



Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

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

Venue: Council Chamber - Civic Office Waterdale, Doncaster

Date: Tuesday, 29th 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 or telephone **01302 734854** to request a place, no later than **2.00 pm on Monday, 28th 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

Issued on: Monday, 21 June 2021

Governance Services Officer for this meeting

David Taylor
Tel: 01302 736712

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

Items for Consideration:**Page No:**

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|---|--|----------|
| 1. | Apologies for Absence | |
| 2. | To consider the extent, if any, to which the public and press are to be excluded from the meeting. | |
| 3. | Declarations of Interest, if any. | |
| 4. | Minutes of the Planning Committee Meeting held on 8 June,2021 | 1 - 10 |
|
A. Reports where the Public and Press may not be excluded. | | |
| <u>For Decision</u> | | |
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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, 8TH JUNE, 2021

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, FLOOR 2, CIVIC OFFICE, WATERDALE, DONCASTER on TUESDAY, 8TH JUNE, 2021, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

An apology for absence was received from Councillor Andy Pickering

1 DECLARATIONS OF INTEREST, IF ANY.

In accordance with the Members' Code of Conduct, Councillor Daniel Barwell, declared an interest in relation to Application No. 20/03120/FULM, Agenda Item No. 5(3), by virtue of being a Local Ward Member.

2 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 30 MARCH 2021

RESOLVED that the minutes of the meeting held on 30 March 2021 be approved as a correct record and signed by the Chair.

3 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'.

4 APPEAL DECISIONS

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

Application No	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
19/02127/FUL	Erection of a portacabin for	Appeal Allowed	Finningley	Delegated	No

	24hrs site security and 2 wide angle CCTV cameras at Levels Lane Plantation, Thorne Road, Blaxton Doncaster	04/05/2021			
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

5 PLANNING ENFORCEMENT QUARTERLY REPORT MARCH 2021

The Committee considered a report, which detailed all Planning Enforcement performance in the fourth Quarter 2020/21.

An update was provided to Members on the current situation with regard to the former Cooplands factory.

In respect of the Pony Paddocks, officers acknowledged there were a number of sites and would provide Members with an email, which enables identification of those that have been closed.

Officers stated that the report identifies the proactive worked carried out by the Enforcement Team and if any member of the Committee is interested in any particular site, they were encouraged to contact the Team.

RESOLVED that all Planning Enforcement Cases received and closed for the period for 1st January to 31st March, 2021, be noted.

Prior to the conclusion of the meeting, it was noted that former Councillor Eva Hughes who had served on the Planning Committee for many years was observing at the meeting and the Chair, Members and Officers wished to thank her for her contributions and wished her well for the future.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 8th June, 2021

Application	1.		
Application Number:	20/02870/FUL		
Application Type:	Planning FULL		
Proposal Description:	Erection of a livestock building for pig finishing unit and associated infrastructure		
At:	Toecroft Farm, Toecroft Lane, Sprotbrough, Doncaster		
For:	Richard Lodge		
Third Party Reps:	469 Representations in objection 3 Representations in support	Parish:	Sprotbrough and Cusworth
		Ward:	Sprotbrough

A proposal was made to defer the application for a site visit in order to assess the location of the proposed building in relation to the proximity of residential dwellings and to assess the site access road.

Proposed by: Councillor Steve Cox

Seconded by: Councillor Charlie Hogarth

For: 4 Against: 4 Abstain: 1

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

Decision: The application be deferred for a site visit to in order to assess the location of the proposed building in relation to the proximity of residential dwellings and to assess the site access road.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', the following individuals spoke on the application for the duration of up to 5 minutes:-

- **Mr Chris Creighton (consultant on behalf of residents) and Mark Haythorne (Local resident) spoke in opposition to the application;**
- **Councillor Glenn Bluff (Ward Member) spoke in opposition to the application; and**
- **Mr Sam Harrison, the Agent on behalf of the Applicant spoke in support of the application.**

(The receipt of additional comments to the report and additional information regarding the petition detailed at paragraph 6.5 were reported at the meeting).

Application	2
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Application Number:	21/00016/3FUL
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Application Type:	Full Application
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Proposal Description:	Erection of single storey side and rear extension
At:	1 Chestnut Drive, Bawtry, Doncaster DN10 6LQ

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

A proposal was made to grant the Application

Proposed by: Councillor Charlie Hogarth

Seconded by: Councillor Steve Cox

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted subject to conditions.

Application	3
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Application Number:	20/03120/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	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).
At:	Former Wheatley School and Playing Field, Leger Way, Wheatley Hills, Doncaster DN2 5RW

For:	Mr Ashley Newton – Avant Homes (Yorkshire)
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Third Party Reps:	None	Parish:	
		Ward:	Wheatley Hills and Intake

A proposal was made to grant the application subject to the existing Section 106 Agreement and conditions.

Proposed by: Councillor Iris Beech

Seconded by: Councillor Sue Farmer

For: 9 Against: 0 Abstain: 1

Decision: Planning permission granted subject to the existing Section 106 Agreement and conditions.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Miss Stella Heeley, Agent spoke in support of the application for the duration of up to 5 minutes.

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

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

A proposal was made to grant the application

Proposed by: Councillor Iris Beech

Seconded by: Councillor Duncan Anderson

For: 6 **Against:** 4 **Abstain:** 0

Decision: Planning permission granted subject to conditions.

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

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

A proposal was made to grant the application subject to conditions.

Proposed by: Councillor Duncan Anderson

Seconded by: Councillor Susan Durant

For: 8 Against: 1 Abstain: 1

Decision: Planning permission granted

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Liz Maw, Agent spoke in support of the application for the duration of up to 5 minutes.

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

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

A proposal was made to grant the application

Proposed by: Councillor Duncan Anderson

Seconded by: Councillor Daniel Barwell

For: 9 Against: 1 Abstain: 0

Decision: Planning permission granted subject to conditions.

In accordance with Planning Guidance, ‘Having Your Say at Planning Committee’, the following individuals spoke on the application for the duration of up to 5 minutes:-

- **Mr Luke Stanbridge (speaking on behalf of Peter Stanbridge) spoke in opposition to the application;**
- **Mrs Diane Holgate, the Agent on behalf of the Applicant spoke in support of the application.**

(The receipt of additional comments on the representation by Mr Luke Stanbridge was reported at the meeting).

DONCASTER METROPOLITAN BOROUGH COUNCIL

To the Chair and Members of the
PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

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

Human Rights Implications

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

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

Copyright Implications

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

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1. SV	20/02870/FUL	Sprotbrough	Sprotbrough And Cusworth Parish Council
2.	21/00165/FUL	Roman Ridge	Brodsworth Parish Council
3.	21/00278/FUL	Hatfield	Hatfield Parish Council

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

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

Author of Report:	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.

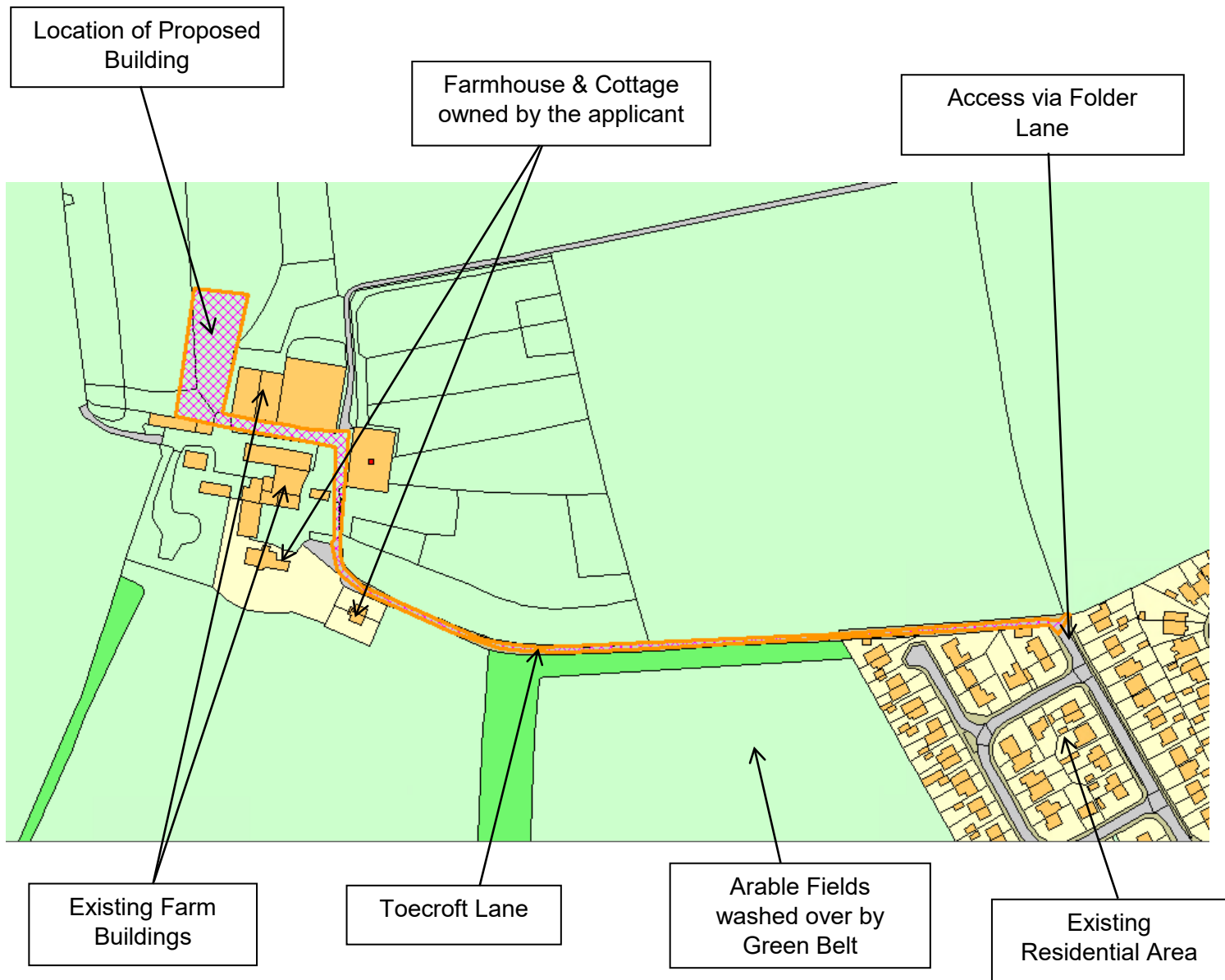
The proposed building will provide pig accommodation on a fully slatted slurry based system, in which the slurry is emptied twice per annum - Spring & Autumn. The slurry will primarily be used as a fertiliser for the existing arable fields meaning less fertiliser is to be imported to the site.

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 following the application being deferred at the meeting on 8th June 2021 in order for the location of the proposed building and the access road to be fully considered.

1.2 Planning Committee members will attend a site visit on 25th June 2021.

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 of internal space and is positioned within the built form of the existing farm operation. The pig accommodation is positioned above a 1.6m 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 on the applicant's 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 area 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 there 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 but has confirmed that he has a property in Sprotbrough which he occupies for part of the year when not travelling overseas for work.	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

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 Cottage to ensure that these remain within the applicant's ownership, 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 ownership of the properties would change. 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 3rd 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 The farmhouse and one cottage situate towards the southern part of the built form, which the agent has confirmed are both owned by the applicant. The applicant occupies the farmhouse, whilst the cottage is privately rented out and has been since 2010.

