



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, 12th October, 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, 11th October, 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, 4 October 2021

Governance Services Officer for this meeting

David Taylor
Tel: 01302 736712

**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 14 September 2021 1 - 8
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications 9 - 190
- For Information**
6. Appeal Decisions 191 - 224

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, 14TH SEPTEMBER, 2021

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 14TH SEPTEMBER, 2021, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

An apology for absence was received from Councillor Aimee Dickson

20 DECLARATIONS OF INTEREST, IF ANY.

No declarations were reported at the meeting.

21 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 17TH AUGUST 2021

RESOLVED that the minutes of the meeting held on the 17th August, 2021 be approved as a correct record and signed by the Chair.

22 ORDER OF BUSINESS

In accordance with Council Procedure Rule 4, the Committee agreed to the variation of the order of business that Agenda Item 6 Schedule of Applications be considered before Agenda Item 5 11/00246 Erection of 112 houses and 84 apartments, Wright Business Park, Stevens Road, Balby Doncaster.

23 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.

24 TOWN AND COUNTRY PLANNING ACT 1990, SECTION 106 AGREEMENTS.

RESOLVED that prior to the issue of planning permission in respect of the following planning application, which is included in the Schedule of Planning and Other Applications marked Appendix 'A' and attached hereto, the applicant be required to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990, regulating the

development:-

Application No	Description and Location
20/03191/FULM	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

25 ADJOURNMENT OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 2.13 p.m. and 3.59 p.m. respectively to be reconvened on this day at 2.25 p.m. and 4.10 p.m

26 RECONVENING OF MEETING.

The meeting reconvened at 2.25 p.m. and 4.10 p.m. respectively.

27 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

The Committee received an update report on the new developments which required to be considered prior to the re-issuing of a Planning Permission for the erection of 112 houses and 84 apartments (being extension of time in planning application 06/00017/FULM, granted on 09/04/2008) at Stevens Road, Balby.

It was noted that the application had previously been presented to Committee on the 22nd September 2015 and again on 20th October 2015.

Members were advised that as a result of the passing of time and in the preparation for concluding the legal agreement and issuing the planning permission, a more recent viability retest had been undertaken. It was noted that the site had been tested for viability in December 2013, and July 2015 and on both occasions had been found to be unviable. The site had since been re-tested using the same independent assessor to determine if any circumstances had changed. It was reported that the most recent viability assessments of December 2019 and July 2020 had concluded that the scheme is unable to contribute any of the planning policy requirements. It was advised that the independent viability assessor had agreed with these findings and this has not altered the situation from that previously considered by the Planning Committee in 2015.

As such, it was noted that the policy framework does not alter the balance of the officer's recommendation or the Planning Committee's resolution to grant.

Following the introduction of the report, a debate took place on the report where members expressed their views.

It was subsequently **MOVED** by Councillor Charlie Hogarth and **SECONDED** by Councillor Steve Cox to delegate authority to the Head of Planning to issue the planning permission following completion of the legal agreement, in accordance with the resolution of the Planning Committee on 20th October 2015.

A vote was taken on the proposal made by Councillor Charlie Hogarth, which was declared as follows:-

For	-	9
Against	-	0
Abstain	-	0

On being put to the vote, the proposal made by Councillor Charlie Hogarth and seconded by Councillor Steve Cox, was **CARRIED**.

RESOLVED that 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 the Planning Committee on 20th October 2015.

28 APPEAL DECISIONS.

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
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	Sprotbrough	Delegated	No
20/01015/OUT	Outline application for erection of a single dwelling for an agricultural worker (approval being sought for access) at land	Appeal Dismissed 06/08/2021	Conisbrough	Delegated	No

	rear of Manor Farm Public House, Denaby Lane, Old Denaby, Doncaster				
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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 14th September, 2021

Application	1		
Application Number:	19/00100/OUTM		
Application Type:	Outline Planning Major		
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).		
At:	Land on the North Side of Alexandra Street, Thorne, Doncaster DN8 4EY		
Third Party Reps:	8 Letters of objection 2 Letters of support	Parish:	Thorne Town Council
		Ward:	Thorne and Moorends

A proposal was made to grant the Application contrary to officer recommendation.

Proposed by: Councillor Iris Beech

Seconded by: Councillor Garry Stapleton

For: 7 **Against:** 1 **Abstain:** 1

Decision: Planning permission granted contrary to Officers recommendation. The applicant is willing to agree to all conditions and the amendments needed to the legal agreement terms in terms of Biodiversity Net Gain and having been previously considered and found the scheme to be acceptable by the Planning Committee there is not deemed to be any reason to refuse the proposal.

(The receipt of a letter from the applicant who was unable to attend the meeting was circulated to the Planning Committee prior to the meeting. Copies were also made available at the meeting).

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

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

A proposal was made to grant the Application subject to the completion of a Section 106 agreement.

Proposed by: Councillor Gary Stapleton

Seconded by: Councillor Iris Beech

For: 6 Against: 3 Abstain: 1

Decision: Planning permission granted subject to the amendment to Condition 5 and the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 in relation to the following matters and the Head of Planning be authorised to issue the planning permission on completion of the Agreement, to read as follows:-

- **To secure financial contribution for the required off-site tree planting**
- 05. No development shall take place before details of the provisions for the storage and recycling of refuse for both the residential use and commercial/community use 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.

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

(The receipt of additional representations from Mr Paddy Cawkwell and Ward Members, Councillors Ian Pearson, Nigel Ball and Lani-Mae Ball in objection to the application were reported at the meeting).

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

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

A proposal was made to grant the Application

Proposed by: Councillor Duncan Anderson

Seconded by: Councillor Susan Durant

For: 4 Against: 6 Abstain: 0

On being put to the meeting, the proposal to grant the Application was declared LOST.

Subsequently, a proposal was made to refuse the Application, which was contrary to the Officer's recommendation.

Proposed by: Councillor Andy Pickering

Seconded by: Councillor Iris Beech

For: 6 Against: 4 Abstain: 0

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

Decision: Planning permission refused for the following reason:-

In the opinion of the Local Planning Authority the proposed office building by virtue of its size, location and materials fails to preserve the openness of the Green Belt and as such is contrary to Policy ENV3 of the saved Unitary Development Plan (1998) and Paragraph 150 of the National Planning Policy Framework (2021).

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Dr Nick Balliger, spoke in opposition to the application for the duration of up to 5 minutes.

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

(An amendment to the report following legal advice in relation to the removal of Section 106 agreement and an additional consultation response from Hampole and Skelbrooke Parish Meeting were reported at the meeting).

DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 12th October 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	20/03415/FULM	Finningley	Auckley Parish Council
2. M	21/00445/FULM	Sprotbrough	Hampole And Skelbrooke Parish Meeting
3.	21/01242/FUL	Bessacarr	
4.	21/01564/COU	Wheatley Hills And Intake	
5.	21/01681/FUL	Bessacarr	
6.	21/02299/FUL	Bessacarr	
7.	21/02119/COU	Hatfield	Hatfield Parish Council

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 12th October 2021

Application Number:	20/03415/FULM	Application Expiry Date:	10th March 2021
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Application Type:	Planning FULL Major
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Proposal Description:	<p>A hybrid planning application comprising:</p> <p>a) An application for full planning permission for the construction of highway/drainage infrastructure and strategic landscape planting within the application site; and</p> <p>b) An application for outline planning permission with all matters reserved (except access) for up to maximum floorspace of 42,689sqm GIA, comprising of;</p> <p>13,572m2 of floorspace to be used within Class E(g) (offices);</p> <p>12,143m2 of floor-space to be used within Class C3 (residential);</p> <p>8,826m2 to be used within Class C1 (up to 3 hotels);</p> <p>3,529m2 to be used within Classes E(a) (b) & Sui Generis (r) (retail / restaurant / cafe / hot food takeaway);</p> <p>2,833m2 to be used within Classes E(a)/E(c) /E(b)/ SG (p)/SG (r)/ E(e) or E(f)/ (retail / financial and professional services / restaurant / cafe / drinking establishment / hot food takeaway and community facilities such as medical facilities or creche);</p> <p>1,700m2 to be used within Class E(a) (food-retail) ;</p> <p>919m2 to be used within Classes E(b) / SG(r) (restaurant / cafe / hot food takeaway);</p> <p>473m2 to be used within Class E(a) / Sui Generis (retail / petrol filling station); and</p> <p>314m2 to be used within Classes SG(q) (public house) together with facilities for the storage of waste, car parking, landscaping, site re-profiling, drainage and utilities infrastructure.</p>
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At:	Land Off Insall Way Auckley Doncaster
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For:	Mr G Finch - Peel L&P Investments (North) Ltd
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Third Party Reps:	23	Parish:	Auckley Parish Council
		Ward:	Finningley

Author of Report	Mark Sewell
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SUMMARY

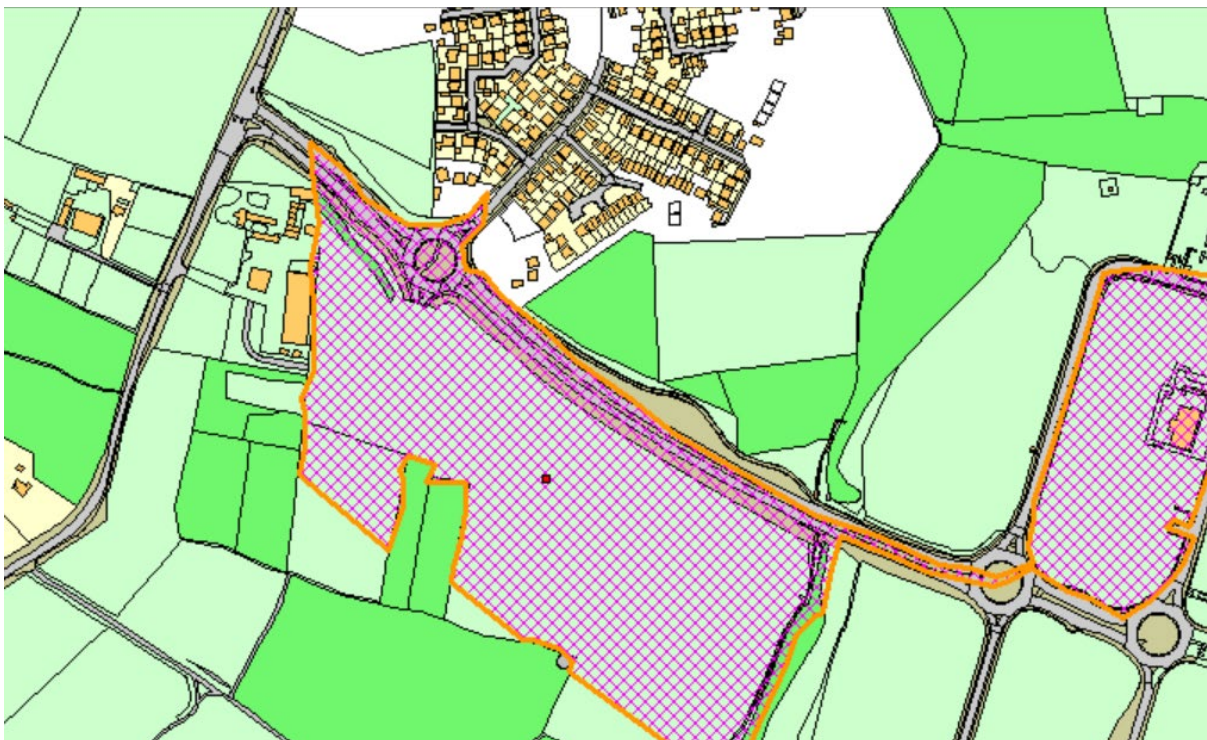
The planning application is a hybrid application, seeking full planning permission for the construction of highway/drainage infrastructure and strategic landscape planting within the application site, as well as outline planning permission with all matters reserved (except for access) for a mixed use commercial development, the range of uses which are outlined above.

The application is located within the Doncaster Sheffield Airport Policy Area as set out in Policy 6 of the Local Plan, and proposes a range of uses in full accordance with the provisions of said policy.

The application has had 23 representations, representing significant local interest, as well as being a major development, and so is being presented to the Planning Committee

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 is in accordance with the applicable local and national policies

RECOMMENDATION: GRANT planning permission subject s106



1.0 Reason for Report

- 1.1 This application is being presented to planning committee as the scheme represents a major development and has attracted 23 representations

2.0 Proposal

- 2.1 The submitted hybrid planning application seeks full planning permission for the construction of initial highway/drainage infrastructure and strategic landscape planting within the application site, and outline planning permission, with all matters reserved except access, for a commercially led mixed use scheme with a maximum floorspace of up to 42,689sqm GIA. This is proposed to comprise of;

13,572m² of floorspace to be used within Class E(g) (offices);
12,143m² of floor-space to be used within Class C3 (residential);
8,826m² to be used within Class C1 (up to 3 hotels);
3,529m² to be used within Classes E(a) (b) & Sui Generis (r) (retail / restaurant / cafe / hot food takeaway);
2,833m² to be used within Classes E(a)/E(c) /E(b)/ SG (p)/SG (r)/ E(e) or E(f)/ (retail / financial and professional services / restaurant / cafe / drinking establishment / hot food takeaway and community facilities such as medical facilities or creche);
1,700m² to be used within Class E(a) (food-retail) ;
919m² to be used within Classes E(b) / SG(r) (restaurant / cafe / hot food takeaway);
473m² to be used within Class E(a) / Sui Generis (retail / petrol filling station);
and
314m² to be used within Classes SG(q) (public house)
together with facilities for the storage of waste, car parking, landscaping, site re-profiling, drainage and utilities infrastructure.

3.0 Site Description

- 3.1 The application site is located some 9km to the south east of Doncaster Town Centre, and close to the settlements of Hayfield Green, Auckley, Rossington and Finningley, and occupies land to the west of and adjacent to the operational boundary of Doncaster Sheffield Airport (DSA), and is part of the wider ownership of the Peel Group, the owners of the airport. The airport is served by the recently completed Great Yorkshire Way, which directly connects DSA to Junction 3 of the M18.
- 3.2 The site measures approximately 12.5 hectares and consists of agricultural land (Grade 3b). The field boundaries are marked by a number of immature trees, hedgerows and fences, with larger mature tree specimens sited along the eastern, southern and part of the western external site boundaries.
- 3.3 The topography of the site slopes gently downwards from south to north, falling from approximately 11m AOD to around 7.3m AOD.

- 3.4 There are no internationally statutorily designated sites for nature conservation, landscape importance or heritage significance on the site, however there are three Local Wildlife Sites (LWS) adjacent to or within the immediate vicinity of the site, as detailed later in the report.
- 3.5 There are no above ground heritage assets on the site, however within the surrounding area there are a number of recorded archaeological sites.
- 3.6 The application site is within Flood Zone 1 according to the Environment Agency's flood mapping service, defined as land having less than 1 in 1000 annual probability of river flooding.
- 3.7 The main Airport Access Road runs to the northern site boundary, from where access to the site is proposed. This provides a direct route to the Great Yorkshire Way. The Great Yorkshire Way provides a direct link to Doncaster Town Centre and the M18, and the wider motorway network. There are bus stops located adjacent to the site on the Airport Access Road. Additional bus stops are located further away outside of the DSA Passenger Terminal.
- 3.8 The wider area is characterised by a mixture of land uses and development. The operational area of DSA including the terminal, runway and hangers and associated development is to the east of the site, alongside both the former RAF housing and new residential development and employment uses. Directly to the north of the site is a housing estate with permission for up to 750 dwellings, which was largely built between 2014 – 2017 and which comprises a range of 2 to 3 storey units. The village of Auckley is located beyond and accommodates some local facilities, including small scale shops and a GP surgery. There are also several standalone properties and farm buildings along Hurst Lane, to the west of the site. Agricultural land and established woodland areas are commonplace in the surroundings, with the previously identified settlements of Auckley, Rossington and Finningley further afield. To the south of the site lies Hurst Wood, beyond which lies land allocated in the Local Plan for residential purposes (sites DSA 02 and 03), the application site for the large scale Advanced Manufacturing and Logistics scheme, approved in 2020 .

4.0 Relevant Planning History

Application Reference	Proposal	Decision
13/00435/OUTM	Outline application for the erection of business park comprising public house (Class A4), office and light industrial floorspace (Class B1), light and general industrial floorspace (Class B2), storage and warehouse floorspace (Class B8) and education and training floorspace (Class D1) with	Application granted subject to S106 agreement.

	associated vehicular and pedestrian accesses on approx. 10.9ha of land (approval being sought for access)	
99/4333/P	Outline application for the redevelopment of airfield (including use of existing infrastructure and buildings) for the purposes of 1. a commercial airport together with airport related business, leisure and associated facilities 2. residential development of former barracks (all as detailed in appendix a to application)	Application granted subject to S106 agreement.
10/02652/OUTM	Erection of business park comprising up to 60,700sqm of building for use classes B1, B2 and B8	Application granted subject to S106 agreement.
17/02733/OUTM	Outline application for the development of a business park comprising up to 57,000sqm of Use Class B1 (Office), B2 (General Industry) and B8 (Storage and Distribution) floorspace	Application granted.

5.0 Site Allocation

5.1 Within the Local Plan, the site itself (referenced DSA 01) is identified under Policy 6 (Doncaster Sheffield Airport Policy Area) as land specifically allocated as a central area of retail, commercial and business uses, known as 'the Plaza'. Within this area will be a new town centre, with approximately 8,500m² of retail, food and drink and leisure floorspace; about 8,900m² of hotel floorspace; approximately 13,600m² of airport related office floorspace (or offices for businesses who wish to take advantage of being close to an airport); approximately 150 upper floor apartments as well as other community uses and ancillary development to serve the needs of existing and future residents, employment areas and users/staff of the Airport

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 applications 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 Fundamentally, the framework's guiding principles set out in Paragraph 8 recognise that there are 3 overarching objectives for the planning system, which are to be pursued in mutually supportive ways. The economic objective is to help to 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. With regards to the social objective of the framework, planning should support strong, vibrant and healthy communities. This should be achieved through the provision of the correct supply and range of housing for future needs, providing well designed, and safe places with accessible services and open spaces designed to meet current and future needs. Finally, the environmental objective seeks to protect and enhance our natural, built and historic environment, through the effective and efficient use of land, improving biodiversity, minimising waste and pollution and mitigating and adapting to climate change.
- 5.5 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means that;
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.6 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.
- 5.7 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.

- 5.8 The framework also seeks to ensure a sufficient supply of homes, and states at Paragraph 68 that in order to achieve this objective, it is important that ‘a sufficient amount and variety of land can come forward where it is needed’. Additionally, at Paragraph 73, the Framework advocates the delivery of new homes through planning for larger scale development such as new settlements and extensions provided they are well designed and supported by the necessary infrastructure and facilities.
- 5.9 Paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 104(e) states that planning policies should provide for any large scale transport facilities, such as airports, that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.
- 5.10 The proposed development seeks consent for various commercial uses, and there are a number of paragraphs within the Framework addressing such proposals. Paragraph 87, advises the LPA should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan. Paragraph 88 states that when considering out of centre sites, preference should be given to those with good accessibility, and well connected to the town centre. Paragraph 90 of the Framework outlines the requirement for retail and leisure developments outside town centres, that are not in accordance with an up-to-date plan to provide an impact assessment, based on the impact of the proposals on existing, committed and planned investment in centres within the catchment area of the proposals in addition to an assessment of the impact of the proposals on the vitality and viability of town centres.
- 5.11 Paragraph 92 of the Framework, under the section of Promoting Healthy and Safe Communities, recognises that mixed use developments are a positive method for providing opportunities for people to interact that may not normally come into contact with one another, fostering social interaction.
- 5.12 In terms of sustainable transport, the framework at para 105 states that significant development should be focussed in locations that are or can be made sustainable, which limits the need to travel and offers a choice of transport modes. Furthermore, para 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.13 With regards to the natural environment, the framework at para 174 seeks to ensure that development minimise the impacts upon and provide net gains for biodiversity, including by establishing coherent ecological networks.

5.14 Local Plan

5.15 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case.

5.16 Policy 1 relates to Spatial Strategy and Settlement Hierarchy, focussing on delivering sustainable growth, and stating that new development (including homes, supporting services and associated jobs) will be focussed in and around existing urban areas (primarily Doncaster's 'Main Urban Area', its 7 'Main Towns' and 10 'Service Towns and Villages'). The policy states that major new employment sites are to be focused at locations attractive to the market, such as Doncaster Sheffield Airport. It is stated that mixed use development will be actively encouraged to be located in areas of good public transport accessibility.

5.17 Policy 6 is concerned specifically with DSA and Business Park, stating that growth and investment at DSA will be supported to enable its development and expansion. The policy identifies an Airport Policy Area (which effectively aligns with the DSA Masterplan area), in which specific allocations are identified to support the growth and expansion of the airport and the delivery of sustainable mixed use development. In respect of this application, Part E of the policy identifies the application site as "10 hectares of land east of Poplars Farm and south of the Airport Access Road (as shown on the Policies Map) is allocated to accommodate a central area of retail, food and drink, hotel and other commercial and community uses to serve the needs of existing and future residents, employment areas and users/staff of the airport." The Local Plan recognises that the growth and expansion of DSA is an economic priority for Doncaster and for the Sheffield City Region as a whole and policy 6 seeks to support the growth and expansion of DSA as enshrined within the draft DSA Masterplan. As such the policy expressly supports:

- New and expanded airport infrastructure including an expanded passenger terminal;
- A central area (the application site) of retail, food and drink, hotels and other commercial and community uses to serve the needs of the airport and existing and future residents;
- Employment uses (B1, B2 and B8) at three sites including the application site; and
- The initial delivery of 280 dwellings to support the initial phases of airport expansion with further housing development dependent on future employment growth secured at DSA.

- 5.18 Policy 7 is concerned with Delivering the Necessary Range of Housing, and states that the delivery of a wider range and mix of housing types, sizes and tenures will be supported and should reflect local needs and market demand, including a requirement for 23% affordable homes to be provided for schemes of 15 or more homes within the Borough's higher value areas.
- 5.19 Policy 12 is concerned with the Strategic Transport Network, and states that proposals will be supported which improve rail transport, including a new electrified mainline rail connection and new railway station at Doncaster Sheffield Airport, connecting the airport to the East Coast Mainline (ECML). Developments which generate large volumes of freight traffic or involve the transport of bulk materials should be located close to the strategic transport network, where this can be accommodated within the existing capacity of the network.
- 5.20 Policy 22 is concerned with Town Centre Uses, and states that proposals for town centre uses outside of designated centres will only be permitted where a sequential approach has been adopted to demonstrate that there are no available, suitable or viable for the proposed development. Part 2 of the policy states that outside of the existing centres, development which exceeds 500sqm should be subject to an assessment of the impact of the proposal on existing and proposed investment in centres, and the vitality and viability of existing centres.
- 5.21 Policy 30 deals with the need to value biodiversity, and to ensure that in dealing with proposals the mitigation hierarchy is applied so that firstly harm is avoided wherever possible, then appropriate mitigation is provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity.
- 5.22 Policy 32 deals with woodlands, trees and hedgerows. Proposals will have to demonstrate that these features have been adequately considered during the design process, so that significant adverse impact can be avoided. Where such loss is unavoidable, there should be sufficient provision of replacement planting.
- 5.23 Policy 33 deals with landscape and states that where development proposals will most likely result in a significant impact on the Borough's landscape the proposals should assess the potential impact and propose how any negative effects will be minimised.
- 5.24 Policy 39 deals with the need to take into account archaeological assets.
- 5.25 Policy 46 deals with design of non-residential, commercial and employment developments. All must be designed to be high quality, attractive, and make a positive contribution to the area in which they are located.
- 5.26 Policy 54 identifies the need to take into account air and noise pollution.

- 5.27 Policy 56 identifies the need for satisfactory drainage including the use of SuDS.
- 5.28 Policy 58 deals with low carbon and renewable energy within new developments.
- 5.29 Other material planning considerations and guidance
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
 - National Planning Policy Guidance
- 5.30 The Emerging Doncaster Sheffield Airport Masterplan 2018-2037 ('the Emerging Masterplan') was prepared by Arup on behalf of DSA; it sets out the future for the airport and how its potential will be fulfilled to deliver major international and intercontinental connectivity for the region. It also explains how the airport and its wider GE estate will drive significant job creation in Doncaster and the Sheffield City Region. The Emerging Masterplan states that its overriding ambition is to deliver much more than a traditional airport, but rather an airport city based on the Aerotropolis model where a thriving residential and living area is created. It seeks to do this through the advocating of high quality housing options with a strong sense of community and supporting retail and similar facilities. The Emerging Masterplan proposes to utilise the previously identified Phase 3 Business Park site (the application site) to integrate a range of community and amenity uses to include retail, hotels, food and drink and other community facilities.
- 5.31 There is significant support for the growth and expansion of DSA in documents and strategies produced by Sheffield City Region which identify it, alongside town and city centres as one of the Region's top two other priority locations for growth and change. The current SCR Strategic Economic Plan (SEP) (for the period 2015 – 2025) recognises that the airport is a catalyst for business development, inward investment and job creation with regard to logistics, engineering and associated aviation activities. The SCR Integrated Infrastructure Plan (SCR IIP) sets out the Region's approach to infrastructure up until 2025. It sets out a number of Spatial Packages for the SCR Growth Areas (including the airport) and recognises that the provision of large industrial buildings will be key to supporting the growth of aviation and engineering businesses.
- 5.32 In addition to the above, the SCR Transport Strategy (which is in the process of being updated) sets out the transport priorities for the region and identifies supporting growth as the primary goal. It aims to ensure links are in place to enable people to connect to a range of work and training. There are 3 themes but the most important and relevant one in relation to the airport and the investment and jobs it can provide is: Improving connectivity to improve business efficiency and productivity. It recognises the role of Doncaster at the heart of the SCR logistics sector and seeks to further enhance this role.

5.33 Auckley Parish Council have published their draft Neighbourhood Plan for consultation. The consultation is running from 28th June 2021 to the 31st October 2021. The draft plan does not specifically mention the Plaza development, however does state that development of sites related to Doncaster Sheffield Airport must be delivered in line with Policy 6 of the Doncaster Local Plan, including consultation with the local community on the masterplan exercise.

6.0 Representations

6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended) by way of direct neighbour notification, sites notices erected adjacent to the site and via a press advertisement.

6.2 23 representations have been received in response to the proposal. The main points raised include;

- The scale of the proposal and the associated traffic noise, additional vehicular movements
- The impact upon drainage in the area
- The need for additional hotel accommodation
- Antisocial behaviour
- The impact upon local schools
- Parking problems associated with the airport
- The impact upon wildlife and habitats
- The height of proposed buildings and impact upon rural character
- Construction and traffic noise
- Highway safety
- The location of the proposed filling station
- Increased noise and disturbance
- Existing vacant office space in the vicinity
- The loss of greenfield land
- The impact upon air quality

6.3 One of the representation expressed support for the proposals, providing local amenities and jobs for local residents. Many of the representations stated that they saw the need for these types of facilities, however were concerned about the scale and associated impacts.

7.0 Parish Council

7.1 Auckley Parish Council have raised no objections to the principle of development, however have made it clear that they do have concerns that drainage of the area is not adequate and a serious update of the drainage, soakaways and river is required before a development of this size is undertaken.

8.0 Relevant Consultations

- 8.1 **Highways Development Control** – Initially requested amendments to the scheme in respect of the design of the proposed new access road into the site. The applicants have provided updated drawings in line with the comments made.
- 8.2 **Highways Transportation Officer** – No objections to the scheme on the basis that the proposal will not have an unacceptable impact upon the local road network. A travel bond, and traffic monitoring counts to be secured via s106. Conditions in respect of detailed travel plans and electric vehicle charging points.
- 8.3 **Environment Agency** – No objections, suggested conditions in respect of contamination and protection of groundwater sources.
- 8.4 **South Yorkshire Archaeology Service (SYAS)** – No objections, suggested condition requiring written scheme of investigation, and works to be carried out in accordance with it
- 8.5 **Environmental Health** – No objections, suggested conditions concerning construction management plan and construction impact management plan and noise mitigation.
- 8.6 **Internal Drainage Officer** – No objections subject to a condition in relation to full details of foul and surface water drainage.
- 8.7 **Ecology Officer** – Conditions are recommended to ensure a Biodiversity Mitigation Monitoring and Enhancement Plan, a Construction Environmental Management Plan, Biodiversity Net Gain Requirement, and Light Sensitive Biodiversity Lighting Scheme.
- 8.8 **Trees & Hedgerows Officer** – No objections to the scheme, request conditions for landscaping, tree protection.
- 8.9 **Conservation Officer** – No objections.
- 8.10 **Public Rights of Way Officer** – Notes that the appropriate consents will be required for any affected public rights of way, separate from the planning process
- 8.11 **Area Manager** – No comments received.
- 8.12 **National Grid** – No comments received.
- 8.13 **Urban Design Officer** – No objections to the principle of the development, noting that the information contained within the DAS, parameters plans,

landscape and sustainability strategies demonstrate a commitment to a high quality development. There has clearly been some thought given to place-making, the creation of a 'high street' compact and distinctive centre with a mix of complementary uses so in general I would be happy to support the outline proposals at this stage. Further details were also requested in respect of linkages from the site to surrounding areas, which have been provided.

- 8.14 **Doncaster East Internal Drainage Board** – Not received
- 8.15 **Severn Trent** – No objections subject to a condition in relation to full details of foul and surface water drainage
- 8.16 **Yorkshire Wildlife Trust** – Object to the scheme on the basis of loss of habitat across the site, and question the proposed mitigation. Have liaised with DMBC Ecology to ensure that the proposed conditions secure the best possible biodiversity outcomes.
- 8.17 **DSA Safeguarding** – Not received
- 8.18 **Highways England** –Initially raised concerns over the impact of proposal upon Junction 3 of the M18. Following discussions with the applicants and DMBC, no objections are raised on the basis that there is a designed and funded scheme due to start in the near future for improvement works to J3.
- 8.19 **DMBC Pollution Control** – No objections, suggested conditions relating to contaminated land
- 8.20 **Natural England** – No objections

9.0 **Assessment**

- 9.1 The principal issues for consideration under this application are as follows:
 - Principle of development;
 - The impact of the development on the character of the area and the appropriateness of the design.
 - Whether there is any impact on residential amenity & quality of life
 - Highway safety and traffic issues
 - Drainage
 - Ecology
 - Trees
 - Archaeology
 - Overall planning balance
- 9.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:
 - Substantial
 - Considerable
 - Significant

- Moderate
- Modest
- Limited
- Little or no

9.3 Sustainability

- 9.4 The National Planning Policy Framework (NPPF, 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
- 9.5 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

Social Sustainability

9.6 Impact on Residential Amenity

- 9.7 The nearest residential properties lie approximately 60m to the north of the application site on the northern side of the main airport access road. Whilst the development will be visible from those properties, given the separation distances, the intervening highway, and the lower level of the frontage buildings, it is not considered that the proposal would adversely affect neighbouring properties through excessive levels of overshadowing or dominance. Equally, there will be an impact on the view from the closest neighbouring dwellings, however in planning terms this is not a material consideration. The development will result in increased traffic along the Airport Access Road, however this is an established and well trafficked highway currently, and the additional movements would not be at a level to cause such further harm as to be unacceptable.

9.8 Principle of Development

- 9.9 The application site is located within the Airport Policy Area as defined within Policy 6 of the Local Plan. This policy states that growth and investment at Doncaster Sheffield Airport will be supported to enable its development and expansion. The policy does seek to ensure that this is done in a considered and balanced manner, to ensure that any growth is delivered in a sustainable way, with any potential negative impacts suitably mitigated. This is to be achieved through the development of a comprehensive airport wide masterplan exercise, which will be prepared in collaboration between the Council, landowners, airport operator, with wider engagement of stakeholders and the local community. This exercise will ensure that there is a holistic approach to development at the airport, rather than a piecemeal approach which could result in a poorly linked and integrated series of development.

The masterplan will consist of an overall growth plan, and a well-considered placemaking vision and strategy covering areas identified for airport operations, employment development, the new local centre, transport infrastructure, green infrastructure, ecology areas, open space and new housing areas. The preparation of this document is underway and it is anticipated that it will be subject to public consultation in late 2021.

- 9.10 More specifically, the application site (referred to as DSA01 on the Policies Map) is shown to be developed out as the central area of retail, commercial and business uses, known as 'the Plaza'.at Part F1 of Policy 6. The policy sets out in detail the expectations for this area;

“10 hectares of land (as shown on the Policies Map as Site DSA01) is allocated as a central area of retail, commercial and business uses, known as 'the Plaza'. Within this area will be a new town centre, with approximately 8,500m² of retail, food and drink and leisure floorspace; about 8,900m² of hotel floorspace; approximately 13,600m² of airport related office floorspace (or offices for businesses who wish to take advantage of being close to an airport); approximately 150 upper floor apartments as well as other community uses and ancillary development to serve the needs of existing and future residents, employment areas and users/staff of the Airport. This area will also include a carefully designed public realm, landscaping, public open spaces and pedestrianised areas to ensure a high quality and distinctive area which reflects the areas significance as an international gateway to Doncaster. Design will also ensure clear means by which this site will connect to, and can be accessed from, adjacent housing and employment sites to prevent piecemeal development or stand-alone retail development. The Plaza development should be the subject of a comprehensive planning application for the whole site, and this must be accompanied by a retail assessment to ensure the proposals do not have a significant adverse impact on the Borough's other town centres. Should any subsequent planning application propose a material increase in the scale of proposals, it should be supported by a new retail assessment. Upon substantial completion, the Plaza will assume town centre status and will ultimately be designated as a town centre in accordance with Table 2.”

- 9.11 On this basis, it is clear that the Local Plan is supportive of the specific form and type of development proposed. The development is a key component of the Emerging DSA Masterplan and Policy 6's objective to support and deliver the growth and expansion of the airport. This proposal will create a mixed use town centre which will support the growth of the airport and its adjacent employment areas, together with the emerging and planned future residential development, as well as the existing communities surrounding the airport. In essence, the plaza development will be at the heart of what is planned to be a sustainable urban extension, and make sure that the airport can offer a range and quantum of associated facilities and development that is comparable with other UK regional and European airports. This will help to create the conditions required to attract further large scale inward investment to deliver significant economic and employment benefits in the local, regional and national context. As stated previously, there is significant support for the

growth and expansion of DSA in documents and economic strategies produced by Sheffield City Region which identify it, alongside town and city centres as one of the Region's top two other priority locations for growth and change. The current SCR Strategic Economic Plan (SEP) (for the period 2015 – 2025) recognises that the airport is a catalyst for business development, inward investment and job creation with regard to logistics, engineering and associated aviation activities.

- 9.12 It is clear that the overall principle of development in this location is in accordance with the Local Plan allocation. Because the scheme consists of "main town centre" uses, Part F 1 of Policy 6 does require that any planning application to develop out the Plaza must be accompanied by a retail assessment to ensure the proposals do not have a significant adverse impact on the Borough's other town centres. On this basis, the application has been accompanied by a "Commercial Uses Delivery Statement" (CUDS, which includes both a sequential test and an impact assessment.
- 9.13 At the time the CUDS was prepared, the Core Strategy and saved policies of the UDP were still the Development Plan for decision making purposes – with this site at the time being designated Countryside. However, the adoption of the Local Plan, which has removed the site from the Countryside designation and has allocated it for these uses, means that there is no need to carry out such a sequential test now. However, the document does make clear the very specific locational requirements of delivering these uses in order to support the growth of the airport, i.e. other potential locations, even if available, would not therefore deliver the specific and identified benefits of this site in the right location to provide the supportive uses for the future residential and employment growth envisaged within the DSA Masterplan. The Plaza would meet specific existing and future demand generated by established local village communities, together with recent and planned development and growth at and close to the airport, in order to deliver a 'cluster' of development which is critical to the long term success of DSA.
- 9.14 There has been significant development within the DSA Masterplan area over recent years, including 550 new dwellings and 478,000ft² of commercial space, whilst at the same time the existing settlements of Auckley and Finningley have seen additional housing growth without any real increase in retail, food and drink and other supporting uses. The local population of Hayfield Green, Auckley, Finningley, Blaxton and Branton is currently only served by a small number of local convenience stores, with no larger store provision. In order to access larger stores residents must travel to the main Doncaster Urban Area, or outside of the Borough. As such, and as recognised by its allocation within the Local Plan, there is a clear need for the Plaza to meet an existing demand for such uses in the local area in the present time, as well as to help serve the future planned development. Early delivery of the Plaza has the benefit of not only serving the existing demand, but will also have the potential to act as a catalyst for development within the wider Masterplan area.

- 9.15 The application includes an impact assessment of the proposed commercial uses upon existing centres. The assessment shows that in meeting the existing need and planned growth within the DSA Masterplan area, the development will draw most of its turnover from the other co-located uses, whereby existing residents choose to shop closer to home utilising the new facilities rather than others further afield. The assessment concludes that there is circa £47.5m of existing expenditure which is currently being spent in more distant facilities and centres, and that it is realistic to assume that the trade and turnover clawed back from these other areas would not be to such a level to have a significant impact on existing centres. Furthermore, there is no notable planned town centre investment within the immediate locality which would be undermined by the Plaza development. Although there is planned investment within Doncaster Town centre, the proposed development is designed and focussed on meeting the needs of a specific market which is different to that of the town centre, and can be seen as complementary rather than competitive.
- 9.16 The Plaza would also carry out the function of meeting the needs of airport passengers and staff. The submitted information demonstrates that there is a clear lack of “landside” facilities to meet the needs of existing passengers and workers, which puts DSA at a disadvantage to other regional airports which have a greater offer of facilities, including multiple hotel options, office space, retail and food provision. The information looks at the hotel offers of the closest competing regional airports at Leeds Bradford, East Midlands, Manchester, and Newcastle, and clearly demonstrates that proportionally based on forecast increases in passenger numbers, DSA has a clear under provision of hotel accommodation which the Plaza facilities will address.
- 9.17 The Plaza will also provide the function of meeting the requirements of businesses and operators who value a location adjacent to an airport. It is the objective of the Masterplan that DSA can compete with other airports such as Manchester in terms of providing office space. Information provided in support of the application demonstrates that if prospective tenants who are seeking office or commercial accommodation adjacent to DSA (as they value the proximity to an airport) cannot find space at DSA, they would instead seek space at other airports in the north or further afield which would meet their specific requirement for proximity to international connectivity. The provision of this space would therefore help to attract that inward investment without detracting from other sites within the borough, as potential occupiers would be would require the unique position of being adjacent to the airport. As such, much of the commercial space at the airport would be complementary to Doncaster Town Centre rather than being in competition, providing a different offer and increasing the prospects of investment within the Borough and the City Region.
- 9.18 The proposed development also includes within it the provision for up to 12,143m² of residential accommodation, which would be provided in apartment format on the upper floors of buildings within development plots E,F and G. The submitted Design and Access Statement shows how the

proposed floorspace could accommodate approximately 154 no. 1, 2 and 3 bedroom apartments, which would provide a greater choice in the locality of accommodation type and cost. Given the proposed number of units, the accompanying s106 legal agreement would require any proposals for more than 15 units to provide an affordable housing contribution of 23% of the units (or commuted sum in lieu of) in accordance with Policy 7 of the Local Plan.

- 9.19 The principle of this form of residential accommodation within the development is entirely in accordance with Policy 6 of the Local Plan. Part F1 of the policy specifically sets the list of appropriate uses within the Plaza development, stating that approximately 150 upper floor apartments will be delivered as part of any future scheme.
- 9.20 On the basis of the above, the principle of development is shown to be entirely in accordance with the provisions of the newly adopted Local Plan. The proposed mix and quantum of uses are consistent with the provisions of Policy 6, whilst it has been demonstrated that the proposed Town Centre uses can be delivered without causing harm to or undermining existing centres or future planned investment. The scheme is an integral part of the overall planned future development which will serve the needs of existing residents, workers at, passengers of, and visitors to DSA and the surrounding employment uses. It is also intended to meet the needs of future residents, workers and passengers within the DSA Masterplan area and wider locality. The provision of such facilities will help to ensure that DSA remains competitive with other airports, and will bring forward and support inward investment and job creation, contributing towards achieving the target of creating 70,000 new jobs and 407ha of employment land to help grow the economy of the Sheffield City Region as set out in Policy 2 of the Local Plan. The proposal is also consistent with the aims of the NPPF in terms of Building a Strong Competitive Economy.

Conclusion on Social Impacts.

- 9.21 Paragraph 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 9.22 In conclusion the proposal would not adversely affect neighbouring residential properties by virtue of the separation between the proposed buildings and existing properties. The proposal would bring forward job opportunities over the next few years for the local population as well as much needed amenities and facilities, which will be a great social benefit.. When combining these factors, this weighs considerably in favour of the application

ENVIRONMENTAL SUSTAINABILITY

9.23 Design and Impact upon the character of the area

9.24 As mentioned earlier, the submitted application is a hybrid application, seeking full planning permission for the construction of the initial highways / drainage infrastructure, together strategic landscaping, and outline planning permission with all matters reserved except for access for a commercially led mixed use scheme with a maximum floorspace of up to 42,689sqm GIA. Whilst the majority of the proposed development is in outline form with all matters reserved except access, the application has been submitted a suite of information including a Design and Access Statement, Illustrative Masterplan and a built parameters plan.

9.25 The newly adopted Local Plan has a series of policies relating to design issues which will form part of the consideration of the application. Policy 41 is concerned with Character and Local Distinctiveness, stating that “Imaginative design and development solutions will be encouraged, including innovative and contemporary architecture and public art, to ensure that proposals respect and enhance identity, character and local distinctiveness through adherence to the following principles:...”

Development proposals will be supported where they:

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

The policy goes on to state that in all cases, applications and design proposals will need to demonstrate an understanding of the context, history, character and appearance of the site, adjacent neighbourhood and the wider area, to inform the appropriate design approach. For major applications this understanding should be informed by the views of local communities affected by the proposal, and alongside the adopted design approach, is to be clearly explained and presented within the Design and Access Statement.

9.26 Policy 42 of the Local Plan is concerned with Good Urban Design, stating that high quality development that reflects the principles of good urban design will be supported. The policy goes on to state that in all cases the components of a development, including use mix, layout, density and appearance must be designed and assessed to ensure that the proposal is attractive and appropriate to the area, robustly designed, works functionally. The policy then sets out a series of qualities which contribute towards successful place making.

- 9.27 Policy 46 of the Local Plan sets out the Authority’s expectations around the Design of Non-Residential, Commercial and Employment Developments. As above, it seeks to ensure that such proposals are designed to be high quality, attractive and make a positive contribution to the area in which they are located. Development should be sympathetic to the local character, not cause unacceptable negative effects on local amenity, promote accessibility, be architecturally appropriate and reducing bulky and bland elevations through quality materials and detailing, ensuring that parking and servicing areas are sensitively located, and to be well landscaped.
- 9.28 Policy 6, relating to the Airport development area, states that the Plaza area should also include a carefully designed public realm, landscaping, public open spaces and pedestrianised areas to ensure a high quality and distinctive area which reflects the areas significance as an international gateway to Doncaster. Design will also ensure clear means by which this site will connect to, and can be accessed from, adjacent housing and employment sites to prevent piecemeal development or stand-alone retail development.

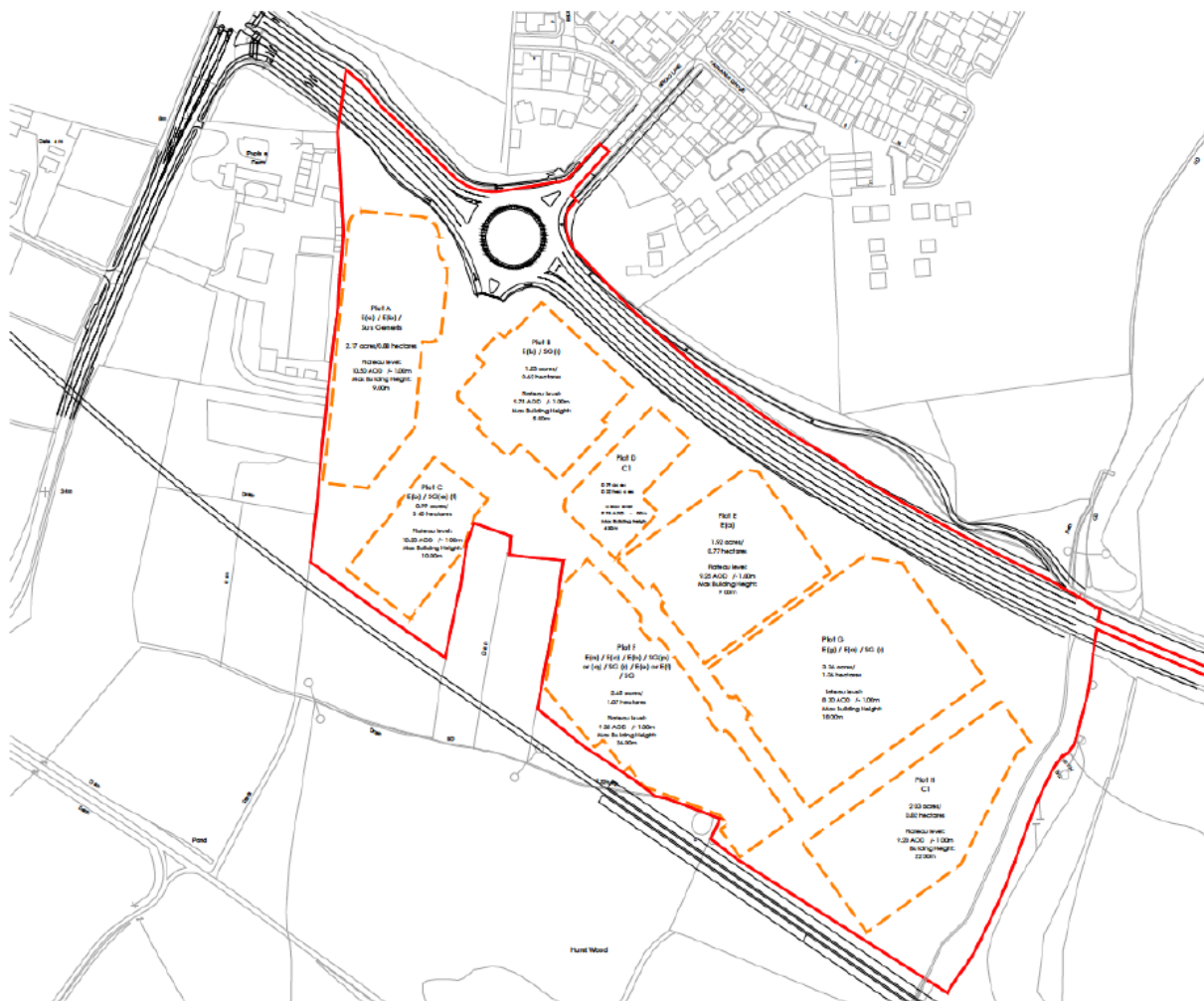


Indicative Masterplan

- 9.29 Access into the application site will be via the southern arm of the roundabout on the Airport Access Road, which runs along the northern site boundary. From there, a main access road runs to the south of the site, with the potential to link to future planned residential development adjacent to the site, with the indicative layout showing another main estate road branching off from this in an easterly direction across the site, to serve development parcels to both the

north and south. Pedestrian and cycle provision is shown indicatively along these routes.

9.30 The indicative layout shows 8 development parcels within the application site where future buildings may be sited. The typical maximum building heights vary across the site, with the tallest buildings shown to be located within Plots F,G and H to the rear of the development site. The maximum building height zone within the development is shown to be 26m, sited at the very back of the site within Plot F. The adjacent Plot H to the east shows a maximum height of 22m, and Plot G to the north of that at 19m. The other plots within the site show typical heights ranging between 5m and 14m, which one would typically expect of commercial buildings.

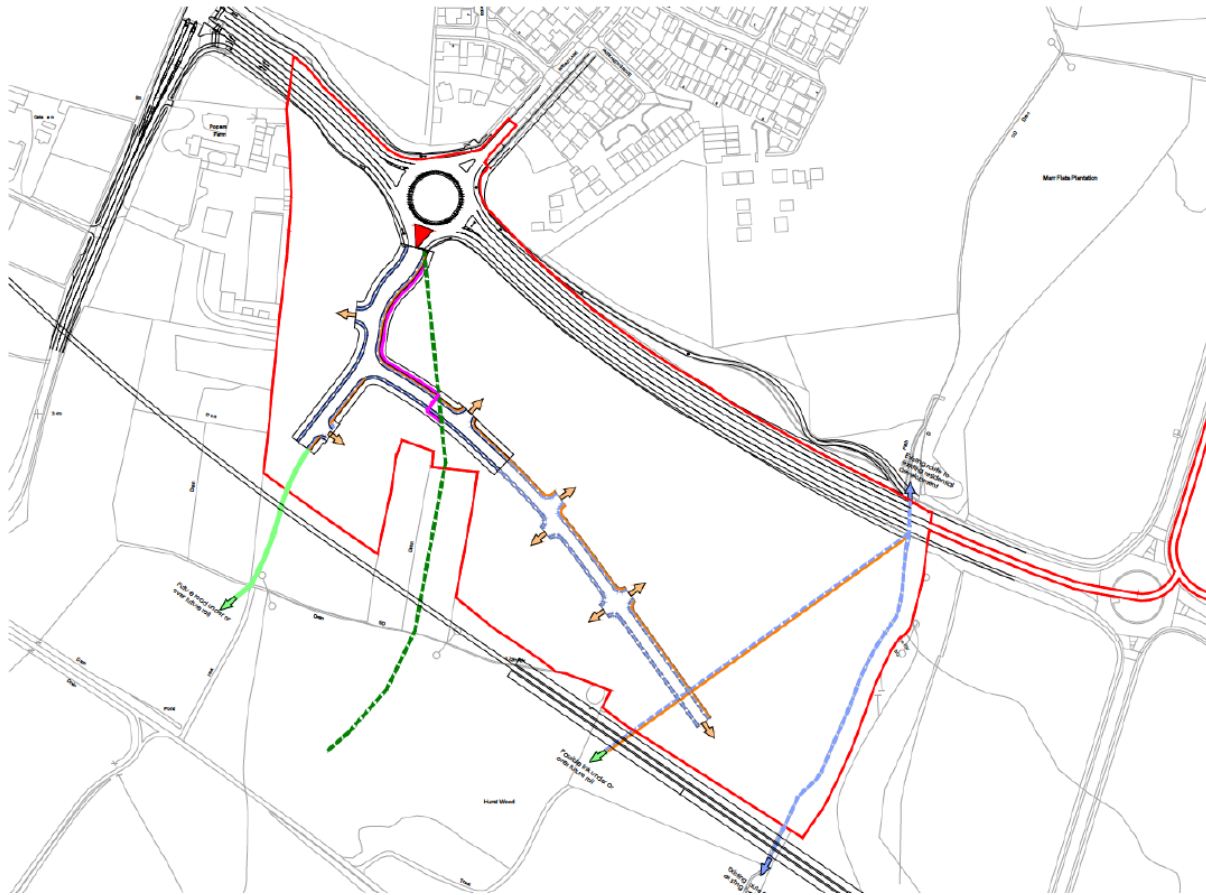


Development Cells Plan

9.31 The submitted information shows that within the development plots, in order to ensure that the main principle routes through the site and areas of public realm are animated and benefit from natural surveillance, the buildings will expect to present their principal elevations to these frontages. The orientation of buildings in this way will create active high street type frontages, whilst

optimising the quality of environment for occupants. In terms of the building typologies themselves, the proposed retail elements of the scheme are a mixture of single and two storey spaces, with robust boundary treatments and landscaping zones to the edge of plots, with car parking areas to be screened by the building forms wherever possible. The residential apartment blocks are shown to low / mid rise and as described earlier will include a range of unit sizes. The Design and Access statement says that the elevational treatment of these blocks is intended to be broken down with the use of a limited palette of materials, balconies, recesses and extrusions and detailing to prominent building parts. In terms of the commercial blocks shown within the masterplan, these are proposed to be high spec office buildings, with heights ranging from approximately 3 to 4 storeys.

- 9.32 The Design and Access Statement also identifies the need for key focal point buildings and where these should be located. Being the most prominent buildings they can help people to orientate themselves and draw them through the development. With regards to the masterplan, the focal point buildings are considered to be at the public realm, drawing attention and pedestrian traffic through the site towards this space. Indeed the public realm, amenity and open space is an integral part of the scheme. The central area of the plaza is intended to be the heart of the site, a desirable area which provides seating areas, attractive views and safe and accessible pedestrian and cycle links to the wider area. This central area is envisaged to be particularly pedestrian focussed, delivering a shared-use 'boulevard' type street, accommodating uses such as the cafe / restaurant and local shop facilities.
- 9.33 The Councils Built Environment officer has assessed the application, and provided comments during the processing of the scheme. It is noted that the applicant has engaged with the council in pre-application discussions prior to the submission of the application, and it is pleasing to see that they have responded to previous comments and observations made. The information contained within the DAS, parameters plans, landscape and sustainability strategies demonstrate a commitment to a high quality development. Thought has clearly been given to place-making, the creation of a 'high street' compact and distinctive centre with a mix of complementary uses, and so in general the Built Environment officer is happy to support the outline proposals at this stage.
- 9.34 In terms of connections, the applicant has amended the illustrative masterplan to show more clearly and definitively how future pedestrian / cycle linkages to the north and west of the site could be achieved, as well as showing how the routes through the site could be better accommodated. It is accepted that the final laying out and details of these linkages could be secured by way of a condition, possibly in the form of the requirement of a design code which would establish various design standards across the development site. On this basis, and subject to conditions to agree external materials, detailed landscaping, phasing and sustainability measures, the scheme is considered to be acceptable from a design point of view.



Site Circulation Plan

9.35 In terms of sustainability measures, the applicant has provided a sustainability statement with the application. It is proposed that the new buildings within the site will achieve BREEAM Very Good rating, in line with the Council's adopted policies. This includes the installation of measures to achieve key credits to reduce energy and carbon emissions, improve water efficiency and the use of sustainable materials. The applicant has confirmed that the new buildings on the site will aim to achieve a 10% reduction in carbon emissions over Part L 2013 through a range of fabric, and energy efficiency measures, as well as the consideration of low carbon renewable energy.

9.36 TRANSPORTATION AND HIGHWAYS

9.37 As part of the application, a Transport Assessment (TA) has been provided. The Council's Transportation team and Highways England have also been consulted and provided comments on the proposal. Policy 13 of the of the Local Plan is concerned with Promoting Sustainable Transport in New Developments, and seeks to ensure that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. Access to developments should be able to be made by a wide range of transport modes, with walking and cycling encouraged within the development and beyond. Appropriate levels of parking provision shall be made in accordance with the overarching

objectives of the Sheffield City Region Transport Strategy (2018-2040), and site layouts should be design to control traffic speeds through a street hierarchy that promotes road safety for all. Developments should also not result in unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.

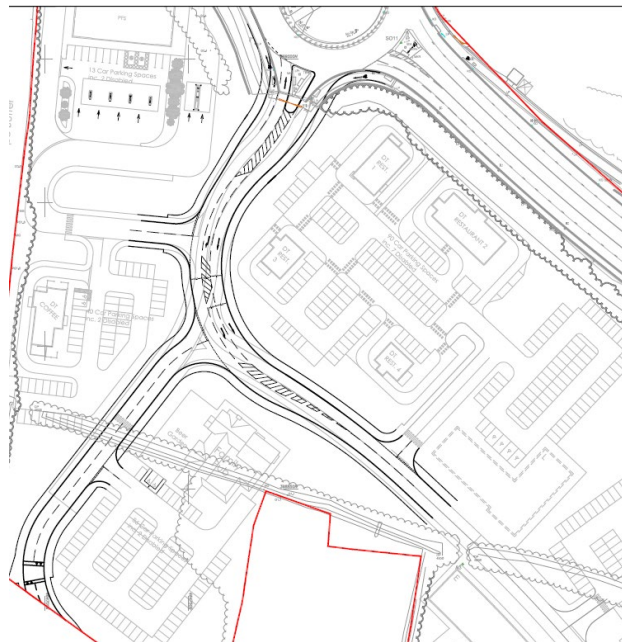
- 9.38 As has already been stated, the application site will be accessed via the southern arm of the existing roundabout on the Airport Access Road. The full planning permission element of the application seeks approval for the construction of the initial highways infrastructure into the development site. From the main site access, trips can route east on the AAR through the Airport Masterplan Area, which comprises multiple land uses including employment, education, recreation and leisure destinations. To the west, the AAR connects with Hurst Lane and Great Yorkshire Way (“GYW”) at a roundabout junction. This junction was converted to a roundabout as part of the final phase of the ‘FARRRS’ works, which provided a new link road (GYW) to M18 Junction 3. Hurst Lane routes north from the roundabout towards Hayfield Green, which comprises education, employment and residential land uses with some very limited retail and food and drink uses. To the south, Hurst Lane routes to Great North Road (the A638).
- 9.39 The TA sets out the existing sustainable transport linkages from the site, given the context of the development being intended to meet demand from existing, emerging and future planned residential, commercial / employment development within the DSA Masterplan area and nearby, as well as visitors and staff of the nearby DSA Terminal. The assessment confirms that there is good potential for sustainable trips to and from the surrounding areas due to the varied mix of uses identified for the site. The catchment areas for walking and cycling from the site cover existing residential and employment areas, which combined with the proposed foot and cycleways creates a well linked sustainable mixed use centre, in the context of its co-location with existing and proposed residential and employment areas. The closest bus stops to the site are located immediately adjacent to it on the Airport Access Road, served by 2 bus routes. Further bus stops are located on Hurst Lane to the west of the site, and at that DSA Terminal.
- 9.40 In order to undertake a robust assessment of the likely trip generation caused by the proposal, and hence the impact upon the highway network, the Transport Assessment adopted a worst case scenario approach. In summary, this consists of: the maximum office space being applied for, the maximum residential floorspace being sought and the majority of the ‘Community Services’ area being made up of shop uses rather than community centre type uses (in reality this would not be expected, it is intended that this element of the development would be a more balanced blend of uses, including cafes, gyms and health centre, which would not generate such a high level of trips). It is also expected that the site would be predominantly served by trips linked with the sites primary destinations, and so would already be on the road network in any case. The worst case scenario has however been undertaken as part of the TA.

- 9.41 The applicant agreed with the Council which roads / junctions surrounding the development site required to be assessed as part of the TA, which were the site access roundabout and the Hurst Lane / Great Yorkshire Way roundabout. The assessments were carried out following 3 scenarios, those being the base level of traffic at the time of the assessment, 2029 future development including identified committed developments, and 2029 future development including identified committed developments and the proposed development (with the worst case scenario trip generation). Both of these junctions were forecast and shown to operate within capacity in the future year (2029) with both the committed developments and the proposed development added, with a maximum queue of 5 vehicles being experienced on Great Yorkshire Way. In view of this, the impact on the highway network is not considered severe and is therefore in accordance with Policy 13 of the Local Plan.
- 9.42 Highways England have also been consulted as part of the application process. Initially, a holding objection was imposed, due to the potential impact upon traffic flows on Junction 3 of the M18. In Highways England's view this junction is already operating over capacity, and so any additional traffic is seen as causing further issues, even the low number of vehicles which would be generated by this development (shown to be between an additional 60-80 vehicles per hour, about one every 45-60 secs). However the holding objection was subsequently lifted by Highways England, following confirmation from DMBC that a scheme of improvement works at Junction 3 to increase capacity has been designed, is fully funded, and is to be implemented late 2022. On this basis, it is considered that the proposal is acceptable in terms of its impact upon the strategic motorway network as well.
- 9.43 The applicant has also provided a Framework Travel Plan with the application, which proposes a series of measures to promote sustainable travel patterns and reduce the reliance on the car. These include;
- Active promotion of Public Transport Information to Staff and encouraging staff to use public transport;
 - Distribution and display of TP information;
 - Providing a personalised journey planner for each member of staff to promote access by sustainable means;
 - Initiating and publicising an in-house car sharing scheme and also contributing to the Airport's Car Sharing scheme.
 - Liaison with the Airport's TPC to establish how wider TP measures might benefit the Site.
 - Annual surveys to identify and resolve potential issues that may be preventing / dissuading people from using sustainable means of transport. This can also inform potential additional future measures.

The Framework Travel Plan sets out a target of reducing single occupancy car journeys by 10%. Monitoring surveys of staff travel patterns will be undertaken annually once the development is 25% occupied. The Councils Transport team have raised no objections to the Framework Travel Plan. A commitment to 5 years traffic monitoring to inform the targets within the Travel

Plan and trip generation shown within the TA will be secured via s106 agreement. Similarly, a Travel Plan Bond will also be required, to be utilised to implement sustainable travel mitigation measures should the Travel Plan targets not be met, also to be secured via s106.

- 9.44 Overall, the scheme is considered to be acceptable in terms of transportation issues. The applicant has provided the necessary information to the Council's Transportation team and Highways England to demonstrate that the scheme would not cause an unacceptable impact upon the local and strategic highway network.
- 9.45 The Council's Highways Team have also been consulted as part of the proposal. As explained previously, the "full" element of the planning application seeks detailed consent for the initial highways works into the site, including the tie-in to the existing roundabout on the Airport Access Road. The Highways officer responded with detailed points around the need for a two lane access and egress at the entrance roundabout, as well as providing a dedicated right turn facility into the proposed plot on the western side of the site. The applicant has provided amended plans showing these alterations. In addition, the applicant has shown the extension of the highway (and pedestrian/cycle) access further south to the application boundary, future proofing the development for linkages into the planned proposed residential development site to the south, in line with comments made. The Highways officer did raise points about the management of car parking across the development, particularly in relation to issues with airport parking, however this will be an issue which will be dealt with when detailed layouts are provided as part of future reserved matters applications.



Highways Layout

9.46 ECOLOGY AND TREES

- 9.47 Policy 32 of the Local Plan is concerned with Woodlands, Trees and Hedgerows. The policy seeks to ensure that proposals will only be supported where it is demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. Proposals are expected to be accompanied by the appropriate level of survey information, as well as demonstrating how retained features are to be protected during development, and sufficient provision of replacement planting where there is accepted removal.
- 9.48 As part of the application, an Arboricultural Impact Assessment has been submitted, and the Council's Trees and Hedgerows Officer has been consulted with the proposals. The assessment confirms that largely, the surrounding woodland blocks are shown to be retained, with the "full" element of the proposal (for the initial highways works) only requires a minimal degree of the removal of Category C trees. Within the rest of the site, there is proposed the removal of two individual trees, two groups, two hedges and one partial group. All are classified as low quality (Category C). All trees of higher quality are to be retained through development.
- 9.49 The indicative layout does show that there will be likely to be incursion into the root protection areas of a number of trees around the site perimeter. As noted however by the Tree Officer, the proposed floor spaces are shown as "up to", and so this issue can be dealt with at detailed reserved matters stage and would be unlikely to result in further tree removal. The Assessment also sets out that during construction, protective fencing will be erected around retained specimens to prevent damage.
- 9.50 The Tree Officer notes that a very good level of arboricultural information accompanies (and largely informs) this application, and raises no objection to the scheme on arboricultural grounds. Conditions are requested in respect of additional tree protection during construction, additional survey of woodland edge specimens to inform the siting of any built structures, and for a scheme for hard and soft landscaping to be provided.
- 9.51 Policy 30 of the Local Plan is concerned with Valuing Biodiversity and Geodiversity, which seeks to protect the Borough's habitats, sites and species. The policy states that all proposals will be considered in light of the mitigation strategy in accordance with National Policy. Furthermore, any proposals which cause harm to or loss of designated Local Wildlife Sites, Local Geological Sites, Priority Habitats, Priority Species, protected species or non-designated sites or features of biodiversity interest, will only be supported where they can demonstrate that a proposal will deliver a minimum of 10% net gain for bio-diversity, protecting and enhancing appropriate buffers around wildlife features and bridge gaps to link these to the wider ecological network. Proposals will also expect to deliver long term management for wildlife sites as well as newly created or restored habitats, and can demonstrate that the need for the proposal outweighs the value of any features lost.

9.52 The applicant has provided an Ecological Appraisal with the application, together with a Biodiversity Net Gain assessment. As stated previously, the application site comprises predominantly arable land which sits on the northern edge of the Hurst Wood Local Wildlife Site. The applicant has carried out a desk study to identify nature conservation designations, and protected and notable habitats and species potentially relevant to the proposed development. A Phase 1 Habitat Survey was also carried to identify and map all habitat types and ecological features within the survey area, and an updated appraisal was also made of the potential suitability of the habitats to support protected and notable species of plants or animals.

9.53 There are no national statutory designated sites within 1km of the site. The nearest international designated sites are the Hatfield Moor SAC and Thorne and Hatfield Moors SPA, whose designations overlap, which are approximately 7 km north of the proposed development.

There are 3 Local Wildlife Sites (LWS) identified within the desk study area;

- Hurst Wood LWS lies immediately adjacent to the southern boundary of the site;
- Finningley Big Wood and Gravel Pits LWS lies immediately to the south-east of the site; and
- Hurst Plantation, Savage Brooks and Marr Flatts Wood LWS is located 170m west of the site.

9.54 In terms of protected and notable species, reptiles, bats and breeding birds have been recorded within 1km of the desk study area, whilst neither water vole or great crested newts have been recorded. The main habitats recorded on the site were arable cropland and ditch run between two arable compartments, providing connecting habitat between surrounding areas of broadleaved deciduous woodland (Hurst Wood) outside the proposed development site boundary.

9.55 In terms of area, the existing terrestrial habitat in the area comprises 11.68 ha of area-based habitat and 0.33 km of linear-based habitat. The habitats within the proposed development site are classified as of low to medium distinctiveness with low ecological connectivity; apart from the species-rich hedgerow which is associated with a ditch and is classified as a habitat of high distinctiveness. The hedgerow is assessed as in good condition and as having medium ecological connectivity. As a result of the proposal, a total of 9.99 ha of existing terrestrial habitat and 0.33 km of linear habitat (hedgerows) are expected to be lost as a result of the proposed development; including species rich native hedgerow.

9.56 The applicant has proposed a series of mitigation measures in order to limit the impact of the proposal upon the identified habitats and species. The loss of mature species rich hedgerow will be compensated through replacement hedgerow and shrub planting throughout the landscaped areas of the site. To offset habitat losses within the site substantial areas of natural planting

comprising trees, shrubs and wildflower rich grasslands will be planted within the proposed development boundary. A 10m wide undeveloped woodland buffer zone is proposed along the northern edge of Hurst Wood and the site will be planted with a mix of native shrubs and wildflower grassland to provide more natural woodland edge habitat. In addition, the installation of bird and bat boxes, log piles, and a commitment to appropriately designed lighting schemes.

- 9.57 In order to achieve the required 10% biodiversity net gain in association with the development, off-site habitat creation or enhancement is required. Such measures can be implemented upon land within the applicants control and close to the application site.
- 9.58 The Council's Ecologist has been consulted as part of the application process and, following the submission of additional information, raises no objections to the scheme. The non-statutory site at Hurst Plantation LWS will be protected by a buffer zone and as this will this will be imposed as a planning condition. The enhancement of 0.15ha of the woodland will be included in the outline application biodiversity net gain assessment. The mitigation of anthropogenic impacts from a potential increase in access can be conditioned as a Landscape and Ecological Management Plan (LEMP) at reserved matters stage and based on measures described within the submitted Ecological Appraisal. Other non-statutory habitats will be lost to varying degrees and where this does occur biodiversity net gain on and off-site habitat creations and enhancements will compensate for losses as required through local and NPPF requirements.
- 9.59 The submitted information has identified that bats are not a significant constraint to the proposals and the Council's Ecologist concurs with that assessment. Bat roosting provisions have been identified for Hurst Plantation but it is also considered that between 5 and 10% of new dwellings shall have a surface mounted or integrated bat box to provide roost opportunities throughout the development site. This can be included in the LEMP required at reserved matters application stage. Further consideration of bats and potential impacts must take into account the lighting to be used in the development. A lighting scheme for sensitive species can be conditioned at reserved matters.
- 9.60 It is acknowledged that breeding birds will be displaced by the development, however the ecologist accepts that this can be offset by existing and enhanced/created habitat within the applicants ownership and this can be supplemented by the provision of bird boxes as outlined in ecological assessment and delivered through the LEMP. Impacts on wintering birds will not be significant and as with breeding birds existing and enhanced/created habitat within the applicants' ownership can provide suitable habitat.
- 9.61 In addition, reptiles have been identified as faunal group that occupy areas of Hurst Plantation and peripheral areas of the woodland. The Ecologist recommends that measures to protect reptiles can be conditioned as a

precautionary working method statement to be submitted with reserved matters applications.

- 9.62 On the basis of the above, the Council's Ecologist has no objections on ecological grounds to the scheme. Conditions are recommended to ensure that a Landscape and Ecological Management Plan are in place, which will show how all retained and created habitats on the site are to be managed. A Construction Environmental Management Plan is also suggested, to ensure that habitats and wildlife are protected during construction activities.
- 9.63 Given the applicants landholdings where biodiversity netgain can be delivered, conditions are also recommended to agree the long term management and monitoring of onsite habitats, together with a condition to ensure that appropriate receptor site or sites are identified, and again the management and monitoring of these. Conditions will also be added to secure appropriate lighting schemes, as well as a working method statement in respect of reptiles.
- 9.64 Natural England have also been consulted, and raise no objections to the scheme in respect of potential impacts on statutory sites.
- 9.65 The Yorkshire Wildlife Trust raised some concerns with the proposals, in respect of the age of some of the surveys accompanying the application, the impacts upon wintering and breeding birds, as well as expecting further details in respect of bat sensitive lighting, and recommending that the 10m buffer along Hurst Wood be extended. The applicants have responded to the points raised by the Trust and no further comments have been received. The issues raised have also been considered by the Council's Ecologist.
- 9.66 Overall, in term of ecology and the natural environment the proposal does result in the loss of habitat but this has been appraised and agreed by the Council's Ecologist to be of low to medium distinctiveness with low ecological connectivity (excepting a species rich hedgerow), and a low number of poorer specimen Category C trees within the site. The applicants have provided a package of suggested mitigation measures by way of habitat creation and biodiversity enhancements. Proposed planning conditions would ensure that there is a robust Biodiversity Enhancement Plan for the site, as well as ensuring that there is a net gain in biodiversity as required by policy. Additional tree planting will take place, and a condition ensuring details of tree protection will be provided, and full details of landscaping to be agreed.
- 9.67 On balance, with the imposition of these conditions and proposed mitigation, the proposal is considered to be acceptable in terms of ecology and trees.

9.68 OTHER ISSUES

- 9.69 No objections have been received from other consultees to the application. In terms of heritage issues, the applicant has provided an archaeological survey having undertaken geophysical surveying. The investigations have shown magnetic anomalies with possible origins in the forms of short ditch lengths,

linear trends and pits, and could date to the Iron Age and Roman period. Based on the interpretation of the survey, the archaeological potential of the site is deemed to be low to moderate. South Yorkshire Archaeology have been consulted and raise no objections to the scheme. A two part condition is recommended, requiring a Written Scheme of Investigation to firstly be agreed, and secondly the development to be carried out in accordance with its recommendations.

- 9.70 The Council's Conservation officer notes that there are no above ground heritage assets within the site or within 250m of the site and no above ground heritage assets or their settings are affected by the allocation so there is no conservation objection to the proposals.
- 9.71 In terms of flood risk and drainage, the applicant has provided a Flood Risk Assessment and outline drainage strategy. The assessment confirms that the site is not at risk of flooding from tidal sources. The site is in Flood Zone 1 and is at very low or low risk of flooding from all sources. The outline drainage strategy submitted with the application showed that surface water will discharge from the site to the existing ditch on the eastern site boundary, and would be restricted to a required greenfield run-off rate of 2.0 litres/second and would not therefore increase the risk of flooding off site. In response to concerns expressed by local residents, the strategy has been amended to include a commitment to reduce the run off rate by a further 10% to 1.8 ;litres per second to provide betterment The amended strategy indicates the volume of surface water runoff that will need to be attenuated on site in the 1 in 30 year and 1 in 100 year plus 40% climate change allowance events. Suitable sustainable attenuation methods, appropriate to the nature of the Site, are also recommended within the strategy to achieve the desired attenuation volume on-site. A new gravity drainage network is proposed to convey surface water discharge from the proposed development to the existing ditch on the eastern boundary and a new foul water drainage network shall be installed. Flood mitigation measures are recommended for managing the residual flood risk to the proposed development. For example, suitable de-watering/ pumping measures if any groundwater is encountered during below ground construction, final finished floor levels and regular inspection and maintenance of drainage infrastructure on site. The Councils Drainage team have been consulted, and have requested conditions to ensure that full drainage details are agreed prior to the commencement of development. Similarly, Severn Trent raise no objections to the scheme, stating that connection to a foul sewer will be subject to a formal section 106 sewer connection approval.
- 9.72 The applicant has provided a Phase 1 Ground Investigation survey as part of the application. The report confirms that the application site has always been agricultural fields, and concludes that the site may have low levels of contamination deriving from herbicides, pesticides and hydrocarbons. The main risk is anticipated to be presence on-site of historical contamination leaching into the porous and permeable soils. On that basis, a more intrusive Phase 2 Site Investigation is recommended prior to any development taking

place on the site. The Council's Pollution Control Team have been consulted and recommend this to be conditioned as part of any approval.

9.73 The Environment Agency have also been consulted, and suggest conditions relating to a groundwater protection, and a remediation strategy to deal with the risks associated with contamination of the site.

9.74 The Council's Environmental Health team raise no objections, requesting conditions to secure both a Construction Method Statement and a Construction Impact Management Plan, as well as a scheme for noise mitigation for future residents of the proposed development.

9.75 Section 106 Obligations

9.76 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'. 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'.

9.77 A legal agreement is required to secure an affordable housing contribution of 23% of built units (or commuted sum in lieu of), a traffic monitoring sum for the purpose of monitoring the outcomes of each Satisfactory Travel Plan, and a travel plan bond.

Conclusion on Environmental Issues

9.78 Paragraph 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.

9.79 Taken in the round, the proposal's design would cause some limited impacts to the ecological and arboricultural features of the site. Such impacts are proposed to be mitigated to provide net benefits by way of improved ecological linkages and additional planting. The proposal would safeguard the historic environment in respect of archaeology and does not have any unacceptable impacts upon any above ground heritage assets. Conditions requiring management plans covering construction management, as well as landscaping details will ensure the proposal would protect surrounding residential amenity. It is considered that appropriate conditions would protect the highway and wider network, as well as ensuring very good energy efficiency, surface water drainage and finishing materials, meaning that the proposal would be sustainable environmentally. This weighs significantly in favour of the application.

ECONOMIC SUSTAINABILITY

- 9.80 The proposed development would bring forward a new gateway centre including a mix of commercial, community residential and leisure uses, forming a central hub at the heart of DSA. It is an integral part of the Emerging DSA Masterplan and its delivery has the potential to catalyse and progress future development opportunities in the wider area by delivering facilities which would complement and support planned business and residential growth as set out under Policy 6 of the Local Plan. It is anticipated that the development itself would bring forward substantial long term economic benefits through the creation of approximately 1162 full time jobs (gross) over the life of the development. The scheme would also bring forward a high level of investment and growth, in accordance with Policy 2 of the Local Plan (Level of Growth). In the short term there would also be 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.

Conclusion on Economy Issues

- 9.81 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.
- 9.82 The proposal would result in some short term economic benefit in the creation of jobs during the construction phase of the proposal and longer term would result in a significant number of new jobs and investment, playing a part in creating the envisaged economic growth for Doncaster and at DSA. These factors weigh positively in favour of the application and when combined carry significant weight.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposed development is entirely in accordance with the Policy 6 of the Local Plan concerned with development at DSA and other relevant Local Plan policies. The report shows that there are strong material considerations in favour of supporting the proposal and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

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

- **an affordable housing contribution of 23% of built units (or commuted sum in lieu of)**
- **a traffic monitoring sum for the purpose of monitoring the outcomes of each Satisfactory Travel Plan, and**
- **a travel plan bond.**

CONDITIONS

01. With the exception of that part of the development hereby granted full planning permission, no phase of development hereby permitted within the areas covered by the outline planning permission shall be commenced until details of layout, scale, appearance, access (internal) and landscaping for that phase (herein called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority.

REASON

Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.

02. All applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 10 years from 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. The part of the development hereby granted full permission shall be begun before the expiry of five years from the date of this planning permission. The balance of the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters.

REASON

Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.

04. 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:

Full Planning permission element (initial highway access, infrastructure, landscaping and drainage):

Proposed Access Road Alignment (Ref: M18112-A-010 Rev C)
Proposed Access Road Alignment with Cross Sections (Ref: M18112-A-011)
Planting Proposals (Ref: 60596702-L-P-01)

Outline Planning permission element:

Location plan/application boundary (Ref: 13041_PL001 B)
Development Cells and Land Use (Ref: 13041_PL002 C)
Access and Movement (Ref: 13041_PL003 D)
Drainage Infrastructure (Ref: 13041_PL004 B)
Green Infrastructure & Ecology (Ref: 13041_PL005 B)
Building priority frontages (Ref: 13041_PL006 B)
Illustrative Masterplan (Ref: 13041_PL007 C)
Design and Access Statement
Proposed foul water drainage arrangement (Ref: 60596702/SK/FW001)
Proposed surface water drainage arrangement (Ref: 60596702/SK/SW001)
Topographical survey (Ref: A0 18L002/001 & 002)

REASON

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

05. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority, identifying the proposed phasing of the development. The development shall be carried out in accordance with the approved phasing plan or any subsequent submitted and approved amendments to this plan, unless otherwise agreed by the local planning authority.

REASON

To ensure a satisfactory development in a phased manner and integrates successfully with existing and future developments.

06. No phase of development hereby granted shall not begin until a Drainage Impact Study, a surface water drainage scheme for the site (based on

sustainable drainage principles SuDS) details of the foul, surface water and land drainage systems and all related works necessary to drain that phase of the development have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development of that phase and the drainage system shall be constructed in accordance with the approved details and operating to the satisfaction of the Local Planning Authority prior to the occupation of that phase of 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.

07. 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.

08. No building/infrastructure shall be erected within 3 metres of the watercourse (ditch) or culvert, which passes through/runs adjacent to the site.

REASON

To ensure adequate access at all times and to protect the watercourse (ditch)/culvert from damage

09. All surface water run off from the site, excepting roof water, shall be discharged to the public surface water sewer/land drainage system or Highway Drain via a suitable oil/petrol/grit interceptor. Details of these arrangements for each phase of development shall be approved by the Local Planning Authority prior to the commencement of each phase of development and they shall be fully operational before the site is brought into use.

REASON

To avoid pollution of the public sewer and land drainage system

10. No phase of development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation within that phase and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- o The programme and method of site investigation and recording.
 - o The requirement to seek preservation in situ of identified features of importance.
 - o The programme for post-investigation assessment.
 - o The provision to be made for analysis and reporting.
 - o The provision to be made for publication and dissemination of the results.
 - o The provision to be made for deposition of the archive created.
 - o Nomination of a competent person/persons or organisation to undertake the works.
 - o The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter any phase of the development shall only take place in accordance with the approved WSI and the development of that phase shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

REASON

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

11. No phase of development hereby permitted may commence until such time as a scheme to install the underground tanks, if required, for that phase has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

REASON

To ensure that the underground storage tanks do not harm the water environment in line with paragraph 170 of the National Planning Policy Framework and the Environment Agency's Position Statements D1, D2 and D3 of the 'The Environment Agency's approach to groundwater protection'.

12. No phase of development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of that phase of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution, nor in terms of human health and the wider environment pursuant to the National Planning Policy Framework.

13. Prior to each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

14. 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 Local Planning Authority (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.

15. Prior to the occupation of any phase of the development hereby approved, details of electric vehicle charging provision within that phase shall be submitted to and approved in writing by the local planning authority. The first dwelling or building within that phase 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 policy 13 of the Local Plan

16. No phase of development shall take place, including any works of demolition, until a Construction Method Statement for that phase has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period for that phase. 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.

17. Before any construction works are started on any phase of the site, a Construction Impact Management Plan for that phase, 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 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 that phase of development hereby approved.
REASON:
To safeguard the living conditions of neighbouring residents
18. Unless otherwise agreed in writing by the Local Planning Authority, prior to construction works commencing within any relevant phase of the development, a scheme for protecting residents in the proposed dwellings from noise from road traffic shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the lifetime of the development
REASON:
To safeguard the amenity of the proposed dwellings from the noise levels which exist on the site.
19. Prior to the installation of any plant/mechanical extraction equipment within each phase of development, a scheme to control noise from that equipment shall be submitted to and approved in writing by the local planning authority. The rating level of sound emitted from any fixed plant and/or machinery associated with any phase of the development shall not exceed background sound level of L90,41dB between the hours of 0700-2300 and shall not exceed the background sound level of L90,37dB between 2300-0700. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments).
Where access to the boundary of the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

REASON:

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

20. No development shall take place within any phase of the development until a detailed hard and soft landscape scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials including footpath treatments and carriageway finishes. The soft landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements Supplementary Planning Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. The trees shall be container grown or root balled and of minimum Extra Heavy Standard (14-16cm) size in accordance with table 1 of British Standard 3936-1: 1992 Nursery Stock. The pots of containerised trees must be proportionate to the size of the tree in accordance with table D4 of British Standard 8545: 2014 Trees: From nursery to independence in the landscape - Recommendations (BS8545) and the rootball of rootballed trees in accordance with table D5 of British Standard 8545. The trees shall be handled in accordance with 'Handling and Establishing Landscape Plants' by the Committee of Plant Supply & Establishment (1995) published by the Joint Council for Landscape Industries and/or section 9 Handling and Storage and Annexe E of BS8545. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion of any planting within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme, prior to occupation of the dwelling, which will be monitored by the Local Planning Authority. Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

In the interests of environmental quality and Policy 48 of the Local Plan

21. Prior to the commencement of each phase of the development hereby granted, a scheme for the protection of the root protection area 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 for that phase 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 Policy 32 of the Local Plan.

22. Prior to the commencement of each phase of development, an ecological management plan for that phase shall be submitted to the local planning authority for approval in writing. This plan shall include details of measures as set out in Sections 5.1, 5.3.1 and 5.3.2 of the Ecological Appraisal where appropriate (AECOM, March 2019) and how all the retained and created habitats on the site will be managed. The habitats shall thereafter be managed in accordance with the ecological management plan as approved.

REASON

To ensure the ecological interests of the site are maintained in accordance with Policy 30 of the Doncaster Local Plan

23. Prior to the commencement of each phase of development, a Construction Environmental Management Plan for that phase shall be submitted to the local planning authority for approval in writing. This plan shall include:
- o A risk assessment of the potentially damaging construction activities in relation to wildlife and habitats.
 - o A method statement for the protection of terrestrial fauna that may be encountered on site.
 - o Measures to protect the adjacent Local Wildlife Site, Hurst Plantation
 - o The use of protective fencing, exclusion barriers and wildlife safety measures.
 - o Detailed measures as set out in Table 5.1 of Ecological Appraisal, AECOM March 2019 where appropriate.

REASON:

To ensure the ecological interests of the site are maintained in accordance with Policy 30 of the Doncaster Local Plan

24. Prior to the commencement of each phase of development, a precautionary working method statement for the protection of reptiles should be submitted

and approved in writing by the LPA. The PWMS shall include all measures as set out in section 5.3.4 of Ecological Appraisal, AECOM March 2019.

REASON

To ensure the ecological interests of the site are maintained and protected species are taken fully into account in accordance with Policy 30 of the Local Plan and wildlife legislation.

25. Prior to the commencement of each phase of development, a lighting design strategy for light-sensitive biodiversity in that phase shall be submitted to and approved in writing by the Local Planning Authority:

The strategy shall show how, external lighting in that phase will be installed (through the provision of external lighting contour plans and technical specifications) so that it can be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural and adjoining areas of the site by bats and other species of wildlife. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/18: Bats and Artificial Lighting in the UK and by the details set out at section 5.3.2 of Ecological Appraisal, AECOM March 2019

All external lighting in that phase shall be installed in accordance with the specification and locations set out in the strategy, and unless otherwise agreed will be maintained as such for the lifetime of the development.

REASON

To ensure the ecological interests of the site are maintained in accordance with Policy 30 of the Local Plan

26. Prior to the commencement of development a 30 year adaptive Management and Monitoring Plan based on the Outline Biodiversity Net Gain Assessment (AECOM, November 2020) for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management and Monitoring plan shall detail the following:

- o A 30 year adaptive management plan for the site detailing the management measures to be carried out in order to achieve the target conditions proposed for each habitat parcel in the BIA
- o Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved, taking in account the phasing of the development.
- o A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.
- o That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 3, 5, 10, 15, 20, 25 and 30) immediately following habitat creation. GIS files showing the current habitat condition of each habitat parcel will accompany each monitoring report.

o The detailed scope of proposed monitoring reports including (but not exclusively), presence of any target species, date stamped photos accompanied by detailed site notes on the extent of growth and condition of habitats, notes on factors that could be hindering the progress towards proposed target condition, detailed recommendations on changes to the management actions for parcels where progress is not as planned. Once approved in writing the management measures and monitoring plans shall be carried out as agreed.

REASON

To ensure the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by the NPPF paragraph 174

27. No development shall take place until a Biodiversity Net Gain Assessment has been submitted to and approved in writing by the Local Planning Authority. This shall result in an Approved Scheme ("the Approved Scheme"). The Approved Scheme shall be approved with the purpose of ensuring that the completed Development shall not result in a biodiversity loss in accordance with the National Planning Policy Framework. The Approved Scheme shall include an on-site scheme that demonstrates a biodiversity net gain will be achieved upon substantial completion of the development. If this cannot be achieved, the Approved Scheme should confirm the identity of an appropriate receptor site or sites and a management plan for the provision and maintenance of such offsetting measures for not less than 30 years from the date of implementation of the scheme and where necessary include the provision of contractual terms to secure the delivery of the offsetting measures.

REASON

To comply with the requirements of the NPPF.

28. Prior to the commencement of any relevant phase of development, a BREEAM pre-assessment, or equivalent assessment, shall be submitted to the Local Planning Authority for approval demonstrating how BREEAM 'Very Good' will be met. Unless otherwise agreed, the development must take place in accordance with the approved assessment. Prior to the occupation of any building, a post construction review should be carried out by a licensed assessor and submitted for approval by the Local Planning Authority. This will enable the planning condition to be fully discharged. Advice should be sought from a licensed BREEAM 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.

29. Prior to the commencement of the relevant works within any phase of development, 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 42 of the Local Plan.

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

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Application	2.
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Application Number:	21/00445/FULM
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Application Type:	Full Planning
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Proposal Description:	Change of Use of a former Agricultural grainstore to B8 (storage and distribution) and conversion of a redundant agricultural cartshed to Class E (offices) or Class B8 (storage and distribution), with associated means of access and parking. (Being resubmission of 16/02123/FULM refused 13/02/2020).
At:	Manor Farm Cottages Wakefield Road Hampole Doncaster DN6 7EP

For:	Mrs Elizabeth Nelson
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Third Party Reps:	38 letters of objection	Parish:	Hampole And Skelbrooke
		Ward:	Sprotbrough

Author of Report:	Nicola Elliott
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SUMMARY

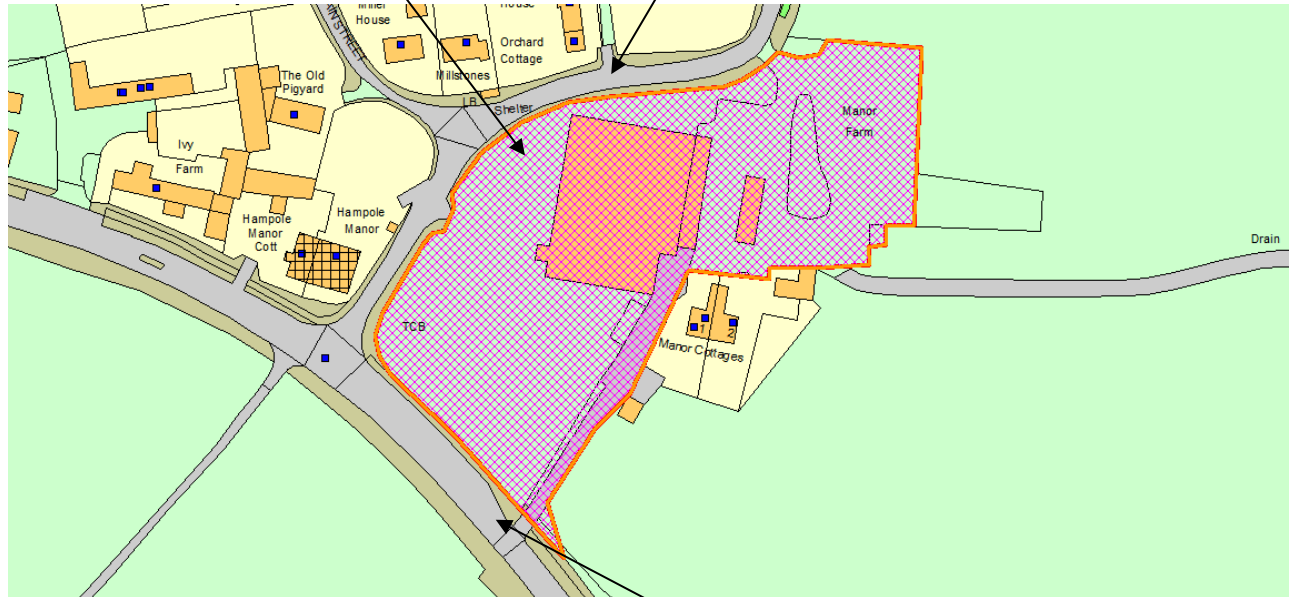
The proposal seeks permission for the change of use of a former agricultural grainstore to B8 (storage and distribution) and conversion of a redundant agricultural cartshed to Class E (offices) or Class B8 (storage and distribution), with associated means of access and parking. The application is a resubmission of a previous application refused by Planning Committee on the 13th of February 2020. The proposal is considered to be acceptable in policy terms having a limited impact on the openness of the Green Belt and the amenities of occupiers of neighbouring dwellings. The proposal is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2021).

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to the Green Belt, neighbouring properties, heritage assets, the highway network or the wider character of the area.

RECOMMENDATION: GRANT planning permission subject to conditions.

Application Site

Leys Lane



A638

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee as the application is a departure from the Development Plan. The proposal has also resulted in a significant level of objection from local residents.

2.0 Proposal and Background

- 2.1 Planning permission is sought for the change of use of a former agricultural grainstore to B8 (storage and distribution) and conversion of a redundant agricultural cartshed to Class E (offices) or Class B8 (storage and distribution), with associated means of access and parking.
- 2.2 The former application sought permission for the *change of use from Agricultural grainstore to B1 (light industrial) / B8 (storage and distribution) and the change of use of redundant agricultural cartshed to B1 offices with associated means of access and parking* and was refused by Planning Committee in February 2020 for the following four reasons;
01. In the opinion of the local planning authority, as a result of the anticipated noise and congestion associated with the proposed use, the proposal would have a harmful impact on residential amenity. The proposal is therefore contrary to policies CS 1 and CS 14 of the Doncaster Council Core Strategy (adopted in 2012).
 02. In the opinion of the local planning authority, as a result of the proposed access, the associated vehicle movements and the size and numbers of vehicles accessing and egressing the site, the proposal would have a detrimental impact on highway safety, contrary to policy CS 14 of the Doncaster Council Core Strategy (adopted in 2012).
 03. In the opinion of the local planning authority, the proposal represents inappropriate development within the Green Belt for which very special circumstances have not been demonstrated. Furthermore, the visual presence of cars parked at the site at any one time would not preserve the openness of the Green Belt. The proposal is therefore contrary to policy ENV 3 of the Doncaster Unitary Development Plan (adopted in 1998) and policy CS 3 of the Doncaster Council Core Strategy (adopted in 2012).
 04. In the opinion of the local planning authority, the proposed development would harm the setting of a number of Listed buildings within Hampole, as such the proposal is contrary to policy ENV 34 of the Doncaster Unitary Development (adopted in 1998) and policy CS 15 of the Doncaster Council Core Strategy (adopted in 2012).
- 2.3 This current proposal removes the B2 and B1c light industrial elements previously proposed, which the applicant states is to take account of local resident concerns raised about a light or heavy industrial use taking place from the premises.
- 2.4 There are two elements to the proposal; the change of use of the grain store (the larger building) to a storage and distribution use, and to change the use of the former cart shed to offices. It should be noted that the proposal remains speculative in that no end user has been identified. Regardless of who occupies the units, the Use Class sets the appropriate use for the site, not the user. The two may be occupied separately and the applicant feels that the cartshed may also offer local people with an office workspace hub as opposed to a single user.
- 2.5 As with the previous application, the proposed access, which is to be widened, is from Leys Lane at the north of the site. There is a further access onto the A638 which serves the existing dwellings. The access to the west onto Leys Lane is to be blocked off.

3.0 Site Description

- 3.1 The proposal lies opposite Hampole Manor, a Grade II listed building. The site is located in a rural hamlet and consists of three large agricultural sheds which are the dominant feature as well as a historic cartshed. Around the site is a historic stone wall with decorative gate piers.
- 3.2 Adjacent to the site, to the east and presumably part of the original farm complex, are two cottages. The remaining residential properties within Hampole are to the north and west of the application site. Beyond the application site are open fields.

4.0 Relevant Planning History

- 4.1 The relevant planning history is as follows:

Application Reference	Proposal	Decision
16/02123/FULM	Proposed Change of use from Agricultural grainstore to B1 (light industrial) / B8 (storage and distribution) and the change of use of redundant agricultural cartshed to B1 offices with associated means of access and parking.	Refused - 13.02.2020

5.0 Site Allocation

- 5.1 The Doncaster Local Plan identifies the site as Green Belt.

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. 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 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.

- 5.7 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.
- 5.8 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.
- 5.9 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.
- 5.10 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.
- 5.11 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.
- 5.12 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.13 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.
- 5.14 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.
- 5.15 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.

5.16 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.

5.17 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);

5.18 Local Plan

5.19 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.

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

5.21 Policy 29 seeks to protect the Borough ecological networks.

5.22 Policy 30 deals with the need to value biodiversity.

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

5.24 Policy 46 states that all non-residential and commercial developments must be designed to be high quality, attractive, and make a positive contribution to the area in which they are located by meeting a number of requirements.

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

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

5.27 Policy 56 requires the need for satisfactory drainage including the use of SuDS.

5.28 Policy 57 deals with the need to consider flooding.

5.29 Policy 58 deals with low carbon and renewable energy within new developments.

5.30 Other material planning considerations and guidance

- 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 (as amended) by means of site notice, council website, press advertisement and neighbour notification. The application has been advertised as a departure and as development affecting the setting of a Listed Building.

6.2 Following this publicity, a total of 38 letters of objection were received. A summary of the material planning issues raised is set out below:

- proposal will change the nature of the village – industrialised
- increase in heavy traffic – incl HGVs
- removal of verge trees and hedgerows
- impact on Green Belt
- impact on Listed Buildings
- witness statement of truth is misleading
- warehousing/industrial development is inappropriate
- no pedestrian access – dangerous
- noise and smells harmful to amenity
- hazardous access, no footpaths
- access not been used for high volume traffic
- no benefit to the community
- agricultural activity at the site was limited due to seasonal working
- removal of trees planted to screen wind turbines

6.3 Non material issues raised included the following

- impact on the history of the area incl the medieval mystic Richard Rolle
- application should not have been allowed to be submitted
- end user not known
- there are lots of tourist visitors to the village

7.0 Parish Council

7.1 Hampole and Skelbrooke Parish Meeting – Previously made an objection in January 2020 to planning application 16/02123/FULM, on the basis of inappropriate development in Green Belt, harm to the countryside, damage to residential amenity, harm to the setting of a listed building and traffic and transport and safety issues. It was also noted that the proposal is a departure from the development plan and contravenes both local and national planning policies, as explained in detail in previous letters from the Parish Meeting. The latest 'new' application for storage and distribution is no different from the last amended version of 16/02123/FULM which had a so-called prospective tenant and was rejected

unanimously by the Planning Committee in February last year. The current 'new' proposal is even shorter on detail and would not only allow the previous prospective tenant but a lot more as well.

- 7.2 Marr Parish Meeting - We can see no positive difference or advantage nor any differential between this planning application and the amended one submitted by the applicant in 2020, which was submitted under reference number 16/02123/FULM. The previous application, was subsequently refused planning consent on 13th February 2020, a decision made unanimously by the Planning Committee after fully reviewing and considering the application. Subsequently, since this 'new' proposal continues to rely heavily on resubmitted evidence dating back to 2015 with no new validated evidence, we therefore do not believe that there are any contributory or meaningful material planning differences between this planning application and the amended 2020 proposal. We are astonished and are at a loss to understand why the Planning Department and its Officers have allowed an almost identical proposal to be re-submitted. As such, we respectfully ask that the application be rejected.

[The local planning authority cannot refuse to accept an amended application. The applicant has a right to a 'free-go' following a refusal within one year.]

8.0 Relevant Consultations

- 8.1 **National Grid** – National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line –Electricity Tower, Overhead Electricity Line.
- 8.2 **Northern Gas Networks** – No comments received.
- 8.3 **Ward Members** – No objections have been received.
- 8.4 **Architectural Liaison Officer** – The Police Designing Out crime officer suggests that the windows and doors fitted to the properties all comply with Police Approved Specifications. Details of which can be found on the Secured by Design website at <https://www.securedbydesign.com/>
- 8.5 **Environment Agency** – No comments received.
- 8.6 **South Yorkshire Fire and Rescue Service** –
- 8.7 **South Yorkshire Passenger Executive** – No comments received.
- 8.8 **Yorkshire Water** – No comments received.
- 8.9 **Pollution Control (Air Quality)** – No comments received.
- 8.10 **Ecologist** - Following the submission of concluding ecological information, No objections on ecological grounds, subject to condition.
- 8.11 **Trees and Hedgerows Officer** – Overall, if minded to grant consent it may be appropriate to require landscape planting to act as screening for the residential properties opposite or the site as a whole. Further guidance on the Council's requirements for landscaping can be found in section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements

Supplementary Planning Document – particularly section 8.11 Key landscape considerations for non-residential developments.

- 8.12 Environmental Health Officer** – No objections subject to a condition requiring that vehicles to be permanently based at the site to be fitted with the white noise type of vehicle reversing alarm rather than the single tone pulse variety. This would apply to vehicles stationed on site all the time and those coming and going from the site if they are owned or operated by the site user, but would not apply to vehicle visiting the site for less than 24 hours. A condition should also be added condition limiting the site to 20 two-way HGV movements per day between the stated hours of operation given Peak Acoustics report Ref:LH1011163NR Rev.3 and a condition to limit external noise from plant.

Additionally it is recommended that the mitigation programme detailed at points 14.3 and 14.4 of Peak Acoustics report Ref:LH1011163NR Rev.3 are adopted as conditions which would require insulation to the structure and condition the hours of operation to mitigate the noise.

- 8.13 Highways Development Control** – No objections, subject to condition.

- 8.14 Local Plans Team (Employment)** – In brief, the proposals should support a prosperous rural economy and the buildings should be of a permanent and substantial construction. Consideration should be given to the appropriate use of planning conditions – such as restricting the cartshed to Use Class E – offices

- 8.15 Structural Engineer** – The Council no longer has a Structural Engineer, however comments were as follows on the previous application;

There should be no issues for re-using the existing sheds for workshop and storage facilities.

From the report, the cartshed looks to be in reasonable condition overall. There are a number of structural defects but these can be addressed with minimum impact on the existing fabric of the building. The Structural Engineer would highlight the displacement of the front corners due, in part at least, to the thrust from the stone arches. Measures should be considered to reinstate the arch stonework and reduce the risk of future movement that could lead to collapse. The cracked stone pillars should also be assessed by a stone mason.

- 8.16 Transportation** – The proposal does not generate a significant amount of trips to have a severe impact on the highway network and, therefore, is in accordance with NPPF Paragraph 109 (*former reference as per NPPF 2019*). Cycle Parking is proposed in accordance with DMBC Standards, this is welcomed. EV Charging Condition to be applied to this application should it be granted. [*Comments provided prior to revision to NPPF*].

- 8.17 Design and Conservation Officer** – If the fields to the west are shown to be left undeveloped, with suitable landscaping and restoration of the walling with appropriate gates/infill, they should provide a suitable buffer to the site that will help preserve the setting of the listed building. Little objection in terms of impact on the historic environment could then be raised. Subject to the above the proposal would be considered to be in accordance with saved policy ENV 34 of the Doncaster UDP, emerging policy 37 of the Local Plan, Policy CS15 of Doncaster Core Strategy, particularly sections A, and Section 16 (Conserving and enhancing the

historic environment) specifically paragraphs 190, 192 and 193 of the National Planning Policy Framework on determining applications. *[Comments provided prior to adoption of Local Plan and revision to NPPF].*

8.18 Drainage – No comments received.

9.0 Assessment

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

- Principle of development;
- Impact on setting of a listed building
- Impact on residential amenity & quality of life
- Highway safety and traffic
- Ecology
- Trees and landscaping
- Overall planning balance

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

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little
- 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 (para 147). This is reinforced by Policy 1 of the Local Plan. It is further stated in the NPPF (para 148) 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 Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. Part (d) lists the re-use of buildings provided that the buildings are of permanent and substantial construction’ as one such form of development.

9.5 Policy 1 of the Local Plan does not repeat national Green Belt policy set out in the NPPF. In accordance with the NPPF and the Local Plan, the re-use of existing buildings and the redevelopment of brownfield land are all capable of being appropriate as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 9.6 The proposal seeks a change of use of two existing buildings which is entirely consistent with Green Belt policy. There is no extension to either building, furthermore there is no proposal to change the external appearance of the grain store in anyway. The cart shed would be renovated to facilitate the conversion to offices, including the insertion of roof lights and fully glazed timber/aluminium door and screens, however the main fabric of the building would be as existing. Therefore there is no harm to the openness of the Green Belt and there is no need to demonstrate very special circumstances, because the proposal is not inappropriate development. The Council's former Structural Engineer confirmed at the time of the consideration of the previous application that the buildings were of a permanent and substantial construction and that any 'structural defects but these can be addressed with minimum impact on the existing fabric of the building'.
- 9.7 Whilst there are minimal changes proposed to the buildings, there is some alteration to the outside area to form circulation space and parking, and the access from Leys Lane is to be widened. The assessment of the impact on the openness can be found at sections 9.23 to 9.26 of this report.
- 9.8 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, with the proposal comprising of the re-use of existing buildings.
- 9.9 As such, in accordance Paragraphs 138, 147 and 150 of the NPPF and Policy 1 of the Local Plan, it is not inappropriate development and this is not considered to be a departure from Green Belt policy and significant weight is afforded to this.

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 Paragraph 130 (f) of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which

promote health and well-being, with a high standard of amenity for existing and future users. Policy 46 of the Local Plan supports non-residential, commercial and employment proposals which are designed to have no negative effects upon the amenity of neighbouring land uses or the environment.

- 9.13 Much of the objection, and reason for refusal no.1, is in relation to the potential impact on residential amenity from the B8 use and the likelihood for associated noise, disturbance and smell from the use. A B8 Use Class incorporates storage and distribution. A B8 use can only change to a C3 use (dwellings) subject to a prior approval. There is no permitted change to any other use class. As such, it is most likely that a B8 use would incorporate warehousing and it is also likely that there would be large vehicle movements and loading equipment and this concerns local residents.
- 9.14 One of the other key areas from concern when Planning Committee considered the previous application was that the application was speculative and the end user not known. This remains the case as the applicant has not been able to obtain an end user to date, and it is also reasonable to expect that before marketing the site, planning permission would be granted, otherwise the prospective tenant has no assurance that the use is acceptable. Regardless of this, it is not reasonable to make the permission personal to the tenant. The National Planning Policy Guidance in paragraph 015 advises that;

Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.

A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.

- 9.15 Therefore, it is not appropriate to make the permission personal and it is the use as a whole that should be considered, and whether it can be mitigated by any conditions were are considered reasonable, such as opening hours, vehicle movements, sound levels. Even if the end user were known, there would be no guarantee that this company would remain at the premises, and other businesses in the same use class could operate at the site. Therefore, it is not considered the speculative use should form the basis of a reason for refusal.
- 9.16 In order to assess the amenity implications, the applicant has submitted the same Acoustic Report as the previous proposal, as they consider this to remain entirely robust and valid. The applicant considers that it provides a useful benchmark given that it assessed and reflected B2 uses in its findings; now that the proposed uses are of a lesser impact then any impact would be proportionately lesser in value too. As such, an updated report has not been provided.
- 9.17 The report has been assessed by the Council's Environmental Health who continues to raise no objection to the proposal, subject to conditions which limit vehicle movements to 20 two-way HGV movements per day, as set out in the Acoustic Report, a limit on external noise levels produced by fixed external plant, vehicles to be fitted with the white noise type reversing alarm rather than the single tone pulse

variety and the mitigation programme detailed in the Acoustic Report which would require insulation to the structure and condition the hours of operation to mitigate the noise. With conditions in place to this effect, it is not considered that the proposal would create significant harm to residential amenity.

- 9.18 The use of the site would be restricted to Monday to Friday only, and no Bank Holiday working, at the suggestion of the application, with hours of operation being 7am to 7pm as set out in the Mitigation Programme set out in the Acoustic Report, which is to be conditioned separately. As such, it is not considered that these hours would harm amenity given that they are not unreasonably early in a morning, or late into the evening. They are normal waking hours. Environmental Health, the technical experts in this field, raise no objection.
- 9.19 A Statement of Truth has been prepared by the applicant in relation to the previous agricultural of the site, and this is contested by some local residents who have lived in Hampole for some time, including working at the site in agriculture. Limited weight is attached to any of these statements as the application has been considered on the basis of the proposal and not what has gone before. Some weight is however attached to the fact that any agricultural enterprise could be run from the site without planning permission which not have the control imposed by the attached conditions.
- 9.20 A condition is also attached to ensure that the cart shed remains as offices, as Class E contains a number of business and commercial uses, including shops, which may have more impact on residential amenity. There is also a permitted change the residential. Therefore restricting this gives the local planning authority control over other uses.

Conclusion on Social Impacts.

- 9.21 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affected by the proposal subject to adherence to the attached conditions to restrict hours of operation, sound proofing vehicle movements, outdoor storage and reversing alarms, and the proposal is considered to accord with paragraph 130 of the NPPF and Policy 46 of the Local Plan.

9.22 ENVIRONMENTAL SUSTAINABILITY

Impact upon the openness of the Green Belt

- 9.23 Paragraph 150 of the NPPF and Policy 1 of the Local Plan require proposals to preserve the openness of the green belt and not to conflict with the purposes of including land in it. The impact of the proposal on the openness of the Green Belt is therefore of paramount importance when considering if the proposed change of use is acceptable.
- 9.24 Although it is expected that there will be some new hardstanding to form the car parking spaces to the north of the site, the area of the site which will accommodate vehicle parking and turning is mostly hard surfaced, as such there is no greater harm to the openness of the Green Belt. Whilst the plans to not show any outdoor storage, a condition is attached to ensure that remains the case.
- 9.25 It could be considered that the parking of vehicles on the site could affect openness, however these are not in situ permanently so when the premises is not in use, there can be little change expected from the current situation. Furthermore,

the site has an agricultural use and should this be re-instated, the local planning authority would have no control on outdoor storage.

- 9.26 There is negligible impact on the openness of the Green Belt from the proposed access widening, the site is currently a prominent feature in this location, therefore it is not the case that it would open up views of the site.

Design and impact on character of the area

- 9.27 Paragraph 130(a) states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, part (c) seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 9.28 Policy 46 of the Local Plan in part (A) requires parking, servicing and storage areas to be located unobtrusively and to reduce their visual impact through landscaping and boundary treatments. Developments should also be well landscaped, include provision of amenity areas for occupiers, visitors or workers, and ensure good quality external works are co-ordinated across the site.
- 9.29 As stated in other sections of this report, there is minimal change to the external appearance of the buildings, therefore it is not considered that there will be a detrimental impact on the character of the area.
- 9.30 In terms of layout, all storage is to be indoors, so as not to affect the character of the area. Parking is provided externally, but focussed to an area of existing hardstanding. There is a total of 18 car parking spaces proposed overall, 6 for the office and 12 for the warehouse. Parking standards are set out in Appendix 1 of the SPD Development Guidance and Requirements. This is set at 1 space per 35 m² for offices and 1 space per 3 staff or 1 space per 60m² gross floor area up to 300 m² then 1 space per 100 m² up to 1000 m² and 1 space per 150 m² thereafter for a storage and distribution use.
- 9.31 The Transport Statement submitted with the proposal states that the parking meets with the SPD and Highways Development Control have raised no objections on parking. The internal floorspace of the grain store is approximately 1753 m² and the internal floorspace of the office is approximately 100 m². This means that 12 spaces is required for the warehouse and 3 spaces for the office. As such, there are an additional 3 spaces provided. 4 cycle parking spaces are also proposed.
- 9.32 Whilst the stone wall is to be retained, additional landscaping is requested by condition to enhance the site and also mitigate against tree and vegetation loss.

Impact on Highway Safety

- 9.33 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. Policy 13 of the Local Plan states that the Council will work with developers to ensure that access to the development can be made by a wide choice of transport modes, including walking, cycling, and the private car, and public transport where appropriate; appropriate levels of parking provision should be provide in accordance

with the standards sets by appendix 6 of the Local Plan. Policy 1 also re-iterates paragraph 111 of the NPPF in that development should not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developers must consider the impact of new development on the existing highway and transport infrastructure.

- 9.34 The application is accompanied by a Transport Statement and consultation has taken place with the Council's Transportation team and Highways Development Control team. The Transportation team state that the proposal does not generate a significant amount of trips to have a severe impact on the highway network and, therefore, is in accordance with NPPF Paragraph 111. A condition is imposed for electric vehicle charging and cycle parking is also proposed, which accords with DMBC standards. A further condition limiting HGV movements to 20 two way movements per day is also requested by Environmental Health and this will ensure that movements are kept to a minimum.
- 9.35 There are two proposed access points, both of which are existing. The main access is from Leys Lane, which is proposed to be widened, and there is an additional access straight onto the A638. It was previously recommended that access would only be from Leys Lane only, however the Highways Officer has not recommended this on this occasion. Concern is raised from local residents with regard to highway safety and implications for pedestrians, however the Highways Officer has not objected on this ground. There is currently no footpath in this area. It is requested that a 15m setback for the access gates is provided to ensure sufficient distance is provided for HGVs accessing the site.
- 9.36 A Stage 1 Road Safety Audit (RSA) has been provided which are welcomed by the Highways Officer in that they provide an independent view on road safety which should allay concerns in this respect. To improve the safety of the access, recommendations made by the RSA include setting back the barrier to the site to ensure vehicles do not overhang Leys Lane, cut back vegetation to the rear of the verge and any overhanging the carriageway to improve visibility. There are subsequently no objections to the proposal from a highway safety perspective subject to conditions.

Impact Listed Building

- 9.37 Policy 36 (A) of the Local Plan states that proposals that harm the significance of a listed building or its setting will not be supported other than in circumstances where that harm is clearly outweighed by the public benefits of the proposal having regard to the significance of the heritage asset affected.
- 9.38 Paragraphs 195, 197 and 199 of the NPPF all seek to protect heritage assets, and their settings, avoid or minimise conflict between the asset's conservation and the proposal, enhance the significance of heritage assets including taking account of the positive contribution heritage asset make to communities and local character and distinctiveness.
- 9.39 The proposal lies opposite Hampole Manor, a Grade II listed building. The site is located in a rural hamlet and consists of three large agricultural shed which are the dominant feature as well as a historic cartshed, which on old maps once was part of a larger farm u-shaped complex. Unfortunately the latter was curtailed presumably to build the large sheds. The large sheds are of low architectural interest but given their agricultural usage are part of the local rural character.

Around the site is a historic stone wall with decorative gate piers which also enclosures two small fields to the west. To the east is an area of hardstanding.

- 9.40 Consultation has taken place with the Council's Design and Conservation Officer and whilst there are still no objections to the conversion of the cartshed, which would give this historic building a future use with minimal impact, the conversion of the large sheds is considered more problematical by the Conservation Officer as these are considered to have a negative impact on the area, including the setting of Hampole Manor, a Grade II listed building. Replacement of the existing barns with more traditional forms especially if these are based on historical records, maps and photos would therefore be promoted. Whilst the agricultural use of the existing modern sheds would be appropriate in terms of its rural location the conversion to a commercial use raises concerns as it potentially could create a more urban feel to the area.
- 9.41 This was considered previously and officers maintain the view that this could be successfully defended at appeal given that there are no proposed changes to the external appearance of the site that cannot be sufficiently controlled by condition. The buildings are already in situ, and provided that their agricultural appearance remains, there is no further harm to the character of the area. Any advertisement requiring planning permission would be subject to separate consent and there are no proposed alternations to the large grain store unit. Vehicle storage is to be contained within the building, and there is to be no open storage. Therefore, there is the possibility for greater control of this proposed use than any potential agricultural use which would not require planning permission.
- 9.42 The Conservation Officer also seeks assurances that the two fields to the west will not be part of the development of the site. *[There is no development shown on the proposed site plan and there will be a condition preventing external storage]*. These presently have a generally green open character that helps with its rural location and the setting of the listed building. The expansion of the proposed use to these fields would be considered to be highly likely to be harmful and why clarity was needed over what the intention for these fields is. Any proposal should be accompanied with restoration of the boundary walls to these fields and appropriate landscaping. Where there are gateways in the wall rather than these be blocked with walling the use of appropriately detailed gates might provide a more suitable solution, and this is subject to condition.
- 9.43 As such, subject to the above, there if no objection to the proposal from the Conservation Officer and the proposal is considered to accord with NPPF paragraphs 195, 197 and 199 ad Policy 36 of the Local Plan.

Flooding and Drainage

- 9.44 The application site lies within an area designated as Flood Risk Zone 1 and has a low probability of flooding. Policy 56 of the Local Plan requires development sites to incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities. Paragraph 167 of the NPPF states that where appropriate, applications should be supported by a site-specific flood risk assessment. Paragraph 168 states that applications for some minor development and changes of use should not be subject to the sequential test or exceptions tests but should still meet the requirements for site-specific flood risk assessments (set out by the NPPF). The site is greater than 1 hectare and in Flood Risk Zone 1.

- 9.45 A Flood Risk Assessment was not submitted, however flood risk information was provided in the Planning Statement. As the proposal is a change of use, a sequential test is not required, and the proposed use falls under a less vulnerable use, as does agricultural buildings, therefore there is no greater vulnerability and an exceptions test is not required.
- 9.46 The Council's Drainage Engineer, and Yorkshire Water have all been consulted on the proposal however no comments were received. As such, as the proposal is largely the same as the previous application in terms of built development, the same informatives from the Drainage Officer's previous response have been carried over.
- 9.47 As such, in accordance with Policy 56 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. Furthermore, it was not considered unacceptable on flooding and drainage grounds previously, so it would be unreasonable to add a reason for refusal on this basis given that there are no material changes.

Trees and Landscaping

- 9.48 Paragraph 174 (b) states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Policy 32 of the Local Plan states that proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be a presumption against development that results in the loss of deterioration of ancient woodland and/or veteran trees. Part D requires proposal to include sufficient provision of appropriate replacement planting where it is intended to remove trees and hedgerows.
- 9.49 Consultation has taken place with the Council's Trees and Hedgerows Officer who states that from a trees and hedgerows perspective the proposal hasn't changed. Consequently, there is no objection to this proposal on arboricultural grounds. It is advised that if Members are minded to grant consent it may be appropriate to require landscape planting to act as screening for the residential properties opposite or the site as a whole. As such, a landscaping scheme is requested by condition.
- 9.50 A number of the representations, and part of the discussion by Planning Committee in February 2020, raised concern at the loss of trees that were apparently planted to screen the wind turbines at Marr. However, in the absence of any objection from a Trees and Hedgerows perspective and a replacement landscaping scheme, it is not considered that this should prevent any future development, when the trees can be replaced elsewhere.
- 9.51 The proposal is therefore considered to accord with paragraph 174 of the NPPF and Policy 32 of the Local Plan as there is no significant adverse effect from the loss of these trees.

Ecology and Wildlife

- 9.52 Paragraph 174 part (a) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. Policy 29 of the Local Plan seeks to deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks by (A) being of an appropriate size, scale and type in relation to their location within and impact on the ecological network.
- 9.53 Consultation has taken place with the Council's Ecologist and following the submission of concluding ecological information there are no ecological objections.
- 9.54 The bat survey of 6th May 2021 identified pipistrelle day roost in building B1 and no roosts in either of the other two buildings. This is the only bat roost identified on the site and this has been the only bat roost identified. It is considered to be a roost of 'low conservation value' as it is not a maternity roost and is used by low numbers of a single species of bat. The surveying ecologist is an experienced bat surveyor and has proposed that the loss of the roost can be legally addressed through a Bat Mitigation Class Licence (BMCL) which is streamlined process where roost of 'low conservation value' are to be lost.
- 9.55 The ecologist will apply for a BMCL through having the site registered for the licence scheme through Natural England. In order to carry out the works associated with the loss of a bat roost a bat mitigation strategy will have to be implemented and this can be conditioned within a Construction Ecological Management Plan.
- 9.56 In respect of the biodiversity net gain assessment the use of DEFRA metric 2.0 has indicated a 23.45% increase in habitat and an increase of 022 hedgerows from nothing.(this cannot be expressed as a %). As the biodiversity net gain is to be delivered within the site the Council's Ecologist requests a landscape scheme to be delivered with the long a long term management plan as the net gain assessment requires the hedgerow and the trees to be planted to be maintained for 5 and 27 years respectively to reach the required target condition.
- 9.57 As also stated in the Kingdom Ecology Ltd. Report a scheme of lighting to ensure that the disturbance to wildlife particularly bats and birds should be conditioned. This is due to the rural location of the site the location the bat boxes linked to the mitigation strategy of the BMCL licence and the potential for a range of species to be using the site.
- 9.58 As such, there is no conflict with paragraph 174 of the NPPF or Policy 29 of the Local Plan.

Pollution issues

- 9.59 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 "YALPAG Agricultural screening assessment form" has been submitted with the application, and confirms the buildings in question has been previously used to store chemicals and undertake vehicle maintenance. It is noted this is no longer the case, and the agent isn't aware of any evidence of poor house-keeping/spillages on site. The photos provided confirm the buildings are now empty, clean and tidy, with hard standing floors.

- 9.60 The above change of use application is for a commercial end use, that doesn't involve demolition. In light of the above it is strongly recommended that a condition be attached should any contaminants be found. There are no air quality comments, as was the case previously. The proposal is therefore considered to accord with policies 54 and 55 of the Local Plan.

Conclusion on Environmental Issues

- 9.61 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.
- 9.62 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.

9.63 ECONOMIC SUSTAINABILITY

- 9.64 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.
- 9.65 The applicant states that Manor Farm is a long established agricultural site which has been rented by one of the Estate tenant farmers with the main warehouse portal framed shed having being used as a grain store with drying plant integrated within it. The farmer has now moved and the site has become surplus to requirements. It is stated that the redundant cart shed has only been used for general agricultural implement storage.
- 8.66 The buildings are vacant and the proposal would see them being brought back into use thus contributing to the local economy. The landowner has been unable to find a suitable tenant, therefore it seems reasonable to allow an alternative use, rather than the building remaining vacant.
- 8.67 The Local Plans (Employment) Team has been consulted on the proposal and states the proposals should support a prosperous rural economy and the buildings should be of a permanent and substantial construction. Consideration should be given to the appropriate use of planning conditions – such as restricting the cartshed to Use Class E – offices.

Conclusion on Economy Issues

- 9.68 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.

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 proposal will bring back into use a vacant site which would have a positive impact on the character of the surrounding area. There are few external alterations and as such there is no harm to the openness of the Green Belt and the proposal does not conflict with the purposes of including land within it.
- 10.3 It is considered that amenity issues can be mitigated by condition and the low scale nature of the proposal, some of which are additional conditions that those previously recommended to try to further mitigate against the development's impact and address previous reasons for refusal. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

Planning permission be **GRANTED** subject to the following conditions;

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
Proposed Site Plan - Drawing Number 476182 - 04D - Feb 21
Proposals Floor Plan & Elevations Cart Shed Barn - Drawing Number LNBU 351385 - 05B - Nov 15
POTENTIAL HIGHWAY MITIGATION SCHEME FOR ACCESS ONTO LEYS LANE - 3301 SK001 05 Rev D
REASON
To ensure that the development is carried out in accordance with the application as approved.
03. No development shall take place on the site until a detailed hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials. The soft landscape scheme shall include a soft landscape plan; a schedule

providing plant and tree numbers and details of the species, which shall comply with section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements Supplementary Planning Document (with particular attention to 8.11 Key landscape considerations for non-residential developments), nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion of any planting within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme, prior to occupation the Class E (offices) or Class B8 (storage and distribution) unit, which will be monitored by the Local Planning Authority. Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

In the interests of environmental quality.

04. Prior to the commencement of any development works the Local Planning Authority (LPA) must be provided with evidence of the Site Registration Confirmation from Natural England. Within one month of completion of the development works evidence of installed mitigation must be provided to the LPA.

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan Policy 29 and that no offence is committed in respect of protected species legislation.

05. No development shall take place (including any demolition, ground works, site clearance) until a method statement for relating to all parts of the building identified as having a bat roost has been submitted to and approved in writing by the local planning authority. The content of the method statement shall be based on the sections 4.2.3 and 4.2.4 of the report Hampole Manor Farm, Updated Ecology Report, Kingdom Ecology Ltd. 19th May 2021, and must also include a pre-commencement toolbox talk to be delivered to the contractors in order to explain the presence of bats, their legal protection, roles and responsibilities, the proposed method of working, basic identification of bats and procedures should bats be found. The works shall be carried out strictly in accordance with the approved details and any proposed deviation from this should be subject to early consultation with the LPA.

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan Policy 29 and that no offence is committed in respect of protected species legislation.

06. Prior to the commencement of development a Management Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management Plan shall detail the following:
- An adaptive management plan for the site detailing the management measures to be carried out over the phased restoration of the site in order to achieve the target conditions proposed for each habitat parcel in the.
 - Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved.
 - A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.
 - That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 3, 5, 20, and 30)) immediately following habitat creation.
 - Data will be provided in an agreed standard format to allow for collation into a district-wide biodiversity network database.
- Once approved in writing the management measures and monitoring plans shall be carried out as agreed.
- REASON
To ensure a net gain in biodiversity is delivered on the site in line with Paragraph 174 of the NPPF

07. Any luminaries used in the vicinity of the bat boxes should be of the LED type which provide a lower intensity of light. I warm white spectrum (preferably 2700Kelvin) should be adopted to reduce the blue light component with a wavelength exceeding 550nm and thereafter shall be retained as such for the lifetime of the development unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority
- REASON
To ensure the ecological interests of the site are maintained in accordance with Local Plan Policy 29.

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. 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 Policy 13 of the Local Plan and paragraph 112 of the National Planning Policy Framework.

09. 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.

10. The hours of operation shall be limited to Monday - Friday 07:00 - 19:00 and not at all at any other time and the use shall not operate during Bank Holidays.
REASON
To ensure that the development does not prejudice the local amenity.
11. No outside industrial activity of any kind, except for loading and unloading, shall take place within the curtilage of the building to which this permission relates without the prior approval of the local planning authority.
REASON
To ensure that the development does not prejudice the local amenity.
12. No storage of vehicles (other than staff/customer cars), equipment, goods or materials shall take place within the application site other than within a building unless otherwise approved in writing with the local planning authority.
REASON
To safeguard the amenities of occupiers of adjoining properties.
13. No vehicular movements, nor any loading or unloading of vehicles, shall take place on the site except between the hours of 0700 hours and 1900 hours on Monday to Friday and not at any time on Saturdays, Sundays or Bank Holidays.
REASON
To ensure that the development does not prejudice the local amenity.
14. All vehicles to be permanently based at the site shall be fitted with the white noise type of vehicle reversing alarm rather than the single tone pulse variety. This applies to vehicles stationed on site all the time and those coming and going from the site if they are owned or operated by the site user, but would not apply to vehicle visiting the site for less than 24hours.
REASON
In the interests of amenity.
15. Prior to the commencement of the development or use hereby granted, soundproofing for all party walls and ceilings between this property and adjacent properties shall be installed in accordance with a scheme submitted to and approved in writing by the local planning authority.
REASON
To ensure that the occupants of adjacent properties are not unduly affected by noise generated within the development.

16. The rating level of sound emitted from any fixed plant and/or machinery associated with the development and /or[industrial activities at the use hereby approved shall not exceed background sound levels between the hours of 0700-2300 (taken as a 15 minute LA90 at the boundary of nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the boundary of nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments).
Where access to the boundary of the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.
Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.
REASON
To ensure that the development does not prejudice the local amenity.
17. There shall be no more than 20 two-way HGV movements per day.
REASON
In the interests of amenity.
18. The cart shed building shall only be used for Class E (g) (i) Offices and for no other purpose including any other purpose within Class E of the Town and Country Planning Use Classes (Amendment) Order 2005 (or any subsequent order or statutory provision revoking or re-enacting that order with or without modification).
REASON
The local planning authority wishes to retain control over any subsequent change of use of these premises, in the interests of safeguarding the amenities of the area.
19. 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.
20. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be retained and maintained as such for the lifetime of the development.
REASON
To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.
21. Before the development is brought into use, the sight lines as shown on the approved plan 3301 SK001 05 Rev D shall be rendered effective by removing or reducing the height of anything existing on

the land hatched black on the said plan which obstructs visibility at any height greater than 900mm above the level of the near side channel line of the public highway. The visibility thus provided shall thereafter be maintained as such, unless otherwise approved in writing with the local planning authority.

REASON

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

22. Before the development is brought into use, the existing hedge/wall abutting the highway shall be reduced to a height not exceeding 900mm above the near side channel line of the adjoining highway and/or entrance and the visibility thus provided shall be maintained, unless otherwise approved in writing by the local planning authority.

REASON

To ensure that there is adequate visibility for highway safety.

23. Gates to the vehicular access if provided shall not be less than 15m from the edge of the carriageway of the public highway and hung so as to open inwards. Any vegetation provided between the posts and the highway boundary shall be removed or reduced to a height not exceeding 900mm.

REASON

To provide adequate space for vehicles to exit the carriageway and to provide adequate visibility.

24. Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved in writing by the local planning authority and shall be installed before the development hereby approved is commenced and once installed shall be used to prevent mud and other debris being deposited on the highway during the construction of the development.

REASON

In the interests of road safety.

25. 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.

26. Before development is commenced, details of a vehicular turning space sufficiently large to accommodate the type of vehicles normally visiting the site shall be submitted to and approved in writing by the local planning authority the development not brought into use until such turning space has been provided. The development shall be carried out in accordance with the approved details.
REASON
In the interests of road safety.

Informatives

01. **INFORMATIVE**
The developer's attention is drawn to the information provided by National Grid. The information may be found by viewing the consultation reply from the National Grid which is attached to the planning application on the Council's website. Please use the following link
www.doncaster.gov.uk/planningapplicationsonline
02. **INFORMATIVE**
Access for fire appliances should be in accordance with the Building Regulations Approved Document B, volume 2, part B5, section 15. Your attention is drawn to Table 15.2 where the minimum carrying capacity of 12.5 tonnes for a pump appliance and 17 tonnes for a high reach appliance are not correct for SYFR appliances. Any roadway and associated inspection covers should be capable of carrying 18 tonnes as this is the tonnage, fully laden, of SYFR appliances.

Water supplies for fire-fighting purposes should comply with the Building Regulations Approved Document B, volume 2, part B5 section 16.
03. **INFORMATIVE**
The Police Designing out crime officer suggests that the windows and doors fitted to the properties all comply with Police Approved Specifications. Details of which can be found on the Secured by Design website at <https://www.securedbydesign.com/>
04. **INFORMATIVE**
Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant

should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

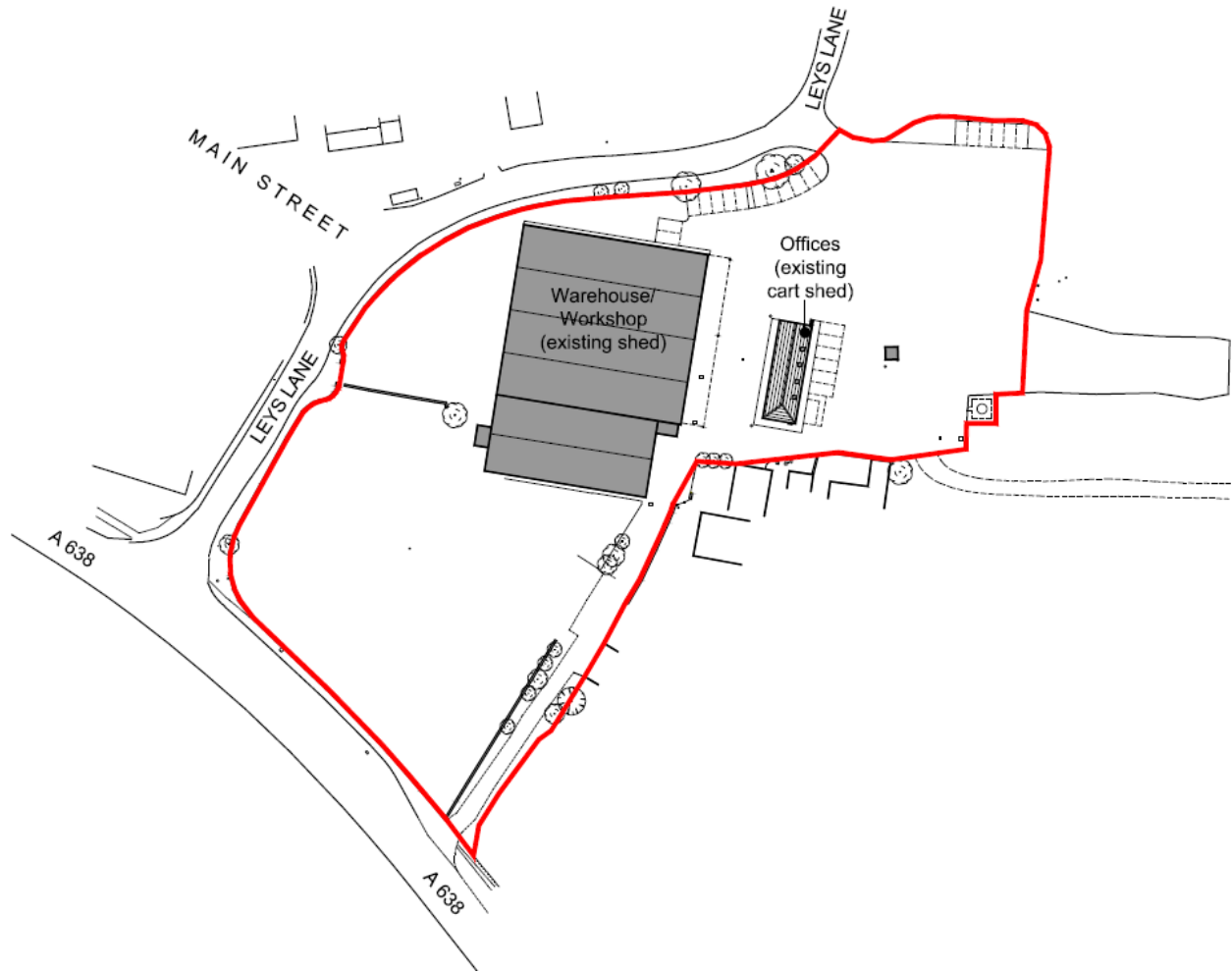
05.

INFORMATIVE

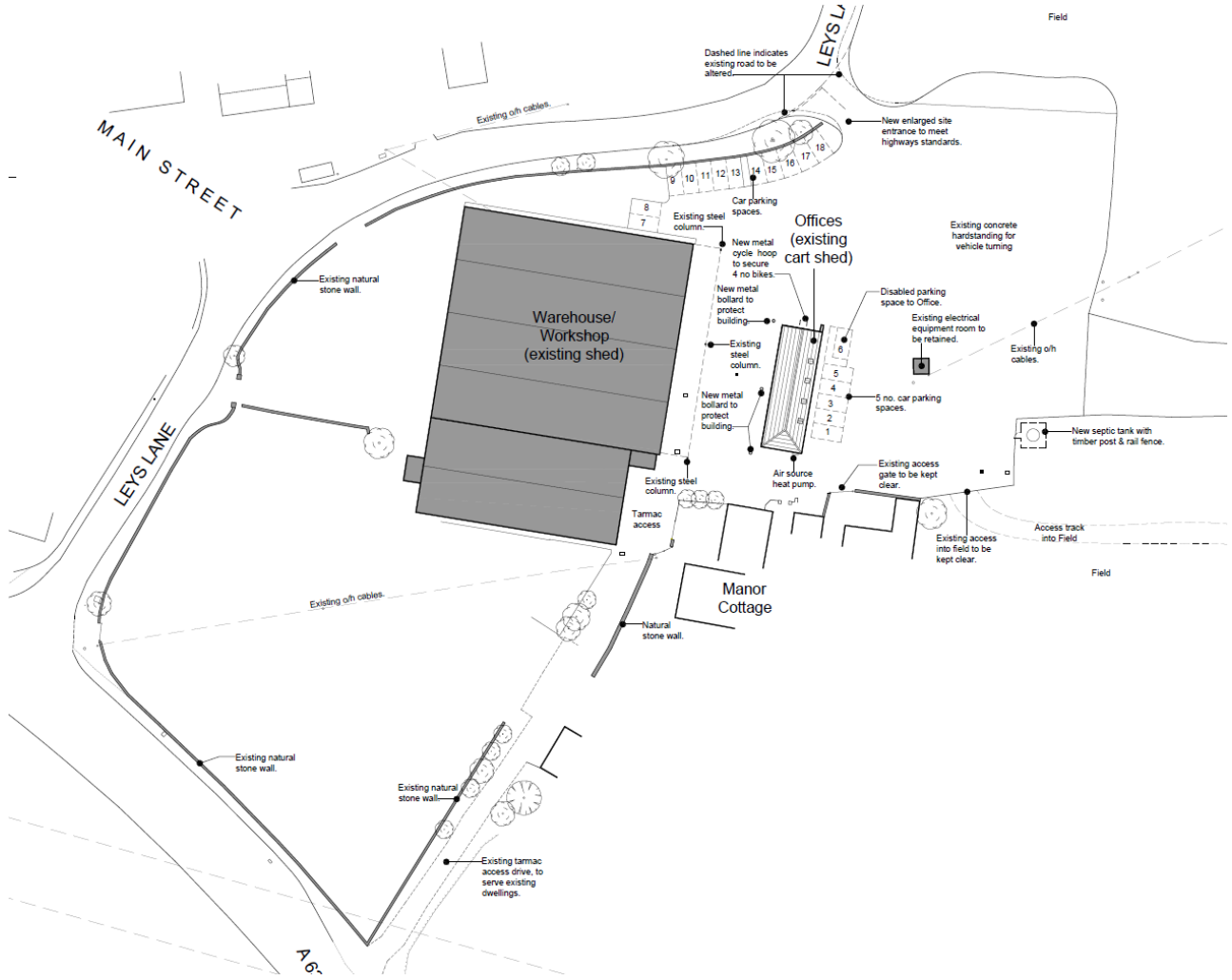
Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

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.

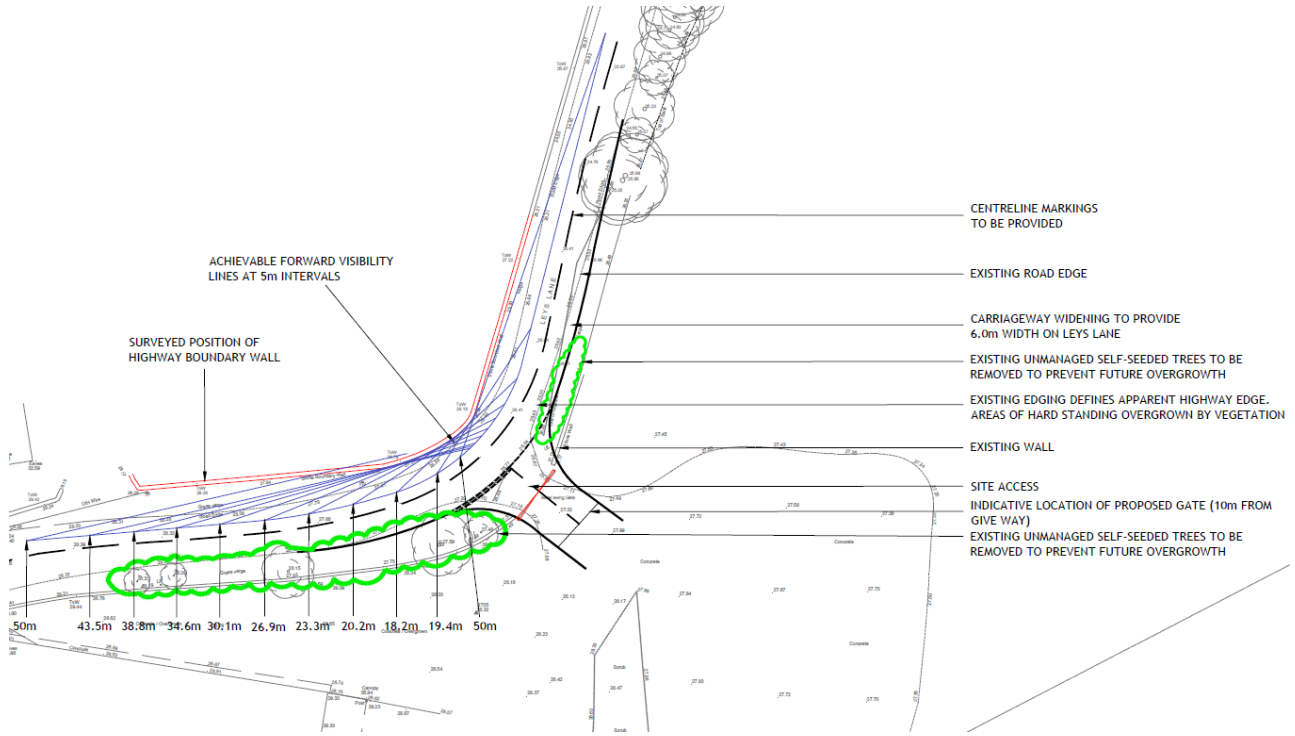
Appendix 1: Location Plan



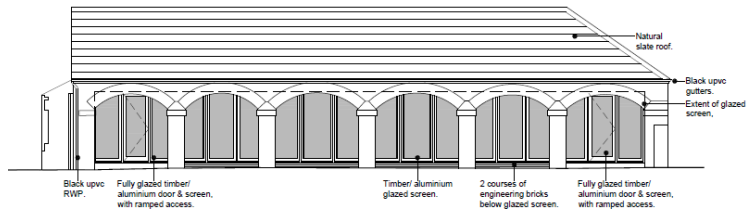
Appendix 2: Site Plan



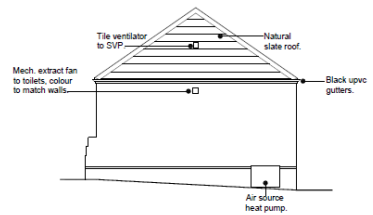
Appendix 3 – Leys Lane Access



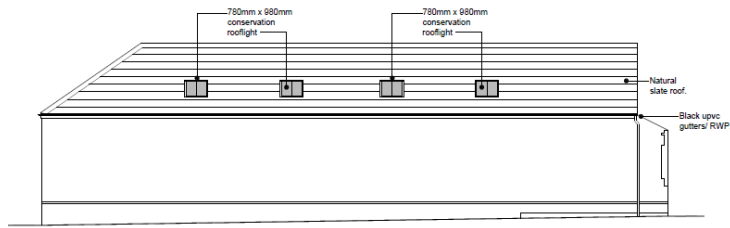
Appendix 4 – Cart Shed Elevations and Floorplans



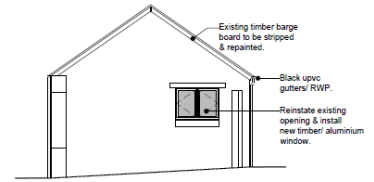
WEST ELEVATION



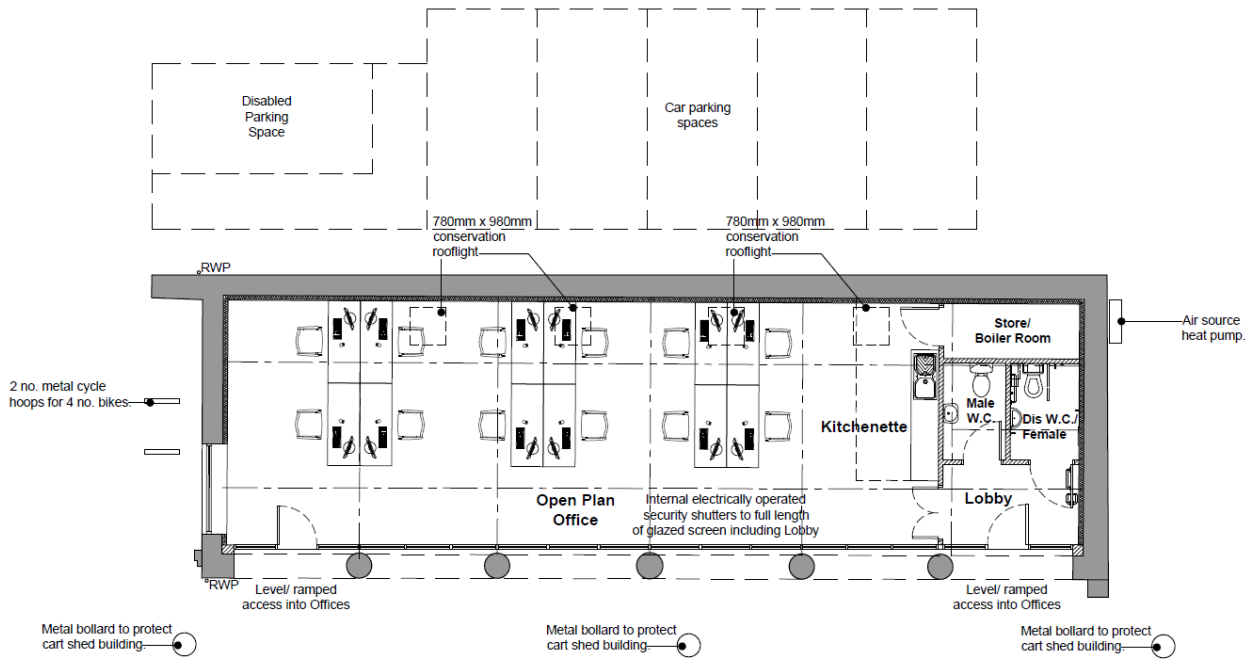
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



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Application	3.
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Application Number:	21/01242/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of first floor pitched roof extension above existing ground floor extension and single storey pitched roof store to the rear and internal alterations (Amended plans - first floor extension reduced)
At:	Dentists Surgery, 5 Alston Road, Bessacarr, Doncaster, DN4 7HA

For:	Ms Heema Sharma, 5 Alston Road, Bessacarr, Doncaster, DN4 7HA
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Third Party Reps:	7 objections have been received.	Parish:	n/a
		Ward:	Bessacarr

Author of Report:	Mary Fleet
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SUMMARY

The application relates to the erection of a first floor pitched roof extension above existing ground floor extension and single storey pitched roof store to the rear and internal alterations. The application has been advertised for a second time to publicise the amended plans which have reduced the extent of the development at first floor level.

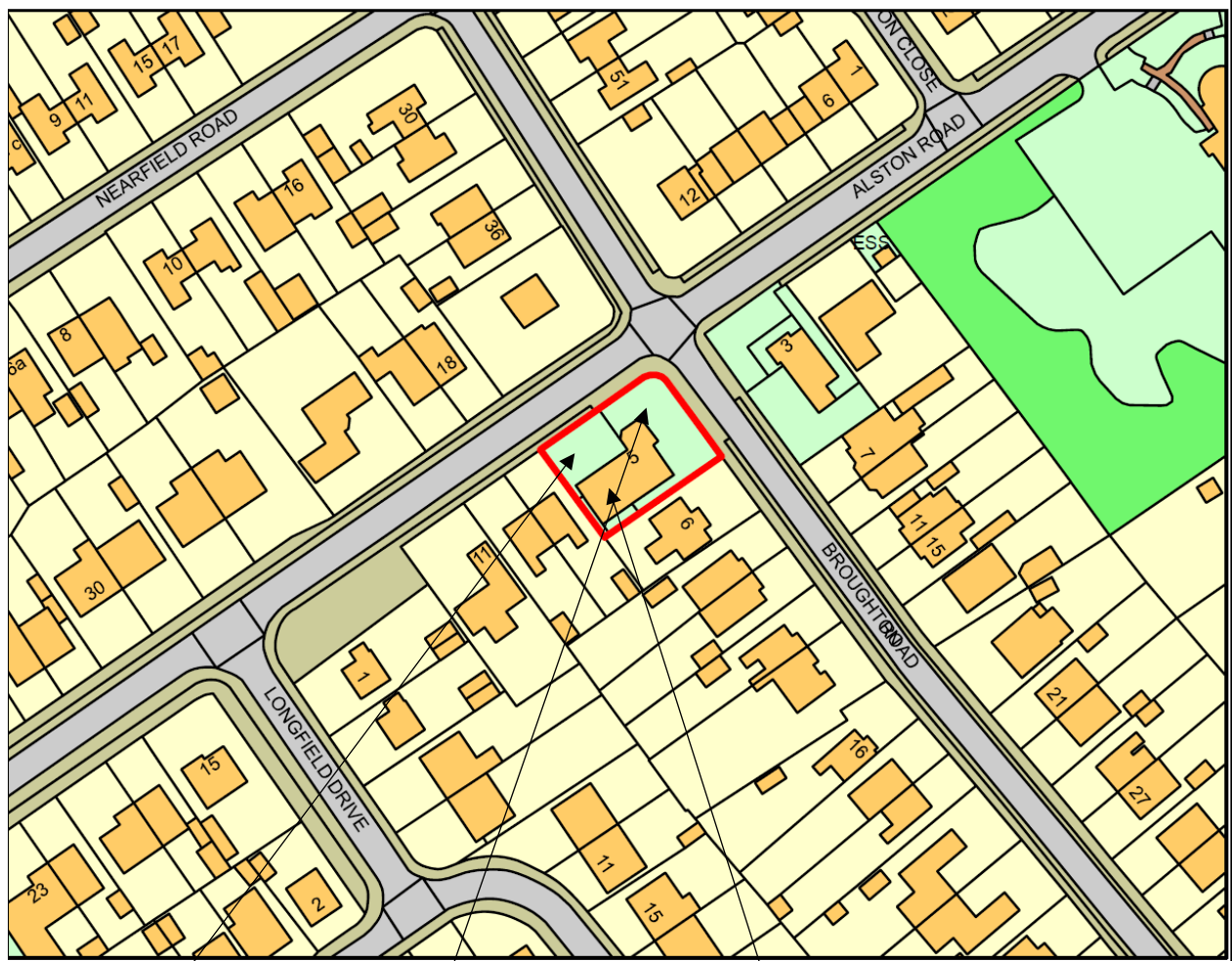
The application site comprises a large detached brick property and lies on the corner of Alston Road and Broughton Road. The property has been divided internally and contains the dental practice and a beauty clinic/hairdressers. The surrounding area is predominantly residential in character, and allocated as such within the Development Plan.

The proposal will create additional/altered staff facilities as well as a specialist room for X-Rays plus a waiting area at first floor level. The proposal will utilise the existing parking to the front of the building and it is notable that within this application there is no intention to increase patient/staff numbers which would require additional provision.

The application is being presented at Planning Committee as it has received 8 objections from local residents.

This is a resubmission of application 20/03180/FUL which was refused under delegated powers on that grounds that additional comings and goings would be detrimental to residential amenity as well as because of the fact that there was inadequate parking provision.

RECOMMENDATION: GRANT planning permission subject to conditions



Parking area

Additional parking area

Proposed extension here

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee as a result of significant public interest, particularly in respect of the potential to impact negatively on residential amenity given the number of traffic movements. The main concerns therefore relate to parking and highway congestion/ safety.

2.0 Proposal

- 2.1 Full Planning Permission is sought for the erection of first floor pitched roof extension above existing ground floor extension and single storey pitched roof store to the rear and internal alterations. The area is one consisting primarily of residential properties though there are other commercial enterprises located in the immediate vicinity.
- 2.2 The previous application (20/03180/FUL) was refused on the grounds that there was insufficient parking and that the increased intensification of the use would be detrimental to residential amenity. Rather than increasing the number of treatment rooms (and thus patient numbers), this amended application seeks to improve the facilities, particularly for staff, by the addition of a training room, a separate staff room as well as an improved kitchen, a waiting area and X- Ray facility. At both ground floor and first floor level further storage area is required.
- 2.3 Local residents remain concerned about the impact of the use on the residential area in terms of increased traffic movements as well as further pressure being placed on the existing parking situation. The neighbours directly to the side and rear have commented also to say that they also consider that the proposed extension is overly dominant in relation to their properties. These comments have been taken into consideration with the alterations requested to the plans which have been re-advertised.
- 2.4 In design terms the proposed extension is in keeping with the character of the host building: the roof of the proposal is hipped, the windows of a similar style and overall the built development integrates effectively both with the host and into the existing street scene.

3.0 Site Description

- 3.1 The application site comprises a large detached brick property and lies on the corner of Alston Road and Broughton Road. The property has been divided internally and contains the dental practice and a beauty clinic/hairdressers. The surrounding area is predominantly residential in character, and allocated as such within the Development Plan.
- 3.2 For the dental practice, off-road car parking is at the front of the premises and at the front and side of the premises for the beauty clinic/hairdressers. A small brick wall divides the two parking areas. The Applicant has confirmed that the premises is within their ownership and the red line boundary relates to the whole of the premises.
- 3.3 The site is bounded to the west by No. 7 Alston Road which is a semi-detached residential property. Opposite to the north is a Meeting Hall and 18 Alston Road also a semi- detached residential property and a newsagent shop lies on the corner

to the east. To the rear (south) of the premises lies 6 Broughton Road a detached residential property.

- 3.4 Typically the area consists of a number of different house types: traditional post-war semi and detached dwellings as well as newer properties erected most probably in the 1970's /80's. The area has an established suburban feel to it and benefits from mature greenery /trees/ hedgerows.
- 3.5 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps, and is therefore at low risk of flooding.

4.0 Relevant Planning History

- 4.1 20/03180/FUL Erection of first floor extension above existing ground floor extension and erection of single storey pitched roof store to rear and internal alterations APPLICATION REFUSED 24.3.21
- 4.2 99/2884/P Erection of extension (6.50M X 8.60M) to existing dental practice. Application granted 13.10.1999
- 4.3 95/0835/P Erection of extension (5.40m x 5.18m). Application granted 3.5.1995
- 4.4 93/3454/P Erection of single storey rear extension to form treatment room/practice/lobby/WC extension (7.55m x 5.35m) to existing dental practice. Application granted 10.1.1994.
- 4.5 88/2784/P display of 2 no. internally illuminated fascia signs (6.5M X 0.45M AND 4.1M X 0.45M) Application granted 4.11.1988.
- 4.6 81/0420/P Change of use of first floor and part ground floor from residential to dental practice. Application granted 10.4.1981
- 4.7 81/0174/P Display of illuminated sign (0.83M X 0.53M) Application granted 20.3.1981
- 4.8 80/2525/P Change of use from shop to estate agents office (being details reserved in permission granted under reference 80/36/02229 on 21.1.1980) Application granted 6.2.1981
- 4.9 80/2229/P Change of use of ground floor from shop to estate agents office. Application granted 21.11.1980.

5.0 Site Allocation

- 5.1 The site falls within a designated Residential Policy Area, as defined by the Local Plan (2021). This is not in a high risk flood zone being allocated as Flood Risk Zone 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 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 54 – 56 of the NPPF set out the requirements for a local planning authority's use of conditions and obligations when considering whether an otherwise unacceptable development could be made acceptable. Imposing conditions should only be used where; they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms, (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 5.6 Paragraph 81 states that planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.7 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.8 Paragraph 130 states that planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Plan

5.09 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021).

5.10 The following policies have therefore been used to assess this application:

5.11 Policy 10 (Residential Policy Areas) states that the establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

5.12 Policy 13 (Promoting Sustainable transport in new developments) states that the council will work with developers to ensure that: 6. development does not result in unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.

5.13 Policy 41 (Character and local distinctiveness) states that development proposals will be supported where they, amongst other things, respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.

5.14 Policy 42 (Good urban design) states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, relevant spatial requirements and design standards.

5.15 Policy 46 (Design of Non-Residential, Commercial and Employment Development) states that all non-residential and commercial developments, including extensions and alterations to existing properties, must be designed to be high quality, attractive, and make a positive contribution to the area in which they are located. To do this developments will be required to meet a number of criteria relating to character and design, the impact on amenity, and meet functional requirements whilst being architecturally appropriate.

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

Neighbourhood Plan

- 5.17 There is no Neighbourhood Plan for this area.

Other Material Planning Considerations and guidance

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

6.0 Representations

- 6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended) by way of site notice, and direct neighbour notification letters. The neighbour notification process has been repeated to clarify that the plans have been altered to reduce the extent of the first floor extension. 7 individuals have expressed concern about the application: 7 in relation to the original application with 4 complaints being received in respect of the altered plans. These 4 are from the 7 who had complained initially. Concerns raised in relation to this application are as follows:
- 6.2 Highways /Parking issues - Neighbour concerns relate to the impact of the expansion of the premises on the local area in terms of parking and traffic issues in general. The existing situation in the street is mentioned: the constraints of being close to the school as well as to shops and the café are noted as is the issue of drives being blocked. Residents have concerns relating to highway safety, as well as in relation to the capacity of the road to cope with additional traffic, plus problems caused by fumes as well as noise from both increased traffic. Objectors remain concerned that the proposal will ultimately result in the expansion of the surgery without the parking provision to cope with such an expansion and that the proposed plans will take away parking from other businesses (shops, café, pub) and the primary school.
- 6.3 Impact on residential amenity – concerns have been raised relating to noise (given the nature of the business as well as the noise from additional traffic) Objections have also been received relating to overlooking/privacy/over-dominance as well as loss of daylight (in relation to no 6 Broughton Road)
- 6.4 It is considered that the proposal is detrimental to the character of the area: it is felt that the site has been extended sufficiently and that this development would result in built form that is out of character with those that surround it.

- 6.5 The 4 complaints made in respect of the amended plans reiterate that the concerns remain unaddressed in terms of the highways impact and parking. As well as this it is mentioned that the ground floor extension abuts the boundary to the rear of the surgery building.
- 6.6 Comments have been made in respect of the applicant's real intentions for extending the building. This is not something that it is possible to consider here given that an expansion in terms of the number of surgeries has not been applied for and would need to be subject to separate scrutiny. Several of the comments made work on the basis that the application is the same as 20/03180/FUL which is not the case.
- 6.7 The comment in relation to the fact the adjoining business has changed ownership is also noted. Should changes here require planning consent an assessment would need to be made of the impact of this change, taking into consideration surrounding uses, including the available parking provision at that time. It is not something that can influence the decision in terms of this application.

7.0 Relevant Consultations-

- 7.1 **Highways** - have raised no objections as patient numbers are not increasing therefore the parking requirements remain unchanged.
- 7.2 **Trees** – no objections – trees /hedges are not considered to be an issue.
- 7.3 **Pollution control** - have no objections having requested an informative note relating to development on/near potentially infilled land.
- 7.4 **Internal drainage** - have stated that they have no objections subject to receiving the amended drawing CRB 6
- 7.5 No responses have been received from either **Yorkshire Water, National Grid, or the area manager.**

8.0 Assessment

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

- Principle of Development
- Sustainability
- Impact upon Residential Amenity (social sustainability)
- Design and Impact upon Character of Area (environmental sustainability)
- Highways (environmental sustainability)

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

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

Principle of Development

- 8.3 The proposal seeks consent to erect a first floor pitched roof extension above existing ground floor extension and single storey pitched roof store to the rear as well as internal alterations.
- 8.4 The application site is within the Residential Policy Area (RPA) as defined by the Local Plan (September 2021). This is no different from the allocation under the Doncaster UPD (1998).
- 8.5 Policy 10 of the Local Plan states that within residential policy areas the establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness. Given that the proposal does not seek to increase the number of surgeries and thus the number of patients it is rather more an issue of whether the alterations to the building in themselves are acceptable much as the concerns raised relate mainly to concern in respect of the expansion of the practice. This is not what this application proposes.
- 8.6 Provided it can be demonstrated that the proposal is not detrimental to residential amenity, that it integrates with the character of the area, that it raises no highways concerns or other technical matters, then in planning terms the development is acceptable.

8.7 Sustainability

- 8.8 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.
- 8.9 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

8.10 **SOCIAL SUSTAINABILITY**

Impact Upon Residential Amenity

- 8.11 Paragraph 130 (f) of the National Planning Policy Framework states that planning decision should create places that have a high standards of amenity for existing and future users. The Development Guidance and Requirements SPD should be afforded less weight now that the Local Plan has been adopted, but does still provide guidance with regards to what would /would not constitute acceptable development (in amenity terms) for what is in essence a residential property though it has been converted. It states in section 2.12c) that development should respect the living conditions of the neighbours and not result in '*unacceptable overshadowing, overlooking, or an overbearing relationship*'. Policy 46 of the Local

Plan states that non-residential proposals will be supported where they have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

- 8.12 The proposed first floor extension has been reduced in scale since the application was refused. The original proposal under this application was for the same scale extension at first floor level however given the concerns this did raise in terms of the impact in no 6 Broughton Road the extent of the first floor accommodation has been reduced and stepped away from the boundary to reduce the over-dominance of the extension and to ensure that the scheme could achieve the 45 degree sight line from the centre of the first floor window of no 6 Broughton Road.
- 8.13 Given the position of the proposed extension in relation to its immediate neighbours the impact on daylight will be acceptable: the garden/rear of no 6 Broughton Road will be largely unaffected with the exception of later in the day when the sun drops lower in the sky. Built form at first floor level will be brought closer to the side elevation of no 7 Alston Road. There remains 4m separation distance between the properties however and the first floor element extends by just 1.2m beyond the rear of no 7 which given the separation distance is acceptable. The windows on the side elevation of number 7 do not serve habitable rooms (affected are a secondary kitchen window, a hallway and a cloakroom/WC at ground floor level, and a bathroom and landing at first floor level) therefore in this context the propose extension is not thought to be unreasonable.
- 8.14 The neighbours at no 7 Alston Road, as well as expressing concern with regards to overshadowing, have also expressed concerns with regards to loss of privacy. In order to effectively address these concerns one of the side facing windows at first floor level has been removed and the window serving the proposed staff room will be non-opening and obscured glazed This has been confirmed on amended plans.
- 8.15 In terms of privacy the window facing the side elevation of no 6 Broughton Road is existing though its use has changed to a kitchen from a decontamination room which may impact on privacy somewhat more than the previous use though this is a matter of debate.
- 8.16 The front facing windows pose no different a situation than currently exists with the surrounding neighbours and in any case achieve a separation distance of greater than 30m.
- 8.17 It has been noted in representations also that residential amenity will be harmed by the additional noise caused by the use. Whilst it is accepted that the noise from additional traffic movements could be a factor in the case of planned expansion this is not what is being proposed here and therefore cannot be considered as a factor weighing against the merits of the application.
- 8.18 On balance therefore it is not considered that the proposed extension to the dental surgery is harmful to amenity either in terms of over-dominance or in respect of overshadowing or privacy. Likewise given there is no proposed expansion to the surgery then the noise generated by the use will remain unchanged. The scheme is therefore considered in accordance with policy 46 of the Local Plan as well as paragraph 130f of the NPPF and this carries significant weight.

Conclusion on Social Impacts.

- 8.19 Paragraph 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 8.20 The proposed development will see the erection of an extension which will enable the dental practice to function more effectively which will be beneficial to both existing and future users of the practice. The extension is not unduly large and is designed to be built to a good specification.
- 8.21 The proposal would not adversely affect neighbouring residential properties through excessive overshadowing or loss of privacy, nor is it considered that the proposal will be overly dominant as the extent of the first floor element has been reduced to take the massing away from the boundary. In respect of the traffic movements associated with the use these will be unchanged given that an application has not been made to expand patient numbers and therefore noise is not considered to be an issue. The proposal therefore accords with policy 46 of the Local Plan as well as with paragraph 130f of the NPPF (as well as with the guidance set out in the Development Guidance and Requirements SPD). Thus the proposal weighs positively in terms social impacts and carries significant weight.

ENVIRONMENTAL SUSTAINABILITY

Design and impact upon the character of area.

- 8.22 The proposal is a first floor extension over an existing ground floor element. A small increase in footprint is also proposed to the rear to provide additional storage facilities. The property has been subject to previous extensions and alterations and whilst the 2 storey addition to the front and the conservatory are a little odd the extension proposed here arguably brings an element of symmetry and balance of the property which is certainly not out of keeping with the host dwelling or the character of the street.
- 8.23 Properties immediately neighbouring the application site are similarly designed and this proposal is felt to integrate well with what are the older properties immediately adjacent to this development. The distance that separates the side of the new extension from the neighbour at no 7 Alston Road is sufficient to ensure the properties do not appear cramped when viewed from the road. This view takes into consideration the fact that the lane level at no 7 is slightly lower.
- 8.24 The applicant has confirmed that the extension will be built with materials that match those existing as closely as is possible to further ensure the proposals integration with the host and with surrounding properties.
- 8.25 Photographs taken of the application site can be found in appendix 1. These show not only the application site but the wider street scene and help to illustrate the fact that the proposal will work effectively here in the existing street context. An image has been added from google earth as this is considered to give a better illustration of this. Whilst the nature of the use is not residential the design of the extension is not at odds with the domestic properties which surround it and it retains an air of a

building which has evolved over a number of years resulting in a building which is more substantial but not detrimental to the inherent character of the area.

- 8.26 Given the above assessment it is considered that the design of the proposal is respectful of the character of the area and therefore in accordance with Policy 41 and Policy 46 of the Local Plan as well as paragraph 130 b & c of the NPPF in that the proposal demonstrates an understanding of the site in the context of its surroundings and is designed in such a way that is sympathetic to this.

Highways

- 8.27 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.28 Policy 13 of the Local Plan states that the council will work with developers to ensure that development does not result in unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.
- 8.29 Application 20/03180/FUL was refused on 2 grounds relating to highways issues: loss of residential amenity on account of the increased number of vehicle movements associated with the intensification of the use as well as the fact that the site is not able to provide parking sufficient to accommodate increased patient and staff numbers.
- 8.30 This application proposes what amounts to additional staff facilities (these being a training room, staff room and library/store in addition to a specific X-ray room) The upstairs landing area is proposed as a waiting area which is not unreasonable given the fact that there are 2 treatment rooms and X-ray facilities upstairs as well as the fact that given the pandemic good practice dictates that particularly in clinical settings patients are more spaced out that was previously the case.
- 8.31 Local residents in the representations they have made have expressed concern with regards to the parking situation in relation to the surgery and to the issue created by the traffic generated by this in addition to that caused by other uses namely the nearby businesses as well as school traffic. It is not disputed that this road does get busy and that at times there are problems with inconsiderate parking/ driveways being blocked and this is of course a concern. Given however that this application proposes no increase in patient or staff numbers, much as this is acknowledged to be a problem it is outside of the remit of this application to control.
- 8.32 Highways Development Control have stated they have no issues given the basis upon which the application has been resubmitted as it does not propose to generate any additional traffic. The response has requested that a condition be imposed ensuring that the proposed rooms cannot be converted into treatment rooms, thus increasing patient numbers as the parking provision is inadequate for such an expansion.
- 8.33 On consideration of the above points this proposal, with the additional of the condition controlling future expansion, will not result in an expansion of patient number with the resultant additional parking / traffic impact and therefore there are no grounds to refuse the application on this basis. The fact that Highways

Development Control are supportive of this proposal weighs significantly in favour of this application.

Drainage

- 8.34 Policy 56 of the Local Plan states that Development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities.
- 8.35 The drainage team initially objected to the proposal given the need for more information to be provided in respect of the need to clarify the arrangements for dealing with surface water. Amended plans have now been provided which confirm that the existing soakaway is to be used to drain the roof and this is seen to be satisfactory for the proposal to progress on the basis of drawing CRB 6 without the need for a drainage condition.
- 8.36 The drainage arrangements confirmed on plan CRB 6 are considered to deal effectively with the surface water from this development which will change little due to the minor increase in footprint. The proposal is therefore considered to be in accordance with policy 56 which weighs substantially in favour of this development.

Conclusion on Environmental Issues

- 8.37 Paragraph 8 (c) 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.
- 8.38 The application proposal is not considered to harmfully impact the environment or surrounding uses. The increase in footprint is minor. No additional traffic movements are proposed and the application has received the approval of Highways DC subject to a condition preventing further intensification of the use. Drainage details have been dealt with satisfactorily prior to presenting this application to members.
- 8.39 The proposal is not considered to detrimentally affect the surrounding environment. This weighs significantly in favour of the application.

ECONOMIC SUSTAINABILITY

- 8.40 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesman connected with the build of the project. The proposal is a minor one and the economic benefit therefore commensurate with this.
- 8.41 On the wider level, the erection of the extension to provide better facilities for staff will potentially have the transferrable benefit of improving the patient experience which is seen as a positive. As there will be little economic benefit from this application, and there are other material planning considerations that weigh in favour of the application, it would therefore not be reasonable to refuse the application on this basis.

Conclusion on Economy Issues

- 8.42 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.
- 8.43 Whilst the economic benefit of the proposal is of limited benefit, it does not harm the wider economy of the Borough and for the reason weighs in favour of the development.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified that both socially and environmentally the application weighs in positive favour, while no adverse economic harm, that would significantly or demonstrably outweigh the benefits outlined, has been identified when considered against the policies in the Framework taken as a whole. In addition to this the proposal is considered to accord with the relevant sections of policies 10, 13, 41,46 and 56 of the Local Plan as well as paragraphs 111 and 130 of the NPPF . Given that this is the case the proposal is not considered to be detrimental to the immediate or wider area if constructed here and it is felt that there are no material considerations indicating that the application be refused.

10.0 RECOMMENDATION

10.1 GRANT planning permission subject to conditions:

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

2. The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans, and retained as such for the lifetime of the development, which are referenced and dated as follows:

Location/site plan dated 24.9.21 (CRB 1)
Site plan dated 24.9.21 (CRB 4) parking unchanged
Site plan dated 24.9.21 (CRB 5) showing 45 degree line
Proposed plans dated 24.9.21 (CRB 6)

REASON

To ensure that the development is carried out and retained as shown on the plans in accordance with the application as approved.

3. The external materials and finishes shall match the existing property.
REASON
To ensure the satisfactory appearance of the development in accordance with policy 46 of the Local Plan (2021)

INFORMATIVES

1. INFORMATIVE

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

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

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

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

2. INFORMATIVE

DEVELOPMENTS NEAR LANDFILLS

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

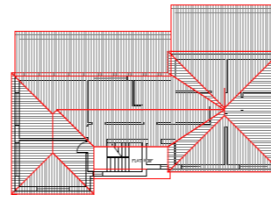
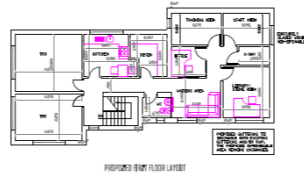
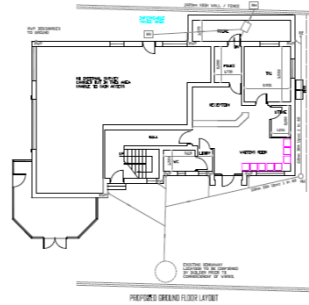
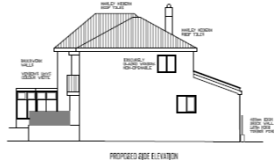
Planning permission has been granted on the basis that there is no sound and clear-cut reason to refuse. The applicant is, however, reminded that the responsibility for safe development and secure occupancy of the site rests with the developer and accordingly is advised to consider the possibility of the presence or future presence of landfill gas and satisfy himself of any gas precaution which may be necessary.

Appendix 1 (photos)





Plans



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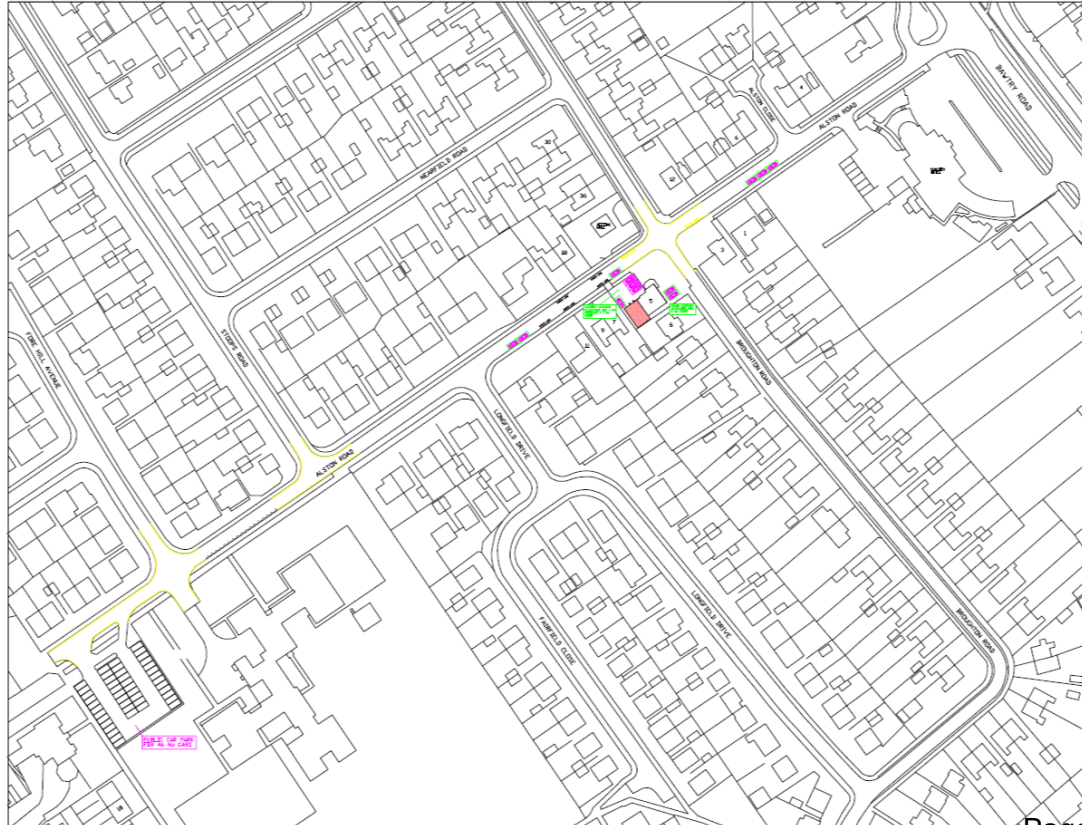
Project:
 PROPOSED FIRST FLOOR EXTENSION ABOVE
 EXISTING GROUND FLOOR EXTENSION IN SINGLE STOREY ATTACHED
 ROOF TO THE REAR & SIDEWALLS AT
 WELLSVILLE DRIVE, HINCHFIELD, ALTON ROAD, BROMFIELD,
 ESSEX, SS16 2JL

PROPOSED FLOOR LAYOUTS AND ELEVATIONS

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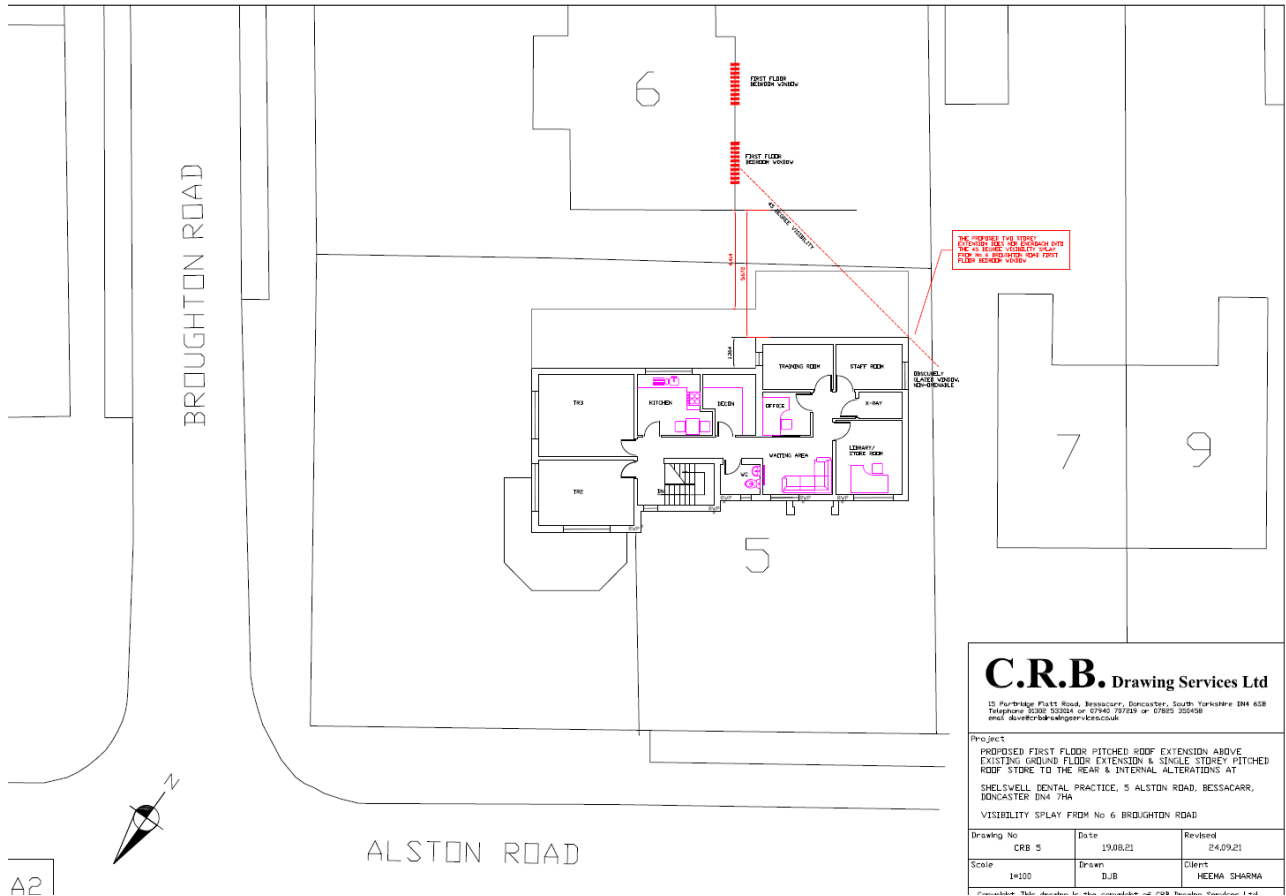
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Project
 PROPOSED FIRST FLOOR PITCHED ROOF EXTENSION ABOVE
 EXISTING GROUND FLOOR EXTENSION & SINGLE STEEP PITCHED
 ROOF STORE TO THE REAR & INTERNAL ALTERATIONS AT
 SHELLEWELL DENTAL PRACTICE, 5 ALSTON ROAD, BESSACARR,
 DONCASTER DN4 7HA
 VISIBILITY SPLAY FROM No 6 BRIGHTON ROAD

Drawing No	Date	Revised
CRB 5	19.08.21	24.09.21
Scale	Drawn	Client
1:100	D.J.B	HEEMA SHARMA

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Application	4.
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Application Number:	21/01564/COU
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Application Type:	Planning FULL
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Proposal Description:	Conversion from single occupancy semi detached house to 3 bed HMO (RETROSPECTIVE)
At:	29 St Patricks Road, Intake, Doncaster, DN2 5EP

For:	Dr Hena Brar
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Third Party Reps:	6 Representations & 2 objections from local councillors	Parish:	N/A
		Ward:	Wheatley Hills And Intake

Author of Report:	Róisín McFeely
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SUMMARY

The application relates to a retrospective change of use of an existing single occupancy semi-detached house to 3 bed HMO. The application does not propose any extension or external alterations to the dwelling house.

The proposal is located within the area covered by the Article 4 Direction, requiring the current proposal to be decided under a full application.

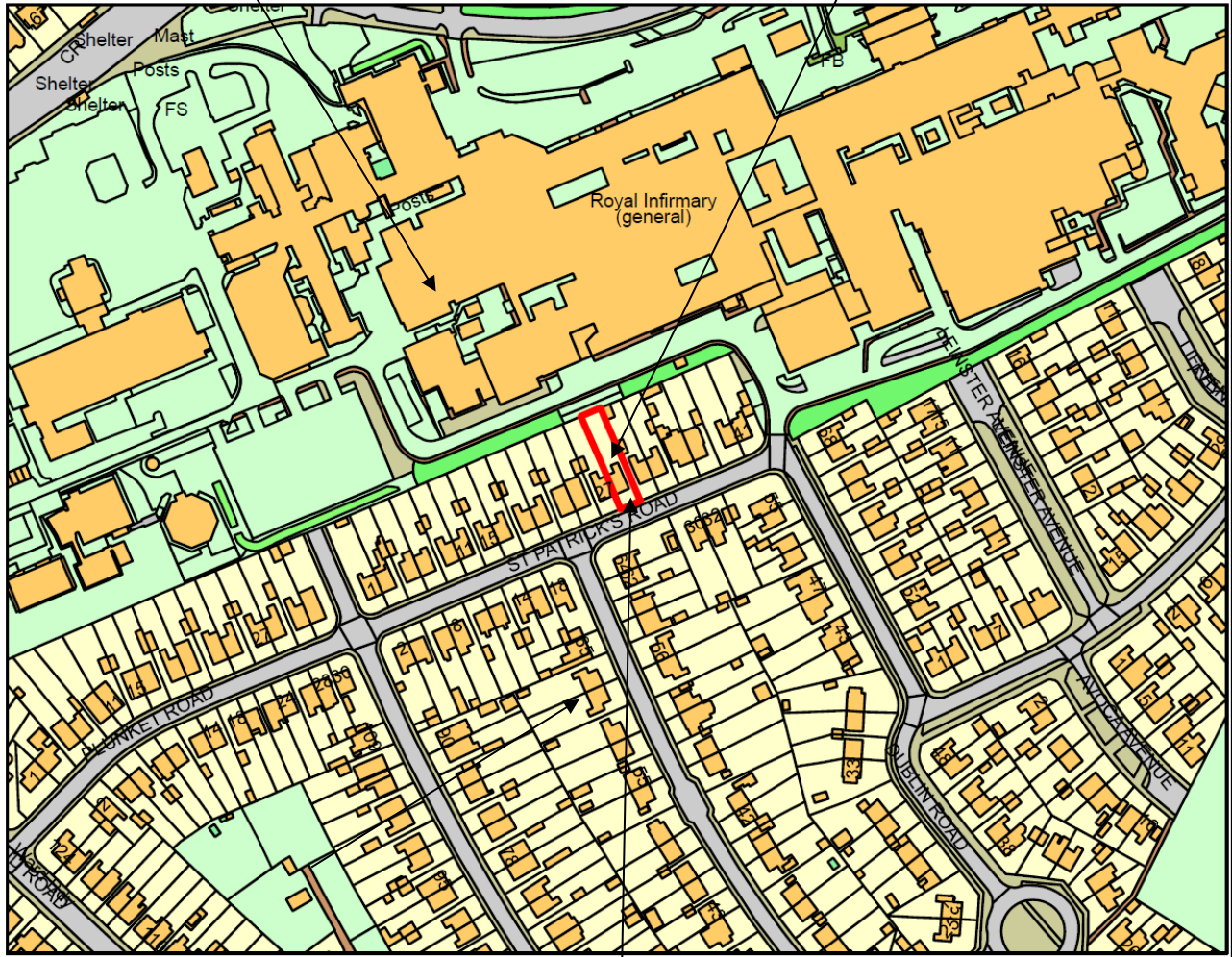
The application was called into Planning Committee by Cllr Daniel Barwell, and has also had significant public interest.

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

RECOMMENDATION: GRANT planning permission subject to conditions

Doncaster Royal
Infirmary

Application Site



Existing dropped kerb and off
street parking

1.0 Reason for Report

- 1.1 This application is being presented to planning committee at the request of Councillor Barwell, due to concerns over parking and also due to significant public interest in the application.

2.0 Proposal

- 2.1 Retrospective planning permission is sought for the conversion from single occupancy semi-detached house to three bed HMO.
- 2.2 The proposal is located within the area affected by the Article 4 Direction, requiring the current proposal to be decided under a full application.
- 2.3 The applicant has confirmed that there are no external extensions or alterations as part of the current application.
- 2.4 The applicant also confirmed that they intend to have 3 occupiers in the HMO.
- 2.5 Each bedroom will have en-suite bathroom facilities. The floorplans indicate that the bedrooms at first floor are single occupancy with single bed. The bedroom at ground floor has a double bed and a small living area. There is a shared kitchen dining area on the ground floor.

3.0 Site Description

- 3.1 The property is a two-storey, red brick semi-detached dwelling, with a two-story walk in bay window to the front and hipped red tiled roof. There is a small red brick wall covering part of the front boundary, there is also a dropped kerb and driveway to the front of the property with off street parking for two vehicles. There is a long garden to the rear of the dwelling which backs on to the Doncaster Royal Infirmary. The property is located on a residential street characterised by similar two storey redbrick semi detached dwellings, with front gardens enclosed by small red brick walls – which are often used for off street parking.
- 3.2 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps, and is therefore at and is of low risk of flooding.

4.0 Relevant Planning History

- 4.1 There is no relevant planning history for this site.

5.0 Site Allocation

- 5.1 The site falls within Residential Policy Area, as defined by the Local Plan. The property also falls within the Article 4 Direction which came into force on 14th October 2019 to remove the permitted development rights to change between C3 dwellinghouses and C4 Small HMOs. The following policies are applicable:

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 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.
- 5.6 Paragraph 60 states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.7 Paragraph 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.
- 5.8 Paragraph 119 states that planning decision should promote an effective use of land in meeting the need for homes and other uses.
- 5.9 Paragraph 124 states that planning policies should support the development that makes efficient use of land when taking into account the identified need for different types of housing and other forms of development.
- 5.10 Local Plan
- 5.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster includes the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.12 Policy 7 (Delivering the Necessary Range of Housing) sets out the need to deliver a mix of housing types, sizes and tenures in the Borough.
- 5.13 Policy 9 (Houses in Multiple Occupation (HMOs)) deals specifically with HMOs and how they will be supported under strict circumstances.
- 5.14 Policy 10 (Residential Policy Areas) states that within Residential Policy Areas, as defined on the Proposals Map and is afforded substantial weight:

A) New residential development will be supported provided:

- 1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
- 2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
- 3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.

B) The establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential

amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

5.15 Policy 44 (Residential Design) states that development proposals will be supported where they recognise and reinforce the character of local landscapes; are of a high quality design that contributes to local distinctiveness and respond positively to their context, setting and site features.

5.16 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.

5.17 Other material planning considerations and guidance

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SYRDG) (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 (as amended) on the council website, and by neighbour notification.

6.2 8 letters of objection have been received from 8 persons. No letters of support have been received.

6.3 The letters of objection are in regard to the following summarised points:

- Works completed before planning permission applied for
- HMOs attract people who work unsocial hours and create anti-social behaviour
- Concerns over lack of parking
- Bathrooms don't have obscure glazing, concerns over privacy
- Loss of a family dwelling
- Concerns regarding noise / anti-social behaviour
- issues with previous tenants at site address from parking issues, noise and lots of visitors at all times of the evening
- Concerns over precedent of HMO being approved and other HMOs appearing as a result of the proposal

6.4 The below concerns raised are not material considerations and cannot be considered as part of this application:

- HMO would affect the status of the street and devalue properties
- Concerns over type of tenants inhabiting the HMO

6.5 Councillor Jane Kidd expressed concerns about the application. One concern was the impact on the character of the area as the area is one of mainly family homes. Concerns about impact on parking due to yellow line restrictions to control parking due to the proximity of the hospital.

7.0 Parish Council

7.1 No parish council exists for this area.

8.0 Relevant Consultations

8.1 **Highways DC** – support the proposal, given the existing off street parking provision on the site.

8.2 **Waste and Recycling** – raised no objections, noting a 3-bed HMO occupied by a maximum of 4 people should be adequately served by the Council's standard service provision.

8.3 **Environmental Health** – no objections to the scheme, subject to highways supporting the application. Confirmed that there are no known HMOs on St Patrick's Street or surrounding Streets

8.4 **Licensing** – no comments to make.

8.5 **South Yorkshire Police Liaison Officer** – gave advice on security measures, incorporated as an informative.

8.6 **Area Manager** – no comments received.

9.0 Assessment

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

- Principle of development;
- Impact on Amenity
- Highway Safety
- Waste
- Overall planning balance.

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

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

Principle of Development

9.3 Policy 9 of the Local Plan sets out the strict criteria that HMOs must adhere to in order to be supported. Each of the criteria will be addressed separately below:

9.4 **A) the internal standards of the property are suitable for multiple occupation, including bedrooms with good soundproofing, privacy, outlook, light,**

ventilation and have good communal facilities for washing, preparation and consumption of food;

There are no extensions of external alterations to the existing semi-detached dwelling as part of the proposal. Each bedroom contains an en-suite, providing privacy when using the bathroom. All of the bedrooms have large windows; two of the bedrooms are served by large bay windows providing a good amount of natural light. The dwelling provides a good standard of living. A condition will be attached to the application requiring the windows serving the en-suite bathrooms to be obscured glazed within three months of the date of the decision and to remain in this condition permanently to ensure adequate privacy. A good-sized communal kitchen/dining room is provided therefore the overall the residential amenity of future occupiers is considered to be satisfactory.

9.5 B) external communal areas and facilities are of sufficient size and standard to satisfactorily accommodate waste and recycling bins, safe and secure cycle storage and on-site parking (unless it can be demonstrated that the site is sustainably located and therefore justifies reduced levels of on-site parking);

The proposal has two off- street parking spaces in accordance with parking standards set out in Appendix 6 of the Local Plan, which requires 2 allocated spaces per dwelling for 2+ bed dwellings. The existing driveway leads to the rear garden and provides sufficient space to store the necessary waste and recycling bins. Likewise there is sufficient space to the side and rear of the dwelling to provide cycle storage.

9.6 C) the overall size of the dwelling is sufficient to provide proper and adequate accommodation and living space for the number of residents intended to be accommodated;

Policy 10 of the Local Plan requires new residential development to accord with the Nationally Described Space Standards (NDDS), which set out minimum standards for self-contained properties. As this application relates to a HMO with shared facilities, this guidance cannot be used as a marker for room sizes. The Housing Act 2004 outlines the legal minimum individual room size for one person as 6.51 square metres. However, in order to obtain a HMO License, the Council encourages bedroom sizes of at least 10 square metres, though this is not adopted Planning Policy. The proposed bedrooms are all in excess of 12sqm, which adheres to the licensing requirements. The proposal also provides a good-sized kitchen/dining area, as well as a large external garden and it is considered that the dwelling provides adequate accommodation and living space for future occupiers.

9.7 D) the existing dwelling or building is capable of conversion without causing harm to the area or the amenity of nearby residents particularly with noise and disturbances or over-looking and, in areas of flood risk, do not result in ground-floor or basement level self-contained rooms; and

There is no extension or external alterations to the property. As previously mentioned a condition has been imposed to require the obscure glazing of the en-suite windows to ensure screening and mutual privacy for both future occupiers and neighbouring properties. The remaining windows are existing windows which would have the same impact as when the dwelling was used as a single occupancy

dwelling. Therefore, there are no concerns that the amenity of nearby residents would be harmed by the development. The property is not in an area of flood risk.

- 9.8 **E) the proposal would not result in an over-concentration of HMOs within a community/locality/street/row, or result in a significant adverse impact to local amenities. Proposals must not create:**
- 1. more than two HMOs side by side; or**
 - 2. the sandwiching of a single self-contained house or flat between two HMOs; or**
 - 3. more than two HMOs within a run of twenty properties on one side of the road; or**
 - 4. more than one HMO in a road of fewer than twenty properties on one side of the road. The Council will utilise all of its powers available, including licensing and enforcement, to ensure the negative impacts of HMOs are managed and that our communities are not negatively impacted by the provision of such accommodation.**

Environmental Health confirmed there are no known HMOs on St Patricks Road or on the following surrounding streets; Plunkett Road, Lakeen Road, Ardeen Road or Dublin Road. The proposal therefore does not result in an over-concentration of HMOs within a within a community/locality/street/row.

- 9.9 The proposal accords with all of the criteria set out in Policy 9 of the Local Plan as demonstrated above and is therefore acceptable in principle.

9.10 SOCIAL SUSTAINABILITY

Impact on Amenity

- 9.11 There are no extensions or external alterations to the dwelling as part of this application and any overlooking or overshadowing would have no greater impact than the existing dwellinghouse.
- 9.12 Environmental health have raised no objections to the proposal stating that there is unlikely to be significant adverse impact from noise, as the property is already a 3 bedroomed house and this number of bedrooms/potential occupiers is not being increased from what would be normal in a single family house. Likewise, the comings and goings and waste disposal from the HMO would not be significantly different from the existing use as a single occupancy dwellinghouse. The conversion of this dwelling to a HMO would not alter the character of the property or the area, given that there would be a similar number of occupants to a family dwelling with similar coming and goings and a similar overall impact – Cllr Jane Kidd raised this as a concern. The number of occupants will be limited to four persons to limit the impact on neighbouring dwellings and to maintain the residential character of the locality.
- 9.13 As outlined in the principle of development section, the proposal would provide a good standard of living for future occupiers providing large bedrooms with en-suite bathrooms. All the bedrooms will be served by large windows, allowing natural daylight into the property. The proposal also provides a good-sized kitchen/dining area, as well as a large external garden.
- 9.14 Objections raised the issue of works completed before planning permission was sought and that residents notified the council of works to the property. However,

works can be applied for retrospectively. The current application seeks to regularise the works.

- 9.15 Another comment stated that rooms converted to bathrooms do not have obscure glazing. No new openings have been created as part of this application and the overlooking is no worse than when the property was a dwellinghouse and is not going to cause excessive harm to neighbouring dwellings. A condition has been imposed on this application requiring the windows serving the en-suite bathrooms to be obscured glazed within three months of the date of the decision and to remain in this condition to ensure adequate privacy.
- 9.16 Several objections raised the loss of a family dwelling. However, the local planning authority has a duty to provide a range of dwellings in terms of types, size and tenures, this is set out in Policy 7 of the Local plan and section 5 of the NPPF. Part E of Policy 9 of the Local Plan guards against loss of too many family dwellings by limiting HMOs. The current proposal is currently well within this limit being the only known HMO on the street and surrounding streets. Leaving a sufficient supply of family dwellings in the locality.
- 9.17 Concerns were raised that a HMO would attract occupants who work unsocial hours, create noise, and are prone to anti-social behaviour and would disturb neighbouring properties. However, planning decisions must be based on the assumption that occupiers will reside in a considerate manner and there is separate legislation in place to deal with those who do not. One objection-raised issues with previous tenants at site address from parking issues, noise and lots of visitors at all times of the evening – however I have not been provided with specific details of these issues and am unable to comment on this in relation to the current application. As previously mentioned there is legislation to deal with occupiers who do not reside in a considerate manner, should issues arise.
- 9.18 Another objection raised concerns over a precedent being set should the current HMO application be approved and would lead to other HMOs occurring within the locality. The local area is located within the Article 4 Direction, which requires all HMOs to be assessed under a planning application. Policy 9 of the local plan sets out strict criteria for HMOs and part E of this policy restricts the amount of HMOs within a community.
- 9.19 In summary, the proposal would provide a good standard of living for any future occupiers. The proposal would have a similar overall impact to the existing use as a single-family house, given that the occupants will be limited to a maximum of four inhabitants. This is not an increase from what would be expected in a single-family house and would have no worse impact than the existing use as a family dwelling.

9.20 Conclusion on Social Impacts

- 9.21 It is considered that, subject to a condition limiting the number of occupants to a maximum for four the proposal is acceptable. There are no external alterations or extensions to the dwelling and no worse impact in terms over overlooking and overshadowing. Overall, the conversion would have a similar impact to the existing single family dwelling (apart from en-suites which they could put in themselves without planning permission) and there are no concerns that the change of use would cause any significant harm to neighbouring dwellings. The dwelling would

provide a good standard of living for future occupiers, therefore the social impacts are considered to be acceptable.

9.22 ENVIRONMENTAL SUSTAINABILITY

Highway Safety

- 9.23 The site has an existing dropped kerb and a driveway/parking area to the front and side of the dwelling, providing two off street parking spaces. The proposal therefore meets the parking standards for a 2+ bed unit as set out in Appendix 6 of the Local Plan. The Highways Officer has reviewed the application, has stated that due to the existing off street parking provision, they do not feel the development will have an adverse effect on the existing highway network, and therefore supports the application. Furthermore, the proposal is set within a sustainable location, being located in close proximity to good public transport links. Bus stops located on Thorne Road are within walking distance of the property, less than a 10-minute walk.
- 9.24 Parking on the street is restricted due to the close proximity to the nearby hospital. Representations raised concerns over lack of parking; however, the proposal accords with parking standards as set out in the Local Plan. Furthermore, the Highways Officer supports the application, thus there are no concerns that the proposal would cause harm to highway safety.

Waste

- 9.25 Both the Waste & Recycling Officer and the Environmental Health Officer have reviewed the proposals and have raised no objections in relation to waste. The Environmental Health Officer noted that there is adequate space for waste storage prior to its off-site disposal. The Waste & Recycling Officer also noted that a 3-bed HMO occupied by a maximum of four people should be adequately served by the Council's standard service provision.
- 9.26 The Waste & Recycling Officer has also given advice on a HMO manager taking responsibility for waste - this is included as an informative as this is not under the remit of planning and a HMO manager cannot be enforced as part of a planning application.
- 9.27 Based on the number of occupants and the existing space for waste storage, the proposed development is considered to be suitable.

9.28 Conclusion on Environmental Issues

- 9.29 The parking and highways safety impacts of the proposal are considered to be acceptable, given the existing off street parking provision on site. Likewise, there are no issues with waste and recycling. It is therefore considered that the environmental impact of the proposed development is acceptable.

9.30 ECONOMIC SUSTAINABILITY

- 9.31 The only economic impact will be generated by the construction works to undertake the alterations relating to the development. Given the scale of the development, the benefits in terms of economic activity will be limited.

9.32 Conclusion on Economy Issues

- 9.33 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.
- 9.34 The proposal would generate some economic benefit, in terms of the construction work which will result in the property providing a good quality of accommodation and more attractive to future tenants. Though, the scale of this increase is limited. As such the proposal carried limited weight in favour of the application.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the NPPF taken as a whole. Subject to the recommended conditions, the proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

11.1 GRANT planning permission subject to conditions:

Conditions / Reasons

01. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
- Proposed Floor Plan, dwg no. 3655-01 - Received on 10.05.2021
Location Plan - Received on 28.06.2021
- REASON
To ensure that the development is carried out in accordance with the application as approved.
02. The number of occupants to reside at the property must not exceed 4 individuals forming 3 households.
- REASON
To ensure that the development does not prejudice the local amenity, particularly adjoining neighbours.
03. Within three months of the date of decision, the windows serving the en-suite bathrooms as shown on the approved plan (Proposed Floor Plan, dwg no. 3655-01 - Received on 10.05.2021) shall be permanently obscure to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall be

permanently retained in that condition thereafter, unless otherwise approved in writing by the local planning authority.

REASON

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

INFORMATIVES

01.

INFORMATIVE:

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

02.

INFORMATIVE

Informative note for houses in multiple occupation:

Please store bins tidily within the property curtilage and out of view from the street.

Please keep front gardens tidy and well maintained, soft landscaping within front gardens is recommended and boundary walls should be retained where present.

HMO's are frequently advertised with 'ROOM TO LET' posters and boards, which clutter the street. The Council therefore ask these signs are not used and online advertising is used instead. If a vacancy board is necessary only one is permitted and should not exceed 0.5 of a square metre. The board must be removed not later than 14 days after completion of the sale or granting of the tenancy.

The property may need a HMO license. For further information and to apply online please visit

<http://www.doncaster.gov.uk/services/housing/houses-in-multiple-occupation-licensing>.

0.3

INFORMATIVE:

This advice is provided to ensure the physical protection elements of the development are to current minimum standards. This advice should be acted upon as the minimum requirement and should be enforced, irrespective of any additional correspondence (or not) received by other departments within South Yorkshire Police.

The main outer doors and each individual flat door must comply with a minimum standard of either of the following:

- o PAS 24:2016; or
- o STS 201 Issue 7:2015; or
- o LPS 1175 Issue 7.2:2014 Security Rating 2+; or
- o LPS 1175 Issue 8:2018 Security Rating A3+; or
- o STS 202 Issue 6:2015 Burglary Rating 2; or

o LPS 2081 Issue 1.1:2016 Security

Windows must comply with PAS 24:2006 standard

The plans submitted with the application include details of the timber stud walling between individual bedrooms. Whilst these modifications will increase sound efficiency, they do not provide any security. The security of a development can be severely compromised if lightweight framed walls do not offer sufficient resilience to withstand a criminal attack; this is recognised within Approved Document Q. Lightweight framed walls installed either side of a secure doorset (600mm for the full height of the doorset to restrict access to door hardware) or walls providing a partition between two bedrooms dwellings, or a bedroom and shared communal space, including a corridor shall meet the requirements below:

- o LPS 1175 Issue 7.2:2014 Security Rating 1; or
- o LPS 1175 Issue 8:2018 Security Rating 1/A1; or
- o STS 202 Issue 7:2016 Burglary Rating 1.

Specifiers are advised that the correct installation of lightweight framed walling systems is crucial to the level of security ultimately provided; it is therefore recommended that they are installed by approved installers who have received appropriate training. It is recommended that all internal walls within this development meet the security standards listed above.

Lighting is required to each dwelling elevation that contains a doorset and can also assist in identifying the door and operating locking mechanisms.

24 hour lighting (switched using a photoelectric cell) to communal parts of blocks of flats will be required.

04. INFORMATIVE

HMO's are generally subject to Council Tax payments as a single residential property and remain eligible for the same level of waste collection service as any other domestic residence. Self-contained flats, each paying separate Council Tax, would each be eligible for our standard service provision.

Doncaster Council provides a standard alternate weekly waste collection service for each domestic premise liable for Council Tax payments. We collect residual waste one week and recyclable / compostable waste the following week:

- Week 1 Black Bin
- Week 2 Blue bin, Green box and Green bin

Households receive a Blue 240 litre bin for the storage and collection of mixed dry recyclable materials:

- Plastic bottles
- Cardboard, paper, newspapers, magazines
- Steel and Aluminium cans, foil, empty aerosol's

Households receive a Green 55 litre box for the storage and collection of glass bottles and jars.

Households (with gardens) receive a Green 240 litre bin for the storage and collection of compostable garden waste:

- Grass cuttings, leaf-fall
- Hedge clippings, tree and shrub pruning's
- Flowers, small plants and weeds

Households receive a Black 240 litre bin for the storage and collection of non-recyclable waste:

- Shredded paper and windowed envelopes
- Broken / sheet glass
- Food waste / soiled food packaging
- Nappies and sanitary products
- Plastic pots, tubs, trays and film
- Liquid food cartons (Tetra/Pure Pak)

At this type of property, with a communal garden, we would exclude Green bin provision if a professional gardener is employed.

The Council's standard service provision is sufficient for the needs of most households, a 3-bed HMO occupied by a maximum of 4 people should be adequately served.

Whilst we are sympathetic to local residents concerns about the potential problems from a HMO in this location, any problems related to waste management can be alleviated by the HMO manager ensuring that waste containers are filled with the correct materials and stored within the property boundary other than when presented for collection. The HMO manager should monitor waste and recycling activities and bin capacity requirements, ensuring there is adequate arrangements in place for the number of tenants at his/her property and taking any action necessary to minimise the potential for nuisance with respect to neighbouring properties.

The Council is satisfied it is reasonable and proportionate for the manager of a HMO to make adequate arrangements for the volume of waste produced by his tenants where the Council's standard service provision is inadequate. HMO managers should not encourage tenants to apply for extra Council bins, the storage of waste containers on the highway is not permitted and loose waste around containers is evidence of insufficient storage provision. Whilst the manager of a HMO must ensure there are sufficient waste receptacles for the number of the tenants occupying the property (having due regard to the standard service provision offered by the Council), there is no legal obligation for a HMO manager to rely on the local authority to provide the collection services required. If a HMO manager uses a private contractor, the waste containers used by that contractor must be clearly marked, the council will only collect waste in containers provided by the Council.

HMO tenants may also utilise the Council's network of Household Waste Recycling Centres (HWRC's) for disposal of their own household items free of charge, but, HMO managers cannot take their tenants waste to these facilities. Managers of HMO properties are not ordinarily the 'occupier' of the property they manage and must act in accordance with Section 34 of the Environmental Protection Act 1990 ("Duty of Care") when managing waste from a HMO property. HMO managers are liable for the costs of disposal of waste furniture and other bulky items left by departing tenants, they must not deposit waste items from house clearances or renovation outside of their property boundary. Transporting another person's waste legally, requires a waste carrier's licence issued by the Environment Agency.

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.

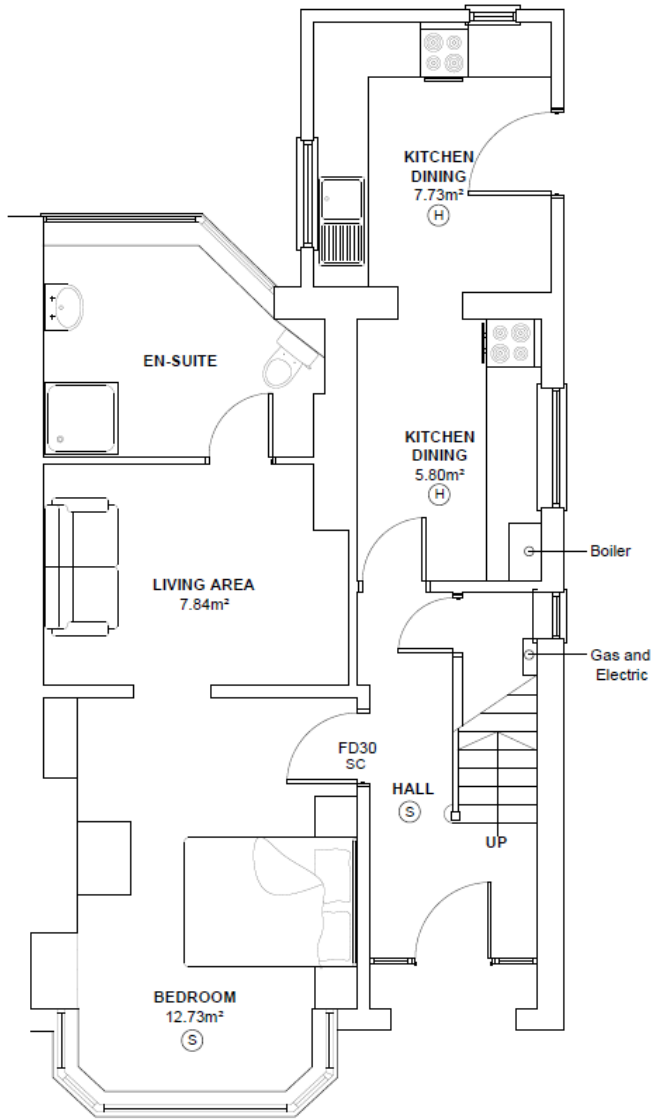
Appendix 1: Location Plan

Location Plan

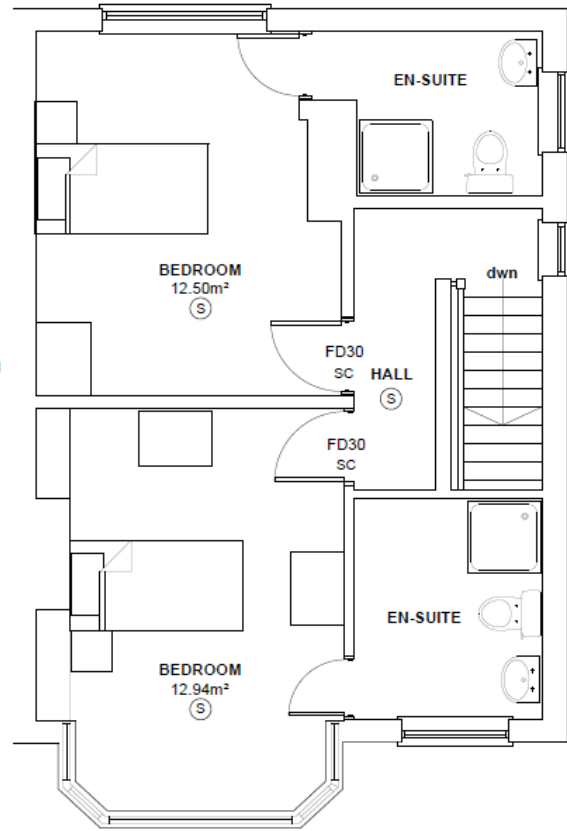


APPENDIX 2: Proposed Floor Plans

Proposed Floor Plans



Ground Floor Layout
Scale 1-50 @ A3



First Floor Layout
Scale 1-50 @ A3

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Application	5
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Application Number:	21/01681/FUL
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Application Type:	Planning Full
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Proposal Description:	Demolition of existing outbuildings, erection of detached dwelling, creation of access and associated works.
At:	9 Whin Hill Road, Bessacarr, Doncaster, DN4 7AF

For:	Mr & Mrs Clarkson
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Third Party Reps:	1 letter of objection	Parish:	N/A
		Ward:	Bessacarr

Author of Report:	Róisín McFeely
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SUMMARY

The application relates to the demolition of existing outbuildings, erection of detached dwelling, creation of access and associated works. The site lies within a Residential Policy Area and also within the Bessacarr Conservation Area. There has been a previous 2018 approval on the site for a similar scheme, which is currently extant.

This application was called into Planning Committee by Councillor Nick Allen and Councillor Laura Bluff.

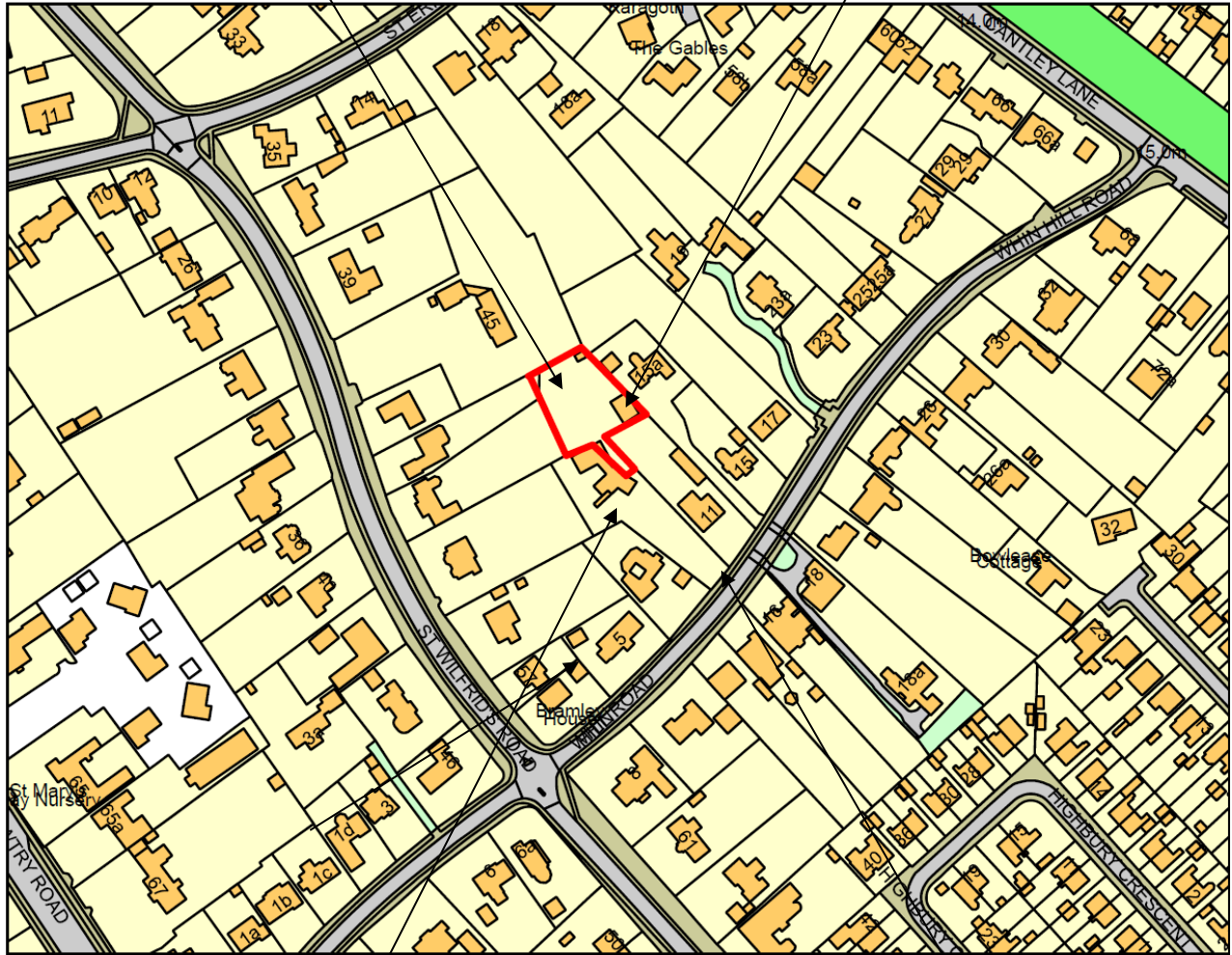
The proposal has been amended significantly in line with comments from the Planning and Conservation Officers. The scale, height and massing of the dwelling have been reduced to match the extant 2018 permission on the site. The proposal meets both internal and external space standards and separation distances as set out in the Local Plan and Supplementary Planning Documents (SPDs). The Conservation Officer considers the amended design to be acceptable.

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, the highway network, Trees, Ecology or the character of the Conservation Area

RECOMMENDATION: GRANT planning permission subject to conditions

Application Site

Existing garage
on site to be
demolished



Site for planning
application
21/02299/FUL

Existing access to
the site

1.0 Reason for Report

- 1.1 This application is being presented to planning committee as Councillor Allen and Councillor Bluff called in the application to be heard by members on the basis that the plan would result in significant overlooking and loss of privacy for local residents.

2.0 Proposal

- 2.1 Planning permission is sought for the demolition of existing outbuildings, erection of detached dwelling, creation of access and associated works.
- 2.2 Permission has been granted on the site for two dwellings in 2018 (18/02822/FUL), with the current proposal being in approximately the same position as plot 2 of the 2018 permission. This permission is still extant (capable of being implemented).
- 2.3 It is also important to note that there is also an application pending consideration to the front of the site, under reference 21/02299/FUL. This land is also under the ownership of the applicant and proposes the erection of a dwellinghouse following demolition of the existing bungalow.
- 2.4 The proposal has been amended significantly to overcome concerns raised by the Planning and Conservation Officer relating to harm to the character of the Conservation Area. The main amendments to the proposal are: a reduction in the footprint, height and massing of the dwelling to match the extant 2018 approval and amendments to the design of the proposed dwelling. Amendments were also made to the access to overcome issues raised by the Highways Officer.
- 2.5 The application was re-advertised due to the significant amendments to the scheme.

3.0 Site Description

- 3.1 The application site is a piece of land currently used as the garden of no. 9 Whin Hill. The land is mainly grassed, lined by trees and currently features a large domestic garage – which is to be demolished as part of this application. The application site is located on the Residential Street of Whin Hill in Bessacarr. There is an existing single driveway access off Whin Hill Road, which is lined by several mature trees. The plot is surrounded by other residential dwellings.
- 3.2 There is an application on the adjacent piece of land for the demolition of the existing bungalow at no. 9 and a replacement dwellinghouse (21/02299/FUL). The large detached bungalow on the adjacent site is set back a good distance from the road. The existing bungalow is erected in a mixture of materials including red brick, white horizontal boarding and Artstone. It has been extended haphazardly over time with several circa 1970s flat-roofed extensions and is an unusual shape.
- 3.3 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps, and is therefore at low risk of flooding.

4.0 Relevant Planning History

4.1 Application site:

Application Reference	Proposal	Decision
21/02299/FUL	Demolition of existing bungalow and construction of new detached dwelling	Pending Consideration
18/02822/FUL	Erection of 2 detached dwellings following demolition of existing bungalow	GRANTED
15/02016/FUL	Erection of detached house on approx. 0.1ha of land	GRANTED
14/01375/REM	Details of access, appearance, landscaping, layout and scale of design for the erection of two detached dwellings on approx 0.24 ha of land (being matters reserved in outlined application previously granted permission under ref 13/01130/OUT on 17.10.13)	GRANTED
13/01130/OUT	Outline application for the erection of two detached dwellings on approx. 0.24ha of land following demolition of existing bungalow (All matters reserved) (THE APPLICATION HAS BEEN AMENDED TO TWO PROPERTIES FROM THE ORIGINALLY PROPOSED THREE)	GRANTED

5.0 Site Allocation

5.1 The site falls within Residential Policy Area, as defined by the Doncaster Local Plan (adopted September 2021), and the Bessacarr Conservation Area. The following policies are applicable:

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 in favour 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 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.
- 5.7 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.
- 5.8 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 and are sympathetic to local character and history.
- 5.9 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 of existing and future generations.
- 5.10 Paragraph 190. 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.
- 5.11 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.
- 5.12 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.
- 5.13 Paragraph 201 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.

5.14 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.

5.15 Local Plan

5.16 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:

5.17 Policy 10 (Residential Policy Areas) states that within Residential Policy Areas, as defined on the Policies Map:

A) New residential development will be supported provided:

1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.

B) The establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

5.18 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.

5.19 Policy 42 (Good Urban Design) requires proposals to reflect and respect character and local distinctiveness.

5.20 Policy 44 (Residential Design) requires that new housing, extensions and alterations respond positively to the context and character of existing areas or the host dwelling and create high quality residential environments through good design

5.21 Policy 45 (Housing Design Standards) deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard as a minimum

5.22 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. This policy is afforded substantial weight.

5.23 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. This policy is afforded limited weight as there are outstanding unresolved objections

5.24 Policy 55 (Pollution) deals with the need to mitigate any contamination on site.

5.25 Policy 56 (Contamination and Unstable Land) requires development sites to incorporate satisfactory measures for dealing with drainage impacts and to reduce flood risk to existing communities.

5.26 Other material planning considerations and guidance

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SYRDG) (2015)
- Residential Backland and Infill Development SPD (2010)
- 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 The proposal was amended significantly and was re-advertised to allow consultees and interested parties further opportunity to comment on the scheme.

6.3 2 letters of representation were received for this application, objecting to the proposal. Both were from the Doncaster Civic Trust.

6.4 The letters of objection are in regard to the following summarised points:

- Proposal is larger than frontage dwelling
- Dwelling too large for the site
- Impact on nearby dwellings
- New "tandem development" policies may come into force just in time to protect what character remains of some of our best conservation areas.
- Still object to amended plans – development should be considered as tandem development because of its size in relation to its back-land position.

7.0 7.0 Parish Council

7.1 No parish council exists for this area.

8.0 Relevant Consultations

8.1 **Conservation Officer** – initially objected to the proposal due to size/scale of the proposal. Recommend approval of the reduced amended scheme and requested conditions relating to materials, boundary treatments and roof lights.

- 8.2 **Pollution Control (Contaminated Land)** – requested a contaminated land screening form be completed for the site or failing that standard planning conditions CON1, CON2 & CON3 be attached to the application should no screening form be provided.
- 8.3 **Tree Officer** – no objections subject to a condition relating to tree protection.
- 8.4 **Ecology** – following site visit confirmed that no bat surveys or biodiversity net gain assessment required. No objections subject to a condition relating to an ecological enhancement plan.
- 8.5 **DMBC Highways DC** – Initially objected to the proposal, removed objection on receipt of amended plans. Requested conditions and an informative.
- 8.6 **Internal Drainage** – requested standard planning condition DA01.
- 8.7 **Yorkshire Water** – no comments received.
- 8.8 **National Grid** – no comments received.

9.0 **Assessment**

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

- Principle of development;
- Residential Amenity
- Impact on the character of the locality and Heritage assets
- Trees and Ecology
- Highway safety and traffic
- Overall planning balance.

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

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

Principle of Development

- 9.3 The site is located within the Residential Policy Area, and the Bessacarr Conservation Area.
- 9.4 The principle of developing the site has been established under planning permissions in 2013, 2014, 2015 and 2018.
- 9.5 Policy 44 C) of the Local Plan states that ‘ Backland and tandem housing development proposals will be supported where the loss of rear domestic gardens

is minimised due to the need to maintain local character, amenity, garden space, green infrastructure and biodiversity. In particular, the prevailing character of parts of Bessacarr, Sprotbrough and Thorne Road at Edenthorpe, as defined on the Policies Map, will be protected from further Backland and Tandem development. Modest redevelopment on backland sites may be considered acceptable, subject to proposals being subservient to the host property and meeting the criteria at A and B above. In addition such development should generally conform to existing plot sizes and not lead to overdevelopment and/or a cramped appearance.'

- 9.6 The proposal site lies within the protected area of Bessacarr as set out in Policy 44, which prevents further Backland and Tandem development - this has been raised by the Doncaster Civic Trust as a concern. However, the site has an extant permission on the site granted in 2018. The proposal has been amended reducing the overall footprint of the dwelling and height in line with the 2018 permission. Given that there is an extant permission on the site that could be implemented now similar in scale and footprint the application will be supported in this specific case. The scale and design will be considered further in section 9.17 – environmental sustainability.

9.7 SOCIAL SUSTAINABILITY

Residential Amenity

- 9.8 Policy 10 of the Local Plan requires new residential development to provide acceptable levels of residential amenity for both new and existing residents; and paragraph 130 (f) of the NPPF states that planning decision should create places that have a high standards of amenity for existing and future users. Policy 44 of the Local Plan sets out key design objections for new housing including: not giving rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of existing occupiers as well as providing adequate internal and external living space for future occupiers'.
- 9.9 Policy 45 of the Local Plan states that all new housing should meet the Nationally Described Space Standard (NDSS) as a minimum. The proposal meets or exceeds these standards. The proposal exceeds the minimum standard for a rear garden to serve a property of this size, as set out in the SYRDG. Thus, it is considered that future occupiers would have a good standard of living.
- 9.10 At ground floor there are existing boundary treatments providing screening and mutual privacy. A plan has been provided showing proposed boundary treatments on the site. These boundary treatments will be conditioned to be erected prior to the first occupation of the dwellinghouse and to be retained for the lifetime of the development.
- 9.11 The side windows at first floor serve a dressing room and bathrooms and will be conditioned to be obscure glazed. The SPDs set out guidance on what are acceptable separation distances for new dwellings. They state that 'habitable room windows that overlook neighbouring garden space should normally be at least 10 metres from the boundary'. The SPDs also require 21m from habitable room window to habitable room windows. The proposal meets all the aforementioned separation distances as follows: no.45 St Wilfrids Road - 14m to garden and 30m to the dwelling. 11 Whin Hill 10m to garden and over 45m to dwelling. Proposed dwelling under ref 21/02299/FUL, 10m to the garden and 21m to the proposed dwelling.

- 9.12 The second floor roof lights adhere to the separation distances as outlined above. Thus, there are no concerns that any significantly harmful overlooking would occur as a result of the proposal as adequate boundary treatments and provided for screening and mutual privacy and the scheme meets or exceeds all of the required separation distances. Permitted development rights will be removed from the application, to further protect the amenity of neighbouring dwellings and their amenity spaces and to enable the Local Planning Authority to assess any further development given the context of the site.
- 9.13 The current proposal replaces an existing detached multi-car garage with an integrated single car garage. The overall height of the dwelling has been reduced to match that of the previous 2018 approval to be more in keeping with the character of the area and to reduce the dwellings impact on surrounding dwellings. The main body of the dwelling has been moved approximately 2.75m closer to the eastern boundary bordering no. 15a Whin Hill. No. 15a has a driveway to the side of the dwelling bordering the application site, which leads to a tall-detached garage towards the rear of their garden. Overshadowing would occur on the driveway or the garage, which contains no windows on the side elevation facing the site. There is an extant permission on the site; it is considered that the re-siting of the proposal would have a similar impact to the previous approval. The proposal site is a significant distance from other surrounding dwellings. Given the placement of the proposed dwellings in relation to neighbouring dwellings and the adequate separation distances there are no concerns that significantly harmful overshadowing would occur.
- 9.14 Councillors have called the application in due to overlooking and privacy issues. The Doncaster Civic Trust also raised concerns about impact on surrounding dwellings. As demonstrated above the proposal meets or exceeds all the required separation distances and there are no concerns that any significantly harmful overlooking or overshadowing would occur.

9.15 Conclusion on Social Impacts

- 9.16 It is considered that, subject to the recommended conditions relating to obscure glazing and boundary treatments, the proposed development would not detract from the residential amenity of any of the existing or proposed residential properties. Therefore, the development would be in accordance with policies 10, 44 and 45 of the Local Plan, and paragraph 130(f) of the NPPF. The social impact of the development is considered to be acceptable overall.

9.17 ENVIRONMENTAL SUSTAINABILITY

Impact on the character of the locality and Heritage assets

- 9.18 Section 78 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on local planning authorities to pay special attention to preserving or enhancing the character or appearance of conservation areas. That duty is reflected Policy 37 of the Local Plan. The NPPF also advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 9.19 Policy 37 of the Local plan requires new development within the historic environment of Doncaster, to protect or enhance the Conservation Area and heritage assets. This policy is in accordance with the NPPF's core principles, particularly that planning should be seeking to conserve heritage assets in a manner appropriate to their significance. The Doncaster Development Guidance and Requirements SPD sets out key principles when considering development which affects the historic environment, including that proposals should reflect local distinctiveness and reflect local tradition and layouts.
- 9.20 The Conservation Officer confirmed that the special interest of the Bessacarr Conservation Area is that of a residential suburb of early twentieth century origin and its character arises from the individual and paired buildings on large, typically long thin plots. The prevailing character of the conservation area is of a green and open character with regular but well-spaced buildings set back in the plots. The Bessacarr CA appraisal describes Whin Hill as a narrow, gently curving tree-lined road lined by substantial properties of mainly red brick with a plain clay tile roof.
- 9.21 The site has a live permission for two dwellings (18/02822/FUL), with the current proposal being in a similar position as plot 2 of the 2018 permission. The dwelling is approximately 2.75m closer to the eastern part of the boundary bordering no. 15a Whin Hill Road. The current proposal demolishes the existing multi car garage in the south west corner of the site and replaces it with an integrated garage. The dwelling has been amended and the overall footprint and height reduced to match that of the extant permission, approximately 175m² footprint and approximately 8.5m at its tallest point. The dwelling would have a similar impact as the extant 2018 permission. The extant permission on the site for a dwelling of a similar siting, footprint and height carries significant weight in favour of the development.
- 9.22 The Conservation Officer objected to the initial proposal, as it was taller, had a wider span and greater massing than the previously approved dwelling. Noting that the proposal took up much more of the plot, putting pressure on the open character of the Conservation Area. The Conservation Officer also stated that the proposal did not demonstrate subsidiarity and did not support the proposal.
- 9.23 The proposal was amended, however the Conservation Officer requested a further reduction in the height of the dwelling to match that of the 2018 approval. The Conservation Officer also requested amendments to the design including mitting the half hips on the roof, clarification of the materials to be used and amendments to the boundary treatments. The most current amended plans have a similar footprint and height to the 2018 planning permission. The substantial reduction in footprint, massing and scale of the dwelling helps to retain the open and green character of the site. The consolidation of the dwelling into one block is also better for appearance than the separate massing of the garage and the new dwelling as previously approved in 2018 – thus the current scheme is considered to be an improvement on the 2018 application. The proposal is set well back from the street scene and is not highly visible and there are no concerns that the proposal would cause harm to the Conservation Area.
- 9.24 The Conservation Officer recommended that the reduced amended scheme be approved, noting that the new dwelling and the resulting parameters are within those of the original approval in terms of ridge height and footprint. The Conservation Officer had no objections to the extension to the driveway to accommodate turning of a fire engine stating that it would not really affect the conservation Area. The agent provided the materials to be used, which the

Conservation Officer had no objection to. The amendments to the boundary treatments were all considered to be acceptable. The Conservation Officer requested conditions relating to materials being as specified, roof lights and boundary treatments being in accordance with the approved plans.

- 9.25 Doncaster Civic Trust objected to the proposal as the proposal is larger than frontage dwelling, however the scheme has been amended and the current proposal now has a lesser footprint than the front plot. The current application has a footprint of approximately 175m² and the proposed dwelling on the 'front plot' under ref: 21/02299/FUL has a footprint of approximately 190m². Another concern raised was that the dwelling was too large for the site, however the proposal has been amended to have a similar footprint and height to the extant 2018 permission. The proposal also retains over 600m² of private amenity space, well in excess of the 60m² required for a dwelling of this size. Furthermore, the Conservation Officer raised no objections to the scheme.
- 9.26 In summary the amended proposal is very similar to the extant permission, which weighs significantly in favour of the development. The Conservation Officer has raised no objections and the development does not detract from the heritage significance of the Bessacarr Conservation Area – being set well back in the plot out of view of the main road and maintains the green and open character of the Conservation Area.

Trees and Ecology

- 9.27 The NPPF at paragraph 174 d) states that planning policies and decisions should contribute to and enhance the natural local environment by “minimising impacts on and providing net gains for biodiversity.” This is reflected in Policy 29 of the Local Plan that require Doncaster's natural environment will be protected and enhanced and will only be supported in accordance with a number of principles: A) being of an appropriate size, scale and type in relation to their location within and impact on the ecological network; B) maintaining, strengthening and bridging gaps in existing habitat networks; C) planting native species and creating new, or restoring existing, national and local priority habitats and/or species; and D) working with strategic
- 9.28 Policy 32 of the Local Plan requires developments to adequately consider trees as part of any application with a presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.
- 9.29 The Ecology Officer initially raised a holding objection to the scheme, as a preliminary bat roost assessment may need to be carried out, as the outbuilding is to be demolished. Following a site visit the Ecology Officer removed their objection and confirmed that the existing outbuilding has negligible potential for roosting bats and therefore no further bat surveys were required prior to determination. The Ecology Officer also confirmed that there is no requirement for a biodiversity net gain assessment. The holding objection was removed, subject to a condition requiring an ecological enhancement plan requiring details of bat roosting boxes and bird nesting boxes on the site.
- 9.30 The Tree Officer raised no objections to the scheme stating that the application was largely what had been approved in the past. The Tree Officer also noted that the current layout of the proposal maximises the space available for Trees on the northern and western boundaries. This layout is essential in reducing the above ground constraints of these trees in terms of shading, dominance and debris. The

Tree Officer requested a condition relating to a tree protection scheme. The Tree Officer also stated that there were no objections to the extension of the driveway to accommodate a fire truck turning as it will remain well clear of the root protection areas of the adjacent trees.

Highway Safety and Traffic

- 9.31 Policy 44 of the Local Plan requires residential developments to provide sufficient convenient, safe and secure allocated parking spaces, designed so as not to negatively impact on the function or character of new and existing streets. The NPPF in para 111 states that ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.
- 9.32 The proposal would use an existing dropped kerb and would create an access to the site and off street parking. There is land directly adjacent to the site, which is under the ownership of the applicant, which the applicant has noted on the plans that they plan to develop further in the future subject to planning permission under ref 21/01681/FUL. A passing place has been included in the access to account for this future development. The proposal would provide approximately four off-street parking spaces in excess of parking standards as set out in Appendix 6 of the Local Plan – which requires two parking spaces for a dwelling of this size. Vehicles can turn within the site and leave within a forward facing gear.
- 9.33 The Highways Officer requested amendments to the scheme including, the widening of the access to meet standards as set out in the SYRDG, a turning space to accommodate turning for a fire engine, enlarging of the passing space and a bin store to the front of the development. These amendments were made to the scheme and the Highways Officer removed their objection subject to conditions relating to a dropped kerb, creation and retention of a vehicle turning space, the site being surface and sealed and requesting a construction management plan. An informative regarding dropped kerbs has also been added.

9.34 Conclusion on Environmental Issues

- 9.35 Subject to the conditions recommended by the Council’s Conservation Officer, the proposed development would not create any harm to the character of the Conservation Area or the significance of any heritage assets. Subject to the conditions recommended by the Tree Officer, the proposed development would not cause any harm to Trees on the site and would maintain the green character of the Conservation Area. Biodiversity net gain and a bat survey are not required on the site, subject to the condition relating to bat and bird boxes being erected no harm would be caused to the natural environment. The parking, access and highways safety impacts of the proposal are considered to be acceptable subject to conditions. It is therefore considered that the environmental impact of the proposed development is acceptable.

9.36 ECONOMIC SUSTAINABILITY

- 9.37 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 and therefore carries limited weight in favour of the application.

9.38 Conclusion on Economy Issues

- 9.39 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.
- 9.40 On a wider level, additional housing will increase spending within the Borough, which is of further economic benefit in the long term.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the NPPF taken as a whole. Subject to the recommended conditions, the proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

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

Conditions

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:
- Proposed Floor Plans Basement, drawing no. 21005-020 Rev B - Received on 20.08.2021
Proposed Floor Plans Ground Floor, drawing no. 21005-021 Rev C - Received on 24.09.2021
Proposed Floor Plans First Floor, drawing no. 21005-022 Rev C - Received on 24.09.2021
Proposed Floor Plans Second Floor, drawing no. 21005-023 Rev C - Received on 24.09.2021
Proposed Plans (layout plans and boundary treatment plans) drawing no. 21005-015 Rev E - Received on 28.09.2021
Proposed Elevation Plans (inc. site and location plans), drawing no. 21005-025 Rev B - Received on 24.09.2021

REASON

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

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

REASON

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the Conservation area and for this reason would wish to control any future development to comply with Policies 37 and 44 of the Local Plan.

04. Before the first occupation of the building hereby permitted, the windows as indicated on the approved plan (Proposed Floor Plans First Floor, drawing no. 21005-022 Rev C - Received on 24.09.2021) shall be permanently obscured to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall be permanently retained in that condition thereafter, unless otherwise approved in writing by the local planning authority.

REASON

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

05. Unless otherwise agreed in writing with the Local Planning Authority, the external finishes shall be as follows:

- Sandtoft new Rivius slate antique roof tiles
- Fascias and soffits – timber
- Weinerberger Welham Antique facing brick laid with lime mortar
- Herringbone feature brick panel with lime mortar
- Limestone moulded capping

The development shall be undertaken in accordance with the approved details, and maintained in accordance with the approved details for the lifetime of the development.

REASON

To maintain the character and appearance of the conservation area in accordance with policy 37 of the Doncaster Local Plan.

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

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

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

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

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

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

REASON

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

This has to be prior to commencement so that any risks are assessed before works begin to the ground whether this be demolition works or construction works and remediation in place before works begin.

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

REASON

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

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

REASON

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

09. The development hereby granted shall not be begun until a Drainage Impact Study, a surface water drainage scheme for the site (based on sustainable drainage principles SuDS) 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 constructed in accordance with the approved details and 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.

10. Prior to the commencement of the development hereby granted a scheme for the protection of the root protection areas 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 Policy 32 of the Local Plan.

11. Within one month of 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.
- One surface mounted bat box of the Beaumaris Woodstone type or similar.
 - Two tree mounted bat boxes of the Vincent or Beaumaris Woodstone type or similar
 - One starling bird box or similar
- To be positioned and orientated on the advice of a suitably qualified ecologist.

REASON

To ensure the ecological interests of the site are maintained in accordance with Policies 29 and 30 of the Local Plan.

12. The boundary treatments hereby approved shall be constructed in complete accordance with the specifications as shown on approved plan: Proposed Plans (Layout plans and boundary treatments) drawing no. 21005-024 Rev C - Received on 24.09.2021. Unless otherwise agreed in writing with the Local Planning Authority the bricks used for the gate piers shall be Weinerberger Welham Antique facing brick and all boundary treatments hereby approved shall be erected prior to the first occupation of the dwelling house hereby approved and retained in that condition for the lifetime of the development.

REASON

To protect the amenity of neighbouring dwellings and future occupiers of the development, and in accordance with Policies 10 and 44 of the Local Plan and to maintain the character and appearance of the conservation area in accordance with policy 37 of the Doncaster Local Plan.

13. Any rooflights installed on the building shall be low profile conservation rooflights with a vertical glazing bar.

REASON

To maintain the character and appearance of the conservation area in accordance with Policy 37 of the Doncaster Local Plan.

14. 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 and will be maintained as such for the lifetime of the development.

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.

15. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

REASON

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

16. The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.

REASON

To avoid damage to the verge.

17. No construction works shall take place until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and include the following points, expanded on as required:

- o Volumes and types of construction vehicles
- o identification of delivery routes;
- o identification of agreed access point
- o Contractors method for controlling construction traffic and adherence to routes
- o Size, route and numbers of abnormal loads
- o Swept path analysis (as required)
- o Construction Period
- o Temporary signage
- o Wheel Wash facilities
- o Timing of deliveries

REASON

To ensure highway safety during construction and in accordance with Policy 44 of the local plan.

01.

INFORMATIVE

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

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

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

02.

INFORMATIVE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

03.

INFORMATIVE

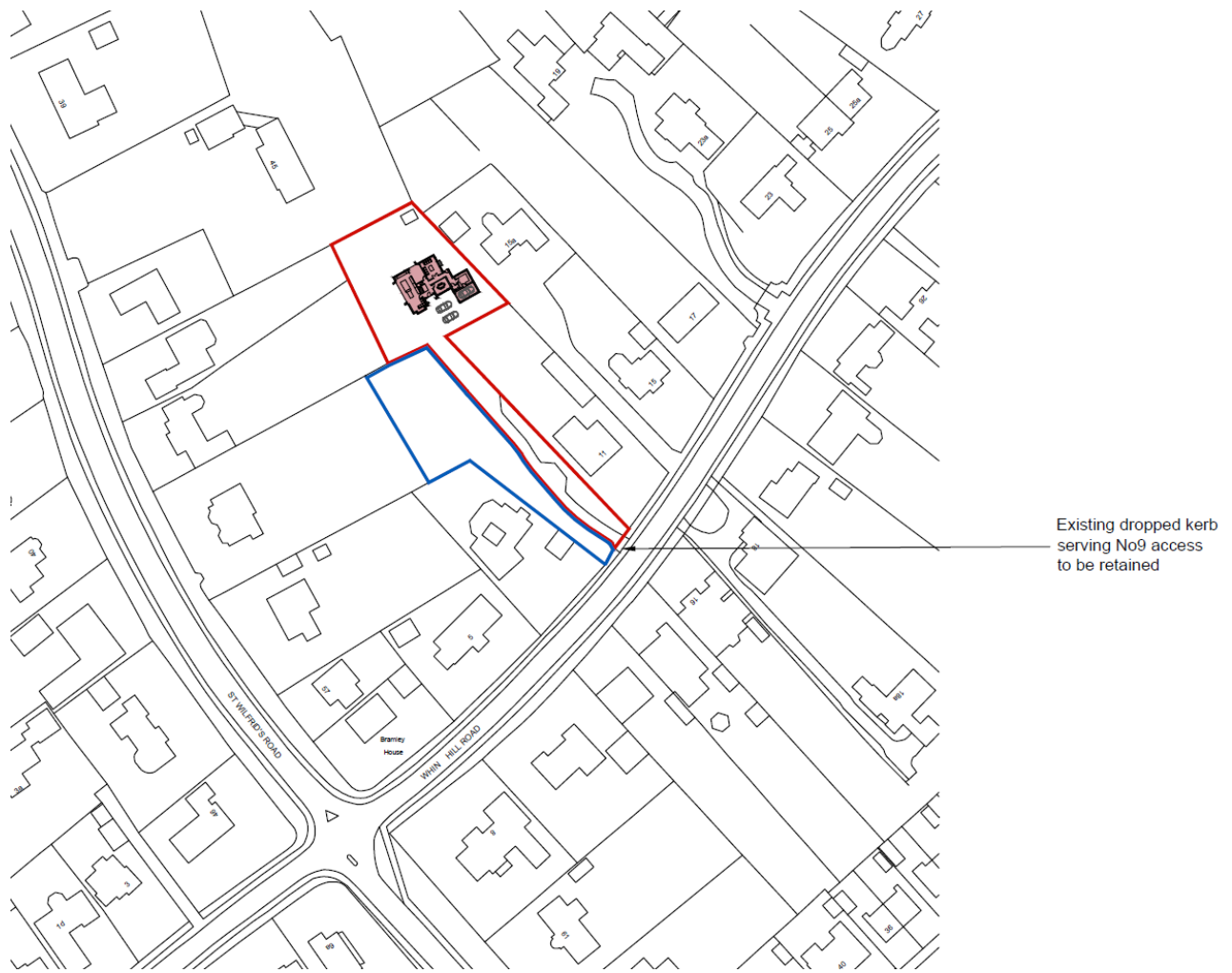
Applications for a vehicle crossing facility can be carried out by completing the e-form at the following:

<https://www.doncaster.gov.uk/doitonline/dropped-kerb>

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



APPENDIX 2: Proposed Elevations

Proposed Elevations



Concept Front Elevation
1:100



Concept Rear Elevation
1:100



Concept Side Elevation
1:100

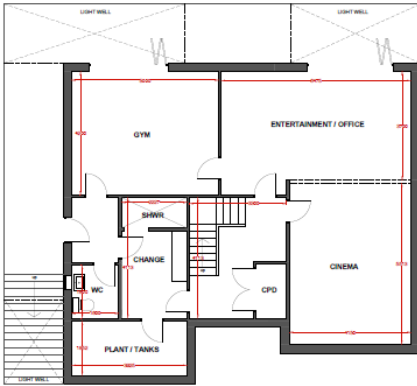


Concept Side Elevation
1:100

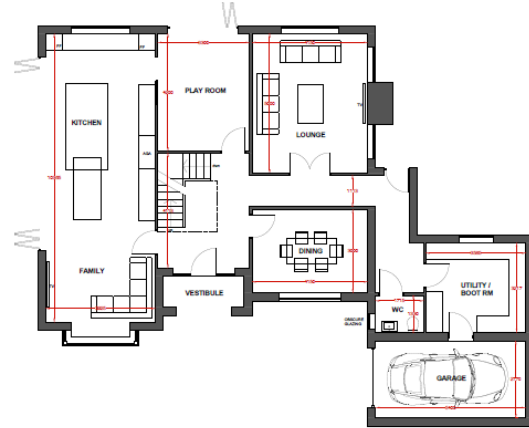
Appendix 3: Proposed Floor Plans

Proposed Floor Plans

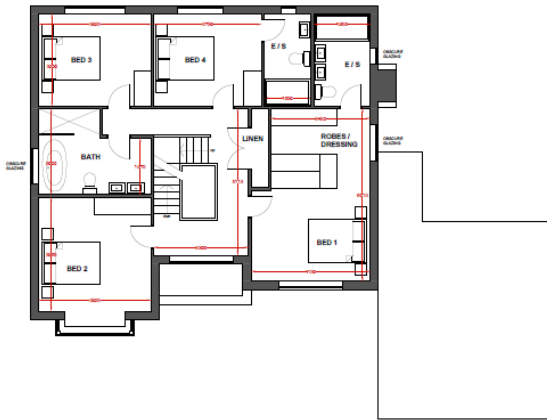
Basement Floor



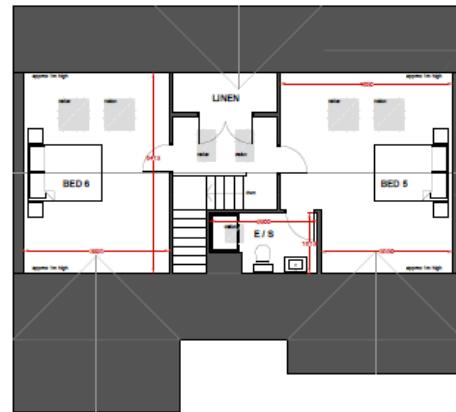
Ground Floor



First Floor



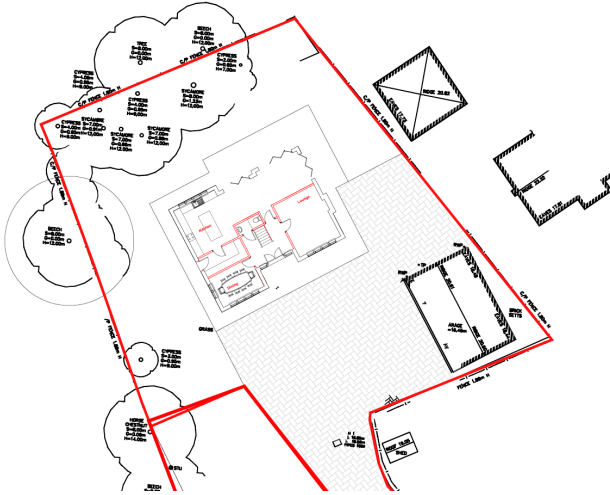
Second Floor



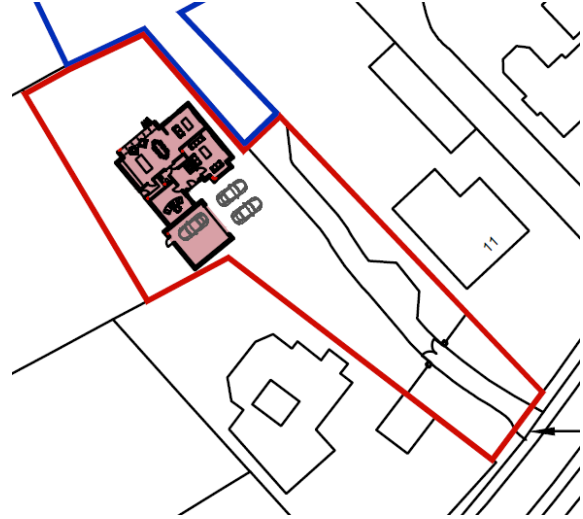
Appendix 4: Comparison with Previous Approval

Comparison with previous approval ref: 18/02822/FUL

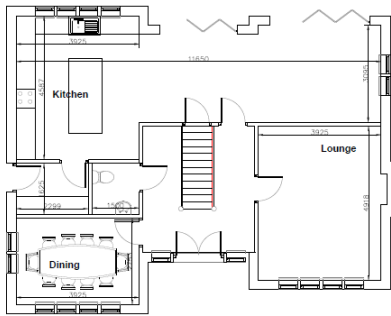
Site plan for previously approved application
Ref: 18/02822/FUL



Site plan for current application
Ref: 21/01681/FUL

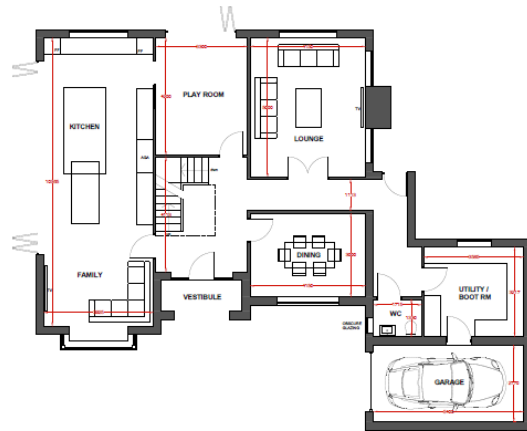


Floor plan for 18/02822/FUL



GROUND FLOOR PLAN 1:50

Floor plan for current application



Appendix 5: Layout Plans and Boundary Treatments

Layout Plans and Boundary Treatments Plan (Amended)



General Specification:

Paving:

Individual driveways to house to be finished in block paving or tarmac (final specification TBA)

Pathways and Patios to house to be natural stone paving (final specification TBA)

Boundary Treatments:

- Existing timber fence boundary
- 1.8m high brickwork walling to match existing
- Powdercoated railings and gates with brick piers to gates as separate detail

Landscaping:

All garden areas to be high quality turf

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

Application	6.
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Application Number:	21/02299/FUL
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Application Type:	Planning Full
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Proposal Description:	Demolition of existing bungalow and construction of new detached dwelling
At:	9 Whin Hill Road, Bessacarr, Doncaster, DN4 7AF

For:	Mr & Mrs Clarkson
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Third Party Reps:	2 letters of objection	Parish:	N/A
		Ward:	Bessacarr

Author of Report:	Róisín McFeely
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SUMMARY

The application seeks permission for the demolition of existing bungalow and construction of new detached dwelling. The site lies within a Residential Policy Area and also within the Bessacarr Conservation Area. There has been a previous 2018 approval on the site for a similar scheme, which is currently extant.

This application was called into Planning Committee by Councillor Nick Allen.

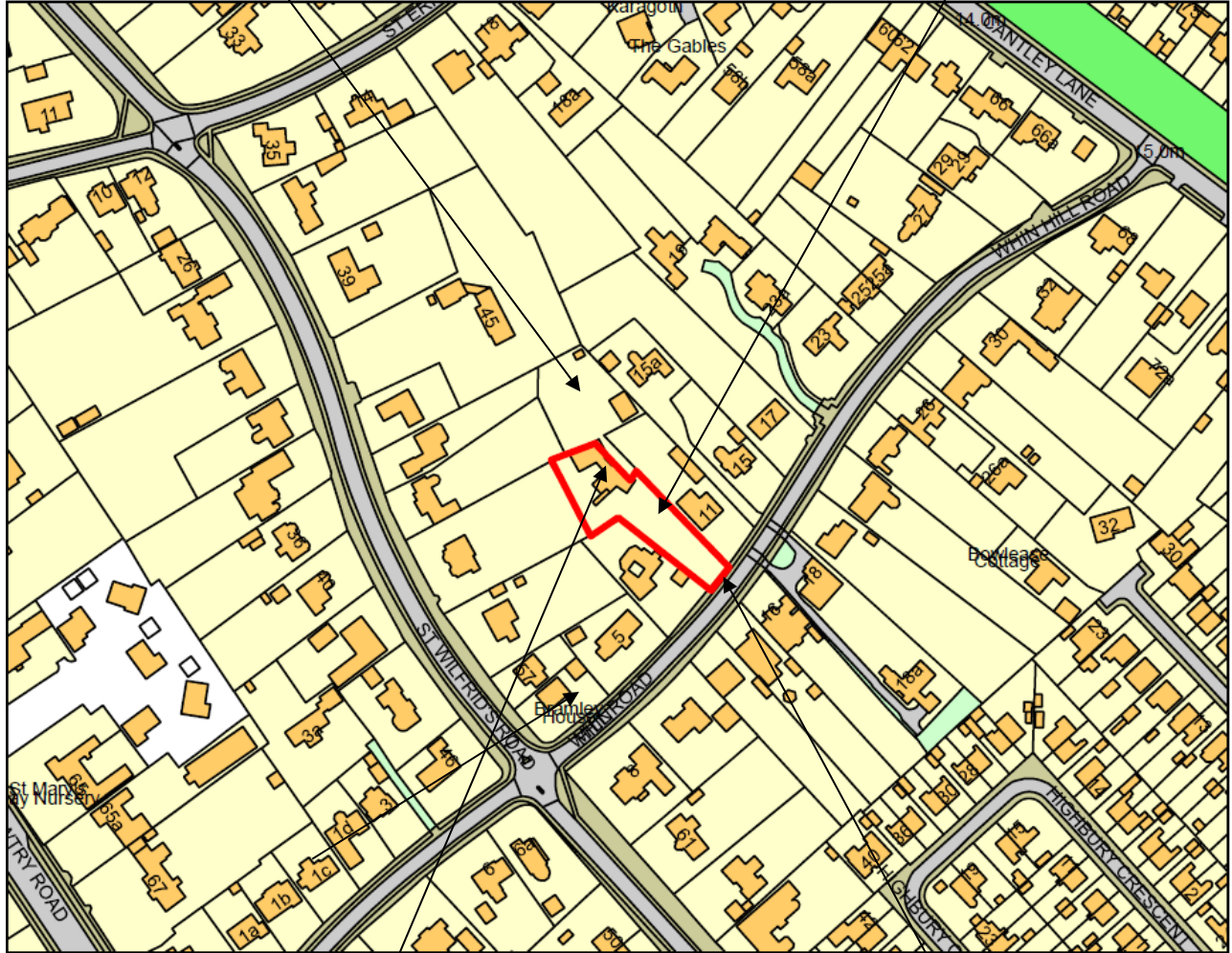
The proposal meets both internal and external space standards and separation distances as set out in the Local Plan and Supplementary Planning Documents (SPDs). The Conservation Officer considers the design to be acceptable.

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to neighbouring properties, the highway network, Trees, Ecology or the character of the Conservation Area.

RECOMMENDATION: GRANT planning permission subject to conditions

Site for planning application
21/01681/FUL

Application Site



Existing bungalow on
the site to be
demolished

Existing access to
the site

1.0 Reason for Report

- 1.1 This application is being presented to planning committee as Councillor Allen called in the application to be heard by members on the basis that the development would result in significant overlooking and loss of privacy for local residents.

2.0 Proposal

- 2.1 Planning permission is sought for the demolition of existing bungalow and construction of new detached dwelling.
- 2.2 Permission has been granted on the site for two dwellings (18/02822/FUL), with the current proposal being in approximately the same position as plot 1 of the 2018 permission. This permission is still extant.
- 2.3 It is also important to note that there is also an application pending consideration to the rear of the site, under reference 21/01681/FUL. This land is also under the ownership of the applicant and proposes the erection of a dwellinghouse.
- 2.4 Amendments were made to the access to overcome issues raised by the Highways Officer. Minor amendments were made to the scheme for clarity, including clarifying materials at the request of the Conservation Officer.

3.0 Site Description

- 3.1 The application site is located on the Residential Street of Whin Hill in Bessacarr. There is an existing large, detached bungalow on the site is set back a good distance from the road. The existing bungalow on the site is erected in a mixture of materials including red brick, white horizontal boarding and Artstone. It has been extended haphazardly over time with several circa 1970s flat-roofed extensions and is an unusual shape. There is an existing single driveway access off Whin Hill Road, which leads to the rear of the site, the driveway is lined by several mature trees. The plot is surrounded by other residential dwellings.
- 3.2 To the rear of the site is a piece of land currently used as the garden of no. 9 Whin Hill – this land does not form part of the application site. There is an application on this piece of land for a dwellinghouse. The land is mainly grassed being lined by trees and currently features a large domestic garage.
- 3.3 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps, and is therefore at low risk of flooding.

4.0 Relevant Planning History

4.1 Application site:

Application Reference	Proposal	Decision
21/01681/FUL	Demolition of existing outbuildings, erection of detached dwelling, creation of access and associated works.	Pending Consideration
18/02822/FUL	Erection of 2 detached dwellings following demolition of existing bungalow	GRANTED
15/02016/FUL	Erection of detached house on approx. 0.1ha of land	GRANTED
14/01375/REM	Details of access, appearance, landscaping, layout and scale of design for the erection of two detached dwellings on approx 0.24 ha of land (being matters reserved in outlined application previously granted permission under ref 13/01130/OUT on 17.10.13)	GRANTED
13/01130/OUT	Outline application for the erection of two detached dwellings on approx. 0.24ha of land following demolition of existing bungalow (All matters reserved) (THE APPLICATION HAS BEEN AMENDED TO TWO PROPERTIES FROM THE ORIGINALLY PROPOSED THREE)	GRANTED

5.0 Site Allocation

- 5.1 The site falls within Residential Policy Area, as defined by the Doncaster Unitary Development Plan (adopted in 1998), and the Bessacarr Conservation Area. The following policies are applicable:
- 5.2 National Planning Policy Framework (NPPF 2021)
- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.5 Paragraph 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 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.
- 5.7 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.
- 5.8 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 and are sympathetic to local character and history.
- 5.9 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 of existing and future generations.
- 5.10 Paragraph 190. 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.
- 5.11 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.
- 5.12 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.
- 5.13 Paragraph 201 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.
- 5.14 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.

5.26 Local Plan

5.27 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster includes the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:

5.28 Policy 10 (Residential Policy Areas) states that within Residential Policy Areas, as defined on the Policies Map:

A) New residential development will be supported provided:

1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.

B) The establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

5.29 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. Moderate weight is afforded to Policy 38 as there are outstanding unresolved objections however they are not considered to be significant.

5.30 Policy 42 (Good Urban Design) requires proposals to reflect and respect character and local distinctiveness.

5.31 Policy 44 (Residential Design) requires that new housing, extensions and alterations respond positively to the context and character of existing areas or the host dwelling and create high quality residential environments through good design

5.32 Policy 45 (Housing Design Standards) deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard as a minimum

5.33 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. This policy is afforded substantial weight.

5.34 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. This policy is afforded limited weight as there are outstanding unresolved objections

5.35 Policy 55 (Pollution) deals with the need to mitigate any contamination on site.

5.36 Policy 56 (Contamination and Unstable Land) requires development sites to incorporate satisfactory measures for dealing with drainage impacts and to reduce flood risk to existing communities.

5.37 Other material planning considerations and guidance

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SYRDG) (2015)
- Residential Backland and Infill Development SPD (2010)
- 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 2 letters of representation were received for this application, objecting to the proposal. One letter was from the Doncaster Civic Trust and one letter was from a neighbouring property.

6.3 The letters of objection are in regard to the following summarised points:

- Overlooking / loss of privacy for no. 15a Whin Hill Rd.
- Requested that the proposal be re-sited.
- Dwelling is too large and would impact the character of the Conservation Area and on the neighbouring plots
- Over development of the site
- Tandem development and associated issues

7.0 7.0 Parish Council

7.1 No parish council exists for this area.

8.0 Relevant Consultations

8.1 **Conservation Officer** – requested minor amendments to the scheme. Recommend approval of the amended scheme subject to conditions relating to materials, boundary treatments and roof lights.

8.2 **Pollution Control (Contaminated Land)** – requested a contaminated land screening form be completed for the site or standard planning conditions CON1,

CON2 & CON3 should be attached to the application should no screening form be provided.

- 8.3 **Tree Officer** – no objections subject to a condition relating to tree protection and an arboricultural method statement.
- 8.4 **Ecology** – following site visit confirmed that no bat surveys or biodiversity net gain assessment required. No objections subject to a condition relating to an ecological enhancement plan.
- 8.5 **DMBC Highways DC** – Initially objected to the proposal, removed objection on receipt of amended plans. Requested conditions and an informative.
- 8.6 **Internal Drainage** – requested standard condition DA01.
- 8.7 **Yorkshire Water** – no comments received.
- 8.8 **National Grid** – no comments received.

9.0 Assessment

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

- Principle of development;
- Residential Amenity
- Impact on the Character of the Conservation Area
- Trees and Ecology
- Highway safety and traffic
- Overall planning balance.

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

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

Principle of Development

- 9.3 The site is located within the Residential Policy Area, as defined by the Doncaster Unitary Development Plan (adopted in 1998), and the Bessacarr Conservation Area.
- 9.4 The principle of developing the site has been established under planning permissions in 2013, 2014, 2015 and 2018.

9.5 The development is therefore acceptable in principle where it does not cause harm to the amenity of the locality, highway safety and the character of the Conservation Area.

9.6 SOCIAL SUSTAINABILITY

Residential Amenity

9.7 Policy 10 of the Local Plan requires new residential development to provide acceptable levels of residential amenity for both new and existing residents; and paragraph 130 (f) of the NPPF states that planning decision should create places that have a high standards of amenity for existing and future users. Policy 44 of the Local Plan sets out key design objections for new housing including: not giving rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of existing occupiers as well as providing adequate internal and external living space for future occupiers’.

9.8 Policy 45 of the Local Plan states that all new housing should meet the Nationally Described Space Standard (NDSS) as a minimum. The proposal meets or exceeds these standards. The proposal exceeds the minimum standard for a rear garden to serve a property of this size, as set out in the SYRDG. Thus, it is considered that future occupiers would have a good standard of living.

9.9 The proposal is sited in a similar position to plot 1 of the 2018 approval, ref:18/02822/FUL and has a similar footprint and has a lesser height than plot 1 of the previous approval. It is considered therefore that the proposal would have a similar impact in terms of overshadowing as the previous approval, which was deemed acceptable and is currently extant. Thus, there are no concerns with regards to significantly harmful overshadowing occurring.

9.10 At ground floor there are existing boundary treatments providing screening and mutual privacy. A plan has been provided showing proposed boundary treatments on the site. These boundary treatments will be conditioned to be erected prior to the first occupation of the dwellinghouse and to be retained for the lifetime of the development.

9.11 At first floor on the side elevation the bedroom windows serving ‘bed 1’ has over 13m to the nearest neighbouring garden of no. 11 Whin Hill. This is in excess of the standards which state that ‘habitable room windows that overlook neighbouring garden space should normally be at least 10 metres from the boundary’. The remaining side windows at first floor serve bathrooms and will be conditioned to be obscure glazed. The rear windows have over 21m to the proposed dwelling under reference 21/01681/FUL, in accordance with separation distances as set out in the SPD. These windows also have in excess to 10m to the very rear of the garden of 51 St Wilfrids Road and the garden of the proposal under ref: 21/01681/FUL, in accordance with the guidance in the SPD. The front windows overlook the garden/driveway of the proposed development and has no direct line of sight into any neighbouring habitable room windows or neighbouring amenity spaces.

9.12 At second floor there are roof lights facing North, which have 21m to the nearest neighbouring habitable room windows – in accordance with the SPDs. Thus having regard for the above there are no concerns with any significantly harmful overlooking as the proposal meets or exceeds separation distances as set out in the SPDs. Permitted development rights will be removed from the application, to

further protect the amenity of neighbouring dwellings and their amenity spaces and to enable the Local Planning Authority to assess any further development given the context of the site.

- 9.13 One objection from no. 15a Whin Hill raised concerns about overlooking and a loss of privacy for their dwelling and requested that the proposal be re-sited. However, there is approximately 26m between the proposed dwelling and the driveway of no. 15a. There is also a driveway and the garden of No. 11 Whin Hill separating the dwelling from the driveway of no. 15a. The proposed dwelling has no direct line of sight into any habitable room windows or amenity space of no. 15a. As detailed above the proposal meets or exceeds separation distances as required by the SPD. Thus, there is no loss of privacy or overlooking for no. 15a as a result of this proposal and it is not necessary to re-site the proposal.

9.14 Conclusion on Social Impacts

- 9.15 It is considered that, subject to the recommended conditions relating to obscure glazing and boundary treatments, the proposed development would not detract from the residential amenity of any of the existing or proposed residential properties. Therefore, the development would be in accordance with policies 10, 44 and 45 of the Local Plan, and paragraph 130(f) of the NPPF. The social impact of the development is considered to be acceptable overall.

9.16 ENVIRONMENTAL SUSTAINABILITY

Impact on the Character of the Conservation Area

- 9.17 Section 78 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on local planning authorities to pay special attention to preserving or enhancing the character or appearance of conservation areas. That duty is reflected in Policy 37 of the Local Plan. The NPPF also advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.18 Policy 37 of the Local Plan requires new developments within the historic environment of Doncaster, to protect or enhance the Conservation Area and heritage assets. This policy is in accordance with the NPPF's core principles, particularly that planning should be seeking to conserve heritage assets in a manner appropriate to their significance. The Doncaster Development Guidance and Requirements SPD sets out key principles when considering development which affects the historic environment, including that proposals should reflect local distinctiveness and reflect local tradition and layouts.
- 9.19 The Conservation Officer confirmed that the special interest of the Bessacarr Conservation Area (CA) is that of a residential suburb of early twentieth century origin and its character arises from the individual and paired buildings on large, typically long thin plots. The prevailing character of the conservation area is of a green and open character with regular but well-spaced buildings set back in the plots. The Bessacarr CA appraisal describes Whin Hill as a narrow, gently curving tree-lined road lined by substantial properties of mainly red brick with a plain clay tile roof.

- 9.20 The site has a live permission for two dwellings (18/02822/FUL), with the current proposal being in largely the same position as plot 1 of the 2018 permission. The dwelling is approximately 1m closer to the Southern part of the boundary bordering no. 7 Whinhill Road. The dwelling is approximately the same footprint around 190m². Plot 1 of the 2018 approval had a height of approximately 8.9m at its tallest point; the current proposal has a height of approximately 8.4m at its tallest point. The dwelling would have a similar impact as the extant 2018 permission. There is an extant permission on the site for a dwelling of a similar siting, footprint and height as the proposal, which carries significant weight in favour of the development.
- 9.21 The existing dwelling on the site is a large detached bungalow which is erected in a mixture of materials including red brick, white horizontal boarding and Artstone. It has been extended haphazardly over time with several circa 1970s flat-roofed extensions and is an unusual shape. Being set back so far in the plot it does not contribute to the character and appearance of the conservation area and as a building as its architecture is not special. Therefore, there are no issues with its demolition.
- 9.22 The Conservation Officer noted the previous approvals on site, with the current proposal being similar to the approved and extant 2018 permission; being a similar L-shaped building with a subsidiary garage block and roof accommodation above. The Conservation Officer raised no issues with the slight re-siting of the dwelling – remarking that it is not significant for the appearance of the Conservation Area given that the dwelling is set well back in the plot.
- 9.23 The design of the current proposal is simpler than the 2018 permission, though not having the heavy details of the previous approval such as kneelers and gable copings giving a lighter appearance. The proposal is well set back from the road and is partially shielded by greenery at the front of the plot and would not detract from the character of the Conservation Area. The Conservation Officer recommended approval of the scheme upon receipt of clarification of the materials to be used and amendments to the boundary treatments. The Conservation Officer also noted that the proposal as described on the amended plan is acceptable as it is within the parameters of the existing approval in terms of form and massing as explained in my original comments. It is considered therefore that the proposed development would not create any harm to the character of the Conservation Area or the significance of any heritage assets.
- 9.24 Doncaster Civic Trust objected to the proposal stating that the dwelling is too large and would impact the character of the Conservation Area and on the neighbouring plots. As outlined above the proposal would have a similar impact to the previous approval being of a similar siting, footprint and height and therefore is not considered too large given the previous extant approval. Doncaster Civic Trust also objected stating that the proposal was an overdevelopment of the site, however the proposal has over 300m² of garden space - well in excess of the required standards, with the dwelling meeting or exceeding internal space standards. The dwelling is therefore not an overdevelopment of the site. Furthermore, the Conservation Officer raised no objections to the scheme.
- 9.25 The Doncaster Civic Trust have referred to tandem development and houses built in gardens and the issues of precedent set by these type of developments and that they are overlarge houses with very high site coverage. However, the current proposal is a replacement dwelling on a tandem site, not a new tandem

development – the principle of a tandem development has been established, built and occupied for a significant period. Furthermore, the site has an extant permission for a dwelling of a similar siting, footprint and height, which carries significant weight in favour of the development. Precedent is not a material consideration and cannot be considered as part of this application.

- 9.26 In summary, the proposal is very similar to the extant permission, which weighs significantly in favour of the development. There are no objections to the demolition of the existing bungalow as it does not make a positive contribution to the Conservation Area or have any architectural merit. The design of the current application is preferable to the previous 2018 application. The Conservation Officer has raised no objections and the development does not detract from the heritage significance of the Bessacarr Conservation Area – being set back in the plot and maintaining a green and open character.

Trees and Ecology

- 9.27 The NPPF at paragraph 174 d) where it states that planning policies and decisions should contribute to and enhance the natural local environment by “minimising impacts on and providing net gains for biodiversity.” This is reflected in Policy 29 of the Local Plan that require Doncaster’s natural environment will be protected and enhanced and will only be supported in accordance with a number of principles: A) being of an appropriate size, scale and type in relation to their location within and impact on the ecological network; B) maintaining, strengthening and bridging gaps in existing habitat networks; C) planting native species and creating new, or restoring existing, national and local priority habitats and/or species; and D) working with strategic
- 9.28 Policy 32 of the Local Plan requires developments to adequately consider trees as part of any application with a presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.
- 9.29 The Ecology Officer initially raised a holding objection to the scheme, as a preliminary bat roost assessment should be carried out, as the bungalow is to be demolished. Following a site visit the Ecology Officer removed their objection and confirmed that the existing bungalow has negligible potential for roosting bats and therefore no further bat surveys are required prior to determination. The Ecology Officer also confirmed that there is no requirement for a biodiversity net gain assessment as the development will occupy the existing footprint of the building and hard/sealed surfaces. The holding objection was removed, subject to a condition requiring an ecological enhancement plan requiring details of bat roosting boxes and bird nesting boxes on the site.
- 9.30 The proposed development requires the removal of a category C Lawson cypress on the site. The Tree Officer raised no objections to the removal of the tree noting that the scheme was largely what was approved in 2018 and that the tree was of little consequence. The Tree Officer requested a condition relating to an Arboricultural Method Statement and an associated Tree Protection Plan for the site. The scheme retains the majority of the trees on site and retains the green character associated with the Conservation Area.

Highway Safety and Traffic

- 9.31 Policy 44 of the Local Plan requires residential developments to provide sufficient convenient, safe and secure allocated parking spaces, designed so as not to negatively impact on the function or character of new and existing streets. The NPPF in para 111 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe'.
- 9.31 The proposal would use an existing dropped kerb and driveway on the site. There is land directly adjacent to the site, which is under the ownership of the applicant, which the applicant has noted on the plans that they plan to develop further in the future subject to planning permission under ref 21/01681/FUL. A passing place has been included in the access for this future development. The proposal would provide two off-street parking spaces in line with Appendix 6 of the Local Plan – which requires two parking spaces for a dwelling of this size. Vehicles can turn within the site and leave within a forward facing gear.
- 9.32 The Highways Officer requested amendments to the scheme including, the widening of the access to meet standards as set out in the SYRDG, enlarging of the passing space and a bin store to the front of the development. These amendments were made to the scheme and the Highways Officer removed their objection subject to conditions relating to a dropped kerb, creation and retention of a vehicle turning space, the site being surface and sealed and requesting a construction management plan. An informative regarding dropped kerbs has also been added.

9.33 Conclusion on Environmental Issues

- 9.34 Subject to the conditions recommended by the Council's Conservation Officer, the proposed development would not create any harm to the character of the Conservation Area or the significance of any heritage assets. Subject to the conditions recommended by the Tree Officer, the proposed development would not cause any harm to Trees on the site and would maintain the green character of the Conservation Area. Biodiversity net gain and a bat survey are not required on the site, subject to the condition relating to bat and bird boxes being erected no harm would be caused to the natural environment. The parking, access and highways safety impacts of the proposal are considered to be acceptable subject to conditions. It is therefore considered that the environmental impact of the proposed development is acceptable.

9.35 ECONOMIC SUSTAINABILITY

- 9.36 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.

9.37 Conclusion on Economy Issues

- 9.38 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.

- 9.40 On a wider level, additional housing will increase spending within the borough, which is of further economic benefit in the long term.

10.0 PLANNING BALANCE & CONCLUSION

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

11.0 RECOMMENDATION

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

Conditions

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

Proposed Floor Plans Ground Floor, drawing no. 21005-016 Rev A - Received on 24.09.2021
Proposed Floor Plans First Floor, drawing no. 21005-017 Rev B - Received on 24.09.2021
Proposed Floor Plans Second Floor, drawing no. 21005-018 - Received on 24.09.2021
Proposed Elevation Plans (including site and location plans), drawing no. 21005-019 Rev B - Received on 24.09.2021
Proposed Plans (layout plans and boundary treatment plans) drawing no. 21005-015 Rev E - Received on 28.09.2021

REASON
To ensure that the development is carried out in accordance with the application as approved.
03. Before the first occupation of the building hereby permitted, the windows as indicated on the approved plan (Proposed Floor Plans First Floor, drawing no. 21005-017 Rev B - Received on 24.09.2021)

shall be permanently obscure to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall be permanently retained in that condition thereafter, unless otherwise approved in writing by the local planning authority.

REASON

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

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

REASON

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the Conservation area and for this reason would wish to control any future development to comply with Policies 37 and 44 of the Local Plan.

05. Unless otherwise agreed in writing with the Local Planning Authority, the external finishes shall be as follows:

- Sandtoft new Rivius slate antique roof tiles
- Fascias and soffits – timber
- Weinerberger Welham Antique facing brick laid with lime mortar
- Herringbone feature brick panel with lime mortar
- Limestone moulded capping

The development shall be undertaken in accordance with the approved details, and maintained in accordance with the approved details for the lifetime of the development.

REASON

To maintain the character and appearance of the conservation area in accordance with policy 37 of the Doncaster Local Plan.

06. The development hereby granted shall not be begun until a Drainage Impact Study, a surface water drainage scheme for the site (based on sustainable drainage principles SuDS) 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 constructed in accordance with the approved details and 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.

07.

No development or demolition approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

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

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

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

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

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste

materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

REASON

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

This has to be prior to commencement so that any risks are assessed before works begin to the ground whether this is to be demolition works or construction works and remediation in place before works begin.

08. Should any unexpected significant contamination be encountered during development or demolition, 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.

09. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the 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.

10. Prior to any demolition or commencement of development hereby approved an Arboricultural Method Statement and an associated Tree Protection Plan for the protection for all retained trees, including tree management, demolition and ground protection measures and the erection of impact resistant protective barriers shall be submitted and approved by the Local Planning Authority before any equipment, machinery or materials have been brought on to site for the purposes of the development. The local planning authority shall be notified of implementation and shall visit site to approve the setting out of the site and location of protective barriers prior to the commencement of development. Thereafter tree protection practices shall be implemented and monitored in full accordance with the approved scheme until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed

in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

To ensure that all trees are protected from damage during construction in accordance with Policy 32 of the Local Plan.

11. Within one month of 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.

-One surface mounted bat box of the Beaumaris Wood stone type or similar.

-One starling bird box or similar

To be positioned and orientated on the advice of a suitably qualified ecologist.

REASON

To ensure the ecological interests of the site are maintained in accordance with Policies 29 and 30 of the Local Plan.

12. The boundary treatments hereby approved shall be constructed in complete accordance with the specifications as shown on approved plan: Proposed Plans (Layout plans and boundary treatments) drawing no. 21005-024 Rev C - Received on 24.09.2021. Unless otherwise agreed in writing with the Local Planning Authority the bricks used for the gate piers shall be Weinerberger Welham Antique facing brick and all boundary treatments hereby approved shall be erected prior to the first occupation of the dwelling house hereby approved and retained in that condition for the lifetime of the development.

REASON

To protect the amenity of neighbouring dwellings and future occupiers of the development, and in accordance with Policies 10 and 44 of the Local Plan and to maintain the character and appearance of the conservation area in accordance with policy 37 of the Doncaster Local Plan.

13. 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 and will be maintained as such for the lifetime of the development.

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.

14. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.
REASON
To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.
15. The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.
REASON
To avoid damage to the verge.
16. No construction or demolition works shall take place until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and include the following points, expanded on as required:
- o Volumes and types of construction vehicles
 - o identification of delivery routes;
 - o identification of agreed access point
 - o Contractors method for controlling construction traffic and adherence to routes
 - o Size, route and numbers of abnormal loads
 - o Swept path analysis (as required)
 - o Construction Period
 - o Temporary signage
 - o Wheel Wash facilities
 - o Timing of deliveries
- REASON
To ensure highway safety during construction and in accordance with Policy 44 of the local plan.
17. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the LPA ;
- a) no works of demolition shall be carried out or plant operated except between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hour On Saturdays;
 - b) works of demolition or plant operation shall not be carried out at any time on Sundays, Public or Bank Holidays;
 - c) no demolition related vehicle movements to or from the site shall take place on any day other than between 07:30–18:00 hours Mondays to Fridays and 07:30-13:00 hours on Saturdays;
 - d) in addition to the requirement of 17c), no demolition related lorry movements to or from the site shall take place on any school day between 08:00-09:00 hours and 14:45-15:45 hours;
 - e) the contractor shall employ measures to minimise noise impacts in accordance with guidance in BS5228-2:2009 Code of practice for noise and vibration control on construction and

open sites, to ensure noise levels do not exceed 65dB LAeq,1hr 3.5m from the façade of any nearby receptor.

REASON: To safeguard the amenity of nearby residents

18. Any rooflights installed on the building shall be low profile conservation rooflights with a vertical glazing bar.
REASON
To maintain the character and appearance of the conservation area in accordance with Policy 37 of the Doncaster Local Plan.

INFORMATIVES

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

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

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

02. **INFORMATIVE**
The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2021 until 31st December 2022

03.

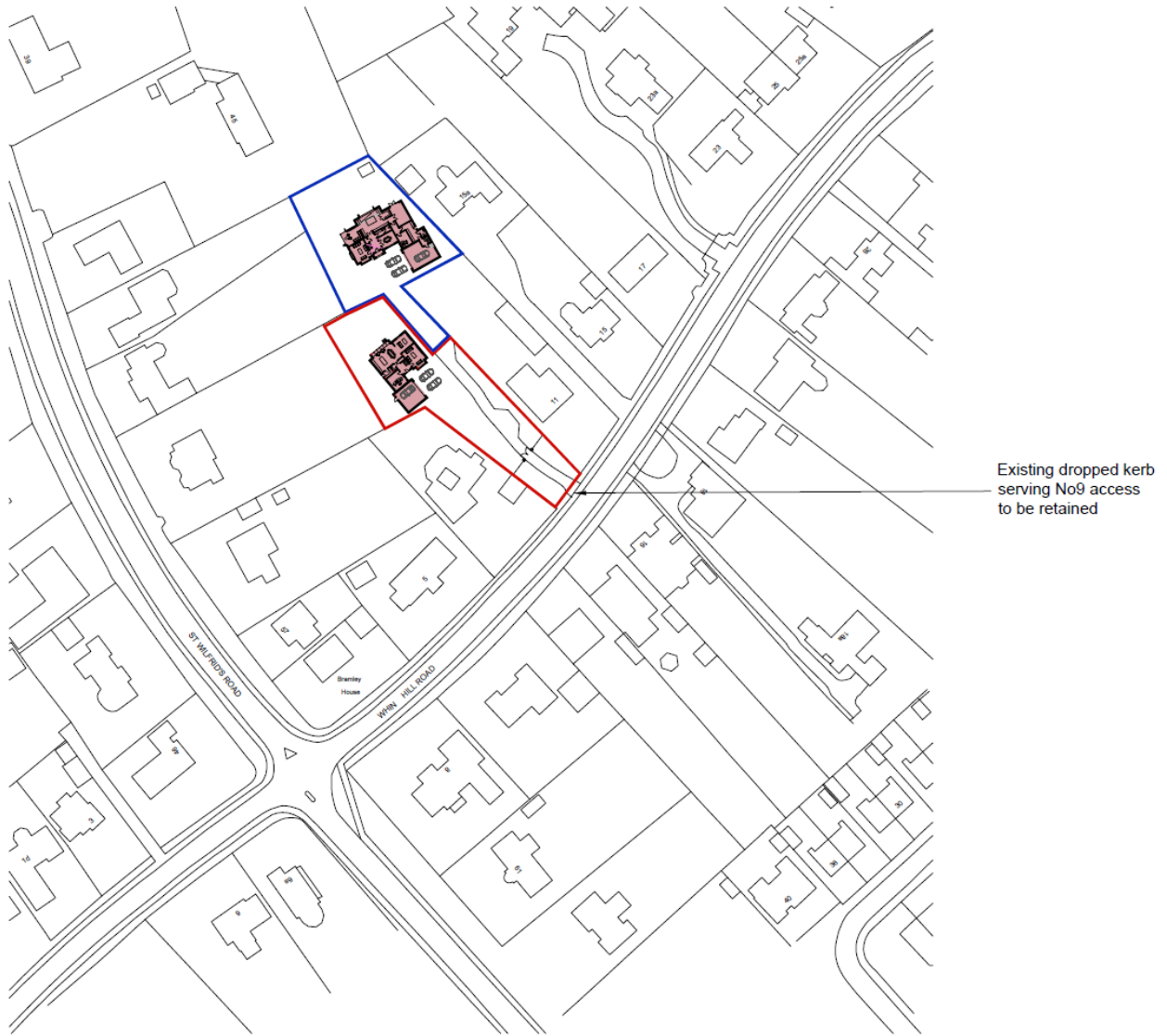
INFORMATIVE

Applications for a vehicle crossing facility can be carried out by completing the e-form at the following:
<https://www.doncaster.gov.uk/doitonline/dropped-kerb>

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.

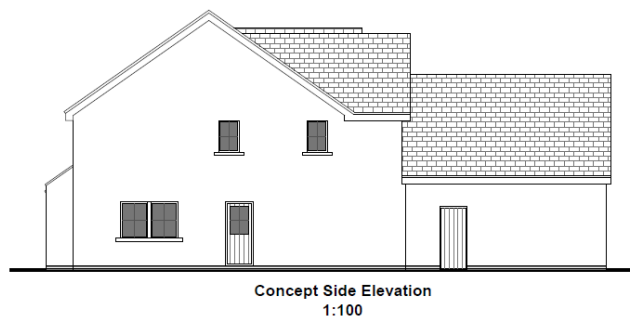
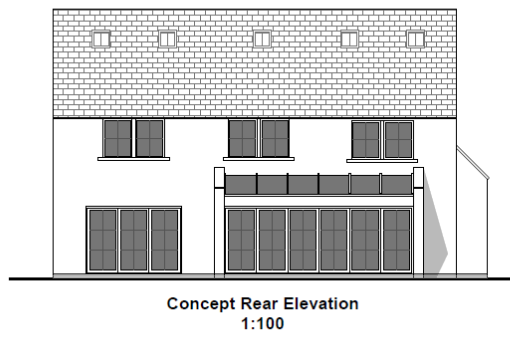
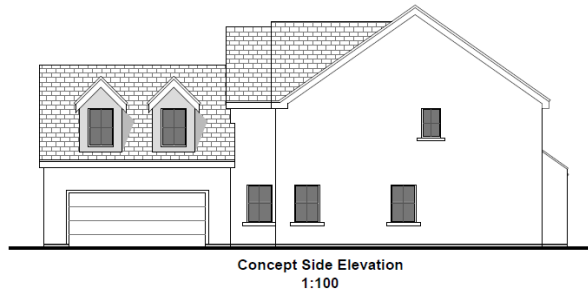
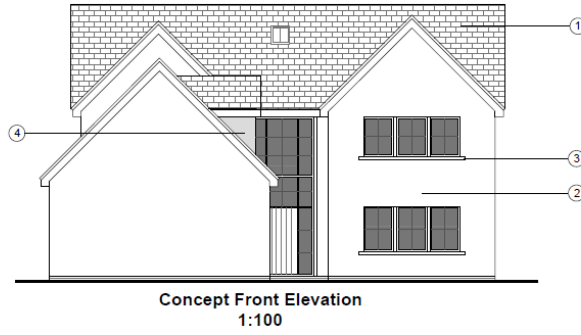
Appendix 1: Site Plan

Site Plan



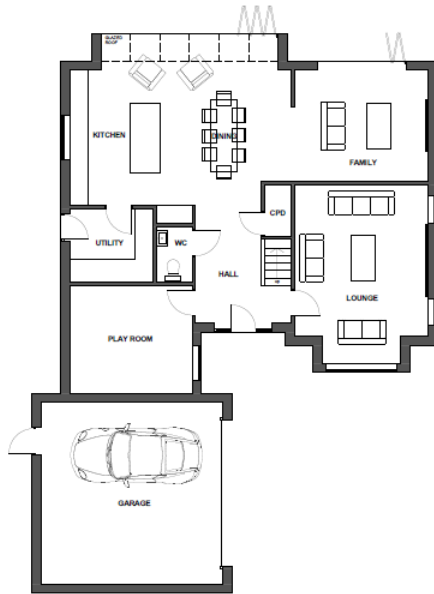
APPENDIX 2: Proposed Elevations

Proposed Elevations

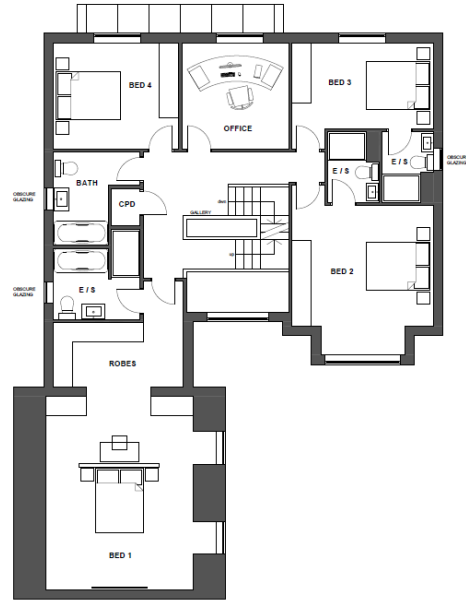


Appendix 3: Proposed Floor Plans

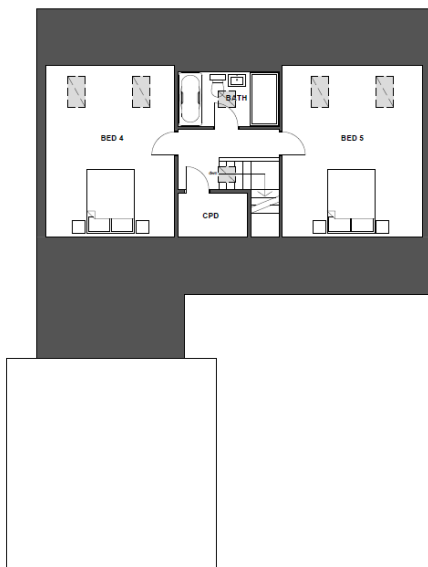
Proposed Floor Plans



Ground Floor



First Floor

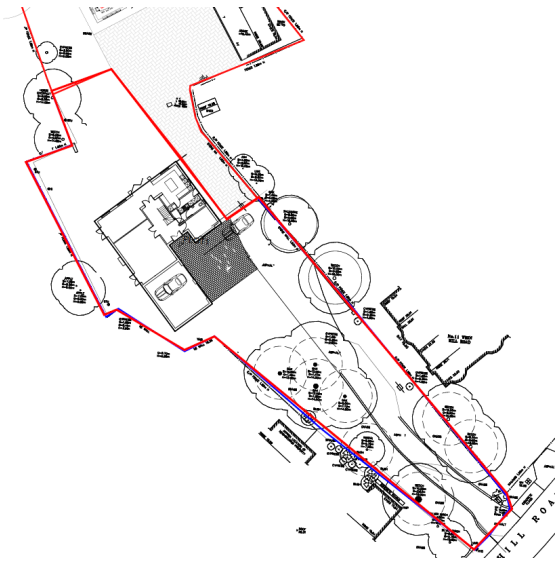


Second Floor

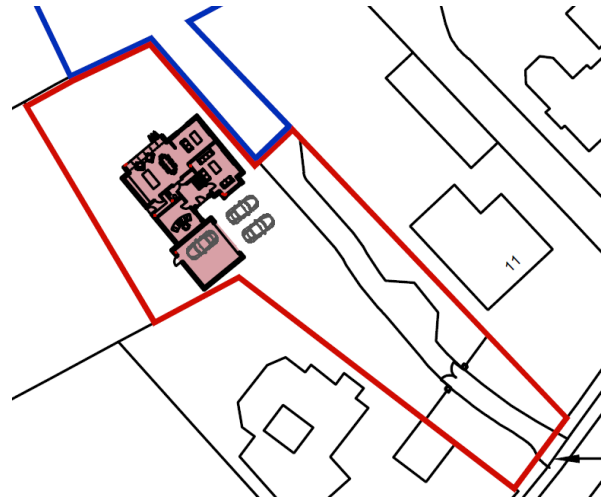
Appendix 4: Comparison with Previous Approval

Comparison with previous approval ref: 18/02822/FUL

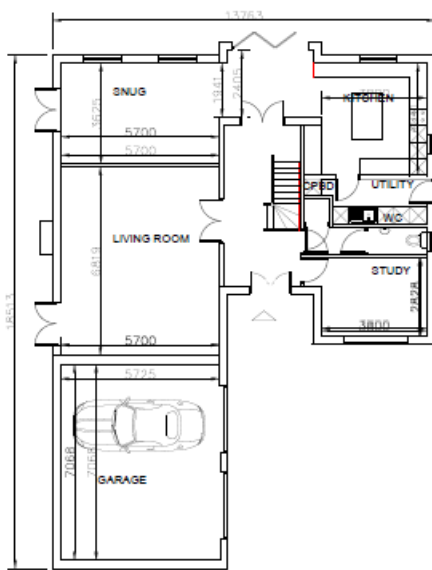
Site plan for previously approved application
Ref: 18/02822/FUL



Site plan for current application
Ref: 21/02299/FUL

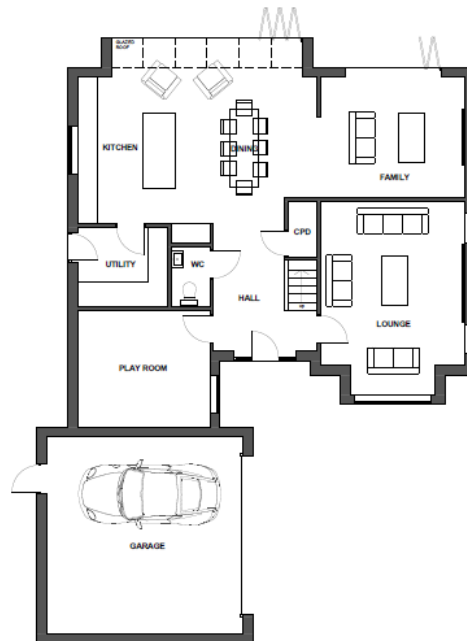


Floor plan for 18/02822/FUL



GROUND FLOOR PLAN 1:100

Floor plan for current application



Appendix 4: Comparison with Previous Approval Continued

Comparison with previous approval ref: 18/02822/FUL

Elevation plan for 18/02822/FUL



FRONT ELEVATION 1:100

Elevation plan for current application



Concept Front Elevation
1:100

Appendix 5: Layout Plans and Boundary Treatments

Layout Plans and Boundary Treatments Plan (Amended)



General Specification:

Paving:

Individual driveways to house to be finished in block paving or tarmac (final specification TBA)

Pathways and Patios to house to be natural stone paving (final specification TBA)

Boundary Treatments:

- Existing timber fence boundary
- 1.8m high brickwork walling to match existing
- Powdercoated railings and gates with brick piers to gates as separate detail

Landscaping:

All garden areas to be high quality turf

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

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Application	7
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Application Number:	21/02119/COU
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Application Type:	Full Planning
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Proposal Description:	Change of use of land to domestic curtilage.
At:	Havercroft Bawtry Road Hatfield Woodhouse DN7 6BT

For:	Mrs Nicola Mitchell
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Third Party Reps:	There have been no representations.	Parish:	Hatfield
		Ward:	Hatfield

Author of Report:	Rebecca Larder
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SUMMARY

The proposal seeks full permission for the change of use of land to domestic curtilage. This proposal is retrospective as the landowner had previously enclosed the land to include it within the residential unit. The site lies within the Countryside Policy Area and is being presented to committee as it represents a departure from the Development Plan.

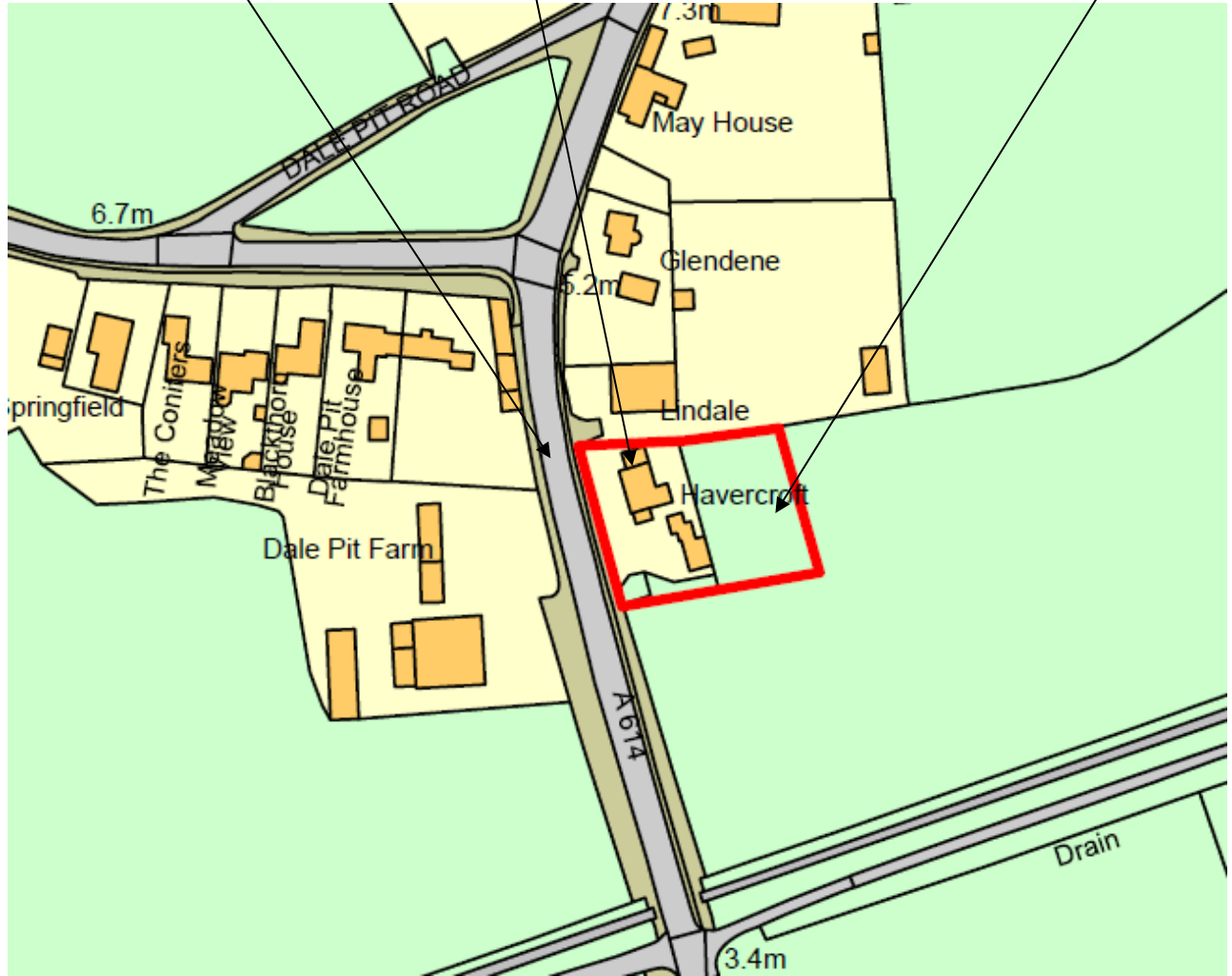
This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to the openness of the countryside or the wider character of the area.

RECOMMENDATION: GRANT planning permission subject to conditions

A614/Bawtry Road

Main dwelling

Application site



1.0 Reason for Report

The application is being presented to committee as it represents a departure from the Development Plan.

2.0 Proposal and Background

- 2.1 This application seeks permission to change the use of land to residential curtilage. Additional land to the rear of the property has been enclosed and used in association with the property at Havercroft over the last 5 years.
- 2.2 A householder application was submitted in March 2021 where by it came apparent that land to the rear of the property had been incorporated within the curtilage although it was not within the approved planning unit. The applicant confirmed the boundary had been altered prior to them buying the property in 2020. Historic images indicate this was done between 2015 and 2021.
- 2.3 Wooden post and rail style fencing has been erected around the land to the very rear in line with the neighbouring properties rear boundary however; the proposal is to enclose only a proportion of this land. It is proposed this fencing is retained to the side and a new native hedge will create the boundary line to the rear. No other operational development is proposed under this application.
- 2.4 There is an existing wooden building on the site, which has previously been used as a stable. This building lies slightly outside the original curtilage therefore is unauthorised. The retention of this building will be considered separately under application 21/00854/FUL which is currently pending consideration.

3.0 Site Description

- 3.1 The site is the last residential plot in the street and opens out onto green fields. The site has been grassed over and enclosed with open post and rail style wooden fencing. The main dwelling is a small bungalow which is built in a light buff brick and has white UPVC windows and doors.
- 3.2 There are a range of different properties within the street scene including cottages, single houses and bungalows. The neighbouring properties to the North of Havercroft generally have larger rear gardens extending further back into the countryside.

4.0 Relevant Planning History

- 4.1 The relevant planning history is as follows:

Application Reference	Proposal	Decision
21/00854/FUL	Erection of extensions and alterations to the existing bungalow, erection of front boundary wall and retention of existing storage building.	Pending consideration

5.0 Site Allocation

5.1 The site is located within Countryside Policy 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 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.

5.7 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.

5.8 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.

5.9 Paragraph 174 states decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside

5.10 Local Plan

5.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:

- 5.12 Policy 1 sets out the Borough's settlement hierarchy, seeking to preserve the openness of the Countryside. Doncaster's Countryside Policy Area is defined as that outside of the Green Belt and beyond defined 'Development Limits' as shown on the Policies Map. Proposals for new development in the Countryside Policy Area, including those which support the rural economy, will be supported where in accordance with Policy 25.

Policy 25 states that residential development would be supported where it would not have a visual impact prejudicial to the character of the building or the amenity of the countryside.

Policy 41 states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions, respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.

Policy 43 states that development proposals will be supported where they recognise and reinforce the character of local landscapes; are of a high quality design that contributes to local distinctiveness and respond positively to their context, setting and site features.

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

5.13 Other material planning considerations and guidance

-
- 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 neighbour notification, site notice, council website and press advertisement. The application has been advertised as a departure from the development plan.

- 6.2 No representations were received.

7.0 Relevant Consultations

- 7.1 **National Grid** – No comments received.

- 7.2 **Yorkshire Water** – No objections to make.

- 7.3 **Drainage** – No objections.
- 7.4 **Environment Agency** – no comments received.
- 7.5 **Planning Policy (housing)** – No objections.
- 7.6 **Parish Council** – No comments received.

8.0 **Assessment**

- 8.1 The proposal seeks full planning permission for the change of use of land to residential curtilage

Principle of development

- 8.2 The application site lies within the Countryside Policy Area as defined in the adopted Local Plan. Policy 25 allows for extensions and alterations to existing dwellings, although there is no specific policy in relation to the extension of residential curtilage part 2,G would be most appropriate which states development would be supported where it would not have a visual impact prejudicial to the character of the building or the amenity of the countryside.
- 8.3 Policy 41 states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions, respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale. Whilst the entire site is washed over by Countryside, in this case, the Local Planning Authority consider the harm created by the change of use to be limited and there would be no significant benefit to the Countryside by refusing permission. Whilst the proposal would increase the domestic curtilage, it would not extend beyond the limit of neighbours to the north.

Sustainability

- 8.4 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
- 8.5 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order for sustainable development to be 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

- 8.6 Policy 44 of the Local Plan seeks to ensure that proposals have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. The land in question sits adjacent to the neighbouring garden at Lindale. There are large

trees and hedgerows separating the two gardens as such it is not considered there the proposal would cause harm to residential amenity.

- 8.7 It is proposed that permitted development rights be removed from the site, although this will primarily be to protect the character and openness of the countryside from further built form this will also protect the amenity of the neighbouring properties by controlling future development.

Conclusion on Social Impacts.

- 8.8 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 44 of the Local Plan.

8.9 ENVIRONMENTAL SUSTAINABILITY

Impact upon the openness of the Countryside

- 8.10 Whilst there is no specific policy in relation to the extension of residential gardens within the countryside, the most appropriate policy would be Policy 25 part 2,G, that states development will be supported where it would not have a visual impact prejudicial to the character of the building or the amenity of the countryside.
- 8.11 The Local Plan Policies Map shows the original curtilage as being small in comparison to the adjoining garden to the north of the site. Whilst the whole length of land has been enclosed in line with the neighbouring boundary, the proposed boundary is lesser than this enclosing only half of the additional land therefore mitigating a significant encroachment into the countryside.
- 8.12 The proposal would not harm the countryside as the land does not currently add to its intrinsic nature and beauty as it is currently subdivided off in line with the neighbour. Recognising the intrinsic character and beauty of the countryside is a key consideration in planning decisions (NPPF para 174 (b)). By reducing the length of the garden area, the site will retain a similar character as the original unit and minimise the impact on the openness of the countryside. Given the extent of the neighbouring rear gardens, it would be logical for the property to extend its residential curtilage to a similar degree.
- 8.13 It is proposed that the existing post and rail style fencing will be retained to the side and a native hedge will be added to the rear boundary. The fence is of an agricultural style and will reflect the character of the countryside. Similarly, the proposed hedge would complement the green character of the countryside and reflect other style boundary treatments in the street scene therefore is in accordance with Policy 41 of the Local Plan.
- 8.14 It is proposed permitted development rights are removed to control further development in terms of built form and further protect the openness of the countryside. Removal of permitted development rights will mean that any future built development will automatically require planning permission where the individual merits can be considered.

Conclusion on Environmental Issues

8.15 In summary, it is not considered the proposal would significantly harm the character of the area or openness of the countryside and that the environmental impact of the proposed development is acceptable.

8.16 ECONOMIC SUSTAINABILITY

8.17 It is not considered the proposal would see any economic benefit therefore carries limited weight in favour of the application.

8.18 Conclusion on Economy Issues

8.19 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.

8.20 Whilst the economic benefit of the proposal is minimal 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.

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. The Local Planning Authority 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.

11.0 RECOMMENDATION

Planning permission be **GRANTED** subject to the following conditions;

Conditions

01. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority. Permitted development rights for Schedule 2 Part 1 Classes A to E of The Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) will no longer apply to this property.

REASON

The Local Planning Authority considers that further development could cause detriment to the character and openness of the countryside and

wider area and for this reason would wish to control any future development to comply with policy 25 and 41 of the Doncaster Local Plan.

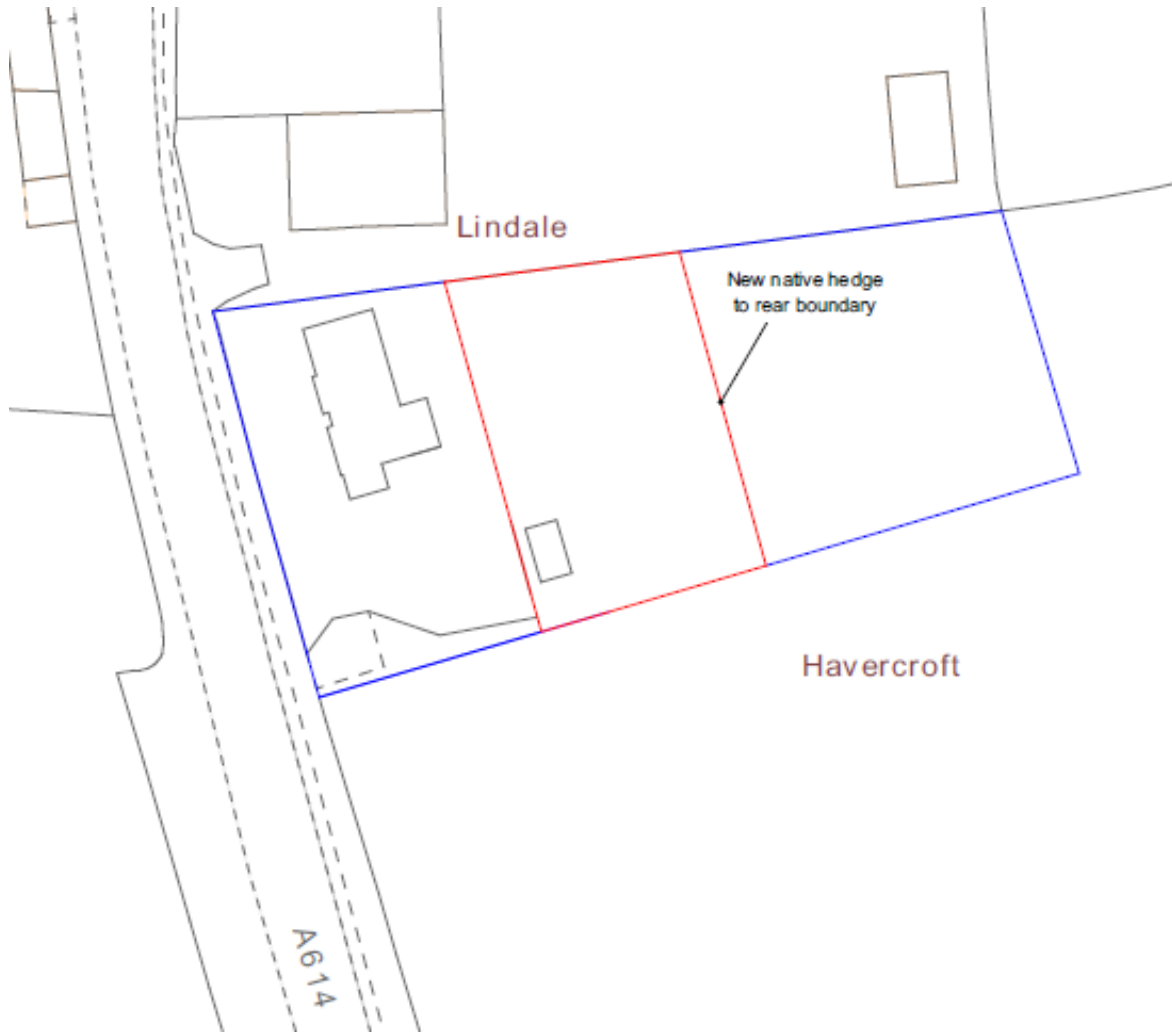
02. Within 3 months of the date of decision works shall be undertaken to ensure that the boundary treatment is in accordance with the site plan dated 28/09/2021 hereby approved and shall be retained as such unless otherwise agreed in writing with the Local Planning Authority.

REASON

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

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: Area of Land to be enclosed.





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 29/09/21]

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 29/09/21]

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 29/09/21]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 29/09/21]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 29/09/21]

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

EQUALITY IMPLICATIONS [Officer Initials IH Date 29/09/21]

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

CONSULTATION

15. N/A

BACKGROUND PAPERS

16. N/A

CONCLUSIONS

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
20/02761/FUL	Erection of 2 storey rear extension and creation of dressing room in the loft space, and erection of detached garage/workshop following demolition of existing garage with laurel hedge around the boundary and gates to the front and the addition of a detached outbuilding to the rear. (Without compliance of condition 2 of Application Reference Number: 20/00949/FUL granted on 01/07/2020) RETROSPECTIVE at 17 Westwood Road, Bawtry, Doncaster, DN10 6XB	Appeal Allowed 20/09/2021	Rossington And Bawtry	Committee	Yes
20/03392/FUL	Erection of two storey extension to the side, partially over existing side ground floor extension at 89 Stoops Lane, Bessacarr, Doncaster, DN4 7RS	Appeal Dismissed 15/09/2021	Bessacarr	Delegated	No
21/00162/ADV	Display of illuminated 48-sheet advertisement display and ancillary vertical meadow. at Filling Station , 81 Church Way, Doncaster, DN1 2RE	Appeal Dismissed 21/09/2021	Town	Delegated	No
20/03375/FUL	Erection of 2 metre high boundary fence at 1 Raintree Court, Cusworth, Doncaster, DN5 8XF	Appeal Allowed 03/09/2021	Roman Ridge	Delegated	No
20/01214/CPE	Certificate of existing lawful use for tyre storage and stock for retail. at Land Adjacent, 58 Beckett Road, Wheatley, Doncaster	Appeal Allowed 15/09/2021	Town	Delegated	No
19/00188/M	Appeal against enforcement action for alleged unauthorised running of sweet shop business in garage under grounds A and C. at 38 Hawthorne Crescent, Mexborough, S64 9EL	ENF- Appeal Dismissed, ENF Notice Upheld 15/09/2021	Mexborough		No

20/03323/FUL	Siting of a storage container to replace existing damaged container (RETROSPECTIVE). at SupaSave Food Store, Chestnut Grove, Conisbrough, Doncaster	Appeal Dismissed 16/09/2021	Conisbrough	Delegated	No
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REPORT AUTHOR & CONTRIBUTORS

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Dan Swaine
Director of Economy and Environment



Appeal Decision

Site Visit made on 25 June 2021 by G Sibley MPLAN MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Appeal Ref: APP/F4410/D/21/3271564

17 Westwood Road, Bawtry, Doncaster DN10 6XB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Tom Lewis against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/02761/FUL, dated 6 October 2020, was refused by notice dated 8 January 2021.
 - The application sought planning permission for erection of 2 storey rear extension and creation of dressing room in the loft space and erection of detached garage/workshop following demolition of existing garage with laurel hedge around the boundary and gates to the front and the addition of a detached outbuilding to the rear without complying with a condition attached to planning permission Ref 20/00949/FUL, dated 1 July 2020.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows: Proposed plans (garage and outbuilding) Rev 7 – amended 25/6/20 Proposed plan (floor plans and elevations) Rev 7 – amended 25/6/20 Site plan (including tree protection) Rev 1 – amended 25/6/20.
 - The reason given for the condition is: To ensure that the development is carried out in accordance with the application as approved.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of 2 storey rear extension and creation of dressing room in loft space and erection of detached garage/workshop following demolition of existing garage with laurel hedge around the boundary and gates to the front and the addition of a detached outbuilding to the rear at 17 Westwood Road, Bawtry, Doncaster DN10 6XB in accordance with the application Ref: 20/02761/FUL dated 8 January, without compliance with condition number 2 previously imposed on planning permission Ref: 20/00949/FUL dated 1 July 2020 and subject to the following conditions:
 - 1) Within 6 months of the date of this decision works shall be undertaken to ensure that the development is completed in accordance with the approved plans listed: Existing and proposed plans (garage & outbuilding) DWG No 023/02 Rev 11; and Existing and proposed plans DWG No 023/01 Rev 10.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. An application for costs was submitted by the Mr Tom Lewis against Doncaster Metropolitan Borough Council for the award of full costs and this is subject to a separate decision.

Preliminary Matters

4. An outbuilding has been built in the same location of the approved outbuilding, but the outbuilding was not built in accordance with the approved plans. Additionally, the extension and garage have also been built. For the purposes of this appeal the decision has been based upon the plans submitted with this appeal rather than what has been built on site, although elements of what has been built on site are the same as what is proposed.
5. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been addressed within the appeal decision.

Main Issues

6. The application was refused at planning committee against the officer's recommendation and as such, the reasons for refusal are limited to the decision notice which only makes reference to the outbuilding. Based on the scale and appearance of the extension and garage those elements of the proposal would not cause harm to the character and appearance of the host dwelling or the street scene. As such, the decision will focus upon the effect of the proposed outbuilding upon the living conditions of the neighbouring occupiers with regard to outlook, overlooking and odour as well as the effect of the proposed outbuilding upon the character and appearance of the surrounding area.

Reasons for the Recommendation

Living conditions

7. The originally approved outbuilding had a pitched roof and would have been around 4.43 metres (m) tall from the ground level. Based on the information before me, the outbuilding that has been built is taller than this. The proposed outbuilding would replace the pitched roof with a mansard-style roof with a flat top. This would bring the height of the building, taken from the ground level, to approximately 4.43m which would be the same height as the approved outbuilding that the appellant could build regardless of the outcome of this appeal.
8. Some of the other elements that the appellant has applied for have already been built which includes the log burner and flue, swapping a door and window,

- removing two rooflights, the insertion of a circular window and the inclusion of an AC unit.
9. The outbuilding has been built in the corner of the garden which is located along the shared boundary of the rear gardens for No 15 Westwood Road and No 6 Binbrook Court. Further to this, the rear elevation of the outbuilding is visible from the front garden of No 3 Leeming Court to the rear. The outbuilding is separated from the side boundary for No.1 Leeming court by a covered seating area and a row of leylandii trees.
 10. Planning permission has already been granted for an outbuilding that would be around 4.43m tall that would also be the same width and depth as the proposed outbuilding. Consequently, the baseline assessment would be whether the outbuilding as proposed would have a greater harmful effect upon the neighbouring occupiers living conditions compared to the already approved outbuilding.
 11. Given the depth of the rear gardens for the neighbouring dwellings and the scale and siting of the proposed outbuilding, the proposal would not appear overbearing from either the ground floor or the first floor of those surrounding dwellings compared to the already approved outbuilding.
 12. The outbuilding would be most visible from the rear garden of No 15, given the low-level boundary treatment and the orientation of the gardens. Because the outbuilding is located more centrally from the rear of No 15, it would occupy a greater proportion of the outlook from the rear of the garden, compared to the other neighbouring gardens.
 13. Given the pattern of development in the area, it is not unusual for there to be views of dwellings to the rear and as such, the view of a residential outbuilding would not be unexpected within this setting. Whilst the outbuilding would be closer to the rear gardens than the surrounding dwellings, the outbuilding would be noticeably smaller in scale. Additionally, the roof of the outbuilding is generally all that is visible above the boundary treatment and the ridge height of the proposed outbuilding would be reduced noticeably from the as built outbuilding.
 14. The outbuilding has been located in the corner of most of the neighbouring gardens and as a result, the outlook from the rear of these dwellings across the majority of these gardens remains open and unaffected by the proposal. Whilst the outbuilding has been located more centrally for No 15, given the depth and width of No 15's garden, the proposed outbuilding, whilst taller than the boundary fencing, would not enclose the rear of the property. As a result, the proposal would not result in an unacceptable erosion of the usability of the neighbouring garden compared to the already approved outbuilding.
 15. The outbuilding would appear taller from No 3 Leeming Court, but given the changes in ground level, the outbuilding would be viewed from the front of the dwelling and the rear garden would be unaffected by the proposal. Additionally, the outbuilding would be located towards the corner of the front garden and as such, it would only occupy one corner of the outlook from the front of the dwelling. Further to this, the outbuilding would be located a sufficient distance from the front of the dwelling to ensure that it would not enclose the outlook from the front to such a degree to create a significantly less pleasant place to use and live in compared to the already approved outbuilding.

16. Whilst the building that has been built does have a first floor, the proposal would not. The proposed outbuilding would be single storey and given the angle of the proposed roof light, the occupiers of No 17 would not be able to overlook the garden for No 1 Leeming Court from the outbuilding. Additionally, the windows to the side and rear would be at ground floor level which would ensure the occupiers would not have an opportunity to overlook No 6 Binbrook Court or No 1 Leeming Court's rear gardens or No 3 Leeming Court's front garden which are bound by relatively tall boundary treatments.
17. The circular window would have a timber fixed louvre which would limit any possible issues with overlooking of No 15 Westwood Road. Additionally, because the building would not have a first floor, there would be no opportunities for overlooking into No 15's garden from the that window.
18. The log burner shown on the plans would be Department for Environment, Food and Rural Affairs approved and because of this there are already regulations in place to ensure that any smoke created by the log burner would be safe to inhale. Further to this, the Senior Environmental Health Practitioner for the Council noted that the proposed log burner would be on the exempted appliances list within the smoke-controlled area that the site is located within. Consequently, the occasional use of the log burner within the outbuilding would not create a harmful or unusable living environment for the neighbouring occupiers.
19. Therefore, the proposed outbuilding would not cause harm to the living conditions of the occupiers of the neighbouring dwellings. Accordingly, the proposal would comply with Policy CS1 of the Doncaster Council Core Strategy 2011 – 2028 (adopted 2012) (CS) which expects development to ensure healthy, safe place where existing amenities are protected. Additionally, the proposal would comply with paragraph 130 (f) of the National Planning Policy Framework (the Framework) which looks to ensure that developments create places that have a high standard of amenity for existing and future users.

Character and appearance

20. The outbuilding is located to the rear of the dwelling and because of this, it is not overly visible from Westwood Road. Given the scale of the building and the relatively low-level boundary treatment in the area as well as the pattern of development, there are glimpsed views of the outbuilding from the surrounding roads. Nevertheless, the timber building has the appearance of a large outbuilding and as such, it does not appear out of context within this residential setting.
21. The proposed outbuilding would be shorter than the as built outbuilding and because of this it would not be as visible within the wider street scene. Additionally, compared to the size of the host dwelling, the proposed outbuilding would be subservient in both scale and appearance. Further to this, the outbuilding would occupy a comparatively small percentage of the garden and would not overdevelop the site. Accordingly, the glimpsed views of the proposed outbuilding with the mansard roof would also not appear out of context within the surrounding area.
22. The flue would be slightly taller than the overall height of the proposed building. Nevertheless, external flues are not uncommon additions to residential buildings. As such, the scale and appearance of the of the flue would

not appear incongruous on the proposed building. Additionally, given the height of the flue and the location of the outbuilding, it would not be particularly visible within the street scene and as such would not cause harm to character and appearance of it.

23. Therefore, whilst the outbuilding would be visible within the wider street scene, the appearance of the outbuilding would not cause harm to the character and appearance of the surrounding area. As a result, the proposal would comply with Policy CS14 of CS which states the development should ensure that the development proposed is robustly designed, works functionally and is attractive. Additionally, the proposal would comply with guidance contained within the Doncaster Council Development Guidance and Requirements: Supplementary Planning Document (adopted 2015) which states that outbuildings should be well designed in relation to the dwelling, compatible with the character of the area and designed and sited to minimise visual intrusion.

Other Matters

24. The proposal is for a residential outbuilding within a residential garden and as such it would not represent an uncommon precedent within the area where there are already a number of outbuildings. In any event, each planning application and appeal is to be considered on its own individual merits. Consequently, a generalised concern of this nature is not sufficient reason to refuse the proposal.
25. Concerns were raised during the determination of the original application and the construction of the outbuilding with regard to the differences between the finished floor level and the ground floor level of the outbuilding and how this affected the overall height of the building. To address this, the proposal before me shows the height of the building from the ground level. This would ensure that the height of the building shown on the plans is the height of the building that would be built.
26. Air conditioning units are common additions for residential buildings and are typically built to run quietly because of this. Additionally, given the likely infrequent use of the AC units in the garage and outbuilding, the units are not expected to create a significant noise disturbance to such a degree that they would cause harm to the neighbouring occupiers living conditions.
27. The Courts have held that planning is concerned with land use in the public interest so the effect of the proposed development upon the value of the neighbouring properties is a private interest and cannot therefore be a material consideration in the determination of the appeal.
28. Given the size of the surrounding gardens as well as the scale of the proposed building, the limited overshadowing that would be caused by the building would be focussed in the corners of the gardens. Accordingly, the gardens as a whole would not be detrimentally overshadowed by the proposal.
29. If the appellants sought to use this building as a separate residential unit, then they would have to seek planning permission to do so. The appeal would not grant planning permission for the outbuilding to be used in this manner.

Conditions

30. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
31. A condition requiring the work to be completed in accordance with the approved plans listed within 6 months of the decision would be necessary in the interests of certainty.
32. The original permission included a condition that required the erection of fencing and the installation of the cell-web system for the protection of trees during construction. Given that the changes to the appearance of the outbuilding would not require changes to the footing of the building and because the extension and garage have already been completed, it would not be necessary to include this condition.
33. A condition requiring the external surface materials used in the construction of the outbuilding match the existing building would be necessary in the interests of the character and appearance of the area.

Conclusion and Recommendation

34. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

35. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal subject to the conditions listed above.

Martin Seaton

INSPECTOR



Costs Decision

Site visit made on 25 June 2021 by G Sibley MPLAN MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Cost application in relation to Appeal Ref: APP/F4410/D/21/3271564 17 Westwood Road, Bawtry, Doncaster DN10 6XB

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, Section 250(5).
 - The application is made by Mr Tom Lewis for the full award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was made against the refusal of planning permission for erection of 2 storey rear extension and creation of dressing room in the loft space and erection of detached garage/workshop following demolition of existing garage with laurel hedge around the boundary and gates to the front and the addition of a detached outbuilding to the rear without complying with a condition attached to planning permission Ref 20/00949/FUL, dated 1 July 2020.
-

Decision

1. The application for the award of costs is refused.

Procedural Matter

2. The following report has been prepared by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding whether to make an award of costs.

Reasons for the recommendation

3. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
5. Whilst the decision was made contrary to the officer's recommendation at planning committee, this in and of itself is not unreasonable behaviour, so long as the reasons for refusal were clearly set out in the decision notice. The committee members carried out an objective analysis of these elements of the proposal and substantiated its refusal reasons with reference to relevant policy considerations in relation to the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings as well the character and appearance of the area.

6. For the reasons set out in my report relating to the associated appeal decision I disagreed with the Council on the planning merits of the scheme. Whilst I disagreed with the Council's assessment of the proposed development, the weight attributed to the material considerations of a case is matter of planning judgement by the decision maker which was the planning committee in this instance. Whilst the applicant has concerns about the handling of the application, vague, generalised or inaccurate assertions about the proposal's impact were not made in the reasons for refusal.
7. The applicant was disappointed with the Council's handling of the application, procedures and subsequent outcome. However, its submissions were, on balance, sufficient to substantiate its case and its behaviour and actions at the time of the planning application have not resulted in unreasonable behaviour or unnecessary or wasted expense at appeal stage.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's costs report above, and, on that basis, I too agree and conclude the applicant has failed to demonstrate unreasonable behaviour resulting in unnecessary expense as described in the PPG. The application for costs is therefore refused.

Martin Seaton

INSPECTOR



Appeal Decision

Site visit made on 21 June 2021 by Darren Ellis MPlan

Decision by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/F4410/D/21/3272971

89 Stoops Lane, Bessacarr, Doncaster, DN4 7RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Choudry against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/03392/FUL, dated 8 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed is described as a 2 storey extn to the side partially over existing side g.f. extn.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been taken into account within the appeal decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the street scene.

Reasons for the Recommendation

5. The appeal property is a two-storey detached dwelling with a two-storey extension¹ on one side and a single-storey element to the other side. The dwelling also has a centrally positioned front porch, and overall the dwelling has a balanced and largely symmetrical appearance. The proposed development would see the erection of a two-storey side extension in place of the single-storey element.

¹ Planning application ref. 17/02663/FUL

6. The proposed extension would be flush with the existing front elevation of the dwelling and the roof would be the same height as the main roof. The extension would therefore not be subservient to the original dwelling, although it would have the same relationship to the original dwelling as the existing side extension. However, when combined with the existing side extension then the extensions would overwhelm the original dwelling and totally alter its character and appearance. Furthermore, the proposed extension would result in the front porch being off-centre, which would unbalance the appearance of the dwelling and eradicate its symmetry. Consequently, the proposal would not be sympathetic to the proportions or design of the main house.
7. This part of the street is characterised by detached dwellings in generous plots, with a mix of housing designs and materials. The dwellings have varying amounts of separation to the adjacent buildings, and a few of the properties have first-floor extensions above existing garages or two-storey side extensions built up to or close to the boundary. However, no details of any planning permissions for these extensions have been provided, so I do not know whether they were permitted under the same national or local policy context and, consequently, whether these examples are directly comparable to the proposal before me. Moreover, this appeal has been determined on its own merits.
8. In this case, the existing two-storey side extension has been built in very close proximity to the boundary with No 91, with a narrow gap to allow a side path. However, owing to the limited scale of both the single-storey side element at the appeal property and the garage at No 87, there is a generous gap between the dwelling and No 87 at the first-floor level which makes a positive contribution to this part of Stoops Lane.
9. The introduction of built form at first-floor level in this location would add substantial mass to the dwelling, resulting in the apparent bulk of the building being considerably increased. Even though a small gap would remain between the front of the proposed extension and the northern boundary, as a result of the curvature of the plot, the rear of the extension would be immediately adjacent to the boundary of No 87. Although the adjacent building is a single storey garage, the spaciousness around the appeal property would be eroded and as such the dwelling would appear cramped in its plot. Consequently, the proposal would detract from the character and appearance of the host dwelling and the street scene. The use of matching materials and fenestration as proposed would not mitigate this harmful effect.
10. For these reasons, I conclude that the proposal would be harmful to the character and appearance of the host dwelling and the street scene. The development would therefore conflict with saved policy ENV54 of the of the Doncaster Unitary Development Plan (July 1998) and the guidance in paragraphs (a) and (b) of section 2.12 of the Development Guidance and Requirements: Supplementary Planning Document (July 2015) (SPD). These all seek to ensure that extensions are sympathetic in scale and general design to the host dwelling.
11. The decision notice also cites a conflict with paragraph (c) of section 2.12 of the SPD, which requires an extension to respect the living conditions of neighbours. The Council states in its delegated report that the proposed extension would not cause any harm to the occupiers of neighbouring

properties and would therefore be policy compliant in this regard. Based on the evidence before me I have no reason to disagree with this conclusion. Paragraph 2.12(c) of the SPD is therefore not relevant to the reason for refusal.

Other Matters

12. I understand the appellant's desire to provide additional and enhanced habitable space for his family. This private benefit of the proposal carries limited weight in favour of the scheme but does not outweigh the harm that has been identified.
13. For the reasons given above and having had regard to all other matters raised, I find that there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Nick Davies

INSPECTOR

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Appeal Decision

Site Visit made on 7 September 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/F4410/Z/21/3273164

St. George Filling Station, Church Way, Doncaster DN1 2RE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Clear Channel UK Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/00162/ADV, dated 19 January 2021, was refused by notice dated 17 March 2021.
 - The advertisement proposed is erection of illuminated 48-sheet advertisement display and ancillary vertical meadow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the amenity of the area and on public safety.

Reasons

Amenity

3. The appeal site is located adjacent to a busy highway (Church Way) in a built-up area characterised by a mix of uses including commercial, education and residential uses. In the immediate vicinity of the appeal site there are other signs. However, none are of the form and scale of the proposal before me.
4. The proposed sign would be in a prominent position adjacent to a junction. The position of the existing petrol filling station set back from Church Way and the scale of the buildings on Chappell Drive results in a somewhat open quality to this part of the road. A dominant tree at the junction makes a positive contribution to the visual amenity of the area by adding a soft, natural contrast to the built environment.
5. Digital advertisements of the size and form proposed are commonly experienced in an urban transport network. Moreover, I'm told that the proposal would be no taller than the totem sign and similar in height to the canopy at the petrol filling station. Even so, the scale and massing of the proposal would dominate the junction and detract from the open aspect and view of the tree on the approach from the south west.
6. Although there are no plans before me, removing the vertical meadow, as suggested by the appellant, would still result in an elevated obtrusive and

dominant display due to its width and height. Even for a temporary period of 5 years this would be to the detriment of the visual amenity of the area.

7. The level of illumination and rate that individual adverts change could be controlled. However, the change of display would still draw the eye, exacerbating the harm I have identified from the physical scale and massing of the proposal in this location.
8. I therefore find that the proposal would have a harmful effect on the visual amenity of the area.

Public safety

9. The proposed digital display would be prominent to motorists travelling north east along Church Way. Although the recorded accident incidents data demonstrates that the site is not a 'black spot', it does indicate a degree of sensitivity, due to the small number of recorded incidents, including one adjacent to the appeal site. I have, in any case, made my own assessment of the proposal before me.
10. The change in display would draw the eye, encouraging a motorist to look towards the display to see the new advert, even though it would be an almost instant change. At this section of Church Way vehicles have just exited a roundabout and approach the entrance to the petrol filling station and traffic signals.
11. The position of the advert would not obscure views of the traffic signals for approaching traffic and the appellant advises that vehicles would likely experience no more than 2 images when passing. However, a distraction at this point, even a brief distraction, could lead to a collision as vehicles approach the signals.
12. Proposed conditions would control, amongst other things, the luminance levels, the frequency of change of advertisements and measures to prevent flashing and moving images. However, the matters covered by the conditions would not overcome my fundamental concern over the potential distraction caused by a changing advert in this location.
13. I therefore find that the proposal would prejudice public safety in the area.

Other Matters

14. The Council has cited Policy ENV58 of the Council's Unitary Development Plan (1998) and Policy CS14 of the Council's Core Strategy (2012), as well as the National Planning Policy Framework, in its reasons for refusal. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, these matters have not, themselves, been decisive in my determination.

Conclusion

15. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR



Appeal Decision

Site visit made on 3 August 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2021

Appeal Ref: APP/F4410/D/21/3274217

1 Raintree Court, Cusworth, Doncaster, DN5 8XF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Mark & Margaret Newby against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/03375/FUL, dated 4 December 2020, was refused by notice dated 10 February 2021.
 - The development proposed is the erection of 2 metre high boundary fence.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2 metre high boundary fence at 1 Raintree Court, Cusworth, Doncaster, DN5 8XF in accordance with the terms of application ref: 20/03375/FUL, dated 4 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Map showing the site location unique plan reference p8buk/548118/742302; and the annotated map showing the position of the fence unique plan reference b90cuk/548118/742299.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of the development shown on the Appeal Form describes the proposed fence as being 740cm in length, however the submitted drawing, appeal statement and the Council's delegated report all refer to the proposed fence as being 5m in length. The description of development on the Planning Application Form includes a 2m fence along the side of the property adjacent to the highway, however this part of the scheme was removed during the original application. For these reasons, in the banner heading above I have used the description of development shown on the Decision Notice which accurately describes the proposal.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national

policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

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

Reasons for the Recommendation

6. The appeal site comprises a detached two-storey dwelling located on a corner plot at the junction of Ferndale View and Raintree Court. A low fence with a conifer hedge behind forms the side boundary and part of the rear boundary of the appeal property, with the remainder of the rear boundary of the appeal site consisting of a brick wall with fence panel inserts. Boundary treatments to nearby properties include walls, fences, hedges and railings of various heights.
7. The proposed fence would be 2m in height and would project for a length of 5m from the existing rear brick wall. The proposed fence would project slightly forwards of the property at No 44 Ferndale View, however the fence would finish 4m from the pavement, with the existing low fence and conifer hedge being retained for the remainder of the rear boundary and the side boundary. Although the fence would be visible from directly in front of No 44, it would not have a significant effect on the character and appearance of the street as a result of the set-back from the highway and the presence of the existing fence and hedge for the remainder of the rear boundary. The fence would also blend in with the existing boundary treatments visible in the street and would not appear as an unduly high or incongruous addition. The existing conifer hedge effectively encloses the space and the short stretch of fencing would have no greater impact on the character of the area in terms of openness.
8. For the reasons given above, the proposal would not cause harm to the appearance and character of the street scene. The proposal would therefore accord with policy CS14 of the Doncaster Council Core Strategy (May 2012) and saved policy ENV54 of the Doncaster Unitary Development Plan (July 1998) which both require development to reinforce local character and integrate well with its surroundings. The proposal would also comply with the principles set out in paragraph 2.12 of the Doncaster Council Development Guidance and Requirements: Supplementary Planning Document (July 2015) which require, amongst other things, for development to be of an appropriate scale and proportion and that it takes reference from the character of the area. Furthermore, the proposal would accord with the design aims of the National Planning Policy Framework.

Other matters

9. Representations from the neighbour at No 44 Ferndale View included concerns regarding highway and pedestrian safety and the effect of the proposed fence on the visibility splay for the driveway at No 44. The proposal was amended so that the visibility splay and the existing fence and hedge to the side of the

appeal property would be unchanged. I also note that the Highway Authority raised no concerns to the amended proposal. Given the above, the fact that the conifer hedge already has a similar impact to the proposed fence in terms of visibility and the likelihood that vehicles leaving and entering the driveway are likely to do so at low speed, I have no reason to disagree with the Council's conclusion that the proposal would not detract from highway safety.

10. The representations from No 44 also referred to a boundary dispute, the transfer between the developer and the owner of the appeal property, and several restrictive covenants. These matters are civil matters and as such fall outside the scope of this appeal.

Conditions

11. I recommend the standard time limit condition and a condition specifying the approved plans to provide certainty and in the interests of proper planning.

Conclusion

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree with the recommendation and shall allow the appeal and grant planning permission subject to the conditions listed above.

Chris Preston

INSPECTOR

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Appeal Decision

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2021

Appeal Ref: APP/F4410/X/20/3274241

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

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Nigel Wroe against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/01214/CPE, dated 4 May 2020, was refused by notice dated 12 February 2021.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is tyre storage and stock for retail tyre business.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development (LDC) describing the use which is found to have been lawful on the date that the application was validly made.

Preliminary Matters

2. The description of the use set out above is taken from the application form but the Council's decision notice and the appeal form both gave alternative descriptions. The parties have now agreed that the use for which an LDC is sought is 'open-air tyre storage facility ancillary to the tyre fitting business'. I shall consider the appeal on the basis of the agreed description of the use and on the understanding that the tyre fitting business is that at 52 Beckett Road.
3. The agreed description is consistent with the use that was found to be immune from enforcement action in 2 appeal decisions dated 20 June 2021¹. While I have had regard to those decisions, I have reached my decision in this appeal based on the evidence presented.
4. With the agreement of the parties, a site visit was not undertaken.

Main Issue

5. The main issue is whether the Council's decision to refuse to issue an LDC was well-founded. This turns on whether the appellant can show, on the balance of

¹ APP/F4410/C/20/3255529 and APP/F4410/C/20/3255614

probability, that the open-air tyre storage facility ancillary to the tyre fitting business is lawful due to the passage of time. The evidence should show the use began on or before 4 May 2010, which is the relevant date, and has continued thereafter without significant interruption.

Reasons

6. In an LDC appeal the burden of proof is on the appellant to produce evidence. However, if there is no other evidence to contradict or otherwise make his version of events less than probable, there is no good reason to refuse the appeal, provided the appellant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
7. The appellant's statutory declaration confirms that the appeal site was under the sole control of his late father until February 2007 and has been under his personal control since. In a separate statutory declaration, the appellant's brother confirms that he has traded as South Yorkshire Tyre Centre Limited (SYTC) from 52 Beckett Road and has stored tyres and stock in trade on the appeal site continuously since 1990, albeit with fluctuations in activity. Until 1997 the land included a building, which SYTC also used for storage.
8. The appellant confirms that, after a fire destroyed the building in April 1997, SYTC used the land for open storage of tyres and stock. It entered a formal lease with the appellant for storage of tyres and stock in trade of the tyre business on the land on 1 August 2007. The appellant's brother confirmed, in a statutory declaration dated 23 June 2020, that he continued to lease and use the land for those purposes.
9. While the lease arrangements do not appear to have been documented prior to August 2007 there is no evidence before me to make the sequence of events outlined in the statutory declarations less than probable.
10. Even allowing for the possibility of a brief period of inactivity following the fire, there is no evidence to suggest that the land was not in use for storage at any time during the period described above. Accordingly, the Council could have taken enforcement action at any time, but it did not do so until 27 May 2020, more than 10 years after the relevant date.

Conclusion

11. For these reasons I conclude, on the evidence now available, that the refusal to grant an LDC in respect of an open-air tyre storage facility ancillary to the tyre fitting business at 52 Beckett Road was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Mark Harbottle

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 4 May 2020 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and hatched in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use of the land as an open-air tyre storage facility ancillary to the tyre fitting business at 52 Beckett Road was instituted on or before 4 May 2010 and continued thereafter without significant interruption.

Signed

Mark Harbottle

Inspector

Date: 15th September 2021

Reference: APP/F4410/X/21/3274241

First Schedule

Open-air tyre storage facility ancillary to the tyre fitting business at 52 Beckett Road

Second Schedule

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

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan

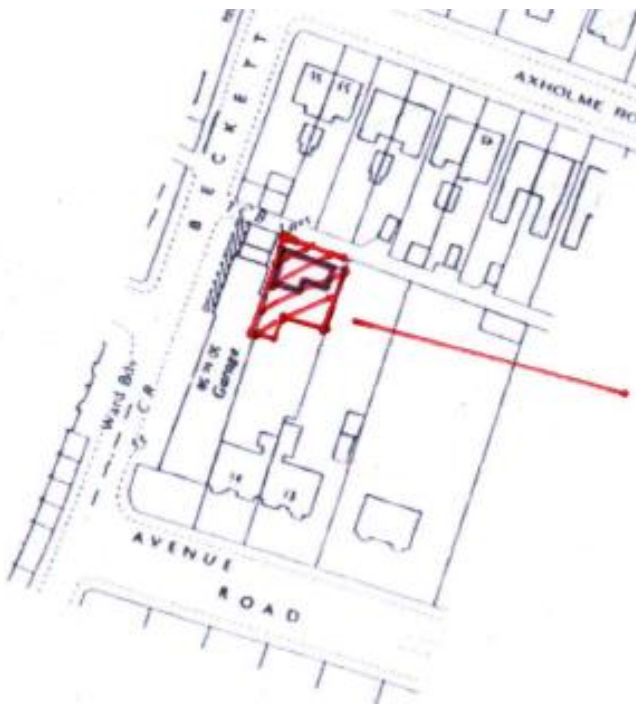
This is the plan referred to in the Lawful Development Certificate dated: *****

by **Mark Harbottle BSc MRTPI**

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

Reference: APP/F4410/X/20/3274241

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Appeal Decision

Site visit made on 10 August 2021

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15TH SEPTEMBER 2021

Appeal Ref: APP/F4410/C/21/3274845

Land at 38 Hawthorn Crescent, Mexborough, Doncaster S64 9EL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mark Roberts, Sweet Memories against an enforcement notice issued by Doncaster Metropolitan Borough Council.
 - The enforcement notice was issued on 27 April 2021.
 - The breach of planning control as alleged in the notice is, without planning permission, the unauthorised change of use of a residential outbuilding within the curtilage on the land for the running of a commercial sweet shop business (Use Class E(a)).
 - The requirements of the notice are (i) Cease the use of the land as a commercial sweet shop business; and (ii) Remove all stock and associated equipment pertaining to the commercial sweet shop business in their entirety from the land.
 - The period for compliance with the requirements is one month from the date upon which the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (c) of the Town and Country Planning Act 1990 as amended (the Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

The appeal on ground (c)

2. For the appeal to succeed on this ground, the appellant needs to demonstrate that the use of the outbuilding for the running of a commercial sweet shop business does not constitute a breach of planning control, because it is not development or does not require planning permission.
3. While the appellant was advised that planning permission would not be required, that was in respect of alterations to the outbuilding. The notice does not include any alterations to the outbuilding in the alleged breach of planning control and it does not require any building works to be removed.
4. In contrast, the Council advised that a proposed retail unit would constitute a material change of use requiring planning permission. A subsequent application for a retail use comprising sale of sweets and household goods¹ was refused. While I understand an appeal against that refusal was dismissed, only limited

¹ 19/02635/FUL, refused 19 February 2020

details have been provided. Nevertheless, it is apparent that the need for planning permission for the use was not disputed. No evidence to suggest that the use of the outbuilding as a commercial sweet shop business does not require planning permission has been presented in this appeal.

5. The character of the use of the outbuilding as a sweet shop business is different from that associated with a typical residential use, particularly in terms of activity generated by deliveries and customers. Accordingly, a material change of use requiring planning permission has occurred and the appeal on ground (c) must fail.

The appeal on ground (a)

6. The main issue in this appeal is the effect of the use of the outbuilding as a commercial sweet shop business on the living conditions of nearby residents.

Reasons

7. The appeal premises are within a quiet residential area and close to neighbouring dwellings. The increased activity associated with a retail use would not protect local amenity and would harm residential amenity through noise generated by deliveries and visitors and, potentially, through excessive traffic. Accordingly, the use of the outbuilding as a sweet shop is contrary to saved policy PH12 of the Doncaster Unitary Development Plan and policy CS1 of the Doncaster Council Core Strategy 2011-2028.
8. The examination of the emerging Doncaster Local Plan 2015-2035 (the emerging plan) has concluded. The plan has been found to be sound, subject to the recommended main modifications. The Council anticipates it will adopt the plan by Autumn 2021. The emerging plan is therefore at an advanced stage and significant weight may be afforded to its policies. The emerging plan provides support for non-residential uses that do not cause unacceptable loss of residential amenity. However, as noted in the assessment against current development plan policies, that would not be the case in this instance.

Other matters

9. The appellant considers the sweet shop benefits him and his family, his community, and the local area. While it is possible for such benefits to align with the objectives of Core Strategy policy CS1, no further explanation of the benefits, or their significance, has been provided. As a result, only limited weight may be afforded to this aspect of the appellant's case and it therefore does not alter or outweigh my findings on the main issue. Accordingly, the appeal on ground (a) must fail.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Mark Harbottle

INSPECTOR



Appeal Decision

Site Visit made on 7 September 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/F4410/W/21/3276251

Supasave Food Store, Chestnut Grove, Conisbrough, Doncaster DN12 2JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jatheesan Gunarajah against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/03323/FUL, dated 30 November 2020, was refused by notice dated 14 April 2021.
 - The development proposed is originally described as re-place the damage container.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises siting of a storage container to replace existing damaged one. The Council dealt with the proposal on this basis and so shall I.
3. The container is already in situ at the site, I am therefore considering the appeal as retrospective.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party.
5. The Council in their statement of case, have referred to policies within the emerging Doncaster Local Plan 2015-2035 (DLP). The DLP has been independently examined by an Inspector and the Council are preparing main modifications. Most relevant to this appeal are emerging Policy 10, 41 and 42. As such, in accordance with paragraph 48 of the Framework, and given its advanced stage of the plan preparation, I have afforded these policies moderate weight.

Main Issues

6. The main issues are (i) the effect of the development on the character and appearance of the area; and (ii) the effect of the development on the living conditions of neighbouring occupiers, with regard to overshadowing and outlook.

Reasons

Character and appearance

7. The appeal site relates to a parcel of amenity land which is enclosed to the south of a detached brick shop building, 'Supasave Food Store'. It is located within an established residential estate and faces onto Chestnut Grove, with a large hardstanding area to the frontage. The appeal site sits alongside the shop, bounded by a brick wall, gate and in part hedgerows. The garden area of No.2 Palm Grove directly (No.2) adjoins the site to the south and is separated by a wooden boundary fence.
8. The area is predominantly residential in nature and features rows of terrace and semi-detached properties, in render and artificial stone with generous separation distances between blocks. Properties feature low level boundary treatments with open views across both properties and garden areas. Despite the shop building being at odds with the residential character, detached and in conflict to the appearance of nearby dwellings. The appeal site itself, is grassed in part and offers a level of openness to the area with views being afforded from both Chestnut Grove and the entrance of Ellershaw Lane, by the relatively low mesh gate, wall and wraparound hedgerow that encloses it.
9. However, the container is clearly discernible within those views, and given its colour, size and industrial appearance, it appears rather oddly in comparison to the immediate and wider domestic and residential character of the street scene. The container is visually intrusive, and this is exacerbated by the substantial length, width, height and colour of it, resulting in an incongruous structure to the detriment of the immediate and wider street scene. Therefore, the container appears as a discordant feature causing harm to the character and appearance of the area.
10. For the reasons given above, I conclude that the proposal causes harm to the character and appearance of the area. It would be in conflict with Policy CS14 of the Doncaster Core Strategy 2011-2028, 2012 (CS), which requires all proposals to be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area. It would also be at odds with the guidance contained in the Council's SPD¹ relating to design principles for commercial development.
11. Moreover, it would be in conflict with emerging Policy 41 and 42 of the DLP, which amongst other things only supports development where they are of high quality design that contributes to local distinctiveness and integrate visually and functionally with the immediate and surrounding area at street and plot scale.

Living Conditions

12. The container is situated in close proximity to the boundary with No.2. The boundary between the appeal site and No. 2 is separated by a fence of moderate height. As I observed at the time of the site visit, and due to the design of the wooden panels of the fence. There were glancing views of the enclosed private outdoor amenity area, including a seated patio and lawn area directly adjacent to the boundary.

¹ Doncaster Council Development Guidance and Requirements: Supplementary Planning Document (July 2015)

13. Given the substantial width and height of the container and that it is positioned on raised ground supports, it results in it being excessively higher than the boundary fence with No.2. Therefore, when viewed from No.2 it is highly visible from their garden and would be seen as an oppressive, overbearing, and dominant structure causing harm to the outlook for any existing or future occupiers of No.2. This is further exacerbated for No.2 as there is a noticeable change in ground levels with the garden area set at a lower level to the appeal site.
14. Furthermore, due to its scale, excessive height and being within such close proximity to the shared boundary, it is likely to cause some overshadowing to the garden area of No.2. As such, the siting of the container is significantly harmful to the living conditions of No.2, particularly when viewed by occupiers of No.2 from their garden area and to the detriment of their right to enjoy the private outside amenity space.
15. Moreover, due to its overall scale, materials, colour and height it appears as a dominant and unsightly addition when viewed from the adjacent residential properties, including first floor rear windows of No.2, No.4 Palm Grove and the flat above the shop. Resulting in it being seen as an overbearing, excessively large and oppressive container to the detriment of living conditions of nearby occupiers.
16. For the reasons given above, I conclude that the proposal causes harm to the living conditions of neighbouring occupiers, with regard to overshadowing and outlook. It would be in conflict with Policy CS14 of the CS and Saved Policy PH12 of the Doncaster Unitary Development Plan, 1998, taken together these policies require new development to have no unacceptable negative effects upon the amenity of neighbouring land uses; and permits such development that does not cause unacceptable loss of residential amenity.
17. It would also be in conflict with emerging Policy 10 of the DLP, which supports the establishment or increase of non-residential uses of appropriate scale provided they would not cause unacceptable loss of residential amenity, for example unsightliness.

Other Matters

18. The Council have referred to CS Policy CS1, I have no evidence that the container is not fit for purpose or any substantive evidence that it attracts pests or vermin. Therefore, I have given this limited weight.
19. The appellant's evidence heavily relies on that it is a replacement container for a previous one on site. I have not been provided with any evidence that a previous container was lawfully sited within/or on the land, its size or design. I did observe at the time of the site visit that there is an additional white container on the site. Nonetheless, no details are provided of this container and it is not the subject of this appeal. Therefore, its planning status would be a future matter for the Council. In any case, I must consider the appeal on its individual merits on the basis of the evidence before me.
20. In regard to the container providing much needed storage space for the shop and is a benefit for the community. I have not been provided with any evidence of the floor area or layout of the shop, nature of items that would solely rely on storage within the container that would prevent internal or alternative storage

solutions. I accept that the shop would be used by nearby residents due to its location on the estate. However, it appears that the container could only benefit the shop owner as customers would not directly use the container to shop.

21. Neither have I been provided with any substantive evidence that the container would minimise theft of storage within the shop, matters of crime that may have taken place within the shop or within a mile of the premises are for the regulatory authority to deal with.
22. These matters, however, do not outweigh my findings in respect of the harm I have found to the character and appearance of the area and living conditions of existing occupiers, nor the conflict I have found with the development plan read as a whole. Moreover, it would also conflict with the emerging policies contained within the DLP, Policies 10, 41, 42 of which I have afforded moderate weight.

Conclusion

23. The development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed

K A Taylor

INSPECTOR