



# Doncaster Council

## Agenda

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To all Members of the

## PLANNING COMMITTEE

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

**Venue:** Council Chamber - Civic Office Waterdale, Doncaster

**Date:** Tuesday, 8th June, 2021

**Time:** 2.00 pm

**Please Note:** Due to current restrictions arising from the Covid-19 pandemic, there will be very limited capacity in the public gallery for observers of the meeting. If you would like to attend to observe in person, please contact the Planning Department by email [tsi@doncaster.gov.uk](mailto:tsi@doncaster.gov.uk) or telephone **01302 734854** to request a place, no later than **2.00 pm on Monday, 7th June, 2021**. Please note that the pre-booked places will be allocated on a 'first come, first served' basis and once pre-booked capacity has been reached there will be no further public admittance to the meeting. For those who are attending the meeting, please bring a face covering, unless you are exempt.

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**Damian Allen**  
Chief Executive

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Issued on: Friday 28 May 2021

Governance Services Officer for this meeting

Amber Torrington  
01302 737462

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

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 30 March 2021 1 - 6
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications 7 - 144
- For Information**
6. Appeal Decisions 145 - 160
  7. Planning Enforcement Quarterly Report March 2021 161 - 176

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

Chair – Councillor Susan Durant  
 Vice-Chair – Councillor Duncan Anderson

Councillors Daniel Barwell, Iris Beech, Steve Cox, Aimee Dickson, Sue Farmer, Charlie Hogarth, Sophie Liu, Andy Pickering and Gary Stapleton

# 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 2<sup>nd</sup> 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:-

<b>Application No.</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>	<b>Ward</b>	<b>Decision Type</b>	<b>Committee Overturn</b>
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

<b>Application</b>	1.		
<b>Application Number:</b>	20/02875/FUL		
<b>Application Type:</b>	Planning FULL		
<b>Proposal Description:</b>	Change of use of the existing agricultural building to provide one new dwelling with associated parking and garden		
<b>At:</b>	Barn south of Back Lane, Blaxton, Doncaster DN9 3AJ		
<b>For:</b>	Reece Musson – Modern Edge Development Group Limited.		
<b>Third Party Reps:</b>	8 letters of Objection (from 7 households)	<b>Parish:</b>	Blaxton Parish Council
		<b>Ward:</b>	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.

<b>Application</b>	2
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<b>Application Number:</b>	20/03286/3FUL
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	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.
<b>At:</b>	Civic Offices, Waterdale

<b>For:</b>	Richard Smith – Property Services
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<b>Third Party Reps:</b>	None	<b>Parish:</b>	N/A
		<b>Ward:</b>	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**

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

<b>For:</b>	Fiona Daniels
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<b>Third Party Reps:</b>	2 letters of representation in opposition.	<b>Parish:</b>	Bawtry Town Council
		<b>Ward:</b>	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**

Date 8th June 2021

To the Chair and Members of the

### **PLANNING COMMITTEE**

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

##### Purpose of the Report

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

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

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

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

##### **Copyright Implications**

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

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

## Summary List of Planning Committee Applications

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

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Application	Application No	Ward	Parish
1.	20/02870/FUL	Rossington And Bawtry	Bawtry Town Council
2. SV	21/00016/FUL	Sprotbrough	Sprotbrough And Cusworth Parish Council
3. M	20/03120/FULM	Wheatley Hills And Intake	
4.	20/03510/COU	Town	
5.	20/03324/COU	Town	
6.	20/03041/FUL	Rossington And Bawtry	Austerfield Parish Council

<b>Application</b>	1.
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<b>Application Number:</b>	20/02870/FUL
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	Erection of a livestock building for pig finishing unit and associated infrastructure
<b>At:</b>	Toecroft Farm, Toecroft Lane, Sprotbrough Doncaster

<b>For:</b>	Richard Lodge
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<b>Third Party Reps:</b>	469 Representations in Objection 3 Representations in Support	<b>Parish:</b>	Sprotbrough and Cusworth
		<b>Ward:</b>	Sprotbrough

<b>Author of Report:</b>	Jessica Duffield
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## SUMMARY

The application relates to the erection of a proposed livestock building which will house 996 pigs. The proposal is located at an existing farm which currently operates both livestock and arable farming enterprises.

The building will accommodate 996 pigs from 40kg liveweight through to finished weight of 110kg. Annually, there will be 3.3 batches of pigs being transported on and off site. The building is fully enclosed and the pigs will be indoor at all times.

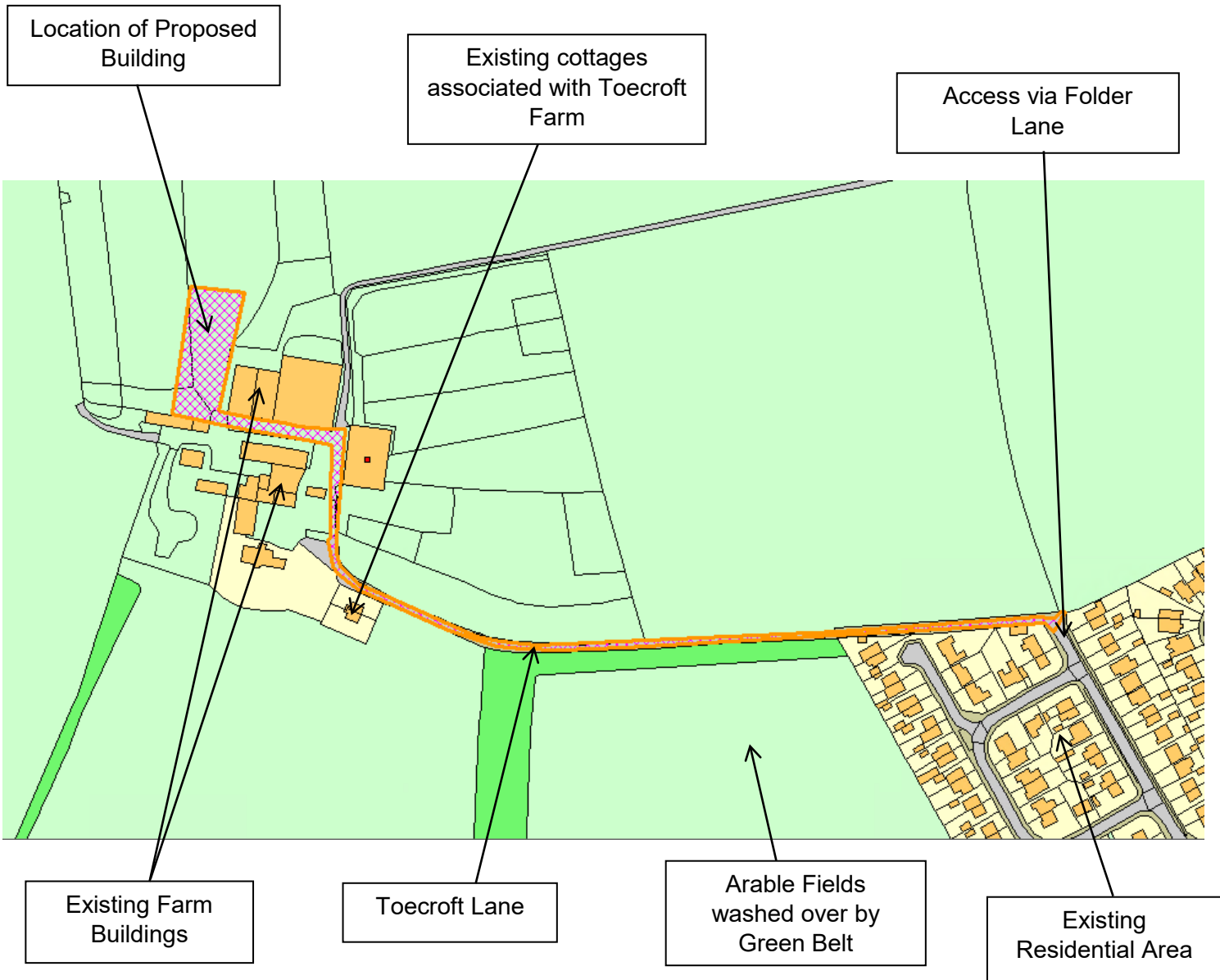
The proposed building will provide pig accommodation on a fully slatted slurry based system, in which the slurry is emptied twice per annum - Spring & Autumn. The slurry will primarily be used as a fertiliser for the existing arable fields meaning less fertiliser is to be imported to the site.

The proposal includes the construction of associated infrastructure adjacent to the building including 2x feed silos; a rain water harvesting tank; plant storage room and concrete loading area.

The existing farm is located to the north-west of an existing residential area at Sprotbrough. Access to the farm is via Folder Lane which is a residential street. However, the Local Planning Authorities (LPA) Highway's team have reviewed the application and raise no concerns given the overall reduction in traffic movements associated with the farm.

The application has received a high level of public interest with 472 individual public representations, 3 petitions, 3 group/charity representations and a letter from the local MP.

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



## **1.0 Reason for Report**

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

## **2.0 Proposal**

- 2.1 Full planning permission is being sought for the erection of a livestock building and associated infrastructure at an existing farming enterprise at Toecroft Farm.
- 2.2 The building will house up to a maximum of 996 pigs at any one time. The pigs will be brought to the site at a livestock weight of 40kg (known as store pigs). The pigs will then occupy the building until they have reached the weight of 100kg. Once at this weight, the pigs will be transported off-site (known as bacon pigs). This process operates on a 3.3 batches per annum basis, meaning that a new batch of pigs are brought onto site approximately every 110 days.
- 2.3 The building itself provides approximately 810sqm and is positioned within the built form of the existing farm operation. The pig accommodation is positioned above a 1.5m deep slated slurry tank. The slurry is collected underneath the building and provides capacity for up to 6 months storage. This is then disposed of through spreading onto arable land as a sustainable source of fertiliser.
- 2.4 The agent has outlined that the development will reduce the overall number of traffic movements associated with the farm. This is due to the collected slurry providing an on-site source of fertiliser for the arable farming enterprise, thus requiring less fertiliser having to be imported to the farm from neighbouring livestock units. The proposal does not change the areas of land which are spread with the fertiliser or vary the times in which spreading occurring, only the source of the fertiliser is to be altered. All of the slurry will be used on the applicants land only. The applicant has enough farm land/fields to utilise the slurry produced, therefore no exporting of slurry will be required.
- 2.5 The development of the livestock building requires associated works including the erection of feed silos; plant room; water tank and additional hardstanding area. The building itself will operate an automated feeding system and non-drip nipple drinkers meaning the pigs have a continuous supply of food and drink which is instantly delivered.
- 2.6 The existing farm is accessed via a track- Toecroft Lane- which runs in a western direction from the farm towards the residential development. This track connects to Folder Lane to the north of the residential estate, and provides access onto Melton Road. All traffic movements associated with the development will utilise this existing access which is already used by associated farm traffic.

### **3.0 Site Description**

- 3.1 The existing farm is located to the north-west of the main built-up area of Sprotbrough, approximately 300m north of Melton Road.
- 3.2 Toecroft Farm is surrounded by arable fields in all directions, and is washed over by Green Belt. The farm consists of various typical agricultural style buildings, associated with the existing enterprise.
- 3.3 Existing residential dwellings are located at the most southern part of the farm built form. The agent has confirmed that these dwellings are associated with the farm use. The impact upon the residents of these farm dwellings has been disregarded from the surveys given that they are occupied by farm workers.
- 3.4 The access track adjoins the Residential Policy Area at Folder Lane. The closest residential properties (independent from the farm use) are located on Melton Road, approximately 360m from the proposed livestock building. Properties on Cambrian Close/ Chiltern Close are located slightly further away at circa 370m.
- 3.5 Small parcels of dense woodland are situated within the fields surrounding the existing farm. A significant wooded area is located at Melton Wood Country Park, approximately 1.3km from the site in a north-western direction. Another large woodland, which is accessed off Cadeby Road, is located within 510m south of the proposed building. Both of these are allocated as Sites of Regional/Local Importance for Nature Conservation in the adopted UDP (1998). The site off Cadeby Road is closer to the application site, however it is considered to be less impacted given that Melton Road runs between the site and this woodland.
- 3.6 Cadeby Quarry, Sprotbrough Gorge and Denaby Ings SSSI's (Sites of Special Scientific Interest) are all within approximately 3km of the application site.
- 3.7 The site is outside of the Sprotbrough Conservation Area. A scheduled monument (King Hengist Rein Long Cairn) is located to the rear of the residential properties off Melton Road- approximately 260m south of Toecroft Farm.

## 4.0 Relevant Planning History

4.1 Planning History for the application site as follows:

Application Reference	Proposal	Decision
17/00414/FUL	Erection of agricultural building (19.7m x 30.5m)	Granted- 19/4/2017
04/1754/P	Installation of 20.0m high steel monopole with 6 No. antennae and 2 No. transmission dishes with associated equipment and ancillary development at ground level to form compound including 1m high post and rail fencing and 1m access gate	Granted- 16/11/2004
01/2301/PI1	Temporary Permission for drilling of Gas Well followed by 6 month testing period	Application Received – 23/1/2001
97/3405/P	Erection of 20m high lattice tower with associated antennae/dishes and equipment cabinet with compound (12m x 12m)	Application Refused, Appeal Allowed – 4/9/1998
96/2640/P	Installation of radio mast, antennae, dishes, equipment cabin and ancillary development.	Refused- 1/10/1996

## 5.0 Site Allocation

5.1 The site is washed over by Green Belt as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998). The site is also defined as an Area of Special Landscape Value.

### 5.2 National Planning Policy Framework (NPPF 2019)

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

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

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

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.6 Paragraph 83 states that planning decision should enable to the sustainable growth and expansion of all types of business in rural areas; and the development and diversification of agricultural and other land-based rural businesses.
- 5.7 Paragraph 143 states that development in the Green Belt should only be approved in very special circumstances. Paragraph 145 sets out the various exceptions to which development in the Green Belt is considered as suitable. Part (a) includes buildings for agriculture and forestry.
- 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 development within Doncaster. It makes it clear that development must protect local amenity, as well as being well-designed; are place-specific which work with their surroundings by protecting and enhancing the natural environment.
- 5.12 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contribute to the 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. The policy states that new development should not cause negative effects upon the amenity of neighbouring land uses.
- 5.13 Policy CS3 relates to the Green Belt stating that national policy will be applied against inappropriate development other in very special circumstances.



5.14 Policy CS16 relates to protecting and enhancing Doncaster's natural environment.

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

5.16 Policy ENV1 states that LPA will maintain a Green Belt in the western part of the borough. Policy ENV3 states the development in the Green Belt will not be permitted other than in very special circumstances including agriculture and forestry.

5.17 Policy ENV17 relates to Areas of Special Landscape Value. The policy states that in these areas protection and enhancement of the landscape will be an overriding factor in considering proposals for development. Development is acceptable only where it would not detract from the visual character of the area.

5.18 Policy ENV 6 relates to agricultural buildings. It states that proposals should be sited in close proximity to existing buildings and utilise the existing built form to minimise its impact. The development should not significantly detract from views across the countryside and careful attention should be applied to its design, scale and materials. The policy states that in the case of buildings being used for livestock or the storage of slurry, the development should not give rise to an unacceptable loss of amenity for occupiers of protected buildings.

5.19 Policy ENV41 refers to sites of regional/local importance for nature conservation. It states that development which is likely to have an adverse effect on SSSIs will not be permitted.

5.20 Policy ENV53 relates to the design of new buildings and states that the scale and appearance of new development must have regard to its wider visual impact and should not impact views across open countryside.

**5.21 Local Plan**

5.22 The Local Plan was formally submitted for examination on 4th March 2020 and an Inspector was appointed to undertake the examination in public (Regulation 24 stage). The Local Plan has now advanced to the latter stages of the examination: the consultation period on the proposed Main Modifications, identified as part of the examination, concluded on the 21st March 2021; and the Council is now awaiting receipt of the Inspector's Report. The Council is looking to adopt the Local Plan by Autumn 2021.

5.23 Paragraph 48 of the NPPF states that the LPA may give weight to relevant policies in emerging plans, such as the Local Plan, depending on the stage of the 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
- Limited

- 5.24 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.
- 5.25 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:
- 5.26 In the Emerging Local Plan Proposal maps the application site is washed over by Green Belt. Policy 1 refers to the Spatial Strategy and Settlement Hierarchy. It states that the general extent of the Green Belt will be retained and national planning policy will be applied. This policy can be afforded limited weight.
- 5.27 Policy 46 relates to the design of non-residential, commercial and employment developments. It states the proposals must be designed to a high-quality and make a positive contribution to the area in which they are located. Proposals will be supported where they are designed to: have no unacceptable negative affects upon the amenity of neighbouring land uses or the environment; meet functional requirements whilst being architecturally attractive; be well landscaped and ensure good quality external works. This policy can be afforded substantial weight.
- 5.28 Policy 54 relates to Pollution. It states that development proposal that are likely to cause pollution will only be permitted where it can be demonstrated that pollution can be avoided or where mitigation measures will minimise significantly harmful impacts to acceptable levels that protect health; environmental quality and amenity. This policy can be afforded limited weight.
- 5.29 Policy 41 relates to character and local distinctiveness. It states that proposals will be supported where they respond positively to their context; setting and existing site features; respecting and enhancing the character of

the locality, as well as integrating visually and functionally with the immediate and surrounding area. This policy can only be afforded limited weight.

- 5.30 Policy 30 refers to the protecting of Local Wildlife Sites; Special Areas of Conservation and Sites of Special Scientific Interest. This policy can only be afforded limited weight.
- 5.31 Policy 39 relates to archaeology stating that development which would result in harm to the significance of scheduled monument will not be supported. This policy can be afforded substantial weight.

### **Neighbourhood Plan**

- 5.32 Sprotbrough Neighbourhood Development Plan has completed its examination and can be afforded substantial weight.
- 5.33 Policy S10 of the Neighbourhood Development Plan refers to local landscape and character, and states that development proposals should protect and enhance local landscape character by using appropriate materials; and should demonstrate how siting and design have taken into consideration local landscape character.
- 5.34 Policy S11 refers to wildlife, stating that development should take into consideration the need to protect existing wildlife and buildings should incorporate bird nest boxes, swift brick and roosting opportunities where possible.

### **5.35 Other Material Planning Considerations**

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

## **6.0 Representations**

- 6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 by way of site notices displayed around the residential streets and direct neighbour notification letters sent to those addresses closest to the site. The consultation period was extended to 5 weeks to allow the public sufficient time to review the submission information and then provide comments.
- 6.2 The application has received a high volume of public interest with 472 individual representations being received, all of which are objections apart from 3 which are in support. Some local residents submitted multiple objections meaning the total number received exceeds 500. However these have been categorised into names/addresses to show a true representation of the comments received.

6.3 In addition to the neighbour representations, 3 petitions and 3 group representation/charity representation have also been received, as well as a letter from the local MP on behalf of the constituents. No comments from local ward councillors were received.

6.4 A summary of the representations received is provided below:

6.5 Petitions

<u>Name</u>	<u>Summary of Comments</u>	<u>Date Received</u>
Yvonne Kendall	Hand-signed by 156 objectors over 8 days, the majority of whom provided addresses within Sprotbrough. The petition does not outline reasons for objection.	23/11/2020
Daniel Mills-Change.Org	Titled ' <i>Against the proposed Pig Farm at Toecroft Farm</i> ' and electronically signed by approx. 4613 people. Customer stated that 495 signatures were from residents of the local area. The petition was advertised on Sprotbrough Hub Facebook Page. Approx. 4117 signatures are from non-local people, with participants from as far as Australia, Japan, Sri Lanka and USA taking part. The organiser of the petition is addressed as being from Doha, Qatar. No reasons or comments joined to the petition.	11/12/2020
People for the Ethical Treatment of Animals (PeTA)	Comments included: odours from slurry; ammonia from slurry; additional traffic movements; noise from pigs; impact on rural landscape and natural vistas; animal welfare concerns; animal behaviour issues; risk to human health; antibiotic resistance. Signed by 22,387 people of which approx. 3,600 are from the Yorkshire and Humber region. The submitted was unable to identify how many of the signatures were from the local community.	14/12/2020

6.6 Group/Charity Representations

<u>Name</u>	<u>Summary of Comments</u>	<u>Date Received</u>
Compassion in World Farming	Outlined concerns regarding animal welfare, with particular detail in regards to the relating to living conditions of pigs. Concerned that the development will only create one job; risks to air quality; increased greenhouse gases.	17/11/2020 - Received by Local Planning Authority twice
William Sorflaton-on behalf of Viva	Concerns in relation to: local opposition; health; pollution; ammonia; noise.	17/11/2020

Peacock & Smith	Consultant instructed on behalf of the local residents. Concerns in relation to: openness of Green Belt; character of Area of Special Landscape Value; enjoyment of open countryside; residential amenity in terms of noise, odour and visual impacts; highway safety; ecology and impact on SSSI at Sprotbrough Gorge; potential archaeological value	22/12/2020
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#### 6.7 Breakdown of the Individual Representations

- 6.8 233 representations were received in objection to the development of whom provided addresses from the Sprotbrough Village area.
- 6.9 19 representations were received in objection including no definitive address but stated that they were residents of Sprotbrough.
- 6.10 8 representations were received in objection to the development, with addresses from the Newton area of Sprotbrough, thus less likely to be impacted by the development.
- 6.11 118 representations were received in objection to the development, of which no address was provided, thus less weight can be attached to these representations.
- 6.12 A further 91 representations were received in objection, this addresses relating to the wider Doncaster area or UK wide.
- 6.13 3 representations in support of the development were received. 2 provided addresses from the Sprotbrough Village area, while the other provided no address but referred to being a resident of Sprotbrough.
- 6.14 Representations of Support
- 6.15 3 letters of support were received and are summarised below:
- Building to be located behind existing buildings;
  - Noise pollution within acceptable levels;
  - Rural smells will be carried away;
  - Farm is in a relatively remote location;
  - Occupiers of the farm will be mostly impacted;
  - In support of local businesses;
  - Sprotbrough Village is surrounded by farms.

6.16 Letter from Ed Miliband MP

6.17 A letter from the local MP was received on behalf on his constituents. The concerns raised included:

- Distance between the proposed building and residential properties;
- HGVs needing to drive through the estates on a regular basis;
- Roads unsuitable for HGVs/highway safety issues;
- Gas emissions and effects of the waste product on the surrounding land;
- Increase in flies/vermin;
- Noise from the pigs;
- Intensive farming practice which is cruel

6.18 Representations in Objections

6.19 As outlined above there has been a significant number of objection letters/email received, which are available to view on the Council's website. The main points raised in these objections are;

- Increased traffic caused by the development; highways safety concerns particularly in relation to the use of Folder Lane (which has no public footpath in parts) and the surrounding residential streets; as well as the junction between Folder Lane and Melton Road.
- Smells/odours caused by the proposed use; spread of smells/odours towards the residential area by virtue of prevailing westerly winds.
- Residential amenity impacted through unpleasant smells and odours meaning private gardens and outdoor spaces cannot be used; leading to impacts upon public health and mental health.
- Lack of detail relating to odour control system included within the proposal; and lack of odour monitoring should the development be granted.
- Noise created from the proposed fans/ventilation system which will serve the proposed building.
- Lack of survey information in relation to the noise created by pigs – *this has since been provided and detailed further below.*
- Potential increase in flies/vermin, which could spread disease and viruses.
- Trees along Folder Lane may be harmed by increased traffic/ use of larger vehicles.
- Air pollution/ammonia levels/ methane levels/nitrate levels and vapours/ Hydrogen Sulphide levels.
- Visual impact upon rural landscape/impact upon natural vistas.
- Concerns relating to environmental issues/climate change/ Doncaster Climate Emergency agenda.
- Diseases relating to animals such as swine flu. Increased risk of disease and viruses transmission from animals to humans; and impact upon human health.
- Increase bacterial infections/ resistance to antibiotics.

- Development will result in an increase in the demand for water.
- Archaeological concerns and impact upon protected monuments/ Burial Mound.
- Concerns regarding overall size and scale of the development and building.
- Increased flood risk caused by surface water/water run off the proposed building.
- Lack of employment opportunities/ development will only create 1 job which is more the farmer's son. No economic benefit to the wider village or community.
- Proposal is not in accordance with the Sprotbrough Neighbourhood Plan.
- Concerns regarding volume/amount of slurry to be produced; and if cannot be spread on the applicant's fields will create additional traffic movements.
- Lack of information in regards to where the pigs will be sourced/delivered to site. Lack of information in relation to the source pig feed/additional trips from vets etc.
- Contamination and Bi-products entering ground water/ local waterways/ River Don/ Don Gorge which will impact fish and wildlife.
- Negative impact local businesses and tourist attractions.
- Proximity of the development to local schools; children's parks and public outdoor spaces.
- Proximity to designated housing development sites.
- Development is out of character with the community.
- Impact upon the openness of the Green Belt and the character of the Area of Special Landscape Value.
- Ecological impacts upon the SSSI at Sprotbrough Gorge.
- Reports submitted do not consider walking routes through the village.
- Concerns regarding the modelling/findings of the reports being 'borderline'.
- Increased dirt and noise during the construction of the building.
- Building to be constructed from concrete which is not environmentally friendly.
- Residents unable to dry clothes outside/increased electricity costs.

## 6.20 Other Comments

6.21 Whilst non-material planning considerations are not considered in the determination of the planning applications, there were a number of re-occurring comments included in the representations received, which are summarised below:

- Animal welfare concerns; animal behaviour concerns; inadequate living conditions of pigs; animals will be distressed.
- The form of farming should not be supported.

- Lack of public consultation/ consultation carried out during COVID- 19 pandemic; not enough site notices; consultation period too short; Lack of transparency and failure to inform locals of the development.
- Overriding public fear in relation to the proposal.
- Impact on property prices/values and property sales may fall through.
- The development could expand in the future.
- The applicant already has other businesses thus does not need to diversify.
- Pigs breeding to produce circa 36,000 piglets per year;
- Condition should be added to allow no HGVs in the village;
- DMBC/LPA should fund own reports and surveys;
- UK left the EU due to animal welfare issues;
- Findings of reports submitted are incorrect and biased; covenants should be put in place to protect the community.
- Humans should become vegetarian/ meat farming is a dying industry;
- Reports/surveys submitted are too complex to understand or read.
- Access to development should be via the previously approved route.
- Applicant must be accountable for the impacts of the development.
- Global hunger issues;
- Weight restriction via Boat Lane is not enforced by DMBC;
- The development proposal is irresponsible, inconsiderate and inappropriate.
- Same agent is seeking permission for a proposal in Rugby area;
- Too many similar types of developments within East Yorkshire and North Lincolnshire.

## **7.0 Parish Council**

7.1 The site is in the Sprotbrough and Cusworth Parish Council area. The Parish Council objects to the proposal and the main areas of concern relate broadly to two material planning considerations;

1. Impact on local amenity in relation to noise, odour and waste.
2. Impact on the local highway network.

In addition to these concerns' comments have also been received relating to the farming practices this development will entail including the intensity of the farming and the impact on animal welfare. Whilst these are not material planning considerations, they are also significant concerns to local residents.

The proposal does not confirm with Core Strategy Policy CS1 as The development proposal does not meet the requirements of this policy due to the impact on the local amenity in relation to the levels of noise, odour and waste that will be created by this development which does not enhance resident's wellbeing or create a healthy place. The development would achieve the opposite being of detriment to residents' health and level of amenity both in their own property and wider surrounding village area.



Concern is raised with regard to the impact on the local road network particularly Folder Lane and its adjoining estate roads which serve the farm access road at Toecroft Lane;

- a) The roads are narrow and unsuitable for large numbers of heavy goods vehicles and are residential in nature.
- b) The junction between Folder Lane and Melton Road has been identified as a potential road safety issue given the nature of Melton Road being a main arterial road and being on the edge of the urban area where the speed limit reduces from 50mph to 30mph and its limited visibility.
- c) The applicant has failed to provide detailed information with regard to the road traffic impacts and we would ask that additional information is provided to enable highways officers to review the impact on the local highway network to ensure the application does not have a significant adverse effect on highway safety as required by paragraph B in the policy above.
- d) The applicant has failed to supply sufficient technical information to understand the effects on highway safety in accordance with Policy 26.

Given the nature of the access track and its junction with Melton Road, this is a serious omission and must be addressed prior to the determination of the application.

Significant concern is raised in relation to the impact of the development on neighbouring uses. The proposed location of the finishing unit is 360m north of houses on Melton Road and 390m to the west of properties on Folder Lane which forms the edge of the residential urban area of Sprotbrough. The close proximity to the residential area does not align with paragraph B in the policy above given the nature of the development and does have a significant adverse effect on the neighbouring residential uses.

There are several well used public footpaths within the proximity of the development and adjoining residential area. The impact of the development on the ability for residents to use these areas is a concern given the level of noise and odour generated which would contravene paragraph (a) and (b) of Policy 51 as this would reduce opportunity to access the surrounding countryside by walking and cycling and therefore not promoting healthy communities and lifestyles. Paragraph (f) of Policy 51 states that developments should be assessed against the Health Impact Assessment Tool and we would ask that this is undertaken as part of the consideration of this application and if required the development demonstrate they have undertaken and responses to the findings of a Health Impact Assessment.

Significant concern is raised in connection with the level of pollution the application will generate, in particular noise and odour and the impact this will have on public health and wellbeing. We note the applicant has submitted a noise assessment and odour assessments and we ask that the contents, assumptions and conclusions are independently scrutinised by officers to ensure they are robust and any mitigation measures incorporated into the

development to ensure compliance with Policy 55 and accompanying Appendix 11 in relation to noise to ensure it does not affect the amenity of surrounding uses.

The proposal fails to adhere to the aspirations of the Neighbourhood Plan. This development will not enable residents to enjoy a safe and healthy lifestyle as it will reduce not only the ability to enjoy individual outside space/ gardens but also the surrounding countryside within proximity to the local area. There are numerous public footpaths running throughout the village which connect to wider long-distance trails such as the Trans Pennine Trail and local beauty spots such as Sprotbrough Flash Nature Reserve/Don Gorge which is a SSSI and is located 1km to the south of the site. There are also several Local Wildlife sites within the area surrounding the village and also pockets of ancient woodland; the closest being Toecroft Little Spring located 350m to the north of the site and Scabba Wood located 530m to the south of the site.

Whilst it is recognised that the Parish Council is not against the principle of farm diversification, in these circumstances the location of the proposed development is wholly unsuitable being within close proximity to the urban edge of the village of Sprotbrough, the Conservation Area within the village, Heritage assets and local businesses and schools. It is therefore argued that the arguments to support paragraph 83 and farm diversification are outweighed by the policies set out in Chapter 9 of the NPPF (Promoting healthy and safe communities) which the development does not.

The proposed application will have a significant impact on the enjoyment of their home, the village of Sprotbrough and the surrounding area with persistent odour pollution from the development either by the effect of prevailing winds or the pooling of odour. The proposed development will also cause damage to the village economy, will adversely affect the Conservation Area whilst having a dramatic long-term effect on listed properties within the Conservation Area including the Gra Church. Persistent odour brought on prevailing winds or pooling effects will significantly affect the residents of the village and their enjoyment of the amenities within the village and surrounding countryside.

Those properties immediately adjacent to the site and its access road on Melton Road and Folder Lane will also suffer substantial noise pollution from fans, traffic and animal noise as well as being substantially affected by pooling odours.

The Parish Council believe they have considered and offered overwhelming evidence to support the Objection to the development and the claim that the application site is wholly inappropriate in the proposed location, being located too close to residential property.

The Parish Council therefore wish to record its objections to the development proposing a pig rearing unit on the fringe of a residential area would affect resident's enjoyment of their homes, the character of the landscape and local

businesses, is fundamentally flawed. The level of harm would be unacceptable. These are material planning considerations which have been set out above both in relation to local and national planning policy.

## **8.0 Relevant Consultations**

8.1 **Footpaths** – No response

8.2 **Ramblers Association** – No response

8.3 **Tree Officer** – No objection, refers to ecology comments instead, no conditions proposed.

8.4 **National Grid** – No response.

8.5 **Internal Drainage**- No objection, conditions and informatives proposed.

8.6 **Yorkshire Water**- no response.

8.7 **Traffic Safety/Safer Roads Team** – Applicant has suggested fewer traffic movements overall, no further comments, refer to Highways DC and Transportation comments.

8.8 **Pollution Control** – No comments to make.

8.9 **Air Quality** – Case Officer requested further comments from the Air Quality consultee in relation to Ammonia/Air Quality. Consultee confirmed that ammonia is not one of the criteria gases under the Air Quality (England) Regulations 2000 and 2002 and is not listed as one of the pollutants with an ambient air quality standard in the UK (Air Quality Strategy, 2019) and that it would be the role of the EA to regulate. In terms of the impact on designated sites this is referred to the Ecologists and Natural England's professional opinion. No further comments or suggested conditions.

8.10 **Yorkshire Wildlife Trust** – Concerns regarding air quality and the impact upon the Sprotbrough Gorge SSSI. Requests further consideration for how this will be mitigated. Suggest considering the use of tree shelters belts to reduce impact of air quality on nearby designated sites. Addressed in further detail in the ecology response.

8.11 **Public Health** – Public Health requested that a full Health Impact Assessment be carried out. However, given the scale of the development, this does not meet the threshold. A Rapid HIA has instead been provided. No objection on this basis.

- 8.12 **The Woodland Trust** – Concerns raised in regards to ammonia air pollution and/or nitrogen deposition impacts on areas of ancient woodland located close to the site but not designated as SSSI. However, the modelling provided states that the process contributes to ammonia concentration and nitrogen deposition is around 1%, thus below the 4% as addressed below, therefore no further information required.
- 8.13 **Environmental Health** – No objection raised. Practitioner agrees with the findings of the submitted odour and initial noise report, in that little impact will be caused upon surrounding residents given the distance between the farm and the nearest receptors. A second noise survey was requested as the initial noise survey related to sound of the extraction system only and not the noise created by the pigs themselves (as picked up in many of the public representations). The amended noise report showed little or no noise expected at the nearest noise sensitive premises. No conditions required to prevent noise from the building.
- 8.14 Further information was requested in relation to the slurry storage/frequency of the clearance of slurry. The EA responded in regards to this query and confirmed that additional slurry abatement is only required for sites with 2000+ pigs (see response below) thus no further information required.
- 8.15 The EHP raised a query in regards to the number of vehicles/transported required per annum to transport the livestock. The agent has responded to this query, and is addressed in the highways section.
- 8.16 Environmental Health requested that a condition be attached in relation to the occupation of the dwellings at Toecroft Farm/Toecroft Cottages to ensure that these remain occupied by agricultural workers, as the submitted reports demonstrate that the occupiers of these properties will be most impacted by the development. The proposed condition does not meet the relevant planning tests as there is nothing to suggest that the occupiers of these properties are to become independent of the farming enterprise. The condition has therefore not been proposed.
- 8.17 **Environment Agency** – No objection. Initial comments were acceptable though the letter made reference to another site. An amended response was received.
- 8.18 Following further discussion with the agent, a 3<sup>rd</sup> response was received. This confirmed that compliance with Best Available Techniques (BAT) standards (such as air cleaning, slurry cooling and/or pH reduction of slurry ammonia abatement techniques) are only be required at farms which either already require an Environmental Permit or are expanding above the threshold for such a permit. For finishing pigs, the threshold is >2000 places for pigs >30kgs. Thus not required at this proposal. Informatives proposed.

- 8.19 **Transportation** – No objection. Further information regarding sizes of existing and proposed vehicular movements and the timings of movements was requested and provided by the agent. Condition proposed in regards to a timetable of delivery timings/traffic movements to and from the site to ensure this does not coincide with school drop off and pick up times.
- 8.20 **Highways Development Control** – No objection. The development will result in a reduction in the overall movements to and from the site. The existing access to the farm has been used for the lifetime of the existing farm thus outside of the local planning authority's control. Condition proposed to ensure only one vehicle movement on the surrounding residential streets at any one time.
- 8.21 **Ecology** – No objection. Further information provided to address concerns in regards to ammonia air pollution levels and further consultation with Natural England. Discussions took place with the agent in regards to the implementation of a tree belt. In conclusion, it was considered to be unlikely that the proposal will cause significant impact through ammonia pollution (addressed further below). Ecologist satisfied with the preliminary ecological appraisal in that no habitats of protected species have been identified. The biodiversity net gain assessment requires minor amendments but is satisfactory. The net gain delivery can be provided outside the red line boundary but on land within the applicant's ownership. Conditions proposed in relation to biodiversity net gain management and monitoring; ecological enhancement plan; lighting design strategy and updated surveys.
- 8.22 **Natural England**- No objection. Further detail in regards to ammonia air pollution threshold requested by the case officer. In this instance it was recommended to use the 4% significance threshold rather than the 1% threshold which is now only used for cases as a precautionary measure. Given that the ammonia critical load is below 4% (worst case being 2.2%) means that no further mitigation in regards to ammonia is required.

## **9.0 Assessment**

- 9.1 The principal issues for consideration under this application are as follows:
- Principle of Development
  - Sustainability
  - Impact upon Residential Amenity
  - Public Health
  - Impact Upon Openness of Green Belt & Character of Area
  - Design & Appearance
  - Noise
  - Smells/Odours
  - Ammonia/ Ecology

- Highways
- Archaeology & Conservation
- Trees
- Climate Change
- Drainage/Flood Risk
- Economic Impact

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 Green Belt as defined in the adopted Unitary Development Plan 1998. The application site situates within an existing farm development, which consists of a number of typical style farm buildings centred around an area of hardstanding. The newest farm building at the site was approved in April 2017 under ref: 17/00414/FUL which is used for housing beef livestock.

9.4 Farm dwellings/cottages situate towards the southern part of the built form, which the agent has confirmed are occupied by farm workers. This is consistent with the information provided with the previous application at the site.

9.5 The proposal looks to develop a new building to be situated to the north west of the existing buildings/structures, which is to be used to house livestock. The proposed use falls within an agricultural use.

9.6 Policy ENV3 states that development within the Green Belt will only be permitted in very special circumstances for purposes including agriculture, forestry, outdoor sport and outdoor recreation.

9.7 Policy CS3 refers to the national policy when considering development within the Green Belt, again stating that the presumption will be against development other than in very circumstances. Paragraph 145 of the NPPF 2019 states that Local Planning Authorities should regard the construction of new buildings as inappropriate, although exceptions include:

- a) buildings for agriculture;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) as long as the facilities preserve the

openness of the Green Belt and do not conflict with the purposes of including land within it.

- 9.8 The proposed development is in connection with the existing farm use, in which livestock farming enterprises already occur. The proposed development will not introduce a new use at the site. Therefore the principle of the proposal meets both exceptions (a) and (b) and is considered to be appropriate development for the Green Belt.
- 9.9 It is important to note that if the proposed building was sited approximately 30-40m further north, so that the building was at least 400m away from a independent dwelling/protected building, the proposal would be eligible for being submitted as an agricultural Prior Approval application under Part 6, Class A of The Town and Country Planning (General Permitted Development England) Order 2015 (as amended). However, in positioning the building further north this would have a harmful impact upon the openness of the Green Belt and the character of the area. Thereby positioning the building within the existing built form of the farm, the impact upon the Green Belt is minimised.
- 9.10 Taking the above considerations into account; on balance it is considered that the site is capable of forming a sustainable proposal when assessed against UDP and Local Plan policies. The proposal meets the exceptions as set out in the NPPF and is therefore acceptable in principle, subject to other policy 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 Impact Upon Residential Amenity
- 9.15 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.

- 9.16 The proposed development is within an existing farming enterprise. The access to the farm is via an existing residential area, situated to the north of Melton Road. The closest privately owned dwellings are those on Melton Road which are approx. 360m away from the farm. The dwellings on the northern section of Cambrian Close; Chiltern Crescent and Folder Lane are approximately 370m+ from the site.
- 9.17 There are dwellings situated within the farm built form- Toecroft Cottages. However the agent has confirmed that the occupiers of these properties are associated with the agriculture enterprise and it has not been suggested that this is to change in the foreseeable future. Therefore the impact upon the amenity of those occupiers has been disregarded from the findings of the reports.
- 9.18 Impact upon residential amenity has been raised as a major concern in many of the public representations. The issues considered to most harmful upon residential consist of the noise; smells and traffic movements associated with the proposed use. Further surveys and information has been provided in relation to these factors, which are addressed in turn in detail below.
- 9.19 The position of the proposed livestock building has been repositioned following the pre-application discussions, to the north- westerly part of the site and further away from residential dwellings thus less impact upon residential amenity.
- 9.20 The distance between the proposed building and the existing residential estate means no independent occupiers will be impacted by overlooking or overshadowing caused by the development.
- 9.21 The proposed building itself is not considered to harm residential amenity as it is at an appropriate distance from dwellings and is in keeping with the existing agricultural use at the site.
- 9.22 The development of the proposed building is in accordance with Policy CS1 and CS14 and therefore carries significant weight.
- 9.23 Public Health
- 9.24 Public Health have reviewed the application proposal. Upon initial review it was requested that the agent provided a comprehensive Health Impact Assessment (HIA). The threshold for requiring this would be a development of at least 2000+ pigs.
- 9.25 The proposed development is significantly under this threshold. It was instead agreed that the agent would provide a Rapid HIA. Public Health have reviewed this and no objection or conditions have been raised.



## **9.26 Conclusion on Social Impacts.**

- 9.27 Paragraph 8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 9.28 The building is a suitable distance from the closest independent dwellings, and thus does not adversely affect residential amenity through excessive overlooking or loss of privacy. Although the application has received a high volume of neighbour representations, the issues raised are considered to be satisfied and addressed by the proposal, as detailed below, and therefore the amenity of neighbouring land uses is to be protected.
- 9.29 The proposed development will not have any impact upon public health and will protect the existing agricultural use at the site. Thus the proposal weighs positively in terms of the social impact and carries significant weight.

## **9.30 ENVIRONMENTAL SUSTAINABILITY**

### **9.31 Impact Upon Openness of Green Belt & Character of Area**

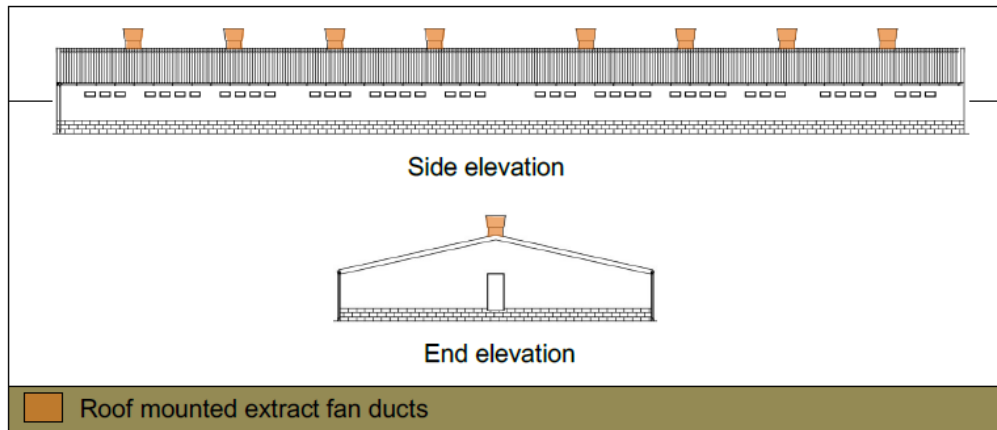
- 9.32 The application site is washed over by Green Belt, as defined in the adopted UDP 1998.
- 9.33 The position of the proposed building has been re-sited since the pre-application submission to ensure that the openness of the Green Belt and the character of the area is not harmfully impacted by the development. The proposed building is to be positioned towards the rear of the site, in the north-western corner and primarily out of view.
- 9.34 The proposed building is to be screened by the existing built form, and positioned adjacent to existing barns. The development will not encroach into the open fields and will ensure that there is no visual impact upon the openness of the Green Belt or the character of the area. The position of the building is considered to be suitable.

### **9.35 Design & Appearance**

- 9.36 The proposed development consists of a livestock building, with feed silos, water tanks and plant room positioned on the front elevation. Hardstanding will follow the western boundary of the building to provide an access apron to the rear of the unit. An outdoor loading area is to be positioned to the front.
- 9.37 The building itself will be constructed from materials typical for agricultural buildings, thus appearing in-keeping with the character of the site. The livestock building will be built using a timber frame, with external blockwork and cladding, in a juniper green colour. The pitched roof is to be a fibre cement covering in natural grey. The building will have a gable end on the

north and south elevation. The plant room will have a slightly different finish, with the only external materials being the profile sheeting, also in a juniper green colour.

- 9.38 The slurry storage tank will be positioned underground with a depth of 1.6m and will not be visible from the exterior of the building. The size of the building is in-keeping with the scale of the existing buildings at the site, with the footprint being smaller than that of the barn on the eastern part of the site. Although many of the public representations state that the building is too small for the number of pigs, animal welfare concerns are not considered as material planning considerations as they are covered by separate legislation.
- 9.39 If the size of the building was to be increased, this could result in the structure appearing overbearing and have a harmful impact upon the openness of the Green Belt. Therefore the design and appearance of the proposed building is considered to be in-keeping with the existing built form and the existing use at the site. The proposed building is of an appropriate scale which protects the openness of the Green Belt and would be seen in context with the existing farm buildings.
- 9.40 Based on the considerations as set out above, it is not considered that the proposed development will detrimentally harm the character or appearance of the area, and is therefore acceptable in terms of design.
- 9.41 Noise
- 9.42 The application submission included two noise assessments. One assessed the noise from the proposed extraction fan system (received 19/10/2020) and the other assessed both the fan system and the noise from the pigs themselves together (received 11/12/2020). The second assessment was received following comments made by the Environmental Health Officer and comments from the public. This explains why many of the public representations state that the noise survey did not consider the noise from the pigs and has since been provided.
- 9.43 Both assessments observed that the dominant underlying noise source was the road traffic on Melton Road.
- 9.44 Extraction Fan System Assessment – the proposed extraction system is to consist of 8 roof mounted extraction fan ducts positioned along the ridge of the building. The report states that the duct terminations will be 5.6m above ground level as shown on the plan below. These fans will be thermostatically controlled, with the total number of fans operating at any one time dependent on the livestock's ventilation requirements. This is strongly influenced by the external temperature.



- 9.45 100% operation of all the fans will only be required during day-time periods of warm weather. During the night, when temperatures are lower, it is expected that only 50% of the fans will be required at most. The assessment considered the noise generated from both scenarios: day/evening- all fan operation; and night- 50% of fans operating.
- 9.46 The nearest two dwellings which are not in the applicant's ownership were assessed: No. 19 Cambrian Close and Wood View House Melton Road. The report recognised that Wood View House would have an unobstructed noise path, whereas the existing barns and buildings would obstruct the noise travelling towards the Cambrian Close/ Folder Lane estate.
- 9.47 The assessment concludes that the aggregate extraction fan rating level at both dwellings will in all cases not exceed the surveyed background noise levels. The noise caused by the fans will not exceed that of the background road noise and indicates low noise impact.
- 9.48 Livestock Noise Assessment- all sides of the proposed building are fully enclosed and the pigs will be kept within the building at all times, meaning the fabric of the building provides a form of sound insulation. An automated feeding system will be used to mitigate against the noise of pigs squealing. Similar to the above, the existing barns will also provide acoustic shielding. This assessment included the findings of the above survey and the noise from the pigs together.
- 9.49 An open sided pig unit at Worcester (similar capacity to the proposal but has open sides whereas the proposed building is fully enclosed) was surveyed to record noise levels. Significantly lower noise emissions were recorded during the evening and night due to gale breakers being closed over the side openings and pigs natural sleeping pattern. The proposed building will be enclosed at all times thus similar to the gale breaker style.
- 9.50 The survey states that pig noise will not be tonal, impulsive or intermittent. However to account for any potential occasional pig squeals a buffer has been applied to the noise level in the assessment.

- 9.51 The assessment concluded that during the night, typical livestock generated maximum noise events will result in noise ingress levels via an open window significantly below the existing underlying noise environment of the area (road noise). The livestock generated noise will result in a negligible noise impact.
- 9.52 On the basis of the extraction fans and livestock noise emissions together, this would not result in an adverse noise impact on the nearest dwellings.
- 9.53 The Environmental Health Practitioner agrees with the findings of the report, thus no objection in terms of noise impacts upon either the environment or residential amenity.
- 9.54 Smells/Odours
- 9.55 An odour assessment has been submitted with the application which has been reviewed by the Environmental Health Practitioner. The report sets out that odour concentration is expressed in terms of European Odour Units per metre of cubed air. Intensive livestock rearing is categorised as being '*moderately offensive*'.
- 9.56 The study showed that only the existing development at Toecroft Farm and Toecroft Cottages would experience an odour exposure which exceeds the EA benchmark. Given that these are occupied by individuals associated with the farming enterprise this was disregarded.
- 9.57 Properties along Melton Road; Chiltern Crescent; Folder Lane and the wider Sprotbrough area would experience levels significantly below the EA threshold.
- 9.58 The report summarises that the modelling predicts that the exposure at all residential receptors, which are not associated with Toecroft Farm, would be 'well below the Environment Agency's benchmark'.
- 9.59 The Environmental Health Practitioner has reviewed the report and agrees with the findings.
- 9.60 Ammonia/ Ecology
- 9.61 Upon initial review of the application, concerns were raised in regards to ammonia levels and its impact upon the air quality and local environment. The agent provided a detailed ammonia modelling reports and an ammonia combination assessment.
- 9.62 The report explains that 'critical levels' and 'critical loads' are a benchmark for assessing the risk of air pollution to eco-systems. The critical level is the gas concentration of a pollutant in the air, whereas the critical load relates to the quantity of pollutant from the air to the ground.

- 9.63 The ammonia modelling highlighted that both critical level and critical loads would be well- below the EA lower threshold percentage at all the nearest protected wildlife sites. However, the critical level and critical loads would exceed the 1% threshold at closer parts of Sprotbrough Gorge SSSI which is approximately 1.1km from the application site. The submitted report states that this SSSI provides '*important mosaic for invertebrate species and birds.*'
- 9.64 Upon liaising with Natural England, it was confirmed that the 1% threshold is now only used in particular cases as a precautionary measure, and that a threshold of 4% is now more widely used on agricultural air quality cases.
- 9.65 It was therefore advised that in this case the 4% threshold would be more suitable, thus the impact upon the Sprotbrough Gorge SSSI was considered to be acceptable.
- 9.66 The LPA Ecologist has provided detailed amended comments in line with the updated advice and in relation to the biodiversity net gain report and the preliminary ecological appraisal, which concludes that there are no objections subject to the proposed conditions.
- 9.67 The ecologist is satisfied with the findings of the report and proposes conditions relating to biodiversity net gain management and monitoring; ecological enhancement plan and a light design strategy. It should also be noted that should the development commence more than one year after the date of the original protected species surveys then these will need to be updated.
- 9.68 Highways
- 9.69 Highways issues/road safety has been raised as a concern in the majority of neighbour representations. The farm access will utilise the existing access via Folder Lane.
- 9.70 It is recognised that the junction at Folder Lane/ Melton Road has poor visibility and no pedestrian footpath. However, this is an existing access which has served the farm traffic for lifetime of the farm. The highways safety team, transport planner and the Highways Development Control (DC) Officers have reviewed the proposal.
- 9.71 In the submitted Design and Access Statement (DAS) the agent explains that the farm is already served by articulated lorries/HGVs relating to agricultural activities. The report states that the proposed development will utilise the crops grown at the existing farm to provide feed for the livestock. This would result in a small reduction in farm traffic as there would be less arable produce being exported.
- 9.72 The proposal would also result in significantly less fertiliser needing to be imported as the pig slurry produced as a bi-product of the development would be used as a replacement fertiliser for the arable enterprise. Thus less deliveries of fertiliser would be required.

- 9.73 It is recognised that the proposed livestock use would create traffic movements relating to the delivery and exporting of the pigs. The agent has confirmed that this would be in the form of 2 vehicles per batch to deliver the piglets, creating 6 movements per year (2x 3.3 batches) and 4 vehicles per batch to export the finished pigs, creating 13 movements per year (4x 3.3 batches). For each batch of 996 pigs there would be 2 lorries delivering and 4 lorries exporting. The site is already served by artic lorries so no new vehicle types would be introduced along Folder Lane. The information provided states the development would result in an overall reduction in traffic of 20 vehicles per annum. The plans provided show adequate vehicle tracking which demonstrates that the vehicles of this size can manoeuvre within the farm built form. This is therefore supported from a Highways perspective.
- 9.74 Many of the public representations have highlighted that Folder Lane is a common school commute route which used by many children and parents walking to a from the local primary school. Therefore a condition is proposed to restrict the use of the surrounding residential streets and Melton Road junction around school drop off and pick up times, which will provide an improvement to the current situation and improve the existing road safety concerns.
- 9.75 The proposed condition also ensures that outside of these times, only one vehicle will be able to access the farm via the residential streets at any one time, thus reducing the risk of large vehicles becoming stuck or causing traffic safety issues on the nearby streets.
- 9.76 It is recognised that many of the residents have requested that farm traffic should not use the surrounding residential streets at all. However, given that the proposal will utilise an existing access which has served the farm for many years, this is challenging to enforce. Highways DC Officer has highlighted that the re-routing vehicles away from Folder Lane and via Westmoreland Way and Melton Wood Grove instead would be unfeasible as this would impact residents further. However, these routes do have pedestrian footpaths and are considered to be more suitable for pedestrians on the route to school. Thus the proposed access route is considered acceptable subject to the proposed conditions.
- 9.77 The agent has provided further detail in regards to the proposed vehicle movements and the size of vehicles to the Transport Planner. Based on the information provided, the proposal will generate '*at its absolute worst, 2 vehicles per week*'. The proposal does not generate a significant amount of trips to warrant an objection on the grounds of '*the residential cumulative impacts on the road network would be severe*' in accordance with NPPF Paragraph 109.
- 9.78 The Transport Planner has also recognised the highways safety concerns along Folder Lane thus proposes a condition to control vehicle movements associated with the farm to be carried out outside of the busiest pedestrian

footfall times, as well as a condition limiting the number of large vehicles so that that there is no risk of 2 vehicles having to pass on the lane.

9.79 Based on the above, the Safer Roads team have also confirmed no objection.

9.80 Archaeology & Conservation

9.81 The application site is outside of the Sprotbrough Conservation Area, thus no impact upon the Conservation Area.

9.82 The planning statement/objection provided by Peacock and Smith (on behalf of the local residents) raised Archaeology as a potential constraint, particularly the impact upon the Scheduled Monument (King Hengist Rein Long Cairn) located approximately 330m from the proposed siting of the livestock building.

9.83 The Conservation Officer reviewed this information but confirmed that given the distance between the proposed building and the scheduled monument, as well as the fact that the proposal is screened by existing farm buildings, the proposal will not impact the setting upon the monument.

9.84 The Conservation Officer highlighted that the fields to the south of the farm (between Toecroft Lane and Melton Road) were screened for archaeological potential as part of the Local Plan Heritage Impact Assessment, in which historic crop markings were discovered.

9.85 Upon discussions with South Yorkshire Archaeology Service, it was confirmed that the siting of the proposed livestock building would not impact the archaeological interest/crop markings given that the building is located to the north of the existing farm. Thus no archaeological / conservation objection or conditions proposed.

9.86 Trees

9.87 The Tree Officer has reviewed the proposal and confirmed that the proposal will not impact any existing trees or hedgerows, and that any mitigation or enhancement is to be covered by the biodiversity net gain condition, as referred to in the ecology comments.

9.88 Neighbour representations have raised the impact upon trees along Folder Lane being harmed/damaged by vehicle traffic as a concern. This is considered to be addressed by the proposed highways conditions in regards to the restricted number of vehicle movements to use these street thus reducing the likelihood of damage.

9.89 Overall there is no objection from a trees perspective.

9.90 Climate Change

9.91 Many of the local representations have made reference to climate change issues and the impact the method of farming may have on greenhouse gas emissions. It is noted that Doncaster Council has declared a Climate Change Emergency.

9.92 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate. It also states that the planning system should shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.

9.93 In regards to the issues of farming (meat production) the impact of this upon climate change is still being established. The LPA does not have clear evidence to justify whether the proposed livestock enterprise would have a significant impact or not in terms of greenhouse gas emissions.

9.94 It is recognised that there are arguments both for and against the principle of livestock farming. The proposal could increase yields and efficiency for the existing farm, as well as reducing emissions from transport by providing a local supply of pork for the community, whilst poor management could cause environmental harm along with the gases released by animals.

9.95 As no empirical evidence has been submitted with the application to suggest that the proposal would lead to issues of climate change, limited weight can be afforded to this issue.

9.96 It is important to note that the development is well below the threshold for requiring an EA permit, again emphasising that any impact caused by the development is not significant.

9.97 Drainage/ Flood Risk

9.98 The local representations have identified issues which the development may cause upon water supplies, surface water runoff and flood risk.

9.99 The application site is in Flood Zone 1, thus of low risk of flooding. The building itself is situated within the existing built form and is not considered to impact the flood zone category or increase flood risk upon the nearby residents.

9.100 It is recognised that the development will increase the demand for water usage at the farm. Yorkshire Water were consulted and did not respond, suggesting that they raise no concern.

9.101 The internal drainage team have also reviewed the proposal and proposed conditions and informatives. On this basis there is not considered to be any harm from a drainage or flood risk perspective.



## 9.102 **Conclusion on Environmental Issues**

9.103 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.

9.104 The application proposal is not considered to harmfully impact the environment or the surrounding uses. As addressed above, both the odour and noise reports demonstrate that the closest dwellings which are not associated with the farm use, will not be harmfully impacted, with expected exposure levels below the Environment Agency's threshold. Natural England has also confirmed that the ammonia levels produced by the development would not harmfully impact ecological habitats, SSSIs or local ecosystems.

9.105 Subject to the proposed conditions, the highways impact will be limited and will instead provide an improvement to the current usage of Folder Lane, as traffic movements will become more restricted.

9.106 The application is not in a Conservation Area, and it has been confirmed that there would be no impact upon Heritage assets or assets of Archaeological interest. There is not considered to be any harm upon climate change or increase in flood risk. The proposal does not detrimentally affect the surrounding environment. This weights moderately in favour of the application.

## 9.107 **ECONOMIC SUSTAINABILITY**

9.108 The development looks to diversify the existing farming enterprise at Toecroft Farm. The farm already provides livestock farming currently in the form of beef cattle. However the pig finishing unit would be a new venture at the site.

9.109 The DAS states that 'given the uncertainty surrounding the future of the single farm payment and all subsidised farming activities, the applicants have an essential need to diversify to a more sustainable and self-sufficient operation.'

9.110 The economic impact of the development would be limited to the applicant's own business, with the creation of jobs primarily being for the farming family. The information provided states that the applicant's son will manage the proposed pig unit, and that there would be no requirement for an additional full-time employee outside of the family.

9.111 The lack of job creation for the wider community has been raised as a concern by local residents. However, this is not unusual for farming enterprise developments. Typically the employment opportunities are kept within the own family.

## **9.112 Conclusion on Economy Issues**

9.113 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.

9.114 The economic benefit of the proposal is of limited benefit, with no jobs being created for the wider community and all the economic impact being restricted to the applicant's own farming enterprise.

## **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 that 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 must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Location Plan, Dwg No: IP/RL/01, Received 19<sup>th</sup> October 2020

Site Plan, Dwg No: IP/RL/02, Received 19<sup>th</sup> October 2020

Proposed Elevations- Proposed Livestock Unit, Dwg No: IP/RL/03, Received 19<sup>th</sup> October 2020

Proposed Elevations- Ancillary Buildings, Dwg No: IP/RL/04, Received 19<sup>th</sup> October 2020

#### **REASON**

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

3. 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 approved 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.

4. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be designed, managed and maintained in accordance with the Non-statutory technical standards and local standards

REASON

To comply with current planning legislation - National Planning Policy Framework.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

REASON

To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal.

6. Prior to the commencement of development a 30 year adaptive Management and Monitoring Plan for proposed onsite habitats shall be submitted to and subject to the approval in writing of the Local Planning Authority. The Management and Monitoring plan shall detail the following:

- An amended biodiversity net gain assessment using the DEFRA 2.0 metric
- A 30 year adaptive management plan for the site detailing the management measures to be carried out over the phased restoration of the site in order to achieve the target conditions proposed for each habitat parcel in the site.
- Objectives relating to the timescales in which it is expected to progress towards meeting target habitat conditions will be achieved.
- A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.
- That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 3, 5, 10, 15, 20, 25 and 30) immediately following habitat creation. GIS files showing the current habitat condition of each habitat parcel will accompany each monitoring report.
- The detailed scope of proposed monitoring reports including (but not exclusively), presence of any target species, date stamped photos

accompanied by detailed site notes on the extent of growth and condition of habitats, notes on factors that could be hindering the progress towards proposed target condition, detailed recommendations on changes to the management actions for parcels where progress is not as planned.

- Data will be provided in an agreed standard format to allow for collation into a district-wide biodiversity network database.

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

**REASON**

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

7. Within one month of the commencement of development, an ecological enhancement plan shall be submitted to the Local Planning Authority for approval in writing. This plan shall include details of the measures, as set out in the Emms and Barnett PEA (October 2020) in 'Recommendations' (pg.24 ) including wildlife protection measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the Local Planning Authority:

**REASON**

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

8. Within one month of commencement of development, a lighting design strategy for light-sensitive biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall show how, external lighting is applied to the new structure. It will also demonstrate through clear specifications that any luminaries used where bats or birds will be encountered should be of the LED type which provide a lower intensity of light. A warm white spectrum (preferably 2700Kelvin) should be adopted to reduce the blue light component with a wavelength exceeding 550nm. The approved scheme shall be installed and be operational prior to occupation of the development. The scheme shall be retained for the life of the development.

**REASON**

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

9. Where development commences more than one year from the date of the original protected species surveys, additional/updating surveys should be carried out to ensure that approved mitigation is appropriate for the current situation.

**REASON**

To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16 and that no offence is committed in respect of protected species legislation.

10. Prior to commencement of the development further information/timetable of deliveries is to be submitted and agreed in writing by the Local Planning Authority which demonstrates how the following highways requirements and the continual monitoring is to be implemented:

- No farm traffic/large vehicles associated with farm/HGVs can use the residential streets surrounding Toecroft Farm including Folder Lane, Westmorland Way or Melton Wood Grove for access to or from the farm between the following hours:  
Monday- Friday: 08:15 – 09:15 hours and 14:45- 15:45 hours
- Outside of the times referred to above only one vehicle associated with the farm can use the residential streets surrounding Toecroft Farm including Folder Lane, Westmorland Way or Melton Wood Grove for access to or from the farm at any one time. Vehicle movements must be staggered to ensure that only one vehicle is using these roads at any one time.

**REASON**

To address highway safety concerns.

## INFORMATIVES

1. **INFORMATIVE**

Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients and flow directions.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.

2. **INFORMATIVE**

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land. The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc to demonstrate how the 100 year + 30% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning

signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

3. INFORMATIVE

If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003
- Volume design calculations to 1 in 30 year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (Soakaways serving more than one property must be located in an accessible position for maintenance).  
Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

4. INFORMATIVE

Any SuDS/Drainage system installed must not be at the detriment to the receiving watercourse or ground (infiltration), so managing the quality of the run-off to must be incorporated into any design in accordance with CIRIA 753 The SuDS Manual.

5. INFORMATIVE

An environmental permit is required for the development of or expanding of, an existing facility with more than 750 sows or 2,000 production pigs over 30kg or 40,000 poultry.

All farms should be constructed and operated in accordance with the advice contained in DEFRA's 'Protecting our Water, Soil and Air - a code of good agricultural practice for farmers, growers and land managers'.

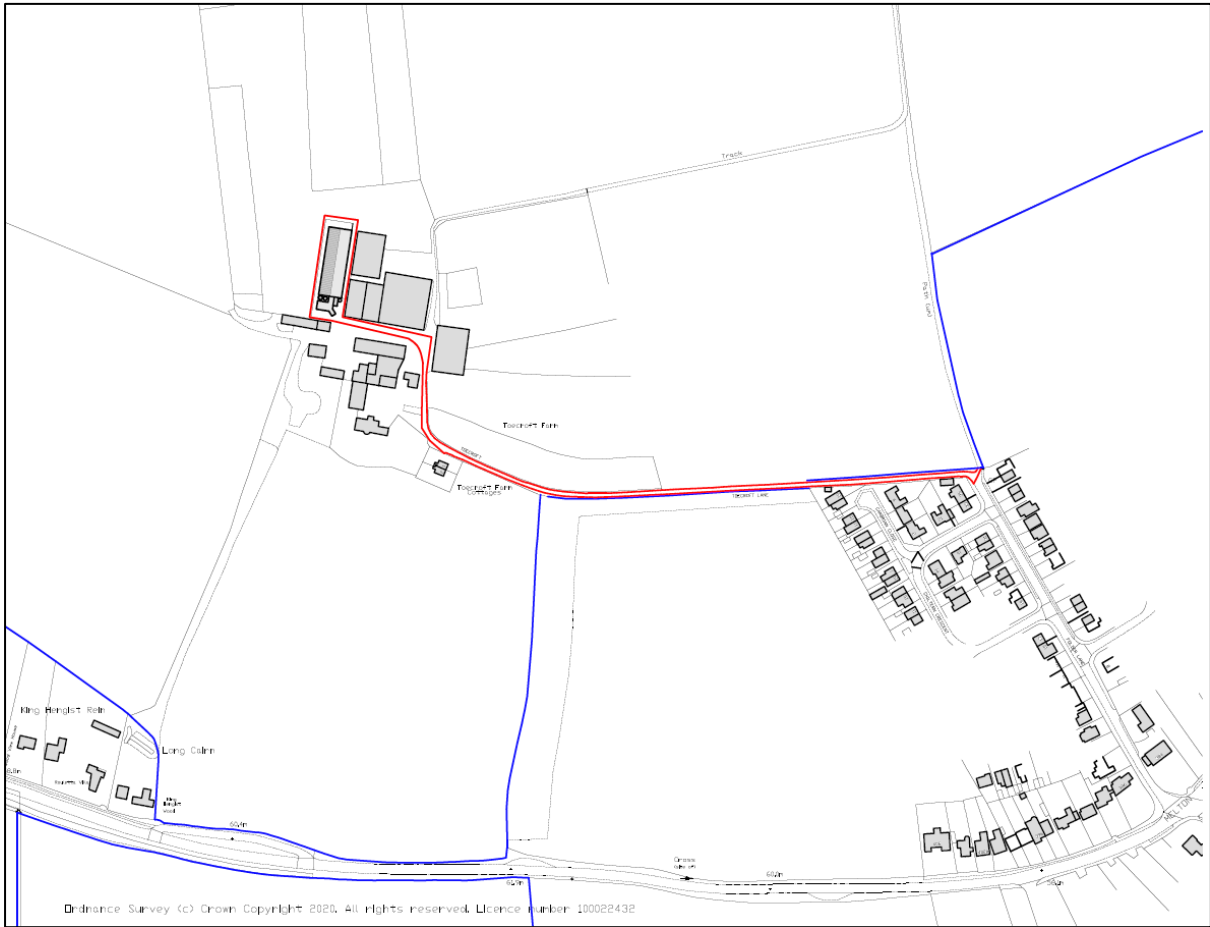
Specifically, flooring should be impermeable and any internal drainage should all be directed to a sealed drainage system. Adequate maintenance and emptying of this system will need to be undertaken to prevent polluting discharges off-site. The developer will need to ensure that there is no direct connection of surface water drainage from the pig housing area to any local watercourse.

Down pipes from the roof area should be sealed at the base to ensure there is no potential of infiltration from any contaminated water. Appropriate methods should be employed to ensure all clean water is kept separate to the contaminated drainage.

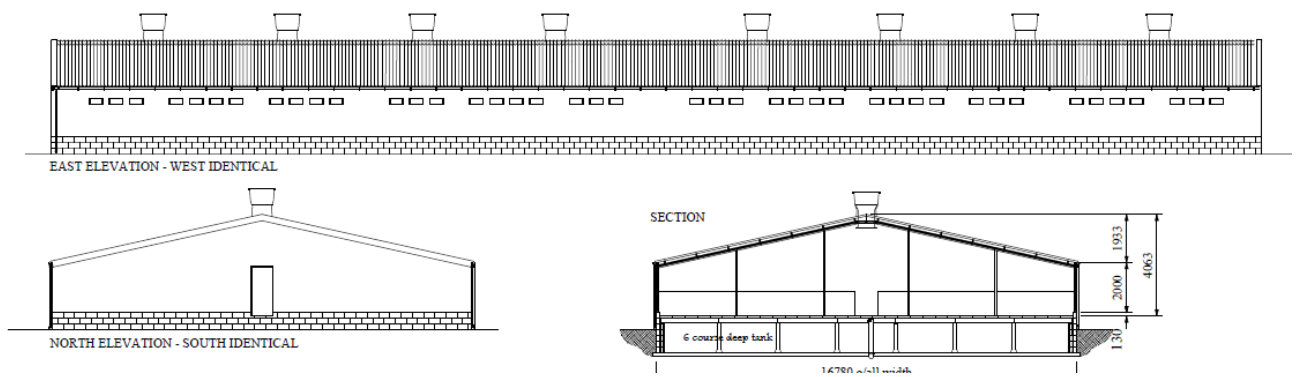
Movement of manure/slurry and subsequent storage should be undertaken in a manner to reduce the risk to the environment.

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

## APPENDIX 1- Location Plan



## APPENDIX 2- Proposed Elevations





<b>Application</b>	<b>2.</b>
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<b>Application Number:</b>	21/00016/FUL
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Erection of single storey side and rear extension
<b>At:</b>	1 Chestnut Drive, Bawtry, Doncaster, DN10 6LQ

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

<b>Author of Report:</b>	Rebecca Larder
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## SUMMARY

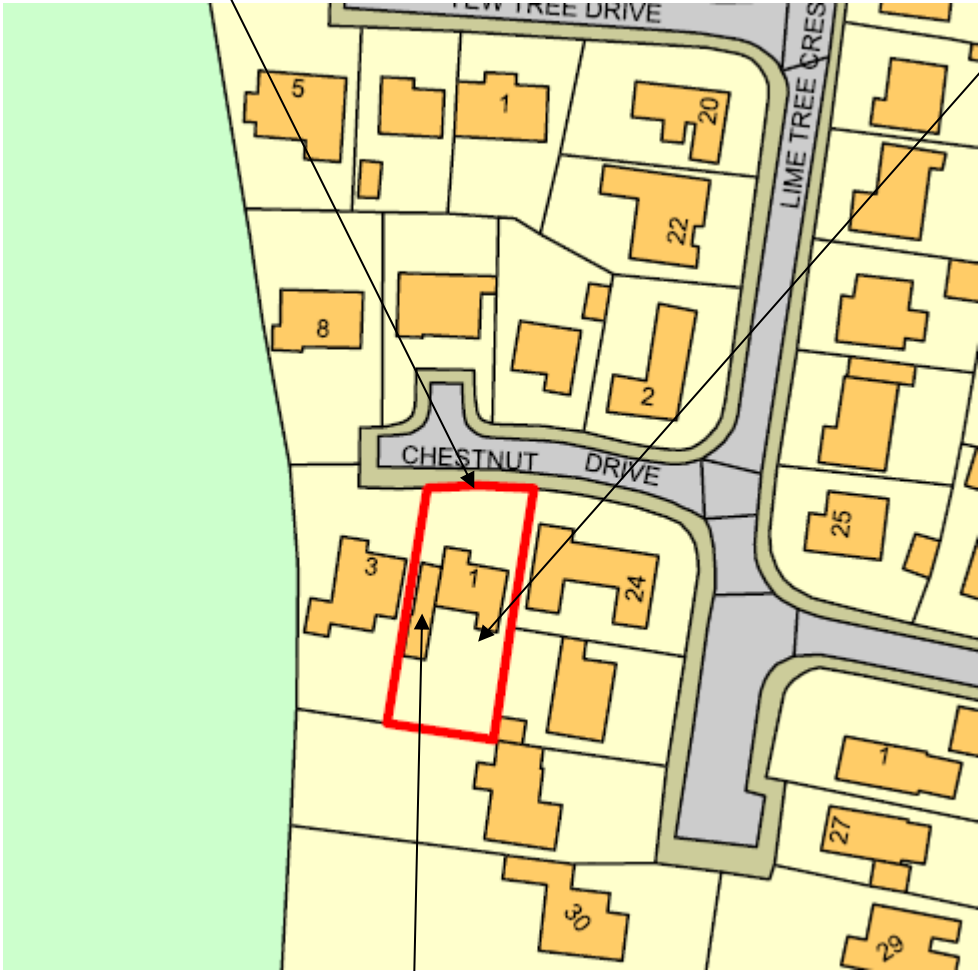
The application seeks permission to erect a single storey wraparound style extension to the side and rear of the property. The proposal does not harm the character of the area or neighbouring amenity and is considered to be an acceptable and sustainable form of development in like with paragraph 7 and 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 30<sup>th</sup> 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:

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- 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**

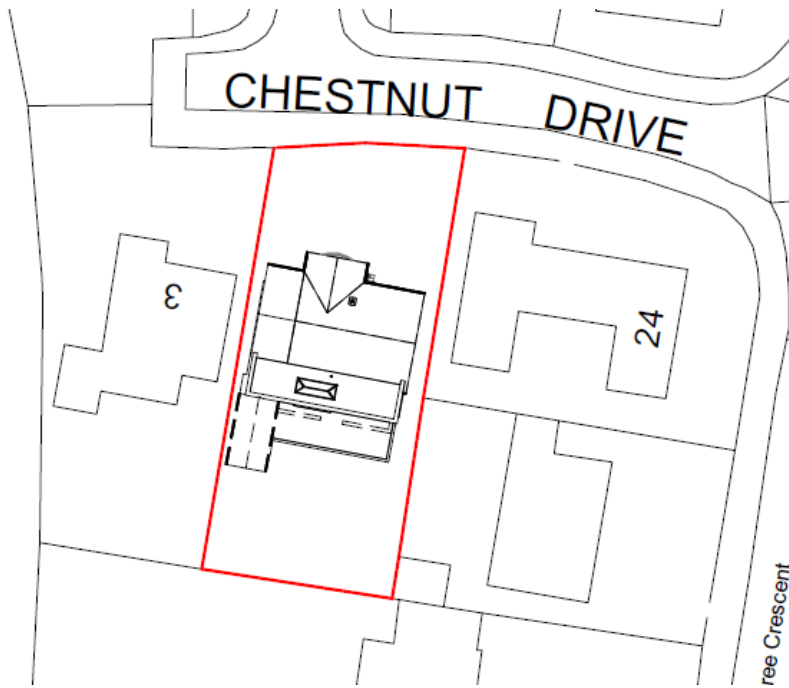
01. The proposed development is within 250 meters of an unknown hole about which insufficient information is known to permit an adequate response to be made on the extent to which landfill gas may be present on or off site.

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

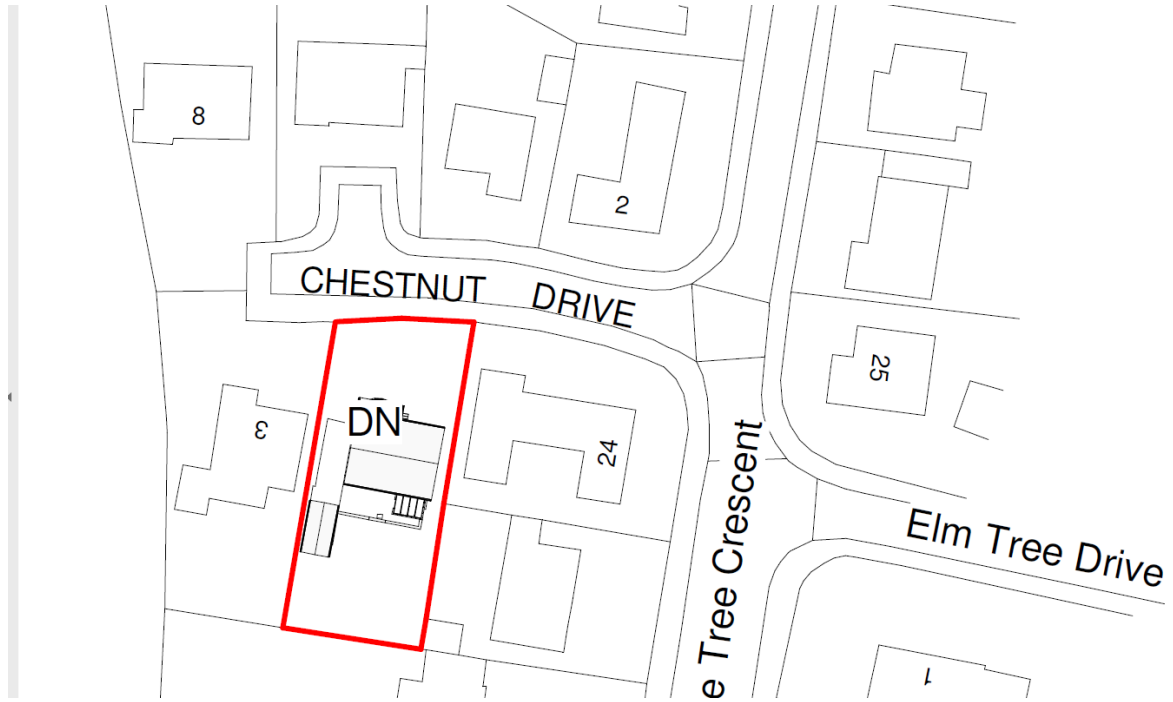
responsibility for safe development and secure occupancy of the site rests with the developer and accordingly is advised to consider the possibility of the presence or future presence of landfill gas and satisfy himself of any gas precaution which may be necessary.

**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

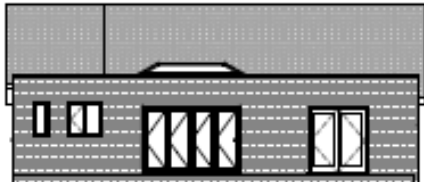


Appendix 4: Proposed Elevations

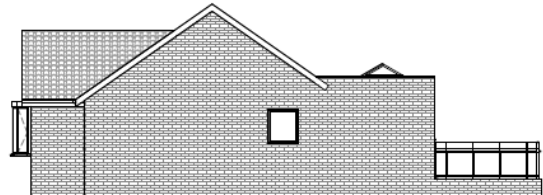
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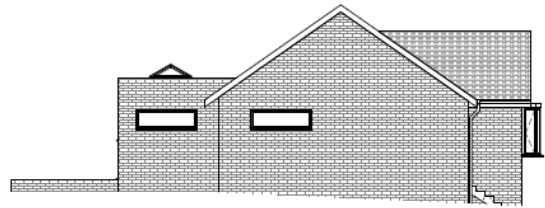
2 **Proposed Front Elevation**  
1:100



3 **Proposed Rear Elevation**  
1:100



4 **Proposed Side Elevation 1**  
1:100



5 **Proposed Side Elevation 2**  
1:100

<b>Application</b>	<b>3.</b>
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<b>Application Number:</b>	20/03120/FULM
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Application to remove condition 26 (Highway Tree) of planning application 19/01170/FULM (Erection of 143 residential dwellings (including 37 affordable units), new open space, access and landscaping. Granted Consent 13.01.2020).
<b>At:</b>	Former Wheatley School And Playing Field Leger Way Wheatley Hills Doncaster DN2 5RW

<b>For:</b>	Mr Ashley Newton - Avant Homes (Yorkshire)
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<b>Third Party Reps:</b>	None	<b>Parish:</b>	
		<b>Ward:</b>	Wheatley Hills And Intake

<b>Author of Report:</b>	Andrea Suddes
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## SUMMARY

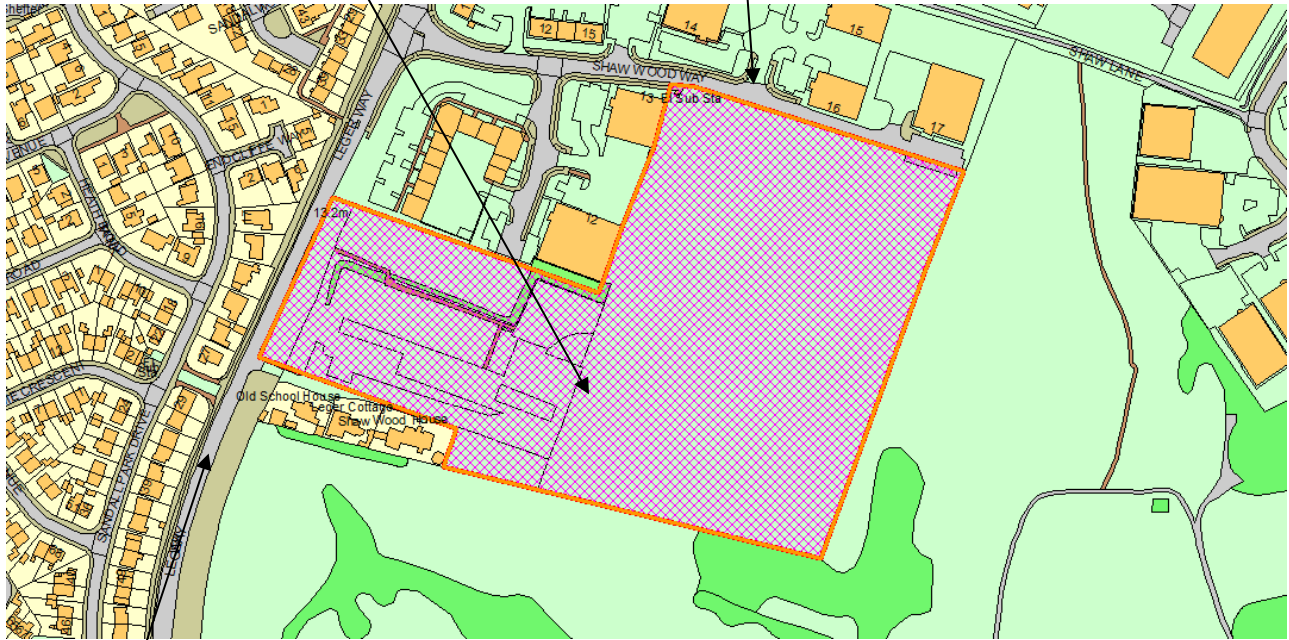
The proposal seeks permission for the removal of condition 26 (Highway tree) in relation to planning application 19/01170/FULM (Erection of 143 residential dwellings (including 37 affordable units), new open space, access and landscaping, that was granted consent 13.01.2020).

Members of the Planning Committee, in granting approval of the development were supportive of the monetary compensation for the loss of the tree. However it is considered that the condition previously imposed does not meet with the six tests as set out in the National Planning Policy Framework (NPPF). As such, the proposed removal of condition 26 is recommended for approval.

**RECOMMENDATION: GRANT planning permission subject to the existing Section 106 Agreement and conditions.**

Application Site

Shaw Wood Way



Leger Way



## 1.0 Reason for Report

- 1.1 Planning permission is sought for the removal of condition 26 (tree compensation) in relation to application for the erection of 143 residential dwellings (including 37 affordable units), new open space, access and landscaping (Granted on 13.01.2020). Condition 26 states;

*The highway tree (Sycamore T31) on Council owned highway land, should be treated as a separate entity and that compensation be sought in accordance with an amenity valuation method, and that the monies be utilised for tree planting elsewhere within the Borough.*

### REASON

*The highway tree (Sycamore T31) on Council owned highway land is a prominent public asset, the value of which can be expressed in monetary terms. The loss of this asset, therefore, should be compensated for by funding for highways tree planting elsewhere within the Borough in the interests of environmental quality and Core Strategy Policy CS16: Valuing our natural environment.*

- 1.2 This application is being presented to Planning Committee as the applicant is seeking permission to remove condition 26 of application ref 19/01170/FULM that was originally determined by Planning Committee. Condition 26 seeks monetary compensation for the loss of a Sycamore tree and was imposed at the specific request of Members of Planning Committee.

## 2.0 Proposal

- 2.1 Planning permission for the development has already been approved by Planning Committee on the 10th of December 2019 with a notice of decision being issued 13th of January 2020. Within that permission was the condition for the monetary compensation for the loss of a Sycamore tree in accordance with an amenity valuation method, for tree planting elsewhere in the borough. This condition was requested by Members of the Planning Committee during the Committee debate following the verbal presentation of the application, as it was considered that the tree was of value therefore compensation should be sought for its loss.

- 2.2 Following receipt of the Decision Notice the Applicant has submitted this application to remove the condition on the basis that the condition does not meet the six tests for the following reasons and should therefore be removed;

1. There is a lack of precision and clarity in the condition because there is no time trigger included for compliance within the condition;
2. There is no direct obligation or onus for the landowner / developer within the wording of the condition to provide the sought compensation which is considered to make the condition unclear and unenforceable;
3. Although the reason for the condition references policy CS16, the condition is not directly related to any planning policy requirement;
4. The condition references that the highway tree should be treated as a separate entity which causes confusion about how the condition relates to the planning permission;
5. The condition requires monies to be sought via a condition, which is not in accordance with the National Planning Practice Guidance; and

6. The condition requires for the compensation to be sought in accordance with an amenity valuation method. The application of this method falls outside of the planning regime and in accordance with the National Planning Practice Guidance, as set out above, planning conditions should not be used in relation to such matters.

### 3.0 Site Description

- 3.1 The application site comprises of land at the Former Wheatley Hills School, to the east of Leger Way, Doncaster. The site is presently in the ownership of Doncaster Borough Council, and the applicant is in the process of purchasing the site.
- 3.2 The site is 5.4ha in size and comprises of two areas of land; a brownfield portion of land and a greenfield element. The brownfield portion of land in the south western area of the site was formerly occupied by Wheatley Hills Middle School, which closed on 1st September 1997. The school buildings were demolished several years after the school's closure, and the land now comprises of hard standing and overgrown vegetation. The remainder of the site is greenfield and was formerly used as the school's playing fields. The former school playing fields are not currently accessible to the public.
- 3.3 The site is bound by Leger Way to the west, Wheatley Golf Course to the south and east, and business and industrial units surrounding Shaw Wood Way to the north / north-west of the site.
- 3.4 The site has an existing access point from Leger Way which currently serves three detached properties located adjacent to the south western boundary of the site.

### 4.0 Relevant Planning History

- 4.1 Application site;

Application Reference	Proposal	Decision
19/01170/FULM	Erection of 143 residential dwellings (including 37 affordable units), new open space, access and landscaping	Granted Subject to S106 Agreement 13.01.2020
21/00525/COND	Consent, agreement or approval required by condition 10 (CTMP), 19 (bat scheme) and 21 (Land contamination) of planning application 19/01170/FULM	Conditions 19 & 21 Discharged 16.04.2021
20/02213/COND	Consent, agreement or approval required by condition 18 (Golf ball strike mitigation) of planning application 19/01170/FULM.	Condition Discharged 28.10.2020
20/00684/COND	Consent, agreement or approval required by conditions 7 (External materials), 13 (Play equipment details), 15 (Tree Protection), 17 (hard and soft landscaping), 22 (Air quality	Conditions 7, 15, 25 Discharged 19.02.2021

	mitigation plan) & 25 (glazing and ventilation scheme)of planning application 19/01170/FULM -Erection of 143 residential dwellings Granted 13.01.2020.	
20/00683/COND	Consent, agreement or approval required by conditions 3 (surfacing/draining for vehicles), 8 (Leger Way alterations), 9 (access details), 11(sw drainage details) & 23 ( foul/sw drainage) of planning application 19/01170/FULM - Erection of 143 residential dwellings Granted 13.01.2020.	Conditions 8, 9, 11 & 23 discharged 09.09.2020 and condition 3 discharged in part only 09.09.2020
18/02870/PREAPP	Erection of a residential development	PreApp Closed

## 5.0 Site Allocation

5.1 The site is designated as Education Facilities/ Community Facilities (within the countryside policy area), as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).

## 5.2 National Planning Policy Framework (NPPF 2019)

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

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

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

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

5.6 Paragraph 55 of the NPPF states that 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 aspects.

## **5.7 Core Strategy 2011 - 2028**

- 5.8 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).
- 5.9 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:
- 5.10 Policy CS 2 identifies Wheatley as part of the Main Urban Area and states, together with other settlements which form part of the Main Urban Area, that the Main Urban Area will be the main focus for growth and regeneration; it sets a plan period housing target of between 9,225 and 11,808 homes for the Main Urban Area of Doncaster.
- 5.11 Policy CS 3 states that Doncaster's countryside will be protected and enhanced. It cites a number of examples of development that would be acceptable in the countryside and these do not include major housing schemes. Proposals which are outside of development allocations will only be supported where they would: retain and improve key green wedges; not be visually detrimental; not create or aggravate highway or amenity problems and preserve the openness of the Countryside Protection Policy Area.
- 5.12 Policy CS 4 requires all development to address the issues of flooding and drainage where appropriate. Development should be in areas of lowest flood risk and drainage should make use of SuDS (sustainable drainage) design.
- 5.13 Policy CS 9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.
- 5.14 Policy CS10 of the Core Strategy states that sufficient land will be provided to deliver the housing target and acknowledges that sustainable urban extensions will be necessary to deliver some of the target; Table 5 of the Core Strategy specifically acknowledges the need for new urban extensions to the Main Urban Area (including land currently designated Countryside Policy Area) and that such extensions would be phased for delivery from 2016 onwards.
- 5.15 Policy CS12 states that 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 communities. Housing sites of 15 or more houses will normally include affordable houses on-site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment except where a developer can justify an alternative scheme in the interests of viability.
- 5.16 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

- 5.17 Policy CS16 states that nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals will be supported which enhance the borough's landscape and trees by including measures to mitigate any negative impacts on the landscape, include appropriate hard and soft landscaping, retain and protect appropriate trees and hedgerows and incorporate new tree and hedgerow Planting.
- 5.18 Policy CS 17 seeks to protect, maintain, enhance and where possible, extend Doncaster's green infrastructure.

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

- 5.20 Policy ENV 2 states that the Borough Council will maintain a countryside policy area in the eastern part of the borough and sets out the purposes of the countryside policy area.
- 5.21 Policy ENV 4 sets out the types of development that would be permitted within the Countryside Policy Area, none of which are relevant to the proposal.
- 5.22 Policy CF 3 seeks to resist the loss of community facilities.
- 5.23 Policy CF4(D) refers to saved UDP Policy RL9 'surplus school planning fields' which includes a preference to retain open spaces taking into account their existing and potential value as open space. The policy says this should be balanced against the benefits of disposal for development.
- 5.24 Policy RL 4 (A) requires local public open space provision amounting to either 10-15% of the total site area, dependent on whether the local area is deficient.
- 5.25 Policy RL 9 requires surplus school playing fields to be retained as open space however the Borough Council will consider the benefits of disposal for development against the loss of that open space taking into account it's existing and potential value as open space.

#### **5.26 Local Plan**

- 5.27 The Local Plan was formally submitted for examination on 4th March 2020 and an Inspector was appointed to undertake the examination in public (Regulation 24 stage). The Local Plan has now advanced to the latter stages of the examination: the consultation period on the proposed Main Modifications, identified as part of the examination, concluded on the 21st March 2021; and the Council is now awaiting receipt of the Inspector's Report. The Council is looking to adopt the Local Plan by Autumn 2021.
- 5.28 Paragraph 48 of the NPPF states that the LPA may give weight to relevant policies in emerging plans, such as the Local Plan, depending on the stage of the 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

- 5.29 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:
- 5.30 Policy 5 sets out the Borough's housing allocations
- 5.31 Policy 7 sets out the requirements for the range of housing including the need for affordable housing.
- 5.32 Policy 13 seeks to promote sustainable transport within new developments.
- 5.33 Policy 16 seeks to consider the needs of cyclists within new developments.
- 5.34 Policy 17 seeks to consider the needs of pedestrians within new developments.
- 5.35 Policy 28 sets out the Council's policy for open space provision in new developments
- 5.36 Policy 29 seeks to deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks.
- 5.37 Policy 30 deals with the need to value biodiversity.
- 5.38 Policy 33 seeks to ensure appropriate landscaping in new developments.
- 5.39 Policy 41 seeks to ensure character and local distinctiveness in new developments.
- 5.40 Policy 42 deals with the need for good urban design.
- 5.41 Policy 44 seeks to ensure high standards of residential design.
- 5.42 Policy 45 sets out housing design standards.
- 5.43 Policy 48 seeks a high standard of landscaping in new developments.
- 5.44 Policy 51 seeks to retain land and buildings last used for community/education uses.
- 5.45 Policy 55 deals with the need to mitigate any contamination on site.
- 5.46 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.47 Policy 65 deals with developer contributions.

## **5.49 Neighbourhood Plan**

5.50 There is no Neighbourhood Plan for this area.

## **5.51 Other material planning considerations**

- Community Infrastructure Levy (CIL) Regulations (2010)
- Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990)
- Town and Country Planning (Environmental Impact Assessment) Regulations (2017)
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SYRDG) (adopted 2015)
- National Planning Policy Guidance

## **6.0 Representations**

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

6.2 No representations have been received.

## **7.0 Parish Council**

7.1 There is no parish council.

## **7.2 Relevant Consultations**

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

7.4 **Trees and Hedgerows Officer** – No objections were originally raised on arboricultural grounds as the best frontage elements were being retained. Conditions were required in respect of tree protection and landscaping conditions. This opinion has not changed and the Tree Officer raises no objections to the removal of the condition as the condition did not form part of the Officer's recommendations.

7.5 **Ward Members** – No comments received.

## **8.0 Assessment**

8.1 The main issues relating to this application for the removal of condition no. 26 (tree compensation) are whether or not the condition was correctly applied, and the planning reasons behind its application. As such, this report will assess the imposition of the condition against the six tests which examine whether or not they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects, as set out in paragraph 55 of the NPPF.

### Six tests for conditions

8.2 Paragraph 54 of the NPPF states that 'local authorities should consider whether otherwise unacceptable development could be made acceptable through the use of

conditions'. When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would have been necessary to refuse planning permission, by mitigating adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems. In accordance with paragraph 55 of the NPPF, conditions should only be imposed when they meet all the 'six tests'.

- 8.3 Planning Practise Guidance also states that 'any proposed condition that fails to meet one of the 6 tests should not be used. This applies even if the applicant suggests or agrees to it, or it is suggested by the members of a planning committee or a third party.' It further gives specific circumstances of where conditions should not be used, those relevant to this application include:

Positively worded conditions requiring payment of money or other consideration:

No payment of money or other consideration can be positively required when granting planning permission. However, where the 6 tests will be met, it may be possible to use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into of a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)."

*i) necessary;*

- 8.3 It is considered that the proposed condition requiring monetary compensation for the loss of a Sycamore tree was imposed for a definite planning reason and was considered by members to be necessary to make the development acceptable. The Sycamore tree has now been felled but was located on Council highway land and was one of 5 trees to be felled to accommodate the development. Although the Trees and Hedgerows Officer raised no objections to the removal of the trees, Members of Planning Committee considered that the tree was a 'prominent public asset' and replacement of the tree should be sought in the form of compensation for replacement tree planting near to the site. This replacement compensation was to ensure that the proposal met with policy CS 16 of the Doncaster Council Core Strategy.

*ii) relevant to planning;*

- 8.4 The applicant considers that the condition references policy CS16 and that the condition is not directly related to any planning policy requirement. The applicant is correct in that there is no planning policy requirement for replacement tree planting within Core Strategy Policy CS 16. The requirement for replacement for the loss of the Sycamore tree is relevant to planning however the need for this in reference to policy CS 16 as worded in the condition is incorrect and should in fact refer more appropriately to the Council's Development Guidance and Requirements SPD.

*iii) relevant to the development to be permitted;*

- 8.5 The applicant considers that the condition references policy CS16 and that the condition is not directly related to any planning policy requirement. As stated above policy CS 16 does not require replacement tree planting or monetary contribution for



trees. However the Council's Development Guidance and Requirements SPD guidance at page 105 does allow for replacement tree planting. However it is clear in its guidance that the replacement planting should take place 'as close to the site as possible and within the ward containing the site.' Notwithstanding reference to incorrect policy CS16, the condition requires tree planting elsewhere within the Borough and not near to the site or within the ward of the site. As such the condition fails this test.

*iv) enforceable;*

- 8.6 The applicant considers that there is 'no direct obligation or onus for the landowner / developer within the wording of the condition to provide the sought compensation which is considered to make the condition unclear and unenforceable.'
- 8.7 The condition does not detail for the applicant, how to approach seeking to make compensation for the tree as the condition is somewhat vague in merely stating that 'compensation should be sought.' This provides no clarity for the applicant as to how to progress to meet with the terms of the condition and would therefore be difficult to enforce. Therefore in this respect the applicant is correct.
- 8.8 There is no time mechanism or timescale within the condition for the compensation to be paid. This could potentially mean that the Applicant could leave the condition for the lifetime of the development and they would not be in breach of the condition. The condition would again be difficult to enforce and therefore fails this test.

*v) precise;*

- 8.9 The applicant considers that there is a lack of precision and clarity in the condition because there is no time trigger included for compliance within the condition.
- 8.10 It is clear in that a monetary contribution is required to compensate for the loss of the tree and that it should be sought in accordance with an amenity valuation method .However the condition fails to state a time constraint for providing this. Therefore, although the condition details the requirements, the ambiguity is that there is no time frame for carrying this out or providing this information for the applicant. The applicant is therefore correct in that the condition is not considered to be sufficiently precise.
- 8.11 The applicant also considers that the condition references that the highway tree should be treated as a separate entity which causes confusion about how the condition relates to the planning permission.
- 8.12 The tree is one of 4 trees to be felled on the site frontage. The condition correctly identifies the Sycamore tree and that the tree is identified as a public asset hence compensation being sought. However given the lack of specific timeframe and 'trigger' point for agreeing the monetary contribution, the condition fails the test of being precise.

*vi reasonable in all other respects*

- 8.13 The applicant considers the condition does not pass this test as the condition requires monies to be sought via a condition, which is not in accordance with the National Planning Practise Guidance (PPG).

- 8.14 PPG is clear in its guidance with regards to the use of conditions requiring payment of monies; stating that 'No payment of money or other consideration can be positively required when granting planning permission.' However where the condition meets all six tests it can be negatively worded to require payment of money. This condition is positively worded and does not meet all six tests, therefore the applicant is correct in that the condition fails this test.
- 8.15 The applicant states that the condition requires for the compensation to be sought in accordance with an amenity valuation method. The application of this method falls outside of the planning regime and the National Planning Practice Guidance states that conditions should not require compliance with other regulatory requirements.
- 8.16 There is no planning policy requirement for replacement tree planting within Core Strategy Policy CS 16. However adopted SPD guidance 'Development Guidance and Requirements' at page 105 does allow for replacement tree planting. Table 5 (page 105) sets out replacement planting requirements and further states that 'contributions will be expected to cover the cost of purchasing the tree(s), planting, protecting, establishing and initially maintaining the new tree.' The SPD however, does not set out the methodology for calculating the contribution and the wording within the condition does not refer specifically to SPD requirements but merely refers to an 'amenity valuation method.'
- 8.17 Therefore, condition 26 which requires monetary compensation for the loss of the Sycamore tree is considered to not meet with the six tests set out in the NPPF. Planning Practice Guidance (PPG) states that even if only one test is not met the condition should not be used. The condition fails more than one test and as such is considered to be incorrectly applied.

### Sustainability

- 8.8 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.
- 8.9 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 8.10 It is not considered that there will be any adverse social, environmental or economic impacts as a result of removing this condition. The Council's Trees and Hedgerows Officer raised no issues of concern with regards to environmental amenity as the tree was not considered to be a prominent public asset but a tree of low vigour with terminal die back and multiple pruning wounds.

## **9.0 PLANNING BALANCE & CONCLUSION**

- 9.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. Members of the Planning Committee, in granting approval of the development were supportive of the monetary compensation for the loss of the tree. However it is considered that the

condition does not meet with the six tests as set out in the NPPF. As such, the proposed removal of condition 26 is recommended for approval.

- 9.2 Conditions from the previous application 19/01170/FULM will therefore be repeated and where appropriate, those that have been formally discharged will be reworded to reflect this.

## 10.0 RECOMMENDATION

- 10.1 **GRANT PLANNING PERMISSION** subject to the existing Section 106 Agreement and conditions:

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

Site Location Plan - Drawing number 4170/109, revision A  
Planning Layout - Drawing number 1905.1, revision R

POS Section - Drawing number 1905.08

Boundary Treatments (1.8m high brick pier and brick panel wall) -  
Drawing number 2101/208.05

Boundary Treatments (1.8m high timber screen fence) - Drawing  
number 1905.B.01

Boundary Treatments (1.5m Screen fence with 300mm trellis)-  
Drawing number 4143/208.02

Boundary Treatments (1.2m timber post and rail fencing) - Drawing  
number 1905.B.03

Boundary Treatments (1.2m metal estates railings) - Drawing number  
1905.B.04

Boundary Treatments (0.45m timber knee rail) - Drawing number  
1905.B.05

Planning Drawings (Single garage) - Drawing number 1905.G.01

Floor Plans (Beckford house type) - Drawing number O9/BFD/001,  
revision A

Elevations Plans (Beckford house type) - Drawing number  
O9/BFD/002, revision A

Floor Plans (Chesham house type) - Drawing number O9/CHM/001,  
revision A

Elevations Plans (Chesham house type) - Drawing number  
O9/CHM/002, revision A

Floor Plans (Easton house type) - Drawing number O9/ETN/001,  
revision A

Elevations Plans (Easton house type) - Drawing number O9/ETN/002,  
revision A

Floor and Elevations Plans (Fossdale house type) - Drawing number  
FOS/001, revision A

Floor and Elevations Plans (Glendale house type) - Drawing number  
GLE/001, revision A

Floor Plans (Haddington house type) - Drawing number O9/HTN/001,  
revision A

Elevations Plans (Haddington house type) - Drawing number 09/HTN/002, revision A  
 Floor Plans (Holbury house type) - Drawing number 09/HBY/001, revision A  
 Elevations Plans (Holbury house type) - Drawing number 09/HBY/002, revision A  
 Floor Plans (Lathbury house type) - Drawing number 09/LBY/001, revision A  
 Elevations Plans (Lathbury house type) - Drawing number 09/LBY/002, revision A  
 Floor Plans (Melton house type) - Drawing number 09/MTN/001, revision A  
 Elevations Plans (Melton house type) - Drawing number 09/MTN/002, revision A  
 Floor Plans (Modbury house type) - Drawing number 09/MBY/001, revision A  
 Elevations Plans (Modbury house type) - Drawing number 09/MBY/002, revision A  
 Floor Plans (Napsbury house type) - Drawing number 09/NBY/001, revision A  
 Elevations Plans (Napsbury house type) - Drawing number 09/NBY/002, revision A  
 Floor Plans (Overbury house type) - Drawing number 09/OBY/001, revision A  
 Elevations Plans (Overbury house type) - Drawing number 09/OBY/002, revision A  
 Floor Plans (Prestbury house type) - Drawing number 09/PBY/001, revision A  
 Elevations Plans (Prestbury house type) - Drawing number 09/PBY/002, revision A  
 Floor Plans (Sudbury house type) - Drawing number 09/SBY/001, revision A  
 Elevations Plans (Sudbury house type) - Drawing number 09/SBY/002, revision A  
 Floor and Elevations Plans (Talladale house type) - Drawing number TAL/001, revision A

**REASON**

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

02. 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.

03. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of

private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

04. The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.  
REASON  
To avoid damage to the verge.
05. Before the development is brought into use, the visibility splays of 9m x 120m for the access onto Leger Way (shown on plan ref SCP/18523/F01) shall be rendered effective by removing or reducing the height of anything which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the public highway. The visibility thus provided shall thereafter be maintained as such unless otherwise approved in writing by the Highways Authority.  
REASON  
In the interests of pedestrian and highway safety in accordance with Core Strategy Policies CS9 and CS14.
06. The external material shall be as submitted and agreed on Materials Plan Dwg 4170/298 Rev B, and agreed in writing 19th February 2021.  
REASON  
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.
07. The alteration to the existing public highway on Leger Way shall be carried out in accordance with the details submitted and agreed by letter dated 9th September 2020.  
REASON  
In the interests of pedestrian and highway safety in accordance with Core Strategy Policies CS9 and CS14.
08. The vehicular accesses into the site shall be constructed/installed in accordance with the detailed engineering drawings submitted and agreed in writing by letter dated 9th September 2020.  
REASON  
In the interests of highway safety in accordance with policy CS 14.
09. No phase of development shall commence until a Construction Traffic Management Plan (CTMP) for that phase of development is submitted to and subsequently approved in writing by the Local Highway Authority. The approved plan shall be adhered to throughout the construction phase. I would expect the CTMP to contain information relating to (but not limited to):
- o Volumes and types of construction vehicles
  - o identification of delivery routes;
  - o identification of agreed access point
  - o Contractors method for controlling construction traffic and adherence to routes
  - o Size, route and numbers of abnormal loads (if applicable)

- o Swept path analysis (as required)
- o Construction Period
- o Temporary signage
- o Measures to control mud and dust being transferred to the public highway
- o Timing of deliveries

REASON

In the interests of pedestrian and highway safety in accordance with Core Strategy Policies CS9 and CS14.

10. The surface water drainage works shall be installed in accordance with the details submitted and agreed in writing with the LPA by letter dated 9th September 2020.

REASON

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage in accordance with Core Strategy Policy CS 4.

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

REASON

In the interest of satisfactory and sustainable drainage in accordance with Core Strategy Policy CS 4.

12. Prior to installation of the play equipment, the developer will provide the planning authority with a location plan and design to be agreed by the authority, which identifies the type and placement of equipment, and safety surfacing to be used. The developer should ensure the equipment is robust, sustainable, meets the needs of the community and meets with the relevant safety standards.

REASON

To ensure the delivery of appropriate 'fit for purpose' play provision within the Borough

13. Within 1 month of the installation of the play equipment, the applicant will provide the council with a copy of the post installation inspection certificate certifying the play equipment meets with European standards EN1176 and EN177. The inspection must be carried out by an independent RPII (Register of Play Equipment Safety Inspectors International) registered Playground Equipment Inspector, who is suitably experienced and trained for the task.

REASON

To ensure all equipped play areas meet with the relevant safety standards and are safe and accessible.

14. The scheme for the protection of all retained trees shall be implemented in accordance with the details submitted and approved in writing by the LPA by letter dated 19th February 2021. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the

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

REASON

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

15. The development shall be carried out in accordance with the approved Transport Assessment (Rev 5 dated 25.09.2019) compiled by SCP and the approved Travel Plan compiled by SCP dated April 2019.

REASON

To ensure that the development complies with policy CS 9.

16. No development shall take place on the site until a detailed hard and soft landscape scheme based on the proposed site plan (drawing number 1905.01 Revision R) has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials, and elevation details for the proposed retaining walls. The soft landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements Supplementary Planning Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; a detailed specification for tree pit construction for the trees within highway that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements supplementary planning document and a load-bearing capacity equivalent to BS EN 124 2015 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation and details of management and maintenance for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion of any planting within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme, prior to occupation of the home, which will be monitored by the Local Planning Authority. Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

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

17. The mitigation measures against ball strikes from the adjacent golf course for Plots 18-26 and 140-143 shall be put into place/installed prior to occupation of the dwellings and shall be installed in accordance with the details submitted and agreed in writing by the LPA by letter dated 28th October 2020.  
REASON  
In the interests of protecting residents from potential golf ball shots in accordance with CS14.
18. The sensitive lighting scheme for bats shall be implemented in full accordance with the details submitted and agreed by letter dated 16th April 2021 and subject to adherence to drawing LWD-BWBZZ- DR-LE-0001 showing the scheme of bat box installation.  
REASON  
In line with Core Strategy Policy 16 to ensure the ongoing ecological interests of the site are maintained.
19. 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.
20. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be brought on to site subject to adherence to detail submitted via email 19 February 2021 from Graham Dawson that 'No external material either subsoil or topsoil for use in soft landscaped areas for both plots and Public Open Spaces is to be transferred to the site. All material used within these areas is to be site won.'  
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.
21. Prior to the operation/opening of the development hereby approved, an air quality mitigation plan shall be submitted to and approved in writing by the local planning authority. This plan should demonstrate how the damage costs have been utilised to offset vehicle emissions during the lifetime of the development. Measures in any mitigation plan should be in addition to those provided as a requirement for other Planning matters. The mitigation plan should be implemented prior to the completion of the development.  
REASON  
To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with policies CS9 and CS18 of the Doncaster Council Core Strategy.



22. The foul, surface water and land drainage systems shall be installed in accordance with the details submitted and agreed in writing by the LPA by letter dated 9th September 2020.  
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.
23. Prior to the occupation of the dwelling houses, a 1.8m high close board acoustic fence shall be installed along the side and rear boundary of Plot 27 and along the rear boundaries of Plots 70-79.  
REASON  
In the interests of protecting residential amenity from nearby noise in accordance with Policy CS 14.
24. The details for the window openings, glazing and ventilation scheme shall be installed as submitted and agreed by letter dated 19th February 2020.  
REASON  
In the interests of protecting residential amenity from nearby noise in accordance with Policy CS 14.
01. **INFORMATIVE: HIGHWAY SAFETY**  
The detailed design will be subject to Road Safety Audits in accordance with DMRB Volume 5 Section 2 Section 2 GG119.
02. **INFORMATIVE: HIGHWAY WORKS**
- o Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.
  - o Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

o Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail Fiona.Horgan@doncaster.gov.uk as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

o Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 11.2 - 11.5 inc. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection.

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

o Any trees to be provided in the public highway require a commuted sum for maintenance purposes of £1500 per tree (£300 pounds per annum for a period of 5 years) to be paid to the Council, prior to the issue of the Part 2 Certificate.

o Based on a standard soakaway capacity of 10m<sup>3</sup> a commuted sum of £7800 to be used towards the future maintenance costs of each highway drain soakaway, shall be paid to the Council. An additional 780 extra will be added for each additional cubic metre of storage.

03.

**INFORMATIVE: SECURED BY DESIGN**

The applicant is advised to seek to implement security measures into the development in order to achieve the 'Secured By Design' accreditation from South Yorkshire Police.

**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**



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

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

<b>Author of Report:</b>	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 10<sup>th</sup> 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 be 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: 22<sup>nd</sup> 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](mailto: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



<b>Application</b>	5.
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<b>Application Number:</b>	20/03324/COU
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	Change of use of second floor offices to 9 bedroom HMO.
<b>At:</b>	70 -72 Silver Street, Doncaster, DN1 1HT

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

<b>Author of Report:</b>	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.

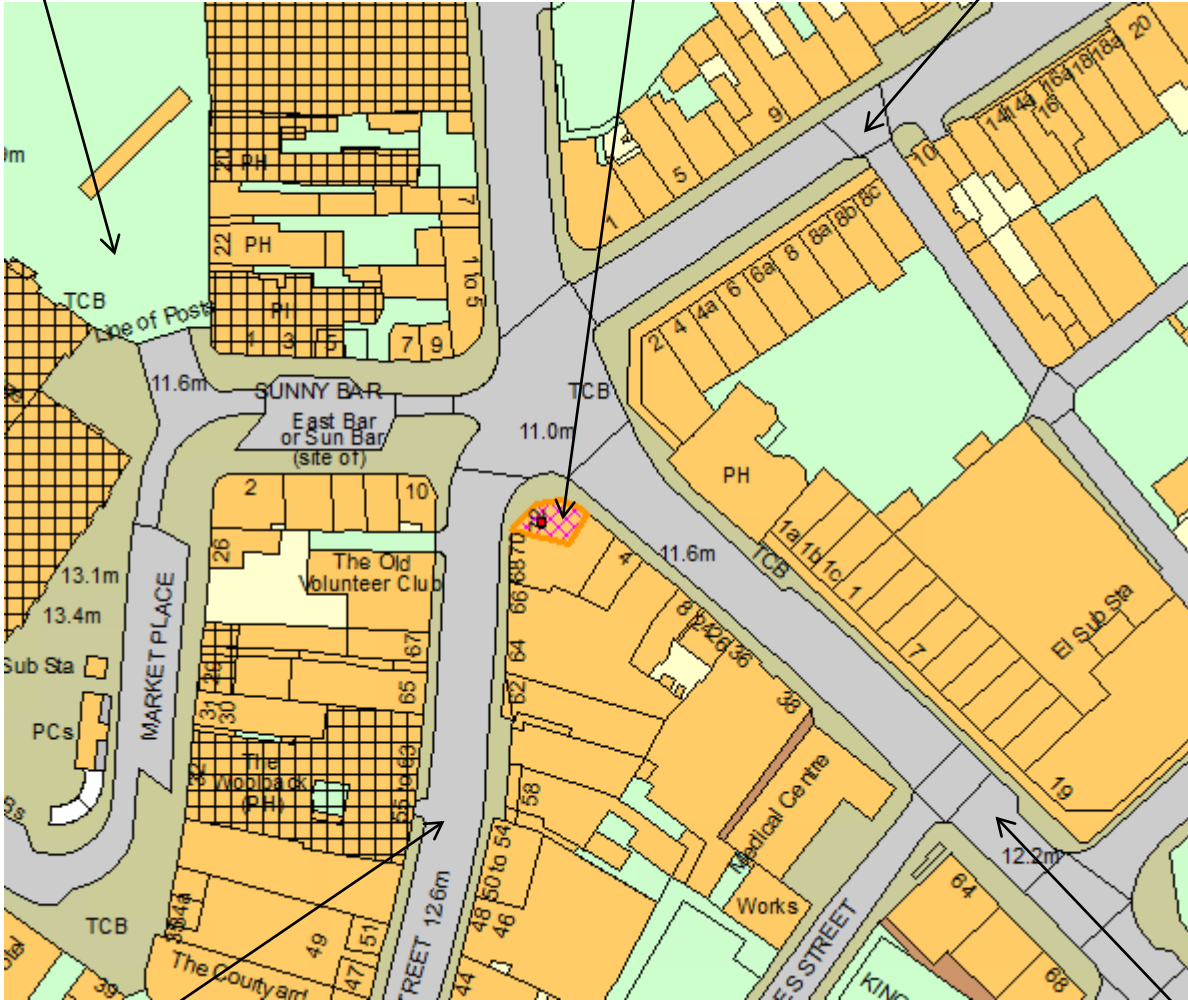
This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to neighbouring properties or the character of the area.

**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 2<sup>nd</sup> 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: 16<sup>th</sup> March 2021  
Site Plan & Location Plan, Received: 1<sup>st</sup> 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 21<sup>st</sup> 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.

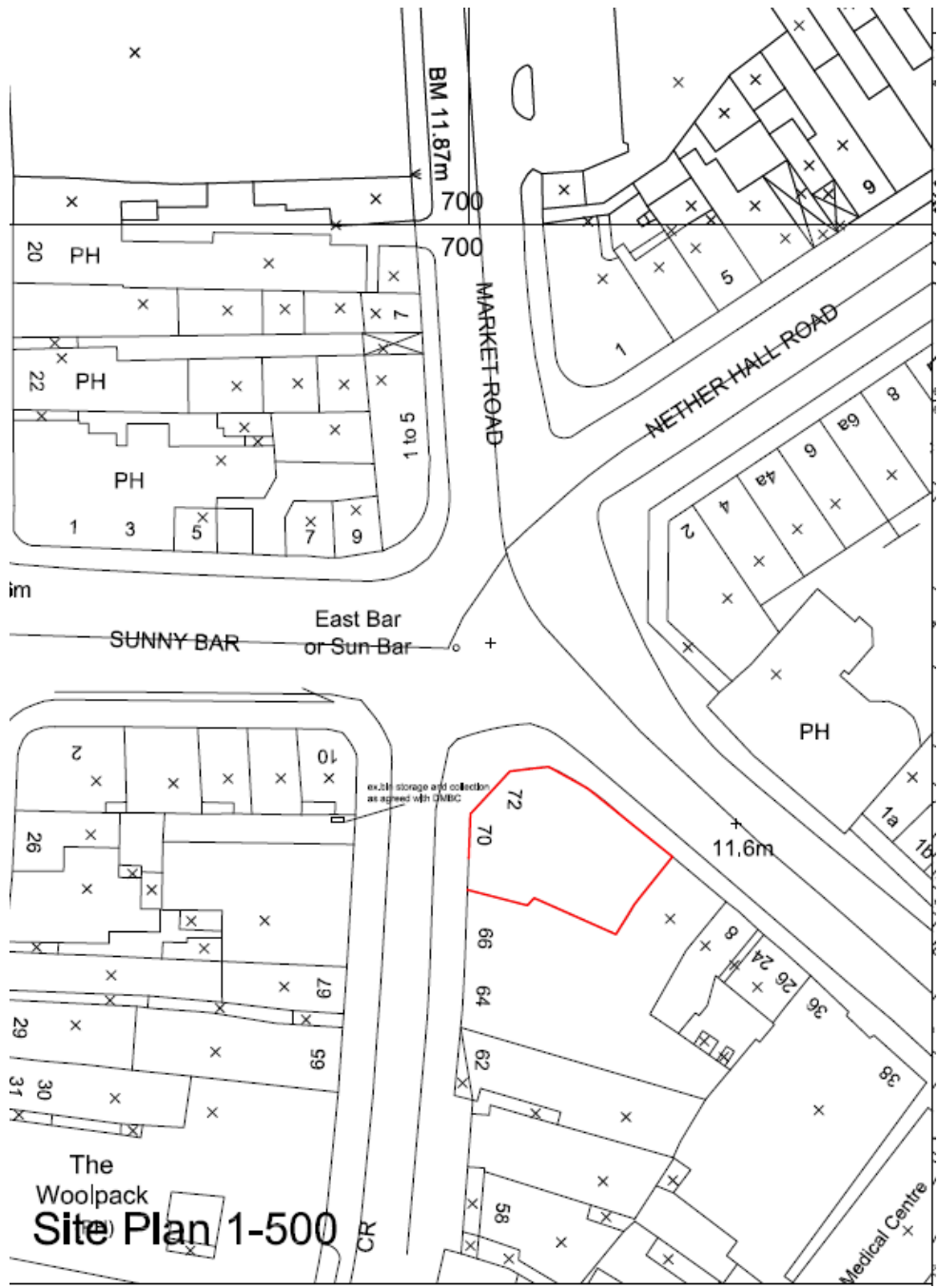
**INFORMATIVE**

1. A HMO License must be obtained prior to occupation of the 4<sup>th</sup> 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.

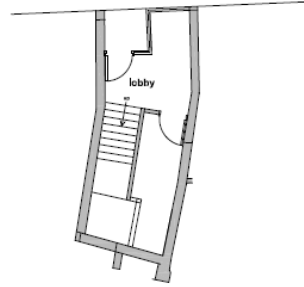
APPENDIX 1- Location Plan



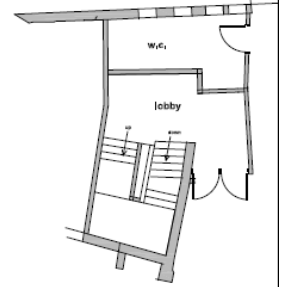
**APPENDIX 2 - Internal Layout**



**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 PAF 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 <sup>A</sup> , $D_{n,e,w} + C_{tr}$ (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)**





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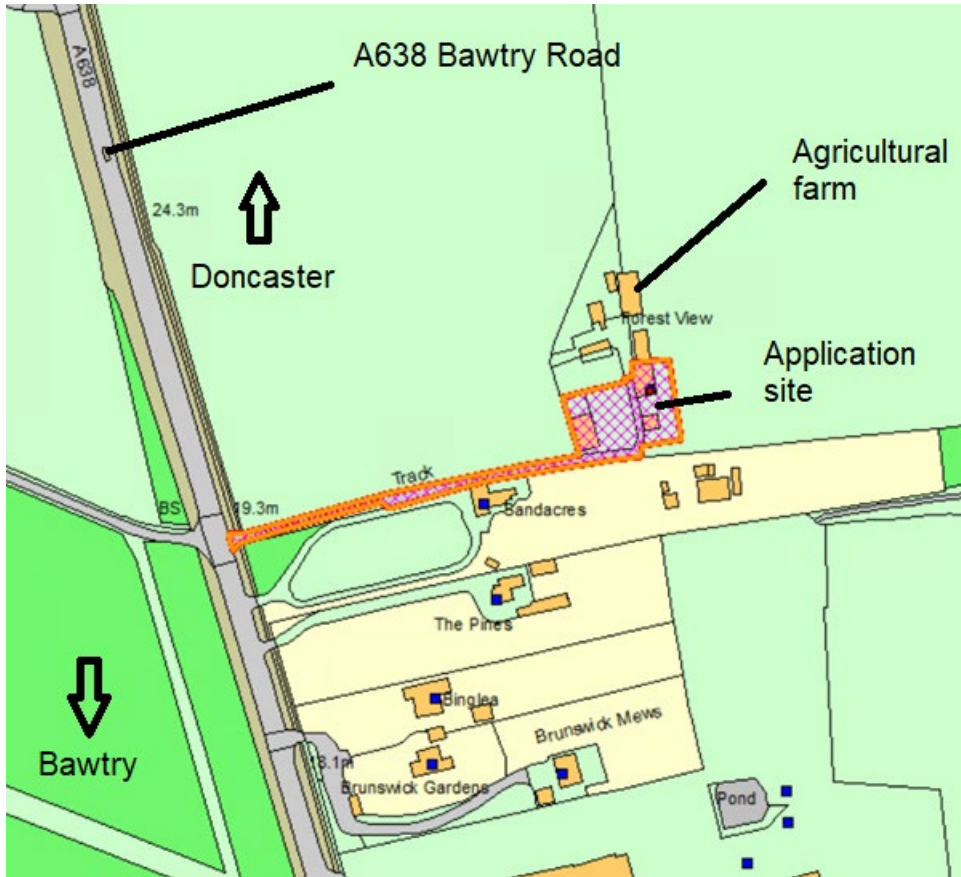
<b>Proposal Description:</b>	Erection of two dwellings to replace existing buildings
<b>At:</b>	Forest View Doncaster Road Bawtry Doncaster DN10 6DF

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

<b>Author of Report:</b>	Dave Richards
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<p><b>SUMMARY</b></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><b>RECOMMENDATION: GRANT planning permission subject to the imposition of suitable conditions.</b></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 I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

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

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

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

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

#### REASON

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

This has to be prior to commencement so that any risks are assessed before works begin to the ground whether this be

demolition works or construction works and remediation in place before works begin.

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:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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](mailto: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>

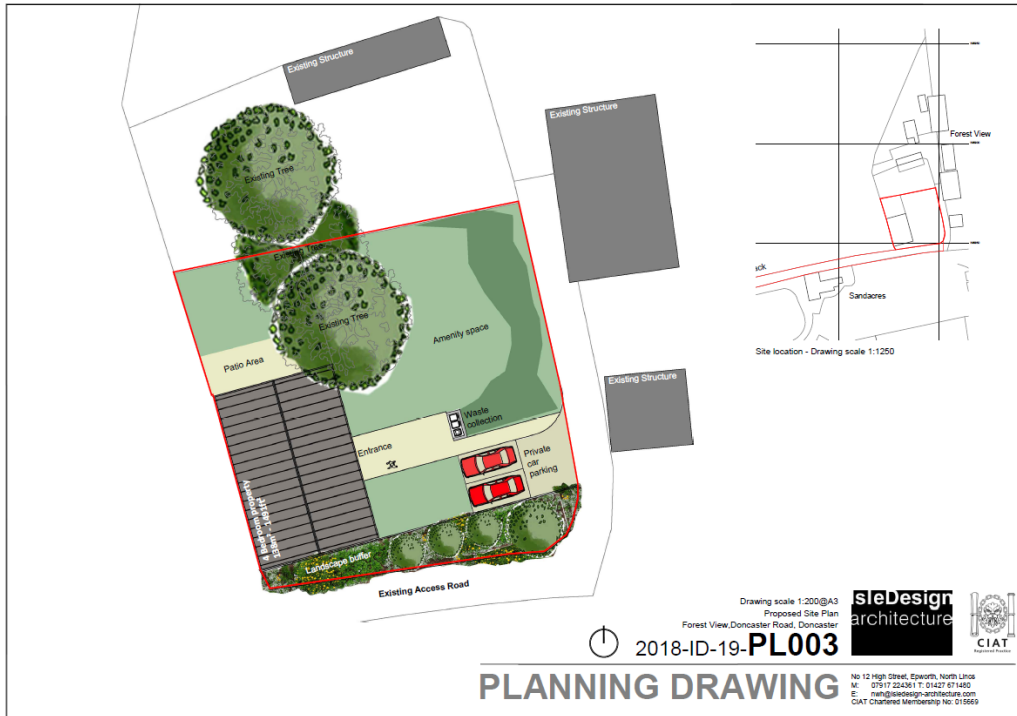
Or alternatively you can request a paper copy from the LPA.

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.

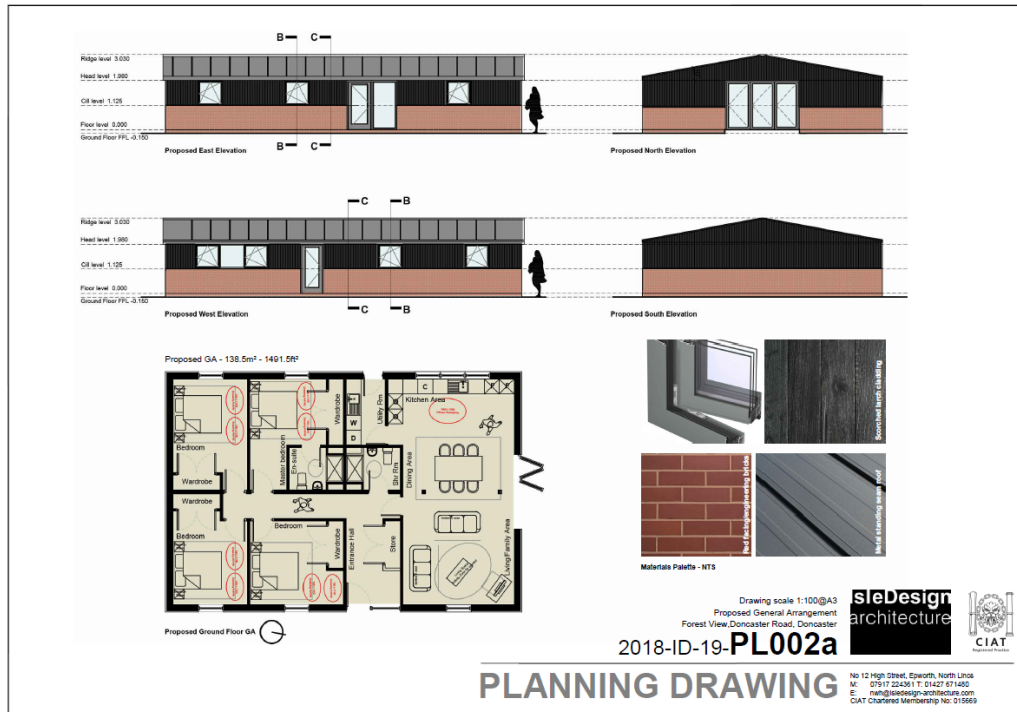
**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

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

## Site plan

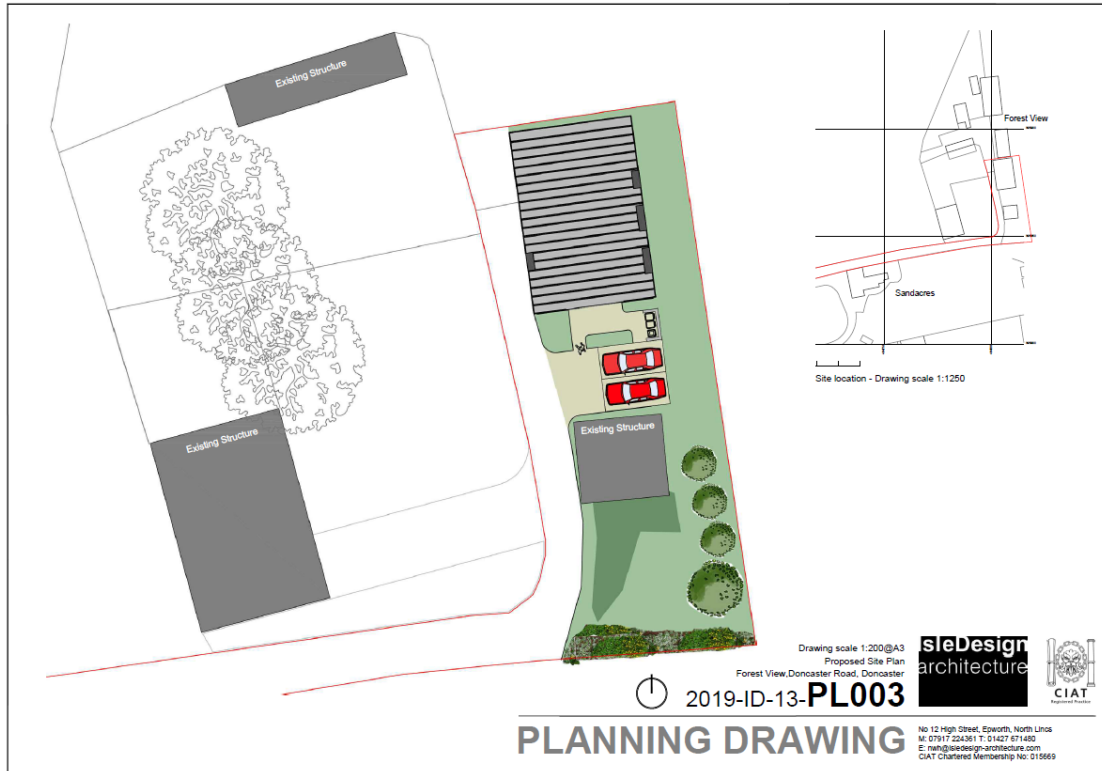


## Proposed plans

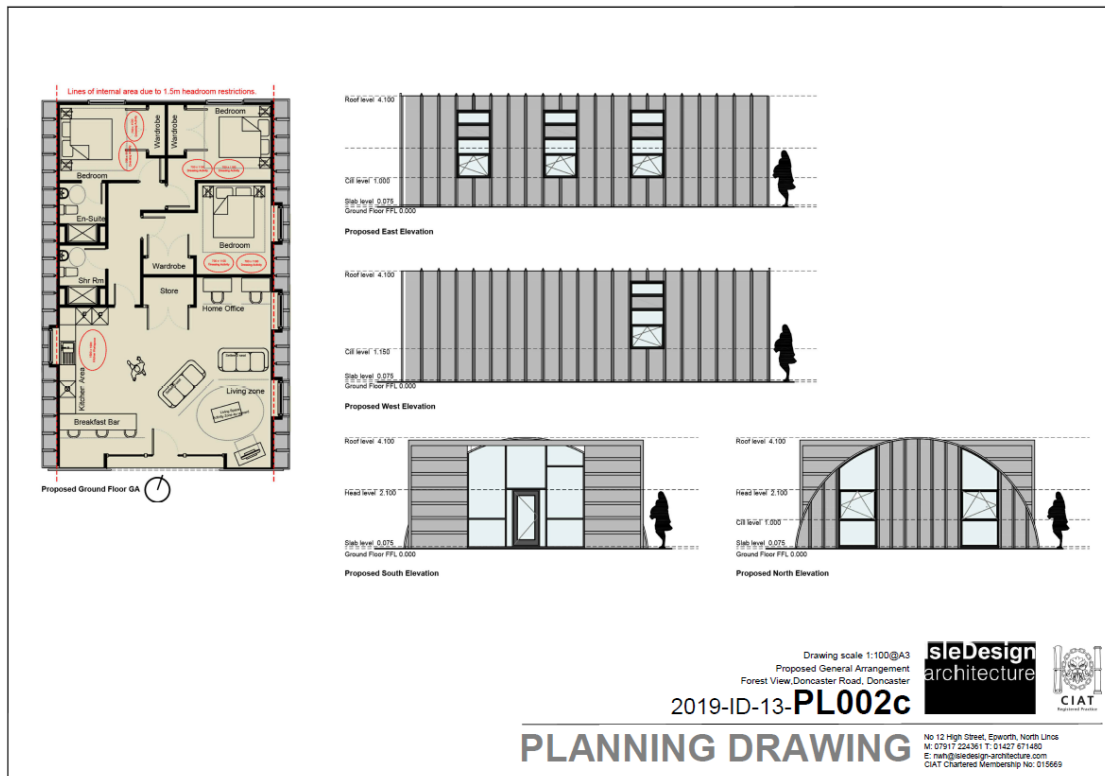


## Appendix 2 – Planning reference 19/00869/PRIOR plans (plot 2)

### Site plan



### Proposed plans



### Appendix 3 – Proposed Location Plan (not to scale)



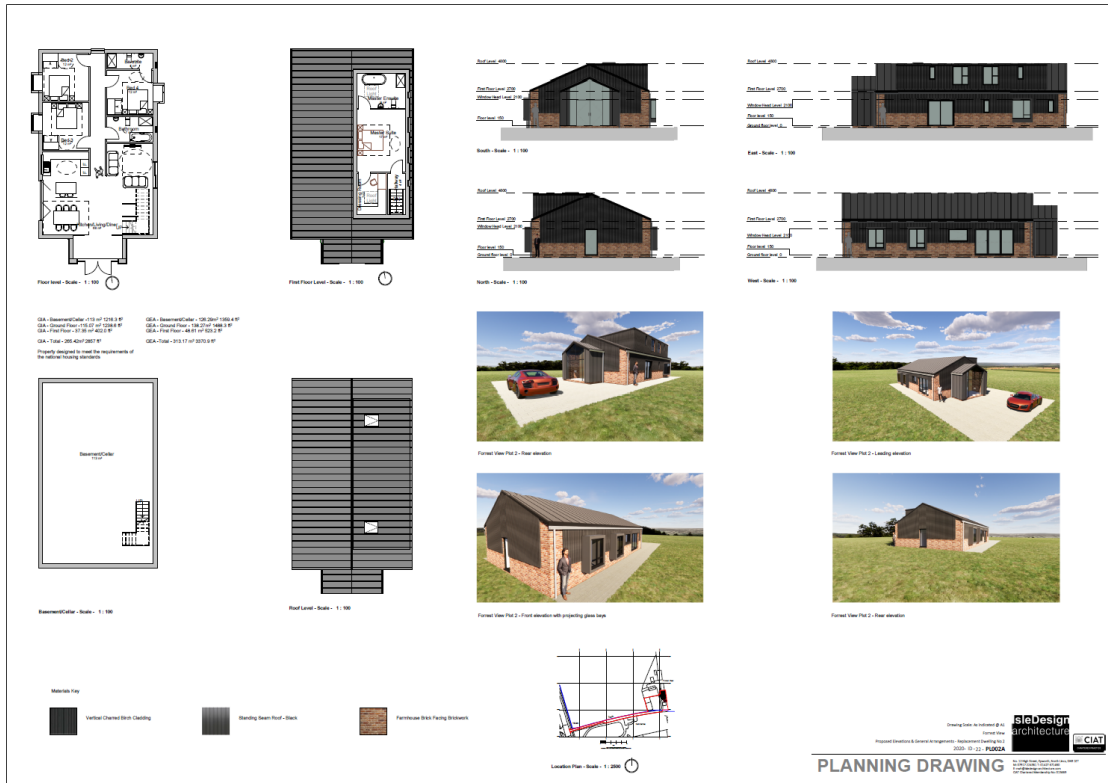


# Appendix 4 – Proposed Site Plan (not to scale)

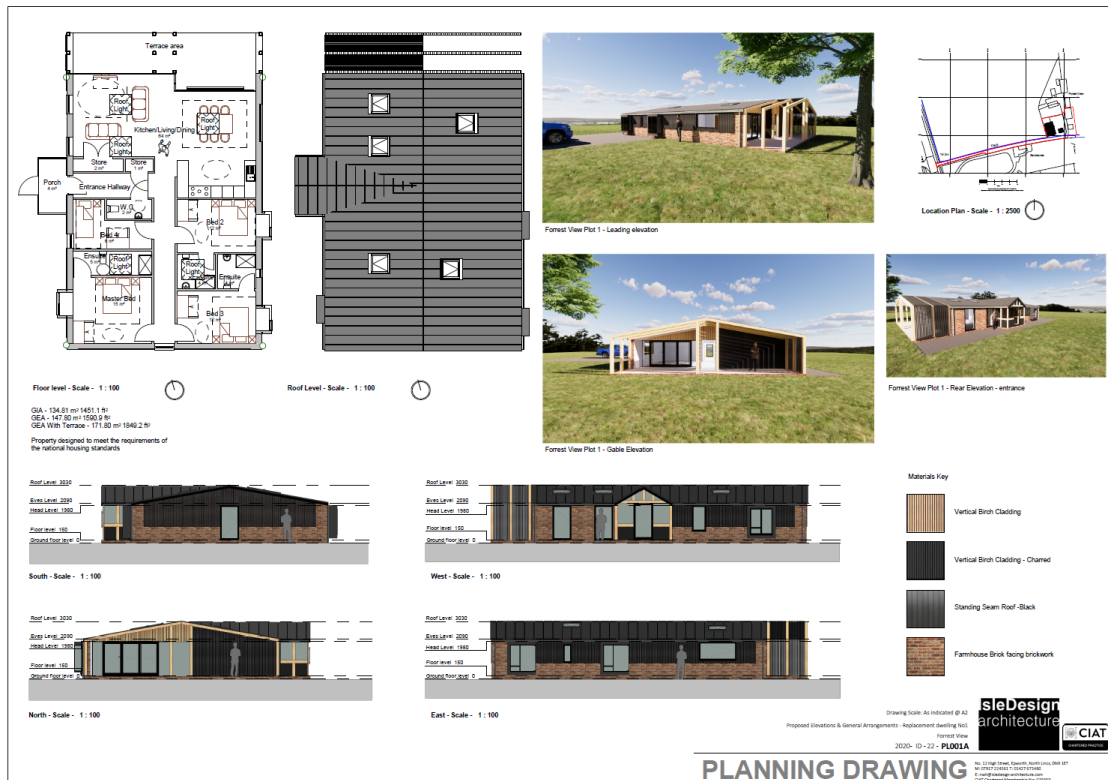


# Appendix 5 – Proposed Plans

## Plot 1



## Plot 2





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

**APPEAL DECISIONS**

**EXECUTIVE SUMMARY**

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

**RECOMMENDATIONS**

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

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

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

**BACKGROUND**

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

**OPTIONS CONSIDERED**

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

**REASONS FOR RECOMMENDED OPTION**

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

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

7.

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

**RISKS AND ASSUMPTIONS**

8. N/A

#### **LEGAL IMPLICATIONS [Officer Initials SC Date 26/05/2021]**

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 26/05/2021]**

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 26/05/2021]**

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

#### **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 26/05/2021]**

12. There are no technology implications arising from the report

#### **HEALTH IMPLICATIONS [Officer Initials RS Date 26/05/2021]**

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 26/05/2021]**

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
19/02127/FUL	Erection of a portacabin for 24hrs site security and 2 wide angle CCTV cameras. at Levels Lane Plantation , Thorne Road, Blaxton, Doncaster	Appeal Allowed 04/05/2021	Finningley	Delegated	No
20/02052/FUL	Erection of single storey detached garage, wall, railings, gates and trees to front of dwelling (Being resubmission of application refused under Ref: 20/01180/FUL on 07.07.20) at 6 Cadeby Road, Sprotbrough, Doncaster, DN5 7SD	Appeal Allowed 28/04/2021	Sprotbrough	Delegated	No

## REPORT AUTHOR & CONTRIBUTORS

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

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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: 4<sup>th</sup> May 2021**

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### **Appeal Ref: APP/F4410/W/20/3264461 Levels Lane Plantation, Thorne Road, Blaxton, Doncaster DN9 3AX**

- 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 Nadeem Shah against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 19/02127/FUL, dated 5 September 2019, was refused by notice dated 5 June 2020.
  - The development proposed is described as: Erection of a portacabin for 24hrs site security and 2 wide angle CCTV cameras.
- 

### **Decision**

1. The appeal is allowed, and planning permission is granted for the erection of a portacabin for 24hrs site security and 2 wide angle CCTV cameras at Levels Lane Plantation, Thorne Road, Blaxton, Doncaster DN9 3AX in accordance with the terms of the application, Ref 19/02127/FUL, dated 5 September 2019, subject to the conditions in the attached schedule.

### **Procedural matter**

2. In its statement of case, the Council sets out that Policy ENV17 of the Doncaster Unitary Development Plan 1998 (the UDP) which is cited on the decision notice was included in error. This policy relates to the protection of designated areas of special landscape value and the Council have confirmed that the appeal site is not within such an area. This policy is, therefore, not relevant to the current appeal.

### **Main Issue**

3. The main issue in this appeal is whether the proposal is a suitable form of development in the countryside, having regard to the provisions of the development plan.

### **Reasons**

4. The appeal site is part of a wider area of land that has previously been used for sand and gravel extraction, although that use is currently dormant. The quarry site appears to have been partially restored, whilst in other areas it has regenerated naturally. Evidence of the former use is visible in the form of areas

of hardstanding and other remnant structures, particularly in the vicinity of the appeal site. This wider site is located just to the north east of the village of Blaxton and is largely surrounded by agricultural fields with some areas of plantation woodland. The site is primarily accessed from the A614 via Levels Lane. Levels Lane is gated just beyond its junction with the A614 although pedestrian access can be gained by way of a stile to the Public Right of Way

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footpath that runs along Levels Lane for part of its length before turning east and eventually bearing south to join Bank End Road.

5. The proposed site cabin would be located on an area of concrete hardstanding adjacent to Levels Lane some distance from the gated access point. The cabin itself would measure 7 metres by 4 metres and would accommodate an office, kitchen area, and toilet facilities. The two proposed closed circuit television cameras (CCTV) would be located within an area of grass verge adjacent to Levels Lane shortly beyond the current gates. The Planning Statement submitted with the application indicates that these would be mounted on 4 metre high poles.
6. The appeal site lies within an area designated as a Countryside Policy Area (CPA) by Saved Policy ENV 2 of the UDP which seeks to, among other matters, safeguard the countryside from encroachment; provide opportunities for outdoor sport and recreation; retain land in agriculture, forestry, and nature conservation uses; and help sustain rural communities and a diverse rural economy. Saved Policy ENV4 of the UDP sets out that within the CPA development will not normally be permitted other than for certain defined purposes. It adds that development meeting the criteria of the policy will be expected to not prejudice the purposes of the CPA, not create or aggravate highway or amenity problems, and to be sited and designed to minimise its effect on the character, landscape, and nature conservation value of the local environment.
7. Policy CS3 of the Doncaster Core Strategy 2012 (the Core Strategy) reiterates the protection of the CPA, but is supportive of proposals which would be appropriate to a countryside location and would protect and enhance the countryside for the sake of its intrinsic character and beauty. Policy CS3 also sets out development types that would generally be acceptable in the CPA.
8. The appellant states that the security cabin and CCTV installation are required to provide security at the site and, in particular, to address issues of unauthorised access to the site by off-road motorcyclists as well as to address issues of flytipping and trespass.
9. The majority of the wider site is not currently in any form of active use, although I note from the appellant's submissions that adjoining landowners have access via Levels Lane and that the gated access cannot always necessarily be kept secured. Reference has been made to a proposal for a recreational use of the wider site but there is no evidence before me that this scheme is progressing.
10. This notwithstanding, I observed when I visited the site that there was evidence in the form of tyre tracks indicating that there had been past motorcycle activity on those parts of the wider site adjacent to the hardstanding area where it is proposed to site the security cabin. The Preliminary Ecological Appraisal (PEA)



submitted with the planning application also records evidence of motorcycle activity elsewhere on the site, noting that this has potential to create eroded tracks and cause damage to the heathland habitat and wetland areas adjacent to water bodies on the site. Whilst I accept that some of this damage may have resulted from a previous unauthorised motocross use of the land, it was clear from my site visit that there has also been more recent activity since the enforcement notice requiring this use to cease took effect in early 2019. I also noted the presence of rubbish and detritus on those parts of the wider area adjacent to the appeal site, although the origins of this are unclear. However, due to the nature and topography of the site and its relatively isolated position

away from the population centre of Blaxton, it is likely to be an attractive location for both unauthorised off-road motorcyclists and fly-tipping. Whilst the evidence of unauthorised use and access included in the appellant's statement only covers a limited time period, from my observations at the site, I am satisfied that this is a regular and ongoing situation.

11. The submitted PEA also notes that much of the former quarry is designated as a local wildlife site under two separate designations. The hardstanding area where it is proposed to site the cabin lies outwith, but adjacent to, the designated local wildlife site. Although not a statutory designation, these nonetheless recognise that the former quarry area has an ecological value and is locally important in this respect. The PEA records that the quarry site supports a population of Great Crested Newts, a European Protected Species, and several other species and habitats that are locally important.
12. Although, as the Council points out, there is not a current use of the site that requires 24 hour security, the unauthorised activities identified by the appellant and for which there is some supporting evidence would, if not curtailed, cause further harm to the ecological interest of the site. This would also degrade the quality of the countryside, which the policies in the development plan seek to protect.
13. The proposal does not fall within the lists of acceptable uses set out in Saved Policy ENV4 or Core Strategy Policy CS3. However, the wording of these policies is such that these are not closed lists that preclude any development which is not explicitly mentioned. The policies are, however, clear in that they seek to guide most new development to built-up areas and to protect the appearance and rural character of the countryside from encroachment by development.
14. The specified purpose of the appeal proposal is to prevent, as far as practicable, unauthorised access and use of the former quarry site, particularly by off road motorcyclists, but also from trespass and fly tipping. I saw when I visited the site that the former quarry covers a very large area and has an extensive perimeter. I also noted that there are other points, notably on Wroot Road and via the Public Right of Way from Bank End Road, in addition to Levels Lane where it may be possible to access the site. However, Levels Lane is the principal access point.
15. The Council has suggested that whilst the CCTV installation is considered acceptable in isolation and may be a useful addition to the site, this could be monitored remotely without the need for a presence on the site. The Council

also suggest that site security could be improved by additional signage and additional fencing or carried out by mobile patrols. I am not persuaded that additional signage would be an effective deterrent to persons intent on entering the site and whilst improved security fencing would assist in controlling access, this could not block the route of the public footpath. The appellant states that mobile patrols are ongoing but cannot be present at the site at all times and so have a lesser deterrent effect.

16. Although the CCTV installation could be monitored from an off-site location, this would be less effective due to the travelling time required for personnel to reach the site dependent on the monitoring location. Whilst the CCTV would only monitor the approach from Levels Lane, an on-site presence would additionally be able to react quickly to audible signs of unauthorised access and use of the land if this had been gained from other access points and would, in my view, be a more effective solution.
17. The Council accept that the proposed pole mounted CCTV cameras would have a negligible visual effect on the countryside due to being located amongst, and seen in context with, the trees adjacent to Levels Lane. The Council also accept that the proposed security cabin would be small in scale and the siting would be such that it would not be readily visible and would cause minimal physical disruption to the ecology of the site. From the submitted drawings and supporting information, and from what I saw when I visited the site, I do not have any reason to reach a different conclusion on these points. The proposed cabin would be located outside the boundary of the identified Local Wildlife Sites and in an area where it would be partially screened by vegetation and roadside bunds adjacent to the existing hardstanding area.
18. The Council is, however, concerned that allowing the appeal proposal would create a precedent for further developments of incidental buildings without justifiable need in other countryside areas. Nevertheless, each proposal must be considered on its merits and have regard to the site specific circumstances and the nature of the proposal. No specific examples of the type or location of other potential developments have been given and a generalised fear of precedent is not sufficient grounds to warrant refusing planning permission.
19. Whilst the appeal proposal does not fall within one of the categories of development identified by Saved Policy ENV4 of the UDP and Core Strategy Policy CS3, these categories are not closed lists that preclude any development not specifically included. It is also common ground that the appeal proposal would have a minimal visual effect on the appearance of the countryside which is a key factor that both policies seek to secure. The Council's ecologist has not raised any objections to the proposal, subject to an appropriate condition being imposed to ensure that any potential effects on Great Crested Newts which may be present at or near the appeal site are mitigated during the construction period. As the proposed security cabin would be located on part of a large area of existing hardstanding, there would be no loss of land in agriculture, forestry, or nature conservation uses. The proposal would help curtail unauthorised activities at the wider former quarry site that are harmful to its ecological value. In this context, I do not find any conflict with the requirements of the development plan or the requirements of the National Planning Policy Framework

(the Framework) which seeks to ensure that new development contributes to, and enhances, the natural environment.

20. The appeal proposal is for the siting of a relocatable building for use as the security cabin. Buildings of this type are not suitable as a permanent development because their construction results in a limited lifespan. In addition, to allow the effectiveness of the proposed security measures and on-site presence to be properly assessed, it is appropriate to limit the time period for which planning permission for the security cabin is granted. This can be done by way of a planning condition.
21. I therefore conclude that the proposal is a suitable form of development in the countryside, having regard to the provisions of the development plan. It would not conflict with the relevant requirements of Saved Policies ENV2 and ENV4 of the UDP, Core Strategy Policy CS3 or the requirements of the Framework.

### **Other Matters**

22. I have had regard to the representations made by the Parish Council and by other parties. However, none of the points raised lead me to a different overall conclusion.

### **Conditions**

23. I have had regard to the list of conditions that were suggested by the Council. In order to provide certainty in respect of what has been granted planning permission, I have attached a condition specifying the approved drawings.
24. The submitted PEA identified the presence of Great Crested Newts in the near vicinity of the appeal site and that it is likely that they may be present when the development is constructed. In order to ensure that appropriate mitigation is put in place to ensure that the development does not harm a protected species, it is necessary to require the submission and implementation of a method statement for the construction period. As this method statement would be required for the entirety of the construction period, it is also necessary that this be a pre-commencement condition.
25. The proposed security cabin is a relocatable structure and its design and construction are such that it is not suitable as a permanent building. For this reason, it is necessary to include a condition that makes the permission for this building temporary. Whilst the Council suggest that permission should only be granted for one year, to allow for lead in time and also time for the precommencement condition to be discharged, and in order to allow a reasonable period of time to assess the efficacy of the security arrangements, I have increased this to a period of two years.
26. The planning application form states that surface and foul drainage from the development is to be to the mains sewer. No details of the drainage arrangements or connection points were included with the application. As the cabin is to provide kitchen and w.c. facilities, it is necessary for these details to be submitted for approval and subsequently implemented. As building is a relocatable structure these details should be provided before it is brought into use.

27. The submitted drawings do not indicate the height of the proposed mounting poles for the CCTV installation, although the supporting information sets out that these will be 4 metres high. To ensure that the development is implemented as proposed, it is necessary to include an additional condition restricting the height of the camera mounting poles to the 4 metres stated in the supporting documents. Whilst this condition was not suggested by the Council it is, nonetheless, reasonable to include it.

### **Conclusion**

28. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the above reasons, I 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) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 002 rev A and General Arrangement Plan 001 rev B.
- 3) Notwithstanding the provisions of condition 2 and the description of the proposed development, the security cabin as shown on Site Location Plan 002 rev A and General Arrangement Plan 001 rev B hereby permitted shall be for a limited period, being the period of 2 years from the date of this decision. On the expiry of that period, the building hereby permitted shall be removed and the land restored to its former condition in accordance with a scheme of work that shall first have been submitted to, and approved in writing by, the local planning authority. Said scheme shall be submitted for approval not later than four weeks prior to the expiry of the permission for the cabin. The building shall be removed, and the land restored, within 2 months from the date of the local planning authority's approval of the restoration scheme.
- 4) No development shall take place until a method statement drawn up by a suitably experienced and licenced ecologist for the reasonable avoidance of any impacts upon great crested newts has been submitted to, and approved in writing by, the local planning authority. The content of the method statement shall include:
  - a) The ecologist shall set an appropriate time frame for construction activities so as to avoid periods when great crested newts will be active within the area of the proposed development.
  - b) A pre-commencement toolbox talk to be delivered to the contractors in order to explain the potential presence of great crested newts, their legal protection, roles and responsibilities, the proposed method of

working, basic identification of great crested newts and procedures should great crested newts be found.

- c) The working methods associated with traffic movements, storage, and siting of the security cabin ensuring that no excavations take place.
- d) A diagram of the working area, fully annotated to indicate the working methods measures being undertaken.
- e) The licensed ecologist will attend ensure that the siting of the security camera poles is carried out with minimal disturbance of hardstanding, made-up ground or naturally occurring substrates avoids any harm to great crested newts.
- f) In the unexpected event that great crested newts are discovered, the licenced ecologist must be informed so that he/she can take appropriate action to avoid harm to any great crested newts.

The works shall be carried out strictly in accordance with the approved details and any proposed deviation from this shall be subject to early consultation with the local planning authority.

- 5) The development hereby granted shall not be brought into use until details of the foul and surface water drainage systems and all related works necessary to serve the development have been submitted to, and approved in writing by, the Local Planning Authority. These works shall be carried out in accordance with the submitted details prior to the first use of the development.
- 6) The mounting/support poles for the closed circuit television cameras hereby approved shall not exceed 4 metres in height (excluding the camera) when measured from the existing surrounding ground level.

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## Appeal Decision

Site visit made on 6 April 2021

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

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**Appeal Ref: APP/F4410/D/21/3267119**

**6, Cadeby Road, Sprotbrough, Doncaster, DN5 7SD**

- 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 Jason Mace against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 20/02052/FUL, dated 28 July 2020, was refused by notice dated 28 October 2020.
  - The development proposed is described as erection of single storey detached garage, wall, railings, gates and trees to front of dwelling.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey detached garage, wall, railings and gates at 6, Cadeby Road, Sprotbrough, Doncaster, DN5 7SD, in accordance with the terms of the application Ref 20/02052/FUL, dated 28 July 2020, subject to the following conditions:
  - 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
  - 2) The development must be carried out in accordance with the following approved plans:
    - Drawing no. 20016 01 (Site Location and Proposed Block Plan);
    - Drawing no. 20016 02 (Proposed Site Plan);
    - Drawing no. 20016 03 (Proposed Floor Plans);
    - Drawing no. 20016 04 (Proposed Elevations); and
    - Drawing no. 20016 05 (Proposed Street Scene).
  - 3) Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced and drained in a manner to be approved in writing by the local planning authority.
  - 4) The development hereby approved shall not be brought into use until a crossing over the footpath has been constructed in accordance with a scheme previously approved in writing by the local planning authority.

### Main Issue

2. The main issue is the effect of the appeal proposal on the character and appearance of the host dwelling and the wider street scene.

## Reasons

3. The appeal site is occupied by a large detached dwelling which was under construction at the time of my site visit. Located within a predominantly residential area, the appeal site fronts directly onto a main pedestrian and vehicular route through Sprotbrough. To one side are other residential dwellings and to the other the Sprotbrough Country Club.
4. The appeal site does not relate to any designated features or areas that would be particularly sensitive to change, albeit its road frontage positioning gives it a presence in the street scene.
5. The defining consistent characteristics of this street scene are dwellings which are set a good distance from the highway. Those, which like the appeal dwelling, front onto the highway tend to share a consistent building line. Whilst front gardens are physically contained, they are free from high boundary enclosures.
6. However, the Club building breaks with the consistency found on this side of the road, being situated hard against the back of the public foot way and its grounds defined by a higher enclosure. Furthermore, those dwellings on the other side which back onto Cadeby Road tend to be contained by high boundary enclosures. This all forms part of the street scene.
7. The height and positioning of the proposed boundary wall would not be dissimilar to those front garden enclosures found along this part of Cadeby Road. The finished height of the gates, piers and railings would not be dissimilar to the Club's boundary treatment, or that on the other side of the road.
8. Furthermore, the gates and railings would afford views through, thus lessening the visual effect of the overall finished height. Given their scale relative to one another, the proposed boundary enclosure would remain subservient to the host dwelling. They would also match in style and materials to the host.
9. For these reasons, the proposed boundary enclosure would not be incongruous or dominant within the street scene.
10. The proposed detached garage would reflect the style and materials of the host dwelling. Given its hipped roof design, coupled with the large scale of the host dwelling, the appeal proposal would be subservient to it. Furthermore, the proposed intervening boundary treatment would serve to break up the bulk of the proposed garage when viewed from the street.
11. However, the proposed garage would occupy a position forward of the prevailing building line which characterises this part of the street. Consequently, it would be visible in the street scene on approach into Sprotbrough. Nonetheless, it would be read with the existing dwellings and also the bulk of the Club building. Furthermore, when travelling out of Sprotbrough the visibility of the proposed garage would be largely screened by the Club building until a point very close to the appeal site, from where it would be read with the mass of the host dwelling.
12. Indeed, the appeal proposal would change the appearance of the street scene. However, as the appellant's evidence demonstrates, that proposed change



- would not lead to an overly dominating or incongruous development which would represent an unexpected, alien feature.
13. The Council's concern about the success and longevity of the proposed planting scheme is justified. However, the absence of this planting here would not alter my findings.
  14. For these reasons, the appeal proposal would not have a harmful impact on the character and appearance of the host dwelling and the wider street scene.
  15. Paragraph 124 of the National Planning Policy Framework (the Framework) 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. Paragraph 127 of the Framework states that decisions should ensure that developments are sympathetic to local character, while not preventing or discouraging change, amongst other things.
  16. The Council's Development Guidance and Requirements Supplementary Planning Document states that householder development will be supported which complement and enhance existing buildings and their settings and avoid negative impacts on the quality of the local environment. This policy sets out a number of principles to achieve this. Amongst other things, this includes the design concept, layout and detailing taking reference from the host dwelling, neighbouring properties and the character of the area. Development should be subservient to its host.
  17. In the absence of harm, the appeal proposal does not conflict with either the Framework or this local planning guidance.
  18. Policy S1 of the emerging Sprotbrough Neighbourhood Development Plan states, amongst other things, that developments should enhance and reinforce the local distinctiveness of the area. Care should be taken to ensure that buildings do not disrupt the visual amenity of the street scene.
  19. Moreover, Policy ENV54 of the adopted Doncaster Unitary Development Plan states that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building.
  20. Policy CS1 and Policy CS14 of the adopted Doncaster Council Core Strategy 2011-2028 require development to be of a high quality design that contributes to local distinctiveness, integrates well with its immediate surroundings and makes a positive contribution to the character of the area.
  21. In the absence of harm to the host building and the character and appearance of the wider area, there is no conflict with these policies.

### **Conditions**

22. In addition to a condition limiting the timescale for the proposed development to be implemented, a condition requiring the development to be implemented in accordance with the approved plans is necessary, in the interests of certainty.
23. A condition to manage the surfacing and disposal of surface water is necessary so as to avoid any road hazards. A condition to manage the design of the proposed access is necessary in the interests of safety of users of the highway.

24. As the plans clearly specify that materials will match the existing dwelling a condition to manage materials is unnecessary in this instance. In the absence of harm and given the Council's concern about the longevity of the proposed planting scheme a landscaping condition is also unnecessary, and the description of development amended accordingly.

**Conclusion**

25. For the reasons given, there is no conflict with the development plan when taken as a whole. No matters have been advanced that out-weigh this finding. Consequently, the appeal should be allowed, subject to the prescribed conditions.

*C Dillon*

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.

<b>Case Updates – Fourth Quarter (1<sup>st</sup> January – 31<sup>st</sup> March 2021)</b>	
Total Cases Still Under Investigation as at end of March 2021.	281
Total Cases Recorded in the Fourth Quarter (1 <sup>st</sup> January – 31 <sup>st</sup> March 2021).	153
Total Cases Closed Down in the Fourth Quarter (1 <sup>st</sup> January – 31 <sup>st</sup> 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 19<sup>th</sup> 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 7<sup>th</sup> 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 16<sup>th</sup> March 2021 and will come into effect on 27<sup>th</sup> April 2021. The notice requires the owners to cease the use of the unauthorised scrap yard by 25<sup>th</sup> May 2021, clear the land of any scrap metal and any other miscellaneous items by the 20<sup>th</sup> 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 7<sup>th</sup> 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 11<sup>th</sup> 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 16<sup>th</sup> June 2020 for 3 days. Shortly before the intended date for the inquiry to commence the Planning Inspectorate postponed the inquiry until the 13<sup>th</sup> October 2020. Documentation was received from the Planning Inspectorate on 15<sup>th</sup> 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 28<sup>th</sup> April 2021, has now been subjected to a further amendment and will take place on 27<sup>th</sup> 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 10<sup>th</sup> 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 2<sup>nd</sup> 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 20<sup>th</sup> 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 16<sup>th</sup> 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

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

<b>Case Breakdown</b>	
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

<b>Areas Where Breaches Take Place</b>	
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

<b>Formal Enforcement Action</b>	
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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