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 Cottage and the farmhouse both of which are within the applicant's ownership. The applicant occupies the farmhouse dwelling. The cottage is privately rented out to individuals who are independent from the farming enterprise. However, given the proximity of the cottage to the farming enterprise and the fact that this is rented out rather than being privately owned means it would be up to the occupier of that property to distinguish if the proposed use would harmfully impact them. Any future occupier/tenant of that property would be aware of the locality of the cottage and the impact this may cause. 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 amenity 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 residential properties, no residents 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 independent 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 dwellings which are independent from the farm, 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

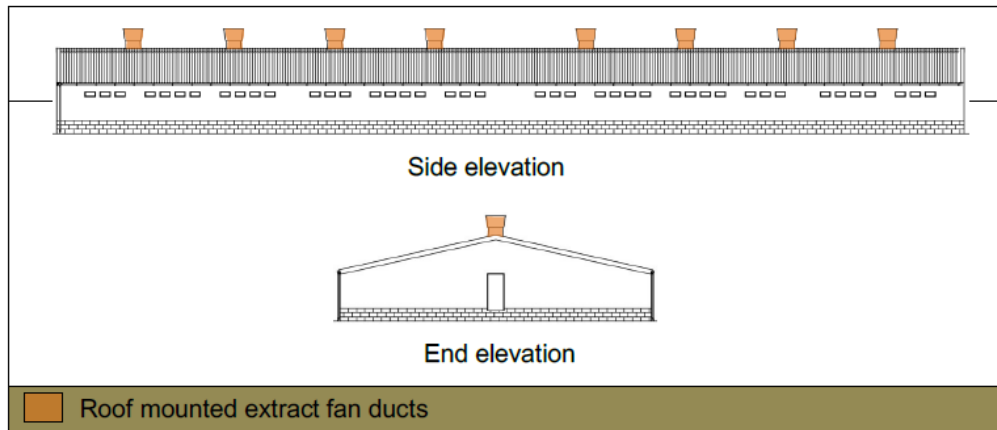
9.31 Impact Upon Openness of Green Belt & Character of Area

- 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 a 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 Cottage would experience an odour exposure which exceeds the EA benchmark. Given that these properties are within the applicant's ownership 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 and from the local primary school. Therefore a condition is proposed to restrict traffic movements associated with the development using the surrounding residential streets and Melton Road junction around school drop off and pick up times.
- 9.75 The proposed condition also ensures that outside of these times, only one vehicle associated with the proposed development 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. The application red line boundary also means that the LPA is unable to restrict traffic movements associated with the wider farm use. The 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 outside of the applicant's ownership 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 The highways impact is considered to be limited. According to the information provided the development will result in an overall reduction in traffic movements by 20 vehicles per annum by virtue of less imports and exports. A condition is proposed to restrict the vehicles associated with the development.
- 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 19th October 2020
Site Plan, Dwg No: IP/RL/02, Received 19th October 2020
Proposed Elevations- Proposed Livestock Unit, Dwg No: IP/RL/03, Received 19th October 2020
Proposed Elevations- Ancillary Buildings, Dwg No: IP/RL/04, Received 19th 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, a lighting design strategy for light-sensitive biodiversity for the proposed livestock building 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. I 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 a traffic and delivery timetable statement shall be submitted and agreed in writing by the Local Planning Authority which demonstrates how the following highways requirements and the continual monitoring of those requirements is to be implemented:
- No farm traffic/large vehicles associated with the proposed development of the livestock building shall ~~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 proposed development of the livestock building shall ~~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.
 - The operator shall maintain records detailing dates, times and numbers of all HGV deliveries associated with the proposed development of the livestock building which enter and exit the site at Toecroft Farm. These records shall be made available for inspection by the Local Planning Authority within two working days of a verbal or written request.

The agreed traffic and delivery timetable shall be implemented upon the development hereby approved coming into first use and shall be adhered to for the lifetime of the development.

REASON

In the interests of protecting highway safety as required by Policy CS14 of the Core Strategy.

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'.

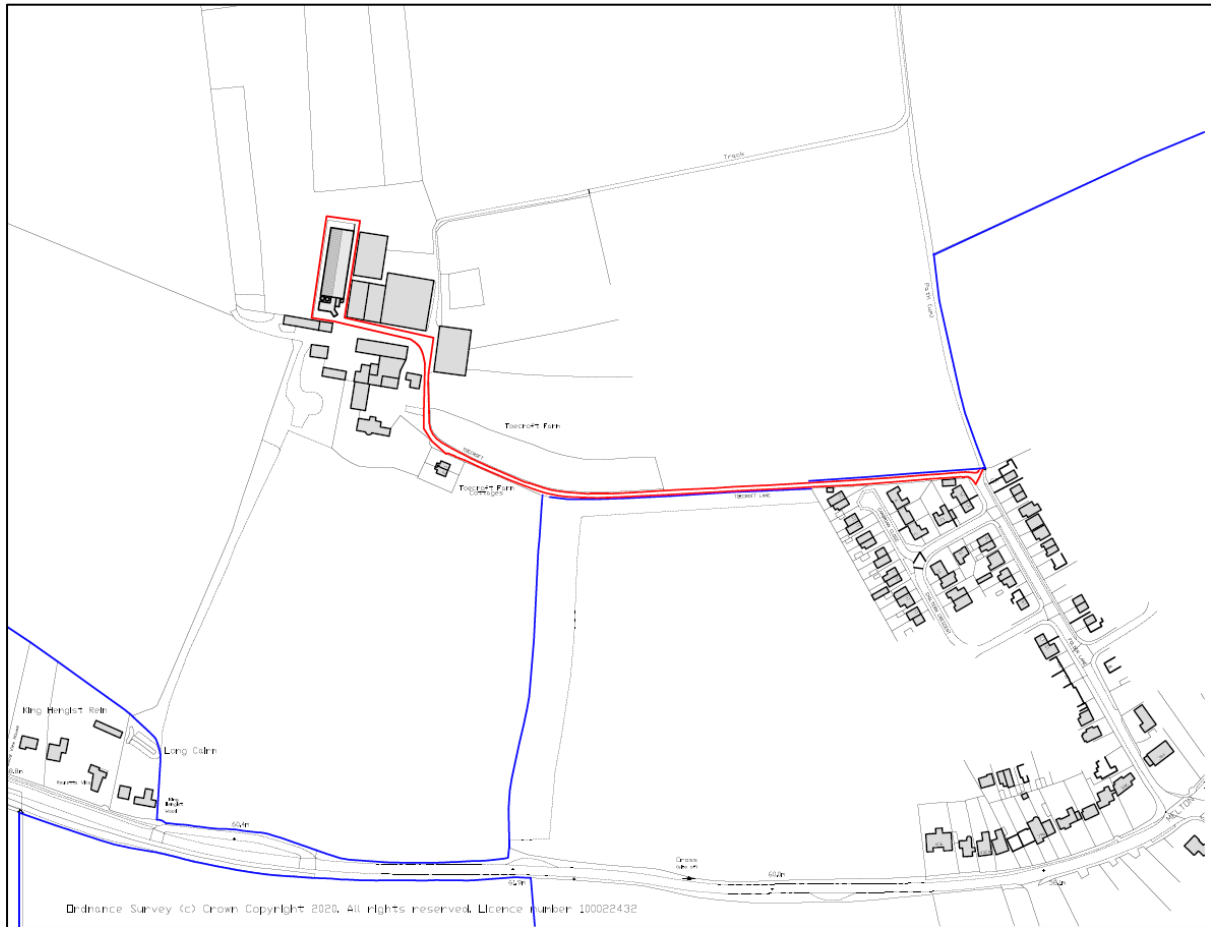
Specifically, flooring should be impermeable and any internal drainage should all be directed to a sealed drainage system. Adequate maintenance and emptying of this system will need to be undertaken to prevent polluting discharges off-site. The developer will need to ensure that there is no direct connection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

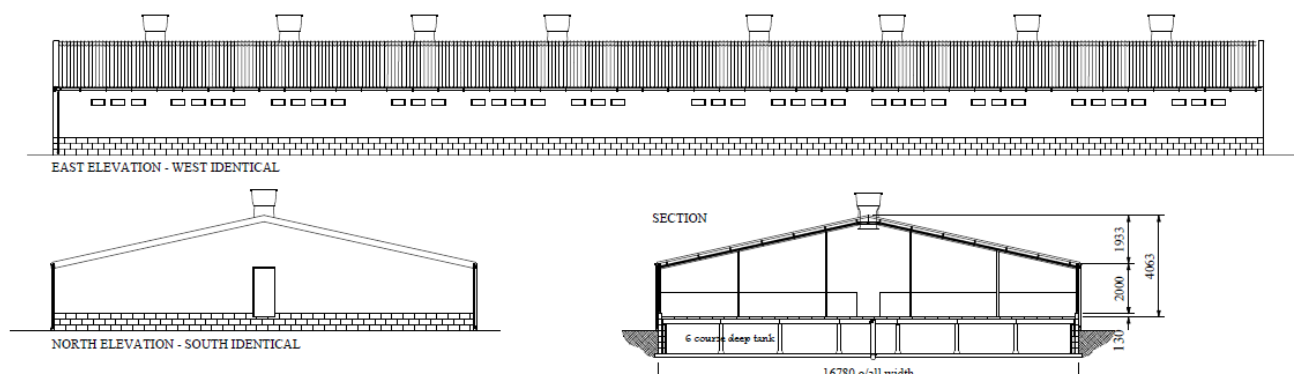
Movement of manure/slurry and subsequent storage should be undertaken in a manner to reduce the risk to the environment.

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



Application	2.
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Application Number:	21/00165/FUL
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Application Type:	Planning FULL
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Proposal Description:	Variation of condition 3 (Delivery Times) of planning application 13/00181/WCC granted 28/03/2013.
At:	Aldi Barnsley Road Scawsby

For:	Aldi Stores Ltd
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Third Party Reps:	6 Objections	Parish:	Brodsworth Parish Council
		Ward:	Roman Ridge

Author of Report:	Jessica Duffield
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SUMMARY

The application relates to the variation of a condition which restricts the times in which delivery vehicles can access the site. Condition 3 of planning reference 13/00181/WCC states:

No vehicles may arrive, depart, be loaded or unloaded, within the general site except between the hours of 0700 and 1800 Monday to Saturdays and 0900 and 1600 on Sundays and Bank Holidays. Vehicle engines (including those powering refrigeration units shall not be running outside the above times.

REASON

In the interests of the aural amenities of the occupants of nearby dwellings.

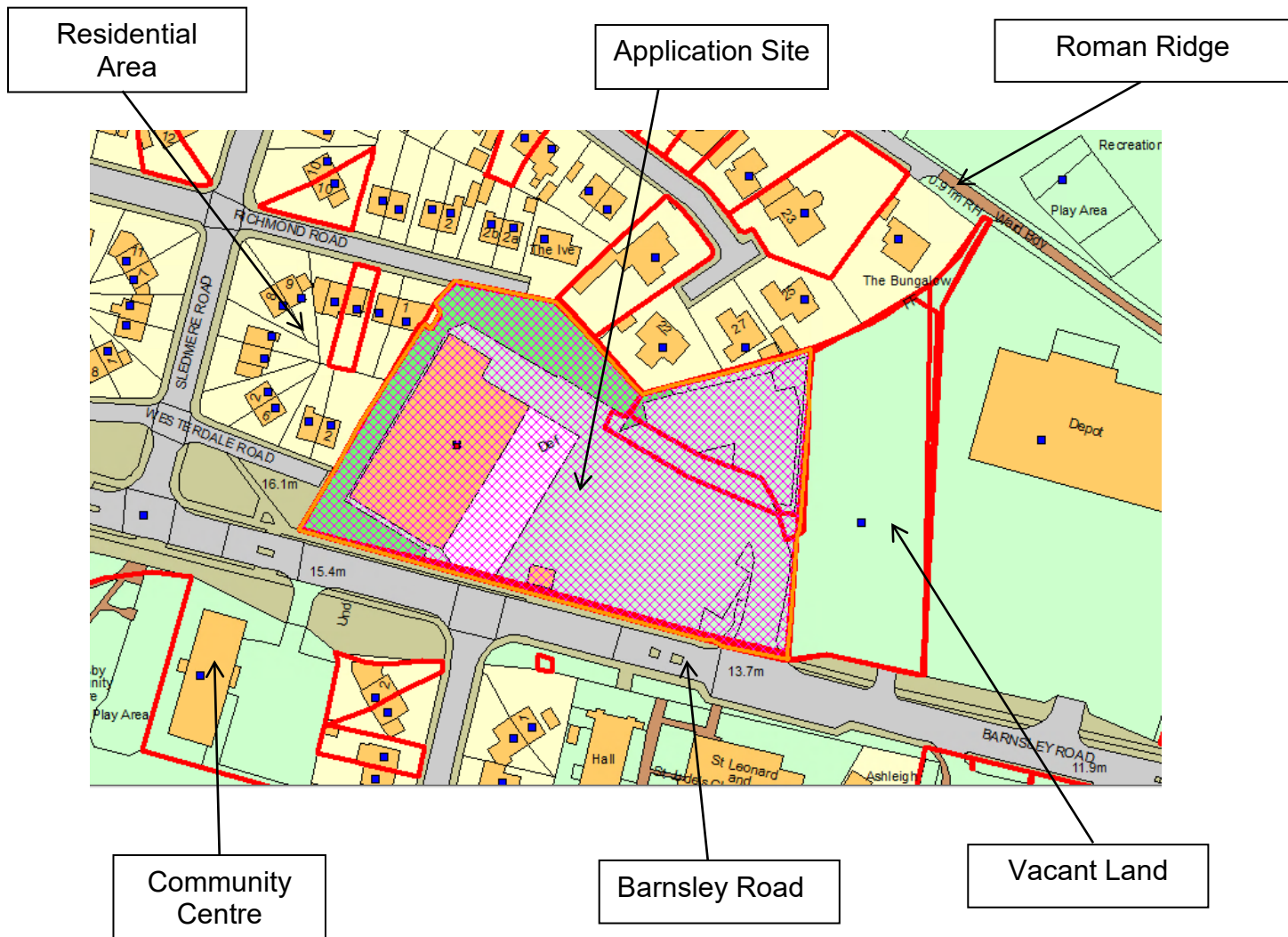
The applicant wishes to vary the wording of this condition to allow a temporary 'trial' period to extend the opening hours to 0700 – 2300 Monday to Saturday, and 0800 – 2000 on Sundays; as well as removing the wording relating to Bank Holidays. The temporary wording will be for a 12 month period.

