



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, 27th July, 2021

Time: 2.00 pm

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Damian Allen
Chief Executive

Issued on: Monday, 19 July 2021

Governance Services Officer for this meeting

David Taylor
Tel: 01302 736712

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

Items:**Page Nos:**

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 29 June, 2021. 1 - 6
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications. 7 - 76
- For Information**
6. Appeal Decisions. 77 - 106

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, 29TH JUNE, 2021

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER IN THE CIVIC OFFICE on TUESDAY, 29TH JUNE, 2021, at 2.00 pm.

PRESENT:

Vice-Chair - Councillor Duncan Anderson

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

APOLOGIES:

Apologies for absence were received from Councillors Susan Durant and Aimee Dickson.

6 Declarations of Interest, if any

No declarations of interest were made at the meeting.

7 Minutes of the Planning Committee Meeting held on 8th June, 2021

RESOLVED that the minutes of the meeting held on 8th June, 2021 be approved as a correct record and signed by the Chair.

8 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'.

9 Appeal Decisions

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

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	Appeal Dismissed 07/06/2021	Bentley	Delegated	No

	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				
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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 29th 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 refuse the Application which was contrary to the Officer's recommendation.

Proposed by: Councillor Steve Cox

Seconded by: Councillor Andy Pickering

For: 8 Against: 1 Abstain: 0

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

Decision: Planning permission refused for the following reasons:-

01. In the opinion of the Local Planning Authority, the proposed development would result in danger to road users by virtue of the size and nature of the proposed pig transportation vehicles in conjunction with the narrowness of the access along Folder Lane. It is therefore considered to be contrary to Policy CS14 (A iii) of Doncaster's Core Strategy 2011 – 2028.

02. In the opinion of the Local Planning Authority, the proposed development would adversely affect the amenities of neighbouring properties by virtue of the height and size of the vehicles used to transport the pigs in addition to the potential for noise and odour generated by the pig breeding unit. The proposal is therefore considered to be contrary to Policies CS1 (b and e) of Doncaster's Core Strategy (2011 – 2028) and paragraph 170 e) of the National Planning Policy Framework.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Chris Creighton, the Consultant instructed by local residents, and Mr Mark Haythorne, a local resident, spoke in opposition to the application for the duration of up to 5 minutes.

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

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

(Receipt of an amendment to Condition 10 was reported at the meeting.)

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

A proposal was made to grant the Application.

Proposed by: Councillor Iris Beech

Seconded by: Councillor Sue Farmer

For: 6 Against: 3 Abstain: 0

Decision: Planning permission granted.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Parish Councillor Pat Haith, Chair of Brodsworth Parish Council, spoke in opposition to the application for the duration of up to 5 minutes.

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

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

A proposal was made to grant the Application.

Proposed by: Councillor Gary Stapleton

Seconded by: Councillor Daniel Barwell

For: 9 Against: 0 Abstain: 0

Decision: Planning permission granted.

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.	20/03087/FUL	Finningley	
2.	21/00382/FUL	Finningley	Finningley Parish Council

Application	1.
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Application Number:	20/03087/FUL
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Application Type:	Planning FULL
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Proposal Description:	Proposed erection of detached 4 bedroom dwelling with detached garage to rear, including associated parking and turning and demolition of existing bungalow
At:	217 Bawtry Road Bessacarr Doncaster DN4 7AL

For:	Mr & Mrs C Bell
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Third Party Reps:	5 objectors, 0 supporters	Parish:	N/A
		Ward:	Finningley

Author of Report:	Jacob George
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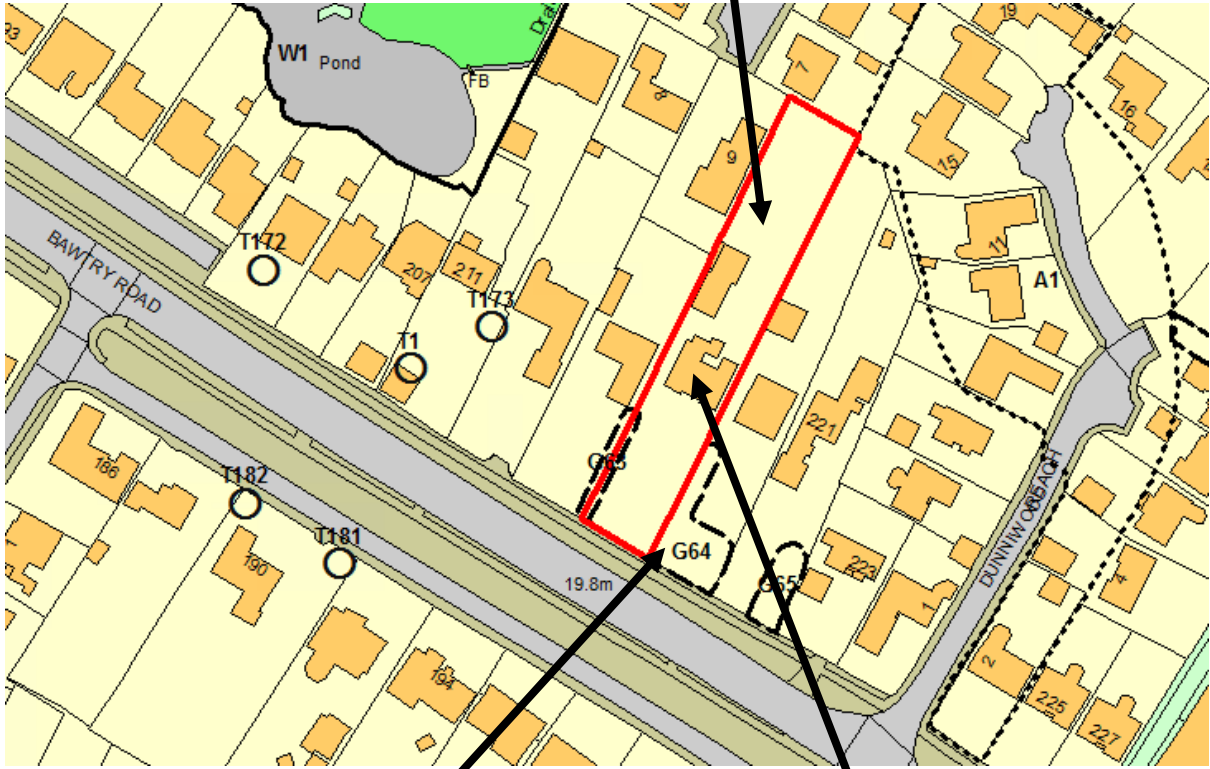
SUMMARY

This application seeks planning permission for the erection of a four-bedroom detached house with detached garage/outbuilding to the rear, following the demolition of the existing bungalow. The dwelling would have a contemporary design, utilising white bricks, oak-effect cladding, aluminium details and Crittall glazing. The proposal is presented to Planning Committee due to the level of public interest expressed by neighbouring residents.

The plans for the replacement dwelling have been substantially amended, with officers considering that the revisions have greatly improved the acceptability of the development. The proposal, as amended, would not have a negative impact on residential amenity, and is designed to avoid harming neighbours' daylight, outlook and privacy. The contemporary design of the dwelling is considered to be of a high quality and would not be inappropriate to the site context. The existing access arrangements would remain, and protection measures would be put in place to prevent harm to mature trees. The development is considered to be acceptable overall.

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

Application site



Group of protected trees

Existing bungalow and detached garage to be demolished

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee due to the level of public interest expressed by neighbouring residents.

2.0 Proposal

- 2.1 Planning permission is sought for the erection of a four-bedroom detached house following the demolition of the existing bungalow at 217 Bawtry Road, Bessacarr.
- 2.2 The dwelling would adopt a contemporary design, utilising a varied material palette of white bricks, oak-effect cladding, grey aluminium panels, black slate, and Crittall glazing. The front elevation would have a symmetrical appearance with two front-facing gables, and the main roof of the dwelling would be hipped, with a flat section at the highest point. The total height of the dwelling would be approximately 8.9 metres. A balcony would be provided to the rear at first floor level, with privacy screens to either side.
- 2.3 Whilst the original proposal included a front-projecting garage, amended plans have revised the proposal so that the garage is now a detached building to the rear, with a hipped zinc-clad roof. The garage building would also accommodate a workshop, with a storage level above served by seven rooflights. This outbuilding would measure approximately 5.9 metres in total height. The existing access, parking and turning space would be retained.
- 2.4 The Council is aware of an existing unauthorised treehouse in the rear garden of the site. This planning application does not seek to rationalise this development, and the application agent has informed the case officer that a separate retrospective application is to be submitted in relation to the treehouse.

3.0 Site Description

- 3.1 The application site is located on Bawtry Road, a main thoroughfare through the neighbourhood of Bessacarr. The area is characterised by its low-density, spacious residential pattern, with dwellings set in large plots. Mature trees give the neighbourhood an open, green character.
- 3.2 This part of Bawtry Road sits outside the Bessacarr Conservation Area, and dwellings feature a variety of architectural styles and materials, with the most dominant materials being red brick and render. Most roofs are pitched or hipped, and properties are generally between 1.5 and 2.5 storeys, with many dwellings benefiting from habitable rooms in the roof space.
- 3.3 The existing dwelling is a bungalow with a hipped roof and outbuildings to the rear. To the front of the dwelling is a large turning circle which loops around the front garden. Mature protected trees sit to the front, adjacent to the eastern boundary. A tree group to the western boundary has previously been removed. To the east is a substantial two-storey house with a pitched roof, and to the

west is an L-shaped dormer bungalow with pitched roofs, including a gable end which faces the application site and contains a bedroom window.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
95/2570/P	Consent to fell one poplar tree (being subject to G63 of DMBC Tree Preservation Order no. 64 - Bessacarr and Cantley)	Granted 06.11.1995

5.0 Site Allocation

5.1 The site falls within a Residential Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).

5.2 In the draft Local Plan, the site also falls within a Residential Policy Area.

5.3 The mature trees to the front at the eastern boundary are subject to Tree Preservation Order no. 64: Bessacarr with Cantley (1991).

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

5.3 Relevant Planning Policies

5.4 National Planning Policy Framework 2019 (NPPF)

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

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

5.7 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental

conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- 5.8 Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.9 Paragraphs 54-56 state 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.
- 5.10 Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.
- 5.11 Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.12 Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 5.13 Paragraph 127 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and sympathetic to local character, and will establish or maintain a strong sense of place. Paragraph 127(f) sets out that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 5.14 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.15 Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment, including by recognising the benefits of trees and woodland.
- 5.16 Paragraph 175(c) states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 5.17 Core Strategy 2011 - 2028
- 5.18 To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise: see section 70(2) of the Town and Country Planning Act 1990 (as amended) and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 5.19 In May 2012, the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. The Core Strategy policies relevant to this proposal are set out below.
- 5.20 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives. Proposals should strengthen communities and enhance their well-being by providing a benefit to the area in which they are located, and ensuring healthy, safe places where existing amenities are protected. Developments should be place-specific in their design and work with their surroundings, protecting and enhancing the built and natural environment. Proposals should also protect local amenity and be well-designed.
- 5.21 Policy CS14 of the Core Strategy requires development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate and surrounding local area. Policy CS14(A) sets out the following qualities of a successful place:
1. character – an attractive, welcoming place with its own identity appropriate to the area;
 2. continuity and enclosure of streets and spaces by buildings;

3. quality, stability, safety and security of private property, public areas and the highway;
 4. permeability – ease of pedestrian movement with good access to local facilities and public transport services;
 5. legibility – a development that is easy to navigate;
 6. adaptability – flexible buildings capable of changing over time;
 7. inclusive – accessible development that meets the needs of as much of the population as possible;
 8. vitality – creating vibrant, busy places with a mix of uses where appropriate; and
 9. sustainability – proposals are environmentally responsible and well managed.
- 5.22 Policy CS16 provides for the protection and enhancement of Doncaster's natural environment, including enhancing the borough's ecological networks; protecting nationally and internationally important habitats, sites and species; and enhancing the borough's landscape and trees.
- 5.23 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)
- 5.24 Policy PH9 of the UDP designates Residential Policy Areas as shown on the Proposals Map.
- 5.25 Policy PH11 states that within residential policy areas development for housing will normally be permitted except where:
- A) The development would be at a density or of a form which would be detrimental to the character of the surrounding area or would result in an over-intensive development of the site;
 - B) The effect of the development on the amenities of occupiers of nearby properties would be unacceptable;
 - C) Tandem or backland development would result in an unsatisfactory access, overlooking or over-intensive development;
 - D) The development would result in the loss of social, community and recreational or other local facilities for which there is a demonstrated need.
- 5.26 Policy ENV59 states that the Council will attach considerable importance to the need to protect existing trees, hedgerows, wetland habitats, watercourses and other natural landscape features, and will require that new developments do not cause an unnecessary loss of trees.

5.27 Local Plan

- 5.28 Doncaster Council is in the process of preparing a new Local Plan to supersede the Core Strategy and UDP. The Council received the Inspector's Report into the Examination of the Doncaster Local Plan 2015-2035 on 30 June 2021. The Report concludes that, with the recommended main modifications set out in the Appendix to the Report, the Doncaster Local Plan 2015-2035 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. This means the Examination has concluded.
- 5.29 Paragraph 48 of the NPPF states that the local planning authority 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). Taking into account the Inspector's Report it is considered that all policies in the Local Plan can now be afforded substantial weight. The Council is looking to adopt the Local Plan by Autumn 2021 (at which point all policies will be afforded full weight). The following policies are considered pertinent to this application:
- 5.30 Policy 10 states that within Residential Policy Areas, as defined on the Policies Map, new residential development will be supported provided that:
1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
 2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
 3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.
- 5.31 Policy 13 states that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. The Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards contained within Appendix 6 of the Local Plan. Development should not result in unacceptable impacts on highway safety, or the severe residual cumulative impacts on the road network. Developers must consider the impact of new development on the existing highway and transport infrastructure.
- 5.32 Policy 29 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.5.33 Policy 41 states that development proposals will be supported where they:

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

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

5.34 Policy 42 supports high quality development that reflects the principles of good urban design. New development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, relevant spatial requirements and design standards.

5.35 Policy 44 states that new housing, extensions, alterations and changes of use to housing will be supported where they respond positively to the context and character of existing areas, or the host property, and create high quality residential environments through good design. Developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space. Housing proposals will be supported where they meet the following key design objectives:

1. there is good access to (or the development provides at the earliest opportunity) local services, community facilities, open space and public transport via walkable neighbourhoods;
2. layout, density, siting, spacing, scale, massing, form, detailing and materials are sympathetic to the character of the area, or the existing host property;
3. layouts are easy to understand and move through, are well-structured, with secure perimeter blocks, active frontages and dual aspect corner properties;
4. designs result in a decent outlook for new homes, with adequate privacy, and good access to daylight and sunlight;
5. there is adequate provision of internal living space, storage space, amenity and garden space;
6. there is sufficient convenient, safe and secure allocated and visitor car parking space designed so as not to dominate the appearance of the residential street-scene or impact negatively on the function or character of new and existing streets;

7. layout and street design will result in attractive, landscaped public realm, which includes community focal spaces that foster social interaction and creates an inclusive, safe and secure environment for people and property;
 8. access points, street design, parking and operational highway requirements are safe and provide adequate footpaths, encourage vehicle design speeds of 10-20mph or less, and complement the character of the existing street-scene and highway functions;
 9. plot boundaries (front, back and side) are demarcated with robust boundary walls, fences, railings or hedges appropriate to the area;
 10. satisfactory arrangements are made for the storage and collection of refuse, recyclable materials and garden waste; and
 11. flood resistance and resilience measures with an allowance for climate change are incorporated if located in, or adjacent to, flood risk areas.
- 5.36 Policy 45 states that all new housing should meet the Nationally Described Space Standard as a minimum.
- 5.37 Policy 55 states that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate Preliminary Risk Assessment.
- 5.38 Policy 56 states that development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities.
- 5.39 Other material planning considerations
- Development Requirements and Guidance Supplementary Planning Document (SPD) (adopted 2015)
 - South Yorkshire Residential Design Guide 2011 SPD (adopted 2015)
 - National Planning Practice Guidance
 - National Design Guide (2019)

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:
- Advertised on the Council website
 - Notification letters sent to all neighbouring properties with an adjoining boundary

6.2 Neighbour notification letters were sent for a second time in March 2021 to make neighbours aware of amended plans which, among other design changes, relocated the garage to the rear, where the original design had instead featured a garage to the front.

6.3 Five objections were received from neighbouring residents, summarised as follows:

- The rear balcony will cause a loss of privacy
- The rear balcony will cause noise disturbance
- The design is out of keeping with the area
- The proposal will cause overshadowing due to its excessive height
- The side windows on the proposed replacement dwelling would cause overlooking
- The proposal could harm the hedge at the eastern boundary
- The overall style and scale of the architecture would be over-dominant
- The proposal would over-develop the front garden, sitting forward of the building line on the street *[relates to original proposal only]*
- The proposal would cause a loss of light to the side window of 215 Bawtry Road *[relates to original proposal only]*
- The proposed dwelling would sit too close to the western boundary *[relates to original proposal only]*
- The detached garage to the rear is excessive in height *[relates to amended proposal only]*

6.4 All issues raised by the objectors are material planning considerations assessed in full below, with the exception of the retention of the boundary hedge, which is a domestic hedge and is not subject to a preservation order, and could therefore be removed without planning permission (although the application does not indicate that it would be removed).

6.5 The neighbour to the west at no. 215 has been in communication with the application agent and has confirmed that they no longer have any objections, following amendments to the design including a reduction in height, relocation of the garage and re-siting of the building further away from the western boundary. However, none of the other four neighbouring objectors have withdrawn their comments following the amendments to the plans, with some objecting in writing for a second time.

7.0 Parish Council

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

8.0 Consultations

8.1 Pollution Control

A YALPAG land contamination screening assessment form was requested and

received. A condition was requested in relation to any unexpected contamination on site.

8.2 Environmental Health

No objections, subject to a condition limiting the hours within which construction work is permitted.

8.3 Tree Officer

A pre-commencement condition relating to tree protection measures was requested. The final site plan now adequately shows the measures to protect the trees in the front garden, and the Tree Officer has no objection subject to a condition requiring the protection measures to be implemented in accordance with the details and inspected on site. An informative relating to tree protection was also requested.

8.4 Waste and Recycling

No objections, with information on refuse collection provided as an informative.

8.5 Internal Drainage Board

Requested conditions relating to the approval of drainage details, Sustainable Drainage Systems (SuDS), and piped surface water discharge. The SuDS condition is not considered to be relevant to this application, but the other conditions have been applied, with agreement from the application agent where involving pre-commencement approval from the local planning authority.

8.6 Highways Development Control

No objections subject to a condition relating to the surfacing of the site.

8.7 South Yorkshire Archaeology Service

No site investigation required.

8.8 Ecology

The building to be demolished has negligible potential for roosting bats, and no bat roost assessment is necessary. No objections to the proposal on ecological grounds. In line with policy CS16 of the Core Strategy, policy 29 of the Local Plan and paragraph 170 of the NPPF, some environmental net gain should result from development, and an ecological enhancement condition is therefore requested to ensure the provision of an integrated bat roost brick.

8.9 Yorkshire Water

No comments received.

8.10 National Grid

No comments received.

9.0 Assessment

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

- The Principle of the Development
- Residential Amenity
- Design and Visual Impact
- Highway Safety and Parking
- Trees and Ecology

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

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

The Principle of the Development

9.3 The site is located in a Residential Policy Area, where the development of new dwellings is supported in principle in line with policy PH11 of the UDP and policy 10 of the draft Local Plan. The proposal is required to demonstrate that its form and density would not be harmful to the character of the area, and that the effect on the amenities of neighbouring properties is acceptable. These matters are assessed below. In principle, the demolition of the existing bungalow and erection of a replacement dwelling is acceptable.

9.4 SOCIAL SUSTAINABILITY

Residential Amenity

9.5 Policies CS1 and CS14 of the Core Strategy, along with paragraph 127(f) of the NPPF, require developments to ensure a good standard of amenity for existing and future residents. The proposed dwelling is of a large scale and features a high-end bespoke design, set in a very spacious plot. As such, it would provide a high quality living environment for its occupants, with plenty of space and natural light.

