



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, 14th September, 2021

Time: 2.00 pm

PLEASE NOTE: Due to current restrictions arising from the Covid-19 pandemic, there will be very limited capacity in the public gallery for observers of the meeting. If you would like to attend to observe in person, please contact the Planning Department by email tsi@doncaster.gov.uk or telephone **01302 734854** to request a place, no later than **2.00 pm on Monday, 13th September, 2021**. Please note that the pre-booked places will be allocated on a 'first come, first served' basis and once pre-booked capacity has been reached there will be no further public admittance to the meeting. For those who are attending the meeting, please bring a face covering, unless you are exempt

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Damian Allen
Chief Executive

Issued on: Monday, 6 September 2021

Governance Services Officer for this meeting

Amber Torrington
01302 737462

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

1. Apologies for Absence
 2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
 3. Declarations of Interest, if any.
 4. Minutes of the Planning Committee Meeting held on 17th August 2021 1 - 4
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. 11/00246/EXTM - Erection of 112 houses and 84 apartments (being extension of time on planning application 06/00014/FULM, granted on 09/04/2008). Wright Business Park, Stevens Road, Balby, Doncaster 5 - 34
 6. Schedule of Applications 35 - 142
- For Information**
7. Appeal Decisions. 143-166

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, 17TH AUGUST, 2021

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE on TUESDAY, 17TH AUGUST, 2021, at 2.00 pm.

PRESENT:

Vice-Chair - Councillor Duncan Anderson (In the Chair)

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

APOLOGIES:

An apology for absence was received from the Chair, Councillor Susan Durant.

14 Declarations of Interest, if any

No declarations of interest were made at the meeting.

15 Minutes of the Planning Committee Meeting held on 27th July, 2021

RESOLVED that the minutes of the meeting held on 27th July, 2021 be approved as a correct record and signed by the Chair.

16 Schedule of Applications

RESOLVED that upon consideration of a Schedule of Planning and Other Applications received, together with the recommendations in respect thereof, the recommendation be approved in accordance with Schedule and marked Appendix 'A'.

17 Exclusion of Public and Press

RESOLVED that the public and press be excluded from consideration of the Appendix to the Adoption of the Doncaster Local Plan 2015-2035 report, in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, on the grounds that exempt information as defined in Paragraph 5 of Schedule 12A to the Act, is likely to be disclosed.

18 Adoption of the Doncaster Local Plan 2015-2035

The Committee considered a report, which was presented by the Planning Policy & Environment Manager, Jonathan Clarke, which provided an update of the Doncaster Local Plan 2015-2035.

Members were informed that it was a real significant milestone for the preparation of the Local Plan and the process to date which had been ongoing for several years. The Government had been clear of the need for Local

Planning Authorities to have up-to-date Development Plans for their areas. When adopted, the Doncaster Local Plan would replace the saved policies from the Unitary Development Plan and the strategic policies of the Core Strategy.

It was reported that Full Council approved the draft Plan in July 2019, following several stages of consultation as part of the Plan's preparation. Members noted that more consultation had been carried out than that required by the statutory regulations. The draft Plan was published for any final comments and these were passed directly to the Planning Inspector when the Council submitted the Plan to Government for its independent Examination in Public in March, 2020. Despite the challenges of the Covid pandemic in 2020, the Council managed to keep the examination broadly to timetable and through the use of 'Blended Hearings', whereby some participants attended physically in the Council Chamber in line with the guidance at the time, and others joined the Hearings via video link.

It was also reported that there were a number of changes necessary to the Plan to address some concerns raised by the Inspector, which were subject to full consultation in February, 2021 and the feedback informed the Inspector's Final Report. The Council received the Inspector's Final Report in late June, 2021 and the headline conclusion was the Local Plan, with the changes made, was legally compliant and 'sound' in line with national Planning Policy's tests of soundness in that it was positively prepared, justified, effective and consistent with national policy. The Government expected Local Plan's that had been found 'sound' to proceed to adoption as soon as practicably possible and the Planning Committee's remit, in line with the Council's Constitution, was to advise and recommend on matters of planning policy to the Executive.

RESOLVED that the contents of the report be noted and that the Doncaster Local Plan 2015-2035 be recommended to the Executive to be adopted and have full Development Plan status and weight for determining all Planning Applications, and the Unitary Development Plan (1998 saved policies and supporting Policies Maps) and Local Development Framework Core Strategy (2012) be replaced entirely.

19 Planning Enforcement Quarterly Report June 2021

The Committee considered a report which detailed all Planning Enforcement performance in the first Quarter of 2021/22.

RESOLVED that all Planning Enforcement Cases received and closed for the period for 1st April to 30th June, 2021, be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 17th August, 2021

Application	1
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Application Number:	21/01262/FUL
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Application Type:	Planning FULL
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Proposal Description:	Single storey rear extension to existing HMO, demolition of garage to provide additional parking, and associated alterations (being resubmission of 20/02379/FUL refused 25.11.2020)
At:	51 Littlemoor Lane, Balby, Doncaster, DN4 0LQ

Third Party Reps:	11 representations in objection & objection from Local Cllr	Parish:	N/A
		Ward:	Hexthorpe & Balby North

A proposal was made to grant the Application.

Proposed by: Councillor Iris Beech

Seconded by: Councillor Garry Stapleton

For: 7 Against: 1 Abstain: 1

Decision: Planning permission granted.

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Doncaster Council

Report

Date: 14th September 2021

To the Chair and Members of the PLANNING COMMITTEE

11/00246/EXTM - Erection of 112 houses and 84 apartments (being extension of time on planning application 06/00014/FULM, granted on 09/04/2008). Wright Business Park, Stevens Road, Balby, Doncaster

Relevant Cabinet Member(s)	Wards Affected	Key Decision
		No

EXECUTIVE SUMMARY

1. This report is presented to the Planning Committee as an update on some new developments which need to be considered prior to issuing the planning permission for the erection of 112 houses and 84 apartments (being extension of time on planning application 06/00014/FULM, granted on 09/04/2008) at Stevens Road, Balby.
2. The application was previously presented to Planning Committee on the 22nd September 2015 and again on 20th October 2015.
3. Copies of the most recent planning committee reports and approved minutes of this meeting are appended for reference.

EXEMPT REPORT

4. This report is not exempt.

RECOMMENDATIONS

5. Planning Committee agree to delegate authority to the Head of Planning to issue the planning permission, subject to the completion of the legal agreement, in line with the Planning Committee's previous unanimous decision to grant permission on 20th October 2015.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

6. The development will provide a significant contribution to Doncaster's housing

target on a site allocated for housing in both the current development plan and the emerging Doncaster Local Plan.

BACKGROUND

7. Planning permission for the proposed housing development was originally granted by the Council on 9th April 2008 (Ref: 06/00014/FULM). Prior to the expiry of the planning permission requirement to implement the scheme (as per the standard planning condition to commence development within 3 years) an 'extension of time' application was made to the Council to extend the timescale for implementation (Ref: 11/00246/EXTM), as was permitted at that time by regulations allowing extension of time applications to be submitted to help developers deal with the economic downturn by extending the period within which to implement their permissions.
8. This application was presented to the Planning Committee on 22nd September 2015, where a decision to defer the application was taken to allow officers to reassess the s106 legal contributions, in particular the affordable housing element.
9. The application was returned to Planning Committee the following month with an update on the viability reassessment. This still concluded that the scheme was, as previously reported, unviable for affordable housing – although additional monies were able to be secured for the provision of a pair of bus shelters in order to promote the sustainability credentials of this development.
10. Subsequently, a resolution to grant the application was unanimously agreed by Planning Committee on 20th October 2015 – subject to alterations to the proposed conditions. This entailed two conditions being deleted and replaced by two amended conditions, which related to 1) the standard implementation condition being amended to reduce it from 3 to 1 years; and 2) the requirement to submit a Statement of Noise Attenuation measures. Since this time there has been a prolonged period of negotiation in relation to the legal agreement to allow the permission to be issued. The legal agreement is now largely agreed so the decision is close to being ready to be issued.
11. As a result of the delay, two important matters have arisen that requires members of the Planning Committee to be updated, prior to issuing the decision. Firstly, the policy landscape has changed and it is necessary to update members on relevant policy considerations that have evolved – principally as a result of both the emerging Doncaster Local Plan and the new National Planning Policy Framework (NPPF) (2021). Secondly, given the passage of time since the Planning Committee's resolution to grant - a further updated viability appraisal has been requested by officers and carried out to check if the viability situation has changed.
12. The emerging Doncaster Local Plan, which is afforded substantial weight in the determination of planning applications and which, upon adoption by the Council, will supersede both the current Unitary Development Plan policies and map and the Core Strategy, continues to allocate this site for housing (Site Ref: MUA47). Considerations in relation to: the principle of the development; design, layout and character; residential amenity; flood risk; highways and traffic; planning obligations required to make the development acceptable – have all been considered and are unaltered by the emerging Doncaster Local Plan or new NPPF (2021). The issue of Biodiversity Net

Gain is now enshrined in planning policy both locally and nationally and this has been recently considered. Doncaster's ecologist has recently visited the site and has provided an overview of the current situation describing the habitats generally as disturbed, cleared, un-vegetated land with some sealed surfaces which are poor ecologically. Some high value habitat possibly up to 0.4ha may be identified. Whilst the development indicatively suggests that between 8-12 BNG credits are required in order to offset the development, the scheme has previously and continues to be unviable for policy asks and so this cannot be provided. The Council's ecologist considers that the delivery of 8-12 BNG units on this site would cost approximately £200 – £300k, however, as is set out below, the site has been retested for viability and is still considered to be unviable.

13. As a result of the passage of time and in preparation for concluding the legal agreement and issuing the planning permission, a more recent viability retest has taken place. The site has been tested for viability in December 2013, and July 2015 and on both occasions has been found to be unviable. The site has been retested using the same independent assessor to determine if any circumstances have changed that would make the site more viable. The most recent viability assessments of December 2019 and July 2020 have concluded that the scheme is unable to contribute any of the planning policy requirements. The independent viability assessor has agreed with these findings and this has not altered the situation from that previously considered by planning committee in 2015.
14. As such, the policy framework does not alter the balance of the officer's recommendation or the Planning Committee's resolution to grant.

OPTIONS CONSIDERED

15. OPTION 1 - Authority be delegated to the Head of Planning to issue the planning permission following completion of the legal Agreement, in accordance with the resolution of planning committee on 20th October 2015 – **Recommended**

OPTION 2 - The Head of Planning not to be given authority to issue the decision and the application be referred back to Planning Committee for consideration – Not recommended.

REASONS FOR RECOMMENDED OPTION

16. Option 1 will be in line with previous Planning Committee resolution to grant permission. The site is currently allocated for housing in the Unitary Development Plan and is proposed to remain as a housing allocation in the emerging Local Plan. The housing will help to return the site to beneficial use and help to deliver much needed housing towards the Borough's housing targets on an allocated site. As a precaution, the proposal has since the Planning Committee's resolution to grant in October 2015, been retested for viability by an independent consultant on behalf of the Council – demonstrating that the site is still unviable to provide affordable housing, education or biodiversity net gain policy requirements. However, a mechanism is to be built into the s106 legal agreement to retest viability again, if the development is not built out within three years. If at that point it is found to be viable – any monies can be used towards affordable housing elsewhere in the Borough.

17. Option 2 will not be in line with the NPPF requirement, which for decision taking, means approving development proposals that accord with an up-to-date development plan without delay.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>This outcome is likely to be unaffected.</p>
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>The proposal will deliver housing on an allocated site in a sustainable location, with provision for sustainable travel and onsite Public Open Space.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>This outcome is likely to be unaffected.</p>

	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>The amenity impacts of both existing and future residents have been fully assessed in the resolution to grant permission and remains unaffected.</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>This outcome is likely to be unaffected.</p>

RISKS AND ASSUMPTIONS

19. None.

LEGAL IMPLICATIONS [Officer Initials SC Date 26.8.21]

20. The Local Planning Authority (LPA) must when determining planning applications, comply with its duty under s70(2) of the Town and Country Planning Act 1990 as amended to deal with all applications in accordance with the development plan and any other considerations. As the decision notice has not yet been issued, the LPA is still dealing with the application and it should make members aware of any new matters which were not before the committee the last time the application was presented. That is the purpose of this report. Once members have been updated therefore they have the option of delegating to the Head of Planning the authority to issue the decision in accordance with the previous resolution of Planning Committee subject to prior completion of the legal agreement (recommended) or requesting the application be referred back to members for reconsideration.

FINANCIAL IMPLICATIONS [Officer Initials BC Date 31.08.2021]

21. There are no direct financial implications arising from the recommendation of this report.

The report states that the viability situation has not altered since the

previous Planning Committee decision of October 2015.

HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 27/08/2021]

22. There are no HR implications to this report.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 31.08.2021]

23. There are no technology implications in relation to this report

HEALTH IMPLICATIONS [Officer Initials CT Date 31.08.2021]

24. This housing application was submitted several years prior to the Director of Public Health being included as a consultee for planning applications. This location would benefit from affordable housing ensuring that people on low to moderate income are able to afford other basic living costs, such as food and utility bills which have positive impacts on health and wellbeing. It is disappointing that affordable housing is not viable on this site. However, it is noted that in the Recommended Option, option 1, that a mechanism is to be built into the s106 legal agreement to retest viability again if the development is not built out within three years. If at that point it is found to be viable – any monies can be used towards affordable housing elsewhere in the Borough.
Public Health supports the recommendation.

EQUALITY IMPLICATIONS [Officer Initials RS Date 2.9.21]

25. There are no equality implications.

CONSULTATION

26. Chair and Vice Chair of Planning Committee
Ward Members

BACKGROUND PAPERS

27. Appendix 1 - Committee report – 20th Oct 2015.
Appendix 2 - Approved minutes of meeting - 20th Oct 2015.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

28. NPPF – National Planning Policy Framework

REPORT AUTHOR & CONTRIBUTORS

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Dan Swaine
Director of Economy and Environment

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 20th October 2015

Application	1
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Application Number:	11/00246/EXTM	Application Expiry Date:	17th May 2011
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Application Type:	Extend Permission Major
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Proposal Description:	Erection of 112 houses and 84 apartments (being extension of time on planning application 06/00014/FULM, granted on 09/04/2008)
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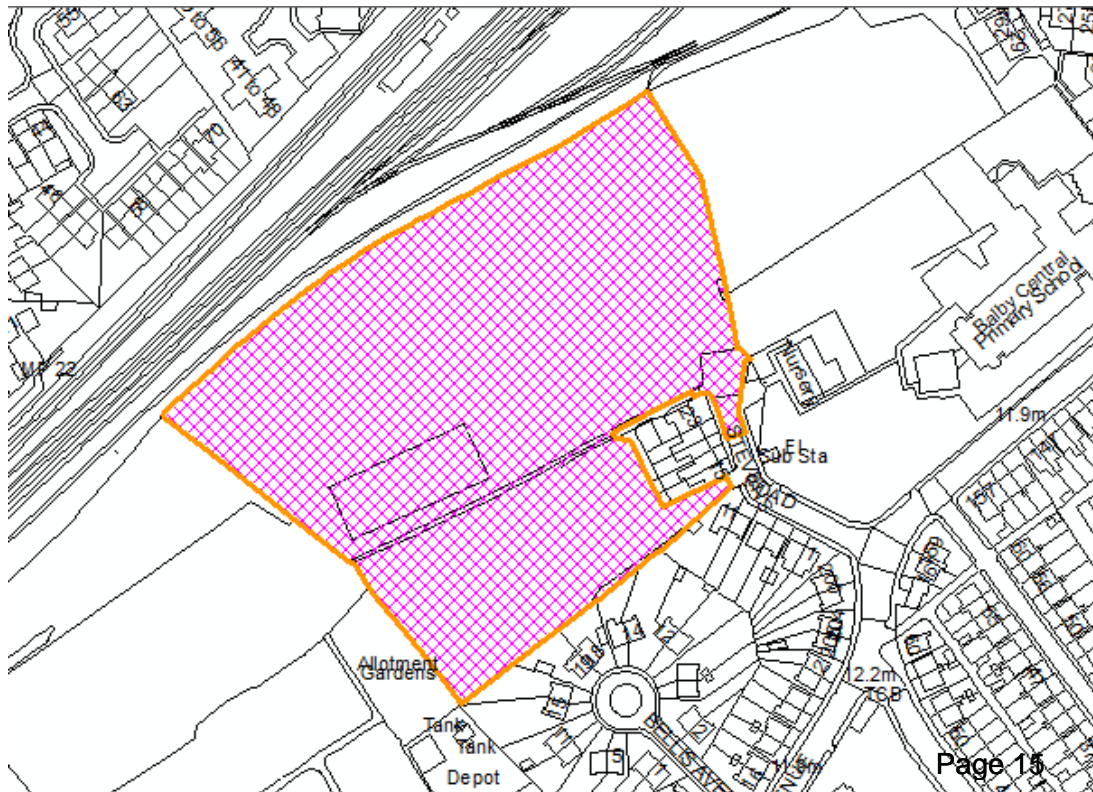
At:	Wright Business Park Stevens Road Balby Doncaster
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For:	Wright Investments
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Third Party Reps:	1	Parish:	
		Ward:	Central

Author of Report	Mrs Andrea Suddes
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MAIN RECOMMENDATION:	GRANT SUBJECT TO SECTION 106 AGREEMENT
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****APPLICATION PREVIOUSLY CONSIDERED BY PLANNING COMMITTEE****

THE ABOVE APPLICATION WAS CONSIDERED BY THE PLANNING COMMITTEE ON 28.04.2015 AND WAS DEFERRED IN ORDER THAT AN UP TO DATE VIABILITY APPRAISAL CAN BE CARRIED OUT AND SUBMITTED. FOLLOWING ASSESSMENT BY THE COUNCIL'S CONSULTANT THE APPLICATION WAS PRESENTED AT THE 22.09.2015 PLANNING COMMITTEE AND DEFERRED A SECOND TIME TO REASSESS THE S106 LEGAL CONTRIBUTIONS. AT THE TIME OF WRITING THIS REPORT THE INFORMATION IS STILL OUTSTANDING AND WILL BE REPORTED AS A PRE COMMITTEE AMENDMENT.

1.0 Reason for Report

1.1 This extension of time application is being presented to Planning Committee for determination because it makes a change in the terms of the Section 106 Agreement of the original consent granted 09.04.2008 that was previously approved by Committee.

2.0 Proposal and Background

2.1 On the 9th April 2008, Planning Committee resolved to grant full planning permission for the erection of 112 houses and 84 apartments on 2.6 ha of land by Wright Investments.

2.2 The Planning Permission was granted subject to conditions and a legal agreement under Section 106 of the Planning Act for the following obligations:

1. Provision of 15% of affordable housing units as built units.
2. The laying out and equipping of a children's play area.
3. A sum of £150,000 to be employed towards funding improvements to increase the accessibility of local bus services.
4. Provision of a pair of bus shelters at the owners expense.
5. A sum of £5,000 to cover the cost of monitoring the vehicle trip levels agreed in the Transport Assessment.
6. Transport improvement bond of £30,000

2.3 This application is seeking permission to extend the time limit to implement the permission, but as part of this permission the applicant will have to enter into a new agreement. Since the approval in 2008, the intervening recession and downturn of the housing market have meant that the original terms of the Section 106 Agreement are no longer viable. The applicant has submitted a Viability Statement and Members are asked to consider varying the terms of the Section 106 agreement and this is discussed in more detail in paragraphs 7.25-7.34.

2.4 The application site covers an area of approximately 2.6 hectares. The site is accessed from Stevens Road which also serves a small number of residential properties and a day nursery forming part of the Balby Central First School complex. It is situated at the northern end of Stevens Road. It is bounded to the south by two-storey terraced and semi-detached houses in Stevens Road and Bellis Avenue, to the west by an allotment site currently in use, to the north by railway sidings alongside the Doncaster-Sheffield railway, and to the east by an area of vacant land, now heavily vegetated and forming part of the Balby Little Moor Site of Scientific Interest (SSI).

2.5 There are a number of mature trees on the southern and south western boundary of the site, some of which could be retained within the layout. There is an existing public

right of way through the part of the site, which in the plan is shown retained subject to a minor diversion.

2.6 In 2011 the applicant commenced the development by the laying of foundations. However, the development stalled within the same year and no further development has taken place since. To reflect the commencement of the development, all pre commencement conditions have been altered to and now require submission of details within 6 months of the date of the decision notice being issued.

3.0 Relevant Planning History

3.1 History relevant to this site comprises of;

06/00014/FULM - Erection of 112 houses and 84 apartments. Granted subject to s106 agreement 09.04.2008.

08/02847/FUL - Erection of corner apartment block consisting of three apartments to replace previously approved two houses and alterations to highway works and car parking arrangements (being amendment to previous permission granted under Ref: 06/00014/FULM on 09.04.2008) Granted 09.06.2010

4.0 Representations

4.1 This application has been advertised in accordance with Article 13 of the Development Management Procedure Order (DMPO), and includes 1 site notice, press and Public Access. 24 individual letters of notification have also been sent to surrounding neighbours. One letter of representation has been received providing an update to the current situation with regards to pupil comings and goings since the 2008 approval, and to be taken into account with this current application.

4.2 As part of the approved scheme it was agreed that the developer would take an area of school land to provide a roundabout and in return would renovate the annexe/Nursery to form a community centre. During the interim period the school has sought other funding and the annexe is now part of the Children's Centre providing support for children and their families.

5.0 Relevant Consultations

5.1 Environment Agency: No objections raised subject to condition for details of surface water disposal as no FRA was submitted with the original application.

5.2 Highways: The Highway Officer has raised no objections.

5.3 Trees: No objections raised.

5.4 Internal Drainage: No objection raised.

5.5 Yorkshire Water: No objection raised subject to condition that no obstruction shall be placed within 3m either side of the water main that crosses the site, means of disposal of foul and surface water.

5.6 Built Environment (Public Open Space): 15% of the site should be laid out as public open space suitable for children's play. The play space should be equivalent to a LEAP and comply with Fields in Trust guidance.

5.7 SYPTE: No objections raised.

5.8 South Yorkshire Architectural Liaison Officer: No objections raised subject to accreditation to Secured By Design.

5.9 Pollution Control: No objections raised however recommend conditions for a contaminated land assessment and remedial strategy, and a condition for any unexpected contamination and material brought on to site. There is currently a request to discharge conditions of which this is one therefore conditions will be worded accordingly.

5.10 Trees and Hedgerows Officer: No objection raised.

5.11 Archaeology: No objections raised.

5.12 No response has been received from the National Grid, Education, Area Manager, Network Rail, or Local Ward Members.

6.0 Relevant Policy and Strategic Context

Planning policy relevant to the consideration of this application includes:

National Planning Policy Framework

6.1 The National Planning Policy Framework (NPPF) states that to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Planning Practice Guidance

6.2 The Planning Practice Guidance notes issued by the Department for Communities and Local Government states that where an applicant is able to demonstrate to the satisfaction of the local planning authority that a planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

Doncaster Council Core Strategy

6.3 Policy CS2 directs housing growth and regeneration to the main urban area, which includes Balby.

6.4 Policy CS9 requires new developments to provide a choice of sustainable opportunities for travel.

6.5 Policy CS12 requires developments of 15 or more houses to provide affordable housing.

6.6 Policy CS14 requires developments to be of high quality design with at least 10 per cent of the total energy being derived from decentralised and renewable or low carbon sources.

6.7 PH11 allows residential development in Residential Policy Areas subject to density, form, or adverse effect on neighbours.

6.8 Policy RL4 requires developments of more than 10 family units to provide a commuted sum in lieu of open space provision.

Other Policy Considerations

6.9 South Yorkshire Residential Design Guide.

7.0 Planning Issues and Discussion

7.1 On 1st October 2009, the Government introduced the facility for developers to make an application to extend the time limits for implementing planning permissions. This facility was introduced in order to make it easier for developers and Planning Authority's to keep planning permission alive for longer during the economic downturn so that they could be quickly implemented when the economic conditions improved.

7.2 DCLG publication guidance, "Greater Flexibility for Planning Permissions," states that for extension of time applications, decisions should focus on development plan policies and other material considerations which have changed significantly since the original grant of planning permission. Therefore the main issues of this application are whether there have been any material changes since the previous approval, such as a change in site circumstances or planning policy to now alter the decision of the council.

7.3 Since the original approval in 2008, there have been major changes in both local and national policy, with the publication of the National Planning Policy Framework (NPPF) 2012, which has replaced all Planning Policy Statements, and the adoption of Doncaster's Core Strategy (Adopted May 2012).

7.4 In considering this current proposal regard will be given to the NPPF and the Core Strategy. Therefore the main issues for consideration in the context of any changes in policy are;

- Principle of development,
- Density and Character,
- Design and Layout,
- Residential amenity,
- Flooding,
- Highways and Traffic, and
- Planning Obligations.

Principle of Development

7.5 The principle of residential development had been considered and approved in 2008. There have been no changes in policy to alter the basic principle of the development, as the NPPF that supersedes Planning Policy Statement 3 advises that there should be a presumption in favour of sustainable development, and that new housing should enhance and maintain the quality of life in neighbourhoods by being well designed, sustainably located and meet the needs of the local population.

7.6 The NPPF encourages the reuse of previously developed (brownfield land). The site is accepted as being a Brownfield site, sustainably located and within a residential area

being close to all amenities; therefore a residential use is preferable. Therefore, there is no policy change that would now alter this opinion.

Density and Character

7.7 The approved scheme gave full consideration to density and character and was assessed against policy PH 11 of the Doncaster Unitary Development Plan (UDP). This policy remains as a Saved policy and is therefore still pertinent. Core Strategy Policy CS 14 is now also pertinent and also considers element such as use mix, density and form.

7.8 The officer report to Planning Committee at the time stated that the proposed density equates to 75 units per hectare, but notes that this figure is heavily skewed by the incorporation of 4-storey flats taking up approximately 13% of the site area. The density of the remainder of the development comprising family houses is at just under 50 per hectare. The report goes on to state that this is a high density development at the upper end of the range set out in regional planning guidelines, but not excessive by current standards and in fact not significantly different from much of the terraced housing in the area. Since this time regional guidance is now abolished and no standard density levels are set, but should be considered in the context of the existing density and character of an area.

7.9 Consideration was also given to the scale and form of development, which the officer report to Planning Committee considered would not be out of scale with the surroundings. The buildings closest to the southern and south eastern boundaries of the site, and therefore relating to the existing two storey properties, would themselves be two storeys in height.

7.10 Previous consideration of the scheme considered the density, scale and form would not be dissimilar from much of the terraced housing in the area and there is site or policy changes that would now alter this opinion.

Design and Layout

7.11 The approved scheme gave full consideration to the design and appearance of the dwellings with a condition for materials to be agreed with the Local Planning Authority. Core Strategy Policy CS 14 - Design and Sustainable Construction, replaces UDP Policy ENV 52 in which the design and appearance of the dwellings was previously assessed against. There have been no significant site or policy changes to now alter officer opinion of the acceptability of the layout or design.

7.12 Policy CS 14 also requires all new development to meet criteria to achieve Code for Sustainable Homes of at least Level 3, and to secure at least 10% renewable energy for the dwellings on the site and for which a suitable condition will now be included.

Residential Amenity

7.13 The 2008 application gave full consideration for the amenities of those nearby properties, those nearest being sited on Stevens Road. In addition, there has also been limited change in site circumstances. One letter of representation has been received from Balby Central First School. The comments refer to highway related matters only and are addressed later in the report within the highway sub heading at paragraph 7.21.

Flooding

7.14 The DCLG introduced Planning Policy Statement 25 (PPS 25): Development and Flood Risk in December 2009, which is after the application was originally granted approval. The objective of PPS25 was to steer development away from areas at risk of flooding by means of a site specific flood risk assessment (FRA) and in areas of flood risk by application of the Sequential Test.

7.15 The application site lies within a Flood Zone 1 which is the lowest probability of flooding and whilst not within a flood risk area, due to the size of the site at over 1 hectare, puts any future residents at risk from surface water flooding. PPS25 has now been superseded by the National Planning Policy Framework (NPPF), and whilst this policy supersedes previous policy, the fundamental objective of the NPPF echoes previous policy and remains the same. Therefore whilst the site lies within flood zone 1, a site specific flood risk assessment would now be required to comply with current policy as the site is over a hectare in size.

7.16 The Environment Agency has been consulted and has noted the lack of a FRA with the previous application, but is satisfied with the proposal subject to recommendation of a condition for details of surface water disposal to be submitted and agreed with the Planning Authority. A condition requested by Yorkshire Water requests the same details and was attached to the previous consent; therefore this additional condition is being replicated and would be superfluous, thereby is omitted from the officer recommendation.

Highways and Traffic

7.17 Policy T5 of the Unitary Development Plan related to proposals for new development stating that it "will be located where the traffic generated can be satisfactorily accommodated by existing highways and will not create or materially add to problems of road safety, environmental quality, congestion or amenity." This policy is now superseded by Policy CS14 of the Core Strategy states that one of the components of good design is to ensure that developments take into consideration highway safety.

7.18 Policy CS 9: Providing Travel Choice also ensures the delivery of travel choice and sustainable opportunities for travel through transport assessments and travel plans as appropriate.

7.19 A Traffic Assessment was submitted as part of the original application which assessed the volume of traffic generated with the development as compared to the previous industrial use and concluded that this would amount to an 11% increase over a 24-hour period but would amount to little significant difference at peak hours. Traffic calming measures are also included at the entrance to Stevens Road. The Highways Development Control Officer raised no objections on the approved scheme subject to condition for a Travel Plan and subject to measures proposed for the mitigation of traffic impact, aimed to limit the use of the private car and set out in the s106 agreement.

7.20 One letter of representation has been received providing an update to the current situation with regards to pupil comings and goings at Balby Central First School since the 2008 approval, and to be taken into account with this current application.

7.21 As background and explanation, as part of the originally approved scheme it was agreed that the developer would take an area of school land to provide a roundabout and in return would renovate the annexe/Nursery to form a community centre. The development has stalled and in the interim period the school has sought other funding and the annexe is now in use and part of the Children's Centre providing support for children and their families.

7.22 It should be noted that since the original approval, a substitution of house type application was submitted under planning reference 08/02847/FUL and granted consent on 09.06.2010. As part of the application the proposal sought to alter the highway layout and amend the realignment of the roundabout. The approved scheme now shows the roundabout to be outside of the school site.

7.23 In terms of the school annex use; this is an existing building that could have been brought back into use at any time without requiring planning consent. The highway works will be carried out as part of a separate Section 278 agreement with the Highway Authority and any pedestrian highway mitigation measures required as a result of the reuse of the annex will be taken into account at that time. Therefore in terms of this current application, there is no change in site circumstances that would now change officer opinion.

Planning Obligations

7.24 The applicant submitted a revised Viability Assessment in June 2015 following deferral of the application by Planning Committee for a further up to date assessment, to be submitted. The revised appraisal updates on the previously submitted version dated March 2014. This was sent to Adams Integra, which is a consultancy that offers independent advice to the Council on issues such as viability.

7.25 Adams Integra used the Homes and Communities Agency's Development Appraisal Tool (HCA DAT), which is a recognised method of assessing viability and has been used at many inquiries where viability is an issue and has superseded the Homes and Communities Agency's Economic Appraisal Tool.

7.26 The applicants have used a profit level of 10% on sales over cost. Adams Integra has appraised the scheme using this profit level for the market units which is a figure widely accepted at appeals and represents a reasonable return for a scheme such as this and 5% on build costs for the affordable units which is the default setting in the HCA DAT.

7.27 The appraisal has been carried out which shows zero affordable housing to determine whether there is any surplus available for affordable housing provision.

7.28 The applicants have used a build cost rate of £936/m² for the 2 storey houses and £915/m² for the 3 storey houses and £104 per ft² (£1,119/m²) for the apartments. This is a fair and reasonable assumption. 10% for externals is added which are not included in the BCIS figures.

7.29 The applicants previously used an average figure of £125 / ft² which are reflective of this area of Doncaster and are reasonable when compared with the current market. However the applicants have now revised these sales figures downwards with no reason for this. Adams Integra is satisfied that an average sales figure of £125 per ft² is a fair and reasonable assumption.

7.30 When compared to BCIS figures for a development of this type and location the build cost assumptions appear to be reasonable. However there was previously a very large abnormal cost of £2,233,800 for the removal of contaminated soil and for the import of inert soil. The latest appraisal from the applicants shows an increased figure of £3,456,185. A quote from the contractor shows a range of figures depending on how hazardous the material is. However Adams Integra has used a figure of £1,500,000 which is a fair and reasonable estimate of the potential cost as it is unclear from the information supplied by the applicant.

7.31 The Applicant has also included 5% of the build costs for the building contingencies. This has not been included as this is a new build scheme and the low risk involved in this type of development should negate the need for contingencies. They have also used an interest rate of 6%.

7.32 The approach taken by Adams Integra follows the well-recognised methodology of Residual Land Valuation (RLV). Put simply, the RLV produced by a potential development is calculated by subtracting the costs of achieving that development from the revenue generated by the completed scheme. The results of the RLV are then compared to the Existing Use Value (EUV) of the land and if the RLV is more than the EUV then the scheme produces a surplus and is viable if not then there is a deficit and the scheme is not viable.

7.33 Adams Integra has carried out an HCA DAT appraisal of the current scheme using the input values described above for the scheme and this produces a negative Residual Land Value of £461,000.

7.34 The appraisal shows that the scheme is not viable at a profit level of 10% when compared to the existing use value for the land.

7.35 The profit level would need to be reduced to around 9% in order for the scheme to become viable and in this case cannot support any s106 contributions towards affordable housing. However there will also be a claw back arrangement within the Section 106 Agreement to ensure that viability can be assessed 3 years from the date of the agreement to ascertain whether market conditions have improved such that further affordable housing contributions could be made, unless the development is completed. However they will still provide the following contributions;

- A) The laying out of an area of public open space equivalent to 15% of the total site area.
- B) £10,000 payment for a pair of bus shelters within 1000m from the exit of the site.
- C) £5,000 payment to cover the cost of monitoring vehicle trip levels.
- D) £30,000 payment for transport improvements.

8.0 Summary and Conclusion

8.1 In summary, given that this application is to renew the previous planning approval, the main consideration of the application was to assess whether there had been a material change in circumstances and agree amendment to the legal agreement. This new application has been checked against new planning policy and the site characteristics have been reassessed. It is concluded that there is no reason to now alter the decision. The applicant has also adequately demonstrated that the residential scheme is not economically viable to justify making an affordable housing contribution and thereby warrants amendment to the Section 106 Agreement. On this basis the application is recommended for approval.

9.0 Recommendation

9.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT, SUBJECT TO THE CONDITIONS BELOW AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 IN RELATION TO THE FOLLOWING MATTERS:

- A) A VIABILITY ASSESSMENT IS TO BE SUBMITTED TO THE LOCAL PLANNING AUTHORITY THREE YEARS FROM THE DATE OF THE SECTION 106 AGREEMENT TO ASCERTAIN WHETHER MARKET CONDITIONS HAVE IMPROVED SUCH THAT A FURTHER CONTRIBUTION CAN BE MADE TOWARDS AFFORDABLE HOUSING, UNLESS THE DEVELOPMENT IS COMPLETED.**

- B) LAYING OUT OF AN AREA OF PUBLIC OPEN SPACE EQUIVALENT TO 15% OF THE TOTAL SITE AREA AND THE SCHEME TO INCLUDE FUTURE MAINTENANCE AND MANAGEMENT OF ALL COMMUNAL SPACES WITHIN THE DEVELOPMENT**

- C) £5,000 PAYMENT TO COVER THE COST OF MONITORING VEHICLE TRIP LEVELS AGREED IN THE TRANSPORT ASSESSMENT**

- D) £30,000 PAYMENT FOR TRANSPORT IMPROVEMENTS**

THE HEAD OF DEVELOPMENT BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE AGREEMENT.

- 01. STAT1 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. ACC1 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.
REASON
To ensure that the development is carried out in accordance with the application as approved.

- 03. U42477 Within 6 months of the date of this permission, full engineering details of all proposed highway works, including the highway improvements to Stevens Road and to the junctions of Stevens Road and Littlemoor Lane /Florence Avenue have been submitted to and approved in writing by the Local Planning Authority, and the works so approved shall be completed in full to the satisfaction of the Local Planning Authority before any of the dwellings is occupied.
REASON
In the interests of highway safety.

05. U42478 Before the commencement of construction of any of the flats, a Statement of Noise Attenuation Measures shall be submitted to the Local Planning Authority. The statement shall ensure that sound levels experienced by future occupiers of the flats should comply with those specified in WHO 2000 guidance and shall include details of the means of glazing and ventilation to north facing windows and details of an acoustic fence to be erected along the northern boundary of the site, thereafter construction of the dwellings and boundary treatment shall be carried out in accordance with the measures to approved.

REASON

To ensure that the dwellings are adequately insulated against externally generated noise, having particular regard to that from the adjacent railway.

06. C29C Any works necessary to carry out any part of the development hereby granted shall only be permitted between the following hours: Monday to Friday inclusive 0800 - 1800 Saturday 0800 - 1300 and not at all on Sundays and Public and or Bank Holidays. Such works shall include deliveries to and from the site (including deliveries by outside contractors or suppliers); any construction (including internal works ie decorating, joinery, plumbing); demolition; highway and drainage works; erection and dismantling of scaffolding; site preparation/ excavations and any related off site works in the vicinity of the site.

REASON

For the avoidance of doubt and in the interests of protecting the amenity of existing residents in the vicinity of the site.

07. U42479 Within 6 months of the date of this permission, a Travel Plan has been submitted to and approved by the Local Planning Authority. The Travel Plan shall set out measures for the encouragement of the use of public transport and reduction of the use of private cars and shall incorporate proposals for the appointment of a Travel Plan Co-ordinator and a programme of monitoring of the Travel Plan over a period of 5 years from the date of commencement of approval of the Plan. The approved measures and monitoring programme shall subsequently be implemented in accordance with the Travel Plan as approved.

REASON

To secure implementation of the Travel Plan and enable the Local planning Authority to monitor its progress and inform a review of such initiatives in the future, in the interests of promoting sustainable transport in accordance with the objectives of national planning policy as set out in PPG13 Transport.

08. VP16 No trees, shrubs or hedges existing within or on the boundaries of the site shall be topped, lopped or felled, uprooted or otherwise damaged for five years after the date of consent without the prior written permission of the Local Planning Authority. Any trees removed or becoming damaged or becoming diseased before the end of the period shall be replaced with trees of such size and species as may be agreed by the Local Planning Authority.

REASON

To ensure that all retained trees are in a healthy condition on the completion of the development and for the specified period afterwards.

09. U42480

Within 6 months of the date of this permission, no materials or machinery shall be brought onto the site until the trees which it has been agreed shall be retained are fenced off to the satisfaction of the Local Planning Authority. A scheme of fencing shall be submitted to the Local Planning Authority which shall comply with B.S. Specification No. 5837 'Trees in relation to Construction (1991)', with the Council's 'Code of Practice in Relation to Trees on Development Sites' and with the Council's illustrated guidelines 'Protection of Trees on Development Sites'. The satisfactory implementation of the scheme on the site shall be confirmed in writing by the Local Planning Authority before any works are begun.

REASON

To ensure that all trees are protected from damage during construction.

10. VV22

Any trees which are to be felled as part of the development shall be replaced by suitable specimens on a one for one basis to be agreed by the Local Planning Authority. These specimens shall comply with British Standard 3936 for Nursery Stock Part One (1992), and shall be planted in accordance with a scheme and to a timescale to be agreed in writing by the Local Planning Authority prior to the commencement of any development on the site. Any trees dying or severely diseased within five years of planting shall be replaced within the next available planting season.

REASON

To ensure that replacement trees are of a suitable type and standard in the interests of amenity.

11. U42481

Within 6 months of the date of this permission, details of a landscaping/planting scheme have been agreed in writing with the Local Planning Authority. This scheme shall indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those which are to be retained, those proposed for removal and those requiring surgery. The scheme should also indicate, where appropriate, full details of new or replacement planting. All planting material included in the scheme shall comply with Local Planning Authority's 'Landscape Specifications in Relation to Development Sites'. Planting shall take place in the first suitable planting season, following the commencement of the development. Any tree or shrub planted in accordance with the scheme and becoming damaged, diseased, dying or removed within five years of planting shall be replaced in accordance with the above document.

REASON

To ensure that replacement trees are of a suitable type and standard in the interests of amenity.

12. U42482

Within 6 months of the date of this permission, samples of the proposed external materials shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure the satisfactory appearance of the development.

13. V33G The area of public open space shown on the approved plan shall be graded, soiled and planted to the satisfaction of the Local Planning Authority concurrently with the carrying out of the development hereby granted. On substantial completion of the development the open space area shall be brought to a condition making it suitable for dedication to the Local Authority as public open space. If it is not intended that it be dedicated then details of a management plan which will ensure its maintenance and retention as public open space shall be submitted to and approved in writing by the Local Planning Authority within six months of the commencement of the development.
- REASON
To ensure that the area defined as public open space is provided and maintained in a satisfactory condition.
14. U42483 Within 6 months of the date of this permission, 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.
15. HM13 Before the development is brought into use that part of the site to be used by vehicles shall be properly laid out, drained, surfaced/sealed and or marked out in a manner to be approved by the Local Planning Authority and shall thereafter be maintained in a condition to the reasonable satisfaction of the Local Planning Authority.
- REASON
To encourage drivers to make use of the parking space and ensure that the use of land for this purpose will not give rise to mud hazards at entrance/exit points in the interests of public safety.
16. U42484 Within 6 months of the date of this permission, details of all unbuilt areas, boundary walls and fences shall be submitted to and approved by the Local Planning Authority, and such details as approved shall be completed before the buildings, or any parts thereof are occupied or used.
- REASON
In order that the Council may be satisfied as to the details of the proposal.
17. H29A Facilities to the satisfaction of the Local Planning Authority must be made available at all times within the curtilage of the site to avoid the deposition of mud or dust on the highway. Details of these shall be

submitted to and approved by the Local Planning Authority prior to the commencement of the development.

REASON

In the interest of road safety.

18. U42485

Within 6 months of the date of this permission, a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

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

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

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

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality

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

REASON

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

19. CON2

Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

REASON

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

20. CON3

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

REASON

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

21. GR20

No development shall take place in implementation of this permission until a statement has been submitted to the local planning authority and approved in writing from them, explaining how CO2 emissions from the development will be reduced by providing at least 10% of the development's energy through on-site renewable energy equipment or improvements to the fabric efficiency of the building. The carbon savings, which result from this, will be above and beyond what is required to comply with Part L Building Regulations. Unless otherwise agreed in writing by the local planning authority, the development shall then proceed in accordance with the approved report. Before any

building is occupied or sold, the local planning authority shall be satisfied that the measures have been installed. This will enable the planning condition to be fully discharged.

REASON

In the interests of sustainability and to minimize the impact of the development on the effects of climate change.

22. GR21

Before the development commences, a Code for Sustainable Homes pre-assessment shall be submitted for approval, demonstrating how code level 3 will be met. Unless otherwise agreed, the development must take place in accordance with the pre-assessment. Prior to the occupation of any building, a post construction review should be carried out by a licensed assessor and submitted for approval. This will enable the planning condition to be fully discharged.

Advice should be sought from a licensed code assessor at an early stage to ensure that the required performance rating can be achieved. A list of licensed assessors can be found at www.breeam.org.

REASON

In the interests of sustainability and to minimise the impact of the development on the effects of climate change.

01. ICON1

INFORMATIVE

Prior to preparing any reports in support of conditions relating to land contamination, the applicant is strongly advised to refer to the document entitled Development on land affected by contamination. Technical Guidance for Developers, Landowners and Consultants. Yorkshire and Humberside Pollution Advisory Council.

The document can be found at the following web address:

[http://www.doncaster.gov.uk/Images/YAHPAC%20Guidance%20\(version%203.2\)_tcm2-80031.pdf](http://www.doncaster.gov.uk/Images/YAHPAC%20Guidance%20(version%203.2)_tcm2-80031.pdf)

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

02. U08999

INFORMATIVE: SECURED BY DESIGN

The developer should seek to achieve the requirements of the 'Secured by Design New Homes' document for the development to ensure the development is built to suitable standards in respect of safety and security.

03. INB

INFORMATIVE:

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

04. INF1A

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. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

This Standing Advice is valid from 1st January 2015 until 31st December 2016

05. U09008

INFORMATIVE: NETWORK RAIL/YORKSHIRE WATER

The developers attention is drawn to the correspondence attached to the permission granted under ref 06/00014/FULM from Network Rail detailing requirements for the protection of their property and from Yorkshire Water concerning drainage matters.

The above objections, considerations 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 AERIAL PHOTOGRAPH OF SITE



APPENDIX 2 SITE LAYOUT



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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 20th October, 2015
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Application	2
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Application Number:	15/01559/FULM	Application Expiry Date:	25th September, 2015
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of 147 dwellings including highways infrastructure and public open space on approx. 5.55ha of land
At:	Plots 13 and 14 Lakeside Boulevard, Lakeside, Doncaster

For:	Muse Developments Ltd
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Third Party Reps:	6	Parish:	
		Ward:	Town

Decision: Planning Application deferred following the receipt of additional information relating the feasibility of the drainage solutions which may impact on the layout of the development and the outcome of the viability appraisal which required further consideration.

Application	1
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Application Number:	11/00246/EXTM	Application Expiry Date:	17th May 2011
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Application Type:	Extend Permission Major
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Proposal Description:	Erection of 112 houses and 84 apartments (being extension of time on planning application 06/00014/FULM, granted on 09/04/2008)
At:	Wright Business Park, Stevens Road, Balby, Doncaster

For:	Wright Investments
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Third Party Reps:	1	Parish:	
		Ward:	Central

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

Proposed by: **Councillor Iris Beech**

Seconded by: **Councillor Eva Hughes**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted subject deletion of conditions 21 and 22, the amendment of condition 1 and 5 to read as follows and the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to the following matters and that the Head of Development Management be authorised to issue the Planning Permission upon completion of the agreement:-

- (A) A viability assessment is to be submitted to the Local Planning Authority three years from the date of the Section 106 Agreement to ascertain whether market conditions have improved such that a further contribution can be made towards affordable housing, unless the developments is completed.**
- (B) Laying out of an area of public open space equivalent to 15% of the total site area and the scheme to include future maintenance and management of all communal spaces within the development.**
- (C) £5,000 payment to cover the cost of monitoring vehicle trip levels agreed in the transport assessment; and**
- (D) £30,000 payment for transport improvements.**
- (E) £10,000 payment for a pair of bus shelters within 1000m from the exit of the site.**

01. The development to which this permission relates must be begun not later than the expiration of 1 year 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

05. Within 6 months of the date of this permission, a Statement of Noise Attenuation Measures shall be submitted to the Local Planning Authority. This statement shall ensure that sound levels experienced by future occupiers of the flats should comply with those specified in WHO 2000 guidance and shall include details of the means of glazing and ventilation to north facing windows and details of an acoustic fence to be erected along the northern boundary of the site, thereafter construction of the dwellings and boundary of treatment shall be carried out in accordance with the measures to approved.

REASON

To ensure that the dwellings are adequately insulated against externally generated noise, having particular regard to that from the adjacent railway.

(A later letter of representation had been received from a local resident was reported at the meeting).

Application	3
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Application Number:	14/02469/3FULM	Application Expiry Date:	30th October 2015
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Application Type:	Planning FULL (DMBC Reg 3) Major
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Proposal Description:	Erection of 10 dwellings following demolition of existing care/residential home on approx. 0.29ha (Being application under Regulation 3 Town & Country Plann (General) Regulations 1992)
At:	Ashwood House, Park View, Adwick Le Street, Doncaster

For:	DMBC – Ms C Johnson
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Third Party Reps:	None	Parish:	
		Ward:	Adwick

A proposal was made to grant the application.

Proposed by: **Councillor Alan Jones**

Seconded by: **Councillor George Derx**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission Granted

Application	4
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Application Number:	15/01162/4FULM	Application Expiry Date:	14th August, 2015
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Application Type:	Planning FULL (DMBC Reg4) Major
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Proposal Description:	Erection of 61 dwellings with associated road layout and landscaping on approx. 1.44ha of land (Being Application Under Regulation 4 Town and Country Planning (General) Regulations 1992) (being resubmission of application 14/00043/4FULM refused on 26.06.2014)
At:	Land at Coulman Street, Coulman Road, Thorne, Doncaster

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DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 14th September 2021

To the Chair and Members of the

PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

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

Human Rights Implications

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

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

Copyright Implications

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

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1. M	19/00100/OUTM	Thorne And Moorends	Thorne Town Council
2. M	20/03191/FULM	Conisbrough	
3.	20/03301/FUL	Sprotbrough	Hampole And Skelbrooke Parish Meeting

Application	1
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Application Number:	19/00100/OUTM
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Application Type:	Outline Planning Major
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Proposal Description:	Outline planning permission sought for the erection of 35 dwellings, with associated infrastructure, parking, hard surfaces, public open space and associated works (Permission sought for access).
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At:	Land On The North Side Of Alexandra Street, Thorne, Doncaster, DN8 4EY
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For:	Knox and Brookes Trust
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Third Party Reps:	8 Letters of objection 2 Letters of support	Parish:	Thorne Town Council
		Ward:	Thorne And Moorends

Author of Report:	Garry Hildersley
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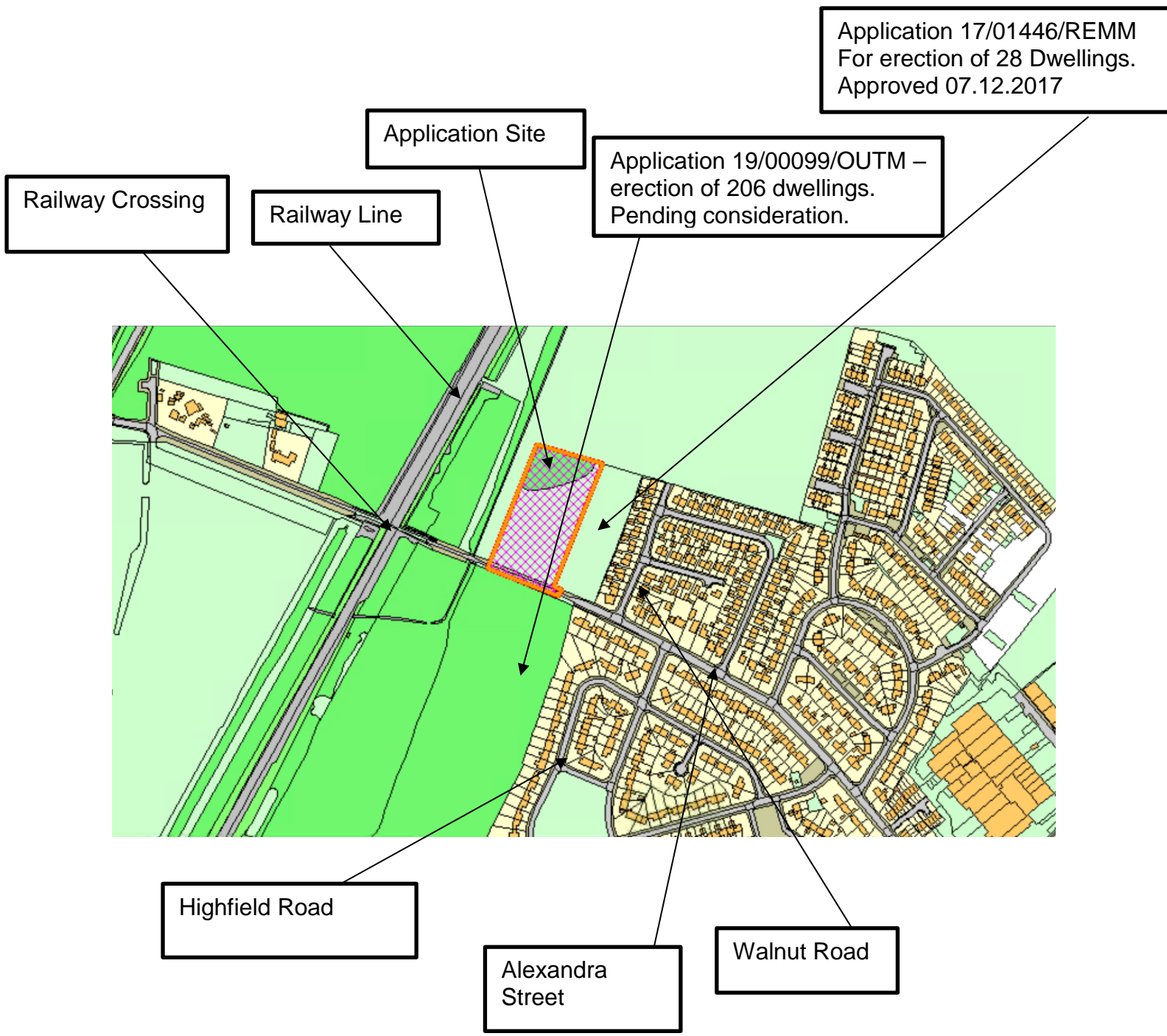
SUMMARY

The proposal seeks outline permission for residential development with matters of appearance, landscaping, layout and scale being reserved. The proposal is considered to be unacceptable in policy terms being sited within countryside policy area as defined by Doncaster's Unitary Development Plan (UDP), Core Strategy and emerging Local Plan.

The report demonstrates the harm generated by the proposal through inappropriate development in the countryside that is not outweighed by other material planning considerations. In addition, concerns remain in respect to the application of the Sequential Test and Exceptions Test associated with flooding.

The application was presented to planning committee previously on the 18th August 2020 where members resolved to grant planning contrary to officer recommendation. The proposal is being re-presented to planning committee as a result of new information in relation to ecology and the change in progress of the Local Plan.

RECOMMENDATION: REFUSE



1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee because: i) the application represents a departure from the development plan; ii) due to the significant public interest.

2.0 Proposal and Background

- 2.1 This application seeks outline permission for the erection of 35 dwellings and associated infrastructure with permission being sought for access only.
- 2.2 The application is owned by the same owners seeking permission to develop the site to the south of Alexandra Road (Ref: 19/00099/OUTM). The southern site is an allocated housing site both in the UDP (and emerging Local Plan) where it is considered that the principle of development is acceptable. The application site subject to this report is not.
- 2.3 On the 18th August 2020 the application was presented to planning committee. Members resolved to grant permission subject to the signing of a section 106 (S106) agreement and suitably worded conditions (see appendix 4). The S106 agreement has not been signed and as a consequence the application is still considered to be under consideration by the Local Planning Authority. It has come to light that the calculation used to measure the amount of biodiversity net gain (BNG) required to offset the development had been significantly underestimated. It is therefore considered appropriate to re-present the application in light of these changes and taking into account the current position in relation to policy. A rebalancing of the material planning considerations has taken place, culminating in the recommendation.

3.0 Site Description

- 3.1 The site lies to the west of the existing settlement of Thorne, bounded on its eastern boundary by dwellings on Sidings Grove which is a new development that has not been constructed yet. To the west of the site lies the North Eastern Railway's Hull and Doncaster Branch running parallel with the site.
- 3.2 The site is generally flat with gentle undulations with a mixture of scrub and established trees within the site boundary. There are a number of dykes running through the site, however for the most part the site is largely open. Along the southern boundary situated along Alexandra Street, is a band of established trees.
- 3.3 A public right of way leads from Alexandra Street and runs parallel with the railway line and leads northwards towards Moorends and connects with Bloomhill Road.
- 3.4 The properties within the immediate vicinity are of a 1970's design, being typically two storey semi-detached constructed from red multi brick with pitched roofs, set back from the road – and all with modest front gardens.

4.0 Relevant Planning History

- 4.1 No relevant planning history for the site, however an application has been submitted for 207 dwellings directly to the south of this site on the opposite side of Alexandra Street, which is subject to a separate planning application.

5.0 Site Allocation

- 5.1 The site is located within Countryside Policy Area as defined by Doncaster's Unitary Development Plan.

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 Since the resolution previously made by committee, the Government has published The National Planning Policy Framework 2021 (NPPF) which sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

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

- 5.5 Paragraphs 7 – 14 establish that all decisions should be based on the principles of a presumption of sustainable development.

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

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

- 5.7 Paragraph 60 states 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.

- 5.8 Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

- 5.9 Paragraph 111 states 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.
- 5.10 Paragraph 130 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.
- 5.11 Paragraph 162 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 5.12 Paragraph 164 states that the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.13 Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- 5.14 Core Strategy 2011 - 2028**
- 5.15 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.16 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:

- 5.17 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.
- 5.18 Policy CS2 of the Core Strategy sets out the Councils growth and regeneration strategy which includes the settlement hierarchy. It identifies Thorne as a principal town and identifies within Table 1 of Criterion A) an indicative housing allocation number between 646 -923 dwellings over the plan period.
- 5.19 Policy CS3 of the Core Strategy sets out the Councils position in relation to development in the countryside and Green Belt. Policy CS3 states that Doncaster's countryside will be protected and enhanced. It cites a number of examples of development that would be acceptable in the countryside and these do not include major housing schemes. Proposals which are outside of development allocations will only be supported where they would: retain and improve key green wedges; not be visually detrimental; not create or aggravate highway or amenity problems and preserve the openness of the Countryside Protection Policy Area.
- 5.20 Policy CS4 of the Core Strategy sets out the Authorities approach to dealing with Flood Risk in line with National Policy. Criterion A, B and C of Policy CS4 are applicable which looks to steer development away from the highest areas of flood risk, ensure that developments will be safe for the lifetime of the development and apply the Sequential Test and Exceptions tests where appropriate.
- 5.21 Policy CS9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.
- 5.22 Policy CS10 sets out the phasing of new houses to be built and states that existing housing allocations (except where flood risk or other delivery issues cannot be resolved) are linked to phase 1 where it is anticipated that development will be delivered from 2011 onwards.
- 5.23 Policy CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.
- 5.24 Policy CS16 of the Core Strategy seeks to protect and enhance Doncaster's natural environment.

Doncaster's natural environment will be protected and enhanced, in accordance with the principles set out below.

A) Proposals will be supported which enhance the borough's Ecological Networks;

D) Proposals will be supported which enhance the borough's landscape and trees by:

1. being appropriate to the landscape's character, sensitivity and capacity;
2. including measures to mitigate any negative impacts on the landscape;

3. ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness; and;
4. retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

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

- 5.26 Saved Policy ENV2 is a general planning policy setting out that the borough council will maintain a countryside policy area in the eastern part of the borough covering all countryside outside the Green Belt and sets out specific criteria for protecting the countryside.
- 5.27 Saved Policy ENV4 is a general development control policy and sets out the generally acceptable uses within the Countryside. The proposal for residential development is not listed as an acceptable use within ENV4 and consequently the proposal represents a departure from the development plan.
- 5.28 Saved Policy ENV53 sets out that the scale and appearance of new development must have regard to its wider visual impact. Development will not normally be permitted if it would have a significant adverse visual impact on b) views across open countryside. Whilst scale and appearance are a reserved matter, consideration should be given to the principle of development is material consideration to which this policy should be applied.

5.29 Local Plan

- 5.30 Since the resolution made by members to grant planning permission, the Council has progressed with adoption of the Local Plan. 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.
- 5.19 Paragraph 48 of the NPPF states that the LPA may give weight to relevant policies in emerging plans, such as the Local Plan, depending on the stage of the Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). 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 applicable in this case:
 - 5.33 Policy 1 identifies Thorne and Moorends as a main town, which will be a focus for new development. This policy is considered to carry limited weight at this time.
 - 5.34 Policy 2 sets out that at least 40 per cent of the borough's total housing should be within the main towns such as Thorne and Moorends. This policy is considered to carry limited weight at this time.
 - 5.35 Policy 5 sets out the Housing Allocations (Strategic Policy) and identifies sites that will help to deliver the housing requirement of which this site is one (Site 081/343 –

Alexandra Street/North Eastern Road, Thorne). This policy is considered to carry limited weight at this time.

- 5.36 Policy 7 sets out the requirements for the range of housing including the need for affordable housing. This policy is considered to carry limited weight at this time.
- 5.37 Policy 13 seeks to promote sustainable transport within new developments. This policy is considered to carry limited weight at this time.
- 5.38 Policy 16 seeks to consider the needs of cyclists within new developments. This policy is considered to carry moderate weight at this time.
- 5.39 Policy 17 seeks to consider the needs of pedestrians within new developments. This policy is considered to carry moderate weight at this time.
- 5.40 Policy 20 states that development proposals that are expected to give rise to significant increase in the use of public rights of way where they cross roads, railway lines, canals and rivers must show that all safety and accessibility considerations have been taken into account to ensure use of the crossing can be maintained. This should include consultation with the appropriate authority (for example, Network Rail). This policy is considered to carry substantial weight at this time.
- 5.41 Policy 25 deals with development in the countryside setting out the circumstances in which development in the countryside is acceptable.
- 5.42 Policy 28 deals with open space provision in new developments.
- 5.43 Policy 30 deals with the need to value biodiversity.
- 5.44 Policy 32 states that the design process should consider woodlands, trees and hedgerows.
- 5.45 Policy 42 deals with the need for good urban design.
- 5.46 Policy 54 requires the need to take into account air and noise pollution.
- 5.47 Policy 56 deals with the need to mitigate any contamination on site.
- 5.48 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.49 Policy 57 deals with the need to consider flooding.
- 5.50 Policy 58 deals with low carbon and renewable energy within new developments.
- 5.51 Policy 60 requires the need to protect the best and most versatile agricultural land.
- 5.52 Policy 65 deals with developer contributions.
- 5.53 Thorne & Moorends Neighbourhood Plan (NP).**
- 5.54 A neighbourhood plan for Thorne and Moorends is currently in preparation. Pre-submission consultation and publicity has taken place and is currently at what is

known as Regulation 14 stage. Consequently it is considered that the weight to be afforded to the Thorne and Moorends NP is moderate.

5.55 The application site is not allocated within the Local Plan. The following policies are, however, applicable:

5.56 Policy H2 states that housing development will be permitted within or immediately adjacent to the built-up area of Thorne and Moorends, subject to the development:

- Being well related to the existing developed extent of Thorne and Moorends.
- Physically and visually being integrated into the existing settlements.
- Prioritising physical relationship and integration above flood risk concerns.

5.57 Policy H3 states that housing developments should incorporate a mix of housing types in terms of size, tenure and type to satisfy the aspirations of the local community.

5.58 Policy H4 sets out the need for affordable housing.

5.59 Policy DDH3 sets out the need for good design.

5.60 Policy PT1 states that developments that are likely to increase the patronage for public transport service will be expected to contribute to facilitating access to those services.

5.61 Other material planning considerations

- Community Infrastructure Levy (CIL) Regulations (2010)
- Town and Country Planning (Environmental Impact Assessment) Regulations (2017)
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SPD) (2015)
- National Planning Policy Guidance

6.0 Representations

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

6.2 The application was initially submitted on 15th January 2019 and advertised via site notice (22nd January 2019) and press notice on 07th February 2019. Following this publicity, a total of 7 letters of objection were received. A summary of the material planning issues raised is set out below:

- Concerns that the development will lead to additional trips across the rail crossing
- Concerns about inaccuracies in relation to the Travel Plan
- Concerns in relation to air pollution reference made to a Councillors comment on a different application to Thorne's 'higher than normal records of Air Pollution'
- Concerns about displacement of water in respect of watercourses
- Alexandra Street is a very busy road and access is a concern as well as highway safety and congestion.

- Privacy would be adversely affected
- Concerns regarding overshadowing
- Concerns regarding flooding
- Concerns regarding the future potential strain on services
- Concerns with regard to loss of wildlife
- Concerns that the proposal would lead to the coalescence of settlements.
- The development should be CIL compliant.
- The proposal appears to be featureless.

Non material issues raised included the following

- Loss of a view

Matters raised in support:

- Thorne is in need of additional housing
- The housing would boost the local economy
- No issues with demand on local services such as doctors/dentists.

6.3 No additional representations have been received since members resolved to grant planning permission.

7.0 Town Council

Thorne Moorends Town Council supports the application in principle but does have concerns over the access and egress to and from the site. The Council welcomes the opportunity to meet with developers and planning officers to discuss access options and also to consider the nature of the mix of tenure of properties to be developed on the site. It was noted during Council discussions that this site is one that was identified for potential development during the Neighbourhood Plan consultation process.

8.0 Relevant Consultations

8.1 Highways England – No objections

8.2 National Grid – No response received

8.3 Environment Agency – No objection subject to condition.

8.4 Yorkshire Water – No objections subject to suitably worded conditions

8.5 DMBC Ecology – No objection subject to S106 agreement in relation to biodiversity offsetting and suitably worded conditions. Update to be provided within the report below.

8.6 DMBC Tree Officer – No objection subject to condition

8.7 DMBC Internal Drainage – No objections subject to condition.

8.8 DMBC Education – No objections subject to the signing of a S106 agreement.

8.9 DMBC Public Rights of Way – No objections

- 8.10 **DMBC Housing Policy** - Objection in relation to the principle of development as the site lies within the existing Countryside Policy Area.
- 8.11 **DMBC Highways Development Control** – No objections subject to conditions
- 8.12 **DMBC Transportation** – No objections subject to S106 agreement and conditions.
- 8.13 **DMBC Design Officer** – No objections subject to condition.
- 8.14 **DMBC Open Space Officer** – No objections subject to condition.
- 8.15 **DMBC Pollution Control** – No objections subject to conditions
- 8.16 **DMBC Area Manager** – No response received.
- 8.17 **DMBC Air Quality** – No objections subject to condition.
- 8.18 **DMBC Affordable Housing** – No objection as the site is capable of accommodating on site affordable housing.
- 8.19 **DMBC Flood Risk (Policy)** – Objection on the basis of the Sequential Test methodology.
- 8.20 **Ward Members:**
 - **Councillor Houlbrook** – Previously supported the scheme but would like for the highways issues to be fully considered as part of the application.
 - **Councillor Blackham** – Previously supported the application and spoke in support of the application.

9.0 **Assessment**

9.1 The proposal seeks outline permission for the erection of 35 dwellings with associated infrastructure including parking, hard surfaces, public open space. In considering the proposal the main material planning considerations are outlined below:

- The acceptability of residential development
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the existing trees
- The impact on the ecology of the site
- Flooding and Drainage issues
- Whether there is an impact on the nearby rail network
- Financial contributions

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

- Substantial
- Considerable
- Significant
- Moderate

- Modest
- Limited
- Little
- No

Appropriateness of the proposal

- 9.3 The site lies within the Countryside Policy Area as allocated in the Doncaster UDP and within the broad extent of the Countryside Policy Protection Area as defined in the Core Strategy. The proposal should be primarily judged against Core Strategy policies CS2 and CS3 and policies ENV2 and ENV4 of the UDP. These policies protect the countryside from development that would not be appropriate such as major housing proposals and so the proposed development would not comply with these policies. The Local Plan currently carries substantial weight in the determination applications. At this stage the development plan remains the Core Strategy and Unitary Development Plan and decisions should be taking in line with the development plan. As set out in the policy section above, should the Local Plan become adopted the site will remain as Countryside meaning that residential development would not be supported in principle.
- 9.4 A recent appeal decision recovered by the Secretary of State (February 2019 – Ref: APP/F4410/W/17/3169288 – Mere Lane, Edenthorpe) concluded that UDP Policies ENV2 and ENV4 were out of date. The Secretary of State attached limited weight to policies ENV2 and ENV4 and applied the tilted balance in favour of sustainable development (as stated in paragraph 11 of the National Planning Policy Framework 2019). However, it should be borne in mind that this was the conclusion reached based on the specific circumstances of that application, which related to an urban extension of 600 dwellings to the Doncaster Main Urban Area.
- 9.5 Core Strategy Policy CS2: Growth & Regeneration Strategy identifies Thorne as one of 6 Principal Towns in the Borough which, alongside the Doncaster Main Urban Area and 2 Potential Growth Towns, are the focus for housing growth and regeneration over the plan period 2011-2028. The housing requirement for the plan period is expressed as a range of between 646 and 923 new dwellings for the town. The supporting text to the policy builds on this and states that the Principal Town's housing growth ranges will support market-led housing growth and service improvements provided a minimum requirement consistent with the lower end of the range is allocated to each town. Urban extensions will be necessary to accommodate the proposed growth (even at the lower end of the growth range) at Thorne and that any extensions to Thorne will require land in flood risk zone 3. Given CS2 clearly identifies that urban extensions for the Town will be necessary in order to meet the Core Strategy's housing requirement then by default this would require land that is currently designated as Countryside Policy Area in the UDP so requires further consideration against the Town's progress towards meeting its housing requirement.
- 9.6 In terms of progress towards Thorne's Core Strategy indicative housing requirement, annual monitoring as at 1st April 2019 shows that during the plan period 311 net new dwellings have been built so far (see Table 1 below). As at the same base date, the monitoring identifies a further supply of deliverable/developable permissions at the Principal Town of Thorne of 312 net new dwellings (see Table 2 below). Completions and deliverable/developable supply therefore totals 623 units compared to the target of 646 to 923. In other words, 96% of the Towns requirement has been identified based on the bottom of

the growth range, or 67% if using the upper end of the range, by year 8 of the plan, with a further 9 years of the plan remaining.

TABLE 1: Housing Completions (Net) 1st April 2011 – 31st March 2019 – Source: Residential Land Availability Reports

Settlement	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total
Thorne	3	18	23	46	47	7	52	115	311

TABLE 2: Planning Permissions Supply as at 1st April 2019 – Source: Residential Land Availability Report 2018/19

Settlement	Units Remaining (Net Units)
Thorne	312

- 9.7 As well as completions and commitments, there are other sources of housing supply identified at the Town such as: the Draft Thorne-Moorends Neighbourhood Plan; and/or, remaining UDP Housing Allocations; and/or, sites included in the 5-Year Housing Land Supply Statement 2019-2024 not yet permissioned so not already included in the supply figures above. These sites have potential for an additional 379 net dwellings for the Town and would take the supply at Thorne well beyond the top of the growth range (+79 dwellings) with over half of the plan period remaining as per the summary set out at Table 3.

TABLE 3: Housing Requirement/Supply Summary & Residual Plan Period Requirement

A	LDF Core Strategy Plan Period Requirement (Policy CS2)	646-923
B	Completions 2011-2019 (Net)	311
C	Supply from Extant Permissions 01/04/2019 (Net)	312
D	Other Sources Of Supply (Net) – Draft Thorne & Moorends Neighbourhood Plan, 5-YHLS Statement 2019-2024; UDP Allocations & Urban Sites	379
E	Total Supply Identified (Net)	1,002

- 9.8 In addition to this, the Council can demonstrate a 5-Year Deliverable Housing Land Supply and this has been rigorously tested. The same Appeal decision as per the above (February 2019 - Ref: APP/F4410/W/17/3169288) also concluded that *“The Secretary of State notes that there is some dispute between the main parties as to whether the Council can demonstrate a five year housing land supply. While he notes that the applicant has used an alternative approach to calculate the figure, the Secretary of State considers that the standard methodology should be used, in line with the Framework. Using this, the Secretary of State considers that Doncaster Council’s annual requirement is circa 600 homes per year, and that based on forecast levels of supply, they can currently demonstrate over ten years supply of housing land.”* Given the progress of the Town towards meeting its LDF Core Strategy housing requirement at a relatively early stage of the plan period it is not considered justified or necessary to release further urban extensions on land designated as Countryside Policy Area at this time and therefore a policy objection

has been received in respect of the current application and this weighs substantially against the proposal.

- 9.9 As set out above, since the resolution of planning committee in August 2020 to grant planning permission, further progress has been made in respect of the Local Plan. The weight afforded to the Local Plan in the determination of the planning application is substantial. The sites allocation will not change should the Local Plan be adopted and it will remain as Countryside Policy Protection Area (CPPA). This weighs substantially against the proposal.

Sustainability

- 9.10 The National Planning Policy Framework (NPPF 2021) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.11 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

SOCIAL SUSTAINABILITY

Impact on Residential Amenity

- 9.12 The properties most likely to be affected by the development are those located on Sidings Grove (east of the site). Whilst indicative, the amended plans have been carefully designed so as to minimise the impact of the development on existing neighbouring properties. As previously set out, Doncaster's SPD sets out required separation distances in order to minimise issues such as overlooking, over dominance and loss of privacy. In general terms, principle and rear elevations should achieve 21m separation between the neighbouring equivalent and the indicative plan shows that these separation distances can largely be achieved. It should be noted that the current proposal is submitted in outline seeking permission for the principal of development and access. Matters such as layout, scale, appearance and landscaping would form reserved matters which would require consideration in their own right.
- 9.13 The SPD also makes clear that there should be at least 10m separation between the rear elevation and the rear boundary with neighbouring properties. Again the indicative plan shows that proposed properties along the eastern boundary can achieve the 10m required.
- 9.14 Whilst it is acknowledged that the view from many of the properties on Sidings Grove will change, there is no right to a view. Moreover, the indicative plan is able to demonstrate the necessary separation distances to safeguard the amenities of neighbouring properties.
- 9.15 Whilst matters of flood risk are dealt with later within this report, the applicant has confirmed that it is their intention to carefully consider the heights of the proposed dwellings on the eastern boarder of the application to ensure that they would not overbear or over dominate neighbouring properties on Sidings Grove. In any event

matters of scale are a reserved matter and as such should permission be granted consideration as to the scale of the development will be considered in full at that stage.

- 9.16 Consequently it is considered that the proposal would not adversely affect neighbouring properties in terms of excessive levels of overlooking, over dominance, loss of privacy or overshadowing. This weighs positively in favour of the application carrying moderate weight.

Conclusion on Social Impacts.

- 9.17 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affect by the proposal in accordance with policy CS14. The proposal has been able to adequately demonstrate that residential development can be achieved on the site without adversely affecting the residential amenity of neighbouring properties through overlooking, over dominance or loss of privacy.
- 9.18 It is anticipated that the proposal would lead to some noise and disturbance being generated whilst construction is taking place, however this is considered to be short term when considered against the lifetime of the development. Notwithstanding this, planning conditions could mitigate this harm through the submission of a Construction Impact Management Plan and Construction Method Statement and as such this is considered to carry limited weight against the proposal.

9.19 ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 9.20 This application is being presented to planning committee in advance of the adoption of the Local Plan. As such the Unitary Development Plan and Core Strategy remain the development plan documents to be given full weight. Policy ENV2 makes clear that the countryside should be protected in order to safeguard it from encroachment.
- 9.21 Policy ENV4 goes onto to make clear that developments should be sited, designed and, where necessary, screened so as to minimise its impact on and wherever possible enhance the character, landscape and nature conservation value of the local environment. Core Strategy Policy CS3 makes clear that development in the Countryside should protect and enhance the character of the countryside.
- 9.22 As set out above, the principle of development is not acceptable and the development would inevitably lead to the encroachment of residential development into the countryside. It is acknowledged that the proposal would seek to emulate the character of the that immediate adjacent to the site , however the site and surrounding area is a relatively flat landscape and the introduction of a development of approximately 35 dwellings is likely to have an impact on the character and appearance of the area.
- 9.23 Views of the site are most likely to be taken via Alexandra Street, neighbouring properties to the east as well as from a public footpath that runs parallel to the railway line, meaning that views of the site could be taken across open fields. In order to mitigate this, one solution could be to include additional landscaping, however this would take many years to establish and it is unlikely that this would

mitigate against the harmful visual impact that the development will have. Taken in the round, it is considered that the application does not comply with policy CS14 of the Core Strategy and policy ENV53 of the Doncaster UDP leading to encroachment into the countryside having a detrimental impact on the character of the countryside as it neither protects nor enhances its appearance. This significantly weighs against the proposal.

Highways

Access

- 9.24 One of the principle concerns raised by residents is specifically in relation to traffic generation and the impact of the development on the capacity of existing junctions namely where Alexandra Road meets with King Edward Road.
- 9.25 Policy CS 14 lists quality, stability, safety and security of private property, public areas and the highway; and permeability as qualities of a successful place. Policy CS 9 of the Doncaster Council Core Strategy states that proposals will be supported which make an overall contribution to the improvement of travel choice and the transport network.
- 9.26 As noted above, consent is sought for a proposed access leading from Alexandra Street. Plans have been submitted have allowed for a give way junction where the development site meets with Alexandra Street.
- 9.27 During the course of the application Doncaster's Highways Development Control team have been consulted and sought amendments to the indicative plan. On receipt of this information, the highway development control team have considered that the access arrangements for the site are acceptable with the visibility splays and priorities that are shown.

Road improvements - impact on highway network and capability for emergency vehicles to access Alexandra Street.

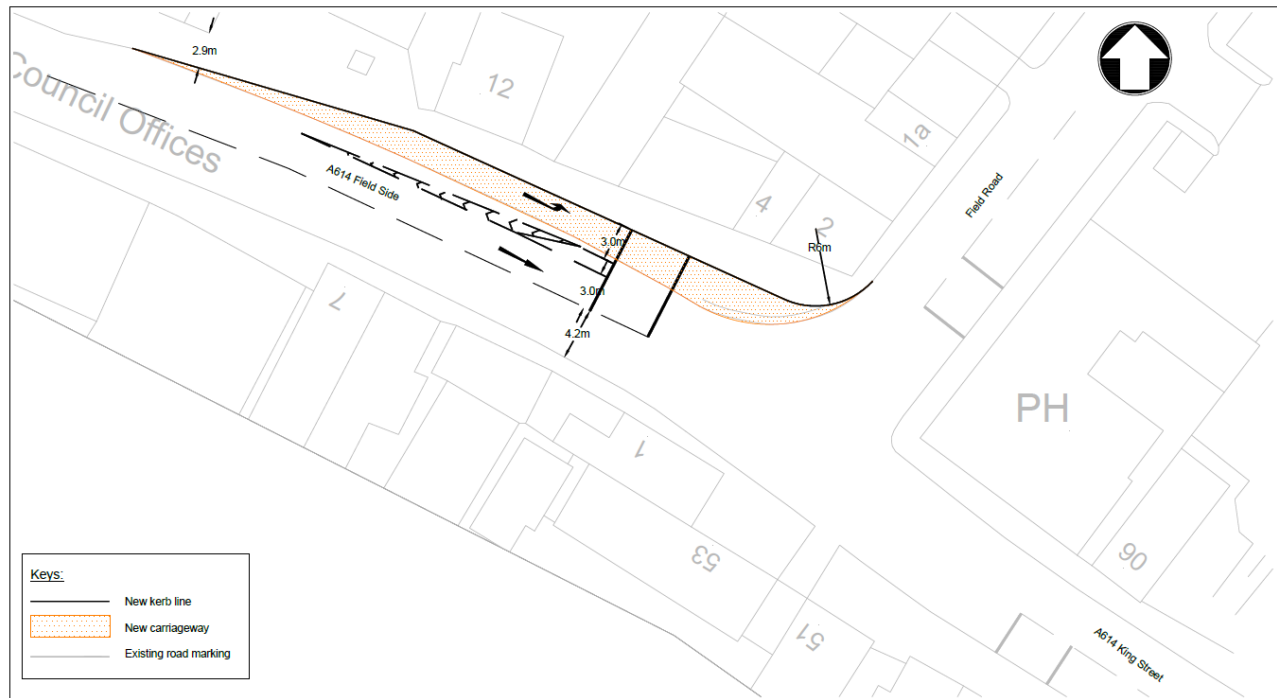
- 9.28 Concerns have been raised that the proposal would lead to further pressure at the junction where Alexandra Street meets with King Edward Road. Paragraph 113 of the NPPF (2021) states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a Transport Statement or Transport Assessment (TA) so that the likely impacts of the proposal can be assessed. A TA has been submitted and consultation has taken place with Doncaster's Highways Transportation Team who considered the proposal in combination with the application to the south (reference 19/00099/OUTM) which seeks permission for 207 dwellings in outline. Initially some concerns were raised about the report in relation to width and radius of the turning manoeuvres as well as requiring additional justification in relation to intergreen timings and swept path analysis.
- 9.29 As a result of the issues raised, additional information was provided in the form of an addendum to the TA. This provided additional justification for the improvements proposed as well as additional information in relation to the modelling data used. In short the road improvements include:

1. Mitigation to the Field Side / Field Road / King Street signalised junction
2. Mitigation to the A614 Selby Road / Omega Boulevard signalised junction

3. Widening of west of Alexandra Street, Lands End Road.

9.30 West of Alexandra Street, Lands End Road is to be widened to 6.4m with 2.0m footways provided on either side leading to a new priority-controlled junction into the proposed development. The main priority through the new junction will be into the development resulting in a change of priorities on Lands End Road. As such, 'Give way' carriageway markings are proposed on Lands End Road. The kerb arrangement along the western side of the development access road and the northern side of Lands End Road are such that they form a right angle at the give way rather than following the bend around. This reduces conspicuousness of the bend increasing the risk of inappropriate approach speeds and possible loss of control type collisions. Details of this layout can be seen in appendix 3 of this report.

9.31 The proposal also recognises the need to for improvements to be made at Field Side / Field Road / King Street signalised junction in Thorne Town Centre. This involves widening Field Side to provide two lanes at the stop line and an indicative plan is included below:



9.32 Finally, consideration has also been given to mitigation to the A614 Selby Road / Omega Boulevard signalised junction. It was observed when undertaking the Road Safety Audit in association with the proposal that the pedestrian crossing on the Selby Road exit (Stage E in the existing signal specification) never changed to green during the morning peak and only changed seven times during the PM peak. Consequently it is proposed to make minor changes to rationalise the existing following intergreen time for pedestrian crossings resulting in the junction operating with spare capacity.



- 9.33 Objectors are concerned that the proposal would result in additional household waste being generated. Doncaster's Highways Development Control team have assessed the revised plans and are content that the road layout is capable of accommodating a refuse vehicle and consequently, would be subject to normal refuse collection protocol. The road improvements and the access that is proposed is considered to be able to adequately accommodate emergency vehicles.
- 9.34 This impact is not considered severe. Importantly, the NPPF (2021) makes clear at paragraph 111 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."
- 9.35 In this case, the access arrangement proposed have been technically assessed and are considered to meet with the technical specifications. In addition a Transport Assessment has been submitted with the application to consider implications on the wider highway network and potential road/signal improvements. In this case, the improvements set out above would satisfactorily address the concerns related to traffic and will be secured via a S106 agreement required in order to make the development acceptable. This weighs positively in favour of the application carrying moderate weight.
- 9.36 Finally, Highways England have been consulted as part of the application and have commented that 'having reviewed the further submissions in the current consultation, these are related to improvements which are not on the Strategic Road Network and so we have no further comment'. No objections have therefore been raise by Highways England.

Loss of agricultural land

- 9.37 Agricultural land classification maps (Natural England – Yorkshire and Humberside ALC) indicate that the soil quality within the site is Grade 3B ‘moderate.’ The land has negligible agricultural value however given its size and proximity to existing built form and is not currently in agricultural use. There is therefore no loss of high quality agricultural land and the proposal complies with policy CS18 of the Core Strategy and Policy 60 of the emerging Local Plan.

Network Rail

- 9.38 During the course of the application, Network Rail objected to the application on the basis that the proposal would increase the possibility for people to cross the railway line therefore increase the risk at the pedestrian crossing. Additional clarity has been sought with the developer and Network Rail and an intimal objection was received in relation to the development on the grounds of the potential impact of the proposals on operational railway safety at the adjacent Lands End Road pedestrian level crossing.
- 9.39 An additional technical noted was submitted by the applicant as an addendum to the Transport Assessment in order to provide further information to Network Rail. It took account of public rights of way, usage patterns of the railway crossings as well as the catchment area for any potential crossings.
- 9.40 The report considered the location of residential areas, amenities and facilities in Thorne, and the most likely walking routes between these and the development. The quality of these walking routes has been considered, as well as onward connectivity and general pedestrian provision. Count data from the Lands End Road level crossing has been studied in order to understand patterns of current usage.
- 9.41 The results of this analysis indicate that walking and cycling trips between the proposed development and facilities in Thorne (including the town centre, Capitol Park and Thorne North station) are unlikely to use the Lands End Road level crossing. The level crossing provides the longest and least direct of any of these routes. It was therefore concluded that any potential increase in level crossing usage would be related to the employment sites at The Range and BMW or recreational walking trips.
- 9.42 The report concludes that an additional 8 recreational trips could be generated per day, comprised of 4 return journeys. A further ten work-related trips could also be generated, however this would be dependent on new residents being employed at the sites to the west of the level crossing, which is subject to a high degree of uncertainty. Therefore, the estimated additional trips over the level crossing as a result of the proposed housing development would fall between the range of eight to eighteen trips over a 24-hour period.
- 9.43 On this basis Network Rail have been able to remove their objection subject to a suitably worded condition in relation to s standoff area for any waterbodies adjacent to the railway. It is considered that the potential for additional trips is of such a low scale that there would be no significant increase in risk.

Flooding and Drainage

- 9.44 The application site lies within an area designated as Flood Risk Zone 3 benefiting from flood defences. The Environment Agency have been consulted as part of the application and originally objected to the application. An updated Flood Risk Assessment (FRA) has been submitted and the environment agency confirmed in December 2019 that they were able to remove their objection subject to a suitably worded condition. It then turns to determine whether the proposal has adequately applied the Sequential Test and Exceptions Test.
- 9.45 The NPPF (2021) makes clear that residential developments within high flood risk zones should look to apply the Sequential Test (ST). Paragraph 162 sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 9.46 Table 3: Flood risk vulnerability and flood zone 'compatibility' sets out the circumstances where the Exceptions Test should be applied. Residential development is classed as more vulnerable and this in combination of the site being classified as Flood Risk Zone 3 triggers the need for an Exceptions Test.
- 9.47 At paragraph 164 of the NPPF (2021) it states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
- a) *the development would provide wider sustainability benefits to the community that outweigh the flood risk; and;*
 - b) *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*
- 9.48 The Council's Development & Flood Risk Supplementary Planning Document (SPD – adopted 2010) sets out the approach to the sequential test for the Borough of Doncaster. Proposals at Principal Towns should look elsewhere in the same settlement (as per UDP boundaries) for sites reasonably available and at a lower risk of flooding first and foremost. However, given this proposal is an urban extension on land currently designated as Countryside Policy Area it is correct for the applicant to also look at sites both within Thorne as well as other possible urban extension sites to the Town. Although this is a slight deviation away from the SPD (which would require proposals on Countryside Policy Area to undertake a borough-wide area of search) this narrowed search area has been accepted previously on the grounds that the Core Strategy post-dates the SPD and, in line with CS2, there is sufficient justification to look at the Principal Town alone. Similar arguments and justification for a revised approach than that set out in the SPD has also been required at the Renewal Towns. Table 3 therefore confirms that these can be larger housing proposals either on land allocated for housing in the UDP or windfalls on land allocated for other purposes e.g. employment, and notes that in the latter case these will be departure applications and will raise other policy issues. Table 4 goes on to state that the test needs to look for sites at a lower risk of flooding that can individually, or in combination, accommodate the development. Page 56

- 9.49 The applicant's Sequential Test document was prepared by Stantec/PBA (January 2019). However, the approach taken does not adhere with the SPD as summarised above, nor does it justify why an alternative approach has been followed. Para 2.23 of the report correctly identifies the site is designated as Countryside Policy Area. Para 2.26 then refers to the SPD as setting out the appropriate search for sequential testing. The applicant however then goes on to set out their own methodology for the search which is contrary to the SPD for example only considering sites that are the same size as the proposal +/- 25%. The conclusion being that there are 3 potential sites identified but they are all FRZ3 so sequentially no better than the applicant's site and the test has been passed therefore.
- 9.50 This approach is not considered acceptable as it does not accord with the adopted SPD which states that the test needs to look for sites that can individually or in combination accommodate the development, these can also include larger proposals. Based on the 2018 HELAA Update/Residential Land Availability Report 2018/5-Year Housing Land Supply Statement 2017-2022 alternative sites have been identified (site Refs: 133; 396; &, 510) as being sequentially preferable and reasonably available at the time being. The capacity of these 3 sites is 105 dwellings in line with the supply identified above within the principle of development section. Consequently, the conclusions/summary identified within the applicant's submission are not agreed.
- 9.51 As residential development is classed as more vulnerable by national policy and its supporting guidance, then both parts of the exceptions test must also be met in line with NPPF para.160 and Policy CS4. Part 1 requires demonstration that the development provides wider sustainability benefits to the community that outweighs the residual risk. This shows that the site has a mixed performance across the Sustainability Appraisal (SA) objectives/sub-objectives and 33 detailed criteria with a range of potential positive, neutral, and negative effects. The national guidance states that "If a planning application fails to score positively against the aims and objectives of the Local Plan Sustainability Appraisal or Local Plan policies, or other measures of sustainability, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so. Where this is not possible, the Exception Test has not been satisfied and planning permission should be refused."
- 9.52 Part 2 requires that the development will be safe for its lifetime (given to be 100 years) taking into account the vulnerability of its users without increasing flood risk elsewhere and, where possible, reduce flood risk overall.
- 9.53 The applicant's Exceptions Test is set out in the same document as the Flood Risk Assessment (Stantec/PBA December 2018). The applicant's supporting information contends that the Exception Test demonstrates the proposed development provides wider sustainability benefits to the community, which outweighs flood risk, and that suitable mitigation can be incorporated to demonstrate that the development will be safe for its lifetime. On this basis, the applicant claims that it is considered that the requirements for the Exception Test are likely to have been satisfied. However national policy makes clear that the exceptions test should only be applied in the event that the Sequential Test (ST) has been passed. In this case the Council do not consider that the ST has been passed. In any event, as set out above the proposal would lead to encroachment into the countryside and there are concerns that the development on the whole does not provide wider sustainability benefits to the local community. On balance whilst it is acknowledged that the Environment Agency have removed their objection subject to a suitably worded condition, as the proposal has

failed to adequately demonstrate that the Sequential Test and Exceptions Test have been passed, this weighs negatively against the proposal carrying significant weight.

Trees and Landscaping

- 9.54 The survey area is approximately 1.1ha in size and located at the northern edge of the market town of Thorne, Doncaster.
- 9.55 The site comprises a single field, currently grazed by horses, surrounded by overgrown hedgerows. Young hawthorn scrub dominates the northern section of the grassland and there is further scattered hawthorn in other areas of the site. A small wooden storage shed is located near the southern boundary, within a fenced area of bare ground and hay bales.
- 9.56 The site is bounded by Lands End Road to the south, whilst there are further fields immediately north, west and east. A railway line runs north-east / south-west approximately 100m west of the site, with the M18 beyond. In the wider area, the village of Moorends is to the north and residential areas of Thorne to the south and east.
- 9.57 The tree survey revealed nine items of vegetation – two individual trees, three groups of trees and four hedgerows. Of those, one tree and all four hedgerows were identified as retention category B, whilst one tree and three groups of trees were identified as retention category C.
- 9.58 The field is surrounded by tall, overgrown hawthorn *Crataegus monogyna* hedgerows (H1 to H4), which are developing into dense scrub. The western hedge (H3) includes a section of blackthorn *Prunus spinosa*. The hedges appear to be well established and have been identified as retention category B as they create dense boundary features / corridors.
- 9.59 A single oak *Quercus robur* tree (T1) is located in the boundary near the southern corner of the site and has been identified as a category B tree. It is a multi-stemmed tree with rubble piled around the base. Other trees include a young self-seeded multi-stemmed ash *Fraxinus excelsior* (T2) and willows *Salix cinerea* (G1, G2), all identified as retention category C.
- 9.60 An area of hawthorn scrub (G3) is located in the north of the field and although young it is very dense.
- 9.61 A copy of the tree survey is available to access via Doncaster's Public Access page (www.doncaster.gov.uk/services/planning/planning-applications-online-public-access) the survey plan was received on the 15th January 2019.
- 9.62 Doncaster's Tree Officer has commented that The hedgerows bordering the site ("mostly trees" or "tree studded hedge" in our database) derive from the Hatfield, Thorne, Fishlake, Stainforth & Sykehouse Enclosure Award of 1825. The site plan appears to keep these out of the individual gardens which is welcome in principle. No objections have been received by the tree officer subject to a suitably worded conditions in relation to tree protection and landscaping. It is considered that these suitably worded conditions could mitigate any potential harm through via tree protection and the requirement for a landscaping scheme. This is considered to weigh neutrally in the balancing of the application.

Ecology and Wildlife

- 9.63 Doncaster's Ecologist has been consulted during the course of the application and has raised no objection to the proposal. However additional surveys were required specifically in relation to Great Crested Newts. An updated reptile and Great Crested Newt survey has been provided and following the submission of this information, Doncaster's Ecologist has commented that there are no objections subject to suitably worded conditions in relation to the Construction Environmental Management Plan (CEMP), Landscape and Ecological Management Plan, lighting strategy plan.
- 9.64 In line with Paragraph 174 of the NPPF, planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Doncaster's Ecologist originally explored the need for net gain biodiversity offsetting and this was achieved through the submission of a revised biodiversity metric for this site. This simply assesses the baseline unit value of the site as it stands at present. The difficulty with the submission of an outline application is that final layout is not currently being considered and therefore an assessment about what would be lost and what would be retained or enhanced is difficult to achieve. At the time the application was presented to committee in August 2020 the approach taken was to set a precautionary maximum possible S106 contribution, at this outline stage, as if the entire site were to be cleared. The revised metric calculations indicated that total clearance of the site would result in the loss of:
- 1.99 units of hedgerow
 - 5.06 units of other habitats
- 9.65 In line with the NPPF applications need to deliver a net gain in biodiversity. So for a 10% net gain the developer should deliver approximately 5.6 habitat units and 2.2 units of hedgerows. At the time the application was presented to planning committee in August 2020 BNG calculations were very much in their infancy. It was calculated that this scheme should look to provide a maximum offsite contribution via a Section 106 of £54,976.
- 9.66 It is obviously not acceptable from a policy point of view for the entire site to be cleared as there is an expectation that green features will be retained or enhanced on site. Indeed this particular application will need to provide some habitat in order to satisfy protected species licensing requirements. It was therefore suggested that if permission is granted, that a condition be imposed requiring details of the biodiversity offsetting prior to the submission of the first reserved matters application. Once details of a site layout are available and the Local Planning Authority are able to confidently calculate how many units of biodiversity will be delivered on site then the section 106 contribution could be reduced accordingly.
- 9.67 As set out above, the position in relation to BNG has altered since the resolution made by planning committee in August 2020. A significant amount of work has been carried out into biodiversity net gain and the costs of delivering biodiversity units required to offset development impacts. In addition, a new biodiversity metric tool has been developed by Defra that replaces the beta test version that was originally used to assess this application. The change in metric and increased understanding of the costs involved in delivering biodiversity units mean that the figures provided in my previous comments are significantly lower than would actually be required to offset the development impact. As a result, the calculation of £54,976 previously

calculated would not be sufficient in order to deliver 5.6 habitat units or the 2.2 units of hedgerow needed to offset the development.

9.68 The error in calculating BNG is a mistake of fact known by the Local Planning Authority and as such it is considered appropriate to present this application back to planning committee so that they are fully aware of the change in circumstances and whether it would alter the resolution made by committee.

9.69 In light of this it is recommend that the S106 is drafted to require the following information be provided at reserved matters stage for approval in writing by the Local Planning Authority:

A Biodiversity Impact Assessment using the Defra 3 Metric that details how a minimum 10% net gain in Biodiversity shall be secured post development. This shall include:

- Details of on site mitigation and unit delivery, and if required;
- Details of off-site offsetting measures.
- The contractual terms to secure the delivery of all onsite and offsite offsetting measures.

9.70 The S106 can offer flexibility to the developer in how any off-site units are secured. This may be through:

- The delivery of an offsetting scheme by the developer on land in their control and agreed as appropriate.
- The delivery of an offsetting scheme by a third party (Either through delivery of a bespoke scheme or purchasing the required units from a habitat bank).
- Payment of a per habitat unit fee of £25,000 to the Local Planning Authority to allow the subsequent delivery of the required biodiversity units.

9.71 It is vital to note that that the agreement to potentially accept a habitat unit fee by the Local Planning Authority would not mean that the complete loss of biodiversity on the site would be considered acceptable at reserved matters stage. A subsequent application must apply the mitigation hierarchy and demonstrate firstly how impacts will be avoided and the best habitats on the site retained in the context of the wider ecological network and species interests. The main habitats present on the site are grassland, scrub, hedgerows and a small area of woodland. The £25,000 per unit fee could be used to deliver any of these habitats. Separate unit fees are not proposed for the different habitats on the site. This is order to ensure that ecological best practice and the mitigation hierarchy principles guide the site layout rather than financial drivers based on a different habitat unit costs.

9.72 The per unit fee is derived from the following costs over a 30 year offsetting project that could be used to deliver grassland, woodland scrub or hedgerow habitats:

- Habitat creation, establishment and management (For example, site preparation, seeding/ tree planting/scrub planting, installing and maintaining fencing/stock management facilities, establishment management activities, ongoing management such as woodland thinning/ride creation, rotational scrub management, grazing stock management.
- Land acquisition (based on purchase of grade 3 agricultural land)
- Project development and management
- Condition monitoring and reporting

- A contingency fund (based on possible factors such as replacement fencing/planting/seeding costs or facilitating site access).
- 9.73 It is acknowledged that there is a large difference between the per unit figure proposed now and previously. This is due to a number of factors. The previous costs were conservative and based on a simple plan for grassland management involving taking a hay cut annually. The revised costs include fencing and low intensity grazing management, control of undesirable weed species as well as repeat treatments to try and improve the grassland diversity. This is much more labour intensive and the majority of the cost increase is due to the fact it is now recognised that, in order to achieve a good scheme, this type of habitat management would be required. In addition, the original costs did not factor in the need for condition monitoring surveys or ongoing project management both of which it is now considered would be required.
- 9.74 While the habitat unit figure proposed here may seem large, it should be noted that this would not translate to an enormous fee automatically being required at reserved matters stage for the following reasons:
- The project should be reassessed with Defra Metric 3 at the point of a reserved matters application. This assessment may slightly change the number of units present on the site although this is unlikely to be a large change (previously the site was assessed as having around 7 units). It is important to note that this does not mean that the habitats are now considered less important that they were. Unit outputs cannot be meaningfully compared between the two metrics.
 - Not all the habitats on the site will be lost to the development, and units will be delivered on site as part of proposed landscaping schemes once detailed planning applications come forward. This would mean that the financial contribution based on the habitat unit fee of £25,000 per unit would not be 25k multiplied by 7 units. For example if there was an outstanding requirement for 4 units, then the fee would be £100,000.
 - The market for selling biodiversity units is developing rapidly. It is anticipated that by the time a reserved matters application is submitted there will be schemes or habitat banks within Doncaster selling biodiversity units that would be suitable to act as compensation for the proposed development. The price such projects sell units for will be based on the costs of known projects so it is anticipated that a unit would cost less than the £25,000 per unit fee proposed here. As outlined above the S106 can be worded such that there is flexibility in whether units are bought on the market at the time of the reserved matters application or paid through the habitat fee payment proposed. Providing any offsite compensation on a scheme local to the site would be the preferred option for the local authority
- 9.75 It is considered that the revised calculation of BNG, amended S106 drafting and imposition of suitably worded conditions would adequately deliver suitable biodiversity offsetting for this scheme. Biodiversity offsetting is considered to carry moderate weight in favour of the application as it would result in betterment.

Pollution issues

- 9.76 Concerns have been raised by objectors that the site has the potential for pollution as well as wider pollution control concerns.

- 9.77 As part of the consultation process, Doncaster's Pollution Control Team and Air Quality teams have been consulted and originally requested an Air Quality Assessment (AQA). This has subsequently been provided and Doncaster's Pollution Control Team have raised no objections subject to a condition requiring air quality mitigation being submitted and approved in writing by the LPA. This is considered to weigh neutrally in the assessment of the application.
- 9.78 Concerns have been raised by residents in relation to additional noise pollution being created. It is anticipated that noise associated with the development will largely be confined to the construction of the site and whilst this is a negative aspect of the proposal it carries limited weight given the relatively short term nature of the harm.

Conclusion on Environmental Issues

- 9.79 Para.8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.80 In conclusion of the environmental issues, it is considered that issues in relation to trees, ecology, landscaping, highways, rail and pollution have been overcome subject to suitably worded conditions. Collectively these issues weigh significantly in favour of the application. However, issues in relation to flood risk and the impact of the development on the character of the countryside have not been overcome and this weighs against the proposal carrying considerable weight. Overall therefore, the proposal is considered to balance negatively in relation to environmental matters.

9.81 ECONOMIC SUSTAINABILITY

- 9.82 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.
- 9.83 On a wider level, additional housing will increase spending within the borough which is of further economic benefit in the long term.

9.84 Conclusion on Economy Issues

- 9.85 Para 8 a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

9.86 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

9.87 Planning Obligations

9.88 Concerns have been raised by objectors that the proposed development would have an adverse impact on existing facilities. Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

9.89 Paragraph 57 states that Planning obligations must only be sought where they meet all of the following tests

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

9.90 These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010. In the event that planning permission is granted, the following contributions would be required.

Affordable Housing

9.91 To accord with policy CS 12 of the Core Strategy, the scheme should provide 26% on site affordable housing, as more than 15 dwellings are proposed. In this case the development will need to provide 9 dwellings for affordable housing to be policy compliant.

Public Open Space

9.92 In the event that planning permission is granted the development should look to provide 15% on site open space in order to be policy compliant.

Education

9.93 Policy CS 1 (A) of the Core Strategy states that as a means to securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported which contribute to the Core Strategy objectives and in particular provide opportunity for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities. As such, the Education team have been consulted and 8 additional primary school places are required as well as 5 additional secondary school places with a total educational contribution calculated at £188,579.00.

Biodiversity offsetting

9.94 Paragraph 174 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by:

- d) minimising impacts on and providing net gains for biodiversity, including by

establishing coherent ecological networks that are more resilient to current and future pressures.

- 9.95 In line with the NPPF applications need to deliver a net gain in biodiversity. So for a 10% net gain the developer should deliver approximately 5.6 habitat units and 2.2 units of hedgerows. As set out above this would significantly increase the amount of BNG monetary compensation required to offset the development if the delivery of compensation did not come forward as part of the reserved matters application for the detailed design of the scheme. Should members resolve to grant permission the updated S106 requirement in respect of BNG would be required and this can be seen in Appendix 4 of this report.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 The site lies within an area shown as countryside in the Core Strategy and UDP, where policies do not normally allow for developments such as large scale housing schemes and the proposal is therefore contrary to policies CS3 and ENV4. Policy CS2 of the Core Strategy identifies Thorne as a Principal Town and sets a housing target of between 646 to 923 dwellings to be built across Thorne over the plan period up to 2028. The release of this site for housing now would be contrary to policy CS10 and would undermine the phasing aims of the Core Strategy. There is no pressing need to release this site for housing because 96% of the Towns requirement has been identified based on the bottom of the growth range, or 67% if using the upper end of the range, by year 8 of the plan, with a further 9 years of the plan remaining. The Council can demonstrate that it has a 5-year housing supply and so the policies within the development Plan are up-to-date. Although the site is within a location close to the centre of Thorne, its suitability for housing should be considered as part of the due process in preparing the Local Plan. The Local Plan has not earmarked the site as a future housing site and given the progress of the Town towards meeting its LDF Core Strategy housing requirement at a relatively early stage of the plan period it is not considered justified or necessary to release further urban extensions on land designated as Countryside Policy Area at this time. A policy objection has been received in respect of the current application and this weighs substantially against the proposal.
- 10.2 Although a Landscape and Visual Impact Assessment (LVIA) has not been submitted, it is generally considered that there would be no significant visual harm from the development, with there being a moderate adverse impact generated by the development when seen against the backdrop existing settlement of Thorne and the adjacent residential extension. Although scale and appearance are not a consideration at this stage, the moderate harm generated by the proposal is likely to be taken from properties to the east as well as public vantage points from the public footpath running northwards. Any landscaping proposed will take time to mature and is unlikely to mitigate against the visual impact that this development will have and consequently this weighs against the proposal carrying moderate weight.
- 10.3 The Transport Statement shows that the site can accommodate the extra traffic generated particularly when considering the mitigation measures highlighted as part of the TA. The ecological value of the site has been calculated and a commuted sum calculated in order to provide 10% net gain and this weighs (see south report) moderately in favour of the application.
- 10.4 There would be some benefits arising from the proposal including ^{Page 64} on-site provision of affordable housing and the creation of jobs during construction of the development,

but these material considerations do not outweigh the fact that the proposal is contrary to the Development Plan in that the site is countryside and is within Flood Zone 3 and there is no pressing need to release this site for housing at this stage. The proposal also has the potential to deliver biodiversity net gain, whether that be on site through the delivery of a Reserved Matters application or via a S106 monetary contribution. This is considered to weigh moderately in favour of the application.

11.0 RECOMMENDATION

Planning permission be **REFUSED** for the following reasons:

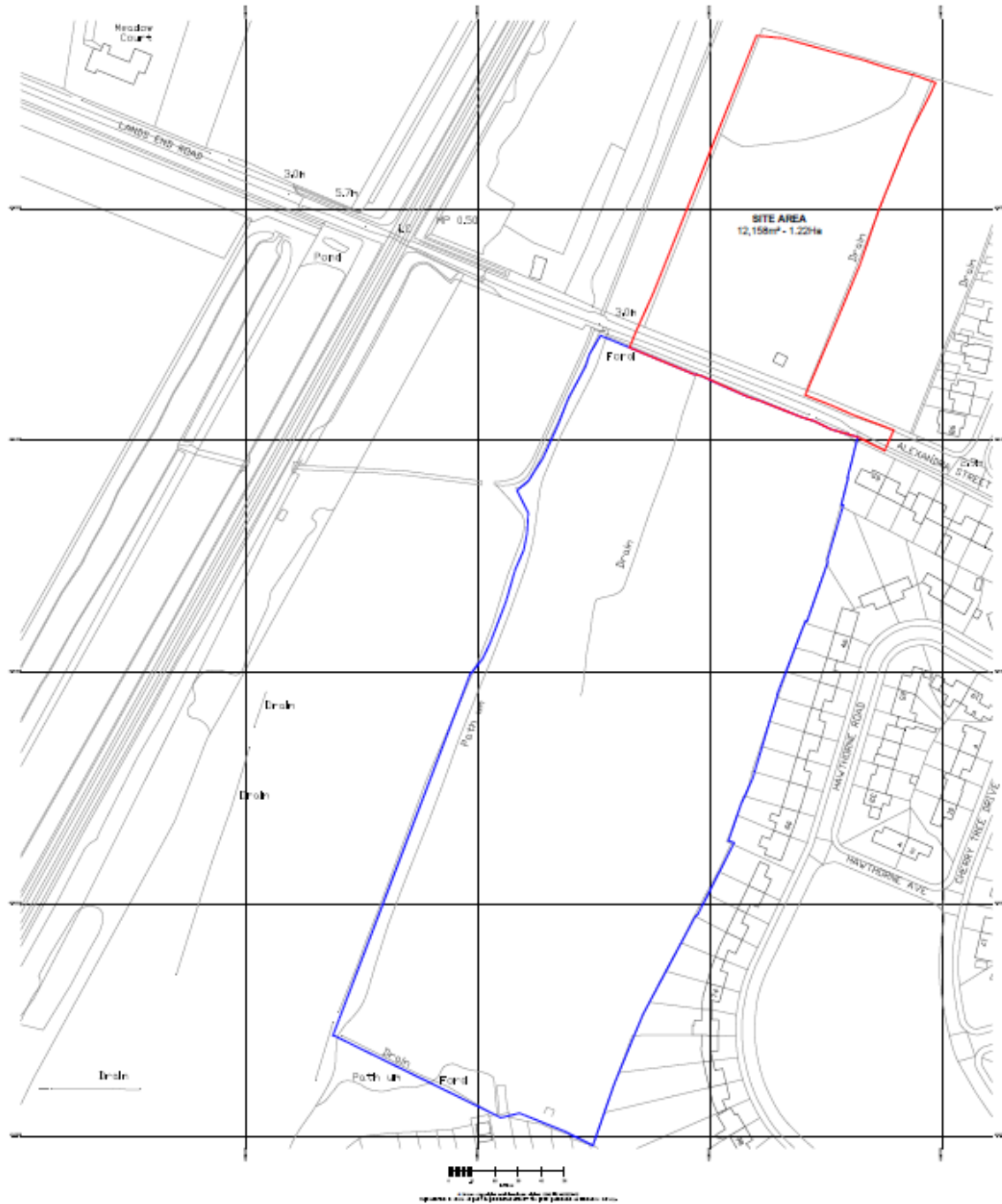
- 1) The application is contrary to policies CS3 of the Core Strategy and policy ENV4 of the Doncaster UDP, which do not normally allow for housing developments in the countryside. Whilst urban extensions will be necessary to accommodate the proposed growth at Thorne and that extensions to Thorne will require land in flood risk zone 3, it is not considered justified or necessary to release further urban extensions on land designated as Countryside Policy Area given the progress of the Town towards meeting its LDF Core Strategy housing requirement at a relatively early stage of the plan period.
- 2) It is considered that the proposal has failed to pass the Sequential Test for flooding, contrary to Paragraph 158 of the NPPF (2019) and Policy CS4 Part B (Flooding & Drainage) of the adopted Core Strategy (2012). Doncaster's Supplementary Planning Document (SPD) for flooding sets out the methodology used to undertake the Sequential Test and the application is at odds with the Council's SPD. In addition, the proposal is considered to fail the Exception Test as set out in paragraph 160 of the NPPF (2019) and LDF Core Strategy Policy CS4 Part B.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.

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

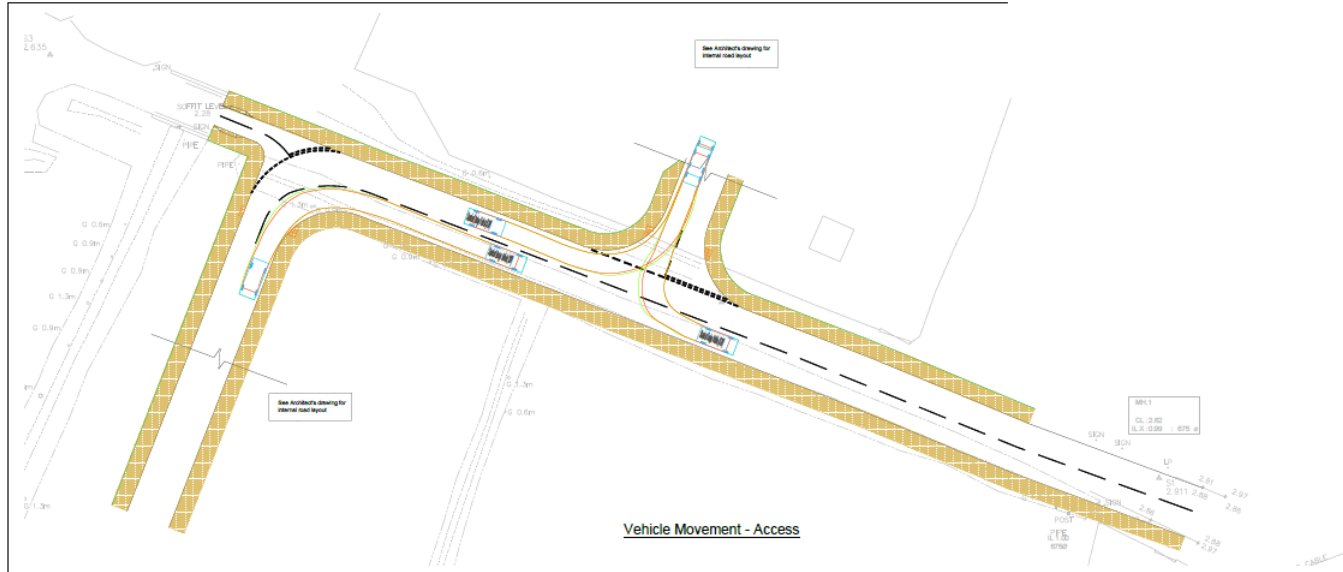
Appendix 1: Location Plan



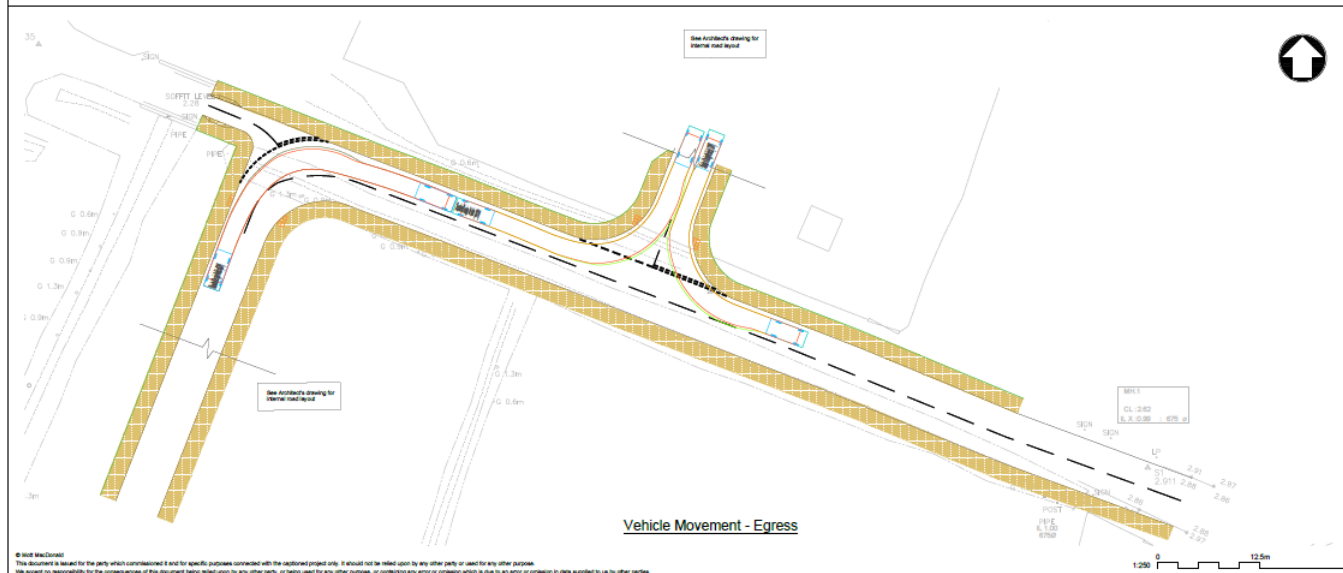
Appendix 2: Site Plan



Appendix 3 – Site Access



Vehicle Movement - Access



Vehicle Movement - Egress

Key to symbols

Standard Design Vehicle (SDV)	4.00m
Standard Lorry	7.00m
Standard HGV	10.00m
High Speed Train	2.00m
Low Speed Train	2.00m

Reference drawings

M2278-MMD-00-00-C-002	Vehicle Movements - Site Access, Detail Table
M2278-MMD-00-00-C-003	Partially Access Layout
M2278-MMD-00-00-C-004	Vehicle Movements - Site Access, Standard Day

PT	28.05.19	GS	Preliminary Issue
Rev	Date	Drawn	Description

M
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Client: Brookes Trust and Knox Trust

Title: Land off Alexandra Road, The Vehicle Movements - Site Access Standard Design Vehicle

Designed	G Smith	GS	Eng check	G Smith
Drawn	G Smith	GS	Coordination	-
Design check	-	-	Approved	M Star

Scale	A1	Status	PRE	Rev	P1
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Drawing Number: 385278-MMD-00-XX-DR-C-1

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Appendix 4 - Draft Heads of terms

In the event that planning committee resolve to grant planning permission the following heads of terms are considered necessary in order to make the development acceptable and should be secured through the signing of a S106 agreement:

- a) 26% Affordable Housing to be provided onsite.
- b) Proposal to provide 15% on site Public Open Space (POS)
- c) An education contribution towards additional school places equating to **£188,579**.
- d) Offsite highway mitigation at:
 - i) Field Side / Field Road / King Street signalised junction
 - ii) Mitigation to the A614 Selby Road / Omega Boulevard signalised junction
 - iii) Widening of west of Alexandra Street, Lands End Road.
- e) A travel bond of **£4,288.90** based upon a calculation of No. of dwellings x the current cost of a 28 day SY Connect+ ticket (currently £111.40) x 1.1.
- f) In conjunction with the submission of the first reserved matters application a Biodiversity Impact Assessment and Biodiversity Offsetting Scheme to assess biodiversity losses and gains and compensate for any biodiversity loss with a minimum 10% net gain, either through on site mitigation and/or by off site offsetting and/or by payment of an Offsetting Contribution calculated at £25,000 per Biodiversity Unit.

Appendix 5 – Draft list of Conditions

In the event that planning committee resolve to grant planning permission, the following conditions are considered to be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects to the development and are recommended to be imposed:

- 01. The development to which this permission relates must be begun not later than whichever is the later of the following dates:- i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters (as defined in Condition 03) or in the case of different dates the final approval of the last such matter to be approved.
REASON
Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.
- 02. In the case of the reserved matters (as defined in Condition 03), application for approval must be made not later than the expiration of three years beginning with the date of this permission
REASON
Condition required to be imposed by Section 92(as amended) of the Town and Country Planning Act 1990.
- 03. Approval of the details of the appearance, landscaping, scale and layout (hereinafter referred to as reserved matters) shall be obtained from the Local Planning Authority before the commencement of any works.
REASON
The application is in outline and no details having yet been furnished of the matters referred to in the outline they are reserved for subsequent approval by the Local Planning Authority.

04. Prior to the occupation of the development hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. Installation shall comply with current guidance/advice. The first dwelling/development shall not be occupied until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

REASON

To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with policies CS9 and CS18 of the Doncaster Council Core Strategy.

05. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to the Local Planning Authority for approval in writing. The plan shall include details of all the mitigation and avoidance measures to be implemented on the site during construction as outlined in the submitted Ecological Impact Assessment and Reptile and Great Crested Newt Report. The approved plan shall then be implemented in full.

REASON

In line with Core Strategy Policy 16 to ensure the ongoing ecological interests of the site.

06. With the submission of a reserved matters application a Lighting Strategy Plan shall be submitted to the local planning authority for approval in writing. This shall include details of all lighting proposed on the site post construction and how this shall be designed in order to ensure no negative impacts on bats and their habitats.

REASON

In line with Core Strategy Policy 16 to ensure the ongoing ecological interests of the site with respect to bats are maintained.

07. The development shall be carried out in accordance with the submitted flood risk assessment (ref July 2019 / 42866/4007/North / Peter Brett Associates LLP 2019 & email "Alexandra Street Thorne 19/00099/OUTM and 19/00100/OUTM" dated 12/12/2019), and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.5m above Ordnance Datum (AOD).
- Resistance and Resilience measures shall be included up to a level of 4.1mAOD
- All sleeping accommodation shall be above the level of 4.1mAOD (first floor and above)
- There shall be no impact on the flow of floodwaters or floodplain storage as a result of this development

These 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.

REASON

To reduce the risk of flooding to the proposed development and future occupants.

08. Prior to the operation/opening of the development hereby approved, an air quality mitigation plan shall be submitted to and approved in writing by the local planning authority. This plan should demonstrate how the damage costs have been utilised to offset vehicle emissions during the lifetime of the development. Measures in any

mitigation plan should be in addition to those provided as a requirement for other Planning matters. The mitigation plan should be implemented prior to the completion of the development.

REASON

To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with policies CS9 and CS18 of the Doncaster Council Core Strategy.

09. No development shall take place within a stand-off distance of 3.5 (three point five) at each side of the sewer centre-line and neither should trees be planted within 5 (five) meters of the sewer centre-line.

REASON

In order to protect existing drainage networks.

10. Prior to the first submission of an application for Reserved Matters for housing development, a Design Statement should be submitted and approved in writing by the Local Planning Authority. The statement shall inform all subsequent Reserved Matters submissions for development within the site unless otherwise agreed in writing with the Local Planning Authority. The statement should follow the layout structure and principles established in the illustrative masterplan. The document to be produced shall refer to and reflect the Council's current design policy and SPD, and cover the following key detailed design matters:

- o Movement hierarchy and street types- the network of streets and car free routes and how these integrate into existing networks, using street sections and plans to illustrate the hierarchy,
- o Urban design principles- how the development will create a permeable and secure network of blocks and plots with well-defined, active and enclosed streets and spaces,
- o Legibility strategy- how the scheme will be easy to navigate using gateways, views, nodes and landmarks for orientation,
- o Residential character areas- the different areas of housing within the site and details of the key characteristics of each zone in terms of layout, scale, siting, appearance, and landscape,
- o Architectural appearance, building details and materials- how the development responds to local building traditions and / or aims to create an appropriate and distinctive new attractive appearance informed by a local character appraisal and community engagement,
- o Open space character areas- the function, appearance and design principles for each key areas of open space,
- o Vehicle and cycle parking- including details of allocated and visitor parking strategies in line with the Council's parking standards,
- o Hard and soft landscape- including street surfacing, junction treatments, street furniture, signage, management and maintenance,
- o Boundary treatments- details of front, side, rear and plot division boundaries for each street type / character area.
- o Building for Life Statement- how BFL principles are to be met by the development (applicable to residential areas).

It is recommended for further detailed advice, applicants speak to the Council prior to developing the design statement.

REASON

To ensure a consistent and co-ordinated design approach, in the interests of the satisfactory function and appearance of the development.

11. Notwithstanding the illustrative layout shown on the site plan (ref. 2018-ID-30-PL001b dated November 2018), the layout of the proposed development shall be based on the principle of ensuring realistic long-term retention of all sound and healthy trees within and overhanging the site. The siting of any proposed building, carriageway, path, wall, service run, and built or excavated earthwork shall be based on the tree survey commissioned in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations and shall give full regard to the root protection area, shading potential and future growth of each tree and the aspect and topography of the site.

REASON

To ensure that appropriate trees are retained and given due consideration in site planning in compliance with core strategy policy CS16: Valuing our Natural Environment.

12. 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 in writing 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.

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

a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

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

c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved in writing by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and

surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

REASON

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

14. 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.

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

REASON

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

16. No construction of waterbodies shall be undertaken within 20m of the boundary with Network Rail unless otherwise agreed in writing with the Local Planning Authority.

REASON

In order to protect rail safety

17. The first submission of Reserved Matters for housing shall include a public open space delivery and maintenance strategy, which shall include details of the locations of open space within the overall development and the size and type open spaces, to be approved by the Local Planning Authority, and this shall be applied to all subsequent Reserved Matters submissions within the site. The first submission of Reserved Matters for housing shall also include details of the design, layout, future maintenance and arrangements for the long term retention of public open space within that phase of development and shall be carried out in accordance with the approved details.

REASON:

To ensure the adequate provision of public open space across the development.

18. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. 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

REASON:

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

19. Before any construction works are started on the application site, a Construction Impact Management Plan, indicating measures to be taken to mitigate the effects of the construction activity and associated vehicle movements upon the living conditions of neighbouring residents and highway safety shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall include provision for the following: the limitation of noise, the means of enclosure of the construction sites, and any proposed external security lighting installation; the control of dust emissions; the control of deposition of mud or debris on the highway, and the routing of contractors' vehicles. The mitigation measures so approved shall be carried out at all times during the construction of the development hereby approved.

REASON:

To safeguard the living conditions of neighbouring residents.

20. 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.

21. Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with clause 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the approved details and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- REASON: To ensure that all trees are protected from damage during construction in accordance with core strategy policy CS16: Valuing our natural environment

22. Prior to the commencement of the development hereby approved full details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. Unless as shall be specifically approved by the Local Planning Authority, the landscape scheme shall include a plan indicating the planting location of all trees and shrubs; a schedule including the nursery stock specification for all shrubs and trees in compliance with British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs and planting density/numbers; a detailed specification for engineered tree pit construction that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements supplementary planning document and a load-bearing capacity equivalent to BS EN 124 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a maintenance specification and a timescale of implementation, which shall be within 3 months of completion of the development or alternative trigger to be agreed. Thereafter, the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified prior to backfilling any engineered tree pits to inspect and confirm compliance and within seven days of the completion of landscape works to inspect and approve practical completion in writing. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.
- REASON
These details have not been provided and are required prior to commencement of development to ensure that a landscape scheme is implemented in the interests of environmental quality and compliance with Core Strategy policy CS16.

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Application	2
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Application Number:	20/03191/FULM
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Application Type:	FULL Planning Application
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Proposal Description:	Conversion of former Public House into 9 residential apartments and a community space within part of the ground floor, with external alterations and associated works.
At:	Eagle And Child 2 West Street Conisbrough Doncaster DN12 3JH

For:	Mr Paul Hastings
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Third Party Reps:	3 letters of objection and 1 letter of representation.	Parish:	N/A
		Ward:	Conisbrough

Author of Report:	Alicia Murray
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SUMMARY

The proposal seeks permission for the change of use of the former Eagle and Child, an existing pub, to 9 apartments with a community space on the ground floor. The site is in an edge of centre location with Conisbrough Town Centre. The proposal is considered to be acceptable in policy terms; as both national and local planning policies recognise that residential development can often play an important role in ensuring the vitality of centres is maintained. There would be no interruption to the shopping frontages and the area is a mixture of residential and commercial. Whilst, the loss of the public house has not been fully justified in line with Policy 51 of the Local Plan, it is considered that the benefits of proposal do outweigh the harm of the unjustified loss of this public house, furthermore there is a number of other public houses still operating within Conisbrough Town Centre and the proposal does include an alternative community space within the ground floor, albeit considerably smaller in scale than the former public house. It is considered that the proposed change of use would have a positive impact on the Conservation Area and would result in additional trees being planted within the local area. The proposal is not considered to harm the highway safety of the area and the development would provide a good level of housing environment for its future residents. This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to neighbouring properties, trees, local centres, the highway network or the wider character of the area.

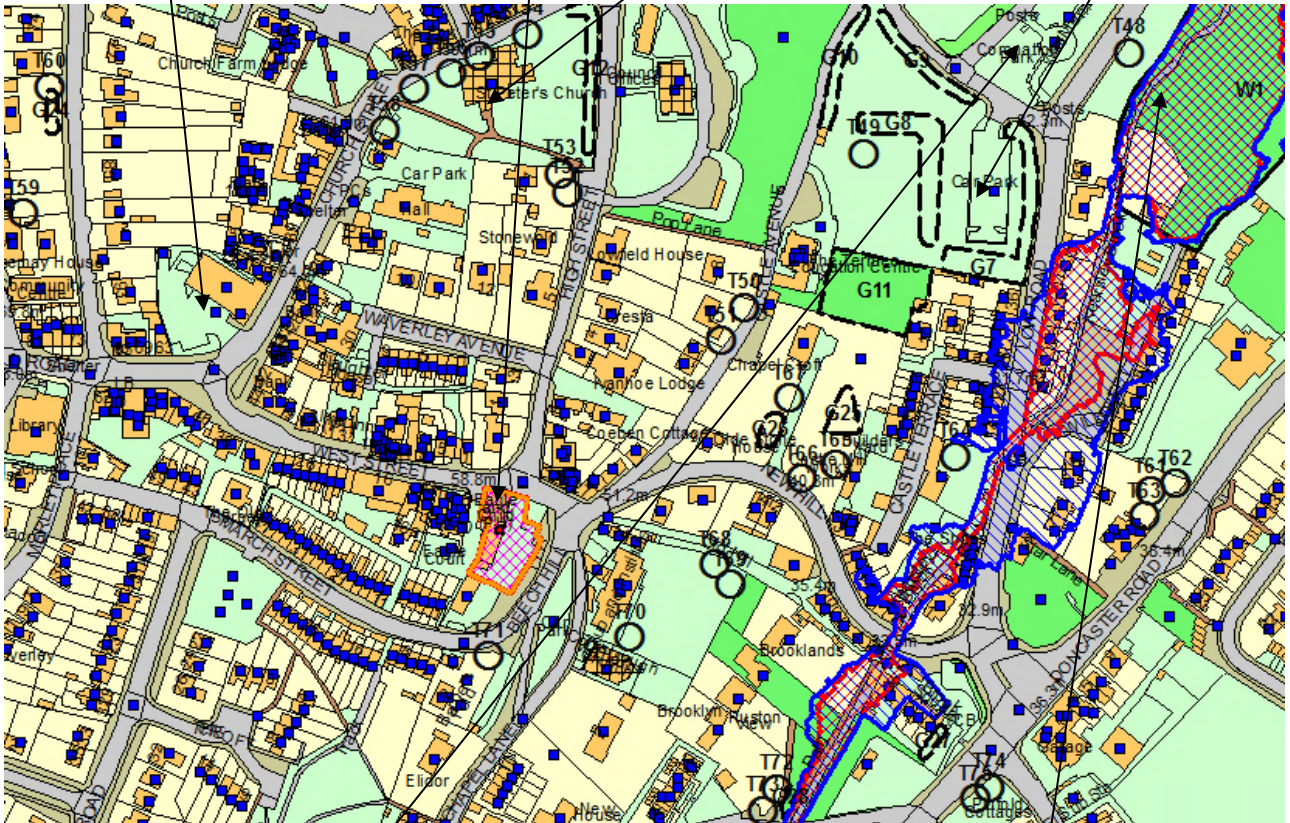
RECOMMENDATION: GRANT planning permission subject to the prior completion of a S106 Agreement and imposition of suitable conditions.

Sainsbury's Local
in Conisbrough
Town Centre

Application Site

St Peters Church

Castle Hill Car
Park



Coronation
Park/Conisbrough
Castle

Mill Piece/Low Road Play
Area

1.0 Reason for Report

1.1 This application is being presented to Planning Committee due to the objection and request to call in from Councillor Nigel Ball, who outlined the following reasons for objecting to the application:

1. *Parking issues*
2. *HMO over proliferation*

1.2 This current application has been amended in order to overcome concerns raised by the Case Officer and Consultees' in relation to the parking arrangement, size of apartments, bin storage, slight amendments to the external to address Conservation issues, and further justification for the loss of a community facility. The application was originally submitted for 11 apartments but has been reduced to 9, with the addition of a community space within the ground floor, to overcome the concerns raised.

1.3 The Applicant has also undertaken Section 106 negotiations for the provision of off-site trees, which cannot be accommodated within the site.

2.0 Proposal

2.1 Planning permission is sought for the change of use of the existing building to accommodate 9no. Apartments on all three floors and the provision of a community space on the ground floor for local community groups to utilise for meet ups, coffee mornings etc. The proposal does include some minor external alterations to the building, including re-rendering, replacement of some ridge tiles, roof lights to the northern elevation, blocking up of some openings and replacement windows and doors. The proposal includes the reconfiguration of the existing car park, provision of a bin store, and the utilisation of the former beer garden as an amenity area for the residents.

3.0 Site Description

3.1 The application site comprises an existing pub, to the west of the central core of Conisbrough Town Centre, with associated car parking space. Coronation Park, Mill Piece and Conisbrough Castle lie to the west and north (respectively) of the application site. The pub is currently vacant. The car park lies to the west of the existing pub.

3.2 The surrounding area is a mixture of residential and commercial uses, retail units to the immediate east of the site and residential properties to the north and east. Behind the site is an existing Scout facility.

4.0 Relevant Planning History

4.1 No relevant planning history.

5.0 Site Allocation and Relevant Policies

5.1 The site falls within Conisbrough Conservation Area and is designated as Commercial Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998). The site is proposed to fall within the Town Centre Boundaries allocation within the Emerging Doncaster Local Plan. This is not in a high risk flood zone being allocated as Flood Risk Zone 1 (FZ 1).

5.2 National Planning Policy Framework (NPPF 2021)

5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

5.4 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.

5.5 Paragraph 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.

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

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

5.7 Paragraph 55 states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

5.8 Paragraph 56 states that planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

5.9 Paragraph 57 states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;

- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 5.10 Paragraph 86 of the NPPF, which states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Part a) states that policies should allow town centres to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, to allow a suitable mix of uses, including housing. Part f) goes on further to say that policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 5.11 Regarding Highways: Paragraph 111 of the NPPF states, 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.
- 5.12 Paragraph 119 states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 5.13 Paragraph 126 of the NPPF states the creation of high quality, beautiful and sustainable 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.
- 5.14 Paragraph 130 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.
- 5.15 Paragraph 189 Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for existing and future generations.
- 5.16 Paragraph 197. In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 5.17 Paragraph 199 of the NPPF states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.18 Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.19 Paragraph 202 of the NPPF states 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 including, where appropriate, securing its optimum viable use.
- 5.20 Paragraph 203 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.21 Core Strategy 2011 - 2028
- 5.22 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).
- 5.23 In May of 2012 the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force (for example those relating to the non-residential use in a Residential Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.24 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs, protect local amenity and are well designed.
- 5.25 Policy CS2 identifies the site as a Principal Town under the settlement hierarchy. In Principal Towns the priority will be growth and regeneration. CS2 states the (D) Distinctive and vibrant communities will be supported through:
1. provision of local facilities and improved access to these by creating walkable neighbourhoods;
 2. physical regeneration including housing renewal and environmental improvement schemes;
 3. preservation and enhancement of the distinctive local character of the historic built and natural environment, a commitment to high quality design;

- 5.26 Policy CS7 (D) states that retail and other uses that would support the vitality and viability of the centres in the hierarchy below Doncaster town centre will be directed sequentially to these centres provided they: 1. Are of a scale and nature that is appropriate to the size and function of the centre; and 2. Would not lead to unsustainable trip generation from outside their catchment.
- 5.27 Policy CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.
- 5.28 Policy CS15 of the Core Strategy seeks to preserve, protect or enhance Doncaster's historic Environment.
- 5.29 Policy CS16 of the Core Strategy states that Doncaster's natural environment will be protected and enhanced.
- 5.30 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)
- 5.31 Policy SH1 states within commercial policy areas of small town and district centres, as defined on the proposals map will normally be granted for shops (A1) uses, subject to the provisions of Policy SH3 and Policy SH4 as appropriate other suitable uses may be appropriate including residential but this only specifies about ground floor level. No other development will be permitted if it would aggravate environmental, amenity, traffic, or parking problems or would conflict with other plan policies, or would be inappropriate in scale or type to the particular centres. Policy SH1 states that the development proposals for uses not listed will be considered on their individual merits.
- 5.32 Policy SH4 states that within commercial policy areas, other uses will normally granted provided that the development is not located within a primary shopping frontage area, would not detract from the character and vitality of the shopping centre or create an unacceptable length of non-retail frontages.
- 5.33 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. The desirability of preserving or enhancing the character or appearance of a conservation area will be a material consideration when dealing with proposals for new development outside a conservation area which would affect its setting or views into or out of the area.
- 5.34 ENV53 states that the scale and appearance of new development must have regard to its wider visual impact. Development will not normally be permitted if it would have a significant adverse visual impact on:
- A) views from major transportation routes; or
 - B) views across open countryside; or
 - C) views of important landmarks.

- 5.35 ENV54 states that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building. All features which contribute to the character of the building or surrounding area should be retained.
- 5.36 CF2 states that the loss of community facilities not defined on the proposals maps will be resisted, especially where that facility lies within an area deficient in community facilities.
- 5.37 Local Plan
- 5.38 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.
- 5.39 Paragraph 48 of the NPPF states that the LPA may give weight to relevant policies in emerging plans, such as the Local Plan, depending on the stage of the Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). Taking into account the Inspector's Report it is considered that all policies in the Local Plan can now be afforded substantial weight.
- 5.40 The Council is looking to adopt the Local Plan by Autumn 2021 (at which point all policies will be afforded full weight). The following emerging policies are considered appropriate in assessing this proposal:
- 5.41 Policy 23 looks at development within town centres, district and local centres. The policy states that outside any defined primary shopping area, proposals will be acceptable in principle for a wider range of town centre uses, non-town centre uses will be resisted unless it can be demonstrated that they will not negatively impact upon the vitality and viability of the town centre, with particular regard to the amenity of existing businesses and residents.
- 5.42 Policy 37 (Conservation Areas) states that proposal should take into account the identified significance contained in the Conservation Area Appraisal for the relevant designated area where published.
- 5.43 Policy 44 states that residential design should respond positively to the context and character of existing areas and create high quality residential environments through good design.
- 5.44 Policy 45 states that new housing should be designed to include sufficient space for the intended number of occupants.
- 5.45 Policy 47 (Safe and Secure Places) states that developments will be supported which are designed in a way that reduces the risk of crime and the fear of crime.
- 5.46 Policy 48 (Landscaping of New Developments) states that development will be supported which protects landscape character, protects and enhances existing landscape features, and provides a high quality, comprehensive hard and soft landscape scheme.

5.47 Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SYRDG) (2015)
- National Planning Policy Guidance
- Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990)

6.0 Representations

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

6.2 3 letters of objection have been received and are in regard to the following summarised points:

Received during original consultation:

- Insufficient parking spaces for the amount of apartments
- One way traffic area with a lot of on street parking
- No outdoor space, people will sit in groups in the car park area
- Windows of the rooms are very high and overlook other homes and impact privacy
- Overdevelopment of building/site
- Raising concerns about the tenure of the flats, for sale or rent
- Child safety and anti-social behaviour concerns
- Requesting improved security/fencing to the boundary shared with the Scout site
- Intensification of access and impact to highway and pedestrian safety.

Received after amended plans submitted:

- Objecting to amended proposal which includes community space, is there a need for this space within the community, resident has spoken with owners of property and is convinced that their intentions are to improve the area and provide decent accommodation. The resident is pleased that someone is going to improve the Eagle and Child and it will no longer be a public house which has had several noise complaints over the years.

6.3 1 letter of representation has been received and is summarised below:

- Neutral on the application as it has a potential to improve the area
- Do have concerns regarding the render colour agreed to by the Conservation Officer. Do not agree that the colour is in keeping with area and is not as fitting as the original dry stone appearance.
- Bin store is within the car park which is steep and a refuse vehicle cannot access the site, location of bin store could impact new residents given window positions.

- Does not wish the flats to be occupied by residents who will cause anti-social behaviour, crime and disorder in the community.
- Curious as to why there is a communal laundry room in the development, I can't see a lift being installed so how will people safely transport their laundry up and down the stairs?
- A pedestrian guard rail should be placed on West Street at the front entrance so those who emerge on to the narrow pavement are offered a degree of protection from traffic. I include young children in this who have no road sense or awareness of danger.

6.4 Case Officer's comments on representations:

- With regards to the parking spaces, the application has been amended to reduce the number of apartments and to accommodate 1 space per apartment. This is considered acceptable by the Council's Highways Team.
- The access is existing and the change of use would see a decrease in intensification from a public house to apartments. The access is considered acceptable for use by residents and refuse vehicles.
- The windows are predominately existing and the upper floors of the public house were used as manager accommodation so there would be no change in the usage of these windows on the upper floors. Furthermore, they are considered to be a sufficient distance away from neighbouring properties.
- The scheme has been reduced and is no longer considered to be overdevelopment of the site.
- Tenure of the flats and the types of residents within them are not material planning considerations.
- The applicant is willing to improve the fencing, this will be secured via condition.
- The community space being offered is small in size and is more focused around smaller community groups and would be suited for coffee mornings etc. the other community facilities in the area are more larger in size and would appeal to larger community groups. The addition of a community facility here is to help justify the loss of the public house as a community facility.
- The render has been installed pre-consent but has all been agreed to with the Conservation Officer and it is considered to be a positive contribution to the Conservation Area compared to the crumbling white render previously seen on site.
- The bin storage, manoeuvrability within the car park and access is considered acceptable by the Highways Officer and the Waste and Recycling Team.
- The use of the community laundry room is something the applicant has seen a requirement for in their other properties to which they own and manage, their wish to install one in this building is due to this and any risk should be outlined within their tenancy agreements. It is not a material planning consideration.
- The highways department have not seen it necessary or appropriate to insist in any off site highway works for this development, given the scale of the development and the intensification of the existing access.

- 7.1 Councillor Ian Pearson: Objects to the conversion of the pub to 11 apartments. Their size and space would be small and the pandemic should have taught us at least one thing that human beings require adequate space to live in. There will be no outdoor space whatsoever. This also is a big problem. The proposed parking space is wholly inappropriate for every flat there should be parking space for two vehicles. Yet there isn't even one space per flat for this proposal. The new windows will overlook numerous properties that have never been overlooked before. The surrounding area is a significant traffic blight spot. There are already problems with funeral and wedding vehicles being able to get to the church. The existing road layout at the side of and behind the property is a constant location of complaints due to double and triple parking blocking the roads and vehicles driving the wrong way up the one way system in order that people can park. Significant comment has been made by residents already that converting the site into flats or an HMO they would strongly object to due to the problems it would cause the local residents. No further comments have been received from Councillor Pearson following the submission of amended plans.
- 7.2 Environmental Health: No objection in principle to the proposed change of use from a public house to apartments. The building is surrounded by residential dwellings so the development is in keeping with the area and future occupiers are unlikely to be exposed to noise that would be detrimental to amenity.
- 7.3 South Yorkshire Police: No objections, the development should include Designing Out Crime measures.
- 7.4 Pollution Control: No objections, requested conditions relating to unknown contaminants being discovered on site during construction.
- 7.5 Air Quality: No objections, requested condition relating to electric vehicle charging points.
- 7.6 Conservation: The change of use is welcomed by the Conservation Officer as it brings the building back into use, however there are a number of concerns needing further consideration regarding: window replacement with UPVC; window size and position; blocking off of windows and the way this is completed; porch roof replacement; and finally requesting details of bin storage locations. The Conservation Officer outlined that there would be no objections following these amendments. Amended plans have been submitted and further window detail information provided, this has been reviewed by the Conservation Officer who no longer object to the application subject to conditions regarding the windows and roof lights.
- 7.7 Education: No contribution is required, due to the apartments being 1 bedroomed.
- 7.8 Local Plans (retail): No objections from a retail policy point of view however, the Planning Officer is aware other colleagues have raised concerns regarding the detailing of the proposal. They do also share the same concerns regarding the parking and impact on the street parking this proposal could lead to, as this is used daily by residents and visitors to the centre. These concerns have been resolved by the submission of amended plans and there are no longer objections from the highways officer and urban design officer.

- 7.9 Ecology: Given the size and age of the structure subject to proposals for conversion, the Ecology Officer considers that a preliminary bat roost assessment is required. The Assessment has been submitted and the Officer has provided the following comments; the bat surveyor has clearly stated that there are no internal roosts but some transitory roosting bats may make use of the gaps in the verge mortar and the gaps in the ridge tile mortar. It states that there is a proposal from the developer to not repair the mortar gaps in which case this would not impact upon the roosting bats that may be there. If we can ensure that the repair of the mortar does not happen the Ecology Officer would be able to accept this approach. Given the making good of the roof and the re-rendering of the property, it was considered that a nocturnal bat survey is required. This was submitted and reviewed by the Ecology Officer, who has no objections to the application subject to conditions.
- 7.10 Transportation: The number of apartments proposed does not trigger a need for any further assessment from a Transportation perspective. It is noted that cycle storage is proposed, this is welcomed.
- 7.11 Trees: The proposal will not impact on existing trees adjacent to the site. From a trees and hedgerows perspective the development needs to provide mitigation for any negative impacts it may have and help enhance the local area. Most major planning applications and some minor applications will be required to provide a landscape scheme. However on this site, including a soft landscaping scheme within the site isn't likely pragmatic due to the site constraints. As a result instead of including an onsite landscaping scheme, and in order to maximise the benefits of tree planting, the council will expect a minimum of 1 tree per dwelling based on the council's SPD.

With the proposal being for 8 new dwellings with there being no provision for onsite planting within the red line at the moment. A contribution for 8 trees off site would be acceptable from a trees and hedgerows perspective.

For the section 106 agreement. As the money will not be forthcoming until the next financial year at the earliest the contribution needs to be in line with the annual rate increase. Due to an increase in tree supply costs, the cost would be c. £278.25 per tree. Overall, providing the section 106 contribution is provided there is no objection to the proposal from a trees and hedgerows perspective.

- 7.12 Public Health: No objections but request the landscaping be useable spaces for the future residents. Details of some landscaping have been provided with this application and given the size of the amenity space it would be of a more modern design including living walls around the amenity areas. This is considered to be sufficient to create a good quality amenity space for the residents and the details of this are secured via condition.
- 7.13 Policy (open space): As this site does not meet the threshold of 10 or more family dwellings (i.e. 2+ bedrooms), there is no specific open space requirement based on the UDP. However, the officer would encourage the most to be made of the 'amenity areas' to provide good quality outdoor space for residents and note the former use as a pub included terraces which could be repurposed and reimagined for communal space. Details of some landscaping have been provided with this application and given the size of the amenity space it would be of a more modern design including living walls around the amenity areas. This is

considered to be sufficient to create a good quality amenity space for the residents and the details of this are secured via condition.

- 7.14 Waste and Recycling: Initially raised concerns over the intensification of the use. The plans do incorporate areas to store and aid the collection of waste (which is welcomed) but there appears to be contradictory proposals for bin storage areas, firstly adjacent the cycle store [plan 878519] and secondly in Eagle Court Car Park [plan 878517]. I am unable to determine if suitable arrangements have been made for the separate storage and collection of recyclable waste from 11 residential units, the accessibility of any containers stored in Eagle Court is also questionable. Following receipt of amended plans, the Waste Team have reviewed the amendments and consider them to a better proposal in terms of waste, the officer's appreciate the clarification on the final placement of the bin store (adjacent the amenity area in the existing car park). Whilst It's hard to determine the exact area as there are no measurements there is scope to adjust the plan (as required) as indicated in red on the image below, clearly a separate commercial waste container in the store is an additional pressure to accommodate unless a separate area can be assigned. Advice is for the developer to build a lightly fenced compound for the bin storage area with double doors. Details of bin storage can be secured via condition.
- 7.15 South Yorkshire Superfast Broadband: Requested a condition for gigabit capable broadband to be installed on site. However, given this is a conversion of an existing building it is not considered plausible to have this gigabit capable equipment installed on site given the ground works required to do this, when no other ground works are required.
- 7.16 Highways: Highways Officer initially objected to the development due to the intensification of the site and the lack of parking to support the level of development. To meet the requirements of the Doncaster Council Development Guidance and Requirements SPD (July 2015) there would be a need to provide 17 spaces for the amount of apartments proposed. The surrounding roads do not offer the opportunity for on street parking as there would appear to be parking issues with the use of Traffic Regulation Orders to control parking, therefore adding another development without suitable parking provision would exacerbate the issue further in the surrounding streets. It is, however, acknowledged that this is a sustainable location and as such the Highways Officer would accept 1 space per unit as a minimum but this relies on the visitor spaces on street. Following the submission of amended plans, it is now considered that there is satisfactory parking spaces for 9 flats which addresses the outstanding issues from a Highways Development Control perspective for this application, subject to conditions.
- 7.17 Urban Design: Initially advised there was insufficient car parking according to the Councils standards and that there is no dedicated storage space / cupboards for any of the flats which is important for small units such as this for the storage of household appliances, tools, ironing boards, etc. The Urban Design Officer advised the case officer to review the apartment sizes and assess if they meet the Nationally Described Space Standards (NDSS). The sitting out / amenity area for residents could this include some landscaping / tree planting and / or the small common land area otherwise not in accordance with our policies or SPD in relation to landscaping. The amended plans received on 24th August 2021 includes sufficient storage, the apartments do generally meet the NDSS and

some detail of landscaping has been proposed. The reduction in the number of apartments is considered acceptable in terms of parking numbers.

- 7.18 Drainage: No objections subject to conditions.
- 7.19 Policy (Housing): Requested the applicant undertake a robust assessment of the continued viability of the use of the premises as a public house and use that to make an informed assessment of the requirements of local policy. The agents letter dated 22nd March 2021 states that they consider the assessment above and beyond what should be expected for an application of this scale and would put the viability of the scheme into doubt when there are a number of vacant commercial premises in the area and the area has more residential than commercial units and the site is edge of town centre. The Policy Officer has reviewed this document and considers the agent has misinterpreted the policy and makes reference to Para 92a of the NPPF which recognises the importance of community facilities, which also states a public house as a community facility. The Policy Officer states that it is reasonable for the applicant to undertake a robust assessment of the continued viability of the use of the premise of the public house. However, this could also be informed by an analysis of other alternative provision of existing viable public houses in the immediate area. The Policy Officer has reviewed the amended details, and does appreciate somewhat the creativity of the new proposal to convert part of the pub to a commercial unit, which itself could in part be made available for community use but this is a far different proposal from the retention of the whole of the existing community facility for such. The fundamental issue of the continued viability of the public house remains an open question which should be determined before proposals such as the 'commercial unit' are explored. In terms of the commercial unit proposal there are also the issues of whether this would be compatible with the proposed residential conversion of the remainder of the building; and, more importantly, whether we could be satisfied that the proposal could be actually secured and retained in the long term – planning obligation being preferred to a planning condition. Reliance on a lease would not appear to be satisfactory. The creation of potential employment from the cafe is noted but employment from the potential retention of the existing public house remains a possibility unless robustly demonstrated otherwise. The guidance of CAMRA, or other similar methodology, can help consider viability issues which they believe remains the key issue (https://camra.org.uk/campaign_resources/public-house-viability-test/). Following receipt of further marketing information, the Policy Officer still considers the proposal contrary to Policy 51 of the Emerging Local Plan, due to insufficient marketing being carried out in line with para 13.19 of the Local Plan.
- 7.20 Councillor Nigel Ball: Has raised concerns with the amount of parking and that there is an over proliferation of HMOs in the area.

The case officer has sought amendments to reduce the scheme to ensure a sufficient level of parking can be provided on site for the apartments. Highways have not objected to the application. Additionally this application is for 1 bedroomed self-contained apartments, the proposal does not include any HMOs. The inclusion of HMOs within this building would require planning permission in its own right and would be assessed on its own merits, for which policy 9 of the Local Plan would be used to make the assessment and over proliferation is a factor within this policy.

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

- Principle of development;
- Impact on Amenity;
- Impact on the character and appearance of the area;
- Impact on Heritage Assets;
- Trees and Landscaping;
- Highway safety and traffic;
- Overall planning balance.

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

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

Principle of Development

8.3 The application site lies within the Commercial Policy Area as designated in the Unitary Development Plan adopted 1998. The site will be within the Town Centre Boundary within the Doncaster Local Plan.

8.4 The site lies within the UDP defined 'Commercial Policy Area' where policies SH1 and SH4 seek to encourage new residential uses in upper floors only by retaining ground floors in the equivalent of NPPF defined Main Town Centre Uses. UDP Policy CF2 states a loss of community facilities will be resisted, especially in areas with deficient community facilities. Policy CS7 of the Core Strategy also seeks to maintain the retail function of town centres. The emerging Local Plan designates the site within the boundary of Conisbrough Town Centre with Policy 23 proposing to retain a similar approach.

8.5 The site lies within the boundary of the district centre (retailing hierarchy) of Conisbrough which offers a suitable mix of uses. National and local planning policies recognise that residential development can often play an important role in ensuring the vitality of centres is maintained. The PPG states that given their proximity to transport networks and local shops and services, local authorities may wish to consider locating specialist housing for different groups including older people within town centres or edge of centre locations. This application is not specified to be for a certain type of occupier or tenure. However, given this particular site is on the edge of the commercial area surrounded by other residential properties, there would be no interruption to the shopping frontages and the area is a mixture of residential and commercial properties. The location of the building will give the residents easier access to a range of services.

8.6 The emerging Local Plan also includes Policy 51 on the 'Protection of Education, Community & Leisure Facilities'. This particular policy can be afforded substantial weight due to the stage the Local Plan is at. Supporting text at para

13.10 does list the types of facilities that could be covered by the Policy and whilst pubs are not specifically listed – there is a “catch-all” statement that “other types of facilities which offer benefits to the community may be assessed on a case by case basis”. Furthermore, paragraph 92a of the NPPF lists public houses as a community facility; further justifying that a public house is a community facility and would fall within the “catch-all” statement within the Local Plan Policy.

- 8.7 Given the requirements of local policy, the Policy Officer has requested an assessment of the continued viability of the use of the premises as a public house; which should be informed by the requirements of the policy guided by the accompanying explanatory text (para 13.8). Further to this the applicant has introduced a smaller community facility for the residents of Conisbrough within the Ground Floor of the building. The facility will have a coffee area and space for local community groups to hire for activities such as coffee mornings. However, the Policy Officer still required marketing information and justification for the loss of the Public House. The applicant has submitted as much marketing information as they can obtain and has attempted to justify the proposal against Policy 51 of the Local Plan within the additional information they have supplied. However, the Policy Officer considers the proposal to be contrary to Policy 51 of the Emerging Local Plan, which is given substantial weight. The reason the proposal falls short of the policy requirements is due to insufficient marketing in line with para 13.19 of the Local Plan being evidentially proven, within the applicants submission. The applicant and agent have made several attempts to contact Heineken who originally marketed the site from March 2019 and they only outlined that there was no interest due to the cost of refurbishment, market competition from other pubs in the locality and they subsequently disposed of the pub in December 2019. Following this CBRE were appointed to sell the pub, again no evidence of any specific interest or lack of has been provided from CBRE or Heineken but no response was given. The site subsequently went up for sale via auction and again did not sell and CBRE took the site back on and this was then sold to the applicant. Some of the marketing did take place during the initial phase of the Covid-19 restrictions but whilst detailed evidence has not been provided, it is clear that the site has been marketed on and off since March 2019.
- 8.8 Whilst this information may not comply with Policy 51, the case officer has made a balanced assessment of the proposal overall and taken a pragmatic view. The case officer considers that the applicant has provided as much evidence as they are physically able and it is clear from historic image searches that the pub has been boarded up and vacant since 2019 and an advertisement board was visible on the image. This application has been pending consideration for 10 months and the applicant has worked with the LPA to overcome several other matters, which will be discussed in further details within this report. Furthermore, the site is located within Conisbrough Conservation Area and within the Town Centre boundary; bringing this building back into a use will have a positive contribution to the vitality of the Town Centre and the Conservation Area as a whole, if the application is refused or the applicant has to stall the development for 12 months to carry out their own marketing to comply with Policy 51 the building will remain vacant and would not have any positive benefits to the local community, Town Centre or the Conservation Area. Other aspects of this proposals are given substantial weight in favour of this application and these will be discussed in greater detail below. Given the other positive benefits of the scheme it is considered on balance that those benefits outweigh the harm the loss of a public house will have to the local community, further justified by the other available

public houses/drinking establishments located within Conisbrough Town Centre and the building will provide a community space for the local residents to meet up and to be used by small community groups, albeit smaller in scale. This is given substantial weight in the determination of this application.

8.9 SOCIAL SUSTAINABILITY

Impact on Amenity in the locality

- 8.10 The proposal is a conversion of an existing building with the addition of some new openings in the roof slope and replacement windows. The proposal would see a change in nature of the use of existing windows from a public house which has been vacant for 5 plus years to individual apartments, this will impact the surrounding residential properties. However, the front elevation window facing West Street face onto the road and a blank side elevation of the nearest residential property, with no other direct line of sight into other properties. The building opposite on Beech Hill is commercial in nature and thus there would be no impact to residential amenity, again the building abutting the site to the south is the occupied by a Scout Group which is a commercial unit thus no impacted by harm to neighbour amenity. An objection has raised loss of privacy issues, whilst it is acknowledged that the site is on higher ground, just by the nature of the land levels in this historic area of Conisbrough; however the nearest residential property within a direct line of site of the windows would be over 37m away which is more than the recommended 21m as outlined in the SPD. It is therefore considered that the development would not detrimentally impact the immediate neighbouring residents in terms of loss of privacy.
- 8.11 It is acknowledged the Scout Group and a neighbouring resident have objected to the application, but the main aspects of their objections relates to parking and impact to the highway/pedestrian safety which will be discussed later in the report. The Scout Group have requested improved security fencing to the shared boundary, if the application is recommended for approval a boundary treatment condition would be requested and the agent is willing to improve the existing boundary treatment to increase security for the Scout Group. The position of the bin storage is considered to be in an appropriate location in terms of ease of access for residents and whilst it is within the curtilage of the site it would be a sufficient distance away from the habitable accommodation not to cause a nuisance in terms of smells or noise. The representations also raise issues of housing environment for the future occupiers, overdevelopment, & amenity space, this will discussed in greater detail below.

Housing Environment/Residential Standards

- 8.12 The South Yorkshire Residential Design Guide (SYRDG) sets out internal and outdoor space standards as a guideline for achieving high-quality residential environments. Whilst the recommended gross internal area for a studio flat is 33 square metres, a 1-bedroom flat should be 46/47 square metres. The proposed studio flats would range from 33sqm to 42sqm the 1 bed flats would range from 42sqm and 72sqm.
- 8.13 According to the SYRDG, shared private outdoor space for flats should be a minimum of 50 square metres, plus an additional 10 square metres per unit. For a development of nine units, 140 square metres of outdoor amenity space would

therefore be expected. In this case, an amenity area of 77 square metres is provided, which falls short of the guidelines.

- 8.14 However, the Nationally Described Space Standard (NDSS) is more up-to-date, having been published in 2015, whereas the SYRDG dates back to 2011. The Local Plan is in an advanced stage of preparation, and Policy 45 which is now given substantial weight, requires developments to meet the NDSS rather than the SYRDG standards. The NDSS does not distinguish between studio and 1-bedroom apartments, and states that a 1-bedroom, 1-person apartment can be a minimum of 37sqm where there is a shower but no bath. It is likely that the larger apartments will be rented or sold for a higher value than the smaller studios and it is therefore likely that these will be occupied by 2 persons, the NDSS states 2 person 1-bed apartments should be 50sqm. The proposal would fall short of the NDSS, specifically apartments 4 and 8. However, the NDSS is with regards to new buildings and this development is a conversion, the 2 apartments that do fall short are studio apartments which are also not defined within the NDSS. It is considered that given Policy 45 and the NDSS do not refer to change of use applications that there is some discretion, to encourage the re-use of existing buildings. The proposed studio apartments would meet the SYRDG and would have a good level of natural light and movement around the apartments with clearly defined spaces; in this instances the floor spaces within these apartments is considered to provide a good level of housing environment for those tenants. Additionally, the NDSS does not prescribe outdoor space standards & the provision whilst small does allow for a space for the residents to sit out in a communal area, furthermore the site is a short walk away from the ground of Conisbrough Castle and other areas of public open space in Conisbrough, which would provide a nice outdoor environment for the residents.
- 8.15 Overall, whilst 2 of the 9 apartments do fall short of the NDSS and the outdoor amenity space is small in size, the proposal does generally accord with up to date national space standards. On balance, it is not considered that the apartments provide a poor standard of residential amenity and would bring benefits to the surrounding area by the re-use of a vacant and run down building. Furthermore amended plans has seen a reduction in apartment numbers and the provision of storage spaces for the residents, improving the standards further. The proposal is considered to accord with Policies CS1 and CS14 of the Core Strategy and Policy 45 of the Emerging Doncaster Local Plan. This is given substantial weight in the determination of the application.
- 8.16 CF2 of the UDP states that the loss of community facilities not defined on the proposals maps will be resisted, especially where that facility lies within an area deficient in community facilities. There are other pubs in Conisbrough, many of which are a short walk away from the site within the main town centre area, the town is therefore not deficient in this form of community facility. Furthermore, the proposal does include the retention of a smaller area to be used as a community hub for the local residents to utilise with a coffee shop area for the use of those groups. The applicant has provided marketing information to demonstrate that the application site has been marketed as a pub and no interest has been shown. The requirements of CF2 have therefore been satisfied.

8.17 Conclusion on Social Impacts

- 8.18 It is considered that the proposed development would not detract from the residential amenity of any of the existing or proposed residential properties. The

social impacts are therefore considered to be acceptable. This is given significant weight in the determination of this application.

8.19 ENVIRONMENTAL SUSTAINABILITY

Impact on the character and Heritage assets

- 8.20 The proposal includes external alterations which consists of but not limited to, replacement windows; blocking up of openings; removal of signage; addition of roof lights; re-rendering property and the addition of dormer windows. The proposed external alterations are minor in scale and are required to bring the property back up to standard but nonetheless do impact the character of the Conservation Area and have therefore been assessed by the Council's Conservation Officer.
- 8.21 A series of amended plans have been submitted following a number of concerns being raised by the Conservation Officer, such as the type of replacement windows, how the windows are blocked up, and alterations to the porch roof and finally removal of the dormer windows. The Conservation Officer has reviewed the amended details and considers the proposal to be acceptable subject to the finer details of the window replacement and roof lights.
- 8.22 Furthermore, the roof lights and the main area of alteration would be on elevations which face onto the car park and a condition is proposed regarding the roof lights to ensure they are conservation standard, which would again have minimal impact to the character of the area. The amenity area, bin storage, cycle storage are all proposed to be located within the car park area and therefore not visible from the wider area.
- 8.23 There is a public benefit to this proposal which must be assessed. The application would result in a vacant derelict building back into use which would in turn improve the character and appearance of the Conservation Area. Whilst it is acknowledged that some aspects of the scheme could be designed better, it is constrained by the fact that it is a re-use of an existing building. The case officer and Conservation Officer considers the public benefit of bringing this vacant run down building back into use is greater than the harm to the Conservation Area by the method of its conversion.
- 8.24 On balance it is considered that the proposal would have a positive impact on the Conservation Area and in turn have a positive impact on the character of the area. The proposal would see a vacant and run down building being brought back into use and the building being regenerated with minor external works. The proposal is considered to be in accordance with UDP Policy ENV25, Core Strategy Policy CS15 and Local Plan Policy 37. This is given substantial weight in the determination of this application.

Trees and Landscaping

- 8.25 The proposal will not impact on existing trees adjacent to the site. From a trees and hedgerows perspective the development needs to provide mitigation for any negative impacts it may have and help enhance the local area. Most major planning applications and some minor applications will be required to provide a landscape scheme. However on this site, including a soft landscaping scheme within the site isn't likely pragmatic due to the site constraints. As a result instead

of including an onsite landscaping scheme, a contribution to new tree planting in the local area would be needed. Financial contributions via a Section 106 agreement in respect of tree planting will be required where new planting is required on public land to mitigate the impact of a development where planting cannot be accommodated within the site boundary which is the case here. In order to maximise the benefits of tree planting, the council will expect a minimum of 1 tree per dwelling based on the council's SPD. With the proposal being for 8 new dwellings with there being no provision for onsite planting within the site. A contribution for 8 trees off site would be acceptable from a trees and hedgerows perspective.

- 8.26 Off-site tree planting will take place as close to the site as possible and within the ward containing the site. Where replacement planting will take place into an area of highway verge or hard standing in the contribution will be expected to cover the cost of an engineered tree pit. All tree planting on public land is to be undertaken by the council to ensure a consistent approach and level of quality, and to reduce the likelihood of new tree stock failing to survive.
- 8.27 It is noted that the proposal does include an area for a communal amenity area, but this is not sizeable enough to accommodate a high quality landscaping scheme with trees and substantial planting. However, it is still considered that a small amount of soft landscaping should still be provided to make the amenity area a nice environment for the future occupiers. Whilst the planting is likely to be from small plants, living walls and pots with seating, it is considered that this will provide a good level of amenity for the residents and would help provide a higher quality of housing environment. The finer details of the landscaping and how the amenity area will be utilised would be secured via condition.
- 8.28 It is therefore considered that whilst the amenity area is too small to accommodate a good quality landscaping scheme with a good nursery stock of tree planting on site, the agreement to planting of 8 trees off site and the space for a low level amount of landscaping is acceptable in this instance; given the sites location close to the district centre and close to other areas of public open space. The communal outdoor area would be sufficient to provide a space for the residents to sit out and the provision of off-site trees will benefit the local area and community. It is therefore considered that the application is in accordance with Core Strategy Policy CS16 and Policy 48 of the Emerging Doncaster Local Plan. This is given substantial weight in the determination of this application.

Ecology

- 8.29 Given the size and age of the building, the Ecology Officer considered that a preliminary bat roost assessment was required. As stated in Circular 06/2005 para.99 the presence or absence of protected species must be ascertained prior to determination and originally objected to the application, due to the assessment not being submitted. The Assessment has been submitted and the Officer has provided the following comments; the bat surveyor has clearly stated that there are no internal roosts but some transitory roosting bats may make use of the gaps in the verge mortar and the gaps in the ridge tile mortar. It states that there is a proposal from the developer to not repair the mortar gaps in which case this would not impact upon the roosting bats that may be there. However, it is considered unusual for a developer not to repair the fabric of a building with this scale of renovation works taken place. Following these comments it was confirmed that the

roof would be replaced and made good in places, therefore a nocturnal survey was required. This survey has been conducted and reviewed by the Ecology Officer, who has confirmed that the survey is satisfactory and the conclusion of the survey is that bats are likely absent from the building. The Ecology Officer has requested a condition relating to the provision of ecological enhancements at the site such as swift and bat boxes.

- 8.30 Given the findings of the further survey works and the comments from the Ecology Officer, it is considered that the proposal would not result in any harm to protected species and is therefore in accordance with Core Strategy Policy CS16 and Policy 30 of the Emerging Doncaster Local Plan. This is given significant weight in the determination of this application.

Highway safety and traffic

- 8.31 Upon submission of the original proposal for 11 apartments, concerns were raised Highways Development Control (HDC), a ward Councillor, and two public objectors in relation to the lack of parking, identifying that the site is located on a street with high demand for parking. Waste and Recycling have also noted that waste collection vehicles may not access the site easily which could cause obstructions on the highway. Following this amended plans were received reducing the number of apartments to 9 and accommodating 9 car parking spaces and designated bin storage area within the existing car park area.
- 8.32 The existing use of the site comprises a commercial pub and a car park. It is therefore not considered that the proposed use would result in an intensification of use of the site as there is no significant change of use of the land formerly used as a car park. Given the sites highly sustainable location within Conisbrough Town Centre, it was considered by the Highways Team that parking levels could be reduced to 1 designated space per apartment and it is deemed acceptable for the community use to have no parking again given its town centre location. This is considered not to result in a significantly detrimental impact to the existing demand for on street parking in the area. The access, parking spaces, and manoeuvrability within the site have been assessed by the Highways Team and they offer no objections to the application, subject to conditions. Furthermore, given the scale of development it is not considered that further survey works or transport assessments are required but the Transportation Officer has requested cycle storage be provided, this is shown to be within the ground floor area internally but a condition is suggested to provide the details of the storage is provided prior to occupation of the building.
- 8.33 The designated bin store is considered to be in an appropriate position for access by refuse vehicles and is considered to be a suitable size to accommodate the amount of bins required for the residential properties. However, to ensure bin storage is accommodated separately for the community facility, it is deemed necessary to include a condition on the decision for the finer details of the storage to be provided prior to occupation of the building.
- 8.34 It is noted that one resident has requested a pedestrian barrier is included outside of the site. There is no evidence to suggest that pedestrian safety is an issue in this location or that it would be significantly exacerbated by the proposal and consequently it is important to recognise that a condition requiring off site improvement works must meet the planning tests in order to be lawful. The

planning tests ensure that conditions are; necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

- 8.35 The proposed change of use of the public house to 9 apartments and community space would not result in a significant intensification of the existing use access or use. The proposed car parking is considered to be acceptable and the bin storage can be accommodated on site without impacting the use of the car park. It is considered that there would be no detrimental harm to the highway safety of the area, subject to a series of conditions. The application is considered to be in accordance with Policy CS14 of the Core Strategy, Policy 13 and Policy 16 of the Emerging Doncaster Local Plan, and Para 111 of the NPPF. This is given significant weight in the determination of this application.

Security and Crime Prevention

- 8.36 Comments have been received relating to the potential increase in anti-social behaviour (ASB), however the nature of this development is not considered to be likely to create a significant increase in ASB.
- 8.37 South Yorkshire Police responded with no objections however recommended informatives to ensure the development is carried out by the Secure by Design Standards. This is given moderate weight in the determination of this application.

8.38 Conclusion on Environmental Issues

- 8.39 Subject to the conditions recommended by the Council's Conservation Officer, the proposed development would not create any harm to the significance of any heritage assets. The proposed planting would represent a betterment in the local natural environment. The parking, access and highways safety impacts of the proposal are considered to be acceptable subject to the aforementioned recommended conditions. There are no issues with the proposal in relation to crime and security. It is therefore considered that the environmental impact of the proposed development is acceptable.

8.40 ECONOMIC SUSTAINABILITY

- 8.41 The site is well connected to the town centre, there is a bus stop a short walk down to Low Road or up into town on Church Street and footpaths leading from the site to the Core Business area of Conisbrough. This connection to the main town centre is emphasized by the site being within 'Walkable' distance of the main centre (SYRDG). Policy CS2 supports the provision of local facilities and improved access to these by creating walkable neighbourhoods.
- 8.42 Jobs will be created during construction, to manage the property, and within the community facility; these are considered to be small in number and would have minimal impact on the economic sustainability of the site. However, the public house has been vacant for a number of year and the re-use of this building will include the payment of business rates, council tax and would encourage more footfall into the main shopping area of the town centre. Therefore it is considered that the proposal overall would make a positive contribution to the area in terms of economic sustainability.

8.43 Conclusion on Economy Issues

- 8.44 Paragraph 8 (a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 8.45 The proposal would generate some economic benefit, which will result in the property providing a good quality of accommodation and more attractive to future tenants, as well as provide a serviced space for community use. Though, the scale of this increase is limited. As such the proposal carried limited weight in favour of the application.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the NPPF taken as a whole. It is noted that this recommendation has been made on balance and the development does not comply with Policy 51 of the Local Plan. However, the proposal does provide a number of positive benefits to the local area including but not limited to, improving the character of the Conservation Area and vitality of the town centre by bringing a boarded up building back into use, and planting of new trees within the local area; having both social and environmental benefits.

10.0 RECOMMENDATION

- 10.1 **MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN RELATION TO THE FOLLOWING MATTERS:**

- To secure financial contribution for the required off-site tree planting.

Conditions / Reasons

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).
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:

020023-AAD-01-XX-DR-A-009-P07 – amended 24.08.21
 020023-AAD-01-XX-DR-A-007-P09 – amended 24.08.21
 020023-AAD-01-XX-DR-A-008-P08 – amended 24.08.21

020023-AAD-01-XX-DR-A-014-P04 – amended 24.08.21
020023-AAD-01-XX-DR-A-006-P05 – amended 29.06.21
020023-AAD-01-XX-DR-A-001-P01 – received 18.11.20
Render Colour Details – received 12.05.21

REASON

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

03. Before the first occupation of the development the vehicle turning space as shown on the approved plans shall be constructed and shall thereafter be retained and maintained as such.

REASON

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

04. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided and that area shall not thereafter be used for any other purpose other than the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

05. No development shall take place until details of the provisions for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building and shall thereafter be made permanently available for the occupants of the building.

REASON

To ensure the satisfactory provision of facilities for the storage of refuse.

06. No development (including any earthworks or vegetation clearance) shall take place before a scheme of landscaping, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

REASON

To ensure that replacement trees are of a suitable type and standard in the interests of amenity.

07. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and/or visitors to the development have been submitted to and approved in

writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to first occupation of the development hereby permitted and shall thereafter be maintained and retained for use at all times.

REASON

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CS9 of the Doncaster Core Strategy.

08. Prior to the occupation of the development hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the Local Planning Authority. The first dwelling/development shall not be occupied until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

REASON

To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with policies CS9 and CS18 of the Doncaster Council Core Strategy.

09. No development shall take place before a Drainage Impact Study, a surface water drainage scheme for the site (based on sustainable drainage principles SuDS) and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented before the first occupation and/or use of the development and be constructed in accordance with the approved details.

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 further works begin.

10. In the event that contamination is found at any time when carrying out the approved development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation report shall be submitted to the LPA for approval. Following completion of the measures identified in the approved remediation scheme a Phase 4 verification report must be prepared, which is subject to the approval in writing of the LPA. The associated development works shall not re-commence until both 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.

11. Prior to the occupation of the proposed development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials, height, and type of boundary treatments to be erected on

site, including any gates. Unless otherwise approved in writing by the Local Planning Authority, the details as approved shall be completed before the occupation of any buildings on site and retained and maintained throughout the life of the development.

REASON

To ensure the satisfactory appearance of the development.

12. The roof-lights hereby permitted shall be low profile conservation roof-lights with a central vertical glazing bar. Full details of the size, location, and design of the roof-lights to be used in the conversion of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Development shall be carried out in accordance with the approved details and retained and maintained throughout the life of the development.

REASON

To preserve and enhance the character and appearance of the conservation area.

13. Prior to the occupation of any part of the building current windows shall be replaced with vertically sliding sash windows. Prior to relevant works a method statement for the replacement of windows shall be provided to and approved in writing by the Local Planning Authority. The statement shall include timescales for the work and the exact design and location of the replacement windows. Development to be in accordance with approved details.

REASON

To preserve the character and appearance of the conservation area.

14. Prior to the commencement of development, an ecological enhancement plan shall be submitted to the Local Planning Authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the Local Planning Authority: 1x artificial bat roost feature based on the recommendations of Wildscapes Bat Survey Report
1x swift nest feature either surface mounted or integrated.

REASON

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

INFORMATIVES

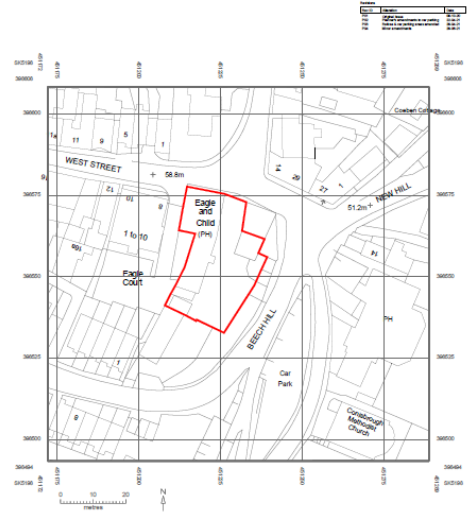
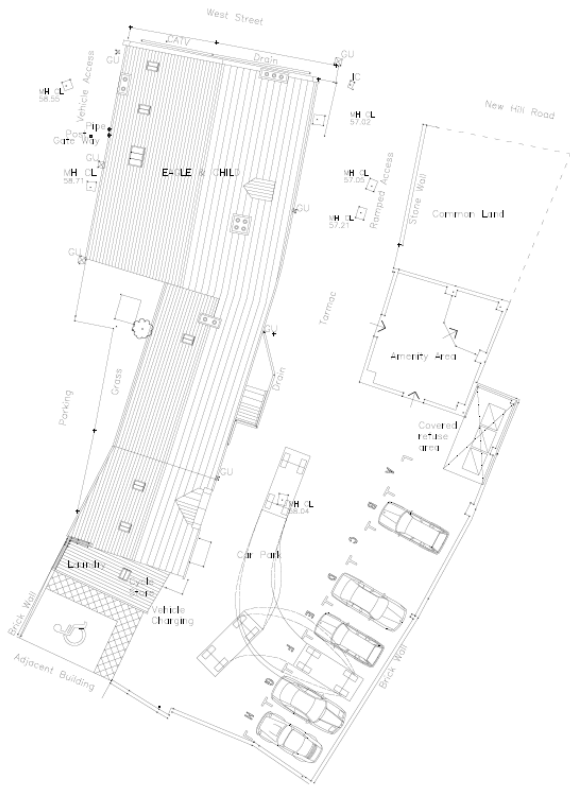
01. The developer shall consider incorporating all possible sustainability features into the design of the proposed development.
02. The permission hereby granted shall not relate to the display of any advertisement for which express consent is required. Separate consent under the Town & Country Planning (Control of Advertisements) Regulations 2007 (as amended) is required.

03. 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
04. The applicant is advised to seek to implement security measures into the development in order to achieve the 'Secured By Design' accreditation from South Yorkshire Police.
05. Adequate provision for the storage and collection of waste and recycling is essential for both domestic and commercial premises, lawful arrangements should be in place prior to the occupation of any property. The applicant should contact waste&recycling@doncaster.gov.uk prior to occupation to discuss the provision and siting of suitable bins and setting up a collection service.

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

Appendix 1: Site Plan

Site Plan



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Architectural & Planning
1000 West Street
Cambridge, MA 02139
Tel: 617 452 1000
Fax: 617 452 1001
www.aad.com

Edge 303 Child (Ph)
Cambridge, MA 02139
Residential Development

Site Layout as Proposed

Scale	1:1000	1/8" = 1'-0"
Date	09/20/10	Sheet
Author	09/20/10	Drawn
Checked	09/20/10	Reviewed
Discipline	09/20/10	Project

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Appendix 2: Landscape Details

Proposed Landscape Details

2 West Street Planting Proposal

- to recycle old pallets to make upright and flat planters, being low maintenance and practical.



Appendix 3: Elevations

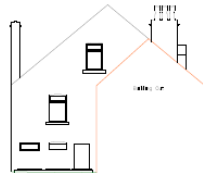
Existing Elevations



Front Elevation Facing West Street



North Facing Side Elevation



Partial Rear Elevation



Car Park Elevation

aad
ARCHITECTS

1000 1010 West Street
Columbus, OH 43212
Tel: 614.291.1000
Fax: 614.291.1001
www.aadarchitects.com

Project Name
Kingdely PD Lot

Project Location
Kings B Church 2 West Street,
Columbus, OH 43212 3-04

Residential Development

Elevations as Existing

Scale	Sheet	Of
1/8" = 1'-0"	01	04
1/4" = 1'-0"	02	04
1/2" = 1'-0"	03	04
3/4" = 1'-0"	04	04

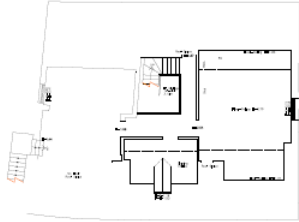
Architectural Record
Document Number:
0000-0000-0000-0000-0000-0000

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Appendix 4: Floor Plans

Existing Floor Plans

Scale	1:100
North	↑



Second Floor



First Floor



Ground Floor

aad
ARCHITECTS

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E info@aadarchitects.ie

Client Name
Kingstley PD Ltd

**Edge & Clark, 2 West Street,
Corktown, DN12 3JH**

Residential Development

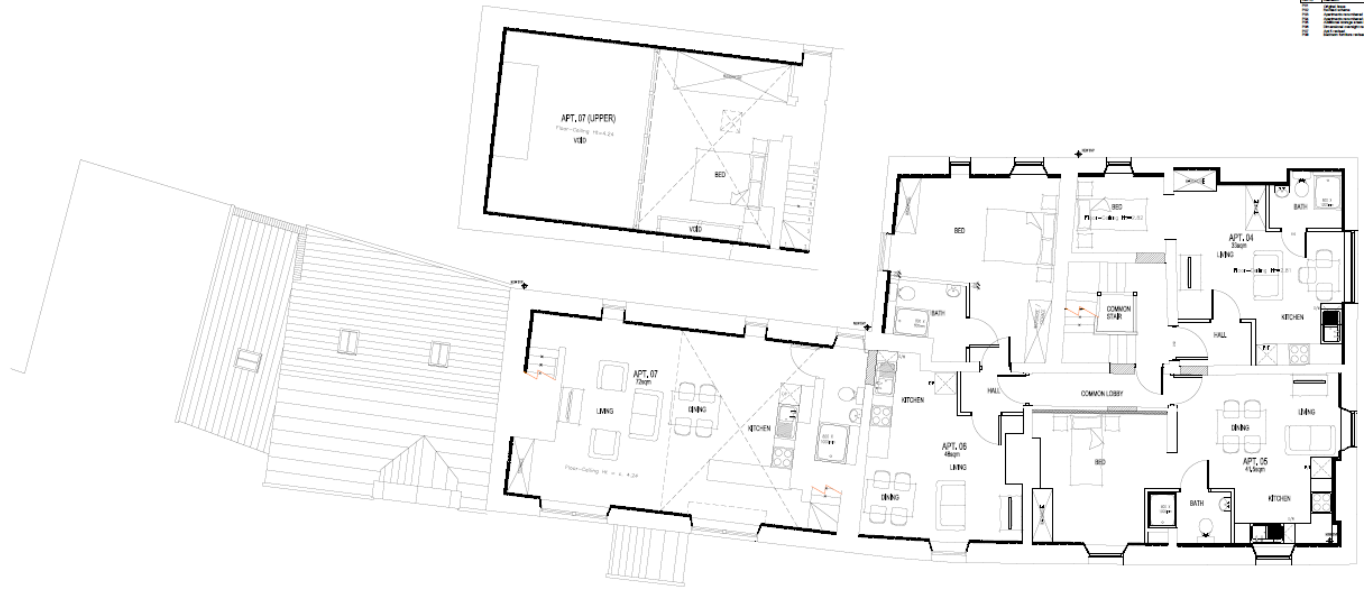
Floor Layouts as Existing

Date	11/2020	Scale	1:100	Sheet	01/1
Issue	2020	Revised	01'	Page	01/1

Job Number: 2020010
Document Number:
20201-AAD-D1-01-CR-A-001-P01

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First Floor



NO.	DESCRIPTION	DATE
01	ISSUED FOR PERMIT	10/15/2023
02	REVISION	11/01/2023
03	REVISION	11/01/2023
04	REVISION	11/01/2023
05	REVISION	11/01/2023

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MEMBER OF:
Kinglsey PD Ltd

8/8/20 & 10/8/23, 2 WARR STREET,
CONKINOUGH, CO.12 DUB
RESIDENTIAL DEVELOPMENT

First Floor Layout as Proposed

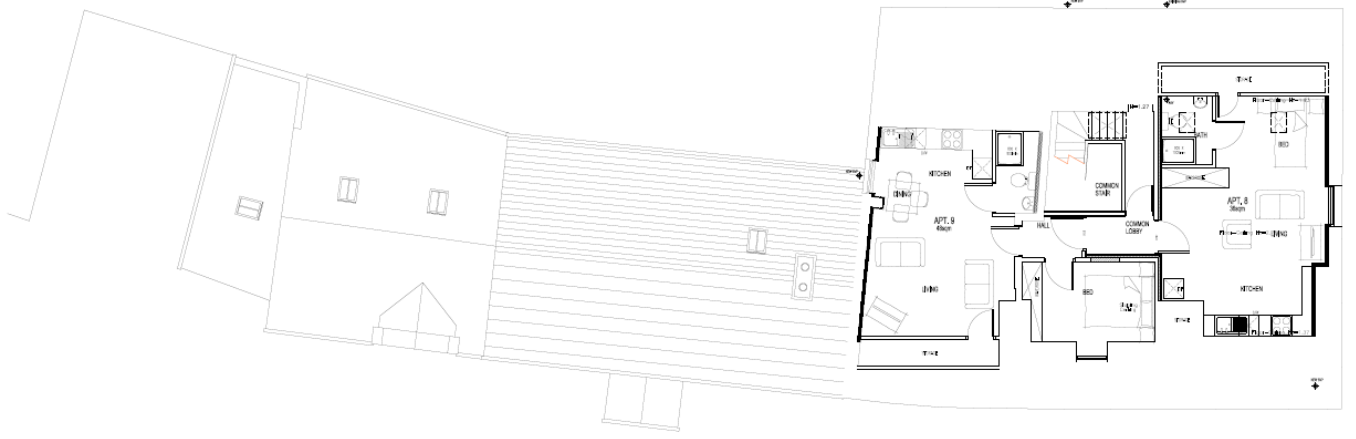
DATE	10/15/2023	BY	GH
SCALE	1:50	DATE	10/15/2023

JOB NUMBER: 100-030
DOCUMENT NUMBER:
10003-1A-01-01-01-01-01-001-100

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Second Floor

Room	Area
APT. 5	100.00
APT. 4	100.00
COMMON	100.00
HALL	100.00
STAIR	100.00
BATH	100.00
KITCHEN	100.00
BED	100.00
LOBBY	100.00



Kinglsey PD Ltd
Eagle & Horse 2 West Street,
Canterbury, DN12 3JH
Residential Development

Second Floor Layout as Proposed
Scale: 1:100
Date: 15/05/2023
Job Number: 230103
Document Number:
00023AA02-01-02-A-009-P07

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Appendix 5: Historic Image of Pub – closed and to let April 2019.



Application	3
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Application Number:	20/03301/FUL
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Application Type:	Full Planning
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Proposal Description:	Erection of a two storey office building (9.6m x 9.6m) for a temporary period (to be removed by January 2034).
At:	Hazel Lane Quarry Wakefield Road Hampole Doncaster DN6 7EX

For:	Mr Ronnie Harrod - Catplant (Quarry) Ltd
-------------	--

Third Party Reps:	21 Letters of objection	Parish:	Hampole And Skelbrooke
		Ward:	Sprotbrough

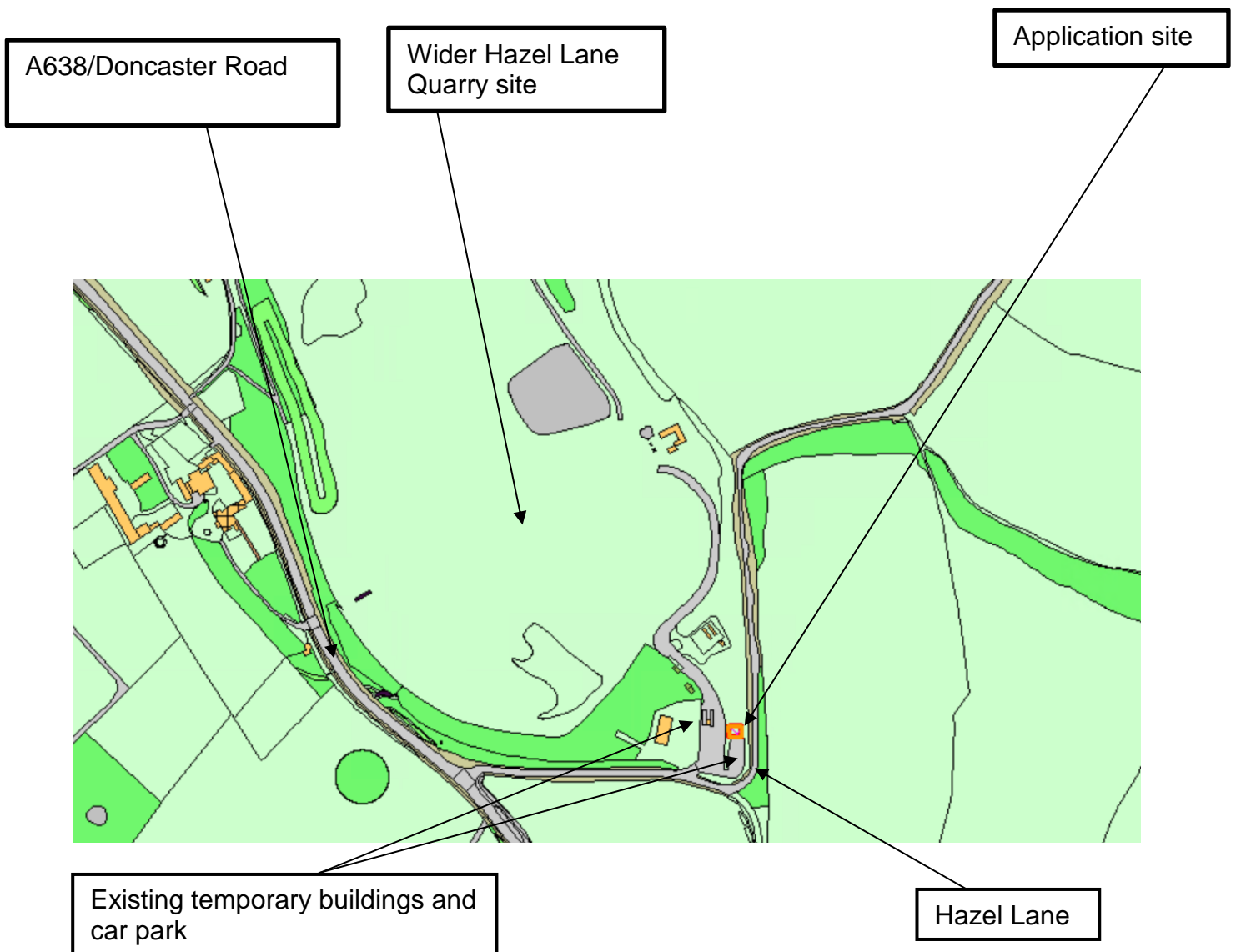
Author of Report:	Nicola Elliott
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SUMMARY

The proposal seeks full permission for the erection of a two storey office building in connection with an existing quarry site which has planning permission until 2034. As such, it is proposed that the building would be demolished to coincide with the end date of the quarry. The building will be partially visible from outside the site and is adjacent an area where existing temporary buildings (which would be removed) are sited, therefore it is not considered that the proposal represents harm to the openness of the Green Belt. Furthermore, it is not considered inappropriate development in the Green Belt in that it is ancillary to an existing, permitted use.

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause undue harm to neighbouring properties, heritage assets, the highway network or the wider character of the area.

RECOMMENDATION: APPROVE subject to S106 Agreement



1.0 Reason for Report

1.1 This application is being presented to Planning Committee due to the level of opposition to the proposal.

2.0 Proposal and Background

2.1 This application seeks full permission for the erection of a two storey office building to support the existing operation on site currently run from a series of temporary buildings. The applicant is prepared to accept a temporary permission for the duration of expected operations at the site, after which the building would be demolished. This is to be supported by a Section 106 Agreement, offered by the applicant, to ensure its removal.

2.2 The building is to be 9.6m x 9.6m, and to a height of 6.1m. The roof is a flat roof, but there is a slight rise with 300mm between eaves height and overall height. The

office is to be constructed from coursed natural stone, with ashlar heads and cills and a fibreglass roof.

3.0 Site Description

- 3.1 Present accommodation consists of a 10.4m x 3.1m single storey portable amenity cabin and a small toilet block on the western side of the access road, with a brick built weighbridge office in the centre of the access road next to the weighbridge. The remaining site accommodation located on the eastern side of the access road consists of three single storey portable cabins measuring 9.4m x 3.6m (33.9m²), 9.9m x 2.9m (28.7m²) and 6.6m x 2.5m (16.5m²).
- 3.2 The building would be positioned on the northern edge of the car park in an area of immature plantation woodland, planted by the Applicant in the 2000s. This part of the site is partially visible from Hazel Lane, as are the existing buildings and car park.

4.0 Relevant Planning History

- 4.1 The relevant planning history is as follows:

Application Reference	Proposal	Decision
93/0321/PM	Extraction of limestone and argillaceous materials and Subsequent restoration by infilling the void space with waste Materials.	Granted 24 th April 1995
93/0584/P	Alteration of site access including construction of internal haul Road provision of weighbridge/office and wheel cleaning facilities	Granted 28 th June 1993
98/0375/P	Storage of topsoil and sub soil on approx. 0.89ha of land	Granted 5 th May 1998
01/0817/P	Extension of quarry, including extraction of limestone and clay, Associated ancillary activities and reclamation of quarry by Means of waste disposal (2nd amendment)	Granted subject to s106 Agreement 13 th January 2004
09/00057/MIN	Installation of landfill gas engines to generate electricity for the national grid, and associated infrastructure including gas flare	Granted 20 th March 2009
11/00020/ENFNOT	Appeal against enforcement action for alleged unauthorised storage of bi product resulting from waste autoclave process under grounds a, e, f and g.	Appeal dismissed
14/01110/WCCC	Extension of quarry, including extraction of limestone and clay, associated ancillary	Withdrawn

	activities and reclamation of quarry by means of waste disposal (2nd amendment) (Without compliance of condition 4 of application granted under ref: 01/0817/P on 13.01.2004 - Amend quarry restoration in part from an agricultural to nonagricultural after-use).	
15/00728/TIP	The stockpiling of 'Sterefibre' and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective)	Refused 20 th November 2015
16/00014/REF	The stockpiling of 'Sterefibre' and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective)	Withdrawn
16/00020/REF	Certificate of proposed lawful development for use of sterefibre as a soil conditioner	Withdrawn
16/01360/CPL	Certificate of proposed lawful development for use of sterefibre as a soil conditioner	Refused 12 th July 2016
16/00028/NONDET	Discharge of condition 29 (soil) to application 01/0817/p - extension of Quarry, including extraction of limestone and clay, associated Ancillary activities and reclamation of quarry by means of waste Disposal (2nd amendment)	Withdrawn
18/00702/TIP	Stockpiling of Sterefibre and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective).	Refused 18 th October 2018
18/00709/COND	Consent, agreement or approval required by conditions 29 of planning application 01/0817/P - importation and use of soil making materials	Withdrawn
18/00710/MINA	Extension of quarry including extraction of limestone and clay, associated ancillary activities and reclamation of quarry by means of waste disposal (without compliance with condition 4 of planning application 01/0817/P, granted on	Withdrawn

	13/01/2004, - Variation of Landscaping Scheme to replace agricultural use on the steep slopes with woodland use).	
18/01843/SCOP	Request for a scoping opinion for review of planning permission 01/0817/MINA.	Closed 4 th October 2018
19/00072/REVA	Application for determination of conditions for mineral site.	Pending consideration

5.0 Site Allocation

- 5.1 The site is located within as Green Belt defined by Doncaster's Unitary Development Plan. The site is also identified as a Minerals Buffer Zone.
- 5.2 The Doncaster Local Plan identifies the site as Green Belt, within a Minerals Safeguarding Area, within a Biodiversity Opportunity Area and a PEDL Licence Area.

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.7 Paragraph 55-56 states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where

necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

- 5.8 Paragraph 57 states that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 5.9 Paragraph 111 states 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.
- 5.10 Paragraph 130 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.
- 5.11 Paragraph 137 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.12 Paragraph 138 lists the five purposes that Green Belt serves;
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.13 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.14 Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.15 Paragraph 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
 - b) engineering operations;
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

- 5.16 Paragraph 162 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 5.17 Paragraph 164 states that the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.18 Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

5.19 Core Strategy 2011 - 2028

- 5.20 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.21 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.22 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.
- 5.23 Policy CS3 of the Core Strategy sets out the Council's position in relation to development in the countryside and Green Belt. Policy CS3 states that Doncaster's countryside will be protected and enhanced. It cites a number of examples of development that would be acceptable in the countryside and these do not include major housing schemes. Proposals which are outside of development allocations will only be supported where they would: retain and improve key green wedges; not

be visually detrimental; not create or aggravate highway or amenity problems and preserve the openness of the Countryside Protection Policy Area.

- 5.24 Policy CS4 of the Core Strategy sets out the Authorities approach to dealing with Flood Risk in line with National Policy. Criterion A, B and C of Policy CS4 are applicable which looks to steer development away from the highest areas of flood risk, ensure that developments will be safe for the lifetime of the development and apply the Sequential Test and Exceptions tests where appropriate.
- 5.25 Policy CS9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.
- 5.26 Policy CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.
- 5.27 Policy CS16 of the Core Strategy seeks to protect and enhance Doncaster's natural environment.

Doncaster's natural environment will be protected and enhanced, in accordance with the principles set out below.

A) Proposals will be supported which enhance the borough's Ecological Networks;

D) Proposals will be supported which enhance the borough's landscape and trees by:

1. being appropriate to the landscape's character, sensitivity and capacity;
2. including measures to mitigate any negative impacts on the landscape;
3. ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness; and;
4. retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

- 5.28 Policy CS 20 seeks to ensure the adequate delivery of minerals during and beyond the plan period (2011 to 2028).

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

- 5.30 Saved Policy ENV2 is a general planning policy setting out that the borough council will maintain a countryside policy area in the eastern part of the borough covering all countryside outside the Green Belt and sets out specific criteria for protecting the countryside.

- 5.31 Saved Policy ENV 3 states that development will not be granted in the Green Belt unless either the proposal has very special circumstances, or meets with a set criteria. In part C this includes cemeteries and other uses of land (including essential facilities which are genuinely required for such uses) which preserve the openness of the green belt and which do not conflict with the purposes of including land in it. In all cases development proposals falling within categories a) to f) will only be acceptable in principle where they would not be visually detrimental by

reason of their siting, materials or design, and would not give rise to unacceptable highway or amenity problems and would not conflict with other policies of the UDP.

5.32 Saved Policy ENV 37 seeks to protect sites of local archaeological significance.

5.33 Saved Policy ENV53 sets out that the scale and appearance of new development must have regard to its wider visual impact. Development will not normally be permitted if it would have a significant adverse visual impact on b) views across open countryside. Whilst scale and appearance are a reserved matter, consideration should be given to the principle of development is material consideration to which this policy should be applied.

5.34 Saved Policy M3 states that in order to ensure that mineral operations, or waste disposal operations during restoration, are not unnecessarily restricted, the borough council will, within the buffer zones, seek to prevent non-mineral development which would be adversely affected by such operations.

5.35 Local Plan

5.36 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.

5.37 Paragraph 48 of the NPPF states that the LPA may give weight to relevant policies in emerging plans, such as the Local Plan, depending on the stage of the Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). 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 applicable in this case:

5.38 Policy 1 sets out the Borough's settlement hierarchy, seeking to preserve the openness and permanence of Doncaster's Green Belt. Within the Green Belt, national planning policy will be applied including the presumption against inappropriate development except in very special circumstances.

5.39 Policy 13 seeks to promote sustainable transport within new developments.

5.40 Policy 29 seeks to protect the Borough ecological networks.

5.41 Policy 30 deals with the need to value biodiversity.

5.42 Policy 32 states that the design process should consider woodlands, trees and hedgerows.

5.43 Policy 42 deals with the need for good urban design.

5.44 Policy 54 requires the need to take into account air and noise pollution.

5.45 Policy 55 deals with the need to mitigate any contamination on site.

- 5.46 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.47 Policy 57 deals with the need to consider flooding.
- 5.48 Policy 58 deals with low carbon and renewable energy within new developments.
- 5.49 Policy 61 supports the extraction and production of aggregate, industrial, building stone and energy minerals that contribute to infrastructure and construction projects

5.50 Other material planning considerations

- Community Infrastructure Levy (CIL) Regulations (2010)
- Town and Country Planning (Environmental Impact Assessment) Regulations (2017)
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SPD) (2015)
- National Planning Policy Guidance

6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website and press advertisement. The application has been advertised as a departure, however, as set out in later sections of this report, the proposal is not considered to depart from the provisions of the Development Plan.

6.2 Following this publicity, a total of 21 letters of objection were received. A summary of the material planning issues raised is set out below:

- Building will be more visible than existing
- Will impact on the openness of the Green Belt
- No need for a two storey building
- Unsustainable to build and then demolish
- Not temporary in nature
- Will be visible from Hazel Lane
- No very special circumstances
- Removal of woodland

6.3 Non material issues raised included the following

- Previous breaches of planning permission
- Devaluation of property
- Existing odour issues at the site
- Potential extensions to the quarry permission in the future
- Precedent for future development in the Green Belt
- Increased litter and damage to road as a result of existing use

- 7.1 Objects. The building is of a permanent construction and would be unsustainable to demolish. The site has been served by temporary buildings for many years which could be upgraded. Proposal would have greater visual impact than existing buildings and greater negative impact on the openness of the Green Belt. Proposes to remove 144sqm of woodland which acts as screening. A two storey building is not necessary and adaptation could be made quite easily to extend car parking facilities if they are required to meet any alluded to 'potential' future needs. Does not meet very special circumstances.

The objection also notes previous issues at the site and non-adherence to planning conditions, however these are not material planning considerations and cannot be awarded any planning weight.

8.0 Relevant Consultations

8.1 South Yorkshire Archaeology Service – No comments received.

8.2 National Grid – No comments received.

8.3 Environment Agency – Advises foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater must either follow the General Binding Rules or hold a permit issued by the Environment Agency, in addition to planning permission – which could take up to 4 months to decide.

8.4 South Yorkshire Fire and Rescue Service – No objections subject to informative note.

8.5 Natural England – No comments to make.

8.6 Yorkshire Water – No objections to make.

8.7 Area Manager – No comments received.

8.8 Ecology – No objections subject to informative.

8.9 Trees and Hedgerows Officer - The trees at the site are not of value to influence the proposal in terms of specimen or amenity value. As a result there is no objection from a trees and hedgerows perspective and at the moment there isn't considered a need to include tree related conditions or informative.

8.10 Drainage – No objections, subject to condition.

8.11 Environmental Health – No objections.

8.12 Highways Development Control – No objections following an amended parking layout.

8.13 Pollution Control – Contaminated Land – Condition required for gas protection measure.

8.14 Pollution Control – Air Quality – No comments received.

8.15 HSE – No comments to make.

9.0 Assessment

9.1 The proposal seeks full planning permission for the erection of a two storey office for a temporary period up to 2034. In considering the proposal the main material planning considerations are outlined below:

- The principle of development within the Green Belt
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the existing trees and hedgerows
- The impact on the ecology of the site
- The archaeological implications
- Flooding and Drainage issues

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

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little
- No

Principle of development

9.3 As stated in the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is reinforced by policy ENV 3 of the Doncaster UDP and Policy 1 of the emerging Local Plan. It is further stated in the NPPF that ‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’

9.4 It is not considered that the erection modest office accommodation on the site of an existing quarry, to be used in connection with that quarry, constitutes inappropriate development. It is ancillary development to a long standing use and policy ENV 3 in part C, allows for ‘other uses of land (including essential facilities which are genuinely required for such uses)’. Therefore, it is not considered that the proposal needs to demonstrate very special circumstances, provided that the openness of the Green Belt is preserved. This will be assessed in paragraphs 9.23 - 9.26 of this report.

- 9.5 Policy ENV 3 does refer to a question of need as it states 'essential facilities which are genuinely required'. Whilst no specific Needs Assessment has been submitted with this application, the agent has provided information as to why the proposal is required. It should be noted that office accommodation is currently provided on the site in the form of unsightly temporary buildings, which would be removed if this proposal is approved.
- 9.6 As stated in the Design and Access Statement, the site currently has 21 employees and this is anticipated to increase to at least 25 in the short term. Present accommodation consists of a 10.4m x 3.1m single storey portable amenity cabin and a small toilet block on the western side of the access road, with a brick built weighbridge office in the centre of the access road next to the weighbridge. The applicant wishes to retain the cabin and the toilets to be used by visiting drivers, and also weighbridge office.
- 9.7 The remaining site accommodation located on the eastern side of the access road consists of three single storey portable cabins measuring 9.4m x 3.6m (33.9m²), 9.9m x 2.9m (28.7m²) and 6.6m x 2.5m (16.5m²). These three cabins provide accommodation for the managing director, meeting space, the site manager, and a store. All staff have to use the single toilet block (both male and female) and the amenity cabin located on the other side of the access road. It is these facilities that would be replaced by the new office, and the existing temporary buildings removed.
- 9.8 According to the agent, the existing cabins are a long way short of providing adequate office, amenity and toilet facilities and storage space. In addition, the cabins are neither secure nor fireproof and there has allegedly a number of break ins and attempts at arson over the years. It is stated that the existing buildings will need to be replaced as they reach the end of their planned life and become unserviceable.
- 9.9 The applicant therefore wishes to provide adequate accommodation for the existing and planned number of staff which is sufficiently robust to not to require replacement over the lifetime of the site. The applicant states that a straight replacement for the existing cabins is not an option as the present space is very deficient in terms of offering adequate accommodation for the required increase in employees.
- 9.10 The majority of objections received comment on there being no need for a building of this level of permanence and that the existing buildings could be renewed. Whilst it may be true to say that they could be replaced for like for like structures, the proposal is for a new building and if it is proposed to be demolished, at the applicant's wish, when it is no longer required, then it is also a temporary building, therefore the principle of development in the Green Belt remains the same. The fact that the applicant is willing to demolish the structure shows that it is only genuinely required in connection with existing operations at the site. This is to be secured by a legal agreement, and whilst an application to vary this agreement could be made in the future, this would be assessed accordingly against Green Belt policy.
- 9.11 The objections also comment on existing matters at the site, namely lack of adherence to planning conditions and this is a matter that should be taken up separately by Planning Investigation and should have no bearing on this application. The existing authorised use of the site is as a quarry and its restoration

which expires on 12th January 2034, and the office is required in connection with the authorised use. As such, these comments are not material to this planning application and can be given no planning weight in the decision making.

- 9.12 Comments are also made with regards to the likelihood of the restoration taking longer than the 2034 end date, however, again this is not material to this planning permission.
- 9.13 The applicant states that 'landfill operations began in 2007 and now occupies 10.5 ha. It will extend further to the north over time. The landfill capacity was estimated at 8.8 million tonnes in January 2019. Annual imports of waste plus capping and restoration materials have been running at around 175,000m³. if this rate of input were to continue, the landfill would be completed in approximately 40 years time'.
- 9.14 As such, the applicant agrees that 'it is extremely unlikely therefore that the landfill will have been completed by the set end date as sufficient capacity remains to last beyond January 2034'. Having said that, an application would be required to extend the life of the operation, and this would also apply to any permission for an associated office. The decision to approve any subsequent extensions of time would remain with the local planning authority, taking into account the up to date planning policy and any material planning considerations.
- 9.15 As stated in paragraph 138 of the NPPF, Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is not considered that the approval of this application would contradict any of these five purposes. The site is sufficiently isolated to prevent urban sprawl and coalescence of settlements, the Hazel Lane Quarry site is a brownfield site with office provision, therefore there is no further encroachment in the countryside and the site is sufficiently screened to ensure that there is no wider harm to the character of the area.

- 9.16 In summary, the applicant has justified the need for the proposal, offered to make the permission temporary, and the level accommodation proposed is modest and in accordance with current operations at the site, including existing staff numbers and the potential for a slight increase in employees. As such, in accordance Paragraph 147 of the NPPF, it is not inappropriate development and this is not considered to be a departure from Green Belt policy. Furthermore, Paragraph 150 of the NPPF lists mineral extraction as an appropriate use within Green Belt. Extraction and landfill are still actively taking place at the site and there also remains a need to restore the site, which is directly linked to mineral extraction.

Sustainability

- 9.17 The National Planning Policy Framework (NPPF 2019) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable

development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs

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

SOCIAL SUSTAINABILITY

Impact on Residential Amenity

- 9.19 Policy CS 14 of the Core Strategy seeks to ensure that proposals have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. Proposed office is not location within close proximity to any residential neighbours, as such there is no harm to residential amenity.

Conclusion on Social Impacts.

- 9.20 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affect by the proposal in accordance with policy CS14.

- 9.21 It is not anticipated that the proposal would lead to noise and disturbance being generated whilst construction is taking place given the site's isolated setting. Notwithstanding this, planning conditions could mitigate any unexpected harm through the submission of a Construction Method Statement and as such this is considered to carry limited weight against the proposal.

9.22 ENVIRONMENTAL SUSTAINABILITY

Impact upon the openness of the Green Belt

- 9.23 Policy ENV3 and Paragraph 150 of the NPPF require proposals to preserve the openness of the green belt and not to conflict with the purposes of including land in it. Policy ENV 3 states that 'development will only be acceptable in principle where they would not be visually detrimental by reason of their siting, materials or design, and would not give rise to unacceptable highway or amenity problems and would not conflict with other policies of the UDP'.

- 9.24 The siting of the proposed office facility is well within the existing site. However, it is likely that it will be partially visible from Hazel Lane, particularly from the point of access. The existing ad hoc car park and temporary buildings can be seen through the vegetation and as the office is further set back into the site, it would be less readily visible than the existing buildings. The car park is not proposed to be moved, so initial views are of the car park, as will be the case should the office be approved.

- 9.25 Whilst the height of the building is great than the existing buildings, they contain operations at the site and occupy less footprint than the current situation. The office would be set further back in the site, and whilst an area of the planted woodland would be removed to make way for the office, this would be the part of the wooded area furthest away from the road. In the summer when the leaves are on the trees, less of the site would be visible from Hazel Lane. The office would not

be seen from wider views across the Green Belt given dense vegetation to each side of Hazel Lane.

- 9.26 There is no question that office facilities are required for the business and the existing structures are of poor quality, occupying a larger footprint and have a detrimental appearance. Therefore, a purpose built, temporary office, set further back from the road, would have less of an impact on the openness of the Green Belt and if demolished in 2034, would not constitute inappropriate development.

Highways

- 9.27 Policy CS 14 lists quality, stability, safety and security of private property, public areas and the highway; and permeability as qualities of a successful place. Policy CS 9 of the Doncaster Council Core Strategy states that proposals will be supported which make an overall contribution to the improvement of travel choice and the transport network. In accordance with NPPF paragraph 111, 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.
- 9.28 There is no additional traffic generated by this proposal. The erection of the office will also facilitate a reconfiguration of the existing car park, which is insufficient for current needs. Following an amendment to the car park layout to ensure that cars can achieve sufficient turning space, there are no objections from Highways Development Control.

Design

- 9.29 The proposed office building is modest in scale for a two storey building. The overall height would be 6.1m which is not considered to be tall for a two storey building. The applicant wishes to construct a two storey building to minimise its footprint and have less effect on car parking arrangement. This also reduces its impact on the character of the area.
- 9.30 The building is of no particular design merit, but if it is to act as a temporary building that is to be demolished, this is to be expected. Its appearance is more attractive than temporary cabins and it would be clad in coursed natural stone with ashlar heads and cills. Windows and doors would be in aluminium/UPVC with a GRP roof. The applicant states that 'stone cladding would be provided by the masonry stone operation in the Quarry and would also serve the function of displaying the quality and attractiveness of the Quarry stone'.
- 9.31 It is therefore considered that the proposal complies with policy CS 14 of the Core Strategy, paragraphs 126 and 130 of the NPPF and policy 42 of the Local Plan.
- 9.32 Furthermore Hazel Lane is not a major transportation route, and the site is not visible from any important landmarks. The proposal therefore also complies with policy ENV 53 of the UDP.

Archaeology

- 9.33 Policy ENV 36 of the Doncaster Unitary Development Plan states that where the information about the archaeology of a site is insufficient to determine a planning application, the applicant will be required to provide an archaeological evaluation of

the site to the satisfaction of the Borough Council. Policy CS 15 of the Doncaster Council Core Strategy seeks to preserve, protect and enhance the borough's heritage assets. No response was received from South Yorkshire Archaeology Service, however given the historic photograph provided by the applicant showing extensive quarrying in this area, it is not anticipated that there would be an archaeology.

Flooding and Drainage

- 9.34 The application site lies within an area designated as Flood Risk Zone 1 and has a low probability of flooding.
- 9.35 The Council's Drainage Engineer, Environment Agency (EA), and Yorkshire Water have all been consulted on the proposal. No objections have been received subject to condition. The EA comment that an Environment Permit will be required and this is separate to gaining planning permission.
- 9.36 As such, in accordance with policy CS 4 and the NPPF, it is not considered that there are any flooding or drainage issues which would prevent approval of the application, which carries considerable weight.

Trees and Landscaping

- 9.37 Policy ENV 59 of the Doncaster Unitary Development Plan states that in considering proposals for new development the borough council will attach considerable importance to the need to protect existing trees and hedgerows and other natural landscape features and will require that new developments do not cause unnecessary loss of tree, nor imperil trees by building works. Policy CS 16 (D) in part states that proposals will be supported which enhance the borough's landscape and trees by ensuring designs are of high quality, include appropriate hard and soft landscaping and retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.
- 9.38 Whilst initially raising a holding objection due to the lack of a formal tree survey, the Tree Officer was satisfied with the information contained within the Preliminary Ecological Appraisal with regard to trees which states that 'the location for the proposed new office building is within an area of young even-aged plantation woodland with a canopy comprising largely of ash and alder, with occasional selfset hawthorn and elder. Some of the young trees still had tree guards at their bases.'
- 9.39 As such the Tree Officer confirmed that the trees at the site are not of value to influence the proposal in terms of specimen or amenity value. As a result there is no objection from a trees and hedgerows perspective and there is not considered a need to include tree related conditions or informative. However, to ensure the building is screened as much as possible, a landscaping condition is included to enhance the Hazel Road periphery of the site.

Ecology and Wildlife

- 9.40 Policy CS 16 seeks to protect and enhances the borough's ecological networks, avoiding harm where possible and ensuring that any unavoidable harm is appropriately mitigated and compensates. As mentioned above, a Preliminary Ecological Appraisal was submitted, which was reviewed by the Council's Ecological. Natural England did not consider in necessary to comment.

- 9.41 The Ecologist considered that the preliminary ecological appraisal (RDF Ecology Nov 2020) has been carried out by an experienced and suitably qualified ecologist. It is concluded in the PEA report that there will be minimal ecological impacts resulting from this proposed development. The Ecologist knows the site fairly well and concur with this conclusion, the loss of a small area of young woodland would be of no significance other than at a site level. As such, there are no objections on ecological grounds subject to a breeding bird informative.

Pollution issues

- 9.42 Consultation has taken place with the Council's Pollution Control team in respect of contaminated land and air quality. With regard to land contamination, the application site is located adjacent to both an operational & closed landfill. The decomposition of wastes can result in harmful ground gases which may pose a risk to human health if inhaled, and can be explosive if allowed to accumulate within properties.
- 9.43 The Design and Access Statement submitted with the application makes reference to a Contaminated Land Risk assessment, and confirms due to the close proximity to the landfills (as noted above) that the building will require a membrane, and a watching brief is required during the works.
- 9.44 In light of the above information, to ensure the required gas protection measures are installed in the office building, Pollution Control have no objection subject to conditions.
- 9.45 No air quality comments were received, however the proposed office is to serve an existing enterprise so it is unlikely that additional traffic will be generated by the proposal. The proposal is therefore considered to accord with policies 54 and 55 of the Local Plan.

Conclusion on Environmental Issues

- 9.46 Para.8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.47 In conclusion of the environmental issues, it is considered that issues in relation to trees, ecology, highways, flood risk and drainage and pollution have been overcome subject to suitably worded conditions. Collectively these issues weigh significantly in favour of the application. Overall therefore, the proposal is considered to balance positively in relation to environmental matters.

9.48 ECONOMIC SUSTAINABILITY

- 9.49 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application. There is also potential for a small increase in employees at the site, however limited weight is also given to this.

9.50 On a wider level, the proposed office supports an existing source of employment and the quarry, which is also a landfill for the purposes of restoring the quarry workings, also generate revenue and the proposal allows for a continuance of this, for which limited weight is subsequently attached.

9.51 Conclusion on Economy Issues

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

9.53 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

9.54 Planning Obligations

9.55 The applicant has offered to sign a Section 106 Agreement to provide assurance that the building will be demolished timed with the expiration of the use. The current permission allows operations at the site until 2034, and so this is considered a reasonable timeframe for which to allow the office to be in situ. It is considered that this would provide more security than a planning condition.

9.56 Paragraph 56 states that planning obligations must only be sought where they meet all of the following tests

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

9.57 These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010. In the event that planning permission is granted, the following contributions would be required.

9.58 The proposed obligation to demolish the building is fully considered to meet with the test set by paragraph 56, given the Green Belt status of the land and current restoration proposals for the quarry site.

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. It is considered that subject to the recommended conditions, there are no material considerations which indicate the application should be refused.

10.2 The office building, whilst being of permanent construction, would have a temporary permission to coincide with the expiration of restoration activities on the site. It would

replace currently inadequate and unsightly buildings which would be more secure and occupy a smaller footprint than the current buildings.

- 10.3 As the proposal is for ancillary development relating to the landfill and quarry, it is not considered to be inappropriate development and would not contradict the five purposes that Green Belt serves. The siting of the office is further into the site, and despite being two storeys, is of limited scale at 6.1m. The existing buildings and car park are partially visible from the access and Hazel Lane, and despite the increased scale, the building would not harm the openness of the Green Belt any more than currently. It is likely to be less apparent than the existing situation from Hazel Lane and a result of it's siting within the plantation which has not matured. Furthermore, the building is temporary and would be demolished when no longer required.

11.0 RECOMMENDATION

Planning permission be **GRANTED** subject to a Section 106 Agreement and the following conditions;

Heads of Terms of Section 106 Agreement;

- The building to be demolished on 12 January 2034 (expiry of 01/0817/P/MINA), or before if no longer genuinely required.

Conditions

01. STAT1 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. U0091878 The use hereby permitted shall be for a limited period, being until the 12th of January 2034. At the end of this period, the use hereby permitted shall cease, the building demolished and all materials and equipment brought on to the land in connection with the use shall be removed, and the land restored in accordance with a scheme previously submitted to and approved in writing by the local planning authority.
REASON
The use hereby approved is not considered suitable as a permanent form of development to safeguard the Green Belt and to comply with policy ENV 3 of the Doncaster Unitary Development Plan and Policy 1 of the Doncaster Local Plan.
03. U0091879 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:

REASON

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

04. MAT1A

Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.

05. DA01

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 (based on sustainable drainage principles SuDS) 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.

06. D54B

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.

07. DM13A

The discharge from the septic tank hereby approved, whether to a drainage field/mound or wetland/reedbed shall be in accordance with Part H of the Building Regulations. Details of the drainage system shall be submitted to and approved by the Local Planning Authority and be fully operational before the development is occupied.

REASON

To avoid pollution of the local land drainage system and in the interests of amenity.

08. DN14A

Before the development is commenced permeability tests (in accordance with BRE365) shall be carried out to prove that ground conditions are suitable for a soakaway type septic tank effluent disposal system. The test results shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

REASON

To ensure that ground conditions are suitable for this type of drainage system and that the relevant details are approved by the Local Planning Authority.

09. U0091880 Gas protection measures shall be incorporated into all dwellings and structures on the site, unless an alternative scheme is submitted in writing and agreed with the local planning authority (LPA). The installation and verification of the gas protection measures shall be undertaken in accordance with a remediation strategy and verification plan submitted to the LPA for approval prior to works progressing. Upon completion of the works a verification report shall be submitted to the LPA for approval. The reports required by this condition shall be written in accordance with the requirements of the guidance document; YALPAG Technical Guidance for Developers, Landowners and Consultants, Verification Requirements for Gas Protection Systems. The site shall not be brought into use until such time as the verification report has been approved by the LPA.

REASON

To ensure that gas protection measures are appropriate for the development and provide the required level of protection to demonstrate that, in terms of gas risk, the development is suitable for use.

10. ENVH4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. 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

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

11 Within 12 months of commencement of the development hereby approved, details of a landscaping/planting scheme to have been submitted to and agreed in writing with the Local Planning Authority. This scheme shall indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those which are to be retained, those proposed for removal and those requiring surgery. The scheme should also indicate, where appropriate, full details of new or replacement planting. All planting material included in the scheme shall comply with Local Planning Authority's 'Landscape Specifications in Relation to Development Sites'. Planting shall take place in the first suitable planting season, following the commencement of the development. Any tree or shrub planted in

accordance with the scheme and becoming damaged, diseased, dying or removed within five years of planting shall be replaced in accordance with the above document.

REASON

To ensure that replacement trees are of a suitable type and standard in the interests of amenity.

Informatives

01. U0015739 INFORMATIVE

1. 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.

2. Surface Water Discharge From Brownfield Site

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 plus 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.

3. On Site Surface Water Management

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 plus 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.

4. 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.

5. Watercourse consent may be required by the applicant from DMBC Flood Risk Team for any works on the watercourses adjacent to / crossing the site.

6. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert)

7. The written consent of DMBC may be required for any works on or near to an ordinary watercourse. DMBC have an anti-culverting policy.

8. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable)

9. 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 design of flow control devices should, wherever practicable, include the following features:

- a) Flow controls may be static (such as vortex flow controls or fixed orifice plates) or variable (such as pistons or slide valves);
- b) Controls should have a minimum opening size of 100 mm chamber, or equivalent;
- c) A bypass should be included with a surface operated penstock or valve; and
- d) Access should be provided to the upstream and downstream sections of a flow control device to allow maintenance.

02. U0015740 INFORMATIVE

Foul drainage should be connected to the main sewer. ^{Page 136} Where this is not possible, under the Environmental Permitting Regulations 2010 any

discharge of sewage or trade effluent made to either surface water or groundwater must either follow the General Binding Rules or hold a permit issued by the Environment Agency, in addition to planning permission.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form the EA will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before the EA decide whether to vary a permit.

Further advice is available at:
<https://www.gov.uk/permits-you-need-for-septic-tanks>.

03. U0015741 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).

04. U0015742 INFORMATIVE

It is worth noting that a geological fault is conjectured through this land which may require appropriate considerations for an appropriate foundation design.

05. U0015743 INFORMATIVE

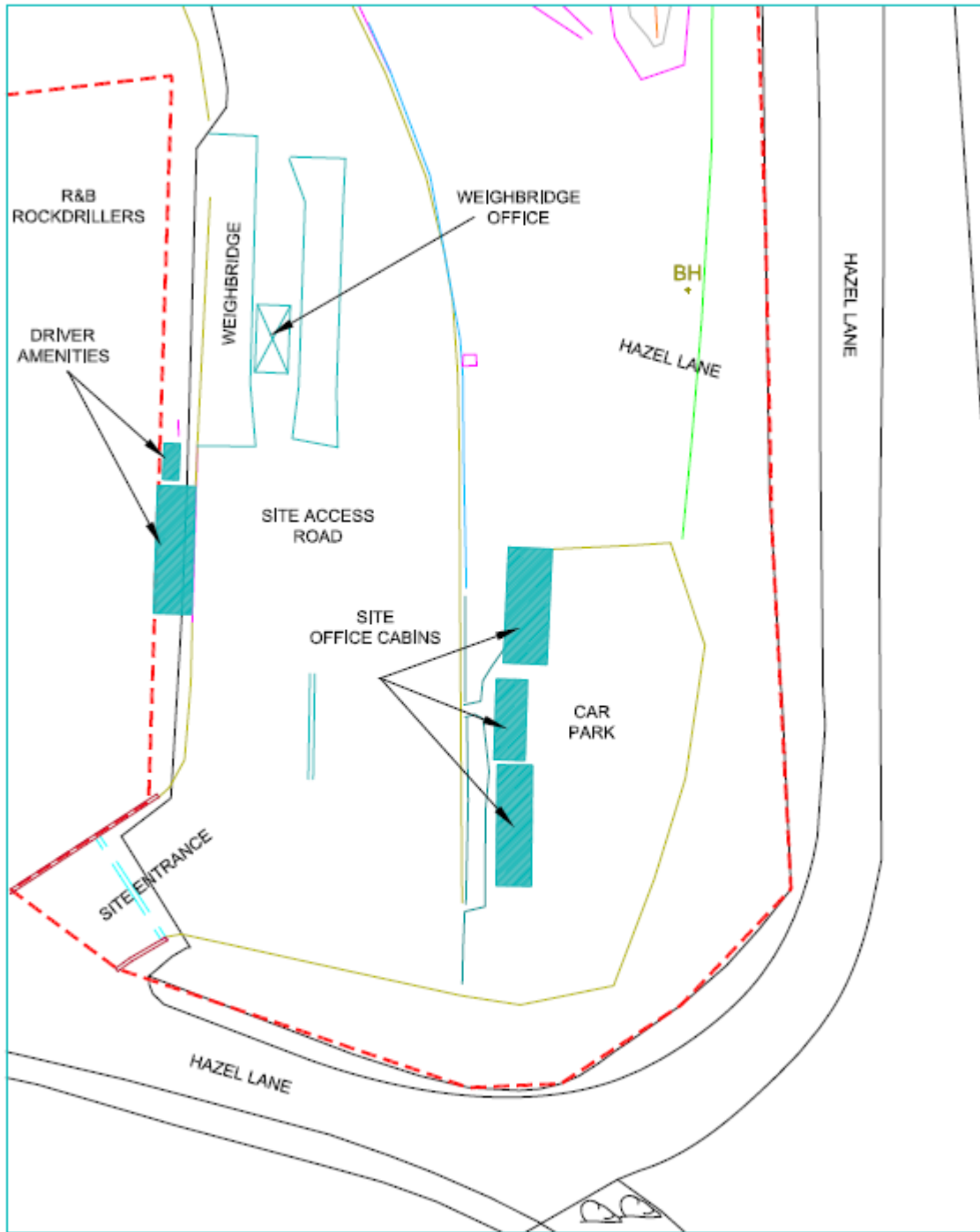
Access for fire appliances should be in accordance with the Building Regulations Approved Document B, volume 2, part B5 section 15 and in particular paragraphs 15.1, 15.3 and Table 15.1.

In addition, paragraphs 15.7 to 15.10 and Table 15.2. Your attention is drawn to Table 15.2 and the minimum carrying capacity (tonnes) mentioned. South Yorkshire fire appliances are heavier than those mentioned with a maximum authorised mass (MAM) of 18 tonnes. Any roadway and associated inspection covers should therefore be capable of carrying at least this weight.

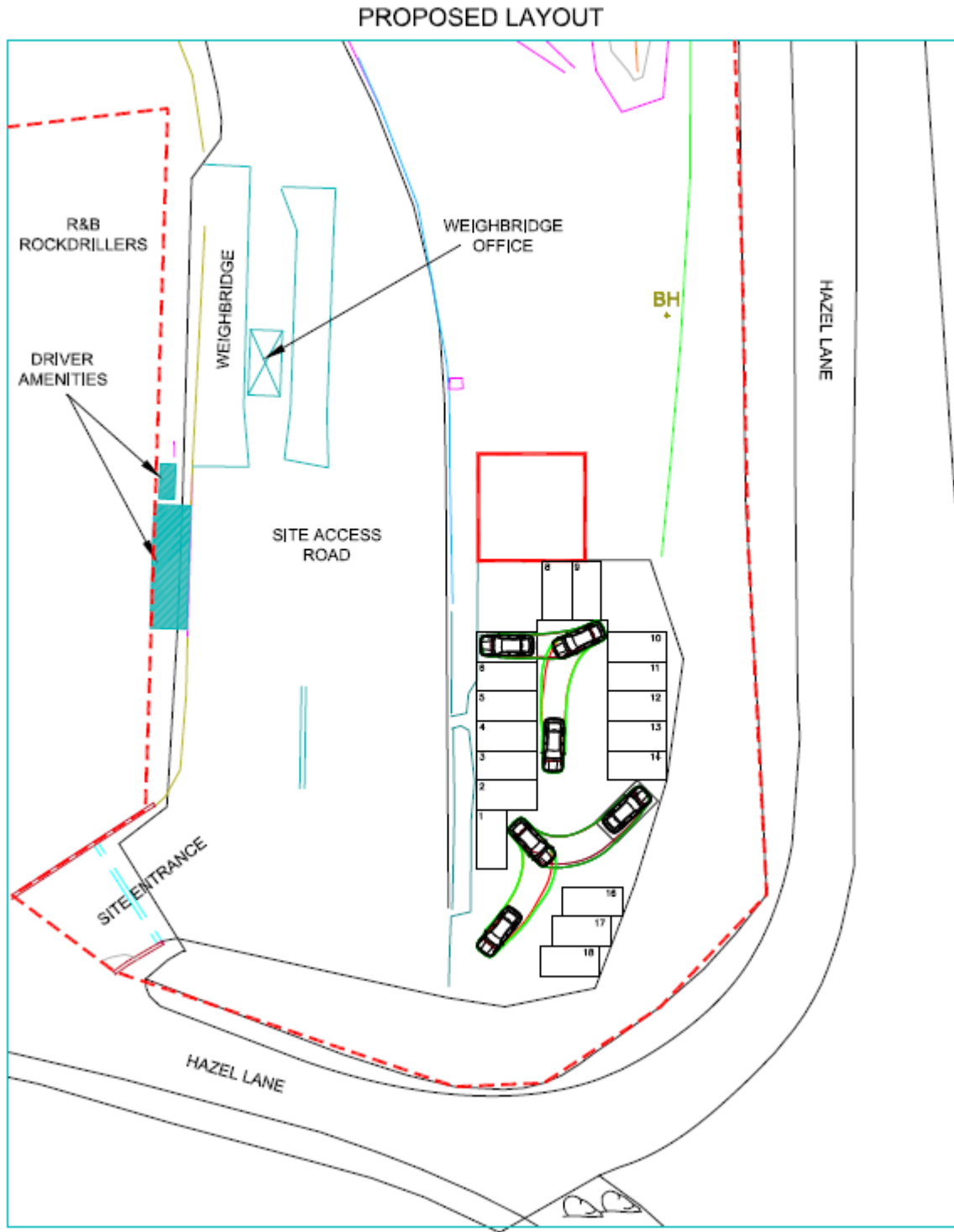
The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Appendix 1: Location Plan

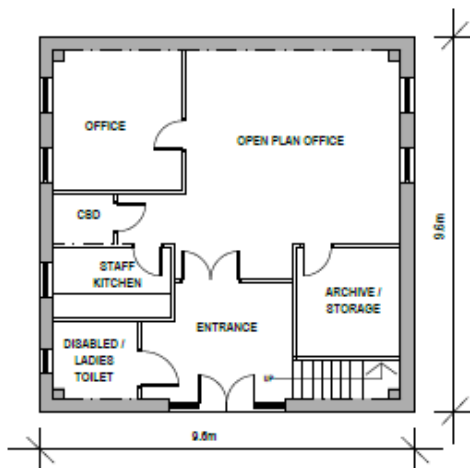
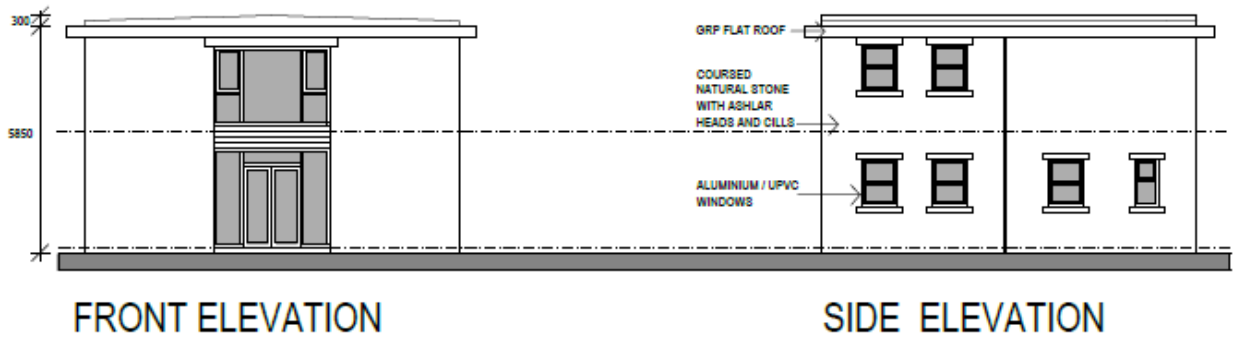
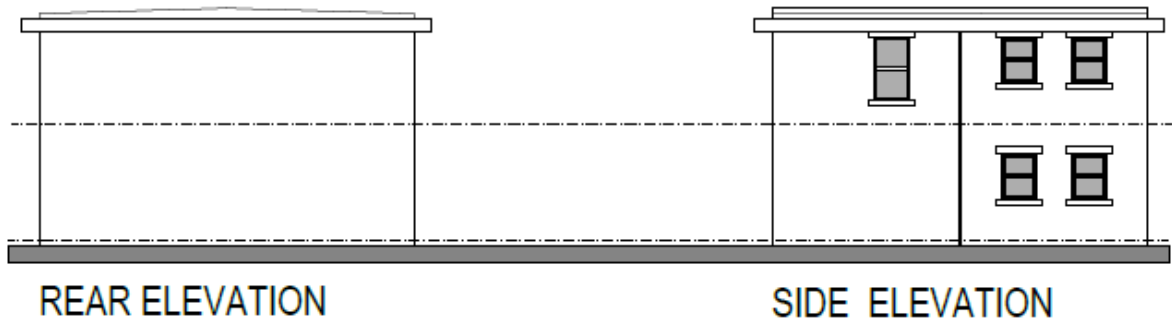
EXISTING LAYOUT



Appendix 2: Site Plan



Appendix 3 – Elevations and Floorplans



GROUND FLOOR



FIRST FLOOR

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Date: 14 September 2021

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 01/09/2021]

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 01/09/2021]

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 01/09/2021]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 01/09/2021]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 01/09/2021]

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

EQUALITY IMPLICATIONS [Officer Initials JML Date 01/09/2021]

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
18/00535/M	Appeal against enforcement action for alleged unauthorised installation of bladder tank under grounds A, C, E, F and G. at Land North Of, Hangman Stone Lane, High Melton, Doncaster	ENF-Appeal Allowed, ENF Notice Quashed 17/08/2021	18/00535/M	Delegated	No
20/01015/OUT	Outline application for erection of a single dwelling for an agricultural worker (approval being sought for access). at Land Rear Of Manor Farm Public House, Denaby Lane, Old Denaby, Doncaster	Appeal Dismissed 06/08/2021	Conisbrough	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

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PETER DALE
Director of Economy and Environment

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Appeal Decision

Inquiry Held on 27 & 28 July 2021

Site visit made on 4 August 2021

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/F4410/C/19/3222400

The land situate and known as land north of Hangman Stone Lane, High Melton, Doncaster

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Stewart Woolhouse against an enforcement notice issued by Doncaster Metropolitan Borough Council.
 - The enforcement notice was issued on 11 January 2019.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of a bladder tank.
 - The requirements of the notice are to dismantle the unauthorised bladder tank and remove the materials from the Land.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (c), (f), and (g) of the Town and Country Planning Act 1990 as amended.
-

Summary Decision: the appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out the Formal Decision below.

Procedural matters

- 1 The appeal as initially made included an appeal on ground (e) as set out in section 174(2) of the 1990 Act: namely that copies of the enforcement were not served as required by section 172 of that Act. The appeal on ground (e) was subsequently withdrawn at the Inquiry.

The Enforcement Notice

- 2 The breach of planning control as alleged in the notice, is without planning permission, the erection of a bladder tank.
- 3 In a Statement of Common Ground dated 11 June 2020 (SoCG), the parties agreed that the breach of planning control should more properly be described, in summary, as a mesh silo. I concur that the description set out in the SoCG is a more accurate description of the breach of planning control that has occurred than that set out in the enforcement notice, albeit the wording and construction is somewhat cumbersome. I shall therefore correct the notice to allege the breach of planning control set out in the SoCG, albeit with minor amendments to the wording and construction. Given that this description has been agreed by the appellant and the Council, no injustice would be caused by so doing.

The appeal on ground (c)

- 4 The ground of appeal is that, in respect of any breach of planning control that may be constituted by the matters stated in the notice, those matters do not constitute a breach of planning control. An appeal on this ground is one of the 'legal' grounds of appeal, in which the burden of proof is on the appellant to show, on the balance of probability, that the matters alleged in the notice do not constitute a breach of planning control.
- 5 The meaning of development for the purposes of the 1990 Act is defined at section 55(1) of that Act as:

...the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or other land.
- 6 It is not contended that the mesh silo constitutes an engineering operation, and it is evidently not a mining or other operation¹. By elimination, the question before me is therefore whether the mesh silo constitutes a building operation for the purposes of section 55(1) of the 1990 Act. In that context, the approach of the Courts is to ask first whether what has been done has resulted in the erection of a 'building': if so, the Courts would need a great deal of persuading that the erection of it had not amounted to a building operation or other operation².
- 7 In *Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd* [1949] 1QB 385, subsequently endorsed by the Court of Appeal in *Skerritts of Nottingham Ltd v SSETR (No.2)* [2000] 2 EWCA Civ 5569, three primary factors were identified as decisive of what was a building: (i) size; (ii) permanence; and (iii) physical attachment. However, before considering these factors in detail, it is helpful to first describe the process by which the mesh silo arrived at its present position.
- 8 By reason of its dimensions when complete, the mesh silo was not delivered to the site as a single entity. In giving his evidence, the appellant explained that the mesh silo was delivered in component form to his farmyard. The components were then transported to the present position, where the mesh silo was installed over a period of five or six days by three or four staff members provided by the company that supplied it. The area on which the mesh silo was to be placed was excavated to form a shallow depression, in which was laid a pipe from which the mesh silo is filled with Digestate and Digestate is extracted³. That pipe runs from the centre of depression to a couple of metres beyond it, a distance of some 13 or 14 metres. The inner lining (that now holds the Digestate) was placed in that depression, and the pipe connected to the base of it. The galvanised steel mesh was then erected around the inner lining, each section being secured to the next by bolts. The top of the inner lining was overlaid on the rim of steel mesh, and affixed to it. The trench containing the pipe beyond the circumference of mesh silo was then infilled to a depth of approximately 0.6 metres (not with concrete).

¹ Other' operations may include, for example, such works as the formation of earth banks, where this was undertaken without the degree of preplanning and skill constituting engineering operations.

² *Barvis v SSE* [1971] 22 P&CR 710

³ "Digestate" is the product name of the PAS110 certified fertiliser stored in the mesh silo

- 9 Turning now to the three primary factors identified in *Cardiff Rating*, in terms of size the mesh silo is 3 metres high and 23 metres in diameter. It has a capacity of some 1,246 cubic metres and can hold some 1,200 m³ of Digestate. The Council calculate that the mesh silo has a plan area of 415.5m², the equivalent size of more than five average-sized new build bungalows. The mesh silo is visible from a distance of up to 1km away and, at closer quarters, is visually dominant. It is, in my judgment, as a matter of fact and degree a large structure.
- 10 The mesh silo was first brought to the site in or around December 2018, and has therefore been in situ now in excess of 2½ years. When full, the mesh silo holds some 1,200 tonnes of Digestate but even when empty it would in my judgment not be straightforward to remove it. That is evidenced by the stages involved in its original installation, the number of specialist personnel required to achieve that and the time taken to do so. The mesh silo has not been temporarily removed since first being installed: for example, during the closed season for spreading Digestate. Moreover, there is nothing in the appellant's evidence to suggest that the intention is to move the mesh silo from place to place around the farm. To the contrary, much of the appellant's evidence related to having selected the location of the mesh silo as being the optimum to serve the farm unit as a whole. I consider that, as a matter of fact and degree, the mesh silo has a degree of permanence.
- 11 The mesh silo is not physically attached to the ground in terms of having foundations or being secured by stakes. The mesh silo rests on a series of pads and, in essence, is kept in place by its own weight. However, the pipe that runs beneath the mesh silo emerges some two metres or so beyond its circumference. Between those points, the pipe is buried to a depth of 0.6 metres. That pipe is an integral part of the mesh silo, being the principal means by which the mesh silo is filled with Digestate and the Digestate is then extracted. As such, as a matter of fact and degree, the subterranean location of that pipe constitutes physical attachment of the mesh silo to the ground.
- 12 In summary, I conclude that the mesh silo is a large structure which is physically attached to the ground and has a degree of permanence. It therefore exhibits all three of the primary factors identified in *Cardiff Rating*. Accordingly, in my judgment, the mesh silo should properly be considered to be a building.
- 13 The appellant maintains that the mesh silo is plant associated with the agricultural use of the land. The definition of "plant" relied upon by the appellant is that contained in the New Shorter Oxford Dictionary, which is:
- Machinery, fixtures, and apparatus used in an industrial or engineering process; a single machine or large piece of apparatus.*
- 14 The appellant maintains that the mesh silo would fall within that definition, given that farming is a process engaged in the production of food. In support of that, the appellant points to the fact that silos are treated as plant for the purpose of tax cases and that, in relation to a site at Bardsea Business Park, an Inspector found that plant does not have to be in a building⁴.

⁴ Ref: APP/M0933/X/00/1035902

- 15 I take the appellant's point that the mesh silo is part of a "process", in this case the process of applying Digestate to the soil on the appellant's farm that starts with delivery of Digestate to the farm and ends with the application of that digestate to the soil. The appellant's farm is clearly engaged in the production of food. But, on my reading of the definition of plant relied upon by the appellant, the key words are "industrial or engineering". Those words appear immediately before the word "process" in that definition, and must be read together with it. The word "or" between "industrial" and "engineering" serves to limit the scope to which the word "process" applies in that definition.
- 16 To my mind, neither the words industrial nor engineering properly apply to farming. Both words connote a manufacturing process, rather than the growing of crops. For that reason, I do not consider that the mesh silo can properly be regarded as being plant.
- 17 Furthermore, even if the mesh silo was considered to be plant, that does not necessarily mean that it would not also fall within the scope of the 1990 Act. The appeal decision in relation to the Bardsea Business Park demonstrates that point.
- 18 The appeal in relation to the Bardsea Business Park was against the decision of South Lakeland District Council to refuse to grant a Certificate of Lawfulness under section 191(1) of 1990 Act for the retention of an existing concrete batching plant. In dismissing the appeal, the Inspector concluded that a specific grant of planning permission was required for the concrete batching plant⁵. The obvious corollary of that conclusion can only be that the Inspector must have been satisfied that the concrete batching plant constituted development for the purposes of section 55(1) of the 1990 Act. As such, this appeal decision does not support the appellant's case: indeed, if anything, it tends to support the Council's case that the mesh silo is similarly development subject to control under the 1990 Act.
- 19 Having found that the mesh silo is a building, I am not persuaded by the appellant's evidence that the installation of it did not amount to a building operation. Indeed, the explanation given by the appellant of the process by which it was installed reinforces my view that it was a building operation. I conclude that the installation of the mesh silo constituted a building operation and as such constitutes development for the purposes of section 55(1) of the 1990 Act.
- 20 Section 57(1) of the 1990 Act provides that planning permission is required for development. It was agreed in the SoCG that, if the mesh silo is found to be a building, then a Prior Approval Application under Condition A2 (2) Class A Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 was required. No prior approval application was submitted, and there is no provision for Prior Approval to be submitted retrospectively. It follows that no planning permission is in place for the mesh silo, but that planning permission is required for it. I conclude that the matters stated in the notice do constitute a breach of planning control.
- 21 Accordingly, the appeal on ground (c) fails.

⁵ Paragraph 7 of the Inspector's Decision

The appeal on Ground (a) and the deemed planning application

- 22 The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.
- 23 The appeal site is within the Green Belt. The Council has stated one substantive reason for issuing the enforcement notice from which the main issues raised are:
- Whether the breach of planning control alleged in the notice is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework), and
 - the effect of the development on the character and appearance of the area.

Whether the breach of planning control alleged in the notice is inappropriate development in the Green Belt

- 24 The mesh silo is a building used for the purposes of agriculture. Although initially cited as one of the reasons for issuing the notice, it was subsequently agreed in the SoCG that agricultural buildings are not inappropriate development as expressed in paragraph 149 of the Framework. I see no reason to take a different view.

Character and appearance

- 25 The appeal site is positioned on an elevated limestone plateau to the north of the Dearne Valley. The appeal site is located about 1km to the north-west of the settlement of High Malton, and approximately 0.4km to the south-west of Melton Wood Country Park.
- 26 The Council has commissioned a Landscape & Visual Impact Assessment (LVIA) to inform its evidence at the Inquiry. The LVIA has been produced in accordance with the principles established in 'The Guidelines for Landscape and Visual Impact Assessment', 3rd Edition (GLVIA3) produced by the Landscape Institute and the Institute for Environmental Management and Assessment. The appellant has not questioned the methodology of the LVIA produced by the Council. I see no reason to take a different view but, for the reasons set out below, I do take issue with some of the conclusions within it.
- 27 The Baseline for the LVIA notes that the mesh silo is situated at an elevation of approximately 98m AOD, meaning that it is situated close to the highest elevation in the surrounding landscape. From that point, the land falls away to the south and east, with Sheep Lane at an elevation some 20m lower than the mesh silo. The LVIA notes that the mesh silo sits within an open tract of arable farmland, and that there is no other vegetation within the immediate vicinity. To the north-east, Melton Wood is a significant block of mixed deciduous and coniferous extending to over 100 hectares
- 28 Whilst there are no buildings within the immediate vicinity of the tank, the LVIA identifies two overhead electricity lines that pass through the landscape surrounding the mesh silo. The LVIA includes the Marr Wind Farm in the Baseline, the wind farm being situated approximately 1km to the north of the mesh silo.

- 29 At a national level, the site and the surrounding local landscape falls within National Character Area (NCA) 30 – Southern Magnesian Limestone. The key characteristics of that landscape designation include an open landscape offering long views of the lowlands to the east and west.
- 30 At a local level, the Landscape Character & Capacity Assessment of the Doncaster Borough (March 2007) identifies the appeal site as being within Landscape Character Type (LCT) C - Limestone Plateau. This broad LCT has been further subdivided into landscape character areas. The site of the mesh silo is situated within Landscape Character Area C2 - Cadeby to Adwick Limestone Plateau. The key characteristics of LCA C2 include a gently rolling landform dipping gently to the north and east; large scale intensive arable farmland; tree cover throughout, including areas of ancient woodland; public rights of way linking settlements; and very rural and tranquil in some areas.
- 31 The sensitivity of the landscape is assessed within the LVIA as being Medium/High. The mesh silo sits in an Area of Special Landscape Value (ASLV) as identified in the development plan for the area. Nevertheless, the overall conclusion of the LVIA is that this is a valued landscape, irrespective of the ASLV designation.
- 32 Having visited the site, I am not persuaded that the Baseline as described in the LVIA is an entirely accurate starting point from which to assess the impact of the mesh silo on the landscape. In my opinion, the LVIA significantly underplays the impact of the Marr Wind Farm on the landscape. Similarly, the electricity pylons that cross the appeal site. These substantial pieces of infrastructure do not undermine the character or quality of the landscape. But they are important features within it. I have therefore had this infrastructure very much in mind when considering the baseline against which the development must be assessed.
- 33 I also have some reservations about the emphasis placed in the LVIA on the tranquillity of this rural location. Although rural, the appeal site is a working farm. There is activity associated with this working landscape, including movements by vehicles and farm equipment. Some of that activity historically related to the previous use of bladder tanks for the storage of Digestate. Consequently, in relation to perceptual qualities of this landscape, activity levels on the appeal site should form a part of the baseline against which the development subject to the notice must be assessed. I am not convinced that the LVIA takes full account of that.
- 34 The framing of the reasons for issuing the notice also requires an understanding as to how the mesh silo is experienced by those who use the landscape. In that context, I am mindful that there are Public Rights of Way through the landscape. These Public Rights of Way are used primarily for recreational purposes. The LVIA considers the recreational users of these Public Rights of Way have high sensitivity to change. I concur with that assessment.
- 35 The mesh silo is designed for a specific purpose: to store and dispense bio-fertilizer. It is a functional design. The design is consistent with the intended purpose of the building. The design and materials are to a high standard in the context of the intended purpose of the building. The area around the building is not landscaped in any way. Again, that is consistent with the purpose of the building and the need to gain access to it.

- 36 There is no denying that the mesh silo is an obvious feature in this landscape. It is clearly visible from Hangman Stone Lane where it leaves the residential properties at its southern end. It is clearly visible from the bridleway when exiting Melton Wood Country Park. It is visible from Sheep Lane and, in places, from Footpath High Melton No.4. In some views the mesh silo breaks the skyline. In others, it is viewed against a backdrop of trees. In all these views, the presence of the mesh silo in the landscape obviously increases as the viewer gets close to it. Given the sensitivity of this landscape to change, the introduction of the mesh silo into this landscape has undoubtedly changed it.
- 37 But that does not mean that the change is a harmful one. The mesh silo sits in a working agricultural landscape. It is a landscape which features large infrastructure: notably the Marr Wind Farm and the electricity pylons that cross the appeal site. The farmyard to Red House Farm is extensive and contains some substantial buildings. Although some distance from Red House Farm, the mesh silo is linked to that complex of buildings by a farm track. The mesh silo therefore reads as a building associated with Red House Farm and to the agricultural use of the land. As such, the mesh silo is absorbed into the receiving landscape and integrates with it.
- 38 Although the mesh silo does break the skyline in some views, where it does so the mesh silo is seen with trees and other vegetation to each side. These trees are of at the least the same height as the mesh silo, and in some cases higher than it. The skyline is already broken by these trees. As a result, the mesh silo is not unduly conspicuous or intrusive in the landscape.
- 39 For these reasons, I cannot accept the conclusion in the LVIA that the mesh silo appears incongruous with the nature of the receiving landscape, or that it appears discordant within views from identified visual receptors. It does not, in my view, have a Major adverse effect on the visual receptors using the public bridleways and footpaths that cross the appeal site. On the contrary, in my opinion the mesh silo sits comfortably in this working agricultural landscape.
- 40 I conclude that the mesh silo does not harm the character and appearance of the area. I therefore conclude that the breach of planning control alleged in the notice does not conflict with Policies CS3 CS14 of the Doncaster Council Core Strategy (Core Strategy), as well as Policies ENV3, ENV6 and ENV17 of the Doncaster Unitary Development Plan (UDP). These policies indicate, amongst other things, that within Areas of Special Landscape Value the protection and enhancement of the landscape will be the overriding factor in considering proposals for development. These policies go on to indicate that development will not be permitted where it fails to integrate with the landscape or would significantly detract from views across open countryside.
- 41 The Council is the process of adopting the Doncaster Council Local Plan (Local Plan) which, when adopted, will replace the Core Strategy and the UDP. The Local Plan has reached an advanced stage of preparation with, following Examination, the Inspector's Report being published in June 2021. The Council is looking to adopt the Local Plan in September 2021. Paragraph 48 of the Framework confirms that the more advanced an emerging plan is in its preparation, the greater the weight that may be given to the policies within it.
- 42 Policy 33 of the emerging Local Plan states, amongst other things, that development will be permitted provided that it conserves, enhances and where

possible restores the landscape character and local distinctiveness. For the reasons set out above, the mesh silo conserves the character and appearance of the landscape. As such, the development accords with Policy 33 of the Local Plan. In accordance with paragraph 48 of the Framework, that is a material consideration to which I attach substantial weight.

- 43 Paragraph 174 of the Framework indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The appeal site lies within the ASLV, a designation which connotes that the landscape is valued. The mesh silo does not harm this valued landscape. Accordingly, the breach of planning control accords with paragraph 174 of the Framework.

Other considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. I have found that the mesh silo accords with the development plan in relation to the reasons for issuing the notice. However, objections have been made to the development on other grounds: specifically, odour, the chemical composition of the Digestate and issues surrounding the delivery of the product. It is therefore necessary for me to consider whether the matters raised in those objections constitute material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan. It is, however, helpful to first put these objections into context by understanding the purpose and benefits of the Digestate that is stored in the mesh silo to the farming operation that takes place on the land.

Benefits of Digestate to the farming operation on the land

- 44 In his evidence, Mr Kirkham explained that Digestate is one of the products of anaerobic digestion. Digestate is certified under the biofertilizer certification scheme to PAS 110 standard. As such, it is not a waste material and does not require an environmental permit or exemption to be in place prior to application to land. Digestate is a valuable source of essential plant nutrients, such as nitrogen, phosphate and potash, and is low in potentially toxic elements. Mr Kirkham went on to explain that, because anaerobic digestion is a continual process, some means of storage for the Digestate is essential to enable the process of anaerobic digestion to continue. Having the storage facility on the farm itself means that when the time for application is appropriate the Digestate can be spread promptly, efficiently and above all accurately to the land.
- 45 It is Mr Kirkham's evidence that the requirement for the storage of Digestate on the farm is enhanced by the Environment Agency's interpretation of the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (2018 Regulations). In summary, the Environment Agency's interpretation of the 2018 Regulations is that it is now an illegal act to apply any form of organic manure in the late summer- autumn period unless the crop has an established need for the nutrients contained within it in the autumn. As Mr Kirkham points out, this interpretation places a huge emphasis on the storage of organic manures for an extra period of time, typically the spring of the following year.

- 46 Conversely, if the application of the Digestate took place on the day of delivery, the application would take place over a much longer period due to the volumes of liquid involved. There would also be attendant logistical issues and application inaccuracies, both associated with having to return to from the point of delivery to the point of application more frequently. Within such a scenario, there would be a greater opportunity for poor application, prolonged exposure to odour and spillages.
- 47 Mr Kirkham explains that the yield potential for crops grown on the appellant's land is above the national average. Since the appellant began to use Digestate, the yields of crops grown has proven to be consistently greater than same crop grown on neighbouring land, of similar soil type and with the high standard of husbandry, but without the benefit of Digestate application. Mr Kirkham attributes that greater yield potential to the enhanced soil microbial activity resulting from the regular application of Digestate.
- 48 Other benefits resulting from the use of Digestate identified by Mr Kirkham include a significant reduction in inorganic fertiliser usage at Red House Farm, resulting in significant cost savings and reductions in greenhouse gas emissions. The evidence of Mr Kirkham was not challenged in technical terms and I found it to be compelling in terms of the benefits derived from using Digestate on the appellant's farm.

Odour

- 49 The first objection to the mesh silo relates to the odour given off by the Digestate. I noted at the site visit that odour of the Digestate was apparent when standing downwind of the mesh silo. It is an unpleasant smell. Nevertheless, at the time of site visit, the odour was confined to an area close to the mesh silo. I recognise that the odour may be stronger and travel further at other times; for example, when Digestate is being delivered to the mesh silo and being transferred into it from the tanker, and/or when the wind is stronger. In that context, I did note small patches of Digestate on the ground around the connection for the pipe into which the Digestate is fed.
- 50 However, I have no evidence to suggest that odour from the Digestate is a widespread problem: for example, there is no record of dates/times when local residents found the odour from the Digestate to be unacceptable. The number of objections on that ground is low. The closest residential properties are some distance away. The application of Digestate to land is a legitimate farming operation. The smell associated with fertilizers is associated with farming, and in that respect is not unexpected in this location. The appellant has also produced an Odour Management Policy for the spreading of Digestate on the land, which could be secured by the means of an appropriate planning condition. For all these reasons, I attach limited weight to the objections in relation to odour.

The chemical composition of the Digestate

- 51 As indicated above, Mr Kirkham confirmed that Digestate is certified under the biofertilizer certification scheme to PAS 110 standard. As indicated above, it is not a waste material and does not require an environmental permit or exemption to be in place prior to application to land. The odour given off by Digestate, whilst unpleasant, is not known to be noxious. A planning condition could be imposed to limiting the storage in the mesh silo to PAS110 accredited

products. For these reasons, I do not consider the chemical composition of Digestate to be a material consideration that weighs against the development.

Delivery of the Digestate

- 52 The appellant indicates that the average number of tanker movements delivering the Digestate would be approximately 208 per annum. This equates to just over 2 vehicle movements per day and is dictated by the maximum permissible quantity of bio fertiliser which can be applied on this block of land. The tankers access the mesh silo along the farm track and appellant uses a one-way system along that farm track.
- 53 The farm track is also a public right of way (Bridlepath High Melton No.1). I accept that there is the potential for conflict between the delivery tankers and walkers, cyclists and those riding/leading a horse on the bridlepath. The landscape is open, with good mutual visibility of approaching vehicles, walkers, cyclists and those riding/leading a horse. There would therefore be ample warning of an approaching tanker, and ample space to move out of the way by stepping off the bridlepath into the adjoining field. Accordingly, the risk to the public using the bridleway is low.
- 54 The more significant issue, it seems to me, is the times at which the deliveries are made to the mesh silo. It is indicated in representations that deliveries begin as early as 05:45 and continue as late as 21:00. Given the proximity of the bridlepath to the residential properties at the southern end of Hangman Stone Lane, I consider that vehicle movements at these times unacceptably detract from the living conditions enjoyed by the occupiers of those properties. However, the appellant proposes the submission of a traffic management plan to address this issue. The traffic management plan could also formalise the one-way system along the farm track, as well as seeking to address some of the other issues raised in representations: for example, mud on the road.
- 55 The submission of and subsequent adherence to a traffic management plan could be secured by a condition. Subject to such a condition, I am satisfied that the delivery of the Digestate to the mesh silo would not give rise to any unacceptable impacts.

Support for the development

- 56 A number of local residents support the retention of the mesh silo on the basis, amongst other things, that the farm will continue to use Digestate but through the less satisfactory method of storage in bladder tanks. Similarly, High Melton Parish Council supports the retention of the mesh silo, partly on the basis that it has a greater capacity and therefore requires less deliveries than the previously used bladder tanks. The Parish Council considers that this causes less disruption for residents, a view also held by some other local residents. The support expressed in these representations clearly weighs in support of the development.

Planning conditions

- 57 The Council provided a list of conditions that it would favour in the event that the appeal was allowed, and additional conditions were discussed at the Inquiry. It seems to me that conditions requiring the submission and approval of odour and traffic management plans, as well as a condition limiting the storage to PAS110 accredited products, could mitigate any harm in those

respects. Those conditions would be necessary to make the development acceptable in planning terms.

- 58 The other conditions discussed related to measures to mitigate the visual impact of the mesh silo. These conditions proposed planting around the mesh silo and painting the galvanised mesh a darker colour. However, whilst these measures might soften the appearance of the mesh silo to some extent, I have found the mesh silo to be acceptable within this landscape as it stands. Conditions requiring planting around the mesh silo and painting the galvanised mesh a darker colour would therefore not be necessary to make the mesh silo acceptable in planning terms.

Conclusion on the appeal on ground (a) and the deemed planning application

- 59 For the reasons set out above, the breach of planning control alleged in the notice accords with the development plan in relation to the main issues. I have not been advised of any material considerations of sufficient weight, either taken individually or cumulatively, to indicate that determination should be made otherwise than in accordance with the development plan. If anything, materials considerations relating to the benefits derived from using the Digestate and the support for proposal in some representations weigh in favour of granting planning permission.
- 60 Accordingly, I conclude that planning permission ought to be granted for the matters stated in the notice.

Conclusion

- 61 For the reasons given above, I conclude that the appeal should succeed on ground (a). I shall grant planning permission for the mesh silo as described in the notice as corrected. Because the appeal succeeds on ground (a), the appeals on grounds (f) and (g) do not fall to be considered.

Formal Decision

- 62 It is directed that the enforcement notice is corrected by:
- In paragraph 3 of the notice, delete the words "bladder tank" and substitute there the words "mesh silo in the position shown on the Plan attached to the notice with the dimensions of 3 metres high from the ground, and 23 metres in diameter with a capacity of 1,250 cubic metres incorporating associated pipework, the materials being galvanised steel mesh outer basket and black inner impermeable liner."
- 63 The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely a mesh silo in the position shown on the Plan attached to the notice with the dimensions of 3 metres high from the ground, and 23 metres in diameter with a capacity of 1,250 cubic metres incorporating associated pipework, the materials being galvanised steel mesh outer basket and black inner impermeable liner, at land situate and known as land north of Hangman Stone Lane, High Melton, Doncaster, subject to the following conditions:

1. Within 6 weeks of the date of this decision letter, an Odour Management Plan relating to the use of the mesh silo shall be submitted to the Local Planning Authority for approval. The use of the mesh silo shall thereafter be carried out in full accordance with the approved Odour Management Plan for the lifetime of the development.
2. Within 6 weeks of the date of this decision letter, a Traffic Management Plan shall be submitted to the Local Planning Authority for approval. The Traffic Management Plan shall include but not necessarily be limited to details of frequency and timing of deliveries of product to the mesh silo, and the routing of the vehicles delivering that product into and out of the farmstead. The deliveries of product to the mesh silo shall thereafter be carried out in full accordance with the agreed Traffic Management Plan for the lifetime of the development.
3. Unless agreed in writing with the Local Planning Authority, no material other than that which is PAS110 accredited (or equivalent) shall be stored in the mesh silo hereby approved.

Paul Freer
INSPECTOR

APPERANCES

For the appellant:

Mr David Anderton

Solicitor

He called:

Mr Stewart Woolhouse

Appellant

Mr David Kirkham Bsc

Agricultural Consultant

Mrs Janet Hodson BA TP MRTPI

Planning Consultant

For the Local Planning Authority:

Mr Philip Robson

Of Counsel

He called:

Ms Frances Horne BA (Hons) DIPLA DIPUED CMLI

Chartered Landscape
Architect

Mr Darren Horton

Senior Planning
Enforcement Officer

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Appeal Decision

Hearing Held on 30 June 2021

Site visit made on 1 July 2021

by C Coyne BA (Hons) DipTP DipERM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2021

Appeal Ref: APP/F4410/W/21/3269629

Site to the rear (south) of Manor Farm Public House, Denaby Lane, Old Denaby, Doncaster DN12 4LD

- 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 Graham Schofield against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/01015/OUT, dated 7 April 2020, was refused by notice dated 20 November 2020.
 - The development proposed is outline application for erection of a single dwelling for an agricultural worker (approval being sought for access).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The agreed Statement of Common Ground (SoCG) contains a revised description of the proposed development that is different from that on the application form. Given the parties' agreement to this revision, I have also used this in the banner heading above.
3. The Council's evidence refers to Policy 2 of the emerging Doncaster Local Plan (DLP). At the hearing the Council confirmed that the DLP has undergone examination and subsequent modification with the final Inspector's Report being published. They also confirmed that the relevant part of this policy was not significantly changed. I also note that the part of the policy that is most relevant to the appeal proposal refers directly to the National Planning Policy Framework (The Framework). Therefore, I afford this part Policy 2 of the DLP substantial weight.
4. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published. Apart from changes to paragraph numbering and one minor amendment, no major changes have been made to the Framework in relation to national Green Belt policy. As a result, given the nature of the refusal reason, the main issues and the Development Plan policy upon which the refusal reason is based, on this occasion I consider that the publication of the revised Framework does not directly alter the assessment of this appeal. The relevant updated paragraph numbers have been used in my reasoning below.

Preliminary Matters and Main Issues

5. Policy ENV 3 of the adopted Doncaster Unitary Development Plan (UDP) aims to prevent inappropriate development in the Green Belt as does the relevant part of

Policy 2 of the DLP. The *National Planning Policy Framework* (the Framework) at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. Consequently, given that it aims to resist inappropriate development within it, except in cases where very special circumstances are justified, I consider Policy ENV 3 of the UDP to be broadly consistent with the Framework. The relevant part of Policy 2 of the DLP does not repeat national policy. Instead, it simply states that it will be applied including the presumption against inappropriate development, as a result, I consider this part of Policy 2 to be consistent with the Framework.
7. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions under paragraph 149 of the Framework. The main parties have agreed that the proposal does not fall within any of these exceptions and that as a result the proposal would be inappropriate development within the Green Belt in conflict with the aims of the Framework and Policy ENV 3.
8. The application has been submitted in outline with all matters apart from access being reserved for future consideration. I have dealt with the proposal on that basis, treating details such as those on the Site Location and Block Plan as an indication of where the dwelling would likely be erected on the site.
9. As set out within the SoCG the main parties agree that the proposal would represent inappropriate development in the Green Belt as defined in Policy ENV 3 and the Framework. I concur with that position. In the light of this the main issues are:
 - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and
 - would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

10. The appeal site is situated at the edge of an open field beyond which is a much larger area of open agricultural land. The appeal site is part of a larger parcel of agricultural land (Manor Farm). On the other side of the open field to which the appeal site belongs there are several large agricultural buildings used for the housing of cattle, sheep, and horses and for the storage of animal feed, farm machinery and vehicles. There are also some paddocks and feeding areas as well as several mobile homes, caravans, storage containers and other equipment and machinery on this wider site.

Effect on Openness and Green Belt Purposes

11. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as set out in Paragraph 137. The proposed dwelling would be located within an open area adjacent to the existing cluster of buildings where there is currently no development. In simple spatial terms, this would have a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is presently permanently open. The construction of a dwelling on the appeal site would therefore bring about built development where there is presently none. This would have a discernible adverse visual impact on openness. Consequently, the proposal would not preserve the openness of the Green Belt. This would cause moderate harm to the openness of the Green Belt as a whole.

12. Furthermore, given the clear linkage between the undeveloped appeal site and the more open land beyond it, and the fact that it has the characteristics of open countryside, I find that the indicative proposal would lead to a demonstrable loss of openness causing significant harm to the Green Belt.
13. Moreover, at the hearing, both main parties agreed that the indicative proposal would have an impact on the openness of the Green Belt and that it would also represent a clear encroachment into the countryside. I agree with this assessment. Therefore, in principle the erection of a dwelling on the appeal site would lead to encroachment of development into the countryside, which would fail to serve the related Green Belt purpose and therefore it would clearly conflict with the fundamental aim of national Green Belt policy. Consequently, it would also conflict with the aims of Policy ENV 3 and Policy 2 in this regard.

Other Considerations

14. The appellant and members of his family currently run a farm business comprising a range of enterprises as well as providing services for chicken farms by catching hens once they have reached their target weight. As well as Manor Farm, the appellant owns several other parcels of land which form part of the wider farm holding.
15. These other parcels of land owned by the appellant include: Hooton Lodge, which comprises approximately 35.6 hectares (ha) with the land being used for a combination of grazing, haylage and a camp site; Kilnhurst Hall Farm, comprising approximately 2.8 ha with a range of buildings there that can house up to 30 head of cattle and a large yard area used for the poultry services element of the business; The Croft which comprises a range of buildings used to house up to 100 head of cattle, pigs and for the storage of feed and straw; and four blocks of other local land that collectively amount to around 104 ha. Other local land is also rented by the appellant for livestock grazing and haylage amounting to approximately 182 ha.
16. Manor Farm itself comprises approximately 10.5 ha with the farming activities there including the grazing of sheep and cattle, and the housing of such animals. The livestock buildings at Manor Farm can accommodate over 200 head of cattle. In addition, the lambing for the wider holding's stock of 180 lowland ewes is undertaken at Manor Farm, as well as some calving activity. It is also clear that both main parties agree that the appellant's agricultural business is a profitable one and from the evidence before me I see no reason to disagree.
17. According to the evidence there are also several dwellings located on the other parcels of land owned by the appellant including: 1 at Hooton Lodge; 1 at Kilnhurst Hall Farm; and 4 at The Croft. It also states that three of these dwellings are occupied by family members who do not work on the farm and that the current occupier of one of the dwellings, at The Croft, Christopher Schofield, who does work on the farm, will be relocating to the one proposed at the appeal site. It is explained that this is due to the essential need for there to be a rural worker present there permanently.
18. One reason given by the appellant for the essential need for the proposal is that farm staff have to travel from The Croft to Manor Farm throughout the day with several roundtrips, taking approximately 10 minutes, being undertaken throughout the day and night to check on the welfare of the animals. However, given the relatively short journey time between these two locations I fail to see how these journeys would give rise to an essential need. I therefore afford this consideration little weight.

19. Furthermore, while I acknowledge that several mature cattle, calves, and lambs were lost over the past 12 months, I have no substantive evidence before me to show that these losses were as a direct result of there not being a permanent presence on the appeal site. It is also not clear whether the mature cattle died on the appeal site or not. In any event, given the relatively short distance and travel time between The Croft and Manor Farm, I am not convinced that an essential permanent presence on the site is required for these reasons and afford this consideration little weight.
20. Similarly, given the seasonal nature of activity at Manor Farm relating to calving and lambing this does not support a functional need for a permanent dwelling for an agricultural worker and while it may justify a need for a temporary residential presence on the holding during the calving and lambing seasons, I am not satisfied that the number of livestock and the limited calving/lambing seasons justify a permanent dwelling on the site for animal husbandry reasons.
21. It is also stated that a permanent presence on the site is required to ensure that 'on-heat' heifers are being served by the bull. However, I fail to see why this could not be done by ensuring that the respective animals were housed together for an appropriate period or why this could not also be done during normal daytime farming work hours with the animals being monitored. As a result, I afford this consideration little weight.
22. The appellant has also cited security issues as a reason for a permanent presence on the site and that currently this means that machinery and equipment is routinely shipped back and forth between Manor Farm and the other parcels of land. However, at the hearing the appellant confirmed that no thefts or acts of vandalism had been officially reported in the last 12 months. Furthermore, even though some anecdotal evidence was given at the hearing I have no substantive evidence before me, such as a police report, to demonstrate that a) any thefts have taken place, and b) all enhancements to current security and other potential surveillance and monitoring options have been fully explored.
23. Therefore, I am not satisfied that the appellant has adequately explored alternatives to living on site permanently to secure the business. Consequently, in the absence of clear and substantiated evidence that a wide range of security enhancements have been considered, the issue of security adds limited weight in support of a permanent dwelling on the site.
24. In addition, the Council have stated that there are properties to rent available locally that could meet the need for an agricultural worker that would be within a short distance of the appeal site, estimating the weekly rent to be around £83. I also have no substantive or convincing evidence before me to show that the appellant has explored such reasonable alternative options for local accommodation that would be located close to Manor Farm. As a result, I afford the issue of there being a lack of suitable accommodation locally very little weight.
25. Therefore, and taking into account the various elements of the appellant's business I find that while there is a desire for the appellant to provide permanent residential accommodation on the appeal site to support the livestock element of the business, no essential need for permanent residential accommodation for a rural worker has been demonstrated. As such, when taken in the round, this other consideration does not weigh in favour of the proposal.
26. In support of the proposal the appellant has also cited the fact that two of the dwellings at The Croft, including Millstone House, occupied by a farm worker, are within the safeguarded area for the proposed route of the High Speed Two rail line

Phase 2b: West Midlands to Leeds (HS2). However, according to the evidence, at this moment in time this leg of the route has not yet been legislated for meaning that it will likely be some time before any properties on this potential route would need to be disposed of through a compulsory purchase mechanism. As a result, I afford this consideration little weight.

Any Other Harm

27. As set out within the SoCG both main parties agree that the indicative proposal would be an isolated dwelling in the countryside. Paragraph 80 of the Framework states that planning decisions should avoid the development of an isolated home in the countryside unless it meets certain specified exception tests.
28. The Braintree Judgement¹ has held that the word “isolated” in the phrase “isolated homes in the countryside” simply connotes a dwelling that is physically separate or remote from a settlement. It has also held that the issue of ‘isolated’ in this regard must always be a matter of fact and planning judgment. In this case, it is not simply about a consideration of proximity to services and facilities, but also about whether the proposed dwelling would be physically separate or remote from a settlement.
29. There is a clear gap between the appeal site and the settlement of Old Denaby even though it would be relatively close to the rear of The Manor public house. As a result, even though Old Denaby could be reached from the appeal site by walking, cycling or private car, in my judgement due to its location the proposed dwelling would as a matter of fact and degree be physically separate from a settlement.
30. Consequently, and being mindful of paragraph 105 of the Framework, I see no reason to disagree with the main parties that the proposed dwelling would be in an isolated rural location. Accordingly, given my findings above that no essential need for a rural worker has been demonstrated, the indicative proposal would also conflict with paragraph 80 a) of the Framework which weighs against the appeal scheme.

Planning Balance and Conclusion

31. Paragraph 148 of the Framework makes it clear that substantial weight should be given to any harm to the Green Belt. It establishes that the very special circumstances needed to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.
32. The indicative proposal would be inappropriate development in the Green Belt and cause harm to the openness of the Green Belt. It would therefore cause substantial harm to the Green Belt. It would also cause other harm due to its isolated location in conflict with the aims of the Framework. These identified harms weigh significantly against the proposed development.
33. The indicative plans also demonstrate that the proposed dwelling would have adverse impacts on openness and the Green Belt purpose of safeguarding the countryside from encroachment. Further, even if I were to completely disregard the indicative plans for the purposes of considering the effect of the proposal on Green Belt, I would conclude that I had insufficient information before me to reach a decision that the development would not be inappropriate development in the Green Belt. Either way, these are matters to which I afford substantial weight in the planning balance.

¹ Braintree District Council v SSCLG Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

34. In relation to other considerations put forward that weigh in favour of the appeal scheme, I have afforded these limited, very limited or no weight. Consequently, the benefits either individually or cumulatively of the proposal do not outweigh the substantial harm to the Green Belt and the other harm which I have identified. The very special circumstances necessary to justify the development do not therefore exist.
35. Accordingly, the indicative proposal would conflict with Policies ENV 3 and ENV 5 of the UDP and Policy 2 of the DLP. It would also therefore conflict with the development plan when read as a whole and paragraphs 80 a), and 147 of the Framework. Given the strategic nature of policies CS2 and CS3 of the UDP I consider them to be not entirely relevant to the determination of this appeal. Similarly given that it aims to control development in the countryside that is not within the Green Belt I also consider policy ENV 2 of the UDP not to be entirely relevant in this case.
36. For these reasons, and having regard to all relevant matters, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Anthony Atkinson MRICS FAAV, Rural Planning Director at Acorus Rural Property Services Ltd.

Graham Schofield Snr – Appellant

Gary Schofield – Nephew of Appellant

Graham (Charlie) Schofield Jnr – Son of Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mark Ramsay, MSc, Senior Planning Officer.

Andrew Coombe MRICS FAAV, Agricultural Consultant at Sanham Agricultural Planning Limited.

INTERESTED PARTIES:

Andy Fisher, Chair of Denaby Parish Council.

Brian Beckett, Local Resident.