Following the 12 month period the delivery hours would revert to: *Monday - Saturday 07:00 - 21:00 and 09:00 - 18:00 Sundays and Bank Holidays.*

The amended wording is in line with the delivery condition attached to the permission for another Aldi store within the borough.

The application is being presented due to public interest.

RECCOMENDATION: GRANT planning permission subject to conditions



1.0 Reason for Report

- 1.1 This application is being presented to planning committee due to public interest. The application has received 6 neighbour objections.

2.0 Proposal

- 2.1 The proposal relates to the variation of the condition which refers to restricting delivery times. The delivery times were restricted by condition for planning ref: 13/00181/WCC.
- 2.2 The larger delivery window will allow the store to provide better service and improve the supply of fresh produce and other goods throughout the trading day.
- 2.3 The applicant states that given the age of this store (first granted in early 1990s) the delivery hour's condition is particularly restrictive in comparison to newer/more recent Aldi Store permissions.
- 2.4 The proposal looks to extend the hours in which deliveries can be made. The condition will include both times for a temporary 1 year period and then requiring the store to reduce the delivery hours after that period has lapsed. The proposed changes are as follows:

For a temporary period of 1 year, with a cut-off date of 1st July 2022, the hours of delivery shall be limited to:

- Extend Monday to Saturday delivery hours to allow these to take place between 0700 – 2300 (five additional hours in the evening)
- Extend Sunday delivery hours to allow these to take place between 0800 – 2000 (additional one hour in the morning and four hours in the evening)
- Remove the reference to Bank Holidays.

Following the 1 year period the delivery times will revert to:

- Monday to Saturday 0700- 2100 (three additional hours in the evening)
- Sundays and Bank Holidays 0900 – 1800 (two additional hours in the evening).

- 2.5 The alterations to the delivery times were originally proposed to be amended on a permanent basis. However following discussions with the Case Officer and the submission of an up to date Noise Impact Assessment (NIA) this has been altered to a temporary 'trial' basis to safeguard residential amenity and ensure consistency with other Aldi stores within the borough. This will allow the Local Planning Authority the ability to monitor the situation over the next 12 months to determine if the proposed changes significantly harm the amenity of neighbouring properties. The NIA supports the proposed hours from a technical perspective as addressed in the appraisal below.

- 2.6 The hours proposed on the permanent basis following the 12 month period are considered to be a small/low risk amendment to the delivery hours. There will be no change to the morning hours; bank holiday times will be retained and only a limited alteration to the evening. This is considered to be appropriate.
- 2.7 The same condition has been attached to another Aldi store within the borough which has residential properties within a similar distance to the application site.
- 2.8 The applicant would be required to submit another Section 73 application (application to vary or remove a condition) if they wish to make the temporary deliveries hours permanent after the 12 month period. Should such a scenario occur, the application would be advertised and neighbours invited to submit comments in relation to the application.
- 2.9 The site has a complex planning history, with various amendments and removal of conditions relating to the original consent having taken place previously. This is set out in more detail in Section 4.

3.0 Site Description

- 3.1 The site consists of an existing Aldi supermarket. The building is located on the western part of the site while the car park is to the east. The vehicle delivery bay is located on the northern elevation of the building. A 2m close boarded fence wraps around the loading bay as a form of existing physical mitigation.
- 3.2 Barnsley Road runs along the southern boundary of the site. Both the main vehicular and pedestrian access is via Barnsley Road.
- 3.3 The building itself and the car park have historically been extended to increase the capacity of the store.
- 3.4 Residential dwellings surround the site to the west and the north, with garden boundaries abutting the red line boundary of the site. Established trees wrap around the shop building and delivery bay area to form an additional buffer between the commercial use and the residential properties.
- 3.5 An undeveloped area of land is located to the immediate east of the site. Further to the south of the application site is a Jewson store and yard.

4.0 Relevant Planning History

Planning Reference	Description	Decision
15/01783/FUL	Erection of retail foodstore and associated parking facilities (without compliance with condition 3 of planning application 13/00181/WCC granted 28.03.13 - extension of loading and unloading hours to be 0600-1800 Mon-Sat, and 0900-1600 Sun and BH)	WITHDRAWN (LPA advised that the application would be refused) 9/11/2015
15/00441/ADV	Erection of 4 internally-illuminated signs, comprising of 1 no fascia sign, 2 no post mounted signs and 1 no free standing post frame sign	GRANTED 21/4/2015
14/02760/FUL	Erection of extension (6.52 m x 45.18m) to supermarket including new canopy	GRANTED 27/2/2015
14/00199/FUL	Extension of existing car park for an additional 29 spaces including 4 additional disability spaces	GRANTED 27/3/2014
13/00181/WCC	Erection of retail foodstore and associated parking facilities - Being amendment to Condition 4 and 6 of application 92/74/3610/01 granted on 06.04.93 (Trading and delivery hours) (without compliance with condition 3 of planning application 08/02119/FUL granted on 20.10.2008 - extension of loading and unloading hours 0700-1800 Mon-Fri, 0800-1300 Sat and 0900-1600 Sun and BH) (without compliance with condition 3 of planning application 12/01383/WCC granted on 24.08.2012 - extension of loading and unloading hours 0700-1800 Mon-Fri, 0700-1800 on Saturdays and 0900-1600 on Sundays and Bank Holidays).	GRANTED 28/3/2013
12/01383/WCC	Erection of retail foodstore and associated parking facilities - Being amendment to Condition 4 and 6 of application 92/74/3610/01 granted on 06.04.93 (Trading and delivery hours) (without compliance with condition 3 of planning application 08/02119/FUL granted on 20.10.2008 - extension of loading and unloading hours 0700-1800 Mon-Fri, 0800-1300 Sat and 0900-1600 Sun and BH).	GRANTED 24/8/2012

08/02548/FUL	Erection of extension to front elevation (45.2m x 4.5m)	GRANTED 17/10/2008
08/02541/ADV	Display of internally illuminated fascia sign (2.4m x 2.0m) to replace existing and internally illuminated double sided gantry sign (2.4m x 2.1m)	GRANTED 20/10/2008
08/02119/FUL	Erection of retail foodstore and associated parking facilities - Being amendment to Condition 4 and 6 of application 92/74/3610/01 granted on 06.04.93 (Trading and delivery hours)	GRANTED 20/10/2008
06/01352/FUL	Erection of extension (16.3m x 22.2m) overall	REFUSED 5/12/2006
05/0981/P	Continuation of use of supermarket without compliance with Condition 2 of application 92/74/3610/01 granted on 06/04/93 (Variation of opening hours to allow trading between 10.00 - 16.00 hours on Sundays)	GRANTED 26/4/2005
94/0509/P	Continuation of use of supermarket without compliance with condition 06 of application 92/74/3610/01 granted on 06.04.93 (variation in times for vehicles arriving/ departing/loading/unloading to 07.00-20.00 mon-fri 07.00-19.00 sat and not at all on sun & bank holidays)	REFUSED 18/2/1994
93/1884/P	Display of two internally illuminated fascia signs (1 x 2.01m x 2.41m and 1 x 1.52m x 1.83m) and one internally illuminated freestanding post sign (2.01m x 2.41m)	GRANTED 9/8/1993
92/3610/P0	Erection of retail foodstore and associated parking facilities	GRANTED 5/4/1993

5.0 Site Allocation

5.1 The site is allocated as Commercial 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 that 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 80 states that planning policies and decisions should allow businesses to invest, expand and adapt. Decisions should take into account local business needs and wider opportunities for development.
- 5.7 Paragraph 82 states that planning decisions should recognise and address the specific locational requirements of different sectors.
- 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.

5.12 Saved Unitary Development Plan Policies (Adopted 1998)

- 5.13 Policy SH1 states that within commercial policy areas permission will normally be granted for shops except where it is likely to create amenity or traffic problems.

5.14 Local Plan

- 5.15 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 final Rreport. The Council is looking to adopt the Local Plan by Autumn 2021.
- 5.16 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
- 5.17 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 In the Emerging Local Plan the site is designated within the Scawsby Local Centre boundary.
- 5.19 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is afforded limited weight as there are outstanding unresolved objections.
- 5.20 Policy 23 refers to Development within Town District and Local Centres. It states that development in town, district and local centres will be acceptable in principle for a wider range of Main Town Centre Uses.

5.21 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 notice, and direct neighbour notification letters.

6.2 Six representations have been received in response to the application publicity, all in objection. All the responses received were in relation to the permanent change to the condition wording rather than 12 month trial period.

A summary of the comments is provided below:

- Unacceptable for the residents to the rear of the supermarket.
- Hours at the weekend should be retained;
- Deliveries already taking place at 6am;
- Staff working during the deliveries are noisy; noise created when fixtures are being moved to the front of the store; noise from metal plant shelving.
- If earlier hours allowed then moving of store fixtures will begin earlier also;
- Noisy staff after shop closing hours;
- Noisy customer queuing outside the store;
- Object to any earlier in a morning;
- Already woken at early hours and in evening, deliveries already being recorded at 11:30pm;
- Proposal shows complete disregard to residents living nearby;
- The store is in a residential area and not a retail setting;
- 'Tatty' appearance of the rear of the store shows further disregard to residents;
- Little foliage left between the store and houses which dies off in the winter months and forms no noise cancelling effects;
- Rolling of the containers off of the ramp makes the most noise;
- Lorries reversing beepers cause noise disturbance;
- Noise from lorry engines and refrigeration units;
- Waste removal vehicles empty the bins at 5am;
- Feels like deliveries in front of residential windows;
- Vehicles arrive between 5-5:30am already;
- Bushes have been ripped out which helped mitigate the noise level;
- Proposal would only allow a 7hr period free of deliveries which does not allow for 8hr sleep time;
- Until completely noise free, unable to agree to extended delivery times.

6.3 The applicant has acknowledged that Aldi have been working with the Council's Noise team in relation to a recent investigation with regards to the application store receiving deliveries outside of the existing permitted delivery

hours. The applicant confirms that Aldi Stores Ltd have followed this up and are aware of a small number of isolated incidents in the middle to end of February 2021.

- 6.4 These concerns/breaches have been addressed internally and the LPA has been assured that the store now only receives deliveries within the permitted hours as attached to the most recent decision notice (13/00181/WCC).
- 6.5 Aldi has also put in place a bespoke delivery process which minimises 'the more noise generating' elements of commercial deliveries. This is addressed further below.
- 6.6 The applicant has also stated at complaints relating to poor practise/staff shouting etc. has been communicated with the Store Manager and staff have been briefed.

7.0 Parish Council

- 7.1 The site is within the Brodsworth Parish Council area.

8.0 Relevant Consultations

- 8.1 **Environmental Health/ Noise Team** – a noise assessment has been provided by the agent, as requested by the Environmental Health Officer. The noise survey concluded that the proposed additional delivery hours do not represent a significant increase in the severity or duration of impact over that presently permitted. No objection to proposed amendment to the wording.
- 8.2 **Noise Team** - As per comments above.
- 8.3 **Highways** – Extended delivery hours not expected to impact traffic flows. Thus no objection.
- 8.4 **Area Manager**- No response.
- 8.5 **Parish Council**- objection to the original proposal. Parish Council recognised that commercial concerns are important however they are opposed to any extension in hours of delivery on the grounds of disturbance of the peace certain hours of the day. The applicant/agent has provided a response to the Parish Council and residents to address the concerns raised.

9.0 Assessment

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

- Principle of Development
- Impact upon Neighbouring Properties
- Noise
- 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 Commercial Policy Area as defined in the adopted Unitary Development Plan 1998.
- 9.4 Policy SH1 states that with commercial policy areas of small town and district centres permission will normally be granted for shop uses, except where development is likely to create amenity or traffic problems.
- 9.5 The proposal is in relation to an existing and long established retail/supermarket use at the site. The proposed variation to the condition is therefore acceptable in principle and is in accordance with the site's allocation.
- 9.6 The main planning consideration to be assessed relates to the proposed extension to the permitted delivery hours and its impact upon residential amenity, neighbouring land uses and the environment.

Sustainability

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

9.9 SOCIAL SUSTAINABILITY

9.10 Impact Upon Residential Amenity

- 9.11 As referred to above Policy SH1 refers to potential amenity problems with developments in commercial areas. Given the site's proximity to existing housing and the contentious nature of the application site the case officer has worked with the agent to ensure that the proposal will have no impact upon residential amenity.
- 9.12 Concerns have been raised by local neighbours in relation to disturbance caused by noise at the site. Some residents have made reference to deliveries already occurring outside permitted hours. The agent has confirmed that these reports in relation to an isolated instance have been investigated in conjunction with the Council's noise team, and the LPA has been assured that the deliveries do not take place outside the permitted hours.
- 9.13 In addition to this, the applicant has provided a detailed noise assessment which concludes that the additional delivery hours will cause no further impact upon the residents. However in order to ensure this, the case officer has worked with the agents and has amended the wording of the proposed condition to include a 1 year 'trial' period.
- 9.14 The same condition has been attached to another Aldi store within the borough in which there is a similar proximity to housing.
- 9.15 If the applicant wishes to extend the delivery hours on a permanent basis then a new application would need to be sought following the 1 year period on the basis that during the trial there has been no impact/complaints made by local residents.
- 9.16 Along with the 12 month temporary period, an additional condition is to be imposed which relates to a Delivery Management Plan. This will implement that further mitigation measures to what is currently permitted and covers many of the issues raised in the public representations. The addition of this condition will therefore demonstrate a betterment in terms of regularity and enforcement. This is detailed further in paragraph 9.31.
- 9.17 The proposed hours are supported by the Environmental Health Officer and are considered to be appropriate. Anything outside of the proposed times would go against industry standards for night time hours. It is considered that the increased time span will be an improvement in terms of delivery hours, which is consistent with other Aldi stores within the borough, but still remain within accepted hours in terms of residential amenity.
- 9.18 Based on this it is not considered that the proposal will harmfully impact residential amenity and the amendment to the condition is supported.

9.19 Conclusion on Social Impacts.

- 9.20 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.
- 9.21 In conclusion the proposal will not harmfully impact residential amenity. Whilst the delivery opening hours will be extended this will still be within the industry standards and has been supported with a noise impact assessment, thus is acceptable. The addition of the Delivery Management Plan will also protect residential amenity further.
- 9.22 The amended wording of the condition allows for a temporary 12 month period to enable any impact to be further assessed if necessary, and is in line with conditions attached at other Aldi stores within the borough. This weights significantly in favour of the application.

9.23 ENVIRONMENTAL SUSTAINABILITY

9.24 Noise

- 9.25 Given the potential noise disturbance which could be caused by the extended delivery hours a detailed and up to date noise impact assessment has been submitted with the application, which supports the proposed hours from a technical perspective. This has been reviewed by Environmental Health.
- 9.26 The purpose of the noise survey was to assess existing ambient noise levels at locations representative of the identified noise sensitive areas. The nearest noise sensitive properties were highlighted as being those dwellings at Lower Moulton Road- NSA 1 (approx. 7m from site boundary) and Richmond Road – NSA 2 (approx. 11m from site boundary). This is shown on the image plan.



- 9.27 The noise survey was undertaken over 4 periods at various times and days of the week to cover both a sample of the existing delivery periods and the proposed extended periods.
- 9.28 The submitted report states that during each of the periods assessed the noise climate was predominately controlled by noise emissions from road traffic on Barnsley Road, as well as distant road traffic to the west and east. Noise was also observed from customers parking and manoeuvring around the existing car park, as well as operational noise from the adjacent Jewsons yard.
- 9.29 One of the main factors which was considered as part of the assessment was the fact the site is a long established existing supermarket and the character of the noise generated by delivery vehicles accessing the site and unloading is not incongruous.
- 9.30 The noise emissions from the delivery operations has been calculated using 3-dimensional computer modelling. Based on the assessment/modelling undertaken, the survey concludes that it is reasonable to suggest that the proposed additional delivery hours do not represent a significant increase in impact over that presently permitted given the background noise environment and mitigation in place.
- 9.31 In addition to this a Delivery Management Plan has been provided which sets out further mitigation measures. This includes:
- No reversing beepers outside of the store opening hours;
 - No use of refrigeration units whilst in the site;
 - Vehicle engines not left running whilst stationary;
 - All unloading to take place internally within the building whereby the vehicles reverse up to a level dock and goods are wheeled directly into the warehouse area.
- 9.32 An additional condition is to be added to the permission in relation to this plan to ensure that further mitigation is put in place and no impact upon residents.
- 9.33 Based on all the information provided it is not considered that the development will harmfully impact noise levels upon the environment or neighbouring land uses.

9.34 Highways

- 9.35 As set out in the Highways DC Consultation response it not expected that the increased delivery hours will impact the highways network. The applicant has not stated that the number of delivery vehicles serving the store will change/alter and simply only the hours in which deliveries will be made to the store is to be amended. The extended hours will not result in an increased number of traffic movements associated with the store, thus no impact in terms of highways.

9.36 Conclusion on Environmental Issues

- 9.37 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 A detailed noise impact assessment has been provided which sets out that overall the extended delivery hours will cause no impact upon the severity or duration in comparison to the existing scenario, and that the proposal is acoustically viable.
- 9.62 In addition to this, a delivery management plan has been provided which will be conditioned and adds further restriction/mitigation to ensure the protection from noise. Based on the above there is considered to be no impact upon the environment in terms of noise. In terms of highways there is not considered to be any impact on the existing network or the creation of additional movements. This weights moderately in favour of the application.

9.63 ECONOMIC SUSTAINABILITY

- 9.64 The economic impact will be isolated to the Aldi store itself. The applicant wishes to amend the current delivery hours so that the application store is in line with other stores within the borough. The larger delivery window will help the store provide better service to the existing customer base and improve the store's ability to supply fresh produce and other goods throughout the trading day.
- 9.65 Other Aldi stores within the borough have similar delivery hours to what is being proposed and consistency is sought to allow efficient deliveries across the stores.

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 though this is limited to the Aldi store/applicant only. As such the proposal carries limited weight in favour of the application in terms of economic impact.

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 hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.
REASON
To ensure that the development is carried out in accordance with the application as approved.
2. The hours of opening shall be limited to:
0800 to 2200 hrs Monday to Saturday and
1000 to 1600 hrs on Sundays.
REASON
To ensure that the development does not prejudice the amenities of the locality.
3. *Amended Condition –*
Unless otherwise agreed in writing, for a temporary period of 1 year only from the date of the decision (and no later than 1st July 2022) the hours of delivery shall be limited to;
Monday - Saturday 07:00 - 23:00 and 08:00 - 20:00 Sundays.

Following that period the hours of delivery shall revert to the following;
Monday - Saturday 07:00 - 21:00 and 09:00 - 18:00 Sundays and Bank Holidays.
REASON
To ensure that the development does not prejudice the local amenity.
4. Noise levels, however produced, shall not, at any time, exceed the prevailing background level of the site as measured at any point on the site boundary.
REASON
To safeguard the aural amenities of the occupants of nearby dwellings.

5. Best practicable means shall be used to restrict the emission of vibration, smoke, fumes, dust, grit or noise including noise from any equipment arising from the development hereby permitted.

REASON

To ensure that the development does not prejudice the amenities of the locality.

6. *Additional Condition-*

All deliveries for the lifetime of the development must be carried out in accordance with the following mitigation requirements as set out in the Delivery Management Plan:

- No reversing beepers outside of the store opening hours;
- No use of refrigeration units whilst in the site;
- Vehicle engines not left running whilst stationary;
- All unloading to take place internally within the building whereby the vehicles reverse up to a level dock and goods are wheeled directly into the warehouse area.

The Delivery Management Plan shall not be amended without prior written approval from the Local Planning Authority,

REASON

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

APPENDIX 1- Location Plan



Application	3.
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Application Number:	21/00278/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of detached dwelling (amended plans to show reduced roof heights as well as passing place and visibility splays)
At:	The Hawthorns, New Mill Field Road, Hatfield, Doncaster, DN7 6LR

For:	Brownsword, The Hawthorns, New Mill Field Road, Hatfield, DN7 6LR
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Third Party Reps:	2 letters of objection	Parish:	Hatfield Parish Council
		Ward:	Hatfield

Author of Report:	Mary Fleet
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SUMMARY

The application relates to the erection of a detached dwelling (amended plans to show reduced roof heights as well as a passing place and visibility splays)

The proposed site is part of the residential curtilage of The Hawthorns which fronts on to Old Epworth Road West (with access being off New Mill Field Road). The site is currently mainly a lawned area that has been cultivated towards the rear. A brick built annex, a shed and hard standing for a caravan are also located on this land but will be forward of the application site.

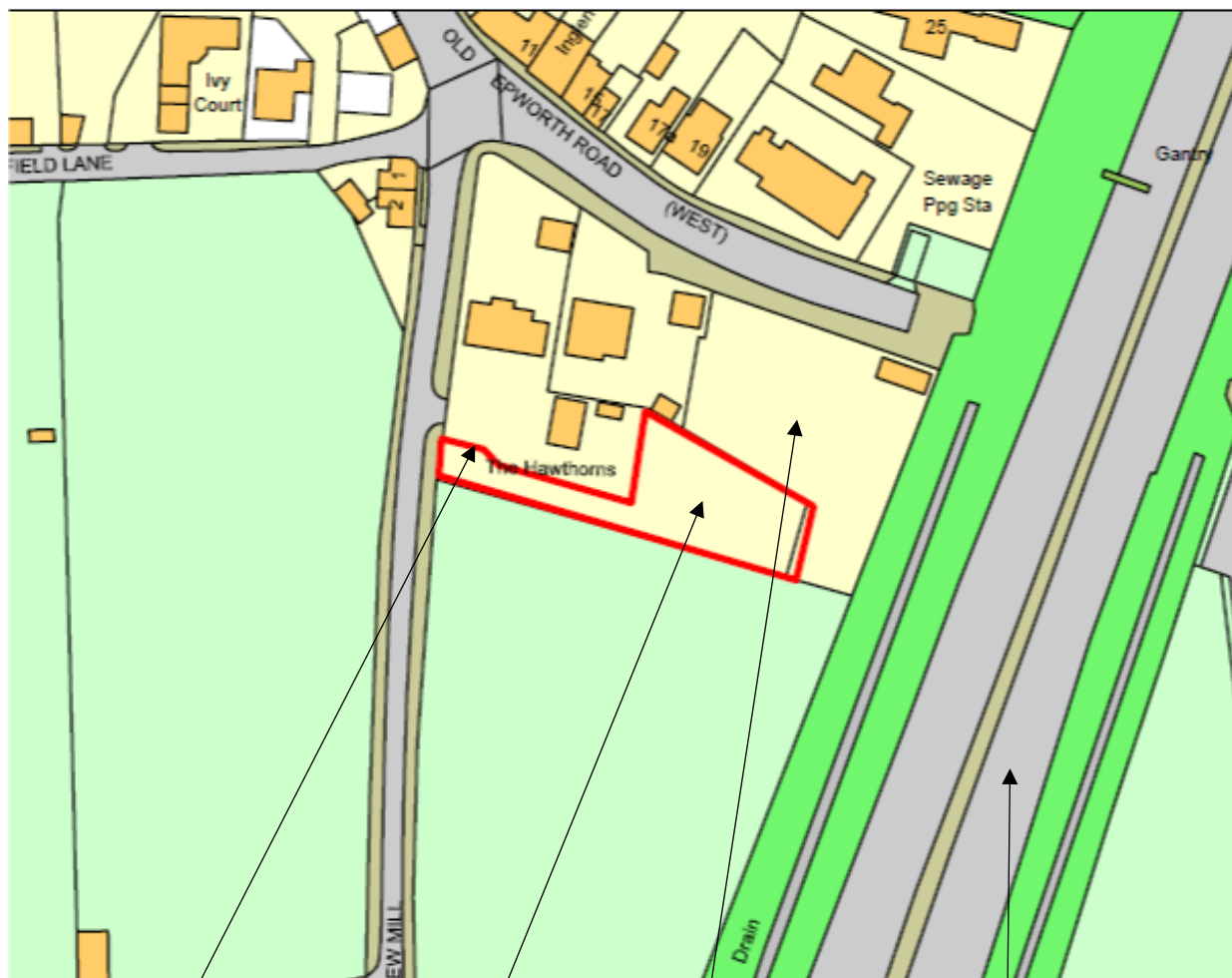
The site is currently on land designated as Countryside Policy Area by the Doncaster UDP 1998 and as such it also lies within an area defined by the Core Strategy as a Countryside Policy Protection Area. As part of the boundary review for the Local Plan however, given that development has been supported outside of the settlement boundary, the site will be included in the settlement limit when the plan is formally adopted.

The site will be accessed by creating an additional access off New Mill Field Road which will run parallel to the one currently in position for the host dwelling.

The proposed accommodation consists of an open plan kitchen dining room, with separate study and lounge. To the first floor are 3 bedrooms, the largest of which has a dressing room and en-suite. The property benefits also from an attached garage.

The application is being presented at Planning Committee as it represents a departure from the development plan.

RECOMMENDATION: GRANT planning permission subject to conditions



Passing place

Approximate
location of
proposed
property

3 additional
dwellings have
now been
erected here

M18 motorway

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee given that the proposal, under the current development plan, represents a departure from what is in principle considered acceptable. The land designation would change once the Local Plan is adopted, and will place this site within the settlement boundary, but until this time it is relevant to present departures of this nature to members for a decision, in line with the scheme of delegation. The main concerns therefore relate to the principle of the development as well as to the impact of the proposal on amenity and on the character of the area.

