterations to the building to form one new additional flat (Flat 11) and associated parking. The proposal is a Departure but is considered to be acceptable because the building has an implemented permission for residential flats and the proposal for one more flat will not significantly or demonstrably harm the employment policy area. The proposal does not harm the character of the area, highway safety or neighbouring amenity and is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

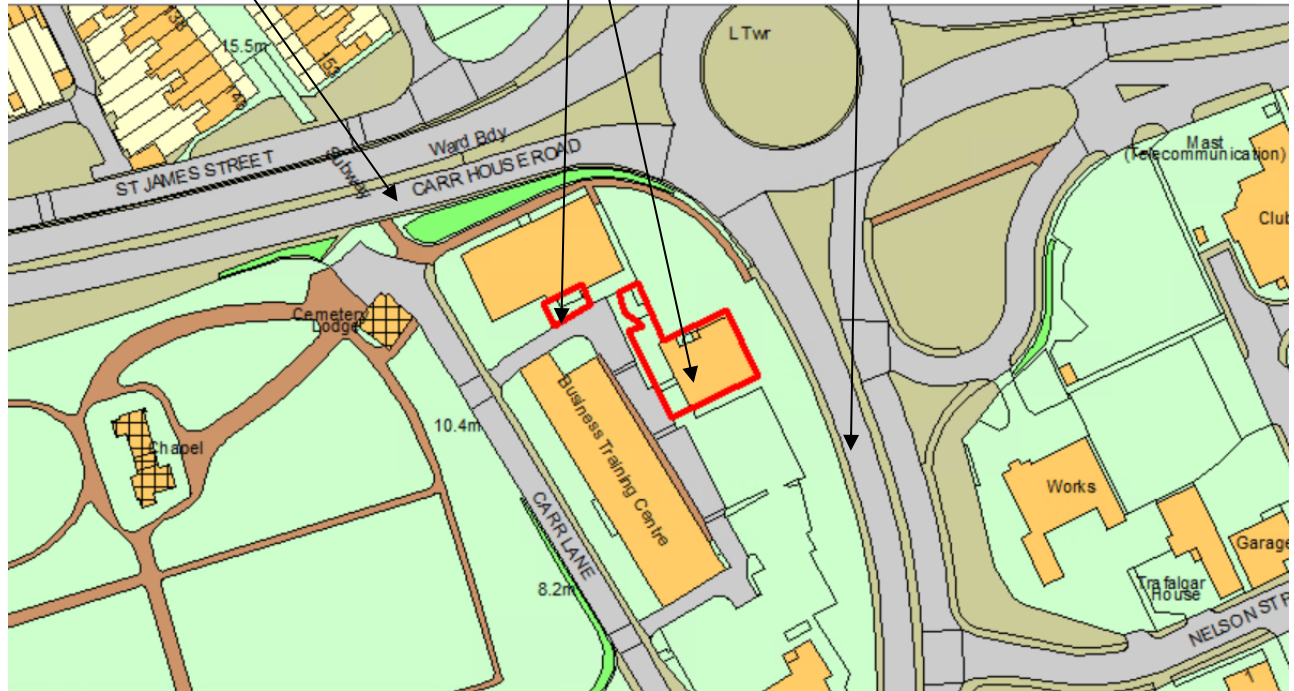
The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location.

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

Carr House Road

Application Site  
and car parking

White Rose Way





## 1.0 Reason for Report

1.1 This application is being presented to Planning Committee as the application is a Departure from the development plan.

## 2.0 Proposal

2.1 Planning permission is sought for alterations to form 1 new additional flat (Flat 11) within the redundant integral open roofed section where the old redundant means of escape staircase was required from the offices.

## 3.0 Site Description

3.1 The application site is located within the area of Hyde Park and is on the corner of a roundabout. The site has Adrian Welch Glass next door and Concorde House sits to the rear and St Leger Homes building to the other side and it is also near the Hyde Park Cemetary. There are large parking areas and grassed areas around the building. The property was formally known as Unity House.

3.2 The building is currently undertaking conversion works to 10 flats. The building has a dual pitched roof, white coursing banding around the building and large glazing areas to the front and rear.

3.3 The site is located close to the Main Town Centre and is located close to a bus stop on Ten Pound Walk.

## 4.0 Relevant Planning History

4.1 Application site;

| Application Reference | Proposal  | Decision           |
|-----------------------|---|--------------------|
| 08/01572/FUL          | Erection of single storey pitched roof swimming pool enclosure to side of detached dwelling           | Refused 06.11.2008 |
| 08/01573/FUL          | Installation of 3no windows to front/side of basement of existing office building                     | Granted 11.08.2008 |
| 18/02781/ADV          | Display of 3 externally illuminated signs to replace existing non-illuminated signage (retrospective) | Granted 04.01.2019 |

|                |  |                    |
|----------------|--|--------------------|
| 18/02443/PRIOR | Notification to determine if prior approval is required under GPDO Class O for Change of use of offices (Class B1) to 10 flats (Class C3). | Granted 21.11.2018 |
|----------------|--|--------------------|

## 5.0 Site Allocation

5.1 The site is designated as Employment Policy Area and within a Mixed Use Regeneration Project Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998). This is not in a high risk flood zone.

## 5.2 National Planning Policy Framework (NPPF 2019)

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

5.4 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.

5.5 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5.6 Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

5.7 Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.8 Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.9 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.

## **5.10 Core Strategy 2011 - 2028**

- 5.11 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.12 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.13 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.
- 5.14 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

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

- 5.16 Policy EMP6 states that within the employment policy areas, permission will normally only be granted for B1, B2 and B8 uses. Proposals for other industrial, business or commercial uses will be considered on their merits in accordance with other relevant plan policies.

This proposal is for residential and so does not fall within any of these uses thus is a departure.

- 5.17 Policy RP2 promotes the redevelopment of this area for mixed use comprising of Leisure and recreation, tourism, employment, housing and appropriate specialist and ancillary services and retail uses.

## **5.18 Local Plan**

- 5.19 The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA 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 the following policies would be appropriate.

- 5.20 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.

5.21 The site would fall within an employment policy area in the Local Plan. The site would continue to be supported primarily for employment uses. Other uses will be supported provided the following criteria are satisfied:

A) it can be clearly demonstrated they support the existing or permitted employment uses on the site; or

B) they are a specialist use appropriate to the site; or

C) are a mix of commercial and/or community uses that provide clear additional benefits to the community. If one of the above criteria are satisfied, the following should be demonstrated:

D) alternative employment sites are accessible from the locality which are suitable in terms of quality and quantity so as to ensure there is still easy access to employment uses;

E) the proposed use is appropriate in terms of scale, design and location will not adversely affect the operation of adjacent employment land or uses through environmental, amenity or traffic problems; and

F) there is compelling evidence that the site is no longer viable for employment use.

5.22 Policy 43 deals with the need for good urban design

### **5.23 Other material planning considerations**

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SPD) (2015)
- National Planning Policy Guidance

## **6.0 Representations**

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification. No neighbour representations have been received.

## **7.0 Parish Council**

7.1 There is no Parish Council.

## **8.0 Relevant Consultations**

8.1 **Pollution Control:** No objections subject to an informative.

8.2 **Environmental Health:** Providing the flat has adequate natural lighting and ventilation and the development does not impinge on the natural light currently required and view provided to flat 10 through the windows of that flat, no objections to the proposal. This was clarified by the applicant's agent that this lightwell was not to be harmed and no harm to the ventilation to flat 10 and therefore the Environmental Health officer raises no objections to the proposal.

8.3 **Highways:** No objections as 2 additional parking spaces are being provided.

## 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
- 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 a residential flat. The site is within an Employment Policy Area and a Mixed Use Regeneration Area. The mixed use policy area allows for a range of uses to work together and this includes residential development.

9.4 However policy EMP6 for the Employment Policy Area does not allow for residential and so it is a departure from this policy in the UDP allocation.

9.5 Substantial weight must be afforded to the planning history of this site. In 2018 a Prior Approval was submitted for the change of use of the B1 office to C3 flats. This was for 10 flats and met the criteria under class O of Part 2 of the General Permitted Development Order (GPDO). This prior approval application was approved on the 21<sup>st</sup> November 2018. The works have commenced on the conversion to the flats and flats 7-10 are completed and occupied. Because works have occurred the applicant cannot undertake a new Prior approval for 1 additional flat in the building.

9.6 Given that use of the building for residential purposes has been established, it is felt that the addition of a flat would be appropriate and in keeping with the use of the rest of the building. It also will not cause any significant harm to the surrounding employment area as the residential use is established and the addition of a flat will not cause significantly greater harm. Although a departure the principal of development is considered acceptable.

## 9.7 Sustainability

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

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

## 9.10 **SOCIAL SUSTAINABILITY**

### 9.11 **Impact on Residential Amenity**

9.12 The proposal is a 30sqm in total floor area. The occupiers would also get an additional storage area on the lower ground floor that equates to 1.5sqm. The site was a storage area and redundant means of escape that it has come to light is not required for the current use of the flats. DMBC Building Regulations have been consulted and raised no concerns. They stated that the previous use of the building was offices, which have different building regulation fire escape requirements to residential properties. Residential properties have less users than the offices and there is a protected means of escape. The applicant's agent has confirmed the fire escape is acceptable for building regulations for the current flats and the new proposal does not interfere with fire safety.

9.13 The South Yorkshire Residential Design Guide SPD recommends a floor area of 33sqm for a studio flat. Although this is deficient it is not significant and not felt to be significantly harmful in this case. The other flats are of a comparable size.

9.14 Two additional windows are proposed to light the flat and the environmental health officer has assessed the plans and has no objections to the proposal as it is felt adequate light and ventilation will be provided to the existing flats and proposed flat. These windows will also not cause any harmful degree of overlooking.

9.15 The site is in a sustainable location in close proximity to the town centre facilities and the play area to the rear of the old council car park and being part of the lakeside regeneration area, lakeside itself is nearby.

### 9.16 **Conclusion on Social Impacts.**

9.17 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affected by the proposal in accordance with policy CS14. The site lies within a sustainable location with access to sustainable methods of transport and nearby facilities and will add to the vibrancy of the mixed use area. The proposal will be in the same use as the rest of the building and although slightly deficient in space standards, it is not felt to be to a degree to harm the amenity of future occupiers or warrant the refusal of the application. The proposal will allow good light and ventilation to the proposal and existing flats. It is therefore felt that the proposal will not harmfully affect amenity which carries significant weight. The short term noise and disturbance associated with

implementing the planning permission is considered to carry limited weight against the proposal.

## **9.18 ENVIRONMENTAL SUSTAINABILITY**

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

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

9.21 The building is existing and the only external alterations are the addition of two side windows and two parking spaces. The area for the parking is already surfaced but not marked out so will not cause a loss of greenspace or landscaping. The addition of two windows to the side elevation is small in scale and does not significantly harm the character and appearance of the building or surrounding area. This weighs positively in favour of the application carrying significant weight.

### **9.22 Impact upon Highway Safety**

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

9.24 The proposal has been assessed by the highways team and the addition of 2 parking spaces for a 1 bedroomed flat is felt to be acceptable. Furthermore the site is in a sustainable location which weighs significantly in its favour.

### **9.25 Conclusion on Environmental Issues**

9.26 In conclusion of the environmental issues, it is considered that the proposal provides good additional parking and does not harm the character of the area. As such, significant weight can be attached to this in favour of the development.

## **9.27 ECONOMIC SUSTAINABILITY**

9.28 Although this is in an employment policy area the building has already been approved for residential use and so the loss of this building in an employment area has already occurred. The space for this one flat could not have been used for an employment use and it is not felt that it will significantly harm the wider employment area. Furthermore the site also lies within a mixed use area and thus will add to the mix of uses.

9.29 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.

### **9.30 Conclusion on Economy Issues**

9.31 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough or employment policy area and for that reason weighs in favour of the development.

## **10.0 PLANNING BALANCE & CONCLUSION**

10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal would use a vacant part of the building to a better advantage to provide a residential flat within a building comprising other flats, in a sustainable location and mixed use area. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. There are no material considerations which indicate the application should be refused

## **11.0 RECOMMENDATION**

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

### **Conditions:**

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

#### **REASON**

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

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

Location and site plan received 12.03.20

Proposed plans amended 05.06.20

#### **REASON**

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

03. The external materials and finishes shall match the existing property.

#### **REASON**

To ensure the satisfactory appearance of the development in accordance with policy ENV54 of the Doncaster Unitary Development Plan.

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

#### **REASON**

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



## Informative

01.

### INFORMATIVE

The proposed development is within 250 meters of a landfill site about which insufficient information is known to permit an adequate response to be made on the extent to which landfill gas may be present on or off site.

Planning permission has been granted on the basis that there is no sound and clear-cut reason to refuse. The applicant is, however, reminded that the responsibility for safe development and secure occupancy of the site rests with the developer and accordingly is advised to consider the possibility of the presence or future presence of landfill gas and satisfy himself of any gas precaution which may be necessary.

02.

### INFORMATIVE

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

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

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

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

03.

### INFORMATIVE

The applicants attention is drawn to the South Yorkshire Fire and Rescue Service comments which states that: Access is to be in accordance with Approved Document b Volume 2 Part B5 Section 16.2 16.11 and Table 20. Pumping appliances in South Yorkshire will weigh

26 tonnes. Table 20 references to pumping appliances should be read as 26 tonnes.

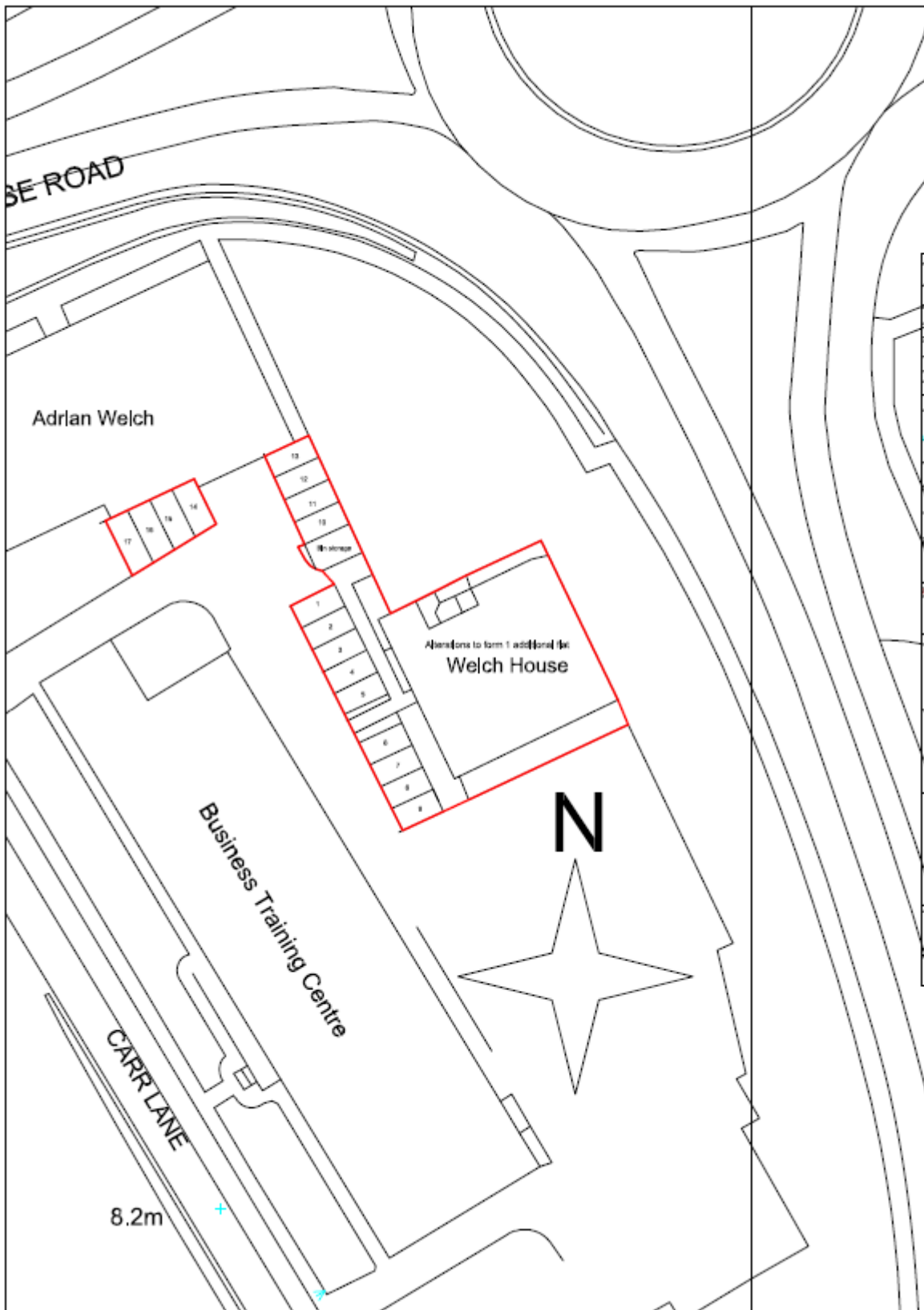
## STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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

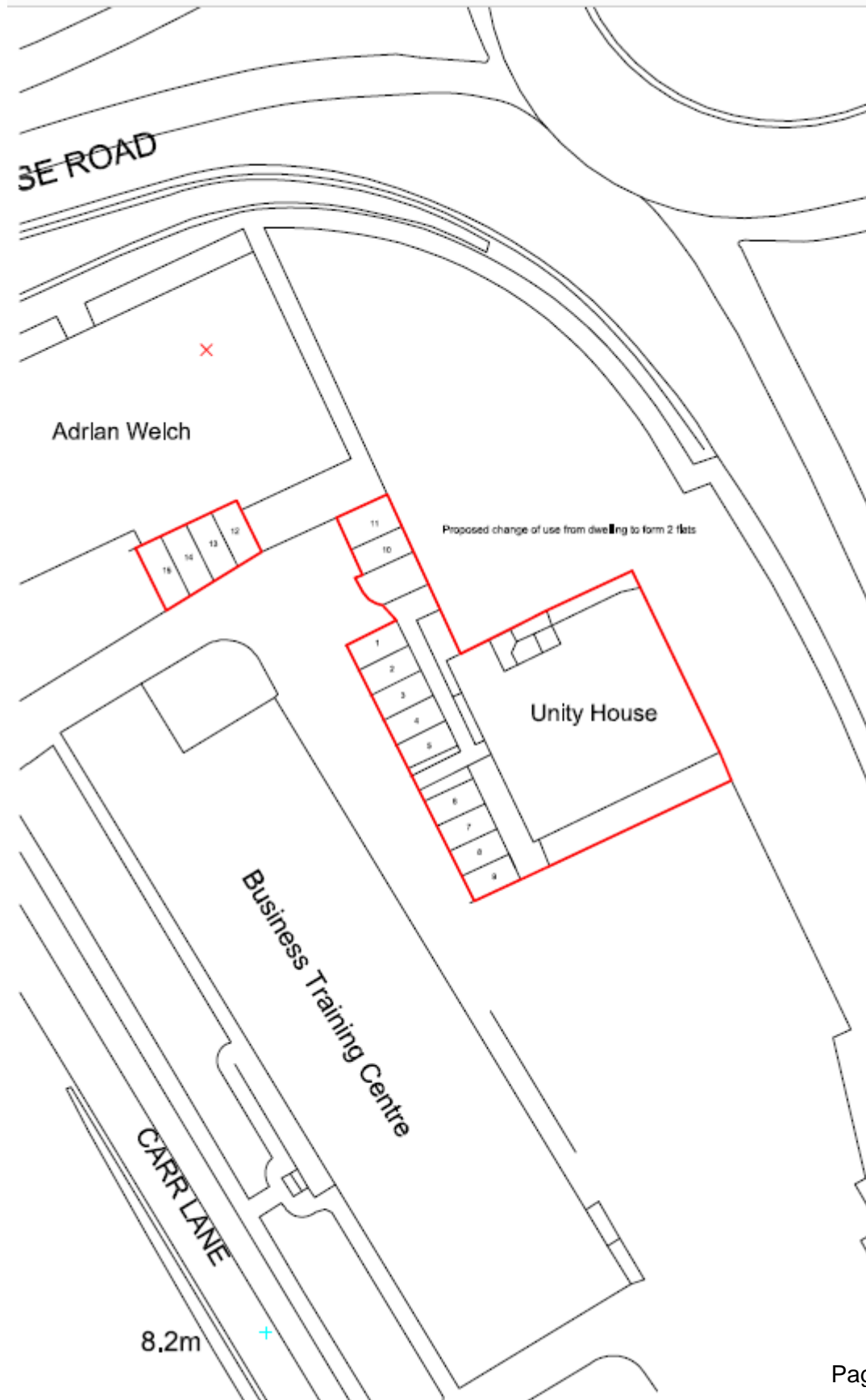
The application has been amended to correct the labelling of the floor plans

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

**Appendix 1: Proposed Site Plan**



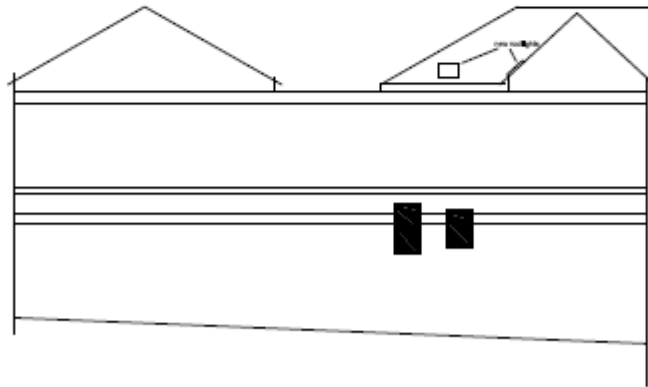
**Appendix 2: Previously approved Site Plan under application 18/02443/PRIOR**



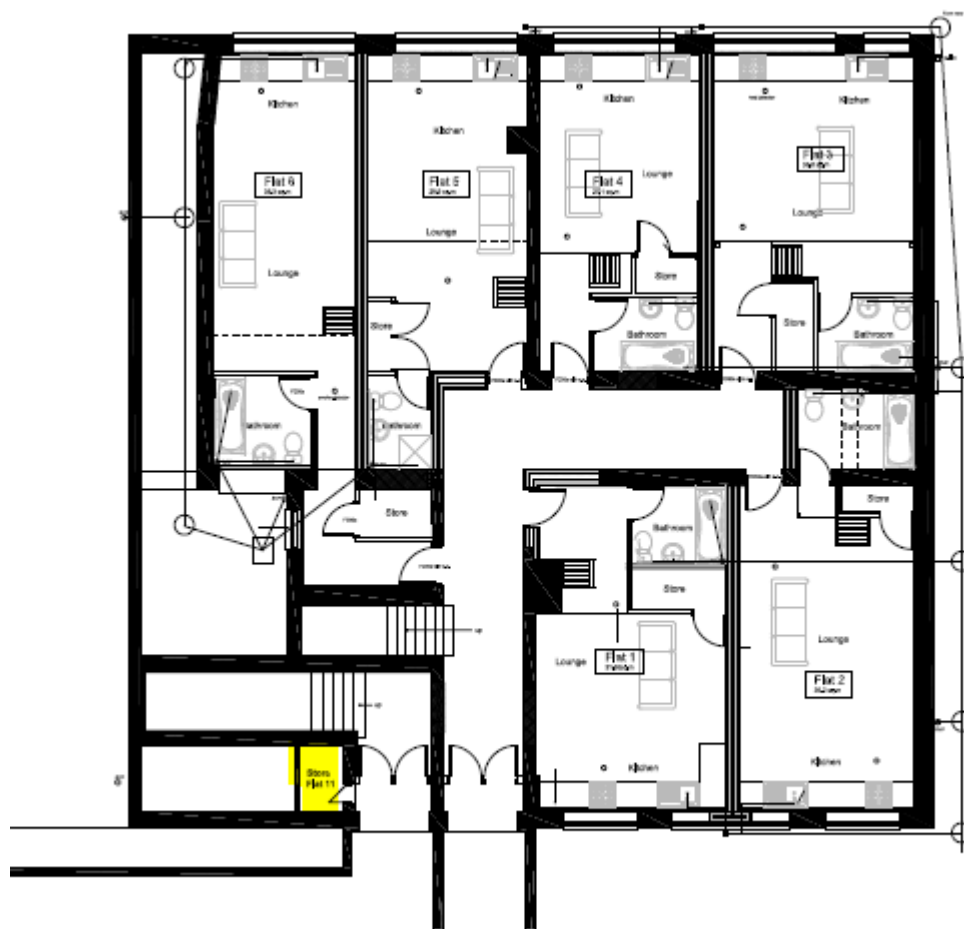
### Appendix 3: Proposed Floor Plans and Elevations



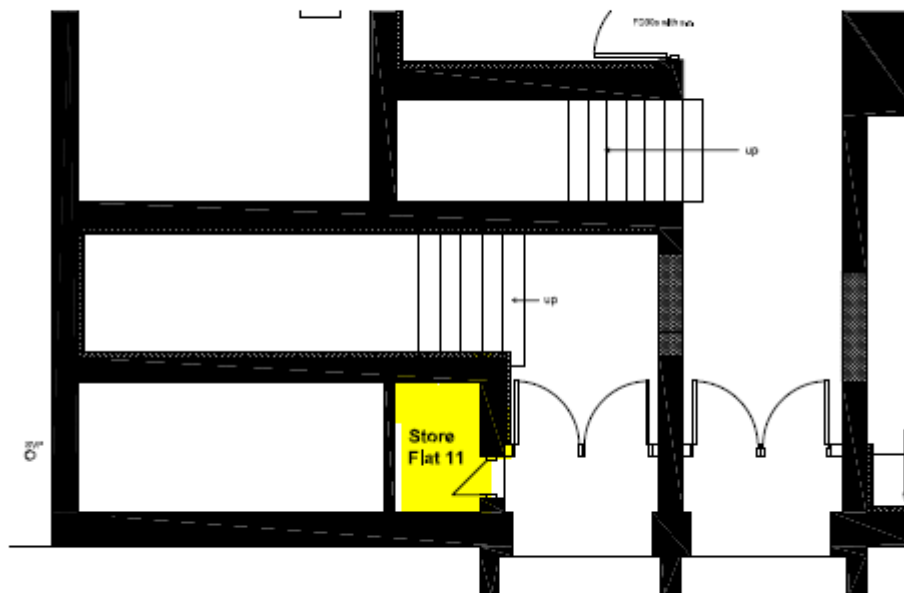
**Proposed Front Elevation 1:100**



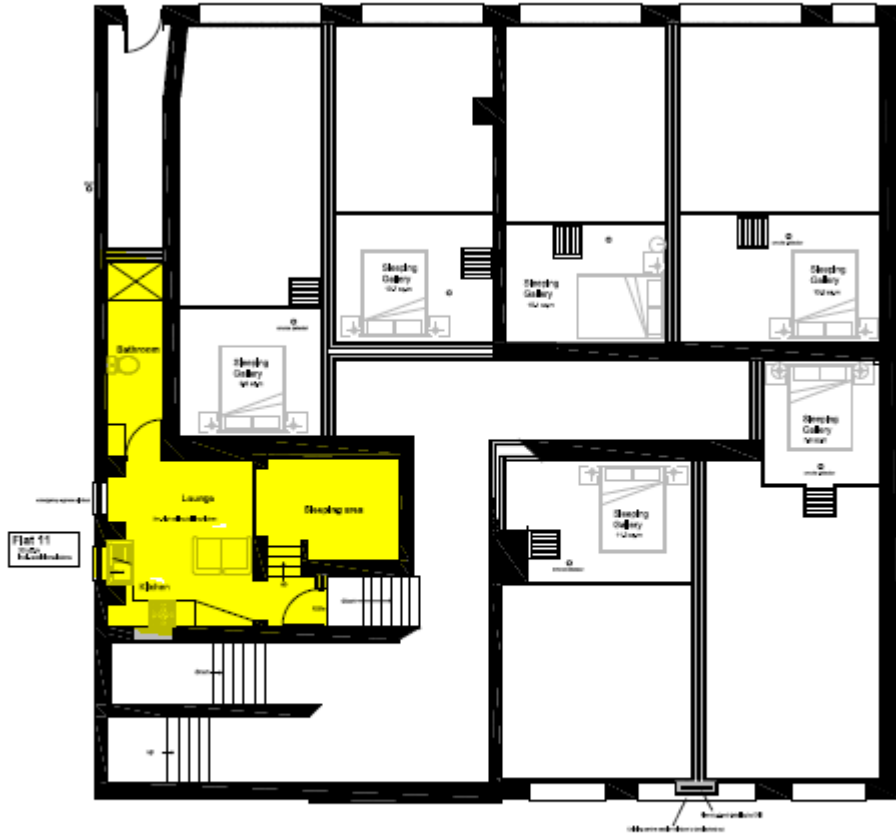
**Proposed Side Elevation 1:100**



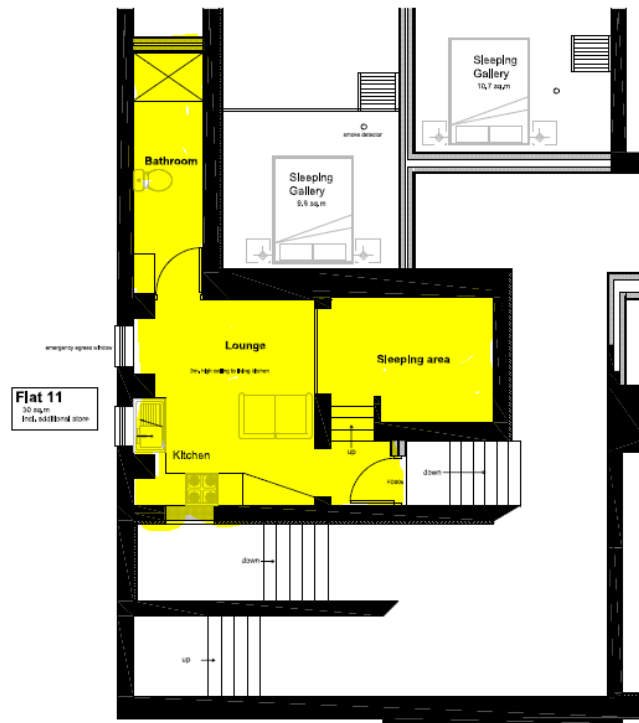
**Proposed Full Lower Ground Floor Layout Plan 1:100**



**Proposed Part Lower Ground Floor Layout Plan 1:50**

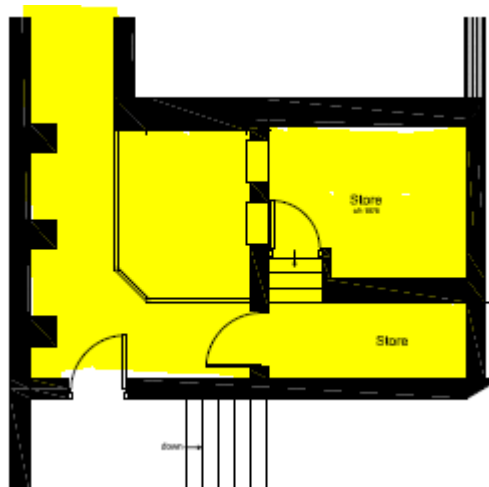


**Proposed Upper Ground Floor Layout Plan 1:100**



Proposed Part Upper Ground Floor Layout Plan 1:50

Appendix 4: Existing floor plan showing it was previously a store.







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

**APPEAL DECISIONS**

**EXECUTIVE SUMMARY**

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

**RECOMMENDATIONS**

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

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

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

**BACKGROUND**

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

**OPTIONS CONSIDERED**

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

**REASONS FOR RECOMMENDED OPTION**

- 6. To make the public aware of these decisions.

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

7.

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

**RISKS AND ASSUMPTIONS**

- 8. N/A

#### **LEGAL IMPLICATIONS [Officer Initials AB Date 10/06/2020]**

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 10/06/2020]**

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 10/06/2020]**

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

#### **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 10/06/2020]**

12. There are no technology implications arising from the report

#### **HEALTH IMPLICATIONS [Officer Initials RS Date 10/06/2020]**

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

#### **EQUALITY IMPLICATIONS [Officer Initials IH Date 10/06/2020]**

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 |
|-----------------|---|--------------------------------|------|---------------|--------------------|
| 19/00578/FUL    | Change of use from single dwelling to five flats. at 43 Auckland Road, Wheatley, Doncaster, DN2 4AF | Appeal Dismissed<br>26/05/2020 | Town | Committee     | No                 |

## REPORT AUTHOR & CONTRIBUTORS

Mr I Harris  
01302 734926

TSI Officer  
ian.harris@doncaster.gov.uk

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

This page is intentionally left blank



---

## Appeal Decision

Site visit made on 18 May 2020

**by Darren Hendley BA(Hons) MA MRTPI**

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

**Decision date: 26<sup>th</sup> May 2020**

---

**Appeal Ref: APP/F4410/W/20/3245250**

**43 Auckland Road, Wheatley, Doncaster DN2 4AF**

- 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 Alicia Beardsall against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref: 19/00578/FUL, dated 6 March 2019, was refused by notice dated 15 November 2019.
  - The development proposed is the change of use from a single dwelling to five flats.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mrs Alicia Beardsall against Doncaster Metropolitan Borough Council. This application is the subject of a separate Decision.

### Procedural Matter

3. The Council's first reason for refusal concerns the effect of the proposal on the character of the area by way of density. In reviewing the Council's appeal statement, this concerns two matters, namely the proposed outdoor amenity space provision for the future occupiers, and housing mix considerations arising from the properties in the area that are available for single and non-single occupancy households. This is reflected in the main issues that I set out below. I also address matters in relation to whether or not the proposal would preserve or enhance the character or appearance of the Doncaster Thorne Road Conservation Area later in my decision.

### Main Issues

4. The main issues are (i) whether the proposal would provide suitable living conditions for its future occupiers by way of the outdoor amenity space provision; (ii) the effect on the living conditions of the occupiers of the neighbouring properties concerning the refuse storage provision, litter, associated noise, anti-social behaviour and security; (iii) the effect on the housing mix in the area; and (iv) the effect on highway safety in relation to the proposed parking provision.

## **Reasons**

### *Living Conditions – Future Occupiers*

5. The appeal site contains a large end of terrace dwelling that covers a significant proportion of the site. There is also a separate rear outbuilding, that would be demolished as part of the proposal.
6. The proposal would be confined in its arrangement, as it would include 5 flats, off-street car parking and bin storage, as well as the proposed outdoor amenity space provision. The latter would take the form of a small area in between the proposed ground floor flat at the rear of the building (flat 1) and the proposed rear parking area.
7. This modest sized provision would be intended to serve all of the occupiers of the proposed 5 flats. The submitted landscaping details show that the area would not be unattractive. Nevertheless, this would not address that its size would be unlikely to provide adequate levels of outdoor amenity space, based on the likely occupancy levels. Its proximity to what are indicated as patio doors on the rear of flat 1 would further restrict the living conditions of the future occupiers of that property, or would else impede the use of the space by the occupiers of the rest of the flats by virtue of the close juxtaposition.
8. The remaining open areas around the proposed flats and car parking would be of a more incidental nature and would not adequately make up for the limited amount of outdoor amenity space. In addition, public open space in the area would not offer a convenient equivalent in lieu of on-site provision.
9. The appellant considers that outdoor amenity space needs to be balanced against the other requirements of the future occupiers, such as parking and bin storage. The internal living space and outlook are also not in dispute. However, this should not be at the expense of an overall acceptable level of outdoor amenity space provision. Due to the limitations of the site and the density of the proposal, this would not be satisfactorily achieved.
10. I conclude that the proposal would not provide suitable living conditions for its future occupiers by way of the outdoor amenity space provision. As such, it would not comply with Policy CS 14 A of the Doncaster Council Core Strategy 2011-2028 (2012) in this regard, where this policy identifies density (intensity of development) as a component of ensuring that the development proposed is robustly designed, works functionally, is attractive, and will make a positive contribution to achieving the qualities of a successful place, amongst other considerations.

### *Living Conditions – Neighbouring Properties*

11. Refuge storage is proposed by way of a covered area adjacent to the property. The Council has provided details of the refuge storage provision that is afforded to residents in Doncaster. The size of the refuge storage area that is proposed would not be sufficient to accommodate the various bins and boxes that would be available to the future occupiers.
12. The appellant has indicated that additional provision could be made, but it is not clear how this could be accommodated within the dedicated refuge storage area and as the site is constrained in respect of providing additional capacity. If the proposed provision is exceeded, this would lead to an increased

- likelihood of litter, with refuse bags or similar stored freely, including when bin collection is made from the roadside, as well as resulting in bin clutter.
13. The associated noise with these refuse storage concerns, whilst not decisive on its own, would contribute to what would be an unsatisfactory arrangement that would adversely affect the living conditions of the occupants of the neighbouring properties. This would not be addressed by that noise would not be unacceptable in other respects.
  14. The Council's concerns over anti-social behaviour and security relate to the proposed car parking provision to the rear. South Yorkshire Police caution against vehicle parking to the rear of the premises and parking areas that are not under surveillance. The proposed rear parking area would be, though, accessed via an alleyway that is gated. It is also clearly not intended to be left unlocked. In addition, the proposed rear parking area would be overlooked from windows on the upper storeys of the appeal property.
  15. I also note comments that the likely increase and type of occupancy of the appeal property has the potential to lead to anti-social behaviour in the area. However, the proposal would be unlikely to contribute significantly to this issue due to the number of occupiers and, in any event, this would depend on the behaviour of the individuals involved. Anti-social behaviour and security matters do not, though, address my concerns over refuse storage, litter and associated noise.
  16. Overall, I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of the neighbouring properties. This is due to the harm that would arise from refuse storage provision, litter and noise. As a consequence, it would not comply with Policy CS14 A in this regard, in particular where it concerns private property, public areas and the highway, and that proposals are environmentally responsible and well managed. It would also not accord with paragraph 127 (f) of the National Planning Policy Framework (Framework) where it concerns a high standard of amenity for existing and future users.

#### *Housing Mix*

17. The layout of the existing appeal property on the submitted plans shows the accommodation relates to single household occupancy. The area in which the property is found also comprises mainly single occupancy households, which the Council has stated amounts to 88% of properties. The remainder are understood to be flats and Houses in Multiple Occupation. Interested parties have provided me with a list of such properties in the area.
18. As non-single occupancy households only occupy around 12% of the housing stock, this does not constitute a large number of properties, in relative terms. Hence, that the proposal would result in the loss of 1 property that could accommodate a single occupancy household would not create an unacceptable imbalance and nor would it unduly reduce the housing stock that would be available for other types of occupation.
19. As a result, there would likely be sufficient housing left in the area that would be suitable for family type accommodation and the proposal would not jeopardise that a housing mix is maintained. It would accord with the Framework in this respect. Single occupancy households would still be a

significant contributor to local character, if occupancy types are deemed to be a relevant consideration in this respect.

20. I conclude that the proposal would not have an unacceptable effect on the housing mix in the area. Accordingly, it would comply with Policy CS 14 A in this regard, as far as housing mix contributes towards qualities of a successful place by way of character.

#### *Highway Safety*

21. The submitted plans show a total of 5 off-street car parking spaces would be available for the future occupiers of the proposed flats. The Council consider that an equivalent of 7.5 spaces would be required, including one visitor space, based on the Development Guidance and Requirements: Supplementary Planning Document (2015) (SPD). The parking standards for residential development are expressed as a minimum.
22. The appeal site is located in a highly accessible location as regards local services and public transport provision. Doncaster town centre is also located a short distance away from the site. This would encourage the future occupiers to use modes of transport other than the car. To assume a worse-case scenario would not give sufficient weight to that the site is in a location that would lend itself to responsibly lowering the parking provision.
23. The evidence before me is also not of a compelling nature concerning whether the proposal would unduly add to the levels of on-street car parking in the area and competition for spaces. The same applies in relation to whether it would cause parking problems elsewhere and around local road junctions. It does not lead me to believe that it would cause unacceptable parking issues when the proposed number of off-street spaces are considered with the accessibility of the location, and even if the area is used for parking associated with Doncaster Royal Infirmary. Visitor use, by definition, would be occasional and not cause harm to an untoward degree, especially when the accessible location is considered.
24. I conclude that the proposal would not have an unacceptable effect on highway safety in relation to the proposed parking provision. As adequate car parking levels would be provided, this would outweigh the conflict in strict terms with the minimum parking standards that the SPD sets out for residential development.

#### **Other Matters**

25. The site lies in the Doncaster Thorne Road Conservation Area. On this side of Auckland Road there are rows of largely red brick late Victorian Terraces. They are positioned towards their site frontages with small front gardens which, in some cases, have been turned over to car parking. The gaps between the terraces and along the rear alleyway allow for views towards the rear of the properties.
26. The appeal property contributes towards this significance as far as the presence of its imposing built form, as viewed from Auckland Road. The white external finish is not in keeping and the property has been the subject of more modern unsympathetic alterations. It has somewhat of a dilapidated appearance.



27. The appellant considers the alterations would significantly enhance the front of the property and the conservation area. The details of what these alterations would be, though, are of a limited nature. Alterations to the boundary treatment of the site are shown but it is not evident how this relates to the significance of the conservation area. Nevertheless, given its current external state, the proposal would preserve or enhance the character or appearance of the conservation area. Such an effect would be neutral, based on the evidence before me.
28. The principle of a conversion to flats does not appear to be in dispute between the main parties and I have been made aware that the Council has granted permission<sup>1</sup> for a change of use to 3 flats. The appellant considers this permission is not viable as a fallback position and nor is retaining the existing property as a single dwelling. Evidence has been submitted to this effect and concerns are also expressed that the building would fall into vacancy and disrepair. This would not, though, warrant allowing a proposal that would result in unacceptable living conditions for both its future occupiers and for neighbouring residents. To say otherwise would be to underplay the importance of providing satisfactory living conditions through the planning system.
29. Whilst I have not found unacceptable harm as regards housing mix and highway safety, these matters attract neutral weight, as do those that are not in dispute between the main parties. Hence, when the harm that would arise by way of the effect on the living conditions of both the future occupiers and the occupiers of the neighbouring properties is considered, the planning balance does not favour the proposal.

### **Conclusion**

30. The effect on the living conditions of the future occupiers and on the occupiers of the neighbouring properties would be unacceptable and is decisive. For these reasons, I conclude that the proposal conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Having regard to all matters that have been raised, the appeal should be dismissed.

*Darren Hendley*

INSPECTOR

---

<sup>1</sup> Council ref: 19/02839/FUL

This page is intentionally left blank



---

## Costs Decision

Site visit made on 18 May 2020

**by Darren Hendley BA(Hons) MA MRTPI**

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

**Decision date: 26<sup>th</sup> May 2020**

---

### **Costs application in relation to Appeal Ref: APP/F4410/W/20/3245250 43 Auckland Road, Wheatley, Doncaster DN2 4AF**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mrs Alicia Beardsall for a partial award of costs against Doncaster Metropolitan Borough Council.
  - The appeal was against the refusal of planning permission for the change of use from a single dwelling to five flats.
- 

### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant's costs claim is made on the grounds that the Council has acted unreasonably in relation to reasons for refusal 2 and 3 on the decision notice. The claim does not include matters relating to reason for refusal 1. As a consequence, I have considered the claim on a partial basis.
4. Reason for refusal 2 concerns the effect of the proposal on the living conditions of the occupiers of neighbouring properties, including anti-social behaviour and security, amongst other matters. The applicant points to a lack of evidence, citing that South Yorkshire Police (SYP) were consulted but did not raise any objections.
5. SYP, in their representation to the planning application, made a number of comments. These included that vehicle parking to the rear of the premises should be avoided at all costs and that parking areas not under surveillance from the owner or passers-by are at risk of attack. The Council has referred in its appeal statement to security issues concerning parking to the rear, associated with SYP's comments. Accordingly, the Council's position is not without evidence and so it is not unreasonable in this regard.
6. Reason for refusal 3 centres on parking provision. The applicant states that too much weight has been given to the parking standards of an advisory document, planning policy is absent from the reason and that the Council's Highways Officer did not raise highway safety concerns.

7. The Council's case on these grounds is based on the standards that are set out in the Development Guidance and Requirement: Supplementary Planning Document (2015) (SPD). The National Planning Policy Framework (the Framework) confirms that such documents are capable of being a material consideration. The weight to be given to such a consideration is, therefore, a matter of judgement. The Council can point to that the proposed parking provision would be less than the standards in the SPD.
8. The Framework also sets out that supplementary planning documents add further detail to the policies in the development plan. The reason for refusal does not contain the development plan policy, or policies, which the SPD relates to. This omission constitutes unreasonable behaviour. The same applies by way of the Council's assertion that the proposal could cause parking pressures to arise elsewhere, due to a lack of substantive evidence. However, for a costs order to be awarded unnecessary or wasted expense in the appeal process also needs to have been demonstrated. The applicant would still have incurred these costs in the preparation of parking evidence because of the need to address the SPD parking standards.
9. As regards the representation of the Highways Officer that I have been made aware of, this predates the Planning Committee where the Council made its decision by some time. The representation refers to 1.5 spaces per unit as the basis of not objecting, which is not what is shown on the plans for my consideration. The Members of the Committee were, therefore, entitled to take a different view. Hence, this does not amount to unreasonable behaviour.

### **Conclusion**

10. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is not, therefore, justified.

*Darren Hendley*

INSPECTOR