- 9.6 In terms of privacy, the original proposal raised some concerns. In particular, the rear balcony was considered to cause overlooking, as the privacy screen did not extend to the edge of the balcony, with residents being able to walk past the privacy screen to an external staircase which would have provided invasive views over neighbouring garden areas to either side, particularly over the garden area of no. 219 to the east.
- 9.7 The design has now been amended to remove the external staircase, extend the privacy screens, and introduce a glass balustrade which would prevent residents from accessing the rest of the flat roofed areas to the rear. This would provide a good level of protection for neighbours either side, preventing residents from looking directly into garden areas. In addition, conditions are applied to ensure the privacy screens, as well as all side windows in the dwelling, are fitted with obscure glazing to block views of neighbouring properties. Although objections have also been received by other residents on Dunniwood Reach and at 221 Bawtry Road in relation to privacy concerns, it is not considered that the proposal would have any privacy impact upon these properties due to the spaciousness of the plots in the neighbourhood.
- 9.8 Some residents have expressed continued concern regarding the balcony design, despite the amendments received. However, as amended, it is considered that any overlooking from the balcony to properties and garden areas to the north would be to no greater extent than a view from a rear window. The properties in the area are well-separated, with privacy distances well in excess of guidance in the Development Guidance and Requirements SPD and the South Yorkshire Residential Design Guide. Therefore, it is considered that the amended balcony design is acceptable in terms of privacy. Residents have also expressed concern about noise disturbance emanating from the balcony, but it is not expected that noise generation would be above that expected from any other residential garden area at ground level, and Environmental Health have expressed no concerns. Noise disturbance during the construction process can also be reduced through a condition limiting hours of construction.
- 9.9 In terms of light and outlook, the original proposal was considered to be unacceptable due to its impact upon no. 215 to the west, as it would sit too close to the boundary, blocking a considerable amount of light to the side habitable window of the neighbouring property. The single storey element at the rear would have also broken into the 45-degree exclusion zone when drawn from the neighbour's nearest rear habitable window, causing further loss of light and outlook to the neighbour's ground floor rooms.
- 9.10 The proposal has now been amended, with the dwelling relocated further to the east of the site, the garage moved to the rear, and the roof amended to a hipped form with a flat section. The re-siting of the building resolves the issue of overshadowing at ground floor level to the rear. In terms of the first floor side window of the neighbouring property, the larger dwelling would still cause some loss of outlook, sitting just under 5 metres away from this window. However, due to the amended roof form, a 25-degree angle (drawn from the vertical plane) would be retained to allow sunlight and daylight into this window,

representing a significant improvement upon the original proposal. In addition, the removal of the front garage retains more outlook and light from the south. Whilst there would still be some limited impact on this neighbour's outlook, it is no longer considered to be significantly harmful, and the neighbour at no. 215 has contacted the application agent to confirm that they no longer have any objections based on the amended design.

- 9.11 The detached garage to the rear, as shown in the amended plans, has been objected to by the neighbours at no. 219, on the basis that its height would cause overshadowing. However, its height has been reduced and it would largely sit behind the existing outbuilding at no. 219. The garage is located to the north-west of this garden, so would have limited impact on sunlight, and the gardens are of such a substantial size that a small increase in evening overshadowing would not be considered harmful to the overall amenity of the neighbouring property. The storage accommodation in the roof space of the garage building would be served by rooflights rather than windows, facing only to the north, south and west rather than to the garden area immediately to the east. The rooflights would be at a low level which might still afford some views out of the openings, but the garage building would be located just over 10 metres away from neighbouring gardens to the west, so would be in accordance with the separation distances set out in the Development Guidance and Requirements SPD and would not be considered to cause harmful overlooking. For extra privacy protection, the rooflights are shown to be fitted with obscure glazing on the plans. Overall, the proposal is acceptable in terms of residential amenity.

Conclusion on Social Impacts

- 9.12 The proposal is for a replacement dwelling, and would have no wider social impacts other than the effect on the residential amenities of neighbouring residents. The design has been substantially amended to ensure that the rear balcony does not cause overlooking, and to maximise the access to daylight and outlook retained for the habitable windows at the dwelling to the west. The proposal would cause no serious noise disturbance, and hours of construction can be limited through conditions. Therefore, the development would be in accordance with policies CS1 and CS14 of the Core Strategy, policy PH11 of the UDP, policies 10 and 44 of the emerging Local Plan, and paragraph 127(f) of the NPPF. The social impact of the development is considered to be acceptable overall.

9.13 ENVIRONMENTAL SUSTAINABILITY

Design and Visual Impact

- 9.14 Policy CS14 of the Core Strategy and paragraph 127 of the NPPF require developments to display a high quality of design, integrating well into the local context. The defining character of Bessacarr is that of a spacious, low-density suburb enhanced by mature trees and large gardens. Dwellings along this section of Bawtry Road are not uniform in architectural character, and there is not a rigid building line.

- 9.15 Whilst the street scene is varied to some extent, the original proposal was considered to be inappropriate in massing, form, scale and design. The principal concern was a large projecting front garage which, although the street does not have a uniform building line, would extend forwards so much that it would appear extremely over-dominant, eroding the spacious character of the street. The garage would also disrupt the symmetry of the facade. In addition to concerns over the garage, the height of the original proposal was unacceptable, and the oak-effect cladding was considered to be over-dominant on the facade, given that this material is not characteristic of Bawtry Road.
- 9.16 Through multiple design iterations and discussions between the application agent and the case officer, an acceptable design has now been agreed. The garage has been relocated to the rear garden area, out of view from the street. This results in a more symmetrical facade, with the building sitting behind its neighbour to the west and therefore appearing less dominant in the street scene, retaining the spacious front garden. The garage to the rear is still large, but a very spacious rear garden is retained and the overall built footprint is not considered to be an overdevelopment of the site. The garage has also been reduced in height so as to be more appropriate to a suburban rear garden context.
- 9.17 The massing of the building has been reduced by introducing a hipped roof with a flat section at the top, thus reducing the overall height and increasing views of the sky between dwellings so as to maintain the spacious character of the street. The flat roofed section would not be discernible from the street, and would mask the considerable depth and span of the building when viewed from Bawtry Road. Relocating the building further to the east of the site also results in a more even separation with the buildings on either side.
- 9.18 In terms of the external building materials, a white brick has been introduced to the design of the front facade, reducing the dominance of the oak-effect cladding. With most buildings featuring either red brick or white render, the choice of white brick would reflect both the tonality and the texture of vernacular materials in a more contemporary way. The oak-effect cladding, Crittall windows and aluminium panels are of a contemporary appearance with less of a precedent in the street scene, but there are examples of wood and metal in the garage doors, window frames and boundary treatments of nearby dwellings. The white brick in the amended proposal is considered to balance out these more contrasting design elements.
- 9.19 It is acknowledged that the proposal features strikingly contemporary elements and would be of a much larger scale than the existing bungalow. However, the roof forms and balance of materials do take cues from local architectural features, interpreted in a modern style. The 3D visualisations provided to support the application do indicate that the building can contribute positively to the eclectic street scene of Bawtry Road. Considering the variation of the street scene and other examples of contemporary design nearby, the appearance of the development is acceptable overall.

Highway Safety and Parking

- 9.20 Part 3 of policy CS14(A) of the Core Strategy emphasises the importance of the “quality, stability, safety and security of private property, public areas and the highway”.
- 9.21 The proposal would provide off-street parking in excess of the standards in the Development Guidance and Requirements SPD, and Highways Development Control have no objections to the proposal. The existing front garden layout includes a circular route which enables vehicles to enter and exit the site in a forward-facing gear, which is essential on a busy highway such as Bawtry Road. The existing access arrangements and front garden layout would be retained, with further parking spaces provided in the garage to the rear, which would be accessed from along the west side of the building. The proposal is acceptable in terms of highway safety.

Trees and Ecology

- 9.22 Policy CS16 of the Core Strategy requires developments to protect and enhance the natural environment. The existing mature trees in the front garden are protected by a Tree Preservation Order. These trees are to be maintained, and a scheme of tree protection has been shown on the final site plan to the satisfaction of the Tree Officer. A condition can ensure that the tree protection measures are implemented in accordance with the approved details and inspected on site.
- 9.23 The Council’s Ecologist has examined the proposals, and is satisfied that the existing bungalow to be demolished has negligible bat roost potential. In order to achieve environmental gains in accordance with policy CS16 and the NPPF, a condition can be imposed which requires the installation of a bat roost brick, resulting in ecological enhancements delivered through the development.

Conclusion on Environmental Issues

- 9.24 The proposed replacement dwelling would have an acceptable visual impact, and its contemporary design would contribute positively to the already eclectic mix of architectural styles on Bawtry Road. The proposal would not create any highway safety or parking issues, and protected trees are to be retained and safeguarded throughout construction. The site has no significant ecological constraints, and enhancements can be delivered through condition. Overall, the proposal is considered to be in accordance with policies CS1, CS14 and CS16 of the Core Strategy; policies PH11 and ENV59 of the UDP; policies 10, 29, 41 and 44 of the emerging Local Plan; and paragraphs 127 and 170 of the NPPF.

9.25 ECONOMIC SUSTAINABILITY

- 9.26 The proposal would have limited economic benefits in terms of providing temporary employment opportunities for local tradespeople during construction, and increasing support for local services in Bessacarr through the introduction of an additional household to the area. This carries limited weight in favour of

the application. There would be no economic disadvantages to the development, as there are few alternative commercial or business uses which could be considered appropriate for the site.

Conclusion on Economy Issues

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

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh any benefits identified when considered against the policies in the NPPF taken as a whole. The proposal, as amended, would result in an attractive replacement dwelling in a sustainable location which would enhance its occupants' quality of life and would not result in substantial harm to neighbouring amenity, local character, highway safety, protected trees or wildlife. Subject to the recommended conditions, there are no material considerations which indicate that the application should be refused.

11.0 RECOMMENDATION

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

Conditions

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

REASON

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

02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
- Site Plan - BDS-2020-01-02 (D) - amended 28 May 2021
 - Proposed Plans and Elevations - BDS-2020-01-01 (B) - amended 25 May 2021

REASON

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

03. 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.

04. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 on Mondays to Fridays or outside of the hours of 08:00 hours to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.

REASON

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

05. The erection of impact resistant barriers for the protection of the retained trees adjacent to the boundary with no. 219 Bawtry Road shall be undertaken in accordance with the approved site plan (drawing reference BDS-2020-01-02 (D)) and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON

To ensure that all trees are protected from damage during construction in accordance with policy CS16 of the Core Strategy.

06. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

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

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

REASON

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

08. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

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

09. 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.

10. The garage/outbuilding hereby permitted to the rear of the approved dwellinghouse shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling.

REASON

To ensure that the building does not become a separate unit, thereby harming the amenity of the main dwelling and the surrounding area.

11. Before the first occupation of the dwelling hereby permitted, all side elevation windows as indicated on the approved plans shall be fitted with permanently obscure glazing to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall be permanently retained in that condition thereafter, unless otherwise approved in writing by the local planning authority.

REASON

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

12. Before the first occupation of the dwelling hereby permitted, the glass privacy screens of 1.8 metres in height to the sides of the first floor balcony as indicated on the approved plans shall be fitted with permanently obscure glazing to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufacturers and shall be permanently retained in that condition thereafter. The glass balustrade of 1.1 metres in height at the edge of the balcony shall be completed in accordance with the approved plans prior to the first occupation of the dwelling.

REASON

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additions, extensions or other alterations other than that

expressly authorised by this permission shall be carried out without prior permission of the local planning authority.

REASON

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority.

REASON

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.

15. Unless otherwise approved in writing by the local planning authority, the materials to be used in the construction of the external surfaces of the dwelling hereby approved shall be as indicated on the elevations and in the notes entitled 'Elevation Treatment' on the approved drawing sheet, reference BDS-2020-01-01 (B).

REASON

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

16. Prior to the first occupation of the replacement dwelling hereby approved, measures to provide bat roosting potential shall be implemented as detailed below and evidence of implementation shall be provided to the local planning authority:
- The installation of 1 no. Ibstock Enclosed Bat Box integrated bat roost brick (or similar) in a location and orientation advised by a suitably qualified ecologist.

REASON

To ensure the ecological interests of the site are maintained in accordance with policy CS16 of the Core Strategy.

Informatives

01. INFORMATIVE

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

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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

02. INFORMATIVE

The boundary trees in the front garden of the application site are subject to DMBC Tree Preservation Order no. 64: Bessacarr with Cantley (1991). It is a criminal offence to wilfully damage a tree subject to a Tree Preservation Order. Failure to implement the above planning condition which seeks to protect the trees may be deemed to constitute wilful damage and may result in criminal proceedings being instigated by the council. Preventing damage to the trees is in the interests of tree health and also in the interests of safety of persons and property.

03. INFORMATIVE

The developer shall consider incorporating all possible sustainability features into the design of the proposed development.

04. INFORMATIVE

The proposed property will be eligible for the Council's standard domestic waste service provision, with receptacles being placed at the curtilage adjacent the highway on collection day(s).

Doncaster Council offers an alternate weekly collection service with residual waste collected one week and recyclable waste collected the following week:

Week 1 Black Bin

Week 2 Blue Bin, Green Box, Green Bin

Each household is entitled to receive a 240 litre Blue bin for the storage and collection of clean / dry recyclable materials:

- Plastic bottles (clear and coloured)
- Paper, newspapers, magazines (excluding shredded paper and windowed envelopes)
- Cardboard (Brown and Grey)
- Steel / Aluminium food and drinks cans, foil, Aerosols

Each household is entitled to receive a 55 litre Green box for the storage and collection of glass bottles / jars (no sheet glass).

Each household is entitled to receive a 240 litre Black bin for the storage and collection of non-recyclable / non-hazardous Household Waste:

- Shredded paper and windowed envelopes;
- Broken / sheet glass;
- Crockery;
- Nappies and sanitary products;
- Yoghurt pots, plastic tubs, trays and lids;
- Liquid food cartons (Tetra/Pure Pak);
- Plastic film or cling film;
- Polystyrene and soiled takeaway containers;
- DIY bottles / containers used for paint, oils, chemicals etc. (No liquids or hazardous waste);
- Dog and cat faeces (wrapped or bagged);
- Pet bedding and straw;
- Turf and ash; and
- Food waste (wrapped or bagged as necessary).

Each household (with a suitable garden) receives a 240 litre Green bin for the storage and collection of green garden waste:

- Grass cuttings;
- Hedge clippings and shrub pruning's;
- Flowers, plants and weeds;
- Root balls (please remove excess soil);
- Leaves, bark, small twigs and branches.

Doncaster Council charges a fee for the delivery of bins to households, including for new developments, current Fees and Charges can be found on the Council's website here. Each council tax paying household can arrange for delivery of bins for which they are eligible (do not have or that require replacement) by telephoning our Customer Contact Centre T: 01302 736000.

05.

INFORMATIVE

In light of the above drainage conditions, the following information is provided:

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.
- Site ground levels and finished floor levels.

There should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required if drained areas to existing sewers / watercourses are to be increased. A 30% net reduction to existing peak discharge (up to a 1/100 yr storm + 30% CC) will be required if the site is being re-developed. A full justification will be required where the development cannot achieve the 30% betterment on the existing run-off rate.

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.

Guidance on flood pathways can be found in BS EN 752.

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

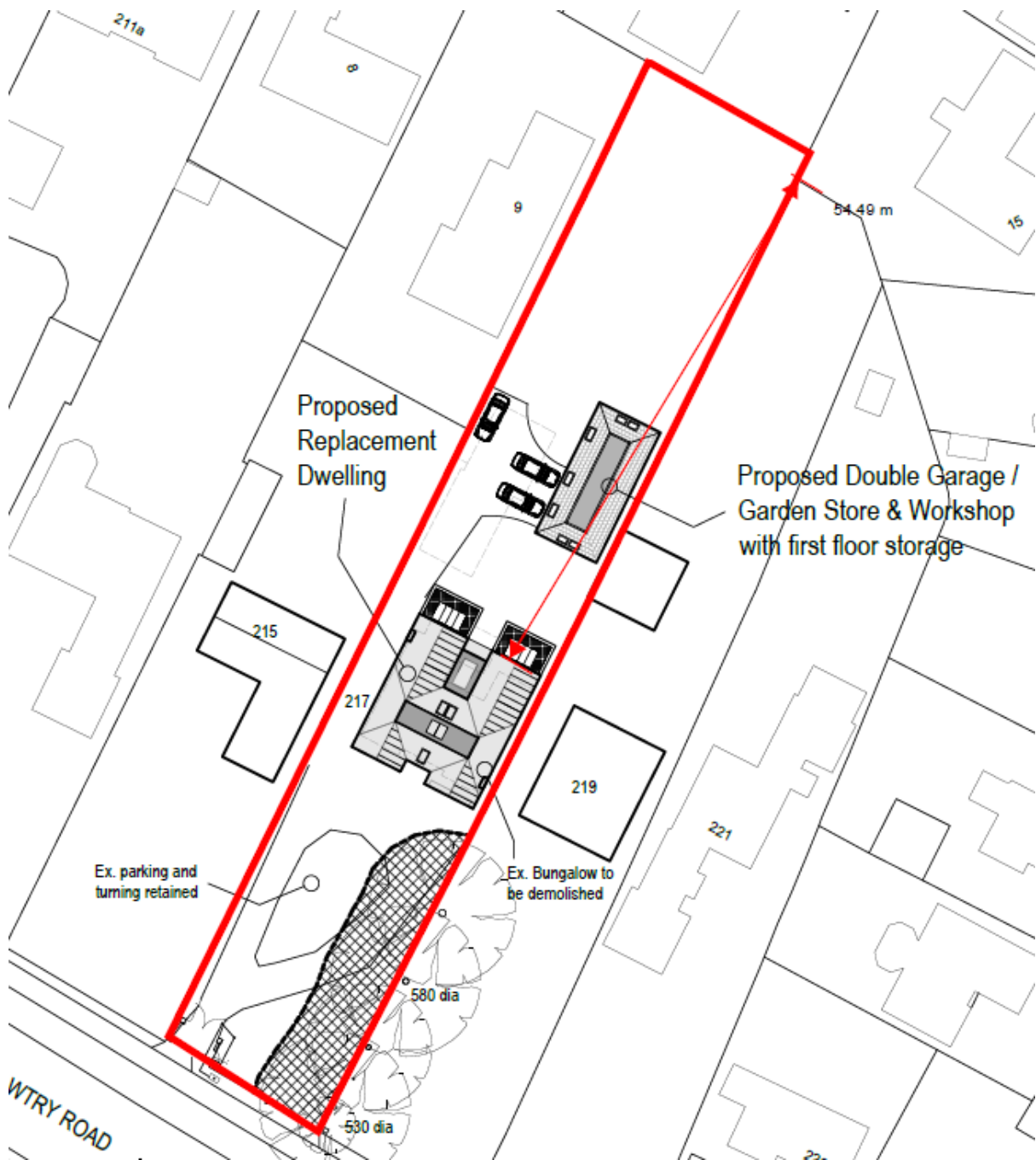
Written evidence is required from the sewerage undertaker to confirm any adoption agreements and discharge rates.

The proposed development is within a groundwater source protection zone (SPZ3). Where the development lies within SPZ 1 or 2, the applicant is advised to consult with the Environment Agency to ensure that pollution risk to aquifers is minimised. All necessary precautions should be taken to avoid any contamination of the ground and thus groundwater. Guiding principles on the protection of groundwater are set out in Environment Agency document GP3.