2.0 Proposal

- 2.1 Full Planning Permission is sought for the erection of a detached dwelling on land currently designated as countryside. Following a neighbour objection and a consultation response from highways the proposal has been amended to include a lower pitched roof on both the main dwelling and the garage element of the building. In addition to this a passing place has been added to the drive as well as visibility splays.
- 2.2 The property will be accessed off New Mill Field Lane with the proposed driveway running parallel to that which serves the host dwelling. The proposed development is situated on an extension to the curtilage of the host dwelling. An application to extend the curtilage was refused in 1999 (planning reference 99/0096/P) but the extent of the curtilage was confirmed in 2013 (planning reference 13/01169/FUL) when the land in its entirety was included in a domestic application for the garage to be extended and converted into annex accommodation.
- 2.3 The proposed accommodation is arranged across 2 storeys and consists of an open plan kitchen diner with separate lounge and study. To the first floor there are 3 bedrooms – one of them en-suite as well as a family bathroom. A double garage is attached to the side of the proposed development which has gardens to the front and rear.
- 2.4 The property is simplistic in its design and will be brick built: the details of which are to be controlled by the addition of a condition should members be minded to grant the application.

3.0 Site Description

- 3.1 The application site is currently part of an extended garden area for the host dwelling. The majority of the site is lawned though an area to the rear of the site appears to be being utilised for growing vegetables/ fruit aided by the use of a small polytunnel. In addition to this close to the converted garage there are a number of ornamental trees and flower beds. The driveway serving the host dwelling is block paved and leads to ornamental access gates bounded by brick built pillars. The boundary of the site is marked by a combination of native mixed and conifer hedging as well as wooden fence panels to the east of the site.
- 3.2 Residential properties occupy the land to the north. To the east is an amount of open land which appears to be rough grassland – immediately adjacent to this is the M18 motorway. To the south and west is open countryside. Development to the south of Old Epworth Road West has occurred in the relatively recent past and

consists of brick built dwellings with detached garages. With the exception of The Hawthorns they front on to Old Epworth Road West.

- 3.3 New Mill Field Road retains a rural character on the edge of the settlement boundary: the mixed hedgerow and the fact that the road is not a through road adds to this leafy rural character.
- 3.4 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps, and is therefore at low risk of flooding.

4.0 Relevant Planning History

- 4.1 95/1589/P Erection of detached house with attached double garage on approx 0.03ha of land. Granted 2.7.1997.
- 4.2 00/4216/P Change of use of land to domestic curtilage including the erection of detached pitched roof garage (3.5m x 5.5m) and detached stable/store/tack room (6.0m x 6.0m) Granted 20.3.2001.
- 4.3 01/3715/P Formation of vehicular access Granted 17.4.2002.
- 4.4 05/00043/REF Retention of detached pitched roof double garage to rear of the detached dwelling. Allowed 7.3.2006.
- 4.5 09/00180/REF Erection of one and a half storey detached dwelling on approx 0.03 ha of land Dismissed 19.5.2010
- 4.6 13/01169/FUL Erection of single storey pitched roof extension to garage and conversion of existing garage to pitched roof annex to rear of detached dwelling house. Granted 27.9.2013.

5.0 Site Allocation

- 5.1 The site is allocated as Countryside Policy Area as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998). As such it is also considered to lie within the broad extent of the Core Strategy (CS) defined Countryside Protection Policy Area (CPPA).
- 5.2 National Planning Policy Framework (NPPF 2019)
- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.6 Paragraphs 54 – 56 of the NPPF set out the requirements for a local planning authority's use of conditions and obligations when considering whether an otherwise unacceptable development could be made acceptable. Imposing conditions should only be used where; they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms, (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 5.7 Paragraphs 59-64 of the NPPF seeks to deliver a sufficient supply of homes that meets the needs of groups with specific housing requirements and that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 5.8 Paragraph 68 states that small sized sites can make an important contribution to meeting the housing requirement of an area.
- 5.9 Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.10 Paragraph 127 states, amongst other things, that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping (b): sympathetic to local character and history (c) create places with (f) a high standard of amenity for existing and future users.
- 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 and section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 5.13 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:

- 5.13 Policy CS1 relates to the quality of accommodation and development within Doncaster. It makes it clear that development must protect local amenity, as well as being well-designed; fit for purpose and capable of achieving the nationally recognised design standards
- 5.14 Policy CS2 sets out a growth and regeneration strategy for the borough and details a settlement hierarchy to clarify the location of new housing. Under this classification Hatfield is a potential growth town where significant housing growth could be sustainably accommodated though that would need to be alongside the co-ordinated delivery of jobs and infrastructure tied to the housing renewal and improvements to services.
- 5.15 Policy CS3 states that the countryside to the east of the borough will continue to be protected through a Countryside Protection Policy Area and that proposal will be supported where they would be appropriate to a countryside location and would protect and enhance the countryside for the sake of its intrinsic character and beauty (B3) Additionally part (C) states that proposals outside of development allocations will be supported where they would (2) not be visually detrimental by reason of siting, materials or design and (4) preserve the openness of the Countryside Protection Policy Area.
- 5.16 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.
- 5.17 Policy CS16 relates to the natural environment stating proposals should both protect and enhance the borough's ecological networks.
- 5.18 Saved Unitary Development Plan Policies (Adopted 1998)
- 5.19 Policy ENV 2 states that the council will maintain a countryside policy area in the eastern part of the borough covering all countryside outside of the Green Belt. The purposes of this are several; most relevant being to safeguard the countryside from encroachment; to provide an attractive setting for towns and villages; to prevent settlements from coalescing and to assist in regeneration by directing development towards urban areas and strategic allocations.
- 5.20 Policy ENV 4 goes on to detail what types of development will be supported in the Countryside Policy Area: this does not include new housing development.
- 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 final 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

The following emerging policies are considered appropriate in assessing this proposal and consideration has been given to the level of outstanding objections resulting in appropriate weight attributed to each policy:

- 5.24 Policy 1 establishes the settlement hierarchy and confirms Hatfield as one of the 7 main towns where the focus will be for substantial housing growth, supported by appropriate levels of employment and retail growth and wider service provision. This policy can be afforded limited weight as subject to objections.
- 5.25 Policy 10 Residential Policy Areas (relevant once the Local plan is adopted) states that new residential development will be supported provided that it is acceptable in terms of residential amenity; it protects and enhances the qualities of the existing area and meets other development plan policies. This policy has no objections so can be afforded substantial weight.
- 5.26 Policy 25 relates to development in the countryside (relevant to the allocation under the current development plan) and in part 3 states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work. This policy can be afforded limited weight as there are outstanding unresolved objections.
- 5.27 Policy 29 relates to ecological networks and states that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the borough's ecological networks by (A) being of an appropriate size, scale and type in relation to their location within, and the impact on the ecological network.
- 5.28 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they: recognise and reinforce the character of local landscapes and building traditions (A1); are of a high quality design which contributes to local distinctiveness (A2); respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality (A3) and integrate visually and functionally with the immediate and surrounding area (A4) This policy can be afforded limited weight given the number of objections that need to be addressed.
- 5.29 Policy 44 relates to residential design and states that proposals for housing will be supported where they respond positively to the context and character of existing areas. This policy can now be afforded with moderate weight.

5.30 Policy 45 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum. This policy can be applied limited weight due to outstanding objections.

5.31 Neighbourhood Plan

5.32 There is no Neighbourhood Plan for this area.

5.33 Other Material Planning Considerations

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

Representations

6.0 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 by way of site notice, press advert and direct neighbour notification letters. The neighbour notification process has been repeated to clarify an incremental change to the red line boundary (on account of adding a passing place in the driveway) as well as the reduction in the pitch of the roof of both the garage and the new dwelling. In addition to the highways department requesting a passing place they have also requested visibility splays be included – these have been noted on the new site plan (Amended plan 18.5.21).

6.1 Two representations have been received; one in relation to the original plans, one in relation to the amended proposal- given that the property from which this objection has been made has recently changed hands. Concerns raised in relation to this application are as follows:

6.2 It is considered that the erection of the dwelling will be detrimental to the character of the countryside/landscape and therefore not in the spirit of what policy CS3 part C of the Core Strategy seeks to achieve. It is felt that the proposal would be visually detrimental to the area as well as being visibly detrimental from the point of view of properties which immediately adjoin the site.

6.3 It is not considered that the proposal represents infill development on account of the large scale of the proposal and its siting and design.

6.5 It is felt that the development will be detrimental to amenity – both in terms of privacy and light to the garden area and the rears of the properties.

6.6 It is considered that the proposal represents an erosion of the settlement boundary.

6.7 It is stated that the erection of the property would bring no economic or connectivity benefit to the borough.

6.8 All of these matters will receive consideration in the sequent paragraphs of this report.

- 6.9 Loss of property value has been raised but cannot be considered as this is not a material planning consideration. This is also the case in relation to disruption during the construction process.
- 6.10 One of the representations refers to another planning decision determined by the Planning Inspectorate. The details of the application have not been given and in any case each application has to be decided on its own merits.

7.0 Relevant Consultations

- 7.1 **Local Plans (housing)** have stated that though not consistent with policies ENV2 and ENV4 relating to development in the Countryside Policy Area the proposal does have some merit when assessed against policy CS3 part C which states that there may be situations where proposals outside of development limits can be supported where (C2) they are not materially detrimental by reasons of siting, materials or design. The policy response has highlighted also that following a 'Small Sites and settlement Boundary Review' this site (ref 039) will be within the development limit once the Local Plan is adopted. The site is proposed to be taken out of countryside given the fact that other development has occurred and received support in this location which has eroded the existing settlement boundary. Once the Local Plan is adopted therefore this development will be policy compliant and any development proposals assessed against policy 1 and policy 10 to establish, in principle, their acceptability.
- 7.2 **Ecology** – no objections but have requested a condition relating to an ecological enhancement plan to include both a bat and swift box. Details of this are to be supplied within a month of the development starting on site.
- 7.3 **Trees** – no objections – trees /hedges are not considered to be an issue.
- 7.4 **Pollution control** - have no objections having reviewed the YALPAG screening assessment and there is no clear reason for the site to be significantly affected by contamination. They have requested conditions relating to the possibility of encountering contamination and in respect of the importing of soils to site.
- 7.5 **Internal drainage** have stated that they have no objections subject to including a condition requiring all drainage details prior to the commencement of the development.
- 7.6 **Highways** have no objections to the amended proposal which now includes the passing place and the visibility splays as indicated on the updated site plan. Conditions are also to be included relating to the surfacing of the site and also in relation to the maintenance of sight lines. Informative notes are also to be included relating to works being carried out on the public highway and also in respect of wheel cleaning.
- 7.7 No responses have been received from either the **Yorkshire Wildlife Trust, Yorkshire Water, National Grid, the area manager or the Parish Council**

8.0 Assessment

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

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

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

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

Principle of Development

8.3 The proposal seeks consent to erect a detached dwelling with attached garage in the curtilage of The Hawthorns.

8.4 The application site is within the Countryside Policy Area (CPA) and Core Strategy designated Countryside Protection Policy Area (CPPA); development at this location is therefore subject to Policies ENV2 / 4 and CS 2 / 3 respectively. Both the UDP and Core Strategy restrict development within the countryside to uses which are considered appropriate to a rural location.

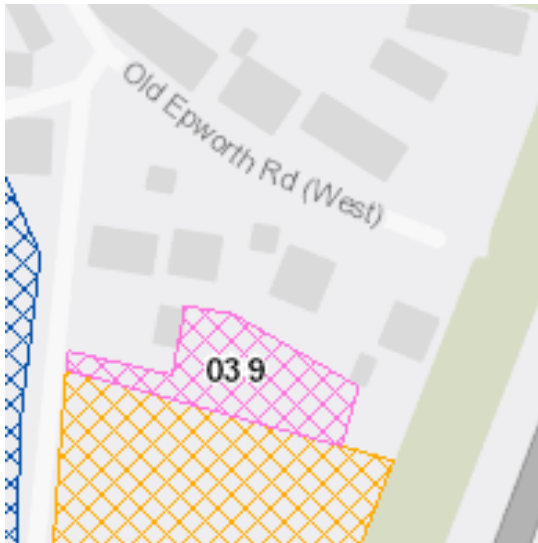
8.5 Though not consistent with policies ENV 2 and ENV 4 of the UDP both parts B and C of policy CS3 of the Core Strategy are relevant. The response from the policy team has acknowledged that development on the south side of Old Epworth Road West has served to undermine the distinct separation between a settlement boundary and the open countryside. This lends a significant amount of support to this proposal particularly if, as part of this application, a firm boundary, and therefore a clear delineation can be established between land within the development limit and land designated as countryside. In response therefore to the comment that the proposal will erode the settlement boundary this has already taken place with the support that has been given to the other residential development fronting on to Old Epworth Road West.

8.6 As stated in paragraph 7.1 the site has been reviewed as part of plan preparation

8.7 Further to this part C of policy CS3 discusses the instances where support may be forthcoming for proposals outside of the development allocations. Later sections of this report will look at the visual impact of the proposal, the impact on openness, as well as the impact on amenity and on the highway in order to come to a balanced

judgement. Part of the 'Small Sites and Settlement Boundary Review'¹ and the identification of Development Limits set out in its conclusion (*site ref 039 – see map below*) of the review that:

... “Given development has occurred and has been supported in this location which has rendered the existing settlement boundary defunct, it is recommended that the settlement boundary is extended in this location to include within it development at the conjunction of New Mill Field Road and Old Epworth Road West. This is in line with Principle 3 as new development in this location is related to the settlement and part of the settlement envelope. A strong boundary can be created by the extent and curtilage of dwellings in this location, with a hedge creating a defensible boundary to the south.”



