



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: Microsoft Teams - Virtual Meeting

Date: Tuesday, 30th March, 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 meeting. Any members of the public or Press wishing to attend the meeting by teleconference should contact Governance Services on 01302 737462/736712/736723 for further details.

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Damian Allen
Chief Executive

Issued on: Monday, 22 March 2021

Governance Services Officer for this meeting

Amber Torrington
Tel: 01302 737462

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.	
4. Minutes of the Planning Committee Meeting held on 2nd March 2021.	1 - 14
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

Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 2ND MARCH, 2021

A MEETING of the PLANNING COMMITTEE was held virtually via MICROSOFT TEAMS on TUESDAY, 2ND MARCH, 2021, 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, Eva Hughes, Andy Pickering and Jonathan Wood.

45 DECLARATIONS OF INTEREST, IF ANY

In accordance with the Members' Code of Conduct, the Councillor Steve Cox declared an interest in relation to Application Nos. 20/00469/FUL and 20/03003/FUL, Agenda Item No. 5(1) and (3), by virtue of being a Ward Member for Application 1 and knowing individuals connected with Application 3.

46 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 2ND FEBRUARY, 2021

RESOLVED that the minutes of the meeting held on 2nd February, 2021 be approved as a correct record.

47 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'.

48 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
20/00434/FULM	Residential development comprising of 72 dwellings, including associated works of landscaping, public open space and means of access and car parking on land between Doncaster Road and Lings Lane, Hatfield,

49 APPEAL DECISIONS

Discussion took place in relation to appeal decision on Application No 20/01481/FUL and members asked whether it was possible to look into writing to the inspector regarding a factual error contained in the inspector's decision. The legal officer agreed to check the mechanism for raising the factual error with the Planning Inspectorate and to report back to members.

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
19/03100/FUL	Erection of dwelling following the demolition of existing bungalow as well as the creation of new access and driveway at Hill View Farm , Wilsic Lane, Tickhill, Doncaster	Appeal Dismissed 28/01/2021	Tickhill & Wadworth	Delegated	No
20/00580/FUL	Change of use from dwelling house (C3) to house in multiple occupation (C4), and retrospective planning application for a single storey rear extension and single storey rear/side extension. at 13 Stanhope Road, Wheatley, Doncaster, DN1 2TZ	Appeal Allowed 10/02/2021	Town	Committee	Yes
20/01481/FUL	Change of use of	Appeal	Tickhill &	Committee	Yes

	former public house to ground floor retail and first floor residential including erection of extension following demolition of outbuildings (being resubmission of 19/01725/FUL refused 27.05.2020). at Millstone Hotel, Westgate, Tickhill, Doncaster	Allowed 05/02/2021	Wadworth		
20/02477/ADV	Installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 6.2m wide x 3.2m high. at Kelham Street Cars , Kelham Street, Balby Carr, Doncaster	Appeal Allowed 22/01/2021	Hexthorpe & Balby North	Delegated	No

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 2nd March, 2021

Application	1.		
Application Number:	20/00469/FUL		
Application Type:	Full Planning Application		
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		
Third Party Reps:	8 Objections	Parish:	Cantley with Branton Parish Council
		Ward:	Finningley

Application deferred due to issues relating to landownership and the red line boundary of the site.

Application	2
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Application Number:	20/00434/FULM
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Application Type:	Full Planning Major
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Proposal Description:	Residential development comprising of 72 dwellings, including associated works of landscaping, public open space and means of access and car parking.
At:	Land between Doncaster Road and Lings Lane, Hatfield, Doncaster, DN7 6AB

For:	Avant Homes
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Third Party Reps:	5 Letters of objection	Parish:	Hatfield Parish Council
		Ward:	Hatfield

A proposal was made to grant the Application subject to a Section 106 Agreement.

Proposed by: Councillor Eva Hughes

Seconded by: Councillor Jonathan Wood

For: 8 Against: 1 Abstain: 1

Decision: Planning permission granted subject to the amendment to Conditions 3, 4, 5, 6 and 20, the addition of Conditions 21, 22, 23 and 24, and the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 in relation to the following matters and the Head of Planning be authorised to issue the planning permission on completion of the Agreement, to read as follows:-

- **Commuted sum of £194,288 to fund 16 primary school places at Dunsville Primary School;**
- **On-site affordable housing to the value of at least £494,070, scheme to be agreed by the local planning authority; and**
- **The design and layout of onsite Public Open Space, together with its future management and maintenance arrangements**

21. **Not more than 50% of the total number of dwellings to be constructed pursuant to the development hereby granted shall be occupied unless and until the off-site access to the area of public open space on the adjacent site (Harper Heath, application reference 18/01338/REMM) has been constructed and is available for use.**

REASON

To ensure access to sufficient public open space, offsetting the limited amount available on the application site.

22. **The erection of impact resistant barriers for the protection of all retained trees shall be undertaken in accordance with the approved plans and particulars (reference BWB Tree Assessment Plan Rev. 3 dated January 2020) and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. 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 in accordance with core strategy policy CS16: Valuing our natural environment.

23. **Unless as shall be specifically approved in writing by the Local Planning Authority, the scheme of soft landscaping shall be planted in accordance with the approved plans and particulars (reference Rosetta Detailed Landscape Proposals Drawing No. 3610/1 Rev. E dated 23.09.2020). The nursery stock specification shall be in accordance with British Standard 3936: 1992 Nursery Stock Part One and the rootball of rootballed trees shall accord with table D5 of British Standard 8545: 2014 Trees: From nursery to independence in the landscape - Recommendations (BS8545). The trees shall be handled in accordance with 'Handling and Establishing Landscape Plants' by the Committee of Plant Supply & Establishment (1995) published by the Joint Council for Landscape Industries and/or section 9 Handling and Storage and Annexe E of BS8545. Thereafter the Local Planning Authority shall be 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.

24. No development shall commence until a final, composite services layout detailing the routing of services to be located in close proximity to the root protection areas (RPAs) of the retained trees has been submitted to and approved in writing by the local planning authority. This information will inform whether or not a vac-ex method will need to be used for the installation of the services. The development shall then be carried out in accordance with the approved details and in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations.

REASON

To ensure that all trees are protected from damage during construction in accordance with core strategy policy CS16: Valuing our natural environment.

06. Prior to the commencement of development a 30 year adaptive Management and Monitoring Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management and Monitoring plan shall detail the following:-
- A 30 year adaptive management plan for the site detailing the management measures to be carried out in order to achieve the target conditions proposed for each habitat parcel in the BIA.
 - Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved.
 - A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.
 - That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 3, 5, 10, 15, 20, 25 and 30) immediately following habitat creation. GIS files showing the current habitat condition of each habitat parcel will accompany each monitoring report.

- **The detailed scope of proposed monitoring reports including (but not exclusively), presence of any target species, date stamped photos accompanied by detailed site notes on the extent of growth and condition of habitats, notes on factors that could be hindering the progress towards proposed target condition, detailed recommendations on changes to the management actions for parcels where progress is not as planned.**

Once approved in writing the management measures and monitoring plans shall be carried out as agreed.

REASON

To ensure the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by the NPPF paragraph 170.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Ms Kate Haigh 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', Mr Jim Lomas, the Agent, spoke in support of the application for the duration of up to 5 minutes.

**(Receipt of amendments to Conditions 3, 4, 5 and 20 to read:-
Prior to above ground construction works...' as opposed to prior to commencement of development was reported at the meeting).**

Application	3
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Application Number:	20/03003/FUL
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Application Type:	Full Application
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Proposal Description:	Erection of single storey detached gym to rear garden plus erection of first floor front extension atop flat roof attached garage (amended proposal)
At:	152 Bawtry Road, Bessacarr, Doncaster, DN4 7BT

For:	Mr D Simcock
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Third Party Reps:	5 objectors 0 supporters	Parish:	N/A
		Ward:	Bessacarr

A proposal was made to grant the Application.

Proposed by: Councillor Sue McGuinness

Seconded by: Councillor Susan Durant

For: 3 Against: 3 Abstain: 5

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: Planning permission granted.

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

(Receipt of amendments to the Summary and paragraphs 1.1, 6.3, 6.4 and 8 of the report and 4 additional representations from 3 objectors, were reported at the meeting.)

Application	4
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Application Number:	20/03480/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of two semi-detached dwellings
At:	Land adjacent to 36 Ivanhoe Road, Edenthorpe, Doncaster, DN3 2JG

For:	Mr Nigel Parkin
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Third Party Reps:	1 objector, 0 supporters	Parish:	Edenthorpe Parish Council
		Ward:	Edenthorpe and Kirk Sandall

A proposal was made to grant the Application.

Proposed by: Councillor Susan Durant

Seconded by: Councillor Steve Cox

For: 2 Against: 9 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 Iris Beech

Seconded by: Councillor Mick Cooper

For: 9 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 constitute an over-intensive development of the site, and is therefore contrary to policy PH11 of the Unitary Development Plan and policy CS14 of the Core Strategy.**

- 02. The proposal fails to provide a high quality environment, with insufficient space retained for high quality landscaping and outdoor amenity space. The development would therefore be contrary to paragraph 127(b) of the National Planning Policy Framework.**

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

(Receipt of an additional objection from Edenthorpe Parish Councillor Paul Bissett, was reported at the meeting.)

Application	5
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Application Number:	20/02321/COU
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Application Type:	Planning FULL
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Proposal Description:	Change of use from dwelling to 2 self-contained flats.
At:	10 Baxter Avenue, Wheatley, Doncaster, DN1 2NL

For:	Mr Majid Khan
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Third Party Reps:	0 objectors 0 supporters	Parish:	N/A
		Ward:	Town Ward

A proposal was made to grant the Application.

Proposed by: Councillor Eva Hughes

Seconded by: Councillor Iris Beech

For: 11 Against: 0 Abstain: 0

Decision: Planning permission granted.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

30th March 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.	20/02875/FUL	Finningley	Blaxton Parish Council
2.	20/03286/3FUL	Town	
3.	21/00016/FUL	Rossington And Bawtry	Bawtry Town Council

Application	1
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Application Number:	20/02875/FUL
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Application Type:	Planning FULL
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Proposal Description:	Change of use of the existing agricultural building to provide one new dwelling with associated parking and garden
At:	Barn south of Back Lane, Blaxton, Doncaster DN9 3AJ

For:	Reece Musson – Modern Edge Development Group Limited.
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Third Party Reps:	8 letters of Objection (from 7 households)	Parish:	Blaxton Parish Council
		Ward:	Finningley

Author of Report:	Mary Fleet
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SUMMARY

The application relates to the change of use of the existing agricultural building to provide one new dwelling with associated parking and garden.

The barn proposed for conversion occupies the north east of the site and was originally constructed over 30 years ago to house more modern farm machinery, hence its size. The building is functional and simple in its form. The proposed plans seek to retain this simplicity.

The site is on the edge of the settlement boundary of Blaxton – residential properties are located to the north of the site, open fields immediately south, though there are a number of residential properties situated to the south east with access off the A614 (Station Road).

The site is accessed via a gated entrance off Back Lane. Parking is proposed on site and provision for this is sufficient and would not rely on parking on Back Lane.

The proposed conversion utilises the existing barn structure and seeks to expand on this by the addition of a small extension to the side which will house the entrance hall and part of the living room. The accommodation proposed is single storey and includes three bedrooms as well as an open plan kitchen/dining/living area.

The application is being presented at Planning Committee given the level of public interest in the proposal.

RECOMMENDATION: GRANT planning permission subject to conditions

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee given the amount of public interest in the proposal. The main concerns regarding the development relate to the suitability of the access road as well as whether the conversion of an agricultural building to residential use is acceptable.

2.0 Proposal

- 2.1 Full Planning Permission is sought for the change of use of the existing agricultural building to provide one new dwelling with associated parking and garden. The proposal involves the erection of a small extension to the side of the existing building. In addition to the extension the plans also include the addition of new door openings as well as new glazing.
- 2.2 The property will be accessed off Back Lane (unadopted single carriageway) entry to which can be gained off both Mosham Road (B1396) and Station Road (A614). The proposed development has a gated access with a driveway and parking area as well as a grassed garden area. The area of curtilage has been reduced given the location in the countryside.
- 2.3 The accommodation is all on one level and will provide 3 bedrooms as well as an open plan kitchen/dining/living area. The extension to the side of the building will be used to accommodate a hallway as well as partially housing a separate living room. Other than the addition of the extension and the addition of the doors and windows the building is unaltered.
- 2.4 The property will retain the existing steel structure but improve its appearance with the use of timber cladding with a brick wall below. The roof will be insulated and finished with a dark grey zinc roofing material. Aluminium frames will be utilised for the windows and the doors are to be black and chosen from the 'Silka' collection which should complement the style of the conversion whilst respecting the character of the agricultural building.

3.0 Site Description

- 3.1 The application site is currently a small field on the edge of the settlement of Blaxton. There are a number of outbuildings located to the north east of the site; this application proposes to convert the most significant of these into residential accommodation. The site is accessed off Back Lane
- 3.2 Residential properties occupy the land both to the north and east. The site immediately to the north east having been relatively recently development on land previously the home of Johnson's removals. To the south and west is open countryside. The village hall access is also off Back Lane.
- 3.3 The barn proposed for conversion was originally constructed over 30 years ago to suit larger farm machinery. It is set on a level with an access point to the highway therefore lending itself well to a proposal to convert into residential accommodation.
- 3.4 The barn is not listed and holds not historic architectural merit other than the fact it is a former working agricultural building.

- 3.5 There are a number of mature trees in the area of the application site hence the requirement for a tree survey to support this application.
- 3.6 The site is in Flood Zone 2 as defined by the Environment Agency's Flood Maps, and is therefore at medium risk of flooding.

4.0 Relevant Planning History

- 4.1 There is no planning history for the site.

5.0 Site Allocation

- 5.1 The site is allocated as Countryside 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. Paragraph 163 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a site specific flood risk assessment and development should only be permitted in areas at risk of flooding where it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 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 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 CS2 sets out a growth and regeneration strategy for the borough and details a settlement hierarchy to clarify the location of new housing. Under this classification Blaxton is a larger defined village where growth would be restricted to infill development except in exceptional circumstances.
- 5.15 Policy CS3 states that the countryside to the east of the borough will continue to be protected through a Countryside Protection Policy Area and that proposal will be supported where they would be appropriate to a countryside location and would protect and enhance the countryside for the sake of its intrinsic character and

beauty. Part B4 of this policy supports the re-use of suitable buildings for uses appropriate in the countryside.

5.16 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.

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

5.18 Saved Unitary Development Plan Policies (Adopted 1998)

5.19 Policy ENV 4 states that within in countryside policy area development will not normally be permitted for purposes other than c) the re-use of existing buildings subject to the limitations included in policy ENV 10.

5.20 Policy ENV 10 states that within the Green Belt or countryside policy area the conversion of existing buildings to other uses appropriate to the rural area will be permitted provided that the development is in accordance with a number of points relating to the extent of the works required to facilitate the conversion: the form, bulk and general design of the building and the extent to which the use is appropriate to the rural area. The building proposed for conversion should also not require significant extension to the existing structure and have sufficient land attached to it to provide – in the case of a dwelling – sufficient parking and garden space.

5.21 Local Plan

5.22 The Local Plan has been formally submitted for examination on 4th March 2020 and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). 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 advanced to the latter stages of the examination in public (Regulation 24 stage) and the consultation period on the proposed Main Modifications concluded on the 21st March 2021. The local planning authority is looking to adopt the Local Plan by summer/autumn 2021. The following emerging 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 and the Council has, through the examination, proposed the policy is deleted entirely via a Main Modification to the Plan.
- 5.25 Policy 26 relates to development in the countryside and in part 1 states that the conversion of rural buildings will be supported provided that the original building is of permanent construction, structurally sound and capable of conversion without significant works, extension or alteration: the form, bulk and general design of the building should be in keeping with the surroundings; it should enhance the setting and not adversely affect neighbouring residential amenity and should not be isolated unless in accordance with national rural housing policy in the NPPF. This policy can be afforded limited weight as there are outstanding unresolved objections.
- 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 Policy 57 relates to drainage and states that development sites must incorporate satisfactory measures for dealing with their drainage impacts. This policy can now be afforded with moderate weight.
- 5.29 Policy 58 relates to flood risk management and states that all development proposals will be considered against the NPPF.

5.30 Neighbourhood Plan

- 5.31 There is no Neighbourhood Plan for this area.

5.32 Other Material Planning Considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- 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, press advert and direct neighbour notification letters. The site notice and neighbour notification process has been repeated to clarify the fact that the red line boundary has been altered to reduce the extent of the proposed curtilage.
- 6.2 8 representations have been received from 7 households in objection to the proposal. These are summarised below:

- 6.3 It is considered that the proposal would be extremely close and would obstruct the light received to the south facing windows of Ryland.
- 6.4 It is considered that the building is more suitable for an agricultural use rather than residential therefore this proposal is detrimental to the character of the area.
- 6.5 Concerns were raised regarding the suitability of the access which is a single carriageway and unadopted and in a poor state of repair – which will potentially be made worse by the works. There are concerns that access to other properties will be restricted and that there will be issues with congestion as well as problems with access for the emergency services need to attend the site. In addition to this the road is used as a cut through and for access to the village hall
- 6.6 Objections also related to the fact that the proposal has potential to impact on the safety of both pedestrians and cyclists.
- 6.7 It is considered that the granting of this proposal will encourage further development of a similar nature which would thus create additional highways problems.
- 6.8 The point was made that the barn is still being used; this is contrary to what has been stated with the formal submission of this application however this is irrelevant in relation to the determination of this application. In addition the obstruction of a view is not a material planning consideration.

7.0 Relevant Consultations

- 7.1 Ecology – no objections or conditions
- 7.2 Trees - following receipt of the tree survey a condition is requested in relation to replacement planting.
- 7.3 Environment Agency – no response required – to follow standing advice for more vulnerable developments in flood zone 2.
- 7.4 Pollution control - have no objections but have requested conditions in the absence of a YALPAG screening assessment.
- 7.5 Highways have no objections but have requested a construction management plan as well as conditions relating to the surfacing of the site and laying out of the parking. An informative note is also to be included relating to wheel cleaning.
- 7.6 Local Plans (housing) have no objection but suggest the removal of PD rights/conditions to restrict using the wider plot for domestic paraphernalia.
- 7.7 Internal drainage have stated that they have no objections subject to including a condition requiring all drainage details prior to the commencement of the development.

- 7.8 Doncaster East Drainage Board - state that prior to the commencement of the development there must be an approved scheme for the provision, implementation and future maintenance of surface water drainage system. They have also provided details of other instances in which they would wish to be consulted. (Note as informative)
- 7.9 The Parish Council – made comments neither supporting or objecting but raised the issue that parking should not be on Back Lane or at the village hall.
- 7.10 No responses have been received from either the Local Plans team (in terms of flooding), Yorkshire Water, National Grid, Severn Trent or the area manager.

8.0 Assessment

8.1 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

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

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

Principle of Development

- 8.3 The proposal looks to change the use of the existing agricultural building to provide one new dwelling with associated parking and garden.
- 8.4 The application site is within the Countryside Policy Area (CPA) and Core Strategy designated Countryside Protection Policy Area (CPPA); development at this location is therefore subject to Policies ENV2 / 4 and CS 2 / 3 respectively. Both the UDP and Core Strategy restrict development within the countryside to uses which are considered appropriate to a rural location.
- 8.5 Policy ENV4c allows for the re-use of existing buildings in the Countryside Policy Area subject to the limitations included in Policy ENV10. The proposal would not be inconsistent with the section h) of this policy which allows for the conversion of existing buildings provided there is not the need for significant extension, the functional needs of the development are met and the conversion can be undertaken without adversely affecting the character of the surrounding landscape.

- 8.6 Part Biv) of policy CS 3 allows for the re-use of suitable buildings for uses appropriate in the countryside.
- 8.7 Regard should be had to Class Q of the General Permitted Development Order 2015 (as amended) which allows for the conversion of agricultural buildings to residential use. Whilst this proposal is outside of the scope for a class Q conversion (given the proposed extension to the footprint) it does set the context for the government's support for the re-use of agricultural buildings for residential use and therefore lends support to this application.
- 8.8 The emerging Local Plan includes Policy 26 (Development in the Countryside), Part 1 of which supports appropriate proposals for the re-use and conversion of rural buildings. The proposal would be consistent with policy but it should be noted only limited weight can be afforded to this draft policy due to unresolved objections which are being considered during the Plan's current examination.
- 8.9 The principle of development is therefore considered to be acceptable subject to the considerations as addressed below.

Sustainability

- 8.10 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.
- 8.11 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.

SOCIAL SUSTAINABILITY

Impact Upon Residential Amenity

- 8.12 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*'.
- 8.13 A representation made objecting to the inclusion of 2 windows on the eastern elevation is noted however given the fact that these windows serve bathrooms and the glazing is to be obscured this is not considered unreasonable in this location overlooking the paddock.

- 8.14 In assessing any change of use it is necessary to take into consideration the potential impact of that change on adjoining uses. This is particularly relevant where building works are proposed but equally altering the use of a build has the capacity to affect residential amenity.
- 8.15 The Doncaster Development Guidance and Requirements SPD sets out detailed requirements designed to ensure new housing development does not impact in residential amenity in a way that is considered detrimental. Much as this application is for the reuse of an existing building it is helpful to consider the principles set out in the SPD when assessing this proposal in order to ensure the conversion is appropriate and not harmful to adjoining uses.
- 8.16 The lack of existing properties on the western, southern, and eastern boundaries means there are no issues raised in respect of privacy. The bulk of the fenestration will be on the western and southern elevations; and the bathroom windows, mentioned above, on the eastern elevation.
- 8.17 Given the fact that the building is located directly on the roadside and there are residential properties located directly opposite at a distance of approximately 7.7m distance the plans have been amended to include 2 high level windows to the northern elevation- these windows serve bedrooms 2 and 3. To provide additional light, as well as further interest to the design of the building 2 further floor to ceiling windows have been added to bedroom 3. Any potential detriment to privacy has thus been dealt with by these alterations.
- 8.18 A representation has also been made relating to the fact that this proposal will result in a loss of light to the property named Ryland which lies directly to the north east of the application site. Were this to be a proposal for a new building or were there to be significant changes proposed to the structure, such as an increase in the height of the roof, then this would possibly be a concern. However given the fact that the structure is already in situ and the proposal is simply to make good and convert the building then this is not considered to be a cause of concern in this instance.
- 8.19 A small extension is proposed to the side of the building to house an entrance hall and part of the living room. This will project less than 4m from the side of the building and will increase the floor space by less than 33m² and on balance is not considered at all excessive: it represents an increase in footprint of approximately 17%. Nor does the addition of the extension raise any issues relating to overshadowing given its position in relation to adjoining uses.
- 8.20 An objection has been received relating to the impact of the works on the views across the site. The obstruction or otherwise of a view is not a material consideration though the impact on outlook is. Given that this is a conversion of an existing structure is considered that the proposal would not impact negatively on outlook: it will result in the making good of the site which is a point which weighs in favour of the application.
- 8.21 Given the reasons set out above, it is not considered that the proposal will cause harmful overlooking upon the existing properties located on Back Lane, or impose on privacy. Likewise it is not considered that the proposal would cause any

additional overshadowing. The position and minor nature of the proposed extension to the existing building likewise raises no concerns.

- 8.22 The conversion of this building has the advantage of creating an additional unit of accommodation at the same time as doing this with the minimum impact in surrounding uses; details relating design and scale of the proposed development will be discussed in later paragraph of this report however the fact that the changes required to the building are relevant in relation to the impact on amenity.
- 8.23 In terms of the residential amenity of future occupiers, this is also acceptable and accords with the SPD. The proposed plans include provision for private amenity space and parking. The extent of the proposed curtilage has been reduced since the application was first submitted as it was not considered acceptable to establish such a significant domestic curtilage. As amended the curtilage is considered reasonably balanced in relation to the footprint of the proposed conversion particularly given the fact that the land slopes quite steeply away towards the rear of the garden thus limiting the amount of useable space.
- 8.24 All the internal bedrooms exceed the space standards set out in the adopted South Yorkshire Residential Design Guide.
- 8.25 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 CS1 E) CS14 as well as paragraph 127 of the NPPF and this carries significant weight.

8.26 Conclusion on Social Impacts.

- 8.27 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.
- 8.28 The proposed development will see the conversion of an agricultural building to residential use. The unit is suitably sized and will be built to a good specification for the benefit of future occupiers.
- 8.29 The proposal would not adversely affect neighbouring residential properties through excessive overlooking or loss of privacy, nor is it considered that the proposal will be overly dominant as this is an existing structure and the proposal otherwise requires very little building work. The fact that the bathroom windows are to be obscure glazed removes any concerns with regards to the overlooking of the paddock to the east. The proposal accords with policy CS1 and CS14 as well as with the Development Guidance and Requirements SPD. Thus the proposal weighs positively in terms social impacts and carries significant weight.

8.30 ENVIRONMENTAL SUSTAINABILITY

Design and impact upon the character of area.

- 8.31 As set out in Paragraph 3.3, this agricultural building was constructed over 30 years ago and is now in some need of repair. Whilst residential properties occupy the land both to the north and to the east of this site, the agricultural building is typically

of the type of building one would expect to see on the settlement boundary where incidental agricultural/countryside uses start to take over from residential properties prior to encountering the open countryside.

- 8.32 A representation has been received stating that the building is more suited to agricultural use and that its conversion will be detrimental to the character of the area.
- 8.33 It is clear from the site visit photos (Appendix 1) that the building is in need of some repair. The applicant has confirmed that recent use of the site has been undertaken without the appropriate agreement and has submitted this application with the intention of converting this building into a residential unit of good design specification whilst importantly here retaining the agricultural character of the building as much as possible.
- 8.34 The proposal will retain its simplistic form and where it looks onto existing properties the window and door openings have been kept to a minimum ensuring that once converted the building will still closely resemble an agricultural building both from the north and east.
- 8.35 Further to this the materials chosen in terms of cladding, the roofing material, the doors and windows have all been selected to maintain the clean lines of the building whilst at the same time ensuring the proposal is suitably insulated. Appendix 2 provides details of the materials proposed. The combination of midnight (dark grey) composite cladding, zinc roofing as well as aluminium windows and doors will effectively work for this conversion, allowing the building to be updated using materials that will be long lasting and low maintenance, in such a way that will retain the agricultural character of the building. It is proposed that should this application be granted that permitted development rights be removed to ensure that future development on site is mindful of the rural location on the edge of the settlement boundary.
- 8.36 Given the above assessment it is considered that the design of the proposal is respectful of the character of the area and therefore in accordance with policy CS3 and ENV 10 b) the latter of which states that the form, bulk and general design of the buildings are in keeping with their surroundings and the proposal respects the local building style and materials.

Highways

- 8.37 The building proposed for conversion can be accessed off both Mosham Road to the north and via Station Road to the east. The road is a single carriageway width and is unadopted. The details of the owner of the road are not known that said this is not a planning matter though it is understood from discussions with the applicant that residents each contribute towards the upkeep of the road. It is also understood that the applicant intends to make improvements to the road by way of filling in pot holes however this is mentioned more by way of speaking of the intentions in which I have been advised rather more than being a planning condition/obligation.
- 8.38 Those making representations have each raised the issue of the suitability of the access: the point has been raised that the road is a single carriage and not in a good state of repair. There are concerns that the works on site will potentially cause further damage to the road and that additional traffic will restrict access for existing residents and that consideration needs to be given to the fact that the access is at

times used as a cut through and also as access to the village hall. Concerns were expressed with regards to whether there would be issues in terms of the emergency services being able to access the site. The use of the road by pedestrians and cyclists was also noted in relation to the safety issue. Representations also raised the concern that the granting of this development would encourage further development off Back Lane thus adding the pressure on the road.

- 8.39 The Highways DC officer has been consulted and they have raised no objections to the proposed development given that the access, albeit currently a gated farm entrance, is already in position and there is sufficient space for vehicles to manoeuvre within the site. Conditions have been requested relating to the surfacing and sealing of the site and to the fact that the driveway/parking must be provided as planned and retained to ensure that there is sufficient onsite parking and thus no need to utilise Back Lane for such a purpose.
- 8.40 Representations have expressed concerns in respect of the additional pressure being put on Back Lane by the increase in traffic. However the addition of one dwelling is not considered a substantially increase and given the fact that sufficient onsite parking can be provided there will not be the need to rely on parking on Back Lane which would in any case not be possible given the width of the carriageway. Thus it is not considered that the granting of this application would raise issues in terms of access for existing residents or for users of the village hall.
- 8.41 The possible disruption caused by the works is acknowledged and to this end a condition it to be requested insisting on the agreement of a Construction Traffic Management Plan (CTMP) to ensure, amongst other things that construction vehicles can access the site and how will this be managed, for how long will any disruption be caused, the timing of deliveries etc..
- 8.42 Access for the emergency services is a consideration and has been another point raised relating to this proposal. Highways Development Control have undertaken a tracking exercise to clarify that a fire appliance is able to access the site and the tracking details produced (Appendix 1) confirm that this is the case. Should there be the need the appliance can access Back Lane via one entrance (for sake of argument off Mosham Road) and leave via the Station Road junction. Further to this tracking details have also confirmed that a fire appliance can pull on to site and then reverse back out therefore access for other vehicles would not be impeded in the event of an emergency situation. The fact that the new development here has adequate parking as well as the fact that a fire appliance can turn in to the site means that this proposal causes no disruption/danger to existing residents – arguably there is better provision here than at other properties accessed off Back Lane. In respect of the point raised relating to pedestrian and cyclist safety it is considered that on a single carriageway lane with no footpath provision will be travelling at slower speeds to allow for the fact that people walking/cycling may be encountered. This is an existing access about which Highways Development Control have raised no concerns in respect of visibility nor is it considered unusual for an access road to have no footpath.
- 8.43 A point has been raised relating to the fact that the granting of this development will encourage other projects off Back Lane thus exacerbating what is considered to be

an overly used and poorly maintained access. It is not felt that this will be the case given the basis upon which this application has been made: the agricultural building is existing and on the edge of the settlement boundary. To the west of the application site there is a building the use of which is not clear that could possibly be converted at some point however that is something the merits of which would need to be considered at the time of an application being made. Having visited the site there do not appear to be any similar buildings and in any case class Q conversions are not something the local planning authority can control and as well as this policy does allow for the re-use of existing buildings in the countryside subject to detail. Other applications would have to be for new dwellings which in the countryside would be resisted as contrary to policy and therefore it is not felt that the granting of this application will encourage further development off Back Lane. In any case were this at some point in the future to be considered, the merits of any new application would have to be considered and determined having made an assessment as to whether the access was capable, amongst other things, of meeting the required need.

- 8.44 Given the above assessment it is considered that the proposal is acceptable in terms of the parking and access arrangements set out by this application. It is not considered to raise any issues relating to highway safety, access for the fire appliance has been shown to work effectively and the impact of this scheme in the existing road situation is thought to be minimal. It is therefore considered that this application is in accordance with CS14 a)3 as well as with the standards detailed in the South Yorkshire Residential Design Guide.

Flooding

- 8.45 The application site is in Flood Zone 2 and thus of medium probability of river flooding. As a change of use to residential accommodation this is then classed as a more vulnerable development hence the applicant is required to demonstrate that the potential flood risk has been considered and is in line with the standing advice from the Environment Agency. In order to clarify these details the applicant has provided a flood risk assessment (ref: RLC/0659/FRA01 23.10.20) There is no requirement to pass a sequential or exceptions test given that the proposal is a change of use to residential but not a caravan, camping chalet, mobile home or park home site.
- 8.46 The government set out what information must be provided to demonstrate that flood risk has been considered and that the development is safe: this includes providing details relating to surface water management, access and evacuation as well as floor levels.
- 8.47 In relation to surface water management the council's drainage team have reviewed the application and at this point have requested that a standard condition be added to any grant of planning permission requiring that full drainage details be agreed before works commence on site. This aspect of the flood risk assessment will therefore be reviewed at the point of making an application to discharge the conditions and should any further clarity be required this will be sought at this time.
- 8.48 Given that the proposed conversion will be single storey prior to the occupation of the development the applicant will also be required to provide a flood evacuation plan the details of which will need to be approved by the Council's flood risk engineers thus ensuring that future occupiers will be safe in the event of a flooding

emergency. An informative note will be included also reminding occupiers of the dwelling to sign up to receive flood warnings from the Environment Agency.

- 8.49 To comply with standing advice the flood risk assessment is required to provide an average ground level for the building and ensure that ground floor levels will be raised by 0.30m above existing ground levels. The flood risk assessment confirms that this can be achieved and floor levels are proposed at 6.30m AOD (which is acceptable given the existing ground level of 6.0m AOD).
- 8.50 In addition to the floor levels the flood risk assessment also demonstrates that the development will utilise extra flood resistance and resilience measures including water resisting air bricks, ceramic or concrete based floor tiles, internal cement renders used to a minimum of 300mm above floor levels as well as electrical installation above 6.60m AOD.
- 8.51 Given the above information it is considered that the flood risk assessment supplied in support of this application gives sufficient reassurance (subject to the agreement of the conditions relating to drainage and the evacuation plan) that the development will be safe to be occupied as residential accommodation and resilient to future flooding events should they occur. The proposal is therefore considered to be in accordance with paragraph 163 of the NPPF.

Trees

- 8.52 Given the presence of a larger tree to the rear of the site the tree officer requested that a tree survey be undertaken in accordance with BS5837 (2012) to determine whether the tree was of sufficient quality to be an issue here. The survey, once undertaken, confirmed that the tree (T1) is infected with ash heart rot and that branch/stem failure may be imminent. Having clarified that this is the case this tree is no longer a planning matter and is to be removed along with T2 which has been damaged by grazing as well as the poplar trees which front the site which are also of poor quality.
- 8.53 Replacement planting of 2 trees has been agreed and indicated on the amended site plan to be secured via the proposed planning conditions. These will be oak trees which must meet the standards set out by the condition as well as being handled and planted in accordance with the details set out here.
- 8.54 Given the diseased condition of the ash tree and likewise the poor condition of the other trees on site, the fact that replacement planting has been agreed to the satisfaction of the tree officer, plus no other issues are raised, this application is considered acceptable from a trees perspective and therefore in accordance with CS16 of the Core Strategy.

8.55 Conclusion on Environmental Issues

- 8.56 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.

- 8.57 The application proposal is not considered to harmfully impact the environment or surrounding uses. The development is small in scale, and is situated immediately next to the settlement boundary. The proposal will see the loss of a number of trees however it has been confirmed that these are diseased/of poor quality and replacement planting has been agreed. The Highways DC Officer considers that the proposed highways/access arrangements are acceptable subject to the proposed conditions.
- 8.58 The application is not in a Conservation Area, thus there being no impact upon any Heritage assets. The proposed conversion will utilise materials which are considered acceptable and which help preserve the agricultural character of this scheme on the edge of the settlement boundary. The proposal does not detrimentally affect the surrounding environment. This weights moderately in favour of the application.

8.59 ECONOMIC SUSTAINABILITY

- 8.60 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.
- 8.61 On the wider level, the conversion of a building will make a limited contribution to housing supply and local spending.

8.62 Conclusion on Economy Issues

- 8.63 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.
- 8.64 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.

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. 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.

10.0 RECOMMENDATION

10.1 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:

Location plan drg no UKSD- SA-08-0001 rev A.02 dated 22.1.21

Proposed site plan drg no UKSD-SA-08-0003 rev A.03 dated 9.2.21

Proposed plans drg no UKSD-SA-08-0005 rev A.01 dated 10.3.21

REASON

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

3. The materials used to complete this conversion shall be as follows unless otherwise agreed in writing with the local planning authority:

Wood cladding – Midnight Forma Composite Panel Cladding Boards

Bricks – Kingston Dark Blend

Doors – Black – from the ‘Silka’ Collection

Roofing – zinc roofing – from The Metal Roof Company

REASON: to ensure the development is in keeping the simplistic lines of the agricultural building and thus integrates effectively with the surrounding area.

4. 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.

5. 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, having been 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.

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.

6. 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.

7. 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.

8. 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.

9. 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.

10. Two replacement trees for the diseased ash tree (T1) shall be planted on the site prior to the occupation of the dwelling, in accordance with the approved plans and particulars (Site Block Plan ref. UKSD-SA-08-003 Rev.A.03 dated 09.02.2021). The nursery stock specification of the trees shall be in accordance with British Standard 3936: 1992 Nursery Stock Part One and planted during the first planting season following completion of the development hereby approved. The rootball of rootballed trees shall be in accordance with table D5 of British Standard 8545: 2014 Trees: From nursery to independence in the landscape - Recommendations (BS8545) and the British Standard 8545. The trees shall be handled in accordance with 'Handling and Establishing Landscape Plants' by the Committee of Plant Supply & Establishment (1995) published by the Joint Council for Landscape Industries and/or section 9 Handling and Storage and Annexe E of BS8545. Thereafter the trees shall be planted in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion of the planting. Should either or both of the trees fail to achieve independence in the landscape, or is damaged or removed within five years of planting it/they 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.

11. Prior to the first occupation of the site the applicant shall provide a suitable flood evacuation plan to safeguard the residential use from the potential risks posed by a flooding emergency, for the approval of the local planning authority. The approved plan shall be adhered to for the life of the development.

REASON:

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

12. No development shall commence until a Construction Traffic Management Plan (CTMP) is submitted to and subsequently approved in writing by the Local Highway Authority. The approved plan shall be adhered to throughout the construction phase. The plan should contain but not be limited to the following information relating to:

Volumes and types of construction vehicles

Identification of delivery routes;

Identification of agreed access point

Contractors method for controlling construction traffic and adherence to routes

Size, route and numbers of abnormal loads

Swept path analysis (as required)

Construction Period

Temporary signage

Measures to control mud and dust being transferred to the public highway

Timing of deliveries

REASON: to ensure the construction works can be undertaken in such as minimises disruption to the locality.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additions, extensions or other alterations other than that expressly authorised by this permission shall be carried out without prior permission of the local planning authority.

REASON:

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties

or to the character of the area and for this reason would wish to control any future development.

14. The development shall be carried out in accordance with the submitted flood risk assessment compiled by Roy Lobley Consulting (Ref:RLC/0659/FRA01) dated 23.10.20 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 6.30 metres above Ordnance Datum (AOD) as indicated in section 5 of the FRA.
- Electrical installation shall be above 6.60m AOD
- Floor finishes will be either ceramic or concrete based floor tiles and internal cement render will be used to a minimum of 300mm above floor level to reduce flood water leakage and assist rapid drying of the internal surface of the wall.

These mitigation measures shall be fully implemented prior to occupation and the measures detailed above, as well as those within the flood risk assessment 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

1. INFORMATIVE

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

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2021 until 31st December 2022

2. INFORMATIVE

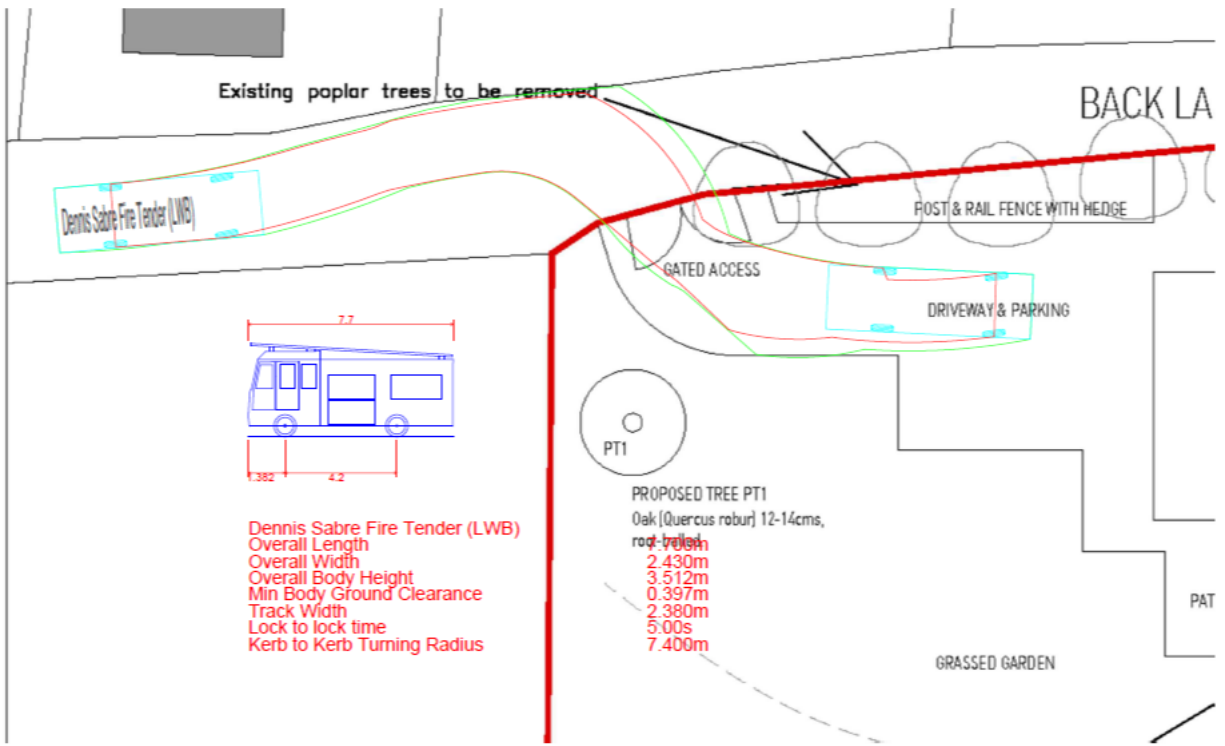
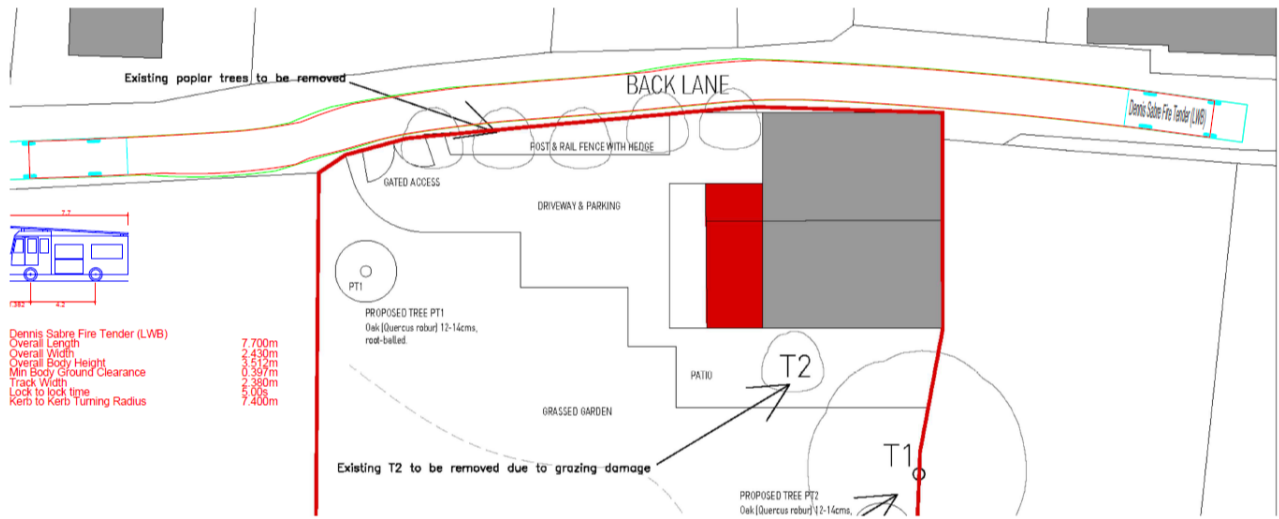
At the time of this decision, the site has been identified as being within an area of medium or high flood risk, based on the Environment Agency's flood maps. Therefore, the applicant/occupants should consider registering for the Environment Agency's Floodline Warning Direct, by phoning Floodline on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

3. 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- Fire appliance tracking details



Appendix 2 – Materials

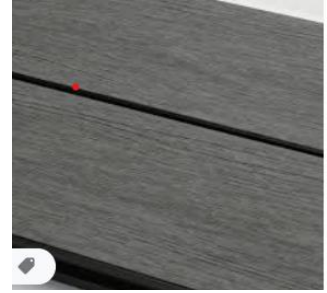
Kingston dark
blend bricks



SILKA Door



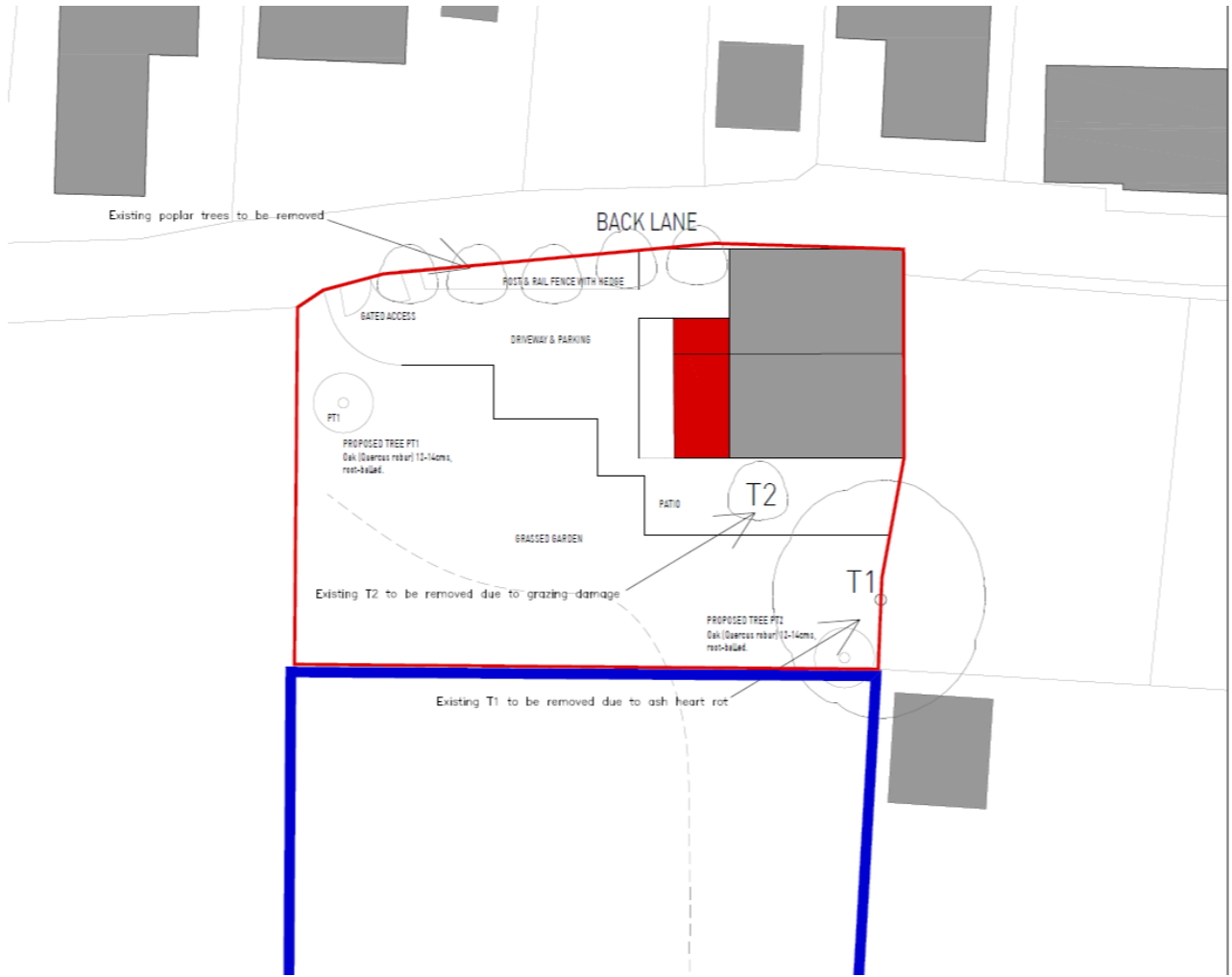
Forma Midnight Cladding



Zinc roofing



Plans



Photos



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Application	2
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Application Number:	20/03286/3FUL
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Application Type:	Full Application
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Proposal Description:	Formation of a 20-space car park for the council's new fleet of EV cars along with a solar panel canopy covering the area.
At:	Civic Offices, Waterdale

For:	Richard Smith – Property Services
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Third Party Reps:	None	Parish:	N/A
		Ward:	Town

Author of Report:	Nicola Howarth
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SUMMARY

The application relates to the proposed formation of a 20-space car park for the DMBC's new fleet of EV cars together with a solar panel canopy covering the area.

The proposed car park is located to the rear of the Civic Office on land currently used as a contractor's compound. The site lies within an Office Policy Area where such uses are assessed on their merits, with regard to highway safety and the relationship of the site to surrounding uses.

Having considered the planning merits of this application, the development is judged not to cause harm to neighbouring properties, the highway network or the wider visual amenity of the area and there are no material planning considerations that would demonstrably indicate that the application should be refused. The proposal is recommended for approval.

RECOMMENDATION: GRANT planning permission subject to conditions

**DMBC Civic
Offices**



Application Site

1.0 Reason for Report

- 1.1 This application is being presented to planning committee because the applicant is an internal Council department.

2.0 Proposal

- 2.1 Planning Permission is being sought to construct a car park for the use of the DMBC's fleet of electric cars together with a solar canopy. The car park will be constructed in grey bitumen and the canopy will be constructed in grey brick with timber fascia. The canopy design is a new 'solar canopy' - a flat roof structure, covering the car park area, fixed with solar panels. It is envisaged that this will provide a significant amount of power to support the EV fleet and help the council achieve its sustainability and biodiversity goals.
- 2.2 The proposed materials, used for this development, have been selected to complement the 'green' image of the project as well as its immediate surroundings. Corner columns, adjacent to College Road, have been surrounded by grey coloured brick. This will help the canopy tie-in with the existing service building, just behind the car park. A timber cladding fascia has been fixed to the canopy to soften its appearance and give a more natural feel to the structure. The solar canopy will be approximately 5m high at its highest point and 3.2m high fronting College Road. The overall size of the development is 45 metres long by 21 metres wide.
- 2.3 The new parking location will support the electrification of the Council's fleet with Electric Vehicle (EV) charging infrastructure and provide access for the efficient collection and return of vehicles for Civic Office and town centre based staff. The application site is considered the most appropriate location, given its location next to the Civic Offices and easily accessible associated infrastructure for the charging and maintenance of the electric vehicles.
- 2.4 The proposals include:
- 20 EV Charging Bay (10 charge points).
 - 2 accessible spaces.
 - Solar panel flat roof canopy with timber fascia positioned facing South-East to ensure optimum amount of sunlight.
 - New tree planting to the North-East side.
 - Low level planting to the front and south of the site.
 - Vehicular access through the car park will be one way. Cars enter via Nellie Stagles Way and leave via Chamber Road.
- 2.5 The application follows after temporary planning permission was granted for a car park at Scarborough House (20/01206/3FUL). The sale of the Council House car park required the Council to relocate its fleet of 39 pool cars and other vehicles to a new location within the Civic Quarter/ Town Centre. This site will provide 20 spaces with an EV charge point shared between making a total of 10 charge points. The council's fleet will consist of 39 EVs, the other 19 being parked at the recently approved development at the former Scarborough House site.

- 2.6 The new parking location will support the electrification of the Council's fleet with Electric Vehicle (EV) charging infrastructure and continue to provide access for the efficient collection and return of vehicles for Civic Office and town centre based staff.
- 2.7 This application is for a long term development and allows for an 'all electric' fleet to be parked and charged as well as the site being suitable for the construction of a 91kw solar carport, which can provide zero carbon generated electricity to the cars and the Civic Office.
- 2.8 The proposals were drafted and designed in consultation with the Planning Services Conservation Officer, Tree Officer, Local Plan team and urban designer. Along with Safer Roads, Strategic Asset Management and Parking Services.

3.0 Site Description

- 3.1 The application site is in Doncaster Town Centre. It lies immediately behind the Civic Office, along College Road. It is in close proximity to the Law Courts, the former museum, the new museum and library, Cast Theatre and Savoy cinema and restaurants. A public car park lies immediately to the north of the site. The Gables, a relatively new modern housing development is opposite to the east of the site. The Law Courts lie to the south and DMBC Civic Office lies to the west.
- 3.2 Prior to being used as a construction site compound there was no development on the site and it was grassed over.
- 3.3 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 08/02535/OUTA – Outline application for development of mixed use Civic and Cultural Quarter on approx. 11.2ha of land (Comprising of new performance venue, public library, civic offices, A1/A2/A3/A4 retail, B1 offices, D2 Leisure uses, C1 Hotels, C3 residential, public open space)

5.0 Site Allocation

- 5.1 The site is allocated as Office 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 122 states that planning policies and decisions should support development that makes efficient use of land, taking into account where sustainable transport is promoting.
- 5.7 Paragraph 102 states that transport issues should be considered at the earliest stages of development proposals opportunities from existing transport infrastructure and changing transport technology and usage.
- 5.8 Paragraph 104 states that planning policies should support an appropriate mix of uses in terms of sustainable transport, to minimise the number and length of journeys needed for employment, shopping and other activities.
- 5.9 Paragraph 105 adds to this further stating that policies should take into account both the type, mix and use of development, as well as the need to ensure an adequate provision for charging plug-in and other ultra- low emission vehicles.
- 5.10 Paragraph 110 also states that developments should be designed to enable charging on plug in vehicles in safe, accessible and convenient locations.
- 5.11 Paragraph 108 states that when assessing sites it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location.
- 5.12 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the impact upon the road network would be severe.
- 5.13 In terms of Town Centre development, paragraph 85 states that planning policies should allocate a range of suitable sites to meet the scale and type of development likely to needed.
- 5.14 Paragraph 120 states that planning decision need to reflect changes in the demand for land.

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 relates to the quality of accommodation and development within Doncaster. It makes it clear that development should be accessible by a range of transport modes. Developments should also be designed to work with their surroundings which protects and enhances the built and natural environment.

5.19 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.

5.20 Policy CS8 refers to Doncaster Town Centre. It states that regeneration should be focused to development opportunities at the Civic and Cultural Quarter.

5.21 Policy CS9 refers to Travel Choice, stating that parking in the Town Centre will be appropriately managed to support vitality and viability as well as reflecting local priorities.

5.22 Saved Unitary Development Plan Policies (Adopted 1998)

5.23 Policy TC11 refers to the Office Policy Area which states that proposals for other uses will be treated on their merits having regard to highway safety and the relationship of the site to surrounding uses, providing that they are consistent with other policies in the plan, particularly shopping and conservation.

5.24 Policy TC21 states that within Doncaster Town Centre the accommodation of adequate car parking facilities should reflect the balance needed between short and long stay parking; highway capacity; environmental factors and highway safety.

5.25 Policy TC24 states that proposals within the town centre should be considered in relation to the Council's current car parking standards and the need to maintain commercial attractiveness.

5.26 Local Plan

5.27 The Local Plan has been formally submitted for examination on 4th March 2020 and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the

weight that may be given). 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

5.28 The Local Plan is now advanced to the latter stages of the Examination in Public, and consultation on proposed Main Modifications to the Plan concluded on Sunday 21 March 2021. The Council is aiming to adopt the Local Plan by Summer/Autumn 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:

5.29 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is afforded limited weight as there are outstanding unresolved objections and the Council has, through the examination, proposed the policy is deleted entirely via a Main Modification to the Plan.

5.30 Policy 15 relates to Town Centre parking and states that car parks should be managed in favour of short stay car parking with supply aligned to meet operational demand. The policy states that car park development will only be permitted where it provides efficient parking, which makes the best use of the land; is of high quality; discourages all day commuter car parking; well-designed for the provision of disabled drivers; and includes sustainable refuelling infrastructure such as EV Charging points. This policy is afforded substantial weight, as there are no unresolved objections.

5.31 The site is allocated under Site Ref 841 in the Emerging Local Plan, which relates to Policy 69: Key Doncaster Town Centre and Main Urban Area Mixed-Use Sites.

5.32 Policy 69 states that the allocation aims to become a 'central business district' that will build on the existing civic developments. Future development will include a mixture of uses including high-density housing; Grade A offices; education facilities; new library; leisure uses **and additional parking provision**. Development will be expected to follow the high architectural standard and quality public realm delivered in the earlier phases. This policy can be afforded substantial weight, as there are no unresolved objections.

5.33 Policy 59 states that low carbon and renewable energy proposals will be supported where they have no unacceptable adverse effects on highway safety and infrastructure. This policy is afforded moderate weight as there are no significant unresolved objections.

5.34 Neighbourhood Plan

5.35 There is no Neighbourhood Plan for this area.

5.36 Other Material Planning Considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance

6.0 Representations

6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 as follows:

6.2 Site Notice

6.3 No representations have been received in response to the application publicity.

7.0 Parish Council

7.1 No Parish Council for this area

8.0 Relevant Consultations

8.1 **DMBC Area Manager** – No Comments received.

8.2 **DMBC Ecology** - Noting that the area proposed for this development is currently a site office and compound and formally, amenity grassland there is no appreciable biodiversity value to the site that would be lost through the development. Impacts on urban wildlife such as birds and bats would be insignificant. Where solar farms are constructed in rural situations there can be some impact on larger mammals and invertebrates. However, in this urban situation this will very likely not be the case. The proposed planting in the landscape scheme will provide a significant uplift in the biodiversity value of the site with trees and lower growing plants that could be used by foraging birds and bats and pollinating insects. No additional lighting is proposed which also favours urban wildlife. No objections on ecological grounds and no conditions.

8.3 **DMBC Economic Development** – No comments received.

8.4 **DMBC Environmental Health** - No comments

8.5 **DMBC Highways** - No comments received.

8.6 **DMBC Urban Design** -. Expressed concern the car park was to be built on a site identified as having the potential for offices and has outline planning permission for such use as part of the CCQ outline application. A car park and carport will not, in urban design terms, create the level of activity and strong active street frontage to College Road that an office building scale of development (or other similar use) would do. However, it is recognised that the current office market is challenging in the town

centre and there are other more important sites where new offices may be focused. The relatively temporary nature of the structure also does not preclude development in the longer term future if development economics get to a point where a more vibrant use could be developed on the site and / or the additional multi storey is built at Chamber Road.

- 8.7 The proposal has obvious benefits in terms of electrifying the Council's fleet and making the pool cars and access to them more safe and secure. Also moving the pool cars to this site does help to free up the larger College Rd car park for development which should be of more benefit to the town centre than the current car park. If the use is acceptable in principle, I have very little issue with the design.
- 8.8 The Urban Designer requested a landscape plan be submitted as part of the application together with a management plan. This has been submitted and the Officer is satisfied with the landscape and management proposals. Materials and finishes would require planning condition.
- 8.9 **South Yorkshire Police Architectural Liaison Officer** - No objections or comments to make in relation to the design, layout and security of this property.

9.0 Assessment

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

- Principle of Development
- Impact upon Residential and Visual Amenity
- Impact upon Highways
- Other Considerations

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 allocated as Office Policy Area in the adopted UDP 1998. Policy TC11 states that for uses other than offices, proposals will be treated on their merits in regard to highway safety and the relationship of the site to surrounding uses.
- 9.4 The application proposes to create a relatively small car park, which will be used to accommodate the DMBC Electric Pool Car fleet. The main works associated with the development include the provision of a hard surfaced area with Electric vehicle charging points with a solar canopy over.
- 9.5 On 19th September 2019, Doncaster Council Committee unanimously voted to pass the Motion to declare a Climate and Biodiversity Emergency and to establish a Local

Commission. Following this, Doncaster's Commission on the Climate and Biodiversity was formed. Findings from the commission will inform Team Doncaster's new Borough Strategy in 2020, which will outline opportunities to accelerate progress towards a net-zero carbon and regenerative place. The Commission published an Interim Position Statement in July 2020.

- 9.6 Page 10 of this document makes reference to the current activity which the Council are undertaking as part of the climate agenda and particularly refers to the replacement of Doncaster Council *'diesel pool cars and a selection of light commercial vans with electric vehicles in 2020'*. It builds on this further referring to the *'development of a dedicated EV-only fleet car park at the Council's Civic Office and the redevelopment of Scarborough House car park with 39 EV charge points (subject to planning)'*.
- 9.7 This proposal is part of a masterplan, proposed by the Transportation/ Energy Department, to develop the land to the rear of the Civic Office to provide for 20 EV Charging spaces. Not all of the pool cars are to be accommodated at the Civic Office and planning permission was previously granted for additional EV Pool Cars at the Scarborough House development. These details were approved by Planning Committee last year.
- 9.8 Policy TC11 makes it clear that proposals should have regard to its surroundings. The application proposal is very closely associated with the existing office use at the Civic Building and the outline planning permission for the civic building and the wider civic and cultural quarter defined the site as office use. Clearly, the pool cars need to be accommodated within close proximity to the office and therefore the application site is ideally located. Although typically the use of vehicles to commute to the Town Centre is discouraged, the use of Council Pool Cars is required by various departments, in order to undertake site visits/home visits etc. Therefore, the proposed use must be within close walking distance of the Civic Office.
- 9.9 Taking the above considerations into account, the proposal is considered an acceptable use within the town centre and would therefore adhere to Policy TC11 consequently, it is considered that the principle of development is acceptable and this weighs considerably in favour of the application. The proposal is therefore acceptable in principle, subject to other policy considerations.
- 9.10 Impact Upon Residential and Visual Amenity
- 9.11 Policy CS 14 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 . 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.
- 9.12 The proposed development is in close proximity to existing residential housing. However, the site is closely associated with the civic office building and within a highly urban location, near to other car parks. The scale of the car parking is relatively small

and given that the primary use of the proposed car park is the accommodation of the Council's Pool Car fleet, these will predominantly be used during typical office hours, limiting the comings and goings from the car park during anti-social hours. The use of the EV Charging Points will be controlled and managed by the Council's enforcement team. Therefore, it is not anticipated that proposal will encourage anti-social behaviour.

- 9.13 Based on the above considerations, the proposed development is not considered to harmfully affect residential amenity.
- 9.14 The addition of the car park is judged not to cause visual harm to the character of the surrounding area. The use would be located alongside another other car park and office related uses. The only structure proposed as part of the development is the solar canopy, which is single storey height and open in nature. The proposed materials, grey brick and timber cladding will complement the immediate surroundings. The grey brick will help the canopy tie-in with the existing service building, just behind the car park. A timber cladding fascia has been fixed to the canopy to soften its appearance and give the frontage a natural look.
- 9.15 A proposed landscaping and landscape management plan has been provided. The Council's Ecologist and Urban Design Officer are satisfied with the proposals and the Council's Ecologist is supportive of the car park. There are no trees on the site and the proposal will not impact the existing trees which are located on the pavement outside of the site boundary. The planting areas for the site are designed to be mainly low height with taller shrubs scattered throughout. This is to maintain visibility and allow light into the car park. This will help with the areas security and safety for drivers and pedestrians.
- 9.16 Overall, it is considered that the proposal would not adversely affect neighbouring residential properties through excessive disturbance or loss of privacy, given the scale and nature of the use proposed. The application site is in a sustainable location which is well connected to the civic offices. The landscaping proposals will enhance the built form and help it assimilate into the street scene mitigating any negative visual amenity and environmental impact.
- 9.17 Highways
- 9.18 Policies CS1 and 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. These policies also ensure that amenity is protected and highway safety not harmed.
- 9.19 There has been no objection to the proposals from Highways DC Officer. The proposed development has included the required number of accessible spaces. Vehicular access through the car park will be one way. Cars will enter via Nellie Stagles Way and leave via Chamber Road. A tracking plan provided with the scheme shows approximate vehicle tracking of a car pulling into a space and another reversing out of a space and leaving the car park. The development therefore complies with the above policies.

9.20 Other Considerations

9.21 Environmental Benefits

9.22 The replacement of existing diesel pool cars to provide a fleet of electric vehicles is a clear improvement in terms of environmental sustainability and will assist in reducing the carbon footprint created by the Council and its activities. Adopted Policy CS14 states that developments should be designed so that they are environmentally responsible and well managed. Policy CS18 states that proposals will be supported which reduce air pollution and promote more sustainable transport options and where relevant incorporate low emission technologies and cleaner transport fuels.

9.22 The proposed development will facilitate the electrification of the Council's fleet vehicles ensuring that when DMBC staff undertake site visits etc, there will no negative impact upon the local environment.

9.23 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.

9.24 The application proposal is not considered to harmfully impact the environment and helps to address the climate change agenda. The proposed development will facilitate the accommodation of the Council's future fleet of EV Pool Cars, which will therefore improve the Council's output in terms of carbon footprint, and will be in accordance with Emerging Policies relating to climate change.

9.25 Therefore the proposal will have a positive impact upon the environment. This weighs substantially in favour of the application.

10.0 PLANNING BALANCE & CONCLUSION

10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no 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 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:

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 Plan
 - Pool Car Relocation Plan (Site Plan) – Project number PQ2720 Drawing number A02 dated 26.11.2020
 - Maintenance plan for soft Landscape works – received 08th March 2021

REASON

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

03. The planting scheme shown on Drawing PQ2720 L01 hereby approved, shall be implemented in the first available planting season after commencement of development. The local Planning Authority shall be notified in writing within 7 working days of completion of the landscape works to the required standard and the completion shall be subsequently approved in writing by the Local Planning Authority. The approved scheme shall be maintained in accordance with the approved document 5 year maintenance plan, March 2021 for a minimum of five years. Any landscape which is defective, damaged or removed within five years of establishment shall be replaced.

REASON

In the interests of environmental quality.

04. Before above ground or structural building works commence, product details and samples of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved materials and details, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure the satisfactory appearance of the development.

05. 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 development being brought into use.

REASON

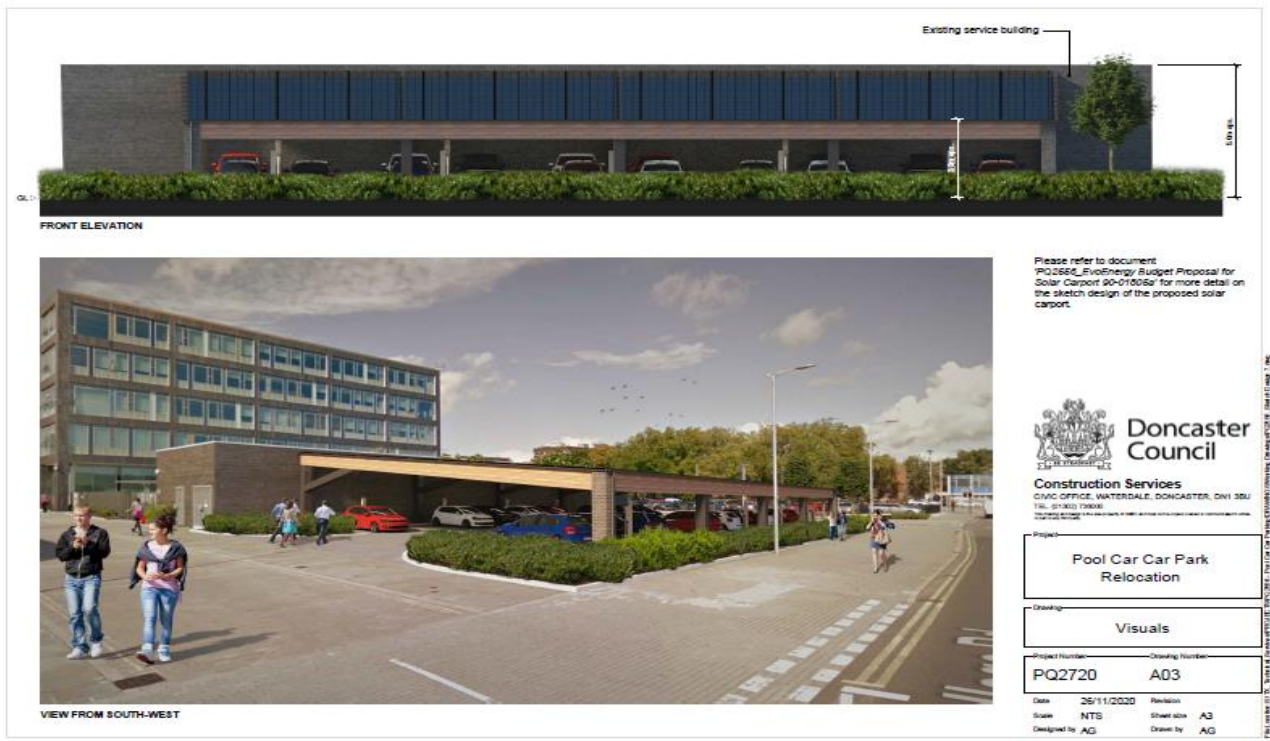
To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

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

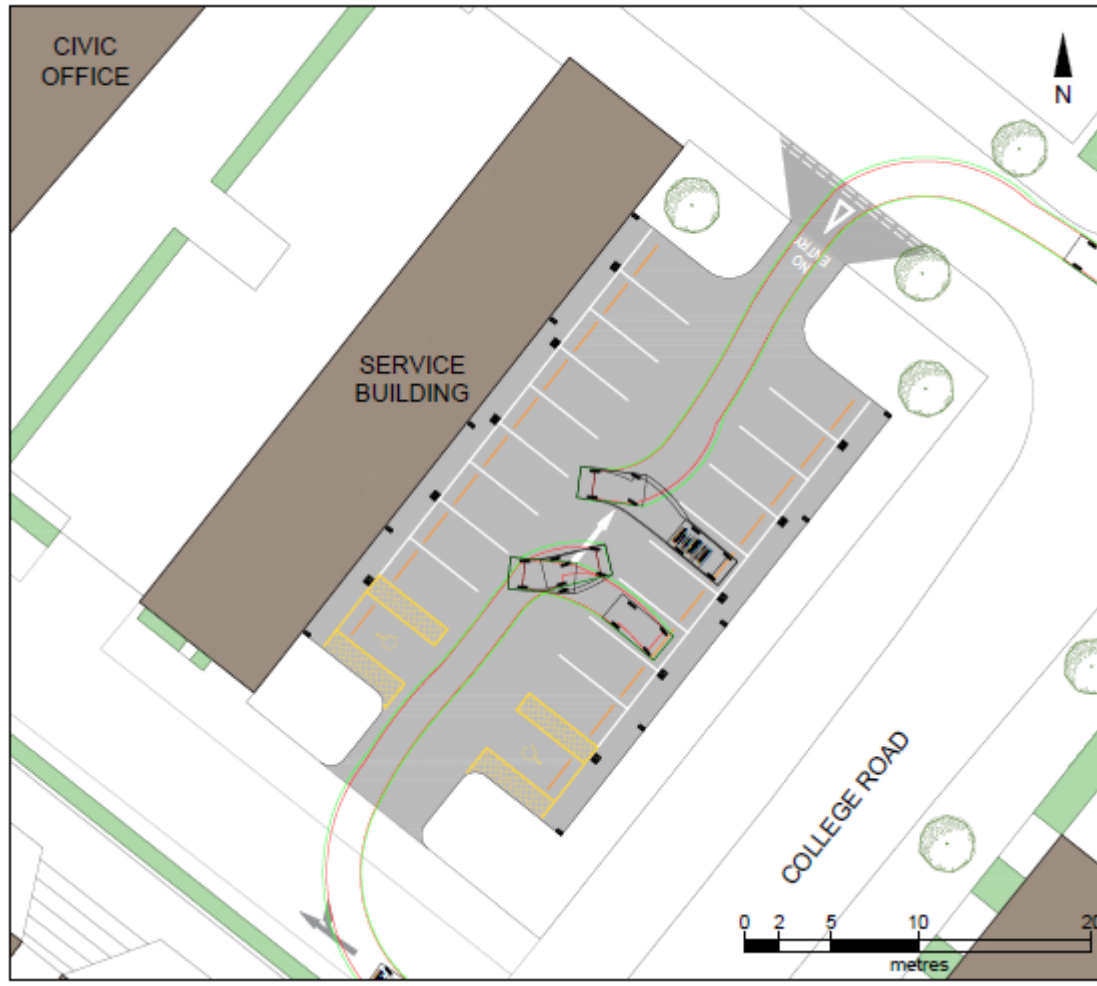
APPENDIX 1- Site Proposals



Visual Elevations



Vehicle Tracking Plan



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Application	3
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Application Number:	21/00016/FUL
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Application Type:	Full Application
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Proposal Description:	Erection of single storey side and rear extension
At:	1 Chestnut Drive, Bawtry, Doncaster, DN10 6LQ

For:	Fiona Daniels
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Third Party Reps:	2 letters of representation in opposition.	Parish:	Bawtry Town Council
		Ward:	Rossington and Bawtry

Author of Report:	Rebecca Larder
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SUMMARY

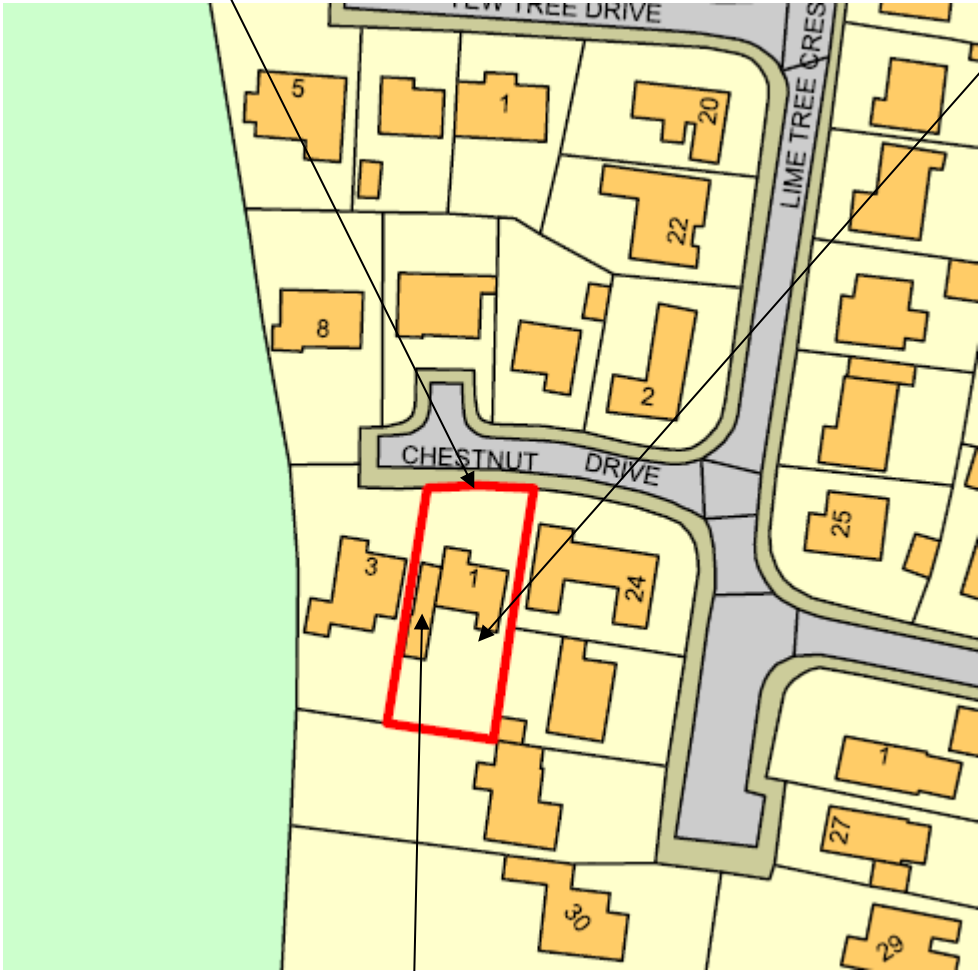
The application seeks permission to erect a single storey wraparound style extension to the side and rear of the property. The proposal does not harm the character of the area or neighbouring amenity and is considered to be an acceptable and sustainable form of development in like with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

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

RECOMMENDATION: GRANT planning permission

Application Site

Rear extension wrapping around the west side replacing the garage/car port.



Garage & car port to be demolished

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee at the request of Councillor Rachael Blake, ward member for Rossington and Bawtry.

2.0 Proposal

- 2.1 The application seeks permission to erect a single storey wrap around style extension to the west side elevation and rear elevation. This will create an additional bedroom and enlarged kitchen/living area.

3.0 Site Description

- 3.1 The property is a detached bungalow part way up Chestnut Drive. The property is constructed of a red brick with plain concrete roof tiles and white UPVC windows and doors. To the front there is a small bay window with some stone effect cladding below. The property sits on a generous plot and is set back from the highway. There is a driveway and grassed area to the front and a grassed area to the rear, which is bound by wooden fencing. To the side/rear there is also a detached garage and car port, both of which will be demolished prior to the extension being erected.
- 3.2 It is also worthy to note that Chestnut Drive is located on a slight hill therefore the host dwelling is situated higher than the adjacent properties to the east, 24 & 26 Lime Tree Crescent.

4.0 Relevant Planning History

- 4.1 There is no relevant site history.

5.0 Site Allocation

- 5.1 The site is designated as Residential Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998). This is not in a high risk flood zone being allocated as Flood Risk Zone 1 (FZ 1)

5.2 National Planning Policy Framework (NPPF 2019)

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.5 Paragraph 47 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise
- 5.6 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

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

5.7 Paragraphs 54-56 state local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The tests are:

- a) Necessary to make the development acceptable in terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

5.8 Paragraph 117 states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

5.9 Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

5.10 Paragraph 127 states that good design criteria should ensure that developments function well and add to the overall quality of the area, are sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future occupiers. Planning decisions should ensure are visually attractive and optimise the potential of the site.

5.11 Core Strategy 2011 - 2028

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

5.13 In May of 2012 the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force (for example those relating to the non-residential use

in a Residential Policy Area) and continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:

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

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

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

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

5.20 Local Plan

5.21 The Local Plan was formally submitted for examination on 4th March 2020 and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). 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

5.28 The Local Plan is now advanced to the latter stages of the Examination in Public, and consultation on proposed Main Modifications to the Plan concluded on Sunday 21 March 2021. The Council is aiming to adopt the Local Plan by Summer/Autumn 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 and the Council has, through the examination, proposed the policy is deleted entirely via a Main Modification to the Plan.

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

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

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

5.26 Policy 45 (Residential Design) has moderate weight in decision-making. New housing, extensions, alterations and changes of use to housing will be supported where they respond positively to the context and character of existing areas (refer to Policy 42), or the host property, and create high quality residential environments through good design. Developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space.

5.28 The Bawtry Neighbourhood Development Plan (adopted November 2019)

5.29 Policy NE1 relates to protecting local landscape and character.

5.30 Other material planning considerations

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

6.0 Representations

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

6.2 One public representation was received in relation to this application from a neighbouring property in opposition to the application.

6.3 The letter of objection is in regard to the following summarised points:

- Overlooking/loss of privacy
- Overshadowing/loss of light

7.0 Parish Council

7.1 An objection has been received from the Parish Council in relation to this application.

7.2 The letter of objection was in regard to the following summarised points:

- Overdevelopment / loss of amenity space
- Overlooking/loss of privacy
- Overshadowing/loss of light

8.0 Relevant Consultations

8.1 **Tree Officer** – No objection.

8.2 **Severn Trent Water** – No comments received.

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

9.0 Assessment

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

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

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

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

9.3 Sustainability

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

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

9.6 SOCIAL SUSTAINABILITY

9.7 Impact on Neighbouring Amenity

9.8 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 .

9.9 It is not considered that the proposed extensions would result in harm being caused to the residential amenity or neighbouring properties by way of overlooking or overshadowing. The rear extension will have a flat roof with two roof lanterns at a height of 3.2m. The adjacent garden, number 26 Lime Tree Crescent is set approximately 1.2m lower than 1 Chestnut drive therefore the top of the structure will be 4.4m above the ground level in 26 Lime Tree Crescents garden area. The proposed extension will span less than one third of the width of No 26s rear boundary therefore it is unlikely the proposal would restrict a significant amount of light from their garden area. Given that the proposed extension is set away from the boundary by 1.7m and that it will be North West of 26 Lime Tree Crescent's property, it is not considered harmful overshadowing or a significant loss of light would occur.

9.10 The windows to the east side of the proposed extension, which directly face 24 & 26 Lime Tree Crescent, are high level windows sitting 1.8m above the floor therefore it is not considered these windows would introduce harmful overlooking. There is an existing conservatory in the same position with windows also on the east elevation therefore it is not considered the proposed extension and windows would cause overlooking or a loss of privacy significantly more than the existing conservatory. The other windows and doors on the proposed extension face directly into the applicants garden area and are at ground floor level thus unlikely to introduce harmful overlooking.

9.11 The development should be of a scale and proportion that is subservient to the host dwelling, in relation to the height, massing, roof pitch and remaining curtilage space. The proposal does not compete with the host dwelling and appears subservient to it as it is smaller both in terms of footprint and height. The proposal is set within a substantial plot; the proposal preserves adequate private amenity space and does not dominate the rear garden therefore is complainant with the SPD and policy CS14.

9.12 It is therefore considered the application is in accordance with Policy CS1, CS14 and ENV54 thus carries significant weight.

9.13 Conclusion on Social Impacts

9.14 The proposed development would not detract from the residential amenity of neighbouring properties and would not significantly detract from the social sustainability of the locality. Although the application has received two

representations, the concerns raised are considered to be satisfied and addressed above. Thus the proposal weighs positively in terms of the social impact and carries significant weight.

9.15 ENVIRONMENTAL SUSTAINABILITY

9.16 Impact upon the character of the area

9.17 The element of the extension which sits to the West side of the dwelling is visible from the street scene and creates part of the front elevation. It has a pitched roof of the same style and pitch as the host dwelling thus is complementary to it and in accordance with the SPD and policy ENV54. The extension across the rear of the property has a flat roof with two roof lanterns. Although this does not reflect the design of the host dwelling it is a modern design and will predominantly be out of public view thus has a minimal impact on the character of the area and complies with policy ENV54. The materials to be used in construction of the extension will match those of the host dwelling therefore the character of the property will be retained.

9.18 Trees

9.19 The Tree Officer has no objections to the application as the proposal will not impact on any protected trees or hedges. The existing vegetation at the property does not appear to be significant enough to be of significant value as individual specimens or to the wider amenity of the area.

9.20 Parking

9.21 The side extension takes up part of the existing driveway however there is still enough space between the front elevation and footpath for two parking spaces therefore there will be sufficient room for onsite parking which is in accordance with the SPD.

9.22 Conclusion on Environmental Issues

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

9.24 ECONOMIC SUSTAINABILITY

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

10.0 PLANNING BALANCE & CONCLUSION

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

11.0 RECOMMENDATION

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

Conditions / Reasons

01. 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:
Proposed Plans - received 05/01/2021
Site Plan - received 13/01/2021
REASON
To ensure that the development is carried out in accordance with the application as approved.

03. The external materials and finishes shall match the existing property.
REASON
To ensure the satisfactory appearance of the development in accordance with policy ENV54 of the Doncaster Unitary Development Plan.

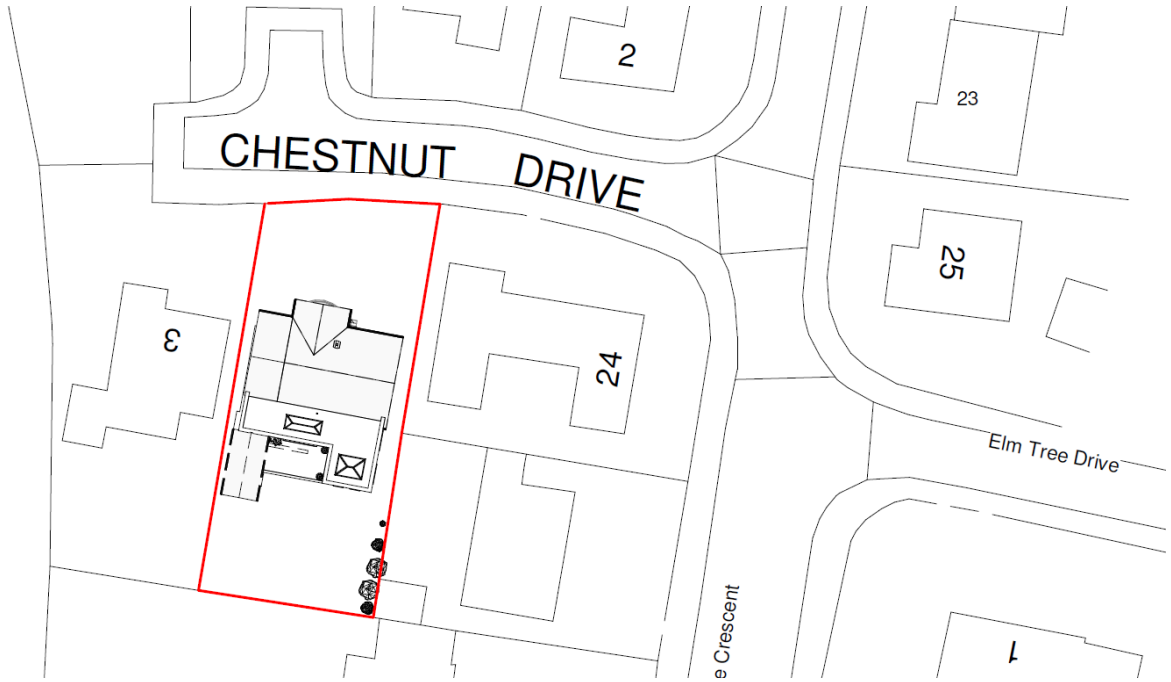
INFORMATIVES

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

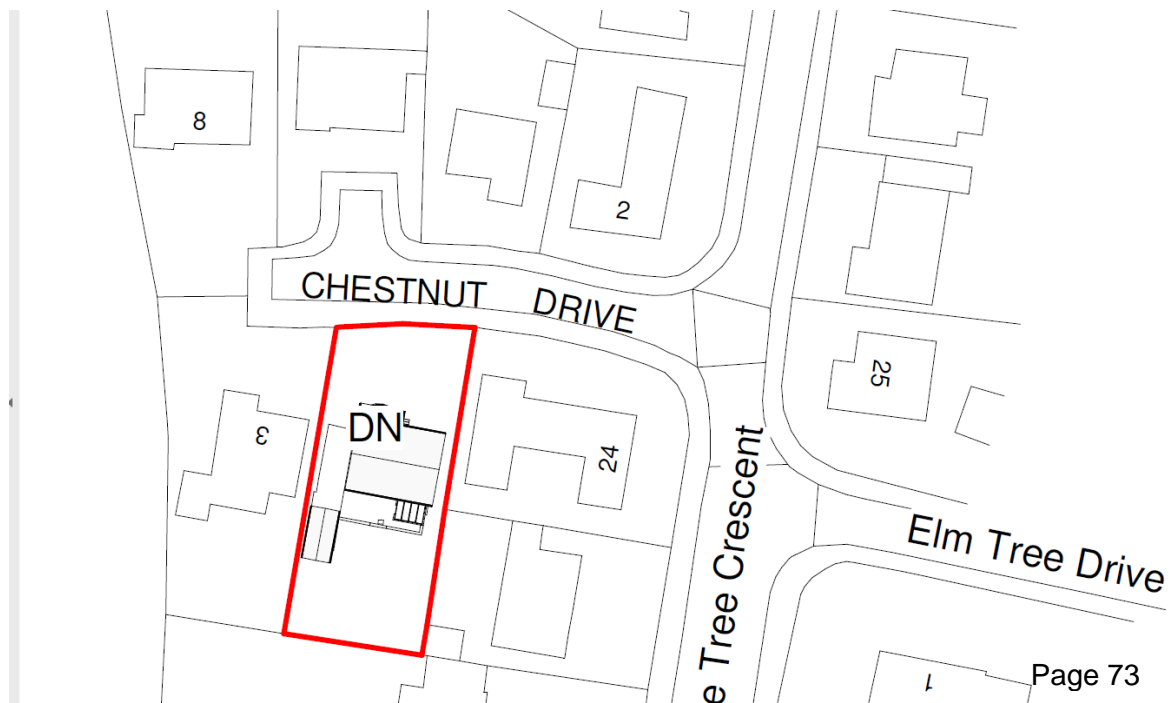
Planning permission has been granted on the basis that there is no sound and clear-cut reason to refuse. The applicant is, however, reminded that the responsibility for safe development and secure occupancy of the site rests with the developer and accordingly is advised to consider the possibility of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

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

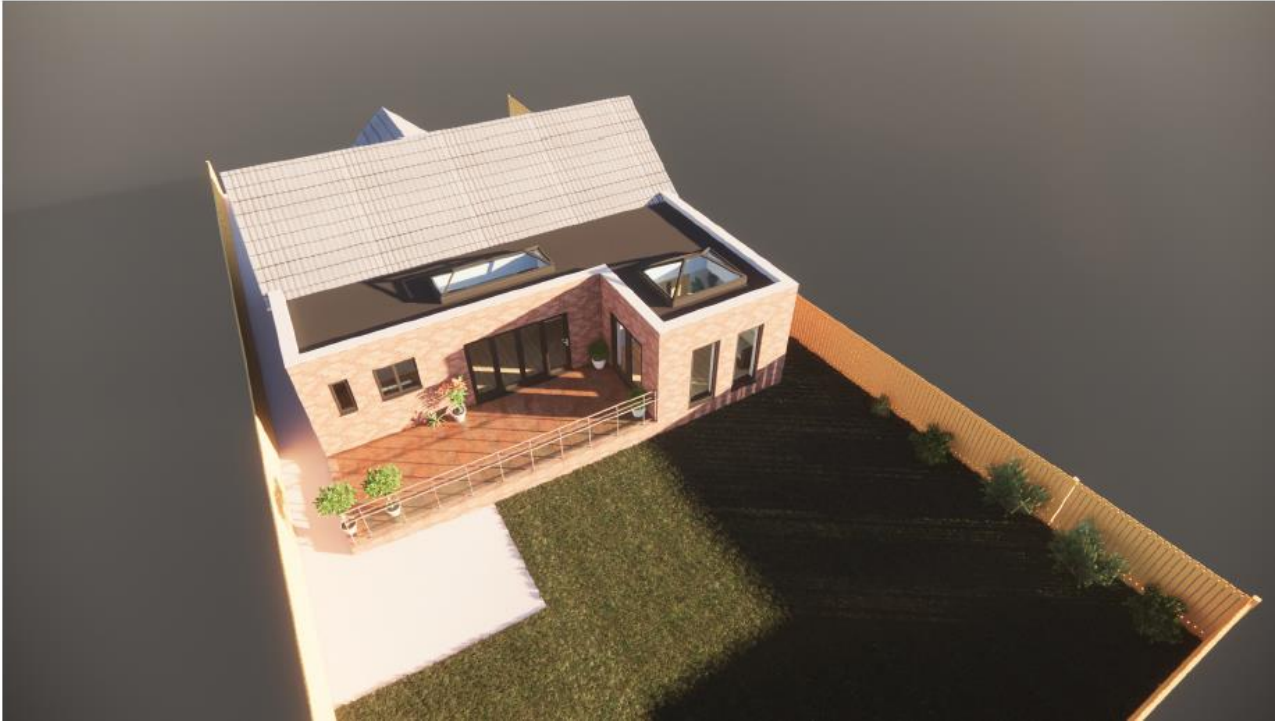
Appendix 1: Proposed Site Plan



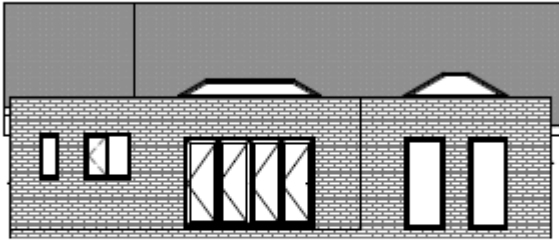
Appendix 2: Existing Site Plan



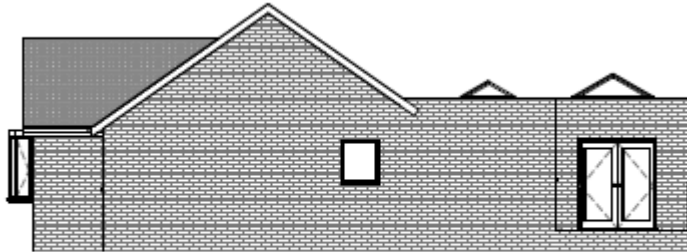
Appendix 3: 3D view



Appendix 4: Proposed Elevations



4 Proposed Rear Elevation
1 : 100



5 Proposed Side Elevation 1
1 : 100



6 Proposed Side Elevation 2
1 : 100

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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 17/03/2021]

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 17/03/2021]

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 17/03/2021]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 17/03/2021]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 17/03/2021]

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

EQUALITY IMPLICATIONS [Officer Initials JML Date 17/03/2021]

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

CONSULTATION

15. N/A

BACKGROUND PAPERS

16. N/A

CONCLUSIONS

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
20/01041/ADV	Erection of single illuminated 48-sheet digital advertisement display measuring 6m by 3m at Car Park Off Portland Place, Doncaster, DN1 3DP,	Appeal Dismissed 22/02/2021	Town	Delegated	No
20/00280/I	Appeal against enforcement action for the partial demolition of boundary walls and erection of two shipping containers and enclosure to house bin store and storage under ground A at Corner Pocket Snooker And Social Club, Bank Street, Mexborough, S64 9QD	ENF- Appeal Dismissed, ENF Notice Upheld 17/02/2021	Mexborough		
20/00280/I	Appeal against enforcement action for extension of wooden decking area with associated steel girders and concrete footings and installation of roller shutters above bi-fold doors under ground A at Corner Pocket Snooker And Social Club, Bank Street, Mexborough, S64 9QD	ENF-App Dismissed Subject to Correction 17/02/2021	Mexborough		
19/00319/FUL	Erection of boundary wall at the front of the property. (Retrospective). at 44 Town Moor Avenue, Town Fields, Doncaster, DN2 6BP	Appeal Dismissed 10/03/2021	Town	Delegated	No
19/02300/FUL	Erection of a detached two storey dwelling. at Land Adjacent 17, Riverside Gardens, Auckley, Doncaster	Appeal Dismissed 26/02/2021	Finningley	Delegated	No
20/02469/ADV	Installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 6.2m wide x 3.2m high at Amenity Land South East Of Units, Merchant Way, Doncaster, DN2 4BH	Appeal Dismissed 12/03/2021	Wheatley Hills And Intake	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

Ms J M Lister TSI Officer
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PETER DALE
Director of Economy and Environment

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Appeal Decision

Site Visit made on 10 February 2021

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/F4410/Z/20/3256699

Land at Portland Place Car Park, Doncaster, DN1 3DP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Alight Media Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/01041/ADV, dated 31 March 2020, was refused by notice dated 8 June 2020.
 - The advertisement proposed is a single illuminated 48-sheet digital advertisement display.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on public safety and the amenity of the area.

Reasons

Public Safety

3. The appeal site is located in the corner of the Portland Place Car Park adjacent to the busy Cleveland Street roundabout which is located on one of the main arterial routes towards the centre of Doncaster.
4. The PPG emphasises that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety.
5. Paragraph 068 of the PPG outlines that the main types of advertisement which may cause danger to road users are, amongst others, those which, because of their size or siting, would confuse a road-user's view, or reduce the clarity or effectiveness of a traffic signal, and; those internally illuminated signs (incorporating either flashing or static lights) including those utilising LED technology: i) where the means of illumination is directly visible from any part of the road; ii) which, because of their colour, could be mistaken for, or confused with, traffic lights; iii) which, because of their size or brightness distract road-users or iv) which are subject to frequent changes of the display.
6. The proposed digital advertisement would display static, illuminated images. It would be mounted on poles, thus occupying a raised position. It would front onto Cleveland Street roundabout, which I observed has high levels of traffic. For the most part, the roundabout comprises two defined lanes. The proposed

advertisement would face directly towards the A630 (Cleveland Street) junction where it would be in the direct line of sight to the four lanes of traffic which approach the roundabout in this location. It would also be adjacent to the A630 (Trafford Way) junction where drivers required to observe traffic to the right would be presented with distracting illuminated images to their left.

7. For drivers negotiating the roundabout, significant attention needs to be paid to highway signs, lane arrangements and traffic conditions. Given its scale and illumination, it would be an unnecessary distraction for the concentration that is required. The illumination and the changes in images would further distract motorists and thus risking highway safety.
8. In accordance with the Regulations¹, I have taken into account the provisions of the development plan so far as they are material. I conclude that the proposed advertisement would have a harmful effect upon public safety. The proposal would therefore conflict with the elements of Policy ENV58 of the Doncaster Unitary Development Plan (1998) that seek to ensure that proposed advertisements do not detract from public safety.
9. The proposal would also be contrary to the National Planning Policy Framework (the Framework) (2019) which states that advertisements should be subject to control only in the interests of amenity and public safety.

Amenity

10. The appeal site is located in an area with a variety of building styles and sizes. The surrounding area is relatively commercialised, dominated by the busy Cleveland Road roundabout.
11. The Planning Practice Guidance (PPG) gives an example that, in considering the effect on amenity of a proposed advertisement, a large poster-boarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.
12. Although it is in the latter context which I find the appeal proposal, I find that its size and siting, mounted on poles would lead to it being a dominant and obtrusive feature. It would occupy a prominent position and is sufficiently removed from the buildings to the rear, and as a result, due to its size, would appear isolated and incongruous. The display of illuminated digital images would be striking and prominent and would not integrate well into the street scene. For these reasons, the appeal proposal would create an alien feature.
13. I conclude that the proposed advertisement would have a harmful effect upon amenity. The proposal would therefore conflict with the elements of Policy ENV58 of the Doncaster Unitary Development Plan (1998) and Policy CS14 of the Doncaster Core Strategy (2012) that seek to ensure that proposed advertisements do not detract from amenity or the character of the local environment.
14. The proposal would also be contrary to the Framework, which states that, the quality and character of places can suffer when advertisements are poorly sited and designed.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Other Matters

15. The appellant has referred to a number of other similar sized advertisements in the area and the wider region. I do not have full details of all the examples given and the characteristics of each site are different. I have also determined the appeal on its own individual merits.
16. I have considered the conditions suggested by the appellant. I consider that none of them including those relating to luminance, display time, content restriction and changing of images, would overcome the harm to amenity and public safety that I have identified.
17. The fact that the appeal site is not within a Conservation Area or does not currently contain any advertisements are not factors which would override the harm I have identified. Similarly, I am not persuaded that any revenue that would be generated by the development would justify the harm I have identified.

Conclusion

18. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

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Appeal Decisions

Site visit made on 1 February 2021

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/F4410/C/20/3259825 ('Appeal A')

Corner Pocket Snooker and Social Club, Bank Street, Mexborough S64 9QD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Peter Eyre against an enforcement notice issued by Doncaster Metropolitan Borough Council.
- The enforcement notice was issued on 12 August 2020.
- The breach of planning control as alleged in the notice is *Without planning permission, the extension of a wooden decking area with associated steel girders and concrete footings marked in grey on the Plan, the siting of two shipping containers in the approximate positions marked in purple on the Plan, the installation of wooden fencing marked in blue on the Plan, the installation of four additional vertical steel girders with concrete footings adjacent to the highway marked in yellow on the Plan and the partial demolition of a wall in a conservation area marked in white on the Plan, on the Land.*
- The requirements of the notice are to:
 - (i) Remove all wooden decking, steel girders and concrete footings from the Land marked in grey on the Plan;
 - (ii) Remove the two shipping containers from the Land marked in purple on the Plan;
 - (iii) Remove all wooden fencing from the Land marked in blue on the Plan;
 - (iv) Remove all steel girders and concrete footings from the Land marked in yellow on the Plan;
 - (v) Reinststate the wall using the original materials on the Land marked in white on the Plan; and
 - (vi) Following compliance with steps (i) to (iv) above permanently remove the resultant materials from the Land.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

Appeal Ref: APP/F4410/C/20/3262438 ('Appeal B')

Corner Pocket Snooker and Social Club, Bank Street, Mexborough S64 9QD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Peter Eyre against an enforcement notice issued by Doncaster Metropolitan Borough Council.
- The enforcement notice was issued on 22 September 2020.
- The breach of planning control as alleged in the notice is *Without planning permission, the extension of a wooden decking area with associated steel girders and concrete footings marked in grey on the Plan and the installation of roller shutters above bi-fold doors marked in blue on the Plan, on the Land.*
- The requirements of the notice are to:
 - (i) Remove all wooden decking, steel girders and concrete footings from the Land marked in grey on the Plan;

- (ii) Remove the roller shutters from above the bi-fold doors marked in blue on the Plan.
- (iii) Following compliance with steps (i) to (ii) above, permanently remove the resultant materials from the Land.
- The period for compliance with the requirements is not given; however the notice requires compliance with the steps specified by 'no later than 23 December 2020'.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeal is dismissed and the corrected enforcement notice is upheld.

Preliminary Matters

1. In relation to the 'decking' allegations, Appeal B concerns works that are essentially a continuation of those that are the subject of Appeal A. The erection of an external terrace was retrospectively approved in August 2019 ('the approved decking'). I saw that the decking area that is the subject of the notice in Appeal A ('Notice A') is an extension to the approved decking area. The decking has been extended further and this further extension forms, in part, the subject of the separate notice in Appeal B ('Notice B').
2. Although it is possible to discern the separate elements of the developments, the Notice A and Notice B extensions together with the approved decking area result in a single extended decking area. Neither party has expressly addressed whether the Notice B decking area is capable of existing independently of the Notice A area, or if it is then what the merits of that as an independent, rather than as a cumulative, extension to the approved decking area might be. I have considered the appeals accordingly, with the Notice B decking as a cumulative addition to that of Notice A.
3. The enforcement notice to which Appeal B relates ('Notice B') does not specify a period for compliance with its requirements, as the legislation requires, but instead specifies a date. The specified date (which has now passed, owing to the appeal having been brought) is equivalent to a period of 50 days after the notice takes effect, and I am satisfied that the notice is capable of correction to stipulate this period without prejudice to either party.

Main Issues

4. Each of the appeals is brought only on ground (a) which is to raise a deemed planning application for the works that are alleged in each notice to constitute a breach of planning control. Although consisting of several discrete elements, there is considerable interrelationship between the works and neither party to the appeals suggests that I consider granting a permission on the ground (a) appeals except in relation to the whole of what is alleged in each notice.
5. The reasons given in each of the Council's notices relate to the impact of the development on the character and appearance of the Mexborough Conservation Area ('MCA'). The main issue in each of the appeals is therefore whether the development enforced against preserves or enhances the character or appearance of the MCA.
6. Further reasons are raised in the Council's statement concerning the impact of the Appeal A development on the residential amenity of neighbours, specifically in relation to noise, disturbance and odours. Retrospective planning permission

was refused on 30 September 2020 for (inter alia) the erection of the two shipping containers for use as a food outlet, for reasons including the impacts on the residential amenity of neighbours. However, these are not concerns raised by the notice, which is required (by regulation 4 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002) to specify why the Council considers it expedient to issue it, together with all policies and proposals in the development plan that are relevant to the decision. Those reasons and policies, in each case, relate only to the impacts on the Conservation Area and not to any other considerations.

7. The Council asserts that the ground (a) appeal in Appeal A seeks retrospective permission for 'the siting of the two shipping containers for A4/A5 use and storage, a 1.8m high black stained timber fence forming bin enclosure, outdoor video screen and steel frame and wooden deck'. However this is not quite the same as the development enforced against, which forms the subject of the ground (a) appeal. There is no appeal before me against the refusal of the application for retrospective planning permission.
8. The Council comments on the appellant's grounds of appeal to say that the appellant does not fully consider the amenity issues in relation to the use of the steel storage containers. The 'amenity' matters raised in the Council's statement, however, relate to the subject of the recent retrospective planning application, which differs in some material respects from the development against which either notice is directed. In particular, the Council's concerns about noise appear to arise in part from the potential use of a large outdoor video screen at the premises which does not form part of the allegation in either notice (and which appears to be mounted at least partly above an area of decking that is not itself unauthorised).
9. I therefore consider that the case presented in respect of residential amenity by both parties is somewhat incomplete insofar as it relates to the development actually enforced against, and I have also not had the advantage of seeing at first hand the representations made on the retrospective planning application. As it is not an issue raised by either notice, and given my conclusions on the first main issue, I do not consider it necessary to pronounce on the question of residential amenity because I consider the harm to the Conservation Area alone is sufficient to dispose of the appeals. Therefore I have not put the parties to the additional effort of supplying further information in relation to residential amenity considerations. Thus the only main issue in the appeal is the effect of each of the developments on the character or appearance of the MCA.

Reasons

10. The appeal site, referred to by the appellant as 'The Pocket Sports Bar' (hereafter 'the Pocket'), faces north onto Bank Street in the small town of Mexborough. An inter-war former cinema, it is one of a number of significant civic or community buildings fronting onto the main commercial and retail area of Bank Street and which are comprised in the MCA. Buildings on the south side of the street, including the appeal site, back onto Greens Way, the A6023 dual carriageway passing below the town as it falls away to the rivers Don and Dearn and the railway line below. The boundary with Greens Way forms the southern edge of the linear MCA that consists almost entirely of buildings fronting onto Bank Street.

11. In the triangle of land between Bank Street and Greens Way and the off-slip road rising from and over the dual carriageway, the land falls away very steeply between Bank Street and Greens Way. The Pocket, like the former library building to the west, has a relatively modest façade as it faces onto Bank Street but viewed from the rear, from Greens Way or the slip road, is revealed to be a building of considerable dimensions. The Pocket contains a large bar area on the ground floor and a further bar below on the lower ground floor.
12. To the east of the Pocket, beyond what appears previously to have been a gap in the frontage save for an historic sandstone wall and sunken garden area, lies what appears to be a former chapel building. Between the two buildings, and adjacent to the Pocket, areas of decking have been constructed that lie at the Bank Street street level. The approved decking is adjacent to the eastern side wall of the Pocket, the Notice A decking lies alongside that further to the east and to the north of the site, and the Notice B decking comprises a further rectangle to the south of the Notice A decking and east of the approved decking. The Notice B decking is bounded by steel railings to its southern and eastern sides around 4' high, whereas the Notice A decking is bounded by approximately 6' high vertical close-boarded black wooden fencing to its eastern side as well as the fencing to the north surrounding the shipping containers that lie close to Bank Street.
13. There remains a sunken lawn area between the easternmost steel girders supporting the decking and the western side of the former chapel building; however, to the northern side of this, there are substantial concrete footings and four steel girders rise from the ground which appear to form preparatory works for further development between the two buildings.
14. The building pattern to the south side of Bank Street is considerably more spacious than to the north, with a pattern of rather large buildings and gaps in the frontage giving an open feel and pleasant views across the rivers to the rising countryside beyond to the south. Whilst an extension of the decking area to fill part of the gap at street level between the approved decking and the former chapel would not necessarily harm this aspect of the Conservation Area's character or appearance, the particular way in which it has been executed here causes considerable harm to the heritage interests of the area.
15. This is principally because the height of the resultant fencing serves to block off the gap in the frontage, enclosing Bank Street and preventing the long countryside views that were previously available from it (as evidenced by the Council's Figure 1). As well as resulting in this loss of open character, the black stained fencing itself constitutes a jarring contrast with the surrounding building materials and boundary treatments. The loss of the low sandstone wall, comprised of a traditional local building material, is unfortunate and results in a further diminution of the local historic interest here.
16. The introduction of the black coated shipping containers is very unsympathetic to the prevailing brick and stone building materials of the area, to which the containers bear no relation. The surrounding buildings are constructed of more organic materials and do not share the containers' rather industrial countenance. As well as causing harm by their discordant appearance the containers, each taller than the surrounding fencing, also play a role in eroding

- the previously open frontage that I find to be harmful to the character and appearance of the Conservation Area.
17. Turning to the roller shutters, the appellant correctly points out that external shutters prevail in the area, although he also accepts that the shutters could be considered to be detrimental to the character of the building. The building's description as a 'Key Unlisted Building' in the MCA suggests a need for particular care and attention to its historic character when making alterations. I agree that the boxed projections of the shutters from the side wall of the building cause detriment to the appearance of the building, and hence to the Conservation Area.
 18. I therefore find that overall each of the developments enforced against result in harm to the character and appearance of the MCA. In relation to the various aspects of the developments enforced against, the appellant cites the local economic benefits in favour. Additionally, the roller shutters are said to offer security benefits. Although only limited evidence as to local economic conditions has been supplied, I accept that the developments have the potential to offer increased consumer choice and to make a meaningful contribution to the vitality of Mexborough centre. I give these economic benefits considerable weight in my decisions.
 19. Overall, however, I do not find that the economic or security benefits of the developments are sufficient to outweigh the harm that arises to the character and appearance of the Conservation Area. I am required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the MCA in my decision. National planning policy ('the Framework') indicates that great weight should be given in my decision to the conservation of this heritage asset.
 20. The development plan for the area presently consists of the Core Strategy 2011 – 2028, adopted in 2012, and the Unitary Development Plan adopted in 1998. Each contains policies for the preservation and enhancement of conservation areas, notably CS15 of the Core Strategy and ENV25 of the UDP. Development in the MCA will not attract support from these policies unless the MCA is to be preserved or enhanced as a result. For the reasons set out above, I find that the developments are contrary to those policies because the character and appearance of the MCA are not preserved or enhanced.
 21. The Framework requires harm to a heritage asset to be weighed against the public benefits of the development where, as here, 'less than substantial' harm to significance is judged to result. Although I give the economic and security benefits cited by the appellant considerable weight, these benefits do not outweigh the heritage harm. This is not least because it has not been demonstrated that the same benefits could not be delivered in some other less harmful way. The same security benefits could arise from the roller shutters if they were mounted internally (for which I understand a permission exists) and this would avoid the harm to the appearance of the building. The need for the particular appearance of the fencing or the shipping containers is unexplained and consequently the benefits they bring do not outbalance the harm they cause.

Conclusion

22. For the reasons given above I conclude that the appeals should not succeed. I shall correct Notice B and shall uphold each of the enforcement notices and refuse to grant planning permission on the deemed applications.

Formal Decisions

Appeal A

23. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

24. It is directed that the enforcement notice be corrected by deleting from paragraph 5 "by no later than 23 December 2020" and inserting "50 days". Subject to that correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Laura Renaudon

INSPECTOR



Appeal Decisions

Site visit made on 1 February 2021

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/F4410/C/20/3259825 ('Appeal A')

Corner Pocket Snooker and Social Club, Bank Street, Mexborough S64 9QD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Peter Eyre against an enforcement notice issued by Doncaster Metropolitan Borough Council.
- The enforcement notice was issued on 12 August 2020.
- The breach of planning control as alleged in the notice is *Without planning permission, the extension of a wooden decking area with associated steel girders and concrete footings marked in grey on the Plan, the siting of two shipping containers in the approximate positions marked in purple on the Plan, the installation of wooden fencing marked in blue on the Plan, the installation of four additional vertical steel girders with concrete footings adjacent to the highway marked in yellow on the Plan and the partial demolition of a wall in a conservation area marked in white on the Plan, on the Land.*
- The requirements of the notice are to:
 - (i) Remove all wooden decking, steel girders and concrete footings from the Land marked in grey on the Plan;
 - (ii) Remove the two shipping containers from the Land marked in purple on the Plan;
 - (iii) Remove all wooden fencing from the Land marked in blue on the Plan;
 - (iv) Remove all steel girders and concrete footings from the Land marked in yellow on the Plan;
 - (v) Reinstate the wall using the original materials on the Land marked in white on the Plan; and
 - (vi) Following compliance with steps (i) to (iv) above permanently remove the resultant materials from the Land.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

Appeal Ref: APP/F4410/C/20/3262438 ('Appeal B')

Corner Pocket Snooker and Social Club, Bank Street, Mexborough S64 9QD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Peter Eyre against an enforcement notice issued by Doncaster Metropolitan Borough Council.
- The enforcement notice was issued on 22 September 2020.
- The breach of planning control as alleged in the notice is *Without planning permission, the extension of a wooden decking area with associated steel girders and concrete footings marked in grey on the Plan and the installation of roller shutters above bi-fold doors marked in blue on the Plan, on the Land.*
- The requirements of the notice are to:
 - (i) Remove all wooden decking, steel girders and concrete footings from the Land marked in grey on the Plan;

- (ii) Remove the roller shutters from above the bi-fold doors marked in blue on the Plan.
- (iii) Following compliance with steps (i) to (ii) above, permanently remove the resultant materials from the Land.
- The period for compliance with the requirements is not given; however the notice requires compliance with the steps specified by 'no later than 23 December 2020'.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeal is dismissed and the corrected enforcement notice is upheld.

Preliminary Matters

1. In relation to the 'decking' allegations, Appeal B concerns works that are essentially a continuation of those that are the subject of Appeal A. The erection of an external terrace was retrospectively approved in August 2019 ('the approved decking'). I saw that the decking area that is the subject of the notice in Appeal A ('Notice A') is an extension to the approved decking area. The decking has been extended further and this further extension forms, in part, the subject of the separate notice in Appeal B ('Notice B').
2. Although it is possible to discern the separate elements of the developments, the Notice A and Notice B extensions together with the approved decking area result in a single extended decking area. Neither party has expressly addressed whether the Notice B decking area is capable of existing independently of the Notice A area, or if it is then what the merits of that as an independent, rather than as a cumulative, extension to the approved decking area might be. I have considered the appeals accordingly, with the Notice B decking as a cumulative addition to that of Notice A.
3. The enforcement notice to which Appeal B relates ('Notice B') does not specify a period for compliance with its requirements, as the legislation requires, but instead specifies a date. The specified date (which has now passed, owing to the appeal having been brought) is equivalent to a period of 50 days after the notice takes effect, and I am satisfied that the notice is capable of correction to stipulate this period without prejudice to either party.

Main Issues

4. Each of the appeals is brought only on ground (a) which is to raise a deemed planning application for the works that are alleged in each notice to constitute a breach of planning control. Although consisting of several discrete elements, there is considerable interrelationship between the works and neither party to the appeals suggests that I consider granting a permission on the ground (a) appeals except in relation to the whole of what is alleged in each notice.
5. The reasons given in each of the Council's notices relate to the impact of the development on the character and appearance of the Mexborough Conservation Area ('MCA'). The main issue in each of the appeals is therefore whether the development enforced against preserves or enhances the character or appearance of the MCA.
6. Further reasons are raised in the Council's statement concerning the impact of the Appeal A development on the residential amenity of neighbours, specifically in relation to noise, disturbance and odours. Retrospective planning permission

was refused on 30 September 2020 for (inter alia) the erection of the two shipping containers for use as a food outlet, for reasons including the impacts on the residential amenity of neighbours. However, these are not concerns raised by the notice, which is required (by regulation 4 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002) to specify why the Council considers it expedient to issue it, together with all policies and proposals in the development plan that are relevant to the decision. Those reasons and policies, in each case, relate only to the impacts on the Conservation Area and not to any other considerations.

7. The Council asserts that the ground (a) appeal in Appeal A seeks retrospective permission for 'the siting of the two shipping containers for A4/A5 use and storage, a 1.8m high black stained timber fence forming bin enclosure, outdoor video screen and steel frame and wooden deck'. However this is not quite the same as the development enforced against, which forms the subject of the ground (a) appeal. There is no appeal before me against the refusal of the application for retrospective planning permission.
8. The Council comments on the appellant's grounds of appeal to say that the appellant does not fully consider the amenity issues in relation to the use of the steel storage containers. The 'amenity' matters raised in the Council's statement, however, relate to the subject of the recent retrospective planning application, which differs in some material respects from the development against which either notice is directed. In particular, the Council's concerns about noise appear to arise in part from the potential use of a large outdoor video screen at the premises which does not form part of the allegation in either notice (and which appears to be mounted at least partly above an area of decking that is not itself unauthorised).
9. I therefore consider that the case presented in respect of residential amenity by both parties is somewhat incomplete insofar as it relates to the development actually enforced against, and I have also not had the advantage of seeing at first hand the representations made on the retrospective planning application. As it is not an issue raised by either notice, and given my conclusions on the first main issue, I do not consider it necessary to pronounce on the question of residential amenity because I consider the harm to the Conservation Area alone is sufficient to dispose of the appeals. Therefore I have not put the parties to the additional effort of supplying further information in relation to residential amenity considerations. Thus the only main issue in the appeal is the effect of each of the developments on the character or appearance of the MCA.

Reasons

10. The appeal site, referred to by the appellant as 'The Pocket Sports Bar' (hereafter 'the Pocket'), faces north onto Bank Street in the small town of Mexborough. An inter-war former cinema, it is one of a number of significant civic or community buildings fronting onto the main commercial and retail area of Bank Street and which are comprised in the MCA. Buildings on the south side of the street, including the appeal site, back onto Greens Way, the A6023 dual carriageway passing below the town as it falls away to the rivers Don and Dearn and the railway line below. The boundary with Greens Way forms the southern edge of the linear MCA that consists almost entirely of buildings fronting onto Bank Street.

11. In the triangle of land between Bank Street and Greens Way and the off-slip road rising from and over the dual carriageway, the land falls away very steeply between Bank Street and Greens Way. The Pocket, like the former library building to the west, has a relatively modest façade as it faces onto Bank Street but viewed from the rear, from Greens Way or the slip road, is revealed to be a building of considerable dimensions. The Pocket contains a large bar area on the ground floor and a further bar below on the lower ground floor.
12. To the east of the Pocket, beyond what appears previously to have been a gap in the frontage save for an historic sandstone wall and sunken garden area, lies what appears to be a former chapel building. Between the two buildings, and adjacent to the Pocket, areas of decking have been constructed that lie at the Bank Street street level. The approved decking is adjacent to the eastern side wall of the Pocket, the Notice A decking lies alongside that further to the east and to the north of the site, and the Notice B decking comprises a further rectangle to the south of the Notice A decking and east of the approved decking. The Notice B decking is bounded by steel railings to its southern and eastern sides around 4' high, whereas the Notice A decking is bounded by approximately 6' high vertical close-boarded black wooden fencing to its eastern side as well as the fencing to the north surrounding the shipping containers that lie close to Bank Street.
13. There remains a sunken lawn area between the easternmost steel girders supporting the decking and the western side of the former chapel building; however, to the northern side of this, there are substantial concrete footings and four steel girders rise from the ground which appear to form preparatory works for further development between the two buildings.
14. The building pattern to the south side of Bank Street is considerably more spacious than to the north, with a pattern of rather large buildings and gaps in the frontage giving an open feel and pleasant views across the rivers to the rising countryside beyond to the south. Whilst an extension of the decking area to fill part of the gap at street level between the approved decking and the former chapel would not necessarily harm this aspect of the Conservation Area's character or appearance, the particular way in which it has been executed here causes considerable harm to the heritage interests of the area.
15. This is principally because the height of the resultant fencing serves to block off the gap in the frontage, enclosing Bank Street and preventing the long countryside views that were previously available from it (as evidenced by the Council's Figure 1). As well as resulting in this loss of open character, the black stained fencing itself constitutes a jarring contrast with the surrounding building materials and boundary treatments. The loss of the low sandstone wall, comprised of a traditional local building material, is unfortunate and results in a further diminution of the local historic interest here.
16. The introduction of the black coated shipping containers is very unsympathetic to the prevailing brick and stone building materials of the area, to which the containers bear no relation. The surrounding buildings are constructed of more organic materials and do not share the containers' rather industrial countenance. As well as causing harm by their discordant appearance the containers, each taller than the surrounding fencing, also play a role in eroding

- the previously open frontage that I find to be harmful to the character and appearance of the Conservation Area.
17. Turning to the roller shutters, the appellant correctly points out that external shutters prevail in the area, although he also accepts that the shutters could be considered to be detrimental to the character of the building. The building's description as a 'Key Unlisted Building' in the MCA suggests a need for particular care and attention to its historic character when making alterations. I agree that the boxed projections of the shutters from the side wall of the building cause detriment to the appearance of the building, and hence to the Conservation Area.
 18. I therefore find that overall each of the developments enforced against result in harm to the character and appearance of the MCA. In relation to the various aspects of the developments enforced against, the appellant cites the local economic benefits in favour. Additionally, the roller shutters are said to offer security benefits. Although only limited evidence as to local economic conditions has been supplied, I accept that the developments have the potential to offer increased consumer choice and to make a meaningful contribution to the vitality of Mexborough centre. I give these economic benefits considerable weight in my decisions.
 19. Overall, however, I do not find that the economic or security benefits of the developments are sufficient to outweigh the harm that arises to the character and appearance of the Conservation Area. I am required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the MCA in my decision. National planning policy ('the Framework') indicates that great weight should be given in my decision to the conservation of this heritage asset.
 20. The development plan for the area presently consists of the Core Strategy 2011 – 2028, adopted in 2012, and the Unitary Development Plan adopted in 1998. Each contains policies for the preservation and enhancement of conservation areas, notably CS15 of the Core Strategy and ENV25 of the UDP. Development in the MCA will not attract support from these policies unless the MCA is to be preserved or enhanced as a result. For the reasons set out above, I find that the developments are contrary to those policies because the character and appearance of the MCA are not preserved or enhanced.
 21. The Framework requires harm to a heritage asset to be weighed against the public benefits of the development where, as here, 'less than substantial' harm to significance is judged to result. Although I give the economic and security benefits cited by the appellant considerable weight, these benefits do not outweigh the heritage harm. This is not least because it has not been demonstrated that the same benefits could not be delivered in some other less harmful way. The same security benefits could arise from the roller shutters if they were mounted internally (for which I understand a permission exists) and this would avoid the harm to the appearance of the building. The need for the particular appearance of the fencing or the shipping containers is unexplained and consequently the benefits they bring do not outbalance the harm they cause.

Conclusion

22. For the reasons given above I conclude that the appeals should not succeed. I shall correct Notice B and shall uphold each of the enforcement notices and refuse to grant planning permission on the deemed applications.

Formal Decisions

Appeal A

23. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

24. It is directed that the enforcement notice be corrected by deleting from paragraph 5 "by no later than 23 December 2020" and inserting "50 days". Subject to that correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Laura Renaudon

INSPECTOR



Appeal Decision

Site Visit made on 19 February 2021

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/F4410/D/20/3263456

44 Town Moor Avenue, Town Moor, Doncaster DN2 6BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hamid Shah against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/00319/FUL, dated 10 January 2019, was refused by notice dated 27 August 2020.
 - The development proposed is erection of boundary wall at the front of the property (retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, the proposal had been partly constructed with the brick wall and pillars been built. The railings and gates were not installed. I have assessed the appeal accordingly.
3. For the sake of clarity and brevity I have used the description of development from the Council's decision notice.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Doncaster Town Field Conservation Area.

Reasons

5. The appeal site relates to a semi-detached residential property with front garden area. The site lies within the Doncaster Town Field Conservation Area (CA).
6. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The CA in the immediate area of the appeal site is characterised by residential properties with front garden areas, predominantly bounded by brick walls, fronting onto Town Moor Avenue. The front boundary walls of the properties in the immediate setting of the appeal site are low level. This low level walling

- provides a continuous horizontal feature, with the properties located beyond, that positively contributes to the character of the CA.
8. The proposal, due to its size and positioning, would be an incongruous feature that would detract from the horizontal unity of the existing boundary treatment in the immediate area.
 9. The appellant has referred to a number of properties in the area which do not have low level boundary treatment and I have had regard to each of these. These boundary treatments referred to by the appellant are however, located in the wider area. The immediate setting of the appeal site is characterised by low level walling. The tall and prominent walls and railings that are proposed would be in conflict with this horizontal aspect of front boundary treatment that is an important feature in the locality.
 10. I note attempts to re-use previous bricks and copings, and also to apply professional tinting to the brickwork to align colours with adjacent walls. There are different types of bricks and coping in the area. However, the use of steel railings is not common and only visible sparingly as access gates. The proposed materials, particular the use of steel railings across the whole length of the front boundary, would be out of keeping with the surrounding boundary treatment and would be a discordant structure that would harm the character and appearance of the area.
 11. I therefore find that the proposal would not preserve or enhance the character and appearance of the CA. The proposal would be in conflict with Policies CS1, CS14 and CS15 of the Doncaster Council Core Strategy 2012, "saved" Policy ENV25 of the Doncaster Unitary Development Plan 1998 and Policy 38 of the emerging Doncaster Local Plan which seeks new development to preserve or enhance the character or appearance of a Conservation Area and setting of heritage assets.
 12. The proposal would be harmful to the CA and thereby the significance of the heritage asset. Nevertheless, I consider the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal.
 13. I have had regard to the appellants statement of case including reference to the Doncaster Town Field Conservation Area Review; support from neighbours, family and friends; that the previous wall collapsed as a result of a traffic collision and the proposal would provide some protection to family members using the front garden area. The appellant has also referred to a number of burglaries in the area, and that the proposal would provide some security. The Council's Highway Development Control Team have also not raised any objections indicating that the proposal has no risk to public safety. The replacement of the previous wall, including these matters above, would have some public benefit that I consider to be of moderate weight. However, these public benefits would not outweigh the cumulative harm to the CA which I have identified above.
 14. The proposal would, therefore, fail to sustain or enhance the setting, and thereby the significance of, the designated heritage asset. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

Conclusion

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

Chris Baxter

INSPECTOR

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Appeal Decision

Site Visit made on 15 February 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/F4410/W/20/3263552

Land adj 17 Riverside Gardens, Auckley, Doncaster DN9 3QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Shah (Hosewell Developments Ltd) against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/02300/FUL, dated 23 September 2019, was refused by notice dated 26 May 2020.
 - The development proposed is the erection of a single dwelling (resubmission of 18/02070/FUL).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form and decision notice differ. I have used the description from the application form in the banner heading above which accurately describes the proposal.
3. An updated flood risk assessment (FRA) was submitted as part of the appeal. The Council and interested parties have had the opportunity to comment on this document as part of the appeal process. As such, no party has been prejudiced by its submission at this stage. Following the Environment Agency's response to the FRA, the Council has withdrawn its second reason for refusal.

Main Issue

4. Having regard to the above, the main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site is a parcel of land at the entrance to a small residential development (Riverside Gardens) at the edge of the settlement of Auckley. Although lying within the Council's residential policy area, there is no evidence before me that the land is previously developed land having regard to the definition within the National Planning Policy Framework (the Framework). In any case, there is no dispute between the main parties that the principle of housing would be acceptable in this location subject to considerations, including, amongst other things, the effects on the character and appearance of the area.
6. Although there is not a strict uniformity to the layout, properties and their grounds within Riverside Gardens are set back from the river. The extent of undeveloped land along both sides of the river forms an attractive soft edge to

the settlement, despite there being no underlying landscape designation. This is particularly distinct from the bridge along the B1396. The appeal site forms part of this soft edge and contributes to both a pleasant spacious entrance into the Riverside Gardens and the open soft edge of the settlement.

7. The proposed dwelling would be located outside of an easement strip to the river. However, the positioning of the dwelling, the parking, grounds of the dwelling and domestic accoutrements within the grounds would significantly erode the pleasant soft edge to the settlement when viewed from the bridge. Moreover, from this view, the design of the proposed dwelling, due to the change in ground levels, would have a large area of solid massing accentuating the contrast with other properties in Riverside Gardens.
8. The result would combine to appear as an ad-hoc development that would intrude obtrusively into the soft edge along the river and would jar injuriously with the prevailing layout and character of the Riverside Gardens housing.
9. From the Riverside Gardens street scene, the density, design of the house and its positioning angled toward the entrance would not appear discordant. Moreover, the proposal would maintain an area free of built development at the entrance to Riverside Gardens. However, these elements do not overcome or outweigh my concerns in relation to views from the bridge where the proposal would appear contrived.
10. Although the design has evolved through various iterations with a view to finding a solution, this does not outweigh or overcome my concerns regarding the design of the proposal before me.
11. I therefore conclude that the proposal would result in significant harm to the character and appearance of the surrounding area. The proposal would therefore conflict with the requirements of Policy CS14 of the Doncaster Council Core Strategy (CS) and Policy PH11 of the Doncaster Unitary Development Plan (UDP), along with the aims of the Doncaster Council Development Guidance and Requirements: Supplementary Planning Document and the National Design Guidance.
12. These stipulate, amongst other things, that within residential policy areas development for housing will normally be permitted except where the development would be of a form which would be detrimental to the character of the surrounding area.
13. Policy CS14 of the CS and Policy PH11 of the UDP are consistent with the provisions of the Framework insofar as they relate to this main issue. I therefore conclude that the proposal would conflict with paragraphs 127 and 130 of the Framework which broadly seek to secure high quality design.

Other Matters

14. There is no dispute that the Council can currently demonstrate a 5-year supply of housing. Nonetheless, the government places considerable importance on making effective use of land to boost the supply of housing, including from small developments. The proposal would deliver economic and social benefits from the construction and occupation of the dwelling, in a sustainable location and on a vacant unused parcel of land. However, as a single dwelling, the extent of these benefits would be limited and, as such, I attach limited weight to them.

15. The absence of harm in relation to other considerations including, amongst other things, highway safety, ecology, living conditions and flood risk are neutral matters, weighing neither for nor against the proposal.

Conclusion

16. Good design is a key aspect of sustainable development and the desirability of new development making a positive contribution to local character and distinctiveness and, in this regard, the proposal would significantly harm the character and appearance of the surrounding area. I therefore conclude that the proposal would conflict with the development plan when read as a whole.

17. A net gain of a single dwelling would have limited benefits. As such, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.

18. For the reasons given above, the appeal is dismissed.

Robert Walker

INSPECTOR

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Appeal Decision

Site visit made on 23 February 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/F4410/Z/20/3264901

Amenity Land, South East of Units, Merchant Way, Doncaster DN2 4BH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Rob Smith (Alight Media Ltd) against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/02469/ADV, dated 9 September 2020, was refused by notice dated 3 November 2020.
 - The advertisement proposed is installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 6.2m wide x 3.2m high.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The relevant Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. In determining the appeal, the Council's development plan policies are not determinative, but I have taken them into account as a material consideration.
3. On the decision notice the site address is given as 'Amenity Land, South East of Units, Merchant Way, Doncaster DN2 4BH'. On the appeal form the site address is given as 'Wheatley Business and Trade Park, Wheatley Hall Road, Doncaster DN2 4BH'. On the original application form the site address is given as 'Street Record, Wheatley Hall Road, Clay Lane, Doncaster DN2 4BH'. Therefore, in the interests of clarity, I have used the site address as stated on the decision notice in the banner heading above.

Main Issues

4. The main issues are the effect of the proposed advertisement display on the visual amenity of the area and on highway (public) safety.

Reasons

5. The appeal site is located next to a large busy roundabout serving the intersection of Wheatley Hall Road (A630) and Barnby Dun Road. The A630 has two lanes in either direction with Barnby Dun Road for the most part having a single lane in both directions.

Visual amenity

6. Given its proximity to the roundabout and nearby footpath the proposal would be in a visually prominent location. However, given the nature of the surrounding uses

and the presence of other advertising displays nearby the proposal would not be an unusual feature in this location. Furthermore, given that there are not many similar advertisements near it, the proposal would also be unlikely to create or add to any visual clutter in the area.

7. I therefore conclude that the proposal would not have a harmful effect on visual amenity. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policy ENV58 of the adopted Doncaster Unitary Development Plan (UDP) and Policy CS14 of the adopted Doncaster Core Strategy (CS) seek to protect visual amenity and so are relevant in this case. As I have concluded that the proposed advertisement would not harm visual amenity, it would consequently also accord with these policies in this regard.

Highway safety

8. While on my site visit, I observed that the proposed display would be in a relatively prominent location on the highway near a very busy intersection and that as a result it would be a necessity for a driver to pay full attention to the other traffic and pedestrians in the vicinity in order to navigate this intersection in a safe manner.
9. There are currently no advertising displays at the appeal site location with only an empty metal frame being in place there. The proposal would remove this empty frame and replace it with a large digital screen which would have static images that would change approximately every 10 seconds. Consequently, given the proposal's width, height, and location close to the busy roundabout, which is served by several equally busy junctions, the proposed illuminated digital display screen would be likely to cause drivers using the roundabout to be distracted.
10. Furthermore, the fact that the proposed screen would introduce a new element to the visual field of nearby drivers means that it would be reasonable to think that it would potentially cause more distraction to drivers using the junction than what is there currently. Moreover, while I acknowledge that the appellant's evidence shows that there have been approximately four slight traffic accidents near to the roundabout, one of these was adjacent to the location of the proposal with the three others being at locations where vehicles would be approaching it. Consequently, I find that the proposal would be likely to potentially cause similar and perhaps additional traffic accidents in these locations.
11. I also acknowledge that the appellant's evidence shows that a similar proposal near to the magic roundabout in Swindon did not appear to cause any additional accidents over a twelve-month period. However, that advertisement display was not directly facing oncoming traffic using two lanes as the proposal would. Moreover, the evidence also shows that all the slight traffic accidents at that roundabout were all located on the opposite side of it to the permitted advertisement display, meaning that its potential impact on the attention of drivers was perhaps more limited in these respects. In any event I have determined the appeal scheme on its own merits.
12. Additionally, whilst the guidance provided for Transport for London that the appellant has cited suggests that digital advertising is likely to be acceptable provided that the images are only static poster like displays and levels of illumination are controlled, it seems to me that even so, proposals should be considered on a site by site basis.

13. I also note that the study of drivers' reactions to digital advertising (the Brunel study) does not offer very conclusive evidence of the impact of electronic advertising and that the study is not very recent. However, the study does show that electronic displays do often attract more visual attention than other signs and concludes overall that advertising has adverse effects on driving performance and driver attention, nonetheless.
14. In any event, it seems to me to be self-evident that any increase in distraction for a driver would not be in the best interests of highway safety. Electronic signs are designed to change display at regular intervals which could also reasonably be an added potential distraction as the eye would be naturally drawn to a changing scenario. It therefore seems valid to conclude that roadside advertising can be detrimental to performance and pose a distraction for drivers, since that is their purpose. It also seems reasonable to conclude that digital displays, because of their particularly eye-catching nature, have the propensity to potentially cause greater or longer distraction.
15. Taking this matter in the round I am therefore not satisfied that the location of this proposed digital advertisement is such that it would not cause undue risk to public safety. I am also not satisfied that the imposition of conditions restricting the frequency and rate of change of the advertisements, or the level of brightness, would overcome the fundamental difficulties the proposal would likely cause by potentially increasing the tendency for a driver to be distracted at this busy intersection.
16. Therefore, based on the evidence before me, I conclude that the proposal would have a harmful effect on highway (public) safety. In accordance with the Regulations, I have considered the provisions of the development plan so far as they are relevant. Policy ENV58 of the UDP, and Policy CS14 of the CS seek to protect highway (public) safety and so are relevant in this case. As I have concluded that the proposed advertisement would harm highway (public) safety, it would consequently also conflict with these policies.

Other Matter

17. In support of the appeal scheme the appellant has referred to another scheme for a similar advertisement that has been granted planning permission. However, I do not have all the details of this case before me or the circumstances which led to that decision being made. In addition, the circumstances applicable to that scheme (site location and context in relation to the local highway network) are not the same as those presented in this case, which I have determined on its own merits. The existence of a similar development proposal elsewhere does not outweigh my findings in respect of highway safety above.

Conclusion

18. The lack of harm caused by the proposal in relation to visual amenity is not of sufficient weight to outweigh the harm I have identified in relation to highway (public) safety. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

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