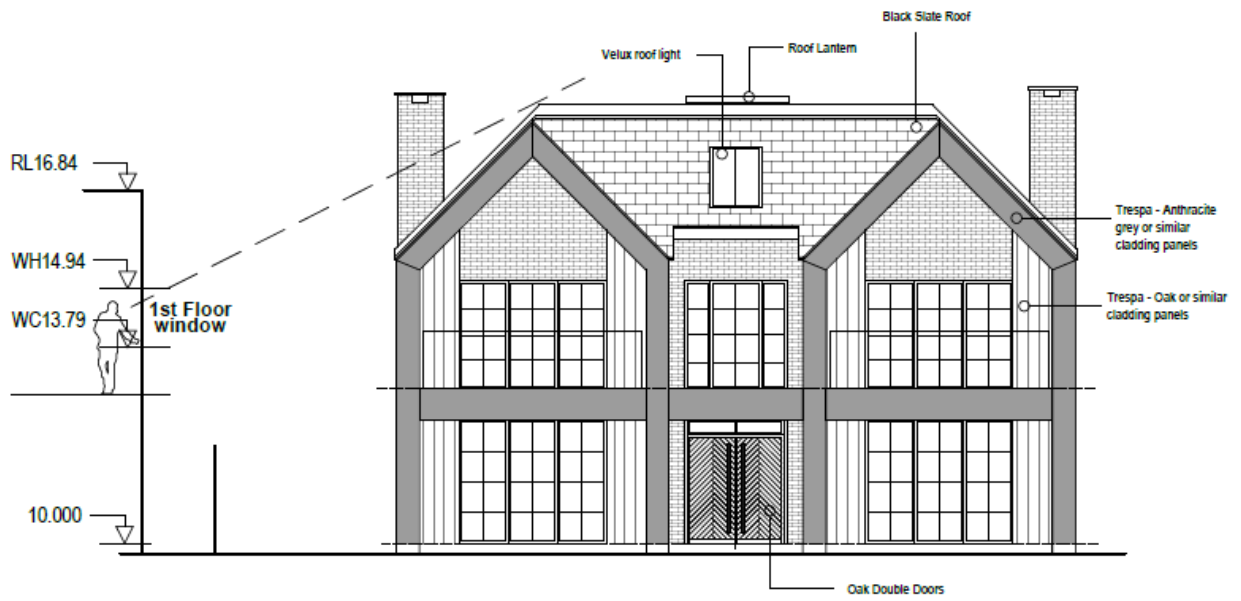
Any SuDS/Drainage system installed must not be at the detriment to the receiving watercourse or ground (infiltration), so managing the quality of the run-off to must be incorporated into any design in accordance with CIRIA 753 The SuDS Manual.

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

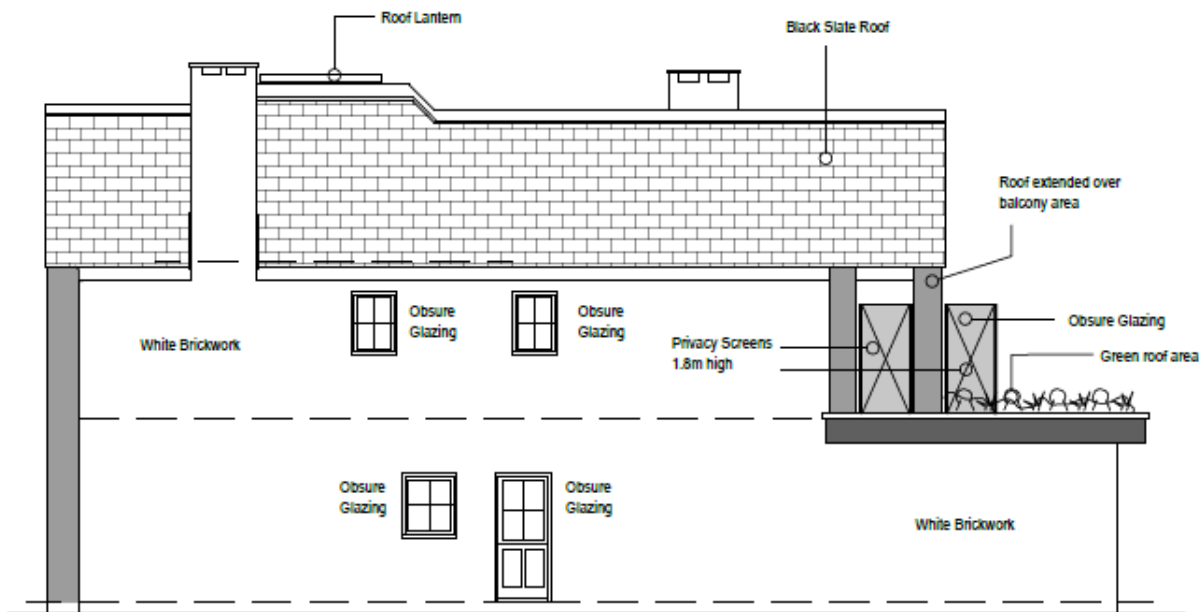
Appendix 1: Proposed Site Plan



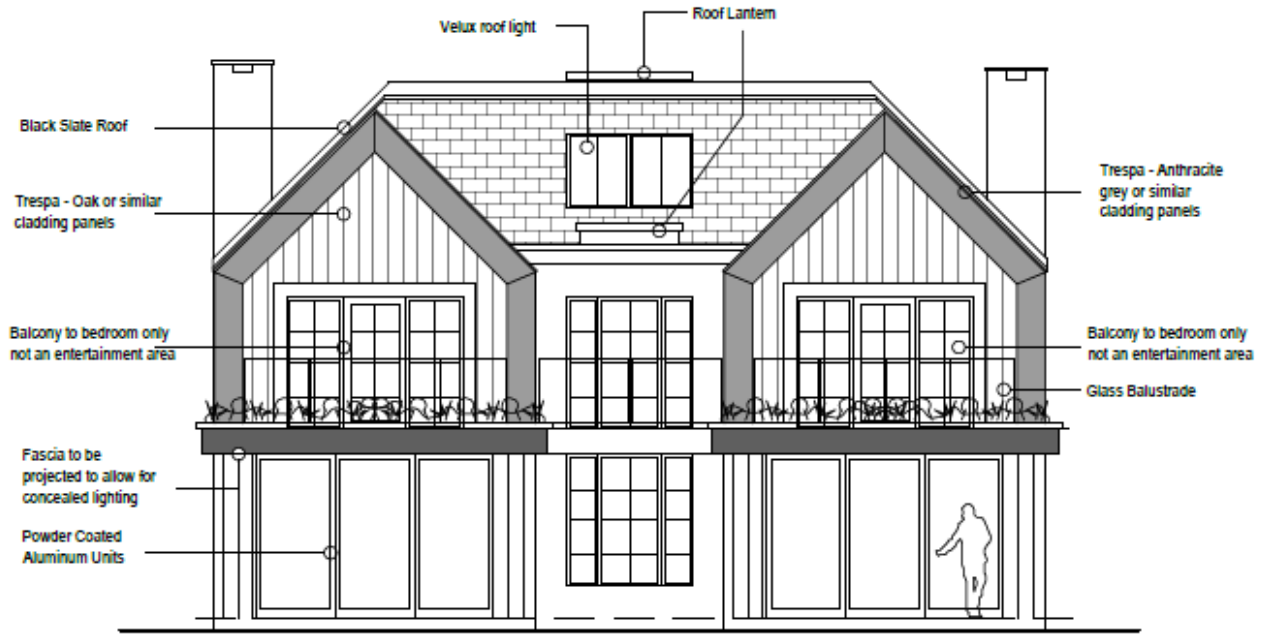
Appendix 2: Proposed Elevations (House)



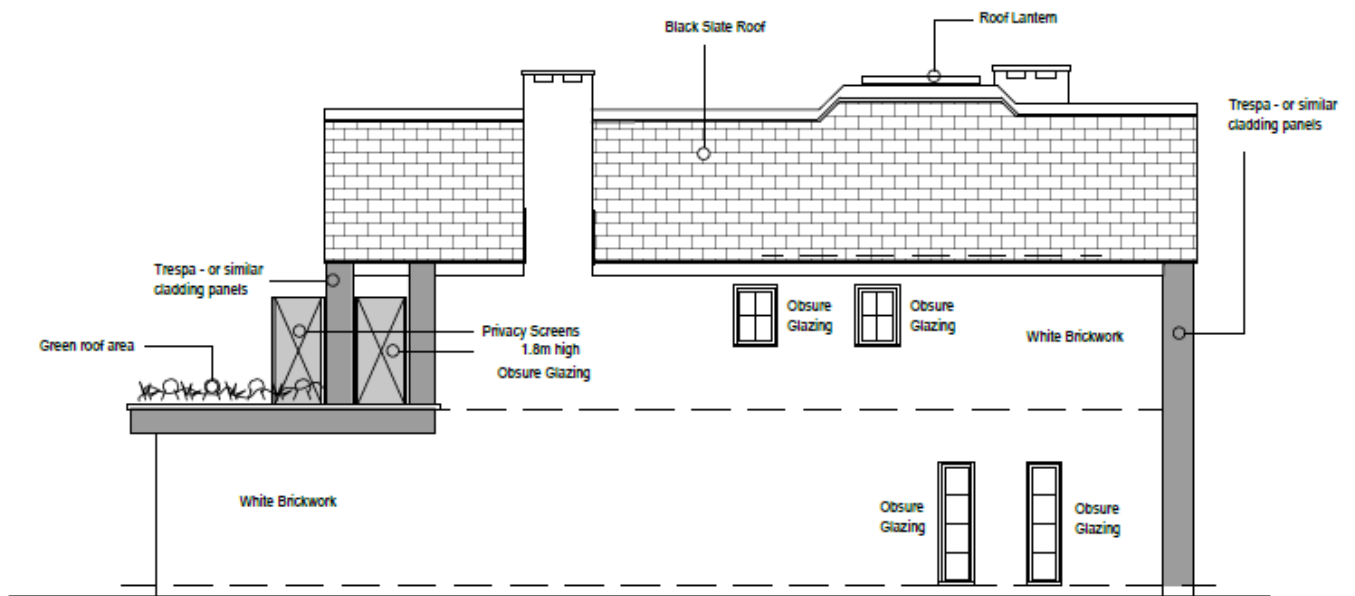
Front Elevation West



Side Elevation South



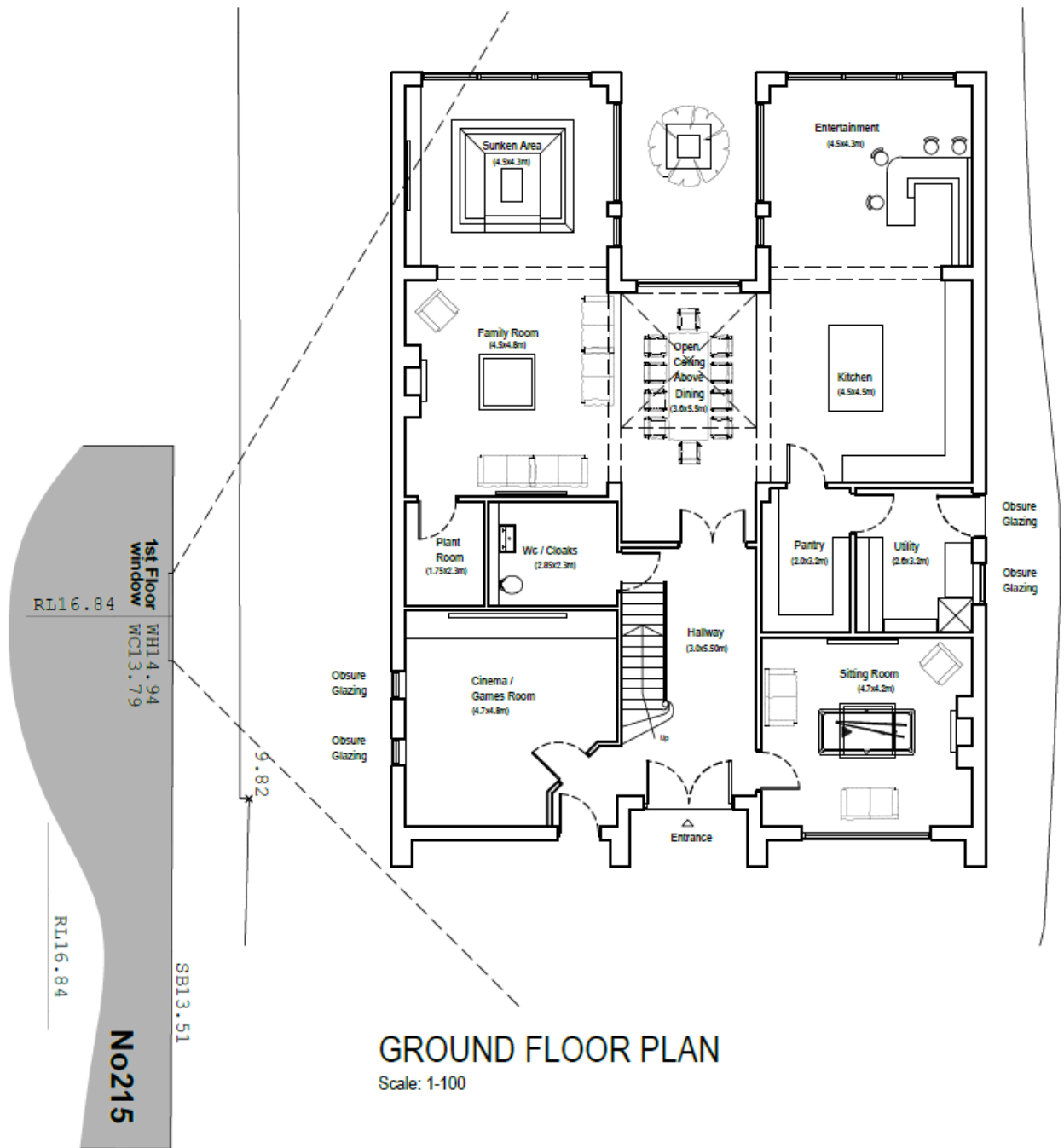
Rear Elevation East

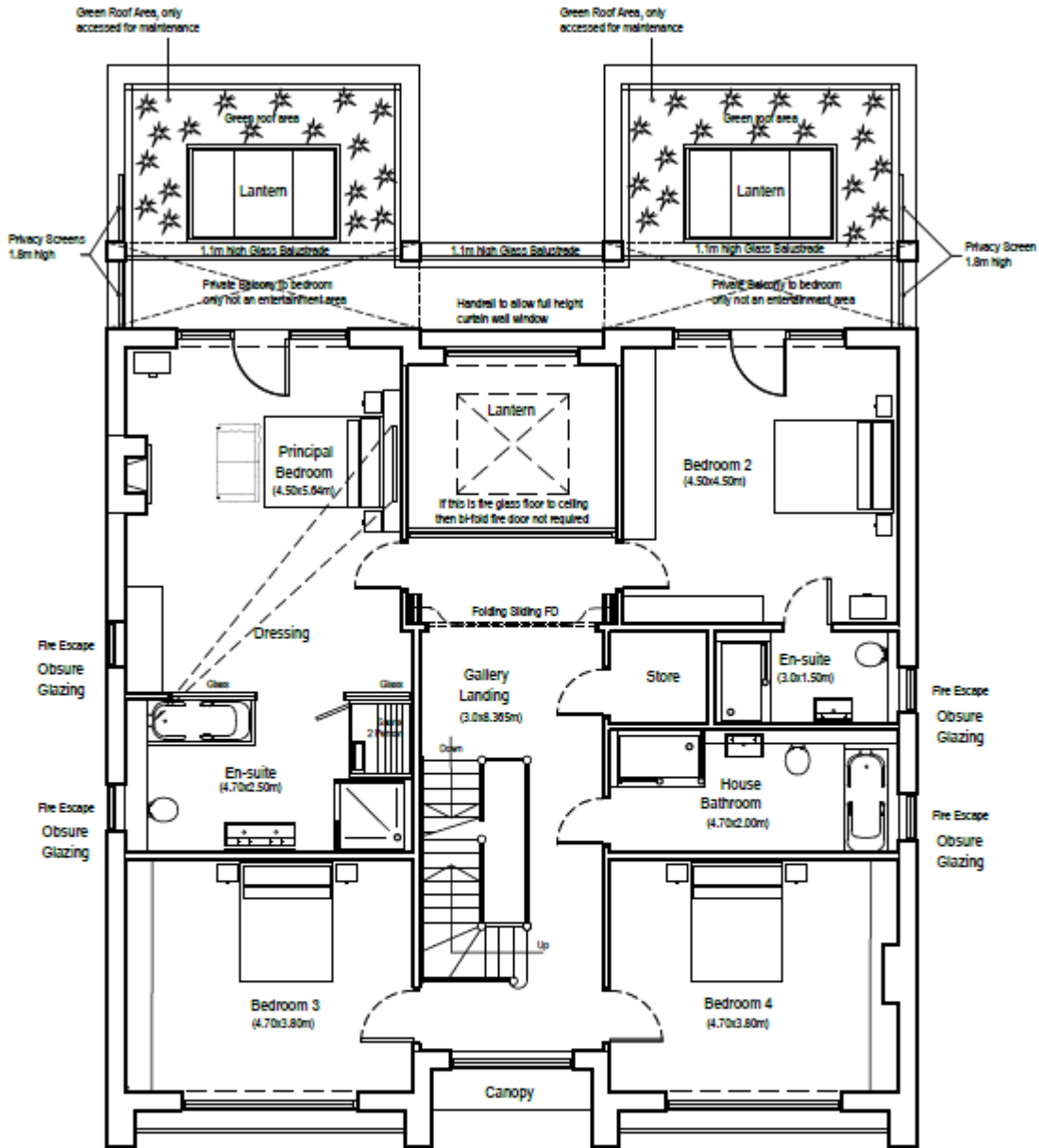


Side Elevation North

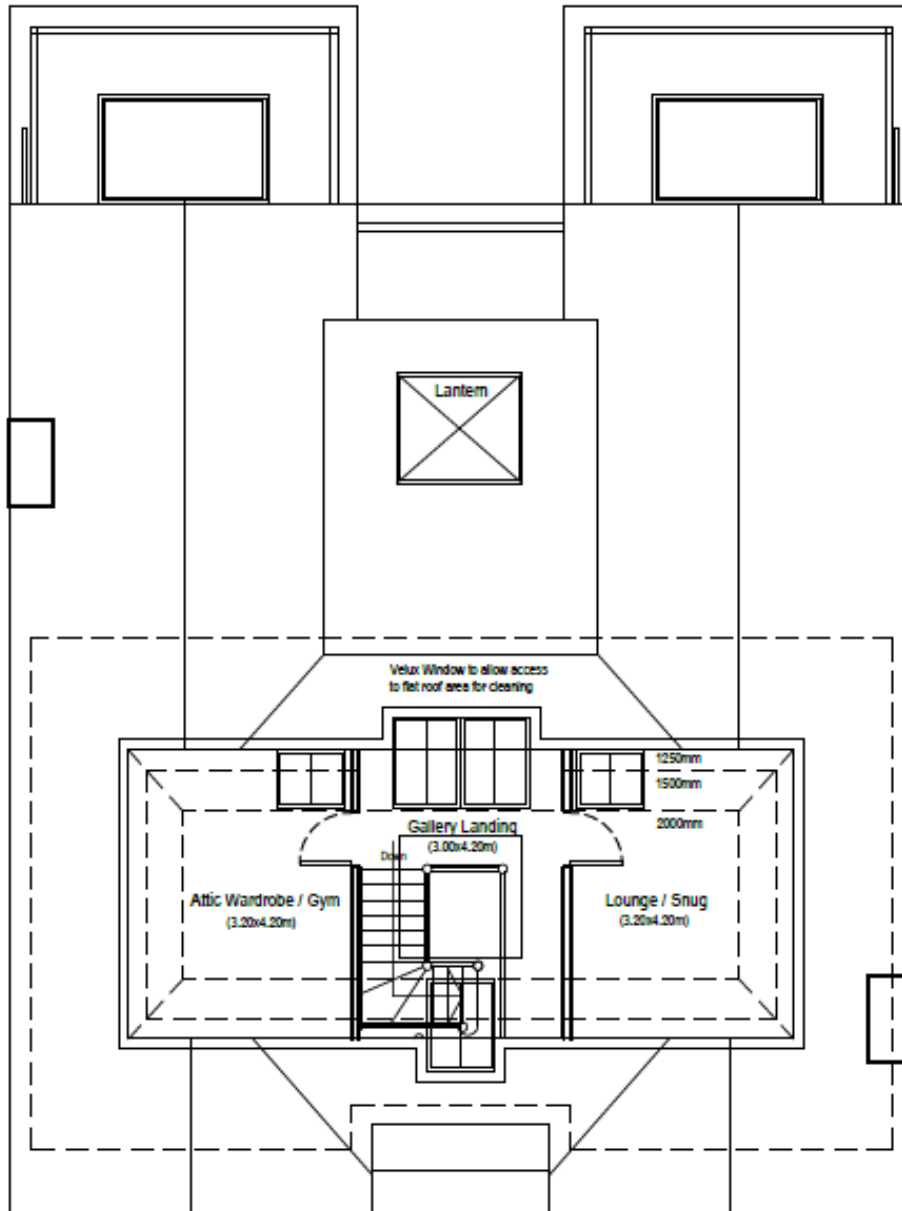
Scale: 1-100

Appendix 3: Proposed Floor Plans (House)



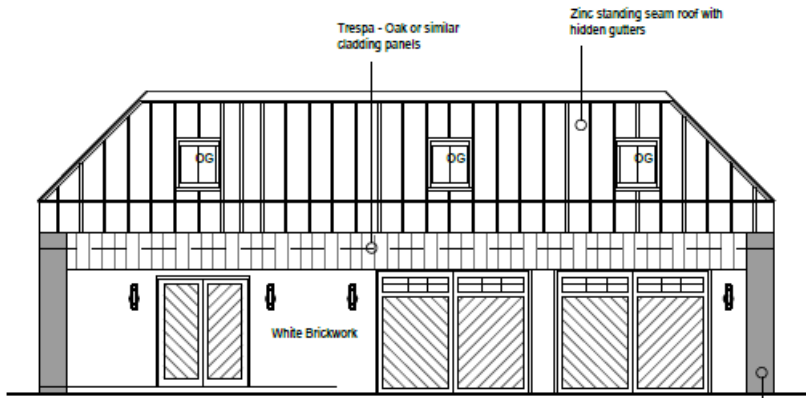


FIRST FLOOR PLAN



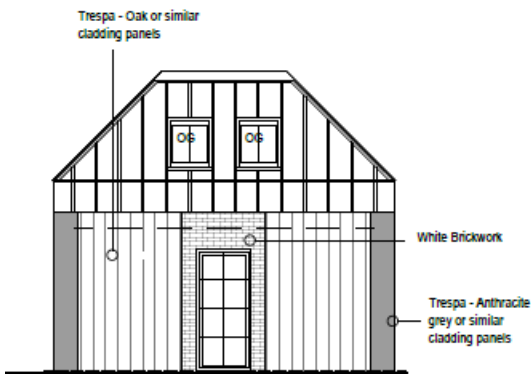
ATTIC FLOOR PLAN

Appendix 4: Proposed Elevations (Garage)

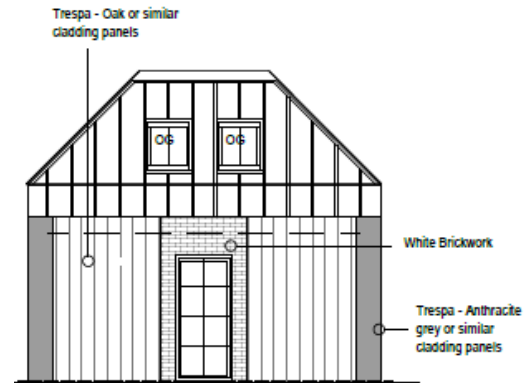


Side Elevation North Garage

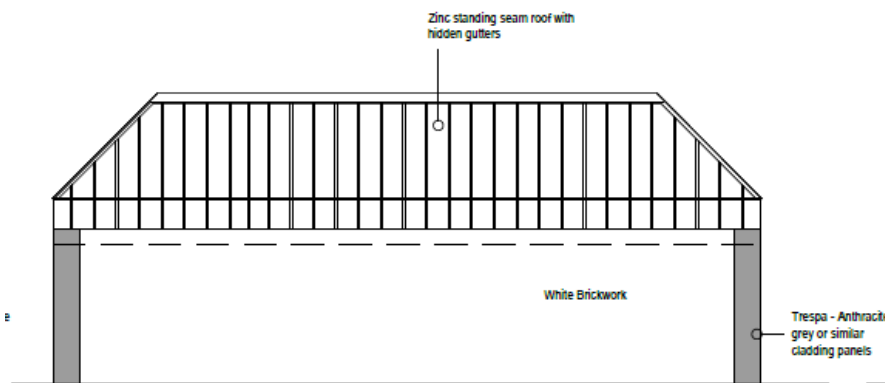
Trespa - Anthracite grey or similar cladding panels



Rear Elevation East Garage

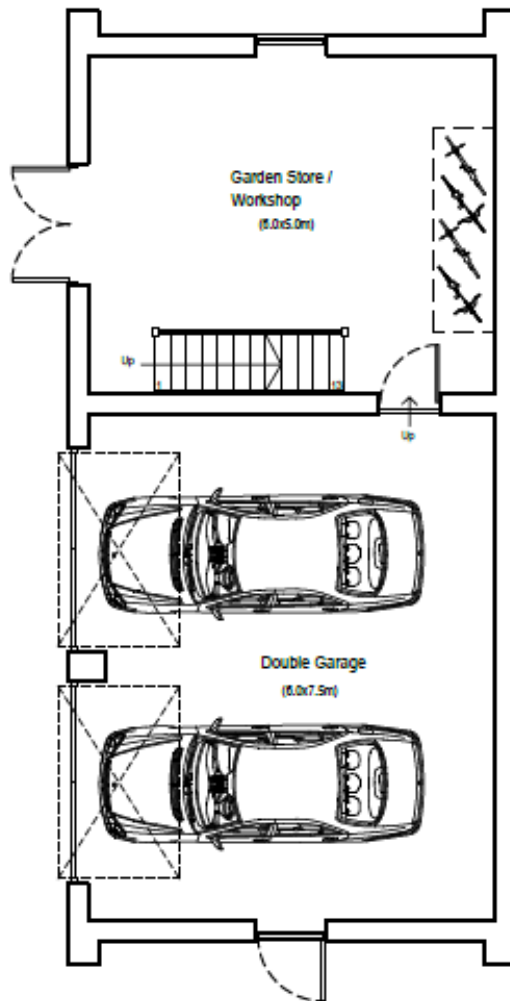


Front Elevation West Garage

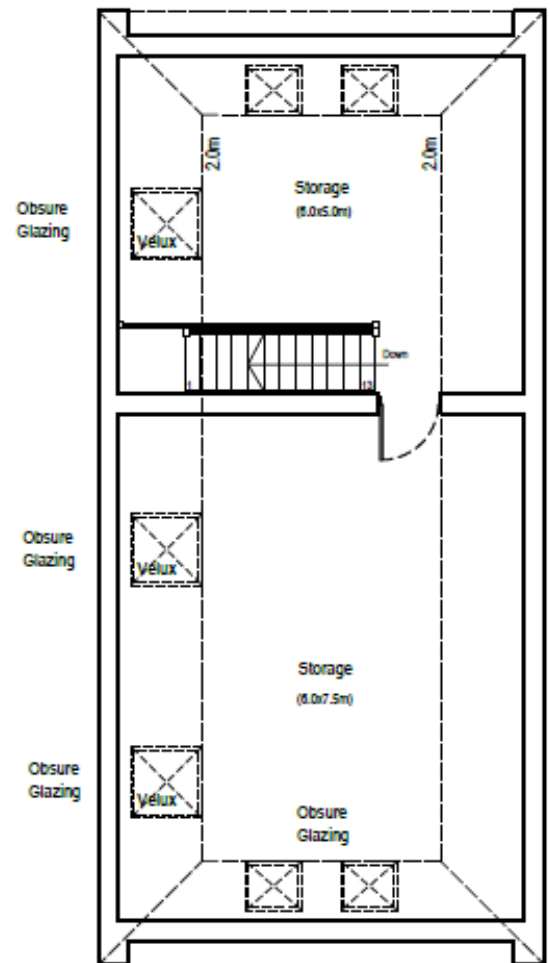


Side Elevation South Garage

Appendix 5: Floor Plans (Garage)



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Appendix 6: Visualisations





Application	2.
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Application Number:	21/00382/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of detached dormer bungalow
At:	Cheswold Old Bawtry Road Finningley Doncaster DN9 3BY

For:	Mr J Gray
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Third Party Reps:	2 objectors, 0 supporters	Parish:	N/A
		Ward:	Finningley

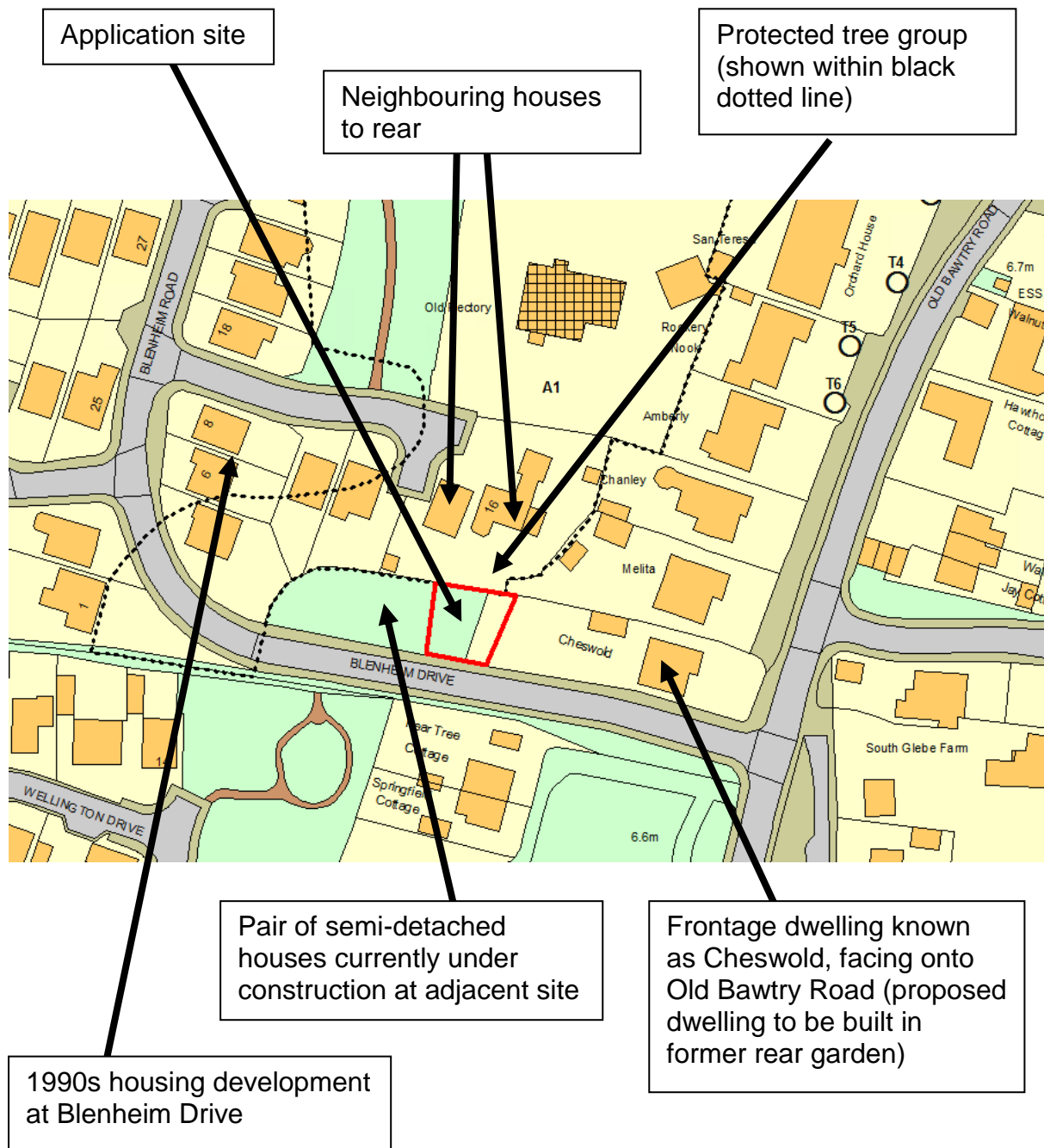
Author of Report:	Jacob George
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SUMMARY

This application seeks planning permission for the erection of a three-bedroom detached dormer bungalow on land to the rear of Cheswold on Old Bawtry Road, within the Finningley Conservation Area. The dwelling would face onto Blenheim Drive, adopting a symmetrical appearance with a material palette of chalk white render, brick details, and red clay pantiles, echoing the style of a development of two semi-detached houses currently under construction on adjacent land to the west. The dwelling would benefit from a rear garden and a driveway to the side, providing space for two parked cars. Tree protection measures would be implemented to ensure protected mature trees to the rear of the site are not harmed during construction.

The application has been called in to Planning Committee by Councillor Richard A Jones, and has been objected to by two neighbouring residents. However, it is felt that the proposal would protect the character of the Conservation Area, would avoid harm to residential amenity, would not cause any highway safety issues, and would ensure that trees are protected during construction. The development is considered to be acceptable, and there are no material planning considerations which would suggest that the application should be refused.

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



1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee at the request of Councillor Richard A. Jones, Ward Member for Finningley.

2.0 Proposal

- 2.1 Planning permission is sought for the erection of a three-bedroom detached dormer bungalow to the rear of Cheswold on Old Bawtry Road. The proposed dwelling would face onto Blenheim Drive.
- 2.2 The proposed dormer bungalow would have a total width of approximately 11.7 metres, with a depth of approximately 8.1 metres. The total height of the building would be approximately 6.8 metres, with an eaves height of approximately 3.3 metres.
- 2.3 The dwelling would have a pitched roof with the ridge running parallel to Blenheim Drive, with gable ends at either side. The front elevation, as amended, would have an almost symmetrical appearance with two ground floor windows either side of an entrance porch, with two dormer windows projecting from the roof and one rooflight above the porch.
- 2.4 The east elevation facing Cheswold would be a blank gable end, with the west elevation featuring an en suite bathroom window and a secondary bedroom window. To the rear, there would be four rooflights serving the accommodation in the roof space, with no dormer windows. Bi-folding doors would provide access from the kitchen/dining area to a rear garden and patio. To the west side of the building would be a driveway of 3 metres in width and approximately 10.1 metres in length, providing space for two cars to park in tandem.
- 2.5 The dwelling would be finished in monocouche render in chalk white, with facing brick detailing around the windows, the porch, and the base of the building. The roof would be finished in red clay pantiles, with a lead sheet to the face of the dormers. The windows would feature a sash opening. There would be no front boundary enclosure, with space for planting between the footpath and the front elevation. Timber fencing of 1.8 metres in height would be provided at the rear and west boundaries, with a brick wall of 1.8 metres in height at the east boundary.

3.0 Site Description

- 3.1 The application site is located on land at the western edge of the Finningley Conservation Area. The special interest of the Conservation Area is that of a low-density residential village focused around the church, village greens, and village pond. Buildings are generally set back from the road with generous front gardens. The combination of these elements gives a distinctive open green character that is desirable to preserve or enhance. Traditional buildings tend to be of brick, sometimes whitewashed, with clay pantile roofs, although several traditional buildings have been rendered as a modern treatment. Boundary

treatments are often soft hedges or brick walls with decorative detailing (such as creased tile courses) and brick coping.

- 3.2 The site is located in the rear curtilage of Cheswold, which is a two-storey corner building finished in red bricks, fronting Old Bawtry Road. This building is well set back, in keeping with the Conservation Area character. The rear contains a walled area including the application site, and beyond the application site is a further area of former garden where permission has been granted under 20/00376/FUL for a pair of semi-detached houses that have the appearance of a larger building, finished in brick and render. The pair of semi-detached houses is currently under construction, and an application to vary the approved plans (21/01649/FUL) is currently under consideration. The variation of the approved plans would involve shortening the rear gardens of the two houses, creating a gap within which the proposed dormer bungalow would be built.
- 3.3 The stretch of Blenheim Drive onto which the application site faces mainly serves to provide access to the 1990s housing development to the west and north of the application site. This development is characterised by two-storey detached houses with pitched roofs, finished with red bricks and yellow brick detailing, and arranged around a series of cul-de-sacs.
- 3.4 Trees in the area are protected by Conservation Area status and Tree Preservation Orders. Whilst there are no remaining trees within the application site itself, three mature trees to the rear (a lime, a sycamore and a pine) are located to the rear of the site, overhanging into the application site. Tree protection measures are proposed to avoid any harm to these trees. A smaller cherry tree to the east of the site is proposed to be retained if possible, or replaced with a new tree of the same species if its removal is deemed necessary during construction.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
15/02890/FUL	Erection of detached house and detached bungalow	Granted 10.03.2016
19/00113/FUL	Erection of detached house and detached bungalow (resubmission of 15/02890/FUL)	Granted 10.04.2019
20/00376/FUL	Erection of 1 pair of semi-detached dwellings with associated parking	Granted 09.04.2020

20/02634/MAT	Erection of 1 pair of semi detached dwellings with associated parking (Being amendment to application granted under Ref: 20/00376/FUL on 09/04/2020 - Amendments to Plot 2 roof design to western elevation)	Permission Not Required 28.10.2020
20/02707/COND	Consent, agreement or approval required by conditions 3 (external materials), 4, (rooflights) 5 (boundary treatments), 6 (Drainage DA01), 7 (tree protection), 10 (Crossing over footpath/verge) and 11 (Dev on land affected by contamination) of planning application 20/00376/FUL.	Granted 12.01.2021
21/01649/FUL	Section 73 application to vary condition 2 of planning application 20/00376/FUL granted on 09.04.2020	Under Consideration

5.0 **Site Allocation**

- 5.1 The site falls within a Residential Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998). In the draft Local Plan, the site also falls within a Residential Policy Area.
- 5.2 The site is located within the Finningley Conservation Area, and trees in the vicinity are protected under this designation.
- 5.3 The site is located in Flood Zone 1 and is not considered to be at high risk of flooding.

5.3 **Relevant Planning Policies**

5.4 **National Planning Policy Framework 2019 (NPPF)**

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

- 5.6 Paragraphs 7-11 establish that all decisions should be based on the principle of a presumption in favour of sustainable development (considering the social, environmental and economic pillars of sustainability).
- 5.7 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.8 Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.9 Paragraphs 54-56 state 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.
- 5.10 Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.
- 5.11 Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.12 Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be

tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

- 5.13 Paragraph 127 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and sympathetic to local character, and will establish or maintain a strong sense of place. Paragraph 127(f) sets out that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.14 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.15 Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment, including by recognising the benefits of trees and woodland.
- 5.16 Paragraph 175(c) states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 5.17 Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 5.18 Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 5.19 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.20 Core Strategy 2011 - 2028
- 5.21 To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise: see section 70(2) of the Town and Country Planning Act 1990 (as amended) and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).

- 5.22 In May 2012, the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. The Core Strategy policies relevant to this proposal are set out below.
- 5.23 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives. Proposals should strengthen communities and enhance their well-being by providing a benefit to the area in which they are located, and ensuring healthy, safe places where existing amenities are protected. Developments should be place-specific in their design and work with their surroundings, protecting and enhancing the built and natural environment. Proposals should also protect local amenity and be well-designed.
- 5.24 Policy CS14 of the Core Strategy requires development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate and surrounding local area. Policy CS14(A) sets out the following qualities of a successful place:
1. character – an attractive, welcoming place with its own identity appropriate to the area;
 2. continuity and enclosure of streets and spaces by buildings;
 3. quality, stability, safety and security of private property, public areas and the highway;
 4. permeability – ease of pedestrian movement with good access to local facilities and public transport services;
 5. legibility – a development that is easy to navigate;
 6. adaptability – flexible buildings capable of changing over time;
 7. inclusive – accessible development that meets the needs of as much of the population as possible;
 8. vitality – creating vibrant, busy places with a mix of uses where appropriate; and
 9. sustainability – proposals are environmentally responsible and well managed.
- 5.25 Policy CS15 of the Core Strategy seeks to preserve, protect or enhance Doncaster’s historic environment.
- 5.26 Policy CS16 provides for the protection and enhancement of Doncaster’s natural environment, including enhancing the borough’s ecological networks;

protecting nationally and internationally important habitats, sites and species; and enhancing the borough's landscape and trees.

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

5.28 Policy PH9 of the UDP designates Residential Policy Areas as shown on the Proposals Map.

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

- A) The development would be at a density or of a form which would be detrimental to the character of the surrounding area or would result in an over-intensive development of the site;
- B) The effect of the development on the amenities of occupiers of nearby properties would be unacceptable;
- C) Tandem or backland development would result in an unsatisfactory access, overlooking or over-intensive development;
- D) The development would result in the loss of social, community and recreational or other local facilities for which there is a demonstrated need.

5.30 Policy ENV25 states that within Conservation Areas, as defined on the proposals map, new development including alterations and extensions to, and changes of use of, existing buildings will be expected to preserve or enhance the character or appearance of the area. Development will not be permitted if it would detract from the character or appearance of the area by virtue of its nature, height, density, form, scale materials or design or by the removal of trees or other important landscape features.

5.31 Policy ENV59 states that the Council will attach considerable importance to the need to protect existing trees, hedgerows, wetland habitats, watercourses and other natural landscape features, and will require that new developments do not cause an unnecessary loss of trees.

5.32 Local Plan

5.33 Doncaster Council is in the process of preparing a new Local Plan to supersede the Core Strategy and UDP. The Council received the Inspector's Report into the Examination of the Doncaster Local Plan 2015-2035 on 30 June 2021. The Report concludes that, with the recommended main modifications set out in the Appendix to the Report, the Doncaster Local Plan 2015-2035 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. This means the Examination has concluded.

- 5.34 Paragraph 48 of the NPPF states that the local planning authority 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). Taking into account the Inspector's Report it is considered that all policies in the Local Plan can now be afforded substantial weight. The Council is looking to adopt the Local Plan by autumn 2021 (at which point all policies will be afforded full weight). The following policies are considered pertinent to this application:
- 5.35 Policy 10 states that within Residential Policy Areas, as defined on the Policies Map, new residential development will be supported provided that:
1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
 2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
 3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.
- 5.36 Policy 13 states that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. The Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards contained within Appendix 6 of the Local Plan. Development should not result in unacceptable impacts on highway safety, or the severe residual cumulative impacts on the road network. Developers must consider the impact of new development on the existing highway and transport infrastructure.
- 5.37 Policy 32 states that proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.
- 5.38 Policy 37 states that proposals should not detract from the heritage significance of a Conservation Area by virtue of their location, layout, nature, height, density, form, scale, materials or design or by the removal of trees, the loss of important open spaces or other important landscape features, or through adverse impact on key views and vistas. Proposals that may result in potential harm to a conservation area will be refused unless the harm is outweighed by public benefits arising from the development.

5.39 Policy 41 states that development proposals will be supported where they:

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

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

5.40 Policy 42 supports high quality development that reflects the principles of good urban design. New development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, relevant spatial requirements and design standards.

5.41 Policy 44 states that new housing, extensions, alterations and changes of use to housing will be supported where they respond positively to the context and character of existing areas, or the host property, and create high quality residential environments through good design. Developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space. Housing proposals will be supported where they meet the following key design objectives:

1. there is good access to (or the development provides at the earliest opportunity) local services, community facilities, open space and public transport via walkable neighbourhoods;
2. layout, density, siting, spacing, scale, massing, form, detailing and materials are sympathetic to the character of the area, or the existing host property;
3. layouts are easy to understand and move through, are well-structured, with secure perimeter blocks, active frontages and dual aspect corner properties;
4. designs result in a decent outlook for new homes, with adequate privacy, and good access to daylight and sunlight;
5. there is adequate provision of internal living space, storage space, amenity and garden space;
6. there is sufficient convenient, safe and secure allocated and visitor car parking space designed so as not to dominate the appearance of the

residential street-scene or impact negatively on the function or character of new and existing streets;

7. layout and street design will result in attractive, landscaped public realm, which includes community focal spaces that foster social interaction and creates an inclusive, safe and secure environment for people and property;
8. access points, street design, parking and operational highway requirements are safe and provide adequate footpaths, encourage vehicle design speeds of 10-20mph or less, and complement the character of the existing street-scene and highway functions;
9. plot boundaries (front, back and side) are demarcated with robust boundary walls, fences, railings or hedges appropriate to the area;
10. satisfactory arrangements are made for the storage and collection of refuse, recyclable materials and garden waste; and
11. flood resistance and resilience measures with an allowance for climate change are incorporated if located in, or adjacent to, flood risk areas.

5.42 Policy 45 states that all new housing should meet the Nationally Described Space Standard as a minimum.

5.43 Policy 55 states that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate Preliminary Risk Assessment.

5.44 Policy 56 states that development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities.

5.45 Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (adopted 2015)
- South Yorkshire Residential Design Guide 2011 SPD (adopted 2015)
- National Planning Practice Guidance
- National Design Guide (2019)

6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

- Advertised on the Council website

- Notification letters sent to all neighbouring properties with an adjoining boundary
- Notice displayed outside the site
- Press advertisement in the Sheffield Star

6.2 Two objections were received from neighbouring residents to the rear of the application site, summarised as follows:

- A retaining wall may be needed, which would encroach into the Root Protection Areas of trees
- Cars parking on the roadside would cause safety issues, and double yellow lines are needed on the relevant stretch of Blenheim Drive
- Dormer windows are not in keeping with the character of the area
- A single storey bungalow would be more appropriate than a dormer bungalow, as has been previously approved
- Development has already started without permission
- The Root Protection Areas of adjacent trees should be free from any form of development, including patios
- The rear windows would compromise the privacy of properties to the rear
- Previous planning proposals to the rear of Cheswold did not utilise this particular piece of land
- Insufficient tree survey data has been provided
- The proposal will dramatically reduce the garden spaces of the semi-detached houses adjacent

6.3 It has been confirmed that no retaining wall would be required as part of this development. This application is assessed on its own merits, and the addition of a double yellow line to Blenheim Drive is not under consideration. Through a case officer site visit and photos provided by the application agent, it has been established that no unauthorised development has taken place. This planning decision must be made through an assessment of the current proposal, rather than previous proposals.

6.4 All other matters raised by the two objectors are material to the planning decision and are discussed in detail in section 9 of this report.

6.5 Two objections are not generally considered to represent a significant level of public interest, so a delegated decision would normally be possible. However, shortly before a delegated decision was due, Councillor Richard A. Jones, Ward Member for Finningley, contacted the case officer to request that the application be presented to Planning Committee. Councillor Jones raised the following concerns:

- Restrictions should be put in place to stop parking on this stretch of road
- Cars exiting from the Blenheim Drive estate negotiate a blind bend, and cars parked at the proposed dwelling and the semi-detached dwelling would not be able to exit in the appropriate manner
- The semi-detached houses are inappropriately sited next to the road and inconsistent with buildings in a Conservation Area

- The proposal varies too much from the original approval on this site
- 6.6 Highway safety is an issue which is assessed in section 9 of this report. None of the other matters raised by Councillor Jones are material planning considerations, as the proposal must be assessed on its own merits rather than in relation to previous planning applications. The semi-detached houses have already been granted planning permission and are under construction; they are not the subject of this planning application. It is not within the scope of a planning application for a single dwelling to consider potential road markings and restrictions, and the application is assessed based on the current context of the road.

7.0 Parish Council

- 7.1 Finningley Parish Council have not provided any comments in relation to this planning application.

8.0 Consultations

8.1 Pollution Control

A satisfactory land contamination assessment has previously been submitted to accompany past planning applications. No further investigation is required.

8.2 Highways Development Control

An initial response raised no objections, subject to conditions requiring the approval of site surfacing details prior to occupation, the maintenance of sightlines by removing any object of more than 900mm in height adjacent to the driveway, and the approval of details of a dropped kerb vehicle crossing.

A later response identified that the width of the driveway was too narrow, bearing in mind that the driveway will have a fence on one side and a building on the other. The width of the driveway has been increased from 2.85 metres to 3 metres, meeting the minimum standard to allow space for drivers and passengers to alight from either side of a private car.

The applicant has submitted details of a dropped kerb vehicle crossing, which have been received to the satisfaction of Highways Development Control, meaning that a condition in relation to the approval of details of the dropped kerb is no longer required.

In response to the objections from Councillor Jones, Highways Development Control have provided additional comments to the following effect:

This application can only be assessed on its own merits based on the drawings submitted. The criteria for refusing a development for highway safety reasons are that the development will have a severe impact on the highway network or adversely affect its use. Blenheim Drive is not a through route, has negligible

traffic flows, and is a residential cul-de-sac serving approximately 40 properties with multiple driveways adjoining it along its entire length.

To add further to this context, the first three driveways proceed along Blenheim Road, on the same side as the proposed development, are located as follows:

The first drive is on the same blind bend, the second drive is opposite a junction serving multiple dwellings, and the third drive is located on the radii of another junction, again serving multiple dwellings. These drives all have different ingress/egress issues, so is it therefore reasonable to suggest that all the residents who live, use and access the properties off Blenheim Drive understand that they may encounter reversing vehicles along its entire length. To put this in the context of the development, the proposed dwelling will have no major impact or adverse effect upon the highway network, and there would be no grounds for refusal.

All new dwellings on Blenheim Drive (both the two semi-detached houses and the dormer bungalow which is the subject of this application) accommodate two cars which are all parked off the highway. The Development Guidance and Requirements SPD stipulates that two allocated parking spaces should be provided for a property with three or more bedrooms, so the development meets the requirements and a lack of parking cannot be used as grounds for refusal.

The accident statistics for Blenheim Drive indicate that there have been no serious accidents recorded in the vicinity of this bend, and it is therefore reasonable to assume that the development will not cause any issues in the future.

8.3 Conservation Officer

The strip of land adjacent to Blenheim Drive is not of the greatest significance to the Conservation Area and its main contribution is the separation it gives between the main road at the heart of the Conservation Area and the modern buildings of Blenheim Drive. Given that previously the Council has supported a bungalow and a 2 storey building in this location, the proposal would be acceptable in principle subject to any impact on adjacent mature trees across the boundary (assessed by the Tree Officer).

The proposal, as originally submitted, involved two dormers on the left hand side of the front elevation, resulting in an imbalanced appearance. The appearance of the porch was considered to be too dominant. The chimneystack was of an overly modern and pipe-like appearance. Further details of render colour, window openings and boundary treatments were requested.

The design has now been amended to remove one dormer window and finish the porch in render to match the rest of the building, thereby reducing its dominance. The chimney stack has been removed, and further details of materials and boundary treatments have been provided on the site plan. The proposal is now considered to be acceptable subject to conditions.

8.4 Tree Officer

Over the planning history of the wider site, only the off-site lime and sycamore trees have been surveyed and measured, but not the pine tree. Since the surveys of the lime and sycamore trees in 2016, it is reasonable to expect that both of these trees have grown, which would mean wider Root Protection Areas. The Tree Officer requested that updated survey information be provided to support the application. In addition, details of any possible retaining walls, as well as methods to minimise root disturbance through the development of the rear patio, were requested.

Up-to-date tree surveys, along with an Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan, and installation guide for the patio, were provided in May 2021. The application's agent has confirmed that, having assessed the ground levels on site, there will be no need for a retaining wall.

The Tree Officer is satisfied with the information provided, and no longer has any objections subject to a condition requiring the works to be carried out in accordance with the details provided.

8.5 Ecology

With no trees to be removed, the issue of bats roosting in the trees need not be considered. Over the years there is likely to have been some growth of ground vegetation to create a scrubby habitat of some value for small terrestrial mammals and garden birds. The area of land is too small to require a biodiversity net gain assessment. However, the NPPF does set out a requirement for minimising impacts on biodiversity and providing net gains where possible, so it is considered that some recognition of biodiversity losses should be responded to through an ecological enhancement condition involving the provision of bat and bird boxes.

8.6 Internal Drainage Board

Conditions requested in relation to the approval of drainage details prior to commencement. Drainage plans have now been provided to the satisfaction of the Council's drainage engineer, and the development is acceptable subject to being carried out in accordance with the details provided.

8.7 Doncaster East Internal Drainage Board

The site is within the Doncaster East Internal Drainage Board district. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

8.8 **Waste and Recycling**

No comments received.

8.9 **Yorkshire Water**

No comments received.

8.10 **National Grid**

No comments received.

8.11 **Anglian Water Services**

No comments received.

8.12 **South Yorkshire Archaeology Service**

No comments received.

9.0 **Assessment**

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

- The Principle of the Development
- Residential Amenity
- Design, Conservation and Visual Impact
- Highway Safety and Parking
- Trees and Ecology

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

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

The Principle of the Development

9.3 The site is located in a Residential Policy Area, where the development of new dwellings is supported in principle in line with policy PH11 of the UDP and policy 10 of the draft Local Plan. The proposal is required to demonstrate that its form and density would not be harmful to the character of the area, and that the effect

on the amenities of neighbouring properties is acceptable. These matters are assessed below. In principle, the erection of a dwelling in this location is acceptable.

9.4 SOCIAL SUSTAINABILITY

Residential Amenity

- 9.5 Policies CS1 and CS14 of the Core Strategy, along with paragraph 127(f) of the NPPF, require developments to ensure a good standard of amenity for existing and future residents. The proposed dormer bungalow would provide an internal floor area in excess of the requirements set out in both the South Yorkshire Residential Design Guide (SYRDG) and the Nationally Described Space Standard for a 3-bedroom dwelling, and each room would be provided with natural daylight. From measuring the site plan, it is calculated that the outdoor amenity space afforded to the dwelling would be approximately 103 square metres, rather than 107 square metres as annotated on the plan. Nonetheless, the private garden area would clearly exceed the minimum requirement of 60 square metres as set out in the SYRDG.
- 9.6 In terms of the relationship to the previously approved semi-detached dwellings to the west of the site, it is not considered that there would be any harmful impacts. The side wall of the dormer bungalow would be located approximately 14.5 metres from the rear wall of the semi-detached houses. With no first floor side windows, the side elevation of the bungalow can be treated as a blank elevation in terms of separation requirements. The separation between the semi-detached houses and the dormer bungalow would exceed the minimum requirement of 11 metres, and it is therefore considered that there would be no harmful impact on the light or outlook enjoyed by the semi-detached houses. The side elevation has two windows at ground floor, 3 metres from the boundary with the semi-detached houses, but these windows would be screened by the boundary fence of 1.8 metres in height. As extra mitigation against overlooking into the neighbouring garden areas, both windows can be conditioned to be obscurely glazed, as one window serves an en-suite bathroom, and the bedroom window is secondary to the rear-facing window in the same room. Although the erection of the dormer bungalow would shorten the length of the garden areas of the semi-detached houses, the gardens would still be approximately 85 square metres in area, comfortably exceeding the minimum requirement in the SYRDG. The reduction in plot size of the semi-detached houses is the subject of application 21/01649/FUL.
- 9.7 Turning to the impact on numbers 14 and 16 Blenheim Drive, to the rear of the application site, it is not considered that there would be any substantial harm to residential amenity. At its closest points, the dwelling would be approximately 15 metres from no. 14, and 19 metres from no. 16, respectively. The first floor rooms would be served by rooflights at the rear rather than by windows, so there would be no harmful overlooking between the habitable rooms of the neighbouring dwellings. The design has been amended to locate the rooflights higher on the roof plane, ensuring that the only view out of these rear rooflights would be of the sky – this can be demonstrated by the section drawing provided

on the amended drawing sheet of proposed plans, which shows the rooflights to be above eye level. Being over 11 metres away from the dwellings to the rear, there would be no harmful impact on the daylight, sunlight or outlook enjoyed by numbers 14 and 16. Whilst the dormer bungalow would be approximately 6 metres from the rear boundary at its closest point, the ground floor windows would be screened by the boundary fence of 1.8 metres in height, and the rooflights would not provide a view onto neighbouring garden spaces. Therefore, the privacy impact is considered to be acceptable.

- 9.8 In terms of the impact upon Cheswold to the east, there would be no side windows in the east elevation of the dormer bungalow which might cause any overlooking. The dormer bungalow would sit approximately 30 metres away from the rear wall of Cheswold, causing no loss of daylight, outlook or privacy, and retaining a substantial outdoor amenity area to serve the existing dwelling at Cheswold.
- 9.9 Overall, the proposal is acceptable in terms of residential amenity, and would comply with saved policy PH11 of the UDP, policies CS1 and CS14 of the Core Strategy, and paragraph 127(f) of the NPPF.

Conclusion on Social Impacts

- 9.10 The proposal is for a single dwelling, and would have no wider social impacts beyond a minor contribution to the borough's housing supply. The main social impact to consider is the effect on the residential amenities of neighbouring residents and the future occupants of the dormer bungalow. The proposal would have no first floor habitable windows facing directly onto neighbouring properties, and would achieve minimum separation distances as set out in the Council's SPDs. Adequate garden areas would be retained for neighbouring dwellings, as well as ensuring sufficient outdoor amenity space for the proposed dwelling. Therefore, the development would be in accordance with policies CS1 and CS14 of the Core Strategy, policy PH11 of the UDP, policies 10 and 44 of the emerging Local Plan, and paragraph 127(f) of the NPPF. The social impact of the development is considered to be acceptable overall.

9.11 ENVIRONMENTAL SUSTAINABILITY

Design, Conservation and Visual Impact

- 9.12 Policy CS14 of the Core Strategy and paragraph 127 of the NPPF require developments to display a high quality of design, integrating well into the local context. Saved policy ENV25 of the UDP, policy CS15 of the Core Strategy, policy 37 of the draft Local Plan and chapter 16 of the NPPF require developments to preserve or enhance the character of the Conservation Area. The defining character of Finningley is that of a low-density residential village, with historic buildings well set back from the road. Dominant building materials in the area are brick, sometimes whitewashed, as well as some instances where traditional buildings have been rendered as a modern treatment. The mature trees in the area also contribute to the green character of the village, and the impact on the adjacent trees is assessed in the relevant section below.

- 9.13 The stretch of Blenheim Drive onto which the proposed dwelling would face is not of any particular historical significance, and serves to link the more traditional character of Old Bawtry Road to the modern housing development on Blenheim Drive to the west and north. The siting of the dwelling in reasonably close proximity to the highway is considered to be acceptable, as it would sit roughly in line with the semi-detached houses approved under application 20/00376/FUL, and in line with the side elevation of Cheswold. Whilst generous front gardens are characteristic of the historic core of Finningley, they are not a key feature of the modern homes on Blenheim Drive.
- 9.14 The dormer bungalow would have an attractive relationship to the semi-detached dwellings under construction to the west, adopting the same material palette of chalk white render, Terca Kempley Antique facing brick detailing, and traditional red clay pantiles. These materials, along with the simple linear form of the building, relate well to both the modern development on Blenheim Drive and the historic buildings in the village core. The porch, which was originally designed to be finished entirely in brick and would have appeared too dominant on the front of the building, has now been amended so that it would be rendered with brick detailing, integrating more effectively with the rest of the building. The front boundary would be open and indicative landscaping is shown on the site plan, which would enhance the green character and create a welcoming frontage onto Blenheim Drive, in comparison to the blank brick wall which exists at present.
- 9.15 Whilst it is acknowledged that dormer windows are not particularly characteristic of the Conservation Area, it is not considered that the front dormer windows on the proposed dwelling would have a harmful impact on the character of the area. The number of dormer windows on the façade has been reduced from three to two, resulting in a more balanced and symmetrical appearance, and the dormer windows are of a modest scale which would not dominate the street scene. Whilst a single-storey bungalow, as suggested by objecting neighbours, might have even less of a visual impact, the proposal is assessed on its own merits and, on balance, it is not considered that the dormer bungalow form would create any visual harm. Indeed, a dormer bungalow is preferable to a full two-storey house in this location, and the massing and form of the proposed dwelling is considered to be appropriate to its context.
- 9.16 Overall, the proposed dwelling, as amended, is considered to be well-designed and appropriate to its context, causing no harm to the character of the Conservation Area. The development would be in accordance with saved policies PH11 and ENV25 of the UDP, policies CS14 and CS15 of the Core Strategy, policies 41, 42 and 44 of the emerging Local Plan, and paragraph 127 of the NPPF.

Highway Safety and Parking

- 9.17 Part 3 of policy CS14(A) of the Core Strategy emphasises the importance of the “quality, stability, safety and security of private property, public areas and

the highway". Councillor Jones and neighbouring residents have expressed concerns over highway safety and parking.

- 9.18 The proposal, as amended, would provide off-street parking for two vehicles in accordance with the standards in the Development Guidance and Requirements SPD, with driveway dimensions in accordance with the technical guidelines in the South Yorkshire Residential Design Guide. Highways Development Control have no objections to the proposal.
- 9.19 Whilst the parking provision is for two cars parked in tandem, with no turning space to allow for vehicles to access and egress from the site in a forward-facing gear, this would not be a requirement for an unclassified road such as Blenheim Drive. The other dwellings in the Blenheim Drive development do not benefit from a turning space, and it is therefore expected that the occurrence of vehicles reversing onto Blenheim Drive is already commonplace, with residents consequently driving with appropriate caution in a nature proportionate to the quiet residential cul-de-sac character of the street. Traffic flows on the road are negligible, and it is not expected that the addition of a single dwelling would create any significant increase in traffic, or any severe highway safety issues.
- 9.20 Paragraph 109 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Based on the parking standards set out in the SPD and the comments provided by Highways Development Control, it is not considered that the proposal would create any significant highway safety issues and, accordingly, it is felt that there would be no reasonable grounds for refusal in this case.

Trees and Ecology

- 9.21 Policy CS16 of the Core Strategy requires developments to protect and enhance the natural environment, and policy ENV59 provides for the protection of trees. Trees in the vicinity of the application site are protected by a Tree Preservation Order and Conservation Area status. Whilst insufficient up-to-date information on the adjacent trees was provided initially, extensive survey work has now been undertaken, with protection measures designed accordingly, taking account of the Root Protection Areas of the trees. No trees would be removed as a result of the development of the dormer bungalow.
- 9.22 The patio, which encroaches into the Root Protection Areas (RPAs) of three trees to varying extents (most notably the pine tree to the north-east of the site), would be installed with a permeable cellular form of permanent ground protection, compliant with British Standard guidelines. This is considered to be an appropriate solution to protecting the trees. Protective rigid style Heras fencing would also be erected to protect the trees and their roots from damage during the construction process.
- 9.23 The footprint of the proposed dwelling would marginally encroach into the RPA of the sycamore tree to the north. There would therefore be some excavation

within this RPA in order to install strip footing foundations. However, the nature of the breach into the RPA would be very minor in this case, and the Tree Officer has no objections. BS5837 (2012) states that if operations within the RPA are proposed, the project arboriculturist should “demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA”. It is evident that a compensatory area exists for the sycamore, so it is considered that the development can be undertaken without endangering the tree.

- 9.24 The Council’s Ecologist has examined the proposals, and considers that the site is not of a size which would trigger the requirement for a full biodiversity net gain assessment. A condition can be applied which requires the installation of bat and bird boxes to enhance roosting potential on the site. Overall, the proposal is considered to be acceptable in terms of its impact on the natural environment.

Conclusion on Environmental Issues

- 9.25 The proposed replacement dwelling would have an acceptable visual impact, and its design would complement the previous approved semi-detached houses on Blenheim Drive. The proposal would not create any highway safety or parking issues, and protected trees are to be retained and safeguarded throughout construction. Ecological enhancements can be delivered through condition. Overall, the proposal is considered to be in accordance with policies CS1, CS14, CS15 and CS16 of the Core Strategy; policies PH11 and ENV59 of the UDP; policies 10, 32, 37, 41, 42 and 44 of the emerging Local Plan; and paragraphs 127 and 170 of the NPPF.

9.26 ECONOMIC SUSTAINABILITY

- 9.27 The proposal would have limited economic benefits in terms of providing temporary employment opportunities for local tradespeople during construction, increasing support for local services in Finningley through the introduction of an additional household to the area, and providing a minor contribution to the borough’s housing supply. There would be no economic disadvantages to the development, as there are few alternative commercial or business uses which could be considered appropriate for the site.

Conclusion on Economy Issues

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

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh any benefits identified when considered

against the policies in the NPPF taken as a whole. The proposal, as amended, would result in an attractive dwelling in a sustainable location which would not result in substantial harm to neighbouring amenity, local character, heritage assets, highway safety, protected trees or wildlife. Subject to the recommended conditions, there are no material considerations which indicate that the application should be refused.

11.0 RECOMMENDATION

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

Conditions

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

REASON

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

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

- Proposed Plans and Elevations - 20003-020 Rev E - amended 8 July 2021
- Section 184 Plan and Details - DR-C-0100 Rev P2 - received 28 May 2021
- Drainage Plan - DR-C-0100 Rev P3 - received 28 May 2021
- Drainage Details - DR-C-0102 Rev P3 - received 28 May 2021
- Arboricultural Method Statement - Reference 0239 - received 12 May 2021
- Arboricultural Impact Assessment - Reference 0239 - received 12 May 2021
- Tree Protection Plan - received 12 May 2021
- Cellweb TRP Installation Guide - received 12 May 2021

REASON

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

03. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

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

04. Before the development is brought into use, appropriate sight lines from the driveway as shown on the approved plan shall be rendered effective by removing or reducing the height of anything existing on the land 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, unless otherwise approved in writing with the local planning authority.

REASON

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

05. Unless otherwise agreed in writing by the local planning authority, the materials to be used in the construction of the external surfaces of the building, the driveway surfaces and the boundary treatments shall be as specified in the notes on the sheet of approved plans and elevations, 20003-020 Rev E.

REASON

To preserve and enhance the character and appearance of the Conservation Area in accordance with saved policy ENV25 of the Doncaster Unitary Development Plan.

06. The front facing rooflight hereby permitted shall be a low profile conservation rooflight with a central vertical glazing bar and, unless otherwise agreed in writing by the local planning authority, of dimensions 550mm x 1180mm.

REASON

To preserve and enhance the character and appearance of the Conservation Area in accordance with saved policy ENV25 of the Doncaster Unitary Development Plan.

07. Before the first occupation of the building hereby permitted, the west-facing windows serving the en-suite bathroom and second

bedroom on the ground floor of the dwelling shall be fitted with obscured glazing of level 3 or above and shall be permanently retained in that condition thereafter.

REASON

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

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

REASON

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additional windows shall be created or other alterations made to the dwelling and/or extension hereby permitted without the prior permission of the local planning authority.

REASON

The local planning authority considers that further alterations could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future alterations to comply with policy PH11 of the Doncaster Unitary Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority.

REASON

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 2 (or any subsequent order or statutory provision revoking or re-enacting that order) no walls, fences or other means of enclosure other than those shown on the approved plans (ref. 20003-020 Rev E) shall be erected at the front boundary adjacent to Blenheim Drive unless approved in writing by the local planning authority.

REASON

The local planning authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.

12. The erection of impact resistant barriers and the ground protection measures for the protection of the off-site lime, sycamore and pine trees shall be undertaken in accordance with the approved plans and particulars (reference Selwyn Trees Arboricultural Impact Assessment ref. 0239; Selwyn Trees Arboricultural Method Statement ref. 0239; Selwyn Trees Tree Protection Plan [all dated 06.05.2021] and the Cell Web TRP Installation Guide ref. DR: 81/V5/24.08.16) and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON

To ensure that all trees are protected from damage during construction in accordance with policy CS16 of the Core Strategy.

13. Following commencement of the development, an ecological enhancement plan shall be implemented as follows:
- An integrated bat box shall be installed into the new dwelling with height, location, and orientation being supervised by a professional ecologist.
 - A bird box of the woodcrete type shall be attached to a suitable tree at a height and orientation to be approved and supervised by a professional ecologist.
- Evidence of installation and its adherence to the approved plan shall be submitted to the Local Planning authority within six months of occupation.

REASON

To ensure the ecological interests of the site are maintained in accordance with policy CS16 of the Core Strategy.

Informatives

01. INFORMATIVE

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

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

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

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

02. INFORMATIVE

The developer shall consider incorporating all possible sustainability features into the design of the proposed development.

03. INFORMATIVE

The Council provides a vehicle crossing facility (dropped kerb) which is safe, serviceable and fit for purpose and is of a quality that reflects acceptable standards and specifications within the maintenance limitations of the existing footway. Applications for

a vehicle crossing facility can be carried out by completing the e-form at the following:
<http://www.doncaster.gov.uk/services/transport-streets-parking/dropped-kerbs>

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.

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

04. INFORMATIVE

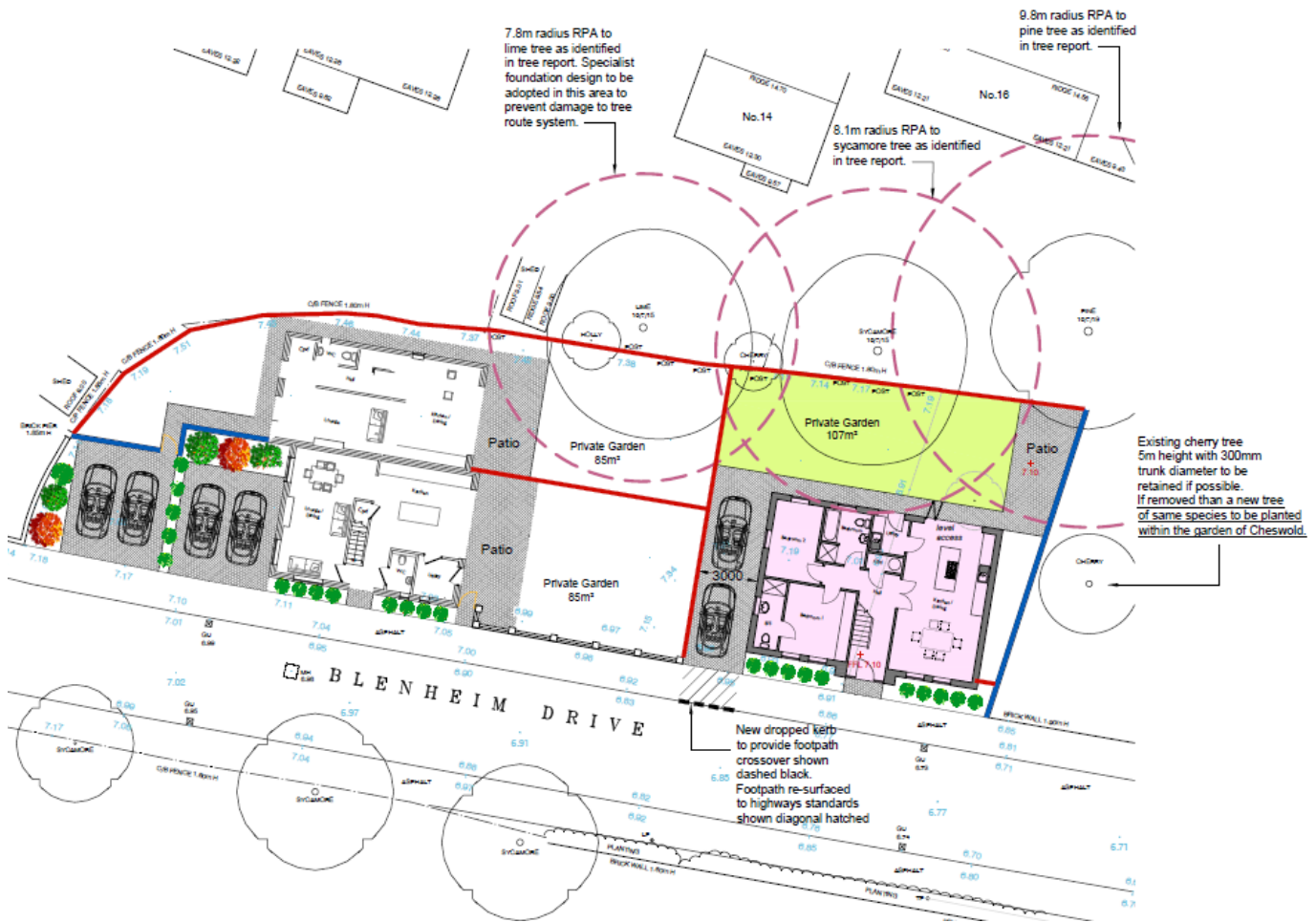
Birds may be nesting in trees and shrubs proposed for removal. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb nesting birds, and vegetation removal should be timed therefore to avoid the nesting season (March to August inclusive).

05. INFORMATIVE

The site is within the Doncaster East Internal Drainage Board district. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

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

Appendix 1: Proposed Site Plan



N.B. The pair of semi-detached houses on the left of the site plan has already received planning permission – this application relates only to the dormer bungalow on the right.

General Specification:

Paving:

Individual driveways to dwelling to be finished in block paving

Pathways and Patios to dwelling to be natural stone paving

Boundary Treatments:

- 1.8m high vertical timber boarded fence
- 1.8m high brickwork walling to match existing Boundary B
- 1.8m high brickwork piers low level walling and fence panels Boundary A

Trees:

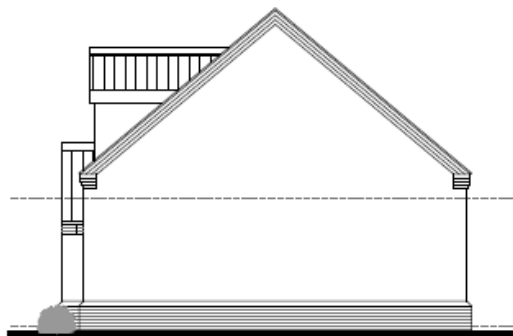
All garden areas to be turfed.

Mixture of low level planting and shrubbery to front of dwelling as indicated on the plans.

Appendix 2: Proposed Elevations



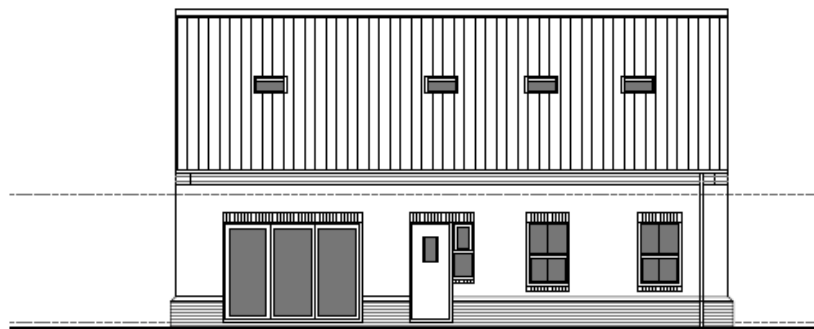
Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



Proposed Side Elevation 1:100

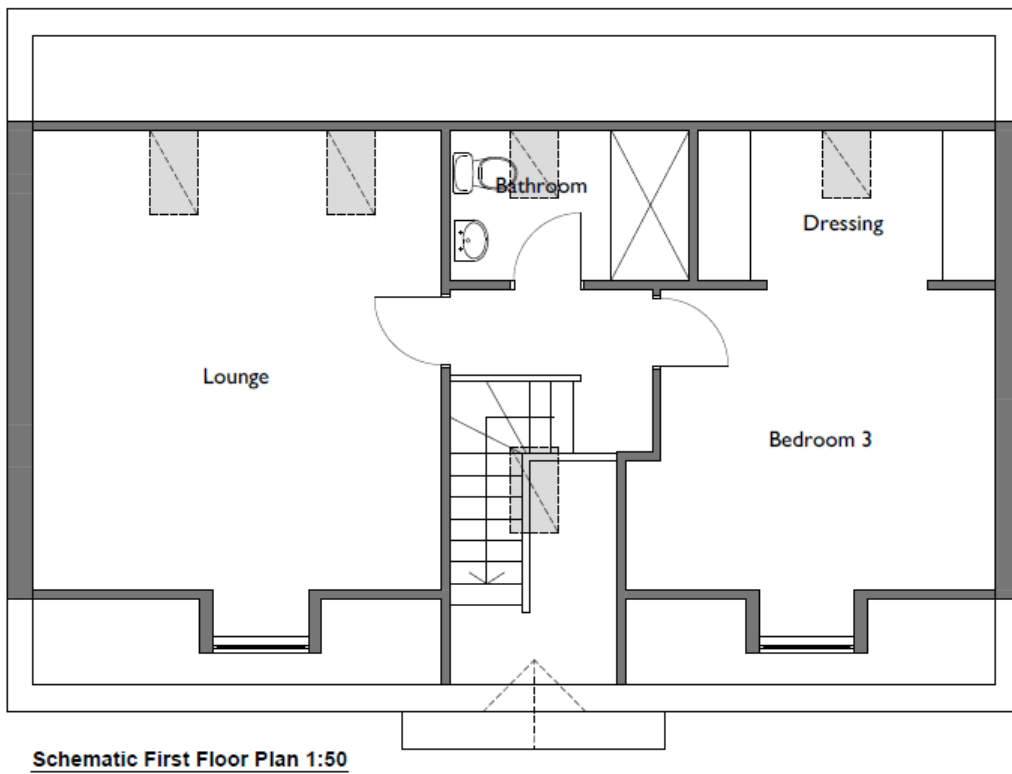
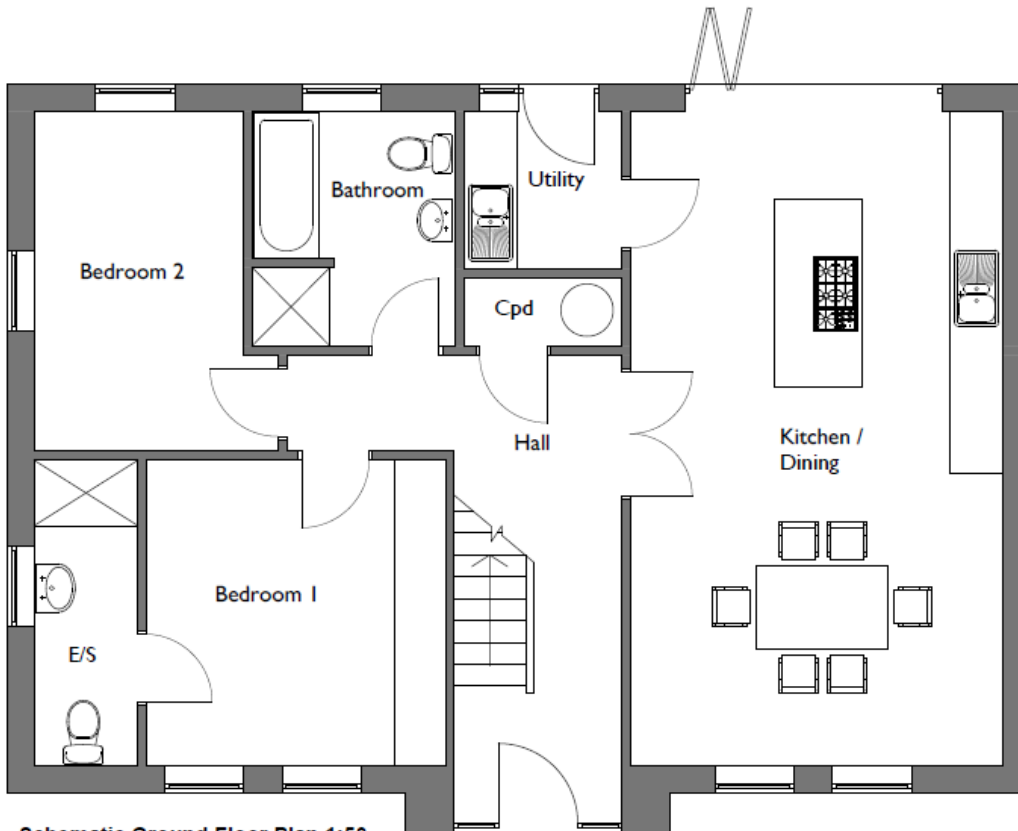


Proposed Rear Elevation 1:100

MATERIAL SPECIFICATION:

- 1 - Marley Eden traditional clay pantile in natural red
- 2 - Monocouche render in chalk white with facing brick detailing
- 3 - uPVC sash window with facing brick head and cill
- 4 - Composite entrance door
- 5 - Terca Kempley Antique facing brick
- 6 - Lead sheet to face of dormers

Appendix 3: Proposed Floor Plans



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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 14/07/2021]

9. Sections 288 and 289 of the Town and Country Planning Act 1990, provides that a decision of the Secretary of State or his Inspector may be challenged in the High Court. Broadly, a decision can only be challenged on one or more of the following grounds:
- a) a material breach of the Inquiries Procedure Rules;
 - b) a breach of principles of natural justice;
 - c) the Secretary of State or his Inspector in coming to his decision took into account matters which were irrelevant to that decision;
 - d) the Secretary of State or his Inspector in coming to his decision failed to take into account matters relevant to that decision;
 - e) the Secretary of State or his Inspector acted perversely in that no reasonable person in their position properly directing themselves on the relevant material, could have reached the conclusion he did;
a material error of law.

FINANCIAL IMPLICATIONS [Officer Initials BC Date 14/07/2021]

10. There are no direct financial implications as a result of the recommendation of this report, however Financial Management should be consulted should financial implications arise as a result of an individual appeal.

HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 14/07/2021]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 14/07/2021]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 14/07/2021]

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

EQUALITY IMPLICATIONS [Officer Initials IH Date 14/07/2021]

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

CONSULTATION

15. N/A

BACKGROUND PAPERS

16. N/A

CONCLUSIONS

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
19/00275/H	Appeal against enforcement action for alleged unauthorised tyre compound / shipping containers of tyres under grounds C, D, E, F & G. at Land Adjacent, 58 Beckett Road, Wheatley, Doncaster	ENF-Appeal Allowed Subject to Correction 29/06/2021	Town	Delegated	No
19/02778/FUL	Removal of agricultural tie condition at 2 Warning Tongue Lane, Cantley, Doncaster, DN4 6TD	Appeal Dismissed 17/06/2021	Rossington And Bawtry	Delegated	No
19/01500/OUT	Outline application for mixed use development to include B1 (Business), D1 (Non - residential institutions), D2 (Assembly and leisure) uses in addition to A3 use (Food and drink) ancillary to the office unit (Approval being sought for access) at Land At South End, Thorne, Doncaster, DN8 5QP	Appeal Allowed 07/07/2021	Thorne And Moorends	Committee	Yes
16/01384/FUL	Erection of 4 ground floor retail (A1) units and 11 flats at 1st/2nd Floor with amended parking and new vehicle access (amended plans) at Land East Of Hexthorpe Youth Centre, Shady Side, Hexthorpe, Doncaster	Appeal Dismissed 30/06/2021	Hexthorpe And Balby North	Committee	Yes

REPORT AUTHOR & CONTRIBUTORS

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DAN SWAINE
Director of Economy and Environment

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Appeal Decisions

Hearing Held on 11 May 2021

Site visit made on 14 May 2021

by **M Madge DipTP, MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th June 2021

Appeal A: APP/F4410/C/20/3255529

Appeal B: APP/F4410/C/20/3255614

Land adjacent to 58 Beckett Road, Wheatley, Doncaster DN2 4AJ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal A is made by [REDACTED] and Appeal B is made by [REDACTED] against an enforcement notice issued by Doncaster Metropolitan Borough Council.
- The enforcement notice, numbered L/SC/82571, was issued on 27 May 2020.
- The breach of planning control as alleged in the notice is without planning permission a change of use of the land to an open air tyre storage facility.
- The requirements of the notice are:
 - (i) Cease the use of the Land for a tyre storage facility;
 - (ii) Remove all tyres from the Land.
- The period for compliance with the requirements is 6 months for step (i) and 7 months for step (ii).
- The appeal is proceeding on the grounds set out in section 174(2) (c), (d), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeals are allowed following variation of the enforcement notice in the terms set out in the Formal Decision.

Preliminary matters

1. Since the notice was issued the Council has refused a lawful development certificate (application ref: 20/01214/CPE) for the use of this land for tyre storage and stock for retail. The Council has however granted a lawful development certificate (application ref: 20/01718/CPE) (the 2020 LDC) for the use of land for storage and parking on site of demolished toilet block, which adjoins the appeal site. In respect of the lawful development certificate that has been granted, the Council concluded that its physical and functional integration with the tyre fitting business taking place at 52 Beckett Road made it part of a single planning unit.
2. The notice complies with Regulation 4(c)¹ in that the precise boundaries of the land to which the notice relates are identifiable from the plan and as specified in section 2 of the notice. The words '*The land situate and known as*' are however superfluous and their deletion would not cause injustice to any party. The land affected shall read 'Land adjacent 58 Beckett Road, Wheatley, Doncaster DN2 4AJ'. In addition, for precision, the description should allege a "material" change of use to accurately reflect s55(1) of the 1990 Act. That is what I shall do.

¹ Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002/2682

Ground (e) appeal

3. The appellants argue that the notice was not served on [REDACTED]s landowner and the copy served on [REDACTED] was not served at their registered address. The Council accept that they did not serve the notice on [REDACTED] and claim the notice served on STYC at their trading address, which is 52 Beckett Road, as occupier of the land.
4. It is clear from the evidence before me that [REDACTED] knew about the enforcement notice as they have been able to lodge these appeals. While they may have suffered some hardship in respect of ensuring the appeals were lodged in time, I am satisfied that they have not been substantially prejudiced by the Council's failure to serve notice on all affected parties or the manner in which STYC was served.
5. The appeals on ground (e) fail.

Ground (c) appeal

6. To succeed on this ground the appellants must prove on the balance of probability that, while the open-air storage of tyres has occurred, this does not represent a breach of planning control as it benefits from planning permission or it does not represent development.
7. [REDACTED] occupies No 52, on a leasehold basis. The unit is limited in size and I saw that it has little room to accommodate tyre storage, which lends credibility to the appellants case that the site has always been used for storage purposes ancillary to the occupation of No 52.
8. It is claimed that the planning unit from which the tyre fitting business operates is made up of 3 parcels of land; the unit at No 52, the adjacent land for which the 2020 LDC has been issued, and the appeal site. As the open-air tyre storage is ancillary to the tyre fitting business the appellants claim that it does not represent a material change of use of the land.
9. The planning unit is '*a concept which has evolved as a means of determining the most appropriate physical area against which to assess the materiality of change, to ensure consistency in applying the formula of material change of use. The general rule has always been that the materiality of change should be assessed in terms of the whole site concerned...*'². Usually the planning unit is the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and/or occupied for different and unrelated purposes.
10. *Burdle*³ suggests that there are 3 broad categories of distinction for determining the correct planning unit. The first, which applies in this case, can be described as a single planning unit where the unit of occupation has one primary use and any other activities are incidental or ancillary. In this case, the single main purposes of [REDACTED] use is as a tyre fitting business. Incidental or ancillary to that tyre fitting business is the storage of tyres.
11. [REDACTED] does not trade in brand new tyres and as a result it bulk buys partially used tyres, which need to be stored. Given the limited size of No 52, the majority of the partially used tyres need to be stored elsewhere. While

² Encyclopaedia of Planning Law P55.44

³ *Burdle v Secretary of State for the Environment* [1972] 1 WLR 1207 (Div Court)

No 52 may not be physically joined to the appeal site, it is located within a matter of metres. Transferring tyres between the site and No 52 would be undertaken manually, without use of a vehicle, and it would only take a few minutes. While these areas are physically separate, they are functionally connected. The site physically adjoins the 2020 LDC land, and there can be no dispute that storage and parking associated with the tyre fitting business is lawful on that land. For these reasons, the appeal site is physically and functionally connected to the tyre fitting business operated by [REDACTED] and I find that the planning unit consists of the appeal site, the adjoining land and No 52.

12. The Council confirmed that the use of No 52 as a tyre fitting business would have been a material change of use and this was not disputed. The evidence confirms that there is no planning permission for the use of No 52 as a tyre fitting business. Whether STYC's use has achieved immunity from enforcement action will be discussed later. Notwithstanding that the appeal site forms part of the tyre fitting business' planning unit, express planning permission was required for the material change of use to a tyre fitting business and it was not obtained. While the use of the appeal site for open air tyre storage purposes is ancillary to the tyre fitting business and it is part of the same planning unit, the matters alleged have occurred and as no express planning permission exists the breach of planning control has occurred.
13. For the reasons given above, the appeals on ground (c) fail.

Ground (d) appeal

14. The appeal is that at the date of the notice was issued it was too late to take enforcement action against the breach of planning control due to the passage of time. For the purposes of assessing immunity in respect of a breach of control consisting of the material change of use of land, the relevant period is 10 years starting with the date of the breach.
15. In pursuing an appeal on this ground, the burden of proof is on the appellant. The appellant must therefore demonstrate, on the balance of probability, that the use of the planning unit, as established above, had taken place by or before the material date, which is 27 May 2010, and that it was continuous, without material interruption, for at least 10 years after the date of change.
16. Evidence provided by the appellants confirms that STYC has leased No 52 and operated their tyre fitting business since the mid-1990s. While tyres may have been stored on the appeal site before then, the primary use of the appeal site at that time was as a vehicle repair workshop and compound, unrelated to the tyre fitting business. The appeal site was used only as ancillary storage facilities by [REDACTED] following the destruction of the vehicle repair workshop by fire in April 1997. A specific date has not been provided for the demolition of the vehicle repair workshop, and while a formal lease agreement for the appeal site was not signed until 2007, there is no evidence before me to contradict the sequence of events outlined in the sworn declarations provided by [REDACTED] [REDACTED] as corroborated by [REDACTED] statement.
17. The evidence before me confirms that No 52 was leased for use by [REDACTED] from May 1995, and for that reason I concur with the Council that the use of No 52 as a tyre fitting business has been carried out for longer than 10 years and has achieved immunity from enforcement action. A formal lease of the appeal site was entered into by the [REDACTED] on 1 August 2007 and the evidence

demonstrates, on the balance of probability, that the ancillary storage use had occurred before that date. Even if I were to find that the ancillary use had not commenced until 1 August 2007, that is still more than 10 years before the notice was issued.

18. Having regard to *Thurrock*⁴ and *Swale*⁵, there is no suggestion that there has been any period since the mid-1990s when the tyre fitting business has not operated from this planning unit. As such, there was no period within which the Council could not have taken enforcement action.
19. A series of aerial and street view Google images were provided by the Council. These images provide snapshots in time of the appeal site. In many, the whole site is not visible due to the angle from which the image was taken or due to tree canopies obscuring the land. The appellants pointed out the presence of a section of tyre racking in several aerial images, dating from 2008. While this tyre racking cannot be clearly discerned in the images, it was pointed out at the site visit. This section of racking is different in age and appearance to the others, which are discernible in the later images. The extent of the racking and number of tyres stored may have changed over time, however the fluctuations in the intensity of tyre storage on the appeal site is inherent to the way the tyre fitting business operates. This does not change the fact that the tyre storage is ancillary to the tyre the fitting business.
20. In drawing all the relevant factors together, I find that the use of the land for open-air tyre storage facilities ancillary to the tyre fitting business occurred before 27 May 2010. It has been used as such for a continuous period of 10 years without significant interruption.
21. For the reasons given above, the appeals on ground (d) succeed.

Overall conclusion

22. On the balance of probabilities, the appeals on ground (d) shall succeed in respect of those matters which are stated as constituting the breach of planning control. The enforcement notice shall be varied and quashed. In these circumstances, the appeals on grounds (f) and (g) do not need to be considered.

Formal decision

23. It is directed that the enforcement notice is varied by:

The deletion of the words 'The land situate and known as' in section 2 THE LAND AFFECTED, and the deletion of the words 'change of use' and the substitution of the words 'material change of use' in section 3 THE BREACH OF PLANNING CONTROL.

Subject to the variations, the appeals are allowed, and the enforcement notice is quashed.

M Madge

INSPECTOR

⁴ *Thurrock BC v SSETR & Holding* [2002] EWCA Civ 226

⁵ *Swale BC v FSS & Lee* [2005] EWCA Civ 1568

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Appeal Decision

Hearing held on 19 May 2021

Site Visit made on 20 May 2021

by **J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/F4410/W/20/3256234

2 Warning Tongue Lane, Cantley, Doncaster DN4 6TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr D Shaw of Quick Skips against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/02778/FUL, dated 9 November 2019, was refused by notice dated 4 June 2020.
 - The application sought planning permission for the 'erection of bungalow' without complying with a condition attached to planning permission Ref. DC.8139, dated 7 November 1967.
 - The condition in dispute is condition No 3 which states: "*The occupation of the dwelling shall be limited to a person employed, or last employed, locally in agriculture as defined in Section 221(i) of the Town and Country Planning Act 1962 or forestry or a dependant of such a person residing with him /but including a widow or widower of such a person*".
 - The reason given for the condition is: "*It is the intention of the Local Planning Authority to include the site in a rural zone in which general residential development would not be permitted.*"
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the hearing, the Council confirmed that it no longer contests the issue of the redline boundary which formed the first limb of its reason for refusal. The parties are in agreement that a plan is not necessary given the nature of the proposal. I agree, as the regulations¹ do not require a location plan or any other drawings to be submitted as part of an application made pursuant to section 73 of the Act². I have therefore only referred to the submitted plans as a means of identifying the appeal site's location.
3. The Council are currently in the process of producing the Doncaster Local Plan 2015-2035 (the emerging DLP). This emerging plan is at an advanced stage of production, nearing the end of the examination process with the consultation on the proposed main modifications having recently been concluded. I will therefore consider any relevant policies in the emerging DLP in light of the advice set out in paragraph 48 of the National Planning Policy Framework (the

¹ Part 3, 7(1)(c) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

² The Town and Country Planning Act 1990 (as amended)

Framework) which states that weight can be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency to the Framework.

Main Issue

4. The main issue is whether a condition restricting the occupancy of the dwelling is necessary and reasonable.

Reasons

5. The appeal relates to a derelict dormer bungalow that is accessed via a long narrow track and sits alongside a small cluster of derelict agricultural buildings as part of a larger parcel of land extending to approximately 1.5 hectares. The site lies beyond the settlement of Bessacarr, a residential suburb of Doncaster, within the countryside as defined by the development plan.
6. Planning permission was granted for the dormer bungalow in November 1967 to serve as a rural worker's dwelling for a small poultry farm at the site. The poultry business has long since ceased operating and the dwelling is understood to have been vacant for the last 10 years or so, falling into a state of dereliction, with all of its doors and windows having been removed and a large area of its roof covering missing. The property has also been subject to vandalism and fire damage.
7. The appellant seeks to remove condition 3 attached to the original planning permission which restricts the occupancy of the dwelling to a person employed or last employed locally in agriculture or forestry, or a dependant of such a person and including a widow or widower of such a person. The removal of the condition would in effect provide a new open market dwelling in a rural location. The appellant does not meet the requirements of the condition and has indicated his desire to redevelop the site to provide a home for him to live in.
8. In policy terms, the appeal site lies within an area designated as a Countryside Protection Area (CPA) by Saved Policy ENV2 of the Doncaster Unitary Development Plan 1998 (the UDP) which seeks to, amongst other things, safeguard the countryside from encroachment; provide an attractive setting for towns and villages; to retain land in agriculture, forestry and nature conservation uses; and, to help sustain rural communities and a diverse rural economy. Saved Policy ENV 4 sets out a restrictive approach to development within the CPA, except for certain specific types of development that would not prejudice the purpose of the CPA. Policy CS3 of the Doncaster Core Strategy 2012 (the DCS) reaffirms the protection of the CPA, providing support for development that would be appropriate to a countryside location and would protect and enhance the countryside for the sake of its intrinsic character and beauty.
9. The removal of the condition to allow an unrestricted dwelling at this rural location would not constitute one of the supported types of development within the CPA as set out in Policy CS3 of the DCS or Saved Policy ENV4 of the UDP and thereby would be contrary to these policies. Moreover, in doing so, the proposal would conflict with the Council's overall spatial strategy, undermining the plan-led approach to development. Consequently, the original condition to

restrict the occupancy of the dwelling is therefore necessary and reasonable having regard to relevant local and national policy.

10. It is common ground between the parties, and was confirmed at the hearing, that Saved Policy ENV 4 of the UDP is out of date because it sets out a more restrictive approach to development in the countryside than that advocated by the Framework. I agree that Saved Policy ENV 4 is more restrictive, and therefore is not entirely consistent with the Framework. Accordingly, the weight of this policy is limited and so too is any conflict with it.
11. The appellant is of the view that Policy CS3 of the DCS is also out of date and has drawn my attention to an appeal decision³ to support this view. However, in that case the Inspector gave limited weight to UDP Policy ENV 4, as I have also done in this case, but she did not conclude that Policy CS3 was out of date. I find that the approach to the protection of the countryside as set out in policy CS3 of the DCS is broadly consistent with the Framework which recognises the intrinsic character and beauty of the countryside and that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Accordingly, any conflict with this policy attracts substantial weight.
12. Policy ENV 5 of the UDP states that an occupancy condition will not normally be removed unless it can be clearly demonstrated that that the long term land use need for the condition no longer exists in the locality. The supporting text to the policy advises that in order to justify the removal of such a condition it would need to be demonstrated that the condition has outlived its usefulness and that appropriate and satisfactory measures have been taken to sell or pass on the dwelling with the condition attached.
13. This policy approach is reaffirmed in Policy 8 of the emerging DLP which states that the removal of occupancy conditions on dwellings will only be permitted in exceptional circumstances where it can be demonstrated, via an independent report, that: A) there is no longer a long-term need for the dwelling on the particular enterprise on which the dwelling is located; and, unsuccessful attempts have been made to sell or rent the dwelling at a price that takes account of the occupancy condition. While this policy is yet to be adopted, there are no unresolved objections relating to it. There is no policy equivalent set out in the Framework, but I consider that the approach is not inconsistent with the general trust of national policy regarding rural housing and the countryside. I therefore attach moderate weight to this policy in my consideration of the appeal.
14. The appellant asserts that the use of the dwelling for agricultural occupancy no longer serves a useful purpose as the site is unsuitable for a new farming business because the land holding is too small to sustain an agricultural enterprise, the land is of a poor quality and poorly drained, and the buildings are in a semi-derelict state. To support this view, they have provided a letter from a Chartered Surveyor who suggests that the site does not offer any potential for agricultural use. It was also suggested at the hearing that an intensive agricultural use in such close proximity to residential properties may adversely affect the living conditions of nearby residents, limiting the potential for the erection of new agricultural buildings or facilities.

³ APP/F4410/W/18/3213988

15. However, not all agricultural businesses require a large land holding to establish a viable business, indeed at the hearing it was suggested that the site may be attractive for a horticultural business or a micro-farm enterprise, both requiring a much smaller area of land to sustain their operations. There is no persuasive evidence to suggest that the land quality or drainage issues would hamper the productive use of the land. I accept that the site is likely to require investment from any potential rural enterprise, but I am not convinced that this, nor its proximity to nearby residential occupiers, renders it an unattractive prospect to serve as an agricultural enterprise. Consequently, there is insufficient evidence before me to conclude that there is no longer a need for an agricultural worker's dwelling at this location to support the use of the land.
16. I understand that the appellant does not wish to market the property when he has no intention of selling the site and has aspirations to live at the site. However, in the absence of a marketing exercise at a valuation that reflects the occupancy restriction it is not possible to demonstrate that the condition is no longer necessary or reasonable.
17. The property, including the surrounding land, was independently valued in October 2020 providing a full market valuation in the region of £400,000 to £450,000. In addition, I have been provided with estimates ranging from £280,000 to £300,000 for works required to bring the property back into a habitable state. With a 30% discount to account for the occupancy restriction, the appellant estimates that a potential purchaser would need to have available finance in the region of £580,000 to purchase the property and renovate it to an acceptable standard. In this regard, the appellant submits that the valuation and renovation costs would be beyond the average wages of an agricultural worker or retired agricultural worker to secure a mortgage for the property.
18. However, no evidence has been submitted to substantiate the level of works required to bring the property back into a habitable state and at the hearing the appellant confirmed that the estimates appeared to be excessive. I cannot therefore be sure that the works and their associated costs are the minimum necessary to renovate the property to an acceptable habitable standard. In any case, whether or not the estimated value and cost of works would mean that the property was beyond the means of an agricultural worker or other qualifying person could only be substantiated by placing the property on the open market, at a value to reflect the occupancy restriction, and testing the demand.
19. The appellant has provided a list of other properties in the locality for sale at a lower value than the appeal site, suggesting that they would be a more attractive and affordable prospect for an agricultural worker. Nevertheless, this does not demonstrate that there is no need for an agricultural worker's dwelling at this location.
20. It is also suggested that the neglected state of the property and its prolonged vacant state emphasises the lack of need for an agricultural worker's dwelling. However, I understand that when the appellant purchased the property in 2017 it had not been marketed as an agricultural worker's dwelling and therefore its potential as such was not made known.
21. Overall, insufficient evidence has been put forward to demonstrate that the dwelling is no longer required for an agricultural or forestry worker in the locality and no marketing has been undertaken to indicate whether or not there

is a need for the dwelling for other qualifying persons. It was put to me at the hearing that there is no need for such marketing, due to the information provided above. However, extensive marketing targeted at the farming community would move the exercise away from a theoretical exercise based on assumptions to a more practical and evidence-based exercise.

22. The parties agree that the appeal site is not isolated given its proximity to the residential area of Bessacarr and other nearby properties. It was also acknowledged at the hearing that the site is located within a reasonable distance of a limited number of local services. Furthermore, I accept that the use of the property as an open market dwelling would not result in any harm to the character and appearance of the area as the building is already present within the landscape. However, these are neutral considerations that do not add weight in favour of the appeal.
23. In support of the appeal the appellant has referred me to several appeal decisions⁴ where Inspectors allowed the removal of agricultural occupancy conditions. However, these other cases were in other parts of the country with differing site-specific circumstances and with different policy considerations. Therefore, I consider that these other cases do not provide a direct comparison to the case before me.
24. Consequently, for the reasons given above, and in the absence of cogent evidence to the contrary, I consider that a condition restricting the occupancy of the dwelling remains necessary and reasonable. To remove the condition would be contrary to Saved Policies ENV 4 and ENV 5 of the UDP, Policy CS3 of the DCS and emerging DLP Policy 8, the relevant requirements of which are set out above. The condition also complies with the remaining tests set out in paragraph 55 of the Framework and the advice set out in the Planning Practice Guidance.

Conclusion

25. There are no material considerations that indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

J M Tweddle

INSPECTOR

⁴ Appeal Ref: APP/D0840/W/19/3329734, APP/D0840/W/18/3207828 and APP/E2734/W/19/3234758

APPEARANCES

FOR THE APPELLANT:

Mr Gareth Stent BA(Hons) Dip TP MRTPI, Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Mr David Richards, Principal Planning Officer, Doncaster Metropolitan Borough Council

INTERESTED PARTIES:

None



Appeal Decision

Site visit made on 1 June 2021

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2021

Appeal Ref: APP/F4410/W/21/3268524

Land at South End Road, Thorne DN8 5QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr James and Albert Clarke against the decision of Doncaster Council.
 - The application Ref 19/01500/OUT, dated 13 June 2019, was refused by notice dated 8 January 2021.
 - The development proposed is outline application for mixed use development to include B1 (Business), D1 (Non-residential institutions), D2 (assembly and leisure) uses in addition to A3 use (Food and drink) ancillary to the office unit (approval being sought for access).
-

Decision

1. The appeal is allowed, and planning permission is granted for outline application for mixed use development to include B1 (Business), D1 (Non - residential institutions), D2 (assembly and leisure) uses in addition to A3 use (Food and drink) ancillary to the office unit (approval being sought for access) at Land at South End Road, Thorne DN8 5QP in accordance with the terms of the application ref 19/01500/OUT dated 13 June 2019 and subject to the conditions in the attached schedule.

Procedural Matters

2. The description in the banner heading above is taken from the appeal form as the parties agree that the description has changed since the application was submitted to the Council. I have determined the appeal accordingly.
3. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly. A plan has been submitted as part of the appeal which indicates how the proposed development could be accommodated on the site. I have taken this plan into account for indicative purposes only.
4. On 1 September 2020 the Town and Country Planning (Use Classes) Order 1987 was amended and as part of this a new Class E was created which incorporates former Use Classes A1, A2, A3, B1 and some uses that were formerly in Class D1 and D2. However, as the application was made before this date, I must determine the appeal on the basis of the Use Classes Order that existed at the time the application was made.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Planning Policy

6. The Council is currently in the process of producing the Doncaster Local Plan 2015-2035 (the DLP). The Council is aiming to adopt the emerging plan by summer/autumn 2021. Paragraph 48 of the National Planning Policy Framework (the Framework) states that weight can be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency to the Framework. The policies in the emerging plan were not included in the reasons for refusal and in their Statement of Case the Council attaches only limited weight to these policies. I note the Council indicates that the site is to be reallocated as countryside in the emerging plan. However, as I have limited information before me as to any outstanding objections to the policies of the emerging plan, I give only limited weight to the emerging plan in my determination of this appeal.
7. The Thorne and Moorends Neighbourhood Plan (NP) has reached Regulation 14 stage. The Council confirms that the appeal site is not allocated in the NP. The Council refers to Policy DDH3 of the NP concerning development and design and Policy T3 which seeks to safeguard an area of land around Thorne South Station for additional car parking. As the NP has yet to be examined, I attach limited weight to the policies within it.
8. The development plan for the area includes the Core Strategy 2011-2028 adopted May 2012 (Core Strategy) and the saved policies of the Doncaster Unitary Development Plan (UDP).
9. The principle of the development is not disputed between the main parties. The site forms part of a site that was one of three allocated for mixed-use development under Policy RP7 of the Doncaster Unitary Development Plan 1998 (the UDP). Policy RP7 c) states that the South End Marina and land to the south of South End Road will be developed for housing, boatyard works, marina, public open space, leisure, small scale commercial uses and light industrial workshops. The text to the policy acknowledges that the allocated sites will contribute greatly to the regeneration of the town by providing jobs, homes, and leisure in an attractive setting. High quality proposals will be encouraged which introduce well integrated mixes of land uses at an appropriate scale taking account of these important waterside settings.

Reasons

10. The appeal site is part of a larger open field located between Blue Water Marina and the North Eastern Railway's Hull and Doncaster Branch. To the rear of the site is Boating Dyke which separates the site from the Stainforth and Keadby Canal part of the Sheffield and South Yorkshire Navigation. There is an existing vehicular access into the site from the appeal site's frontage with South End.
11. Policy CS14 of the Core Strategy requires high quality design that contributes to local distinctiveness. Development should respond positively to existing site features and integrate well with its immediate surroundings. This is consistent with the Framework where it seeks to ensure that development is sympathetic

- to local character and history, including the surrounding built environment and landscape setting and where it seeks to ensure that development establishes or maintains a strong sense of place.
12. The appeal site boundaries are defined by the railway embankment with protective fencing on the railway boundary and sparse but mature hedging to the road frontage. The dyke to the rear boundary has some relatively dense planting beyond it and there is an open boundary to the field that is outside the appeal site but part of the wider allocation under Policy RP7. There are no features of note within the appeal site.
 13. The residential properties opposite the appeal site are set in relatively large plots with hedged boundaries to the road frontage. The Blue Water Marina has a substantial frontage to South End. This boundary and the boundary to the north adjacent to the field are enclosed by significant landscaping and the marina has limited visibility from the road frontage. The appeal site and the adjacent field are bordered by a grass verge next to the road with some hedging to the site frontage. Due to the generally low density of adjacent development, the hedged boundaries and because the appeal site and field are undeveloped, South End has a rural character and appearance. Nevertheless, approaching from the north views across the appeal site are restricted by the railway bridge. From the south the railway embankment and bridge provide a backdrop to the appeal site and views through it to the canal moorings are filtered by sections of hedging along the South End road frontage.
 14. The Council is concerned that the development would not be in keeping with surrounding land uses. There is extensive residential development further along South End and a small number of dwellings directly opposite the appeal site. However, the railway line, the Blue Water Marina and the canal are all adjacent to the site. The proposed mix of commercial and leisure uses proposed within the site would be compatible with the surrounding land uses.
 15. The proposed access would be a more formal arrangement than the current field access. Even so, because of its proposed location close to the railway bridge it would not be a significant feature of the road frontage. South End is a main through route for traffic and the anticipated traffic levels would not change the overall character of the road with most traffic anticipated to travel to the site from the north. The additional traffic movements would not detract from the character of the area.
 16. The indicative site layout suggests buildings to one side of the site and parking and internal roads on much of the remaining land, with small pockets of landscaping and a small outdoor area. The indicative designs are of modern wood clad structures of modest scale which could sit comfortably in a more rural setting. Whilst the layout suggests a high degree of hard surfaces and fencing to the field boundary these details are indicative. The appeal site is part of a larger allocation for mixed-use development and therefore a change to the site's character is anticipated. The detailed design for the development of the site would be considered at reserved matters stage against relevant development plan policies and having regard to the appeal site's context. The access is for consideration as part of the proposals and these access details would sit acceptably within the street scene, the prevailing character of the area and would integrate into the immediate surroundings.

17. Therefore, overall, I conclude that the development would not harm the character and appearance of the area and would accord with Policy CS14 of the Core Strategy. It would also accord with the Framework.

Other Matters

18. I have taken account of local resident's concerns related to drainage and flooding. I have noted concerns that flooding occurs under the railway bridge close to the entrance to the site. However, I note that the statutory agencies and the Council do not object to the proposal on these grounds. As such, whilst I acknowledge these concerns, I have no reason to conclude that foul and surface water drainage and flood risk could not be adequately provided for or managed through the imposition of a suitably worded conditions.
19. I also acknowledge the concerns raised about the visibility at the access point, congestion, and potential accidents because of additional traffic, and the limited access to the site from the south. Nevertheless, the Highway Authority does not object to the proposal and I have no substantive evidence before me to indicate that the proposal would cause unacceptable impacts to highway safety.
20. Local residents, and Councillors have also expressed a wide range of concerns including, but not limited to, the following: outline nature of the proposal, ecology, limited provision of jobs, land not designated for business in the local plan, property values. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I recognise the concerns of residents and Councillors, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I have considered this appeal proposal on its own merits and concluded that it would not cause harm for the reasons set out above.

Conditions

21. I have provided the parties with an opportunity to comment on a list of conditions. My consideration has taken account of paragraph 55 of the Framework and advice in the Planning Practice Guidance. I have had regard to the Government's intention that planning conditions should be kept to a minimum and that pre-commencement conditions should be avoided unless there is clear justification. The Appellant has confirmed acceptance in writing of those pre-commencement conditions that have been imposed.
22. All matters apart from access were reserved for later submission and the wording of the conditions reflects this. The standard time limit conditions for outline applications has been applied and I have imposed a condition requiring the development to be carried out in accordance with the site location plan and highways plans so that there is certainty regarding the site area and approved highway details. I have removed reference to the indicative elevations and floor plans as appearance, landscape layout and scale are reserved for future consideration and these matters will be determined on their own merits having regard to policies in the development plan.
23. To prevent the development being an inconvenience to nearby residents during the construction phase it is necessary to ensure that construction is carried out

in a considerate manner. A construction method statement is necessary for this purpose before development commences. A separate construction impact management plan is not required.

24. A noise condition is required to protect adjacent properties from fixed plant and machinery noise. I have amended the noise condition accordingly which is necessary to protect the living conditions of the nearest residential dwellings.
25. A condition is necessary to ensure that the mitigation and enhancement measures set out in the Preliminary Ecological Appraisal Survey are implemented and net gains in biodiversity are achieved to conserve and enhance the natural environment.
26. It is necessary to ensure drainage details are submitted to ensure that the site is properly drained. Network Rail requirements have been included in a single condition. Flood risk conditions are necessary to protect future occupants of the site and to reduce the risk of flooding in an area of high flood risk.
27. Given the difference in level between the appeal site and the railway line I am satisfied that Armco barriers are not required adjacent to Network Rail land. For similar reasons an external lighting condition is not necessary to protect train drivers from being dazzled by light.
28. I have not imposed conditions relating to materials and landscaping as these will be considered at reserved matters stage.

Conclusion

29. For the reasons given above and having regard to the evidence before me, I conclude that the proposals would accord with the development plan. Therefore, the appeal is allowed.

Diane Cragg

INSPECTOR

Schedule of Conditions

Outline Timing/Plans

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the LPA not later than 3 years from the date of this permission.

- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a. Streetwise site location plan
 - b. Highway Plan Swept Path Analysis Access LTP/3896/T1/01/01/B
 - c. Highway Plan Swept Path Analysis Turning Area LTP/3896/T1/02/01/B
 - d. Highway Plan Visibility Splay LTP/ 3896/C1/01/01/B
 - e. Highway Plan Preliminary Access Design LTP/ 3896/P1/01/01/B

Contamination

- 5) Unless otherwise agreed by the LPA, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the LPA in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA for approval prior to proceeding to further site investigation.

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether it originates on the site. The contents of the scheme are subject to the approval in writing of the LPA. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the LPA. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the LPA. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the LPA. The LPA must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the LPA.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the LPA. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the LPA. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the LPA in accordance with Part 3.

- 6) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

Construction Method Statement

- 7) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the LPA. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control noise and the emission of dust and dirt during construction;
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Drainage

- 8) The development hereby approved shall not commence 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 LPA. These works shall include measures to ensure that surface water run-off is diverted away from Network Rail assets. The approved scheme shall be implemented to the satisfaction of the LPA prior to the occupation of the development.
- 9) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 10) Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the LPA, prior to any discharge to an existing or prospectively adoptable sewer.

Flood Risk

- 11) The development shall be carried out in accordance with the submitted flood risk assessment compiled by EWE Associates Ltd (Ref: 2019/2426 Rev C) dated September 2019 and the following mitigation measures it details:
- a. Finished floor levels shall be set no lower than 3.53 metres above Ordnance Datum (AOD) as indicated in section 5 of the FRA.
 - b. A first-floor refuge above the critical flood level of 4.4mAOD to be constructed as stipulated in section 5 of the FRA.

c. Flood resilient design measures to be incorporated into the final design to a height of 4.4mAOD as indicated in section 5 of the FRA. The above mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 12) On submission of the reserved matters application the applicant shall provide a suitable flood evacuation plan to safeguard the proposed development from the potential risks posed by a flooding emergency. The plan shall be agreed with the LPA and adhered to for the life of the development.

Noise

- 13) The development hereby approved shall not be commenced until an acoustic report and written scheme to minimise noise associated with the development. The acoustic report shall identify background noise levels and the predicted noise levels at the boundary of the site considering the location and orientation of proposed buildings and siting of parking areas together with any necessary acoustic enclosure to plant or machinery. The acoustic report and written scheme shall be submitted to and approved in writing by the LPA. Thereafter the scheme shall be implemented as approved to the satisfaction of the LPA.

Ecology/Biodiversity

- 14) No development shall take place until a biodiversity management plan and a timescale for its implementation has been submitted to and approved in writing by the LPA to identify and protect habitats and biodiversity on and around the site in accordance with the measures identified in the Arbtech Preliminary Ecological Appraisal Survey and to provide net gains in biodiversity. The development shall thereafter be carried out in accordance with the approved management plan and in accordance with the agreed timescale.

Fencing

- 15) Prior to the occupation of the development details of a trespass proof fence for the boundary of the site that abuts Network Rail land shall be submitted to and approved in writing by the LPA. The details shall include the type, height, location, and specification of the fencing. The approved fencing shall be erected prior to the occupation of any part of the site and once erected shall be maintained for the lifetime of the development.

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Appeal Decision

Site Visit made on 27 May 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2021

Appeal Ref: APP/F4410/W/21/3269298

Hexthorpe Youth Centre, Shady Side, Hexthorpe, Doncaster, DN4 0DH

- 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 Miss D Mayil against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/01384/FUL, dated 22 April 2016, was refused by notice dated 16 December 2020.
 - The development proposed is the erection of 4 ground floor retail (A1) units and 11 flats at 1st/2nd floor with amended parking and new vehicle access (amended plans).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this is a more accurate description of the proposed development.
3. In accordance with paragraph 4 of the Regulations¹ I have determined the appeal with reference to the Use Classes Order 1987 as the application was submitted prior to 1 September 2020.

Main Issues

4. The main issues are the effect of the proposed development on 1) highway safety with specific regard to parking, and 2) the character and appearance of the area with specific regard to landscaping.

Reasons

Highway Safety

5. The appeal site is located in Hexthorpe and is accessed from Shady Side. It is situated in a predominantly residential part of Hexthorpe, with commercial activity focused on nearby Urban Road. The site is currently vacant with overgrown vegetation. There is a disused access located close to where Shady Side makes an almost 90-degree turn.
6. During my mid-morning site visit, I observed relatively low traffic levels on this section of Shady Side. There were relatively few vehicles parked on the road adjacent to the appeal site, with a greater concentration of vehicles parked on the road at Eden Grove that sits opposite the appeal site.

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

7. Of the vehicles that I saw that were parked on the street, none of them were causing an unsafe obstruction to the flow of traffic, including the local bus service which I observed.
8. The proposed development comprising 4 retail units and 11 residential flats includes the provision of 18 parking spaces. The Council refused planning permission on the basis that the proposed development has insufficient parking. The Doncaster Council Development Guidance and Requirements Supplementary Planning Document (the SPD) (2015) sets maximum parking standards, which the Council have outlined for the proposed development would equate to 25 spaces.
9. The Council's evidence refers to the consideration of the proposed development by the Highways Officer. They considered that in view of the site being located close to the town centre, and the size of the commercial units being aimed at a local level and thus geared towards walking and cycling, it would be acceptable to provide one parking space per residential unit and 7 spaces for the commercial units. Although the Council consider that the proposed development would still be deficient by one space, from my calculation the amount considered acceptable by the Highways Officer would appear to be the same as the number of spaces that are proposed.
10. Either way, the SPD is clear that the parking standards which it contains are maximum amounts. They are not a set requirement to be rigidly applied, suggesting there may be situations where parking numbers less than the maximum amount would be acceptable.
11. The appeal site is located close to the town centre, and there is a bus stop located on the opposite side of the road. Combined with the size of the retail units, which appear to be aimed at a local level, including my observations on my site visit, I find that the amount of parking that is proposed would not result in a level of on-street parking that would have an unacceptable impact on highway safety. For these same reasons, it would also not result in cumulative impacts on the road network that would be severe.
12. Although the appeal site is located close to a bend in the road, its proposed access is at the end of the site furthest from the bend. Given the 30mph speed limit of the road when combined with the position of the proposed access, I do not consider that it is located in an unsafe position, particularly when considering the historic access to the site that is closer to the bend in the road. Satisfactory levels of visibility would also exist. For these same reasons, I do not consider that were any on-street parking to occur on this section of Shady Side as a result of the development, it would not be to the extent that it would have an unacceptable impact on highway safety.
13. The proposed development would therefore comply with Policy CS14 of the Doncaster Core Strategy (2012) and emerging Policy 43 of the Doncaster Local Plan (Publication Version) (2019) which require, amongst other things, that developments ensure the safety of the highway.
14. The proposed development would also comply with the National Planning Policy Framework (the Framework) (2019) which outlines, amongst other things, that development should have safe and suitable access for all users; should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road

network would be severe; and should minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Character and appearance

15. The proposed development comprises a part two, part three storey building with parking area to the side. Almost the entire site area is given over to either the building itself or the associated car park. There is a diminutive area of landscaping shown adjacent to the site entrance that appears largely tokenistic and would do little to relieve the dominance of hard surfaces or soften the building and its associated car park.
16. The SPD outlines that as a guideline, at least 20% of the curtilage of non-residential developments should be devoted to soft landscape treatment, subject to individual site considerations. The appellant has alluded to trees being initially proposed along the site frontage which were subsequently removed following an objection from Yorkshire Water. The objection to the trees was said to have been given verbally, and thus limiting the amount of weight I can attach to this issue. There is also no specific reason given why trees were not able to be accommodated on the site frontage, or indeed elsewhere within the site.
17. Although the 20% figure in the SPD is a guideline, and I am not presented with a figure for the proposed development that is devoted to soft landscaping, it is clear to me that it is significantly less than the 20% given in the SPD and I am not provided with sufficient justification as to why suitable landscaping cannot be provided.
18. Although the appellant refers to the fact that landscaping details can be secured by condition, I find that based on the evidence before me, the proposed development would be unable to accommodate any meaningful landscaping regardless of the imposition of a suitably worded planning condition to secure further detail.
19. The proposed development would therefore have an unacceptable impact on the character and appearance of the area. It would be contrary to Policy CS14 of the Doncaster Core Strategy (2012) and emerging Policies 43 and 49 of the Doncaster Local Plan (Publication Version) (2019) which require, amongst other things, that developments are attractive and make a positive contribution, including by having regard to landscape, incorporating generous tree, shrub and hedgerow planting.
20. The proposed development would also be contrary to the guidance contained in the SPD which outlines that at least 20% of the curtilage should be devoted to soft landscape treatment, subject to individual site considerations.
21. It would also be contrary to the Framework which requires, amongst other things, that developments are visually attractive as a result of appropriate and effective landscaping. The Framework also outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Matters

22. The proposed development would involve the development of a vacant site with commercial and residential units. The provision of additional dwellings and the economic benefits of the scheme are factors of significant weight in favour of the appeal, as is that the proposal would lead to the development of a vacant site, although I am not presented with evidence that the scheme before me is the sole means of achieving development of the vacant site.
23. I appreciate that Council officers recommended approval of the application to the planning committee. However, it was within the committee's gift to make a decision on the application contrary to the officer recommendation, thus this consideration has had no bearing on my decision.

Planning Balance and Conclusion

24. Despite factors weighing strongly in favour of the proposal, and that I have found there would be no harm to highway safety, these factors do not outweigh the significant harm that would be caused to the character and appearance of the area and the requirement that development is of high quality design, incorporating an appropriate level of landscaping.
25. Therefore, for the reasons set out above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR