



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, 2nd February, 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.

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Damian Allen
Chief Executive

Issued on: Monday, 25 January 2021

Governance Services Officer for this meeting

David M. Taylor
Tel No. 01302 736712

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

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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.	
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A. Reports where the Public and Press may not be excluded.	
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Members of the Planning Committee

Chair – Councillor Susan Durant

Vice-Chair – Councillor Sue McGuinness

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

Public Document Pack Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 8TH DECEMBER, 2020

A MEETING of the PLANNING COMMITTEE was held as a MICROSOFT TEAMS - VIRTUAL MEETING on TUESDAY, 8TH DECEMBER, 2020, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

An apology for absence was received from Councillors Eva Hughes.

22 Declarations of Interest, if any

No declarations of interest were made at the meeting.

23 Minutes of the Planning Committee Meeting held on 10th November, 2020

RESOLVED that the minutes of the meeting held on the 10th November, 2020 be approved as a correct record and signed by the Chair.

24 Schedule of Applications

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

25 Town and Country planning Act 1990, Section 106 Agreements

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

Application No	Description and Location
19/03101/FUL	Erection of a drive-thru freestanding restaurant with car parking, landscaping, including Customer Order Displays (COD), with canopies, children's play frame and associated works on Land and Buildings

	South of Doncaster Road, Denaby Main.
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26 Adjournment of the Meeting

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 4.05 p.m. to be reconvened on this day at 4.15 p.m.

27 Reconvening of the Meeting

The meeting reconvened at 4.15 p.m.

28 Duration of the Meeting

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

29 Appeal Decision

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
19/02974/COU	Change of use from Offices to 6 Self Contained Apartments, with associated works. at 5 - 6 Regent Terrace, South Parade, Doncaster, DN1 2EE	Appeal Allowed 05/11/2020	Town	Delegated	No

30 Sterefibre Update

The Committee considered a report presented by Roy Sykes, Head of Planning, which updated Members in relation to the current situation relating to the continued storage of Sterefibre (SF) at Hazel Lane Quarry, Hampole.

Members were reminded that the last planning application seeking to retain SF at this site was refused planning permission on 18th October, 2018. The report relating to this application outlined that approximately half of the SF stockpile had been removed and had been taken to a receiving site at Meden Vale, Nottinghamshire, to be used as restoration material for an old colliery working site at the former Welbeck Colliery site.

It was reported that Officers had visited the receiving site to assess the use and had confirmed that this had been undertaken and that the mixing of the SF to 'dilute' its properties had resulted in a beneficial material for non-agricultural restoration. Currently, there was an application to the Environment Agency from

Tetron Welbeck LLP, seeking a permit for the deployment of the remaining half of the SF stockpile from Hazel Lane Quarry. This application, which was currently now under consideration, had encountered significant delay primarily due to the current COVID situation and a telephone conversation with the Environment Agency (EA). It was intended to remove the remaining SF stockpile from its unauthorised position at Hazel Lane Quarry and there was no technical reason why this would not happen in the near future once the EA had granted the permit.

It was noted that the operator of Hazel Lane Quarry was requested to provide an update on the deployment of SF on 15th October. In response, it was reported that Tetron had experienced some deployment information issues with other materials which resulted in them finding other sources and having to resample before the deployment application could be submitted again due to COVID which took a long time. This had now been submitted to the EA. Problems and been experienced locating the Officer dealing with the issue but assurances had been provided that the material would be removed as soon as the deployment was approved. Subsequently, confirmation was received on 30th September, 2020, but this was still to be progressed by the Officer.

RESOLVED that the progress report in relation to the current situation relating to the continued storage of Sterefibre at Hazel Lane Quarry, Hampole, be noted.

Click on the links to view Parts 1 and 2 of the meeting

Part 1 <https://youtu.be/yqInC4LA7qE>

Part 2 <https://youtu.be/srm3rP8rns4>

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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 8th December, 2020

Application	1
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Application Number:	20/01323/FUL
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Application Type:	Planning FULL
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Proposal Description:	Retrospective change of use of land to Sui Generis for the recycling of concrete, bricks, rubble and soils into a sellable by-product to provide recycled aggregates; construction materials storage; civils engineering operation use and proposed erection of modular building.
At:	Unit 1, Pastures Road, Mexborough, S64 0JJ

For:	Mr Adrian Catlow
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Third Party Reps:	71 Representations in Objection	Parish:	N/A
		Ward:	Mexborough

A proposal was made to grant the Application.

Proposed by: Councillor John Healy

Seconded by: Councillor Charlie Hogarth

For: 3 Against: 6 Abstain: 1

On being put to the meeting, the proposal to grant the Application was declared LOST.

Subsequently, a proposal was made to refuse the Application which was contrary to the Officer's recommendation.

Proposed by: Councillor Jonathan Wood

Seconded by: Councillor Mick Cooper

For: 6 Against: 3 Abstain: 1

On being put to the meeting, the proposal to refuse the Application was declared CARRIED.

Decision: Planning permission refused for the following reason:-

- 01. The application was refused contrary to the Officer's recommendation, due to the proposed impact on residential amenity from dust, noise from operations and traffic movements. The application was deemed contrary to Policies CS1 and CS14 of the Core Strategy and Paragraph 127 F of the NPPF.**

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Ms Debbie Epton, a local resident and Local Ward Members Councillors Bev Chapman and Sean Gibbons, spoke in opposition to the application for the duration of up to 5 minutes each.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Will Mulvany, the Agent, spoke in support of the application for the duration of up to 5 minutes.

Application	2
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Application Number:	19/02192/FUL
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Application Type:	Planning Full
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Proposal Description:	Erection of 6 dwellings following demolition of existing building.
At:	Former St Johns Ambulance Building, Grange Road, Moorends, Doncaster, DN8 4LS

For:	Mr Lee Todd
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Third Party Reps:	0	Parish:	Throne Town Council
		Ward:	Thorne and Moorends

A proposal was made to grant the Application which was contrary to the Officer's recommendation.

Proposed by: Councillor Steve Cox

Seconded by: Councillor Iris Beech

For: 8 Against: 1 Abstain: 0

Decision: Determination of the application be delegated to the Head of Planning; such determination shall be in accordance with any direction given by the Secretary of State under Section 77 of the Town and Country Planning Act 1990, following consultation with him in accordance with the provisions of the Town and Country Planning (Consultation) Direction 2009. If no such direction is given within 21 days of the Secretary of State confirming receipt of the referral, the Head of Planning shall grant the application subject to conditions.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Local Ward Member Councillor Joe Blackham, spoke in support of the application for the duration of up to 5 minutes.

Application	3
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Application Number:	20/00992/FUL
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Application Type:	FULL Planning Application
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Proposal Description:	Demolition of nissen hut and erection of 9 dwellings (being resubmission of 19/01422/FUL).
At:	Land South of Ridgill Avenue, Skellow, Doncaster, DN6 8HS

For:	Mr Brian Sables
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Third Party Reps:	1 letter of support	Parish:	N/A
		Ward:	Adwick Le Street & Carcroft

A proposal was made to refuse the Application.

Proposed by: Councillor Charlie Hogarth

Seconded by: Councillor Jonathan Wood

For: 9 Against: 0 Abstain: 0

Decision: Planning permission refused for the following reasons:-

- 01. The proposal would result inappropriate development in the Green Belt with no very special circumstances being provided which outweigh the harm to the openness of the Green Belt. The proposed design, scale and layout of the development results in significantly greater harm to the openness of this Green Belt location; by virtue of not only the presence of housing in the Green Belt, but by the amount of hard surfacing, parking dominated frontages, 10m high buildings with bulky rear dormers, and no available space to offer an soft landscaping, thus causing overdevelopment of the site harming the openness further. The development is considered to be contrary to saved policies ENV1 and ENV3 of the UDP (adopted in 1998), CS3 of Doncaster's Core Strategy (2011 - 2028) and Section 13 of the NPPF (2019).**
- 02. The layout and scale of the development with parking dominated frontages is considered to result in overdevelopment of the site and would appear dominate from**

the surrounding area especially the neighbouring bungalows on Repton Road. The development would constitute poor design with no opportunity to provide landscaping to soften the development or reduce the harm to the Green Belt location. Furthermore, the proposal would not achieve the minimum of 1 tree per dwelling which the Council expects housing schemes to meet in order to maximise the benefits of tree planting. The proposal is therefore considered to be contrary to saved policy ENV53 of the UDP (adopted in 1998), Policies CS1, CS3, CS14, and CS16 of Doncaster's Core Strategy (2011 - 2028) and Section 12 of the NPPF (2019).

03. The submission has provided insufficient information to apply the sequential test as set out in National Planning Policy Framework (NPPF) - Meeting the challenge of climate change, flooding and coastal change and therefore, fails the sequential test. Additionally, the LPA do not agree with the information that has been provided to allow the development to pass the exceptions test and that the scheme does not provide sustainability benefits which outweigh the risk of flooding. The proposal is therefore contrary to the National Planning Policy Framework, Core Strategy Policy CS 4 Flooding (2011 - 2028) and Drainage and Doncaster's Flood Risk and Drainage SPD (adopted 2010).
04. The submitted Ecological Appraisal outlines there would be a loss of biodiversity as the site has value for nesting and foraging birds, the proposed layout does not provide any opportunities for native planting, a comprehensive landscaping scheme or use of species which would have the required bio-diversity enhancements to compensate for the loss. The development is therefore considered to be contrary to Policy CS16 of the Core Strategy (2011 - 2028) and paragraph 170 of the NPPF (2019).

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Ms Susan Chan, the Agent, spoke in support of the application for the duration of up to 5 minutes.

Application	4
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Application Number:	19/03101/FUL
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Application Type:	FULL Planning Application
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Proposal Description:	Erection of a drive-thru freestanding restaurant with car parking, landscaping, including Customer Order Displays (COD), with canopies, children's play frame and associated works
At:	Land and Buildings South of Doncaster Road, Denaby Main

For:	McDonald's Restaurants Ltd
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Third Party Reps:	6 letters of support 2 objections	Parish:	None
		Ward:	Conisbrough

An amendment was proposed in relation to an additional Condition relating to the details of a litter management plan.

Proposed by: Councillor Jonathan Wood

Seconded by: Councillor Andy Pickering

For: 9 Against: 0 Abstain: 0

On being put to the meeting, the Motion was declared CARRIED.

A proposal was made to grant the Application subject the completion of a Section 106 Agreement and the additional Condition.

Proposed by: Councillor Jonathan Wood

Seconded by: Councillor John Healy

For: 9 Against: 0 Abstain: 0

Decision: Planning permission granted subject the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 in relation to the following matters and the addition of the following Condition:-

- (a) The securing of a commuted sum or sums for the management, maintenance and running costs of a permanent**

pedestrian crossing within the adopted highway on Doncaster Road following its installation (which is required by Condition 08 of this consent).

- 09. Prior to the first use of the building hereby approved, a litter management plan shall be submitted to and approved in writing by the local planning authority. The management plan shall set out measures for controlling litter generated by the use hereby approved, both on and off the site and shall be adhered to for the lifetime of the development.**

Reason

To control the amount of litter produced by the development in accordance with Policy CS14 (9) of the Core Strategy.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Phillip Isherwood, on behalf of the Applicant, spoke in support of the application for the duration of up to 5 minutes.

(The receipt of amendments to the report to reference the need for a legal agreement to provide a commuted sum for the running costs and maintenance of a pedestrian crossing on Doncaster Road, which was separately required to be provided, as set out at Condition 08, was reported at the meeting.)

Application	5
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Application Number:	16/01384/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of 4 ground floor retail (A1)units and 11 flats at 1st/2nd Floor with amended parking and new vehicle access (amended plans)
At:	Land East of Hexthorpe Youth Centre, Shady Side, Hexthorpe, Doncaster, DN4 0DH

For:	Miss D Mayil C/O - Inan Gokcek - Studio Anares
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Third Party Reps:	13 letters of objection	Parish:	
		Ward:	Hexthorpe & Balby North

A proposal was made to grant the Application.

Proposed by: Councillor Jonathan Wood

Seconded by: Councillor Steve Cox

For: 3 Against: 5 Abstain: 0

On being put to the meeting, the proposal to grant the Application was declared LOST.

Subsequently, a proposal was made to refuse the Application which was contrary to the Officer's recommendation.

Proposed by: Councillor Mick Cooper

Seconded by: Councillor John Healy

For: 6 Against: 0 Abstain: 2

On being put to the meeting, the proposal to refuse the Application was declared CARRIED.

Decision: Planning permission refused for the following reasons:-

- 01. The proposal would have an unacceptable impact on highway safety resulting from the lack of parking on the site. The Application was deemed contrary to Policy CS14 of the Core Strategy and Paragraph 109 of the NPPF.**
- 02. The proposal would have an unacceptable impact on the character of the area due to the lack of soft landscaping proposed as part of the Application. The Application was deemed contrary to Policy CS14 of the Core Strategy, informed by Paragraph 8.11 of the Developer Requirements and Guidance Supplementary Planning Guidance.**

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Local Ward Members Councillors Glyn Jones and Sue Wilkinson, spoke in opposition to the application for the duration of up to 5 minutes each.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Inan Gokcek, the Agent, spoke in support of the application for the duration of up to 5 minutes.

(The receipt of an amended plan altering the siting of the building, was reported at the meeting.)

Application	6
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Application Number:	20/01532/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of detached dwelling and construction of new access (proposal amended 20/08/2020 to include additional garage)
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At:	Chapel Farm, Bawtry Road, Hatfield Woodhouse, Doncaster, DN7 6PH
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For:	Mr J Holt
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Third Party Reps:	None	Parish:	Hatfield Parish Council
		Ward:	Hatfield

An amendment was proposed in relation to an additional Condition relating to a Landscaping Scheme.

Proposed by: Councillor Mick Cooper

Seconded by: Councillor John Healy

For: 8 Against: 0 Abstain: 1

On being put to the meeting, the Motion was declared **CARRIED**.

A proposal was made to grant the Application subject to the additional Condition.

Proposed by: Councillor Iris Beech

Seconded by: Councillor Mick Cooper

For: 8 Against: 0 Abstain: 1

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

11. No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in

writing by the Local Planning Authority. The scheme shall include a soft landscape plan; a schedule providing details of the species, 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 and a timescale of implementation. 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. 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.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

EXTRAORDINARY PLANNING COMMITTEE

FRIDAY, 18TH DECEMBER, 2020

AN EXTRAORDINARY MEETING of the PLANNING COMMITTEE was held VIRTUALLY via MS TEAMS on FRIDAY, 18TH DECEMBER, 2020, at 10.00 am.

PRESENT:

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

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

APOLOGIES:

Apologies for absence were received from Councillors Duncan Anderson and Eva Hughes.

31 DECLARATIONS OF INTEREST, IF ANY

No declarations were reported at the meeting.

32 PLANNING APPLICATIONS FOR NEW CREMATORIA - ADVICE FOR MEMBERS OF THE PLANNING COMMITTEE IN RELATION TO THE DECISIONS

The Committee received a report outlining the legal framework within which the determinations of the three planning applications for the new crematoria within the Borough were to be made.

It was noted that these applications were for a rare form of development and have been submitted for consideration in close succession. The report sought to guide members generally as to a lawful approach to reaching a decision on each of the applications before them.

Details of the legal framework were outlined within paragraphs 6 to 13 of the report.

Members were also advised as to how the meeting would be proceeding and advice was presented verbally with regard to lobbying material from applicants received by members prior to the meeting. Members were reminded that they were able to read materials sent to them in relation to the applications but must have ensured that they came to the meeting with an open mind, and must have heard all of the information presented to them at the meeting before coming to a decision on each application.

RESOLVED that the report be noted.

33 SCHEDULE OF APPLICATIONS

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

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 18th December, 2020

Prior to the commencement of the Schedule of Applications, the Planning Case Officer introduced the consultant's report to the Council on the borough's need for new crematoria, from Peter Mitchell Associates.

Application	1
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Application Number:	19/02434/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Construction of crematorium, associated car park, access road, gardens of remembrance and area for natural and traditional burials
At:	Land East of Armthorpe Lane, Barnby Dun, Doncaster DN3 1NA

For:	Mr Jamieson Hodgson
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Third Party Reps:	2 letters of objection	Parish:	Barnby Dun/Kirk Sandall Parish Council
		Ward:	Stainforth and Barnby Dun

A proposal was made to grant the Application

Proposed by: Councillor Jonathan Wood

Seconded by: Councillor Sue McGuinness

For: 7 Against: 2 Abstain: 0

Decision: Planning permission granted subject to the removal of conditions 7 and 8 and the amendment of condition 25 to read as follows:-

- 25. Before the development hereby permitted is brought into use details of secure cycle parking facilities for the occupants of, and/or visitors to the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.**

REASON

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CS9 of the Doncaster Core Strategy.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Jamieson Hodgson (Applicant) and Mrs Goodwin, from Nigel Goodwin Funeral Directors spoke in support of the Application for the duration of up to 5 minutes each.

(Condition 11 of the report to remain as verbally reported).

Application	2
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Application Number:	19/03088/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Construction of crematorium including memorial gardens, associated car parking, a new vehicle access onto Green Lane and ancillary works.
At:	Land South of Green Lane, Brodsworth, Doncaster DN5 7UT

For:	Dignity Funerals Ltd.
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Third Party Reps:	14 letters of representation	Parish:	Brodsworth Parish Council
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A proposal was made to refuse the Application.

Proposed by: Councillor Jonathan Wood

Seconded by: Councillor Steve Cox

For: 9 Against: 0 Abstain: 0

Decision: Planning permission refused in accordance with the Officers recommendation

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Parish Councillor Pamela Moorhouse and Local Ward Member, Councillor Cynthia Ransome spoke in opposition to the application for the duration of up to 5 minutes each.

(A correction to the report at page 43 - should state 54 individual letters of representation, have been received and not 14 was reported at the meeting).

Application	3
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Application Number:	20/00334/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Crematorium with Ceremony Hall, memorial areas, garden of remembrance and associated parking and infrastructure, including new access off Sheffield Road.
At:	Land Off Sheffield Road, Conisbrough, Doncaster

For:	Mr Stephen Byfield – Horizon Cremation Ltd
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Third Party Reps:	14 letters of representation	Parish:	Conisbrough Parks Parish Council
		Ward:	Conisbrough

A proposal was made to refuse the Application.

Proposed by: Councillor Jonathan Wood

Seconded by: Councillor Sue McGuinness

For: 9 Against: 0 Abstain: 0

Decision: Planning permission refused in accordance with the Officers recommendation

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr Stephen Byfield (applicant) and Local Ward Member, Councillor Ian Pearson, spoke in support of the Application for the duration of up to 5 minutes

(A correction to the report at Page 77 third paragraph should read: The ‘need’ for another crematorium could count as very special circumstances. An external consultant has confirmed that there is an existing unmet need for an additional crematorium in the borough other than Rose Hill, but has advised that by developing the site at Barnby Dun would meet most of that need. Whilst the scheme is not in accordance with the development plan,

on a balance of considerations when weighed against the moderate harm to the wider character of the area or countryside, highway, ecological and arboricultural networks, the scheme will best meet the need for a new crematorium. That must be given substantial weight in its favour to justify a departure from the development plan and it is not located within Green Belt. The Barnby Dun application is therefore recommended for approval was reported at the meeting).

(The receipt of two late representations. The first regarding advise from the applicant's Barrister in relation to 3 points raised in the officers report and the second from Local Ward Member Councillor Phil Cole objecting to the application on account that there is no exceptional economic case for the crematorium on green belt land and raises concerns about an already busy road was reported at the meeting).

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Public Document Pack Agenda Item 6.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 5TH JANUARY, 2021

A MEETING of the PLANNING COMMITTEE was held as a VIRTUAL MEETING VIA MICROSOFT TEAMS on TUESDAY, 5TH JANUARY, 2021, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

An apology for absence was received from Councillors Mick Cooper.

34 Declarations of Interest, if any

In accordance with the Members' Code of Conduct, the Chair, Councillor Susan Durant, declared an interest in relation to Application No. 19/01500/OUT, Agenda Item No. 4(1), by virtue of being a Local Ward Member and Town Councillor for the Thorne and Moorends Ward.

35 Schedule of Applications

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

36 Appeal Decisions

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

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 & 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 & Bawtry	Delegated	No

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 5th January, 2021

Application	1
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Application Number:	19/01500/OUT
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Application Type:	Outline Planning
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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
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Third Party Reps:	22 objections	Parish:	Thorne Town Council
		Ward:	Thorne & Moorends

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

Proposed by: Councillor Susan Durant

Seconded by: Councillor Duncan Anderson

For: 3 Against: 3 Abstain: 3

Upon the Chair declaring that there was an equal number of votes cast for and against the proposal to refuse the Application, the Chair, Councillor Susan Durant, in accordance with Council Procedure Rule 21.2, exercised her right to use her casting vote and voted for the proposal to refuse the Application.

Decision: Planning permission refused for the following reason:-

- 01. The proposal fails to reinforce the character of the local landscape, respond positively to existing site features or**

integrate well with its immediate and surrounding local area. The existing site is rural in appearance and directly adjacent to a residential area, and the development of the site for commercial purposes would not be in keeping with the surrounding land uses. As such, the proposal is contrary to Policy CS 14 of the Doncaster Council Core Strategy (adopted in 2012) and paragraphs 9, 122 (d) and 127 (c) of the National Planning Policy Framework.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Dennis Poskitt, a local resident, spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Ms Dianne Holgate, the Agent, spoke in support of the application for the duration of up to 5 minutes.

(The receipt of an additional Condition to ensure the continued maintenance of the visibility splay and receipt of representations for Councillor Mark Houlbrook, a Local Ward Member, objecting to the Application, were reported at the meeting.)

Application	2
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Application Number:	20/00930/REMM
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Application Type:	Reserved Matters Major
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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
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Third Party Reps:	12 (10 objections)	Parish:	Hatfield Parish Council
		Ward:	Hatfield

A proposal was made to grant the Application.

Proposed by: Councillor Iris Beech

Seconded by: Councillor John Healy

For: 5 Against: 5 Abstain: 0

Upon the Chair declaring that there was an equal number of votes cast for and against the proposal to grant the Application, the Chair, Councillor Susan Durant, in accordance with Council Procedure Rule 21.2, exercised her right to use her casting vote and voted for the proposal to grant the Application.

Decision: Reserved Matters granted and that 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.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr Andy Van Vliet, representing the Applicant, spoke in support of the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor Linda Curran, a Local Ward Member, spoke in opposition to the application for the duration of up to 5 minutes.

(Receipt of an amendment to paragraph 2.2 of the report with regard to the first sentence which should read 'The scheme comprises of a mixture of 95 detached properties...', was reported at the meeting.)

Application	3
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Application Number:	20/02137/FUL
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Application Type:	FULL Planning Application
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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.
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At:	Loversall Farm, Rakes Lane, Loversall, Doncaster, DN11 9DA
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For:	Mr & Mrs Lee - Loversall Farm
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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 & Wadworth

Application withdrawn at the request of the Applicant.

Application	4
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Application Number:	20/02145/FUL
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Application Type:	Planning FULL
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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
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Third Party Reps:	13 objectors, 0 supporters	Parish:	N/A
		Ward:	Bessacarr

A proposal was made to grant the Application.

Proposed by: Councillor Sue McGuinness

Seconded by: Councillor Steve Cox

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Councillor Nick Allen, a Local Ward Member, spoke in support of the application for the duration of up to 5 minutes.

Application	5
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Application Number:	20/02761/FUL
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Application Type:	Full Application
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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
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Third Party Reps:	14 letters of representation in opposition.	Parish:	Bawtry Town Council
		Ward:	Rossington & Bawtry

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

Proposed by: Councillor John Healy

Seconded by: Councillor Jonathan Wood

For: 10 Against: 0 Abstain: 0

Decision: Planning permission refused for the following reason:-

- 01. The proposed outbuilding, on account of its scale, siting and design, would be harmful to the amenities of occupiers of neighbouring dwellings by virtue of overlooking, loss of outlook and the smell associated with the log burner. It is also of a design which is considered out of keeping with the surrounding area. As such, the proposal is contrary to policies CS 1 and CS 14 of the Doncaster Council Core Strategy (adopted in 2012) and paragraph 127 (f) of the National Planning Policy Framework.**

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Robert Devonshire, a local resident, spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor Rachael Blake, a Local Ward Member, spoke in opposition to the application for the duration of up to 5 minutes.

DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 2nd February 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

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

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1. SV M	20/00109/3FULM	Bentley	
2. M	20/00725/FULM	Hatfield	Hatfield Parish Council
3.	20/00469/FUL	Finningley	Cantley With Branton Parish Council
4.	20/02578/FUL	Conisbrough	
5.	20/03180/FUL	Bessacarr	

Application	1
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Application Number:	20/00109/3FULM
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Application Type:	Planning FULL (DMBC Reg 3) Major
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Proposal Description:	Erection of 21 affordable council houses, with associated highway and infrastructure. (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)
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At:	Land Adjacent To Adwick Lane Toll Bar Doncaster
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For:	DMBC - Mr Matthew Clarkson
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Third Party Reps:	4 letters of objection	Parish:	
		Ward:	Bentley

Author of Report:	Andrea Suddes
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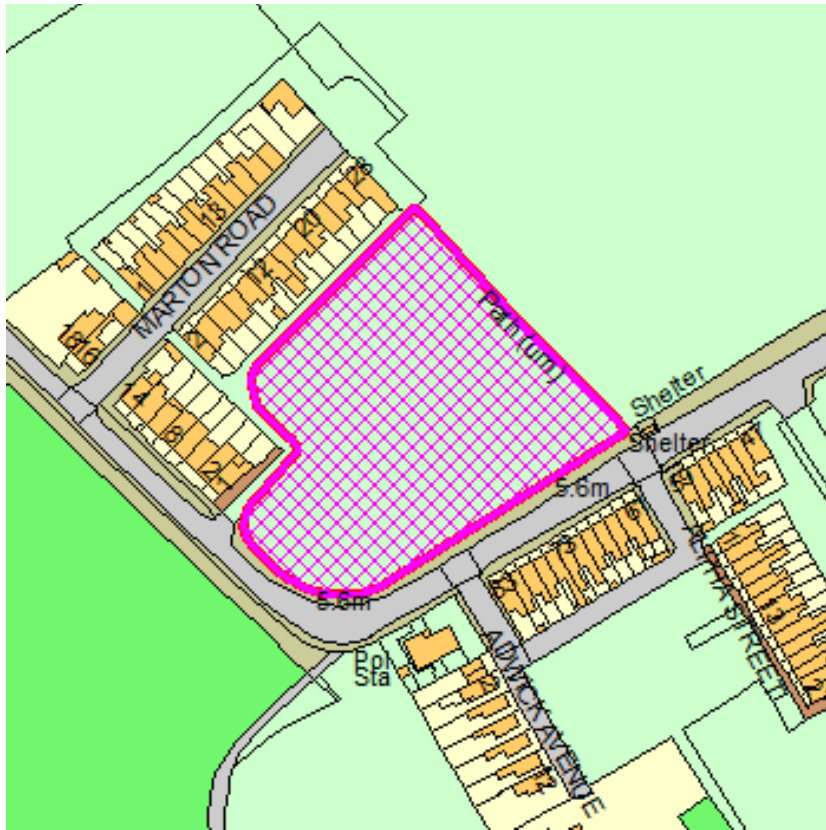
SUMMARY

The site lies within an allocated Residential Policy Area that supports new housing. Toll Bar is defined as a 'Larger Defined Village' in the Core Strategy and that local plan policy seeks to conserve and enhance stating that quality infill will be permitted. The scheme will deliver much needed 100% affordable housing for the borough which will help meet the social housing need of Toll Bar specifically by providing 21 affordable dwellings; and therefore is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

The properties all meet or exceed the Nationally Designed Space Standards set by Homes England and the council have secured grant from Homes England towards the development.

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 or the wider character of the area.

RECOMMENDATION: GRANT planning permission subject to conditions.



1.0 Reason for Report

1.1 The application is being presented to Planning Committee for determination on account that the application has been submitted by Doncaster Council and the site is owned by Doncaster Council. This application was previously reported to the planning committee on 18th August 2020. The application was deferred at the meeting for a site visit in order to assess the highway implications of the proposal, to look at potential tree loss and the position of the pumping station given concerns in relation to the discharge of surface water from the pumping station to the dyke. The application was reported to committee following site visit on the 15th September 2020 and was again deferred following information received at the site visit in relation to ownership of part of the site. It had become apparent that all relevant landowners had not been properly notified of the planning application.

2.0 Proposal

2.1 Following confirmation of land ownership the application has been amended in that the layout has changed and the number of units has been reduced from 22 to 21. Planning permission is now sought in full for the erection of 21 affordable council houses, with associated highway and infrastructure. There will now be one new access only to serve the site that will be formed further west along Adwick Lane, and not two as per the previous layout.

3.0 Site Description

3.1 Toll Bar is a village located North-west of the Doncaster borough. The village lies between Adwick le Street in the North West, Shaftholme in the East and Bentley in the South, with Bentley Moor to the North.

3.2 The application site is a brownfield site and comprises of a 0.65ha parcel of rough grassland situated on the corner of Adwick Lane and Marton Lane. The site is bounded on the Northern side by existing terraced properties that front onto Marton Road. Historically there was also a row of terraced housing along the Northern boundary of the site that backed onto the gardens of the houses on Marton Road.

3.3 To the East of the site is adjacent to a former brick yard which is long since demolished and which is now open playing fields that has children's play equipment in the South Western corner.

4.0 Relevant Planning History

4.1 Application site

Application Reference	Proposal	Decision
19/01742/PREAPP	Proposed residential development.	Closed 28.08.2019

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).

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 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).

Paragraphs 59-64 of the NPPF seeks to deliver a sufficient supply of homes and that meets the needs of groups with specific housing requirements and that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing.....).

5.6 Planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 180).

5.7 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 if the residual cumulative impacts on the road network would be severe.

5.8 Core Strategy 2011 - 2028

5.9 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).

5.10 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:

- 5.11 Policy CS2 identifies Toll Bar as a 'Larger Defined Village' in the Core Strategy, and states that Defined Villages will be conserved and enhanced and quality infill will be permitted. Lying within the UDP's 'Residential Policy Area' the site is suitable in this context.
- 5.12 Policy CS4 requires all development to address the issues of flooding and drainage where appropriate. Development should be in areas of lowest flood risk and drainage should make use of SuDS (sustainable drainage) design.
- 5.13 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.
- 5.14 Policy CS 12 relates to housing mix and affordable housing, stating that new housing developments will be required to include a mix of house size, type, price and tenure to address the identified needs and market demand to support mixed communities. It further states that in terms of delivering affordable housing this can be delivered under various measures listed.
- 5.15 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.
- 5.16 Policy CS16 states that nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals will be supported which enhance the borough's landscape and trees by including measures to mitigate any negative impacts on the landscape, include appropriate hard and soft landscaping, retain and protect appropriate trees and hedgerows and incorporate new tree and hedgerow planting.
- 5.17 Policy CS17 seeks to protect, maintain, enhance and where possible, extend Doncaster's green infrastructure.

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

- 5.19 Policy PH11 allows for residential development in allocated residential areas except where there would be adverse effect on the amenity of neighbours or the development would be at a density or form that would be detrimental to the character of the area or result in an over-intensive development.

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. The Local Plan is now at Regulation 24 stage and 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 Council is aiming to adopt the Local Plan by summer 2021 and the following policies would be appropriate for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:

- 5.22 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is considered to carry limited weight at this time.
- 5.23 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.
- 5.24 Policy 11 supports residential development within Residential Policy Areas. Substantial weight can be given to this policy.
- 5.25 Policy 14 seeks to promote sustainable transport within new developments. This policy is considered to carry limited weight at this time.
- 5.26 Policy 17 seeks to consider the needs of cyclists within new developments. This policy is considered to carry moderate weight at this time.
- 5.27 Policy 18 seeks to consider the needs of pedestrians within new developments. This policy is considered to carry moderate weight at this time.
- 5.28 Policy 29 sets out the Council's policy for open space provision in new developments. This policy is considered to carry limited weight at this time.
- 5.29 Policy 30 seeks to deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks. This policy is considered to carry limited weight at this time.
- 5.30 Policy 31 deals with the need to value biodiversity. This policy is considered to carry limited weight at this time.
- 5.31 Policy 43 deals with the need for good urban design. Moderate weight can be attached to this policy.
- 5.32 Policy 45 seeks to ensure high standards of residential design. This policy is considered to carry limited weight at this time.
- 5.33 Policy 46 sets out housing design standards. This policy is considered to carry limited weight at this time.

- 5.34 Policy 49 seeks a high standard of landscaping in new developments. This policy is considered to carry limited weight at this time.
- 5.35 Policy 56 deals with the need to mitigate any contamination on site. This policy is considered to carry limited weight at this time.
- 5.36 Policy 57 requires the need for satisfactory drainage including the use of SuDS. This policy is considered to carry moderate weight at this time.
- 5.37 Policy 66 deals with developer contributions. This policy is considered to carry moderate weight at this time.

5.38 Neighbourhood Plan

- 5.39 There is no Neighbourhood Plan for this area.

5.40 Other material planning considerations

- The Community Infrastructure Levy Regulations 2010 (as amended)
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SYRDG) (adopted 2015)
- National Planning Policy Guidance

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, press advertisement and neighbour notification.
- 6.2 Four letters of objection have been received highlighting the following concerns;
- Loss of light.
 - Flooding/drainage issues
 - Development will be out of scale/character
 - Over development of site/density
 - Highway/road safety fears as the development will generate more traffic on an already busy road
 - Parking issues that will cause disruption to the access of the existing houses
 - Damage to wildlife
 - Primary school not big enough to accommodate a new housing estate
- 6.3 The Applicant has also carried out a public consultation event which took place at the Villa Gardens Community Centre, Toll Bar on 11th December 2017. The day was attended by 23 residents. The submitted information states that the consensus of opinion was that people were pleased by the design quality of previous developments on display however were apprehensive about the development taking place in a flood zone 3 area. The applicant discussed possible flood prevention measures and the requirement of complying with the flood risk assessment, attempting to put residents at ease. There were a number of positive comments with a number of residents expressing interest in the allocation process for the new houses and how they could possibly apply to become residents of this development.

7.0 Parish Council

7.1 There is no parish council.

7.2 Relevant Consultations

7.3 **South Yorkshire Architectural Liaison Officer** – Advice provided on various elements of the scheme’s design which have been given full consideration and taken into account. Overall no objections in principle.

7.4 **National Grid** – No comments received.

7.5 **Environment Agency** – Has advised that it is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. With regards to flood risk has commented that floor levels to be set no lower than 5m above Ordnance Datum. As such a condition is included to reflect this.

7.6 **Danvum Drainage** – No objection, subject to advisory note that consent will be required should any surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board.

7.7 **Strategic Housing Team** - Policy CS12 seeks to achieve 26% affordable housing on site. It states that new housing development will be required to include a mix of house types, prices and tenures to address identified needs and market demand and to support mixed communities. It further sets out measures to provide affordable housing and at criteria 5) states ‘The council will work with partners to deliver affordable housing and a mix of houses to meet local needs through use of its own land and other initiatives’.

This is a 100% Affordable Housing scheme on a Council owned site, which will help meet the social housing need of Toll Bar specifically. The development which takes place will be of the highest standard that will conform to the Council’s own design policy and guidance as well as meeting all Planning Policy and legal requirements. The properties all meet or exceed the Nationally Designed Space Standards set by Homes England and the council have secured grant from Homes England towards the development.

7.8 **Area Manager** – No comments received.

7.9 **Ecologist Planning Officer** – Satisfied with the ecology survey carried out for the site but requested a net gain for biodiversity which has been provided. The viability of the site does not allow for a financial contribution as detailed in para. 8.39 of this report. The Council’s Ecologist is satisfied with the overall scheme and no objections are raised.

7.10 **Trees and Hedgerows Officer** – No objections on arboricultural grounds subject to conditions for the landscaping scheme to be implemented in accordance with the submitted plans and a tree root protection condition.

7.11 **Internal Drainage** – No objections, subject to condition for full details of the proposed on-site drainage.

- 7.12 **Danvm Drainage** – No objections raised in principle however recommend an advisory note that consent is required by the IDB for any surface water discharge into any watercourse.
- 7.13 **Education** – A commuted sum of £73,188.00 is required via Section 106 Agreement to provide 4 places at Don Valley Academy.
- 7.14 **Local Plans Team (Housing)** – In summary, the site is allocated for residential purposes. Toll Bar is defined as a ‘Larger Defined Village’ in the Core Strategy. According to Policy CS2, Defined Villages will be conserved and enhanced and quality infill will be permitted. The Local Plan proposes that the site continues to be designated as ‘Residential Policy Area’ (Policy 11). The proposal is therefore acceptable in principle.
- 7.15 **Highways Development Control** – No objections, subject to conditions.
- 7.16 **Design Officer** – No fundamental objections subject to conditions but has made comment regarding the location of the car parking space for Plot 1.
- 7.17 **Local Plans Team (Public Open Space)** –In line with UDP Policy RL4 10% of the site should be set aside as open space or a commuted sum.
- 7.18 **Pollution Control (Land Contamination)** – Following review of the Phase 1 and 2 site walk over reports, a Phase 3 remediation strategy is therefore required. No objections raised subject to this being requested via condition to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- 7.19 **Transportation Team** - A development of this size does not require any further assessment from a Transportation perspective. Although a condition for cycle parking to be provided within the curtilage of each dwelling as per SPD is recommended.
- 7.20 **Ward Members** – No comments have been received from local ward members.

8.0 **Assessment**

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

- Principle of development
- Affordable Housing
- Impact on residential amenity
- Design and Impact upon character of the area
- Highway safety and traffic
- Air Pollution and Contaminated land
- Ecology
- Flood risk and drainage
- Trees and Landscaping
- Planning Obligations
- Overall planning balance

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

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

Principle of Development

8.3 With regard to the principle of residential development on this site, the site is designated as 'Residential Policy Area' in the Doncaster Unitary Development Plan where proposals should be assessed against Policy PH11. The proposed development is acceptable in principle under this policy.

8.4 Toll Bar is defined as a 'Larger Defined Village' in the Core Strategy. According to Policy CS2, Defined Villages will be conserved and enhanced and quality infill will be permitted. Lying within the UDP's 'Residential Policy Area' the site is suitable in this context.

8.5 The emerging Local Plan has completed its consultation for the Regulation 19 Publication stage moving on to Regulation Stage 24. The Council is aiming to adopt the Local Plan by the end of 2020. Whilst this carries limited weight at this stage, it gives a clear indication of the direction of travel towards future planning policy of the site. The Local Plan proposes that the site continues to be designated as 'Residential Policy Area' (Policy 11).

8.6 Taking the above considerations into account; that the principle of residential use on the site is acceptable; and the benefit of the provision of 100% affordable housing, on balance it is considered that the site is capable of forming a sustainable residential development when assessed against UDP and Core Strategy policy. The proposal is therefore acceptable in principle, subject to other policy considerations.

Sustainability

8.7 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.

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

SOCIAL SUSTAINABILITY

8.9 Affordable Housing

8.10 Policy CS 12 of the Council's Core Strategy relates to housing mix and affordable housing, stating that new housing developments will be required to include a mix of house size, type, price and tenure to address the identified needs and market demand to support mixed communities. It further states that in terms of delivering affordable housing this can be delivered under various measures listed as criteria 1-5, with criteria 5 being most pertinent. This states that the council will work with partners to deliver affordable housing and a mix of houses to meet local needs through use of its own land and other initiatives.

8.11 With regard to the need; the housing needs study carried out by the applicant identified the size of the council housing accommodation requirements in the ward. The Toll Bar area was identified to require a majority of two bedroom 4 person houses and some three bedroom properties for the larger families on the waiting lists. This scheme would contribute to the much needed type of housing required in the area in line with NPPF requirements and would also be in accordance with Policy CS 12.

8.12 Impact on Residential Amenity

8.13 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 . The SPD Development Guidance and Requirements states in section 2.5 that 'new housing should not give rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of existing occupiers'.

8.14 With regards to separation distance to existing properties, key standards are set out within the SPD Development Guidance and Requirements. The information in this regard is consistent with those guidelines set within the South Yorkshire Residential Design Guide (SYRDG). The SPD and SYRDG are adopted policy documents and therefore carry significant planning weight. 2 to 3 storey properties should have back to back distances (between facing habitable rooms) of no less than 21m, and front to front distances of no less than 12m. The SPD also states that 'habitable room windows that overlook neighbouring garden space should normally be at least 10m from the boundary. Where a new property overlooks an existing garden these distances need to be increased'.

8.15 An objection has been received regarding loss of light to existing properties on Adwick Lane due to the development. This objection was in relation to the previous layout and in reference to numbers 1-8 Adwick Lane. It was previously considered that there were no adverse impacts on the amenities of occupiers of neighbouring properties as the scheme meets with recommended guidance for separation distances. The layout is now amended and where previously plots 18-22 backed on to these houses, they are now rotated 90 degrees and now face inwards to the cul-de-sac. The layout does still adhere with recommended guidance for separation distances.

8.16 Conclusion on Social Impacts

- 8.17 In conclusion of the social impacts of the development, it is not considered that the impact of residential amenity will be adversely affected by the proposal, and significant weight should be attached to the provision of community benefits including the full provision of affordable housing and POS.

ENVIRONMENTAL SUSTAINABILITY

8.18 Design and Impact upon the Character of the Area

- 8.19 Policy CS 14 of the Doncaster Council Core Strategy sets out the Council's policy on the design of new development. It states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area. New development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. This will be achieved through a set of design principles and quality standards as set out.

- 8.20 Concerns have been raised by an objector regarding the density and overdevelopment of the site. The density of the proposed development is low to medium, and whilst the density does not exactly reflect the existing terraced housing development, terraced style properties are proposed within the scheme. There is sufficient garden space provided for the proposed houses in accordance with the Council's guidelines. The proposed dwellings match the scale of properties in the surrounding area, being two storeys in height. Therefore the density is considered to be acceptable and does not amount to overdevelopment of the site.

- 8.21 The site is surrounded by existing terraced houses to the north and the south. The proposed layout replicates the grid form of development of the terraced houses in the proposal with a continuation of street facing terraces to the western boundary. Like their existing neighbours, these properties maintain a build line with small front gardens and no visible cars parked. Along the southern boundary facing Adwick lane the houses have been set back affording a wide landscaped area to the frontage.

- 8.22 The scheme previously proposed 2 access and egress points to the site; both accesses were from Adwick Lane that were connected by pedestrian links through the site. Following amendment due to the land ownership issue, only one access is now proposed. Permeability has been a key consideration of the scheme, with a network of public footpaths connecting the various parts of the site to create desire lines to the existing playing fields, bus stop and children's play equipment located on the North eastern side of the site. The unmade public footpath along the eastern boundary will be formally adopted to allow quick access to surrounding areas. The footpath is an easy and safe route and will ensure a clear line of sight to the play equipment which is situated adjacent. The scheme has also been designed to ensure that there is adequate natural surveillance with the introduction of gable windows to properties on corner locations or overlooking roads/the playing fields.

- 8.23 An objector has raised concern that the development will be out of scale and character with the existing. Careful thought has been given to the design of the houses for the site. The scheme proposes two storey detached, semi-detached and terraced houses reflecting the surrounding properties. It is worthy of note that all properties meet the Nationally Described Internal Space Standards. The houses are

designed to be 'read' as a whole and the roofs are designed to link together avoiding awkward little mono roofs that need their own downpipes. The overall design of the development is more contemporary than traditional and therefore is not entirely in keeping with the character of the surrounding area. However, National Policy advocates that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The scheme is generally in-keeping with the existing area in terms of size and scale, and whilst the architectural character is contemporary, this will make a positive contribution to the varied house-types in the area. Similar schemes have been successfully integrated within existing established residential areas in other parts of the borough. The scheme will meet the Council's aspirations for good quality homes as defined in Core Strategy CS 14.

8.24 For maintenance reasons, the choice of materials has been an important consideration as the houses will remain in the authority's ownership and therefore need to be resilient. The proposed materials are red facing brick and through colour render in off white with concrete slate roof tiles. Windows will be anthracite upvc. In addition, renewable energy measures are also included within the development such as use of Marley Solartile roof integrated photo voltaic panels, waste water heat recovery unit on Soil and Vent Pipe and external electric car charging points on all dwellings. A condition has also been included for final materials to be agreed.

8.25 The Council's Urban Design Officer has provided advice throughout the pre application process and application consideration period and has whilst no formal objection is raised, has commented on the latest revision that changes the layout, commenting that 'the layout is not very secure overall due to exposed rear boundaries on most plots'. Further comments also recognise that the applicant has had to work with some existing constraints including rear access ways to the terraces and the depth and shape of the site. Creating the frontage to Adwick Lane has been an important design objective which the development addresses and this has also had knock on effects on the layout. So on balance whilst this is a weakness of the scheme the benefit of providing high quality much needed affordable council housing in this area is deemed to outweigh this weakness of the scheme. There are no objections subject to conditions relating to final materials, and details of a hard and soft landscaping scheme to be agreed.

8.26 As such, the proposed redevelopment is therefore considered to meet with policy CS14, the SPD and the NPPF.

8.27 Impact upon Highway Safety

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

8.29 Part (G) of policy CS 9 states that 'new development will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunity for travel. The proposed development does not trigger the need for either a transport assessment or travel plan.

- 8.30 With regard to the layout of the scheme and the design of the accesses, the Highways Development Control Officer raises no objection to the scheme following the amendment to the proposal to remove one access/egress to the site and subject to conditions. The previously proposed two accesses to the site; one utilising the existing access and a further proposed new access further along Adwick Lane has now been amended and the existing access will no longer be used as this land is not wholly within the council's ownership. The proposed new access further west on Adwick Lane is now the sole access/egress to the site. An objection has been received raising concerns of highway safety fears as the development will generate more traffic on an already busy road. The Council's Highway Development Control Officer is satisfied that the additional traffic can be easily accommodated on the highway.
- 8.31 Further concerns have been raised that parking issues will cause disruption to the access of the existing houses. There is informal established parking at the rear of Marton Road for residents living in these properties. Access to the parking is obtained via an existing access off Adwick Lane. This access will now remain unaltered and will serve as access for existing residents on Marton Road only. The Council's Highways DC Officer is content that the access for residents will be unaffected by the development.
- 8.32 All two bedroom houses have one or two parking spaces, and three bedroom and more have two per plot plus visitor spaces. The layout of the parking spaces has been carefully designed to ensure cars are closely positioned to the dwelling to enable electrical charging points for cars. This feature will give the occupants the option to readily charge their vehicles and also encourage the use of electric cars. The vast majority of dwellings will have an EV charging point. An example of the EV charging point is shown at Appendix 5.
- 8.33 The proposal is therefore considered to meet with policies CS 14 and CS 9 of the Doncaster Council Core Strategy.
- 8.34 Air Pollution and Contaminated Land
- 8.35 Policy CS 18 (A) states that 'proposals will be supported which contribute to improvements in air quality'. The size of the proposed development does not trigger the need for an air quality assessment however electric vehicle charging points have been indicated on the layout plans. Pollution Control (Air Quality) raise no objection to the proposal subject to condition for full details of electric vehicle charging points to be submitted and agreed.
- 8.36 The Contaminated Land team have also been consulted on the proposal and as this development is for a sensitive end use a Phase 1 desktop study and site walkover and a Phase 2 site investigation have been carried out and submitted. The Council's Pollution Officer is content with the findings subject to condition for a Phase 3 remediation strategy to be submitted and agreed. As such, there are no issues on air quality or contaminated land grounds that weigh against the development that cannot be dealt with by condition.

8.37 Ecology

8.38 The NPPF at paragraph 170 d) where it states that planning policies and decisions should contribute to and enhance the natural local environment by “minimising impacts on and providing net gains for biodiversity.” This is reflected in Policy CS 16 states that Doncaster's natural environment will be protected and enhanced in accordance with a number of principles. Part (A) states that "proposals will be supported which enhance the borough's Ecological Networks by (1) including measures that are of an appropriate size, scale and type and have regard to both the nature of the development and its impact on existing or potential networks; (2) maintaining, strengthening and bridging gaps in existing habitat networks".

8.39 An objector has raised concerns regarding the damage to wildlife as a result of development. A Preliminary Ecological Appraisal (PEA) has been submitted and the findings conclude that the site has limited ecological value for flora and fauna. No water bodies exist within the site boundary, and none were recorded to feed into the site. No field sign evidence to suggest the use of the site by badgers was recorded throughout the survey, and no impacts are predicted. The site provides sub-optimal habitat for reptile species and no impacts are predicted and the scattered trees within the site offer negligible bat roost suitability. It is concluded therefore that no further surveys are required. However, paragraph 170 of the NPPF requires development to deliver a net gain in biodiversity. The development would require the loss of most of the amenity grassland on the site which is considered to be of low ecological value. This will be partly compensated for by the proposed landscape scheme which will use a high proportion of native species and maintained front gardens. Overall losses in habitats are relatively small and would normally be compensated for in off-site habitat creation schemes via a commuted sum. Although there is a small deficit in the biodiversity net gain assessment it is considered the viability of the scheme in delivering social housing will provide a greater community benefit as discussed in para 8.62. None of the existing hedgerow would be lost and as part of the landscape scheme there would be an additional 60m of native hedgerow planted thus delivering an overall gain in biodiversity. As such, the proposal is considered to accord with policy CS 16 of the Doncaster Core Strategy and the NPPF in relation to ecology and more specifically bio diversity matters.

8.40 Flood Risk and Drainage

8.41 The site is designated as Residential Policy Area in the Unitary Development Plan (adopted 1998) and falls within a Flood Risk Zone 3a (FRZ3a) area on the latest Environment Agency Flood Map. National planning policy, and Policy CS4 of the LDF Core Strategy, normally requires proposals in Flood Risk Zone 3 areas to pass a flood risk Sequential and Exception Test. The aim of the Sequential Test (ST) is to steer new development to areas with the lowest probability of flooding.

8.42 Table 3 of The Doncaster Development & Flood Risk SPD (adopted October 2010) sets out how flood risk policy should be applied in respect to the Doncaster borough. It also advises on the area of search for alternative sites for housing developments, and which in this case it is Toll Bar.

8.43 A Sequential Test has therefore been submitted which assesses a number of sites within and surrounding the search area of Toll Bar and concludes that there are no other reasonably available sites in areas of a lower probability of flooding. Officers concur with this and deem the application satisfies and passes the ST.

- 8.44 Whilst the applicant has carried out and passed the ST, it is also worthy of note that Table 2 (pg.24) of the SPD also sets out a number of examples where the need for a Sequential Test is negated. The applicant has not referred to this document in the sequential assessment however it is relevant in that this includes housing renewal schemes that are part of a recognised housing renewal programme such as this proposed. The SPD supports the negation of a ST, provided the development will not place an unacceptable level of flood risk, irrespective of the risk posed to the existing dwelling(s). It also advises that opportunities within the site to minimise flood risk through site layout and design should be taken. The proposal is deemed to fall into this category as the site forms part of the 2019/20 Doncaster Affordable Homes Build Programme that was approved by cabinet on the 3rd December 2019. Given the above, the application therefore passes the ST.
- 8.45 Notwithstanding the above, national policy also requires that residential proposals in FRZ3, as 'more vulnerable development', will be required to satisfactorily demonstrate they can pass the Exception Test which should be informed by a site specific Flood Risk Assessment to demonstrate the residual risks to the development can be managed and do not put the occupants, or existing neighbouring uses at risk.
- 8.46 A Flood Risk Assessment (FRA), prepared by BPS Consulting, accompanies the application. It identifies that the primary source of flood risk to the area is the Old Ea Beck which lies approx. 1km to the north of the site as identified in Section 2.2.2 of the FRA. The EA has also identified that a small part of the northern boundary was found to be at very low risk of surface water flooding. It is also identified in section 2.2.2 that the area benefits from flood defences along the banks of the Old Ea Beck. These defences provide protection from flooding for the site and surrounding area to a design standard of up to and including the 1 in 100-year flood event.
- 8.47 An objector has raised concerns regarding flooding and drainage of the site. The site lies within a flood zone 3a and as such will always be at risk of flooding; however historically the site did not flood during the 2007 event. Ground levels of the site vary between 5.1-4.7m above Ordnance Datum. Section 2.2.3 of the FRA states that the Environment Agency has provided modelling data which takes the flood defences into account and they have concluded that the defences are unlikely to be overtopped in all locations apart from the downstream end of the defence which is predicted to be overtopped by 18mm. The site is located 1.5km away from the lowest point of predicted overtopping so would be unaffected. The Environment Agency has raised no objection to the redevelopment of the site subject to a condition that finished floor levels are set at no less than 5.0m above Ordnance Datum. A streetscene showing floor levels of the existing and proposed dwellings can be seen at Appendix 2.
- 8.48 With regards to the Exceptions Test, the development of the site will provide wider sustainability benefits by providing a significant number of much needed affordable housing accommodation in Toll Bar, which taking into account the conclusions of the FRA can be safely developed without increasing the risk of on-site flooding and recommendation that future residents make use of the ability to sign up to the Environment Agency's early flood warning alerts. The proposal is thereby deemed to pass the Exceptions Test.
- 8.49 With respect to the drainage of the site, DEFRA guidance states that for Sustainable Drainage Systems peak flow control and peak volume control of surface water runoff from a development should be maintained to ensure that a new development does not increase surface water flooding and, where possible, offers a betterment to the

local area. Due to the flat and level nature of the site, even flowing lifting of the site, and the level of the drainage ditch which the site will discharge to, surface water is unable to drain freely and effectively. Therefore, a surface water pumping station is required to ensure that surface water can be conveyed to the open drainage ditch to the south. The rate of discharge will also be controlled to ensure that there is a low rate of discharge to the watercourse without the risk of blockage. The location of the pumping station is shown on the site layout plan at Appendix 1. As such, the proposal is considered to accord with policy CS 4 and the NPPF in relation to drainage and flood risk matters.

8.50 Trees and Landscaping

8.51 Policy CS16 of the Core Strategy states that Doncaster's natural environment will be protected and enhanced. The existing site contains a variety of mature trees that line the frontage of the site on Adwick Lane and which are a feature of the site. The majority of these trees will be retained with only a small number being felled on account of being poor quality or suffering from disease. The Council's Trees and Hedgerows Officer has concurred and agreed this. A landscaping scheme has been submitted and agreed subject to condition this will be implemented in accordance with the agreed plan. The proposal is therefore deemed to accord with policy CS 16.

Energy Efficiency

8.52 Policy CS 14 (C) requires proposals to meet or exceed the following minimum standards (1) all new housing must meet all criteria to achieve Code for Sustainable Homes of at least Level 3 and (2) all new development must secure at least 10% of their total regulated energy from decentralised and renewable or low carbon resources. This is now included within building regulations, therefore there is no longer a need to specifically condition this to meet planning policy requirements. However, it is noted that the inclusion of renewable energy technologies into the design of both the houses and the overall scheme weigh in favour of the proposal.

8.53 Conclusion on Environmental Issues

8.54 Para.8 of the NPPF (2019) indicates, amongst other thing, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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

ECONOMIC SUSTAINABILITY

8.56 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.

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

8.58 S106 Planning Obligations

- 8.59 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’. 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’.
- 8.60 The development is to provide 100 per cent affordable housing, whereas policy CS12 of the Core Strategy only requires the provision of 26 per cent affordable housing, subject to viability.
- 8.61 In accordance with UDP Policy RL4 the development would normally be expected to provide 10% on-site public open space and previously the scheme did provide an area of public open space albeit there was a deficit of 2.8%. Nevertheless the application, on balance was recommended for approval due to providing much needed affordable homes in the area. The inclusion of the pumping station now removes all meaningful public open space provision therefore a commuted sum would normally be requested. The terms of the Policy are that the “...Council may require the applicant to provide a commuted sum...” It is however, worthy of note that the site is adjacent to an existing open space. In addition, there is a small deficit in the biodiversity net gain assessment as referred to in para 8.39. Education has requested a commuted sum of £73,188.00 for the provision of 4 places at Don Valley Academy. An objector has also raised comment that the primary school is not big enough to accommodate new housing estate. The Education team however have not raised concerns over primary school places and consider there to be sufficient places to accommodate any additional children as a result of this development. There is however a requirement for secondary school places which cannot be met due to viability.
- 8.62 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 for the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to the 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’.
- 8.63 The applicant has submitted an affordable housing statement. This sets out that there will be additional expenditure associated with the scheme to manage the drainage/surface water issues on this site that will increase the overall development costs for the site as it lies within a flood zone 3 area, and on account will require inclusion of a water pumping station on site and as discussed in para 8.49. The scheme will require significant levels of Homes England grant to support the delivery of the scheme and no further grant is available for the scheme and any additional expense or contributions would lead to a reduction in the number of units, affect the terms of the grant offer or result in non-delivery of the scheme to its current tight timeline or render the scheme unviable. The development therefore cannot sustain any Section106 contributions as commuted sums. As such the viability of the

scheme in delivering social housing should not be put at risk by enforcing any financial contributions. The scheme would not be viable if the biodiversity contribution was required along with other contributions such as the education contribution of £73,188.00 and a commuted sum in lieu of POS and this needs to be balanced with the significant delivery of 100% affordable housing and the majority of bio diversity net gain via on site landscaping. It is Officers considered view that, on balance, given these factors there is greater community benefit in assisting the delivery of these affordable homes by granting permission without any commuted sums.

8.64 Conclusion on Economy Issues

8.65 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.

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

9.0 PLANNING BALANCE & CONCLUSION

9.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal will redevelop a vacant brownfield site for much needed affordable housing in Toll Bar. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

10.0 RECOMMENDATION

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

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

REASON

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

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

Amended Site Layout Dwg No PQ2472 AD 10 - Revision R

Amended Planting Plan Dwg No PQ2674-L-01 Rev B

Amended Landscape Management Plan Dwg No 2674-L Rev B

REASON

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

03.

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.

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.

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

04. 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.

05. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the 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.

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

REASON

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

07. Notwithstanding the details of materials submitted. Before the development commences, samples and distribution of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure the satisfactory appearance of the development.

08. The landscape scheme shall be implemented in full accordance with the approved details contained within the Amended Planting Plan Dwg No PQ2674-L-01 Rev B (and the Adwick Lane management plan) 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

09. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars Amended Planting Plan Dwg No PQ2674-L-01 Rev B before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON

To ensure that all trees are protected from damage during construction.

10. The development shall be carried out in accordance with the submitted flood risk assessment (dated 23 Dec 2019, ref ALTB-BSP-ZZ-XX-RP-C-0001-P01_Flood_Risk_Assessment by BSP Consulting) and the following mitigation measures it details:

- o Finished floor levels shall be set no lower than 5m above Ordnance Datum (AOD).
- o As per drawings "N930 Housetype", "N797 Housetype", "N790 Housetype" and "Housetype N1210" there shall be no sleeping accommodation on the ground floor.

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 in accordance with Doncaster Core Strategy Policy CS 4: Flooding and Drainage.

11. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and/or

visitors to the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

REASON

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CS9 of the Doncaster Core Strategy.

12. 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.

13. No development shall take place on the site until a detailed hard landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all boundary treatments, external hard surfacing materials for adoptable highway, footpaths through POS areas, and for surfaces around dwellings within plots. It shall include a scheme for the proposed design and relocation of the existing site gates. The development shall be carried out in accordance with the approved scheme.

REASON

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

14. 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.

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

REASON

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

16. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The

parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

17. Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved in writing by the local planning authority and shall be installed before the development hereby approved is commenced and once installed shall be used to prevent mud and other debris being deposited on the highway during the construction of the development.

REASON

In the interests of road safety.

INFORMATIVES

01. **INFORMATIVE**

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

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

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

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

Environment Agency: How to reduce flood damage -

www.environment-agency.gov.uk/homeandleisure/floods/105963.aspx;

Department for Communities and Local Government: Preparing for floods -

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

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

National flood forum-

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

02. **INFORMATIVE**

At the time of this decision, the site has been identified as being within an area of medium or high flood risk, based on the Environment Agency's flood maps. Therefore, the applicant/occupants should

consider registering for the Environment Agency's Floodline Warning Direct, by phoning Floodline on 0345 988 1188 . This is a free service that provides flood warnings direct by telephone, mobile, fax or paper. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.

03.

INFORMATIVE

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

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

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

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

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

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

For further application information, consent guidance & forms Visit: www.shiregroup-idbs.gov.uk, Select 'Danvm DC'

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

04.

INFORMATIVE: HIGHWAY WORKS

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

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

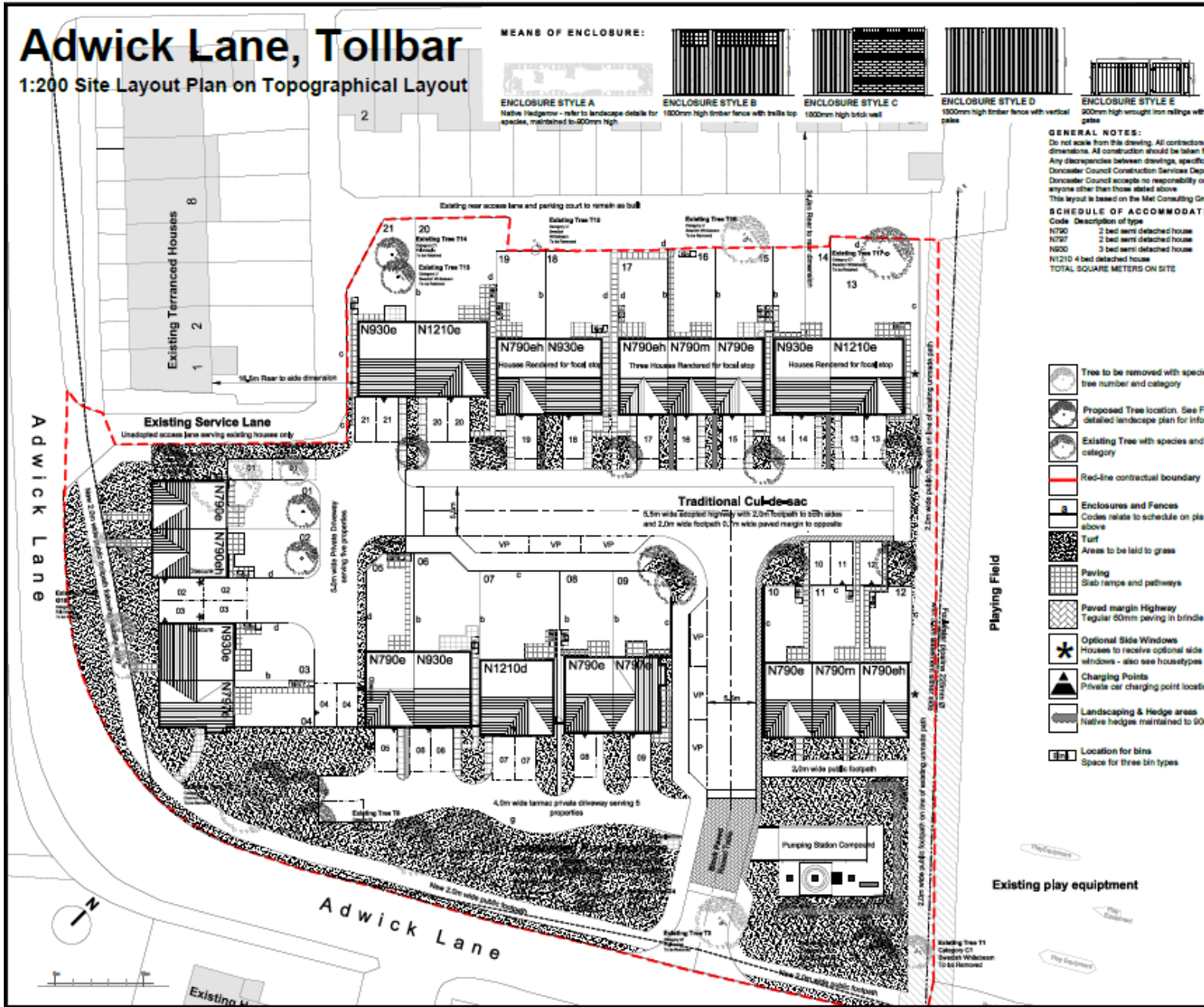
specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

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

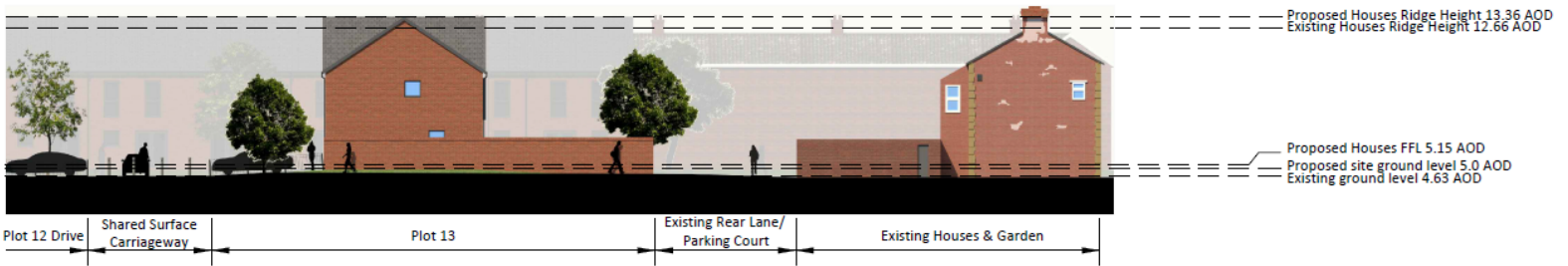
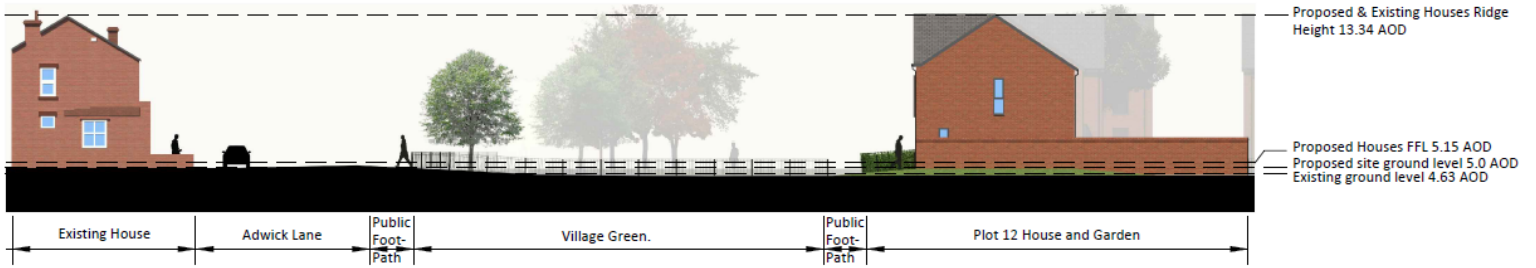
-Any alteration to the existing street lighting as a result of the new access arrangements will be subject to a costs which are to be borne by the applicant. Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail Fiona.Horgan@doncaster.gov.uk regarding this as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

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 Layout Plan



Appendix 2: Proposed Streetscene



Appendix 3: Elevations and Floor Plans

HOUSE TYPE N797 - Adwick Lane, Toll Bar

2 bedroom 4 person semi or terrace GIA = 79.7m² (858ft²)



SPATIAL STANDARDS

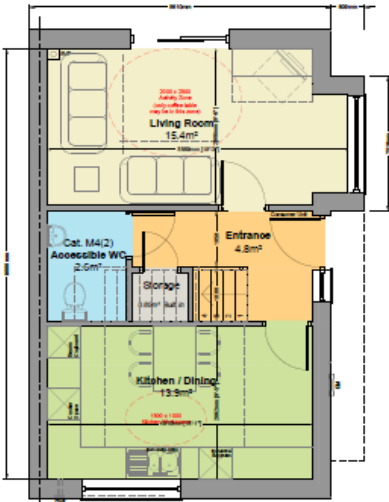
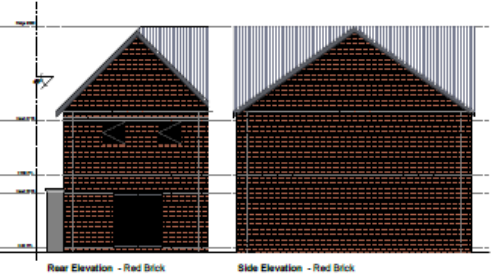
Housetype designed to meet the Gross Internal Floor Area prescribed by the Nationally Described Space Standards - March 2015.

Both bedrooms exceed the minimum floor area of 11.5m² and the minimum width dimensions

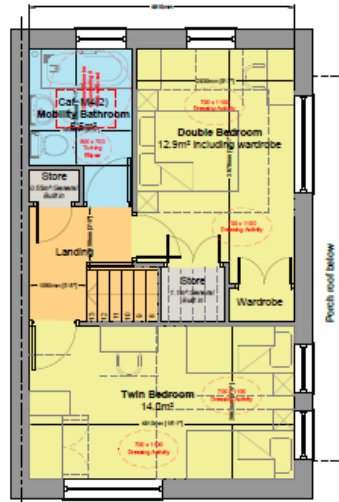
House provides 2.4m² of built in storage in accordance with the spatial standards

ADDITIONAL ENHANCEMENTS TO EXCEED BUILDING REGULATIONS 2020

- Ground Floor WC meets Approved Document PART M4(2) Category 2 for accessible and adaptable dwellings
- External Wall makeup allows for 350mm thick solution.
- First Floor Bathroom meets Approved Document PART M4(2) Category 2 for accessible and adaptable dwellings.
- All corridors at least 1050mm wide and internal doors permit accessible access
- Marley Solartile Roof Integrated Photo Voltaic panels
- Waste water heat recovery unit on SVP
- Electric Car charging point



Ground Floor - General Arrangement GIFA to blockwork: 40.40m²



First Floor - General Arrangement GIFA to blockwork: 39.30m²

- Joinery Details - Anthracite Grey
- Roof Tiles - Marley Duo Edgemere in Smooth Grey
- Facing Material - Ibstock Hardwick Webeck Red Mixture
- Marley Solartile - Integrated Photo Voltaic panel

REVISION A - PV panels shown on Elevations and facing brick amended. MBC 01/12/20



Property Services

17th FLOOR, CIVIC BUILDING, 8th FLOOR, SHEPPY SQUARE, WATERLOO, DONCASTER, DN1 3BU

Title: N797 HOUSE TYPE	
Dwg No: PQ2472 / AD / PD03	
Scale: 1:100/1:50 at A2	Date: Nov 2019
Revision: A	Drawn By: MBC

HOUSE TYPE N1210 - Adwick Lane, Toll Bar

4 bedroom 7 person semi or detached house GIA = 121.0m² (1302ft²)



SPATIAL STANDARDS

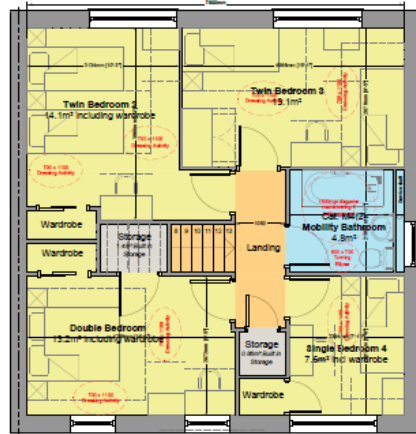
- Housetype designed to meet the Gross Internal Floor Area prescribed by the Nationally Described Space Standards - March 2015.
- All three double bedrooms exceed the minimum floor area of 11.5m² and the minimum width dimensions, and the single exceeds 7.5m² and the minimum width dimensions.
- House provides 4.7m² of built in storage in accordance with the spatial standards

ADDITIONAL ENHANCEMENTS FOR BUILDING REGULATIONS 2020

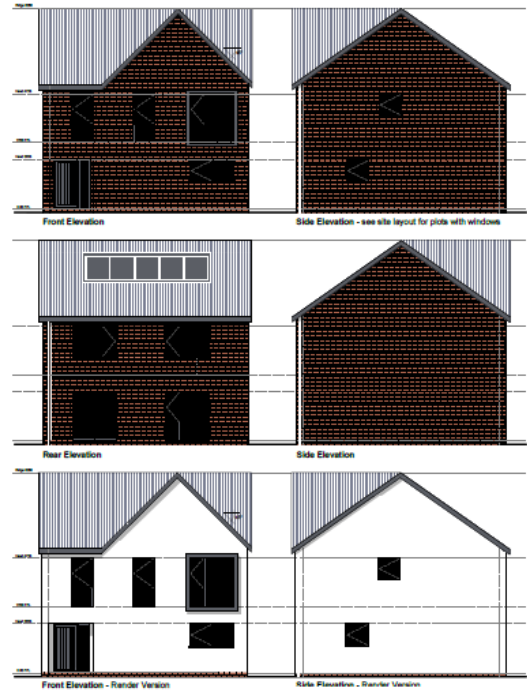
- Ground Floor WC meets Approved Document PART M4(2) Category 2 for accessible and adaptable dwellings
- First Floor Bathroom meets Approved Document PART M4(2) Category 2 for accessible and adaptable dwellings.
- External Wall makeup allows for 350mm thick solution.
- All corridors at least 1050mm wide and internal doors permit accessible access
- Marley Solartile Roof Integrated Photo Voltaic panels
- Waste water heat recovery unit on SVP
- External Electric Car charging point



Ground Floor - General Arrangement GIFA to blockwork: 55.70m²



First Floor - Rear Lounge General Arrangement GIFA to blockwork: 35.30m²



- Facing Material - Through Coloured Render White
- Joinery Details - Anthracite Grey
- Roof Tiles - Marley Duo Edgemere In Smooth Grey
- Facing Material - (block Hardwick Welbeck Red Mixture
- Marley Solartile - Integrated Photo Voltaic panel



Property Services

474 FLOOR, CIVIC BUILDING, 614 WEST BRIDLEY SQUARE, WATFORD, DONCASTER, DN1 3BU

Title: N1210 HOUSE TYPE

Dwg No: PQ2472 /AD / PD09

Scale: 1:100/1:50 at A2 Date: Dec 2019

Revision: A Drawn By: MBC

REVISION A - PV panels shown on Elevations and facing brick amended. MBC 01/2020

Appendix 4: A



APPENDIX 5: EV charging point



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Application	2.
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Application Number:	20/00725/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of 55 dwellings including areas of open space and associated infrastructure.
At:	Land Off Doncaster Road Hatfield Doncaster

For:	Mr Tate - Barratt And David Wilson Homes
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Third Party Reps:	0	Parish:	Hatfield Parish Council
		Ward:	Hatfield

Author of Report	Mark Sewell
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SUMMARY

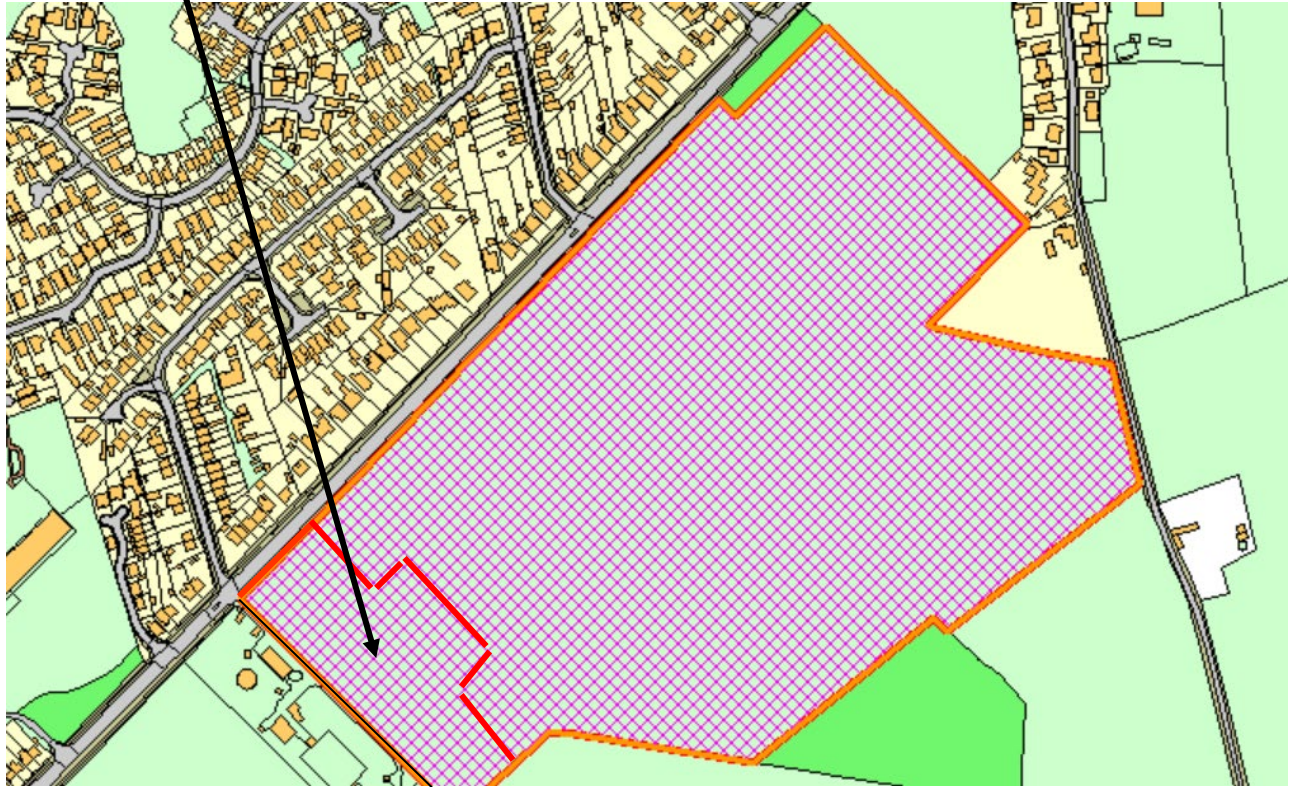
The application seeks full planning permission for the erection of 55 dwellings on land which is allocated as Countryside Policy Area. The application site is however within the boundaries of an already approved housing site which is currently under construction, and seeks additional properties within that site, rather than encroaching further into the Countryside. As such, whilst technically a departure, the principle of development on this site has already been assessed and accepted, and indeed the site is shown as an allocated housing site within the forthcoming Local Plan.

The proposal will deliver the 14 affordable units which equates to the policy requirement of 26%, as well as the required financial contribution towards primary school places, as well as onsite Public Open Space, and therefore is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

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

RECOMMENDATION: GRANT subject to a s106 agreement

Application site



1.0 Reason for Report

- 1.1 The application is being presented to Planning Committee for determination on account that the application site lies within an area designated as Countryside Policy Area and is therefore a departure from the Development Plan.

Proposal and Background

- 2.1 The application seeks full planning permission for the erection of 55 dwellings (14 of which are affordable) on a development site to the eastern side of Doncaster Road, Hatfield. The land is allocated as Countryside Policy Area under the saved Unitary Development Plan inset maps and policy ENV2. The application site is rectangular in shape, and comprises approximately 1.5ha in area, and forms part of a wider development site which is currently under construction.
- 2.2 Outline permission was originally granted under 16/00998/OUTM for the wider site for up to 400 dwellings, with reserved matters permission granted and construction underway for 211 dwellings on the northern half of the site, carried out by Linden Homes. The applicants Barratt David Wilson Homes have gained reserved matters permission for 189 dwellings on the southern part of the wider site, which means that the 400 total dwellings allowed under the outline consent have been approved. The density and approved site layout for the southern part of the site has resulted in additional capacity within the wider site, which has resulted in this full planning application for 55 dwellings at the southern end. This would result in 455 dwellings across the whole of the site, rather than the envisaged 400. The outline permission included an approved Design and Access Statement, within which were development principles that have gone on to inform the context of this full planning application, including the provision of the envisaged Public Open Space, drainage strategy and street hierarchy.
- 2.3 The proposal itself shows 55 dwellings located to the southern end of the development site, being a mixture of predominantly two storey properties of detached, semi-detached and terraced types. The A18 Doncaster Road is adjacent to the west, with the residential edge of Hatfield on the opposite side. A water tower and Yorkshire Water works are located adjacent to the south, with agricultural fields to the east.

3.0 Site Description

- 3.1 The application site is rectangular in shape, and comprises approximately 1.5ha in area and is located on land currently used for agriculture. The site is bound by the A18 Doncaster Road and the urban edge of Hatfield to the north and west, and new housing currently under construction as part of the first phase of development to the north. The existing fields forming the development site are predominantly flat and open and defined by managed native hedgerows. The site includes some individual mature trees, these are mainly located within the site's perimeter hedgerows. Round Plantation borders the site to the south west, and a smaller belt of trees lies alongside Doncaster Road to the north.
- 3.2 To the western side of the application site on the opposite side of Doncaster Road are residential properties, being a mixture of bungalows and two storey dwellings and predominantly mid to late 20th century. These properties are typically set back from the road frontage in fairly generous plots. To the east of the site is Lings Lane, again characterised by a mixture of dwelling types on the rural edge of the

settlement. A triangular shaped field on the eastern side of the site belonging to a property on the Lings has recently received planning permission for the erection of 9 detached dwellings. The Lings Windmill (Grade II Listed) is also situated on Lings Lane. Beyond Lings Lane to the east is further agricultural land and the M18 motorway. To the south west corner of the site is a water treatment works and water tower, and further to the south Hatfield merges into the settlement of Dunsville along Doncaster Road. Woodhouse Lane runs east to west to the south of the site, with Duncroft Quarry on its southern side.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
14/01789/OUTM	Outline application for residential development (Class C3) with open space, landscaping and associated access on approx 17.72 ha of land	REFUSED 02.10.2015 - APPEAL WITHDRAWN
16/00998/OUTM	Outline application for residential development (Class C3) with open space, landscaping and associated access on approx 17.72 ha of land (Approval being sought for access) (being resubmission of application ref 14/01789/OUTM, refused on 02/10/2015)	GRANTED (S106) 03.11.2016
18/01338/REMM	Details of the appearance, landscaping, layout and scale for the erection of 211 dwellings (Being matters reserved in outline application previously granted under ref 16/00998/OUTM on 03/11/2016)	GRANTED 22.10.2018
20/00724/REMM	Details of appearance, landscaping, layout and scale (being reserved matters for outline application 16/00998/OUTM, granted on 03/11/2016) for the erection of 189 dwellings	GRANTED 03.09.2020

- 4.1 There have been two previous applications on the site immediately to the north for 60 dwellings, both of which have been refused by the Planning Committee.

- 4.2 17/03067/FUL - Erection of nine detached dwellings, including the construction of detached single garages to plots 4 - 9 - GRANTED 27.06.2018 (ADJACENT SITE TO THE EAST)

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 Council's 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 has now carried out its examination in public (Regulation 24 stage) and is aiming to adopt the Local Plan by summer 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:

5.35 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 970 - Land off Doncaster Road, Hatfield). 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 consideration

- 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. No representations have been received.

7.0 Parish Council

7.1 No response has been received from Hatfield Town Council.

8.0 Relevant Consultations

8.1 Yorkshire Water - no objections, subject to conditions to ensure groundwater is protected.

8.2 DMBC Built Environment - no objection following amendments, subject to conditions to agree materials and detailed landscaping

8.3 Environment Agency - no objections

8.4 DMBC Pollution Control - no objections subject to conditions for gas protection and imported materials.

8.5 DMBC Ecology - notes that there are no significant ecological constraints arising, and that the scheme will need to demonstrate biodiversity net gain - condition added on this basis, as well as a management plan for created habitats.

8.6 DMBC Tree Officer - considers trees not to be an issue on the site, given all are to be retained, condition for tree protection. Also condition for detailed landscaping and management.

8.7 DMBC Transportation - no objections to the scheme, recommends conditions for EV charging and cycle storage

8.8 DMBC Highways - no objections to the scheme following amendments.

8.9 DMBC Internal Drainage - no objections, suggested conditions to agree detailed drainage design.

8.10 Doncaster East Internal Drainage Board - advisory notes provided.

8.11 DMBC Education -request financial contribution to provide additional local primary places

9.0 Assessment

- 9.1 The proposal seeks full planning permission for the erection of 55 dwellings on the site. 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
 - 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 residential development on this site has already been established by the approval of the outline consent for the wider development site. As such, the loss of countryside is not for consideration here, as this issue has already been assessed and agreed by way of the outline permission.
- 9.4 Within the Core Strategy, Hatfield is grouped together with Stainforth, Dunscroft and Dunsville as a Potential Growth Town whereby "significant housing growth could be sustainably accommodated ... as part of economic developments of regional/national significance, which provide opportunities for major new infrastructure provision and job creation."
- 9.5 The proposal for an additional 55 dwellings on a site which already has the benefit of an outline permission, and is shown as a proposed allocation within the forthcoming Local Plan, is considered to be acceptable. The site can comfortably accommodate these additional units without providing a scheme which is overly dense, meets the normal separation distance requirements, provision of open space and parking standards.

Sustainability

- 9.6 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.
- 9.7 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

- 9.8 Policy CS14 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 properties to the west on the opposite side of Doncaster Road. As such, the new properties are located an ample distance away so as not to raise concerns of overlooking or overshadowing of existing properties - 50m at the closest point. The Development Guidance and Requirements SPD make 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 within the proposed development. A 12m separation distance is maintained between side and rear elevations of the new properties, again in accordance with guidance.
- 9.9 The Councils Environmental Health officer has assessed the proposal, and has recommended a condition to ensure that a Construction Management Plan is in place to ensure that residents amenity is protected during the construction phase, in terms of issues such as noise, dust and working hours. A condition is also suggested to ensure that the proposed new dwellings are adequately insulated from road traffic noise, as per the recommendations within the submitted noise assessment,
- 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.

ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 9.13 Policy ENV2 makes clear that the countryside should be protected in order to safeguard it from encroachment.

- 9.14 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.
- 9.15 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. The site will obviously be visible from Doncaster Road to the west, however it will have no greater wider visual impact than that already assessed as part of the wider outline consent for the site, which proposed dwellings of this scale in this location. An area of open space is also shown on the western site boundary with Doncaster Road, which provides a greened frontage to this main thoroughfare. As already stated, the majority of dwellings are to be two storeys in height which is consistent with the other properties on the wider site.
- 9.16 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

- 9.17 The Highways Development Control team have been consulted as part of the application process. The main access into the application site is from the west from Doncaster Road, from an estate road approved as part of the adjacent reserved matters consent. A spur to the south of this road leads into the application site, serving the main estate road which runs east to west across the development parcel from which the individual plots are accessed. A private drive serving 5 dwellings is located at the western end of the main estate road, providing a more informal residential setting adjacent to the area of Public Open Space.
- 9.18 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'.
- 9.19 The application has been assessed by Highways Development Control, who following amendments to the scheme have raised no objections. Initially, concerns were raised over the level of visitor parking throughout the site, as well as various technical requirements including turning areas, speed restraint and visibility. The applicants have amended the site layout, including widening carriageways in order to accommodate the required level of visitor parking throughout the site
- 9.20 The applicants have also provided a Transport Assessment to demonstrate the impact of the proposal upon the local highway network, in particular the anticipated vehicle flows from the site access on to the A18 Doncaster Road. The assessment shows that the extra 55 dwellings proposed on this site are forecast to generate 32 and 35 2-way movements in the AM and PM Peaks respectively. The Transportation team have confirmed that they have no objections to the proposal and that the additional traffic would not have a severe impact upon the local road

network. Conditions are recommended to ensure that details of EV charging and cycle storage are agreed as part of the development.

Design

9.21 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.'

9.22 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.'

9.23 Policy CS 14 of the Core Strategy sets out a series of design principles and quality standards intended to ensure that all proposals are of high quality design that integrates with its immediate and surrounding local area. The design closely follows the principles agreed as part of the outline approval indicative layout for the wider, therefore on the whole the layout and scale of development is acceptable.

9.24 As described above, the main access into the application site is from the west from Doncaster Road, from an estate road approved as part of the adjacent reserved matters consent. A spur to the south of this road leads into the application site, serving the main estate road which runs east to west across the development parcel from which the individual plots are accessed. A private drive serving 5 dwellings is located at the western end of the main estate road, providing a more informal residential setting adjacent to the area of Public Open Space. The development faces outwards on its western and eastern boundaries, which is a positive design feature. The outline permission for the wider site showed a green frontage to Doncaster Road, which has been provided within the submission. The space along the highway boundary retains the existing mature trees and planting along Doncaster Road, providing a significant green corridor along the frontage.

9.25 A significant area of POS is also positioned to the western side of the site, which is in line with the original outline consent. This area of POS is proposed to be more of an informal space, with a larger area serving the wider development and providing a LEAP located to the south eastern side of the overall site. A condition to secure

the detailed landscaping and layout of the POS, together with maintenance arrangements, will be subject to a condition.

- 9.26 The proposed dwellings themselves are a mixture of detached, semi-detached and terraced dwellings of 2 and 2 ½ storeys, and of a traditional appearance utilising red brick and dark tiles. Internal separation distances between dwellings are acceptable, and the properties all provide for an appropriate amount of private amenity space, as well as meeting the relevant internal space standards.
- 9.27 Overall the Council's Built Environment officer considers that the scheme follows the principles established by the outline consent, however raised issues in terms of the lack of detailed landscaping. The applicants have provided a landscaping masterplan which better illustrates the level of new planting around the site, and as a result no objections are raised, subject to a detailed landscaping and management plan being agreed. No objections are raised in terms of the design and appearance of the dwellings, or the site layout.
- 9.28 Overall, the scheme is considered to be acceptable in design terms, and in accordance with the relevant Development Plan policies

Flooding and Drainage

- 9.29 The application site lies within an area designated as Flood Risk Zone 1 and has a low probability of flooding. The Environment Agency, local drainage board, Yorkshire Water and the Council's Drainage Officer have also been consulted as part of the application process.
- 9.30 No objections have been received from consultees in terms of drainage issues. It is proposed that surface water drainage is dealt with by way of sustainable drainage principles (i.e. to attenuation and discharge at appropriate rates) in line with the drainage strategy for the approved wider site. The Council's Drainage team have confirmed they have no objections, reiterating their comments for the wider outline permission and requiring the detailed drainage design to be agreed prior to the commencement of development. Yorkshire Water have similarly raised no objections, however have requested conditions to ensure that the development does not impact upon their apparatus immediately to the south of the site, which includes water supply boreholes, or the groundwater Source Protection Zone which the development site lies within. These conditions were added also to the outline consent, and have been discharged by Yorkshire Water for the development to the north which is under construction. The Environment Agency have raised no objections to the scheme,
- 9.31 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.

Trees and Landscaping

- 9.32 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.

- 9.33 A new Tree Survey was carried out for this application and assessed by the Council's Trees and Hedgerows Officer. The proposal does not seek to remove any of the existing trees within the site, with them being integrated into the design, being retained in proposed green corridors and areas of open space. On this basis, the tree officer has confirmed that the impact upon trees within this site is not an issue, simply requiring adequate braced and secured impact resistant protective barriers in accordance with BS5837 around the category B oak tree shown for retention. The applicants have provided an updated landscaping masterplan to show additional plot frontage planting in response to concerns raised by both the Tree Officer and Urban Design officer. This is deemed to be acceptable, however a condition requiring a detailed landscaping scheme and management plan is requested

Ecology and Wildlife

- 9.34 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.
- 9.35 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.
- 9.36 The site predominantly consists of agricultural land, and the submitted ecology survey shows that the proposal will not impact upon protected species. No evidence of reptiles or great crested newt were found, whilst the site was found to be of limited value to bats and birds, being restricted to the existing boundary field hedgerows, which are shown to be retained. Doncaster's Ecologist has been consulted during the course of the application and raises no objection to the proposal, noting that there were no significant ecological constraints arising from the proposed development. The ecologist has noted that the scheme will require to demonstrate biodiversity net gain. A condition was imposed upon the wider outline consent to agree these details, and it is considered appropriate to apply that condition also to this application, together with a requirement to demonstrate the future management of all retained and created habitats on the site.

Pollution issues

- 9.37 Matters relating to ground contamination on this part of the site have been previously assessed under the outline consent and appropriate conditions were included within that permission. The applicants have provided an updated geotechnical report, and the Council's Pollution Control team have raised no objections to the scheme. The submitted report concludes that no remediation is required, pending gas risk assessment results. On this basis, a condition is recommended to ensure that gas protection measures are incorporated into all dwellings and structures on the site.

Conclusion on Environmental Issues

- 9.38 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.
- 9.39 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.

ECONOMIC SUSTAINABILITY

- 9.40 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.
- 9.41 On a wider level, additional housing will increase spending within the Borough which is of further economic benefit in the long term.

Planning Obligations and Viability

- 9.42 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.
- 9.43 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.
- 9.44 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.
- 9.45 The applicants will be required to enter into a s106 agreement to provide the following, in line with adopted policy and consultation responses;
- Education (policy CS1) - commuted sum of is £145,716.00 for the provision of primary places at Dunsville Primary.
 - Affordable Housing (NPPF, policy CS 12) - 26% on site provision.

Conclusion on Economy Issues

- 9.46 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.

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

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF, 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.
- 10.2 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, following the principles established by the wider outline consent for the site.
- 10.3 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.

RECOMMENDATION

Planning Permission GRANTED (Sec106) subject to the following 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. Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
REASON
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.
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. 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 dwelling, 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

04. Gas protection measures shall be incorporated into all dwellings and structures on the site, unless an alternative scheme is submitted in writing and agreed with the local planning authority (LPA). The installation and verification of the gas protection measures shall be under taken in accordance with a remediation strategy and verification plan submitted to the LPA for approval prior to works progressing. Upon completion of the works a verification report shall be submitted to the LPA for approval. The reports required by this condition shall be written in accordance with the requirements of the guidance document; YALPAG Technical Guidance for Developers, Landowners and Consultants, Verification Requirements for Gas Protection Systems. The site shall not be brought into use until such time as the verification report has been approved by the LPA.

REASON

To ensure that gas protection measures are appropriate for the development and provide the required level of protection to demonstrate that, in terms of gas risk, the development is suitable for use.

- 05 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.

06. The development hereby granted shall not be commenced nor materials or machinery brought onto the site until the trees which it has been agreed shall be retained are fenced off to the satisfaction of the Local Planning Authority. A scheme of fencing shall be submitted to and approved in writing by the Local Planning Authority. The scheme of fencing shall comply with B.S. Specification No. 5837 'Trees in relation to Construction (1991)', with the Council's 'Code of Practice in Relation to Trees on Development Sites' and with the Council's illustrated guidelines 'Protection of Trees on Development Sites'. The satisfactory implementation of the scheme on the site shall be confirmed in writing by the Local Planning Authority before any works are begun.

REASON

To ensure that all trees are protected from damage during construction.

07. Prior to the occupation of the development hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. The first dwelling/development shall not be occupied until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

REASON

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

08. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and/or visitors to the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

REASON

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CS9 of the Doncaster Core Strategy.

09. 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.

10. Prior to the commencement of development for each phase, an ecological enhancement scheme shall be submitted to the local planning authority for approval in writing for that phase. The DMBC Biodiversity Offsetting metric shall be applied to verify that there is a positive gain in biodiversity throughout the site. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing by the local planning authority;
- The native species planting to be incorporated in the landscaping of the site.
 - The provision for amphibians and reptiles on that would sustain populations of these groups within the site.
 - Detailed ecological measures to enable the SUDS water body to function as an ecological habitat or the provision of an alternative water body to function as such.
 - The provision of appropriate linear landscaping to improve the commuting corridor for bats and terrestrial mammals within and along the outer boundaries of the site.
 - The location and design of a series of bee and wasp banks.

REASON

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

11. Prior to the commencement of development for each phase, an ecological management plan shall be submitted to the local planning authority for approval in writing for that phase. This plan shall include details of how all the retained and created habitats on the site will be managed to maximise their wildlife value. The habitats shall thereafter be managed in accordance with the ecological management plan.

REASON

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

12. 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
- viii) operational construction hours

REASON

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

13. 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.

14. Development shall not begin until a scheme for protecting residents in the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme should include measures outlined in the noise impact assessment, reference 14/0084/R01-3, submitted with the application. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development

REASON

To safeguard the living conditions of future residents

15. No development shall take place until a site specific Construction Environmental Management Plan (CEMP) based on the submitted and approved Interpretive Report on Ground Investigation , Report no: G16262-IR, Nicholls Colton Dec 2016) and Flood Risk Assessment , Drainage Design Strategy, and Hydrogeological Risk Assessment (Fairhurst, March 2016) and relevant to all phases of the construction of the proposed development , is submitted to and approved by the Local Planning Authority. The CEMP shall outline the potential impacts from all construction activities on all controlled waters and identify the appropriate mitigation measures which shall then be implemented to the satisfaction of the Local Planning Authority . It shall include, but not be exclusive , to the following matters :-
 a) the means by which the underlying aquifer shall be protected during piling operations ;

- b) the means of construction of any foul or surface water structure designed to store or pump waste water or to provide access into the infrastructure ;
- c) storage and use of fuels and other chemicals on the site ;
- d) assurance that no excavations shall take place within groundwater SPZs until the ground has been assessed for presence of contaminated land . If contamination is found an appropriate methodology to mitigate the risk of pollution shall be agreed in writing with the Local Authority ;
- e) construction site drainage to include the means of sediment control and preventing build-up of standing water in excavations ;
- f) all plant and equipment shall be checked each day for signs of leakage of fuel or other fluids and any equipment found to be leaking shall be removed from the site immediately ; and
- g) design & management of on-site facilities including welfare units and vehicle washing etc , particularly in relation to disposal of waste water / effluent.

REASON

In the interest of public health , to minimise risk to the public water supply during the construction and operational phases of the development is effectively mitigated)

16. No development, including the construction of foul and surface water sewers , shall take place within 70 metres of the adjacent Hatfield water supply boreholes . No discharge from the development within Source Protection Area 1 of either surface water (other than from roofs and down pipes) or foul water shall take place to soakaways or other Sustainable Drainage Systems that require a direct discharge to the ground . Furthermore:
- a) no foul sewerage shall be constructed until details of the proposed means of disposal of foul water drainage, including details of any balancing works off -site works and the points of connection to the existing public foul sewerage , have been submitted to and approved by the local planning authority . All foul sewers shall be lined with an impermeable liner that extend a minimum of 20 metres into foul sewers located within the area designated as SPZ 2; and
 - b) occupation of any part of the development shall not commence until the approved drainage works have been fully constructed in accordance with the approved plans and there shall be no temporary storage of foul sewage .

REASON

To ensure that the water environment and public water supply is protected from the risk of pollution

17. No development shall take place until details of the mode of construction and operation of the surface water drainage methodology for all phases of the development , including attenuation infrastructure and the point of connection to the existing public sewer or other drainage network , have been submitted to and approved in writing by the Local Planning Authority . The surface water drainage strategy for the development shall be based on an assessment of the hydrological and hydro-geological context of the development . The details shall include appropriate measures to ensure there is no risk of contamination of groundwater arising as a result of either the

construction or operation of the means of attenuation .
Discharge to public sewer shall be limited to the existing greenfield run-off or to 3.5 litres a second, whichever is the lowest rate .
Furthermore, no surface water discharge from the development shall commence until the approved scheme has been implemented.

REASON

To ensure that the water environment and public water supply is protected and to mitigate the risk of flooding

18. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The details shall include but not be exclusive to evidence that the location of the 14 inch and 600mm diameter water mains have been located via a site survey , protection measures during construction of any development in the vicinity of the water main and the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. Furthermore, no new tree planting, shall be permitted over or within 5.0 (five) metres either side of the centre line of the water main (s), which cross the site .

REASON

In the interest of public health and maintaining the public water supply

19. 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.

REASON

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

20. Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved in writing by the local planning authority and shall be installed before the development hereby approved is commenced and once installed shall be used to prevent mud and other debris being deposited on the highway during the construction of the development.

REASON

In the interests of road safety.

21. Prior to the commencement of development, full details of the layout, landscaping and any equipment to be laid out on the approved Public Open Space, together with a scheme for the long term management and maintenance of said Public Open Space, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To provide an appropriate area of public open space for the community

APPENDIX 1 Satellite View of site



APPENDIX 2 Application site in context of surrounding approved development



APPENDIX 3 Site Layout

Proposed Residential Development at Doncaster Road, Hatfield

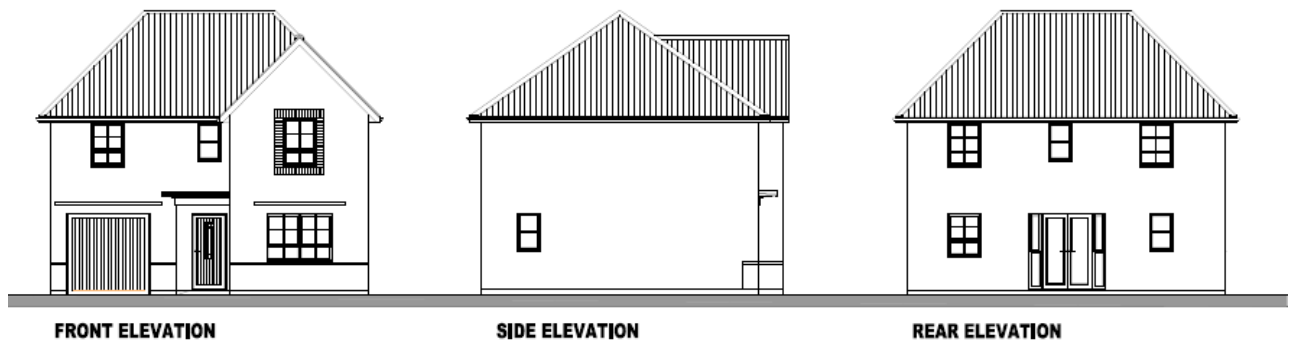
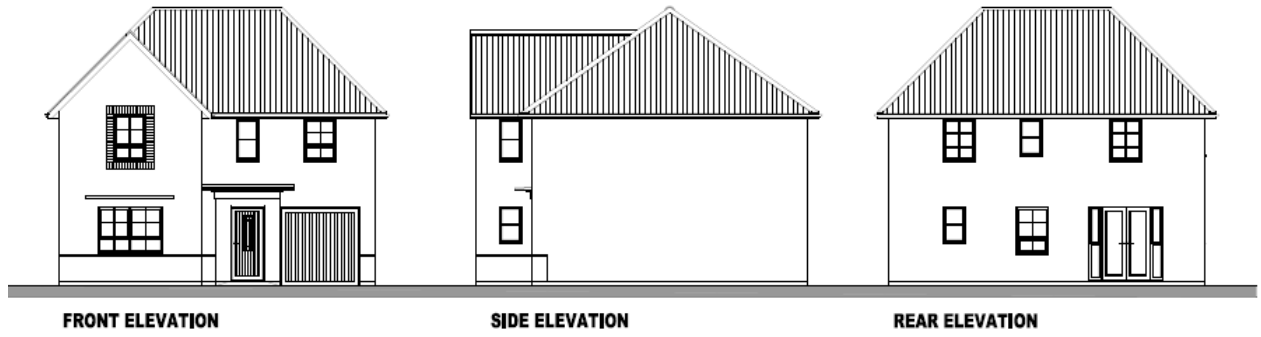


Proposed Site Layout

APPENDIX 4 Site Layout in detail



APPENDIX 4 Typical housetypes



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Application	3.
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Application Number:	20/00469/FUL
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Application Type:	Full Planning Application
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Proposal Description:	Erection of one replacement dwelling and erection of two new dwellings (amended proposal).
At:	9 The Close, Branton, Doncaster, DN3 3LX

For:	Mr Mclaughlin
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Third Party Reps:	8 Objections	Parish:	Cantley With Branton Parish Council
		Ward:	Finningley

Author of Report:	Roisin McFeely
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SUMMARY

The application seeks full planning permission for the erection of one replacement dwelling and erection of two new dwellings. The scheme has been amended to overcome issues raised by the Planning Officer and consultees and removes a dwelling from the scheme. The site lies within an allocated Residential Policy Area.

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 or the wider character of the area.

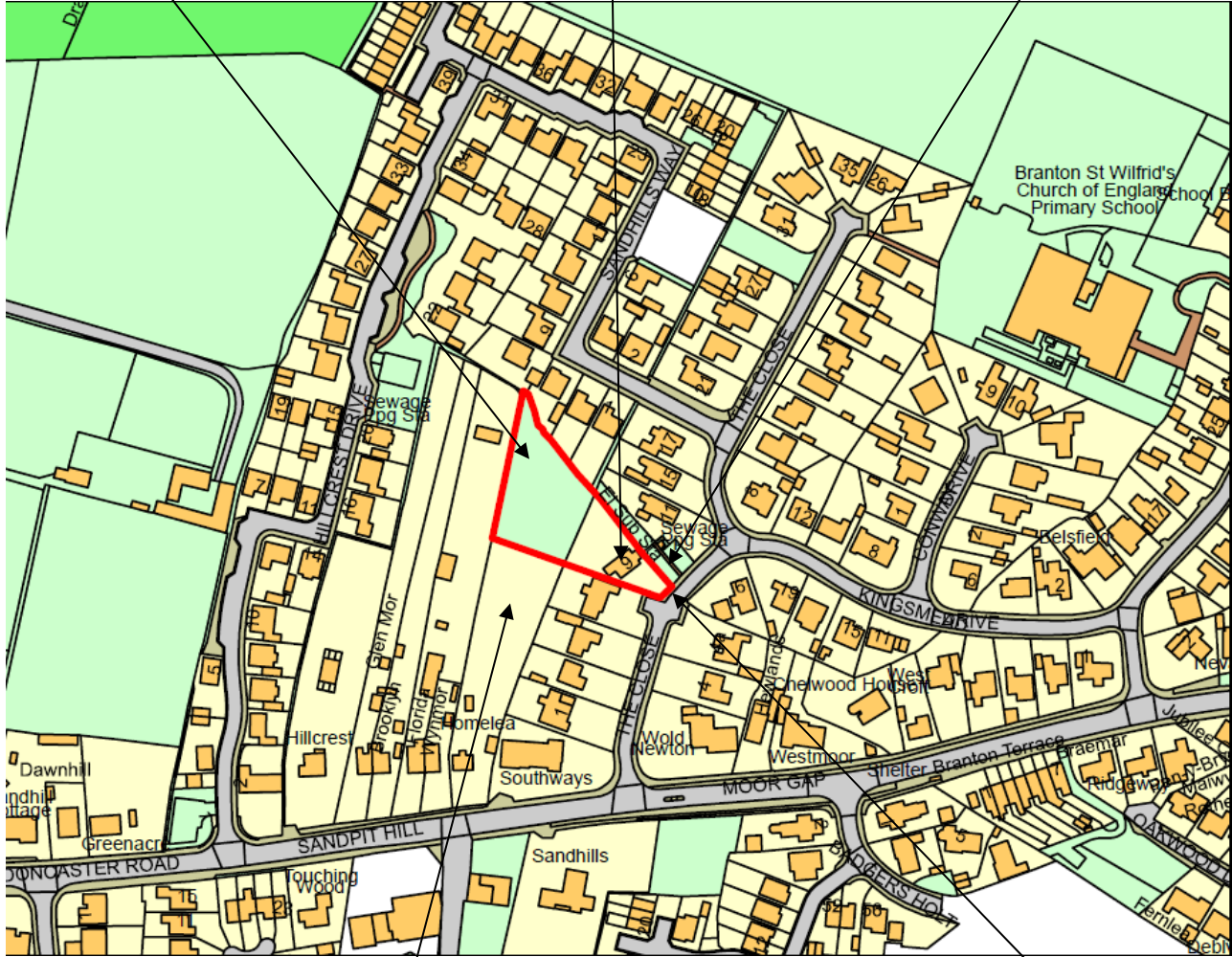
Since the validation of the application and initial publicity, as it has recently come to the Local Planning Authorities attention that the ownership certificate signed as part of the application form has been incorrectly filled in. As such amended application forms have been requested and submitted. This has led to a requirement for the application to be re-advertised for a period of 21 days. Whilst this does not have a bearing on the current design of the scheme or the recommendation to planning committee it is necessary to request that should members resolve to grant planning permission, that they defer the decision to the Head of Planning Services to issue the decision following the expiry of the latest publicity.

RECOMMENDATION: DELEGATE AUTHORITY to the Head of Planning to GRANT subject to conditions.

Application Site

Existing dwelling on site to be demolished and replaced

Electricity substation adjacent to the site



Site of recently approved application - 20/02837/FUL

Access to the site, via an existing dropped kerb

1.0 Reason for Report

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

2.0 Proposal

- 2.1 Planning permission is sought for the erection of one replacement dwelling and erection of two new dwellings.
- 2.2 This current application has been amended in order to overcome issues raised by the Planning Officer with regards to harm to the character of the area and amenity of neighbouring properties and was re-advertised due to significant amendments to the scheme. The proposal has been amended from the erection of one replacement dwelling and the erection of three new dwellings to the erection of one replacement dwelling and two new dwellings, thus removing one dwelling from the scheme.

3.0 Site Description

- 3.1 The proposal site currently features a red brick bungalow with grey tiled hipped roof. There is a good sized garden to the front of the property, which features a paved driveway providing off street parking for two vehicles. To the rear of the property there is a generous garden.
- 3.2 The proposal site is a triangular shaped piece of land located on a residential street. The street scene is characterised by bungalows which are set back from the street scene by good sized front gardens. Properties feature small brick wall boundary treatments to the front of the properties.

4.0 Relevant Planning History

- 4.1 There is no relevant site history for this application.

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).
- 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 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 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).
- 5.8 Paragraphs 54 – 56 set out the requirements for a local planning authority’s use of conditions and obligations when considering whether an otherwise unacceptable development could be made acceptable. Imposing conditions should only be used where; they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. 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 59 sets out the Governments objective to significantly boost the supply of homes.
- 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 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.
- 5.12 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.

5.13 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 Core Strategy 2011 - 2028

5.15 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)).

5.16 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:

5.17 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.

5.18 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.

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

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

A) the development would be at a density or of a form which would be detrimental to the character of the surrounding area or would result in an over-intensive development of the site;

B) the effect of the development on the amenities of occupiers of nearby properties would be unacceptable;

C) tandem or backland development would result in an unsatisfactory access, overlooking or over-intensive development;

D) the development would result in the loss of social, community and recreational or other local facilities for which there is a demonstrated need.

5.21 Local Plan

5.22 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

5.23 The Council has now carried out its examination in public (Regulation 24 stage) and is aiming to adopt the Local Plan by summer 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:

5.24 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.

5.25 Policy 8 sets out the requirements for the range of housing including the need for affordable housing. This policy is afforded limited weight as there are outstanding unresolved objections.

5.26 Policy 11 (Residential Policy Areas) reinforces some of the wording of PH11 stating that within Residential Policy Areas, as defined on the Proposals Map and is afforded substantial weight:

A) New residential development will be supported provided:

1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.

B) The establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

5.27 Policy 43 seeks to ensure high standards of residential design. This policy is afforded moderate weight.

5.28 Policy 45 requires that new housing, extensions and alterations respond positively to the context and character of existing areas or the host dwelling and create high quality residential environments through good design. This policy is afforded substantial weight.

5.29 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum. This policy is afforded limited weight as there are outstanding unresolved objections.

5.30 Policy 48 (Safe and Secure Places) states that developments will be supported which are designed in a way that reduces the risk of crime and the fear of crime. This policy is afforded substantial weight.

- 5.31 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.
- 5.32 Policy 56 deals with the need to mitigate any contamination on site. This policy is afforded limited weight as there are outstanding unresolved objections.
- 5.33 Policy 57 requires the need for satisfactory drainage including the use of SuDS. This policy is afforded moderate weight.
- 5.34 Other material planning considerations
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
 - South Yorkshire Residential Design Guide (SYRDG) (2015)
 - National Planning Policy Guidance
 - Residential Backland and Infill Development Supplementary Planning Document (SPD) (2010)

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 the Council website and neighbour notification.
- 6.2 11 public representations have been received from 8 objectors. All the representational are objections to the scheme, 3 of the representations are additional comments from previous objectors.
- 6.3 The letters of objection are in regard to the following summarised points:
- Main sewer infrastructure cannot cope new properties/ issues with drainage
 - Disruption from demolition of existing bungalow – this is not a material consideration and will not be considered further
 - Proposed dwellings would block out the natural light of surrounding dwellings
 - Increase in vehicles would create issues with parking / access on The Close
 - Overlooking/loss of privacy
 - Concerns with increase in traffic and highway safety
 - Removing trees from the site
 - Loss of view – this is not a material consideration and will not be considered further
 - Bungalows would be more in keeping with surroundings

7.0 Parish Council

- 7.1 Cantley with Branton Parish Council were consulted and provided the following response:

“The parish council has no objections to the proposal to replace the existing dwelling with a dormer bungalow as this is largely in keeping with surrounding properties.

The parish council objects to the proposal to erect three further dwellings on the following basis:

It constitutes an overdevelopment of the site and the Local Plan denotes that there is no requirement for further dwellings as a substantial amount of development has taken place in the last ten years.

The building of detached houses is not in keeping with properties on The Close as these are bungalows and any additional building should be restricted to one/one and half storey properties

The road is narrow and additional vehicles will exacerbate current safety issues. There are serious drainage issues as the main sewer overflows during periods of heavy rainfall creating a major concern for the health and safety of residents. It is important that trees are retained for their ecological value and it is a concern that some trees have already been removed from the site impacting on the habitat of wildlife.

8.0 Relevant Consultations

8.1 **Yorkshire Water** – no objections, deferred to Severn Trent for sewage comments. Requested an informative relating to water industry Act.

8.2 **DMBC Highways DC** – originally objected to the application as there were issues with refuse collection vehicles, fire appliances and parking within the site. Highways removed their objection upon receipt of the amended plans, subject to standard conditions HIGH1, HIGH2, HIGH11.

8.4 **Internal Drainage** – no objections to original proposal or to amended proposal, requested standard condition.

8.5 **Cantley with Branton Parish Council** – objected to the original proposal due the following:

- Overdevelopment of the site
- Detached dwellings not in keeping with neighbouring bungalows
- Concerns over highway safety due to additional vehicles
- Concerns with drainage issues

Welcomes a reduction to the number of proposed dwellings on the amended plans, but reiterates its original concerns in respect of highway and drainage issues.

9.0 Assessment

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

- Principle of development;
- Impact on Residential Amenity
- Impact on the character and appearance of the area;

- Highway safety and traffic;
- Flood Risk, Foul and Surface water drainage
- 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

Principle of Development

9.3 Policy PH11 of the UDP sets out that Residential uses within a Residential Policy Area are acceptable in principle provided that they do not harm the character of the area or the amenity of neighbouring properties and provide adequate living conditions for any occupiers. PH11 also sets out that residential uses must be appropriate to the character of the area and would not result in an overdevelopment of the site.

9.4 Therefore, the proposal is acceptable in principle subject to acceptable design, no significant harm being caused to local amenity, highway safety or the character of the locality, which will be assessed below.

9.5 SOCIAL SUSTAINABILITY

Impact on Residential Amenity

9.6 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. The SPD Development Guidance and Requirements states in section 2.5 that 'new housing should not give rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of existing occupiers'.

9.7 In March 2015, the Government introduced a 'Nationally Described Space Standard' (NDSS). The NDSS deals with internal space within new dwellings and is suitable for application across all tenures and number of bedrooms. It sets out the requirements for the Gross Internal Floor Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

9.8 The full standards are available on the Government's website, however a summary table is provided below:

Table 1 - Minimum gross internal floor areas and storage (m²) Number of bedrooms (b)

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) ²			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf

Figure 1 – Nationally Prescribed Space Standards (m²)

- 9.9 The Council do not currently impose internal space standards through a policy in the current Development Plan and rely on guidance on space standards through the South Yorkshire Residential Design Guide SPD which was adopted in 2015. Under the SPD, internal space standards were produced after extensive research into standards in other local authorities. The standards set out the minimum internal spaces for different aspects of a dwelling, across various dwellings sizes.
- 9.10 An associated Written Ministerial Statement (WMS) to the NDSS is clear in that ‘Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy.’ The MWS states that the NDSS are optional for planning purposes and should only be required if they address a clearly evidenced need and are incorporated into a Local Plan.
- 9.11 As mentioned above, the Council does not yet have a relevant adopted local plan policy relating to space standards. Although Policy 46 in the Draft Local Plan specifically addresses this issue, the amount of weight which can be applied this policy is limited by the fact that the policy has received significant unresolved objections and the Council’s evidence has yet to be tested in full in public examination. As such, the current standards set out in South Yorkshire Residential Design Guide are the most appropriate measure of determining internal dimensions until such time that more weight can be attributed to the relevant policy in the Draft Local Plan.
- 9.12 The South Yorkshire Residential Design Guide (SYRDG) sets out internal and external space standards. It states that 3 + bed homes should have a private rear amenity space at a minimum of 60m²; all of the plots meet or exceed this standard. The properties all exceed the overall floor standards set out in the SYRDG. Except for Bedroom 2 of Plot 1 all of the rooms meet the individual room standards in the SYRDG. Bedroom 2 of Plot 1 is 11m², which is 1m short of the standard for a double

bedroom; other rooms within the property are larger providing adequate living space. A full comparison can be seen in appendix 6 of this report. It is not considered that the proposal would result in a poor standard of living for future occupiers given the overall floor space of each of the plots.

- 9.13 The original proposal did not adhere to separation distances as set out in the Supplementary Planning Documents (SPDs) and the Planning Officer raised concerns with regards to poor outlook, overlooking and overshadowing. The proposal has been amended to overcome these issues, which are discussed below.
- 9.14 To the front, Plot 1 has a separation distance in excess of 21m to the nearest habitable room windows in accordance with guidance as set out in the SPDs. To the rear there are only windows at ground floor level, which have a separation distance in excess of 28m and no direct line of sight into any habitable room windows of proposed plots 2 & 3. At first floor level there was a side window overlooking the neighbouring property at no. 11. The Planning Officer raised concerns regarding harm to the neighbouring properties amenity. Amended plans were received which removed this window. There are no window on the side elevations of Plot 1 at first floor level. There is one window on the east side elevation at ground floor level, which serves a bathroom and will be conditioned to be obscure glazed. Patio windows on the west side elevation have a separation distance in excess of 10m to the neighbouring garden at no. 7. Furthermore, a boundary treatment condition will be imposed on the application to ensure screening and mutual privacy for future occupiers of the development and the neighbouring property at no. 7. There are no windows on the side elevations at first floor level and thus there are no concerns that significantly harmful overlooking would arise as a result of the proposal.
- 9.15 The main two-storey element of plot 1 sits in a similar position to the existing dwelling on the plot and it is considered that the impact of the dwelling would be relatively similar to that of the existing dwelling. The single storey element is located over 11m from the neighbouring dwellings at no. 7 and no. 11. Furthermore, an electricity substation, the driveway to plots 2&3 and the driveway of no. 11 separate plot 1 and no. 11. To the rear, the proposal is located over 21m from the proposed dwellings in plots 2 & 3. Given the accordance with separation distances there are no concerns with significantly harmful overshadowing arising as a result of plot 1.
- 9.16 Plots 2 and 3 have no windows on the side elevations at first floor level and to the rear there are no neighbouring habitable room windows. Plot 3 has no windows on side elevations at ground floor level. It should be noted that there is a recently approved planning permission (20/02837/FUL) for two detached bungalows on a plot of land to the South of the current proposal. The amenity of the approved properties should therefore be considered as part of this application, the main considerations relate to an approved dwelling to the south of plot 2 of the current application. Plot 2 has a window serving a utility room at ground floor level, there will be a boundary conditioned between the proposal and the approved dwelling providing screening and mutual privacy and there are no concerns with regards to any significantly overlooking occurring from this window.
- 9.17 At first floor level plots 1 & 2 have a separation distance of 11.7m to the boundary of the neighbouring garden at Florida, Doncaster Road, in accordance with separation distances as set out in the SPDs. At ground floor level the separation distance is 9.3m which is 0.7m short of the 10m garden separation distance. The proposal would overlook the least usable part of an extremely large garden and it is not considered

that the short fall would cause significantly harmful overlooking and would not warrant a refusal of the application. Furthermore, a boundary treatment condition will be imposed on the application to ensure screening and mutual privacy for future occupiers of the development and neighbouring properties.

- 9.18 To the front of the properties there is a separation distance in excess of 21m from both plot 1 and the neighbouring dwelling at no. 11 The Close. To the side of plot 1 there is a separation distance in excess of 16m to the nearest neighbouring property at no. 1 Sandhills Way, in accordance with separation distances as set out in the SPD. To the rear any overshadowing would occur on the very rear part of an approximately 105m garden of Florida on Doncaster Road. There is over 12m from the rear elevation of the approved dwelling under application 20/02837/FUL and the side elevation of plot 2 of the current application. This separation distance is in excess of the 11m separation distance as set out in the SPD. Given the placement of the proposed dwellings in relation to neighbouring dwellings and the adequate separation distances there are no concerns that significantly harmful overshadowing would occur.
- 9.19 There are two garages situated to the west of the site bordering the rear gardens of no. 7 The Close and Homlea, Doncaster Road. The garages have hipped roofs, which reduces their massing, and the roofs have been designed to sloped away from the neighbouring gardens to lessen their impact. The overall height of the garages is 2.7m, given that a garage could be erected at 2.5m under permitted development it is not felt that an additional 0.2m in height would be significantly more harmful to neighbouring amenity.
- 9.20 Several objections were received raising concerns regarding overlooking, overshadowing, loss of light and loss of privacy. As discussed above the proposal meets separation distances as set out in the SPD, and where there are shortfalls these are minimal and overlook the least usable part of an extremely large garden and would not warrant a refusal of the application. A boundary treatment condition will be imposed on the application to ensure screening and mutual privacy for neighbouring dwellings. Thus there are no concerns that significant harm to the amenity of neighbouring dwellings would occur as a result of the proposal.

9.21 Conclusion on Social Impacts

- 9.22 In conclusion, of the social impacts of the development, it is not considered that the impact of residential amenity will be adversely affected by the proposal for neighbouring properties or future occupiers of the proposal.

9.23 ENVIRONMENTAL SUSTAINABILITY

Impact on the character and appearance of the area

- 9.24 Policy CS 14 of the Doncaster Council Core Strategy sets out the Council's policy on the design of new development. It states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area. New development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. This will be achieved through a set of design principles and quality standards as set out.

- 9.25 The proposal site lies within a residential area, characterised by modest circa 1950s hipped bungalows set back from the street. Properties are enclosed at the front by low lying red brick walls, with generous front gardens and single-track driveways running up the sides of the gardens. To the rear, properties have good-sized gardens. Dwellings are mainly erected in brick, with red or dark tiled hipped roofs. The application site is a triangular shaped plot that currently features a red brick bungalow with grey tiled hipped roof. There is a good-sized garden to the front of the property, which features a paved driveway providing off street parking for two vehicles. Due to the siting of the plot on a bend in the road, the property has a generous garden, which is larger than that of surrounding properties.
- 9.26 The SPD also states that ‘By its nature, backland development should largely be out of view and not dominate the frontage property, but still be partly visible so people can find it. This however cannot be an excuse for poor design’. The original scheme presented two storey dwellings, which were out of character for the locality and did not appear subservient to the existing bungalows on The Close. The dwellings were domineering in relation the existing dwellings and alien to the street scene. The design of the proposed dwellings did not respect or reflect the characteristics of the street scene or locality, introducing large protruding chimneys and incongruent roof forms. The proposed dwellings were very modern in design and introduced cladding and floor to ceiling windows. The Planning Officer raised concerns regarding the design of the dwellings and the harm caused to the character of the locality (appendix 9).
- 9.27 Amended plans were received for the current scheme, which amended the amount of dwellings from four to three. The reduction in the number of dwellings, provides a lower density development which is more in keeping with its surrounding. The scheme also amended the design of the proposal significantly. The dwellings have been amended from two storey dwellings to low-level bungalows with rooms in the roof, in order to better reflect the street scene. The roofs have been amended to be hipped in order to reflect surrounding dwellings and reduce their massing. The chimneys have also been removed from the proposals. Although the bungalows are taller than then frontage property and we would normally look for subservient dwellings to the rear, the proposal is set back from the frontage bungalows and has two storey dwellings to the side. As a result in this case the proposal will be a stepping of scale between bungalows and two storey dwellings and will not appear over dominant or harmful here. Overall, the design of the bungalows has been amended and better reflects and respects the character of the existing bungalows on The Close.

A topographical survey has been undertaken and it has been confirmed with the applicant’s agent that the land levels will remain the same. This also ensures that the proposal will not be taller to the rear than what is seen on the proposed plans as the land is currently not any higher than the frontage bungalow.

- 9.28 The Backland and Infill Development SPD states that backland development are mainly planned in existing residential areas where residents and neighbours can enjoy a certain level of amenity. The proposal site lies within a residential area and would afford a good level of amenity to neighbouring dwellings. There are examples of backland development in close proximity to the proposal site including the adjacent site at Home Lea, Doncaster Road (20/02837/FUL). An outline planning permission was also granted for up to 4 dwellings at Hillcrest, to the south west of the site. The amended scheme proposes low level bungalows at low density which reflects not only the surrounding bungalows but also the recently

approved backland development at Home Lea, Doncaster Road (20/02837/FUL). It is considered that the amended proposal would not cause significant harm to the character of the locality and its acceptable in terms of character and design.

- 9.29 An objection was received stating that the proposal was an overdevelopment of the site, however the scheme has been amended to reduce the number of dwelling from four to three. The Planning Officer considers the reduction in dwellings to be an appropriate density for the urban grain. Another objection was received stating that bungalows would be more in keeping with the area, the proposal has been amended to provide bungalows on the site. The proposed bungalows are considered to be appropriate for the site.

Highway safety and traffic

- 9.30 'Quality, stability, safety and security of private property, public areas and the highway' and 'permeability - ease of pedestrian movement with good access to local facilities and public transport services' are listed as qualities of a successful place within policy CS 14 (A). The NPPF in para 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe'.
- 9.31 The site is accessed via an existing dropped kerb off The Close and would create a private driveway to serve the three properties on the site. Each property will have two parking spaces in accordance with parking standards as set out in the Development Guidance and Requirements SPD. Plots 1 & 2 will have detached double garages and Plot 3 will have an integrated single garage.
- 9.32 The scheme has been amended at the request of the Highways Officer to ensure that vehicles can move within the site and leave in a forward facing gear and also to ensure that there is sufficient space for cars to pass each other on the driveway. The Highways Officer has no objections to the amended scheme, subject to standard conditions.
- 9.33 Objections have been received which raised concerns about an increase in traffic, properties and overspill of parking onto The Close. However, the Highways Officer has raised no objections to the scheme, deeming the parking provided on site to be adequate and in line with standards as set out in the SPD. It is considered that any increase in traffic as a result of the dwellings would be minimal and would not cause harm that would be so significant that it would warrant a refusal of the application. Another objection was received regarding concerns about works vehicles blocking access to existing. It cannot be assumed that works vehicles would behave unreasonably and there is separate legislation to deal with any vehicles that park illegally or cause nuisance. The development therefore complies with the above policies.

Flood Risk, Foul and Surface water drainage

- 9.34 Concerns have been raised regarding drainage in representations and previous issues on the site. The site is not located within a Flood Zone and thus is considered to be at a low risk of flooding. Any surface water will be directed to a soakaway in accordance with the drainage hierarchy. No objections were received from internal drainage subject to a standard condition.

Trees and Landscaping

9.35 There are no trees on the site as the owners of the site have previously removed these historically. The site is not subject to any TPOs. A landscaping scheme is to be agreed as part of the conditions of the application, which will require a minimum one tree per dwelling as per requirements in the Development Guidance and Requirements SPD. The parking provision for plot 1 has been moved from the front of the plot to the rear, to allow a garden, which reflects the landscaping of the surrounding large green gardens. The current use of the land is a residential garden and is of low ecological value and the condition would ensure that the proposal provides adequate landscaping.

9.36 An objection was received stating that trees and hedgerows were removed from the site. However, these trees were not subject to any protection orders on the site. The proposal will be conditioned to include the provision of replacement trees on the site.

9.37 Conclusion on Environmental Issues

9.38 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.

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

9.40 ECONOMIC SUSTAINABILITY

9.41 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.

9.42 On a wider level, additional housing will increase spending within the Borough which is of further economic benefit in the long term.

9.43 Conclusion on Economy Issues

9.44 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.

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

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. The amended proposal has been deemed acceptable for the site; the proposal would be in keeping with the surrounding locality due to the reduction of the number of dwellings and the reduction in scale and mass of the dwellings. Furthermore, it is considered that officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. There are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

- 11.1 **DELEGATE AUTHORITY to the Head of Planning to GRANT planning permission subject to the following conditions and following the expiry of publicity:**

Conditions / Reasons

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

REASON

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

02. The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

Proposed Plans, Plot 1 - Drawing no. UKSD-SA-08-0006 Rev. A.02 - Received on 05.01.2021

Proposed Plans, Plot 2 - Drawing no. UKSD-SA-08-0007 Rev. A.01 - Received on 28.12.2020

Proposed Plans, Plot 3 - Drawing no. UKSD-SA-08-0008 Rev. A.01 - Received on 28.12.2020

Proposed Plans, Garage Details - Drawing no. UKSD-SA-08-0009 Rev. A.01 - Received on 28.12.2020

Site Plan, Ground Floor Level - UKSD-SA-08-0003, Rev A.03 - Received on 19.01.2021

Site Plan, First Floor Level - Drawing no. UKSD-SA-08-0004, Rev A.03 - Received on 19.01.2021

Site Plan, Roof Level - Drawing no. UKSD-SA-08-0005, Rev A.03 - Received on 19.01.2021

Street Scene/ Topographical Information - Drawing no. UKSD-SA-08-0010, Rev A.01 - Received on 19.01.2021

REASON

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

03. Before the first occupation of the dwellings hereby permitted, the boundary treatments as shown on plan UKSD-SA-08-0011, Rev A.00 - Received on

19.01.2021 shall be erected and shall be permanently retained in that condition thereafter.

REASON

To ensure that the development does not impact on the privacy of the adjoining premises.

04. Before the first occupation of the dwellings hereby permitted, the windows(s) at the ground floor bathroom of plot 1 shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

REASON

To ensure that the development does not impact on the privacy of the adjoining premises.

05. 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.

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

REASON

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

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

REASON

To avoid damage to the verge.

08. 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.

09. No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall contain one tree per dwelling. The scheme shall include a soft landscape plan; a schedule providing details of the species, 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 and a timescale of implementation. 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. Any part of the scheme which fails to achieve independence in the landscape or is damaged, diseased, dying 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

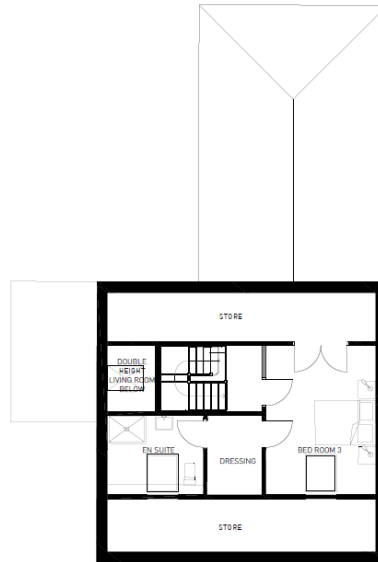
Appendix 1: Amended Site Plan



Appendix 3: Amended Proposed Plans Plot 1



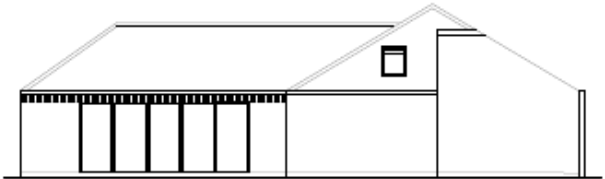
PLOT ONE GROUND FLOOR PLAN 1:50



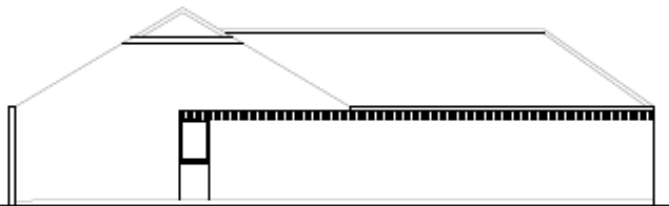
PLOT ONE FIRST FLOOR PLAN 1:50



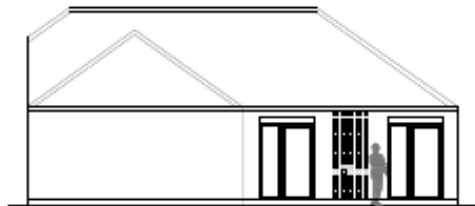
PLOT ONE FRONT ELEVATION 1:100



PLOT ONE SIDE ELEVATION 1:100

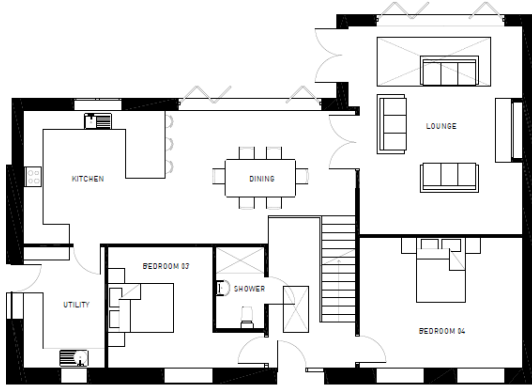


PLOT ONE REAR ELEVATION 1:100

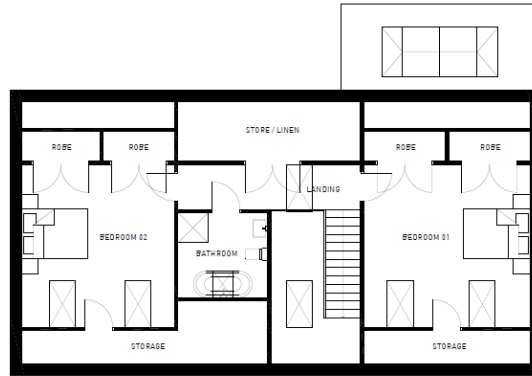


PLOT ONE SIDE ELEVATION 1:100

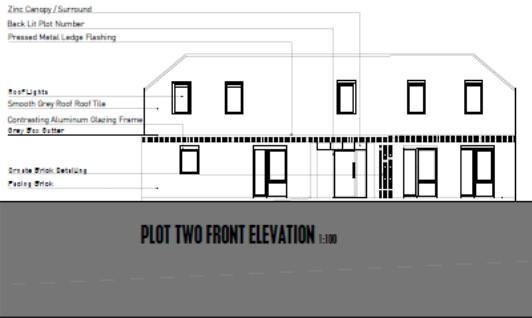
Appendix 4: Amended Proposed Plans Plot 2



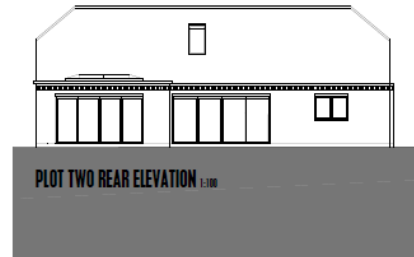
PLOT TWO GROUND FLOOR PLAN 1:50



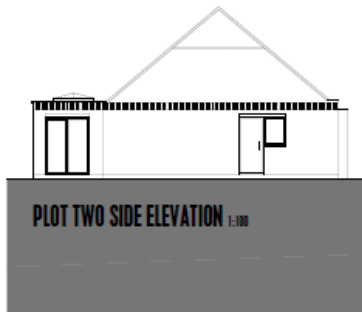
PLOT TWO FIRST FLOOR PLAN 1:50



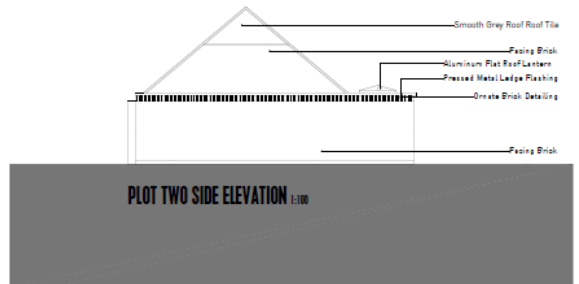
PLOT TWO FRONT ELEVATION 1:100



PLOT TWO REAR ELEVATION 1:100

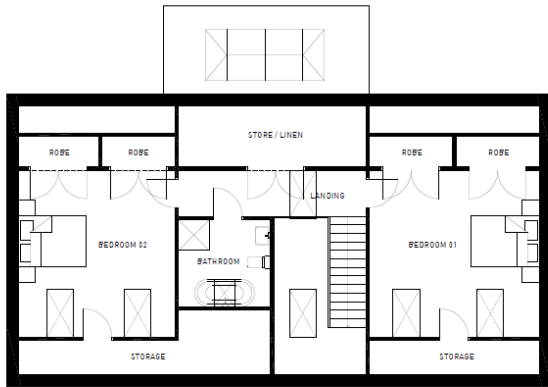


PLOT TWO SIDE ELEVATION 1:100

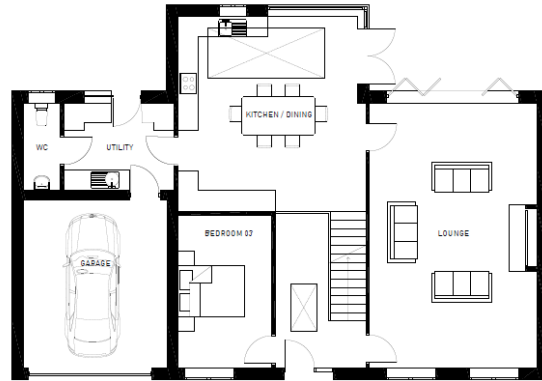


PLOT TWO SIDE ELEVATION 1:100

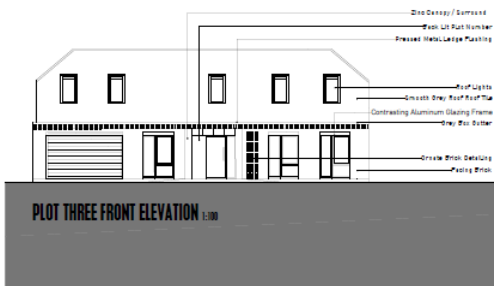
Appendix 4: Amended Proposed Plans Plot 3



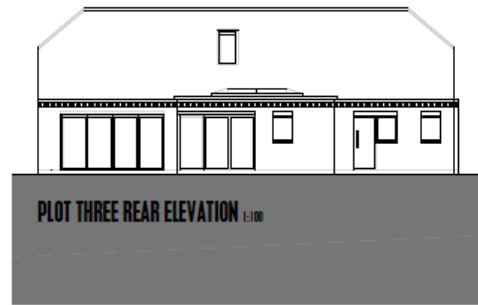
PLOT THREE FIRST FLOOR PLAN 1:50



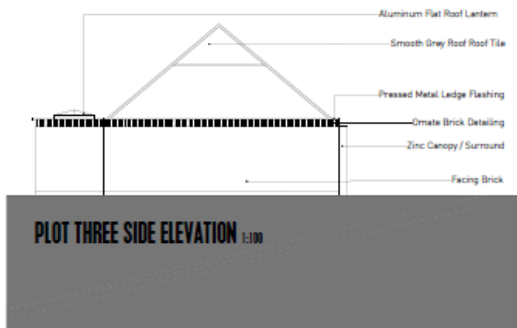
PLOT THREE GROUND FLOOR PLAN 1:50



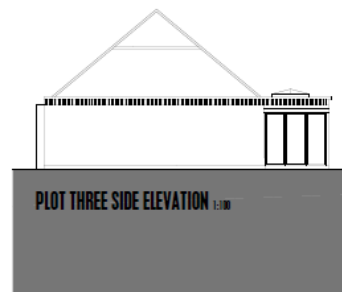
PLOT THREE FRONT ELEVATION 1:100



PLOT THREE REAR ELEVATION 1:100

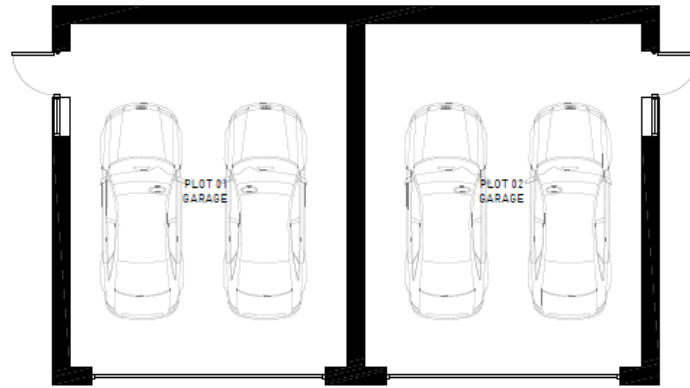


PLOT THREE SIDE ELEVATION 1:100

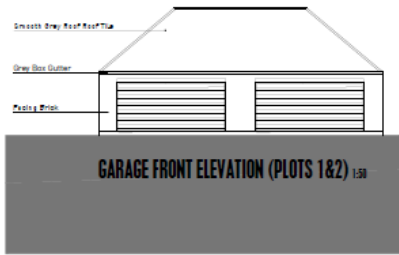


PLOT THREE SIDE ELEVATION 1:100

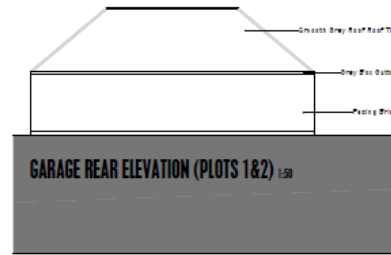
Appendix 5: Proposed Garages



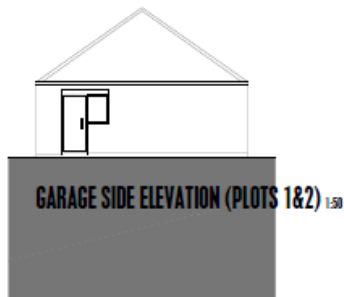
GARAGE GROUND FLOOR PLAN (PLOTS 1&2) 1:50



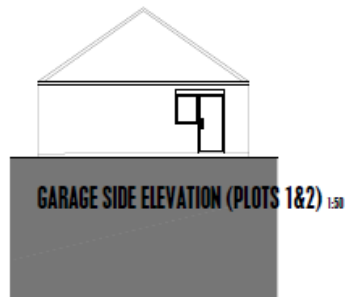
GARAGE FRONT ELEVATION (PLOTS 1&2) 1:50



GARAGE REAR ELEVATION (PLOTS 1&2) 1:50



GARAGE SIDE ELEVATION (PLOTS 1&2) 1:50



GARAGE SIDE ELEVATION (PLOTS 1&2) 1:50

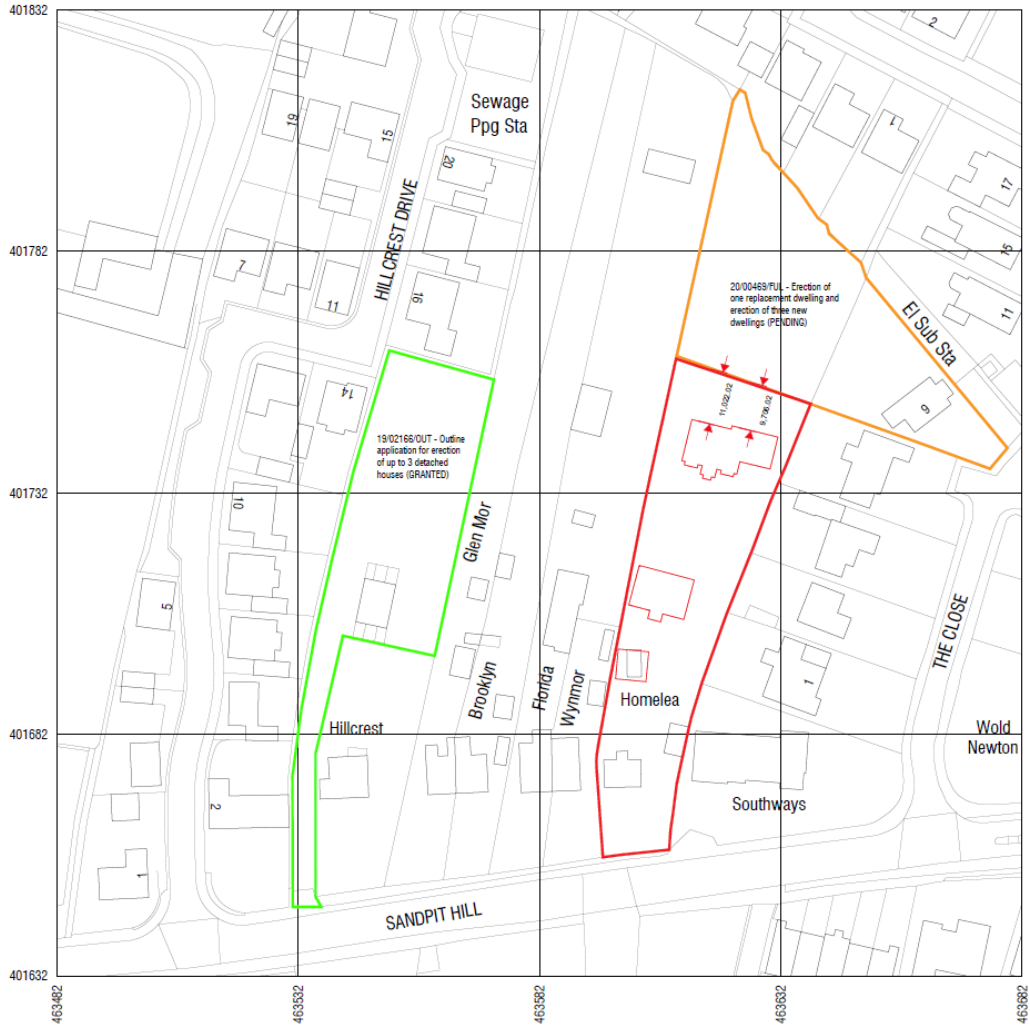
Appendix 6: Space Standards comparison of floor space with SYRDG

	SYRDG (3 bed 4 person)	Plot 1 (3 bed)	Difference
Double Bedroom	12	Bed 1 -13.5 Bed 2 -11 Bed 3 -16	Bed 1 - +1.5 Bed 2 – 1 Bed 3 - +4
Single Bedroom	7	n/a	n/a
Living Room	15	18	+3
Living/Dining	18	n/a	n/a
Kitchen	13	n/a	n/a
Kitchen/Dining	11	n/a	n/a
Open Plan/ combined	30	56	+26
Bathroom /WC combined	3.5	GF – 6.5 FF – 7.5	GF +3 FF +4
Storage	4.5	12	+7.5
Overall	77	170	+76

	SYRDG (4 bed 5 person)	Plot 2 (4 bed)	Difference
Double Bedroom	12	Bed 1 - 25 Bed 2 - 23 Bed 3 -13.5 Bed 4 - 20	Bed 1 +13 Bed 2 +11 Bed 3 +1.5 Bed 4 +8
Single Bedroom	7	n/a	n/a
Living Room	15	33	+18
Living/Dining	19	n/a	n/a
Kitchen	13	n/a	n/a
Kitchen/Dining	12	39.5	27.5
Open Plan/ combined	30	n/a	n/a
Bathroom /WC combined	3.5	GF 4 FF 7.4	GF +0.5 FF +3.9
Storage	5.5	15	+9.5
Overall	93	245	152

	SYRDG (3 bed 4 person)	Plot 3 (3 bed)	Difference
Double Bedroom	12	Bed 1 - 25 Bed 2 - 22.5 Bed 3 - 13	Bed 1 +13 Bed 2 +10.5 Bed 3 +1
Single Bedroom	7	n/a	n/a
Living Room	15	39	+24
Living/Dining	18	n/a	n/a
Kitchen	13	n/a	n/a
Kitchen/Dining	11	31.5	+20.5
Open Plan/ combined	30	n/a	n/a
Bathroom /WC combined	3.5	7	+3.5
Storage	4.5	30	+25.5
Overall	77	221	+144

Appendix 7: Approved Scheme Site Plan on Neighbouring Site (20/02837/FUL)



BLOCK PLAN 1:500

Appendix 8: Original site Plan



Appendix 9: Original Elevation Plans



Appendix 10: Boundary Treatment Plan

Boundary Treatment A - 1.8m Timber Close Board Timber Fence



Boundary Treatment B - 1.8m Brick Wall



Boundary Treatment C - 1m Brick Wall



Application	4.
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Application Number:	20/02578/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of detached dwelling and detached garage.
At:	Land off Minneymoor Lane, Conisbrough

For:	Rural Estates
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Third Party Reps:	3 letters of Objections	Parish:	N/A
		Ward:	Conisbrough

Author of Report:	Jessica Duffield
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SUMMARY

The application relates to the full planning permission for one detached dwelling situated off Minneymoor Lane.

The site was historically an overgrown wooded area, covered by trees and shrubbery, which was known to be a former nursery. The site was cleared and levelled following the granting of planning permission to develop the site for 2 detached dwellings in March 2015 (15/00062/FUL).

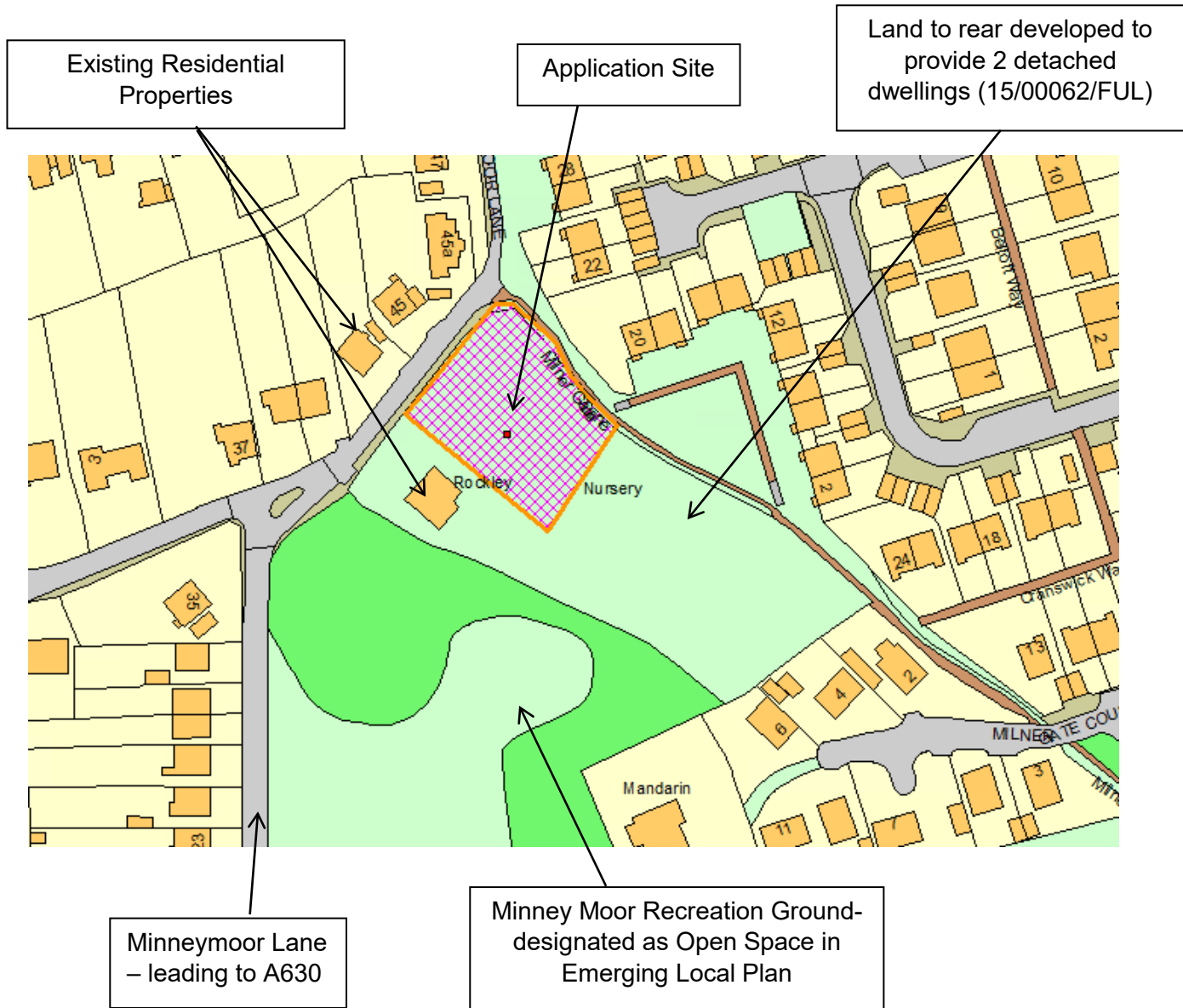
Two dwellings have since been developed towards the rear of the site, with the subject application relating to the most northern front parcel, which overlooks Minneymoor Lane. The application site was used as a site compound for the development of the now completed dwellings.

The previous application included Grampian conditions relating to improvements to the road surface/standard of Minneymoor Lane.

The proposed dwelling is a dormer style, 3 bedroom bungalow which will face towards the highway, with a detached double garage. The proposed dwelling will be accessed utilising the private drive which was created for the rear 2 properties.

The application is being presented at Planning Committee as it was called in by Cllr Nigel Ball.

RECOMMENDATION: GRANT planning permission subject to conditions



1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee because it was called in by Cllr Nigel Ball due to concerns regarding trees; impact on Mill Piece and reduction in privacy and light to neighbours.

2.0 Proposal

- 2.1 Full Planning Permission is sought for the erection of one dwelling, with detached double garage. The proposal is a dormer style bungalow with front facing gable ends and enclosed private garden to the side and rear.
- 2.2 The property will be accessed off a private drive which runs along the western boundary of the site. This access currently serves the recently completed dwellings to the rear.
- 2.3 The property itself will provide 3 bedrooms, all of which will be at the first floor level in the roof space. A dormer bungalow has been proposed to respond to the change in levels across the site. The ridge height of the proposed dwelling is in-line with the single storey bungalow adjacent.
- 2.4 The property will be finished in red brick, tiled roof and white upvc windows and doors with stone cill features.

3.0 Site Description

- 3.1 The application site is currently vacant and cleared. The site is surrounded by residential development in all immediate directions. 2x two-storey detached properties were recently erected to the rear of the application site, with a private drive installed along the eastern boundary of the site.
- 3.2 A detached bungalow is located to the immediate west of the application site. Due to the change in levels, this property is at an elevated level in comparison to the properties on the northern side of Minneymoor Lane. A traditional stone wall defines the front boundary of this property.
- 3.3 There is no obvious scale or design of properties along Minneymoor Lane, however all the properties within close proximity to the site are primarily built from red brick and are slightly set back from the highway. Further along the road, there are a small number of properties built in a 1970s style.
- 3.4 Minneymoor Lane itself is relatively narrow, with parts towards Windgate Hill being single track. Parts of the road have undergone improvement works as per the conditions attached to the previous consent.
- 3.5 A large open space, consisting of grassland and parcels of woodland (known as Minney Moor Recreation Ground) is located to the west of the site. This parkland is designated in the Emerging Local Plan as being protected open space. Residential properties then overlook this park from a western direction.
- 3.6 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps, and is therefore at low risk of flooding.

4.0 Relevant Planning History

4.1 Planning History for the site as follows:

Application Reference	Proposal	Decision
15/00062/FUL	Erection of two detached houses and detached garages on approx. 0.36ha of land	Granted- 10/3/2015
11/02093/FUL	Erection of 2 detached dwellings with garages on approx 0.36ha of land	Granted – 28/10/2011 Not implemented and expired.
97/1214/P	Outline application for residential development on 0.34ha of land.	Refused- 2/6/1997 Refused on highways grounds- 'The proposal, to be served from a local highway network lacking in design, width, pedestrian facilities, and with inadequate street lighting, drainage and running surface, is considered detrimental to highway safety and, if approved, would exacerbate an already unsatisfactory highway situation'

5.0 Site Allocation

5.1 The site is allocated as Residential Policy Area as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).

5.2 National Planning Policy Framework (NPPF 2019)

5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. 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 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.6 Paragraphs 54 – 56 of the NPPF set out the requirements for a local planning authority's use of conditions and obligations when considering whether an otherwise unacceptable development could be made acceptable. Imposing conditions should only be used where; they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. 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.
- 5.7 Paragraphs 59-64 of the NPPF seeks to deliver a sufficient supply of homes that meets the needs of groups with specific housing requirements and that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 5.8 Paragraph 68 states that small sized sites can make an important contribution to meeting the housing requirement of an area.
- 5.9 Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.10 Core Strategy 2011 – 2028
- 5.11 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 5.12 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.13 Policy CS1 relates to the quality of accommodation and development within Doncaster. It makes it clear that development must protect local amenity, as well as

being well-designed; fit for purpose and capable of achieving the nationally recognised design standards

5.14 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

5.15 Policy CS16 relates to the natural environment stating proposals should both protect and enhance.

5.16 Policy CS2 defines Conisbrough as a Principal Town, which will be focus for growth and regeneration.

5.17 Saved Unitary Development Plan Policies (Adopted 1998)

5.18 Policy PH11 states that within Residential Policy Areas development for housing will normally permitted subject to the density and form being appropriate to the character of the area, the effects of the development on the amenities of occupiers of neighbouring properties.

5.19 Policy ENV53 relates to the design of new buildings and states that the scale and appearance of new development must have regard to its wider visual impact.

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 has now carried out its examination in public (Regulation 24 stage) and is aiming to adopt the Local Plan by summer 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:

5.23 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 11 relates to Residential Policy Area, stating that development will be supported which provides an acceptable level of residential amenity for both new and existing residents; protects and enhances the qualities of the existing area and meets other development plan policies such as design and flood risk. This policy can be afforded substantial weight.
- 5.25 Policy 43 deals with the need for good urban design. This policy can now be applied with moderate weight.
- 5.26 Policy 45 relates to residential design and states that proposals for housing will be supported where they respond positively to the context and character of existing areas. This policy can now be afforded with moderate weight.
- 5.27 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum. This policy can be applied limited weight due to outstanding objections.

5.28 Neighbourhood Plan

- 5.29 There is no Neighbourhood Plan for this area.

5.30 Other Material Planning Considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- Residential Backland and Infill Development (2010)
- National Planning Policy Guidance
- South Yorkshire Residential Design Guide (SYRDG)

6.0 Representations

- 6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 by way of site notice and direct neighbour notification letters.
- 6.2 3 representations in objection have been received in response to the application publicity. These are summarised below:
- 6.3 Representation 1 – Concerns regarding operational/construction working hours of the previous application approved at the site. Builders caused disturbance by working late/ burning materials/bad language etc. Concerned that the building of this dwelling will cause further nuisance.
- 6.4 Representation 2- Applicant has not complied with conditions of previous application is respect of maintaining the hedgerow between Milnergate Lane and Orchard Court.
- 6.5 Representation 3- Reduction in light at properties to north of Minneymoore Lane; overlooking and loss of privacy; concerns regarding the quality of improvements to the road; inconsiderate construction hours/site un-kept during development of properties to the rear.

- 6.6 With regards to construction traffic, this is often a concern for local residents on new schemes. There is always an element of disturbance and sometimes obstruction when new houses are being built. The Local Planning Authority would not restrict development because of construction traffic for such a small scale development. In addition, Minneymoor Lane is already used for delivery vehicles, dustbin lorries and traffic from houses, so this traffic would cause more harm to the road than short term construction traffic. It would therefore be the responsibility of the driver and developer to ensure they access the site in a safe manner.
- 6.7 In terms of the inconsiderate operational hours/bad language etc which has caused disturbance during the construction of the two dwellings to the rear, this is considered to be a civil matter rather than a material planning consideration and thus is not a reason to refuse planning permission at this site. Similarly, in regards to conditions relating to the previous consent, the condition referred to relates to land outside of this application's red line boundary and therefore is not a reason to refuse planning permission.
- 6.8 The concerns raised in Representation 3 in regards to impact upon amenity will be addressed in the appraisal section below.

7.0 Parish Council

- 7.1 No Parish Council.

8.0 Relevant Consultations

- 8.1 **Ramblers Association** – No response.
- 8.2 **Footpaths** - No response.
- 8.3 **Environment Agency**– No response (not in Flood Zone).
- 8.4 **Highways**- requested further photos in relation to the standard of works undertaken on Minneymoor Lane in regards to the condition on the previous permission. Grampian Condition proposed to ensure that works are completed prior to occupation of the proposed dwelling. Condition proposed relating to the property driveway. Access via the adjacent private drive acceptable.
- 8.5 **Internal Drainage**- No objection, conditions proposed.
- 8.6 **Pollution Control**- Screening form provided but given previous historic uses conditions regarding ground investigations proposed.
- 8.7 **Tree Officer**- No objection, conditions proposed
- 8.8 **Yorkshire Water**- No response
- 8.9 **National Grid**- No response
- 8.10 **Coal Authority**- No response.

9.0 Assessment

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

- Principle of Development
- Sustainability
- Impact upon Residential Amenity
- Design and Impact upon Character of Area
- Highways
- Flooding
- Trees

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

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

Principle of Development

9.3 The application site is within the Residential Policy Area (RPA) and as such Doncaster UDP Policy PH 11 states that residential development will normally be permitted where there is no harmful impact upon amenity; and that the form and scale of development is acceptable.

9.4 Emerging Policy 11, which can be afforded substantial weight, also reinforces similar principles, stating that proposals should protect and enhance the qualities of the existing area.

9.5 The proposal looks to erect one detached dwelling on an otherwise vacant parcel of land, surrounded by residential development.

9.6 The principle of development is therefore suitable at the application site, subject to the considerations as addressed below.

9.7 Sustainability

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

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

9.10 SOCIAL SUSTAINABILITY

9.11 Impact Upon Residential Amenity

9.12 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 . The SPD Development Guidance and Requirements states in section 2.5 that '*new housing should not give rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of existing occupiers*'.

9.13 Potential impact upon residential amenity, particularly in terms of overlooking/privacy and overshadowing have been raised as a concern in Representation 3.

9.14 In response to the concerns raised, the agent has provided additional plans to demonstrate how any potential impact which the development may cause has been mitigated. The property most likely to be impacted by overlooking would be the existing property at No. 43 Minneymoore Lane and thus has been shown on the section plan.

9.15 The Doncaster Development Guidance and Requirements SPD sets out that in order to ensure there is no harmful overlooking, there must be a separation distance of at least 21m, where habitable rooms directly face each other. As shown on the section plan and site plan, the front elevations of the proposed dwelling and existing property at No. 43 has a separation distance of at least 23m, exceeding the guidance set out in the SPD.

9.16 Due to the changes in the ground levels, the proposed property is at a higher finished floor level than the existing properties at No. 43 and No. 45 Minneymoore Lane. As shown clearer on the street section plan, the front gable window, which serves bedroom 3 at the proposed dwelling, directly faces the roof of the adjacent properties rather than habitable windows. The other first floor windows on the proposed property would serve the landing and en-suite bathroom and thus are not main habitable rooms.

9.17 The proposed detached garage has been positioned to the front of the dwelling. Whilst the garage is only single storey, its pitched roof design also provides a form of screening between the proposed dwelling and the existing properties to the north.

9.18 Given the reasons set out above, it is not considered that the proposal will cause harmful overlooking upon the existing properties to the north of Minneymoore Lane, or impose on privacy. The position and design of the proposed dwelling means that there would be no direct overlooking of habitable rooms and exceeds the separation distance as set out in the SPD Guidance.

9.19 In terms of the properties to the rear of the application site, the separation distance between the closest points is over 27m. The dwelling to the rear is positioned at a diagonal angle. Given the substantial distance between these properties and the fact that no direct windows are facing, the proposal will not cause harmful overlooking on those dwellings to the rear.

- 9.20 Though the proposal is set at a slightly higher ground level than those existing properties opposite, given the separation distance between these dwellings, it is not considered that harmful overshadowing will be caused. The proposed dwelling has been designed as a dormer bungalow, with the same ridge height as the adjacent property. Thus no additional overshadowing over and above what is caused by the existing bungalow adjacent will be caused.
- 9.21 The application site was historically covered in dense woodland, with large shrubbery defining the northern boundary of the site. The width of Minneymoore Lane has been increased and thus the proposal set further back from the highway than the original boundary. Whilst it is recognised that the separation distance between the proposed garage and the front elevation of No. 43 is approximately 14m, the single storey design of the garage means that any overshadowing caused by this building would be limited.
- 9.22 It is not considered that the proposal would cause any additional overshadowing in comparison to the former use of the site and overall is more likely to be an improvement. (This is shown clearer in the photos in Appendix 3).
- 9.23 The design and scale of the proposed development has carefully considered the setting of the surrounding properties to ensure that the dwelling does not appear overly tall or overbearing in comparison to the adjacent dwellings. The proposed dwelling has the same ridge height to the adjacent property at Rockley (shown as No. 49 Minneymoore Lane) which is only single storey. Thus, the proposed dwelling would cause no further overshadowing or overbearing appearance than the existing adjacent property.
- 9.24 Considering all of the above, the proposed dwelling is in accordance with the guidance set out in the relevant SPDs in terms of both overlooking and overshadowing, and thus will not harmfully impact existing residential amenity.
- 9.25 In terms of the residential amenity of future occupiers, this is also acceptable and accords with the SPD. The proposed dwelling will provide a large private rear garden exceeding 277sqm, which is over 4x larger than the minimum standard set out in the SPD for a 3 bedroom dwelling.
- 9.26 All the internal bedrooms exceed the space standards set out in the adopted South Yorkshire Residential Design Guide.
- 9.27 In conclusion, the proposed development would not result in a harmful impact upon either the existing or future residential amenity. Therefore the application is in accordance with Policy CS14 and PH11(B) and carries significant weight.

9.28 Conclusion on Social Impacts.

- 9.29 Paragraph 8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 9.30 The proposed development will provide a suitably sized dwelling on an otherwise vacant site, within an established residential area. The application site is

surrounded by residential properties in all directions and thus is suitable for the proposed development.

- 9.31 The proposal would not adversely affect neighbouring residential properties through excessive overlooking or loss of privacy. Although representations have been received referring to potential impacts, plans have been provided to address these concerns and clearly demonstrate that amenity would not be impacted. The proposal accords with all the relevant guidance as set out in the adopted SPDs, as well as the Policy CS14 and PH11(B). Thus the proposal weighs positively in terms social impacts and carries significant weight.

9.32 ENVIRONMENTAL SUSTAINABILITY

9.33 Design and impact upon the character of area.

- 9.34 As set out in Paragraph 3.3, there is no definitive or obvious form of dwelling design along this section Minneymoor Lane. Though all the properties are built from red brick, red/dark roofs and white window frames.

- 9.35 The proposed development will reflect these design features. The property is to be built from red brick (Hoskins Flemish Antique) with a dark grey roof. The windows will be UPVC sliding sash style with stone cills features.

- 9.36 The front boundary of the development will be defined by a beech hedgerow, which has already been installed and will be maintained so that it does not exceed 1m in height. This boundary treatment reflects the original use of the site and provides a natural boundary treatment. The rear garden will be defined by a 1.8m fence.

- 9.37 The design of the proposed dwelling reflects the character of the existing residential area, being set back from the highway and utilising similar materials to both the newly developed dwellings to the rear and those traditional style properties opposite. The proposed appearance and design is in accordance with adopted Policy CS14 and Policy PH 11 (A).

9.38 Highways

- 9.39 The proposed dwelling will be accessed off the private drive which runs to the west of the application site. This private drive was originally installed as part of the previous application and currently serves the two dwellings to the rear.

- 9.40 Historical applications at the site were resisted due to highways concerns. An application in 1997 was refused based on insufficient highway access- particularly relating to the poor condition of Minneymoor lane. This application did however relate to a total of 6 houses.

- 9.41 During the consultation period for both the 2011 and 2015 application, local residents raised concerns relating to the substandard condition of Minneymoor Lane and the fact that additional dwellings (particularly construction traffic) would worsen the condition of the road. Prior to application ref: 11/02093/FUL being granted, Highways DC advised that a development of 2 houses at the site would be supported at the application site as the impact upon the road was considered to be negligible.

- 9.42 Application ref: 15/00062/FUL (the implemented scheme to the rear) included various conditions relating to the highways improvement. This included the widening of the private drive; provision of bin store and the drive being built so that it can withstand a 12.4 tonne axle load.
- 9.41 A Grampian Condition, (which is a planning condition that is attached to a decision notice that prevents the start of a development until off-site works have been completed on land not controlled by the applicant), was also attached to a previous planning permission relating to improvements of Minneymoore Lane. It is understood that these works have been partially completed, with the applicant expecting to apply the final tarmac once services for the proposed dwelling have been installed (should permission be granted).
- 9.42 The Highways DC Officer has reviewed the application submission and requested further photographs of Minneymoore Lane. The addition of one dwelling is not considered to substantially increase the number of traffic movements along Minneymoore Lane/the private drive to the east and therefore there is no objection to the development.
- 9.43 In terms of the condition of Minneymoore Lane, a Grampian Condition has been proposed in relation to applying the final surfacing. This is to be completed, with evidence to be provided, prior to occupation of the proposed dwelling.
- 9.44 All surfacing of the proposed driveway to the front of the dwelling is also to be completed prior to occupation.
- 9.47 Flooding
- 9.48 The application site is in Flood Zone 1 and thus of low probability of river flooding. On the Government's Surface Water Flooding map, the site is also shown to be in the low risk category- which is the same category as the site to the rear which has recently been developed. Though Cllr Pearson has outlined a series of queries prior to Planning Committee regarding potential underground streams and flood risk.
- 9.49 The agent has confirmed that there is no record of underground streams or evidence of the application site flooding historically. A Phase 1 Desktop Study was undertaken to support the previous application, which did not identify any site specific ground water issues. Similarly, no ground water issues were encountered during foundation/groundworks when erecting the dwellings to the rear.
- 9.50 The Environment Agency have been consulted on the application, however given that the site is in FZ1, no further comments have been received. Our Internal Drainage team have also reviewed the application and have proposed the relevant condition.
- 9.51 Given the scale of the development and the fact that the site is in FZ1, it is not considered that the proposed development would increase the flood risk upon either the site or the surrounding properties.
- 9.52 Trees
- 9.53 Cllr Pearson also raised a query regarding the felling of trees. The proposed development does not include the further removal of any trees, with the site being previously cleared prior to the development of the dwellings to the rear.

9.54 New planting has already been installed along the front boundary of the site, as part of the previously approved development. The proposal includes installing 3 new trees in the rear garden of the proposed dwelling.

9.55 The Tree Officer has reviewed the proposal and has no objection subject to the conditions proposed which relate to the protection of existing trees.

9.56 Cllr Ball outlined that the development could have a potential impact upon the Mill Piece, which is a wooded area accessed off Low Road, Conisbrough. This wooded parkland is over 300m from the application site, with existing high density housing located between the application site and the parkland. As such it is not considered that the development of one dwelling on Minneymoor Lane would impact this woodland.

9.57 Contaminated Land

9.58 Core Strategy Policy CS 18 (B) states that where there are any risks to ground conditions arising from contamination or previous land uses are identified, proposals will need to incorporate measures to prevent, control and mitigate any ground instability.

9.59 The Contaminated Land team have been consulted on the application and have identified that historic maps show the application site is located on a nursery near a quarry so there is a strong possibility that contaminants remain on the site. Therefore the screening assessment could not be acceptable and a number of conditions are proposed relating to further ground investigations to be carried out.

9.60 **Conclusion on Environmental Issues**

9.61 Paragraph 8 (c) of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9.62 The application proposal is not considered to harmfully impact the environment or surrounding uses. The site is small in scale, and is situated within an existing built-up area. The proposal will not result in further loss of trees or impact the flood risk at the site. The Highways DC Officer considers that the proposed highways/access arrangements are acceptable subject to the proposed conditions.

9.63 The application is not in a Conservation Area, thus there being no impact upon any Heritage assets. The proposed materials and design is suitable and reflect the character of the surrounding development. The proposal does not detrimentally affect the surrounding environment. This weights moderately in favour of the application.

9.64 ECONOMIC SUSTAINABILITY

- 9.65 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesman connected with the build of the project.
- 9.66 On the wider level, the provision of one additional dwelling will make a limited contribution to housing supply and local spending.

9.67 Conclusion on Economy Issues

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

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified that both socially and environmentally the application weighs in positive favour, while no adverse economic harm, that would significantly or demonstrably outweigh the benefits outlined, has been identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the adopted development plan and adopted policies and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

11.1 GRANT planning permission subject to conditions:

1. 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.

2. The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:
Proposed Site Section and Street Elevation, Drawing No: 03, Rev 00, Received 14/1/2021
Proposed Plans and Elevations, Drawing No: 01, Rev 04, Received 19/1/2021

Proposed Site Plan and Garage Plans (includes Highways Details),
Drawing No: 02, Rev 02, Received 19/1/2021

REASON

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

3. Prior to occupation of the approved dwelling, 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.

4. Notwithstanding the approved plan, prior to commencement of development a scheme shall be submitted to the local planning authority for approval that includes the details of the materials to be used for the surfacing, draining and where necessary, markings on Minneymoore Lane. This shall be implemented in accordance with the agreed plan (Proposed Site Plan and Garage Plans (includes Highways Details), Drawing No: 02, Rev 02, Received 19/1/2021) prior to the commencement of development of the dwellings.

REASON

In the interests of Highway safety

5. Prior to the occupation of the approved dwelling, the improvements to Minneymoore Lane, including the surfacing, drainage and where necessary the markings as shown on the approved plan shall be implemented, with evidence to be submitted and approved in writing by the Local Planning Authority.

REASON

To ensure the associated improvements to Minneymoore Lane are implemented so they can accommodate traffic for the new dwellings.

6. 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.

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.

7. Prior to commencement of development a contaminated land assessment and associated remedial strategy, together with a timetable of works, are submitted to 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.

To ensure that any risks are assessed and remediation in place before any demolition works or construction works begin to the ground.

8. 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.

9. 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.

10. Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with British Standard 5837: 2012 Trees in Relation to Design, Demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the approved scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in

accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON

To ensure that retained trees are protected from damage during construction.

11. No development shall take place on the site until final details of a landscape scheme as shown on site plan (Drawing 02 Rev 01) have been submitted to and approved in writing by the Local Planning Authority. Unless specifically approved otherwise in writing by the Local Planning Authority the landscape scheme shall include the planting of appropriate trees and shall provide a detailed planting plan, planting specification and schedule; a landscape establishment specification; a timescale for implementation and a maintenance specification. Thereafter the landscape scheme shall be implemented and maintained in full accordance with the approved scheme for a minimum of five years following practical completion of the landscape works. Any landscape feature which is defective, damaged or removed within five years of establishment shall be replaced in full accordance with the approved scheme.

REASON

In the interests of environmental quality.

12. Construction works shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays;
and 08:00 hours to 13:00 hours on Saturdays;
nor at any time on Sundays or Bank Holidays.

REASON

To safeguard the amenities of the occupiers of the adjoining properties.

13. Prior to commencement of the development as hereby approved a Hedgerow Management and Enhancement Scheme shall be submitted and approved in writing by the Local Planning Authority.

REASON

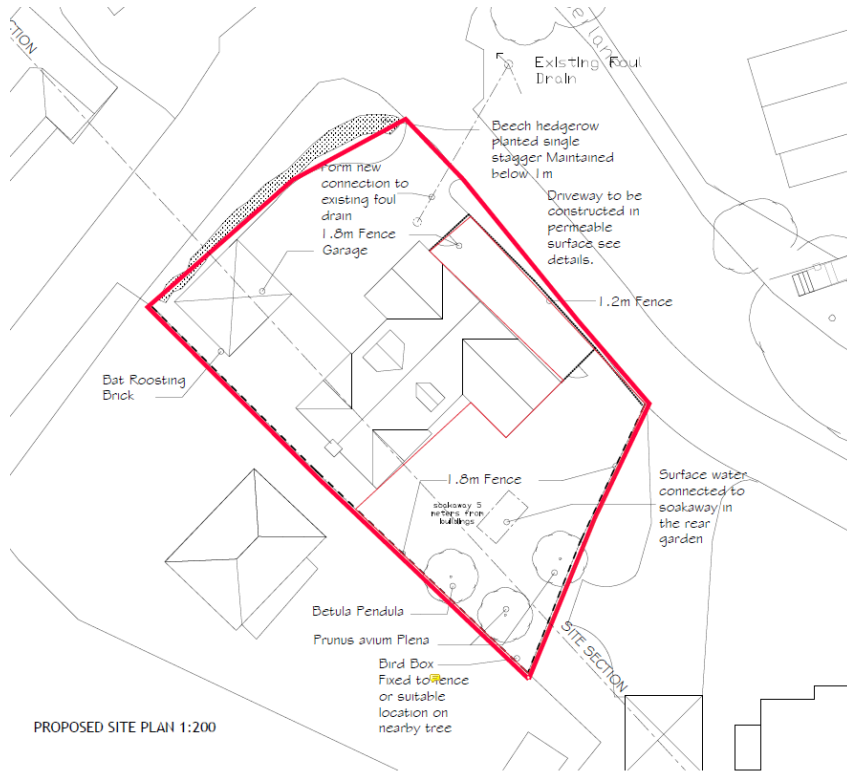
To ensure the proposal is in accordance with Core Strategy Policy CS16

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

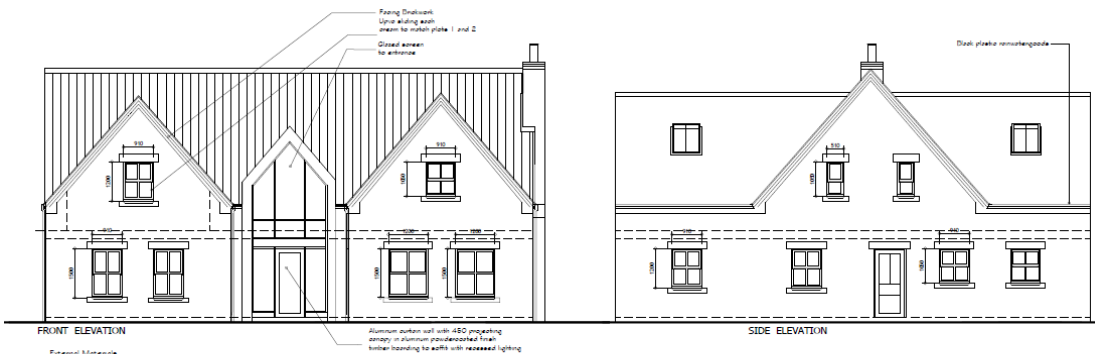
2. INFORMATIVE

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

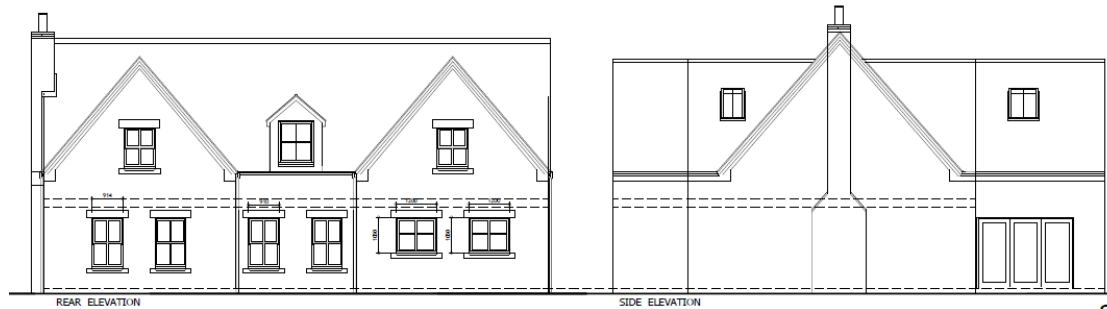
APPENDIX 1- Site Layout



APPENDIX 2- Proposed Plans



External Materials
 Black vinyl rainwatergoods
 Sandstone Calenderdale dark grey
 Machine Finish Antique Stone Clia with Brick headers



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APPENDIX 3- Photos of Minneymoor Lane

Prior to highways improvement works



Application Site – photos dated 2011



Following highways improvement works- final tarmac to be applied



Application Site – photos dated 2021



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Application	5.
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Application Number:	20/03180/FUL
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Application Type:	Full Planning Application
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Proposal Description:	Erection of first floor extension above existing ground floor extension and erection of single storey pitched roof store to rear and internal alterations
At:	Dentist Practice 5 Alston Road Bessacarr Doncaster

For:	Ms Heema Sharma
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Third Party Reps:	Statement of support from 3 residents and 7 objections	Parish:	
		Ward:	Bessacarr

Author of Report:	Nicola Howarth
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SUMMARY

The proposal seeks permission for a first floor pitched roof extension above an existing ground floor side extension and a single storey pitched roof store to the rear and internal alterations at an existing dental practice at 5 Alston Road, Bessacarr.

This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the need for this development. The development would not cause unacceptable harm to neighbouring properties, the highway network or the wider character of the area.

RECOMMENDATION: GRANT planning permission subject to the imposition of suitable conditions and a Section 106 Agreement.



1.0 Reason for Report

- 1.1 The application is being presented to Planning Committee for determination because of public interest.

2.0 Proposal

- 2.1 Planning permission is sought for a proposed first floor pitched roof extension above an existing ground floor extension and a single storey pitched roof store to the rear and internal alterations at an existing dental practice at 5 Alston Road, Bessacarr.
- 2.2 The practice has been approached by government to provide more appointments for the local community to meet demand. The extension will provide for an additional three treatment rooms, waiting room, store and improved staff facilities. The proposed staffing is 3 part time clinicians, 1 full time clinician, 1 full time assistant to clinicians and 1 full clerical staff member. The times of opening are 09.00 - 17:30 Monday to Friday.
- 2.3 The building materials are to match the existing building. The extension will be above an existing side ground floor extension together with a side rear ground floor extension. The built footprint would increase by 12 square metres. There will be two new obscure glazed window openings on the west side upper elevation and no new upper levels windows on the south rear elevation. Three new velux roof-lights are to be installed on the south rear ground floor store extension. There will be two new windows on the upper floor front facing north elevation. One new upper floor window on the east facing elevation.

3.0 Site Description

- 3.1 The application site comprises a large detached brick property and lies on the corner of Alston Road and Broughton Road. The property has been divided internally and contains the dental practice and a beauty clinic/hairdressers. The surrounding area is predominantly residential in character, and allocated as such within the Development Plan.
- 3.2 For the dental practice, off-road car parking is at the front of the premises and at the front and side of the premises for the beauty clinic/hairdressers. A small brick wall divides the two parking areas. The Applicant has confirmed that the premises is within their ownership and the red line boundary relates to the whole of the premises.
- 3.3 The site is bounded to the west by No. 7 Alston Road which is a semi-detached residential property. Opposite to the north is a Meeting Hall and 18 Alston Road also a semi-detached residential property and a newsagent shop lies on the corner to the east. To the rear (south) of the premises lies 6 Broughton Road a detached residential property.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
99/2884/P	Erection of extension (6.50m x 8.60m) to existing dental practice	Application Granted
95/0835/P	Erection of extension (5.40m x 5.18m) to shop	Application Granted
93/3454/P	Erection of single storey rear extension to form treatment room/practice/lobby/wc extension (7.55m x 5.35m overall) to existing dental practice	Application Granted
88/2784/P	Display of 2 no. Internally illuminated fascia signs (6.5m x 0.45m and 4.1m x 0.45m)	Application Granted
81/0420/P	Change of use of first floor and part ground floor from residential to dental practice	Application Granted
81/0174/P	Display of illuminated projecting sign (0.83m x 0.53m)	Application Granted
80/2525/P	Change of use from shop to estate agent's office (being details reserved in permission granted under code 80/36/02229 on 21/11/80)	Application Granted
80/2229/P	Change of use of ground floor from shop to estate agent's office	Application Granted

5.0 Site Allocation

- 5.1 The site falls within a designated 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.
- 5.2 National Planning Policy Framework (NPPF 2019)
- 5.3 The 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 Paragraphs 54 – 56 set out the requirements for a local planning authority's use of conditions and obligations when considering whether an otherwise unacceptable development could be made acceptable. Imposing conditions should only be used where; they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. 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.
- 5.7 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).
- 5.8 Regarding Highways: Paragraph 109 of the NPPF states, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.9 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.
- 5.10 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.
- 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 Core Strategy 2011 - 2028
- 5.13 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)).

5.14 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:

5.15 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.

5.16 Policy CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.

5.16 Saved Unitary Development Plan Policies (Adopted 1998)

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

5.19 Policy CF8 states that the Council will support the wider and more efficient use of all community facilities where this can be achieved without detriment to the interest of the principal users of the facilities.

5.20 Policy 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.

5.21 Local Plan

5.22 The Local Plan was formally submitted for examination on 4th March 2020. The Local Plan examination is completed and adoption is likely to be early 2021. 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

The Council has now carried out its examination in public (Regulation 24 stage) and is aiming to adopt the Local Plan by summer 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:

5.23 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:

5.24 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.

5.25 Policy 11 (Residential Policy Areas) reinforces some of the wording of PH11 stating that within Residential Policy Areas, as defined on the Proposals Map and is afforded substantial weight:

A) New residential development will be supported provided:

1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.

B) The establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

5.26 Policy 47 states that Non-Residential, Commercial and Employment Developments should be designed to be high quality, attractive, and make a positive contribution to the area in which they are located. This policy is afforded substantial weight.

5.27 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, press advertisement and neighbour notification.

6.2 A Statement of Support from 3 local residents has been submitted by the Applicant and 7 objections have been received from local residents (3 from the same property).

6.3 The comments provided in the Statement of Support are:

- The considerations in respect of extending the practice would be greatly appreciated. The dentist who has been treating me of late is excellent and the practice needs to keep him. I fully support whatever you are able to put in place to maintain this excellent service.

- That's great, the more surgeries the better so we can get a sooner appointment.
- Having discussed the proposals I feel this will be a great benefit to patients. Any expansion will be fantastic for the future of the practice.

6.4 The comments in the letters of objection are summarised as follows:

- Problem of congestion and dangerous parking on Alston Road and neighbouring roads.
- Insufficient parking for present businesses.
- Highway safety issues and parking issues related to the premises especially during school drop of and collection.
- Grinding noise emanates from the premises.
- The extension would block light to the windows on the side elevation of No.7 Alston Road and cause overlooking of the garden.
- The extension would cause overlooking into the garden of No.6 Broughton Road.
- Problems with effluent overflowing onto residents gardens from the Pink Orchid and the Dental practice in the past.
- Visitors to the practice and beauty salon park across residents driveways.
- During the school run in the morning and mid-afternoon the parking backs up all the way from the school towards the dentist.
- The small corner shop/private dwelling on the opposite side of the road has opened as a Post Office and is already attracting even more vehicular traffic in this area.
- The additional treatment rooms and the extra staff and customers will bring more traffic and parking problems to an area that is already too congested. The corner shop opposite the hairdressers has turned into a 'Post Office', without the knowledge of most of the residents on this road and has resulted in further increased staff.
- The meeting hall belongs to a Religious order who conduct their affairs very privately. Their car parking area is always padlocked unless they are using their facility. They also store their very expensive minibus there. Knowing the way they keep themselves and operate I would find it astonishing should they vote and then agree to let this happen without a legal framework. How many years for, who would be responsible for unlocking and securing each day, who will be responsible for ensuring there was no damage. Who would be responsible for the car parking signage and disclaimers.

7.0 Relevant Consultations

7.1 **Neighbourhood Manager** – No comment.

7.2 **DMBC Highways DC** – No comment.

8.0 Assessment

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

- The principle of development in this location
- The impact of the proposal upon residential amenity
- The design and appearance of the proposal
- Highway safety and parking issues
- Need for the development

Principle

8.2 The application site lies within the Residential Policy Area as defined by Doncaster's UDP. As such consideration should be given to Policy PH12 of the UDP which states: 'Within residential policy areas, the establishment or extension of non-residential uses of appropriate scale will be permitted, provided the use would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, pollution, fumes, smells or unsightliness.'

8.3 Policy CF8 of the UDP recognises community facilities as a limited resource and should be utilised to the fullest extent. Supporting the wider and more efficient use of all community facilities where this can be achieved without detriment to the interest of the principal users of the facilities.

8.4 This is an established community dental practice and the principle of the development is acceptable subject to an assessment of the application details and whether there would be an unacceptable effect on residential amenity, character and appearance of the area and highway safety.

The impact of the proposal upon residential amenity

8.5 Policy CS14 of the Core Strategy and Policy PH12 of the UDP seeks to ensure that new development does not have a negative effect on residential amenity. The main considerations relate to issues of over-dominance, overlooking or loss of light to neighbouring properties.

8.6 From the perspective of No. 7 Alston Road, the side elevation of the upper level extension will have two obscure glazed windows preventing overlooking of the side of the property. A planning condition can ensure that these windows remain obscure glazed and prevent the opening of these windows to avoid any overlooking and mitigate any noise emissions.

8.7 In respect of loss of daylight to the side and rear garden, the extension does not extend beyond the building line of No. 7 therefore only side windows of No 7 could be affected by reduced light. There is already a single storey extension opposite the side elevation of No.7. In respect of affected habitable rooms, there is a ground floor side double kitchen window on the side of No.7. There is another kitchen window at the rear of No 7 not affected by the extension. These two windows provide for light to the kitchen. The extension does not project beyond the rear building line of No. 7 and there is a separation distance of approximately 4.5 metres between the two side elevations including a driveway. Given the above considerations, there should not be any detrimental loss of light to the kitchen or the rear garden area.

- 8.8. From the perspective of No. 6 Broughton Road, the existing rear elevation of the premises is currently approximately 3 metres away from the garden boundary fence with No.6. The development would bring the end section of the premises outwards by 2.8 metres and closer to the adjoining rear garden boundary wall and fence. The upper level extension has no windows on this elevation except roof lights at ground floor level. This would not lead to a significant loss of light or visual amenity. The ground floor roof lights would not cause any loss of privacy.
- 8.9 Front facing windows pose no different a situation than currently exists with the surrounding neighbours.

Noise

- 8.10 There will be some noise from the procedures and comings and goings that take place at the practice. Such a use generally and historically takes place within residential areas and benefits from being within such areas. The practice has operated from the site for many years. Noise from dental activities are not considered to be at a statutory nuisance level or excessive. The hours of opening correspond to normal working days when people are generally at work. They do not operate in an evening or at a weekend.

Drainage

- 8.11 In respect of drainage, the existing foul drainage system will be used which is owned and maintained by Yorkshire Water. Commercial waste is removed off the site. The amended plans confirm that existing drainage system will be exposed to the satisfaction of the building inspector and or Yorkshire Water/Severn Trent Water prior to laying of the foundations. The agent has confirmed that an inspection of the current drainage system confirms that it is in full working order and exhibited no signs of blockages or surcharging and is in pristine condition. As the impermeable area generally remains the same with the proposed extension, there should be no increase of surface water into the existing surface water system.
- 8.12 Overall, it is considered that the proposed development would not unacceptably harm the amenities of the neighbouring residents. The development is in accordance with CS14 of the Doncaster Core Strategy and Policy PH12 of the UDP.

Design and appearance

- 8.13 Paragraph 58 of the NPPF states that developments should function and add to the overall quality of the area, establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places. They should also respond to local character and history and reflect the identity of local surroundings and materials.
- 8.14 Policy CS 14 of the Doncaster Council Core Strategy states that all 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. Policy ENV54 states that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building.
- 8.15 The proposed extensions are designed to complement the design features of the existing property, with matching brick walls and tiled hipped roof. It would be in keeping with other properties along the road and the surrounding built environment.

The extension would be visible in the street scene, however extensions are commonplace in the local street scene and its design and appearance would be in keeping with neighbouring properties.

- 8.16 The application is therefore in accordance with Policy CS 14 of the Doncaster Council Core Strategy and Policy ENV54 of the UDP and this carries significant weight in favour of the development.

Highways and Parking

- 8.17 The NPPF in para 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe.
- 8.18 Policy CS14 of the Core Strategy states that one of the components of good design is to ensure that developments take into consideration highway safety. Policy PH12 of the UDP seeks to ensure that within residential policy areas extensions of non-residential uses would not cause unacceptable loss of residential amenity through excessive traffic.
- 8.19 Whilst it is accepted that the practice is within a sustainable location and in walking distance for many residential properties, as a dental practice it is inevitable that some people will need to either go or be taken by car.
- 8.20 The proposals double the capacity of the practice. The Applicant have stated that there will be no expected increase in clinicians or patients compared with pre-COVID levels. The extra practice space is desperately required in order to comply with Government COVID requirements and the continued need to provide a dental service to the public.
- 8.21 The proposal does not provide any additional car parking provision (from the 5 provided) However, the practice also utilises the spaces of the adjoining beauty premises and this is within same ownership. This can provide for up to 8 cars.
- 8.22 The SPD provides a guide on maximum parking standards for development and sets out the following required car parking standards for a dental practice:
- 1 space per medical practitioner on duty at the busiest time (to include nurses, counsellors, chiropodists etc.)
 - 1 space per 2 non-medical staff
 - 3 spaces per consulting room (to include all rooms occupied by a medical practitioner as defined above)
- 8.23 As a worst case scenario and a maximum, based on the number of consulting rooms this would be 18 spaces for six consulting rooms. For 4 clinicians both full and part time all working on the same day this would equate to 4 spaces and 1 space for the non-medical staff. In total 23 spaces. The standards are a maximum in order to prevent over provision of car parking in new development. They can be applied flexibly in sustainable areas and where circumstances allow such as here.

- 8.24 In addition, to provide additional car parking for patients, the Applicant has put forward an informal signed agreement with the Brierley Hall Meeting Room (located opposite the dental practice). This provides for 10 additional car parking spaces.
- 8.25 As this is an informal agreement, it is not legally enforceable in its current format by the Authority, as it is outside the redline application boundary and the Applicant's land ownership / the Applicant's control. To ensure this proposal for the off-site car parking provision is legally enforceable it would be necessary for the Applicant and the landowner of Brierley Hall Meeting Room to enter into a section 106 agreement to provide for the off-site car parking. This would provide the legal mechanism for the additional car parking spaces in close proximity to the practice and ensures that the provision is binding between the parties, and the Authority can use its enforcement powers accordingly.
- 8.26 On site car park and office management measures are proposed by the Applicant and have been set out within a Travel Plan. The document sets out the following:
- 60% of the 5500 patients live within the DN4 postcode catchment area, of which 50% (1600+ patients) live within a comfortable walking distance, the reliance on a vehicle is substantially diminished.
 - The Practice will contact all their 5500 patients via social media and/or post, to ensure that the new parking regime is communicated to each and every patient.
 - Appointment text reminders are currently sent to all patients: this procedure will be revised to include the new parking arrangements.
 - A large sign will be positioned at reception, reminding patients of the new parking arrangements that parking on the highway is not acceptable and where possible, patients should walk to the practice for their appointment.
- 8.27 There is potential that the practice may have more comings and goings and an increase in car parking requirement, however no demonstrable impact can be identified to highway safety and there has been no objection from the Highways Officer. Any blocking of access points and highway contraventions would be a civil matter or dealt with under highway legislation.
- 8.28 Given the above considerations, advice within NPPF and no objection from the highway authority it is concluded that there will be no unacceptable impact upon highway safety and related residential amenity, the proposal is judged compliant with Core Strategy Policy CS 14 and Policy PH12 of the UDP. As such, significant weight is attributed in favour of the development.

Need for the development

- 8.29 The Applicant has set out an urgent need case for the development because of the COVID-19 pandemic.
- 8.30 The practice has been approached by government to provide more appointments for the local community to meet demand. As the surgery is currently already at capacity the need for the additional treatment rooms has meant the need to alter and extend the building.

- 8.31 Pre-COVID clinicians would occupy 1 practice per clinician. In the current covid climate due to increased hygiene protocols and virus risk dental practices are required to leave a period of fallow or empty the practice after patients. Therefore, 1 clinician uses 2 surgeries to attend to the same capacity of patients.
- 8.32 They currently have 3 clinicians at the practice. An increase in practice space from 3 to 6 will enable each clinician to be able to service the same capacity of patients as pre-covid whilst working to the current pandemic protocols. Therefore, there is no expected increase in clinicians or patients compared with pre-COVID levels. Therefore, the extra practice space is desperately required in order to comply with Government COVID requirements and the continued need to provide a dental service to the public.
- 8.33 The current modifications and protocols to healthcare delivery may be a more fixed regime. The practice has seen increased need in the area for emergency dental care and are conscious that there is a backlog in patient care due to the reasons mentioned above and may be asked by NHS England to support our local area teams and NHS 111 to help manage the dental patient needs, in which case they may require extra clinicians in the future. If that is required, they do not envisage 6 clinicians working at the same time.
- 8.34 Substantial weight is attributed to these need and benefits in favour of the development.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 In accordance with Paragraph 11 of the NPPF, the proposal is considered to be in the context of the presumption in favour of sustainable development. Compliance with development plan policies and the needs and benefits provided by the scheme are attributed substantial weight in favour of the development. Officers have identified there is no unacceptable harm that would significantly or demonstrably outweigh the urgent needs and benefits identified, when considered against the policies in the development plan and NPPF taken as a whole.
- 9.2 Subject to the recommended conditions and completion of an agreement under Section 106 of the Town and Country Planning Act, the proposal is compliant with the development plan and there are no material considerations, which indicate that the application should be refused.

10.0 RECOMMENDATION

- 10.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

Conditions / Reasons

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

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

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

Location/Site Plan Dwg CR1

Proposed Floor layout and Elevations Dwg CR3 Amended 12/01/2021

REASON

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

03 Before development is brought into use the windows on the first floor to treatments rooms 4 and 5 shall be fitted with obscured glazing and shall be non-opening. The windows shall be permanently retained in that condition thereafter.

REASON

To protect the residential amenity of the neighbouring residential occupier.

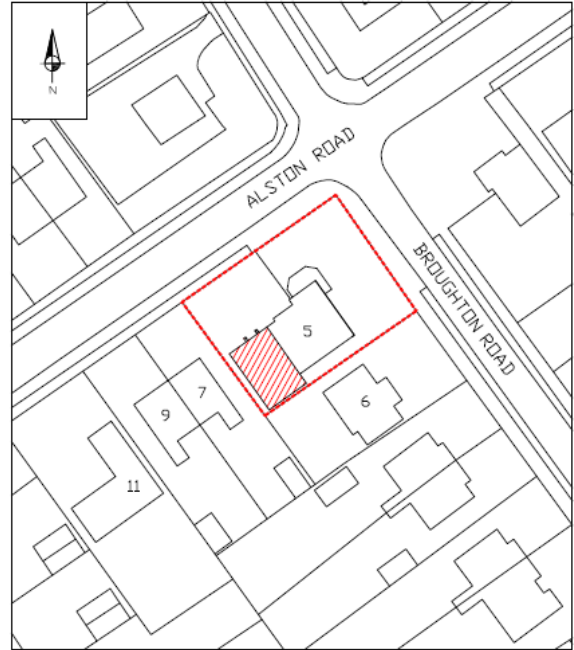
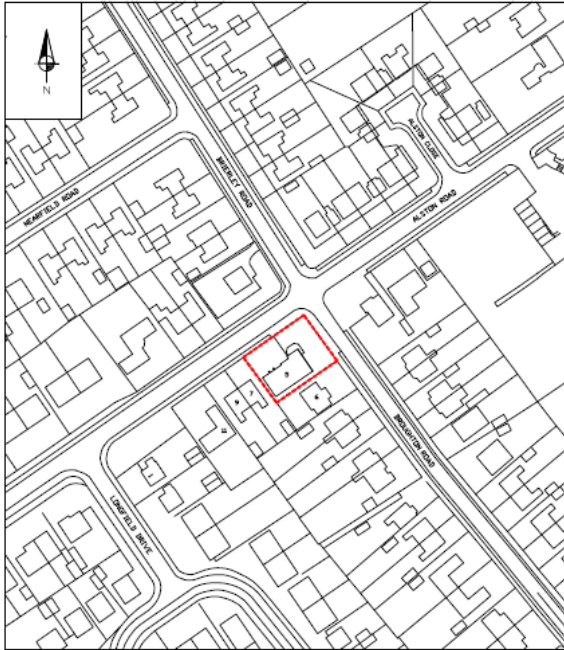
04 The development shall not be brought into use until a Travel Plan scheme has been submitted to and approved in writing by the local planning authority. The Travel Plan shall not be amended without approval from the local planning authority.

REASON

To protect the residential amenity of the neighbouring residential properties and in the interests of highway safety.

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 and Site Plan



APPENDIX 2: Existing Elevations



EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION

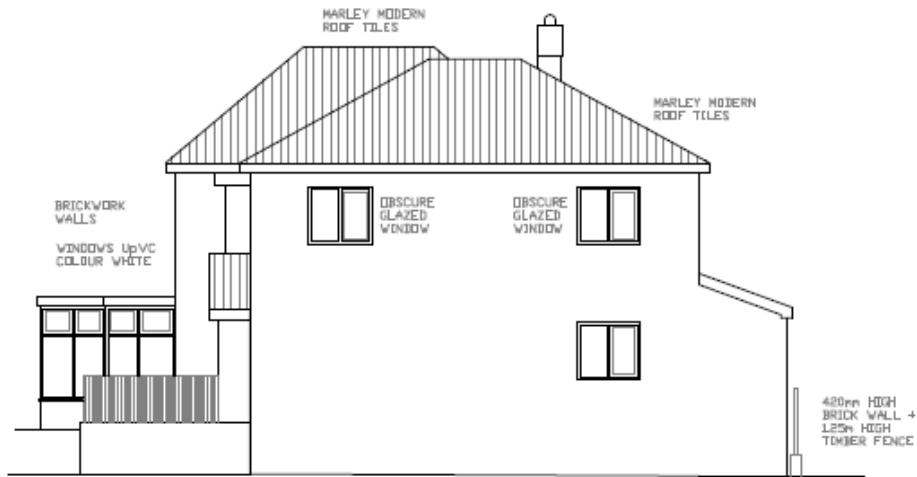


EXISTING SIDE ELEVATION

APPENDIX 3: Proposed Elevations



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

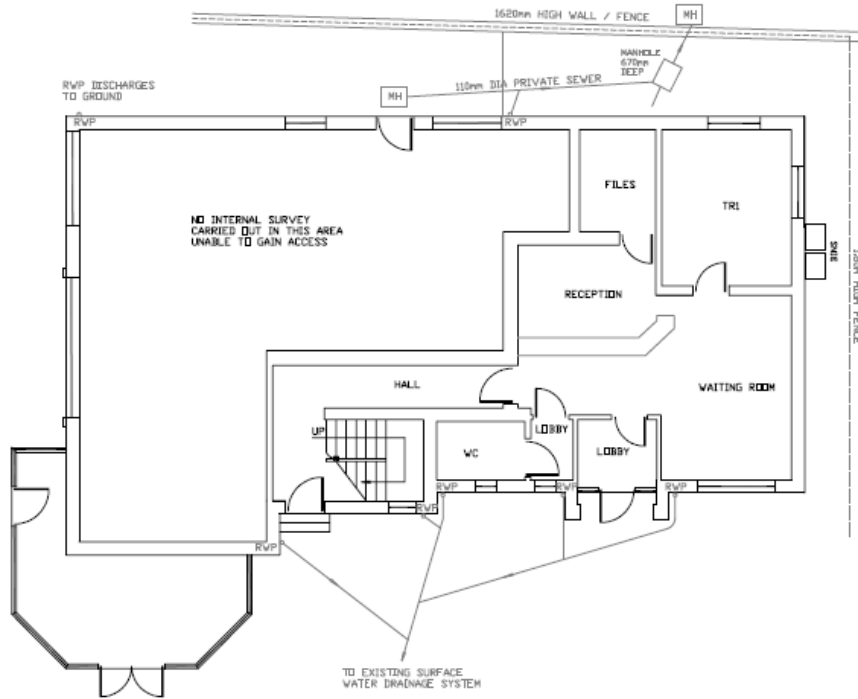


PROPOSED SIDE ELEVATION

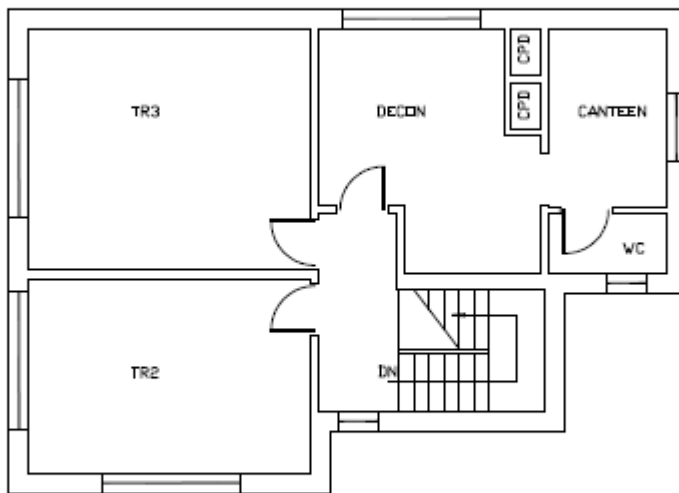


PROPOSED REAR ELEVATION

Appendix 4: Existing Ground and First Floor Layout Plans

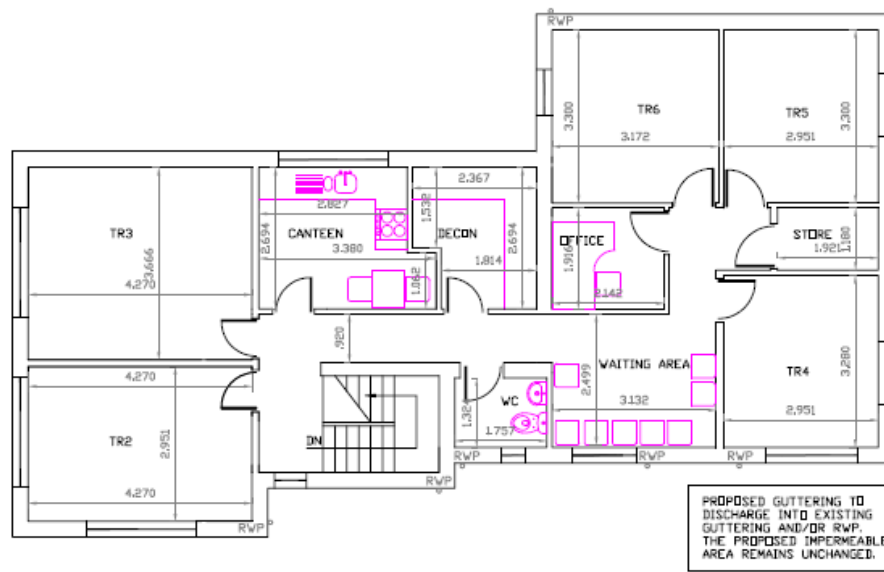
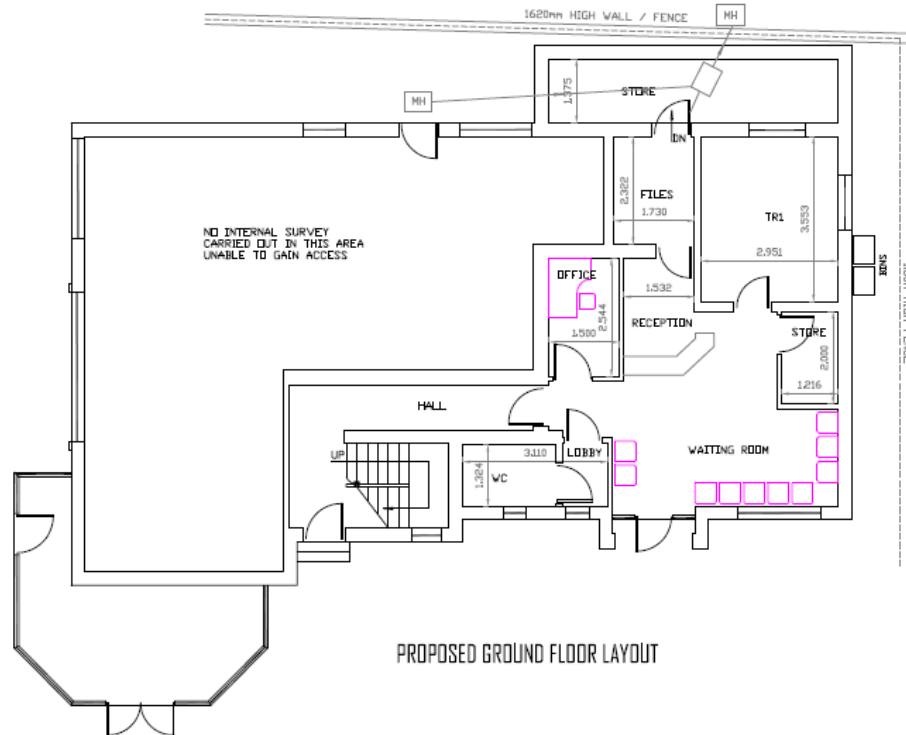


EXISTING GROUND FLOOR LAYOUT

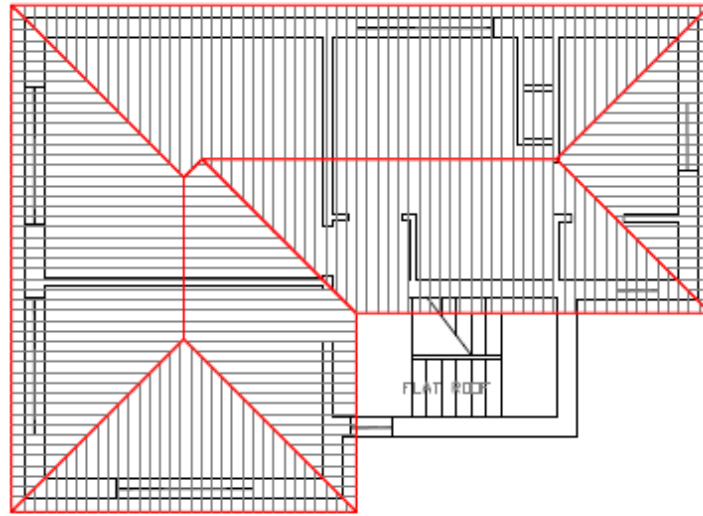


EXISTING FIRST FLOOR LAYOUT

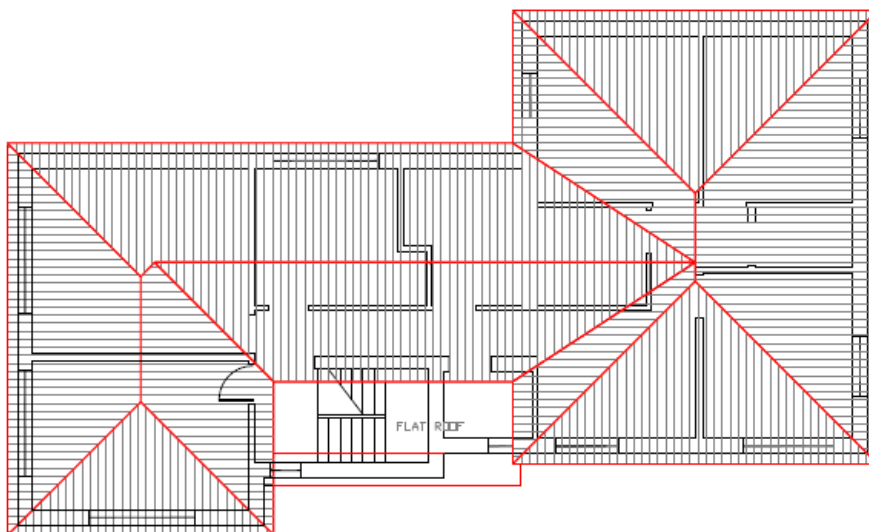
Appendix 5: Proposed Ground and First Floor Plans



Appendix 6: Existing and Proposed Roof Plans



EXISTING ROOF LAYOUT



PROPOSED ROOF LAYOUT



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 20/01/21]

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 20/01/21]

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 20/01/21]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 20/01/21]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 20/01/21]

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

EQUALITY IMPLICATIONS [Officer Initials IH Date 20/01/21]

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

CONSULTATION

15. N/A

BACKGROUND PAPERS

16. N/A

CONCLUSIONS

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
18/02496/OUT M	Outline application for residential development with means of access to be agreed. at Rivendell , Bloomhill Road, Moorends, Doncaster	Appeal Dismissed 21/12/2020	Thorne And Moorends	Committee	No
20/00004/FUL	Section 73 application to vary condition 6 of planning application 13/01192/FUL granted 02/10/2013. at Barnburgh Fishing Lakes , Ludwell Hill, Barnburgh, Doncaster	Appeal Dismissed 15/12/2020	Sprotbrough	Delegated	No

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PETER DALE
Director of Economy and Environment

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Appeal Decision

Hearing Held on 24 November 2020

Site visit made on 25 November 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/F4410/W/20/3245705

**Rivendell (and land to the rear), Bloomhill Road, Moorends,
Doncaster DN8 4SS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Lomas of DLP Planning Limited against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 18/02496/OUTM, dated 8 October 2018, was refused by notice dated 28 August 2019.
 - The development proposed is residential development.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the address in the banner heading above, so that it more accurately describes the appeal site.
3. The appeal development is in outline, seeking detailed approval of Access only, with Layout, Scale, Appearance and Landscaping reserved matters. At the Hearing the appellant confirmed that drawing number YK5285-1M-001 Rev A shows the details of the Access arrangements for which detailed approval is sought. It was also confirmed at the Hearing that the Indicative Site Layout drawing number 16/15-01 Rev C does not represent the intended layout.
4. The appeal proposal is a re-submission of a scheme previously refused planning permission by the Council on the same site. The Council has confirmed that the appeal scheme is identical to the previously refused proposal, including with regard to the Access arrangements. Whilst the Council has undertaken some fresh consultations, including with the Environment Agency (EA) in relation to an updated Flood Risk Assessment (FRA¹), in many cases it has relied upon the consultation responses submitted on the previously refused scheme.
5. This is somewhat unusual practice. Nevertheless, the Council has advised me that all of the statutory requirements, set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended, were complied with, in respect of consultations for the application that is the subject of this appeal. This is not a matter of dispute between the parties.

¹ w10344-180213-FRA and Drainage Strategy.

6. The Procedural Guide Planning Appeals – England, November 2020 (the Procedural Guide) is published on the Government’s website². In this case, a significant amount of evidence was submitted outside the clearly defined timescales contained in the Procedural Guide, by the Council, the appellant and various interested parties.
7. With reference to Annexe E of the Procedural Guide, I refused to accept some of this late evidence, including because I was not satisfied that it was directly relevant or necessary to my Decision.
8. However, some of the missing evidence was fundamental to the determination of the appeal and was information that I had requested be provided³. With reference to the Procedural Guide and following discussions with the main parties, I am satisfied that this information was not submitted originally due to human-error, that no one has been disadvantaged as a result and that it can therefore, exceptionally, be allowed as late evidence.
9. A draft Section 106 Planning Agreement, together with a CIL Compliance Statement from the Council, was submitted prior to the Hearing, with a signed and certified copy, dated 24 November, submitted during the Hearing itself.
10. However, during the Hearing it became apparent that a number of outstanding matters remained, including with regard to the S106 Agreement. Again, with reference to the Procedural Guide, I allowed a short period of time after the Hearing was closed for these matters to be addressed, including the submission of an updated S106 Agreement, dated 27 November 2020. It is to this updated S106 Agreement that I have had regard in determining this appeal.

Main Issues

11. The main issues are the effect of the proposed development on:
 - the safety and capacity of the local highway network
 - local facilities and infrastructure
 - the character and appearance of the area
 - housing provision and renewal in the area
 - drainage and flood risk

Reasons

12. The proposed development would be located in a generally rectangular-shaped grass field, to the rear of some dwellings on the northern side of Bloomhill Road, one of which is *Rivendell*. Vehicular and pedestrian access to the field would be via the side garden of *Rivendell*, to the east of the dwelling, from Bloomhill Road.

Safety and capacity of the local highway network

13. The appellant’s TS⁴ and the consultation responses from the Highway Authority and the Council’s Transportation team were all originally submitted as part of the previous development proposal on the appeal site.

² <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

³ Updated FRA; Transport Statement (TS) including Access plan (YK5285-1M-001 Rev A); and, Landscape and Visual Appraisal (LVA).

⁴ By Matrix and dated October 2017.

14. Anecdotal evidence of congestion on Bloomhill Road was presented to the Hearing, including traffic linked to the church on Bloomhill Road and by the junction with Marshland Road, the principal street in Moorends, which connects the settlement with Thorne to the south.
15. As part of the proposed development, the carriageway of Bloomhill Road would be widened in the vicinity of the appeal site, extending over the grass verge on the northern side of the road, towards the junction with Ferndale Drive to the east. This matter could be satisfactorily controlled by means of a condition, with visibility splays for the proposed two-way access road into the site to be provided within the highway of Bloomhill Road.
16. The proposed access road would be of a residential scale, with part of the carriageway indented. There would be footpaths on both sides of the carriageway, one of which would join a new footpath to be provided on the northern side of Bloomhill Road, linking the proposed development to Moorends.
17. The Council had no objection to the proposal in terms of its impact upon the local highway network and from the evidence I am satisfied with the proposed Access arrangements, subject to a suitably worded condition to control the widening of Bloomhill Road.
18. Whilst the proposed development would entail significant construction traffic travelling along Bloomhill Road and within the site, any disturbance to nearby residents would be short-term and could be addressed by a suitably worded condition.
19. For these reasons the proposed development would not adversely affect the safety or capacity of the local highway network. It would not, therefore, conflict with Policy CS9 (Providing Travel Choice) of the Doncaster Core Strategy 2011 (DCS) and the National Planning Policy Framework 2019 (the Framework), in this regard.

Local facilities and infrastructure

20. The proposed development would provide up to 59 dwellings, many of which would be suitable for families. Assuming that all 59 dwellings were to be constructed, there would be sufficient capacity at the local Primary School to accommodate the expected numbers of children of this age-group who would reside at the proposed development.
21. However, the Council considers that with a 5% contingency for available places, there would be insufficient places available at the local Secondary School, Trinity Academy, to meet the needs of the proposed development. The Council calculates that a total of 9 additional places would be required to ensure that sufficient capacity exists.
22. The Council has provided a formula for how they have reached such a conclusion and the actual cost of the additional secondary school places to be provided. Were fewer than 59 dwellings to be constructed, there could be a corresponding reduction in the number of places required. The S106 Agreement provides for an Education Commuted Sum to be paid by the developer on this basis.

23. The proposed family homes would also mean that there would be an increased demand for outdoor public space. For developments of more than 20 dwellings, Policy RL4 (Local public open space provision) of the Doncaster Unitary Development Plan 1998 (DUDP) requires that 10-15% of the site area should be public open space. The S106 Agreement provides for at least 10% of the site to be public open space for recreational use, including the provision of children's play equipment. Such details could be addressed at reserved matters stage.
24. I am satisfied that these elements of the S106 Agreement would be necessary to make the development acceptable in planning terms, would be directly related to the development and would be fairly and reasonably related in scale and kind to it⁵.
25. However, the proposed development would be a short distance from a railway embankment to the west. There is an unmanned pedestrian crossing of the two-way tracks atop the embankment here, leading from Bloomhill Road to Mount Pleasant.
26. Network Rail objected to the proposed development on the basis that it would increase use of the pedestrian crossing, including potentially by children from the proposed family homes. Various improvement works are identified in an email to the Council dated 25 March 2019 to mitigate the risks associated with increased use of the crossing. These would be funded by the developer to an estimated cost of some £15,000.
27. Whilst there was some further correspondence between the developer and the Council, there is no evidence that indicates that this issue had been resolved when planning permission was refused. The concerns raised by Network Rail are substantive. I put this to both main parties at the Hearing and invited them to consider this matter further and to respond within a short time of the Hearing closing.
28. As a consequence of this the S106 Agreement was updated so as to include a covenant from the owner to pay the Council a sum of £15,000 (the Network Rail Commuted Sum (NRCS)) prior to first occupation of the proposed development, with the NRCS to be used to upgrade the pedestrian crossing; the Council covenants to pay the NRCS to Network Rail upon demand.
29. However, Network Rail are not a party to the S106 Agreement. Regardless of the covenants in the S106 Agreement regarding payments, there is no mechanism within it to ensure that the specified works would be completed prior to the first occupation of the proposed development. Consequently, I am not satisfied that the proposed development would not be occupied whilst an inadequate crossing existed, with a consequent and unacceptable risk to those occupiers.
30. I note Network Rail's email to the Council of 26 November 2020. Irrespective of the time constraints faced by the parties, it is not a binding legal agreement and does not address the completion of the works. It does not cause me to reach a different conclusion in this regard.

⁵ Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and Paragraph 56 of the Framework.

31. For these reasons the proposed development would have an adverse impact on local facilities and infrastructure and would conflict with the Framework, in this regard.

Character and appearance

32. The entrance to the appeal site from Bloomhill Road is formed by an area of domestic garden, between the single-storey, pitched-roof dwelling, *Rivendell*, and the similarly scaled and designed dwelling to its east. The roughly rectangular grass field that comprises the majority of the appeal site is bounded to the south by the fences of the rear gardens of dwellings on Bloomhill Road. A metal fence by the Mount Pleasant residential caravan park forms the southern part of the eastern boundary of the site, with the fences of the rear gardens of dormer bungalows on Darlington Grove completing the eastern boundary.
33. The northern and western boundaries of the field are formed by hedgerows and small trees, which allow limited views of the rough grazing fields, hedgerows and trees beyond. The site is generally flat, with some depressions, and a slightly raised elevation towards the north, next to a drainage ditch just beyond the boundary hedge. In the southwestern corner is a small fenced enclosure that is used as a chicken run.
34. The terrain of the land in and around Moorends is characteristically flat. The dwellings along the northern side of Bloomhill Road extend towards the raised railway embankment and vary in size and design, from single storey properties such as *Rivendell* to larger 2-storey dwellings to its west. To the east is the caravan park, where the dwellings are typically around 2.5m in height.
35. The field to the rear of *Rivendell* has the character and appearance of countryside, which extends both northwards and westwards beyond its boundaries. Whilst the appeal site itself is largely screened from view by the buildings along Bloomhill Road, there are views of trees beyond the appeal site from here and from other nearby public vantage points, including within the adjacent caravan park and from Darlington Grove.
36. No substantive details of the Scale, Appearance, Layout or Landscaping for the proposed development are in the submitted evidence. However, in order to address the EA's objection to the previous proposal on the appeal site, a finished floor level (FFL) of 3.5m AOD would be required for the new dwellings. This would be some 1.5m–2.0m above the existing ground levels of the site, and similarly higher than the ground upon which the surrounding properties on Bloomhill Road, Darlington Grove and within the caravan park are constructed. At the Hearing the appellant confirmed that the FFLs of the proposed dwellings would be 3.5m AOD.
37. The development of housing on what is currently part of the countryside would manifestly change its character and appearance significantly. The planning application for the proposed development was accompanied by an LVA⁶, which concluded that the proposed development would represent adverse visual change, which would be most noticeable during the construction phase.
38. The LVA states that whilst the proposal would be largely screened from public views, the change impact from Viewpoint 4, by the entrance on Bloomhill Road,

⁶ By Geoplan and dated October 2017.

would be *major/moderate* during construction and *moderate* longer term. However, the LVA did not consider the 3.5m AOD FFLs required by the EA, and which would significantly increase the prominence of the proposed dwellings. The change impact of the proposal would, therefore, be likely to be considerably more severe than stated in the LVA.

39. The appellant suggested that the proposed dwellings could be dormer bungalows, so as to provide first floor refuge space in the event of a flood, whilst limiting visual impact. However, even if the proposed dwellings were dormer bungalows, the 3.5m AOD FFLs would substantially increase their visual prominence relative to the existing properties on Bloomhill Road, Darlington Grove and particularly the caravan park. Whilst in longer distance views, such as from Marshland Road to the south, the dwellings would be less obtrusive, from nearer to the appeal site they would be conspicuous and visually awkward next to the existing buildings and fields.
40. Notwithstanding the reserved matters for the appeal proposal, for these reasons the proposed development would adversely affect the character and appearance of the area. It would, therefore, conflict with Policy ENV53 of the DUDP and with the Framework in this regard.

Housing provision and renewal

41. Since 2012 the Government has been seeking to significantly boost the supply of housing nationally. Through the plan-led system of development, new housing should be directed towards sustainable locations. The Framework advises, amongst other things, that as much use as possible should be made of previously developed land; that the intrinsic character and beauty of the countryside should be recognised and that development should be directed away from areas at the highest risk of flooding.
42. The appeal site is located in land that is identified as the Countryside Policy Area (CPA) in the DUDP and so outside the settlement of Moorends. The dwellings to the west of the caravan park, on the northern side of Bloomhill Road, are also included within the CPA. Whilst I am satisfied that these dwellings are now a physical part of Moorends, the fields to their rear are not and are characteristic of the countryside.
43. The field to the rear of *Rivendell* that forms the majority of the appeal site is bounded by residential properties to the south and east, with the railway embankment located further to the west and a children's playground and further dwellings to the north. However, the intervening spaces to the north and west of the field are similar grass fields and hedgerows. As such, I would not describe the appeal site as an infill development site.
44. I note the two appeal decisions referenced by the appellant and the views of the Inspector and the Secretary of State in relation to Policy ENV4 of the DUDP, which set out the Council's approach to development within the CPA, in those cases.
45. Each proposal should be considered on its own merits. However, I am satisfied that the approach to development in the countryside set out in Policy ENV4 is inconsistent with the Framework, and whilst the proposal would conflict with this Policy, I give this conflict only limited weight.

46. The appeal site may also be within land identified as the Countryside Protection Policy Area (CPPA) in the DCS. However, the indicative nature of the Key Diagram means it is not possible to say with certainty that this is the case⁷. Nevertheless, from the evidence and my observations on site, I am satisfied that it is located within the CPPA.
47. Policy CS3 (Countryside) of the DCS would therefore apply to the appeal site, and with reference to the proposal, supports new urban extension allocations, provided they are necessary to deliver the Growth and Regeneration Strategy (GRS), found under the eponymously titled Policy CS2. However, no allocations for new urban extensions have been identified, so Policy CS3 is silent in this regard. It is also somewhat inconsistent with the Framework in terms of non-allocated land. The appeal proposal would conflict with Policy CS3, but again, I give this conflict only limited weight.
48. Policy CS2 (Growth and Regeneration Strategy) of the DCS sets out the Council's GRS, which includes a settlement hierarchy that apportions new housing, alongside a narrative to the overall approach for each tier within the hierarchy. There is no compelling evidence that the tiers within the settlement hierarchy or the overall approach to development are inconsistent with the principles of sustainable development contained in the Framework.
49. The housing figures referenced pre-date the Framework and it is not clear that they are consistent with it. However, the referenced housing figures are clearly labelled as 'indicative' and so there is some inherent flexibility to them in terms of over/under delivery.
50. Market-led housing growth in the Renewal Towns⁸ tier is not a priority under Policy CS2, but neither is it prohibited. To deliver the indicative housing allocation for the four Renewal Towns some market led-growth is likely to be necessary.
51. The proposed development would deliver up to 59 new homes, which is a scale of housing that is consistent with the indicative allocation across the Renewal Towns contained in the GRS. Furthermore, the proximity of the shops and other facilities in Moorends, means that they would be accessible to the occupiers of these homes, and so would be likely to attract their patronage and thereby contribute towards the renewal of Moorends, to some extent.
52. However, the supporting text that underpins Policy CS2, including the overall approach to the four Renewal Towns, has a strong focus on sustainability. The flexibility in the scale and distribution of new housing across the four Renewal Towns is to allow sustainability considerations to be assessed⁹.
53. The appeal site has a generally low ecological status and is not publicly accessible, although it has some intrinsic value as part of the countryside. It is located on the edge of Moorends, close to the shops and facilities to be found there, and reasonably accessible to the higher order centre at Thorne to the south. However, irrespective of flood defences or the updated FRA, its location within an area at a high risk of flooding means that it is not a sustainable location for new housing.

⁷ A Site Allocations Plan, which would have provided clarity in this regard was withdrawn by the Council during examination, and such matters are now to be addressed in the forthcoming Doncaster Local Plan (DLP).

⁸ Denaby; Edlington; Carcroft/Skellow; and, Moorends.

⁹ Paragraph 3.30 of the supporting text to Policy CS2 in the DCS.

54. Whilst Flood Risk is addressed more fully in the subsequent section, I am not satisfied that there are no alternative sites in or next to the other Renewal Towns, which would be at a lower risk of flooding and so in a more sustainable location. Consequently, I find the proposal would conflict with Policy CS2 overall and I give this conflict weight.
55. Policy CS10 (Housing Requirement, Land Supply and Phasing) of the DCS sets out the approach for new housing allocations linked to the GRS. However, no allocations for new urban extensions have been identified, so Policy CS10 is silent with regard to the appeal proposal.
56. Moving forward, it is likely that the scale and spatial distribution of new development will be addressed largely by the DLP, which is currently undergoing examination and once adopted would replace the DUDP and the DCS. I am not familiar with the DLP preparation process or with much of the evidence that would inform the DLP, including a 2019 Housing Needs Study referenced by the appellant¹⁰. Nevertheless, I have considered the emerging policies¹¹ alongside the saved/adopted policies¹² of the DUDP and DCS respectively.
57. The draft DLP contains policies concerning the spatial strategy and settlement hierarchy (Policy 2); the level and distribution of growth (Policy 3); the necessary range of housing (Policy 8); drainage (Policy 57) and flood risk management (Policy 58) that are updated and somewhat different to those in the existing development plan. Nevertheless, they are generally consistent with the approach contained in the extant parts of the DUDP/DCS in relation to the appeal proposal.
58. I am not familiar with the DLP examination process, which is separate to my determination of this appeal, or the number and content of any outstanding objections to the DLP. Notwithstanding the late stage in its preparation process and its consistency with the Framework, I therefore give only limited weight to these draft policies in my decision.
59. I have also had regard to the emerging Thorne and Moorends Neighbourhood Plan (TMNP), which was published for consultation on 31 October 2016. It is not clear what progress has been made since this consultation, or whether there are outstanding objections to the policies, some of which conflict with the Framework. I therefore give Policy H2 (development of non-neighbourhood plan allocated housing sites) in the draft TMNP very limited and non-determinative weight; I give Policy H3 only very limited weight.
60. It is common ground between the main parties that Doncaster Borough can demonstrate a deliverable housing land supply (DHLS) of around 11 years. Furthermore, with reference to the Government's 2019 Housing Delivery Test (HDT) figures¹³ Doncaster Borough has delivered 3,584 new homes between 2016/17 and 2018/19, 209% of its housing requirement for this period. Anecdotal reference was also made at the Hearing to a recent approval for around 260 additional homes, by Alexander Street in nearby Thorne.

¹⁰ In any event, the study is not part of the submitted evidence and so I can have only very limited regard to it.

¹¹ Paragraph 48 of the Framework

¹² Paragraph 213 of the Framework

¹³ <https://www.gov.uk/government/publications/housing-delivery-test-2019-measurement>

61. This demonstrates that the current development plan has not prevented the delivery of a significant quantity of new housing within Doncaster Borough over recent years, and there is currently a good supply of deliverable housing land for future development.
62. With reference to the Renewal Towns, 1,132 new dwellings had been completed or had planning permission in April 2019, representing over 68% of the 1,660 indicative housing allocation within the GRS, at just under halfway through the DCS plan period.
63. The GRS does not allocate dwellings to any of the four Renewal Towns individually, rather they are to be delivered across the four settlements according to site sustainability criteria. Despite the strong focus on development in one settlement so far, Edlington, and with comparatively little development in the other three, including Moorends, the identified housing supply/delivery to date is not, therefore, inconsistent with the GRS.
64. The DCS GRS Map legend is somewhat confusing with regard to the spatial focus of new housing within the four Renewal Towns, indicating that they could each accommodate up to 400 new homes on average. Nevertheless, the wording of the Policy itself is clear that there is no allocation for individual Renewal Towns, which is also evident from the 951 new homes constructed or approved in Edlington as of April 2019.
65. I am satisfied from the evidence that there is a need for affordable housing throughout Doncaster Borough and that the provision of affordable housing, which would be controlled through a S106 Agreement, would be necessary to make the proposed development acceptable in planning terms, would be directly related to the development and would be fairly and reasonably related in scale and kind to it.
66. The appeal proposal would provide 26% of new dwellings as affordable housing. This would accord with Policy CS12 (Housing Mix and Affordable Housing) of the DCS, which is consistent with the Framework. However, affordable housing provision is subject to a viability appraisal, which has not yet been undertaken. I cannot, therefore, be certain of the number of affordable homes that would be provided and it is not inconceivable that none would be. Consequently, I can give the benefits of the proposed affordable housing only limited weight.
67. Whilst the proposal would have some renewal benefits for Moorends, the full extent of these is not known. Notwithstanding the limited supply of developable land in Moorends, the delivery of new homes in an unsustainable location would be detrimental to overall housing provision, particularly in light of the substantial delivery of new homes in the Renewal Towns and across Doncaster Borough in recent years, and with around 11 years DHLS.
68. For these reasons the proposed development would adversely affect housing provision in the area. It would conflict with Policy ENV4 of the DUDP, Policies CS2 and CS3 of the DCS, draft Policies 2 and 3 of the DLP, and with the Framework in this regard.

Drainage and flood risk

69. All of Moorends and much of the surrounding countryside, including the appeal site, is located in Flood Zone 3, and is currently protected by flood defences,

which prevented the site from flooding during the two most recent severe events in 2007 and 2019. Nevertheless, the development of housing in Flood Zone 3 requires the Sequential Test to be passed and subsequently the Exception Test¹⁴.

70. The Sequential Test aims to steer new development to areas at the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding¹⁵.
71. The appellant's updated FRA states that there are no sites at a lower risk of flooding in Moorends and so the Sequential Test is passed. The Council, with reference to the advice of its Flood Risk officer and consistency of approach with other recent applications in the area, accepted that the area of search for alternative sites should be limited to Moorends.
72. Policy CS4 (Flooding and Drainage) of the DCS affirms that development will be directed to areas of lowest flood risk within the overall framework of the GRS. It was common ground between the parties at the Hearing that Policy CS4 was consistent with the Framework. However, I find part C) to conflict with the sequential approach, and so I give this aspect very limited weight.
73. Moorends is one of four Renewal Towns that have an indicative allocation of up to 1,660 new homes in the GRS, around 9% of the total housing requirement for the Borough over the plan period. The GRS clearly states that the indicative housing allocation is across the four Renewal Towns and so individual towns do not receive a specific allocation.
74. Consequently, the area of search for reasonably available sites appropriate for housing but at a lower risk of flooding than Flood Zone 3 should have considered all four Renewal Towns, rather than just Moorends.
75. The settlement hierarchy in the draft DLP is somewhat different, with Thorne and Moorends identified as a Main Town. However, the same principle of considering alternative sites at a lower risk of flooding in Thorne would apply.
76. As no such searches have been undertaken, I am not satisfied that the Sequential Test has been passed. Notwithstanding the absence of alternative sites at lower flood risk in or around Moorends, there may be sites at a lower risk of flooding in or next to the other three Renewal Towns, or in Thorne, that would be sequentially preferred to the appeal site.
77. Consequently, the Exception Test is not triggered. As such, any wider sustainability benefits of the proposal for Moorends, or that the updated FRA has demonstrated to the satisfaction of both the Council and the EA that the housing development could be made safe for its lifetime and without increasing flood risk elsewhere, are not significant in this regard.
78. I also note that the appeal site was identified as a potential development site as part of the DLP preparation process but was rejected because it failed the Sequential Test in terms of flood risk.

¹⁴ Planning Practice Guidance (PPG) – Flood Risk and Coastal Change: Paragraph: 019 Reference ID: 7-019-20140306 Revision date: 06 03 2014

¹⁵ Paragraph 158 of the Framework.

79. For these reasons the proposed development would be detrimental to flood risk in the area. It would, therefore, conflict with Policy CS4 of the DCS, with draft Policy 58 of the DLP, and with the Framework in this regard.

Other Matters

80. The appellant refers to concerns regarding the inconsistent application of development plan policies for four proposals in the CPA. I am not fully familiar with all of these schemes and I also note the Council's comments in relation to them. Each proposal should be considered on its individual merits, which is what I have done in this case. The appellant's concerns do not cause me to reach a different conclusion with regard to the harm that this proposal would cause.

Conclusion

81. Some of the policies in the development plan relevant to the determination of the proposal were considered to be out of date. However, even if I were to conclude that the most important policies for determining the application were out of date, the failure of the proposal to pass the Sequential Test for flood risk, at paragraph 158 of the Framework, is a clear reason for refusing planning permission. Consequently, the proposal would not constitute sustainable development with regard to paragraph 11 d i) of the Framework and the tilted balance is not engaged.

82. The proposed development would have an acceptable impact on the safety and capacity of the local highway network and there would be a limited affordable housing benefit. However, the adverse impact of the proposal on local infrastructure, specifically the pedestrian crossing of the railway line; on the character and appearance of the area; on sustainable housing provision; and, on flood risk would outweigh this.

83. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

APPEARANCES - 24 November 2020

FOR THE APPELLANT:

- Mr Jim Lomas BA Hons Town Planning MRTPI
- Mr Joe Blackham (Local Councillor and Landowner)

FOR THE LOCAL PLANNING AUTHORITY:

- Mr Mel Roberts MA Town and Regional Planning, PgDip Urban Design, MRTPI

THIRD PARTIES:

- Mr G M Jameson, friend of the landowner
- Mrs Gillian Mason, local resident
- Mr Derek Fell, local resident
- Mr John Waistnage, local resident
- Mr Michael Carver & Mrs Joanne Carver, local residents
- Mr Melvin Wake, Editor, Thorne Times

DOCUMENTS SUBMITTED WHILE THE HEARING SAT

A signed and certified copy of a S106 Planning Agreement, dated 24 November 2020
2019 Housing Delivery Test figures for Doncaster

DOCUMENTS SUBMITTED AFTER THE HEARING HAD CLOSED

An updated/corrected copy of a S106 Planning Agreement, dated 27 November 2020

A letter from the appellant dated 27 November 2020 (Ref: JL/YK5285.4P)
concerning:

- The updated/corrected S106 Agreement
- A suggested Grampian condition for road widening on Bloomhill Road
- Confirmation of the correct title of the updated FRA that the EA considered in lifting its objection to the appeal proposal
- An email from Network Rail to the Council dated 26 November 2020



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: 15 December 2020

Appeal Ref: **APP/F4410/W/20/3249098**

Barnburgh Fishing Lakes, Ludwell Hill, Barnburgh, Doncaster DN5 7EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Barnburgh Fishery against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/00004/FUL, dated 30 December 2019, was refused by notice dated 10 February 2020.
 - The application sought planning permission for '*retrospective application for erection of extension to existing garage to form a larger ancillary building (15.75m x 15.55m overall) and new drainage system in support of Barnburgh Lakes Fishery*' without complying with a condition attached to planning permission Ref 13/01192/FUL, dated 2 October 2013.
 - The condition in dispute is No 06 which states that: '*The planning permission hereby granted and use of the ancillary building shall be exercised solely for the benefit of Barnburgh Lakes Fisheries anglers only and shall at no time serve the general public*'.
 - The reason given for the condition is: '*To restrict the use to the needs of the fisheries only in the interests of protection of highway safety and the Green Belt*'.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal building is located within the Green Belt. It was granted planning permission¹ in 2013 as part of an extension to an existing garage to form a larger ancillary building at the fishery. This permission restricts the use of the building to ancillary purposes, which is in use as a café/restaurant, known as 'Bullrush Bistro' for use by the anglers and at no time to serve the general public. The building also includes shelter and toilet facilities for fishery customers.
3. The appellant now wishes to vary condition 06 of this permission to include the use of the café/restaurant by family members of the anglers whilst using the fishery. This would mean removing condition 06 and replacing with '*The planning permission hereby granted and use of the ancillary building shall be exercised solely for the benefit of Barnburgh Lakes Fisheries anglers and their families only and shall at no time serve the general public*' to enable the café/restaurant to trade.

¹ 13/01192/FUL

4. The Council's main argument is that currently the café/restaurant with the restrictive condition supports the appropriate leisure use of the existing sport and outdoor recreation undertaken on the wider site. If the condition was varied to allow non-anglers to utilise the ancillary building then this would constitute inappropriate development in the Green Belt; as the café/restaurant would become independent from the fishery and not serve the same purpose.
5. In regard to protecting highway safety this was included as a reason for the condition on the original permission. However, the Council in their evidence state that the variation of the condition would not result in a significant increase in the number of cars. As such, highway safety is not in dispute.
6. Having regard to the background to the application and to the imposition of the condition, the main issues are:
 - Whether the condition is reasonable and necessary to ensure that the development is not inappropriate development in the Green Belt having regard to the National Planning Policy Framework, (the Framework) and any relevant development plan policies;
 - If the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

7. Paragraph 55 of the Framework states that planning conditions should only be imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
8. Paragraph 145 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. These include (b) the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport and outdoor recreation; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
10. Saved Policy ENV3 of the Doncaster Unitary Development Plan 1998, Saved 2007 (UDP) does not permit development within the Green Belt, except in very special circumstances and for purposes including (b) outdoor sport and outdoor recreation including essential facilities for such development, subject to limitations within Policy ENV7. Saved Policy ENV7 sets out the criteria for essential facilities and only permits where the development is genuinely required, and the development preserves the openness of the Green Belt.
11. Policy CS3 of the Doncaster Council Core Strategy 2011-2018, 2012 (CS) sets out the countryside will be protected and enhanced, and has regard to the general extent of the Green Belt and advises the key considerations for land

- within this area are that national policy will be applied, including a presumption against inappropriate development other than in very special circumstances.
12. Whilst Saved Policies ENV3 and ENV7 of the UDP and CS Policy CS3 clearly pre-date the Framework (2019), I consider that in seeking to control development in the Green Belt and the exceptions, they are broadly consistent with paragraphs 143 and 145 of the Framework.
 13. Accordingly, in light of the above, I am satisfied that the original permission for the use of the ancillary building was granted as an exception for provision of appropriate facilities for outdoor sport/outdoor recreation being in connection with the existing use of the land as a fishery. This was supported at that time by Saved Policies ENV3 and ENV7 of the UDP and CS Policy CS3, which concern the protection of the Green Belt.
 14. Therefore, it is apparent from the original permission that the building, in use as a café/restaurant was approved subject to the condition that the building was only used for purposes ancillary to the use of the fisheries and in particular those anglers using the facility, as set out in Condition 06. This was considered necessary to ensure that the development met the requirements of relevant policies in the development plan and the Framework with regard to essential facilities for outdoor sport / recreation in the Green Belt.
 15. As set out in the Planning Practice Guidance (PPG)², planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission, including limiting benefits to a particular class of people. In this case, the benefits of the use of the ancillary building as a café/restaurant would benefit the anglers at the fishery. As such, the original condition was reasonable and necessary to restrict the use to the anglers of the fishery and to avoid the use of the café/restaurant being a standalone development and resulting in inappropriate development within the Green Belt.
 16. The appellant contends that the variation of the condition would only restrict the use of the café/restaurant to both the anglers and their family members. However, I have been provided with limited evidence of how this could actually function and be controlled, including whether they would attend the premises for the full duration of time the angler was fishing on the site or would they potentially come and go to the site and use the café/restaurant as and when they required. As such, there would be no guarantee that family members would necessarily travel to the fishery with the angler.
 17. Furthermore, I have been provided with limited evidence on how the café/restaurant at the fishery is run, including opening / closing times, use of the building for fishing events or tournaments and cannot be therefore certain of the likely intensification of use for the building. Neither, have I seen any evidence to suggest there would be any mechanisms in place that could be classed as being reasonable to ensure that customers of the facility were family members of the anglers, and in my opinion, this would become a tedious task for staff of the café/restaurant to check.

² Planning Policy Guidance (PPG): Paragraph: 015 Reference ID: 21a-015-20140306 Revision date: 06 03 2014

18. Moreover, I am not satisfied that 'family members' could be defined for the purposes of the suggested condition as the potential interpretation has a much broader definition to many, including whether members are immediate or part of a wider extended family. As such, the proposed variation of the condition would not meet the six tests as it would be difficult for the condition to be precise or enforceable to ensure that the café/restaurant remained as ancillary to its primary use as appropriate facilities for the fishery within the Green Belt.
19. As set out in paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. The physical presence of built forms, including its purpose and locational context and changes to the land may affect openness, which can also have spatial and or/visual implications.
20. Although there would be no physical works to the building, the variation of the condition would result in a building that would, in part, be unrelated to the purpose of the fishery and utilised by a wide range of other visiting members of the public. This would intensify the comings and goings not associated with the outdoor sport/recreation of the building and the land. The effect of replacing the disputed condition with that suggested would be to alter the building from its current role as a 'not inappropriate' development in the Green Belt, to being an inappropriate development. This is because the justification for the building would cease to be encompassed by the exception in paragraph 145 of the Framework.
21. Accordingly, I have had regard to the PPG³ and given that the condition mitigates the adverse effects of the development within the Green Belt. I conclude that the condition limiting the ancillary building to the use of the anglers is reasonable and necessary in the interests of protecting the Green Belt. The development without the disputed condition would be inappropriate if this were to be varied to include family members. As such, I consider that the condition imposed by the Council in relation to the restrictive use of the café/restaurant is reasonable in all other aspects and would ensure compliance with Saved Policy ENV3 of the UDP and Policy CS3 of the CS.
22. If the condition were to be varied, it would also result in a development that would not meet any exception set out in the Framework, with reference to paragraphs 145(b), and would constitute inappropriate development in the Green Belt and would be harmful by definition.

Other Considerations

23. The appellant has provided details that the fishery is a small family business including its turnover and viability, albeit limited. This appears to indicate that the fishery business including the café/restaurant generates a profit, but that it does not make any profit from the café as this is generated from the fishery element and it is subservient financially to the main fishery leisure function. I accept there would be some economic benefit in regard to jobs.
24. However, I have no substantive evidence that the wider use of the café/restaurant to a wider range of customers would support the principal

³ Paragraph: 001 Reference ID: 21a-001-20140306 Revision date: 06 03 2014

fishery business or have any material impact on employment. As such, I can afford little weight to any perceived benefit of the proposal in that respect.

25. I understand that the main users of the facility, that being the anglers, have requested they would like to bring members of their families along to be able to use the café/restaurant while they are fishing. Although, this would be a benefit for the anglers, it does not outweigh the harm to the Green Belt.
26. I also acknowledge the Council's concerns regarding ongoing activities at the fishery and there is some doubt over the current use of the café/restaurant. However, these matters would need to be dealt with separately by the Council who have the necessary enforcement powers. In any event, the appeal is determined on its individual merits and on the basis of the evidence before me.

Planning Balance and Conclusion

27. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. This harm renders the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.
28. Against this, the other considerations that have been advanced are not sufficient, either individually or cumulatively, to clearly outweigh the substantial weight to be given to the harm to the Green Belt I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
29. The variation of the condition would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the appeal proposal should be determined other than in accordance with the development plan.
30. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR

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**Doncaster Metropolitan Borough Council
Planning Enforcement Quarterly Report
December 2020**

Introduction

This report provides Doncaster Metropolitan Borough Council’s Planning Enforcement performance in the third quarter of 2020/21.

During this period the country was being subjected to tier restrictions due to the COVID 19 pandemic. However, the planning enforcement team continued to operate by working from home and undertaking site visits by adopting a safe system of working. Unfortunately, internal site inspections were restricted based on potential exposure to Covid symptoms.

Case Updates – Third Quarter (1st October – 31st December 2020)

Total Cases Still Under Investigation as at end of December 2020.	257
Total Cases Recorded in the Third Quarter (1 st October – 31 st December 2020).	125
Total Cases Closed Down in the Third Quarter (1 st October – 31 st December 2020)	158

Prosecution Cases

Unfortunately, due to Covid 19 our Legal Department has limited court allocated time, hence at present all outstanding planning enforcement cases are on hold or awaiting an available hearing.

Notices Served

Land Adjacent to 11 Old Road – Conisbrough.



As mentioned in the previous quarterly report, a retrospective planning application (referenced 20/00794/FUL) seeking consent for a steel frame structure was submitted to the council in March last year. The Planning Officer refused the application on the grounds that the design and scale of the development is overbearing and that it does not reflect the character of the original structure and surrounding area. Following the refusal, a notice was served on 13th August 2020 to prompt its removal from the land.

Since the service of the notice, the Planning Enforcement Team have continued to communicate with the owner to bring about remediation of the land. The owner advised that the structure has now been taken down. A follow up visit will be undertaken in the coming weeks to confirm this.

9 Hazel Road – Dunscroft



A complaint was received regarding the alleged unauthorised erection of a fence. A site visit was conducted and identified that a large fence had been erected less than 2 metres away from the highway, a letter was sent to the owner advising that the first panel needed to be reduced to a maximum height of 1 metre.

On failing to comply with this request, a notice was served giving the owner until the 16th October 2020 to comply. On re-visiting the site in October the fence has been reduced and the enforcement notice requirements have been met.

162 Coppice Road – Highfields.

A complaint was received regarding the alleged unauthorised car storage, repairs and sales from a domestic property. A site visit was conducted where it was found that the owner of the property was running a car repair business from their garage. The owner contacted and advised to stop all activity and apply for planning permission.

On failing to comply with this request, a notice has been served giving until the 24th March 2021 to cease the use.

Bella Wood View (AKA Plain Tree Farm) - High Street, Barnburgh,

The Planning Enforcement Team are currently investigating an issue of the developer failing to comply with the approved permission.

This related to not undertaking green space planting, not laying a roadway (except for the base layer), the importation of soil and other products without first seeking DMBC approval and the lack of stone walling (as shown on the approved plans).

At present a temporary fence had been granted to the adjacent landowner, to await the construction of the approved stonewall (please note that the stone had been previously agreed and inspected by the Conservation Officer, on site with the developer).

The developer when forming the site, placed a clause in the sale of the self-build plots, that a management company (i.e. the residents of the occupied dwellings) should be

formed to maintain the upkeep of grassed areas on completion. At present, no grassed areas have been established and the proposed landscaped areas consist of undeveloped land. The developer claims that the uncompleted works is no longer their responsibility, due to the formation of the management company. The residents claim no knowledge of any commitment other than grass cutting.

The breaches became complex due the developer selling off the individual plots, resulting in new ownership, with the exception of the roadway and green space areas (which according to the HM Land Registry are still in the ownership of the developer).

In the interim, the developer had sold the stone for the walls and imported material contrary to the conditions (gravel), where landscaping should have taken place.

Furthermore, the detrition of the uncompleted road had become an issue of concern for the residents, due to the formation of potholes and protruding manholes, resulting in damage to their vehicles.

Due to the lack of construction by the developer of the required stonewalls to the new residential properties, residents have constructed their own boundaries by erecting wooden fences. Hence, this posed additional enforcement issues.

Therefore, the LPA has served a breach of condition notice against the now unauthorised boundary fence and the wooden fences built around the individual houses.

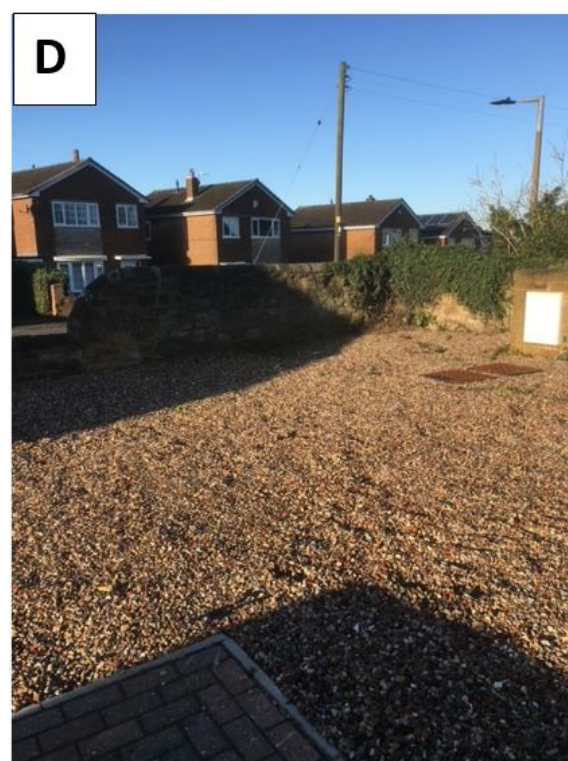
This in turn has resulted in the removal of the boundary fences, to allow for the required stonewalls to be built. At present, this has in part been undertaken by the new owners of the houses concerned.

A second breach of condition notice has also been served, requiring the developer to address the remaining outstanding sections of the stonewalls, and the lack of landscaping and a proper roadway. Unfortunately, compliance with this notice has failed to be undertaken and further action will be considered.

Photo A - Boundary temporary fence

Photo B & C – Current roadway

Photo D - Area supposed to be landscaped



Outstanding Appeals.

Land North Of Hangman Stone Lane, High Melton



An Enforcement Notice was served on 11th January 2019 following the installation of a mesh silo adjacent to a bridleway, for the storage of product supplied by ReFood, to be sprayed on the surrounding fields. An appeal was submitted by the appellant, and a Public Inquiry was scheduled for the 16th June 2020 for 3 days. Shortly before the intended date for the inquiry to commence the Planning Inspectorate postponed the inquiry until the 13th October 2020. Documentation was received from the Planning Inspectorate on 15th September which confirmed that the revised date had also been postponed. This was due to the high number of virtual events taking place during that particular week, and the Inspectorate would not be in a position to support a 3 day event at that time. A new inquiry date has been scheduled for the 28th April 2021.

Beckett Road – Wheatley



This case was originally in the second quarterly report, highlighting that an enforcement notice for the unauthorised change of use of the land to a tyre storage facility, had been appealed.

The appeal process has now progressed with the questionnaire and initial statements already submitted to the Planning Inspectorate. The final statements must be submitted by 20th January before the hearing date can be scheduled.

Corner Pocket – Mexborough.

As previously mentioned a complaint was received regarding the erection of a building to the side of the Corner Pocket, Bank Street, Mexborough. A site visit was conducted which identified that a black shipping container and a steel structure with wooden decking had been erected to the side of the property. The owner was contacted and advised the development would not be approved for planning permission. Two enforcement notices were served giving until the 23rd December to comply, since being served, we have received two appeals from the Planning Inspectorate, meaning that the notices will not be affective until the appeals have been decided.

Injunctions.

No new Injunctions have been required or sought in this third quarter.

General Cases

The following are a few examples of cases currently under investigation by the Planning Enforcement Team.

Lidl – Rossington – closed due compliance (legal guidance sought)



A complaint was received in October 2019 concerning the stores car park, which was allegedly being used by contractors for overnight stays. The use of the car park for such an activity was having an adverse effect on residents of Heatherfields Way, whose rear gardens ran along the side boundary of the store. It was reported to be the area of the car park, which was being occupied by vehicles outside of the opening hours, and causing a disturbance for the homeowners. Lidl have been contacted regarding this matter and through negotiation with Planning Investigation, installed an Automatic Number Plate Recognition system (ANPR) which would issue fines to occupants of the car park that exceeded a stay of 90 minutes. The action taken by Lidl was deemed sufficient to close the case.

An additional complaint was received regarding the use of the car park by contractors. The issue raised concerned drivers re-arranging and swapping parcels collected from amazon. It was reported that the activity occurred from approximately 7am and was not in accordance with conditions 8 (to be used by private vehicles), 11 (delivery times) & 12 (opening hours) attached to the previously approved application 17/02379/REMM - Details of Appearance, Landscaping, Layout and Scale for the erection of A1 foodstore with car parking, servicing, landscaping and other associated works.

After investigation, it was considered no breach of the approval had occurred. Deliveries were limited to one per day and occurred during the advertised opening hours. Lidl had complied with the conditions with the installation of the ANPR, and the use of the car park by drivers was usually concluded with a visit to the store to purchase provisions for the day, which the use of the car park acceptable as the drivers became customers prior to departure. Advice was requested from the LPA's Legal Section, who concurred with the conclusion that no breach of planning had occurred and Lidl had taken all necessary steps to prevent misuse of the car park and the case has been closed.



Stables, Bannister Lane, Skelbrooke

A complaint was received in June 2016 concerning the erection of a field shelter without permission on Green Belt Land. Contact was made by the owners planning agent, who was advised that the submission of a retrospective planning application may not be viewed favourably and as such it should be removed. . A period of time elapsed following the discussion with the agent, who could not be contacted due to being out of the country. On their return an outline application was submitted for a different scheme, and did not include the shelter as part of the application.

An additional application was not submitted seeking to retain the field shelter. As a result, an Enforcement Notice was served on the owner in May 2017, with a compliance period of 1 month. The owner submitted an appeal which was subsequently dismissed in January 2018. The owner employed a new planning agent, who submitted an application in May 2018, seeking to move the shelter to another part

of the field. After a lengthy period of determination, the application was refused in October 2019.

The period of negotiation following the refusal was hampered, due to the first lockdown period earlier this year, when no site visits were conducted. The LPA intended to prosecute for the non-removal of the field shelter, and the owner was informed of the course of action to be taken. Finally, the shelter was dismantled and removed from the field in November 2020.

15 Denehall Road – Kirk Sandall

The Planning Enforcement Team received various complaints that a large extension had been built to the rear of the property without planning permission.

After initially investigating the case remotely during the COVID-19 lockdown, the eaves of the extension were found to be higher than that on the original dwelling. The owner was instructed to reduce the height of the extension to rectify the issue which they did so accordingly.

However, upon visiting the site after lockdown, it was recognised that the length of the development extends 6.34 metres back from the original dwelling, therefore the extension still exceeded permitted development rights by 2.34 metres. A retrospective application was submitted to remediate the planning breach. The Planning Department subsequently granted permission for the extension on 6th November (20/02315/FUL), summarising that the extension does respect neighbouring amenity in accordance with the SPD guidance and planning policy. The enforcement case was subsequently closed.

34 Nether Hall Road, Doncaster



A complaint was received regarding 34 Nether Hall Road, Doncaster, in relation to an unauthorised display of advertisements at a commercial premise. A request was made to the owner to submit a planning application to retain the advertisements.

A subsequent planning application was submitted on 8th October 2020 for the display of two front facing internally illuminated fascia signs. One sign faces onto Nether Hall Road and the other sign faces onto Christ Church Road, Doncaster - both signs are retrospective (20/02786/ADV). This application has since been granted standard temporary consent on the 22nd December 2020, which will expire 5 years from the date of the decision notice.

38 - 40 Nether Hall Road, Doncaster



A complaint was received regarding 38-40 Nether Hall Road, Doncaster, in relation to an unauthorised display of advertisements at a commercial premise. A request was made to the owner to submit a planning application to retain the advertisements.

A subsequent retrospective planning application was submitted on 13th October 2020 for the display of 2 illuminated fascia signs (20/02815/ADV). This application has since been granted standard temporary consent on the 21st December 2020, which will expire 5 years from the date of the decision notice.

7 Pembroke Avenue, Balby

A complaint was received in relation to an unauthorised running of a vehicle window tinting business from a residential property at 7 Pembroke Avenue, Balby.

Site visits were conducted and the occupier was spoken to and advised to submit a planning application, to continue running the business from home. Several visits were subsequently conducted due to no application being submitted.

During the investigation, it was established that the occupier had since moved from the property and out of the borough. As a result, the business use at the residential property was no longer operating and the case has been closed.

41 Princegate Doncaster



A complaint was received in relation to an unauthorised change of use from a tattoo studio to a café. A request was made to the business owner to submit a planning application to retain the new use.

A subsequent retrospective planning application was submitted on 19th October 2020 for the proposed change of use from Tattoo Studio (Sui Generis) to Restaurant/Café (Use Class E). This application has since been granted full planning permission (20/02858/COU) following planning enforcement involvement and the case has now been closed.

Quarterly Enforcement Cases

Quarter 3 (October – December 2020)	
Received Enforcement Cases	125
Total Cases Pending	257
Closed Enforcement Cases	158

Case Breakdown	
Unlawful Advertisements	14
Breach of Conditions	17
Unauthorised Change of Use	33
Unauthorised Works to Listed Building	1
Unauthorised Operational Development	59
Unauthorised Works to Protected Trees	1

Areas Where Breaches Take Place	
Adwick and Carcroft	4
Armthorpe	5
Balby South	0
Bentley	1
Bessacarr	5
Conisbrough	11
Edenthorpe and Kirk Sandall	6
Edlington and Warmsworth	8
Finningley	10
Hatfield	4
Hexthorpe and Balby North	4
Mexborough	4
Norton and Askern	7

Roman Ridge	3
Rossington and Bawtry	15
Sprotbrough	5
Stainforth and Barnby Dun	5
Thorne and Moorends	7
Tickhill and Wadworth	7
Town	6
Wheatley Hills and Intake	6

Formal Enforcement Action	
Notices Issued	2 (4 pending)
Prosecutions	0
Injunctions	0

Report Prepared By:
 Planning Enforcement (Part of the Enforcement Team, Regulation & Enforcement,
 Economy and Environment).

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