- 8.8 As a result it is proposed that the site be included within the proposed development limit (as part of a wider, albeit limited, area) and so would be removed from the countryside policy area. As such it would be subject to proposed Policies 1 (Settlement Hierarchy) and Policy 10 (Residential Policy Area). The erection of a dwelling would be consistent with these policies. Policy 1 is subject to outstanding objections and so carries limited weight whereas Policy 10 is without objection and can be afforded substantial weight (in line with NPPF para 48).
- 8.9 On balance, given the direction of travel in policy for this site, the proposal is considered to be acceptable in principle subject to other policy considerations.

Sustainability

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

¹ <https://www.doncaster.gov.uk/services/planning/small-sites-settlement-boundary-review>

pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

SOCIAL SUSTAINABILITY

Impact Upon Residential Amenity

- 8.12 Policy CS 14 (A) of the Core Strategy states that ‘new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment’ and paragraph 127 (f) of the National Planning Policy Framework states that planning decision should create places that have a high standards of amenity for existing and future users . The SPD Development Guidance and Requirements states in section 2.5 that *‘new housing should not give rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of existing occupiers’*.
- 8.13 A representation has been made objecting to the development in terms of blocking ‘natural sunlight’ from the gardens of the properties that lie to the north of the development proposal. To better inform members relating to this issue the applicant has provided a sun path analysis which demonstrates the impact of the proposal on the rear gardens of both Sunflower Cottage, Marlem and Paisley House. This conforms the proposal’s compliance with the Development Guidance and Requirements Supplementary Planning Document (SPD) which states that at least 50 % of a private amenity area should receive unobstructed sunlight in the summer months. (see appendix 1) The study confirms that the erection of the dwelling will have no impact on the gardens of either Sunflower Cottage or Marlem and will impact only on the rear of the garden of Paisley House but then only from late afternoon/ early evening. The latter still easily complies with the SPD much as an objection has been received from the occupiers of this property.
- 8.14 The Development Guidance and Requirements SPD looks at the issue of amenity in more detail providing as guidance separation distances between properties as a useful measure as to whether the development proposal will either overshadow or overlook existing properties or their gardens.
- 8.15 The side of the proposed dwelling is located in excess of 13m from the rear of Sunflower Cottage and in excess of 15m from the rear of Marlem. The development proposal has also been deliberately placed across the gap between the 2 properties thus limiting its impact on each. In addition to this the 2 storey element has been situated to the far side of the plot to lessen the impact on the existing properties by way of shading as well as dominance. The proposed dwelling is further removed from the rear of Paisley House and the aspect remains open to the immediate rear.
- 8.16 In relation to privacy, the proposal has no windows on the side elevation facing the rear of the neighbouring properties. To the front habitable room windows do not directly overlook the annex accommodation and this is in any case in excess of 25m away. To the rear there are no dwellings affected and likewise the side elevation located to the south of the site has only a bathroom window and there are no properties situated to the south that could potentially be affected. The occupiers of Paisley House have stated that this application is detrimental to privacy however the new dwelling complies with the guidance in the SPD in terms of the length of the garden (10m) to the rear boundary therefore the rear of the garden of Paisley

House could not be considered to be significantly overlooked. Additionally in relation to the rear of Paisley House any overlooking is indirect and there is also in excess of 23m between the 2 dwellings (on an angle – where 21m with no angle would in fact be acceptable) and therefore this relationship is also considered acceptable.

- 8.17 The proposal meets the required separation distances set out in the SPD and the two storey element has been located to the far side of the site to lessen the impact on neighbours. Additionally the proposal has been positioned in the gap between the two most affected properties and the scheme has been subsequently amended to reduce the pitch on both the roof of the garage and the main dwelling to further lessen the impact on the closest neighbours. The impact of the proposal therefore in relation both to overshadowing, privacy and dominance is considered acceptable and the fact that this is the case weighs considerably in favour of the application.
- 8.18 The proposed plans include provision for private amenity space and parking. The private garden space (at 189m²) more than exceeds the requirements of the SDP and to the front of the dwelling a driveway can be accommodated without there being a sense that parking dominates the plot.
- 8.19 Details relating to the scale of the proposal will be discussed in more detail when consideration is given to the impact of this proposal on character. Here it is relevant that the proposal meets the guidance set out in the SPD in relation to the impact on amenity and is in this sense considered to be of appropriate scale.
- 8.20 All the rooms proposed exceed the space standards set out in the adopted South Yorkshire Residential Design Guide and in addition to this additional accommodation is provided in the form of the study, a utility, an en-suite and a dressing room.
- 8.21 In conclusion, the proposed development would not result in a harmful impact upon either the existing or future residential amenity. Therefore the application is in accordance with Policy CS1 E) CS14 as well as paragraph 127 of the NPPF and this carries significant weight.

8.22 Conclusion on Social Impacts.

- 8.23 Paragraph 8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 8.24 The proposed development will see the erection of a new dwelling within the area currently classed as private garden of the host dwelling. The unit is suitably sized and will be built to a good specification for the benefit of future occupiers.
- 8.25 The proposal would not adversely affect neighbouring residential properties through excessive overshadowing or loss of privacy, nor is it considered that the proposal will be overly dominant as it is sited in such a way that it meets the required separation distances and is planned in such a way that reduces its dominance in

respect of the properties located directly to the north. Both the curtilage and the internal space standards are acceptable and will result in the erection of good quality accommodation. The proposal therefore accords with policy CS1 and CS14 as well as with the Development Guidance and Requirements SPD. Thus the proposal weighs positively in terms social impacts and carries significant weight.

8.26 ENVIRONMENTAL SUSTAINABILITY

Design and impact upon the character of area.

- 8.27 The proposal is a doubled fronted dwelling with an attached garage and gable roof. It has no more than would be considered the standard amount of fenestration with the exception of bi-fold doors to the rear elevation. The front elevation is broken up with the addition of a porch way which forms part of the hallway. The front garden consists of both lawns and a driveway which includes a turning area to the front of the proposed garage.
- 8.28 Outside of the application site in the immediate vicinity are properties which are of a similar design to that which is proposed here. The new dwelling will occupy a curtilage that is smaller than that of the host but which is notably larger than both Sunflower Cottage and Marlem. This weighs in favour of the proposal and serves to integrate the proposal into the edge of the settlement occupying only the land also already approved as residential curtilage. In this respect the proposal is arguably in character with its immediate neighbours both in terms of design and plot densities.
- 8.29 Further afield from the development site properties are older; some have the appearance of farm cottages, others form part of a terraced row to the end of which more modern development has been added. In essence the main characteristic here is one of variety and in this sense there are no issues with the design of this application. It has a simplistic form, it is not overly grandiose, it has an element of subservience to the host dwelling and sits well within the site which is bounded by a clear curtilage that is important to retain in terms of delineating the domestic garden from the open countryside.
- 8.30 The proposed dwelling is sited in such a way as to not be visually impactful from New Mill Field Lane. The only noticeable impact will be the need to maintain the boundary treatment at a height of no more than 900mm to ensure the safety of the access. The applicant has confirmed that the hedge is to remain, and will just be altered to meet highways standards.
- 8.31 Photographs taken within the application site can be found in appendix 2 – these show the domestic nature of the site and the character /design of those properties which flank the site. In this context the proposal here is considered acceptable much as representation has been received to the contrary.
- 8.32 Looked at more broadly the proposal is located in what is already a residential garden and thus clearly domesticated. It is also immediately adjoining other residential properties and can therefore not be considered to be detrimental to the openness of the countryside: it is in effect a logical infill development and one which has received support from the Local Plans team.
- 8.33 A comment has been made that the new dwelling will have an unacceptable visual impact on those that front on to Old Epworth Road West. It is accepted that this outlook will alter however the proposed development is not considered to be in any

way overbearing on these properties as the separation distances in the SPD are more than achieved. As the representation section above states there is no right to a view nor any guarantee that the land that makes up the garden at The Hawthorns won't be developed at some point particularly given the direction of travel of the Local Plan. The application in this sense is not considered to be unreasonable.

- 8.34 Further to this the proposed dwelling is to be brick built, with a tiled roof the details of which are to be agreed by condition. This is in keeping with the recently built properties which surround it and the specifics of which can be considered to best integrate with the existing built form.
- 8.35 Given the above assessment it is considered that the design of the proposal is respectful of the character of the area and therefore in accordance with policy CS3 part C in that it is not considered to be visually detrimental to the character of the countryside or have a detrimental impact on openness.

Highways

- 8.36 Following the initial consultation from the highways department the application has been amended to include a passing place just inside the boundary of the site and in addition to this visibility splays are required and must be maintained in order to ensure the safety of the access. The addition of the passing place required an alteration to the red line boundary which has been advertised for a second time making clear the changes that had been made to the application.
- 8.37 The site is a sizeable one and this application raises no issues in respect of parking and benefit from onsite turning provision.
- 8.38 Conditions controlling the surfacing of the site as well as the maintenance of the sight lines are to be included in this consent to ensure the safety of the access for both vehicles and pedestrians.
- 8.39 Given the above assessment it is considered that the proposal is acceptable in terms of the access arrangements and parking set out by this application. It is not considered to raise any issues relating to highway safety once the visibility splays are created. It is therefore considered that this application is in accordance with CS14 a)3 as well as with the standards detailed in the South Yorkshire Residential Design Guide.

Ecology

- 8.40 Policy CS16 of the Core Strategy states that proposals will be supported which enhance the borough's ecological networks by including measures that are of an appropriate size, scale and type and have regard to both the nature of the development and its impact on existing or potential networks, whilst paragraph 175d of the NPPF states that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.
- 8.41 The response from ecology has noted that the biodiversity losses on this site are difficult to calculate given its size but that there should be some ecological enhancements commensurate with the size of the plot. To this end as a condition of this permission an ecological enhancement plan is to be submitted and agreed to include boxes for both bats and swifts prior to the first occupation of the site. Given

this undertaking the proposal is considered to accord with policies CS16 as well as paragraph 175d.

8.42 Conclusion on Environmental Issues

- 8.43 Paragraph 8 (c) of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.44 The application proposal is not considered to harmfully impact the environment or surrounding uses. The development is small in scale, and is situated immediately next to the settlement boundary. The proposal encounters no tree constraints and any ecological losses can be compensated for. The Highways DC Officer considers that the proposed highways/access arrangements are acceptable subject to the proposed conditions.
- 8.45 The application is not in a Conservation Area, thus there being no impact upon any Heritage assets. The proposed dwelling will be brick built the details of which are to be agreed by condition to ensure they are in keeping with surrounding properties. The proposal does not detrimentally affect the surrounding environment. This weighs significantly in favour of the application.

8.46 ECONOMIC SUSTAINABILITY

- 8.47 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesman connected with the build of the project.
- 8.48 On the wider level, the erection of the dwelling will make a limited contribution to housing supply and local spending. Much as a comment has been made that the proposal will have no economic benefit to the area, there are other material planning considerations that weigh in favour of the application and it would not be reasonable to refuse the application on this basis.

8.49 Conclusion on Economy Issues

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

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified that both socially and environmentally the application weighs in positive favour, while no adverse economic harm, that would significantly or demonstrably outweigh the benefits outlined, has been identified when considered against the policies in the Framework taken as a whole. The proposal, though not consistent with policies ENV 2 and ENV 4 of the UDP can be seen to accord with policy CS3 of the Core Strategy. In addition to this increasing weight can be afforded to the emerging Local Plan which places this site within the development limit. Given that this is the case and the fact that the proposal is not considered to be detrimental to the immediate or wider area if constructed here it is felt that there are no material considerations indicating that the application be refused.

10.0 RECOMMENDATION

10.1 GRANT planning permission subject to conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

Site plan – amended plan dated 18.5.21 (to show passing place and visibility splays)
Proposed plans – amended plan dated 19.3.21

REASON
To ensure that the development is carried out in accordance with the application as approved.
3. Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
REASON
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.

4. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.
REASON
To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.
6. Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.
REASON
To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.
7. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the local planning authority prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the local planning authority prior to any soil and soil forming material being brought on to site.
REASON
To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.
8. Prior to occupation of the approved dwelling, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.
REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

9. Before the development is brought into use, the sight lines as shown on the approved plan shall be rendered effective by removing or reducing the height of anything existing on the land hatched black on the said plan which obstructs visibility at any height greater than 900mm above the level of the near side channel line of the public highway. The visibility thus provided shall thereafter be maintained as such for the lifetime of the development, unless otherwise approved in writing with the local planning authority.

REASON

In the interests of road safety and to provide and maintain adequate visibility.

10. 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 specifications and details of the following measures all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:

1x bat box of the bat brick type to be built into the brickwork of the proposed dwelling at a height and location that will be optimal for use by bats.

1x swift box as an integrated or surface mounted type of woodcrete or similar to be sited at a height and location that will be optimal for use by bats.

REASON

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

11. Existing boundary treatments shall be retained unaltered with the exception of the hedge where the access is to be formed which will require alteration to accommodate the visibility splay. The required sight lines are to be maintained and the boundary otherwise maintained so as to continue to form a distinct separation between the residential curtilage and the open countryside.

REASON

To ensure the settlement boundary is not further eroded.

12. No development shall take place until details of wheel cleaning facilities are to be provided during site excavation, preparation and construction have been submitted to, and approved in writing by, the

Local Planning Authority. The approved wheel cleaning facilities shall be installed and operational before any development commences and shall be retained in working order throughout all phases of the development until completion. All vehicles leaving the site shall use the wheel cleaning facilities.

REASON

To ensure that mud and debris is not deposited on the highway

1. INFORMATIVE

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

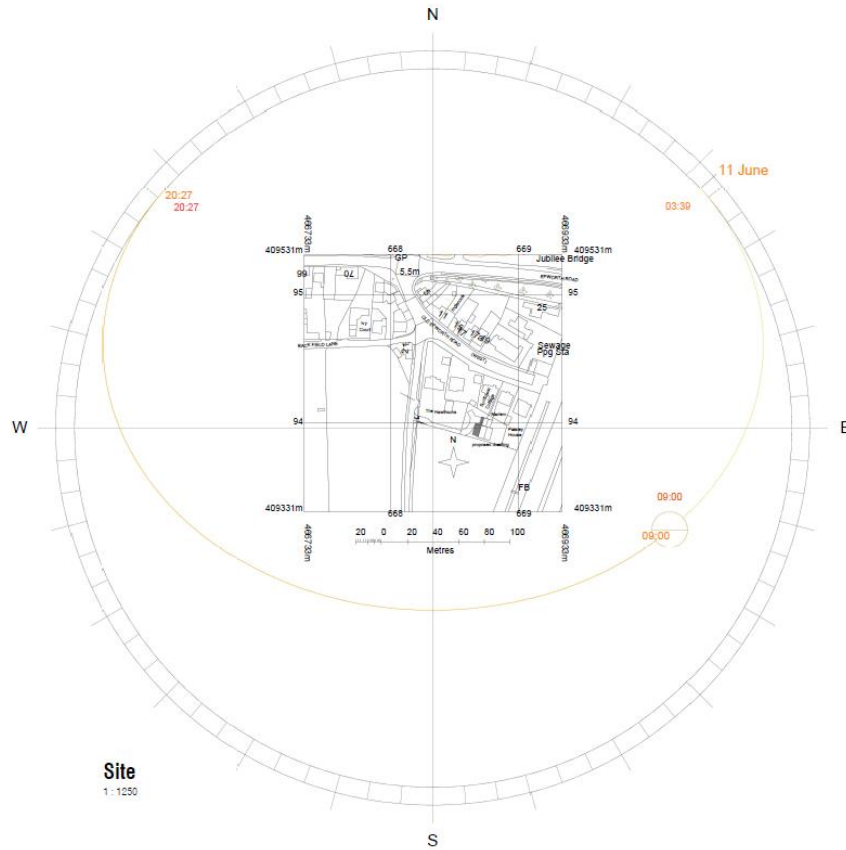
Further information is also available on the Coal Authority website at:

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

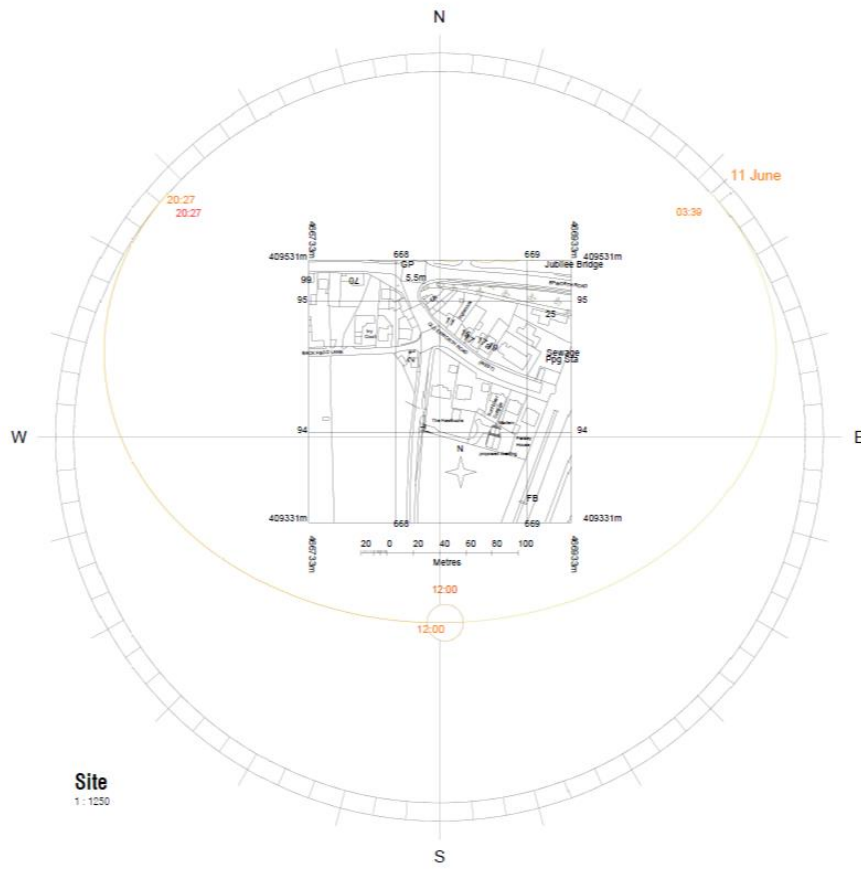
Standing Advice valid from 1st January 2021 until 31st December 2022

2. INFORMATIVE

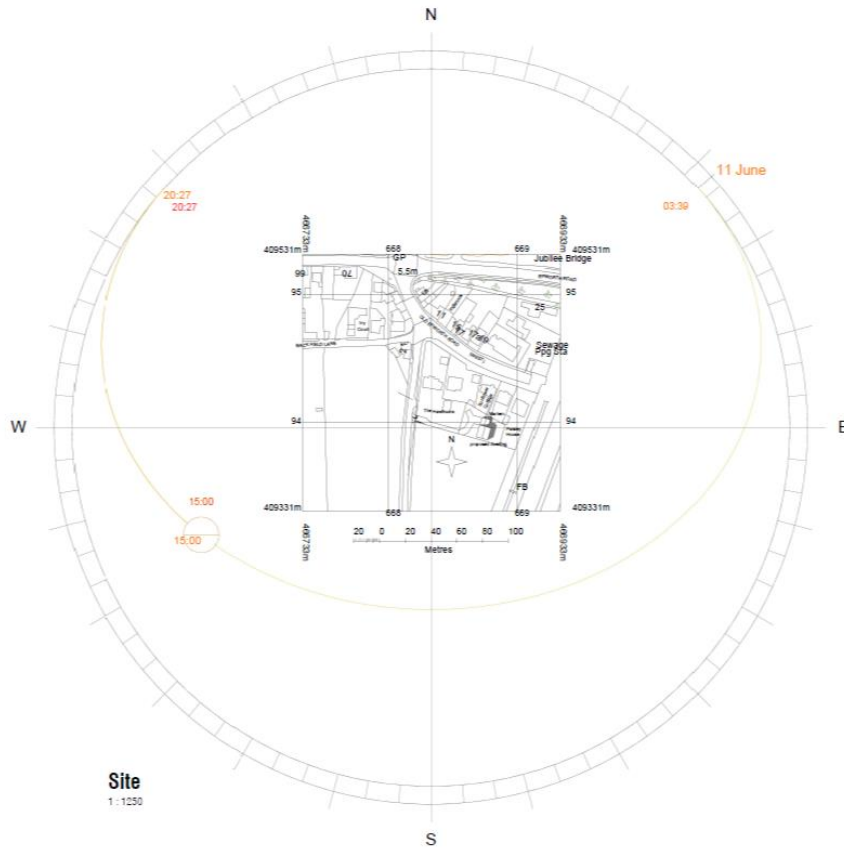
Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and 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**

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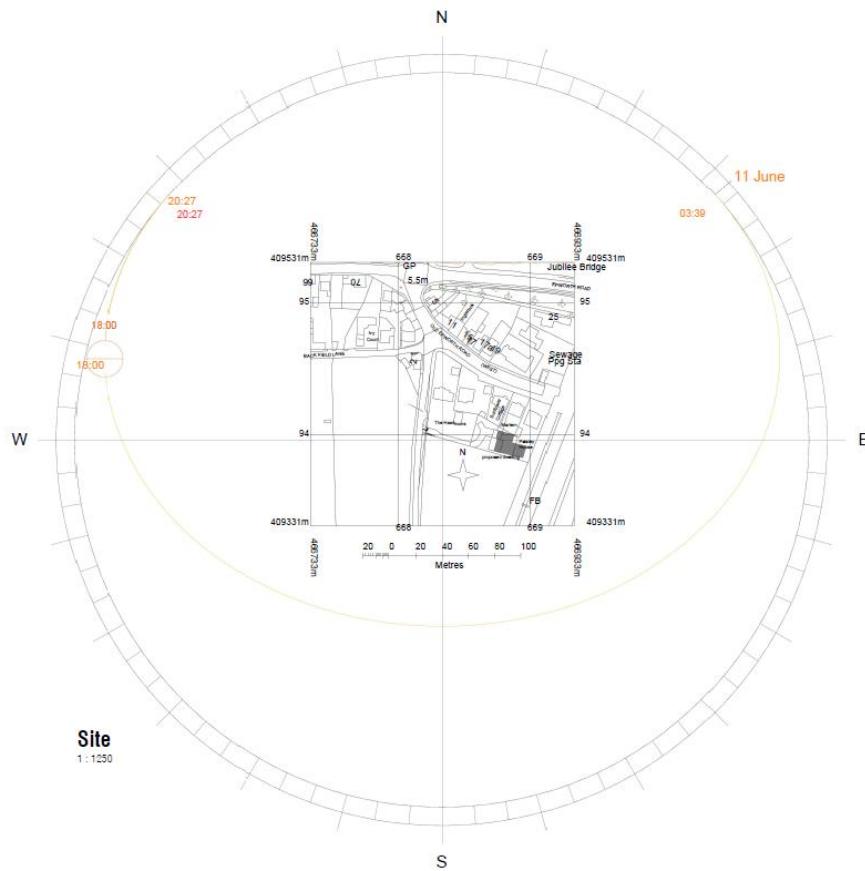
 Mandesign <i>Architecture Planning Community</i>				
Ammelsbrook house, First Ave, Doncaster, DN9 2GA t 01524 567156 m 07789 566 544 e info@mandesignplanning.co.uk w www.mandesignplanning.co.uk				
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project: The Hawthornes, Halffield				
title: Solar Study - 09.00 AM				
scale: <div style="display: flex; justify-content: space-between; width: 100%;"> 1 : 250 JUN 21 </div>				
project no:	drawn:	number:	rev:	



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Armstrong House, First Ave, Doncaster, DN9 3GA t: 01462 444444 e: info@man-design.co.uk w: www.man-design.co.uk			
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project:	The Hawthornes, Hatfield		
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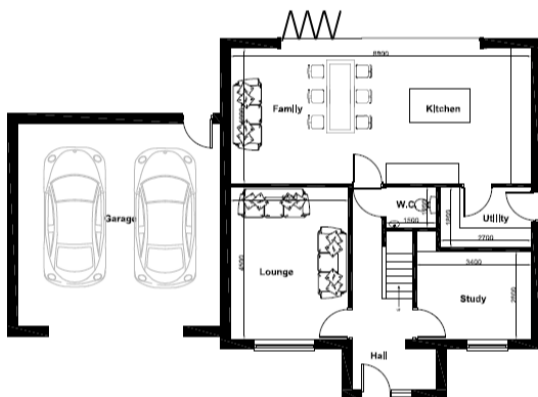
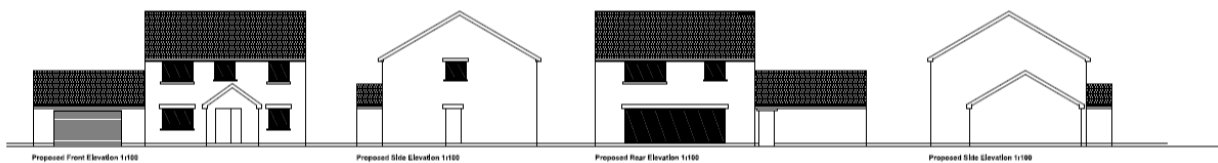
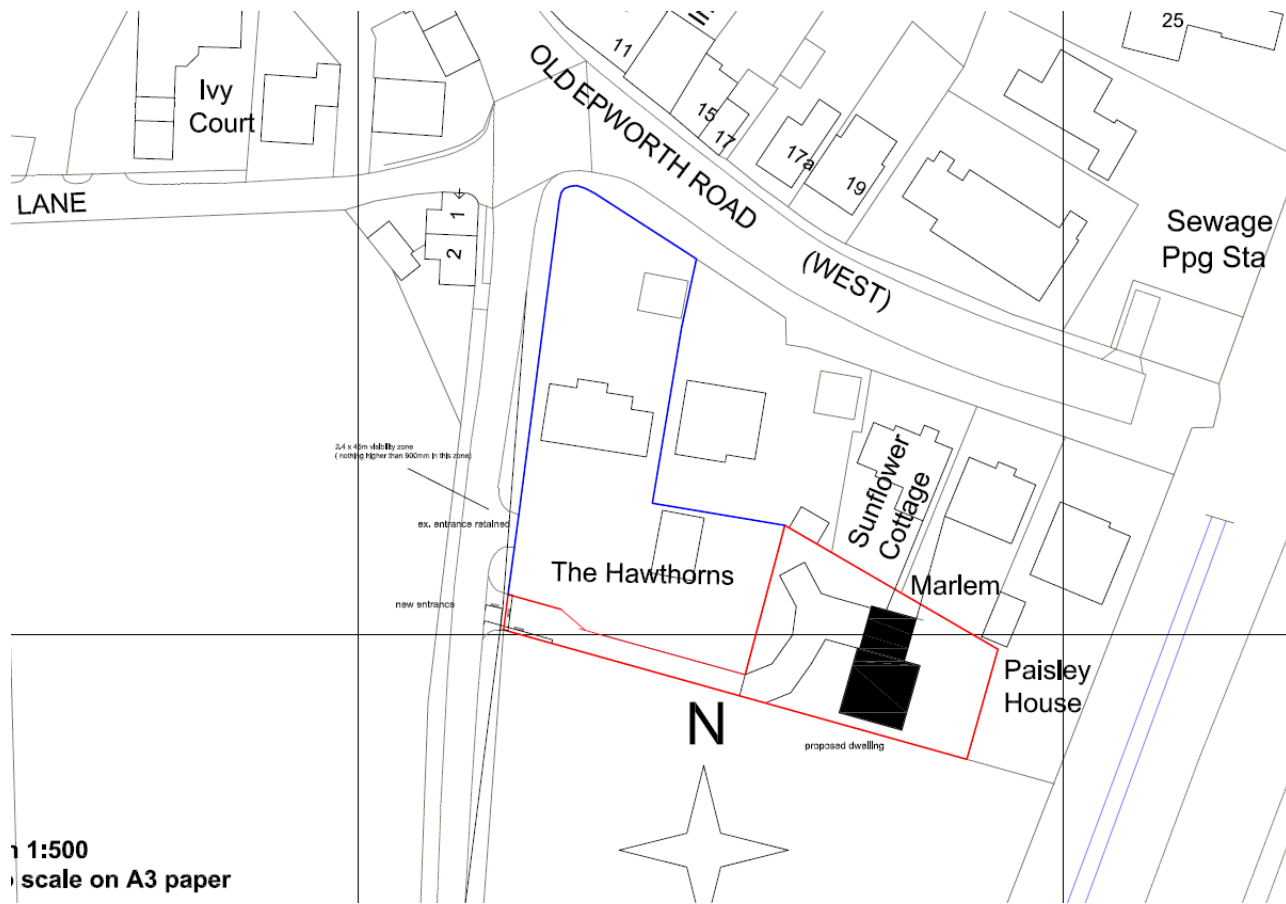


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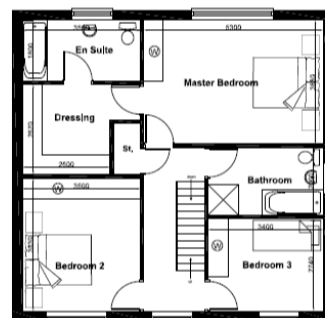
Appendix 2 (Photos)



Plans



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

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To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

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

BACKGROUND

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

OPTIONS CONSIDERED

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

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

7.

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

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS [Officer Initials SC Date 16/06/2021]

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 16/06/2021]

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 16/06/2021]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 16/06/2021]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 16/06/2021]

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

EQUALITY IMPLICATIONS [Officer Initials JML Date 16/06/2021]

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

CONSULTATION

15. N/A

BACKGROUND PAPERS

16. N/A

CONCLUSIONS

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
20/01460/FUL	Erection of detached dwelling to side of existing dwelling, with car parking to front of both new and existing dwelling houses (being resubmission of 20/00891/FUL refused 18.05.2020). at 1 Raymond Road, Scawthorpe, Doncaster, DN5 9PP	Appeal Dismissed 07/06/2021	Bentley	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

Ms J M Lister
01302 734853

TSI Officer
jenny.lister@doncaster.gov.uk

Dan Swaine
Director of Regeneration and Environment

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Appeal Decision

Site Visit made on 11 May 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2021

Appeal Ref: APP/F4410/W/20/3265002

1 Raymond Road, Scawthorpe, Doncaster DN5 9PP

- 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 L Stephenson against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/01460/FUL, dated 3 June 2020, was refused by notice dated 13 August 2020.
 - The development proposed is 'New single detached dwelling house to the side of existing dwelling house, with car parking to the front of both new and existing dwelling houses.'
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council advises that the Emerging Doncaster Local Plan is at an advanced stage, having been submitted for examination in March 2020. However, no emerging policies have been referred to in the reason for refusal. I also have little detail as to whether emerging policies are subject to objection or whether examination has been completed. It is not certain, therefore, whether these policies are likely to be adopted in their current form, or when they may be adopted. Accordingly, I afford limited weight to these policies at this time.

Main Issues

3. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions of neighbouring occupants, in terms of outlook, light, enclosure, overshadowing and access.

Reasons

Character and appearance

4. The appeal site is a semi-detached dwelling located at the southern end of Raymond Road, a residential street. The dwelling has land to the side which is used for access and parking. A detached garage stands behind the parking area, beyond which is a long rear garden. The proposed dwelling would be located within this area to the side of the dwelling, with the existing garage demolished, along with a bay window to the side of No 1 and a single storey extension at the rear.
5. The dwellings on Raymond Road exhibit a strong consistency of form, scale and appearance which together contributes positively to the character of the area. The dwellings stand on a single, continuous building line, with shallow front

- gardens used in some cases for off-street parking. With the exception of the terraced dwelling at No 16, each dwelling has access to the side of the property to long, generous rear gardens. The dwellings are red brick, all with bay windows to the front, at either ground or ground and first floor level.
6. The pair at Nos 1 and 3 are slightly narrower in footprint than neighbouring pairs, and have their main entrance doors on the side elevations. No 1, being the end dwelling in the row, benefits from the wider side garden area. I note the equivalent land opposite to the side of No 2 is an access road to business premises at the rear. Though a wider site than others, it is still a narrow space which presents physical constraints for prospective development.
 7. The narrow width of the site means the proposed dwelling would stand tight to the boundary with 118 Watch House Lane and its detached garage but would leave just 900mm gap to the side elevation of No 1. This would be a narrower gap than any other within Raymond Road, which are at least twice as wide to facilitate two accesses side-by-side. This close set position would appear cramped and out-of-step with the surrounding pattern of development. Moreover, this narrow gap would be the route to the main entrance to No 1, and the only means of access to the rear gardens of both No 1 and the proposed dwelling. This would result in a concealed and restricted entrance which would upset the legibility of the street scene.
 8. The pattern of development would be further altered by the appeal dwelling standing some 865mm behind the main front building line. Consequently, its roof ridge line would also be set back, and it is proposed to have a deeper footprint than No 1, more so given the proposed removal of its existing rear extension. These differences in the scale and alignment of the dwelling with the neighbouring properties would result in the dwelling being a jarring addition which would disrupt the rhythm and pattern of development. This would be evident in views from the street, from dwellings to the side on Watch House Lane and from neighbouring gardens on Raymond Road.
 9. The proposal includes partial removal of the front boundary wall to create separate vehicular accesses for the two dwellings. The Council criticises the effectiveness of these short sections of wall in providing a sense of enclosure to the properties. I saw that, in general, there is a regular pattern to the boundary treatment on this side of Raymond Road, with a solid, red brick wall enclosing the front garden areas with consistent gaps in the wall facilitating two entrances side by side for off-street parking. The proposed arrangement would result in shorter sections of wall, one of which would stand isolated in front of the proposed dwelling. This interruption to the boundary wall pattern would cause minor harm when considered in the context of the whole street, but it nonetheless adds to my overall concerns with effect of the proposal on the character and appearance of the area.
 10. The Council also points to the fact that the dwelling is proposed as a three storey building with a bedroom in the roof space served by rooflights. Whilst I did not see rooflights to be a common feature of the surrounding roofscape, they are modest features and the appeal dwelling otherwise would maintain the same height as neighbouring dwellings in terms of windows, eaves and roof ridge. Therefore, the internal third storey would not manifest itself externally to a harmful degree. However, the narrow form of the dwelling, and the need to provide the main entrance door to the front elevation would result in a visibly

smaller bay window that would add to the impression of the plot being too narrow to accommodate the dwelling, and it being squeezed onto the site in a contrived manner.

11. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policies PH11 of the Doncaster Unitary Development Plan (July 1998) (the UDP) and Policy CS 14 of the Doncaster Core Strategy (May 2012) (the CS), which together require development to be of high quality design which contributes to local distinctiveness, integrates well with its immediate and surrounding local area, and resist development which would be at a density or other form which would be detrimental to the character of the surrounding area or would result in an over-intensive development of the site.

Living Conditions

12. The Council's reason for refusal does not expressly refer to harm to neighbours' living conditions, but it raised concern in these respects in its officer report, and appeal statement, and I infer that reference in the reason for refusal to '*an over-intensive and overdevelopment of the site*' refers, at least in part, to the effect on neighbours' living conditions in addition to the effect on character and appearance. The appellant has taken the opportunity to respond to these concerns through his own statement of case and in final comments. Therefore, I am satisfied that no prejudice would arise from my considering this as a main issue of the appeal.
13. The proposed dwelling would extend a solid, blank wall some 4.17 metres beyond the rear elevation of No 1, following removal of its rear extension, and the side bay window which is south facing and an important source of light would be removed. The dwelling would intrude upon the 45 degree line of the proposed ground floor rear window of No 1, in conflict with the Development Guidance and Requirements Supplementary Planning Document (July 2015) (the DGR). Given its position immediately to the south of No 1 and its expected massing, the proposed dwelling would significantly harm the outlook for occupants of No 1 and would lead to loss of light, increased overshadowing and sense of enclosure to the rear ground floor window and parts of the rear garden closest to the dwelling. This sense of enclosure would be compounded by the imposing blank gable wall occupants would face immediately outside their main entrance door.
14. Moreover, the proposal would leave No 1 without its own private entrance, with occupants required to enter and exit via the narrow, shared passage between the buildings. With no other means of access to the rear gardens, there would be a risk that the access would become impeded by bins or other domestic paraphernalia. There would also be no other external door serving No 1, and therefore the confined space of the shared passage would pose a significant problem for occupants in terms of moving bulky items into or out of the dwelling. Whilst No 3 also has its entrance to the side elevation, it benefits from a wider gap to No 5 and less sense of enclosure or physical impediment as a result. Irrespective of this, however, it is simply poor planning to go from a situation where an existing dwelling has a private entrance in spacious grounds to a shared entrance with such constrained dimensions, the use of which would result in unnecessary impracticality and inconvenience for neighbouring occupants.

15. The Council also points to the proposed reduction in the size of the existing kitchen/dining room of No 1 to below the minimum floorspace levels set out in the South Yorkshire Residential Design Guide (January 2011). However, the Council concedes the removal of the extension does not require planning permission, and it is possible that other internal works could result in rooms of different sizes to those estimated on the plans. Therefore, this alone would not be reason to withhold permission. However, the overall reduction in floorspace, together with the adverse effects on light, overshadowing, enclosure and access, taken together, means the standard of accommodation for occupants of No 1 would be significantly compromised, contrary to the guidance of the DGR.
16. I recognise that No 1 was vacant at the time of my visit, However, I am mindful that the harm I have identified would be permanent and I must have regard to the consequences for future occupants of the dwelling. I also accept the both dwellings would have ample garden space in spite of the sub-division of the site. However, this would not mitigate for the harm identified.
17. Consequently, for the reasons set out, I find that the proposal would result in significant harm to the living conditions of occupants of 1 Raymond Road, in conflict with the aforementioned Policies CS14 of the CS and PH11 of the UDP in terms of their aims to protect the amenity of neighbouring occupants, land uses and the environment.

Other Matters

18. The Council did not refuse permission in terms of the effect of the proposal on parking and highway safety. I acknowledge representations from interested parties raising concerns at levels of on-street parking in the area. However, given my findings above on the main issues, it is not necessary for me to consider this matter in further detail as it would not be decisive to my overall conclusions.
19. I recognise that the proposal would add to the housing supply, and would be located within a defined settlement where occupants would be able to access and contribute to local services and facilities by means other than the private car. As the proposal is for a single dwelling these benefits would, however, be limited in scale and would not outweigh the harms identified, to which I afford significant weight.

Conclusion

20. For the reasons given above I conclude that the appeal conflicts with the development plan, taken as a whole, and material considerations in this case do not indicate that permission should be forthcoming in spite of this conflict. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR