



Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

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

Venue: Virtual Meeting Via Microsoft Teams

Date: Tuesday, 27th April, 2021

Time: 2.00 pm

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

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Damian Allen
Chief Executive

Issued on: Monday, 19 April 2021

Governance Services Officer for this meeting

David Taylor
Tel: 01302 736712

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

Item	Page No.
1. Apologies for Absence.	
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
3. Declarations of Interest, if any.	
4. Minutes of the Planning Committee Meeting held on 30th March 2021	1 - 6
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, 30TH MARCH, 2021

A MEETING of the PLANNING COMMITTEE was held virtually via MICROSOFT TEAMS on TUESDAY, 30TH 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

50 DECLARATIONS OF INTEREST, IF ANY.

No declarations were reported at the meeting.

51 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 2ND MARCH 2021.

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

52 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'.

53 APPEAL DECISIONS

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
20/01041/ADV	Erection of single illuminated 48-sheet digital advertisement display measuring 6m by 3m at Car Park Off Portland Place,	Appeal Dismissed 22/02/2021	Town	Delegated	No

	Doncaster, DN1 3DP				
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).	Appeal Dismissed 10/03/2021	Town	Delegated	No

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

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 30th March, 2021

Application	1.		
Application Number:	20/02875/FUL		
Application Type:	Planning FULL		
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.		
Third Party Reps:	8 letters of Objection (from 7 households)	Parish:	Blaxton Parish Council
		Ward:	Finningley

A proposal was made to grant the Application subject to conditions

Proposed by: Councillor Sue McGuinness

Seconded by: Councillor John Healy

For: 11 Against: 0 Abstain: 0

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

- 15. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. Unless otherwise approved in writing by the local planning authority, the details as approved shall be completed before the occupation of any buildings on site.**
- REASON**
To ensure the satisfactory appearance of the development.

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

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

A proposal was made to grant the Application subject to conditions

Proposed by: Councillor Sue McGuinness

Seconded by: Councillor Iris Beech

For: 9 Against: 1 Abstain: 0

Decision: Planning permission granted

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

A proposal was made to defer the application for site visit, to review the sites land levels compared to neighbouring properties and to assess impact of overshadowing.

Proposed by: Councillor Mick Cooper

Seconded by: Councillor Andy Pickering

For: 9 Against: 0 Abstain: 1

Decision: The application be deferred for a site visit to review the sites land levels compared to neighbouring properties and to assess impact of overshadowing.

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

DONCASTER METROPOLITAN BOROUGH COUNCIL

To the Chair and Members of the
PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

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

Human Rights Implications

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

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

Copyright Implications

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

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1. SV	21/00016/FUL	Rossington And Bawtry	Bawtry Town Council
2.	20/02933/FUL	Balby South	
3.	20/03510/COU	Town	
4.	20/03324/COU	Town	
5.	20/03041/FUL	Rossington And Bawtry	Austerfield Parish Council

Application	1.
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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

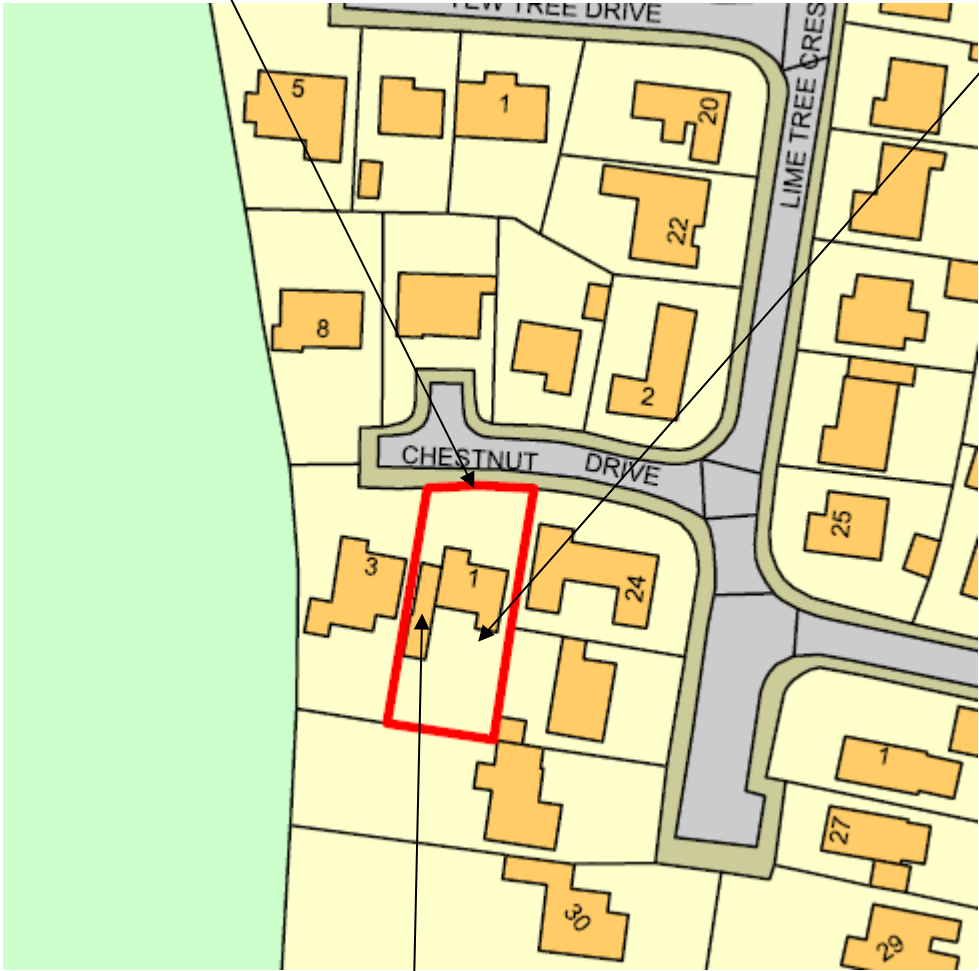
The application seeks permission to erect a single storey wraparound style extension to the side and rear of the property. The proposal does not harm the character of the area or neighbouring amenity and is considered to be an acceptable and sustainable form of development in like with paragraph 7 and 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.
- 1.2 This application has previously been presented to Planning Committee on 30th March and was deferred for a site visit. Following this amended plans have been received which reduce the length of the rear extension. Copies of the amended plans are included within appendix 1, 3 & 4.

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

5.22 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.

5.24 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.

5.25 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.

5.26 The Bawtry Neighbourhood Development Plan (adopted November 2019)

5.27 Policy NE1 relates to protecting local landscape and character.

5.28 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:

Page 14

- Overlooking/loss of privacy

- Overshadowing/loss of light

6.4 This application was re-advertised to neighbouring properties for a period of 7 days due to receiving amended plans. No representations have been received in relation to the amended proposal.

7.0 Parish Council

7.1 An objection was received from the Parish Council in relation to this application prior to the amended plans being received.

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

7.3 Following receipt of the amended plans no further objections have been raised from the Parish Council.

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 length of the proposed extension has been reduced from 6m to 2.9m and will only span approximately 2m 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. Any overshadowing that may occur is likely to be late evening given the position of the proposal in relation to the solar path. Given the length of the extension has been reduced by more than 50% the proposal is now less likely to introduce significant overshadowing that would warrant refusal.

- 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 – amended 31/03/2021
Site Plan - received 31/03/2021
REASON
To ensure that the development is carried out in accordance with the application as approved.
03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing property unless otherwise approved in writing by the Local Planning Authority.
REASON
To ensure the satisfactory appearance of the development in accordance with policy ENV54 of the Doncaster Unitary Development Plan.

INFORMATIVES

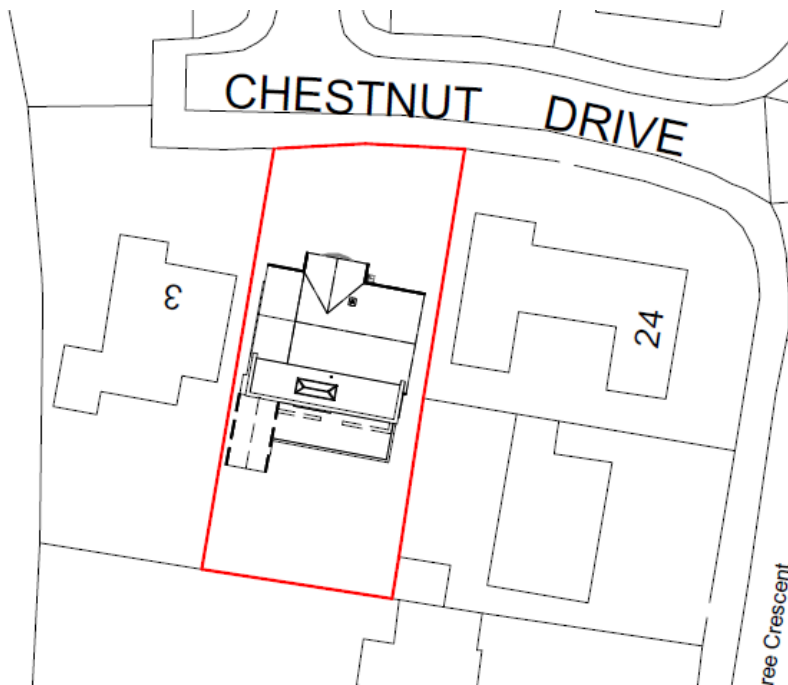
01. The proposed development is within 250 meters of an unknown hole about which insufficient information is known to permit an adequate response to be made on the extent to which landfill gas may be present on or off site.

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

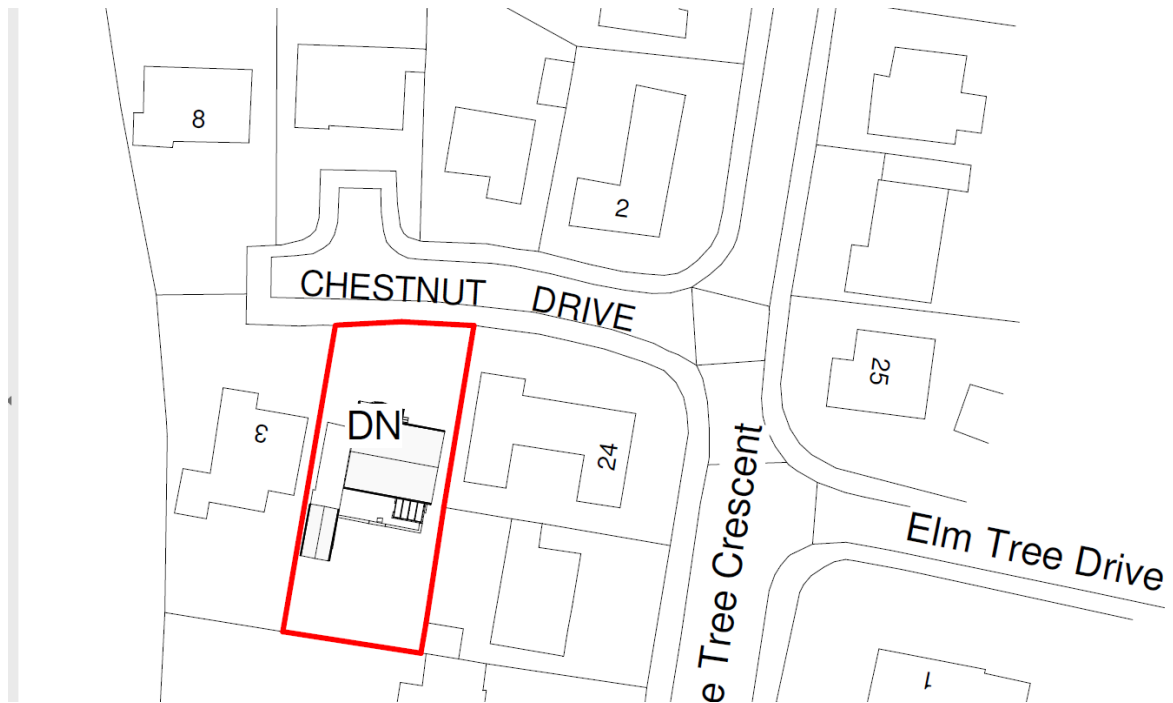
the developer and accordingly is advised to consider the possibility of the presence or future presence of landfill gas and satisfy himself of any gas precaution which may be necessary.

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



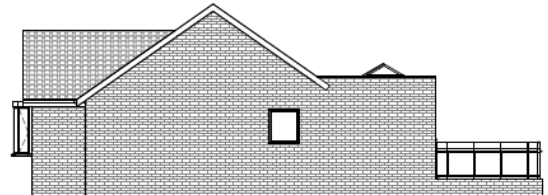
Appendix 3: 3D view



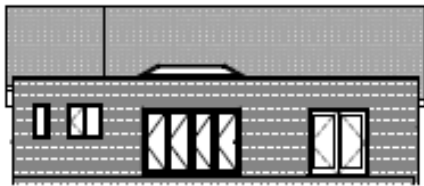
Appendix 4: Proposed Elevations



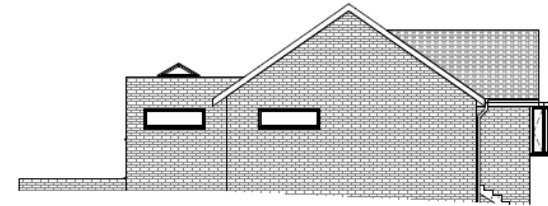
② Proposed Front Elevation
1:100



④ Proposed Side Elevation 1
1:100



③ Proposed Rear Elevation
1:100



⑤ Proposed Side Elevation 2
1:100

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Application	2.
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Application Number:	20/02933/FUL
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Application Type:	Planning FULL
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Proposal Description:	Change of use from open space to enclosed Forest School facility to provide outdoor education and well-being, including security fencing and siting of a metal storage container adjacent to allotments for storage of educational equipment
At:	Woodfield Quarry Amenity Grass Area Woodfield Road Balby Doncaster DN4 8HN

For:	Mrs Ryalls - Wildlings And Wellbeing CIC
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Third Party Reps:	9 objectors, 0 supporters	Parish:	N/A
		Ward:	Balby South

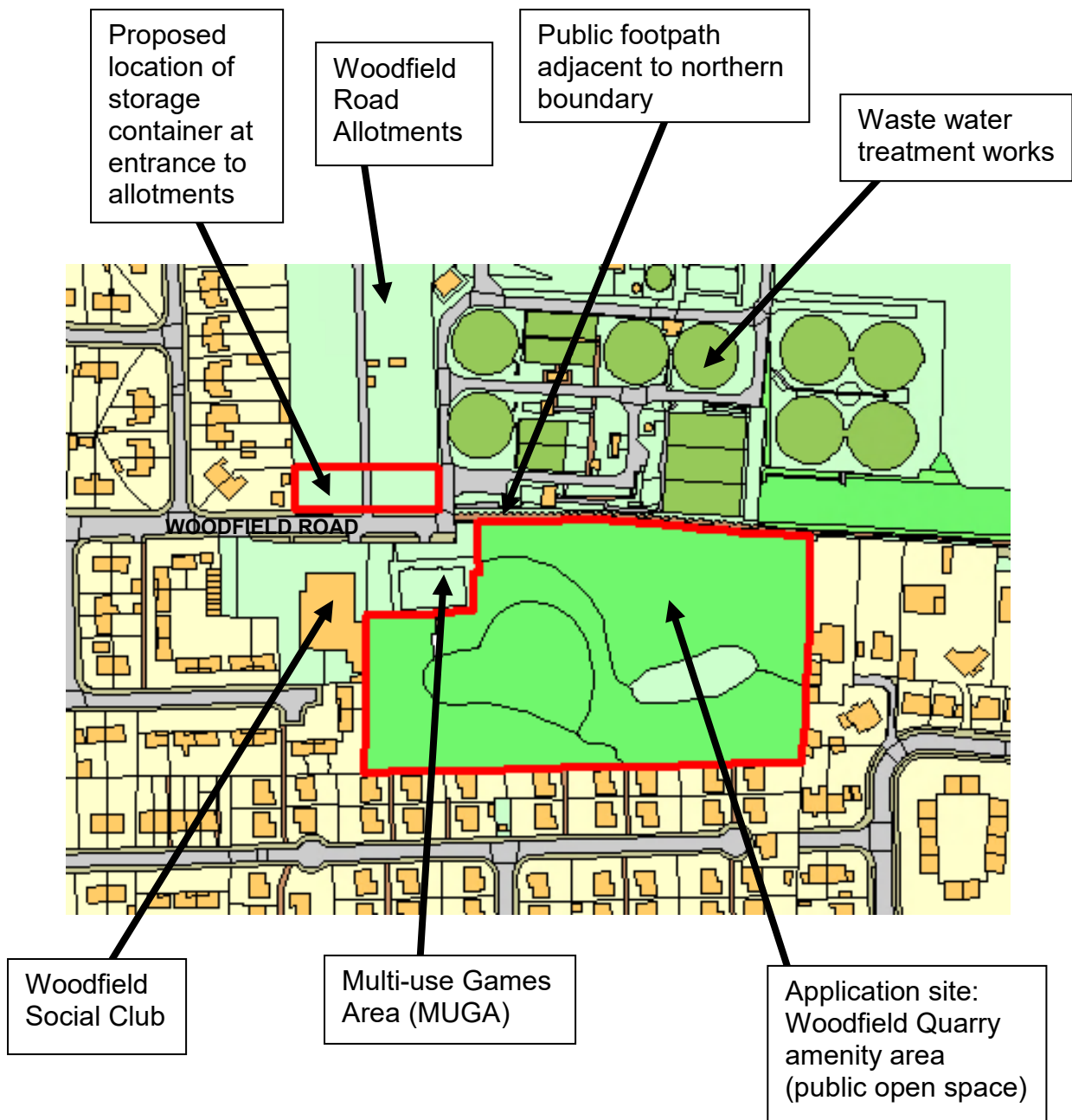
Author of Report:	Jacob George
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SUMMARY

This planning application seeks permission to enclose the existing Woodfield Quarry open space site for use as a 'forest school', providing outdoor educational and recreational activities for children and disadvantaged adults with a focus on nature and wellbeing. A security mesh fence of 2.1 metres in height would be erected at the northern side of the site, and a metal container would be placed inside the entrance to Woodfield Road Allotments to store items required to support the activities of the enterprise. The application is presented to Planning Committee as a departure from the development plan, as it would result in the loss of a publicly accessible open space. The application has also received a significant level of public interest.

It is considered that the proposal would provide social benefits for the local community, improve environmental management of the site, and reduce anti-social behaviour. The loss of a publicly accessible open space can be justified by strong support shown in responses to a community consultation exercise. Overall, there are no material considerations which would indicate that the application should be refused.

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



1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee as the proposal represents a departure from the development plan, due to the loss of public open space. Upon re-consultation, a significant number of public objections to the development have also been received.

2.0 Proposal

- 2.1 Planning permission is sought for a change of use from open space to an enclosed 'forest school' facility run by the community interest company Wildlings & Wellbeing CIC (hereafter referred to as 'Wildlings'). Wildlings have been granted a five-year lease by the Council, who is the owner of the land. The site would be used to provide outdoor activities and education for children, including den building, tree climbing, campfire cooking, bushcraft skills, physical exercise, environmental awareness, and crafts using natural resources. The intention is to generate an interest in nature, improve physical activity, and teach transferrable life skills. In addition to activities for children, Wildlings would also run sessions for young adults and parents oriented around healthy eating and sustainability, as well as nature-based mindfulness, eco-therapy and wellbeing activities for adults, including disadvantaged adults.
- 2.2 Wildlings have a five-year plan for the site, which would involve sessions run over a timetable from 10:00 to 19:00, between five and seven days per week. It is proposed to provide open access to the site for at least 24 days per year, allowing locals to visit a community garden within the site.
- 2.3 The application proposes the erection of a fence at the north and north-west of the amenity area, which would restrict public access to the space in order to safeguard participants in the Wildlings sessions, as well as deterring anti-social behaviour. The type of fencing originally proposed was stainless steel palisade security fencing of 2.0 metres in height, but this has since been amended to anti-climb '358' security mesh fencing of 2.1 metres in height.
- 2.4 A metal storage container of 6.4 metres in length, 2.44 metres in width and 2.44 metres in height would be required to store equipment and resources required to support the activities at the site. This was initially proposed within the amenity area itself, but the applicant has amended the proposal to locate the container on the opposite side of Woodfield Road, at the entrance to the allotments.

3.0 Site Description

- 3.1 The application site is a substantial area of public open space measuring approximately 1.7 hectares in area. The site is a naturally regenerated former sand quarry, and as such the ground levels undulate significantly within the open space. The site has a woodland character, with mature trees providing canopy cover over most of the space. The site has been identified in the Doncaster Local Plan evidence base as being of low quality and low value as an open space.

3.2 The site is located in the neighbourhood of Balby, and is surrounded by residential dwellings (mainly bungalows) to the south and east. Immediately to the north of the site is a public footpath, and to the north of the footpath is a waste water treatment works. To the north-west corner of the site is a multi-use games area (MUGA) which would not be included in the land to be enclosed by the fence. To the west of the MUGA is a social club with a substantial area for parking. To the north side of the road is the entrance to Woodfield Road Allotments, and the proposed storage container would be located to the west of the entrance on a piece of land which, on a site visit, was seen to have been used for fly tipping. The storage container would not be sited on any land currently used for growing. The amenity area and sewage works mark the end of Woodfield Road, which is a residential street also providing access to other streets in the suburb. Further to the west, the road is characterised by semi-detached houses and small groups of terraces, and on-street parking is available on both sides of the street.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
96/0136/P	Application for certificate of appropriate alternative development for use of part site for community park / recreation ground (D2) & part site for community complex (D1) /assembly & leisure hall (D2) / community based employment projects (B1) / community shop/laundry (being application under Section 17 of the Land Compensation Act 1961 as amended by the Planning Compensation Act 1991)	Granted 04.03.1996
07/02455/3FUL	Formation of multi-use games area, street lighting, new footway and associated landscaping	Granted 24.09.2007

5.0 Site Allocation

5.1 The site is allocated as Open Space, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).

5.2 In the draft Local Plan, the site is allocated for Open Space, Sport and Recreation.

5.3 The site is located in Flood Zone 1 and is not considered to be at high risk of flooding.

5.3 Relevant Planning Policies

5.4 National Planning Policy Framework 2019 (NPPF)

5.5 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and outlines how local planning authorities should apply these policies. 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:

5.6 Paragraphs 7-11 establish that all decisions should be based on the principle of a presumption in favour of sustainable development (considering the social, environmental and economic pillars of sustainability).

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

5.8 Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to:

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

5.9 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.

5.10 Paragraph 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

5.11 Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

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

- 5.13 Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.14 Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 5.15 Paragraph 127 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and sympathetic to local character, and will establish or maintain a strong sense of place. Paragraph 127(f) sets out that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.16 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.17 Paragraph 170(e) states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.18 Paragraph 175 sets out how decisions should avoid or mitigate harm to biodiversity and habitats.
- 5.19 Paragraph 178 states that decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

5.20 Core Strategy 2011 - 2028

- 5.21 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).
- 5.22 In May 2012, the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. The Core Strategy policies relevant to this proposal are set out below.
- 5.23 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. Proposals should strengthen communities and enhance their well-being by providing a benefit to the area in which they are located, and ensuring healthy, safe places where existing amenities are protected. Developments should be place-specific in their design and work with their surroundings, protecting and enhancing the built and natural environment. Proposals should also protect local amenity and be well-designed.
- 5.24 Policy CS14 of the Core Strategy requires development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate and surrounding local area. Policy CS14(A) sets out the following qualities of a successful place:
1. character – an attractive, welcoming place with its own identity appropriate to the area;
 2. continuity and enclosure of streets and spaces by buildings;
 3. quality, stability, safety and security of private property, public areas and the highway;
 4. permeability – ease of pedestrian movement with good access to local facilities and public transport services;
 5. legibility – a development that is easy to navigate;
 6. adaptability – flexible buildings capable of changing over time;
 7. inclusive – accessible development that meets the needs of as much of the population as possible;

- 8. vitality – creating vibrant, busy places with a mix of uses where appropriate; and
 - 9. sustainability – proposals are environmentally responsible and well managed.
- 5.25 Policy CS16 provides for the protection and enhancement of Doncaster’s natural environment, including enhancing the borough’s ecological networks; protecting nationally and internationally important habitats, sites and species; and enhancing the borough’s landscape and trees.
- 5.26 Policy CS17 states that Doncaster’s green infrastructure network will be protected, maintained, enhanced and, where possible, extended. Policy CS17(D) supports proposals which make an appropriate contribution to sport, recreation and related community uses.
- 5.27 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)
- 5.28 Policy RL2 of the UDP states that the development, or change of use, of open space not designated as an open space policy area will not be permitted if it would have an adverse impact on the use of the open space for any of the following:
- A) as a facility for casual play
 - B) as a buffer area between incompatible uses
 - C) as a visual/environmental amenity
 - D) as a contribution to the setting of individual buildings or groups of buildings.
 - E) as an area of existing or potential nature conservation interest
 - F) as a link between other open spaces
- 5.29 Policy RL5(3) allocates the application site as open space for recreation purposes, suitable for use as an adventure playground.
- 5.30 Policy ENV59 states that the Council will attach considerable importance to the need to protect existing trees, hedgerows, wetland habitats, watercourses and other natural landscape features, and will require that new developments do not cause an unnecessary loss of trees.
- 5.31 Local Plan
- 5.32 Doncaster Council is in the process of preparing a new Local Plan to supersede the Core Strategy and UDP. Paragraph 48 of the NPPF states that the local planning authority may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). Taking into account the remaining stages of the local plan process, it is considered that the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:
- Substantial

- Moderate
- Limited

5.33 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.

5.34 Policy 14 (Promoting Sustainable Transport in New Developments) states that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. The Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards contained within Appendix 6 of the Local Plan. Development should not result in unacceptable impacts on highway safety, or the severe residual cumulative impacts on the road network. Developers must consider the impact of new development on the existing highway and transport infrastructure. This policy has limited weight based on the volume of objections.

5.35 Policy 42 (Character and Local Distinctiveness) 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, to inform the appropriate design approach. This policy has limited weight based on the volume of objections.

5.36 Policy 48 (Safe and Secure Places) supports developments which are designed in a way that reduces the risk of crime. This policy has substantial weight based on the volume of objections.

5.37 Policy 50 (Health) states that the Council will improve and promote strong, vibrant and healthy communities, including requiring development to positively contribute to creating high quality places that support and promote healthy communities and lifestyles; providing good access to leisure facilities, green

space and the countryside; and requiring developments to be designed to encourage and support healthy lifestyles.

5.38 Other material planning considerations

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

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) as follows:

- Advertised on the Council website
- Notice displayed outside the site
- Press advertisement in the Sheffield Star
- 18 neighbours notified by letter

6.2 The application has been re-advertised on two occasions. Firstly, in February 2021 the application was re-advertised because the red line boundary was extended to include the entrance to the allotment site on the opposite site of Woodfield Road, as the applicant had chosen to re-locate the proposed storage container to this location.

6.3 Secondly, the application was re-advertised in April 2021 as a departure from the development plan, where it had not previously been advertised in this way. As discussed further in this report, through the life of the application the Council has worked with the applicant in discussions regarding the potential imposition of a condition to ensure the site is kept open for public access during daytime hours other than when sessions involving children or vulnerable adults are in progress. It was considered that with the public still able to access the site, the proposal would not have involved a loss of open space and would not have been contrary to the development plan. Following a meeting between the applicant and the planning officers, the applicant made the decision to instead proceed with the proposal on the basis that there would be no requirement to keep the gates open to the public, thus resulting in a loss of open space and rendering the proposal a departure from the development plan (requiring a committee determination rather than an officer delegation). The application was re-advertised accordingly.

6.4 During the initial consultation period, two objections were received, summarised as follows:

- Whilst the outdoor education and well-being initiative is supported, fencing off the area will not make the activities accessible to local people
- Children will have less green space to run around in

- People will lose their local nature walk
 - There is no proposal for parking to support the development
 - Access to green space should not be limited to use by the few
 - The proposal will leave children with nothing to do
 - The proposal should only be for part of the area, not the whole site
- 6.5 In March 2021, seven further objections were received, six of which were exactly identical in their content and wording. The further objections can be summarised as follows:
- Many families use the land to walk their dogs or explore the outdoors
 - Taking down trees and making the use of the site private would be a loss to the community
 - The community has been misinformed about the plans, with more development occurring than just a 'tidy up'
 - Opposed to the destruction of wildlife habitats
- 6.6 The principle of the development, regarding the reduction of public access resulting from enclosing the site with a fence, is discussed in detail in section 9 ('Assessment') of this report. Matters related to the protection of trees and wildlife are also discussed below, and are addressed in responses from the Council's internal consultees.
- 6.7 In terms of misinformation relating to the planning application, the Council has advertised all relevant aspects of the development requiring planning permission: the change of use, the erection of the fence, and the siting of the storage container. The operational development has not yet occurred, and the application is not retrospective, so no planning breaches have occurred. The specifics of the general maintenance of the site are not a planning matter. To the best knowledge of the Council, there has not been any false information distributed to residents.

7.0 Parish Council

- 7.1 The application site does not fall within an area served by a Parish Council.

8.0 Consultations

8.1 Pollution Control

As the historic maps and application form confirm, the site is a former quarry sand pit, which may have been subject to infilling with made ground/waste material previously. Due to the site's isolation, it is also possible that the site could have been used for the fly tipping of waste.

From the information initially submitted, it was unclear how much bare soil was currently on site; whether any vegetation clearance was planned; whether further soils could be exposed; and whether any soils were to be imported.

The Senior Pollution Control Officer requested a Phase 1 land contamination risk assessment, and this was received by the Council on 30 March 2021.

The report has thoroughly risk assessed all the proposed activities' on site, with a view to the "management of exposure to soils". It has considered the risk of potential ground gas affecting the proposed "container" to be brought on to site, and the potential risks to proposed "camp fire" areas. The report concludes the risks posed to future site users are minimal, with no remedial works required, to which the Senior Pollution Control Officer concurs.

It is understood that some soils are to be imported. A condition is requested to ensure all soils are suitable for their proposed use.

8.2 Environmental Health

No objections, subject to daily operating hours within the hours of 09:00 to 20:00. This can be enforced through a condition, and accommodates the applicant's planned timetable within the hours of 10:00 to 19:00 plus some additional flexibility.

8.3 Public Rights of Way Team

There is a public footpath on the northern edge of the site boundary, currently surfaced and accessed through barriers. This path should not be obstructed or reduced in its width, and should remain available for public use. A condition can be applied to ensure the path is not obstructed.

8.4 Highways Development Control (HDC)

HDC have looked at the information provided, site photos, street view images and aerial images. The facility will only be used by and for locals with the added benefits for the local schools in the area. The level of traffic created by the facility would be negligible. Woodfield Road is wide and accommodating for a residential road, and no changes to the highway would be necessary.

8.5 Ecology

In favour of young people being given the chance to experience urban wildlife, with overall positive benefits. No objections, and no ecological conditions necessary.

8.6 Councillor John Healy

Supportive of the application.

8.7 South Yorkshire Police

The area around the site as mentioned in the Design and Access statement is not secure and there is open access from the north and north-west boundary of the property that adjoins the sports facility and multi-use games area

(MUGA), which results in arson, drug use and other anti-social behaviour activities. There is no surveillance from surrounding properties, which leaves the MUGA and proposed site vulnerable to a continuation of this behaviour.

A risk assessment should be undertaken to ascertain what property if any is likely to be left in the containers or in the log cabin when the site is closed. Depending on the property, reasonable steps to mitigate and reduce the risk of attack or theft must be taken.

The palisade fencing originally proposed would provide little in the way of a deterrent. The rivet holding the palings to the cross member can be broken if struck with a hammer and the palings separated, to allow a person to gain entry through the gap. Alternative fencing options were recommended.

On 20 January 2021, the applicant informed the Council that an alternative type of anti-climb mesh fencing would be used. The Designing Out Crime Officer considers this to be far more suitable. The location of the shipping container has also been amended, in part to address issues raised by South Yorkshire Police regarding the lorry transporting the container to the site, and also related to improving surveillance.

8.8 **Tree Officer**

The benefits of young people being given the chance to experience urban wildlife are positive. From a tree perspective it is advised that some care and additional precautions need to be taken while the site fencing is implemented. These are:

- The holes for the uprights should be hand dug and any roots that are uncovered should be appropriately addressed. Roots smaller than 25 mm diameter may be pruned back, making a clean cut with a suitable sharp tool (e.g. bypass secateurs or handsaw), except where they occur in clumps. Roots occurring in clumps or of 25 mm diameter and over should be severed only following consultation with an arboriculturist, as such roots might be essential to the tree's health and stability.
- Due to the highly alkaline leachate produced during the curing of wet concrete, concrete should not be poured within the root protection area or in close proximity to retained trees unless an impermeable liner has been installed. The liner should be sufficient to allow it protrude from the ground an inch or two to account for the concrete being poured settling in the holes, help avoid spillages and account for a little overflow. Once the concrete is dried, the liner can be cut off at ground level.

The above information can be provided in informatives on a decision notice, and an additional informative is requested in relation to nesting birds and bats.

The Tree Officer highlights that the trees at the site are not protected by a Tree Preservation Order or a Conservation Area, so can be removed or worked on without the approval of the local planning authority. Some trees highlighted in the submitted tree survey appear to be of a low quality and/or have major defects, and there is no objection to their removal. It is understood that Arboricultural Officers within the Council's Street Scene team have already removed some dangerous defected trees.

8.9 Planning Policy

The site is proposed in the Local Plan as open space, and is in the Green Space Audit as Site 95 (Woodfield Quarry) (Amenity). The Rationalising RL5 Policy Areas work, undertaken to sort UDP open space allocations moving forward to the Local Plan, notes it is a "naturally regenerated former sand quarry" (Site RL5(3)). The RL5 work concludes it should be retained as open space, but advises investigation of whether it should become a Local Wildlife Site as it is of low quality and value, unsuitable for unsupervised children's play.

It is not seen as particularly good or useable open space, but is an open space nonetheless. The loss of access to open space is contrary to policy RL2 of the UDP and emerging Local Plan policy.

Consultation has been carried out with ward councillors and the Neighbourhoods Team, which is positive. It is considered that the proposal will result in an improved alternative facility, but public consultation is required to ensure that the loss of access to the open space is acceptable with the local community, and that support is forthcoming from local residents. This is standard procedure to comply with paragraph 97 of the NPPF.

The proposal will not result in the loss of green infrastructure and would more than likely lead to improved management and maintenance on the site, which is a positive site benefit and is in accordance with policy CS17. The management and maintenance of the site should be for both environmental educational benefit and improved biodiversity.

A temporary approval is recommended for any storage container, as storage units of these kinds can deteriorate and become unsightly over time. This would provide the applicants with a timescale to consider a more aesthetic and permanent structure, should the venture be successful.

As discussed below, the requested community consultation exercise has since been carried out in response to the comments from Planning Policy.

8.10 **Ramblers Association**

No comments received.

9.0 **Assessment**

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

- The Principle of the Development
- Access to Open Space
- Safety and Security
- Residential Amenity
- Design and Visual Impact
- Highway Safety and Parking
- Trees and Ecology
- Land Contamination Risk

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

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

The Principle of the Development

9.3 The site is allocated as Open Space in the UDP, as site (3) of the allocations set out in policy RL5. The site is identified as a former sand quarry “suitable for an adventure playground”.

9.4 Doncaster Council conducted a Green Space Audit (GSA) in July 2013, originally intended to contribute towards the evidence for a new Sites and Policies Development Plan Document which was never adopted. The GSA now contributes towards the evidence base for the emerging Local Plan, which will supersede both the UDP and the Core Strategy when adopted.

9.5 The application site is addressed as site 95 in the GSA, and is categorised as ‘Amenity (other)’. The GSA describes amenity areas as public open spaces that improve and enhance the appearance of the local environment. Generally, amenity areas are either unsuitable for recreational use or recreational use is prohibited, and as a result they are distinct from informal open space suitable for children’s play. ‘Amenity (other)’ is a category which includes areas which

are Council owned and capped landfill sites used for passive recreation such as dog walking. The site falls within the character area of Balby, which is identified as having sufficient public parks and allotments overall, but being deficient in woodland and nature conservation areas.

- 9.6 In 2019, the Council published a further study to support the Local Plan preparation, entitled *Assessing and Rationalising UDP RL5 Policy 'Open Space Proposals'*. The purpose of this work was to analyse each allocated open space site in the UDP in turn according to up-to-date information, resulting in a recommendation for how each site should be designated or modified in the Local Plan.
- 9.7 This report identifies the Woodfield Quarry site as being overgrown and requiring management, being of low value and very low quality. Despite the allocation in the UDP for adventure play, it is deemed in the report that the site is unsuitable for unsupervised children's play, due to the nature of the site including its isolated characteristics, as it is not overlooked by houses. It is recommended that the site retain its designation as open space, but be allocated for nature conservation rather than adventure play.
- 9.8 With the open space designations in RL5 being somewhat out of date due to the updated assessments in the GSA and the 2019 rationalisation work, policy RL2 of the UDP becomes relevant until such time as the Local Plan is adopted. This policy states that the development or change of use of open space not designated as an Open Space Policy Area (which is distinct from an open space designation in policy RL5) will not be permitted if it would have an adverse impact of the use of the open space for casual play; as a buffer between incompatible uses; as a visual/environmental amenity; as a contribution to the setting of buildings; as an area of nature conservation interest; or as a link between other open spaces.
- 9.9 The change of use of Woodfield Quarry to a 'forest school' would not be considered to harm the nature conservation value of the site due to improved management, and the proposal would support children's play. However, with the site being fenced off, only organised activities would occur, resulting in the site no longer being available for "casual play". Whilst the site would not be built on and would be retained for recreational purposes which are generally in accordance with the purposes of open space policy, the space would no longer be publicly accessible by any persons not attending a session organised by Wildlings. The loss of a publicly accessible open space available for *casual*, as opposed to organised, play is therefore contrary to policy RL2. Consequently, the proposed development represents a departure from the development plan.
- 9.10 Paragraph 97 of the NPPF, being more up-to-date than the UDP, is relevant to this application and states that existing open space should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 9.11 Whilst the only actual building work would be the erection of the boundary fence, this paragraph does still apply to the proposed development, particularly as the proposal would involve the open space ceasing to be publicly accessible. Policy 28 of the draft Local Plan (which has limited weight) states that proposals involving the loss of open space will only be supported in accordance with national policy, and where community support can be demonstrated through public consultation. A public engagement exercise can be considered to address criterion a) of paragraph 97 of the NPPF, as positive community feedback to a development proposal can be considered to demonstrate that the open space is 'surplus to requirements'.
- 9.12 As discussed further below, a public consultation exercise has been carried out which satisfactorily demonstrates a majority of public support for the proposal, satisfying criterion a) of paragraph 97. Criterion c) is also considered to be relevant, as the 'forest school' activities can be considered to be an alternative recreational provision. For reasons discussed in detail below, the benefits of this alternative recreational proposal can be considered to outweigh the loss of the publicly accessible open space in this case.
- 9.13 Overall, the proposal represents a departure from the development plan in that it will result in the loss of a publicly accessible open space. However, the NPPF outlines that the development of an open space can be acceptable where the site is demonstrated to be surplus to requirements, and where the benefits of an alternative recreational proposal outweigh the loss of the open space. As discussed in detail below, the proposal is considered to bring notable benefits which would meet this national policy criteria, and the principle of the development is therefore considered to be acceptable on balance, despite being contrary to policy RL2 of the UDP.

9.14 SOCIAL SUSTAINABILITY

Access to Open Space

- 9.15 The main consideration in relation to this application is the justification of the loss of a publicly accessible open space. As outlined above, the site's allocation for use as an adventure playground in policy RL5 of the UDP is considered to be out of date, and policy RL2 is therefore relevant. The loss of publicly accessible open space is contrary to policy, and therefore requires robust justification in line with the NPPF.
- 9.16 As discussed in section 6 of this report, the application was not originally advertised as a departure from the development plan, as the applicant and the Council were engaging in discussions regarding an arrangement to ensure the

gates to the site were left open to the public during daytime hours at which organised sessions were not in progress (meaning that there would not have been a loss of open space in planning policy terms). During these discussions, the applicant expressed to the Council that the purpose of the Wildlings enterprise is to improve the quality of the space and provide educational and wellbeing opportunities for the community, rather than to privatise the space, hence an initial willingness to maximise accessibility where possible. However, the applicant eventually decided that they would prefer to proceed to the determination of the application without any condition requiring the gates to be left open for a specified period of time, as the management of the opening and closing of the gates at the appropriate times would simply be too complex for the small organisation, and they were increasingly concerned about anti-social behaviour. The Council must now, therefore, assess whether a loss of public access to the open space can be justified in this case.

- 9.17 As outlined in section 2 of this report, the aim of the Wildlings group is to provide outdoor education and wellbeing activities, primarily for children but also for adults in some cases. The sessions will focus on nature conservation, and the applicant is committed to restoring and managing the site. Wildlings is a Community Interest Company, meaning that the group is not conducted for private gain, and any surplus or assets are used principally for the benefit of the community.
- 9.18 Wildlings have already begun operating some sessions at the site, which is not considered to be a breach of planning control as the site has not yet been enclosed by the fence and is still available as a public open space. At present, Wildlings are running sessions for free and aim to continue to provide free sessions, or at least to keep prices to an absolute minimum, as long as the funding for this is in place. The group has stated that they aim to obtain contract work with schools and other charities, and to run some paid-for sessions for families from more affluent areas, which would enable them to keep costs low and provide free places for disadvantaged children. The project will also bring social value by providing volunteering opportunities, as well as teaching children to respect nature, in turn ensuring the site is better cared for in the future.
- 9.19 As identified in the Rationalising RL5 work conducted in 2019, the Woodfield Quarry site is considered to be of low value and very low quality, inappropriate for casual play. The site has some biodiversity value, but requires management. The analysis states that the site “may have a higher value if managed for nature conservation”, and the Wildlings enterprise can be considered to bring the community management that the site needs. The site has seen a variety of anti-social behaviour including fires, littering, fly-tipping and drug use, as seen in a multitude of photographic evidence which has been provided to the case officer. Whilst erecting a fence would limit public access to the site, it would allow for far better management of the site and would deter anti-social behaviour which has been to the detriment of the area and is considered to discourage local people from making use of the site at present.

- 9.20 Whilst the proposal is not in accordance with policy RL2 in the sense that it would result in the loss of publicly accessible open space, the site would still remain in recreation use, and the proposal would not have an adverse impact on the use of the space “as an area of existing or potential nature conservation interest”. In fact, the nature conservation value of the site is likely to be improved by proper management.
- 9.21 Paragraph 97(c) states that the development of an open space for alternative sports and recreational provision may be acceptable if the benefits clearly outweigh the loss of the current or former use. In this case, it is considered that the benefits do outweigh the loss: the Wildlings activities will bring social value in providing character-building activities for children and disadvantaged young people. The Council’s Safer Neighbourhoods Team, the ward councillors for Balby and the South Yorkshire Policy Neighbourhood Inspector are all in support of the project and were engaged in discussions over the future of the site prior to submission of the planning application. It is agreed, overall, that the site is not currently well-used and that the Wildlings activities would improve the area. Therefore, the scheme is considered to be in accordance with paragraph 97(c).
- 9.22 Paragraph 97(a) of the NPPF states that it may be acceptable to build on open space where an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. The GSA has found Balby to be deficient in woodland and nature conservation areas, but well-served by public parks and allotments. The siting of the container at the entrance to the Woodfield Road allotments would not result in the loss of any growing space, and there are sufficient allotments in the area in any case. In terms of places for the community to enjoy playing and walking outdoors, there is adequate alternative space available in public parks and so the loss of public access to the Woodfield Quarry site can be tolerated. The use of the site as a well-managed ‘forest school’ would be likely to improve the woodland and nature conservation value of the site. Overall, in terms of publicly accessible open space, the GSA can be considered to appropriately demonstrate that the Woodfield Quarry site is surplus to requirements as a publicly accessible space.
- 9.23 Nonetheless, the Council considered that a community consultation exercise would be necessary to further support an assertion that the site is surplus to requirements, and therefore requested that the applicant distribute a questionnaire to all properties within a 200 metre radius of the site. The applicant has complied with this request, and actually increased the number of properties surveyed beyond that requested by the Council, leafleting 319 properties in total. The consultation ended on 31 January 2021 with 90 questionnaires returned, representing a response rate of 28%. It is not unreasonable to assume that those residents who did not respond to the questionnaire had little interest in the future of the Woodfield Quarry site.
- 9.24 Of the responses received, 86.7% stated that they did not currently use the site for any purpose (including sports, play and dog walking). 93.3% of the respondents stated that they would support the development of the site. Where residents were invited to provide any additional comments, the most common

theme raised by respondents was that the area is currently too unsafe to use due to anti-social behaviour, explaining why the enclosure and management of the area was supported by the majority.

- 9.25 Of the few negative comments received, the main concerns were that a small number of residents would miss walking their dog in the area, and that residents would not want to pay to use the site. There have also been some objections submitted directly to the Council, similarly raising concerns about limiting public access to the open space, as well as accusing the Wildlings group of harming local habitats and trees. Six of the objections received were identical in content and wording.. Wildlings is not a profit-driven organisation, and as outlined above, the sessions are largely free to attend where possible. The group has a nature conservation focus, and maintenance works undertaken at the site so far are considered to be in the interests of improving the environment. The nine objections received directly to the Council are clearly outweighed by the overwhelmingly positive response from the majority of the 90 respondents to the questionnaire.
- 9.26 It is considered, on balance, that the site can be deemed surplus to requirements in its current use, given the largely positive results of the widespread community consultation exercise, the support of local politicians and other Council departments, and the findings of the GSA and the Rationalising RL5 work. The proposal is therefore in full accordance with criteria a) and c) of paragraph 97 of the NPPF, and it is considered that the loss of a publicly accessible open space can be justified in this case. Whilst the site would not be available for residents to access at any time, it would be better managed and more secure, and the activities run by the Community Interest Organisation would be more beneficial for the community overall.

Safety and Security

- 9.27 As alluded to above, the application site has unfortunately fallen victim to numerous incidences of anti-social behaviour, harming the local environment and reducing the quality of the open space. The community consultation responses highlighted that many residents would feel too unsafe to visit the Woodfield Quarry site for this reason. The applicant has provided photographic evidence to the case officer on numerous occasions, indicating the damage being done through fires, fly-tipping, and malicious acts such as destroying a bee hive. This anti-social behaviour is one of the primary motivations for enclosing the site with a fence, along with the need to safeguard children attending the Wildlings sessions.
- 9.28 Policy CS1 of the Core Strategy, chapter 8 of the NPPF, and policy 48 of the draft Local Plan all place an emphasis on ensuring places are safe, including reducing the risk of crime. The erection of a fence can therefore be supported in line with the above policies, as it would be expected to reduce crime at the site and secure the area for effective management. South Yorkshire Police have provided guidance regarding the fencing specification, and the palisade fencing originally proposed has now been amended to anti-climb '358' security mesh fencing of 2.1 metres in height, which is considered to provide better

protection. The proposed storage container has also been relocated so as to sit adjacent to the entrance to the allotments on the north side of Woodfield Road, where it would be more publicly visible and would therefore benefit from improved surveillance to deter theft. Overall, the proposal is considered to be positive in terms of deterring crime and improving the safety of local residents.

Residential Amenity

- 9.29 Policies CS1 and CS14 of the Core Strategy, along with paragraph 127(f) of the NPPF, require developments to ensure a good standard of amenity for residents. In this case, the only operational development would be the erection of the fence and the siting of a storage container, neither of which would have any effect on the light, outlook or privacy enjoyed by inhabitants of nearby properties.
- 9.30 The proposal for a 'forest school' at the Woodfield Quarry site would likely intensify the use of the space, with organised activities potentially generating a higher level of noise. However, this would occur during the daytime only, and a condition can be applied to ensure that organised activities occur only between the hours of 09:00 and 20:00, which is considered by the Council's Environmental Health to be acceptable in terms of preventing disturbance to neighbours. Outside these hours, it is likely that the gates would be closed and the site inaccessible to the public, which would reduce the likelihood of disturbance at anti-social hours in comparison to the current situation. Overall, the proposal is therefore considered to be acceptable in terms of residential amenity.

Conclusion on Social Impacts

- 9.31 Despite being contrary to policy RL2 of the NPPF, the proposed change of use to a 'forest school' would be acceptable overall in accordance with paragraph 97 of the NPPF, as the loss of public space is justified through strong community support, and the alternative recreational provision is considered to provide considerable social benefits compared to the largely un-loved open space currently available. The proposal would improve safety and security at the site, and noise-generating activities would be limited to acceptable daytime hours so as not to cause disruption to neighbours' residential amenity. Therefore, the development would also be in accordance with policies CS1 and CS14 of the Core Strategy and paragraph 127 of the NPPF. The social impact of the development is considered to be acceptable overall.

9.32 ENVIRONMENTAL SUSTAINABILITY

Design and Visual Impact

- 9.33 Policy CS14 of the Core Strategy and paragraph 127 of the NPPF require developments to display a high quality of design, integrating well into the local context.

- 9.34 The application site is located at the end of Woodfield Road and is not of any special visual character, with the adjacent waste water treatment plant giving a largely utilitarian and industrial aesthetic. The woodland character of the Woodfield Quarry amenity site softens the appearance of the area. The erection of a fence would not be considered to be a positive addition in design terms, but neither would it be considered to harmfully detract from the character of the area. The design of the fence has been revised for security reasons, but amending the proposal to mesh-style fencing also has positive benefits for the impact on the character of the area. This fencing would be less heavy in appearance than the palisade fencing originally proposed, and would not block views of the woodland behind. It can also be coloured green (secured through condition) in order to blend in with the woodland character of the site. In the context of the proximity to the waste water treatment plant, a tall fence is considered acceptable in this case, and any visual harm can be outweighed by the benefits of increasing security at the site.
- 9.35 The proposed storage container would be sited inside the entrance to the allotment site, on a patch of land which is currently unused. On a site visit, it was clear to see that this land is not contributing positively to the street scene, and there was evidence of fly tipping. Therefore, it is not considered that a storage container would cause further harm to local character. Furthermore, a condition is recommended so that permission for the storage container is temporary for a period of five years, in order to address the possibility of a metal container deteriorating over time.
- 9.36 In terms of the use of the Woodfield Quarry site itself, the improved environmental management would be considered beneficial for the character of the area, as the woodland would be better maintained. This would enhance the quality and appearance of the site overall, which is positive for local character. Overall, the development is acceptable in terms of visual impact.

Highway Safety and Parking

- 9.37 Part 3 of policy CS14(A) of the Core Strategy emphasises the importance of the “quality, stability, safety and security of private property, public areas and the highway”.
- 9.38 The proposal does not involve any additional parking to support the ‘forest school’ activities. However, this is considered to be acceptable, as it is envisaged that many of the participants will be local to the site and would walk to the sessions. Woodfield Road has free on-street parking, and on a site visit the road did not appear to be busy. In historic aerial images and street view images retrieved from Google Earth, there are no snapshots where the street appears to be congested with parked vehicles. Furthermore, it is likely that increased vehicular movements would be fleeting, taking the form of drop-offs and pick-ups rather than additional vehicles parking for long periods of time. Highways Development Control have no objection to the lack of parking to support the change of use, and consider that any increase in traffic would be negligible. The proposal is acceptable in terms of highway safety.

Trees and Ecology

- 9.39 Policy CS16 of the Core Strategy requires developments to protect and enhance the natural environment, and policy CS17 discusses the protection of green infrastructure in the borough. The 'forest school' project has a nature conservation focus, and its general themes are aligned with policies CS16 and CS17 in encouraging respect for the natural environment and providing outdoor recreation opportunities.
- 9.40 Some recent objections have suggested that the proposal would be harmful to the local environment, and that trees are being removed unnecessarily. It is important to note that the trees at the site do not benefit from Tree Preservation Orders or Conservation Area protection, and the local planning authority is therefore unable to enforce their retention. With that said, the applicant has provided full details of all those trees which have been felled, demonstrating that these particular trees were dangerous and defected. The trees were removed by the Council's own Street Scene team, and the local planning authority's Tree Officer is satisfied that any trees removed were of low quality, raising no concerns regarding the works undertaken.
- 9.41 Given that the proposal is for a 'forest school', the Tree Officer is supportive of the proposal overall, as it will provide access to nature and teach children about nature conservation. With the enterprise having a nature-centric focus, it is expected that the remaining trees will be cared for appropriately. The protection of nesting birds and bats is covered under the Wildlife and Countryside Act 1981 (as amended), and the applicant is reminded that any planning decision does not constitute an exemption under the Act. Good practice guidance is provided regarding appropriate methodology for installing the fence without harming tree roots, and this can be provided as an informative. The Council's Ecologist also has no objections to the proposal, welcoming the opportunity to immerse children in nature and wildlife. No ecological conditions are recommended. Overall, the proposal is considered to be in accordance with policies CS16 and CS17 of the Core Strategy, as well as policy ENV59 of the UDP, and the improved environmental management of the site is supported.

Land Contamination Risk

- 9.42 As the site is located on a former sand quarry, Pollution Control raised concerns about intensifying children's play on the site, as the land could be contaminated from infill materials, as well as the fly tipping which has been evident at the site.
- 9.43 A Preliminary Geo-environmental Investigation has now been undertaken, identifying contamination risks and outlining risk reduction actions for various activities to be undertaken at the site. If operated effectively, the risk to participants in the sessions is considered to be acceptable, and the Council's Pollution Control team are satisfied with the measures proposed. A condition is required to ensure that any imported soils are tested for contamination. The proposal is considered to accord with paragraph 178 of the NPPF.

Conclusion on Environmental Issues

9.44 The proposed fence and storage container would not have a harmful visual impact, and the proposal would not create any highway safety or parking issues. The environmental management of the site is welcomed, and it is not considered that the proposal would be harmful to trees or wildlife. Land contamination risks are considered to be appropriately managed. Overall, the proposal is in accordance with policies CS1, CS14, CS16 and CS17 of the Core Strategy, policy ENV59 of the UDP, and paragraphs 127 and 148 of the NPPF.

9.45 ECONOMIC SUSTAINABILITY

9.46 The proposal would have limited economic benefits, as the Wildlings organisation is not a profit-led enterprise. However, it could be said that the activities will provide children with transferable skills which could help in their future working environments. This could result in a small contribution to building a skilled workforce in the borough, strengthening Doncaster's economic resilience.

Conclusion on Economy Issues

9.47 The development would have little economic impact, either positive or negative, and as such the proposal would not be contrary to the economic pillar of sustainable development.

10.0 PLANNING BALANCE & CONCLUSION

10.1 In accordance with Paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh any benefits identified when considered against the policies in the NPPF taken as a whole. Whilst the application site would no longer be publicly accessible open space, it would be better utilised to provide children and disadvantaged adults with educational and wellbeing-focused activities to improve their skills and allow them to connect with nature. Environmental management of the site would also be improved. Subject to the recommended conditions, there are no material considerations which indicate that the application should be refused.

11.0 RECOMMENDATION

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

Conditions

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

REASON

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

02.

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

- Location Plan - amended 20 January 2021
- Site Plan - amended 20 January 2021
- Design and Access Statement - received 23 October 2020

REASON

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

03.

The new fencing to the northern boundary as indicated on the approved site plan shall consist of anti-climb '358' security mesh fencing of 2.1 metres in height, coloured green and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority. Works to fencing at the southern boundary as indicated on the approved site plan shall consist only of the installation of panels where there are gaps in the existing perimeter fencing.

REASON

To ensure the satisfactory appearance of the development, in accordance with Policy CS14 of the Core Strategy.

04.

The storage container hereby permitted shall be present at the site for a limited period being the period of five years from the date of this decision, unless an alternative timescale is otherwise agreed in writing by the local planning authority. At the end of the five-year period, the container hereby permitted shall be removed and the land restored in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

REASON

To prevent the temporary storage container from deteriorating and become unsightly over time, in the interests of visual amenity and in accordance with policy CS14 of the Core Strategy.

05. The storage container hereby approved shall be coloured green during the entirety of the period for which it is present at the site.

REASON

To ensure the satisfactory appearance of the development, in accordance with policy CS14 of the Core Strategy.

06. The organised activities hereby approved to take place at the site shall be operated between the hours of 09:00 and 20:00 Monday-Sunday and at no other time.

REASON

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

07. Any soil or soil forming materials brought to site for use in 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 local planning authority 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 local planning authority 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.

08. The Public Right of Way to the north of the application site shall not be obstructed or reduced in width as a result of the proposed development, and shall not be obstructed at any point during the undertaking of the operational works.

REASON

To ensure the Public Right of Way remains free and clear for public access.

Informatives

01. 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

02. INFORMATIVE

Please be aware that this decision does not constitute an exemption under the Wildlife and Countryside Act 1981 (as amended). It is an offence to disturb nesting birds or bats and their roosts even when not in use. The felling or pruning of trees or removal of climbing plants such as ivy should not be carried out unless it has been verified that no bat roosts or active bird nests are present within the tree.

03. INFORMATIVE

In the interests of safety and sustainable practice, any tree surgery at the site must be carried out in full accordance with clause 7 (Pruning and related work) and clause 12 (Tree felling and stump management) of British Standard 3998: 2010 (Tree Work - Recommendations) by a reputable and suitably qualified arborist.

04. INFORMATIVE

Due to the proximity of the trees, when deciding the position of the upright fence posts site investigation should be used to determine their optimal location whilst avoiding damage to roots important for the stability of the tree, by means of hand tools or compressed air soil displacement, to the required depth. When roots are uncovered, roots smaller than 25mm diameter may be pruned back, making a clean cut with a suitable sharp tool (e.g. bypass secateurs or handsaw), except where they occur in clumps. Roots occurring in clumps or of 25mm diameter and over should be severed only following consultation with an

arboriculturist, as such roots might be essential to the tree's health and stability.

If concrete is used for the upright posts to support the fence, due to the highly alkaline leachate produced during the curing of wet concrete, concrete should not be poured within the root protection area of trees unless an impermeable liner has been installed. From a trees perspective a design that uses driven in posts or ground screws could be preferable as well as cost-effective.

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



Key :



Sites



Proposed Container
Location 21ft x 8ft



New Fence



New Fence to
fill gaps

Appendix 2: Example of Fencing Type



Appendix 3: Example Storage Container (to be coloured green)



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Application	3.
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Application Number:	20/03510/COU
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Application Type:	Planning FULL
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Proposal Description:	Change of use from Single dwelling (C3) to 4 bedroom HMO (C4) (retrospective).
At:	35 Rockingham Road, Wheatley, Doncaster, DN2 4BN

For:	Mr Kupahurasa
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Third Party Reps:	2 objections	Parish:	N/A
		Ward:	Town

Author of Report:	Nicola Howarth
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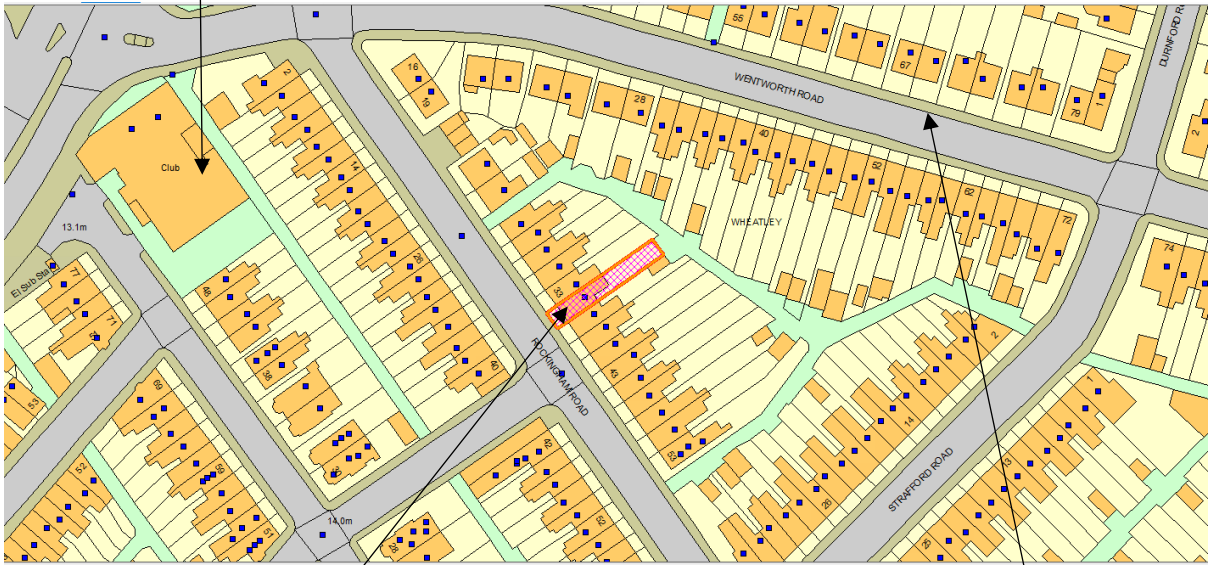
SUMMARY

The application relates to an existing House of Multiple Occupation (HMO) within the Article 4 Direction area. The Article 4 Direction was brought into force on the 14th October 2019. The order removes permitted development rights comprising change of use from a use falling within Class C3 (dwelling houses) to a use falling within Class C4 (houses in multiple occupation).

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

RECOMMENDATION: GRANT planning permission subject to conditions

Wheatley Working Men's Club



Application Site

Wentworth Road

1.0 Reason for Report

- 1.1 This application is being presented to planning committee following a request from Councillor McDonald.

2.0 Proposal

- 2.1 Planning permission is sought for the change of use of a 4 bedroom dwelling house (Use Class C3) to a 4 bedroom HMO (Use Class C4).

- 2.2 The existing property is a 4 bedroom mid terrace, arranged over 2 storeys. Rockingham Road is a residential road characterised by traditional terraced housing with on road car parking.

- 2.3 No external alterations or extension are proposed or have been undertaken to the property. It includes:

Ground Floor- 1x bedroom, shared lounge, kitchen and utility
First Floor- 3x bedrooms, and WC/Shower room.

- 2.4 The proposal does not include dedicated parking spaces for occupiers.

3.0 Site Description

- 3.1 Rockingham Road has a uniform character, consisting mainly of 2 storey, terrace housing. The majority of the properties are red brick, although a small number have rendered the front of the property, adding variety to the appearance of the street. Most of the properties have bay-windows to the front, at the ground floor level and small front gardens. To the rear of the properties are long and narrow back gardens with vehicle access also provided at the rear via a lane.

- 3.2 Rockingham Road is a relatively wide street and has parking available on both sides of the road. The site is within close proximity to Doncaster Town Centre and is judged to be a sustainable location with good access to public transport and within a short walking distance of shops, services and community facilities.

- 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

Application Reference	Proposal	Decision
17/00344/3FUL	Installation of 16 alley gates to close alleyways that facilitate antisocial behaviour, criminal damage, burglary and environmental crimes. (Being application under Regulation 3	Application Granted.

	Town & Country Planning (General) Regulations 1992	
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5.0 Site Allocation

5.1 The site is allocated as Residential Policy Area as defined by the Doncaster Unitary Development Plan (Proposals Map) 1998. The following policies are applicable:

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

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5.5 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.

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

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

5.8 Core Strategy 2011 – 2028

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

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

5.11 Policy 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.

5.12 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.

5.13 Saved Unitary Development Plan Policies (Adopted 1998)

5.14 Policy PH11 states that within residential policy areas development for housing will normally be permitted subject to the density and form being appropriate to the character of the area, the effects of the development on the amenities of occupiers of neighbouring properties.

5.15 Local Plan

5.16 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

5.17 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:

5.18 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.

5.19 Policy 10 deals specifically with HMOs and how they will be supported under strict circumstances. However this policy can only be afforded limited weight at this stage, due to the number of objections to the wording of the policy. This is confirmed in a recent planning appeal decision dated 10th February 2021 in relation to 13 Stanhope Road, Wheatley. The criteria of this policy is set out later in the report.

5.20 Policy 11 (Residential Policy Areas) reinforces some of the wording of PH11 stating that within Residential Policy Areas, as defined on the Proposals Map, new residential development will be supported subject to certain criteria and is afforded substantial weight.

5.21 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard as a minimum. This policy can be applied limited weight due to outstanding objections.

5.22 Policy 43 deals with the need for good urban design. This policy can now be applied with moderate weight.

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

5.24 Neighbourhood Plan

5.25 There is no Neighbourhood Plan for this area

5.26 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 the following :

- Site notice
- Direct neighbour notification letters

2 objections have been received and the issues raised are as follows:

- Increased risk of crime and anti-social behaviour.
- Increased noise.
- Burning of rubbish in gardens.
- Lack of car parking for residents.
- Decreasing the value of house prices and problems in selling houses.
- Over proliferation of HMO's.

7.0 Parish Council

7.1 There is no parish council for this area.

8.0 Relevant Consultations

8.1 **Environmental Health** – *'I informed the owner of this property that he needed COU for us to issue his Additional HMO Licence due to it being an Art 4 area, I have already inspected and determined his licence application is valid so I have no concerns over this change of use. It is currently being occupied as a HMO.'*

Police Architectural Liaison Officer – *'The Police Designing out crime officer has no objections or comments to make in relation to the design, layout and security of this property. All work necessary to complete the change of use and therefore no comments in relation to security can be made.'*

Highways – ‘HDC have no objections to this retrospective application, there is on street parking provisions around the development.’

9.0 Assessment

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

- Principle of Development
- Space Standards
- Impact upon Residential Amenity
- Location
- Concentration of HMO's in the area
- Highways

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 Residential Policy Area and as such Doncaster UDP Policy PH 11 supports residential development in principle, providing that it does not adversely affect the character of the area or detrimentally affect neighbouring properties through for example excessive overshadowing, over dominance or loss of privacy.

9.4 In light of the policy designation set out above, the principle of the change of use to form a 4 bedroom HMO is considered acceptable subject to other policy considerations.

9.5 The site is located within the Article 4 Direction area which removes the permitted development right to change the use of C3 dwelling houses to C4 HMO's without the need for planning permission.

9.6 The Article 4 Direction allows the LPA to consider the details and design of the HMO to ensure that a satisfactory standard of accommodation is provided as well as ensuring that residential amenity is not unacceptably impacted.

9.7 Emerging Local Plan Policy 10 provides a detailed criteria relating to the position of proposed HMOs. However, at this stage, Policy 10 can only be afforded limited weight due to the number of objections. Therefore, this policy

is not the main policy consideration. The application must be assessed under the adopted development plan which then relates to Policy PH11 of the UDP.

Sustainability

- 9.8 The National Planning Policy Framework (NPPF, 2019) sets out at Paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.9 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

9.10 SOCIAL SUSTAINABILITY

9.11 Space Standards

- 9.12 Page 27 of the adopted Doncaster Council Development Guidance and Requirements SPD (2015) states: *'In order to protect the living conditions and well-being of future occupants, applications for residential development must demonstrate how the proposed accommodation is functionally fit for purpose and has been designed to meet the specific needs of the occupants. It should demonstrate how the accommodation is large enough to provide sufficient space for privacy, socialising, studying, cooking, dining, sleeping, washing and storage of household goods and belongings.'*
- 9.13 It follows on to state that the overall internal floor-space must be sufficient and that the size of individual rooms are large enough for the intended purpose. The size of amenity space must also be sufficient for the number of occupiers.
- 9.14 The National Space Standards only outlines the minimum standards for self-contained properties. As this application relates to a HMO with shared facilities, this guidance cannot be used as a marker for room sizes.
- 9.15 The Housing Act 2004 outlines the legal minimum individual room size for one person as 6.51 square metres. However, in order to obtain a HMO License, the Council encourages bedroom sizes of at least 10 square metres.
- 9.16 The Council Licensing Team will be lenient on the 10sqm threshold, where there is considered to be suitable additional shared living space proposed within the property, and an overall greater quality of accommodation. The bedroom sizes (excluding en-suite) are as follows:
- Bedroom 1- 6.8 sqm
 - Bedroom 2- 10.5 sqm
 - Bedroom 3- 16.5 sqm

- Bedroom 4- 13.2 sqm

9.17 The Environmental Health Officer has confirmed that the applicant would be able to obtain an additional HMO License. Although bedroom 1 is smaller than the 10 sqm the other bedrooms meet and two will exceed the 10 sqm. The property provides a generous shared kitchen as well as a large communal lounge. The shared kitchen, dining and living space encourages tenants, to mix and interact, which contributes to social and healthy wellbeing. Outside space is also available with a long narrow garden area at the rear. As such the overall size and layout of the property is considered to be suitable for the proposed use.

9.18 It must also be considered in an assessment of the development that this is a family sized house where up to four family members could live and therefore the bedroom sizes are as is. This weighs positively in respect of the change of use and carries significant weight.

9.19 Impact Upon Residential Amenity

9.20 Adopted UDP Policy PH11 states that residential development will be permitted in residential policy areas whereby it does not detrimentally affect the amenities of occupiers of nearby properties.

9.21 The application site is bordered by existing residential development. There are no external alterations proposed as part of the change of use.

9.22 Given that there are no external alterations proposed to the existing property, there are no issues relating to overlooking or overshadowing.

9.23 The property provides a generous garden to the rear, for the future tenants. This provides tenants with an outdoor space to socialise and interact. The access to outdoor space encourages social and healthy wellbeing and as such the retention of this area as garden is welcomed.

9.24 The garden has a gated access, onto the vehicle access to the rear. The bin area is also provided at the rear.

9.25 Whilst HMO uses generally intensify the use of properties, the application site is considered suitable for the proposed use without significant intensification. The change of use to a HMO property will regulate and limit the number of residents permitted at the property to 4 only.

9.26 The possible noise and disturbance and impact upon residential amenity, is likely no more than if a residential family occupied dwelling on the street.

9.27 Location

9.28 The application site is positioned in a suitable location. The site is approximately 0.9 miles from Doncaster Town Centre and the Doncaster Transport Interchange, thus within suitable walking distance. There is a local shop

opposite the site and a variety of shops and local amenities along Wentworth Road.

- 9.29 Whilst there is no off street car parking dedicated for the residents, considering the above, the application site lies within a sustainable location close to the town centre and sustainable methods of transport. There is also generous on street car parking available on Rockingham Road. This carries significant weight.

9.30 Conclusion on Social Impacts.

- 9.31 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.

- 9.32 In conclusion the property provides adequate internal space standards, and meets the criteria in terms of obtaining the additional relevant HMO License from Doncaster Council. The shared living space, as well as the access to outdoor area, encourages social interaction and is considered to provide a high quality of accommodation in accordance with Policy CS1.

- 9.33 It is considered that the proposal would not adversely affect neighbouring residential properties through additional overlooking or loss of privacy. One of the two representations raised issues relating to noise and disturbance. However given the number of residents that will reside in the property is similar to that of a family and that the number of residents will be regulated. This weighs in favour of the application carrying moderate weight.

9.34 ENVIRONMENTAL SUSTAINABILITY

9.35 Concentration of HMOs

- 9.36 The Article 4 Direction was brought in as a measure to control the quantity and quality of HMO properties operating within the area.

- 9.37 Policy 10 of the emerging Local Plan makes it clear that proposed HMO's must not result in an over-concentration of HMOs within a community/locality/street/row, or result in a significant adverse impact to local amenities. The policy states that '*proposals must not create:*

- 1. more than two HMOs side by side;*
- 2. the sandwiching of a single self-contained house or flat between two HMOs;*
- 3. more than two HMOs within a run of twenty properties on one side of the road; or*
- 4. more than one HMO in a road of fewer than twenty properties on one side of the road.'*

- 9.38 Although this policy can only be afforded limited weight, it is important to highlight the housing mix along Rockingham Road, in line with adopted Policy CS12. Policy CS12 states *'New housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support mixed communities.'*
- 9.39 Using the HMO License data, provided by the Council's licensing department, currently there are only 6 registered HMO properties on the road. These are:
- 12 Rockingham Road – 5 bed*
 - 32 Rockingham Road – 5 bed*
 - 46 Rockingham Road – 5 bed*
 - 48 Rockingham Road – 5 bed*
 - 49 Rockingham Road – 4 bed*
 - 60 Rockingham Road – 5 bed*
- 9.40 All of these registered HMOs are distributed along the road. There are no HMO properties next to the application site. There are approx. 72 properties on Rockingham Road. This equates to approx. 4% of the registered addresses on the street currently operating as HMOs. One additional HMO on the road is not deemed to change the overall character of the area. The change of use of the application is in accordance with the criteria set out in emerging Policy 10 and as such it considered suitable.
- 9.41 At this current time emerging Policy 10 can only be afforded limited weight given the possibility of wording changes and as such cannot constitute as a single policy reason for refusal. This has been proven through a recent appeal decision at 13 Stanhope Road, where the Planning Inspector gave the policy limited weight and upheld the appeal granting permission.
- 9.42 Considering the above, the proposed development is in accordance with adopted Policy CS12 as the development will add to the mix of housing types along the street. Therefore the position of the proposed HMO is suitable.
- 9.43 Landscape
- 9.44 The development includes a rear garden for tenants. This provides for outside amenity space, as well as an area to store bins.
- 9.45 Heritage
- 9.46 The proposal has no impact upon any heritage assets or Conservation Areas.
- 9.47 Highways

9.48 There is on street car parking and also there is rear parking accessed via a Lane. The Highways DC Officer has confirmed no objection to the development. The application site is in a sustainable location with good links to public transport, as well as being within walking distance to local amenities and facilities and therefore car parking is not relied upon.

9.49 Conclusion on Environmental Issues

9.50 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.

9.51 Given that the application is utilising an existing property, the impact upon Environmental issues is very limited. Only 4% of the properties on Rockingham Road currently operate as HMOs, and the additional proposed HMO is not considered to harmfully impact the character of the area or surrounding environment.

9.52 The application is not in a Conservation Area, thus there being no impact upon any Heritage assets. The application site is located in a sustainable location, which is well connected and has good links to public transport and local amenities, meaning that private car parking is not to be relied upon. The proposal does not detrimentally affect the surrounding environment. This weights moderately in favour of the application.

9.53 ECONOMIC SUSTAINABILITY

9.54 When fully occupied, the property will be occupied by 4 individual tenants. The residents will most likely work and pay into the local economy. However, given the scale of the development, the benefits in terms of economic activity is limited.

9.55 Conclusion on Economy Issues

9.56 Paragraph 8 (a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

9.57 The proposal would result in limited economic benefit, by increasing the occupancy of the property from likely a 3 bedroom property to a 4 bed HMO. As such the proposal carried limited weight 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 adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the adopted development plan and adopted policies and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

11.1 GRANT planning permission subject to conditions:

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

REASON

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

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

Existing Planning Drawing, Received: 22nd December 2020

REASON

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

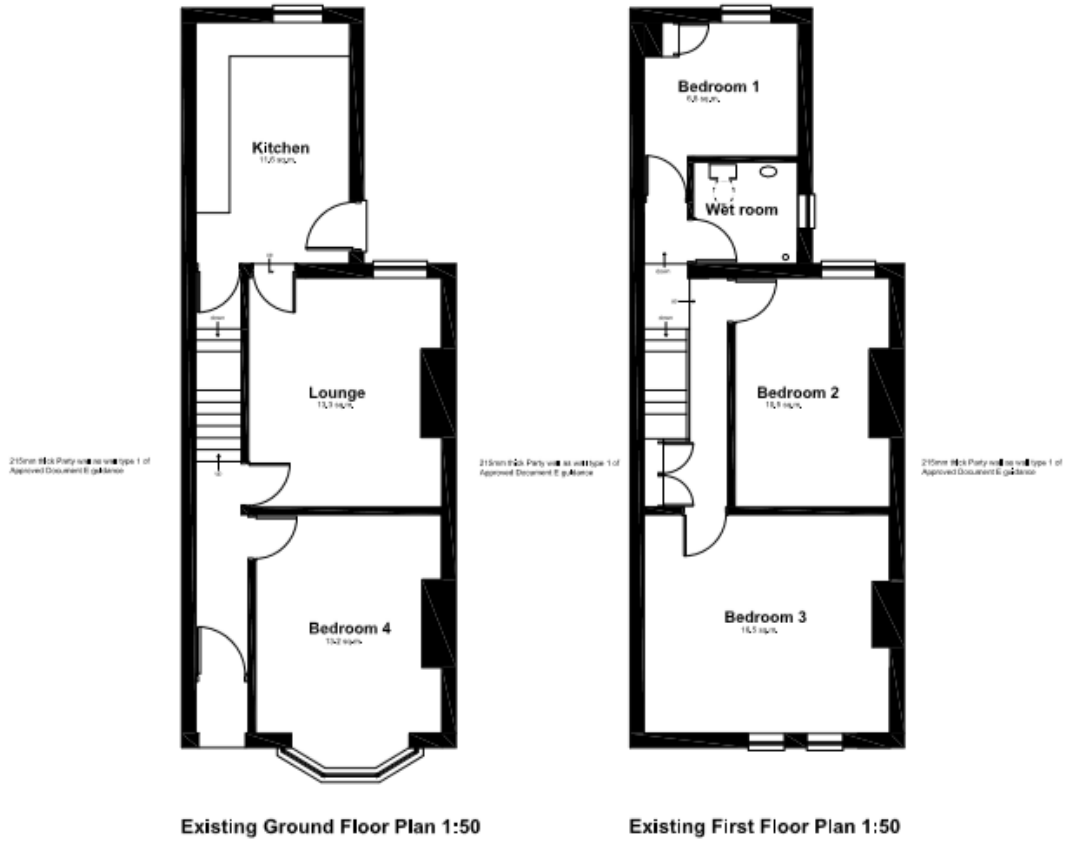
1. **INFORMATIVE**
As the application is in an 'Additional Licensing Area' the property will require an Additional HMO Licence. Please contact the licensing department for more information regarding submitted an application. More information can be found at the following website: <https://www.doncaster.gov.uk/services/business-investment/additional-licensing>

2. **INFORMATIVE**
Adequate provision for the storage and collection of waste and recycling is essential for both domestic and commercial premises, lawful arrangements should be in place at the property. The applicant should contact waste&recycling@doncaster.gov.uk to

discuss the provision and siting of suitable bins and setting up a collection service if this is not in place.

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 - Internal Layout



Application	4.
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Application Number:	20/03324/COU
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Application Type:	Planning FULL
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Proposal Description:	Change of use of second floor offices to 9 bedroom HMO.
At:	70 -72 Silver Street, Doncaster, DN1 1HT

For:	Mr & Mrs Dickinson
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Third Party Reps:	0 representations	Parish:	N/A
		Ward:	Town

Author of Report:	Jessica Duffield
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SUMMARY

The application relates to the change of use of the second floor of an existing building from Office Use (Class E(g)) to a proposed House of Multiple Occupation (HMO). As the HMO will provide 9 bedrooms it falls into the Sui Generis Use Class. The application site is located within the Town Centre, on the corner of Silver Street and East Laith Gate.

The HMO will be accessed via an internal staircase, providing 9 independent bedrooms each with a private en-suite bathroom. There will be a shared kitchen/ dining space for future tenants.

The application proposal has not received any neighbour responses. The application was called into Planning Committee by Cllr Tosh McDonald.

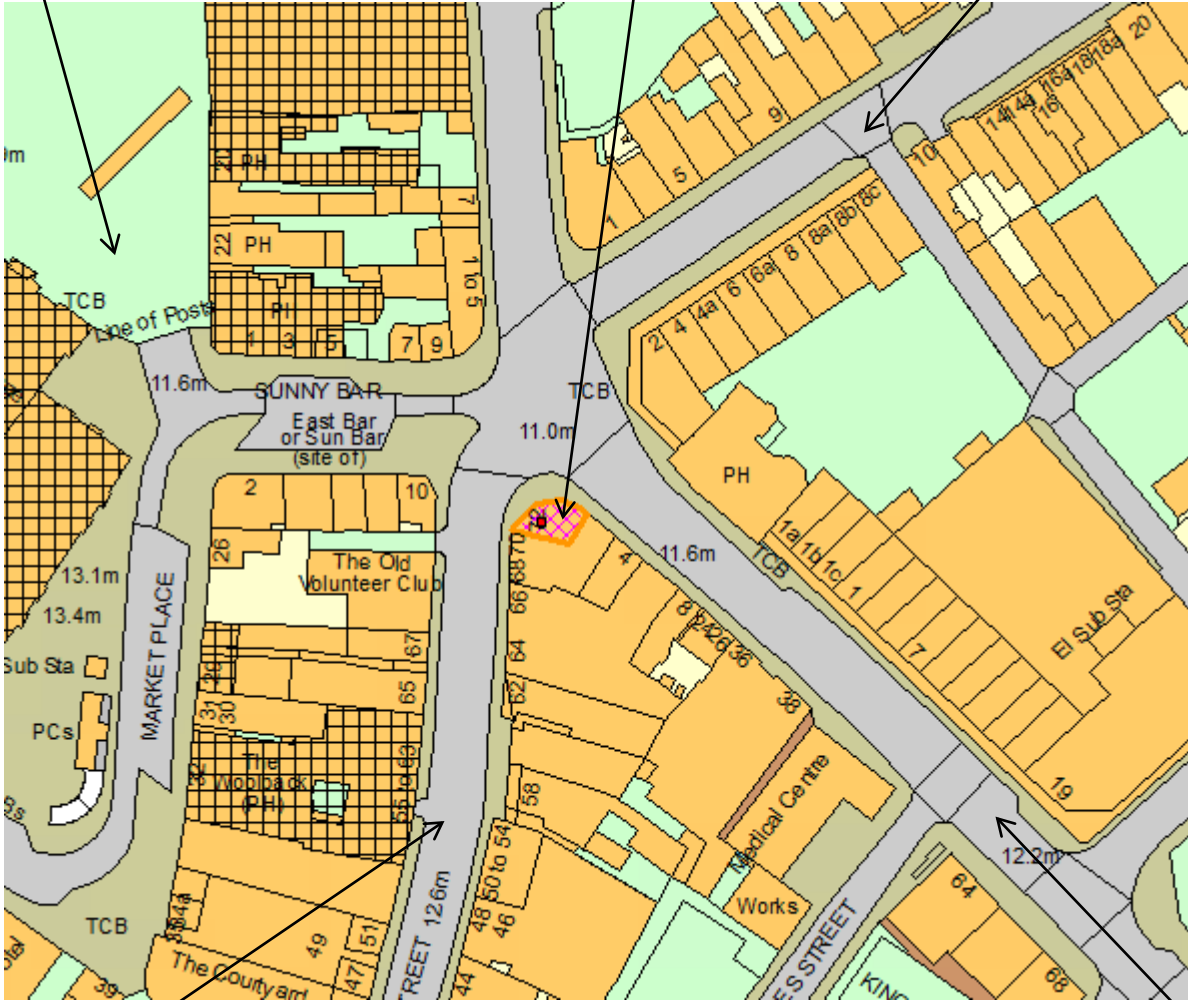
This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to neighbouring properties or the character of the area.

RECCOMENDATION: GRANT planning permission subject to conditions

Doncaster Markets Area

Application Site

Nether Hall Road



Silver Street

East Laith Gate

1.0 Reason for Report

- 1.1 This application is being presented to planning committee at the request of Councillor Tosh McDonald, due to concerns over the proliferation of HMO's in the ward/area.
- 1.2 The objection was supported by all 3 Town Ward Councillors.

2.0 Proposal

- 2.1 Planning permission is sought for the change of use of existing office space (Use Class E(G) to a 9 bedroom HMO (Use Class Sui Generis).
- 2.2 The proposal relates to the second floor level of the property. An existing staircase will be utilised for access.
- 2.3 Each bedroom will provide en-suite bathroom facilities. The floorplans indicate that Bedrooms 1, 3, 4 and 5 will be large enough to provide double beds. The remaining bedrooms will be single rooms. All bedrooms are large enough to accommodate a small sofa.
- 2.4 A shared kitchen/dining area, with internal bin storage area are also proposed.

3.0 Site Description

- 3.1 The property is a 3-storey building, situated on the corner of Silver Street and East Laith Gate. The building is positioned on a busy highway junction between those streets, Sunny Bar and Nether Hall Road.
- 3.2 A recent application related to the same floor of the property which looked to change the use from office to create 4x 1 bedroom flats (20/02553/PRIOR). This application looks to replace this permission.
- 3.3 An application was approved in October 2020 relating to the ground floor and basement of the property. This application granted permission to allow those floors to be used as café/restaurant with storage at the basement level.
- 3.4 The agent has confirmed that the first floor of the property is used as office space.
- 3.5 The site not within a Conservation Area, though the boundary of the Market Place Conservation Area is within close proximity. 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

Planning Reference	Description	Decision
20/02553/PRIOR	Notification to determine if prior approval is required for change of use of second floor from offices(B1) to 4 flats(C3)	Prior Approval Approved-19/11/2020
20/01935/FUL	Change of use from office/storage (Class B1) to cafe/restaurant/storage (Class A3)	Granted-1/10/2020
18/02111/PD	Use of taxi administrative office (Class B1)	Permitted Development – 10/9/2018
16/00830/PD	Change of use from A1 to Sui Generis (Nail Bar)	Permission Required-15/4/2016
12/01060/FUL	Change of use from photography studio (Class B1) to sweet and confectionary shop (Class A1)	Granted-12/6/2012
12/00863/PD	Change of use to enable sale of sweets, chocolate, confectionary and coffee to take away. Provision of sofa to meet with clients for bookings.	Permission Required-31/5/2012
07/03689/RET	Retention of ATM machine to front elevation of existing shop.	Granted-3/1/2008
07/03715/ADV	Retention of internally illuminated fascia sign (0.65m x 0.40m)	Granted-3/1/2008
84/1327/P	Change of use of 1st and 2nd floors to offices	No record.

5.0 Site Allocation

5.1 The site is allocated as Shopping/Office Policy Area as defined by the Doncaster Unitary Development Plan (Proposals Map) 1998. The following policies are applicable:

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 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.5 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.
- 5.6 Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.7 Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.8 Paragraph 85(F) states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 5.9 Core Strategy 2011 – 2028**
- 5.10 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).

5.11 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:

5.12 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.

5.13 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.

5.14 Saved Unitary Development Plan Policies (Adopted 1998)

5.15 Policy TC11 states that proposals for uses other than Office 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.

5.16 Policy TC5 states: Within Doncaster Town Centre Shopping Policy Area planning permission will normally be given for changes of use from shopping uses to non-shopping uses providing that:

- The new use is compatible with its town centre location; and
- The existing use is not within a defined primary or secondary shopping frontage

5.17 Policy TC17 relates to the Upper Floors in Shopping Areas, and states that within the shopping policy area, planning permission will normally be granted for the use of upper floors for any purpose appropriate to the shopping area, except where the use would be detrimental to the amenity of neighbouring activities. Where appropriate considered will be given to the introduction of residential uses of upper floors.

5.18 Local Plan

5.19 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

- 5.20 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:
- 5.21 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.
- 5.22 Policy 10 deals specifically with HMOs and how they will be supported under strict circumstances. However this policy can only be afforded limited weight at this stage, due to the number of objections to the wording of the policy. The criteria of this policy is set out later in the report.
- 5.23 Policy 24 refers to the development within Town, District and Local Centres. It states that proposals for new development will be supported on the upper floors of buildings within the primary shopping area except where their presence would be seriously detrimental to the amenity of neighbouring activities and/or would have a negative impact upon the successful running of the ground floor commercial unit and/or living conditions of future users/occupiers. This policy is afforded substantial weight.
- 5.24 Policy 68 relates to Doncaster Town Centre stating that new development will be supported where it helps improve the centre as a thriving and accessible destination... with a broader range of high quality homes. This policy is afforded substantial weight.
- 5.25 Policy 43 deals with the need for good urban design. This policy can now be applied with moderate weight.
- 5.26 Policy 48 (Safe and Secure Places) states that developments will be supported which are designed in a way that reduces the risk of crime and the fear of crime. This policy is afforded substantial weight.

5.27 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, and direct neighbour notification letters.

6.2 One representation has been received in response to the application publicity. This was from the Doncaster Civic Trust. A summary of the comments is provided below:

- Poor standard of accommodation, described as 'cell-like'
- Shape of room makes poor accommodation
- Sense of overdevelopment
- Fewer and larger rooms would be better

6.3 Revised plans were provided following these comments. However, the Trust still feel that the some of the proposed bedrooms are too small and considers that the development is too intensive.

7.0 Parish Council

7.1 No parish council exists for this area.

8.0 Relevant Consultations

8.1 **Environmental Health** – No objection. Various concerns raised although all of which have been addressed.

Noise - Noise assessment provided by agent. Provided that the requirements set out in Section 5 of that Report are carried out, Environmental Health Officer is satisfied that the acoustic climate for residents will be satisfactory. This report is to be conditioned to ensure that the mitigation measures suggested are included prior to occupation. The separating walls between each bedrooms and floors between the bedrooms and adjoining uses will need to meet the standards for airborne and impact sound as specified by Building Regulations.

Waste - Proposal includes internal waste storage room at the 2nd floor level, the design of which is suitable (confirmed by Building Control). Application Form states that this is to be managed by the building caretaker. This is considered adequate given the specific location of the development.

HMO License - license will still be required. The proposed layout does not indicate any issues of concern of which would result in the property being unable to obtain such license.

8.2 **Waste and Recycling** - No objection. As per comments above.

8.3 **Highways** – No objection, though the property should be advertised as ‘no parking provision provided’ to ensure that all future residents are aware of this. Informative proposed. The town centre location provided excellent transport links across the borough.

9.0 **Assessment**

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

- Principle of Development
- Space Standards
- Impact upon Neighbouring Properties
- Location
- Concentration of HMO’s in the area
- Landscape
- Heritage
- Highways

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 washed over by Shopping/Office Policy Area. The most relevant policies are TC11, TC5 and TC17 as set out in the adopted UDP 1998.

9.4 Policy TC17 is considered to be the most applicable, which states that that within the shopping policy area, planning permission will normally be granted for the use of upper floors for any purpose appropriate to the shopping area, except where the use would be detrimental to the amenity of neighbouring activities. Where appropriate, encouragement will be given to the introduction of residential uses of upper floors.

- 9.5 The property is located on a primary shopping frontage, however this is only relevant to ground floor unit. As the application relates to the second floor only, Policy TC6 is not considered to be relevant.
- 9.6 In light of the policy designation set out above, the principal of the change of use to form a 9 bedroom HMO is considered acceptable. The application site has previously been considered suitable for the principle of residential uses, as per the permission 20/02553/PRIOR. This issues relating to amenity are addressed below.
- 9.7 The site is located within the Article 4 Direction area which removes the permitted development right to change the use of C3 dwelling houses to C4 HMO's without the need for planning permission. However, as this application proposes a total of 9 bedrooms, the use instead falls within the Sui Generis Use Class. Thus the Article 4 Direction is irrelevant in this scenario.
- 9.8 It is noted that Councillor T. McDonald has called this application in to committee due to concerns relating to the proliferation of HMO's in the area/ward. This is discussed further in Paragraph 9.41.
- 9.9 Emerging Local Plan Policy 10 provides a detailed criteria relating to the position of proposed HMOs. However, at this stage, Policy 10 can only be afforded limited weight due to the number of objections. This has recently been reiterated in the recent appeal decision (20/00034/REF) in which the Inspector stated '*However, given the stage that the emerging Local Plan has reached the weight that could be attached to emerging Policy 10 is limited.*' Therefore, this policy is not the main policy consideration.
- 9.10 The principle of the proposed development is in accordance with the relevant policies and thus is supported subject to the further considerations as addressed below.

Sustainability

- 9.11 The National Planning Policy Framework (NPPF, 2019) sets out at Paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.12 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 9.13 **SOCIAL SUSTAINABILITY**
- 9.14 **Space Standards**

- 9.15 As referred to above, the agent has provided an updated floorplan to address concerns raised by the Doncaster Civic Trust.
- 9.16 Page 27 of the adopted Doncaster Council Development Guidance and Requirements SPD (2015) states: *'In order to protect the living conditions and well-being of future occupants, applications for residential development must demonstrate how the proposed accommodation is functionally fit for purpose and has been designed to meet the specific needs of the occupants. It should demonstrate how the accommodation is large enough to provide sufficient space for privacy, socialising, studying, cooking, dining, sleeping, washing and storage of household goods and belongings.'*
- 9.17 It follows on to state that the overall internal floor-space must be sufficient and that the size of individual rooms are large enough for the intended purpose. The size of amenity space must also be sufficient for the number of occupiers.
- 9.18 The National Space Standards only outlines the minimum standards for self-contained properties. As this application relates to a HMO with shared facilities, this guidance cannot be used as a marker for room sizes.
- 9.19 The Housing Act 2004 outlines the legal minimum individual room size for one person as 6.51 square metres. However, in order to obtain a HMO License, the Council encourages bedroom sizes of at least 10 square metres, though this is not adopted Planning Policy. In terms of adopted planning policy, the SYRDG states that all single bedrooms must be at least 7sqm.
- 9.20 All the bedrooms in the proposal exceed both planning policy space standards and the HMO License Guidance, with all the bedrooms (excluding the en-suite bathrooms) measuring between 11.7sqm – 18.11sqm. Two of the bedrooms are large enough to be occupied by couples thus allowing a total of 11 tenants. The proposed plans show that each bedroom comfortably accommodates a bed, storage and sofa. This significantly exceeds the standard of accommodation provided in other licensed HMOs and thus is considered suitable.
- 9.21 The proposal will provide a large shared kitchen area with adequate storage facilities. The agent will be encouraged to provide dining furniture within the kitchen to encourage tenants to socialise and eat together.
- 9.22 The Environmental Health Officer has confirmed that based on the revised layout, the applicant would be able to obtain the HMO License for up to 13 tenants forming 11 households; and that the space standards are satisfactory for the proposed use. Thus the proposal weighs positively in terms of the internal space and carries significant weight.
- 9.23 Impact Upon Amenity**
- 9.24 Adopted UDP Policy TC17 states that residential uses at upper floors will only be permitted where the use would not be detrimental to the amenity of neighbouring activities.

- 9.25 The principle of residential uses at the property has previously been considered acceptable as per application ref: 20/02553/PRIOR.
- 9.26 Typically residential uses in town centres are more exposed to impacts through noise. The application site is located in a popular night-time economic area, in which noise is likely to be an issue, particularly in evenings. The position of the property on a busy highway junction is also likely to cause a level of noise from road traffic.
- 9.27 The agent has provided a noise survey which the Environmental Health Officer has reviewed. Subject to the recommendations section of the report being implemented, it is not considered that the noise generated by the neighbouring uses will be to a harmful level in which to constitute as a reason for refusal. A pre- occupation condition relating to the implementation of these recommendations is proposed. This includes mitigation measures in the form of appropriate glazing and background ventilation with the minimum specifications as presented in the table 5.1 of the submitted report (see Appendix 3).
- 9.28 All the bedrooms will be served by large windows, allowing natural daylight into the property.
- 9.29 Although the property does not provide any private external amenity area, this is not uncommon in town centre locations. However the agent has confirmed that the applicant is looking to acquire an adjacent rooftop space which could allow further development to create an outdoor garden space for tenants. This has not been included in the proposal and would require a future change of use application.
- 9.30 The uses at the floor directly below the proposed HMO is office space. Typically office uses operate through day time hours and is not considered to be a harmful adjacent use. The ground floor and basement have permission to be used a café. However conditions were attached to this permission limiting the sale of food to cold food/pre-made food only, thus not requiring ventilation and extraction. Therefore the permitted ground floor use is not expected to impact the proposed residential use by virtue of smells or odours. The café use also has condition restricting opening hours to 7am – 8pm only, thus not creating harm through coming and goings. As a result, the uses on the lower levels of the property are unlikely to impact the residential amenity of future occupiers.
- 9.31 Overall the residential amenity of future occupiers is considered to be satisfactory. Each tenant will have a large bedroom and private en-suite bathroom. Whilst the property is in a town centre location, it is positioned on the second floor of an existing building, and thus the impact of noise and disturbance is lessened, in comparison to being at ground or first floor level.

9.32 Conclusion on Social Impacts.

- 9.33 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.
- 9.34 In conclusion the property provides adequate internal space standards, and meets the criteria in terms of obtaining the relevant HMO License from Doncaster Council. The shared living space, encourages social interaction and is considered to provide a high quality of accommodation in accordance with Policy CS1.
- 9.35 It is considered that the town centre location of the proposal would not adversely affect future residential amenity, so long as the relevant mitigation measures are carried out as per the proposed condition. This weighs in favour of the application carrying substantial weight.

9.36 ENVIRONMENTAL SUSTAINABILITY

9.37 Location

- 9.38 The application site is positioned in a suitable location. The site is located within Doncaster Town Centre and walking distance from Doncaster Transport Interchange. The site is well connected to all parts of the borough, as set out in the Highways Consultation response.
- 9.39 Whilst the application proposal does not provide dedicated off-street parking spaces, considering the above, the application site lies within a sustainable location close to the town centre and sustainable methods of transport. The fact that no private parking is available must be made clear to future residents when the property is marketed, an informative has been attached relating to this.
- 9.40 Overall in terms of location, this weighs in favours of the application carrying significant weight.

9.41 Concentration of HMOs

- 9.42 The central wards are considered to be the most populated area of Doncaster in terms of HMO properties.
- 9.43 As such, the Article 4 Direction was brought into force to cover this area, along with much of the Town Centre, Hexthorpe, Hyde Park, Intake and Belle Vue and parts of other surrounding suburbs.
- 9.44 However as set out above, due to the size of the proposed HMO, the Article 4 Direction is irrelevant to this application, as the use class falls within Sui Generis HMO. Therefore a full planning application would still be required for the change of use, even if the Article 4 Direction was not in force.

9.45 Policy 10 of the emerging Local Plan makes it clear that proposed HMO's must not result in an over-concentration of HMOs within a community/locality/street/row, or result in a significant adverse impact to local amenities. The policy states that *'proposals must not create:*

- 1. more than two HMOs side by side;*
- 2. the sandwiching of a single self-contained house or flat between two HMOs;*
- 3. more than two HMOs within a run of twenty properties on one side of the road; or*
- 4. more than one HMO in a road of fewer than twenty properties on one side of the road.'*

9.46 This policy can only be afforded limited weight at this time due to the number of objections and current status of the Emerging Local Plan. Therefore the most relevant policy is adopted Policy CS12 which states *'New housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support mixed communities.'*

9.47 In order to address the concerns relation to the concentration of HMOs, the HMO License data, provided by the Council's licensing department has been reviewed by the Case Officer. The HMO License data does not cover all the HMO properties, as properties with 3 bedrooms or less do not require a license. However, using this data gives the clearest indication possible of HMO uses within the locality. The streets surrounding the application site have been searched in order to distinguish where the closest HMO properties are located. The following addresses currently have a HMO License:

- 62A Silver Street
- 2-6 Sunny Bar
- 54 Market Road
- 17 Nether Hall Road
- Nether Hall, Nether Hall Road

9.48 The nearest HMO property is at No. 62A Silver Street. No other HMO properties are registered along the street of the application site. The existence of 2 HMO properties along Silver Street is not considered be an over-proliferation and will not create a harmful unbalance in the mixture of tenure types within the area.

9.49 The change of use accords with both emerging Policy 10 and adopted Policy CS12 and will not introduce an over concentration of HMOs within the locality.

9.50 Heritage

9.51 The proposal is within close proximity but not within the Market Place Conservation Area. However as no external changes are proposed, the change of use will not impact the Conservation Area and thus no further comments from the Conservation Officer have been sought.

9.52 Highways

9.53 As mentioned above there is no provision of parking to be provided for future tenants. Given the town centre location of the proposal, the Highways DC Officer has no objection to this. However when the property is marketed it must be made clear that there is no off-street or private parking provision available. An informative has been proposed relating to this.

9.54 Waste

9.55 Both the Waste & Recycling Officer and the Environmental Health Officer have reviewed the proposals. The proposed plans show an internal waste storage area to be accommodated off of the shared kitchen.

9.56 Whilst internal waste storage is not ideal, given the nature of the site and its land locked nature, this is considered to be the only possible option.

9.57 The agent has confirmed that the waste storage is to be managed by the building caretaker, who will remove the waste to the designated off-site storage on the opposite side of Silver Street.

9.58 This is considered to be adequate in this scenario. Building Control have also checked the proposal and consider this suitable in terms of Building Regulations.

9.59 Conclusion on Environmental Issues

9.60 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.

9.61 Given that the application is utilising an existing property, the impact upon Environmental issues is very limited. The number of HMOs within the close proximity is very low, with the HMO License data indicating that there is only one existing registered HMO on Silver Street. The additional proposed HMO is not considered to harmfully impact the character of the area or surrounding environment.

9.62 The application is not in a Conservation Area, thus there being no impact upon any Heritage assets. The application site is located in a sustainable location, which is well connected and has good links to public transport and local amenities. The proposal does not detrimentally affect the surrounding environment. This weights moderately in favour of the application.

9.63 ECONOMIC SUSTAINABILITY

- 9.64 The only economic impact will be from the construction works to undertake the alterations relating to the change of use.
- 9.65 When fully occupied, the property will be occupied by 11 individual tenants. The residents will most likely work and pay into the local economy. However, given the scale of the development, the benefits in terms of economic activity is limited.

9.64 Conclusion on Economy Issues

- 9.65 Paragraph 8 (a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.66 The proposal would result in some economic benefit, by changing the use of an otherwise underutilised space to a 9 bedroom HMO. Though, the scale of this increase is limited. As such the proposal carried limited weight 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 adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the adopted development plan and adopted policies and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

11.1 GRANT planning permission subject to conditions:

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

REASON

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

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

Proposed Floorplans, Rev A, Received: 16th March 2021
Site Plan & Location Plan, Received: 1st December 2020

REASON

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

3. Prior to occupation the window glazing must be completed in accordance with Section 5 (as per Table 5.1 and Figure 5.1) of the submitted Noise Assessment Report – Environmental Noise Solutions Limited, Received 21st January 2021.

REASON

In the interest of residential amenity.

4. The number of occupants to reside at the property must not exceed 11 individuals forming 9 households.

REASON

To ensure that the development does not prejudice the local amenity, particularly adjoining neighbours.

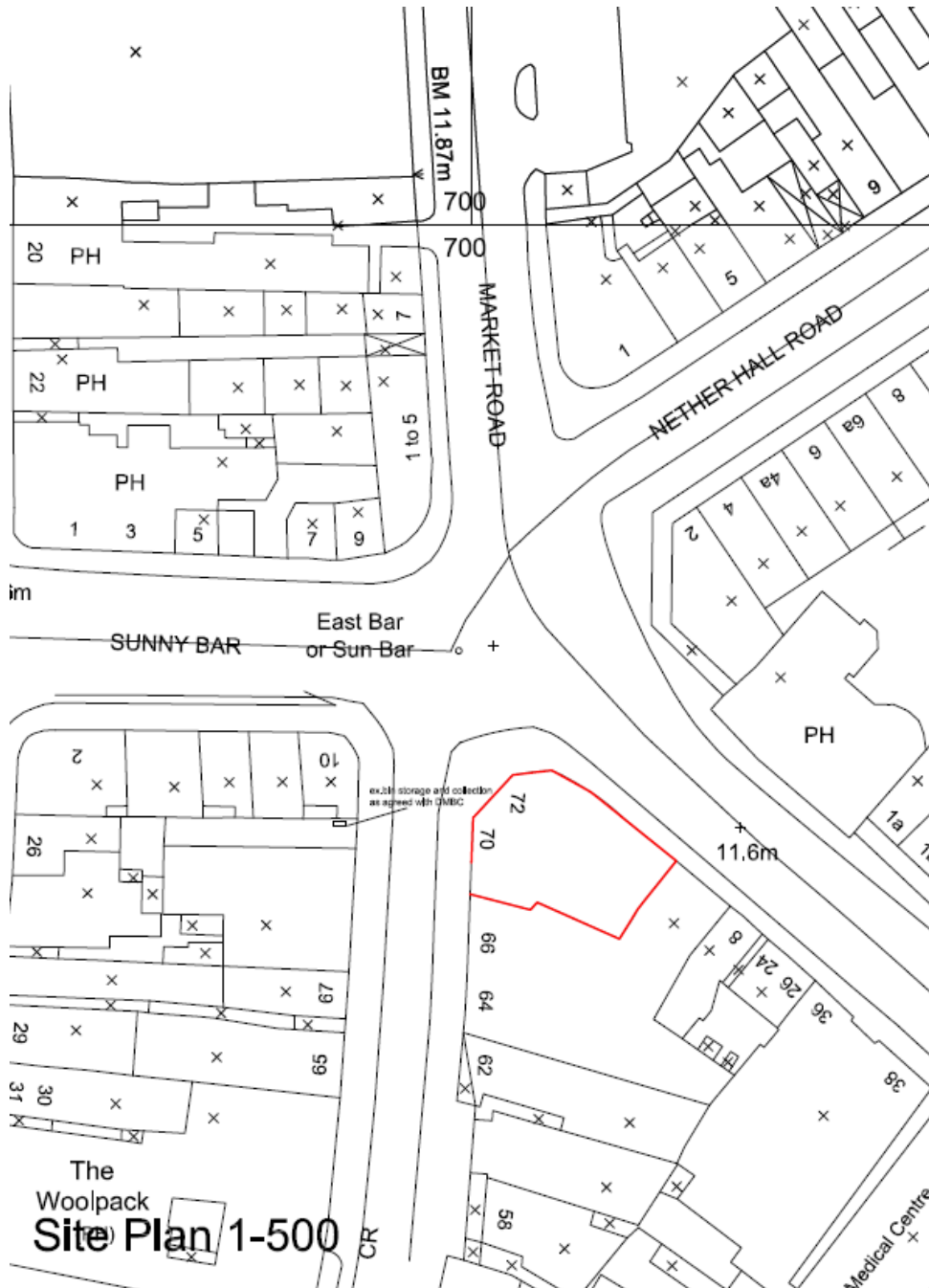
INFORMATIVE

1. A HMO License must be obtained prior to occupation of the 4th tenant. As the application is in an 'Additional Licensing Area' the property will require an Additional HMO Licence. Please contact the licensing department for more information regarding submitted an application. More information can be found at the following website:
<https://www.doncaster.gov.uk/services/business-investment/additional-licensing>

INFORMATIVE

2. Once complete, the proposed flats should be clearly advertised as not including private parking provision.

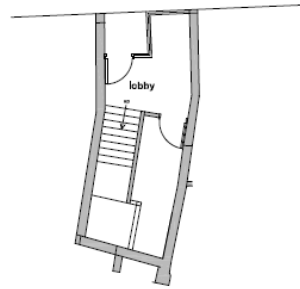
APPENDIX 1- Location Plan



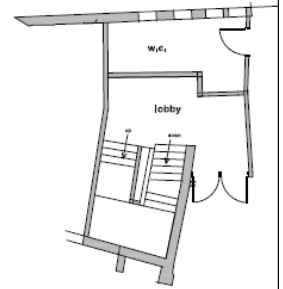
APPENDIX 2 - Internal Layout



loor Plan 1:50



Proposed Ground Floor Plan 1:50







Proposed First Floor Plan 1:50

70-72 Silver Street, Doncaster Proposed Floor Plan Prints to scale on A1 paper

Building not surveyed. Floor plans taken from Part floor plans provided by owner.

APPENDIX 3- Glazing Specification from Section 5 of Noise Survey

Table 5.1: Ventilation / Glazing – Minimum Required Sound Reduction Performance

Facade location (see Figure 5.1)	Room	Trickle Vents ^A , $D_{n,e,w} + C_{tr}$ (dB)	Glazing, $R_w + C_{tr}$ (dB)
	Bedroom 9	42	46
	Bedrooms 3 - 8	35	29
	Bedrooms 1 & 2	30	27
	Communal Kitchen	33	27

Note A – Sound insulation performance applies with the ventilator(s) in the open position

Figure 5.1: Facade Locations (See Table 5.1)



Application	5.
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Application Number:	20/03041/FUL
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Application Type:	Planning FULL
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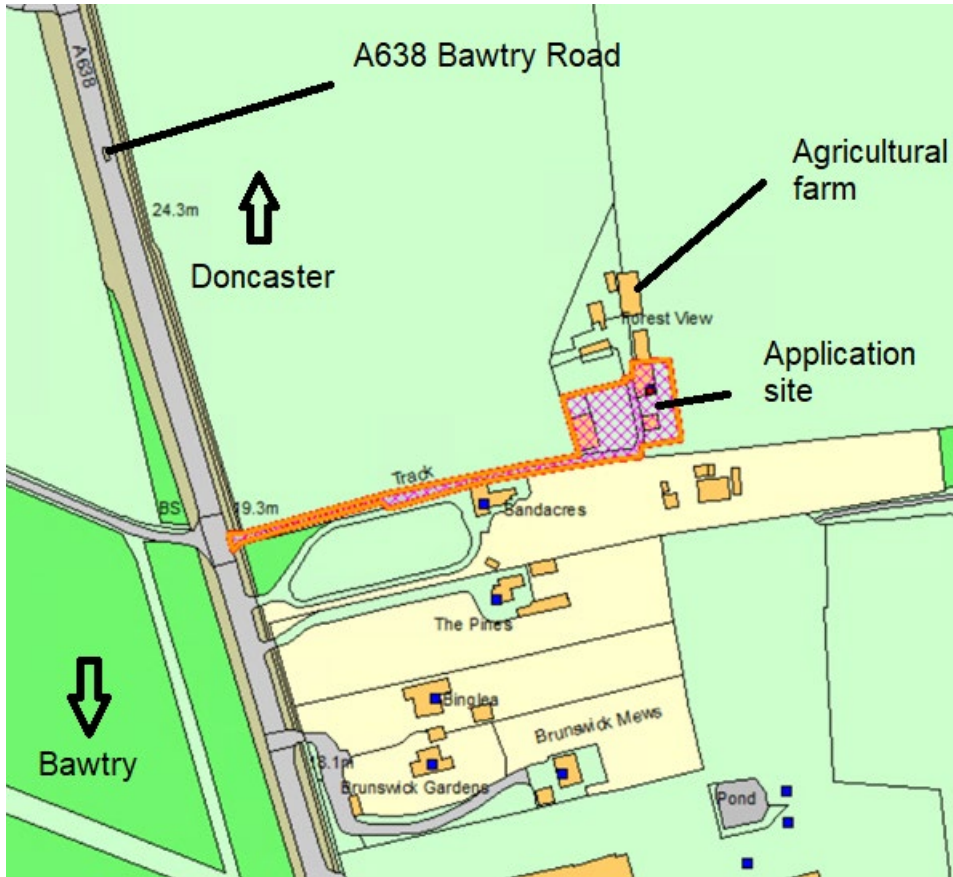
Proposal Description:	Erection of two dwellings to replace existing buildings
At:	Forest View Doncaster Road Bawtry Doncaster DN10 6DF

For:	Diane Holgate - DCH Consulting on behalf of Harriet Huddlestone
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Third Party Reps:	1 objector; 2 supporters, and 1 representation.	Parish:	Austerfield Parish Council
		Ward:	Rossington and Bawtry

Author of Report:	Dave Richards
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<p>SUMMARY</p> <p>This application seeks planning permission for the erection of two dwellings, replacing buildings which have extant consent to be converted to residential dwellings under permitted development rights.</p> <p>In summary, the proposed development would not accord with the development plan in terms of the accessibility of services and facilities and its position within the countryside policy area. However, given the existence of a realistic fall-back position where the same accessibility issues apply, limited weight is given to the harm and conflict with the relevant policies. The report outlines that there are no other technical conflicts with the development plan and on balance, the specific characteristics of the site and the planning history justify a recommendation to grant planning permission.</p> <p>RECOMMENDATION: GRANT planning permission subject to the imposition of suitable conditions.</p>
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1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee as it represents a departure from the development plan, albeit there are material considerations to indicate granting planning permission.

2.0 Proposal

- 2.1 The application proposes the demolition of two existing buildings on the site and the erection of two dwellings with their associated curtilages. The existing buildings in question are a glasshouse (Plot 1) and an agricultural store (Plot 2).
- 2.2 By way of background, planning references 19/02073/PRIOR and 19/00869/PRIOR allows the conversion of the glasshouse and agricultural store respectively to form residential dwellings under permitted development rights. The plans provided to the Council are shown in Appendix 1 of this report.

3.0 Site Description

- 3.1 The site forms part of a small agricultural holding which consists of a range of agricultural buildings and a residential caravan. There are some natural planting to boundaries and the site is generally set back from Doncaster Road. The area more widely consists of loose-knit linear housing set on generous plots with dwellings arranged in a staggered and random pattern. There are also a number of commercial uses, including an extensive caravan sales/storage/service operation, a haulage business and a car sales outlet.
- 3.2 The surrounding landscape is predominantly rural in character, characterised by scattered farmsteads and dwellings within an agricultural landscape formed by a patchwork of fields enclosed by well-established hedgerows and substantial blocks of woodland.
- 3.3 There is one residential property neighbouring the site, known as 'Sandacres.'

4.0 Relevant Planning History

- 4.1 The planning history of the site is an important material consideration. In terms of the existing agricultural operation, the most relevant planning references are shown in the table below:

Reference	Description
85/1188/P	Details of siting design and external appearance of portakabin for residential use (being matters reserved in outline granted on appeal under reference 82/06/01617 on 11/04/84)
87/0881/P	Erection of boiler house/washroom (2.44m x 1.83m)

88/1655/P	Continuation of use of land for siting of residential caravan (being temporary permission granted on appeal on 11.04.84 under ref.82/06/01617)
90/2579/P	Renewal of permission for use of temporary residential caravan (granted under ref 88/06/1655/ful on 03.10.88) and erection of barn (14.22m x 9.60m)
05/02378/CPE	Certificate of lawful use for siting of caravan (11m x 3.1m)
98/1562/P	Retention of canopy (11.0m x 3.5m) over mobile home and erection of grain store (9.14m x 12.19m)
98/3247/P	Erection of grain store (13.76m x 9.14m approx)
98/3643/P	Erection of horticultural building (14.24m x 9.59m)

5.0 Site Allocation

5.1 The site is located within the Countryside Policy Area as defined by Doncaster's Unitary Development Plan. The following policies are applicable.

5.2 Relevant Planning Policies

5.3 National Planning Policy Framework 2019 (NPPF)

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

5.5 Paragraphs 7-11 establish that all decisions should be based on the principle of a presumption in favour of sustainable development (considering the social, environmental and economic pillars of sustainability).

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

5.7 Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

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

- 5.8 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.

- 5.9 Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

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

- 5.11 Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

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

- 5.13 Paragraph 127 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and sympathetic to local character, and will establish or maintain a strong sense of place. Paragraph 127(f) sets out that planning decisions should create places

that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 5.14 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.15 Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

5.16 The Development Plan

- 5.17 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In the case of this application, the development plan consists of the Doncaster Core Strategy and the Unitary Development Plan.
- 5.18 The Core Strategy 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.
- 5.19 Doncaster Core Strategy (Adopted 2012)
- 5.20 In May 2012, the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force and will continue to sit alongside Core Strategy Policies until such time as the new Doncaster Local Plan is adopted. The Core Strategy policies relevant to this proposal are set out below.
- 5.21 Policy CS1 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. Proposals should strengthen communities and enhance their well-being by providing a benefit to the area in which they are located, and ensuring healthy, safe places where existing amenities are protected. Developments should be place-specific in their design and work with their surroundings, protecting and enhancing the built and natural environment. Proposals should also protect local amenity and be well-designed.
- 5.22 Policy CS3 relates to development in the Countryside Policy Area. CS3 part c) sets out the conditions with which new development must accord in order to be acceptable in the countryside area.

5.23 Policy CS14 requires development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate and surrounding local area. Policy CS14(A) sets out the following qualities of a successful place:

1. character – an attractive, welcoming place with its own identity appropriate to the area;
2. continuity and enclosure of streets and spaces by buildings;
3. quality, stability, safety and security of private property, public areas and the highway;
4. permeability – ease of pedestrian movement with good access to local facilities and public transport services;
5. legibility – a development that is easy to navigate;
6. adaptability – flexible buildings capable of changing over time;
7. inclusive – accessible development that meets the needs of as much of the population as possible;
8. vitality – creating vibrant, busy places with a mix of uses where appropriate; and
9. sustainability – proposals are environmentally responsible and well managed.

5.24 Policy CS18 of the Core Strategy requires that land quality and the impact of contaminated land on sensitive end uses are considered and mitigated.

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

5.26 Policy ENV2 defines a Countryside Policy Area for the Borough.

5.27 Policy ENV4 sets out exceptions for development within the countryside; and sets out conditions with which any exceptional development (falling within categories a – f of Policy ENV4) must accord.

5.28 Policy ENV13 considers applications proposing the replacement of existing habitable dwellings of permanent construction in the countryside. The policy states a number of requirements to be acceptable, including whether the proposal would:

- a) Have a visual impact, either of itself or through associated access and servicing requirements or be prejudicial to the character and amenity of the countryside; or
- b) Seek to perpetuate a use of land which would seriously conflict with countryside area policies; or
- c) Involve replacing a dwelling which is capable of rehabilitation, adaptation or extension, or
- d) Significantly exceed the size of the original dwelling.

5.29 Doncaster Local Plan (Published) (2019)

5.30 Paragraph 48 of the NPPF states that the local planning authority may give weight depending on the stage of the Local Plan and the extent to which there

are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). Taking into account the remaining stages of the local plan process, it is considered that the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

- 5.31 The Local Plan has reached an advance stage of its Examination in Public, and consultation on proposed main modifications to the Plan concluded on Sunday 21 March 2021. The Council are aiming to adopt the Local Plan in 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.
- 5.32 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development (limited weight and the Council has, through the examination, proposed the policy is deleted entirely via a Main Modification to the Plan).
- 5.33 Policies 2 and 3 set out the Borough's focus for new housing in sustainable locations (limited weight).
- 5.34 Policy 14 states that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact (limited weight).
- 5.35 Policy 26 deals with development in the countryside (limited weight).
- 5.36 Policy 34 seeks to ensure appropriate landscaping in new developments (limited weight).
- 5.37 Policy 42 seeks to ensure character and local distinctiveness in new developments (limited weight).
- 5.38 Policy 45 seeks to ensure high standards of residential design (moderate weight).
- 5.39 Policy 46 sets out housing design standards (limited weight).
- 5.40 Policy 49 seeks a high standard of landscaping in new developments (limited weight).
- 5.41 Policy 56 deals with the need to mitigate any contamination on site (limited weight).
- 5.42 Policy 57 requires the need for satisfactory drainage including the use of sustainable drainage solutions (moderate weight).

5.43 Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance (ongoing)
- National Planning Design Guidance (2019)

6.0 Representations

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

- Any neighbour sharing a boundary with the site has received written notification
- Advertised on the Council website
- Site notice
- Advertised in the local press

6.2 A number of objections have been received from the occupiers of 'Sandacres,' which is the sole property adjacent to the application site. Regard has also been given to comments referring to previous applications at the site including the prior notification applications relevant to the current application.

6.3 The residents' comments are summarised as follows:

- Departure from planning policy in the area – new dwellings in the countryside
- The construction of the buildings subject to the prior approval process are false.
- Excessive noise from the driveway
- Excessive dust
- Surface water flooding
- The prior approval applications were bogus and the subsequent application admits that plans to convert the buildings were not the true intention.
- This land has been leased to another farmer.
- The farmer's actioned damaged my property from flood.
- An industrial use is operating from the address
- Personal character

6.3 The material planning consideration raised by the objector are addressed fully in section 9 ('Assessment') of this report.

6.4 Property damage would be a civil matter between the two parties. The personal character of the landowner is not a planning consideration.

6.5 The resident has pointed to allegations of unauthorised development on nearby land which would be a planning enforcement matter.

6.6 Two members of the public have written in support of the application, believing it would result in a visual improvement of the site.

6.7 A member of the public has contacted the planning department in response to an objector's claim that their farming business has leased land which is part of the applicant's family holding. The representation notes that this is not the case.

7.0 Parish Council

7.1 Bawtry Parish Council have offered no comments.

8.0 Consultations

8.1 Highway Officer

No objections subject to the provision of a suitable bin store and upgrades to the access.

8.2 Yorkshire Water

No objections.

8.3 Pollution Control Officer

No objection subject to conditions.

9.0 Assessment

9.1 The main issue is whether the site would provide a suitable site for development having regard to policies which seek to protect the countryside. Any other impact on local amenity will also be assessed.

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

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

The Principle of the Development

9.3 The site is located outside of any recognised settlement boundary in the UDP and within the Countryside Policy Area (CPA). Policy ENV4 of the UDP sets out the types of development that would be permitted within the CPA, none of which are relevant to the proposal. The proposal would not comply with any

other suitable policy under the UDP. Whilst the proposal conflicts with Policy ENV4, it is not up to date when assessed against the guidance set out in the NPPF. Accordingly, only moderate weight can be applied to the conflict with this policy. Furthermore, the updating of this policy under the emerging local plan can only carry limited weight in decision making at this time.

- 9.4 The site is approximately 35 minutes walking distance from the centre of Bawtry and 55 minutes walk from the nearest amenities in Rossington. The route in either direction would involve walking along a busy main road subject to the national speed limit, with no pavement lighting or shelter from the elements. As a result, I believe travelling to or from the site by foot or cycle would be unattractive and occupants would be largely reliant on the car to travel further afield on a regular basis for healthcare, shopping/leisure and employment opportunities. The proposal would not be in a suitable location for new housing with regard to the accessibility of local services and the settlement hierarchy set out in Policy CS2 of the Core Strategy.
- 9.5 Court judgements have found that remoteness from service and facilities did not define whether or not a new dwelling would be isolated, however the new dwellings would be located within an irregular collection of dwellings and other land uses and associated buildings set in open countryside. They are physically and visually divorced from other settlements and do not form a recognisable village or hamlet. The proposal would not constitute infill development as it does not involve the filling in of a small gap in an otherwise built-up frontage. As such, the site therefore is deemed to be in an isolated location when considering Paragraph 79 of the NPPF.
- 9.6 The application site has two prior approval applications made for a proposed change of use of the buildings to dwelling houses in 2019. Although the prior approval process is separate to a planning application, the applicant is right to point out that these decisions are a material consideration and present a realistic prospect of either scheme being implemented in the event that this application is refused. This is evidenced by the extant prior approval decision and the intentions for redeveloping the site either under the existing consents or via the current application. The implementation of these consents would result in two residential dwellings on the site. Therefore, while it should not automatically guarantee planning permission for residential development, the fall back position is an important material consideration that carries significant weight in any planning decision.
- 9.7 Consideration is given to a Court of Appeal judgement (*Mansell v Tonbridge and Malling Borough Council* (2017) EWCA Civ 1314) which considered the implications of granting alternative development to Class Q development but for the same number of dwellings which were not materially larger than the existing building. In summary, the Council were not wrong to interpret the provisions of Class Q as presenting a real prospect of a fall back development being implemented and applied the “presumption in favour of sustainable development” correctly. As is the case here, the clear desire of the landowner to develop, and maximise the value of, the site (currently being marketed) is

sufficient to demonstrate there is a real prospect of the Class Q GPDO fall back position being presented as a material consideration.

- 9.8 Through prior approval it has been demonstrated that the buildings due to be replaced are capable of being converted to residential use in accordance with the available permitted development rights. The submission of the Class Q notification is considered to demonstrate a realistic prospect that residential development on the site would be pursued, by implementation of the Class Q approvals, even if this planning application were refused.
- 9.9 An objector has raised concerns with a structural survey of the buildings submitted with the prior notification applications and believes it is unsound. At the time, the report was reviewed by a member of the Council's Building Control team and found it to be acceptable. A further follow up survey was conducted in January 2021 as a precautionary measure to demonstrate the buildings are still of permanent construction, and capable of conversion without substantial reconstruction or extension. The follow up survey acknowledges that deterioration to the glass house has occurred but the works required still fit within the remit of what can be replaced under permitted development rights.
- 9.10 An objector believes that land subject to the farm holding has been leased to another farmer and that this would be contrary to the conditions of the prior approval applications. However, the farmer concerned has contacted the Council and advised that they have no interest or involvement in land which is owned by the owner of Forest View.
- 9.11 In summary, it would be contrary to the approach to the location and supply of housing under Policy CS2 and the protection of the countryside set out in Policies ENV2 and ENV4 of the UDP. Therefore, there would be conflict with the development plan. However, these accessibility issues would apply equally to occupants of the buildings to be converted under permitted development rights and so would result in the same level of harm.
- 9.12 Although an objector believes that such permitted development rights are bogus and the current application proves that plans to convert the buildings were not the true intention, the applicant is able to submit any type of application they wish and the Council will determine on a case by case basis. It is accepted that permitted development rights are available to convert agricultural buildings to residential units and that such scenarios can be perceived by some to 'play the system,' but these options are available under the current planning system.
- 9.13 In circumstances where there is wholly conflict with the development plan, the NPPF indicates that planning permission should not be granted unless material considerations indicate otherwise. In this case, the extant permitted development rights are a material consideration which carry significant weight in recommending that permission can be granted in principle.

9.14 SOCIAL SUSTAINABILITY

Residential Amenity

- 9.15 The occupiers of the new dwellings would be likely to use private vehicles to reach the services and facilities in Bawtry. They would also be heavily dependent upon this mode of transport to access larger settlements such as Doncaster, where there are employment opportunities and a far greater range of services and facilities. However, as noted above, this would also apply to the occupiers of any conversion scheme implemented under permitted development rights. As such, limited weight is given to the harm and conflict solely based on accessibility alone.
- 9.16 The requisite separation distances to adjacent properties, as set out in the South Yorkshire Residential Design Guide, have been met. The property to the west of the proposed dwelling (Foxgloves) is a substantial 2-storey dwelling with a number of windows in the front elevation. Although the neighbour will notice the appearance of the dwelling, it would be sited at such an angle as to avoid any significantly overbearing impact. Other neighbours are sufficiently distanced to avoid any impact.
- 9.17 The development would have little impact on the privacy, outlook or light enjoyed by the adjacent residential neighbour. Each dwelling would be sufficiently distanced and there would not be any significant overlooking from any new windows. The orientation of development to the north of the neighbour would mean there would be no overshadowing.
- 9.18 Internally, the gross internal floor area of each dwelling would comfortably exceed the minimum requirements for internal floor space in a 3-bedroom two-storey dwelling set out in both the South Yorkshire Residential Design Guide and the Nationally Described Space Standard. Bedrooms also meet minimum standards, and built-in storage is provided. Occupiers would have access to usable, external amenity space. Accordingly, the proposed dwellings are considered to provide a high quality living environment overall.
- 9.19 An objector has noted that there has been excessive noise and dust from the driveway in the past. The access to each dwelling would be upgraded and resurfaced as part of the development. It is not considered that the trip generations resulting from two dwellings would be overly noisy.
- 9.20 It has been noted that there have been flooding to the neighbouring property, allegedly as part of surface water run-off from the adjacent agricultural fields. The surface water run off from the roofs of the development would be directed to soakaway in a suitable location or an alternative approach will be conditioned as part of any approval.

Conclusion on Social Impacts

- 9.21 The proposed dwellings would provide a good standard of internal space for future residents, causing no loss of light, outlook or privacy to the residential neighbour nearby. It is considered that there would be no harmful impact on

residential amenity, and the proposal is in accordance with Policies CS1 and CS14 of the Core Strategy, as well as paragraph 127(f) of the NPPF.

9.22 ENVIRONMENTAL SUSTAINABILITY

Design and Visual Impact

- 9.23 The site is located outside of any recognised settlement boundary in the UDP and within the Countryside Policy Area (CPA). Policy ENV4 of the UDP sets out the types of development that would be permitted within the CPA, none of which are relevant to the proposal. The proposal would not comply with any other suitable policy under the UDP. Whilst the proposal conflicts with Policy ENV4, it is not up to date when assessed against the guidance set out in the NPPF. Accordingly, only moderate weight can be applied to the conflict with this policy. Furthermore, the updating of this policy under the Emerging Local Plan can only carry limited weight in decision making at this time.
- 9.24 Policy CS3 B) of the Core Strategy indicates that the countryside will continue to be protected through a Countryside Protection Policy Area (CPPA) as indicated on the Key Diagram. The proposal would not form a minor amendment to a recognised settlement boundary, nor would be appropriate to a countryside location according to the settlement hierarchy in Policy CS2. The provision of housing would not be a proposal which is seen as generally acceptable under Policy CS3 B).
- 9.25 The most applicable policy is Policy CS3 D) which states that proposals which are outside development allocations will only be supported where they would:
1. protect and enhance the countryside, including the retention and improvement of key green wedges where areas of countryside fulfil a variety of key functions;
 2. not be visually detrimental by reason of siting, materials or design;
 3. not create or aggravate highway or amenity problems; and;
 4. preserve the openness of the Green Belt and Countryside Protection Policy Area and not conflict with the purposes of including land within them
- 9.26 Although outside the settlement boundary, in this particular case, the proposal would make use of a site with existing buildings on it. Although 'tidying up' a site is not a planning consideration, the two plots would have well-defined boundaries and would be in keeping in terms of the scale and position of the buildings in situ. The proposed dwellings would have a similar massing to the existing buildings and any increase in perceived bulk to the properties would not be readily appreciated given they would be set back from the public road by a significant distance.
- 9.27 The design and materials would reflect modern attempts of barn conversion in keeping with prior approved designs extant on the site and would not look out of place adjacent to other properties of varied character in a rural area. Areas of hardstanding and garden areas would introduce more formalised plots in this location but again they would not be conspicuous and they would be screened and set back from the road.

- 9.28 Overall, there would be little perceptible increase in harmful visual impact compared to the conversion scheme to residential dwellings or as a result of the alterations to the access arrangement. The conflict with the approach to the location and supply of housing is noted above, however the countryside would not be visually harmed by reason of siting, materials or design nor would it significantly increase the size of the building. In summary, in the context of the fall back position, the proposed development would offer a neutral impact which would preserve, if not, enhance the openness of the area according to Policy CS3 D) of the Core Strategy.

Highway Safety and Parking

- 9.29 The proposal would provide in-curtilage car parking spaces for two vehicles per dwelling, in line with the parking guidelines set out in Appendix 1 of the Development Guidance and Requirements SPD. Each parking space can exceed the minimum requirement of 5 metres in length and 2.5 metres in width.
- 9.30 The access to the site would be upgraded and a passing place provided to allow cars to pass one another off the public highway. The proposal is acceptable in terms of protecting highway safety and accords with Policy CS14 (A).

Flooding and Drainage

- 9.31 The site lies within a low flood risk area and there is not a known risk of surface water flooding although allegedly there have been instances of run off after heavy rain fall as a result of inadequate drainage in the area. Surface water will be directed to soakaway in accordance with the drainage hierarchy and there are no objections in terms of accepting waste to the main sewer. No objections were received from the Water Authority.

Conclusion on Environmental Issues

- 9.32 The amended proposal would not have a harmful visual impact, and the amended design would be appropriate to the surrounding local environment. The parking provision is acceptable, and suitable visibility splays are provided to ensure there are no negative impacts on highway safety. Sustainable drainage can be utilised on site. Overall, the development is considered to be in accordance with policies CS14 and CS16 of the Core Strategy.

9.33 ECONOMIC SUSTAINABILITY

- 9.34 The proposal would have some limited economic benefits in terms of providing temporary employment opportunities for local tradespeople during construction. The provision of houses would help address housing need and would provide housing for employment opportunities nearby. In terms of the economy, new development would create employment and support growth during construction. Any financial receipts would also contribute money that could be spent on local services and facilities, and the increase in population would boost the spending power of the local economy.

Conclusion on Economy Issues

- 9.35 The development would have a limited economic impact, and as such the proposal would not be contrary to the economic pillar of sustainable development. Moderate weight can be applied in favour.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF, it is important to assess the proposal in the context of the need for planning to perform economic, social and environmental roles as described in the NPPF. The proposal would make a modest contribution to the local economy during the construction phase, and afterwards through the use of services and facilities in Bawtry and further afield by the occupiers of the new properties. The proposal would not be in a suitable location for new housing with regard to the accessibility of local services and the settlement hierarchy. However, these accessibility issues would apply equally to occupants of the buildings to be converted under permitted development rights and so would result in the same level of harm. In environmental terms, the use of sustainable construction methods and technologies for new housing are common place but importantly, the development would not have an adverse impact on the character and appearance of the area over and above a recognised fall back position.
- 10.2 Taking all matters into consideration, a proposal for new residential development in this location would not ordinarily be acceptable in principle. Moreover, usually in such circumstances there would also be a residual impact in terms of the impact on the character of the area and the environment. In this case however, the site benefits from a planning history which cannot be replicated easily or relied on elsewhere. The same accessibility issues would apply for an agreed conversion scheme and overall, there would be no other adverse impacts arising from the proposed development other than the accessibility of the site which would be apparent in any case.
- 10.3 In conclusion, while not fully in accordance with Policy CS2 of the Core Strategy and Policy ENV4 of the UDP, applying the existence of the fall back position and the general compliance with other policies indicate that planning permission should be granted.

11.0 RECOMMENDATION

11.1 Planning Permission GRANTED subject to the following conditions:

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:

Dwg. No. 2020 ID 22 LOC Location Plan

Dwg. No 2020 ID 22 PL013a Site Plan

Dwg. No 2020 ID 22 PL001A Proposed Elevations and General Arrangements Replacement dwelling No 1

Dwg. No. 2020 ID 22 PL002A Proposed Elevations and General Arrangements Replacement dwelling No 2

REASON

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

03. 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.

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

a) The Phase 1 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.

05. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. Unless otherwise approved in writing by the Local Planning Authority, the details as approved shall be completed before the occupation of any buildings on site.
REASON
To ensure the satisfactory appearance of the development.
06. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.
REASON
To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.
07. 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.
08. 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.
09. 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 to comply with policy PH11 of the Doncaster Unitary Development Plan.

10. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To ensure that all new housing and commercial developments provide connectivity to the fastest technically available Broadband network in line with the NPPF (para. 112) and Policy 22 of the Doncaster Local Plan.

11. Prior to the commencement of development, details of the proposed bin store for the site shall be submitted to and approved in writing by the local planning authority. The bin store shall be installed in accordance with the approved details prior to the first occupation of any dwelling on the site and retained for the lifetime of the development.

REASON

In the interests of providing sufficient refuse storage near the public highway as required by Policy CS14 of the Core Strategy. The condition is required to be discharged prior to the commencement of development to ensure that it can be provided prior to the occupation of any dwelling on the site.

Informatives

01. **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:

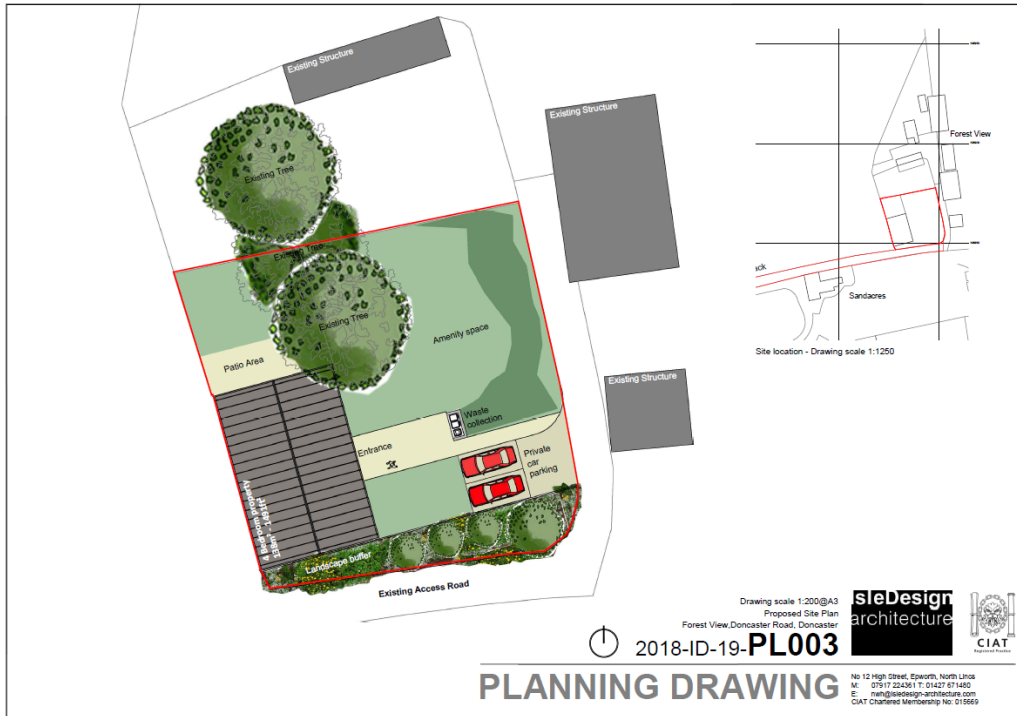
Standing Advice valid from 1st January 2021 until 31st December 2022

02. **INFORMATIVE**
Adequate provision for the storage and collection of waste and recycling is essential for both domestic and commercial premises, lawful arrangements should be in place prior to the occupation of any property. The applicant should contact waste&recycling@doncaster.gov.uk prior to occupation to discuss the provision and siting of suitable bins and setting up a collection service.
03. **INFORMATIVE**
Prior to preparing any reports in support of conditions relating to land contamination, the applicant is strongly advised to refer to the document entitled Development on land affected by contamination. Technical Guidance for Developers, Landowners and Consultants. Yorkshire and Humberside Pollution Advisory Council.
- The document can be found at the following web address:
- <http://www.doncaster.gov.uk/services/environmental/developing-on-contaminated-land>
- Or alternatively you can request a paper copy from the LPA.
04. **INFORMATIVE**
Nothing in this permission shall be taken as giving authority to commence any works which affect the watercourse/ land drainage dyke which are near the site, as separate consent is required for such works from the Environment Agency or internal drainage board.

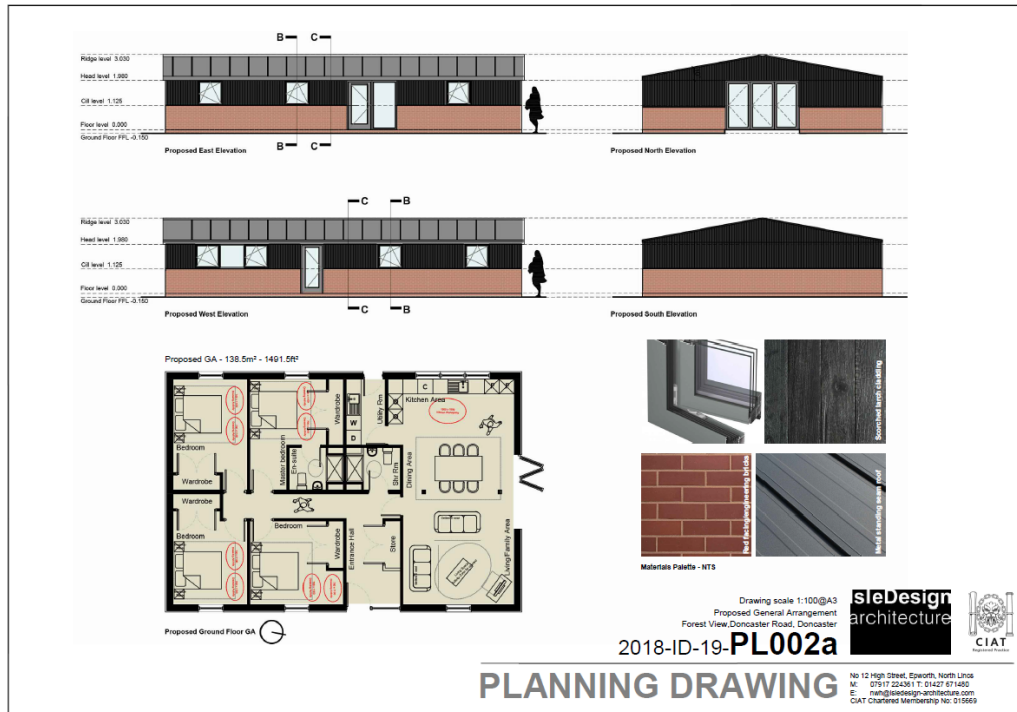
The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Appendix 1 – Planning reference 19/02073/PRIOR plans (plot 1)

Site plan

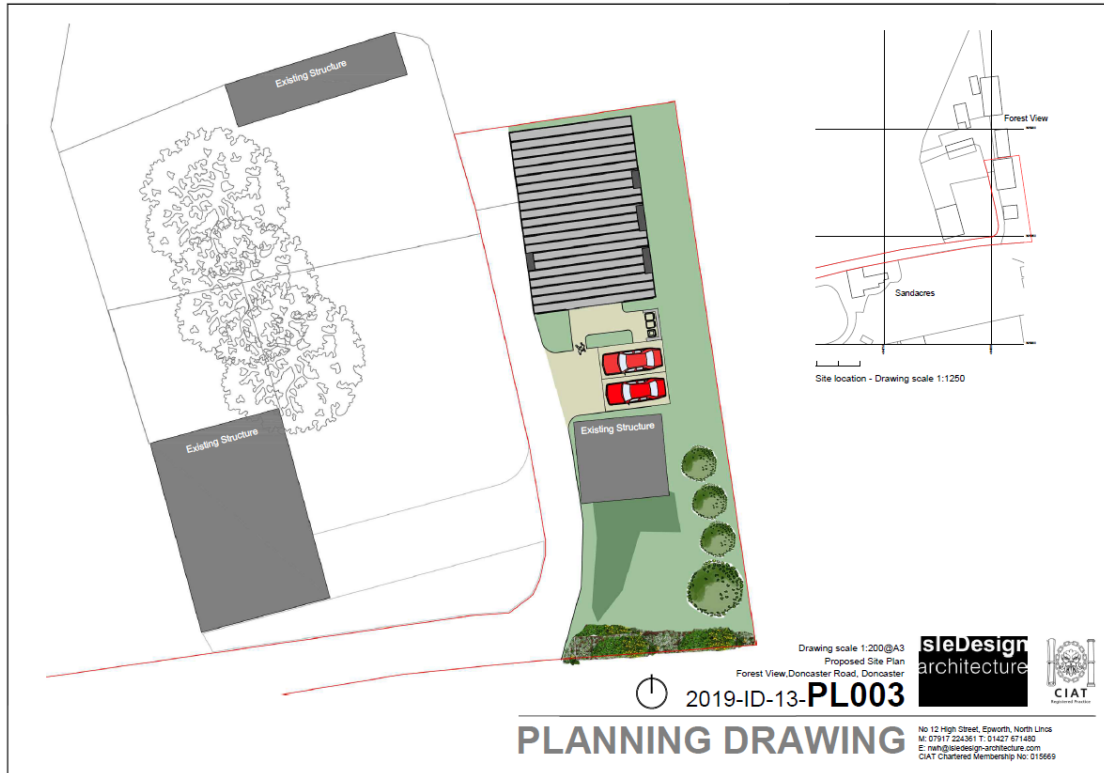


Proposed plans

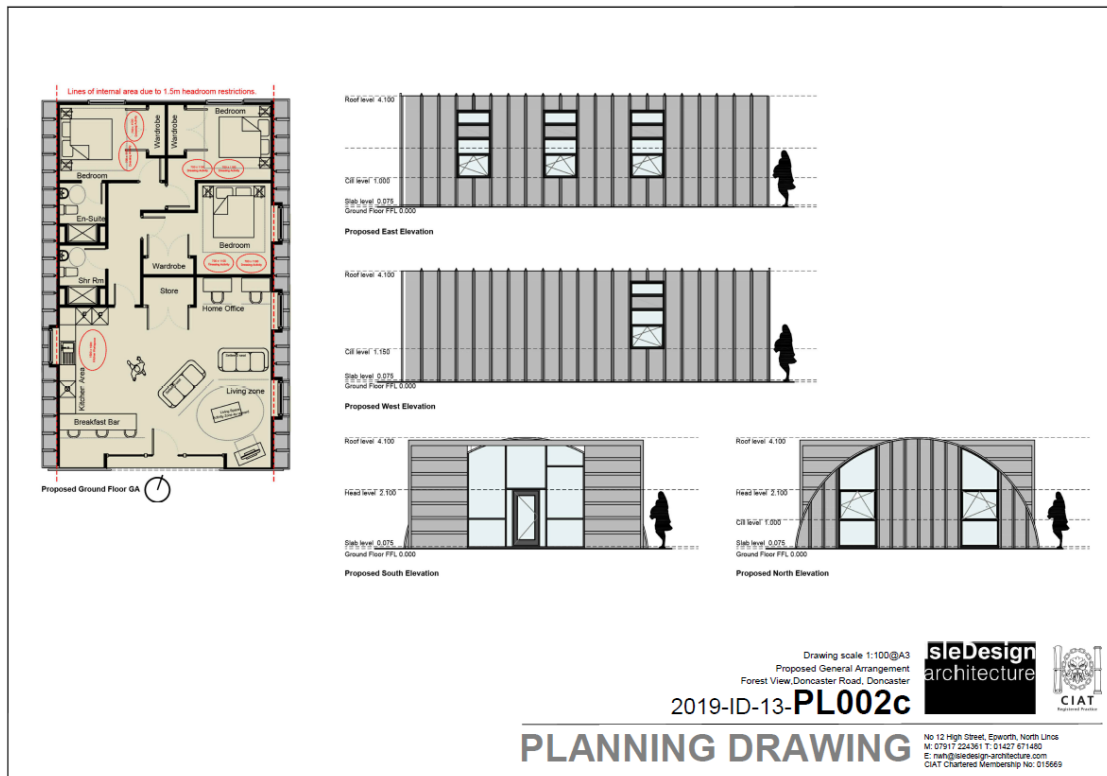


Appendix 2 – Planning reference 19/00869/PRIOR plans (plot 2)

Site plan



Proposed plans



Appendix 3 – Proposed Location Plan (not to scale)



Appendix 4 – Proposed Site Plan (not to scale)



Appendix 5 – Proposed Plans

Plot 1

Floor level - Scale - 1:100

Roof Level - Scale - 1:100

South - Scale - 1:100

North - Scale - 1:100

East - Scale - 1:100

West - Scale - 1:100

Roof View Plot 1 - Front elevation with property glass line

Roof View Plot 1 - Rear elevation

Roof View Plot 1 - Front elevation

Roof View Plot 1 - Rear elevation

Location Plan - Scale - 1:2500

Materials Key

- Vertical Charred Birch Cladding
- Standing Seem Roof-Black
- Farmhouse Brk facing bricks

Planning Drawing

Drawing Scale: As indicated @ A2
 Proposed Elevations & General Arrangements - Replacement dwelling (Plot 1)
 Forest View
 2020-01-22 - **PL001A**

Plot 2

Floor level - Scale - 1:100

Roof Level - Scale - 1:100

South - Scale - 1:100

North - Scale - 1:100

West - Scale - 1:100

East - Scale - 1:100

Roof View Plot 2 - Loading elevation

Roof View Plot 2 - Rear Elevation - entrance

Roof View Plot 2 - Gable Elevation

Location Plan - Scale - 1:2500

Materials Key

- Vertical Birch Cladding
- Vertical Birch Cladding - Charred
- Standing Seem Roof-Black
- Farmhouse Brk facing bricks

Planning Drawing

Drawing Scale: As indicated @ A2
 Proposed Elevations & General Arrangements - Replacement dwelling (Plot 2)
 Forest View
 2020-01-22 - **PL001A**



**Agenda Item No.
Date:**

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 14/04/2021]

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 14/04/2021]

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 14/04/2021]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 14/04/2021]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 14/04/2021]

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

EQUALITY IMPLICATIONS [Officer Initials RR Date 14/04/2021]

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
20/00567/FUL	Application to remove conditions 14 and 15 of application 18/02256/FUL (Erection of 1 dwelling following demolition of existing building granted 06.11.2018) at The Scout Hut, Hooton Road, Brodsworth, Doncaster	Appeal Dismissed 23/03/2021	Sprotbrough	Delegated	No
20/01928/FUL	Conversion of mechanical car wash to hand car wash, erection of canopy and acoustic screen, and erection of 2.4m high fence at Broadway Garage , Broadway, Dunscroft, Doncaster	Appeal Dismissed 18/03/2021	Hatfield	Delegated	No
20/02359/FUL	Erection of detached dwelling and garage. at 44 Doncaster Road, Bawtry, Doncaster, DN10 6NF	Appeal Allowed 12/04/2021	Rossington And Bawtry	Delegated	No
20/01817/COU	Change of use of part of ground floor from retail A1 to Takeaway A5. at Regenerate-It, 30 High Street, Doncaster, DN1 1DW	Appeal Dismissed 31/03/2021	Town	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

Miss R Reynolds
01302 734863

TSI Officer
rebekah.reynolds@doncaster.gov.uk

PETER DALE
Director of Economy and Environment

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Appeal Decision

Site visit made on 27 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2021

Appeal Ref: APP/F4410/W/20/3259387

The Scout Hut, Hooten Lane, Brodsworth, Doncaster DN5 7XH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr G Rodgers against the decision of Doncaster Council.
 - The application Ref 20/00567/FUL, dated 24 February 2020, was refused by notice dated 2 September 2020.
 - The application sought planning permission for the erection of 1 dwelling following demolition of the existing building without complying with conditions attached to planning permission Ref 18/02256/FUL, dated 6 November 2018.
 - The conditions in dispute are Nos. 14 and 15 which, respectively, state:
"Notwithstanding the provisions of the Town and Country (General Permitted Development) (No. 596) (England) Order 2015 Article 3, Schedule 2: Part 1 (or any subsequent order or statutory instrument revoking or re-enacting that order) no additions, extensions or other alterations other than expressly authorised by this permission shall be carried out without the prior permission of the Local Planning Authority"; and "Notwithstanding the provisions of the Town and Country (General Permitted Development) (No. 596) (England) Order 2015 Article 3, Schedule 2: Part 1 (or any subsequent order or statutory instrument revoking or re-enacting that order) no development shall be carried out on any part of the land other than hereby permitted without the permission of the Local Planning Authority".
 - The reason given for the 2 conditions is: "The Local Planning Authority considers that further alterations could cause an unacceptable loss of openness to the Green Belt being contrary to Saved Policy ENV3 of the Unitary Development Plan and section 13 of the National Planning Policy Framework 2018".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's reason for refusing the application to delete conditions nos. 14 and 15 of the original permission included reference to Policy CS3 of the Doncaster Core Strategy 2011-2028 2012 ('the CS'). Although the policy did not form part of its reason for including these conditions in the original planning permission granted in 2018 it is referred to in this Decision Letter.

Background and Main Issue

3. The appeal site is within the Green Belt where planning permission was granted in November 2018 for the demolition of the former Scout Hut at Hooten Lane, Brodsworth and its replacement with a single dwelling.

4. Two of the conditions (nos. 14 and 15) included within that permission stipulated that the permitted development rights allowing additions, extensions and alterations to the approved dwelling and allowing the erection of structures within the surrounding grounds incidental to the enjoyment of the dwelling would be withdrawn.
5. These conditions were imposed to ensure that the openness of the Green Belt would not be prejudiced. Whether or not the Council has indiscriminately and improperly adopted such an approach in the past to the control of development within the Green Belt is not relevant to the determination of this appeal.
6. The main issue in the determination of this appeal is whether these conditions are reasonable and necessary to protect the openness of the Green Belt.

Reasons

7. The semi-elliptical shaped site occupies an elevated and broadly open area at the end of a long, narrow lane about 200 metres from the main road running through Brodsworth. It is surrounded by fields and there is a large detached dwelling about 100 metres away in the direction of the village. The footing of the former scout hut sits close to the middle of the site. Hedging and some mature trees provide a very limited degree of screening for the site. Because of its elevation and its position, it is very prominent and is readily visible from the road running through the village.
8. An important consideration for the Council when granting planning permission for the erection of a dwelling was to ensure, consistent with Paragraph 145g) of the National Planning Policy Framework 2018, that it would not have a greater impact upon the openness of the Green Belt than the original scout hut.¹
9. Consequently, whilst the permission allowed for a dwelling that would be slightly taller than the original scout hut it would also have a smaller footprint. The dwelling would be modest in size with a total floor area of around 130 square metres.
10. Its volumetric capacity would be around the same as that for the original scout hut and therefore the effect on openness would be essentially unchanged. To ensure that it would not be extended to the detriment of the Green Belt's openness 2 conditions were imposed withdrawing permitted development rights.
11. This notwithstanding, however, permitted development rights are conferred by law. The Government has made it clear that whilst councils can withdraw such rights this should only happen exceptionally and where it is necessary. Advice set out in Paragraph 17 of the Planning Policy Guidance (PPG) is that blanket withdrawals of permitted development rights will rarely be necessary or reasonable and this applies equally within the Green Belt.
12. Paragraph 145d) of the National Planning Policy Framework 2019 ('the Framework') states that the extension or alteration of a dwelling within the Green Belt is not inappropriate development so long as it does not result in a disproportionate addition over and above the size of the original building.

¹ The paragraph referring to extensions to buildings within the Green Belt is numbered the same in the 2018 version of the National Planning Policy Framework as in the 2019 version.

13. The Appellant proposes to extend the approved dwelling through the addition of 2 bedrooms and a bathroom, together with the construction of a double garage a short distance from the dwelling. These combined would increase the floor space by around 85 square metres or about 65% of the approved floor space.
14. Subject to obtaining prior approval the footprint of the approved dwelling could nearly double if the permitted development rights were reinstated. Given that there are no neighbours whose living conditions could be affected by any proposed extension it is almost certain that prior approval would be obtained.
15. Whilst the proposed development would not result in this scale of increase it would not prevent extensions in the future. Such extensions could result in a disproportionate addition to the original dwelling. Because of the site's exposed and prominent position these structures would be visible from the village and would prejudice the openness of the Green Belt.
16. The approved dwelling would occupy a small part of the generously sized site. There is no reason to believe that any structures that might be erected ancillary to the enjoyment of the dwelling would cover much of the surrounding garden. Nevertheless, given the site's prominent and generally exposed location any structures would risk prejudicing the openness of the Green Belt.
17. The Appellant submitted summaries of 6 appeal decisions in support of his case.² In each, the Inspector found that the condition restricting permitted development rights was not consistent with the advice set out in the PPG and so allowed the appeal. At least 5 of these decisions concerned sites within the Green Belt.
18. However, each appeal decision on such matters is fact dependent, in particular as regards the development concerned, its location, the extent to which it would be visible and its contribution, where relevant, to maintaining the openness of the Green Belt. In the absence of the full details of the above cases, little weight can be accorded to them.
19. The decision in the current appeal case turns on the specific facts relating to the original building and its replacement, the potential disproportionate expansion of built development on the site, the visibility of the site and the desire to maintain the openness of the Green Belt both spatially and visually.
20. Consequently, given that permitted development rights would allow the construction of a large extension to the dwelling and the erection of structures in the garden including a large garage, there is a significant risk that the openness of the Green Belt could be unacceptably harmed in this open and prominent location.
21. This would fail to accord with Saved Policy ENV3f) of the Doncaster Unitary Development Plan 1998 and with Policy CS3(A)(1) of the CS which both seek to ensure that the Green Belt's openness is protected. It would also fail to accord with Paragraph 145c) and g) of the Framework which seek to ensure that extensions to buildings should not result in a disproportionate addition and should not have a greater impact on openness than the original building.

² APP/H1515/W/16/3165798 (May 2017); APP/T0355/A/01/1071185 (February 2002); APP/Q5300/A/14/2217664 ((July 2014); APP/T0355/W/16/3156065 (January 2017); APP/M2270/W/15/3137428 (February 2016); and APP/X4725/D/18/3201609 (July 2018).

22. For these reasons the conditions subject to this appeal are reasonable and necessary for the protection of the Green Belt. As conditions nos. 14 and 15 satisfy all the other requirements in Paragraph 55 of the Framework and the Planning Practice Guidance, there is no need to remove or vary them.

Conclusion

23. Therefore, the appeal should be dismissed.

William Walton

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: 18 March 2021

Appeal Ref: APP/F4410/W/20/3262725

Broadway Garage, Broadway, Dunscroft, Doncaster DN7 4HU

- 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. Mehedin Namini against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/01928/FUL, dated 15 July 2020, was refused by notice dated 25 September 2020.
 - The development proposed is conversion of mechanical car wash to hand car wash, erection of canopy and acoustic screen, and erection of 2.4m high fence.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the sake of brevity and clarity, I have taken the description of development from the Council's decision notice.
3. The appellant has questioned whether the proposal requires planning permission. This appeal has been made under section 78 of the Town and Country Planning Act 1990 and therefore whether permission is required is not a matter for me to determine.

Main Issue

4. The main issue is the effect the proposal would have on the living conditions of occupiers of neighbouring properties in regards to noise.

Reasons

5. There are concerns that the living conditions of occupiers of surrounding neighbouring properties would be adversely affected by the proposed development in terms of noise.
6. The appellant has submitted a Noise Impact Assessment¹ (NIA) which concludes that the proposal, that includes mitigation measures such as a canopy and acoustic screening, would have noise levels at around 10 dB lower than the existing automatic car wash. The NIA also refers to a noise survey undertaken in 2018 for a previous application², which identified the background noise levels as 43 dB at the property of 327 Broadway (No 327) and 44 dB at the property of 2 Broadwater Drive (No 2). This 2018 noise survey had concluded that the previous proposal for a hand car wash indicated the

¹ Reference: NIA/8987/20/8940/v1/Car Wash, Broadway

² Local Planning Reference Number: 18/00810/COU

- potential for a significant adverse impact. It is noted that the proposed mitigation measures were not incorporated as part of the 2018 noise survey.
7. It is not disputed that the noise levels from the proposal would be less than the noise levels which emanate from the existing automatic car wash. However, the noise levels from the proposal, which is stated in Table 3.1 of the NIA as 58 dB, would still be higher than the background levels identified at the neighbouring properties of No 2 and No 327 by over 10 dB.
 8. From the evidence before me, I am unable to establish the frequency of use of the existing automatic car wash and the proposal. The NIA has calculated the noise levels on the basis that the automatic car wash is used a minimum of 1 cycle per hour and the proposed hand car wash would be in constant usage with no breaks. There is no specific data which presents a true reflection on the usage of the proposal and more specifically the actual usage of the existing automatic car wash.
 9. The Council have also raised concerns with regards to noise emanating from vehicles queuing on the site, including noise from running engines and car radios. The NIA have indicated that the proposal would look to incorporate a policy of no music or engine idling. This type of policy would be not be enforceable and in practice difficult to manage if vehicles are queuing for a significant amount of time and are required to move at regular intervals.
 10. Whilst the noise levels for the proposal would be less than the existing automatic car wash, it would be significantly higher than the background noise levels at nearby residential properties. There is no definitive data in terms of frequency of use and it is implied in the NIA that proposal would be in constant use whereas the existing automatic car wash is used a minimum of 1 cycle per hour. The noise levels from the proposal, whilst at a lower level than the automatic car wash, would be more frequent and higher than the background noise levels at nearby residential properties.
 11. On this basis, given the identified noise levels from the proposal and the close proximity of neighbouring properties, the proposal would compromise the living conditions of nearby residential occupiers in terms of noise.
 12. From the evidence before me, I find that the proposed development would have a harmful effect on the living conditions of occupiers of neighbouring properties in regard to noise. The proposal would be contrary to Policies CS1 and CS14 of the Doncaster Council Core Strategy 2012, saved Policy PH12 of the Doncaster Unitary Development Plan 1998 and the National Planning Policy Framework (the Framework) which seeks development to enhance quality of life, integrate well with its immediate surroundings and not cause unacceptable loss of residential amenity.

Other Matters

13. The proposal would have economic benefits introducing a facility that would contribute to the local economy, stimulate and expand a local business and I note that there has been local support for the proposal.
14. Good design and protecting the environment are also key aspects of achieving sustainable development. Given the appearance of the existing fencing and automatic car wash on the site, the proposed canopy and acoustic fencing would not be intrusive features that would be harmful to the character and

appearance of the area. I also acknowledge the contribution the proposal would make to conserving energy and that no considerable concerns have been raised in terms of pollution control including odour.

15. Due to the size of the proposed operations I attribute minimal weight to these benefits. I therefore find that the benefits of the proposed scheme would not outweigh the considerable harm I have identified in the main issue.
16. I have had regard to the appellants statement of case, including reference to Planning Policy Statement 4 "Planning for Sustainable Economic Growth" and Planning Policy Statement 23 "Planning & Pollution Control". Both these documents have been replaced by the Framework and as discussed above, I have found that the proposal would be contrary to the Framework, and this includes having regard to matters on pollution and economic growth.

Conclusion

17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

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Appeal Decision

Site Visit made on 9 March 2021

by John Dowsett MA, DipURP, DipUD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2021

Appeal Ref: APP/F4410/W/20/3263744

44 Doncaster Road, Bawtry, Doncaster DN10 6NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr G Wilson against Doncaster Metropolitan Borough Council.
 - The application Ref: 20/02359/FUL, is dated 26 August 2020.
 - The development proposed is described as: Erection of detached dwelling and garage.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a detached dwelling and garage at 44 Doncaster Road, Bawtry, Doncaster DN10 6NF in accordance with the terms of the application, Ref: 20/02359/FUL, dated 26 August 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal has been made against the failure of the Council to give notice of its decision within the statutory time period. Within its statement of case the Council has not set out any putative reasons for refusal, nor has it set out whether it has a position on whether the planning application should be granted or refused. This notwithstanding, from the evidence that has been submitted and from the representations that have been made, both by the Parish Council and by residents of the surrounding area, it appears to me that the principal area of concern relates to the effect of the proposed development on the safe operation of the highway in the vicinity of the appeal site. I have, therefore, taken that as the main issue in this appeal and considered it on that basis.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the safe operation of the highway in the vicinity of the appeal site.

Reasons

4. The appeal site forms part of the garden of number 44 Doncaster Road. The property is a semi-detached house located at the junction of Doncaster Road and South Avenue and has an extensive garden area to the side and rear. Also to the rear of the property is a freestanding coach house and outbuilding that extends over the boundary with number 42 (the other half of the semi-detached pair) and provides similar facilities for the adjoining house.
5. The appeal proposal would involve sub-dividing the rear/side garden of the donor property to create a new building plot accessed from a new entrance

onto South Avenue. That half of the coach house and outbuilding which is within the curtilage of number 44 would be demolished to allow the construction of a new, two storey, dwelling with a detached garage to the side. This dwelling would have an L-shaped plan and would be constructed in brick with a tiled, pitched, roof.

Highway safety

6. Doncaster Road is a principal route through the settlement and is subject to a 40 mph speed limit at the point where it passes the appeal site. It has a single carriageway in each direction although the road is wide enough to accommodate a protected right turning lane at its junction with South Avenue. When I visited the site, I observed that Doncaster Road was carrying a light, but regular, flow of traffic. As my site visit took place during a period when there were travel restrictions in force due to the coronavirus pandemic, I accept that the road network would be carrying a lower volume of traffic than it would at other times.
7. South Avenue is a narrower side road that provides access to a residential area to the north and west of the appeal site. In addition to the narrower carriageway, the junction to Doncaster Road has relatively tight entrance radii. This road follows a sinuous route and is subject to a 20 mph speed limit. I saw that there is an access to the grounds of Bawtry Mayflower Primary School located a short distance to the east of the appeal site. I also saw that the wider residential area can also be accessed by vehicles from Doncaster Road via North Avenue, and from Station Road to the east. A small number of vehicles used South Avenue during the time that I was present at the site. The observed vehicle speeds were not high although I noted that vehicles tended to use the centre of the carriageway due to its width. I observed that there were some areas where the grass verges adjacent to the carriageway had been damaged, most likely by vehicles mounting the verge, which indicates that at times of greater vehicle use, there may be instances of conflict between vehicles traveling in opposite directions. However, I have no substantiated evidence of the regularity of such conflicts.
8. The proposed new development would be provided with a driveway and garage to accommodate the parking of vehicles off the highway and a turning area would be provided within the site which would allow vehicles to join the main carriageway in a forward gear. The proposed new access to the site would be formed in a location where it would not conflict with other existing vehicular accesses to South Avenue at numbers 1, 2 and 2A. The submitted drawings illustrate that appropriate visibility for the speed limit of the road can be achieved. Whilst there is a large street tree close to the proposed access point, I saw that, due to the alignment of the carriageway to the east of the proposed access, this would not adversely affect visibility of vehicles approaching from that side and combined with the low vehicle speeds, I am satisfied that acceptable forward visibility can be achieved.
9. Neither party has submitted any evidence in respect of the number of vehicle movements on South Avenue. I recognise that the presence of an access to the primary school will generate additional vehicle movements at drop off and pick up times and that there will be a greater number of vehicle movements during the morning and evening peak hours when residents of the area are travelling to and from work. Nonetheless, South Avenue primarily serves a

residential area and is not a convenient through route for traffic. As a result at most other times there will be fewer vehicle movements. The proposed new dwelling would add a small number of additional vehicle movements onto South Avenue and the surrounding highway network. Although South Avenue has a narrow carriageway, I am mindful that it is not the only access route to either the residential area or the primary school. The carriageway is also of a sufficient width to allow a vehicle to conveniently manoeuvre into and out of the appeal site. In this context, I find that a small number of additional vehicle movements would neither result in a significant increase in congestion on the road network, nor create a situation that would be hazardous to other road users.

10. The National Planning Policy Framework (the Framework) sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
11. In addition to my observations during the site visit, I also note that the Highway Authority have no objections to the proposed development, and I have not been provided with any records of injury accidents on the nearby road network. Non-injury accidents are not routinely recorded by the Highway Authority and, consequently, there is no definitive evidence in respect of whether these occur or with what frequency.
12. The proposed new house would generate some additional vehicles movements in the area. However, adequate access and visibility can be achieved at the appeal site. From what I saw during the site visit, the appeal proposal would not have a significant effect on the operation of South Avenue, or the junction with Doncaster Road, and would not result in conditions that would be inherently unsafe.
13. I therefore conclude that the proposed development would not cause harm to the safe operation of the highway in the vicinity of the appeal site. It would not conflict with the relevant requirements of policy CS14 of the Doncaster Core Strategy 2012 that expects, among other matters, that new development is of a high standard of design that integrates well with its immediate and surrounding area. Nor would it conflict with Policy T1 of the Bawtry Neighbourhood Development Plan 2019 which seeks, amongst other matters, to improve highway safety and minimise traffic congestion. It would also comply with the relevant requirements of the South Yorkshire Residential Design Guide 2011 and the Doncaster Council Residential Backland and Infill Development Supplementary Planning Document, which set out detailed parking and access guidance for new residential development.

Other Matters

14. In addition to the concerns regarding highway safety, local residents have also raised a number of objections to the proposal in respect of the character and appearance of the area, the effect of the proposal on trees, the potential for bats to be using the building to be demolished, concerns in respect of loss of privacy, and disruption during the construction period.

15. My attention has also been drawn to a previous appeal decision¹ in respect of the erection of a single dwelling on the appeal site. This appeal was dismissed for reasons relating to the effects on the living conditions of the occupiers of the donor property (44 Doncaster Road) and insufficient information in respect of bat activity in the area.
16. The appeal proposal has amended the design of the new house to relocate a first floor window that would have resulted in overlooking of habitable rooms to the rear of the donor property. Whilst there would be windows in the side elevation of the projecting rear wing of the new house that would face towards number 2A South Avenue, I saw that the gable wall of this property does not contain any windows. To the rear of this neighbouring property there is a ground floor conservatory extension which has clear glazing in the upper lights of the windows that are visible above the boundary fence. Due to the relative position of the windows in the new dwelling to this conservatory and the narrow width of the high level glazing visible above the fence, there would be little opportunity for direct or casual overlooking from the new dwelling.
17. The appeal proposal was accompanied by a revised Bat Survey Report that included the findings from two emergence surveys. The bat report identified that although the coach house had a moderate level of bat roost potential, no bats were currently using the building as a roost. The Council's ecologist has no objections to the proposal. In the absence of any substantiated evidence to the contrary, I find that the proposal would not adversely affect bats.
18. There are a large number of trees present within the site. The proposed development would result in only one tree being removed to facilitate the construction of the new house. This is a multi-stemmed cherry laurel located near to the gable of the existing coach house. The Arboricultural Report submitted with the application identifies this as a low or average quality tree with low amenity value. From what I saw when I visited the site, I would concur with this assessment and the loss of this tree would have a minimal effect on the appearance of the area. Concern has been raised by residents regarding the large sycamore tree that is within the highway verge outside the site. However, it is not proposed that this tree be removed, and I am satisfied that it does not unduly interfere with visibility from the proposed new access.
19. The surrounding area has a mixed architectural character. On Doncaster Road there are houses in a range of design and styles and of varying ages. The housing on South Avenue and adjoining surrounding streets is more homogeneous in appearance, having generally simple forms and being finished in render above a brickwork base with red tiled roofs.
20. The demolition of the current coach house to facilitate the development would alter the character and appearance of the area. This outbuilding is clearly contemporary with the principal house and has some aesthetic and evidential value as an ancillary building designed and built to serve a large dwelling house, and is illustrative of the earlier use and occupation of the donor property and of the building techniques of the time period. However, the appeal site is not within a conservation area and neither the principal building, nor the coach house is listed. Although the proposal would result in the loss of one half of a symmetrical outbuilding, there are only restricted views of the

¹ Appeal Reference: APP/F4410/W/20/3251188

other section from the public domain and the effect of the demolition on the remaining structure would not be readily noticeable.

21. The proposed new dwelling would be consistent in height and overall form with the surrounding houses and has architectural detailing that has taken cues from the donor property and other houses on Doncaster Road. It would be orientated in relation to the road in a similar manner to other properties in the area. The inspector in the previous appeal for a single dwelling on the site, which was of an essentially similar design, appearance, and siting to that of the current proposal, found that this would not cause harm to the character and appearance of the area. From what I have read and from my observations at the site and in the surrounding area, I have no reason to find differently.
22. With regard to disruption during the construction period, there will inevitably be a degree of disturbance generated by any development project. However, any effects from the construction period would be temporary and the effects of site traffic could be mitigated by a Construction Traffic Management Plan, which could be the subject of a condition.
23. From all that I have read and from what I saw when I visited the site, there is nothing that would indicate that the proposal would conflict with the development plan policies identified by the parties as most important to the determination of the application².

Conditions

24. I have had regard to the list of conditions that has been suggested by the Council and the comments of the appellant. Several the suggested conditions are pre-commencement conditions. The appellant has confirmed in writing that these pre-commencement conditions are acceptable. In the interests of clarity, I have made minor amendments to some of the wording of the conditions where necessary.
25. In order to provide certainty in respect of what has been granted planning permission, I have included a condition specifying the approved drawings.
26. Due to the width and configuration of the highway in the vicinity of the appeal site, the constrained nature of the appeal site itself and the location of the appeal site within an established residential area, it is necessary that the development be regulated by way of a Construction Traffic Management Plan. As the provisions of the Construction Traffic Management Plan would be required to operate for the entire duration of the demolition and construction phases of the approved development, it is necessary that this condition be a pre-commencement condition.
27. As no details of the proposed drainage arrangements have been provided with the application, in order to ensure that the proposed new dwelling has adequate drainage arrangements, it is necessary to require that these be submitted for approval. As the installation of the drainage system would be an early part of the construction works, it is necessary that this condition be a pre-commencement condition.

² Saved Policies PH11 and ENV59 of the Doncaster UDP 1988; Doncaster Core Strategy 2012 - Policies CS1, CS14 and CS16; and Bawtry Neighbourhood Plan 2019 - Policy H1.

28. The existing tree cover on, and in the vicinity of the site, is an important part of the character and appearance of the area and it is necessary to protect those trees on the site that are to be retained as part of the development and those trees adjacent to the site that may be affected by the building works during the construction period. As the tree protection works would be required for the entire duration of the demolition and construction phases of the approved development, it is necessary that this condition be a pre-commencement condition.
29. Similarly, in order to ensure that any works to the retained trees that are required to facilitate the development are carried out to a high standard and to ensure that the retained trees are not damaged by the demolition and construction works, it is necessary to require details of the tree works to be submitted. In order to ensure that the trees are not damaged by the demolition and construction works and that the required tree surgery is carried out prior to these, it is necessary that this be a pre-commencement condition.
30. No details of the services to the site have been provided with the application. Trenches for underground services or overhead service lines have the potential to harm the retained trees and would be required early in the site development process. For these reasons it is necessary that the details of these to be submitted for approval before the development commences.
31. The proposed development requires the demolition of an existing coach house and outbuilding that are present on part of the appeal site. It is clear that both buildings to be removed are part of a larger structure that continues beyond the boundary of the appeal site. The development would result in the truncation of these larger structures. No details of the proposed demolition or reinstatement works have been provided with the application, nor have any details of the structure of these buildings been submitted. In the interests of the appearance of the remaining parts of the buildings and to ensure that the structural integrity of the remaining sections is maintained during and following the demolition works, it is necessary that details of the method of demolition and the required reinstatement and consolidation works be submitted for approval and subsequently implemented. As the demolition would be required at an early stage of the development of the site, it is necessary that this condition be a pre-commencement condition.
32. Details of the materials proposed to be used in the construction of the new dwelling have not been included in the application. In order to ensure that the proposed new dwelling integrates into its surroundings it is necessary to require details of these to be submitted for approval prior to their use.
33. In order to maintain highway safety in the area and ensure that a satisfactory access to the site is provided, it is also necessary to attach conditions requiring that the turning area within the site is constructed, a properly formed footway crossing is constructed, and the required sight lines are accommodated before the new dwelling is brought into use.
34. Whilst no documented potential sources of contamination have been identified at or near the site it is, nonetheless, necessary to include a condition requiring that any unexpected land contamination discovered during the construction period is appropriately dealt with in order to ensure that the final development is suitable for its intended purpose.

35. As the existing coach house building, whilst not in use as a bat roost, has potential opportunities for bat roosting and there is bat activity in the area, in order to ensure that the ecological potential of the site is not diminished, it is necessary to impose a condition requiring that roosting opportunities are provided as part of the fabric of the new dwelling.

Conclusion

36. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. No development shall commence, including any works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by the local planning authority. 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);
 - Temporary signage;
 - Measures to control mud and dust being transferred to the public highway; and
 - Timing of deliveries.

The approved CTMP shall be adhered to throughout the entire construction period for the development.

3. No development, including any works of demolition, shall commence until details of the foul and surface water drainage systems and all related works necessary to drain the site have been submitted to, and approved in writing by, the local planning authority. Thereafter, these works shall be carried out concurrently with the development and the drainage system shall be completed in accordance with the submitted and approved details prior to the first occupation of the development.
4. No development, including any works of demolition, shall commence on the site until a scheme for the protection of all retained trees that complies with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction has been submitted to, and approved in writing by, the local planning authority. Thereafter, the tree protection measures shall be implemented on site in accordance with the approved scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
5. No development, including any works of demolition, shall commence until a schedule of tree surgery work has been submitted to, and approved in writing by, the local planning authority. Best arboricultural practice shall be employed in all work, which shall comply with British Standard BS3998:2010 Tree Works Recommendations and, unless as may be specifically approved in writing by the

- local planning authority, all tree work shall be completed before the demolition or development commences.
6. No development, including any works of demolition, shall commence until details of all service trenches and overhead services have been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved details unless otherwise agreed in writing by the local planning authority.
 7. No development, including any works of demolition, shall commence until a demolition method statement for the coach house and outbuilding have been submitted to and approved in writing by the local planning authority. The demolition method statement shall include details of working methods and the means of support for the retained parts of the structure during the demolition process. It shall also include details of the reinstatement and consolidation of the resulting gable of the coach house and outbuilding following the demolition of those parts of the structure on the appeal site, and details of the proposed materials and brick bonding pattern. Thereafter, the works shall be fully implemented in complete accordance with the approved details, prior to the commencement of any above ground works in connection with the new dwelling hereby approved.
 8. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 019/019/SP/E and Drawing No. 019/019/GP.
 9. No construction work above ground level on the dwelling house hereby approved shall take place until details of the proposed external materials have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
 10. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.
 11. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.
 12. Before the development is brought into use, the 2.4 by 45 metre vehicular sight lines as shown on the approved plan shall be provided. The visibility thus provided shall thereafter be maintained as such and kept clear of any obstruction at any height greater than 900mm above ground level, unless otherwise approved in writing by the local planning authority.
 13. The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.
 14. Prior to the development being brought into use, details shall be submitted to, and approved in writing by, the local planning authority showing a visibility

splay of 2m x 2m where the new driveway joins the footway. These details shall also show the boundary treatment has been suitably pruned to a height of 900mm to ensure the mouth of the driveway is not obscured. Thereafter, the development shall be implemented in accordance with the approved details prior to first occupation.

15. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the site shall be suspended and a risk assessment carried out and submitted to, and approved in writing by, the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to, and approved in writing by, the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
16. Prior to the first occupation of the site, or an alternative timescale to be approved in writing by the local planning authority, a bat box of the Beaumaris Woodstone type or similar shall be sited on the new dwelling in accordance with the details at section 6.3.2 of the Bat Survey Report (Middleton Bell 18/08/2020), and photographic evidence of its type, location, and orientation on the building shall be submitted to the local planning authority.



Appeal Decision

Site visit made on 15 March 2021

by Alison Partington BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2021

Appeal Ref: APP/F4410/W/20/3264953

30 High Street, DONCASTER, DN1 1DW

- 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 P Heaton (Wickframe Ltd) against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/01817/COU, dated 7 July 2020, was refused by notice dated 2 October 2020.
 - The development proposed is the change of use of part of ground floor from retail A1 to Takeaway A5.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 September 2020 the Town and Country Planning (Use Classes) Order 1987 was amended and as part of this a new Class E was created which incorporates former Use Classes A1, A2, A3, B1 and some uses that were formerly in Class D1 and D2. The former A4 and A5 Use Classes no longer fall within any Use Class and so are Sui Generis uses. However, as the application was made before this date, I must determine the appeal on the basis of the Use Classes Order that existed at the time the application was made.
3. The Council are currently in the process of producing the Doncaster Local Plan 2015-2035 (the DLP). This emerging plan is currently coming towards the end of the examination stage with the consultation on the proposed main modifications having just finished. I will consider any relevant policies in the DLP in the light of the advice in paragraph 48 of the *National Planning Policy Framework* (the Framework) which states that weight can be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency to the Framework.

Main Issues

4. The main issues in the appeal are whether or not the site is a suitable location for a hot food takeaway having regard to:
 - Health; and
 - The vitality and viability of the town centre.

Reasons

5. The appeal site is a vacant unit located in a Primary Shopping Frontage in Doncaster town centre as defined in the *Doncaster Unitary Development Plan (adopted July 1998)* (UDP). The surrounding area mainly comprises a mix of shops, offices, and eating and drinking establishments, with active ground floor frontages.

Health

6. Policy SH14 of the UDP indicates that hot food takeaways are normally acceptable within Doncaster town centre subject to criteria such as the proximity of residential development, availability of parking, highway safety and the number and location of other similar outlets in the area. The Council have stated that in the immediate locality of the appeal site there are 13 existing hot food takeaways. Furthermore, the ward in which it is located there are 49 such uses which represents 2.2 per 1000 people compared to the national average of 0.86 per 1000 people. These figures have not been disputed by the appellant. As such, there is already a significant number of such uses in both the immediate and the wider area.
7. Evidence from the Council also indicates that the ward has high levels of obesity and deprivation. Figures show that 23.6% of reception class children are overweight and 11.4% are obese with the figures increasing to 36.8% and 24.1% respectively by year 6. In addition, the income deprivation level for the ward is 25.2% compared to 14.6% in England as a whole.
8. Paragraph 91 c) of the Framework indicates that planning decisions should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. Further advice is given in the 'healthy and safe communities' section of the *Planning Practice Guidance* (PPG) which indicates that planning can influence the built environment to improve health and reduce obesity and excess weight in local communities¹. Where the evidence demonstrates it is appropriate, the PPG indicates that planning can seek to limit the proliferation of particular uses. In doing so it indicates that, amongst other things, it should have regard to: proximity to locations where children and young people congregate; evidence indicating high levels of obesity, deprivation, health inequalities and general poor health; and over-concentration of certain uses in an area.
9. The *Doncaster Council Core Strategy 2011-2028 (adopted May 2012)* (CS) predates the increased emphasis given in recent years to the contribution planning can make to improving public health. Nonetheless, Policy CS1 seeks to strengthen communities and enhance their well-being by providing a benefit to the area in which they are located, and ensuring healthy safe places where amenities are protected. Furthermore, whilst the DLP is not yet adopted, evidence that health and the need to control the location of, and access to, food and drink uses, are important matters that need to be addressed in the borough is shown in Policy 51 of the plan.
10. Thus, both national and local policies highlight the role of planning in helping to improve the health of the population. The evidence outlined above shows that this is an area where there is already a high number of hot food takeaways and

¹ Paragraph ID 53-004-20190722

where there is high levels of obesity and deprivation. Moreover, town centres are places where older children / teenagers often congregate.

11. The appellant has argued that as no end user is specified it is not known what food might be sold, and so it could be a takeaway that sold healthy rather than unhealthy food. It is not disputed that there is no planning mechanism by which the food that would be sold can be controlled. However, both national and local evidence outlined by the Council suggests strong links between hot food takeaways and obesity issues in the population as the food sold in them is generally cheap, energy dense and nutrient poor.
12. Overall, whilst UDP Policy SH14 states that the town centre may in principle be a suitable location for hot food takeaways, and the proposal may not give rise to concerns with regard to residential amenity or parking and highway safety, the policy also requires consideration to be given to the cumulative impact of such uses in the area. Although the policy may not specifically mention the cumulative impact of such uses on the health of the population, more recent national guidance clearly supports consideration being given to such matters. This is also supported by the emerging DLP policy.
13. Therefore, in this case, given the existing high concentration of hot food takeaways in the area and the poor health of the local population, I consider the site would not be a suitable location for a hot food takeaway having regard to health. Accordingly, it would be contrary to Policy SH14(d), CS1 and the Framework outlined above.

Vitality and Viability

14. Policy TC6 of the UDP seeks to protect the predominant retail function of primary shopping frontages, but states that some limited changes to what were at that time defined as A2 and A3 uses may be allowed if they contribute to the vitality and viability of the centre and do not seriously interrupt the continuity of the shopping frontage. At the time the UDP was adopted a hot food takeaway was an A3 use and so it is appropriate to consider the proposal in accordance with these principles.
15. The surrounding area contains a variety of retail and non-retail uses, with the Council stating that the proportion of retail to non-retail uses being around 50%. This figure has not been disputed by the appellant. The proposal would therefore result in a further increase in non-retail uses in the area. Moreover, hot food takeaways are often open mainly in the evening and so during the daytime often present a 'dead' frontage to the street. As such, although bringing a vacant unit back into use, it is likely to contribute little to vitality and vibrancy of the centre especially during the daytime.
16. The new Class E allows much greater flexibility in the uses that are permitted on the high street. However, the uses allowed within this Class are likely to be open during the daytime and have an active frontage to the street. As such, they would contribute to the vitality of the town centre in a way that a hot food takeaway may not. In not including hot food takeaways within this use class, it is clear that such uses were not considered to necessarily be an appropriate way of helping retain the vitality and vibrancy of retail centres.
17. The appellant has argued that despite marketing the unit has remained vacant for a substantial period of time. However, no details of the marketing have

been provided. Whilst it is stated the layout and configuration mean it is unlikely to be attractive for other Class E uses, this is not supported by any marketing evidence either. As a result, I am not persuaded that a hot food takeaway is the only feasible use of the unit.

18. All in all, I therefore consider that having regard to the vitality and viability of the centre, the site does not represent a suitable site for a hot food takeaway and it would conflict with Policy TC6 of the UDP outlined above.

Other Matters

19. The appeal site is located within Doncaster High Street Conservation Area. The proposal would not involve any external changes to the building and so the impact the building has on the conservation area would remain unchanged.

Conclusion

20. For the reason set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR



**Doncaster
Council**

Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report March 2021

Introduction

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

During this period the country was being subjected to another lockdown due to the COVID 19 pandemic. However, the planning enforcement team continued to operate by working from home and undertaking site visits by adopting a safe system of working. Unfortunately, internal site inspections were not allowed based on potential exposure to Covid symptoms and the Governments "Lockdown" rules.

<u>Case Updates – Fourth Quarter (1st January – 31st March 2021)</u>	
Total Cases Still Under Investigation as at end of March 2021.	281
Total Cases Recorded in the Fourth Quarter (1 st January – 31 st March 2021).	153
Total Cases Closed Down in the Fourth Quarter (1 st January – 31 st March 2021)	107

Prosecution Cases

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

Other Disposals

42 Bawtry Road – Bessacarr.



On 19th February 2021, the Council received notice of the unauthorised felling of trees protected by Tree Preservation Orders (TPO) and a wall being built along the front garden boundary of 42 Bawtry Road.

The Planning Enforcement Team decided the most appropriate course of action was to issue a simple caution in respect to felling two protected trees. The owner has signed the caution admitting to the offence and agreeing to replace the trees in the front garden.

The owner and their contractor have been informed that the new wall exceeds permitted development rights. Building works have now stopped and they are currently in the process of putting together an application for the wall along with other developments to the front, including extending the driveway and creating a new access point. The outcome of the planning application will determine the next steps undertaken from an enforcement perspective.

Notices Served

Former Cooplands Factory Site, Victoria Mill Business Park, Wharf Road, Doncaster, DN1 2SX



On 7th August 2020, a complaint was received regarding an unauthorised change of use of land at the former Cooplands factory into a scrap metal yard.

The Council attempted to remediate the identified breaches of planning control by attempting to work pro-actively with the landowner to cease the use or to submit a planning application, to seek permission to change the use of the site from B2/B8 use to Sui Generis use as a Scrap yard.

However, these requests proved unsuccessful therefore an Enforcement Notice was served on 16th March 2021 and will come into effect on 27th April 2021. The notice requires the owners to cease the use of the unauthorised scrap yard by 25th May 2021, clear the land of any scrap metal and any other miscellaneous items by the 20th July 2021.

The Field at Pony Paddock – Hall Villa Lane – Tollbar.



On the 7 February 2019 a complaint was received regarding the alleged unauthorised erection of a building. During a site visit it was identified that there had taken place the development of Green Belt land to hard standing, with the change of use to residential and the siting of caravans. The owners were given 28 days to remove the caravans and revert the land back to its original use, but despite all efforts, the request was ignored. On the 25 February 2021, a notice was served on the owner to revert the land back to its original use and to remove all the caravans from the site. Following service of the notice, it was brought to the Council's attention that the site had been sold off and subdivided into 5 plots, effectively extending some of the authorised pitches immediately to the south of the site into the unauthorised site. A further site visit took place on 7th April 2021, and whilst it was evident that breaches of planning control had occurred, no caravans were sited on the land and therefore the Enforcement Notice was withdrawn, with a view to further notices being served to capture the breaches of planning control currently occurring on the subdivided plots. Officers are working to progress those further notices.

Plot 5 Pony Paddock – Hall Villa Lane – Tollbar.



On the 29 April 2021, a complaint was received regarding the alleged unauthorised development of a sandstone-constructed bungalow. During a site visit it was identified that a large bungalow style building was being built. On speaking to the owners, it was discussed that the building was too large to be classed as a “day room” and they were given 28 days to remove the building. The owners have failed to comply with the Councils request and an enforcement notice was served on the 25 February 2021, requiring the removal of the building. The notice comes into effect on the 6 May 2021 unless an appeal is made before. If an appeal is not made the appellants have until the 6 July 2021 to comply with the notice.

Daw Wood House – Victoria Road – Bentley.

On the 29 January 2018, a complaint was received of the alleged unauthorised conversion of a former care home into apartments. A site visit identified a car repair business being operated within the grounds and the former care home showed evidence of unauthorised development and of being occupied. The owner was advised that they need to submit a planning application to regulate the changes of use, but failed to comply. Therefore, two Enforcement Notices were served on the 17 March 2021. The first requiring the car repair business to cease operating within a month of the notice taking effect on the 27 April 2021. Whilst, the second to address the issue of changing use from a residential care home (C2) to self-contained flats (C3), including additional operational development within the grounds. This notice

takes effect on the 27 April 2021 and requires compliance by the 27 October 2021 unless an appeal is made before the notice takes effect

Outstanding Appeals.

Land North Of Hangman Stone Lane, High Melton.



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

A revised Inquiry date reported in a previous Quarterly Report was scheduled for the 28th April 2021, has now been subjected to a further amendment and will take place on 27th July 2021.

Existing Cases – Update

Corner Pocket – Mexborough.

As previously reported a complaint was received regarding the erection of a building to the side of the Corner Pocket, Bank Street, Mexborough. A site visit was conducted which identified that a black shipping container and a steel structure with wooden decking had been erected to the side of the property. The owner was contacted and advised the development would not be granted planning permission. Two Enforcement Notices were served giving until the 23 December 2020 to comply. Since being served, we have received two appeals from the Planning Inspectorate. The Planning Inspectorate have now made their decision and have ruled in favour of Doncaster Council dismissing the appeals. The Corner Pocket had 50 days to remove the decking and box mounted roller shutters, which takes the compliance date to the

7th April and until the 17 May 2021 to remove the rest of the development and reinstate the original wall. The enforcement team are continuing to monitor the site to ensure compliance with the notice and should it become apparent that the appellant has not taken the necessary steps to bring about control of the site, the Council may consider additional enforcement steps.

Refused Application(s).

44 Town Moor Avenue, Town Moor, Doncaster



A complaint was received following a refused application (19/00319/FUL) for the retrospective erection of a boundary wall at the front of the property.

The applicant subsequently submitted an appeal against this decision (20/00038/HOUSE). However, this appeal was dismissed by the Planning Inspectorate on 10th March 2021 as the proposal does not preserve or enhance the character and appearance of the Town Moor Conservation Area.

The applicant has been given 28 days to reduce the height of the front boundary wall to 1 metre. If this request is not complied with in the given timescale, then authorisation will be sought to serve an Enforcement Notice on the property seeking a reduction of the wall.

38 Hawthorne Crescent – Mexborough (Sweet Shop).

On the 16 May 2019, a complaint was received regarding the alleged unauthorised running of a sweet shop business from a residential garage. A site visit carried out on the 2 October 2019 identified a domestic outbuilding had been changed into a sweet shop. The owner was advised to submit a planning application, which he subsequently did on the 25 October 2019. This application was refused by the Planning Department on the 19 February 2020. The applicant appealed this decision with the Planning

Inspectorate and on the 4 September 2020, the inspectorate upheld the Council's decision. The relevant enforcement action will be progressed to bring about control of the site.

Injunctions.

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

General Cases

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

1 Salisbury Road – Hexthorpe



A complaint was received in June 2020 regarding an unauthorised change of use (COU) from a single household dwelling to a House in Multiple Occupation in the Article 4 Direction area. The owner was contacted and advised that planning permission was required for this change of use.

A planning application was received (20/02278/COU) for the retrospective change of use from used class C3 (dwelling) to C4 (Small House in Multiple Occupation). This application has since been granted full planning permission, following planning enforcement involvement and the case has now been closed.

15 Orange Croft, Tickhill



The reported complaint concerned the building of a dwelling without planning permission. At the time of the visit, the existing residential caravan was in the process of being demolished. After speaking to the tenant, it was his intention to build on top of the existing chassis that forms the base, instead of removing the unit completely and replacing it with a brick built property, which would be classed as “permanently sited”. The site is managed by St Leger Homes (SLH), hence the matter is currently being addressed as a landlord and tenant issue.

32 Orange Croft, Tickhill



A site visit was made following a report that the tenant had commenced building to the side of the residential caravan. It was established that the development was a breezeblock shed to replace one previously sited in the same position that was made of timber. The tenant had not been allowed to use a similar timber structure as a like for like replacement, as it would represent a fire hazard in close proximity to the adjacent unit.

As the caravan site is managed by St. Leger Homes, the Planning Enforcement Team referred the issue to St Leger Homes to be addressed through the tenancy agreement.

Removal of unauthorised signage on the corner of Milethorn Lane & Wheatley Hall Road.

Before:



After:



The Council received a complaint in January 2021 with regard to signage being erected on the corner of Milethorn Lane and Wheatley Hall Road. When undertaking a site visit to the location it was clear that a progressive intensification of unauthorised signage had occurred. The local businesses were advised to remove their signage within 48hrs to avoid direct action from the Council. The signage remained in place following the period for compliance and direct action was taken to remove all unauthorised signage on the 2nd February 2021.

Orchard Equestrian – Thorpe-in-Balne.



On the 21 January 2019 a complaint was received regarding the alleged unauthorised running of an equestrian business. A site visit concluded that, an equestrian business was being operated and the owners were advised to submit a planning application. We have attempted to work proactively with the landowner in line with the adopted planning enforcement policy. However, the owners have failed to submit an application and have continued to operate. The relevant enforcement action will be progressed.

162 Coppice Road – Highfields.



As mentioned in previous reports, 162 Coppice Road was running a car repair business from their domestic premises. An Enforcement Notice was served on the 20 October 2020 and the owner was given until the 24 March 2021, to cease all activity. A site visit on the 23 March 2021 confirmed the enforcement notice had been complied with. In the event that an appeal is not received, the notice will become effective and operations should cease in line with the requirements of the notice. Should it become

evident that operations are continuing once the notice has become effective, the Council will consider further action to bring about control of the site.

3 Alston Road – Bessacarr



On the 20th November 2020, the Council received a complaint that a bright red storage container had been installed to the rear of the Alston News and Booze store in Bessacarr.

A planning officer assessed that the container was harmful to the character of the residential amenity. As a result, a letter was addressed to the shop instructing them to remove the container within 28 days. The owner has subsequently removed the container from the yard and the case has now been closed.

15 Hickleton Road – Barnburgh.



Permission was granted under 18/02630/FUL for a part single, part two-storey extension to the front, side and rear of the property. Condition 3 of the permission required the external materials and finishes of the extension to match the existing building.

A complaint came into the Council informing us that the bricks used for the extension were a completely different colour to the bricks of the original dwelling house, therefore contravening condition 3 of 18/02630/FUL. As a result, the extension was unsympathetic to the existing building and out of character with the surrounding area.

The Planning Enforcement Team negotiated with the owner to get them to tint the bricks a darker colour, hence ensuring that the extension matched the original dwelling house. A site visit on 16th February 2021, confirmed that the owner had tinted the colour of the bricks to a level that satisfied the requirements of the Local Planning Authority.

Quarterly Enforcement Cases

Quarter 4 (January – March 2021)	
Received Enforcement Cases	153
Total Cases Pending	281
Closed Enforcement Cases	107

Case Breakdown	
Unlawful Advertisements	7
Breach of Conditions	21
Unauthorised Change of Use	43
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	77
Unauthorised Works to Protected Trees	5

Areas Where Breaches Take Place	
Adwick and Carcroft	11
Armthorpe	3
Balby South	4
Bentley	6
Bessacarr	8
Conisbrough	4
Edenthorpe and Kirk Sandall	3
Edlington and Warmsworth	5
Finningley	12
Hatfield	16
Hexthorpe and Balby North	4
Mexborough	8
Norton and Askern	11

Roman Ridge	5
Rossington and Bawtry	3
Sprotbrough	6
Stainforth and Barnby Dun	5
Thorne and Moorends	9
Tickhill and Wadworth	11
Town	8
Wheatley Hills and Intake	11

Formal Enforcement Action	
Notices Issued	5
Prosecutions	0
Injunctions	0

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

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