



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 via Microsoft Teams

Date: Tuesday, 5th January, 2021

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 telephone numbers 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 meeting, you accept that you may be filmed and the images used for the purpose set out above.

Damian Allen
Chief Executive

Issued on: Friday, 18th December, 2020

Governance Services Officer for this meeting

David M Taylor
(01302) 736712

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

Item	PageNo.
1. Apologies for Absence	
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
3. Declarations of Interest, if any.	
A. Reports where the Public and Press may not be excluded.	
<u>For Decision</u>	
4. Schedule of Applications	1 - 154
<u>For Information</u>	
5. Appeal Decisions.	55 - 168

Members of the Planning Committee

Chair – Councillor Susan Durant

Vice-Chair – Councillor Sue McGuinness

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

DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 5th January 2021

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.	19/01500/OUT	Thorne And Moorends	Thorne Town Council
2. M	20/00930/REMM	Hatfield	Hatfield Parish Council
3.	20/02137/FUL	Tickhill And Wadworth	Loversall Parish Council
4.	20/02145/FUL	Bessacarr	
5.	20/02761/FUL	Rossington And Bawtry	Bawtry Town Council

Application	1.
--------------------	----

Application Number:	19/01500/OUT
----------------------------	--------------

Application Type:	Outline Planning
--------------------------	------------------

Proposal Description:	Outline application for mixed use development to include B1 (Business), D1 (Non -residential institutions), D2 (Assembly and leisure) uses in addition to A3 use (Food and drink) ancillary to the office unit (Approval being sought for access)
------------------------------	---

At:	Land at South End, Thorne, Doncaster, DN8 5QP
------------	---

For:	Mr James and Albert Clarke
-------------	----------------------------

Third Party Reps:	22 objections	Parish:	Thorne Town Council
		Ward:	Thorne And Moorends

Author of Report:	Mary Fleet
--------------------------	------------

SUMMARY

The proposal seeks outline permission for a mixed use development to include B1 (Business), D1 (non-residential institutions), D2 (assembly and leisure) uses in addition to A3 use (food and drink) ancillary to the office unit (Approval being sought for access) with matters of appearance, landscaping, scale and layout being reserved.

B2 use was initially included in the description but this has now been removed.

The proposal is considered to be acceptable in policy terms being sited on land designated in the Doncaster UDP as for mixed use development. This site is one of three sites (under the heading RP7) which are linked by the canal and designated as being for a range of uses: the site at South End being allocated as for housing, boatyard works, marina, public open space, leisure, small scale commercial uses and light industrial workshops (B1).

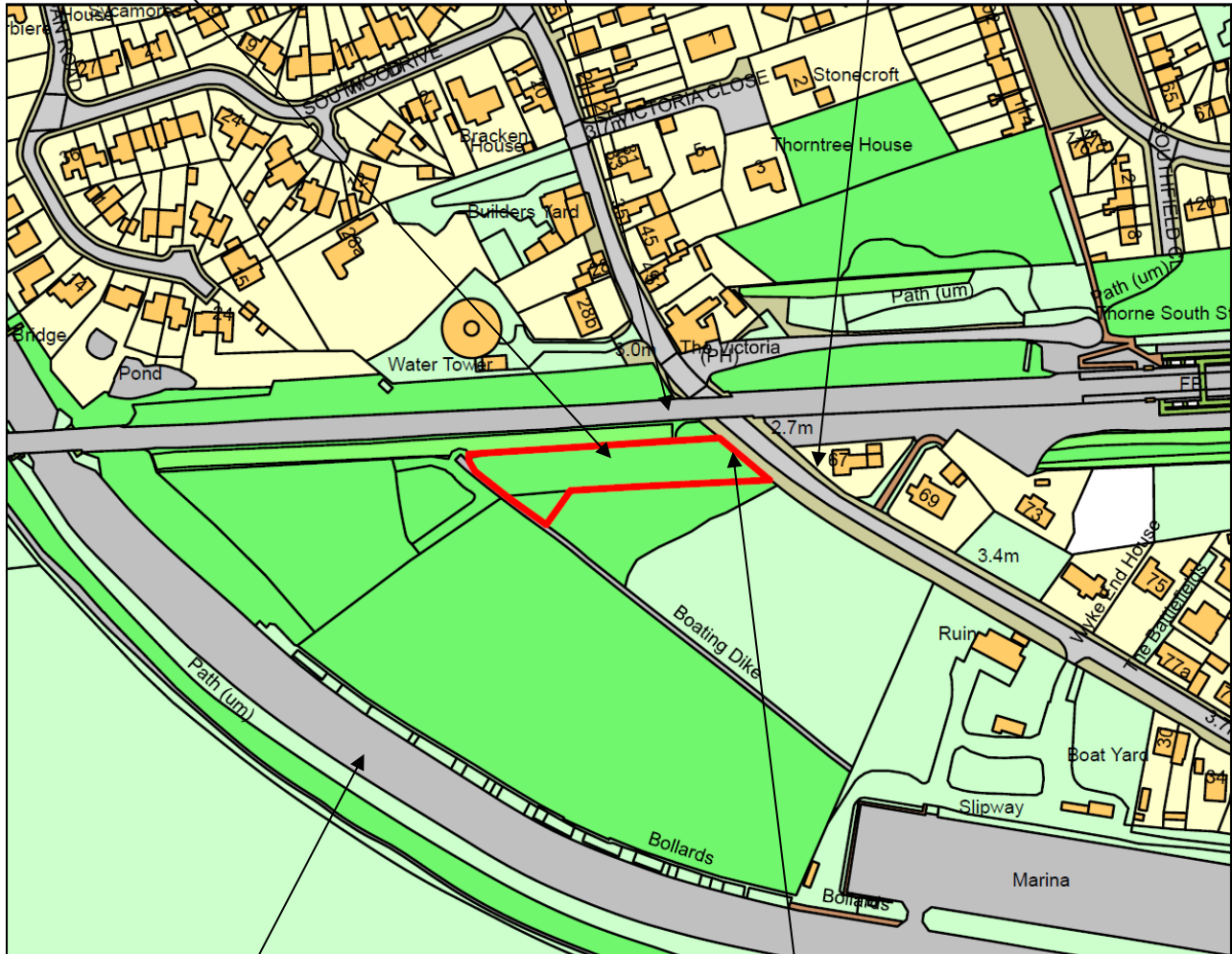
The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to neighbouring properties, the highway network, rail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

RECOMMENDATION: GRANT planning permission subject to conditions.

Application site

Hull and Doncaster
Branch Line

South End



Canal

Approximate
position of
proposed access

1.0 Reason for Report

- 1.1 The application is being presented to Members having generated significant public interest.
- 1.2 This proposal has been previously presented to Planning Committee on the 13th October 2020 and was deferred for a site visit as well as a further traffic survey. The site visit has been undertaken on the 6th November and the new traffic survey details received and reviewed. Please have regard to paragraph 8.30 for further information regarding these additional details.

2.0 Proposal and Background

- 2.1 This application is for outline mixed use development to include B1 (Business), D1 (Non -residential institutions), D2 (Assembly and leisure) uses in addition to A3 use (Food and drink) ancillary to the office unit. Approval is being sought for access only. (B2 use was included in the original application but this has now been removed)
- 2.2 The site is allocated within the Unitary Development Plan as subject to policy RP7 which sets out that a number of uses are acceptable in this location in particular small scale commercial uses and small scale light industrial uses.

3.0 Site Description

- 3.1 The site lies to the south of the existing settlement of Thorne bound on its northern boundary by the North Eastern Railway's Hull and Doncaster Branch line and to the south and west by the Sheffield and South Yorkshire Navigation and to the east by the road way – South End. Residential properties front onto South End. To the south east however is Blue Water Marina; a commercial enterprise specialising in the sale of narrow boats, it provides a mooring for others and in addition to this some of the moorings are primary residences.
- 3.2 The site is generally flat with gentle undulations with a mixture of scrub and vegetation within the site boundary. The site in recent months appears to have been cleared the most notable greenery now flanks the site. At the time of visiting the site in the first instance it was apparent that Network Rail were undertaking works along the railway embankment.
- 3.3 Thorne South railway station lies immediately to the north east of the application site and immediately to the north the water tower is a dominant landscape feature.
- 3.4 The housing development along South End is varied: some built development fronts almost immediately on to the road, other properties are set further back. Boundary treatments are varied also tending to consist of a mixture of mixed hedgerow and low level boundary walls.

4.0 Relevant Planning History

- 4.1 There is no recent relevant planning history. Historically applications had been granted for a single dwelling (under application 92/3668/P) and later under reference 94/2648/P granted consent for 2 dwellings. Neither scheme was ever implemented and now under the UPD would be considered contrary to the aspirations set out on policy RP7.

5.0 Site Allocation

5.1 The site is located within an area designated as for mixed use development RP7 by the Doncaster Unitary Development Plan. The site is also in flood zone 3.

5.2 National Planning Policy Framework (NPPF 2019)

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

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

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

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

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

5.7 Paragraph 80 states: 'Planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'

5.8 Paragraph 83 states that 'Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data driven, creative or high technology industries....'

5.9 Paragraph 87 states that 'when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

5.10 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.

- 5.11 Paragraph 111 states that ‘all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed’
- 5.12 Paragraph 117 states that ‘planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions’
- 5.13 Paragraph 118 states that planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.
- 5.14 Paragraph 158 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 5.15 Paragraph 160 states that the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.16 Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- d) minimising impacts on and providing net gains for bio-diversity, including by establishing coherent ecological networks that are more resilient to current and future pressures
- 5.17 Paragraph 180 states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to the impacts that could arise from the development. In doing so they should:
- a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

5.18 Core Strategy 2011 - 2028

5.19 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.

5.20 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:

5.21 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.

5.22 Policy CS2 of the Core Strategy sets out the Councils growth and regeneration strategy which includes the settlement hierarchy. It identifies Thorne as a principal town and identifies within Table 2 the broad locations for employment citing Thorne as one of the principal towns where growth in the retail, leisure and catering sector should where possible be encouraged.

5.23 Policy CS4 of the Core Strategy sets out the Authorities approach to dealing with Flood Risk in line with National Policy. Criterion A, B and C of Policy CS4 are applicable which looks to steer development away from the highest areas of flood risk, ensure that developments will be safe for the lifetime of the development and apply the Sequential Test and Exceptions tests where appropriate.

5.24 Policy CS5 of the Core Strategy states that local employment sites will generally be retained for employment purposes with alternative uses being supported where the use is appropriate in terms of scale, design and location, will not adversely affect the efficient operation of the adjacent employment land or uses and meets one of the following criteria:

1. It supports the employment uses located on the employment allocation.
2. It is a specialist use which is appropriate to an employment site and cannot be located elsewhere; or
3. Has a mix of commercial and/or community uses that provides clear additional benefits.

5.25 Policy CS14 of the Core Strategy requires development to have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. The policy goes on to state the developments must be robustly designed, work functionally, (be) attractive and make a positive contribution to a successful place:
3) Quality, stability, safety and security of private property, public areas and the highway.

5.26 Policy CS16 of the Core Strategy seeks to protect and enhance Doncaster's natural environment.

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

A) Proposals will be supported which enhance the borough's Ecological Networks;

D) Proposals will be supported which enhance the borough's landscape and trees by:

1. being appropriate to the landscape's character, sensitivity and capacity;
2. including measures to mitigate any negative impacts on the landscape;
3. ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness; and;
4. retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

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

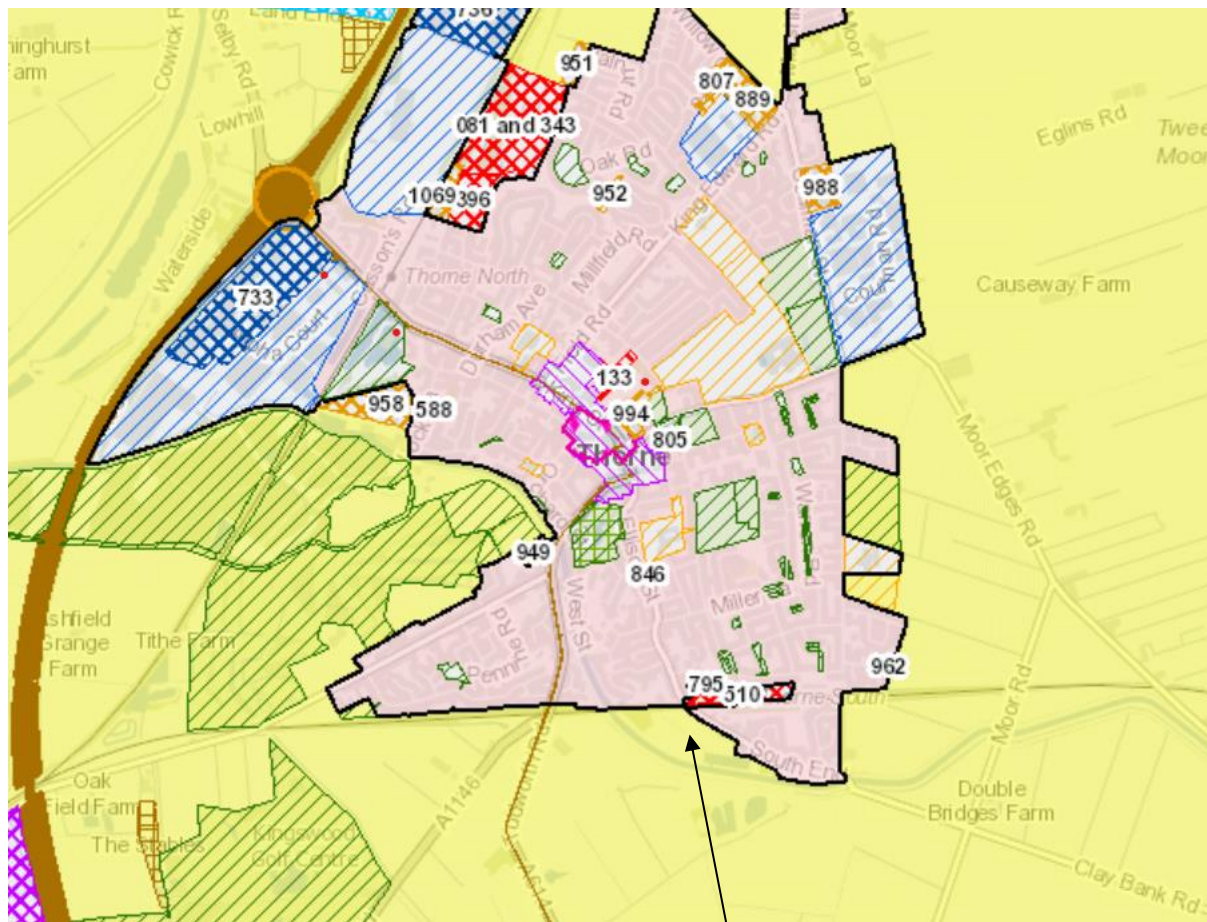
5.28 Policy RP 7 of the UDP is the policy governing what is considered to be acceptable development on this allocated site. This policy covers the use of three sites linked by the canal in Thorne. The policy states in point c) that South End Marina and land to the south of South End will be developed for housing, boatyard works, marina, public open space, leisure, small scale commercial uses and light industrial workshops (B1) uses.

5.26 Local Plan

5.27 Paragraph 48 of the NPPF states that the local planning authority 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). Taking into account the remaining stages of the local plan process, it is considered that the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

5.28 The Council sent out the notice of examination (regulation 24 stage) in August 2020 and the Local Plan is currently in examination, aiming to adopt as soon as practicable once the Inspectors report is published. The following policies are considered appropriate in assessing this proposal, and consideration has been given to the level of outstanding objections resulting in appropriate weight attributed to each policy. The emerging Local Plan identifies the site as being on land designated as countryside – this is a change to the allocation under the UDP.



Application Site

- 5.29 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is considered to carry limited weight at this time.
- 5.30 Policy 2 identifies Thorne and Moorends as a main town, which will be a focus for new development. This policy is considered to carry limited weight at this time.
- 5.31 Policy 26 considers development in the countryside and states in part 4 that proposals for non-residential development will be supported provided that:
- A) The rural location of the enterprise is justifiable to support a prosperous rural economy in accordance with national policy in the NPPF;
 - B) The location of the enterprise would not have a significant adverse effect on neighbouring use or on highway safety;
 - C) The development is of a size (including floorspace) and scale commensurate with an existing use, or that reasonably required for a new use, and with the rural character of the location; and
 - D) The scale and design of the proposal would not have a significant adverse impact on the landscape.

This policy is considered to carry limited weight at this time.

- 5.32 Policy 31 deals with the need to value biodiversity. This policy is considered to carry limited weight at this time.

- 5.33 Policy 33 states that the design process should consider woodlands, trees and hedgerows. This policy is considered to carry substantial weight at this time.
- 5.34 Policy 43 deals with the need for good urban design. This policy is considered to carry moderate weight at this time.
- 5.35 Policy 55 requires the need to take into account air and noise pollution. This policy is considered to carry limited weight at this time.
- 5.36 Policy 56 deals with the need to mitigate any contamination on site. This policy is considered to carry limited weight at this time.
- 5.37 Policy 57 requires the need for satisfactory drainage including the use of SuDS. This policy is considered to carry moderate weight at this time.
- 5.38 Policy 58 deals with the need to consider flooding. This policy is considered to carry limited weight at this time.
- 5.40 Policy 61 requires the need to protect the best and most versatile agricultural land. This policy is considered to carry limited weight at this time.
- 5.41 Policy 66 deals with developer contributions. This policy is considered to carry moderate weight at this time.
- 5.43 Thorne & Moorends Neighbourhood Plan (NP).
- 5.44 A neighbourhood plan for Thorne and Moorends is currently in preparation. Pre-submission consultation and publicity has taken place and is currently at what is known as Regulation 14 stage. Consequently it is considered that the weight to be afforded to the Thorne and Moorends NP is moderate.
- 5.45 The application site is not allocated within the Neighbourhood Plan and in addition to this the plan is silent, with the exception of Thorne Moor visitor centre, in respect of the countryside surrounding the built up area.
- 5.48 Policy DDH3 however is relevant setting out the need for good design, for development to respect residential amenity and for employment proposals to be suitably landscaped and architecture chosen at a human scale to help integrate the development into its setting.
- 5.49 Policy T3 relates to increased parking at Thorne South station. The proposals map identifies an area around Thorne South station that is safeguarded for the provision of additional car parking to serve the train station. Development within the safeguarded area will be supported here public car parking forms part of the proposal.
- 5.50 On all other respects it is relevant to defer to the UDP and the Core Strategy as the development plan documents.
- 5.51 Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- Development and Flood Risk (SPD) (2010)

- National Planning Policy Guidance
- Air Quality Technical Planning Guidance

6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification.

6.2 The application was initially submitted on 19.6.2019 and advertised via neighbour notification on 4.7.2019 and via site notice on 12.7.2019. Additional notices were also posted on 9.8.2019 following complaints from local residents that the application had not be publicised sufficiently. Following this publicity, a total of 22 local residents sent in letters of objection. A summary of the material planning issues raised is set out below:

- Outline nature of the plans
- Development not respectful of the sites ecology – the site was cleared removing trees/vegetation and shrubs
- Lack of clarification regarding flooding issues – the proposed development will make flooding issues worse. Historically the land has been flooded – new development of the site will be problematic.
- Detrimental to character/landscape beauty of the area. The area attracts hobby uses – horse riding, walking, cycling – the development will interrupt this and the interaction with nature. Granting this development will encourage further development to the south of Thorne.
- Development not in keeping with the residential area; if developed at all it should be for dwellings. Concerns were expressed regarding noise/pollution from the proposed use.
- Minimal impact on jobs – other sites are new/vacant and these could be utilised – lack of need
- Highway safety issues relating to visibility given existing issues for traffic exiting the railway station this development will add to this. The road is narrow with parking on it, raising concerns regarding increased traffic on what is already a busy road. Concerns also raised in respect of larger vehicles visiting the site /using the local roads larger bringing increased noise, the height restriction on the bridge has also been raised as is the weight limit on the canal bridge to the south meaning that it is only possible for larger vehicles to access the site from the town centre. It is considered that the existing 20mph speed limit indicates that the road is not capable of accommodating further traffic, there is no footpath and it is considered unsafe for residents especially children walking to school.
- The land isn't designated as being for business use in the Local Plan (principle)

Non material issues raised included the following:

- Worries in respect of impact of the construction period both generally speaking and in terms of the railway embankment
- Property values
- Obstructing the view ...blight to the view of the canal and the boats – from the point of view of residents and users of the canal

Non-material issues are not planning considerations and are therefore outside of the scope of this report.

7.0 Relevant Consultations

7.1 DMBC Local Plans (flooding) – have provided advice with regards to the scope of the sequential test and the need for the exception test in respect of the D1 element of the application given this use is classed as ‘more vulnerable’

7.2 DMBC Local Plans (employment) – have raised no objections in principle – identifying the site as a small scale mixed use regeneration project (RP7: Canal Side, Thorne). A number of use classes are appropriate in this location in particular small scale commercial uses and small scale light industrial uses.

7.3 DMBC Ecology – initially objected given the clearance of the site and the lack of information submitted in the preliminary appraisal. Further information has been submitted including a bio-diversity net gain calculation which would need to be delivered at reserved matters stage following the submission of a BNG DEFRA metric calculation. On this basis the ecology objection has been removed.

7.4 DMBC Trees – Given that the site has been cleared the main interest lies in the site boundary. It has been clarified that the vegetation flanking the site can be pruned, and maintained to achieve the visibility splay.

7.5 Network Rail – have raised no objections to the principle of the development subject to a number of conditions and informatives

7.6 Canal and Rivers Trust – have responded to say they don't wish to be consulted

7.7 Yorkshire Water – no objections subject to conditions relating to foul and surface water drainage

7.8 Environment Agency – removed their objection following the submission of the flood risk assessment compiled by EWE Associates Ltd (ref: 2019/2426 Rev C) the development is to be carried out in accordance with this assessment and it is stated that an emergency evacuation plan should be agreed upon with the LPA.

7.9 Doncaster East Drainage Board – raised an objection relating to the proximity of the development to the board's maintained watercourse. Given however that this is an outline applications, agreeing only access then the specifics of this can be agreed at reserved matters stage. In this instance the board require a minimum of 9m clearance between the water course bank top and the edge of any new building/structure including walls, fences, hedges, trees etc. The boards consent is required for any development within 9m of the top edge of any Board maintained watercourse/culvert

- 7.10 DMBC Drainage** – have requested that full drainage details be agreed pre-commencement
- 7.11 DMBC Environmental Health** – has raised no objections however they have stated that upon the submission of the reserved matters application a noise impact assessment should be submitted mainly to establish the existing background noise levels. They have stated also that at that point it may be necessary to attach conditions/agree details of other matters relating to kitchen extraction equipment or opening hours, for example.
- 7.12 DMBC Pollution Control** – have asked for conditions to be applied to this consent to protect future user of the site from potential land contamination.
- 7.13 DMBC Air Quality** – have raised no objections given the location and scale of the development. None of the uses are proposed on such a scale that would necessitate further assessment based on the criteria set out in the Air Quality Technical Planning Guidance.
- 7.14 DMBC Highways** – having reviewed the requested details relating to the visibility splays and the tracking movements highways have no objections
- 7.15 DMBC Transportation** – have raised no objections following receipt of the transportation statement which clarifies that the anticipated number of vehicle movements will be at an acceptable level, footways have been included as well as dropped kerbs and tactile paving. They welcome the cycle parking and the transportation assessment includes details of the EV charging point hence removing the need for a condition relating to this.
- 7.16 National Grid** – have responded to say that it is the applicant’s responsibility to contact them prior to the commencement of any works on site in order to determine whether any apparatus is likely to be affected by the works. An informative note is to be included in this regard.
- 7.17 DMBC Area Manager** – no response

7.18 Parish Council - no response

8.0 Assessment

8.1 The proposal seeks outline permission mixed use development to include B1 (Business), D1 (Non -residential institutions), D2 (Assembly and leisure) uses in addition to A3 use (Food and drink) ancillary to the office unit. Approval here is being sought for access. In considering the proposal the main material planning considerations are outlined below:

- The acceptability of the mixed use development
- The impact on neighbouring residential properties
- The impact on the ecology of the site
- The impact on the existing trees
- The impact on the character of the area
- Flooding and Drainage issues
- Whether there is an impact on the nearby rail network
- The impact on the highway network and highways standards
- Pollution matters

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

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little
- No

Appropriateness of the proposal

8.3 Paragraph 80 of the NPPF places significant weight on the need to support economic growth and productivity taking into account both local business needs as well as wider opportunities for development. Saved Policy RP 7 of the UDP establishes what is considered to be an acceptable form of development on this allocated site. The policy states in point c) that South End Marina and land to the south of South End will be developed for housing, boatyard works, marina, public open space, leisure, small scale commercial uses and light industrial workshops (B1) uses. Whilst the Unitary Development Plan was adopted in 1998 the allocation maps form part of the development plan and as such is a material planning consideration carrying substantial weight.

8.4 Consideration should also be given to the Thorne and Moorends Neighbourhood Plan. Paragraph 29 of the NPPF states that Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. The plan is currently at what is known as Regulation 14 stage following pre-submission consultation and publicity and therefore the weight that is to be afforded to the plan is moderate.

8.5 The application site is not allocated within the Neighbourhood Plan and in addition to this the plan is silent, with the exception of Thorne Moor visitor centre, in respect of the countryside surrounding the built up area.

8.6 Policy DDH3 stresses the need for employment proposals to be suitably landscaped and architecture chosen at a human scale to help integrate the development into its setting. In addition to this policy T3 seeks to encourage more car parking at Thorne South railway station. Other than this the plan is silent in terms of policies relevant to this application therefore it is relevant to defer to the UDP and the Core Strategy as the development plan documents.

8.7 Further to this having identified policy RP 7 of the UDP as being of relevance in determining this application policies CS 1 and CS 2 of the Core Strategy seek to secure and improve economic prosperity and support growth and regeneration.

8.8 It is further noted that the emerging Local Plan alters the designation of this site to countryside without the mixed use allocation. However the Local Plan has yet to be adopted as the statutory development plan so this change in allocation carries

limited weight. There has been an objection received from a member of the public noting this anomaly stating that the granting of the development will encourage further development to the south of Thorne. This would be policy compliant only on the land designated as RP 7 for the time that the UDP forms part of the statutory development plan. Thereafter following the adoption of the Local Plan the land will revert to a countryside designation and development will be restricted accordingly. At the current time the policies within the UDP hold greater weight.

8.9 In respect of the objection received relating to the outline nature of the plans, it is important to state that the application seeks outline planning permission with permission sought in relation to the principal of permission and access. Details in relation to landscaping, appearance, scale and layout will form reserved matters applications which will be considered at a later date should permission be granted.

8.10 Sustainability

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

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

SOCIAL SUSTAINABILITY

8.13 Impact on Residential Amenity

8.14 The properties most likely to be affected by the development are those located on South End (east of the site), and to a lesser extent those residents on boats moored on the canal and at Blue Water Marina. Whilst indicative, the amended plans have been carefully designed so as to minimise the impact of the development on existing neighbouring properties. The built form is set back into the site by more than 36m (in respect of South End), greater than 17m (in respect of the canal at the closest point) and over 100m (in respect of the marina) thus the proposal does not raise concerns in terms of dominance.

8.15 Whilst it is acknowledged that the view from many of the properties on South End and from the canal will change, there is no right to a view. Moreover the plans are at this point indicative with the specifics of the layout, scale and design of the development to be agreed at reserved matters stage. This is not a matter being considered as part of the current application.

8.16 Though the specifics of scale and design are to be agreed at reserved matters stage it is considered that there is scope within the site to locate the proposed buildings and the parking and for the layout to be workable in such a way that does not adversely affect neighbouring properties in terms of over dominance or loss of privacy. The built form can also easily be located where there will be no issue in respect of overshadowing. This weighs positively in favour of the application carrying moderate weight.

8.17 The impact of the proposed use on residential amenity in terms of noise is also relevant, the concerns of local residents noted, and in this respect environmental health have been consulted. Their response has acknowledged the already raised noise levels due to the proximity of the railway line. Given this existing situation it is considered unlikely that the proposed use is going to have a detrimental impact. They recommend however that noise conditions should be applied to any fixed plant to prevent any noise over and above the existing background level. On submission of a reserved matters application a noise assessment will therefore be required and the findings of this will be used to guide the specifics of the development as well as informing further conditions relating to air conditioning, air extraction units, opening hours and so on to ensure the development is not detrimental to those resident in the locality in terms of noise.

Conclusion on Social Impacts.

8.18 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affect by the proposal in accordance with policy CS14. The proposal has been able to adequately demonstrate that this mixed use development can be achieved on the site without adversely affecting the residential amenity of neighbouring properties through overlooking, over dominance or loss of privacy though the specifics of the layout, scale and design have yet to be agreed.

8.19 In order to ensure there is no significant noise impact is generated by the proposed use a noise impact assessment will be required to guide the specifics of the development.

8.20 It is also anticipated that the proposal would lead to some noise and disturbance being generated whilst construction is taking place, however this is considered to be short term when considered against the lifetime of the development. Notwithstanding this, planning conditions have sought to mitigate this harm as far as possible by the submission of a Construction Impact Management Plan and Construction Method Statement and as such this is considered to carry limited weight against the proposal.

ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

8.21 Policies CS1 and CS14 of the Core Strategy requires that all proposals in Doncaster must be of high quality design that respects the character of the area in regard to a number of principles of good design. Whilst the site plan submitted is for indicative purposes it is considered that that the proposed development makes reasonable use of the site: in its current iteration the land does not appear to be overdeveloped, the built form is set back from the road, landscaping is proposed and there remains an element of openness to the site which is positive.

8.22 The applicant has provided amended plans to clarify that the layout, scale and design thoughts are at this time indicative with the matter of principle and access being for consideration here.

8.23 Whilst the value of the land and the contribution it makes to character is of value and to be considered as part of the planning process the site itself is not a space open for the benefit of the publics enjoyment/recreation. Therefore much as an

objection has been made and the fact that the area is used for hobby use – horse riding, cycling and so on these activities are taking place around the site and will not be precluded from continuing should the site go on to be developed out.

- 8.24 Should planning permission be granted the appearance of the area would undoubtedly change however it is considered that there is scope within the proposal to ensure that this is not done to the detriment of the area or without suitable mitigation in the form of landscaping (for which a condition is to be included) and an assessment of the proposed layout at reserved matters stage.

Highways

- 8.25 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway or the residual cumulative impacts would be severe. Paragraph 111 goes on to stipulate the requirement for all developments which have to potential to generate significant amounts of movement to be supported by a transport statement /assessment into the potential impacts of the development.
- 8.26 This application seeks outline consent in principle and also for the access. It is relevant to give consideration to both the suitability/ workability of the access as well as to the potential impact of this use locating here in order to determine as to whether this proposal is acceptable.
- 8.27 The proposal has raised a number of objections from local residents and in progressing this application it is considered that the following analysis gives clarity on these issues as well as detailing how it is considered that the access will work and what the details of the transportation statement have clarified in terms of the potential impact of this proposal on the surrounding area.
- 8.28 The highways department have requested that the applicant provide further, more detailed plans relating to the access (in terms of visibility and manoeuvring) and to clarify in respect of the feasibility of movements within the site.
- 8.20 One of the concerns raised by local residents related to visibility given the proximity of the proposed access to the railway bridge. This was a detail the highway department also sought to clarify and accordingly a preliminary access design and a more detailed drawing detailing the visibility splay have been provided (plan LTP/3896/C1/01.01B) These plans confirm that to the right a visibility splay of 2.4m x 48m is achievable, based on a speed limit of 30mph, to the left a splay of 2.4m x 40m subject to some minor clearance of vegetation. This is considered to be acceptable from a highways perspective and also in accordance with the Manual for Streets guidance.
- 8.21 In addition to demonstrating the required visibility splays both the preliminary access design plan and the more detailed visibility splay drawing demonstrate that footpaths, tactile paving and dropped kerbs are to be provided which have been approved by both the highways and transportation team. These both ensure the safety of pedestrians and enable the development to be easily and safely accessed on foot which is welcomed in terms of sustainable travel.
- 8.22 In respect of the comments made relating to the access to Thorne South railway station this is noted but not a matter for consideration here. If, as is suggested may be the case by policy T3 of the Thorne and Moorends Neighbourhood Plan, a

proposal comes forward which as well as other benefits would see an increase in the parking at the station, then any application would be subject to the same analysis and an assessment made in relation to the safety of the access at that time. Concerns raised by local residents would also be considered at that time.

- 8.23 The applicant has provided also a swept path analysis plans showing for illustration purposes a refuse wagon turning into and out of the site (plan LTP/3896/T1/01.01 B) in order to demonstrate that the proposed access is feasible for the largest vehicle likely to need to access the site. Likewise a further tracked plan (LTP/3896/T1/02.01B) has been provided showing the ability of the refuse wagon to manoeuvre within the site. Both of these are considered to be workable and have been approved by the highways department illustrating that as well as the access being safe in terms of visibility it is also fit for purpose and able to accommodate larger vehicles without compromising other road users or the schematics of the site.
- 8.24 In addition to considering the access it is also necessary to look at the potential wider impact of the proposal and the capacity of the existing road network to withstand the increase in traffic associated with this development. In support of this proposal the applicant has commissioned a Transportation Statement (December 2019) which has been reviewed by both the highways and transportation teams. Of particular interest given the concerns raised by local residents was both the collision records, the road safety impact and the proposed traffic generation.
- 8.25 The report identified that over an extended 5 year period (01.01.2013 – 30.06.2018) there had been a total of 3 collisions within the study area, resulting in 6 casualties. Figure 6 of the transportation statement shows the location of these collisions and it is notable that none of these occurred in the vicinity of the proposed site access. Figure 4.2.1 goes on to conclude that an analysis of the study collisions has not revealed any identifiable existing collision issues associated with the expected movements of the proposed development and it is further considered that provided the site access junction and the internal roads are designed with due consideration to road safety then it is not thought that the proposal will be detrimental to road safety, impact negatively on the local highways network or adversely affect the safety of pedestrians and cyclists. Therefore, although concerns have been raised in relation to highway safety it is not considered that the details relating to accidents and road safety in the transportation assessment substantiates these concerns.
- 8.26 In terms of proposed traffic generation section 5 of the transport statement looks at this in more detail looking at comparable sites, and with the assistance of computer modelling has produced figures to show the projected trip generation projections for this site. The proposed development could generate up to 29 two-way vehicle trips during the AM peak hour (08:00 – 09:00), with 25 during the PM peak hour (17:00-18:00) and 218 across a day (07:00- 19:00). These figures are based on the worst case scenario meaning that the entire floor area is occupied by B1 uses, furthermore it is assumed that each unit will be let to separate businesses though this is not expected to be the case given that the 3 proposed lock up units are expected to provide storage facilities thus the traffic generation will in reality be lower. National Department for Transport Guidance, which hitherto was not applied rigidly, stated that the impact of a development could be based on a threshold of 30 two-way peak hour vehicle trips, has now been superseded deferring instead to the NPPF and Planning Practice Guidance to provide a steer. In line with the NPPF the transportation statement has been provided and although this sets no specific threshold the fact that the proposal is in accordance with the former guidance from the Department of Transport is reassuring. It is considered that the impact of a

development at this site is not expected to be severe and therefore the proposal is regarded as being in accordance with paragraph 109 of the NPPF.

- 8.27 Given the modelling that has been undertaken relating to proposed traffic generation, the potential impact of the proposal is not considered to be of sufficiently significant to warrant either a contribution towards necessary highways improvements or a recommendation that the application be refused. The weight limit on the bridge to the south of the site is noted but the access from the north via the town centre considered capable of accommodating the projected level of traffic.
- 8.28 The issue of noise has been raised in relation to additional traffic movements however this has been addressed when the issue of noise has been discussed more generally above.
- 8.29 The transportation assessment therefore clarifies that the required visibility splays can be achieved. Further to this details have been provided within this assessment that clarify that the application suitably mindful of road safety as well as clarifying that the proposal will have limited impact on the highway network based on the modelling exercise that has been undertaken. These details weigh considerably in favour of the application and it is considered that the above assessment answers local residents concerns relating to the highways situation.
- 8.30 At the planning meeting held on the 13th October 2020, committee members voted to defer the application for a site visit to look in more detail at the issue of visibility /highway safety more generally before arriving at a decision. In addition to this it was considered by members that a further traffic survey should be provided to better inform their decision making. This survey has now been undertaken and reviewed by both Highways Development Control and the Safer Roads Team. The findings of the survey, as anticipated, showed slightly higher speeds than recorded previously given that the study was undertaken during lockdown where traffic volumes are reduced. This has required an alteration to the required visibility splay,- the details of which have been submitted and approved by Highways Development Control who have confirmed that the required splay can safely be achieved. Once traffic volumes return to more normal levels it is anticipated that speeds will then reduce however the access will benefit from the altered visibility splay. Should the application be approved therefore then the visibility splay is to be constructed in accordance with the plan received on the 9th December, 2020 (drg LTP/3896/C1/01.01rev C), as detailed in condition 4 (see Appendix 4)

Ecology

- 8.31 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment d) minimising impacts on and providing net gains for bio-diversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Policy CS 16 of the Core Strategy echoes this sentiment.
- 8.32 There were objections raised initially relating to ecology both from members of the public and from Doncaster's ecologist planner: the site has been cleared prior to survey work being undertaken and the information submitted in the preliminary ecological appraisal was considered to be insufficient. Following the submission of further survey work as well as a biodiversity net gain calculation our ecologist has removed their objection to this application given that all protected species and habitat surveys have been carried out and a biodiversity net gain assessment has been

approved. It has been identified that there will be a loss of 0.6 biodiversity units on site and this would have to be increased to 0.66 units to deliver a 10% net gain.

- 8.33 Given that this is an outline application the biodiversity net gain requirement does not need to be delivered until a reserved matters application is submitted. At that point the applicant's will be required to submit a biodiversity net gain DEFRA metric calculation based upon the proposed footprint of the development and the actual on-site losses that will occur through that development. It has been calculated that as a guide, using our unit price calculator for 'neutral grassland' and the 0.66 units calculated above, an off-site contribution in the region of £6,438 would be required at reserved matters stage to offset the losses on the site. A condition requiring this calculation is to be attached to this outline permission.
- 8.34 As this undertaking has been reached with regards to the compensation for the loss of bio-diversity on this site on balance this is considered to be acceptable and the application in accordance with paragraph 170 of the NPPF as well as policy CS 16. It is considered that the proposal achieving a 10% net gain in relation to biodiversity weighs in favour of the application carries moderate weight.

Trees

- 8.35 Policy CS 16 in addition to seeking to retain and protect existing trees and hedgerows, seeks also to incorporate hard and soft landscaping as well as new tree, hedgerow and woodland planting into new developments.
- 8.36 Given that the site has been cleared the main interest lies in the site boundary. It has been clarified that the vegetation flanking the site can be pruned and maintained to achieve the visibility splay. The tree officer has been consulted and has approved the pruning and in addition has stated that a hedgerow of locally characteristic species with vertical elements (trees) should be used to help screen /soften the development. As this is an important factor in ensure the appearance of this development is acceptable and also important in terms of the benefits it has the potential to bring to the natural environment a condition is to be attached to this permission ensuring that at reserved matters stage such an agreement is arrived at.

Network Rail

- 8.37 Network Rail have raised no objections to the principle of the proposed development subject to being able to satisfy a number of conditions relating to drainage, boundary fencing, Armco barriers, lighting and landscaping. These conditions are required to protect the safety, operational needs and integrity of the railway.
- 8.38 The consultation response raises other points which are to be included in the decision notice as informative notes: these matters relate to fail safe use of crane and plant, excavations/earthworks, security of the mutual boundary, method statements, OPE, vibro impact machinery, scaffolding, bridge strikes, cranes, encroachment, and access to the railway.

Flooding and Drainage

- 8.39 The concerns of local residents relating to flooding are noted and the following points made by way of clarification. The application site lies within an area designated as Flood Risk Zone 3 benefiting from flood defences. The Environment Agency have been consulted as part of the application and originally objected to the application.

An updated Flood Risk Assessment (FRA) has been submitted and the Environment Agency confirmed in October 2019 that they were able to remove their objection subject to a suitably worded condition. It is also noted that a condition is required regarding an emergency evacuation plan given that the floor levels are not to be raised above the critical flood level of 4.1m AOD. Instead of this the proposed nursery will incorporate a first floor refuge above 4.1m AOD which is acceptable particularly given the relatively low existing site levels. It requires though nonetheless the agreement of a flood evacuation plan. It then turns to determine whether the proposal has adequately applied the Sequential Test and Exceptions Test.

- 8.40 The NPPF makes clear that residential developments within high flood risk zones should look to apply the Sequential Test (ST). Paragraph 158 sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 8.41 Table 3: Flood risk vulnerability and flood zone 'compatibility' sets out the circumstances where the Exceptions Test should be applied. The D1 (non-residential institutions) element is classed as more vulnerable and this in combination of the site being classified as Flood Risk Zone 3 triggers the need for an Exceptions Test.
- 8.42 At paragraph 160 of the NPPF it states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 8.43 In respect of the sequential test the search area was agreed as being elsewhere within the town of Thorne for suitable sites which are reasonably available and which are sequentially preferable. The sequential test submitted looked at sites identified by the Housing and Economic Land Availability Assessment (HELAA) 2015. The HELAA update 2017, within the Core Strategy (2012), the saved policies from the UDP as well as the Thorne and Moorends Neighbourhood Plan. Given that the site is located entirely in flood zone 3 to be sequentially preferable the site must be located in flood zone 1 or 2. The search returned results both from the HEELA, from the emerging Local Plan and another site (Thorne Coronation Club) was up for sale. All of these identified sites are located in flood zone 3 and therefore there is nothing that is sequentially preferable hence it is considered that the sequential test has been passed in respect of this application.
- 8.44 As the proposal contains D1 use which is classed as more vulnerable by national policy and its supporting guidance, then both parts of the exceptions test must also be met in line with NPPF para.160 and Policy CS4. Part 1 requires demonstration that the development provides wider sustainability benefits to the community that outweighs the residual risk.
- 8.45 The exceptions test response confirms the allocation of the site as a priority mixed use site within saved policy RP 7 of the UDP and a principal town for proposed growth

and regeneration within the Core Strategy. The provision of employment generating development on the site accords closely with the save policies of the UDP and with the Core Strategy. It is concluded therefore that the benefits arising from the delivery of a mixed use scheme in a highly sustainable location weighs positively in support of the scheme. Additionally the scheme will provided facilities which will be of benefit to the local community.

- 8.46 Part 2 of the Exceptions Test process requires that the development will be safe for its lifetime (given to be 100 years) taking into account the vulnerability of its users without increasing flood risk elsewhere and, where possible, reduce flood risk overall. Here attention is drawn to Section 5 of the EWE Flood Risk Assessment which sets out the proposed mitigation measures which include the raising of land and floor levels safe emergency access and egress and control of run off. The applicant also proposes to sign up to flood warnings to ensure that the occupiers of the site are made aware of any potential flood events. Given that the Environment Agency have removed their objection subject to the development being carried out in accordance with the measures outlined in the EWE Associates Ltd flood risk assessment (ref: 2019/2426 Rev C) it is considered that part 2 of the exceptions test has been passed.

Pollution issues

- 8.47 As part of the consultation process, Doncaster's Pollution Control Team and Air Quality teams have been consulted. Pollution Control have advised that the site could potentially be contaminated and that therefore any consent should be subject to conditions ensuring this is safeguarded against.
- 8.48 The Air Quality Team has been consulted and have raised no objections given the location and scale of the development. None of the uses are proposed on such as scale that would necessitate further assessment based on the criteria set out in the Air Quality Technical Planning Guidance.

Conclusion on Environmental Issues

- 8.49 Para. 8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.50 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition. As such, moderate weight can be attached to this in favour of the development through the achievement of biodiversity offsetting.
- 8.51 The proposal has demonstrated that the development would be safe for the lifetime of the development (as set out above) through the imposition of a planning condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment. In addition, sufficient information has been supplied to demonstrate that the application has passed the Sequential Test and that in this case the development would as a result of being allocated for mixed employment use, located within a sustainable location and through the imposition of conditions would provide wider sustainability benefits to the local community in

line with the Exceptions Test. This weighs positively in favour of the application carrying moderate weight.

- 8.52 It is acknowledged that the appearance of the land would invariably change in the event that planning permission is granted. The proposed development would occupy land previously undeveloped which will alter the character of the site. That said the layout, scale and design of the proposal have yet to be approved and as part of a subsequent application a scheme befitting to the local context can be arrived at within the scope of the conditions attached to this outline consent.. Consequently, the impact of the development on the appearance of the surrounding area is considered to weigh neutrally.
- 8.53 Additional noise issues associated with the development are considered to be short term negative impacts which can be mitigated through appropriate conditions. Given the relative short term nature of the potential construction noise and disturbance when viewed over the lifetime of the development, it is considered that this carries limited weight against the proposal.

ECONOMIC SUSTAINABILITY

- 8.54 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 which is restricted to a short period of time whilst the works are being undertaken. In addition to this the proposal is in the spirit of that which policy RP 7 set out to achieve and will bring jobs to the local economy which carries moderate weight.

Conclusion on Economy Issues

- 8.55 Para 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 8.56 Whilst the economic benefit of the proposal will not be huge the nature of the development is in accordance with UDP policy RP 7 proposing as it does to deliver a mixed use scheme on an allocated site in a sustainable location.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 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 is considered to be located within a sustainable location on a site allocated for mixed use development in the UDP which remains the statutory development plan at this time. The principle of the development is therefore acceptable and the fact that this is the case carries substantial weight given that the issues relating to ecology, flooding and highways can be overcome by the inclusion of conditions.
- 9.2 This application looks to establish the acceptability of the development in principle as well as the details of the access. The aspects of landscaping, scale, appearance and layout are not for consideration here. Should members resolve to grant permission then these aspects will need to be considered under separate reserved matters application(s).

- 9.3 Importantly as this application seeks to establish not only consent for the principle of the development but also the access the highways considerations relating to visibility, road safety and proposed trip generation have been appropriately assessed and the plans and transport assessment details agreed upon.
- 9.4 Likewise at reserved matters stage a biodiversity net gain calculation will be required to compensate for the calculated on site loss and similarly the flood risk assessment as well as the sequential and exceptions test information have provided reassurance of the safety and sustainability of this proposal. A flood evacuation plan will be conditioned to supplement this.
- 9.2 Though the site is not of a significant size once developed out the units will make a contribution to the local economy by bringing jobs into the town.
- 9.3 It is also acknowledged that there will be some short term disruption whilst the site is being developed out however this is considered to carry limited weight when balanced against the other merits of the scheme.

10.0 RECOMMENDATION

- 10.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW:

Conditions / Reasons

- 01. The development to which this permission relates must be begun not later than whichever is the later of the following dates:- i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates the final approval of the last such matter to be approved.
REASON
 Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.
- 02. In the case of the reserved matters, application for approval must be made not later than the expiration of three years beginning with the date of this permission
REASON
 Condition required to be imposed by Section 92(as amended) of the Town and Country Planning Act 1990.
- 03. Approval of the details of the appearance, landscaping, scale and layout (hereinafter referred to as reserved matters) shall be obtained from the Local Planning Authority before the commencement of any works.
REASON
 The application is in outline and no details having yet been furnished of the matters referred to in the outline they are reserved for subsequent approval by the Local Planning Authority.

04. 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 as follows:

Proposed plans dated 28.9.20 (indicative elevations and floor plans)
Swept path analysis dated 23.9.20 (refuse wagon accessing site)
Swept path analysis dated 23.9.20 (turning area within the site)
Visibility splay dated 9.12.20
Preliminary access design dated 23.9.20

REASON

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

05.

Following submission of a Reserved Matters application no development shall take place unless approved by the Council and a Biodiversity Net Gain Assessment has been submitted to and approved in writing by the Council. This shall result in an Approved Scheme ("the Approved Scheme"). The Approved Scheme shall be approved with the purpose of ensuring that the Development shall not result in a biodiversity loss in accordance with the National Planning Policy Framework. The Approved Scheme shall either Include: -

- an on-site scheme that clearly demonstrates a biodiversity net gain within the development site which will be maintained for 30 years from the date of implementation of the Scheme;
- the identity of an appropriate receptor site or sites;
- include a management plan for the provision and maintenance of such offsetting measures for not less than 30 years from the date of implementation of the Scheme;
- include the provision of contractual terms to secure the delivery of the offsetting measures. The development shall be carried out in accordance with the Approved Scheme.

or

provide for a fixed sum contribution to be paid to the Council based on Biodiversity Units lost and a requirement to deliver 10% of Biodiversity Net Gain. The Council shall use the biodiversity contribution to enhance and secure long term management of biodiversity within the vicinity of the Application Site.

REASON

To comply with the requirements of the NPPF

06

The site shall be developed with separate systems of drainage for foul and surface water on and off site

REASON:

In the interest of satisfactory and sustainable drainage

07

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been

completed in accordance with details submitted to and approved by the Local Planning Authority .

REASON:

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network

08 Surface water run -off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 50 spaces must pass through an oil , petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

REASON:

To prevent pollution of the aquatic environment and protect the public sewer network

09

The development shall be carried out in accordance with the submitted flood risk assessment compiled by EWE Associates Ltd (Ref: 2019/2426 Rev C) dated September 2019 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.53 metres above Ordnance Datum (AOD) as indicated in section 5 of the FRA.
- A first floor refuge above the critical flood level of 4.4mAOD to be constructed as stipulated in section 5 of the FRA.
- Flood resilient design measures to be incorporated in to the final design to a height of 4.4mAOD as indicated in section 5 of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON:

To reduce the risk of flooding to the proposed development and future occupants.

10

On submission of the reserved matters application the applicant shall provide and reach agreement with regards to a suitable flood evacuation plan to safeguard the D1 use from the potential risks posed by a flooding emergency. The plan shall be agreed with the LPA and adhered to for the life of the development.

REASON:

To ensure the increased risk of flooding is dealt with appropriately and users of the facility thus safeguarded.

11

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

system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

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

12

The development shall not commence until a report has been submitted to and approved in writing by the Local Planning Authority giving details of the existing background noise levels in the area and the predicted noise levels at the site boundary and boundary of the nearest noise sensitive premises arising from the proposed development. The information should cover night time as well as daytime periods and should be undertaken by a competent acoustic consultant using a recognised methodology such as BS 4142: 2014. The report shall detail a scheme of noise attenuation measures to be utilised in order to prevent noise being a problem if identified by the report. The approved noise attenuation measures shall be installed and operational prior to occupation of the development. A further survey shall be undertaken when the scheme has been completed to compare the actual noise levels against the predicted noise levels to ensure that there has been no loss of amenity at the nearest noise sensitive premises.

REASON:

To protect the amenities of nearby properties from the adverse effects of noise.

13

Prior to the commencement of the development hereby approved full details of a scheme of landscaping, including the enhancement of the boundary, shall be submitted to and approved in writing by the Local Planning Authority. Unless as shall be specifically approved by the Local Planning Authority, the landscape scheme shall include a plan indicating the planting location of all trees and shrubs; a schedule including the nursery stock specification for all shrubs and trees in compliance with British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs and planting density/numbers; a detailed specification for engineered tree pit construction that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements supplementary planning document and a load-bearing capacity equivalent to BS EN 124 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a maintenance specification and a timescale of implementation, which shall be within 3 months of completion of the development or alternative trigger to be agreed. Thereafter, the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified prior to backfilling any engineered tree pits to inspect and confirm compliance and within seven days of the completion of landscape works to inspect and approve practical completion in writing. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

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

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

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

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

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

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

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from

the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

REASON

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

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

REASON

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

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

REASON

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

- 17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities
- vi) measures to control noise and the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON:

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

18. Before any construction works are started on the application site, a Construction Impact Management Plan, indicating measures to be taken to mitigate the effects of the construction activity and associated vehicle movements upon the living conditions of neighbouring residents and highway safety shall be submitted to and approved by the Local Planning Authority. The mitigation measures shall include

provision for the following: the limitation of noise, the means of enclosure of the construction sites, and any proposed external security lighting installation; the control of dust emissions; the control of deposition of mud or debris on the highway, and the routing of contractors' vehicles. The mitigation measures so approved shall be carried out at all times during the construction of the development hereby approved.

REASON:

To safeguard the living conditions of neighbouring residents.

19. All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:
1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
 2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
 3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events. Attenuation ponds/SUDs features should not be located within 20 metres of the railway boundary where the site is below the level of the railway.
 4. There should be no connection to existing railway drainage without agreement with Network Rail prior to work commencing on site.

REASON:

To ensure the safety, operational needs and integrity of the railway

20. Prior to the commencement of development details of an Armco or similar barrier shall be submitted to and approved in writing by the Local Planning Authority. The details shall include indicating the positions where vehicles may drive into or roll onto the railway or damage the lineside fencing.

REASON

To ensure the safety, operational needs and integrity of the railway

21. Prior to the commencement of development details of a trespass proof fence shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type, height, location and specification of the fencing and once erected shall be maintained for the lifetime of the development.

REASON:

To ensure the safety, operational needs and integrity of the railway

22. Prior to the commencement of development, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location and colour and shall be design in such a way so as not to dazzle train drivers. The development shall be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the safety, operational needs and integrity of the railway

INFORMATIVES

01. INFORMATIVE
The developer shall consider incorporating all possible sustainability features into the design of the proposed development.

02. INFORMATIVE
The applicant is reminded of the need to contact Plant Protection prior to the commencement of any works on site to ensure no apparatus belonging to either National Grid or Cadent Gas is affected by the proposed works. Further details, including of how to make contact can be found in correspondence available to view on Doncaster Planning Applications online (letter dated 21.8.2019)

03. INFORMATIVE
All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

04. INFORMATIVE
All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

05. INFORMATIVE
Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

06. INFORMATIVE
Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.
07. INFORMATIVE
Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.
08. INFORMATIVE
Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement
09. INFORMATIVE
Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.
10. INFORMATIVE
Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem, particularly in connection with any large construction or delivery vehicles connected to the site that may be routed under the adjacent railway bridge on South End which has a height restriction of 4.3m. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.
11. INFORMATIVE
With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity, which

needs to be agreed by the Asset Protection Project Manager prior to implementation.

12. INFORMATIVE

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

13. INFORMATIVE

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, access to Thorne South Station must remain clear and unobstructed at all times both during and after construction.

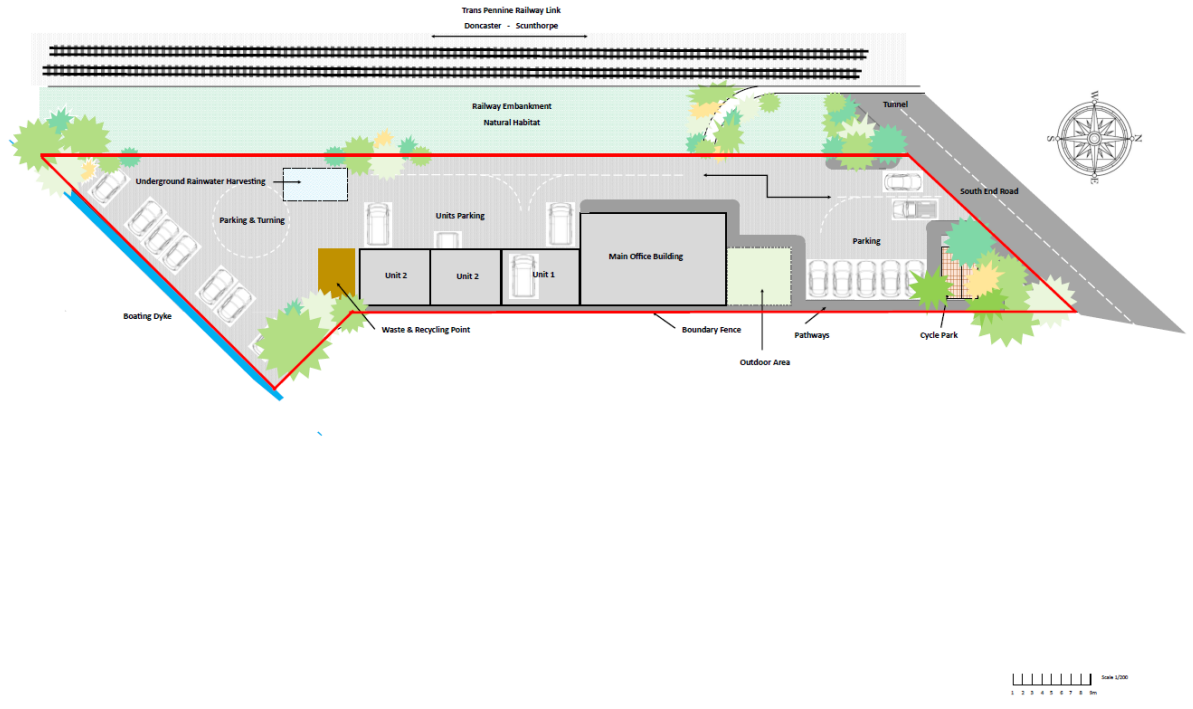
Network Rail is required to recover all reasonable costs associated with facilitating these works.

14. INFORMATIVE

The applicant's attention is drawn to correspondence dated 17.9.2019 detailing matters whereby there is the need to seek drainage board consent prior to the commencement of any works on site. This correspondence is available to view on Doncaster Planning Applications Online and should be attended to in addition to any granted of consent under the Town and Country Planning Act 1990.

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

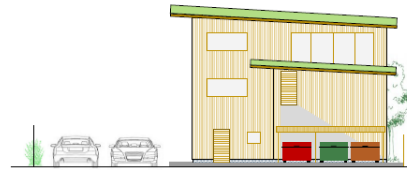


Appendix 2

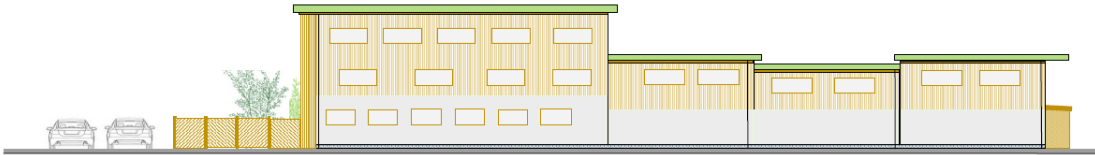
Indicative Elevations Land at South End Thorne



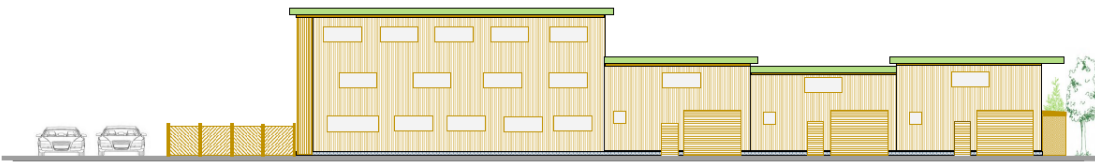
Front North Elevation To South End Road



Rear South Elevation To Boating Dyke



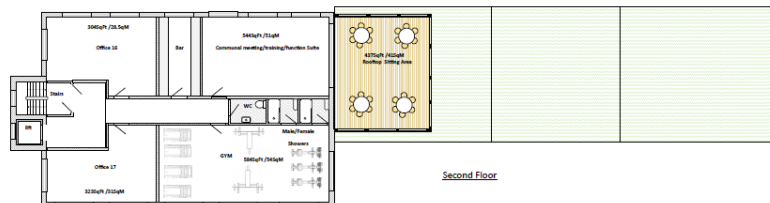
East Elevation To Thorne Marine



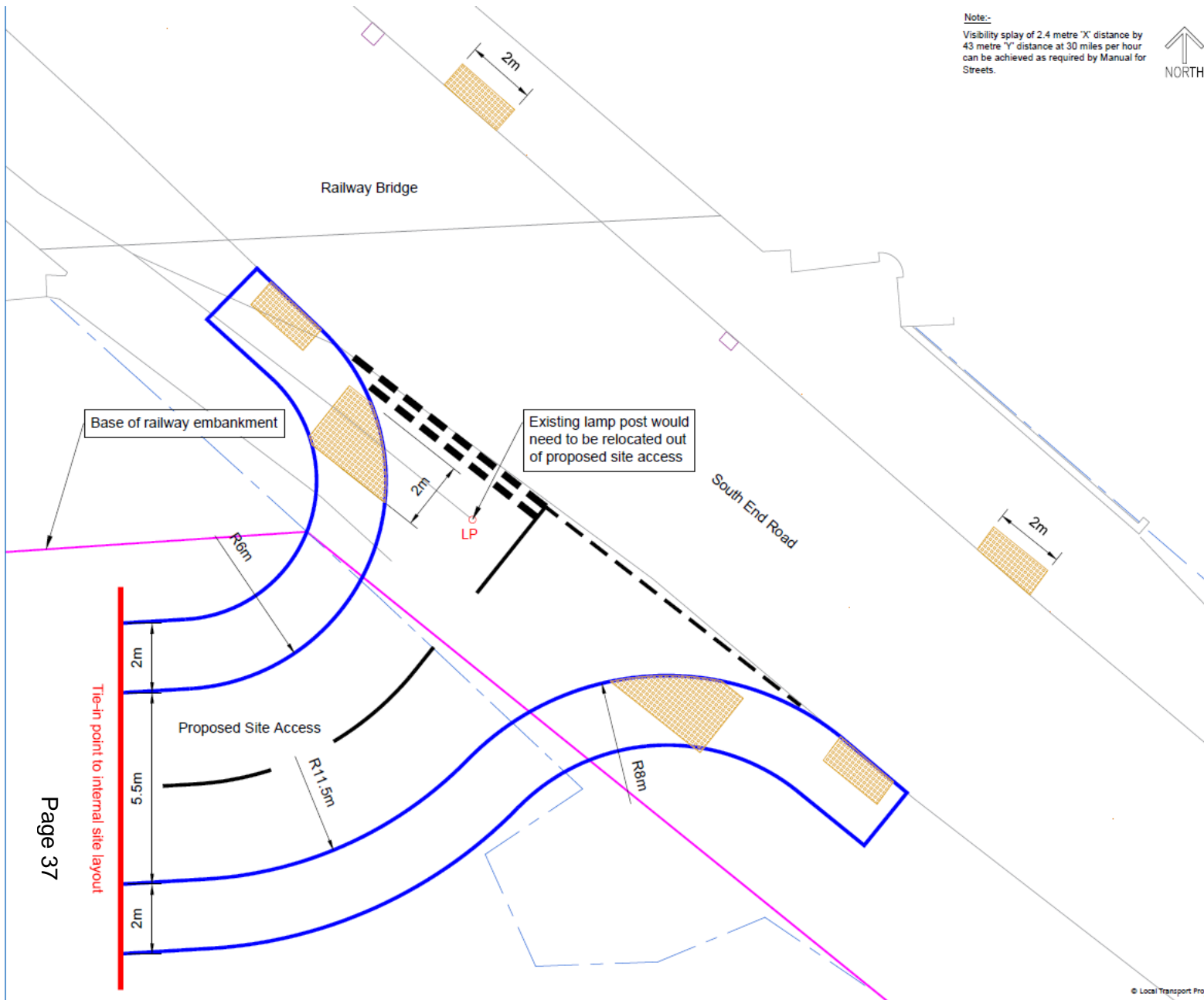
West Elevation To Railway Embankment



Indicative Floor Plans Land at South End Thorne



Appendix 3



Note:-
 Visibility splay of 2.4 metre 'X' distance by 43 metre 'Y' distance at 30 miles per hour can be achieved as required by Manual for Streets.



	Proposed Road Markings
	Proposed Kerblines
	Assumed Site Boundary
	Proposed Dropped Kerb and Tactile Paving
	Existing Lamp Post

Note:-
 1. **Preliminary Design Layout Only.** Scheme subject to further detailed design (inc. drainage design).
 2. Scheme subject to Statutory Undertakers Apparatus Search.

Disclaimers:-

- This drawing is copyright and must not be copied in part or in whole unless agreed in writing by Local Transport Projects Ltd.
- Reference should be made to the project's register to ensure the latest drawing is being referred to.
- All dimensions are to be checked by the contractor prior to commencement of work. Any discrepancy shall be reported immediately to Local Transport Projects Ltd.
- All work shall be carried out in accordance with local authority, statutory authority and health & safety requirements & regulations.
- This drawing is produced to be printed and read in colour. Reproduction in black and white may prevent correct interpretation of some aspects.
- Based on topographical survey provided by client.

Rev.	Date	By	Chk	Description
B	18/07/20	OA	AM	Amended to reflect comments from Doncaster etc.
A	16/05/19	OA	AM	Access relocated to northern side of site

Client

Build Junky

Project
 Proposed Start-up Business Park, South End, Thorne

Title
 Preliminary Access Design

local transport projects
 traffic engineering and transport planning

Armstrong House,
 The Pennington Centre,
 Bawtry,
 East Riding of Yorkshire,
 HU17 0NW.
 T: 01462 679 911
 E: info@local-transport-projects.co.uk
 W: www.local-transport-projects.co.uk
 Registered No. 5295339

Drawn	OA	Date	26/09/19
Scale	1:100	Checked	AM
Status	APPROVED		

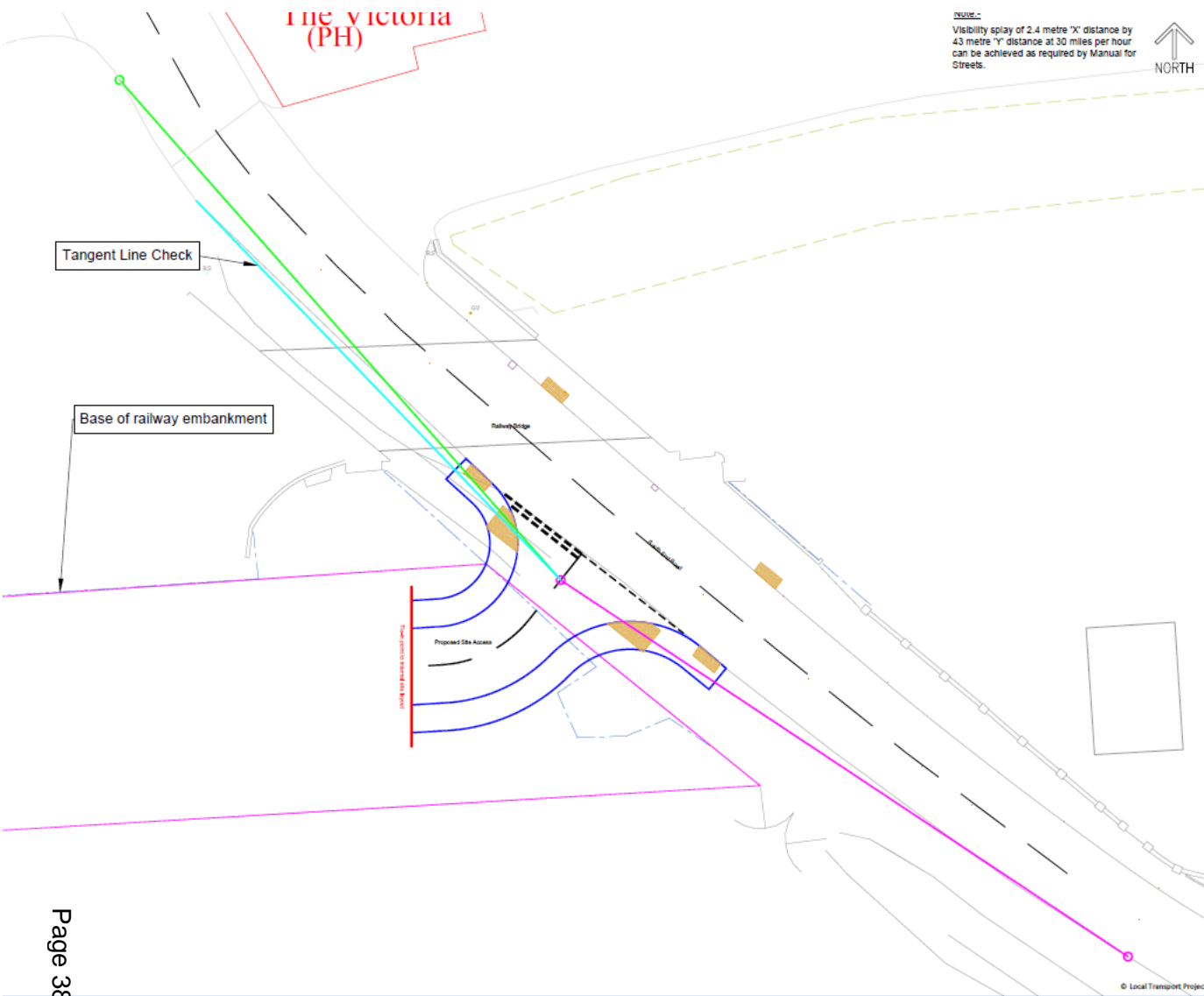
PRELIMINARY

Drawing number	LTP/3896/P1/01/01
Project	Build Junky
Job	Preliminary Access Design
Sheet	01
Revision	B

Appendix 4

THE VICTORIA (PH)

NOTE:
 Visibility splay of 2.4 metre 'X' distance by 43 metre 'Y' distance at 30 miles per hour can be achieved as required by Manual for Streets.



---	Proposed Road Markings
---	Proposed Kerbline
---	Assumed Site Boundary
---	Proposed Dropped Kerb and Tactile Paving
---	Right visibility splay (2.4m x 49m) achievable in excess of MFS (30mph/48kph)
---	Left visibility splay (2.4m x 48m) achievable in excess of MFS (30mph/48kph)

Note:-
 1. Preliminary Design Layout Only. Scheme subject to further detailed design (inc. drainage design).
 2. Scheme subject to Statutory Undertakers Apparatus Search.

Disclaimers:-
 i. This drawing is copyright and must not be copied in part or in whole unless agreed in writing by Local Transport Projects Ltd.
 ii. Reference should be made to the project's drawing register to ensure the latest drawing is being referred to.
 iii. All dimensions are to be checked by the contractor prior to commencement of work. Any discrepancy shall be reported immediately to Local Transport Projects Ltd.
 iv. All work shall be carried out in accordance with local authority, statutory authority and health & safety requirements & regulations.
 v. This drawing is produced to be printed and read in colour. Reproduction in black and white may prevent correct interpretation of some aspects.
 vi. Based on topographical survey provided by client.

Rev.	Date	By	CHK	Description
C	2023	EO	AM	Amended to reflect new visibility splay
B	2023	OA	AM	Amended to reflect comments from Statutory Undertakers
A	2023	OA	AM	Access released to our other site of site

Client
 Build Junky

Project
 Proposed Start-up Business Park, South End, Thorne

Title
 Preliminary Access Design Visibility Splay

local transport projects
 traffic engineering and transport planning

Armitage House, The Exchange Centre, 10482 479 911
 10482 479 911
 info@local-transport-projects.co.uk
 10482 479 911
 www.local-transport-projects.co.uk
 Registered No. 1206328

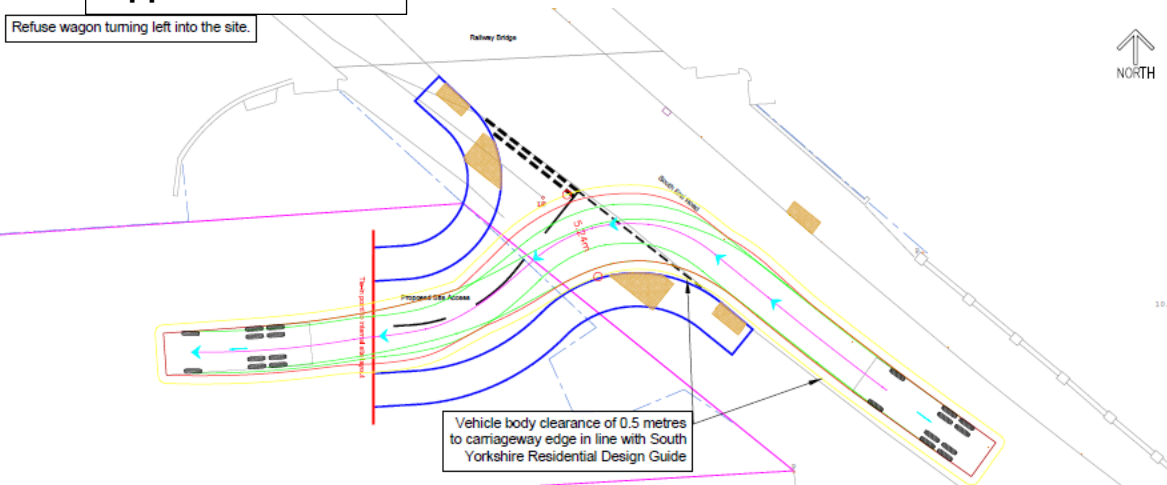
Drawn	OA	Date	03 12 20
Scale	1 : 250	Checked	AM
Status		Approved	AM

PRELIMINARY

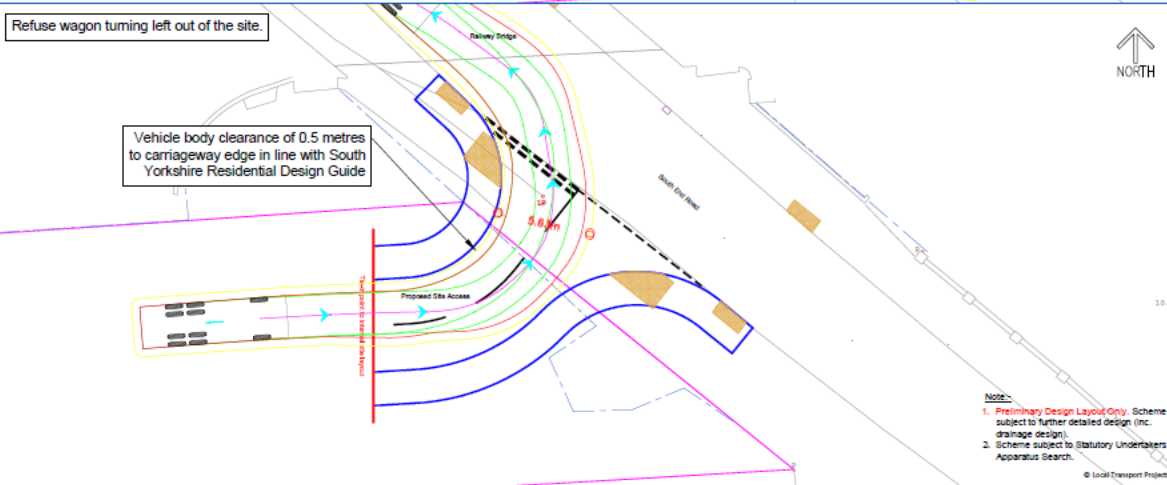
Drawing number	Project	Iss	Drawing	Sheet	Section
LTP/3896/C1		01	01		C

Appendix 5

Refuse wagon turning left into the site.



Refuse wagon turning left out of the site.



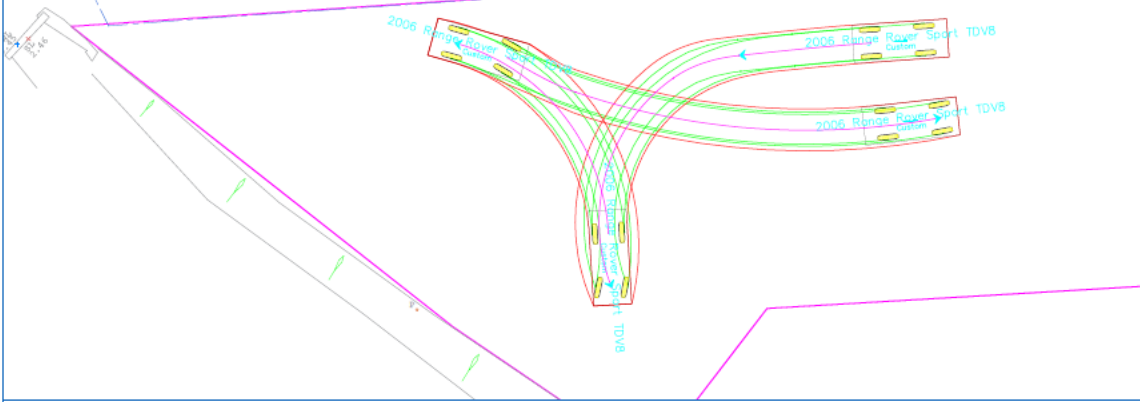
Note:
 1. Preliminary Design Layout Only. Scheme subject to further detailed design (inc. drainage design).
 2. Scheme subject to Statutory Undertakers Apparatus Search.



<p>Obstructions:</p> <p>i. This drawing is copyright and must not be copied in part or in whole unless agreed in writing by Local Transport Projects Ltd.</p> <p>ii. Reference should be made to the project's drawing register to ensure the latest drawing is being referred to.</p> <p>iii. All dimensions are to be checked by the contractor prior to commencement of work. Any discrepancy shall be reported immediately to Local Transport Projects Ltd.</p> <p>iv. All work shall be carried out in accordance with local authority, statutory authority and health & safety requirements & regulations.</p> <p>v. This drawing is produced to be printed and read in colour. Reproduction in black and white may prevent correct interpretation of some aspects.</p> <p>vi. Based on topographical survey provided by client.</p>																	
<table border="1"> <tr> <th>Rev.</th> <th>Date</th> <th>By</th> <th>Chk</th> <th>Description</th> </tr> <tr> <td>B</td> <td>26/09/19</td> <td>OA</td> <td>AM</td> <td>Approved for further comments from Client</td> </tr> <tr> <td>A</td> <td>26/09/19</td> <td>OA</td> <td>AM</td> <td>Issue released to customer site of use</td> </tr> </table>	Rev.	Date	By	Chk	Description	B	26/09/19	OA	AM	Approved for further comments from Client	A	26/09/19	OA	AM	Issue released to customer site of use	<p>Client: Build Junky</p> <p>Project: Proposed Start-up Business Park, South End, Thorne</p> <p>Title: Preliminary Access Design Swept Path Analysis Refuse Wagon Accessing Site</p>	
Rev.	Date	By	Chk	Description													
B	26/09/19	OA	AM	Approved for further comments from Client													
A	26/09/19	OA	AM	Issue released to customer site of use													
<p>local transport projects <small>high engineering and transport planning</small></p> <p>The Forge Gate Centre, 1, 25/262, 47th St, Sheffield, S11 2JG, UK. Tel: 0114 276 1111. www.localtransportprojects.co.uk</p>																	
<p>Drawn: OA</p> <p>Scale: 1:200</p>	<p>Date: 26/09/19</p> <p>Drawn: AM</p>	<p>Checked: AM</p> <p>Scale: 1:200</p>															
<p>PRELIMINARY</p>																	
<p>Drawing number: LTP/3896/T1/01/01</p>	<p>Issue: 01</p>	<p>Sheet: 01</p>															

Appendix 6

Passenger vehicle doing 3 point turn in approximate location of turning area.



4.79

2006 Range Rover Sport TDV8

Width	: 1.93
Track	: 1.61
Lock to Lock Time	: 6.0
Steering Angle	: 32.9

10mm A3

	Assumed Site Boundary
	Outer Wheel Track
	Vehicle Swept Path
	Vehicle Centreline and Direction
	Vehicle Body Clearance

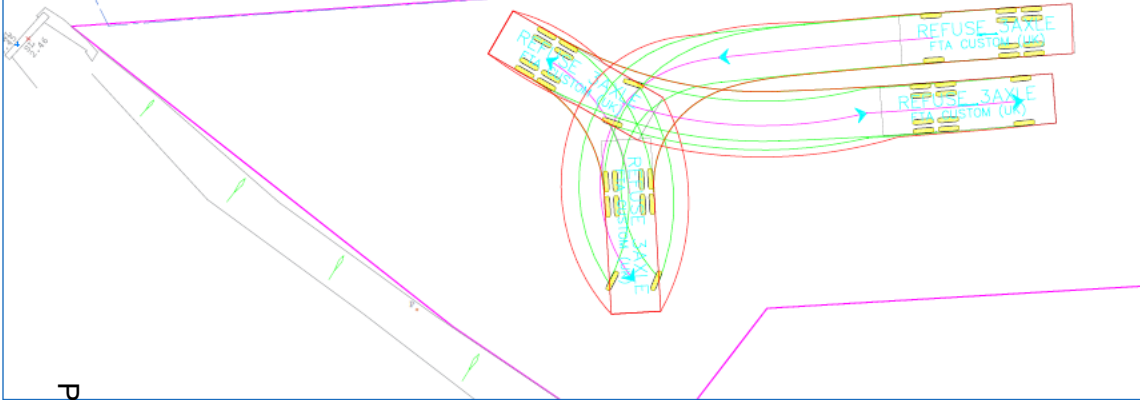
Note:-

- Preliminary Design Layout Only.** Scheme subject to further detailed design (inc. drainage design).
- Scheme subject to Statutory Undertakers Apparatus Search.
- Swept Path Analysis are indicative only as Internal site layout not provided by client.

Disclaimers:-

- This drawing is copyright and must not be copied in part or in whole unless agreed in writing by Local Transport Projects Ltd.
- Reference should be made to the project's drawing register to ensure the latest drawing is being referred to.
- All dimensions are to be checked by the contractor prior to commencement of work. Any discrepancy shall be reported immediately to Local Transport Projects Ltd.
- All work shall be carried out in accordance with local authority, statutory authority and health & safety requirements & regulations.
- This drawing is produced to be printed and read in colour. Reproduction in black and white may prevent correct interpretation of some aspects.
- Based on topographical survey provided by client.

Refuse wagon doing 3 point turn in approximate location of turning area.



8.74

REFUSE 3AXLE

Width	: 2.50
Track	: 2.50
Lock to Lock Time	: 6.0
Steering Angle	: 35.3

B	2019	OA	AM	Issued to reflect comments from Designer
A	2019	OA	AM	Access released to northern side of site
Rev.	Date	By	CHK	Description

Client: **Build Junky**

Project: **Proposed Start-up Business Park, South End, Thorne**

Title: **Preliminary Access Design Swept Path Analysis Turning Area at Rear of Site**

local transport projects
traffic engineering and transport planning

Armstrong House, The Beveridge Centre, Beveridge, Doncaster, South Yorkshire, DN1 1JW. Tel: 01462 479 911. Email: info@localtransportprojects.co.uk. Website: www.localtransportprojects.co.uk. Registered No. 5266228

Drawn	OA	Date	24.09.19
Scale	1 : 200	Checked	AM
Status	PRELIMINARY		

Drawing number: LTP/3896/T1/02/01 B

Application	2.
--------------------	-----------

Application Number:	20/00930/REMM
----------------------------	---------------

Application Type:	Reserved Matters Major
--------------------------	------------------------

Proposal Description:	Details of appearance, landscaping, layout and scale of design for the erection of 95 dwellings on approx 3.37ha of land (being matters reserved in outline application 14/02965/OUTM (appeal ref - 16/00025/REF) granted on 12/07/2017).
At:	Land Off Westminster Drive Dunsville Doncaster

For:	Harron Homes Ltd
-------------	------------------

Third Party Reps:	12 (10 objections)	Parish:	Hatfield Parish Council
		Ward:	Hatfield

Author of Report:	Nicola Elliott
--------------------------	----------------

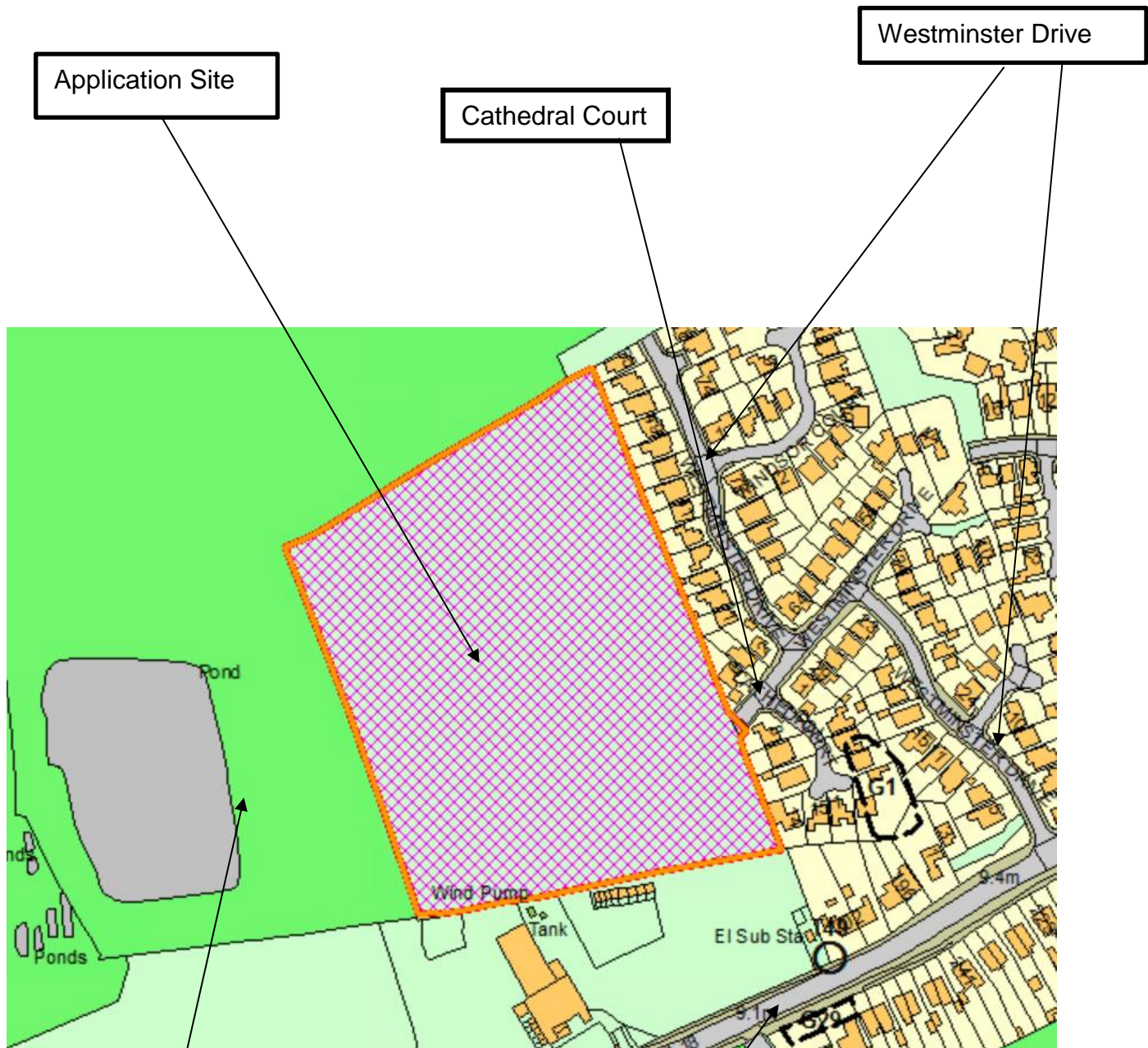
SUMMARY

The proposal seeks reserved matters approval for the erection of 95 dwellings, the details sought are appearance, landscaping, layout and scale, as access was approved at appeal. Given that outline planning permission has been granted, there is no requirement to consider the principle of development in the countryside.

A viability appraisal has been submitted and been assessed by an independent consultant who has agreed that the scheme is not fully viable. A Deed of Variation to the Section 106 Agreement is to be drafted and signed following the outcome of this application.

It is considered that the detail submitted by this application is acceptable in relation to residential amenity, design standards and its impact on the character and appearance of the surrounding area. The reserved matters are therefore recommended for approval subject to the signing of a Deed of Variation.

RECOMMENDATION: APPROVE



Application Site

Cathedral Court

Westminster Drive

20/00796/FULM (Proposed infrastructure works including drainage works, the provision of public open space and footpaths, and any associated infrastructure works).

A18 (High Street)

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee because the application has resulted in a significant level of public interest and a viability appraisal has been submitted.

2.0 Proposal and Background

- 2.1 Outline planning permission for 97 dwellings (including access) was approved on appeal on the 12th of July 2017 following a Public Inquiry. As part of that permission, a Section 106 Agreement was signed, meeting all policy requirements. A developer now has an option to buy the land for the development of 95 dwellings. In doing so, an amendment is sought to one of the conditions of the outline approval (application 20/00322/OUTM) to allow the reserved matters to deviate from an illustrative masterplan that was not intended as an approved plan as layout was not for consideration, and an additional area of land is to provide drainage and infrastructure works and public open space (application 20/00796/FULM). Only the reserved matters application is being considered by Planning Committee due to the level of objection received and the fact that the application was also accompanied with a viability appraisal highlighting that the scheme could not provide all of the previous Section 106 obligations and remain viable.
- 2.2 The scheme comprises of a mixture of 75 detached properties, of two and two and half storeys in height containing between 2 and 5 bedrooms. An area of formal open space will be situated at the entrance to the development, and a separate informal area to the north east of the site. Further open space will be situated to the west of the site, although this is outside of the red line boundary for this application site and is subject to a separate application. Materials used in the construction of the dwellings include red and buff brick, sections of render and red and grey tiles. The distribution of the materials is set out in the Materials Plan, alongside the proposed boundary treatments for the development.

3.0 Site Description

- 3.1 The site itself is located to the west of an existing housing development at Westminster Drive, to the north of High Street (A18), and the entrance to Dunsville. The adjacent housing development comprises of detached, two storey family properties constructed from red brick with red tiled roofs. To the south are a collection of farm buildings. The proposed access would be served from Westminster Drive, and the road through Westminster Drive ends at this point. The countryside beyond is bound by a timber panel fence. The site is predominantly flat and there are a number of trees within the site, and around the boundaries. Electricity lines run along the north of the site.

4.0 Relevant Planning History

- 4.1 The relevant planning history is as follows:

Application Reference	Proposal	Decision
14/02965/OUTM	Outline application for the erection of 97 dwellings on approx. 3.37ha of land (approval being sought for access)	Refused (18/03/2016)

16/00025/REF	Appeal for 14/02965/OUTM	Appeal Allowed (12.07.2017)
20/00322/OUTM	Outline application for the erection of 97 dwellings on approx. 3.37ha of land (approval being sought for access) - Section 73 application to vary condition 2 (amendments to illustrative layout plan) of planning application 14/02965/OUTM granted under appeal ref 16/00025/REF.	Pending consideration
20/00796/FULM	Proposed infrastructure works including drainage works, the provision of public open space and footpaths, and any associated infrastructure works.	Pending consideration

5.0 Site Allocation

5.1 The site is located within Countryside Policy Area as defined by Doncaster's Unitary Development Plan.

5.2 National Planning Policy Framework (NPPF 2019)

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

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

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

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

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

5.7 Paragraph 54 states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of

conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

- 5.8 Paragraph 56 states that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 5.9 Paragraph 57 states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.
- 5.10 Paragraph 59 states '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'.
- 5.11 Paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 5.12 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.
- 5.13 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.
- 5.14 Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

5.15 Core Strategy 2011 - 2028

- 5.16 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.

- 5.17 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:
- 5.18 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.
- 5.19 Policy CS2 of the Core Strategy sets out the Councils growth and regeneration strategy which includes the settlement hierarchy. It identifies Thorne as a principal town and identifies within Table 1 of Criterion A) an indicative housing allocation number between 646 -923 dwellings over the plan period.
- 5.20 Policy CS3 of the Core Strategy sets out the Councils position in relation to development in the countryside and Green Belt. Policy CS3 states that Doncaster's countryside will be protected and enhanced. It cites a number of examples of development that would be acceptable in the countryside and these do not include major housing schemes. Proposals which are outside of development allocations will only be supported where they would: retain and improve key green wedges; not be visually detrimental; not create or aggravate highway or amenity problems and preserve the openness of the Countryside Protection Policy Area.
- 5.21 Policy CS4 of the Core Strategy sets out the Authorities approach to dealing with Flood Risk in line with National Policy. Criterion A, B and C of Policy CS4 are applicable which looks to steer development away from the highest areas of flood risk, ensure that developments will be safe for the lifetime of the development and apply the Sequential Test and Exceptions tests where appropriate.
- 5.22 Policy CS9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.
- 5.23 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.
- 5.24 Policy CS 15 of the Core Strategy sets out to preserve, protect or enhance Doncaster's historic environment in accordance with a set of principles, including;
- (B) Proposals will be supported which protect or enhance the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest
- 5.25 Policy CS16 of the Core Strategy seeks to protect and enhance Doncaster's natural environment.

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

A) Proposals will be supported which enhance the borough's Ecological Networks;

D) Proposals will be supported which enhance the borough's landscape and trees by:

1. being appropriate to the landscape's character, sensitivity and capacity;
2. including measures to mitigate any negative impacts on the landscape;
3. ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness; and;
4. retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

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

5.27 Saved Policy ENV2 is a general planning policy setting out that the borough council will maintain a countryside policy area in the eastern part of the borough covering all countryside outside the Green Belt and sets out specific criteria for protecting the countryside.

5.28 Saved Policy ENV4 is a general development control policy and sets out the generally acceptable uses within the Countryside. The proposal for residential development is not listed as an acceptable use within ENV4 and consequently the proposal represents a departure from the development plan.

5.29 Saved Policy ENV 37 seeks to protect sites of local archaeological significance.

5.30 Saved Policy ENV53 sets out that the scale and appearance of new development must have regard to its wider visual impact. Development will not normally be permitted if it would have a significant adverse visual impact on b) views across open countryside. Whilst scale and appearance are a reserved matter, consideration should be given to the principle of development is material consideration to which this policy should be applied.

5.31 Saved Policy RL 4 sets out how the Borough will seek to remedy local public open space deficiencies within existing residential areas and will require the provision of local public open space, principally of benefit to the development itself, within new residential developments in accordance with a number of standards.

5.32 Local Plan

5.33 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). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:

- Substantial
- Moderate
- Limited

The emerging Local Plan identifies the site as Countryside Policy Area.

- 5.34 The Council is aiming to adopt the Local Plan by early 2021 and the following policies would be appropriate:
- 5.35 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is considered to carry limited weight at this time.
- 5.36 Policy 2 identifies Duncroft, Dunsville, Hatfield & Stainforth as a main town, which will be a focus for new development. This policy is considered to carry limited weight at this time.
- 5.37 Policy 3 sets out that at least 40 per cent of the borough's total housing should be within the main towns such as Duncroft, Dunsville, Hatfield & Stainforth. This policy is considered to carry limited weight at this time.
- 5.38 Policy 6 sets out the Housing Allocations (Strategic Policy) and identifies sites that will help to deliver the housing requirement of which this site is one (Site 1058 - Land Off Westminster Drive, Dunsville). This policy is considered to carry limited weight at this time.
- 5.39 Policy 8 sets out the requirements for the range of housing including the need for affordable housing. This policy is considered to carry limited weight at this time.
- 5.40 Policy 14 seeks to promote sustainable transport within new developments. This policy is considered to carry limited weight at this time.
- 5.41 Policy 17 seeks to consider the needs of cyclists within new developments. This policy is considered to carry moderate weight at this time.
- 5.42 Policy 18 seeks to consider the needs of pedestrians within new developments. This policy is considered to carry moderate weight at this time.
- 5.43 Policy 26 deals with development in the countryside setting out the circumstances in which development in the countryside is acceptable. This policy is considered to carry limited weight at this time.
- 5.44 Policy 29 deals with open space provision in new developments. This policy is considered to carry limited weight at this time.
- 5.45 Policy 31 deals with the need to value biodiversity. This policy is considered to carry limited weight at this time.
- 5.46 Policy 33 states that the design process should consider woodlands, trees and hedgerows. This policy is considered to carry substantial weight at this time.
- 5.47 Policy 43 deals with the need for good urban design. This policy is considered to carry moderate weight at this time.

- 5.48 Policy 55 requires the need to take into account air and noise pollution. This policy is considered to carry limited weight at this time.
- 5.49 Policy 56 deals with the need to mitigate any contamination on site. This policy is considered to carry limited weight at this time.
- 5.50 Policy 57 requires the need for satisfactory drainage including the use of SuDS. This policy is considered to carry moderate weight at this time.
- 5.51 Policy 58 deals with the need to consider flooding. This policy is considered to carry limited weight at this time.
- 5.52 Policy 59 deals with low carbon and renewable energy within new developments. This policy is considered to carry moderate weight at this time.
- 5.53 Policy 61 requires the need to protect the best and most versatile agricultural land. This policy is considered to carry limited weight at this time.
- 5.54 Policy 66 deals with developer contributions. This policy is considered to carry moderate weight at this time.

5.55 Other material planning considerations

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

6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification.

6.2 Following this publicity, a total of 12 representations were received, 10 of which in opposition to the proposal – 3 of the representations duplications. A summary of the material planning issues raised is set out below:

- Access and traffic generation (*this is already approved by the outline consent and is not for consideration here*)
- Access to facilities, such as schools and doctors surgeries (*this was taken into account during the outline application and is not for consideration here*)
- (*There is a general misconception that the proposal seeks 95 further dwellings, this is incorrect, the proposal is actually a reduction in 2 dwellings from the outline permission.*)
- Decimation of the countryside (*this was taken into account during the outline application and is not for consideration here*)
- Flooding
- Overlooking – will boundary treatment prevent overlooking of existing properties.

- Location of the POS, children will have to cross a busy road
- Insufficient parking
- Noise and disruption during construction

Non material issues raised included the following

- Loss of value of property

7.0 Hatfield Town Council

- 7.1 With application 20/00724/REMM this is a cumulative number of 286 dwellings, in spite of previous objections by HTC. This will greatly exacerbate traffic problems on the A18. It is excessive over development. *(There will be 95 dwellings in total on the site, this is not an additional application for development).*

8.0 Relevant Consultations

8.1 National Grid – No comments received.

8.2 Northern Gas – Consult National Grid

8.3 Environment Agency – No comments received.

8.4 Yorkshire Water – No objections.

8.5 DMBC Ecology – No objections, comments and recommendations for a Construction Environment Management Plan and an Ecological Enhancement Plan can still be applied in this case.

8.6 DMBC Tree Officer – No objections, subject to condition.

8.7 DMBC Internal Drainage – No objections.

8.8 Doncaster East Internal Drainage Board – Advisory notes provided.

8.9 DMBC Education – Comments not required as this is a reserved matters proposal.

8.10 DMBC Housing Policy - Comments not required as this is a reserved matters proposal.

8.11 DMBC Highways Development Control – Following amendments, no objections subject to condition.

8.12 DMBC Transportation – No comments.

8.13 DMBC Design Officer – Following amendments, no objection, subject to condition.

8.14 DMBC Open Space Officer – POS is now below 10% of the total site, which is the lower range of open space expected in UDP RL4. It is appreciated that there is a balance to be struck in design terms and the various competing requirements, and that there is offsite open space in the form of a woodland walk, however the open space has suffered and been reduced as this site has evolved. With this in mind, and considering that we are having to face a further reduction that we have said is

acceptable, if this is considered to be justified then it should be made clear to the applicants that we expect the open space that is delivered onsite to be excellent in terms of its overall quality and the quality of the equipment that goes in.

- 8.15 DMBC Pollution Control (Contaminated Land)** – Comments not required, dealt with at outline.
- 8.16 DMBC Area Manager** – No comments received.
- 8.17 DMBC Air Quality** – Comments not required, dealt with at outline.
- 8.18 DMBC Affordable Housing** – Provided advice on location and type of affordable housing.
- 8.19 South Yorkshire Police Architectural Liaison Officer** – The plans indicate that the development has been designed with security in mind. Surveillance from one property to each other is good with all car parking either in garages or observed from each dwelling. From the site plan, it is clear that the development borders fields and open land. It is therefore extremely important that the correct type of boundary fencing is erected to ensure the security of the dwellings especially those that are on the edge of the estate bordering the open land. From the outset, it is also recommended that the development is built to Secured by Design standards.
- 8.20 South Yorkshire Archaeology Service** – An archaeological evaluation took place but has not been reported on yet. However, following a site monitoring visit, it is noted that archaeological features were encountered. Hence, there will need to be some archaeological mitigation. The simplest course of action would be to carry over the archaeological condition from the earlier application.
- 8.21 South Yorkshire Fire and Rescue Service** – The proposal appears to be satisfactory in respect of Fire Service access to the new building, which should comply with the Building Regulations 2010, Approved Document B5 “Access and Facilities for the Fire Service
- 8.22 Natural England** – No comments to make.
- 8.23 South Yorkshire Passenger Transport Executive** – No comments received.
- 8.24 The Coal Authority** – Consultation not required.
- 8.25 Public Rights of Way** – No comments received.
- 8.26 Ward Members:** No comments received.

9.0 Assessment

9.1 The proposal seeks reserved matters approval for the appearance, layout, scale and landscaping of 95 dwellings previously approved at outline. The main issues for consideration are;

- The impact on the character of the area
- The impact on neighbouring residential properties
- The internal highway layout
- The impact on the existing trees and hedgerows
- The impact on the ecology of the site
- The archaeological implications
- Flooding and Drainage issues
- Financial contributions

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
- No

Principle of development

9.3 The principle of development has already been established by the approval of the outline consent at appeal. As such, the loss of countryside is not for consideration here, nor is access, as this was also approved by the outline application. It is the detail that was reserved at the outline stage that is for consideration – namely layout, appearance, scale and landscaping. Matters of principle have already been agreed.

Sustainability

9.4 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

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

SOCIAL SUSTAINABILITY

Impact on Residential Amenity

- 9.6 Policy CS 14 of the Core Strategy seeks to ensure that proposals have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. The application site has residential neighbours to the east, most of which back onto the site. The Development Guidance and Requirements SPD makes clear that 2-3 storey properties should have back to back distances (between facing habitable rooms) of no less than 21m. This distance is maintained between the rears of new properties with existing. A 12m separation distance is maintained between side elevations of the new properties and the rear elevations of existing properties, again in accordance with guidance.
- 9.7 The SPD also makes clear that there should be at least 10m separation between the rear elevation and the rear boundary with neighbouring properties. Again the site plan shows that proposed properties along the eastern boundary can achieve the 10m required.
- 9.8 The proposed site plan also shows that a 1.8m high timber fence will be situated along the eastern boundary to ensure privacy between existing properties and those proposed. This was a concern raised in one of the objections to the proposal.
- 9.9 It is noted that some residents are concerned by the potential noise and disruption during the construction phase, however a condition requiring a Construction Method Statement is on the outline application and will need to be submitted prior to the commencement of development. This will also include measures to ensure that there is no deposition of mud on the highway.
- 9.10 As such it is considered that the proposal would not adversely affect neighbouring properties in terms of excessive levels of overlooking, over dominance, loss of privacy or overshadowing. This weighs positively in favour of the application carrying moderate weight.

Conclusion on Social Impacts.

- 9.11 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affect by the proposal in accordance with policy CS14. The proposal has been able to adequately demonstrate that residential development can be achieved on the site without adversely affecting the residential amenity of neighbouring properties through overlooking, over dominance or loss of privacy.
- 9.12 It is anticipated that the proposal would lead to some noise and disturbance being generated whilst construction is taking place, however this is considered to be short term when considered against the lifetime of the development. Notwithstanding this, planning conditions should mitigate this harm through the submission of a Construction Method Statement (already imposed on the outline consent) and as such this is considered to carry limited weight against the proposal.

9.13 ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 9.14 Policy ENV2 makes clear that the countryside should be protected in order to safeguard it from encroachment.
- 9.15 Policy ENV4 goes onto to make clear that developments should be sited, designed and, where necessary, screened so as to minimise its impact on and wherever possible enhance the character, landscape and nature conservation value of the local environment. Core Strategy Policy CS3 makes clear that development in the Countryside should protect and enhance the character of the countryside.
- 9.16 Policy ENV 53 of the UDP states that the scale and appearance of new development must have regard to its wider visual impact. Development will not be permitted if it would have a significant adverse visual implication on (a) views from major transportation routes; or (b) views across open countryside; or (c) views from important landmarks. Whilst the site will be visible from High Street (A18), it will have no greater wider visual impact than that of the development to the east and it will be a continuation of built form. The proposed drainage pond and additional area of POS will act as a buffer between the development site and the countryside beyond. The majority of dwellings are to be two storeys in site which is consistent with properties on Westminster Drive. There are some at two and half storeys on the proposed development, but as the additional floor is accommodated in the roof space, it is not considered to be out of scale with the surrounding area.
- 9.17 In considering the outline application, the Inspector stated that 'only limited glimpses of the site could be obtained due to the effectiveness of existing woodland. I acknowledge that the rooftops of the proposed houses may at certain points be visible on the approach to Dunsville but I consider that the overall visual impact on the area would be limited.' The Inspector continued to state 'I accept that that the greatest visual impact would be experienced by nearby residential properties on Westminster Drive and Cathedral Court. However appropriate separation distances to protect privacy and prevent overlooking can be achieved and landscape mitigation measures would assist to filter views.' As assessment of the separation distances is contained in paragraph 9.6 of this report.
- 9.18 As such, it is not considered that there is any conflict with policy ENV 53, to which moderate weight should be afforded in favour of the development.

Highways and parking

- 9.19 Highways safety and traffic generation is one of the concerns noted from objections to the proposal. As already stated, the point of access was agreed by the outline planning permission. Therefore only the design of the internal road layout/parking is for consideration as part of this application.
- 9.20 Policy CS 14 lists quality, stability, safety and security of private property, public areas and the highway; and permeability as qualities of a successful place. The NPPF makes clear at paragraph 109 that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

- 9.21 The application has been assessed by Highways Development Control, who following amendments to the scheme have raised no objections. The only issue is the location of some trees on the corners of junctions and to either ensure the type of tree used doesn't impact on forward visibility or to place the trees in alternative positions to ensure the forward visibility is achieved. This doesn't affect many junctions/corners so should be relatively easy to accommodate. A final landscaping scheme is subject to condition.
- 9.22 The SPD sets out that 'conventional residential streets should have speeds of 20mph or less, for shared space streets and shared space streets with protected zones, or home-zones, the target design speed should be 10mph'. Highways request that the estate is 20mph zone and the design would achieve the design speed for the development.
- 9.23 With regard to parking, the SPD lists the required parking allocation as '2 bed units; 1.5 spaces, where 1 space is allocated and 1 space is provided for every 2 dwellings in defined bays within the public highway, 3+ bed units; 2 allocated spaces per dwelling, plus 1 visitor space per 4 dwellings unallocated and provided in defined bays within the public highway or private drive'. There are 62 spaces within garages, 200 spaces within the plots and an additional 24 visitor spaces. This equates to 3.5 spaces per dwelling, plus an additional 24 visitor spaces. As such, adequate parking is proposed. Matters relating to access to sustainable transport were considered at outline.

Design

- 9.24 Paragraph 124 of the NPPF 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.'
- 9.25 Paragraph 127 of the NPPF states that 'planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

- 9.26 Generally the layout is well considered and follows previous discussions at pre-application stage. It is connected and responsive to surrounding areas and features and benefits from a good level of permeability. Spaces are generally overlooked and private areas secure. Properties generally have a nice level of interest and detailing, and from experience of past developments carried out by this developer, are well built and attractive. The overriding character will be suburban and appropriate given the context. There is obviously an attempt to create hierarchy and character within the different streets and spaces which will give the scheme some individuality, interest and help with legibility. Therefore on balance, it is deemed acceptable given the existing context and an improvement over the neighbouring estate. Amendments have been made during the application process to reduce car dominated frontages. As such, it is considered that the proposal meets with policy CS 14 and the SPD.

Flooding and Drainage

- 9.27 The application site lies within an area designated as Flood Risk Zone 1 and has a low probability of flooding. A condition was placed on the outline permission to ensure that finished floor levels are set no lower than 8m above Ordnance Datum (AOD) and flood resilience measures are designed into each property. The applicant has stated that this will be carried out in accordance with the condition. The external works plans shows existing land levels and proposed floor levels which do not show that properties will be significantly raised to meet the floor level requirement. The plans show the ground level along the eastern side to be between 7.55m AOD and 8.40m AOD and the floor levels indicated on the plan show that no property along this boundary will exceed 8.60m AOD. It is not considered that the floor levels will result in a development that is out of scale with neighbouring buildings.
- 9.28 In addition to this application, a full planning application for infrastructure works to cover off-site drainage works, the provision of additional public open space and the diversion of existing high-voltage over-head cables (reference 20/00796/FULM) has been submitted simultaneously. Due to the limited interest in this application it is anticipated that should the reserved matters be approved, then the infrastructure application will be approved under delegated powers, and the deed of variation will ensure that both sites are legally tied to each other.
- 9.29 Existing runoff from the site drains naturally in the direction of a 'receptor' pond to the west of the site. The present arrangements are that the pond receives natural runoff and has an informal weir located in the south west corner. The approach to surface runoff from the Reserved Matters site is to utilise the existing pond as attenuation storage for surface water generated by the proposed development. It is proposed that surface water runoff from the site post development will discharge at an unrestricted rate into the pond. The pond will need to accommodate an increase in runoff volume post development. The residential drainage infrastructure will outfall into a reed bed/swale designed to clean the surface water prior to discharge into the pond via a new headwall.
- 9.30 The Council's Drainage Engineer, Environment Agency, Doncaster East Internal Drainage Board and Yorkshire Water have all been consulted on the proposal.
- 9.31 The applicant states that the proposals have been discussed and informally agreed with Yorkshire Water and the Doncaster East internal Drainage Board (DEIDB). DEIDB is prepared to accept future maintenance liabilities for the pond, the reed bed/swale upstream and all private assets downstream of the pond. The applicant would be on the basis of the developer paying a commuted sum to DEIDB for the maintenance

of these assets for a period of 100 years. The proposed on-site surface water drainage network will be adopted by YW under a Section 104 agreement. DEIDB acknowledge that discussions have taken place but not that agreement has been yet been consented. They state that ‘the design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.’ To which there have been no objections from the Council’s Drainage Officer.

- 9.32 As such, in accordance with policy CS 4 and the NPPF, it is not considered that there are any flooding or drainage issues which would prevent approval of the application, which carries moderate weight.

Archaeology

- 9.33 A condition was placed on the outline application requiring that ‘as part of the reserved matters submission, an archaeological evaluation of the application area shall be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be approved in writing with the local planning authority and then implemented concurrently with the development.’
- 9.34 An archaeological evaluation was provided and South Yorkshire Archaeology Service (SYAS) were consulted. SYAS have raised no objections to the proposal however state that there is a small area of archaeology which requires further work. The report identifies some features requiring further work. So, SYAS recommend adding the standard 2-part condition to any consent so that the further work can be carried out. The further work is not extensive. A ditch, probably Iron Age or Roman, appeared in two of the evaluation trenches to the north of the site. All that is required is for the area around this to be stripped and the nature of the feature clarified. There is no evidence that there are complex remains, such as a settlement, that would require a great deal of time and resources to deal with. Hence, no objection subject to condition and this is considered to be reasonable.

Trees and Landscaping

- 9.35 Policy ENV 59 of the Doncaster Unitary Development Plan states that in considering proposals for new development the borough council will attach considerable importance to the need to protect existing trees and hedgerows and other natural landscape features and will require that new developments do not cause unnecessary loss of tree, nor imperil trees by building works. Policy CS 16 (D) in part states that proposals will be supported which enhance the borough’s landscape and trees by ensuring designs are of high quality, include appropriate hard and soft landscaping and retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.
- 9.36 A new Tree Survey was carried out for this application and assessed by the Council’s Trees and Hedgerows Officer who considers that a very good level of arboricultural information supports this application with the results of the tree survey clearly informing the design and layout process (as is the intention of the BS5837 process). All of the individual trees surveyed at this site are category A oak trees and all of these are successfully retained within the scheme, in that the relationship of the built form sits acceptably with these trees (with allowance for future growth).

- 9.37 In terms of the soft landscaping there are very good entrance and frontage features that will help, to an extent, break up the hard elements in the street scene (taking the car parking in to account as per the Urban Design comments). However, for the number of units the proposed number of trees falls well below that of the guidance. Obviously, there should not be tree planting for the sake of it, but if additional tree planting could be considered along the paths leading out of the site in to the woodland POS areas (taking in to account street lighting) then this would be welcome, as the trees will provide site definition and guide pedestrians between the different land use types. As this is yet to be agreed, along with the palette of tree species as to what will be going where yet to be decided and the absence of the full planting and maintenance specifications, there are no objections to the proposal, subject to condition. This will address outstanding issues in relation to tree planting numbers and future management of the landscaping scheme

Ecology and Wildlife

- 9.38 Policy CS 16 seeks to protect and enhances the borough's ecological networks, avoiding harm where possible and ensuring that any unavoidable harm is appropriately mitigated and compensates. Doncaster's Ecologist has been consulted during the course of the application and raises no objection to the proposal.
- 9.39 In line with Paragraph 170 of the NPPF, planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.40 The outline approval incorporated conditions for a Construction Environmental Management Plan (CEMP) to be submitted prior to commencement of development and a Habitat Management and Enhancement Plan (HMEP) to be submitted within three months of commencement of development. The Council's Ecologist responded to application 20/00796/FULM adjacent to this site but which dealt with the infrastructure, drainage and POS creation works and the response was based upon the FPCR ecology report of 29th October 2019 and in that response a number of conditions were provided based on the conclusions and recommendations of the ecology report. As the ecological survey (a 'walk over' survey) has also been submitted for this application and includes both the proposed residential area and the POS, woodland and drainage pond areas to the north and west of the site, the Ecologist would like the conditions to cover this area also. However, as this is a reserved matters application, it is not possible to add further conditions which go to the heart of the permission. That said, the CEMP and HMEP are still in place, and it is considered reasonable to add a further condition on lighting as layout is for consideration as part of this application. As such, there are no objections, subject to condition and the proposal is considered to adequately mitigate against an ecological impact, in accordance with policy CS 16.

Pollution issues

- 9.41 Matters relating to ground contamination and air pollution were dealt with at outline stage and appropriate conditions were included within that consent, namely a site investigation and measures should contamination be found. Electrical vehicle charging is also required by condition.

Conclusion on Environmental Issues

- 9.42 Para.8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.43 In conclusion of the environmental issues, it is considered that issues in relation to trees, ecology, landscaping, highways, flood risk and drainage and pollution have been overcome subject to suitably worded conditions. Collectively these issues weigh significantly in favour of the application. Overall therefore, the proposal is considered to balance positively in relation to environmental matters.

9.44 ECONOMIC SUSTAINABILITY

- 9.45 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.
- 9.46 On a wider level, additional housing will increase spending within the borough which is of further economic benefit in the long term.

9.47 Conclusion on Economy Issues

- 9.48 Para 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.49 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

9.50 Planning Obligations and Viability

- 9.51 Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 9.52 Paragraph 56 states that planning obligations must only be sought where they meet all of the following tests
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

- 9.53 These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010. In the event that planning permission is granted, the following contributions would be required.
- 9.54 Paragraph 57 of the NPPF states that 'where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force'.
- 9.55 As stated in the introduction to this report, a fully compliant Section 106 Agreement was signed during the appeal for the outline application. The agreement provides for the following;
- Education (policy CS1) - commuted sum of £255,003 for the provision of 21 primary school places at Dunsville Primary School
 - Affordable Housing (NPPF, policy CS 12) - 26% on site provision.
 - Public Open Space (policy CS17 and RL4) - 15% on site provision
 - Transportation (CS9) - A returnable Travel Plan Bond of £10,189.85 to mitigate any traffic in the event that targets in the Travel Plan are not met.
 - Unity Project Contribution (policy CS 2) - a commuted sum of £150,000 to be applied towards bringing forward Infrastructure In the form of the Hatfield Link Road in connection with the Unity Project
 - West Moor Link Contribution (policy CS 9) - a commuted sum of £89,182 to be used for the purposes of developing the A630 West Moor Link Dualling.
 - South Yorkshire Passenger Transport Executive Contribution (policy CS 9) - a commuted sum of £20,938.59 for the upgrade of the westbound and eastbound bus stops closest to the entrance of Westminster Drive on the A18 through the provision of bus shelters.
- 9.56 In accordance with the NPPF and policy CS 12, a viability appraisal has been submitted with the proposal which demonstrates that the scheme cannot make all of the above contribution and remain viable. The appraisal has been independently assessed by a viability consultant who states that there is a surplus amount of £509,311 available for either S106 payments or an off-site contribution towards affordable housing.
- 9.57 In accordance with protocol, a meeting of the Section 106 Board was held for Ward Members and Cabinet Members to decide where the monies available would be better spent for the public benefit. It should be noted that this was not a meeting to discuss the merits of the planning application, or viability, as this is the responsibility of Planning Committee. It was decided that there was greater benefit in the monies being used for on-site affordable housing. In built units this is 8 affordable homes. Following the meeting it was actually considered that there may be a small surplus from the £509,311, and officers recommend that any additional

funds be allocated to the improvement of existing stock as the intention of Members was clearly for affordable housing over the other obligations.

Public Open Space

- 9.58 As stated, the s106 Agreement states that 15% of the site will be laid out as Public Open Space, this meets with the policy requirement in this ward. The reserved matters scheme shows three areas of public open space, an equipped space in the south eastern corner, an informal space at the entrance to the additional land on the western side of the site and an informal space at the north eastern end of the site. These areas equate to approximately 8.2% of POS on the site. Additional public open space will be provided outside of the outline consent, on the site for the additional infrastructure works. This will enable more public open space to be delivered as part of the proposed development as a whole. This will include the construction of an informal footpath network through a woodland area. This will enable existing and new residents, to have access to a circular walk through the woodland area, which is a significant benefit. As only the footpath can be considered usable public open space, this equates to an area of approximately 0.2ha. When added to the on-site provision, this total approximately 14.2% POS (made up of approximately 8% on site, and 6% off site, but on adjacent land).
- 9.59 Whilst this does not fully meet policy as part of this allocation is off site, it is considered reasonable on the whole given that the adjacent site will be linked to this site via a legal mechanism. The area provided by the woodland walk will provide a pleasant and accessible green space, which can be enjoyed by existing and future residents. The public open space will be maintained and managed privately through a management company. It should be noted that the pond area has been excluded from the public open space area to manage any safety concerns.
- 9.60 As such, it is considered that the proposal provides sufficient public open space, whilst it may be slightly less than the 15%, this is marginal and outweighed by the quality and variety proposed. The play equipment will be subject to condition so that the local planning authority can be assured of a high quality equipped play area.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh any benefits identified when considered against the policies in the NPPF taken as a whole. The application seeks permission of the details reserved by an earlier application allowed on appeal and it is considered that subject to the recommended conditions, there are no material considerations which indicate the application should be refused.

The proposed layout offers adequate protection of residential amenity as a result of its design and layout, and will be of a design which sits sympathetically with existing development, being seen as an extension to Westminster Drive. Whilst the scheme does not provide the full 15% POS on site, the area incorporated on the adjacent land combined with the space shown on the site will offer approximately 14%, which on the whole is considered acceptable and is not found to weigh significantly against

the development. It offers an alternative approach to POS in the form of a woodland walk which will create a wider community benefit than that of a play area.

Whilst it is unfortunate that the development can no longer provide all of the planning obligations originally approved at outline, this has been substantiated by a viability appraisal that has been assessed by an independent consultant who has agreed that the scheme is not fully viable. As such, the proposal is compliant with the NPPF and this is not considered to be a sufficient reason to refuse the application.

Matters relating to trees, ecological, drainage and archaeological have been taken into account and are not considered to weigh against the development. The proposal is therefore recommended for approval.

11.0 RECOMMENDATION

Reserved Matters be **GRANTED**, and the decision to grant be delegated to the Head of Planning to issue following the completion of a Deed of Variation to the original Section 106 Agreement.

Agreement and subject to the following conditions:

01. 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:

532_001_Rev H Site Layout
348_006_Rev A Infrastructure Plan
348_007_Rev E Combined Materials Plan
R-2310-1 Rev E Landscape Masterplan

PL-200_Rev - Type A_Brick
PL-201_Rev - Type B_Brick
PL-202_Rev A Type C_Brick
PL-203_Rev A Type Ev0_Brick
PL-204_Rev A Type Ev0_Render
PL-205_Rev A Type Ev1_Brick
PL-206_Rev A Type Ev1_Render
PL-207_Rev - Type F_Brick
PL-208_Rev - Type F_Render
PL-209_Rev A Type I_Brick

PD.04.01 Edlingham_Floor Plans_Red Brick
PD.04.02 Edlingham_Elevations_Red Brick
PD.10.01 Portchester_Floor Plans_Red Brick
PD.10.02 Portchester_Elevations_Red Brick
PD.30.01 Kenilworth_Elevations_Red Brick
PD.30.02 Kenilworth_Floor Plans_Red Brick
PD.31.01 Dunstanburgh_Floor Plans_Red Brick
PD.31.02 Dunstanburgh_Elevations_Red Brick
PD.55.01 Windsor_Plans and Elevations_Red Brick
PD.55.05 Windsor_Plans and Elevations_Render
PD.61.01 Warkworth_Floor Plans Render
PD.61.01 Warkworth_Floor Plans_Red Brick

532-210 Single Garage Side Gable

REASON

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

02. Before the development commences, product details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. This may include submission of samples if requested by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the approved materials.

REASON

To ensure the satisfactory appearance of the development.

03. No development shall take place on the site until a detailed hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority;

The hard landscape scheme shall include details of all external hard surfacing materials including footpath treatments and carriageway finishes. It shall include confirmation of agreement to implementation of any offsite footpath connections with third parties, in order to ensure suitable connectivity with adjacent areas, and details of boundary treatments. A detailed design for the area of Public Open Space, seating and activity areas, including details of proposed equipment and street furniture shall be submitted and agreed. The development shall be carried out in accordance with the approved details.

Unless as shall be specifically approved by the Local Planning Authority, the soft landscape scheme shall include a plan indicating the planting location of all trees and shrubs; a schedule including the nursery stock specification for all shrubs and trees in compliance with British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs, details of planting pits and staking; planting density/numbers; a detailed specification for engineered tree pit construction for trees within hard surfaced areas that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements supplementary planning document and a load-bearing capacity equivalent to BS EN 124 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a maintenance specification and a timescale of implementation, which shall be within 3 months of completion of the development or alternative trigger to be agreed. Thereafter, the landscape scheme shall be implemented in full accordance with the approved details which should include a detailed management plan for aftercare for establishment until independence in the landscape is achieved. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

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

04. Within one month of commencement, a lighting design strategy for light sensitive biodiversity in the peripheral areas residential development and shall be submitted to and approved in writing by the Local Planning Authority: The strategy shall show how, external lighting is specified, located and orientated so that it can be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural areas of the site and it surrounding green spaces by bats and other species of wildlife. Any luminaries used in the peripheral areas of the site adjoining areas of greenspace should be of the LED type which provide a lower intensity of light. The use of warm white spectrum (preferably 2700Kelvin) should be adopted to reduce the blue light component with a wavelength exceeding 550nm . The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/18: Bats and Artificial Lighting in the UK. All external lighting shall be installed in accordance with the specification and locations set out in the strategy and maintained as such.

REASON

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

Informatives

01. INFORMATIVE

The development hereby approved shall commence before (DATE TO BE INSERTED TO ALLOW FOR 2 YEARS AFTER DECISION ISSUED).

02. INFORMATIVE

The development, for which the reserved matters are hereby approved, shall be carried out in complete accordance with the conditions set out above and those imposed on planning permission reference 14/02965/OUTM (appeal ref - 16/00025/REF) granted on 12/07/2017.

03. INFORMATIVE

Further to your consultation in respect of the above, the proposal appears to be satisfactory in respect of Fire Service access to the new building, which should comply with the Building Regulations 2010, Approved Document B5 "Access and Facilities for the Fire Service."

Please note: that our current appliances are well above the 12.5 tonne limit referred to in ADB - SYFRS Maximum authorised mass (mam) is 18000kg

Please note below, a table of information in relation to current SYFR appliance dimensions and weights. South Yorkshire Fire and Rescue is keen to promote the benefits of sprinkler systems to protect lives, property and the environment. As such it is recommended that this is allowed for when determining the water supply requirements for the site. The above notwithstanding, if the proposal should become the subject of a Building Regulations application then detailed comments may be made at that time.

04. INFORMATIVE

From the outset, it is recommended that the development is built to Secured by Design standards. Details of which can be found at www.securedbydesign.com If this is not to happen, in order to maximise security on the estate and reduce the chances of attacks on the dwellings, the following recommendations should be carried out.

1. All external doors and must comply with PAS 24 (2016) or LPS 1175 SR2. As the building must achieve door and window security in line with approved Document this is the same standard as that required for Secure by Design therefore no additional costs would be incurred,
2. All windows to comply with security standard PAS24(2016)
3. The glazing units consist of a minimum of one pane of glass that achieves compliance under the BS EN356 P1A attack resistance standard.

05. INFORMATIVE

The developer's attention is drawn to the information provided by Doncaster East Internal Drainage Board The information may be found by viewing the consultation reply from the Doncaster East Internal Drainage Board which is attached to the planning application on the Council's website. Please use the following link www.doncaster.gov.uk/planningapplicationsonline

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

Appendix 1: Location Plan



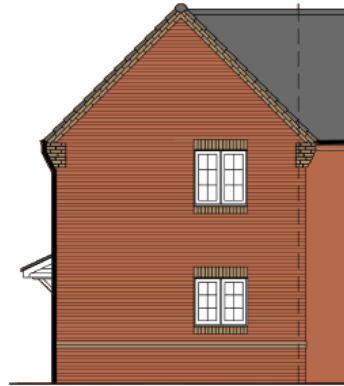
Appendix 2: Site Plan



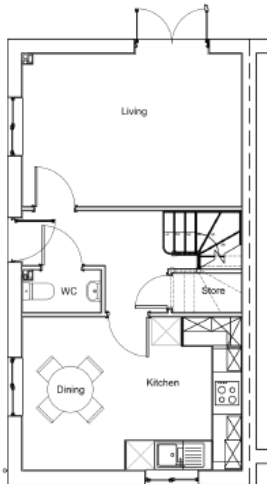
Appendix 3 – Typical Elevations



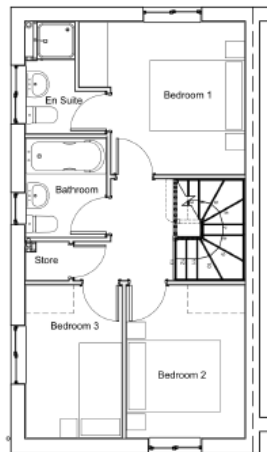
Front Elevation



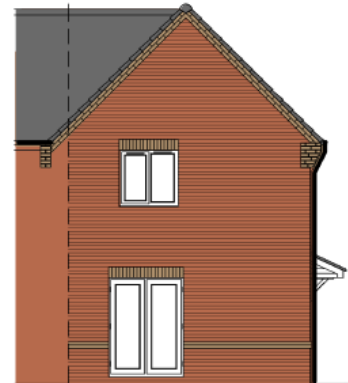
Side Elevation



Ground Floor
1026sqm



First Floor

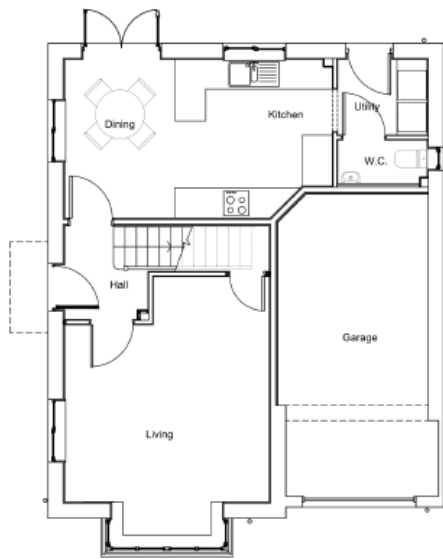


Rear Elevation

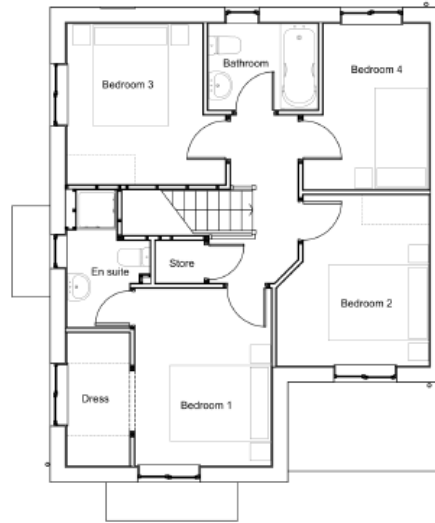


Front Elevation

Side Elevation



Ground Floor Plan
1118 sq ft (103.86m²)



First Floor Plan



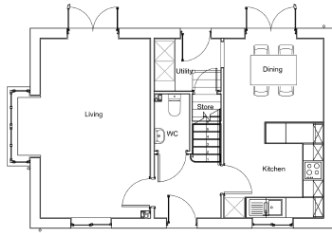
Front Elevation



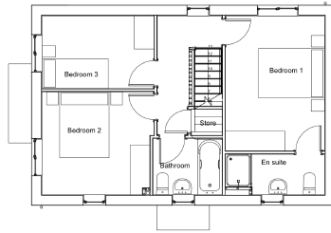
Side Elevation



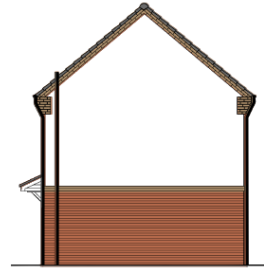
Rear Elevation



Ground Floor
1026sqm



First Floor



Side Elevation

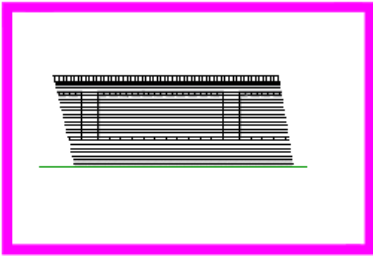
A 15/10/20 Drawing updated in line with working drawing development PB

Rev. date (YYYYMMDD) name

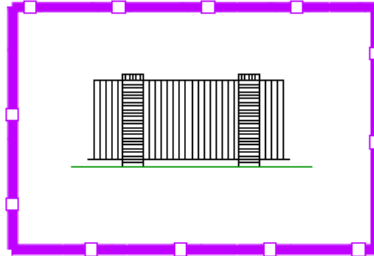
Harron Homes Limited
 Colton House
 Temple Point
 Bullerthorpe Lane
 Leeds
 LS15 9JL
 Tel: 0113 204 4670
 Fax: 0113 204 4677
 Web: www.harronhomes.co.uk

status: **PLANNING**

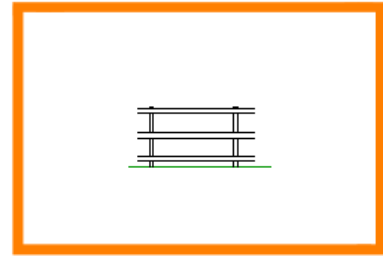
Appendix 4 – Boundary Treatments



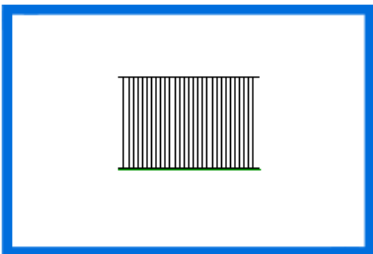
1.8M HIGH BRICK SCREEN WALL (W)
Refer to Standard Detail



1.8M HIGH SCREEN FENCE WITH
BRICK PIERS (PP)
Refer to Standard Detail



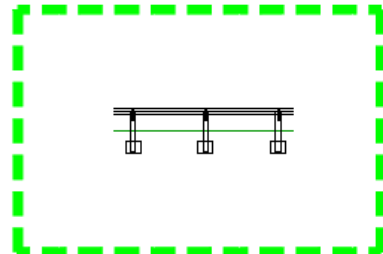
1.5M HIGH POST & RAIL FENCE
TO BOUNDARIES
Refer to Standard Detail



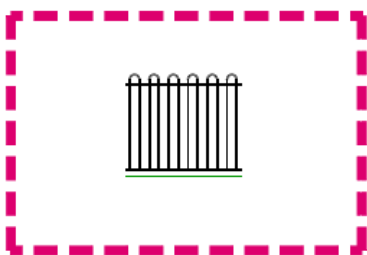
1.8M HIGH FEATHER EDGE TIMBER
FENCE TO REAR BOUNDARIES
Refer to Standard Detail



1.2M METAL RAILINGS



0.45m HIGH KNEE RAIL FENCE
ADJACENT TO FOOTPATHS
Refer to Standard Detail



1.1m HIGH HOOP TOP METAL
RAILINGS - To be fitted around leap



1.5m Bar Gate to be fitted for vehicular access

Application	3.
--------------------	-----------

Application Number:	20/02137/FUL
----------------------------	--------------

Application Type:	FULL Planning Application
--------------------------	---------------------------

Proposal Description:	Change of use of agricultural land to provide continuation of temporary takeaway cafe to a permanent change of use including creation of takeaway cafe, outdoor seating area, indoor seating area, and toilets.
------------------------------	---

At:	Loversall Farm, Rakes Lane, Loversall, Doncaster, DN11 9DA
------------	--

For:	Mr & Mrs Lee - Loversall Farm
-------------	-------------------------------

Third Party Reps:	21 Letters of representation received- 3 in opposition, 17 in support, and 1 stating neither objecting or supporting	Parish:	Loversall Parish Council
		Ward:	Tickhill and Wadworth

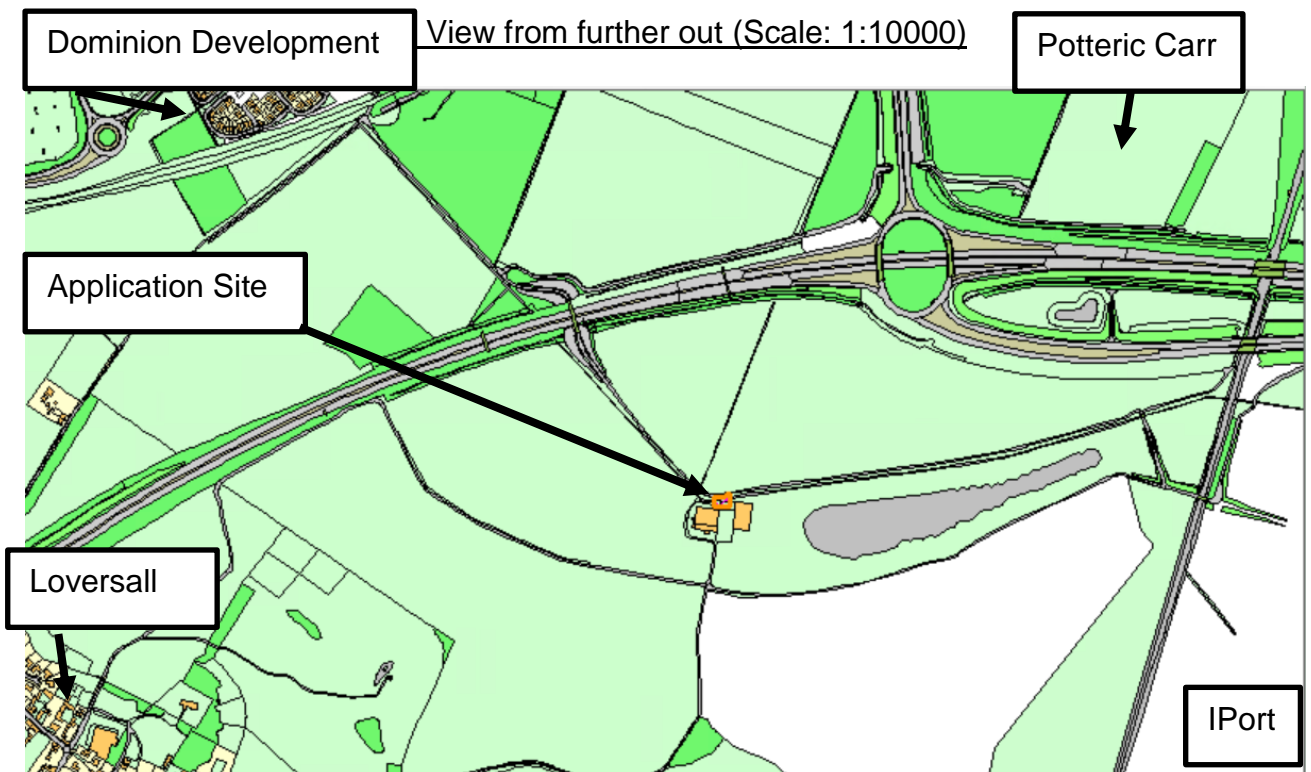
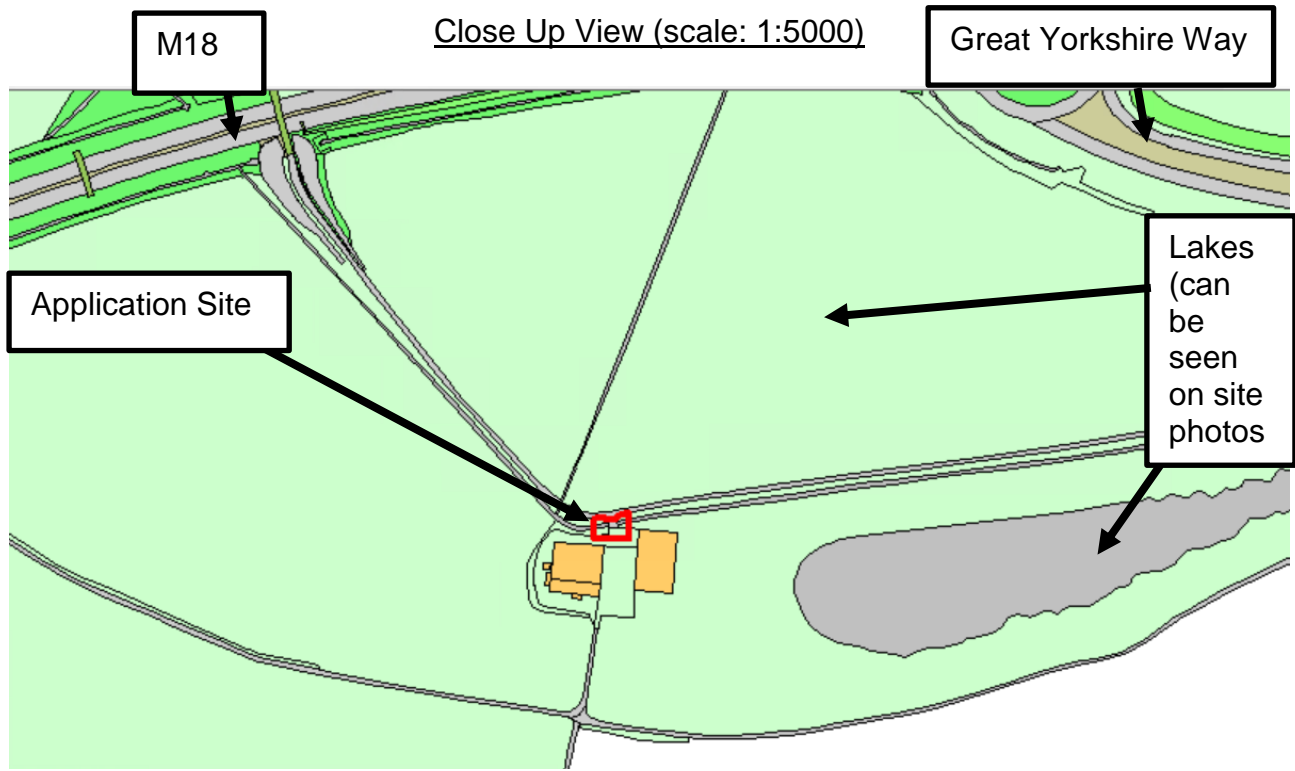
Author of Report:	Hannah Wilson
--------------------------	---------------

SUMMARY

The proposal seeks permission to retain an unauthorised change of use of land for a café, toilets, prep area, indoor seating and outdoor seating area. The proposal is considered to be unacceptable in policy terms being inappropriate development in the Green Belt without very special circumstances as defined by Doncaster’s Unitary Development Plan (UDP), Core Strategy and emerging Local Plan.

In addition, concerns remain in respect to the impact to the amenity, character of the area and is lacking in information to assess the potential harm to ecology from the adjacent wetland habitats and impact on networks with Potteric Carr Reserve.

RECOMMENDATION: REFUSE planning permission



1.0 Reason for Report

1.1 This application is being presented to planning committee due to level of public interest.

2.0 Proposal

2.1 The proposal is for the change of use of agricultural land to provide continuation of temporary takeaway cafe to a permanent change of use including creation of takeaway cafe, outdoor seating area, indoor seating area, and toilets.

2.2 The applicants are applying to use the land for more than a temporary period and describe this as a 'permanent' change of use of the land.

2.3 The use includes portacabins which the applicants state are not fixed into the ground and could be easily moved and thus are not classed as 'buildings' but a change of use of land for their siting. This includes the takeaway café, indoor seating and toilets. These were placed here for the café use.

2.4 The applicants do not propose any parking or access for vehicles and state the use is solely for walkers and cyclists.

3.0 Site Description

3.1 The site lies within the Green Belt and is located within a setting of very open agricultural land and lakes. The site is adjacent to farm buildings and newly constructed lakes as part of the iPort development. The lakes are not under the ownership of the applicant and are ecological enhancements for biodiversity offsetting from the iPort permission.

3.2 The iPort development of warehousing lies to the East whilst Potteric Carr Nature Reserve is to the North East. The M18 lies between Potteric Carr and the Lakes. Loversall is to the South West and the Dominion residential development is to the North.

4.0 Relevant Planning History

4.1 There is no relevant recent history for the farm or this particular piece of land. Planning History for the land surrounding site but not in the applicant's ownership is as follows:

Application Reference	Proposal	Decision
09/00190/OUTA	Construction of an inland port (Strategic Rail Freight Interchange) together with ancillary infrastructure and operational development comprising:- (i) an intermodal terminal and rail and road served distribution units (562,000 m2) in Use Class B8 (including ancillary B1/B2 floorspace);	Granted subject to s106 19.08.2011. Page 73

	(ii) road, rail and other infrastructure facilities and works, including the Southern arm of junction 3 M18, first section of FARRRS, rail access from the South Yorkshire Joint Line to the west and from the branch colliery line from the East Coast Main Line; (iii) the re-alignment of the St Catherines Well Stream and other water courses; (iv) landscaping; (v) continued agricultural use, landscape, ecological and flood mitigation and enhancement; (vi) other ancillary works.	
16/01648/OUTA	Without compliance with conditions 6, 11, 19 and 22 of planning application 09/00190/OUTA, granted on 19/08/2011	Variation of conditions Granted 06.01.2017
17/02908/FUL	Construction of a 3.5m footway/cycleway and associated lighting between the Inland Port site and Balby.	Granted 27.03.2018

5.0 Site Allocation

5.1 The site is allocated within Green Belt, as designated in the Doncaster Unitary Development Plan (adopted 1998). The site is proposed to remain as such under the draft Doncaster Local Plan (currently given limited weight).

5.2 National Planning Policy Framework (NPPF 2019)

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

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

5.5 Paragraph 38 states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
 - and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.7 Paragraph 83 states that planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship
- 5.8 Paragraph 84 continues this to discuss rural economy: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 5.9 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 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.
- 5.11 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.
- 5.12 Paragraph 133 of the NPPF, states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 5.13 Paragraph 143 of the NPPF, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.14 Paragraph 144 of the NPPF, states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.15 Paragraph 145 of the NPPF, states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) Buildings for agriculture and forestry;
 - b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) Limited infilling in villages;
 - f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) Limited infilling or the partial or 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; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 5.16 Paragraph 146 of the NPPF, states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) Mineral extraction;
 - b) Engineering operations;
 - c) Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) The re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) Development brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 5.17 Paragraph 175 states when determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

5.18 Core Strategy 2011 - 2028

5.19 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)).

5.20 In May of 2012 the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force (for example those relating to the non-residential use in a Residential Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:

5.21 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs, protect local amenity and are well designed.

5.22 Policy CS3 of the Core Strategy applies national policy and seeks to protect the Green Belt from inappropriate development other than in very special circumstances.

5.23 Policy CS4 of the Core Strategy requires a proactive approach towards the management of flood risk and drainage.

5.24 Policy CS14 of the Core Strategy states that all development proposals 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. New development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

5.25 Policy CS16 of the Core Strategy states that proposals will be supported which enhance the borough's landscape and trees by:

1. Being appropriate to the landscape's character, sensitivity and capacity;
2. Including measures to mitigate any negative impacts on the landscape;

3. Ensuring designs are of high quality, include appropriate hard and soft landscaping, a long-term maintenance plan and enhance landscape character while protecting its local distinctiveness; and;
4. Retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

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

5.27 Policy ENV1 of the UDP reiterates a Green Belt in the western part of the Borough. The purposes of including land within the Green Belt are set out, in accordance with national policy.

5.28 Policy ENV3 of the UDP states that development will not be permitted, except in very special circumstances for purposes other than listed. Where development is a permitted use, development will only be acceptable in principle where they would not be visually detrimental by reason of their siting, materials or design, and would not give rise to unacceptable highway or amenity problems and would not conflict with other policies of the UDP.

5.29 Policy ENV 14 ensures that buildings should not have a visual impact which would harm the character of the countryside or significantly increase the size of the existing dwelling.

5.30 ENV53 states that the scale and appearance of new development must have regard to its wider visual impact. Development will not normally be permitted if it would have a significant adverse visual impact on:

- A) views from major transportation routes; or
- B) views across open countryside; or
- C) views of important landmarks.

5.31 Local Plan

5.32 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). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

5.33 The Council is aiming to adopt the Local Plan by early in 2021. The following policies are considered appropriate in assessing this proposal and consideration has been given to the level of outstanding objections resulting in appropriate weight attributed to each policy:

- 5.34 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.
- 5.35 Policy 2 and 3 set out the Borough's focus for new housing in sustainable locations. These policies are considered to carry limited weight at this time.
- 5.36 Policy 26 sets out acceptable uses in the Countryside, for sites within the Green Belt national planning policy will be applied. This policy is considered to carry limited weight at this time.
- 5.37 Policy 31 deals with the need to value biodiversity. This policy is considered to carry limited weight at this time.
- 5.38 Policy 33 states that the design process should consider woodlands, trees and hedgerows. This policy is considered to carry substantial weight at this time.
- 5.39 Policy 43 seeks to ensure high standards of residential design. This policy is considered to carry moderate weight at this time.
- 5.40 Policy 49 (Landscaping of New Developments) states that development will be supported which protects landscape character, protects and enhances existing landscape features, and provides a high quality, comprehensive hard and soft landscape scheme. This policy is afforded limited weight as there are outstanding unresolved objections
- 5.41 Policy 55 requires the need to take into account air and noise pollution. This policy is considered to carry limited weight at this time.
- 5.42 Policy 56 deals with the need to mitigate any contamination on site. This policy is considered to carry limited weight at this time.
- 5.43 Chapter 9 states that the Local Plan will not repeat national policy and proposals should accord with the NPPF for Green Belt development.

5.44 Other material planning considerations

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

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) by means of site notice, council website, and press advertisement (Departure from Development Plan).
- 6.2 21 representations have been received. 3 are in objection from local residents/business, 1 neither supports nor objects; and 17 were in support of the application coming from a wide range of locations nearby and as far as Bassetlaw and Scunthorpe. A summary of the main issues raised are as follows.

Support:

- Cultural Asset
- Support exercise and tackle obesity by providing a pitstop for food and drink along the public right of way for cyclists, walkers, dog walkers, joggers, children. Adding to the 'Get Doncaster Moving' agenda.
- Braithwell Bikers group (a local cycling group based in Doncaster) support it
- Encourages people to the area
- Enjoy local wildlife, nature and beauty of the countryside
- An asset during Covid to get out and walk to
- Help with mental health as well as physical health
- Make lakes more accessible for people coming from further afield
- Feel it blends in
- Toilets useful for enjoying going around the lakes and indoor area useful in bad weather
- Supports young people setting up a business

Objections:

- Hall Balk Lane is a small lane that is dirt in some places and deteriorating and has been encouraged by the applicants on social media to be used for vehicles parking and accessing the café. This has made one objector feel scared by the traffic and near misses of cars with walkers accessing the lakes and café.
- Feel supporters don't live nearby and are causing the problems with traffic
- Concerns with dust being churned up on Hall Balk Lane.
- Nursery in Loversall is concerned with the level of vehicles parking and traffic in Loversall. Affecting access and safety of children and parents and using their car park to access the café. They would not be concerned if there was a condition not allowing access down the private road and signage to this effect.
- One objector has concerns with the Dominion Play Area at the end of Hall Balk Lane. People have been going through on dirt bikes vehicles have been parking along the play area making it unsafe for children and parents to access and an incident has recently occurred that has smashed the fencing and churned up turf that has been reported to the police. They feel this has worsened with the café opening and them promoting social media the use of the Dominion Estate for parking to access to café. They feel all of the parking would also restrict access for emergency vehicles.

The representation neither in support or objection had no concerns with the principal of the café but does raise concerns with the traffic and litter and lack of bins along the path as people walk with products from the café.

7.0 Parish Council

7.1 The Parish Council has responded and raised concern in 4 responses with photographs.

7.2 The proposed development is located within the Parish of Loversall. Loversall Parish Council has a close knowledge of, and longstanding interest in, the ecological area adjacent to the site of the proposed takeaway cafe. Loversall Parish Council firmly opposes the planning application.

7.3 Parish Councillors have taken an active interest in the safeguarding of the ecological area adjacent to the iPort, before and since the iPort planning application was submitted. Parish councillors walk through the area on a daily basis and have detailed knowledge of the area and its access routes. Issues connected with the site are often discussed at parish council meetings and the parish council liaises with the iPort site management (CBRE Ltd, David MacFarland) police (Inspector Mark Payling), DMBC ward councillors, DMBC Ecologist Planner and Yorkshire Wildlife Trust . The Council believes that by increasing footfall to the location for the purposes of a takeaway service, the proposed cafe has the potential to (a) increase antisocial behaviour (b) cause harm to wildlife (c) cause damage to the environment (d) cause problems for local residents associated with increased traffic along single track, country roads, normally used for outdoor exercise and farm vehicles, and (e) cause parking problems in Loversall and the Carr Lodge (Dominion) development. Furthermore, if planning permission is granted it could also mark the start of further commercialisation of the location by enterprising mobile, fast food outlets because the location of the café is easily accessible by such vehicles from the main access route, Hallbalk Lane.

7.4 At the outset of the iPort planning process, the planning authority gave assurances that the ecological area would eventually come under the control of an organisation with a track record in ecological management. Communications with the DMBC Ecologist Planner, Ward Councillors, Yorkshire Wildlife Trust and the property manager acting for Verdion, have all confirmed this intention. Below is an extract from the *Green Infrastructure Management Plan* that was agreed as part of a condition of the planning permission.

8.1 A management company will be established comprising the inland port site owners Verdion and other appropriate bodies which include DMBC, Natural England and YWT. The Management Company will then oversee the management of the Countryside Area and any other areas outside the development site where the GiMP has been implemented. The Management Company will be established three months prior to the completion of the first phase of the Countryside Area.

8.2 The Management Body will appoint a suitably qualified, established and experienced local Management Body such as YWT to undertake the management of the Countryside Area. The Management Body will undertake the management regime based on the principles set out in this Management Plan. The contract will be let on a cost that matches the market rate and in order to achieve this the Management Company will tender the contract to suitably qualified, well established and experienced organisation with extensive experience in delivering high quality biodiversity management. The Management company will appoint the Management Body no later than six months after the completion of the first phase of the Countryside Area

7.5 Loversall Parish Council was advised that the Management Body would be appointed earlier this year. The delay in appointing the Management Body means that the relevant “suitably qualified , well established and experienced organisation with extensive experience in delivering high quality biodiversity management” is not available to deliver an opinion on the planning proposal for a takeaway café; a development completely at odds with the concept of the ecological area as originally put.

7.6 The lakes in the area are becoming successfully colonised by wild fowl but as public knowledge of access to the ecological area has spread beyond Loversall, the

area has already attracted activity that is both anti-social and damaging to the environment. The Parish Council has already found it necessary to report to the police and the property management company, incidents of jet-skiing on the lakes during the nesting season, in addition to quad biking around the edges of the lakes. The Parish Council has recently provided photographic evidence to the police of those involved and has been able to identify them. A café will risk attracting people to the ecological area for the wrong reasons.

- 7.7 The proposed café is on private farm land immediately adjacent to a public path which is integral to the ecological area. The location is not geographically remote - there is no physical necessity for the provision of food and beverages to local people taking exercise in the area. There is no public interest to be served by providing more fast food outlets in the local area. As well as a Covid 19 pandemic there is an obesity epidemic in this country - the public health message is for more exercise not more cake.
- 7.8 The application states that there will be no impact on residential amenity. However parking problems have been reported in Loversall, including at Loversall Hall where people visiting the cafe have been parking in the grounds, and at the Carr Lodge housing development. This is indicative of the fact that many of the people who use, and will use the café in the future, are not people enjoying a walk in the countryside and alighting upon a refreshment bar but people deliberately setting out to visit a café. This sort of tourism was not envisaged, or at least not expressed, by the planning authority when the planning application for the iPort was considered.
- 7.9 The planning application quotes National Planning Policy Framework Para 84: “ *It will be important to ensure that the development is sensitive to its surroundings, does not have an unacceptable impact on local roads....*”. The existing café is already creating problems. Vehicular access to the area is restricted to a single-track road (Hall Balk Lane). Traditionally, Hall Balk Lane, is used by farm vehicles, local cyclists and walkers. In the summer months, during the Covid 19 lockdown, the Lane became hazardous for cyclists and walkers because of the notable increase in traffic. Anything that increases the flow of traffic along Hall balk Lane, including the proposed café, will also be of detriment to the residents living along the Lane. In addition to Hall Balk Lane, vehicles unfamiliar with the area, try to reach the café via Rakes Lane, a privately maintained short length of road leading to a bridle path. An increase in abortive attempts to access the area via Rakes Lane has been reported by local residents. Ward councillors and DMBC Highways Officers will be familiar with the existing problems for residents on Rakes Lane caused by iPort traffic. Generating more traffic in pursuit of coffee and cakes can only make matters worse.
- 7.10 Notwithstanding the above comments, if in the future a suitably qualified, well established and experienced organisation with extensive experience in delivering high quality biodiversity management saw the need to provide refreshments, in a controlled way, which ensured there would be no collateral damage to the environment and which produced revenue that could be used to support the ecological area, then the Parish Council would reconsider its position.
- 7.11 The Parish Council updated their position with a more detailed response. Parish Councillors wish to assure the planning committee that there is no generalised anti-business element to the objection; four out of five of them have a business/commercial background. An earlier application made by Loversall Farm to open a wedding venue in the middle of the village was the subject of a public

meeting arranged in response to residents' concerns. At that acrimonious meeting, the applicant, by way of reassurance, gave an undertaking to residents that there would be no further commercialisation of Loversall whose character could easily be undermined by even a small amount of commercialisation. Some councillors supported the earlier application to open a wedding venue in the village. However, none of the Councillors support the current application to open a cafe.

- 7.12 Contrary to implications in comments made by one or two supporters of the application (ie customers of the café) the Parish Council has no wish to interfere with any individual's enjoyment of the countryside; quite the opposite, the Council wishes to promote such interest. In this regard it is worth remembering that adjacent to the ecological area in question, is the Potteric Carr Nature Reserve, which by car is minutes away from the site of the proposed café. Designed and located to have no impact upon the reserve, it has ample dedicated parking space, an excellent shop and café with outside seating, overlooking beautiful countryside with miles of walking routes available. Any profits from the café at Potteric Carr are ploughed back into the objective of protecting the natural environment. The Parish Council finds it difficult to make a case of need for another café nearby on economic or any other grounds.
- 7.13 The Parish Council would withdraw its objection (a) If the Yorkshire Wildlife Trust, having been given sufficient time, assesses that the café/takeaway will not impact on the ecological area and (b) if feasible mitigation is proposed to address concerns over traffic generation and parking.
- 7.14 In Loversall Parish Council's initial response to the application it was mentioned that photographic evidence of individuals using the area for jet skiing and quad biking had been forwarded to the police. The police have advised that they have acted upon the information. It has been suggested to the Parish Council that this material is relevant to its opposition to the application. The Clerk to the Council has been asked to forward, under separate cover to the Case Officer, the photographs and the email sent to the police.
- 7.15 It is apparent from correspondence that DMBC has received from YWT that they expect to be taking over the lease for the ecological area in a few months. Laura Hobbs (YWT Conservation Planning Officer) points out "clear ecological assessments and mitigation (therefore) need to be provided to demonstrate evidence that the proposal will not have any direct or indirect impacts upon the wetlands". The Parish Council is advised that such assessments will take some time to complete and presumably cannot start until YWT is legally the leaseholder. Loversall Parish Council requests that no decision about the application is taken by DMBC until Yorkshire Wildlife Trust, acknowledged experts in this field, carry out and report on their ecological assessments, having been allowed sufficient time to do so.
- 7.16 Loversall is a very small village, a hamlet really, in a conservation area. The character is that of a small open grained village of traditional limestone buildings. In addition to being in a conservation area a number of the properties do not have permitted development rights and DMBC, through its conservation officers, are assiduous about preserving the character of the village. The character of the village will not be upheld by additional traffic and parking on a narrow residential street through the village.

7.17 The planning application states that “public access to the takeaway café is by cycling or walking only. There are no public highways to allow vehicular access and this is not required for the proposal. Therefore there is no impact on traffic generation and no parking requirements in relation to the facility”. The Parish Council regards this to be a misleading statement and the supporters of the applicants themselves have provided the evidence for this. Analysis of the distance travelled by the ten supporters who responded to the initial consultation deadline, assuming they travelled from their homes to the café, shows they made an average round trip of about 20 miles. One travelled from Scunthorpe a round trip of about 60 miles. Others from near Moss, Gringley on the Hill, Stainton, Micklebring, Bircotes, Tickhill and Bessacarr. Assuming they did not all walk or cycle, the question arises where did these visitors park? There are two access routes to the café location, one being Hallbalk Lane and one being Rakes Lane. Hallbalk Lane adjoins the A60 and it is not possible to park alongside Hallbalk lane. Rakes Lane adjoins Bubup Hill, the narrow road through the village. This is where increased parking has already been observed. There will be little opportunity to provide photographic evidence in the winter months, before the Planning Committee meets, because the footfall will be low, but from what has already been observed we anticipate that parking will become problematic as weather improves and the café is actively promoted on Facebook. The problem at the junction of Rakes Lane is not only the narrowness of the road but the fact that Rakes Lane is a concealed junction with Bubup Hill. Residents from the houses at the entrance to Rakes lane, as well as businesses located at Loversall Hall, have to negotiate the blind junction to get onto Bubup Hill. Testimony to the danger of this junction is that, at the Parish Council’s request, DMBC Highways Department has recently installed a “Give Way” sign further up Bubup Hill at the junction with the private road leading from the Farm and Loversall Farm Nursery. The reason for doing this was to slow down traffic exiting the private farm road (often not stopping at the junction) and heading down Bubup Hill past the end of Rakes Lane at speed. The Parish Council anticipates the problem will be exacerbated in the Spring /Summer /Autumn months when traffic associated with the Loversall Farm wedding venue adds to the traffic passing the end of Rakes lane.

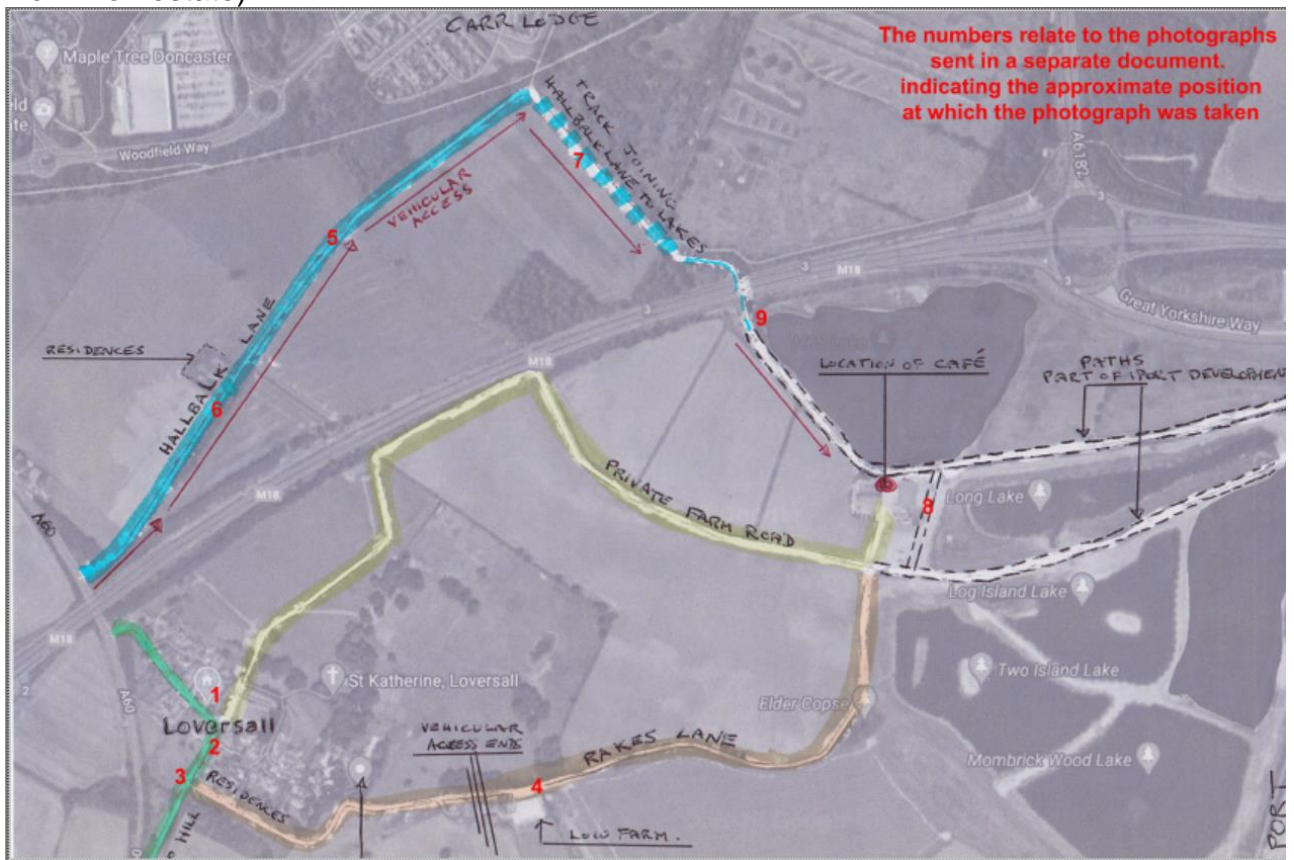
7.18 Although, at the Parish Council’s request, DMBC has erected ‘no through road’ signs at the entrance to Rakes Lane, the properties along the Lane experience problems when drivers assume that the lane continues as it first appears all the way to the iPort. This is not the case. Rakes Lane beyond Loversall Hall and Low Farm becomes a narrow bridle path joining the ecological area. Consequently vehicles have to try to turn around or reverse to get out. (The owner of the first property on Rakes lane has on several occasions had his wall knocked down by lorries). Some time ago a firework display was organised around the lakes (presumably illegally) and dozens of cars were lined up between Loversall Hall and Low Farm trying to extricate themselves. If the cafe application was successful then these problems for our local residents are very likely to be exacerbated. If it is the intention that the applicant uses their private road , the Parish Council shares the view of the owners of Loversall Nursery, who have also objected, that there will be traffic generation and road safety issues in Loversall Village

7.19 The statement in the application that “There are no public highways to allow vehicular access and this is not required for the proposal” is also misleading. Other than the private farm track there is one access route and it is a public route along Hallbalk Lane, off the A60, a track of similar dimensions to the private farm road.

Hallbalk Lane is maintained by DMBC but is nothing more than a single track . The vehicle pictured is a small one, there are many times in the year when huge agricultural vehicles trundle up and down Hallbalk Lane and the interaction of these with increased traffic on the Lane can be imagined.

- 7.20 Hallbalk Lane is used extensively by local residents in Loversall, Woodfield Plantation and Carr lodge for walking cycling and dog walking. An encounter with even a small car can only be negotiated by scrambling into the hedgerow. Additional traffic has already been experienced when the café was open in the summer months and spoils the walking experience for local residents. Additionally there are two residential properties along the Lane which open directly on to Hallbalk Lane . In the summer months the Lane is very dusty, vehicles leave clouds of dust in their wake and an increase of traffic will be very unpleasant for the residents living along, or walking along, the lane. If Hallbalk Lane is used as a route to the café then there is nowhere to park at the end of it, other than on land which is currently managed by the iPort . In any case , vehicles should not be accessing the paths built beyond the bridge over the M18, which are intended for pedestrians, cyclists and horseriders. However, vehicles are already using these paths to access the area . If food sales are allowed there is nothing to prevent mobile food outlets turning up.
- 7.21 The Parish Council remain concerned that the café is currently operating unauthorised until this application is determined and enforcement action is taken if it is refused.
- 7.22 A final response was received further to the above. This expressed further traffic and parking concerns associated with the café. There is no legal vehicular access to the cafe but Hallbalk Lane is increasingly being used illegally by vehicles to reach the site, reportedly creating inconvenience and risk to pedestrians and further damaging the already badly maintained road surface. There is no legal parking near the café. The café can be accessed on foot from Rakes Lane in Loversall. A noticeable increased level of traffic/parking was not anticipated at this time of year but it is already observable and this has led to increased traffic and increased parking in Loversall Village, especially near Rakes Lane . As the Parish Council has previously pointed out, there are already road safety issues at the Rakes lane junction with Bubup Hill. It is the middle of Winter and the Parish Council considers it reasonable to believe that the traffic and parking situation will be much worse in the Summer, especially with the re-opening of the wedding venue, also owned by the applicants at Loversall Farm. In addition to Rakes Lane, the café can be accessed on foot from the new Dominion estate (adjacent to Tescos). The residents there are also experiencing problems with parking and litter, allegedly associated with people visiting the café . It is apparent from the applicant's own posts on Facebook that they now acknowledge that the café is generating traffic and creating parking problems - recently on Facebook the cafe asked patrons not to park in Loversall Village or the Dominion Estate. Though the Parish Council welcomed acknowledgement of a situation, which they had earlier predicted, the fact is that there is nowhere else for café clientele to park. Perhaps, to avoid further complaints from residents on the Dominion estate, who are active on Facebook, the applicants are now temporarily , directing café traffic to their wedding venue car park at Loversall Farm ; in effect now directing all of the café traffic through Loversall village. There is no indication of what the permanent solution to the parking problem is intended to be should planning permission be granted. (Ward

Councillors Cannings and Greenhalgh are familiar with the situation on the Dominion estate).



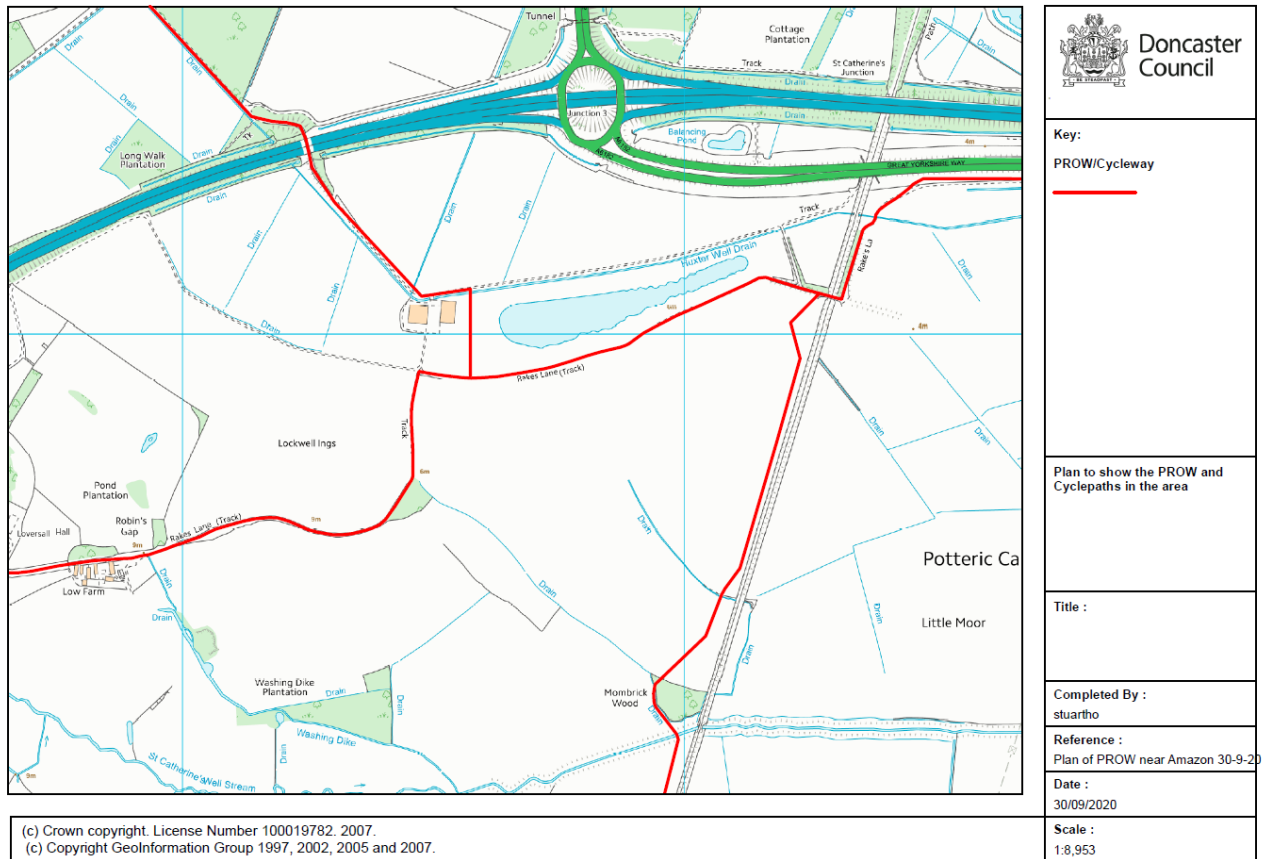
7.23 The Parish Council has concerns additional to those already expressed in earlier submissions. Firstly, the planning committee decision has been further delayed until January 2021 and seemingly this is related to the applicant's Agent wishing to supply further information. During this period of delay, the applicants continue to successfully promote the café on Facebook, against the backdrop of the ecological area. The concern of Parish Councillors is that the longer the café remains open without planning permission, actively promoting itself, the more well known and patronised it will become, and the more difficult it will be for the planning committee to deny planning permission. The second concern relates to alcohol licencing. One of the applicants already holds a premises licence to sell alcohol at their wedding venue at Loversall Farm. The Parish Council understands that if planning permission is granted there is nothing to prevent the applicant from applying for an alcohol licence for the café and that this eventuality cannot be addressed by the Planning Committee in determining the application. In the view of the Parish Council, the use of alcohol at the site can only add to the risk of anti-social behaviour in the environmental area, which the Parish Council has already flagged up as a risk.

8.0 Relevant Consultations

8.1 Police Liaison Officer: No objections or comments to make.

8.2 Highways: Are not aware of any problems with traffic/ parking. Given this development is aimed at walking & cycle users they wouldn't expect it to have a detrimental impact on highways, therefore they would have no objections from a HDC point of view.

- 8.3 **Highways England:** No objection
- 8.4 **Severn Trent :** No objection subject to informative
- 8.5 **Public Rights of Way:** The public rights of way are marked below in red. This includes the new public right of way from iPort to Balby.



- 8.6 **Environmental Health:** No objection to the proposed permanent approval of the café. A café of this type is unlikely to generate significant odour from cooking of food and we have not received any complaints relating to the use during its temporary siting.
- 8.7 **Trees:** The proposal doesn't appear to negatively impact on existing trees any more than normal agricultural activity would and providing it is temporary there is no objection to the proposal from a trees and hedgerows perspective.
- 8.8 **East Internal Drainage Board:** No objection subject to informative.
- 8.9 **Ecology:** The officer has considered the ecological implications of this proposed Change of Use from an agricultural yard to a café. The direct impacts of the location of the café would be minimal as the land currently functions as a farm yard involving constant vehicular movements with very little in the way of embedded biodiversity other than a line of mature trees to the north of the proposal site.

However the officer is aware that this café has been functioning for a number of months but is unsure about what impact it would have on the wider biodiversity and the public use of the area. The Officer believes that ultimate ownership/responsibility for the lakes has yet to be determined but when it does it

would have a bearing on the facilities in the area. The potential impacts of visitors is unknown and it would be wrong of the officer to speculate about these. The Yorkshire Wildlife Trust has a large Nature Reserve (Potteric Carr) which extends close to the northern boundary of the application site. As their focus is on promoting public access to nature in the area, in and around the Nature Reserve the officer thinks that their position on this application would be pivotal. The officer knows that reserved judgement on the ecological merits or demerits of the scheme until they have had their chance to express an opinion.

The applicant submitted more information and YWT responded. The has consulted YWT in respect of their management of the Potteric Carr Nature Reserve SSSI and the potential for the management of wider areas. The officer's initial comments took into account the Natural England Impact Risk Zone (IRZ) criteria for SSSI's and the proposed facility does not fall within these. However having spoken to the YWT about the potential indirect impact on certain species on the Reserve and on the future management plans for the area the ecology officer does now consider that a more cautious approach is required. Although the proposed café may not adversely affect the immediate area as stated in the initial comments, following further information from the YWT it is considered that an Ecological Impact Appraisal is required to assess the potential for indirect impacts. This has not been provided by the applicants.

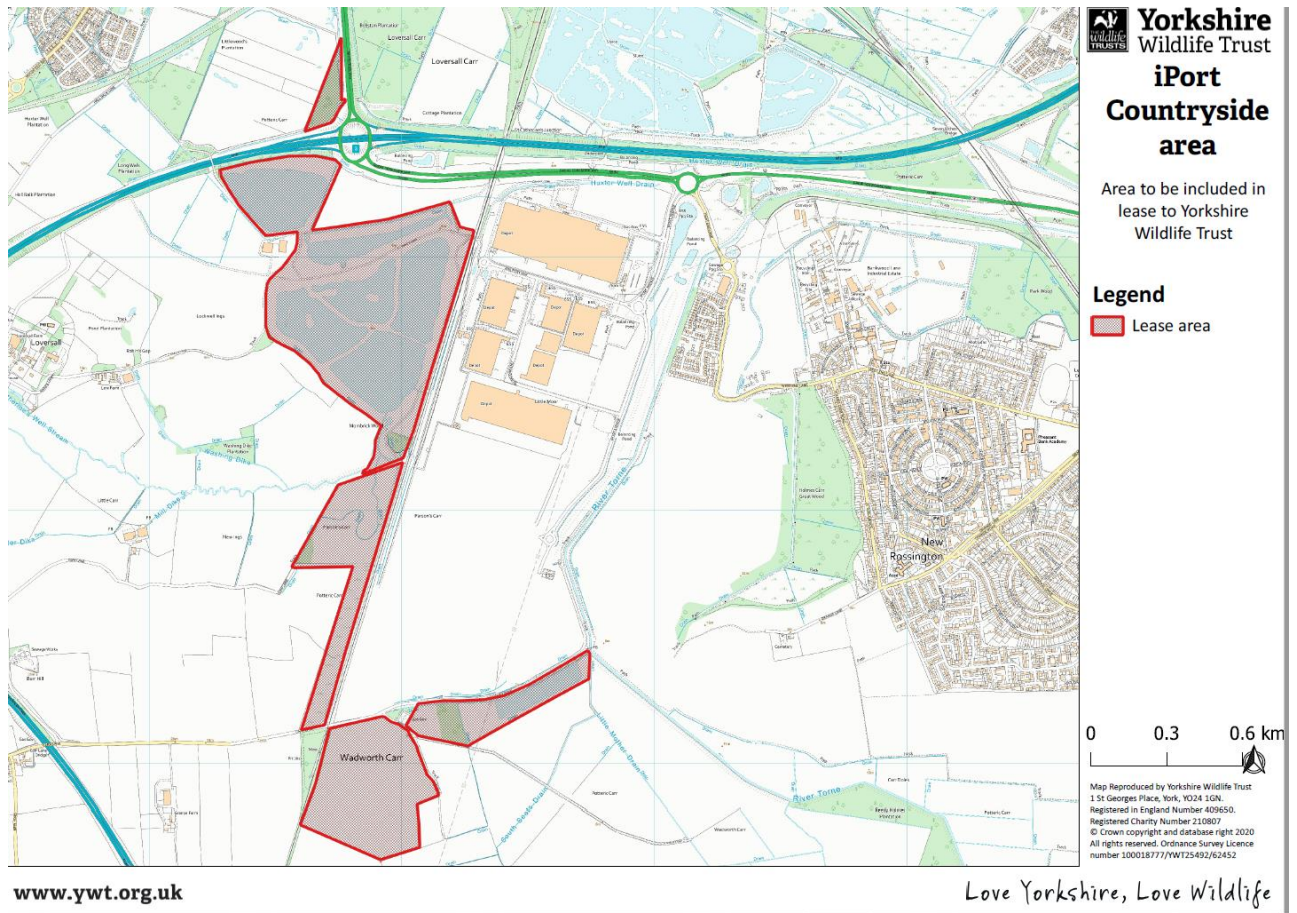
- 8.10 **Yorkshire Wildlife Trust (YWT):** The site is in close proximity to their reserve and SSSI, Potteric Carr and the significant wetland compensation project associated with the iPort development, which YWT are under tender for long term management.

The current application is not supported by any ecological information and YWT have serious concerns with regards to its potential ecological implications, should the application be approved. The proposed site lies adjacent to the north west wetland creation area which was agreed, after lengthy conversations, for compensation for the large iPort development adjacent. The proximity of the proposed café would bring additional vehicles, and persons within close proximity of the site. Whilst impacts from vehicular emissions are likely to be minimal due to the proximity of the M18, impacts from increased disturbance from closer traffic noise and diners walking around, or in close proximity to, the wetlands site, littering and walking domestic pets will have negative consequences and limit the success of the newly created wetland as it is becoming established. Concerns around antisocial behaviour were had early at the creation of the wetlands and schemes which will increase footfall in these areas should not be approved if YWT are to ensure the success of the iPort compensation scheme.

The implications of the success of the iPort compensation site is vital as functionally linked land associated with Potteric Carr SSSI and the bird assemblages recorded. The LPA must therefore take a strategic view on approving applications in sensitive areas such as this and consider the cumulative impacts upon wetland and farmland bird species from the baseline surveys supporting the iPort planning application.

Clear ecological assessments and mitigation therefore need to be provided to demonstrate evidence that the proposals will not have any direct or indirect impacts upon the wetlands. This would likely require removal of areas for dining and encouragement of walking off site. Hours may also need to be reduced to ensure there is no need for additional lighting which would have further adverse impacts.

YWT provided a plan of the land that will be leased from them and so the café has no access to and the public only have a right of access on the public right of ways.



YWT will be lease holders of the land (999 year lease), YWT are hoping the lease will be signed within the next few months. The map is roughly where YWT will lease, so it is subject to minor changes.

There will be access to the lakes on the current bridleway and a permissive path. But access will be restricted to the paths, and we will try to restrict access to the land between the lakes/lake shores. Concerns are about increased foot/bike traffic, and not staying on paths. There are schedule 1 breeding birds.

The track being used for vehicle access is from the north of the M18, which isn't a public highway (Hall balk lane, and the bridge over the M18), and isn't mentioned in the planning application. Cars are then parking on land that isn't owned by Mr Lee.

The applicants provided additional information and the YWT feel these are insufficient to discharge any of YWT concerns with the proposals and maintain their objection at this time.

In particular, YWT have major concerns with regards to section 3 of the VSC (Very Special Circumstances) Statement. The social benefits highlighted all focus on an increased and varied use of PRoWs and the nearby lakes. This is hugely inappropriate in this local area due to the sensitivity of the sites in question and the difficulties already experienced through antisocial behaviour at the site. Any café in this area should not encourage additional use of the surrounding sites

Whilst we agree with the concept of access to nature for the local communities, this should be carefully balanced through the provision of green infrastructure for people and protection of sensitive sites for biodiversity such as this. Whilst the site itself is not designated, it is functionally linked to the success of the adjacent SSSI and as such be given the same weighting when making decisions. This is in accordance with NPPF and local policy which are outlined below.

With regards to section 6 of the VSC Statement, it is the indirect impacts of increased footfall which is concerning with regards to the proposal, as stated above. The lack of records of disturbance events is not sufficient reason for permitting the proposals as monitoring has not been undertaken to support such claims. Here, YWT would like to refer to a study undertaken by the Trust in 2017. The report looked at the impacts of development on 94 Trust reserves, finding that the closer development to a site the more impactful and frequent incidences of damage and disturbance were. This included five main categories of:

- Litter and fly-tipping
- Damage and disturbance by dogs and other domestic animals
- Anti-social behaviour
- Theft and destruction of wildlife and property
- Damage by vehicles

We have no information to give reason to believe this will not be the case for the iPort mitigation site and areas functionally linked to Potteric Carr SSSI as a result of increased use of the local area to access the cafe.

The works by Buckingham group which are referenced are to improve the habitats on site for biodiversity and are covered by method statements carefully considered to minimise all impacts. It is therefore down to the applicant to provide evidence that the proposals will not harm biodiversity, rather than for consultees to prove it will as outlined by local and national policy.

Within the response to YWT comments, the applicant states that they have no responsibility to undertake an ecological assessment for areas of land outside of their control. However, as shown within section 3 of the VSC Statement, their basis of the proposals is to serve the local community through increased use of PRowS and the surrounding areas. As such this is conflicting with other planning applications already approved and the LPA must have consideration for the functionality of conditions already agreed after lengthy discussion. As a matter of good practice and as outlined in industry guidance (CIEEM, 2016) and national policy, indirect impacts must be considered as well as direct impacts (see policy below). Thus, the applicant must undertake full ecological assessments to consider the indirect impacts upon a SSSI, nearby compensation sites of significant value to the local area and schedule 1 bird species known to be present in the locality.

The 2002 report they quote as mentioning a wealth of areas in the locality for members of the community and visitors. Whilst this report may have been included with support for Potteric Carr VC, the applicant fails to recognise that the visitor areas on site are closely controlled and designed with areas left undisturbed to allow proper function of the SSSI and schedule 1 species. Since this time there have been a number of developments which have resulted in loss of functionally linked land supporting the SSSI, iPort of which was a major one, hence the protection of these agreed mitigation and compensation areas are fundamental to

the continued success of the SSSI and thus visitor attractions in the local area. Whilst PRow are already in place, they should not be encouraged for additional use to protect the function of these areas. However, we would be happy to review this position on the basis of thorough ecological surveys which demonstrate the realistic impacts of the proposed increase use.

Ecological functions vary over short time periods and as such an 18 year old economic report cannot be taken to provide any relevant information with regards to this application.

Without an Ecological Impact Assessment undertaken to industry guidance and supported by breeding and wintering bird surveys, YWT cannot remove their objection to this application.

With regards to policy adherence, Doncaster's adopted local plan include policy CS16 which states:

B) Nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals which may impact on Local Sites and Non Designated Sites will only be supported where:

- 1. they protect, restore, enhance and provide appropriate buffers around wildlife and geological features;*
- 2. harm is avoided where possible, and any unavoidable harm is appropriately mitigated and compensated;*
- 3. they produce and deliver appropriate long term management plans for local wildlife and geological sites; and;*
- 4. they can demonstrate that the need for a proposal outweighs the value of any features to be lost.*

This is further strengthened in the publication draft (2019) which further expands on this in Policy 31 to state:

A) Proposals which may harm designated Local Wildlife Sites, Local Geological Sites, Priority Habitats, Priority Species, protected species or non-designated sites or features of biodiversity interest, will only be supported where:

- 1. the mitigation hierarchy is applied so that firstly harm is avoided wherever possible, then appropriate mitigation is provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity;*
- 2. they use the DEFRA biodiversity metric to demonstrate that a proposal will deliver a minimum 10% net gain for biodiversity;*
- 3. they protect, restore, enhance and provide appropriate buffers around wildlife and geological features and aim to link these to the wider ecological network;*

4. they produce and deliver appropriate long term management plans for local wildlife and geological sites as well as newly created or restored habitats;
5. they can demonstrate that the need for a proposal outweighs the value of any features to be lost;

C) *Proposals that may either directly or indirectly negatively impact Sites of Special Scientific Interest will not normally be supported. Proposals should seek to protect and enhance Sites of Special Scientific interest wherever possible.*

As there has been no application of the mitigation hierarchy through an Ecological Impact Assessment, nor consideration of any direct or indirect impacts upon a SSSI and protected/notable species and habitats, nor mitigation/compensation proposed for such impacts, we cannot agree that the above policies are adhered to with the current proposals.

With regards to NPPF (2019) paragraph 8 states that sustainable development should achieve 3 aims, one of which is:

*c) **an environmental objective**– to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Furthermore, paragraph 175 states:

When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

This is supported by Planning Practice Guidance (PPG).

YWT believe the proposals will have a significant negative impact upon local biodiversity and functionality of a SSSI, YWT cannot agree the above has been achieved and consideration for alternative locations, mitigation for impacts and reasons of outstanding interest above those of biodiversity should be provided before the application could be considered appropriate development.

In addition to the above, YWT have some concerns with regards to the assumed definition of '*temporary structures*' proposed. Temporary structures are usually taken to be a structure or building, quick to install and used for a short period of

time. Structures are considered '*permanent*' when they are proposed to be utilised for a long period of time. As such, we would disagree with the statements within the VSC Statement that the green belt policies do not apply as the structures are '*temporary*', as the proposals are for permanent use. We would suggest that the proposed structures are better described as '*mobile*' rather than temporary, and local and national green belt policies should be applied in this manner.

9.0 Assessment

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

- Principle of development - Green Belt;
- Impact on amenity;
- Impact on the character and appearance of the area;
- Natural environment
- Highway safety
- 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 As outlined above the site is allocated as Green Belt and is outside the settlement boundary of Loversall.

9.4 The NPPF (para 133) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristic of Green Belt is its openness and permanence.

9.5 Paragraph 134 states that the purposes of the Green Belt are:
'a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

9.6 The applicants have produced a statement of Very Special Circumstances (VSC) that states that they feel the: *'...proposal does not cause any 'unrestricted sprawl of a large-built up area, merge neighbouring towns into one another, does not encroach into the countryside (as it is located within an existing developed area), and is not within a setting and special character of any historic towns.'* However the Local Planning Authority (LPA) feel that the proposal is within the countryside and does not safeguard this and does encroach into the countryside with a use that

is inappropriate development without very special circumstances being demonstrated. This land also does not fall within the definition in the NPPF of previously developed land and will be explained further below.

- 9.7 Para 143 of the NPPF states that '*inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.*' Policy CS3 also accords with the NPPF and ensures development does not cause harm to the openness of the Green Belt or purposes of including land in the Green Belt and inappropriate development should only be approved in very special circumstances.
- 9.8 Substantial weight will be given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations; this is outlined in para 144 of the NPPF.
- 9.9 Paragraph 145 of the NPPF goes on further to say that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Paragraph 145 outlines a list of exceptions to this statement, the LPA feel that the proposed development would not conform to any of these exceptions and as such the proposal is considered to be inappropriate development in the Green Belt, and very special circumstances would need to be demonstrated. However the applicants feel that the proposal does fall within part g) below:

g) limited infilling or the partial or 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; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority

- 9.10 Although the applicants have produced a 'statement of Very Special Circumstances' they do not feel very special circumstances are required as they feel that the proposal is an exception to inappropriate development (part g – see above). Firstly this part specifically excludes temporary buildings. The applicants claim these are temporary buildings as they are only applying for change of use of land for their siting thus could not fall within part g. The proposal is not classed as being located on 'previously developed land' as the definition in the NPPF states:

'Previously developed land: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*

This specifically excludes agricultural land or land with agricultural buildings on. In this case the site is farming land and adjacent to farm buildings and so would not be classed as previously developed land. Thus cannot be considered as an exception under part g of para 145 of the NPPF.

- 9.11 Consideration must also be given to whether the application falls under any other Green Belt exception. The proposal could not accord with parts a,c,d,e,f but the applicants have claimed that the use is associated with a leisure use and thus not inappropriate in the Green Belt and could accord with part b. The lakes that they claim are a leisure use, and which the applicant states the café provides facilities for, are not intended for this. The lakes were approved as biodiversity offsetting to provide ecological enhancements as mitigation for the loss on the iPort development. It is not a leisure destination. YWT have confirmed this and that they are in the process of taking over the lease of the land to manage these important wetland habitats. Although people are walking around the lakes they will be looking at managing this in the future as this is private land around the lakes and there is no public right of way thus the current use is trespassing on private land and there has been no assessment of the impact of this on these habitats. There has also been some antisocial behaviour of using the lakes for recreational uses such as jet skis and quad biking that the YWT will be looking to restrict and control as this will disturb these habitats and is not the intended use of the Lakes. YWT feels the café encourages this unauthorised use by promoting walking around these habitats and creating a destination for people to come to from far and wide. Most importantly the Lakes are not owned by the applicant and thus they cannot provide a guaranteed leisure use associated with their proposal. The YWT or iPort could, if they wished, enclose the lakes to protect them for the wildlife and again there would be no associated leisure use for the café as these are private ecologically important lakes.
- 9.12 There are also claims that the café is associated with the public right of way used by walkers, runners and cyclists. This is an adopted public right of way and has had permission to allow a link between the iPort and Balby and there is a public right of way that also runs down towards Loversall. This can be seen in Para 8.5 of this report on the map provided by Public Rights of Way. These again run outside the Lakes and not around them all, to protect the habitats. However the provision of public rights of way across the countryside is not a reason to provide a café in the open Green Belt. If every public right of way used this justification the green belt would be littered with cafes and restaurants harming its openness. The public rights of way do not **need** a café to function and the sequentially right location for this type of facility is within urban areas. There are villages/towns in close proximity with facilities at the ends of the public rights of way and a café at the Potteric Carr Reserve that provides a managed facility that does not harm wildlife and was carefully planned with due consideration of the impact on ecology.
- 9.13 Furthermore part b of Paragraph 145 of the NPPF states that the proposals should preserve the openness. Although this is a change of use of land for siting of mobile units, we must consider that by changing the use of the land it would be allowing this permanent commercialisation of the agricultural land and there will be mobile units there that will have an impact on the openness as they won't be removed after a period of time, they will essentially be permanent as the applicant describes them. This has a detrimental impact on the openness of the Green Belt and will create harm to this from these permeant structures and use of land. Although within a farm yard, farming and agriculture is an appropriate use in the Green Belt.

This would add a commercialised area to the site and would add structures and seating that would not be there otherwise thus impacting on openness.

- 9.14 Thus with no associated leisure destination under the applicant's control it is not felt that the proposal complies with part b and would not preserve openness. Furthermore the proposal does not comply with part g) as it is not on previously developed land. Thus the proposal is not an exception and is inappropriate development that needs to prove very special circumstances to be there.
- 9.15 The applicants also claim that the application does have very special circumstances. They feel that an accumulation of the circumstances to support the application amount to very special circumstances in combination (cumulative approach). There is also a consideration of a fall back scenario associated with agricultural permitted development, outlined later in this statement.
- 9.16 There is no specific list as to what constitutes **very** special circumstances (VSC) but is instead the consideration of material considerations that when weighed together, outweigh the substantial definitional harm identified by the NPPF by virtue of its inappropriateness and actual harm generated by its siting and impact on the openness of the Green Belt. .
- 9.17 Part of the VSC justification the applicants state that the proposed café provides facilities during Covid and for users of the lakes and public rights of way and encourages recreation and exercise. As explained above the Lakes are private and the public right of way does not **need** a café facility for it to be used. The proposal says it is for walkers and cyclists yet the Parish Council have raised the concern that the business is promoting parking around the site on social media, which is causing problems for local residents and amenity. Thus it is not felt that the social/community benefits amount to very special circumstances that outweigh the harm to the Green Belt and cannot be accumulated with other benefits to amount cumulative very special circumstances.
- 9.18 The applicants state that the economic benefits include diversification of the agricultural farm as it is not viable. No accounts or justification to evidence this have been provided and some diversification has been approved in the village by the applicants, in an appropriate location, for a wedding venue. It is not felt that the economic benefits of this small scale of business outweigh the harm to the Green Belt and do not amount to very special circumstances. Paragraphs 83/84 of the NPPF look to support the rural economy. However this support does not outweigh the harm generated to the Green Belt.. Developments should be sensitive to their surroundings and not having unacceptable impacts on local roads. This is assessed further below but it is not felt that this proposal is sensitive to its surroundings and is already causing pressure on the surrounding highway network. This is not previously developed land and as discussed above there is not a need to have a facility here as a public right of way does not need a café and there is no leisure facility that the applicants make reference to.
- 9.19 The environmental claims are that the proposal will allow enjoyment of nature and wildlife, which would be social benefits not environmental. However the applicants have not undertaken any impact assessments of their proposals on the wetland habitats as requested by Yorkshire Wildlife Trust (YWT) and the Local planning Authority's (LPA) ecologist. It is felt that the proposal could attract more people to the area and cause greater prolonged disturbance to these wetlands and are currently encouraging trespassing through these newly created habitats on private

land. It is not felt that there are environmental benefits that outweigh the harm to the Green Belt and do not amount to very special circumstances.

- 9.20 Cumulatively it is not felt that there are economic, social and environmental benefits that together outweigh the harm. Although there would be some limited benefit to walkers and cyclists and some very limited benefit to the creation of a small amount of jobs, there are no environmental benefits and the economic and social impacts cumulatively viewed together do not amount to very special circumstances.
- 9.21 The applicants also claim VSC due to a fallback position relating to the conversion of agricultural buildings for flexible commercial uses under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part 3, Class R. Although this is may be possible it would be a very different situation to this application as it would be the conversion of an existing agricultural building that had been there for some time causing no greater impact on the openness of the Green Belt and would be subject to conditions and restrictions on for example the size of this under class R. There would also be consideration of certain impacts under this Class such as highways etc. This is not felt to be justification for very special circumstances and could be considered separately if the applicants applied for this but is not part of this application for consideration.
- 9.22 The above assessment of principle is felt to show the development is inappropriate development, not an exception and does not have very special circumstances thus this is given substantial weight in the determination of the proposal and will be recommended for refusal on this basis.

9.23 SOCIAL SUSTAINABILITY

Impact on amenity in the locality

- 9.24 Policies CS1, CS14 of the Core Strategy and Policy ENV53 of the UDP recognise that a component of good design is to ensure that new development does not have a negative effect on residential amenity.
- 9.25 The proposal would have some limited benefit by providing facilities for walkers, runners and cyclists along the public right of way. It would not be associated with a leisure destination under their control and thus cannot be linked to any social benefit related to this.
- 9.26 The proposal is a significant distance from residential dwellings to not cause harm to neighbouring amenity from noise or smells. However there is an incidental impact that is harming local residents and this is from there being no parking associated with the business. The café is attracting people from further away which can be seen from the letters of support. The Parish council and objectors have made reference to these knock on effects on amenity from people parking and using the surrounding roads around the site. These state that there has been problems within Loversall village with parking and an impact on a local business there. Also problems with cars and people interacting on small dirt lanes, dust churned up to residents and negative impacts on a play area next to a footpath and private lane to the site. The lack of parking is meaning that people are parking around the site to access it and this is having a detrimental impact on neighbouring amenity.

9.27 The development would have some limited social benefit by providing facilities but the resultant harm to neighbouring amenity from the parking and traffic created around the site would weigh significantly against the application and not be in accordance with CS1, CS14 of the Core Strategy and ENV53 of the UDP.

9.28 Conclusion on Social Impacts

9.29 It is considered that, despite the positive impact of providing facilities, this would not be outweighed by the detrimental impact on the neighbouring amenity. This weighs significantly against the proposal and forms one of the reasons for refusal.

9.30 ENVIRONMENTAL SUSTAINABILITY

Impact on the character and appearance of the area

9.31 Policies CS1 and CS14 of the Core Strategy and Policy ENV53 of the UDP require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings. These policies also look at design components including the mix, layout, density and form of development to ensure they look attractive and will make a positive contribution to the character of the area.

9.32 Paragraph 124 of the NPPF 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.

9.33 The permission is for the change of use of land for siting of temporary/mobile units for a café, toilets and indoor seating. As these are mobile the permission is for their siting and their appearance could change over time if the units are changed. But the consideration of having some kind of mobile unit and seating area there must be carefully considered. It is felt that this will have a negative impact on the character of the area as this is currently agricultural in nature and this commercialisation will appear incongruous and out of character with the surroundings. The proposal is therefore considered to be contrary to Policy ENV53 of the UDP, Policies CS1 and CS14 of the Core Strategy, and Section 12 of the NPPF.

9.34 The above assessment is given substantial weight in the determination of the application and will be recommended for refusal on this basis.

Natural Environment

9.35 The site is a piece of land which is agricultural land and as such does not fall within the definition of previously developed land (Brownfield Land) and thus is considered as Greenfield.

9.36 An Ecological Impact Assessment has been requested however the applicants do not wish to undertake this. Instead they have produced a document called 'Ecology Response'. In this they state that the development in on the farmyard, within their ownership and has no ecological impact to this land. They do not feel that the land or ecological impact on the land not under their ownership should be considered. They provide litter bins to mitigate harm and are only intending to be open during

daytime hours. They state there is no evidence to show that there is an increased footfall due to the café and the management of the Lakes will be YWT responsibility.

- 9.37 Although the development is on the applicants land, the impact of the development may be felt on a sensitive area adjacent to the site that has wetland habitats. This may impact on the network of habitats, including Potteric Carr Reserve. This impact needs to be carefully considered, the wetlands are there and will remain there, and with no ecological assessment this is not felt to be carefully considered by the applicants and could potentially cause harm to these habitats from noise and disturbance. Although the litter bins are welcomed again the full impact of the proposal has not been considered by the applicants. Although they state that there is no evidence that the café has created increased footfall they do not provide this evidence. Also the ecological impact of the people sitting and using the business and the noise and smells from the uses has not been assessed. There is no landscaping or planting proposed with the scheme.
- 9.38 The proposal is therefore contrary to policy CS16 which ensures that proposals that impact in local and non-designated sites should protect wildlife and avoid harm to habitats. Furthermore, paragraph 175 of the NPPF ensures the impact of development on ecology is considered and it should be proven that harm should not be created. Given the above, this is weighed substantially against this proposal.

Highway safety and traffic

- 9.39 Policies CS1 and CS14 of the Core Strategy seek, amongst other things, to achieve ease of pedestrian movement, the protection of public safety and securing a functional highway network. Furthermore, the Council's SPD guidance set out good design principles concerning the protection of highway safety.
- 9.40 Although the applicants state that the proposal has no direct access by vehicles and is just for walkers and cyclists thus will have no harm to highway safety, it is already causing local concern as it is attracting visitors from further afield and this associated parking is causing amenity issues in neighbouring areas. The applicants have stated that they would agree to a condition to restrict access down their private road from Loversall to stop any harm being created in Loversall. However this would be difficult to control or enforce outside of the redline boundary and it is felt it would not meet the tests of a condition. Furthermore even if this is restricted people could still park in Loversall beyond the private lane. The applicants have also stated that the visitors are using the wedding venue parking at the moment whilst it is not in use but this would be a problem when it is back open as there would not be sufficient parking for both uses. They have suggested creating a parking area on a field that has previously been used for farming but this is not in the redline and again would need to provide very special circumstances for the harm this would create to the openness of the Green Belt which it is not felt could be provided. This has not been applied for in this application. Furthermore people are using Hall Balk Lane and the Dominion Estate which is causing problems from parking, to access, and dust and deterioration of a poor standard lanes. This linked impact would not be able to be controlled through conditions to mitigate the harm created outside the applicant's ownership but is an effect of the development that weighs against it.

9.41 Conclusion on Environmental Issues

- 9.42 The proposal is considered to have not considered the potential impact on ecology, causes harm to the character and appearance of the area and would have a

detrimental associated impact on parking that harms neighbouring amenity. Given this the application is considered to have a detrimental environmental impact and is recommended for refusal on that basis.

9.43 ECONOMIC SUSTAINABILITY

9.44 It is anticipated that there would be some short term economic benefit to the development of the site through employment of staff connected with the café, however this would be small scale and therefore carries limited weight in favour of the application

9.45 Conclusion on Economy Issues

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

10.0 PLANNING BALANCE & CONCLUSION

10.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified adverse environmental and social harm that is considered to significantly outweigh the benefits identified when considered against the policies in the NPPF taken as a whole.

10.2 The principle of the proposal would result inappropriate development in the Green Belt which results in significant harm to the openness of Green Belt and very special circumstances have not been proven which outweigh that harm.

10.3 Furthermore, the development is considered to cause harm to the character and appearance of the area, harm to neighbouring amenity and have potential to harm ecology that has not been fully assessed by the applicants and is lacking information. These harms are also not outweighed by other considerations. The application is therefore recommended for refusal.

11.0 RECOMMENDATION

11.1 MEMBERS RESOLVE TO REFUSE PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT FOR THE REASONS OUTLINED BELOW:

Reasons

01. The proposal is inappropriate development in the Green Belt and very special circumstances have not been demonstrated and thus the benefit of the proposal does not outweigh the harm to the openness of the Green Belt. The proposal will create a harmful impact on the openness of this Green Belt by virtue of its siting, scale, form and commercialisation of the site. The development is considered to be contrary to saved policies ENV1, ENV3 of the UDP (adopted in 1998), CS3 of Doncaster's Core Strategy (2011 – 2028), and Section 13 of the NPPF (2019).

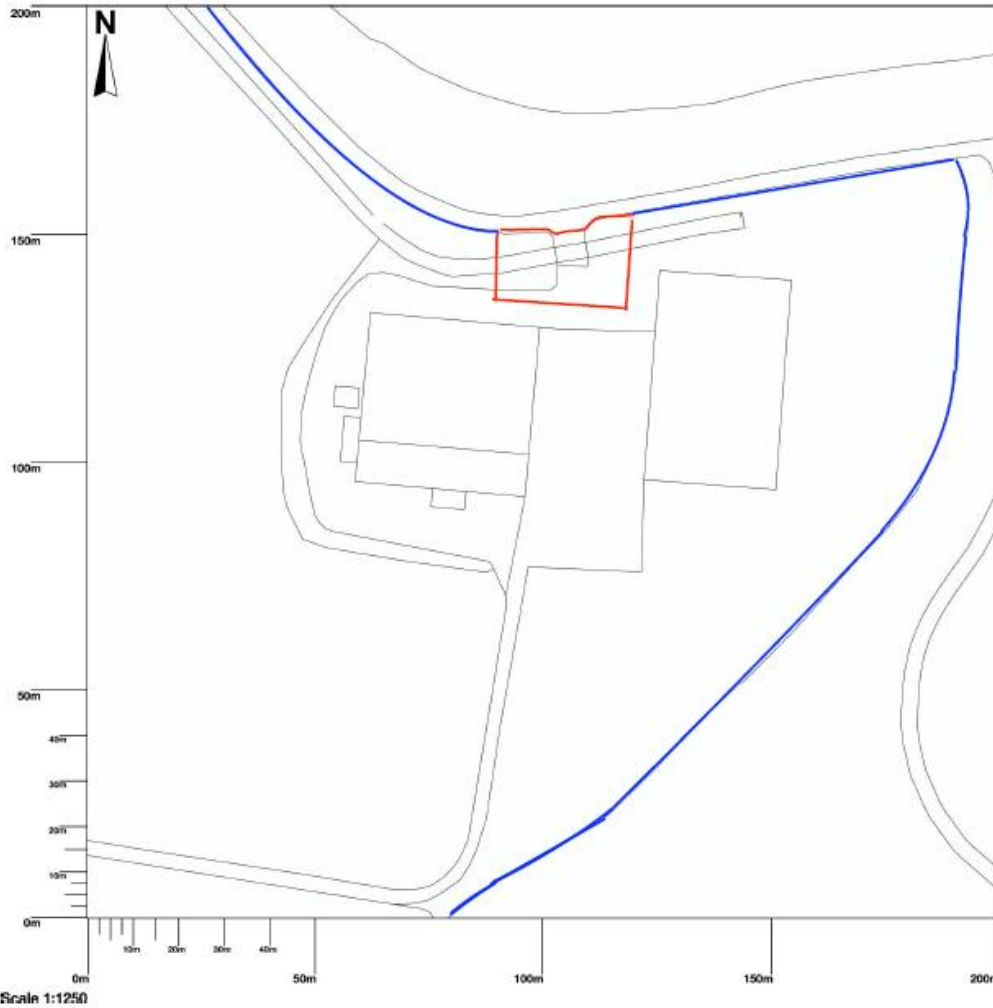
02. The proposal will not be in-keeping with the appearance and character of the area and will harm neighbouring amenity. The proposal is therefore considered to be contrary to saved policy ENV53 of the UDP (adopted in 1998), Policies CS1 and CS14 of Doncaster's Core Strategy (2011 – 2028), and Section 12 of the NPPF (2019)
03. There is a lack of information on ecology as no ecological impact assessment has been undertaken. Therefore the development is considered to be contrary to Policy CS16 of the Core Strategy (2011 – 2028) and paragraph 170 of the NPPF (2019).

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

Appendix 1: Location Plan and aerial images

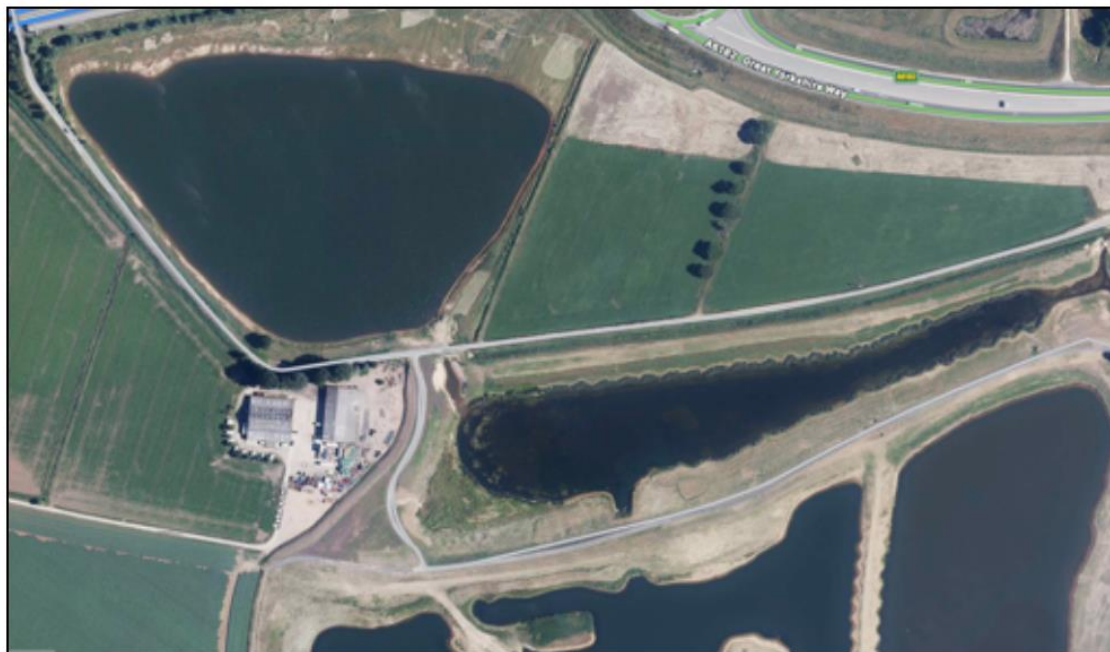
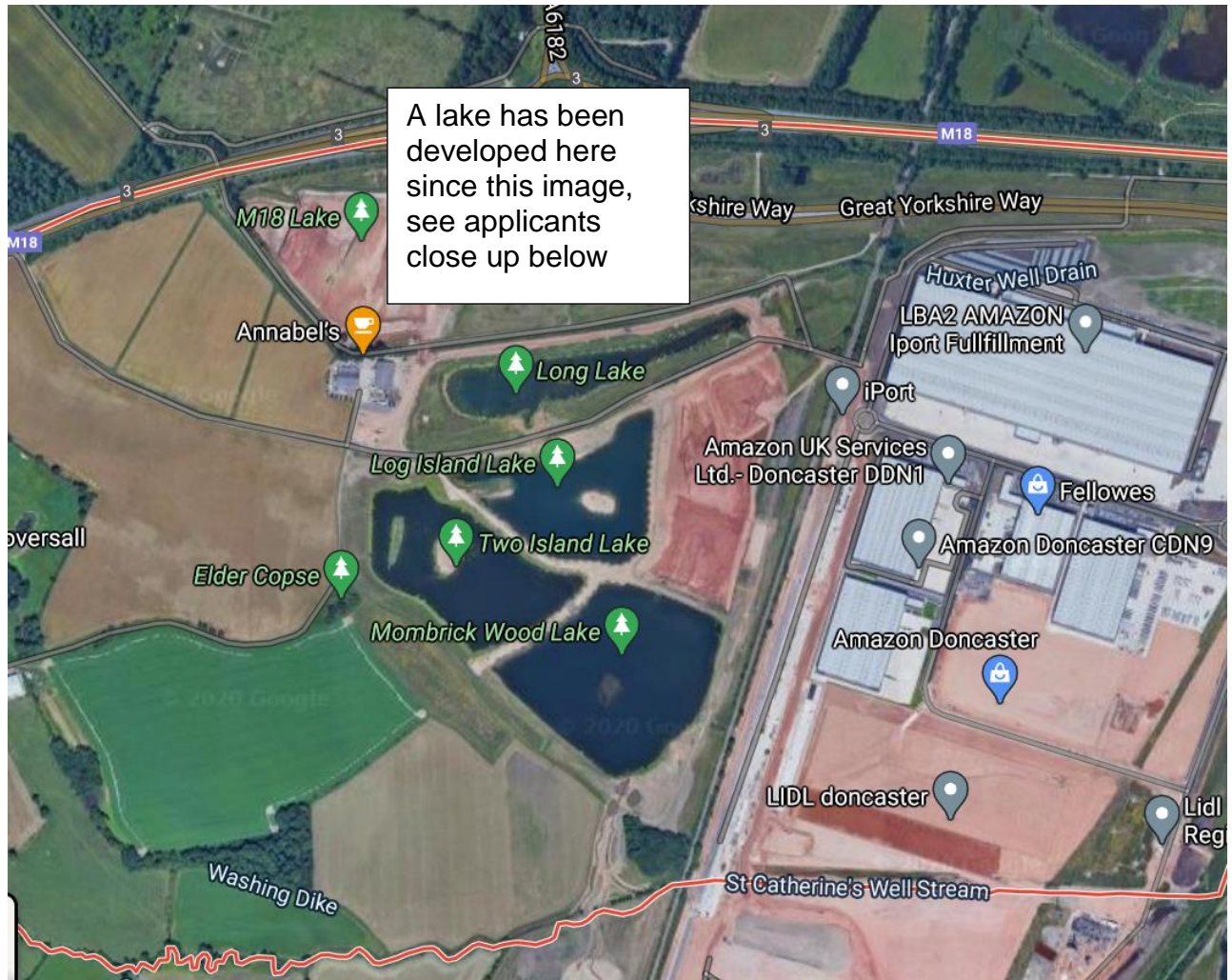


Loversall Farm



Map area bounded by: 458391,398925 458591,399125. Produced on 28 July 2020 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2020. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p4buk/486528/659895

agm	Client	Mr & Mrs Lee
	Project	Loversall Farm Cafe
	Title	Location Plan
	Scale	1:1250 @ A4
	Date	July 2020
Drawing Ref	AGM LF 04	



Appendix 2: Site Plan



Block Plan Loversall Farm

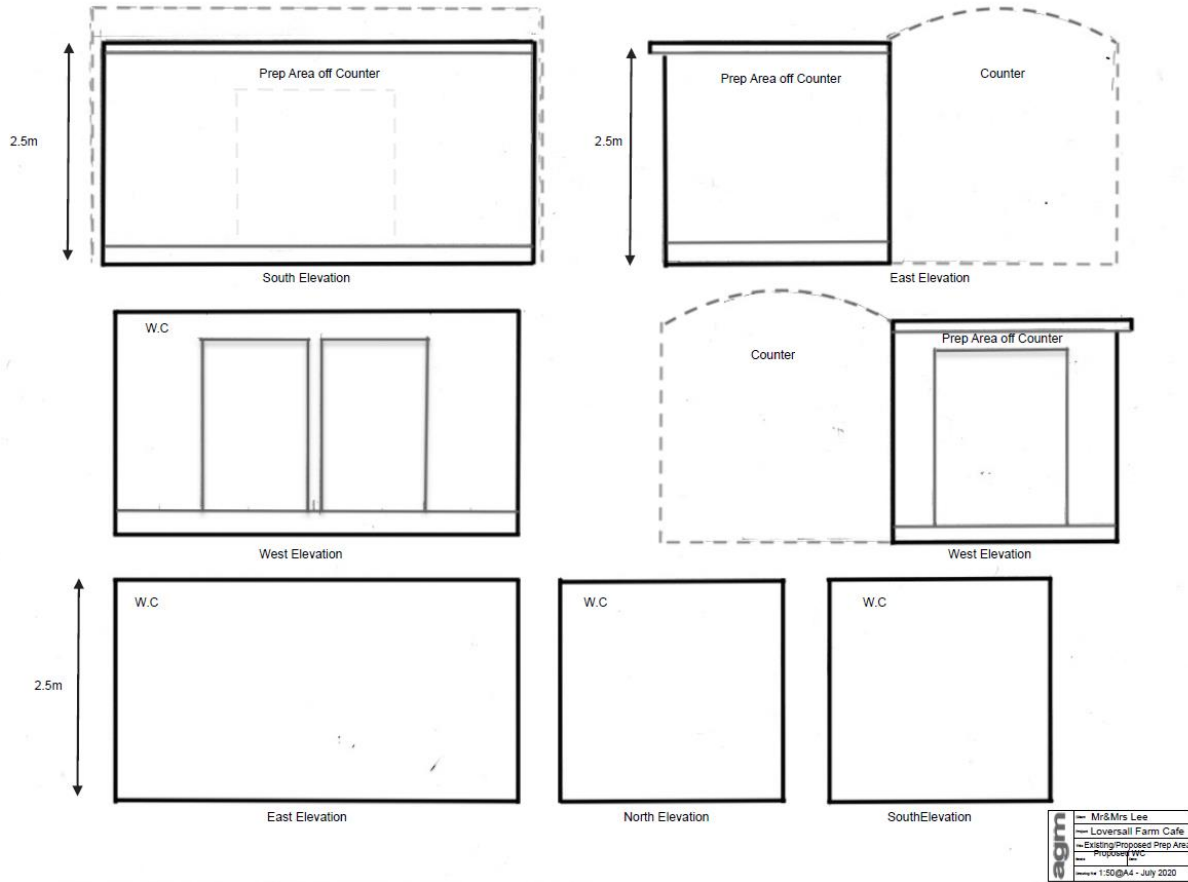


Map area bounded by: 458455,399008 458545,399098. Produced on 28 July 2020 from the OS Nation whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2020, licensed OS partner (100054135). Unique plan reference: b90buk/486528/659901

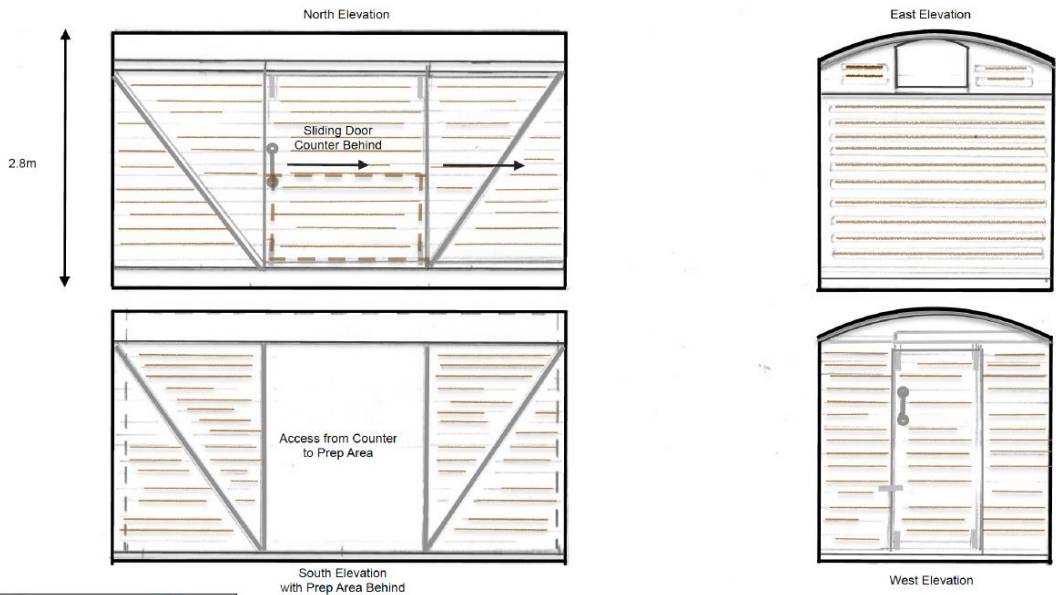
agm	Client Mr & Mrs Lee	
	Project Loversall Farm Cafe	
	Title Revised Existing/Proposed Block Plan	
	Scale 1:500 @ A4	Date Aug 2020
	Drawing Ref AGM LF1 Rev A	

Appendix 3: Elevations and images

Prep unit and WC

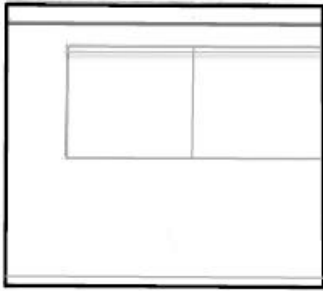


Café Counter

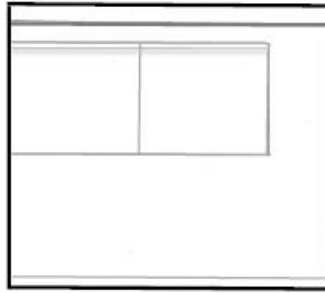


agm	Client	Mr & Mrs Lee
	Project	Loversall Farm - Cafe
	Title	Existing/Proposed Cafe Counter
	Scale	1:50 @ A4
	Date	July 2020
Drawn/Rev	AGM - LF2	

Indoor Seating

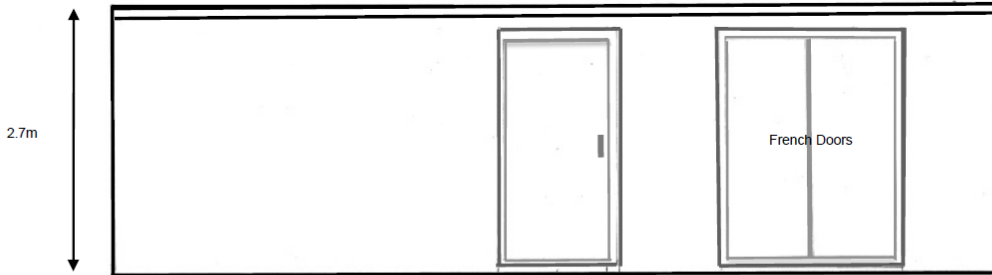


North Elevation

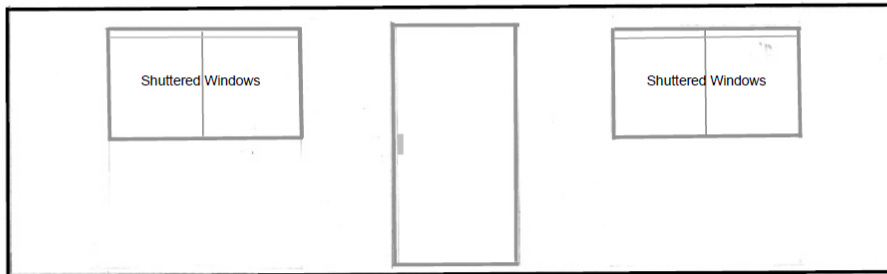


South Elevation

agm	Client Mr & Mrs Lee	
	Project Loversall Farm Cafe	
	Title Existing/Proposed Elevations Indoor Seating	
	Scale 1:50@A4	Date July 2020
	Drawing Ref AGM LF 05	



North Elevation



South Elevation

agm	Client Mr & Mrs Lee	
	Project Loversall Farm Cafe	
	Title Proposed Indoor Seating Cabin	
	Scale 1:50@A4	Date July 2020
	Drawing Ref AGM LF3	



Bike Park Area to left of serving counter



Serving Counter



Looking across the site towards the indoor seating structure (brown building, not in use)



Toilets not yet in use



Area in front of proposed indoor seating with spaced tables

Appendix 4 – List of Conditions should committee be minded to approve the application:

A time condition for implementation is not required as the use is already operating unauthorised.

1. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications:
 - Statement of Very Special Circumstances (VSC) dated November 2020 by AGM
 - Response to Parish Council dated November 2020 by AGM
 - Ecology Response received dated November 2020
 - Design and Access Statement dated July 2020 by AGM
 - Location Plan ref: AGM LF 04 dated July 2020
 - Existing and proposed prep area and WC plans dated July 2020
 - Existing and proposed café counter: Ref AGM- LF2 dated July 2020
 - Existing and proposed elevations of indoor seating area: Ref AGM LF 05 dated July 2020
 - Proposed indoor seating cabin : Ref AGM LF3 dated July 2020
 - Revised existing and proposed block plan/Site plan: Ref AGM LF1 Rev A dated Aug 2020 and amended 7.9.2020

REASON

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

2. Within 1 month of the decision a detailed hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials including footpath treatments and carriageway finishes and boundary treatments. The soft landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements Supplementary Planning Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion of any planting within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme, prior to occupation of the home, which will be monitored by the Local Planning Authority. Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

Reason:

In the interests of environmental quality and core strategy policy CS16: Valuing our natural environment.

3. Within 1 month of the decision details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to to the Local Planning Authority for approval. The approved works shall be carried out concurrently with the development and the drainage system shall be complete and operational within 6 months of this decision.

REASON

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

4. The hours of opening shall be limited to:
Tuesdays to Sundays inclusive 1000 hours to 1700 hours
and not at all on Mondays

REASON

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

INFORMATIVE

1. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact

Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Asset Protection Build Team (Tel: 0345 2667930 / email: net.dev.east@severntrent.co.uk).

2. INFORMATIVE

The East Internal Drainage Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's written consent will be required prior to construction of any discharge point from any biotechnical unit / package treatment plant / septic tank into any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority. A permanent undeveloped strip of sufficient width should be made available adjacent to the bank top of all watercourses on site to allow future maintenance works to be undertaken. For access strips alongside Board maintained watercourses the access width must be at least 9 metres wide, unless otherwise agreed in writing by the Board. Where the watercourse is under riparian control suitable access arrangements to the access strip should also be agreed between

the Local Planning Authority, Lead Local Flood Authority and the third party that will be responsible for the maintenance.

Application	4.
--------------------	-----------

Application Number:	20/02145/FUL
----------------------------	--------------

Application Type:	Planning FULL
--------------------------	---------------

Proposal Description:	Change of use of ground floor from public house (Sui Generis) to retail (Class E), with hardstanding to front and side for additional parking
At:	Cantley Lodge Acacia Road Cantley Doncaster DN4 6NR

For:	Mr N Griffiths
-------------	----------------

Third Party Reps:	13 objectors, 0 supporters	Parish:	N/A
		Ward:	Bessacarr

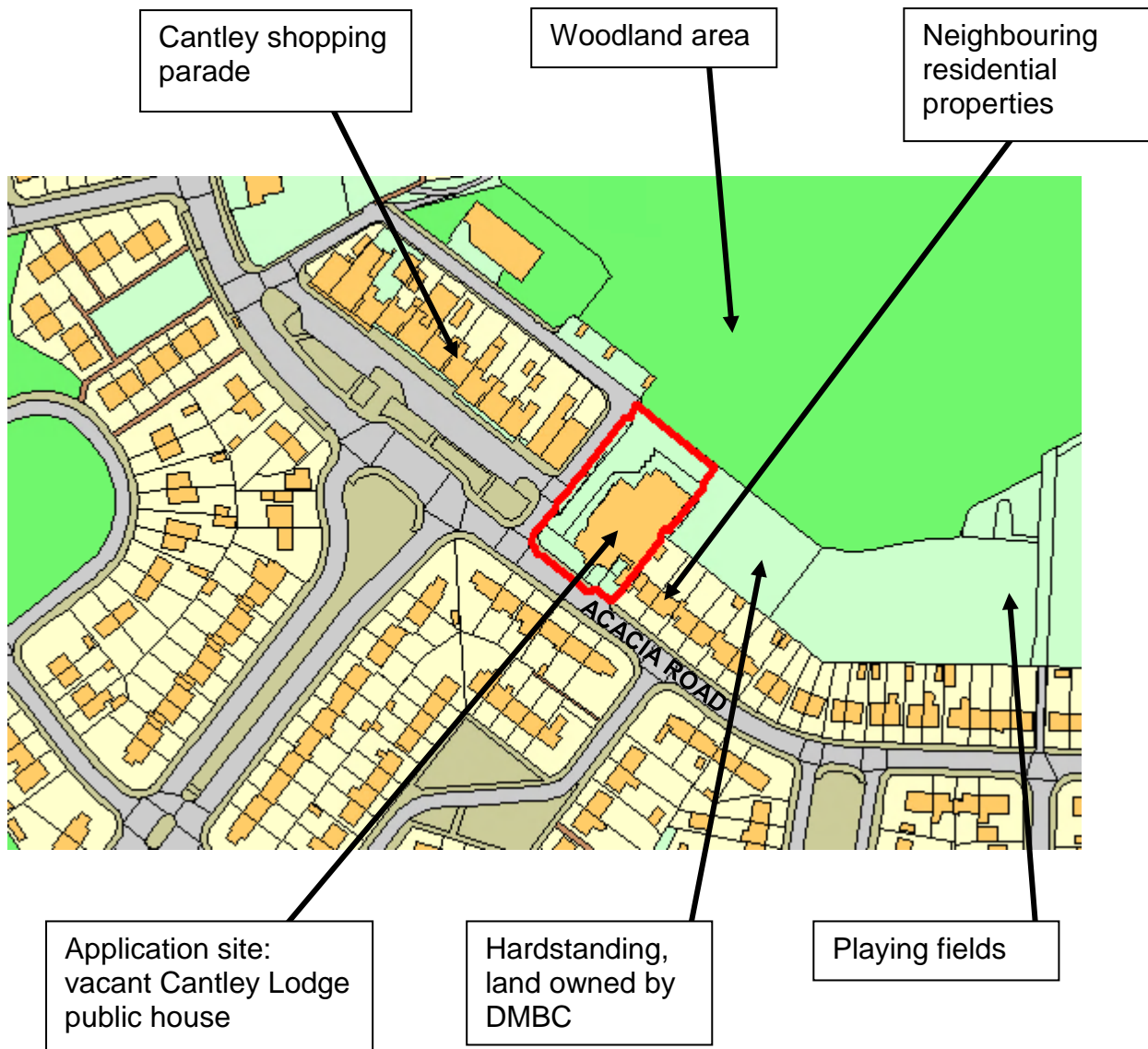
Author of Report:	Jacob George
--------------------------	--------------

SUMMARY

This application seeks permission to change the use of the ground floor of the vacant Cantley Lodge public house to a food retail outlet. No physical alterations to the building are proposed which would materially affect the external appearance of the building. The existing pub garden would become a car park to support the shop, with landscaping details to be secured prior to commencement of the development through a planning condition, in order to soften the appearance of the car park.

The application is presented to Planning Committee due to the high level of public interest in the application. Although few representations were received throughout the assessment process and there was also a low response rate to a community consultation exercise carried out by the applicant, a large number of objections were later submitted shortly before the extended determination deadline, mainly relating to the loss of a social gathering place for Cantley. The pub has seen a high level of crime incidents in recent years, and there are other community facilities available in Cantley. Therefore, the potential to bring a vacant building back into use and restore economic activity at the site is considered to outweigh the loss of a community facility which is currently unused. On balance of the material considerations, it is felt that a refusal would be unjustified and the proposal is recommended for approval accordingly.

RECOMMENDATION: GRANT planning permission subject to the imposition of suitable conditions.



1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee due to the level of public interest in the proposal.

2.0 Proposal

- 2.1 Planning permission is sought to convert the vacant Cantley Lodge public house (formerly known as the Two Palfreys) into a food retail store, falling under Use Class E. No external alterations are proposed to the building itself. Any associated signage would be dealt with under a separate advertisement consent application. The floor plans indicate a residential apartment at first floor level, above the proposed shop. The residential accommodation is not included in this planning application, and would also require separate permission at a later date. This application addresses the change of use of the ground floor only.
- 2.2 The proposal has been revised since the original submission. In response to feedback regarding appropriate parking levels for the new use, an amended site plan was submitted to provide a car park in space of the existing 'beer garden' to the front and side. The application was re-advertised appropriately with an amended description. Further amendments have revised the layout of the car park to include space for landscaping in order to soften the appearance of the hardstanding.

3.0 Site Description

- 3.1 The application site is a substantial vacant public house, mainly on a single storey with steep pitched roofs and with some first floor accommodation within part of the roof space. The site is bounded by a metal railing which is painted green, and areas of lawn and patio within the boundary form a 'beer garden' which was previously used for outdoor seating by customers at the pub. The building is constructed of brick with a tiled roof.
- 3.2 The pub is located on Acacia Road in the neighbourhood of Cantley. The street is mainly residential in character, lined by pairs of semi-detached dwellings. To the north-east of the pub is a local shopping parade providing local services such as a post office, pharmacy, butchers shop and takeaways. The entrance to the pub faces the shops to the north-east, rather than fronting onto Acacia Road to the south. Open space and trees lie to the north-east of the site, and there is an area of hardstanding to the east which is owned by Doncaster Council and has been previously used to provide parking for pub customers.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
04/0060/P	Erection of two storey bay window extension, canopies and disabled	Granted 02.03.2004

	access and formation of beer garden	
07/03448/FUL	Erection of smoking shelter (4.2m x 3.0m)	Granted 21.12.2007
08/00649/OUT	Outline application for erection of extension to public house to create 13 guest bedrooms and additional family facilities including swimming pool, sauna, gymnasium, games room, mini cinema and multi function room on approx 0.36ha of land	Refused 23.07.2009

5.0 **Site Allocation**

- 5.1 The site falls within a Residential Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).
- 5.2 The site is in Flood Zone 1 and is not, therefore, considered to be at high risk of flooding.
- 5.3 **National Planning Policy Framework (NPPF 2019)**
- 5.4 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:
- 5.5 Paragraphs 7-11 establish that all decisions should be based on the principle of a presumption in favour of sustainable development (considering the social, environmental and economic pillars of sustainability).
- 5.6 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.7 Paragraph 48 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 the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 5.8 Paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.9 Paragraph 91(b) outlines that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction and are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 5.10 Paragraph 92(a) states that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- 5.11 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.12 Paragraph 117 states that 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.
- 5.13 Paragraph 118(d) states that planning policies and decisions should promote and support the development of under-utilised land and buildings.
- 5.14 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. 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.

- 5.15 Paragraph 127 states that 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. Paragraph 127(f) sets out that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.16 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.17 Core Strategy 2011 - 2028
- 5.18 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).
- 5.19 In May 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 and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. The Core Strategy policies relevant to this proposal are set out below.
- 5.20 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. Developments should provide opportunities for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities. Proposals should strengthen communities and enhance their well-being by providing a benefit to the area in which they are located, and ensuring healthy, safe places where existing amenities are protected. Developments should be place-specific in their design and work with their surroundings, protecting and enhancing the built and natural environment. Proposals should also protect local amenity and be well-designed.
- 5.21 Policy CS14 of the Core Strategy requires development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.

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

5.23 Policy PH9 designates Residential Policy Areas as shown on the Proposals Map.

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

5.25 Policy CF2 states that the loss of community facilities not defined on the proposals maps will be resisted, especially where that facility lies within an area deficient in community facilities.

5.26 Local Plan

5.27 Paragraph 48 of the NPPF states that the local planning authority 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). Taking into account the remaining stages of the local plan process, it is considered that the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

5.28 The Council sent out the notice of examination (regulation 24 stage) in August 2020 and the Local Plan is currently in examination, aiming to adopt as soon as practicable once the Inspectors report is published. The following policies are considered appropriate in assessing this proposal, and consideration has been given to the level of outstanding objections resulting in appropriate weight attributed to each policy.

5.29 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.

5.30 Policy 11 states that within Residential Policy Areas as defined on the Policies Map, the establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness. This policy is afforded substantial weight.

5.31 Policy 14 (Promoting Sustainable Transport in New Developments) is afforded limited weight. This policy states that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. The Council will work with developers

to ensure that appropriate levels of parking provision are made in accordance with the standards contained within Appendix 6 of the Local Plan. Development should not result in unacceptable impacts on highway safety, or the severe residual cumulative impacts on the road network. Developers must consider the impact of new development on the existing highway and transport infrastructure.

5.32 Policy 25 is afforded limited weight, and states that food and drink uses will be supported so long as they:

- A) satisfy the requirements of the sequential approach set out in Policy 23;
- B) do not have a negative impact upon the amenity and safety of residents and other businesses in the area; to include highway safety and parking, hours of operation, control of odours and cooking smells and litter and waste disposal; and
- C) do not lead to clustering or proliferation of such uses where they undermine objectives to promote healthy living and the vitality and viability of the centre.

5.33 Policy 47 sets out design standards for non-residential, commercial and employment developments. This includes requirements to appear sympathetic to local character; have no unacceptable effects on amenity; and reduce the visual impact of parking through landscaping. This policy has substantial weight based on the level of objections.

5.34 Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Practice Guidance
- National Design Guide (2019)

6.0 Representations

6.1 This application has been advertised as a departure from the development plan in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

- Advertised on the Council website
- All neighbours with an adjoining boundary notified by letter
- Notice displayed at the site

6.2 The application was re-advertised on 9 November 2020 following the addition of new hardstanding in place of the beer garden to provide parking spaces for customers.

- 6.3 One objection was received on 16 October 2020, alleging that the application had been incorrectly submitted. Doncaster Council planning officers are satisfied that the application has met all necessary validation requirements.
- 6.4 No further public comments were received until 3 December 2020, one day before the public response deadline for the second consultation period following the addition of the car park. A further 12 objections were received on this date, summarised as follows:
- Cantley has enough shops
 - The neighbourhood is lacking in places to socialise
 - With the right ownership, the pub could be successful again
 - 'Big retail' would harm existing businesses
 - The premises could be used for other services more beneficial for local people
 - Cantley needs a family pub
 - Commercial competition with existing shops
- 6.5 The principle of the loss of the public house, which is considered as a community facility, is addressed in the assessment section of this report. Commercial rivalry and any threat to the success of other businesses are not material planning considerations. Similarly, the specific end operator of the site is not a material planning consideration, only the principle of the site being used for food retail.
- 6.6 In addition to the statutory public consultation carried out by Doncaster Council, the applicant was requested by the case officer to carry out their own public consultation exercise, leafleting all properties within a 200-metre radius of the site and inviting responses to a questionnaire. This is discussed in greater detail in the assessment section of this report, but to summarise, only seven responses were received, of which five were generally in favour of the proposal and only one clearly opposed the change of use.
- 6.7 It is noted that of the objections submitted directly to Doncaster Council, not all provided an address. Of those who did provide an address, only one of the addresses was within a 200-metre radius of the application site, and only two of the addresses provided were within Cantley itself.

7.0 Parish Council

- 7.1 The site is not located in an area served by a Parish Council.

8.0 Consultations

8.1 Campaign for Real Ale

No comments received.

8.2 Ramblers Association

No comments received.

8.3 Area Manager

No comments received.

8.4 Public Rights of Way Team

No comments received.

8.5 Highways Development Control (HDC)

HDC initially objected to the development due to a lack of parking, as 28 spaces would be required for the site to operate as food retail. On receipt of the final amended site plan, HDC have withdrawn the objection, as sufficient parking is provided and the access arrangements are already in position. A condition requiring the submission of details of site surfacing is recommended.

8.6 Planning Policy (Retail)

No comments received.

8.8 Councillor Nick Allen (Bessacarr ward)

Supports the application. Cantley would benefit from retail, and the proposal could be successful for Cantley as it would avoid some of the upsetting issues seen historically.

8.9 Councillor Neil Gethin (Bessacarr ward)

There is currently much interest and differences of opinion locally for the best use of the building. As a public house, the business has struggled since about 2017. Given the current Covid conditions, there is uncertainty over whether a public house is viable in this location.

8.10 Councillor Majid Khan (Bessacarr ward)

No comments received.

8.11 Environmental Health

The proposal is not incompatible with the area. Conditions are requested to limit business hours and to secure approval of details of any fixed plant and/or machinery associated with the development prior to its installation.

8.12 South Yorkshire Police

Support the change of use. The premises, when used as a public house, were subject to the attendance of the Police on a number of occasions. These included offences of violence towards staff and between customers. Cooperation from staff towards the attending officers was lacking on most occasions. The incidents of crime and disorder were one of the factors in the pub closing. Further information in relation to building security is provided and could be included as an informative on the decision if members resolve to grant permission.

8.13 Trees and Hedgerows Officer

Although there are no arboricultural constraints on the site, the Trees and Hedgerows Officer was consulted following the addition of a car park to the proposal, in order to consider landscaping plans to soften the appearance of the hardstanding. The Officer welcomed the indicative tree planting plans, highlighting their importance as much of the former pub garden would be given to car parking. However, no specification of planting was provided. A pre-commencement condition requiring the submission of landscaping details is therefore requested.

9.0 Assessment

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

- The Principle of the Development
- Local Facilities and Community Involvement
- Residential Amenity
- Safety and Crime
- Employment Opportunities
- Design, Landscaping and Impact on Local Character
- Highway Safety and Parking
- Economy

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

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

The Principle of the Development

- 9.3 The site is located within a Residential Policy Area as designated in the UDP. As such, non-residential development is only acceptable as long as the proposal does not unacceptably impact upon the amenity of neighbouring residents, as set out in Policy PH12. The site's previous use was non-residential, and so the principle of non-residential use of the site is well established. Amenity is assessed thoroughly in the relevant section below, but in summary, it is considered that the use of the site for retail purposes would create no more harm to nearby residents than the use as a public house, and could actually be less impactful in terms of noise. The proposal would therefore accord with Policy PH12.
- 9.4 A public house can be a valuable community facility and social gathering place in many cases. Saved Policy CF2 resists the loss of non-designated community facilities, especially in areas deficient in such facilities. The application site is not included on Doncaster Council's list of Assets of Community Value and, as discussed in detail below, this particular pub has attracted crime in recent years and is currently vacant. Its current status as a valued community facility is therefore questionable. Little interest in the retention of the pub was expressed until the very end of this application's public consultation period. There are other social gathering places nearby, so the area is not considered to be seriously deficient in local facilities. Consequently, the change of use is not considered to be contrary to Policy CF2.
- 9.5 Paragraph 118(d) of the NPPF supports the development of under-utilised buildings. The application building is currently vacant, and its reuse for retail purposes would revitalise the site, create economic activity, and end the visual and social blight caused by the vacant public house.
- 9.6 In summary, the principle of the development can be supported by local and national policies.

9.7 SOCIAL SUSTAINABILITY

Local Facilities and Community Involvement

- 9.8 As alluded to above, the key consideration in this application is the question of whether or not the loss of a community facility and gathering place can be justified in this case. Paragraphs 91 and 92 of the NPPF clearly support the provision and retention of community facilities and opportunities for social interaction. The conversion of public houses is often resisted for this reason, in line with Policy CF2. However, in this case, it is not considered that the public house can make a particularly positive contribution to the local area.
- 9.9 Multiple incidents of crime have been recorded at the application site in recent years, as reported in the consultation response from South Yorkshire Police. In June 2017, a drive-by shooting sadly occurred outside the Cantley Lodge. More recently, police officers raided the now disused pub in November 2020 after

discovering an illicit operation cultivating illegal drugs within the site. Both incidents have received coverage in local press articles.

- 9.10 Whilst the site's unfortunate recent history alone does suggest that prospects of future success as a pub may be limited, the applicant was additionally requested to provide further details of the amount of time for which the pub has been vacant, and how long it has been marketed to potential tenants or buyers to revitalise the pub. This information could provide further justification for the loss of the public house.
- 9.11 According to the information provided, the applicant purchased the pub with vacant possession, after the police had removed an unauthorised sitting tenant. Four different managers have since run the pub, during which time the premises were temporarily shut by the police for approximately two months in 2017 for firearms-related incidents. The pub has been vacant since March 2020, when the first UK-wide lockdown related to the coronavirus pandemic was announced. The property has since been advertised to potential new tenants, but no interest was expressed in operating the site as a public house. The property listing was taken down on 1 September 2020, following an expression of interest by a prospective tenant who wished to operate a food retail store from the building.
- 9.12 The history of the pub and the information provided by the applicant indicate that the pub may be unlikely to enjoy significant future success. However, it was considered by the local planning authority that the information provided did not substantially demonstrate that the pub was incapable of rehabilitation as a valuable facility for the community, as the property had not been marketed for a prolonged period of time. Since there had also been little interest expressed by the public at this point, the applicant was requested to carry out a community consultation exercise to more thoroughly support the justification that the pub was, in effect, redundant. It was requested that flyers be delivered to all properties within a 200-metre radius of the application site, seeking responses to a questionnaire.
- 9.13 The applicant carried out the consultation as requested, with a questionnaire asking residents the following:
- When was the last time you visited Cantley Lodge?
 - Do you consider the pub to be a valuable community facility?
 - Would you miss the pub if it were to be converted to an alternative use?
 - Would you support the delivery of a retail unit in the former Cantley Lodge?
 - What do you think would be the best use for the former Cantley Lodge?
 - Do you feel that Cantley would benefit more from a public house or a convenience store in the former Cantley Lodge?
 - How could the loss of the public house be compensated, and what public benefit would be provided?
- 9.14 The applicant's public consultation exercise lasted two weeks. The response rate was very low, with only seven written responses received. The low

response rate, in itself, would indicate a lack of local interest in the retention of the pub. One respondent stated that they would miss the pub, had used it a week before it closed, and that the pub should be retained instead of creating more retail which was not needed in the area. Amongst the remaining six completed questionnaires, responses ranged from apathetic to outwardly supportive of the conversion of the pub. Four answered 'yes' when asked if they would support the conversion of the pub to retail, and the other two said 'possibly'. Some of the strongest comments in favour of converting the pub were as follows:

- The best use of the site would be “anything other than a pub”
- “Never been in” to the pub
- The conversion of the pub “wouldn’t be a loss, less anti-social behaviour”
- “We have had enough loud music from it over the years”
- “At last we have some peace after numerous complaints over the years to the Council or police due to violence, criminal damage, noise until 2am, culminating in shootings a few years ago. [...] People who don’t live adjacent to it don’t experience the problems.”

- 9.15 Despite a low response rate, it appeared from the consultation exercise that the pub would not be greatly missed by the community overall. In addition to this exercise, the case officer has also engaged with local councillors, neither of whom oppose the development. Councillor Allen, in particular, has stated his support for the application, and considers that the change of use would be beneficial to Cantley. The pub is not listed as an Asset of Community Value, and neither the Area Manager nor the Campaign for Real Ale have made contact to express concern when notified of the application.
- 9.16 Overall, from the information submitted and the consultations undertaken, it had become apparent that there was a lack of public interest in the retention of the pub, and its conversion to a retail unit could therefore be justified. However, a sudden influx of 12 objections to the proposal was received on 3 December 2020, as summarised in paragraph 6.4 of this report. This high level of objection has resulted in the application being presented to committee.
- 9.17 Ordinarily, objections are only fully taken into account if they relate to material considerations, but in this case, the volume of objection itself could be taken as material, since it is indicative of whether or not the public house is viewed as a worthwhile community facility which should be retained. However, it is important to note that the objections were only received at the last minute, one day before the re-consultation deadline, whereas the application had first been publicised back in September. It is also notable that not all objectors have provided their addresses, and of those addresses provided, only two are located close to the pub.
- 9.18 Comments relating to commercial competition with nearby shops, and relating to hypothetical scenarios of different owners operating the pub more successfully in future, are not material planning considerations. The planning system cannot play a role in competitiveness, and the application can only be determined based on the proposal immediately presented to the local planning

authority. However, concerns raised about a lack of community facilities in Cantley are critical to this application, and it has been prudent to carefully consider which other social opportunities are present for the use and wellbeing of Cantley residents.

9.19 An analysis of nearby community facilities reveals that Cantley is not seriously deficient in social gathering places. The following facilities are located nearby:

- The Bechers Brook pub: 0.6 miles from Cantley Lodge (approximately 12 minutes' walk)
- The Flying Childers pub: 1.1 miles from Cantley Lodge (approximately 23 minutes' walk)
- Cantley Community Centre: 0.8 miles from Cantley Lodge (approximately 17 minutes' walk)
- The Hawthorn Club: 0.3 miles from Cantley Lodge (approximately 7 minutes' walk)
- Four churches in the neighbourhood (church halls can often provide social gathering spaces for even non-Christian residents)
- Scout Group building behind the shops
- Cantley Hall Park (suitable for informal outdoor social gatherings in good weather conditions)

9.20 It is also relevant to note that, if converted to food retail, the use of the ground floor of the building would fall under Use Class E and could therefore be changed again to various other uses, including a restaurant or café, without planning permission. Accordingly, it could be considered that, although the specific use of the site proposed in this case is food retail, a grant of planning permission would not prevent the site from being later used for a different function more inclined to social gatherings in future.

9.21 Overall, it is not considered that the existing public house is a valuable community facility which should be retained, due to the incidents of crime, the periods of vacancy, and the existence of other nearby facilities which adequately serve the community. Local Councillors do not object to the conversion of the pub, and until very recently, members of the community had appeared not to be invested in its retention. The more recent opposition to the proposal has been taken into account, but on balance, it is considered that the benefits of bringing the building back into use in line with paragraph 118 of the NPPF would outweigh the loss of the potential for rehabilitating the pub. The development would not be contrary to Policy CF2 and, whilst the premises would no longer be used for social gatherings, a shop would still provide a local service to residents and would accord with paragraph 92 of the NPPF.

Residential Amenity

9.22 Policies CS1 and CS14 of the Core Strategy place a requirement on developments to provide a good standard of amenity for existing and future users. Policy PH12 of the UDP also focuses on ensuring that non-residential developments do not cause harm to neighbouring residents.

- 9.23 No physical alterations would be made to the building itself, so there would be no impact on the light, outlook or privacy enjoyed by the adjacent semi-detached house.
- 9.24 In terms of noise disturbance, it is considered that a retail store would have a lesser impact on neighbouring residents than a public house, as the use of the site would not similarly result in the loud, disorderly behaviour seen to be induced by alcohol consumption. The current outdoor seating would be removed, so there would be no outdoor social gatherings which would be easily audible from surrounding properties.
- 9.25 Environmental Health have no objections to the proposal, subject to a reasonable condition restricting the business hours of the site, and a condition requiring the local planning authority's approval of details of any fixed plant or machinery (such as that associated with air conditioning or refrigeration) prior to its installation.
- 9.26 Overall, the proposal would not be harmful to residential amenity and would accord with Policies CS1, CS14 and PH12.

Safety and Crime

- 9.27 As mentioned above, the Cantley Lodge public house has seen multiple incidents of crime in recent years, with South Yorkshire Police reporting previous calls to the site to deal with violent behaviour and the growth of illegal drugs. Comments received from residents contacted as part of the applicant's consultation exercise also indicate that anti-social behaviour at the site has negatively impacted upon the community.
- 9.28 Paragraph 91(b) of the NPPF discusses creating places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Policy CS1(B) also mentions the importance of ensuring healthy, safe places.
- 9.29 The conversion of the site to a retail unit is likely to reduce incidents of crime at the site, and the change of use would create a safer environment than that provided by a vacant pub with a history of violence. Accordingly, South Yorkshire Police have expressed their support for the application. The proposal would therefore be supported by paragraph 91(b) of the NPPF and Policy CS1(B) of the Core Strategy.

Employment Opportunities

- 9.30 Policy CS1(A) states that proposals will be supported which provide opportunities for people to get jobs and learn new skills, as well as providing local services.
- 9.31 Bringing the building back into commercial use will create jobs to support the livelihoods of those who are in need of employment, and will also help future employees to learn and develop their workplace skills. With unemployment

rising nationally due to impacts on businesses from the coronavirus pandemic, the creation of jobs is a key social benefit which would be provided by the development, and would accord with Policy CS1(A).

Conclusion on Social Impacts

- 9.32 The proposal would result in the loss of a public house which, although currently vacant, some residents have argued could be brought back into use as a valuable community facility. However, due to the site's history of crime, the existence of other facilities in the area, and the relative lack of community interest in retaining the pub, it is considered that on balance, the conversion of the premises can be justified and the development would accord with Policy CF2. It is not considered that the proposal would detract from the residential amenity of any neighbouring residential properties, so the development would accord with Policies CS1, CS14 and PH12. The development would create employment opportunities and could potentially improve the safety of the area, thus according with Policy CS1 and paragraph 91 of the NPPF. The development would therefore be acceptable in terms of social sustainability.

9.33 ENVIRONMENTAL SUSTAINABILITY

Design, Landscaping and Impact on Local Character

- 9.34 Policy CS14 of the Core Strategy and paragraph 127 of the NPPF require developments to display a high quality of design, integrating well into the local context. Paragraph 118 of the NPPF supports the re-use of redundant buildings.
- 9.35 Bringing the former public house back into use would, in itself, visually improve the local area as it would remove the blight caused by a vacant building and its un-maintained curtilage. There would be no extensions or alterations to the existing building, and the existing railings would be retained. Any new signage may require a separate advertisement consent.
- 9.36 During the assessment process, it became apparent that additional car parking would be required to support the incoming retail business, thus necessitating the conversion of the existing beer garden to a car park. However, it was considered that an extensive area of hardstanding would appear unsightly, creating a stark appearance dominated by vehicles. Policy 47 of the draft Local Plan has significant weight, and encourages the use of landscaping to reduce the visual impact of car parking.
- 9.37 In amendments received 10 November 2020, landscaping has been shown on the site plan, including strategic tree planting to soften the appearance of the car park. The Trees and Hedgerows Officer has reviewed the site plan and welcomes the inclusion of soft landscaping, although this is shown indicatively only. A pre-commencement condition would require the submission of a detailed landscaping plan, including specifications of all trees and shrubs, to be approved by the local planning authority prior to development. Planting would not only improve the appearance of the site, but would also improve air quality.

- 9.38 Subject to the approval and implementation of an appropriate landscaping scheme, the visual impact of the development would be acceptable and would accord with Policy CS14 of the Core Strategy, paragraphs 118 and 127 of the NPPF, and Policy 47 of the draft Local Plan.

Highway Safety and Parking

- 9.39 Highways Development Control (HDC) have been consulted on this application. It was identified that 28 spaces would be required to support the food retail business, in accordance with the guidelines in the Development Guidance and Requirements SPD.
- 9.40 The proposal, as originally submitted, included only 14 parking spaces, and these were not included within the application site boundary. A revised site plan, received 9 November 2020, extended the red line boundary to encompass the curtilage of the pub as well as the building, and provided 34 parking spaces including two disabled.
- 9.41 The hardstanding to the south-east was shown as an overspill car park, as it is understood that this land is in the Council's ownership and has previously been used as car parking for the pub. Without this site's inclusion within the red line site boundary, it cannot be considered to contribute towards the overall parking requirement. However, the parking layout within the site boundary was considered to provide adequate space for customers and staff, so the use of the overspill car park would not be required to make the application acceptable in terms of highways.
- 9.42 The site plan was amended again on 10 November 2020 to include landscaping, in response to concerns about the visual impact of the hardstanding (see previous section of this report). Despite the loss of four car parking spaces to allow for planting, 30 spaces are still shown, exceeding the amount requested by HDC.
- 9.43 HDC now have no objections based on the parking shown, and the use of the existing access arrangements. A pre-commencement condition can ensure that the site is surfaced and marked out to the satisfaction of the local planning authority. The proposal would accord with point 3 of Policy CS14(A).

Conclusion on Environmental Issues

- 9.44 The amended proposal would not have a harmful visual impact, and would integrate well with the surrounding local environment. The parking provision is acceptable and the visual impact of car parking can be mitigated by appropriate landscaping, as secured in the amended plans. There are no ecological constraints, and the site is not in a flood risk area. The development would accord with Policy CS14 and the relevant sections of the NPPF. Overall, the environmental impact of the development is considered to be acceptable.

9.45 ECONOMIC SUSTAINABILITY

- 9.46 Paragraph 80 of the NPPF places significant weight on the need to support economic growth and productivity. At present, the vacant public house represents a wasted opportunity to create economic activity, and any operation that would bring it back into use would improve economic productivity compared to the present situation.
- 9.47 Policy CS1 of the Core Strategy sets out the plan's objectives "as a means to securing and improving economic prosperity", and it is considered that the creation of a retail unit in this vacant building would improve economic prosperity. The creation of jobs would support future employees' livelihoods and could, by extension, increase their individual spending power so that they are able to pay for other services and participate more in the local economy overall. Bringing a new business into the area would increase local and national tax revenues through business rates and corporation tax, contributing to the Council's and the Government's abilities to support communities in Doncaster and nationwide.

Conclusion on Economy Issues

- 9.48 The development would bring a vacant building back into use as a commercial enterprise, and as such, the proposal would be in accordance with the NPPF and Policy CS1 of the Core Strategy.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh any benefits identified when considered against the policies in the NPPF taken as a whole. Whilst the proposal would represent the loss of a public house which could, if re-opened, provide a social gathering place for the community, it is not considered that this particular pub could make a strong contribution to the local neighbourhood. The benefits of re-using the building for retail, particularly in terms of reducing the visual blight of vacancy and in creating economic activity and jobs, are considered to outweigh the loss of this vacant community facility. Subject to the recommended conditions, there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

- 11.1 **MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW:**

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 and documents listed below:

- Proposed Plans (received 6 August 2020)
- Location Plan and Site Plan (amended 10 November 2020)

REASON

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

03. 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.

04. Prior to the commencement of the development hereby approved, full details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. Unless as shall be specifically approved by the Local Planning Authority, the landscape scheme shall include a plan indicating the planting location of all trees and shrubs; a schedule including the nursery stock specification for all shrubs and trees in compliance with British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs and planting density/numbers; a detailed specification for engineered tree pit construction that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements SPD and a load-bearing capacity equivalent to BS EN 124 Class

C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a maintenance specification and a timescale of implementation, which shall be within 3 months of completion of the development or alternative trigger to be agreed. Thereafter, the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified prior to backfilling any engineered tree pits to inspect and confirm compliance and within seven days of the completion of landscape works to inspect and approve practical completion in writing. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

These details have not been provided and are required prior to commencement of development to ensure that a landscape scheme is implemented in the interests of environmental quality and visual amenity, in accordance with Policies CS14 and CS16 of the Core Strategy.

05. Prior to any fixed plant and/or machinery associated with the development being installed, a report shall be prepared and submitted to the Local Planning Authority for approval of an acoustic assessment to demonstrate that the rating level of sound emitted from any such fixed plant and/or machinery shall not exceed background sound level between the hours of 0700-2300 (taken as a 60 minute LA90 at the boundary of nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the boundary of nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments and all requirements to achieve the noise standards shall be implemented prior to first operation of the plant and/or machinery.

REASON

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

06. The premises shall only be open, and deliveries/collections permitted, between the hours of 07.00 and 22.00 from Mondays to Saturdays, and between 09.00 and 17.00 on Sundays.

REASON

In the interests of the amenity of the locality.

Informatives

01. INFORMATIVE

The permission hereby granted shall not relate to the display of any advertisement for which express consent is required. Separate consent under the Town & Country Planning (Control of Advertisements) Regulations 2007 (as amended) is required.

Additionally, planning permission would be required to convert the first floor into a residential property, as the residential use is not included in this permission.

02. INFORMATIVE

The following advice is provided by South Yorkshire Police in relation to building security.

- All external doors and windows should meet one of the following:
PAS 24:2016
LPS 1175 SR 2
STS 201 or STS 202 BR2
- The glazing units should consist of a minimum of one pane of glass that achieves compliance under the BS EN356 P1A attack resistance standard.
- CCTV should be installed.
- Lighting design should be co-ordinated with a CCTV installation and the landscape design to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system. Vulnerable light fittings should be protected to prevent vandalism.
- PAS 68 bollards should be installed to prevent vehicle migration, to protect glazing and prevent ram raiding.
- There should be no access from the retail premises to any separate apartment on the first floor.

This advice is provided to ensure the physical protection elements of the development are to current minimum standards. This advice should be acted upon as the minimum requirement and should be enforced, irrespective of any additional correspondence (or not) received by other departments within South Yorkshire Police.

03. INFORMATIVE

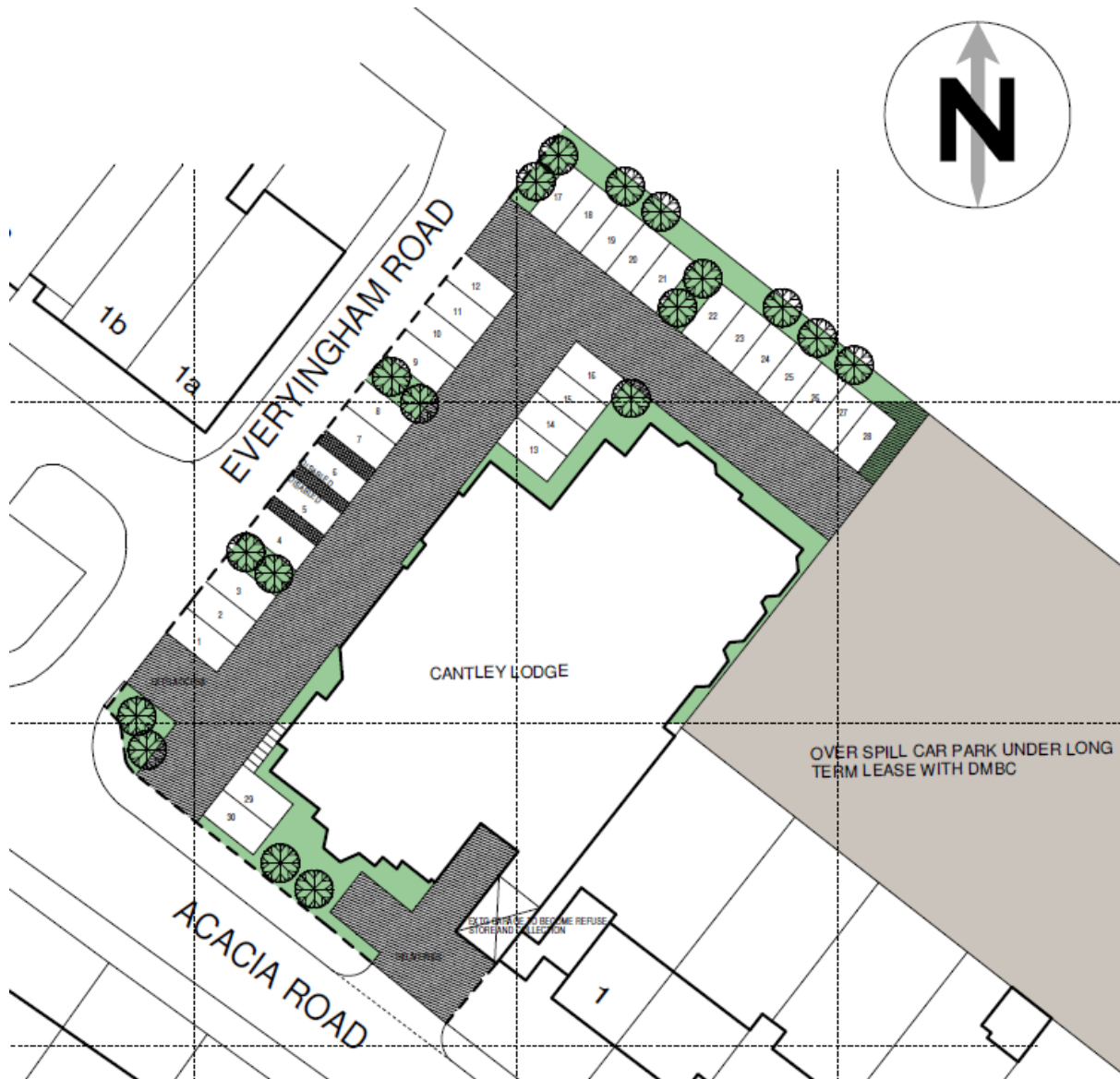
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

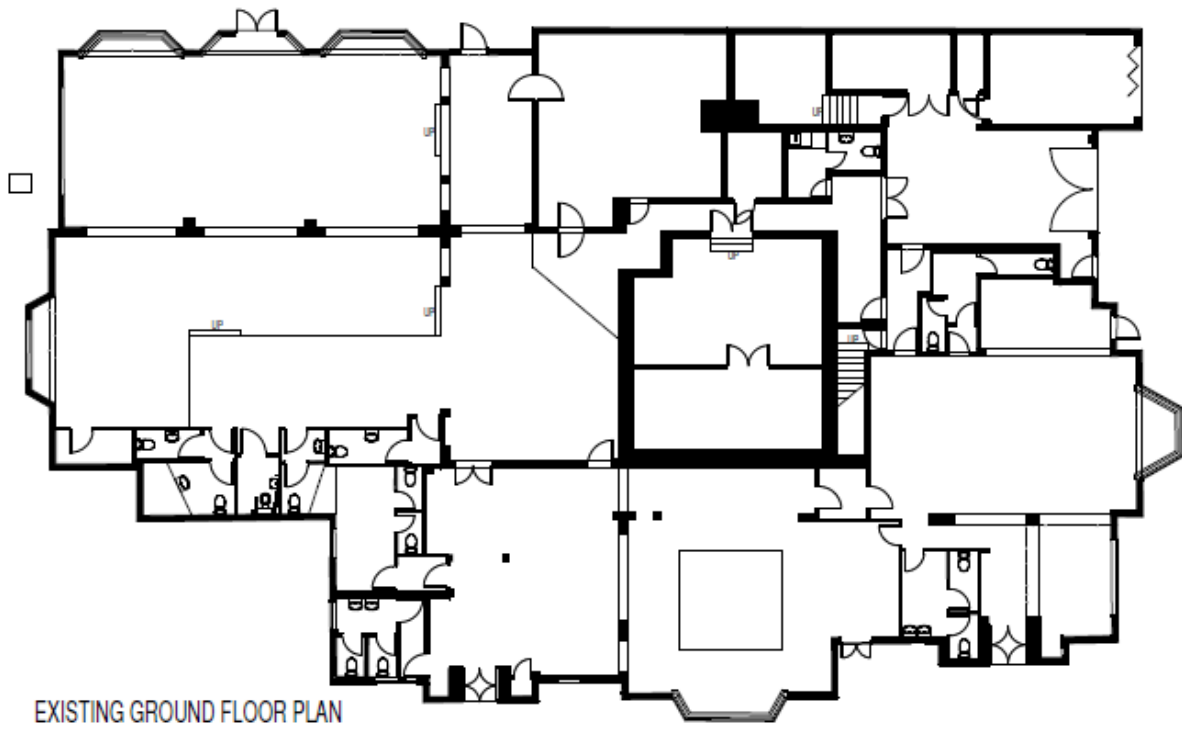
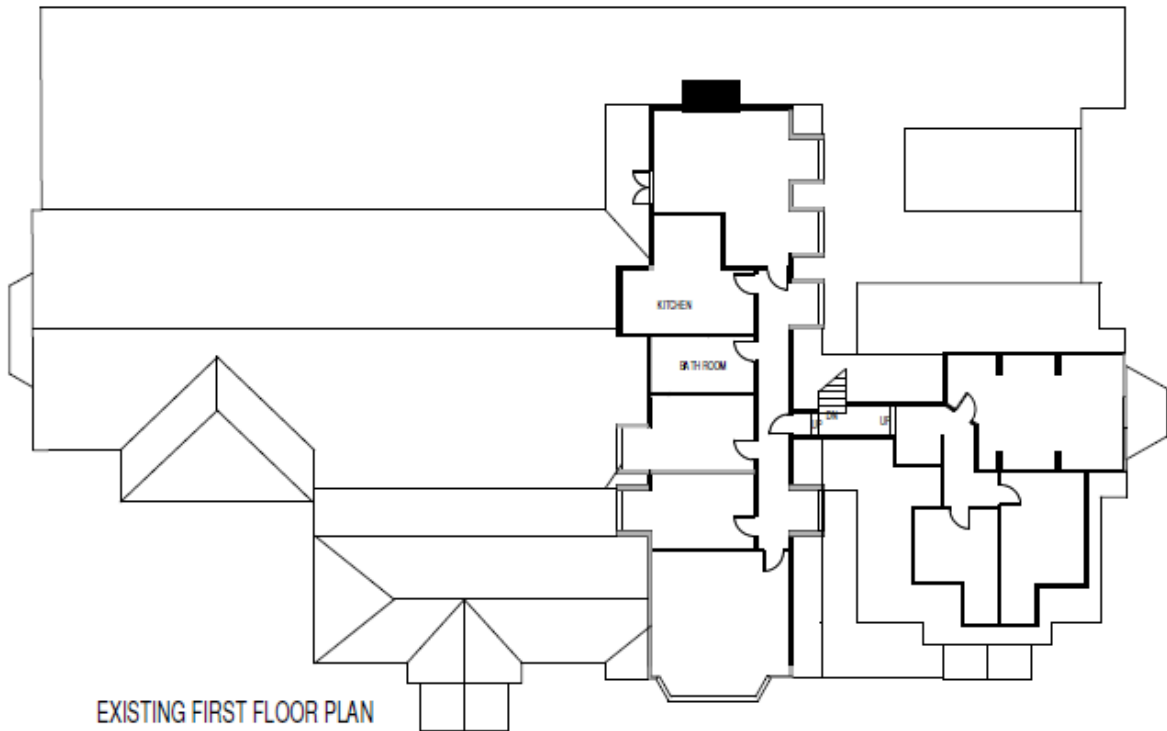
This Standing Advice is valid from 1st January 2019 until 31st December 2020

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.

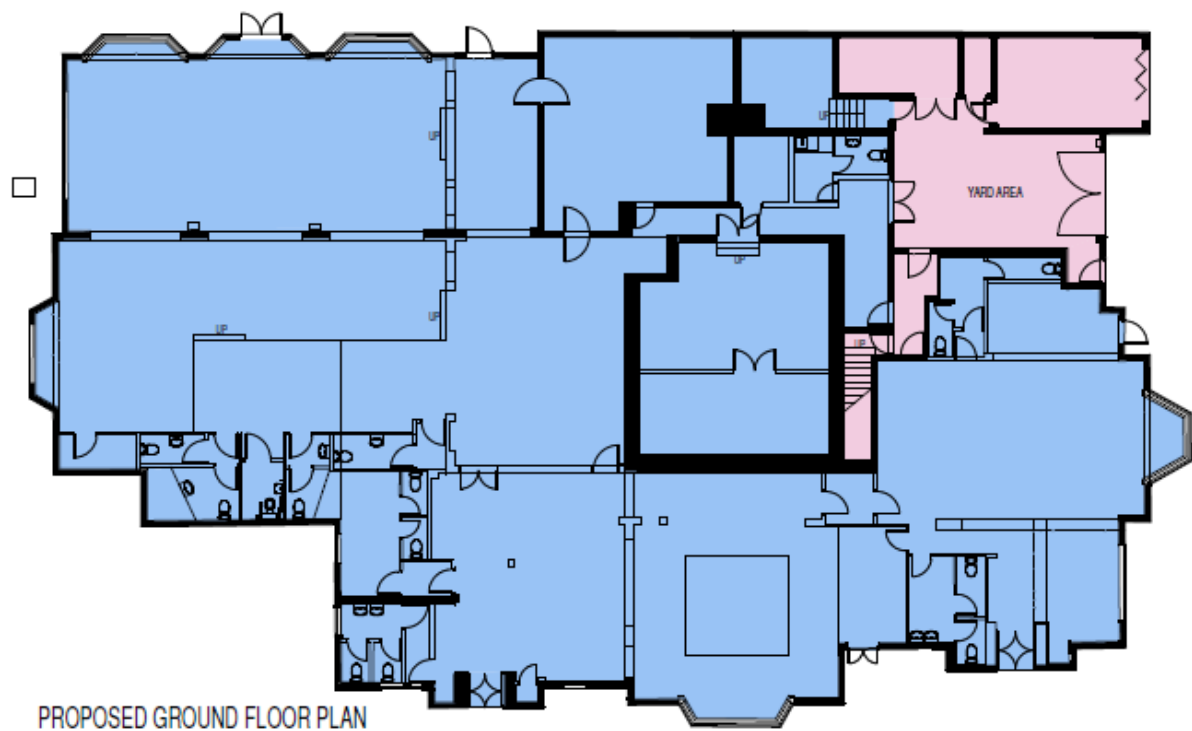
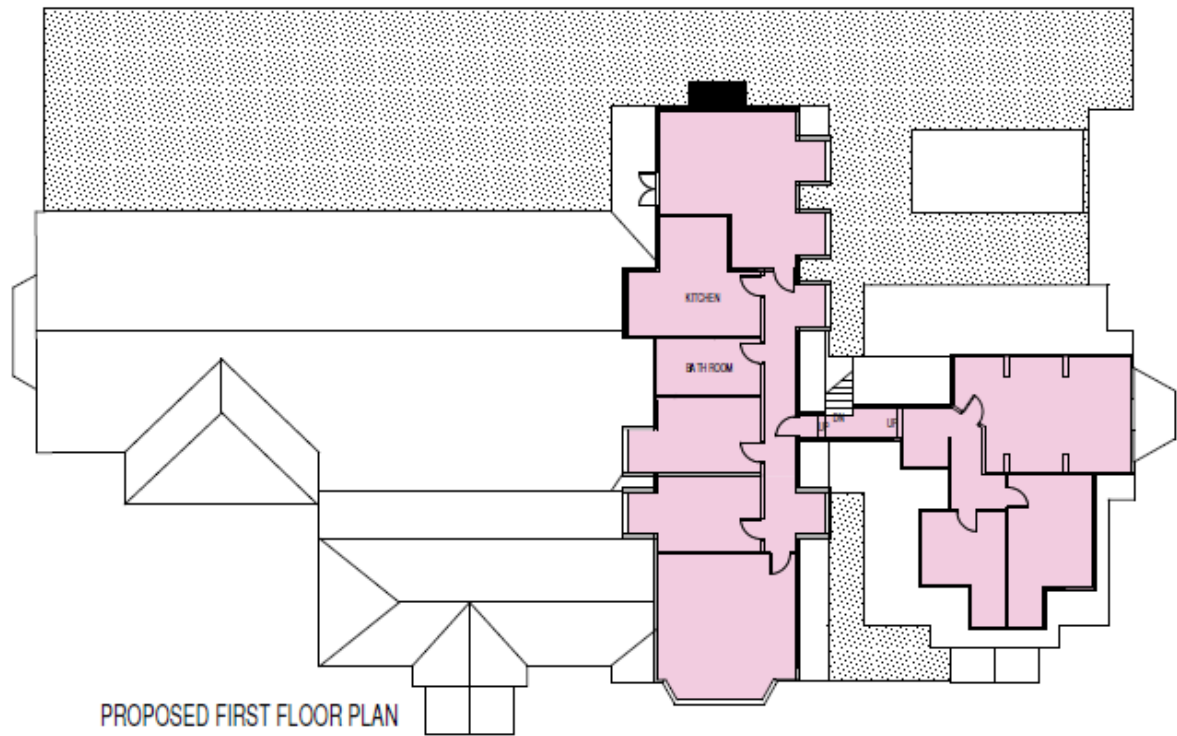
Appendix 1: Proposed Site Plan (amended 10 November 2020)





Appendix 2: Existing Floor Plans



Appendix 3: Proposed Floor Plans



	<p>NEW APARTMENTS 181 SQ M / 1950 SQ FT FIRST FLOOR GROUND FLOOR 77 SQ M / 828 SQ FT</p>		<p>NEW A1 RETAIL SPACE</p>
---	--	---	----------------------------

Appendix 4: Existing Elevations (no alterations proposed)



NORTH WEST ELEVATION



SOUTH WEST ELEVATION



NORTH EAST ELEVATION



SOUTH EAST ELEVATION

This page is intentionally left blank

Application	5.
--------------------	-----------

Application Number:	20/02761/FUL
----------------------------	--------------

Application Type:	Full Application
--------------------------	------------------

Proposal Description:	Erection of 2-storey rear extension and creation of dressing room in the loft space, and erection of detached garage/workshop following demolition of existing garage with laurel hedge around the boundary and gates to the front and the addition of a detached outbuilding to the rear. (Without compliance of condition 2 of Application Reference Number: 20/00949/FUL granted on 01/07/2020) RETROSPECTIVE
At:	17 Westwood Road, Bawtry, Doncaster, DN10 6XB

For:	Mr Tom Lewis
-------------	--------------

Third Party Reps:	14 letters of representation in opposition.	Parish:	Bawtry Town Council
		Ward:	Rossington and Bawtry

Author of Report:	Rebecca Larder
--------------------------	----------------

SUMMARY

The application seeks retrospective permission to vary the previously approved plans for the erection of a detached garage/workshop to the side of the dwelling, a two-storey rear extension to the host dwelling and detached outbuilding to the rear of the garden. The application is retrospective. Amendments have been made to the proposal and it is now considered an appropriate form of development. The proposal does not harm the character of the area or neighbouring amenity and is considered to be an acceptable and sustainable form of development in like with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

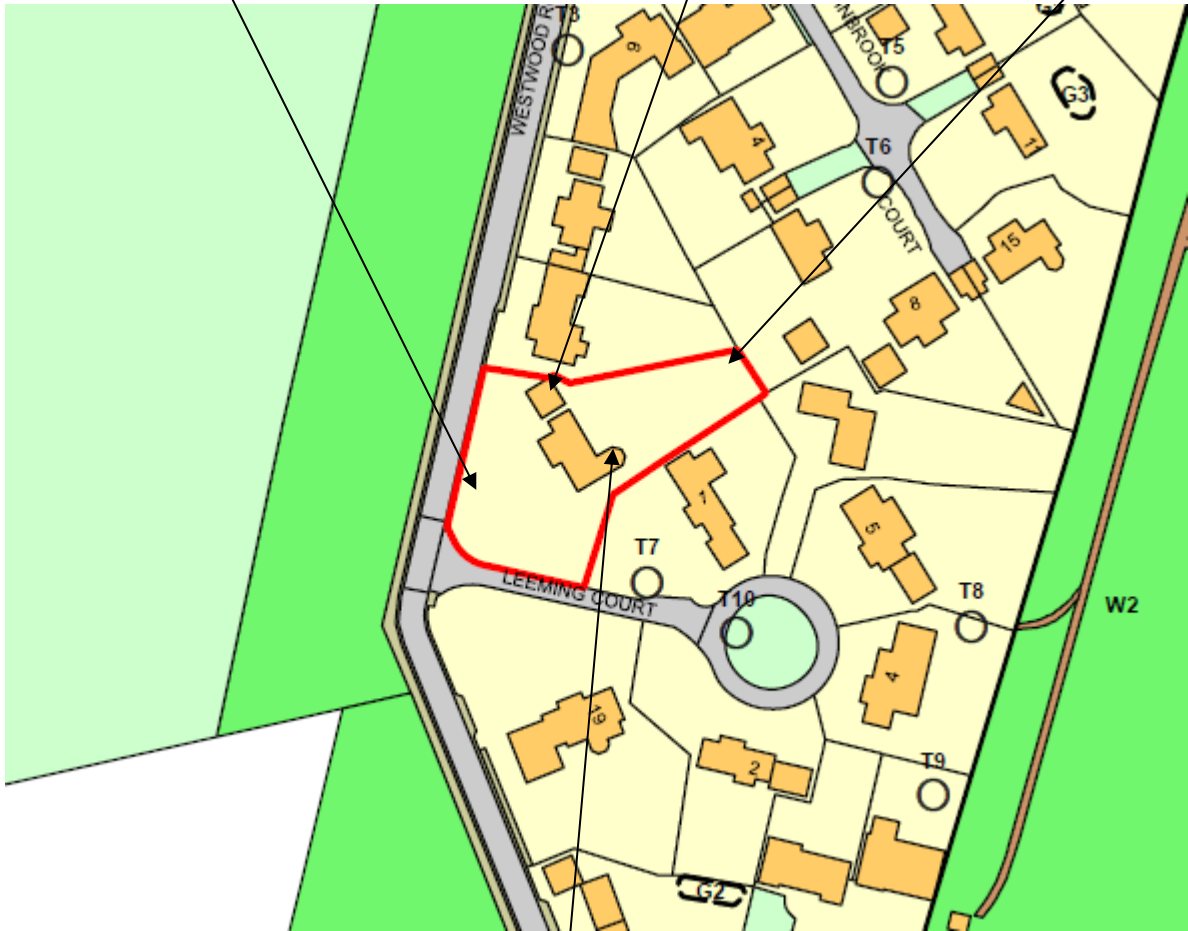
This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to neighbouring properties or the wider character of the area.

RECOMMENDATION: GRANT planning permission

Application Site

Replacement garage on this part of the site

Outbuilding on this part of the site



Two storey rear extension on this part of the site

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee as a result of the level of public interest in this application.
- 1.2 This current application has been amended in order to overcome the reasons for refusal. The amendments include a reduction in height and the removal of the first floor from the outbuilding in the rear garden that has been built not in accordance with the plans approved under application 20/00949/FUL.

2.0 Proposal

- 2.1 The application seeks permission to vary the previously approved plans. These variations include an additional roller shutter door and air conditioning unit to the rear elevation of the garage/workshop, an infilled window feature to the side elevation of the two-storey rear extension, a reduced kitchen window and an altered design to the outbuilding at the rear as well as the installation of a flue and air conditioning unit. This application is retrospective and some of these amendments have already been built not in accordance with the previously approved plans.

3.0 Site Description

- 3.1 The property is two storey detached house on the corner of Westwood Road and Leeming Court. The house is constructed of a red brick with plain concrete tiles white UPVC windows and doors. The property sits on a generous plot and is set back from the highway. There is a driveway and grassed area to the front and a large grassed area to the rear, which is bound by a wooden fence.
- 3.2 The site is constrained by trees, although these trees are not protected they were of significant interest to the Tree Officer. During the previous application, the applicant worked with the Tree Officer to overcome the issues and agreed a tree protection plan and replacement planting scheme, which was conditioned as part of the previous application.

4.0 Relevant Planning History

- 4.1 Application site:

Application Reference	Proposal	Decision
20/00949/FUL	Erection of 2 storey rear extension and creation of dressing room in the loft space, and erection of detached garage/workshop following demolition of existing garage with laurel hedge around the boundary and gates to the front and the addition of a detached outbuilding to the rear.	Granted 01.07.2020

5.0 Site Allocation

- 5.1 The site is designated as Residential Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998). This is not in a high risk flood zone being allocated as Flood Risk Zone 1 (FZ 1)
- 5.2 National Planning Policy Framework (NPPF 2019)
- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.5 Paragraph 47 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise
- 5.6 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.7 Paragraphs 54-56 state local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The tests are:
- a) Necessary to make the development acceptable in terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 5.8 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.

- 5.9 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.
- 5.10 Paragraph 127 states that good design criteria should ensure that developments function well and add to the overall quality of the area, are sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future occupiers. Planning decisions should ensure are visually attractive and optimise the potential of the site.
- 5.11 Core Strategy 2011 - 2028
- 5.12 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 (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 non-residential use in a Residential Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.14 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs, protect local amenity and are well designed.
- 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 CS16 of the Core Strategy states that Doncaster's natural environment will be protected and enhanced.
- 5.17 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)
- 5.18 ENV54 states that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building. All features which contribute to the character of the building or surrounding area should be retained.
- 5.19 ENV59 States that in considering proposals for new development the Borough Council will attach considerable importance to the need to protect existing trees, hedgerows, wetland habitats, watercourses and other natural landscape features

and will require that new developments do not cause unnecessary loss of trees nor imperil trees by building works.

5.20 Local Plan

5.21 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). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

5.22 The Council sent out the notice of examination (regulation 24 stage) in August 2020 and the Local Plan is currently in examination, aiming to adopt as soon as practicable once the Inspectors report is published. The following policies are considered appropriate in assessing this proposal and consideration has been given to the level of outstanding objections resulting in appropriate weight attributed to each policy:

5.23 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.

5.24 Policy 33 deals with Woodland, Trees and Hedgerows. Significant weight can be afforded to this Policy.

5.25 Policy 42 (Character and Local Distinctiveness) is afforded limited weight. This policy states that development proposals will be supported where they:

1. recognise and reinforce the character of local landscapes and building traditions;
2. are of a high quality design that contributes to local distinctiveness;
3. respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and
4. integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.

In all cases, applications and design proposals will need to demonstrate an understanding of the context, history, character and appearance of the site, adjacent neighbourhood and the wider area, to inform the appropriate design approach.

- 5.26 Policy 45 (Residential Design) has moderate weight in decision-making. New housing, extensions, alterations and changes of use to housing will be supported where they respond positively to the context and character of existing areas (refer to Policy 42), or the host property, and create high quality residential environments through good design. Developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space.
- 5.27 Policy 55 requires the need to take into account air and noise pollution. This policy is considered to carry limited weight at this time.
- 5.28 The Bawtry Neighbourhood Development Plan (adopted November 2019)
- 5.29 Policy NE1 relates to protecting local landscape and character and states that mature trees on sites should be protected.
- 5.30 Other material planning considerations
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)

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 14 public representations were received in the first instance, following amendments and further consultation another 8 representations were received in opposition to the application.
- 6.3 The letters of objection are in regard to the following summarised points:
- The overall size and scale of the outbuilding
 - Discrepancies between the measurements on the previous and current plans
 - Overlooking/loss of privacy
 - Size and visual appearance of the flue
 - Noise and pollution from the flue and air conditioning unit.

7.0 Parish Council

- 7.1 No comments have been received from the Parish Council in relation to this application.

8.0 Relevant Consultations

8.1 **Tree Officer** – No objections to the resubmitted scheme.

8.2 **Environmental Health** – No objections to the flue or air conditioning units.

9.0 Assessment

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

- Principle of development;
- Impact on neighbouring amenity of existing and future residents;
- Impact on the character and appearance of the area;
- Trees and Landscaping;
- 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

9.3 Sustainability

9.4 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.

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

9.6 SOCIAL SUSTAINABILITY

Impact on Neighbouring Amenity

9.8 The principle of the development has previously been approved under application 20/00949/FUL granted on 01/07/20. This application seeks permission for amendments to the previously approved development.

9.9 Policy CS 14 (A) of the Core Strategy states that 'new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment' and paragraph 127 (f) of the National Planning Policy Framework states that planning decision should create places that have a high standards of amenity for existing and future users .

Outbuilding

- 9.10 Much as objections have been raised, it is not considered that the proposed outbuilding as amended would result in harm being caused to the residential amenity through overlooking or overshadowing. The height of the outbuilding has been reduced by 0.95m and now has an overall height of 4.43m. The reduction has lessened the massing in the roof and mitigated potential overshadowing. The outbuilding is located to the very rear of the garden and similarly is towards the bottom of the neighbouring gardens and therefore any overshadowing that may occur is not likely to impact the most usable garden space of neighbouring properties. The outbuilding lies adjacent to No15s summerhouse and to the rear is the garage of 6 Binbrook Court therefore any overshadowing that may occur would not be over main circulation areas and would not be harmful to the amenity of neighbours therefore complies with Policy CS14.
- 9.11 The first floor and staircase have been removed from the plans and the height of the outbuilding has been reduced, by in effect removing the apex of the roof (see appendix 2). The circular window in the gable end is to be covered with a wooden louvre and it is not possible to look out of the remaining roof light as it is set too high in the roof slope. The footprint and position of the ground floor windows remain the same as that previously approved under application 20/00949/FUL. The top of the ground floor windows sits 2.1m above ground level and there is a fence of similar height between the site and surrounding properties thus unlikely harmful overlooking would occur.
- 9.12 The previously approved plans shows a height of 4.28m however, this was measured from the finished floor level rather than the ground level. Had the proposal been built in accordance with the plans it would have been built at 4.43m due to 0.15m distance between the ground and floor level. The new proposal has been amended to reflect the true measurements and although a different design it has been reduced to the same height as the previously approved plan.
- 9.13 Doncaster's Supplementary Planning Document (SPD) makes clear that development of this nature should be of a scale and proportion that is subservient to the host dwelling, in relation to the height, massing, roof pitch, and remaining curtilage space. The reduced height does not compete with the host dwelling and appears subservient to it. The proposal is set within a large plot; the proposal preserves adequate private amenity space and does not dominate the rear garden therefore is complainant with the SPD and policy CS14.
- 9.14 It is therefore considered the application is in accordance with Policy CS1 and CS14 thus carries significant weight.

Two storey rear extension

- 9.15 The principle of the development has been established under the previous application, 20/00949/FUL. There is an additional infilled window feature to be added to the side elevation. This will be blocked up with brickwork and would not cause any overlooking. The kitchen window has also been reduced in size however, the positioning remains the same thus there will be no additional impact.

There are no neighbour objections relating to the rear extension.

Garage/Workshop

- 9.16 The principle of the development has been established under the previous application, 20/00949/FUL. The amendments sought are the addition of an air conditioning unit and the change of the rear door to a roller shutter door. Neither amendments would have any impact on neighbouring amenity by virtue of overlooking or overshadowing.

There are no neighbour objections relating to garage.

9.17 Conclusion on Social Impacts

- 9.18 The proposed development as amended would not detract from the residential amenity of neighbouring properties and would not significantly detract from the social sustainability of the locality. Although the application has received a number of neighbour representations, the concerns raised are considered to be satisfied and addressed by the amended proposal. Thus the proposal weighs positively in terms of the social impact and carries significant weight.

9.19 ENVIRONMENTAL SUSTAINABILITY

9.20 Impact upon the character of the area

Outbuilding

- 9.21 Given the positioning of the outbuilding to the very rear of the garden it will predominantly be out of public view and have minimal impact on the character of the area. There is a partial view of the outbuilding from Leeming Court (see appendix 3) however once the roof has been lowered and the two velux windows have been removed, in accordance with the amended plans, the views will be minimal and less impactful on the character of the area and complies with policy CS14.
- 9.22 The external flue is approximately 3.5m tall, it sits on the north side of the outbuilding and is predominantly screened from the street scene by the roof of the building. The top of the flue sits 0.4m above the proposed ridge of the outbuilding and is partially screened by existing trees/shrubs which minimises the visual appearance and does not have a harmful impact on the character of the area.

Two storey rear extension

- 9.23 The amendments made to the two-storey rear extension have no impact upon the character of the area.

Garage/Workshop

- 9.24 The amendments made to the garage are to the rear elevation and cannot be seen from the street scene thus have a minimal impact on the character of the area.

9.25. Impact on Trees

9.26 The Tree Officer has no objections to the application as the proposal has already been built and the previously agreed tree protection measures implemented. The changes proposed here are not a threat to the trees.

9.27 Pollution and Noise issues

9.28 Several concerns have been raised in relation to pollution from the log burner/flue and noise from the air conditioning unit. Environmental Health have been consulted on the application and have reviewed the specifications for both the flu and air conditioning unit. They raised no concerns in relation to the log burner, it is on the exempted appliances list meaning it can be used for burning logs in a smoked controlled area – (much as it must comply with relevant legislation) The whole of the borough has been smoke controlled since April 1994.

9.29 Given the use of the garage and outbuilding, it is likely that the air conditioning units will only be used during the day. Environmental health have raised no objections to the proposal on this basis and have no concerns regarding noise pollution.

9.30 Conclusion on Environmental Issues

9.31 In summary, it is not considered the proposal would significantly harm the character of the area therefore and that the environmental impact of the proposed development is acceptable.

9.32 ECONOMIC SUSTAINABILITY

9.33 This application is a householder application for a minor development whilst providing employment for a number of people during the period of the works this is the extent of its economic impact.

10.0 PLANNING BALANCE & CONCLUSION

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

11.0 RECOMMENDATION

11.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW:

Conditions / Reasons

01. Within 6 months of the date of decision works shall be undertaken to ensure that the development is in accordance with the amended plans dated 7.12.20 hereby approved unless otherwise agreed in writing by the Local Planning Authority. .
REASON
To ensure that the development is carried out in accordance with the application as approved.

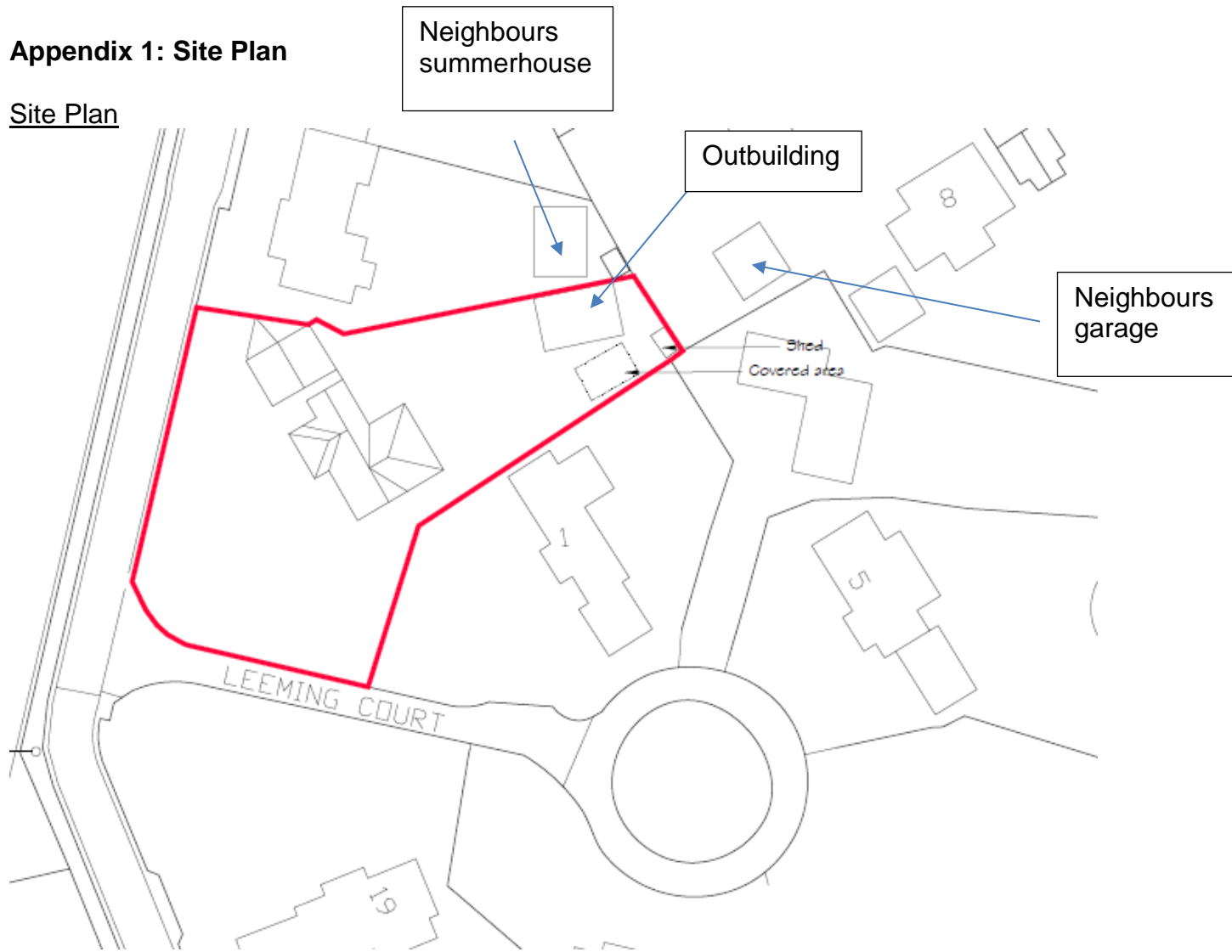
INFORMATIVES

01. The developer's attention is drawn to the information provided by the relevant Gas Operator. The information may be found by viewing the consultation reply from the Gas Operator which is attached to the planning application on the Council's website. Please use the following link
www.doncaster.gov.uk/planningapplicationsonline

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

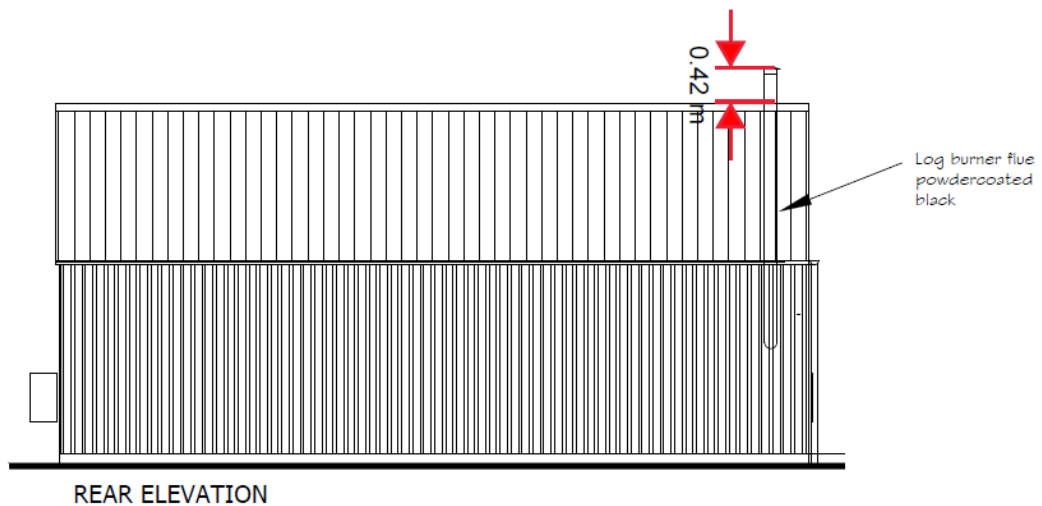
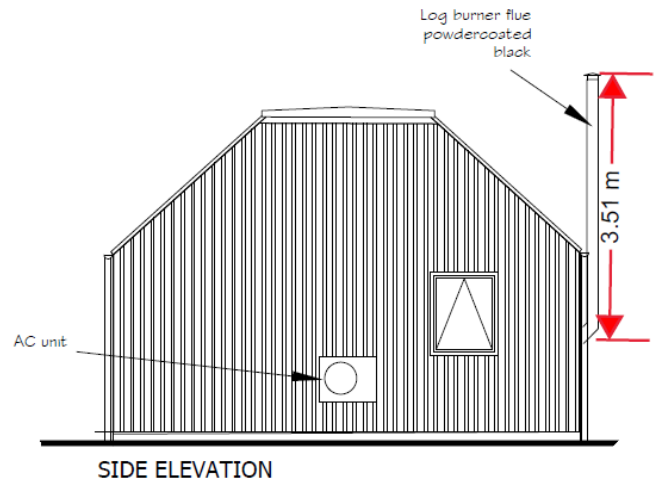
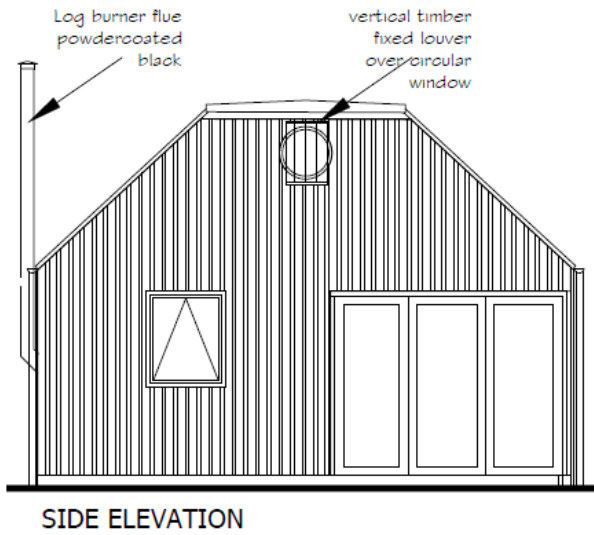
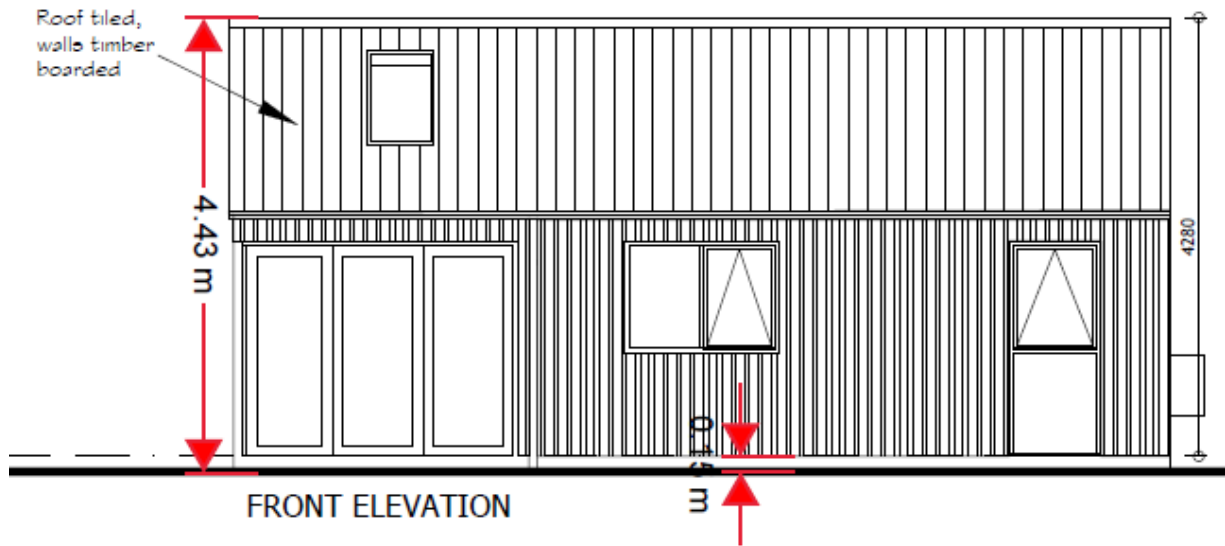
Appendix 1: Site Plan

Site Plan



APPENDIX 2: Elevation Plans

Proposed Elevations



APPENDIX 3: View from Leeming Court

Outbuilding



Outbuilding



This page is intentionally left blank



Date: 5 January 2021

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

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

BACKGROUND

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

OPTIONS CONSIDERED

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

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

7.

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

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS [Officer Initials SC Date 16/12/2020]

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 16/12/2020]

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 16/12/2020]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 16/12/2020]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 16/12/2020]

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

EQUALITY IMPLICATIONS [Officer Initials JL Date 16/12/2020]

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
20/00516/FUL	Erection of 2 x 3 bedroom semi-detached dwellings. at 37 Allenby Crescent, New Rossington, Doncaster, DN11 0JX	Appeal Dismissed 08/12/2020	Rossington And Bawtry	Delegated	No
20/01121/ADV	Display of digital advertisement board. at The Pockets Sports Bar, Bank Street, Mexborough, S64 9QD	Appeal Dismissed 03/12/2020	Mexborough	Delegated	No
20/02031/FUL	Erection of boundary wall to side and front (1 metre high with a further 1 metre high railing inserts and pillars) - Being resubmission of application refused under Ref: 19/01860/FUL refused on 17.01.2020 at 7 Stripe Road, Rossington, Doncaster, DN11 0HZ	Appeal Dismissed 08/12/2020	Rossington And Bawtry	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

Ms J Lister
01302 734853

TSI Officer
jenny.lister@doncaster.gov.uk

PETER DALE
Director of Economy and Environment

This page is intentionally left blank



Appeal Decision

Site visit made on 20 October 2020

by **K A Taylor MSC URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 December 2020

Appeal Ref: APP/F4410/W/20/3257038

37 Allenby Crescent, New Rossington, Doncaster DN11 0JX

- 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 Mike Hollick, Footprint Properties Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/00516/FUL, dated 20 February 2020, was refused by notice dated 31 March 2020.
 - The development proposed is to demolish the existing an existing porch and to erect 2no. 3 bedroom semi-detached dwellings over two storeys.
-

Decision

1. The appeal is dismissed.

Procedural Issues

2. Within the evidence I have been referred to the emerging Doncaster Local Plan 2015-2035 Publication Version, however given the stage of plan preparation and the level of unknown objections, I have afforded this limited weight.
3. I have also had regard, and in accordance with Paragraph 30 of the National Planning Policy Framework, 2019 (the Framework) in this appeal decision to the Rossington Parish Council, Rossington-Draft Neighbourhood Plan 2016-2032, which the Council have provided in their evidence. However, this is not at an advance stage and I have therefore afforded this minimal weight.

Main Issue

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

Reasons

5. The appeal site is garden land to the side of No.37 Allenby Crescent, which is a two storey end terraced dwelling with a spacious side and rear garden areas, positioned on a prominent corner of crossroads. It is located within a predominantly residential area, forming part of a wider estate that has a distinct street pattern and rigid approach to its layout.
6. The majority of dwellings in the immediate vicinity to the appeal site being terraced or semi-detached at two storeys, sharing similar features and characteristics including large gaps of unbuilt development between garden areas and dwellings that are situated along corner plots of the crossroads. Despite some variation in form, the dwellings and the spaciousness of plots in

- the area appreciable contribute to the character and appearance of the street scene.
7. The proposed dwellings would be positioned centrally but extend almost the entire width of the site. Thus, the restrictive plot size and proposed layout would result in the dwellings being of a contrived nature within the site itself, reducing the spaciousness and appearing cramped and discordant dwellings being out of character with the distinct pattern and visual appearance of development within the area.
 8. Furthermore, the proposed dwellings would be sited further forward than the majority of existing properties along the adjacent row resulting in an unacceptable form of prominent built development on the corner/crossroads. It would therefore result in incongruous dwellings having a significant adverse effect on the character and appearance of the immediate street scene and when viewed from along Allenby Crescent.
 9. The parties disagree whether the appeal site would form infill development. It is clear from the evidence that the appeal site forms a small gap within an otherwise built up frontage. I would agree with the Council's assessment that in this case *'infill development is the process of developing vacant or under-used parcels within existing urban areas that are already largely developed'*. Furthermore, the example SPD illustration¹ appears to demonstrate plot widths rather than defining what is infill development. Nonetheless, even if I were to agree with the appellant it does not outweigh the harm I have found to the character and appearance of the area.
 10. For the reasons given above, I conclude the proposed development would cause harm to the character and appearance of the area. It would be contrary to Policies CS1 and CS14 of the Doncaster Metropolitan Borough Council Core Strategy 2011-2028, 2012 and Saved Policy PH11 of the Doncaster Unitary Development Plan, 1998, Saved 2007. Taken together they require that proposals are place-specific in their design, and must be high quality that contributes to local distinctiveness; only permits development for housing where the form would not be detrimental to the character of the surrounding area.
 11. The proposed development would also be contrary to the Framework, Section 12: Achieving well-designed places.

Other Matters

12. I have been referred to other appeal decisions² within the area. However, I have limited details of these cases and so cannot be sure they are directly comparable to the proposals before me. In any event, the appeal is necessarily determined on its individual merits on the basis of the evidence before me.
13. The appellant refers to the Framework and that it is supportive of positive planning and ensuring that land is viable as a resource and is put to best use. Whilst this may be the case, it is not without caveats, including that developments are sympathetic to local character. Moreover, the definition of

¹ Doncaster Council Residential Backland and Infill Development: Supplementary Planning Document (SPD), 2015

² 3207025, 2142727, 2063588

previously developed land³ excludes land in built-up areas including residential gardens, of which the site forms part.

14. I acknowledge the appellants' reference to the Housing White Paper, and Doncaster Council's Housing Needs Study, 2019 re being insufficient mix of housing around the area, whilst this may be the case, I have no substantial evidence to suggest that the proposal would be constructed to meet local housing need, be a self-build or be provided as low-cost housing as the evidence before me suggests the dwellings would be for market housing.
15. Although the proposed development would not cause any harm to the living conditions of neighbouring properties including overshadowing, outlook, privacy and overlooking, and that private garden & space standards would be met, addresses highway safety, flooding, ecology/trees, absence of third party comments, these considerations do not outweigh the harm caused by the development.
16. I recognise the appeal proposal would have benefits with regard to the supply of housing in the Borough, be within a sustainable location and the contribution both construction opportunities and any future occupiers would make to the local economy. This would be limited due to the quantum of development proposed. These matters, however, and any material considerations, do not outweigh my findings in respect of the main issue nor the conflict I have found with the development plan read as a whole.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR

³ Annex 2:Glossary

This page is intentionally left blank



Appeal Decision

Site visit made on 10 November 2020 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/F4410/Z/20/3258186

The Pocket Sports Bar, Bank Street, Mexborough S64 9QD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Trinity Media against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/01121/ADV, dated 24 April 2020, was refused by notice dated 30 June 2020.
 - The advertisement proposed is a digital advertisement board.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has drawn my attention to Policies ENV25 and ENV58 of the Doncaster Unitary Development Plan (UDP) and Policies CS14 and CS15 of the Doncaster Core Strategy (CS) which it considers to be relevant to this appeal. I have taken these into account where relevant; however, powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

Main Issues

3. The main issues are the effect of the proposed advert on the visual amenity of the area, including the character and appearance of the Mexborough Conservation Area (MCA), and on public safety as it relates to road users.

Reasons

Visual Amenity

4. The appeal site comprises a former cinema which now operates as a sports bar. It includes a grass verge to the rear, adjacent to the Greens Way dual carriageway. The proposal includes the erection of a V-shaped advertisement board on this grass verge which would be attached to a steel box structure

displaying two LED screens. The appeal site is located within the Mexborough Conservation Area (MCA).

5. The significance of the MCA is partly derived from its Victorian and early Edwardian architectural building styles. Building frontages are largely simple in form and prominent sites are uncluttered. At the rear, where elevations were not designed to be seen, their appearance is plain. This is reflected in the appeal building, which is defined as a Key Unlisted Building within the CAA and contributes positively to the character and appearance of the MCA.
6. The building is highly prominent on Greens Way, visible to motorists and, from adjacent footpaths, to pedestrians. The proposed advertisement, would also be highly visible given its position and its illuminated digital images that would change on a 10 second sequential rotation. Greens Way is largely free from the clutter of advertisements and as a result, the proposed advertisement would appear as a discordant and jarring feature.
7. Moreover, given that the rear elevation of the Pocket Sports Bar is largely devoid of detailing, the modern appearance of the advert unit would jar with, and thereby distract from, the simple form of the building and the MCA as a whole. Whilst I acknowledge that the rear elevation of the host building includes an existing advertisement, this is of timber frame construction with non-illuminated imagery related to the function of the host building. I have no information as to whether this advertisement has consent but nevertheless it is incomparable in terms of its visual impact, with the proposal before me.
8. I acknowledge that the rear elevation of the host building is not visible from within the main thoroughfare of the MCA on Bank Street. However, for the reasons set out above, the proposal would be a visually intrusive and highly prominent addition in the street scene along Greens Way and would fail to preserve or enhance the character or appearance of the MCA.
9. The appellant has proposed a condition to control the level of illumination. However, due to the above reasons this would not be sufficient to mitigate the harm I have identified. Moreover, while a reduction in scale is suggested I can only determine the appeal on the basis of the plans before me, on which the Council made its decision.
10. In terms of the approach set out in paragraph 193 of the Framework, great weight should be given to a heritage asset's conservation. Given the above, this proposal would cause less than substantial harm to the significance of the MCA. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. No public benefits have been advanced in this case.
11. As such, the public benefits would not outweigh the harm I have identified which carries great weight. As such, the proposal would conflict with policies CS14 and CS15 of the CS, policies ENV25 and ENV58 of the UDP and guidance in the Framework. Although not decisive, collectively these seek to ensure proposals protect or enhance the heritage significance of heritage assets.

Public Safety

12. The PPG states that all advertisements are intended to attract attention, with those which, because of their size or siting, would obstruct or confuse a road-

user's view more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those which are illuminated and subject to frequent changes of the display.

13. Greens Way is a largely straight section of road bypassing the town centre, although there is a slight bend in the approach from the roundabout at Doncaster Road. It has a speed limit of 40 miles per hour. However, as the appellant points out, due to the set back from the road, the advert would appear suddenly in a driver's view in both directions. While adverts of this type may be common near roads in the UK, the proposed advert would, due to its raised positioning and design, would be a discordant and overly distracting feature in this part of the highway. This would pose a risk to road users and harm public safety.
14. I note the reference to collision data for this area, which demonstrates there has been 2 incidents in the last 6 years. Whilst the full circumstances of these accidents is unknown, I note that one of these incidents was serious and that both occurred during the hours of darkness, a time when the proposed advertisement would be most distracting due to its illumination. It is suggested by the appellant that these figures are relatively low. However, for the reasons set out above, I am unconvinced that the advertisement would not cause a distraction to drivers.
15. For the above reasons, I conclude that the proposed advertisement would be harmful to public safety. Whilst I have had regard to the suggested standard and non-standard conditions, these would not overcome the harm I have identified.
16. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. The Council refers to policy ENV58, which seeks to ensure advertisements do not detract from public safety. Given that I have concluded that the proposal would harm public safety, in particular for road users, the proposal conflicts with this policy.

Recommendation

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

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Ashworth

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 24 November 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2020

Appeal Ref: APP/F4410/D/20/3260830

7 Stripe Road, Rossington, Doncaster DN11 0HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Whitehead against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/02031/FUL, dated 27 July 2020, was refused by notice dated 28 September 2020.
 - The development proposed is erection of boundary wall to side and front (1 metre high with a further 1 metre high railing inserts and pillars).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal property is located on the corner of Stripe Road and Sylvestria Court. Whilst there are some properties opposite on Pheasant Bank that have hard boundary treatments to the frontage, these are generally low in height and are set back from Stripe Road, unlike the appeal property and proposals. At present the majority of frontages on Stripe Road and Sylvestria Court have open frontages or planting. This gives the street scene an overall pleasant character.
4. While I note that the section facing Stripe Road is to be set behind the existing planting, it would be easily visible behind the planting and therefore incongruous and harmful to the character of the area. In addition to this, the planting could be removed, exposing the harshness of the boundary treatment and its design fully to the street scene.
5. The proposed side boundary treatment facing onto Sylvestria Court would be largely exposed, and look out of place within that street scene, where the properties have either planted or open frontages, and the incongruousness of the structure would be harmful to the character of that street scene.
6. I note the frustrations of the appellant in regard to a number of other boundary treatments in the locality that the Council have permitted or not taken action against. I do not have the full details of these schemes, but nonetheless the existence of these other boundary treatments do not justify further harm to the character and appearance of the locality.

7. I have taken into consideration the appellants reasoning for the erection of the boundary treatment proposed, but this does not outweigh the harm that I have identified by the appeal proposal.
8. I conclude that the development harms the character and appearance of the area and is in conflict with Policy CS14 of the Doncaster Council Core Strategy (2012) which states that, amongst other matters, development proposals should be robustly designed, work functionally, attractive and make a positive contribution.

Conclusion

9. For the reasons outlined above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR