



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, 1st March, 2022

Time: 2.00 pm

PLEASE NOTE: There will be limited capacity in the public gallery for observers of the meeting. If you would like to attend to observe in person, please contact the Planning Department by email tsi@doncaster.gov.uk or telephone 01302 734854 to request a place, no later than 2.00 pm on Monday, 28th February, 2022. 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. If you do not notify the Planning Department in advance you may still be able attend the meeting on the day if there are spaces available, however, this cannot be guaranteed. You are therefore strongly encouraged to contact us in advance if you wish to attend to avoid any disappointment or inconvenience. For anyone attending the meeting masks are to be worn (unless medically exempt) when moving around the civic office and Council Chamber but can be removed once seated.

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Damian Allen
Chief Executive

Issued on: Monday, 21 February 2022

Governance Services Officer for this meeting **Amber Torrington**
Tel: 01302 737462

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

1. Apologies for Absence.
 2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
 3. Declarations of Interest, if any.
 4. Minutes of the Planning Committee Meeting held on 1st February, 2022. 1 - 12
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications. 13 - 130
 6. Revisions to the Conisbrough Conservation Area Boundary. 131 - 180
- For Information**
7. Appeals Decisions. 181 - 220

Members of the Planning Committee

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

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

Public Document Pack Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 1ST FEBRUARY, 2022

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER on TUESDAY, 1ST FEBRUARY, 2022, at 2.00 pm.

PRESENT:

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

Councillors Iris Beech, Steve Cox, Aimee Dickson, Charlie Hogarth, Andy Pickering and Gary Stapleton.

APOLOGIES:

Apologies for absence were received from Councillors Daniel Barwell and Sophie Liu.

54 Declarations of Interest, if any

In accordance with the Members' Code of Conduct, Councillor Garry Stapleton declared that in relation to Application No 21/02845/FULM, Agenda Item No.5 (1) he lived adjacent to the Application site.

55 Minutes of the Planning Committee Meeting held on 11th January, 2022

RESOLVED that the minutes of the meeting held on 11th January, 2022 be approved as a correct record and signed by the Chair.

56 Schedule of Applications

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

57 Appeal Decisions

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
20/03082/O UT	Outline application for erection of a residential	Appeal Dismissed 23/12/2021	Finningley	Delegated	No

	development of up to 5 dwellings (access and principle only to be considered) (amended access and red line boundary) at Land West Of, Station Road, Blaxton, Doncaster				
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58 Planning Enforcement Quarterly Report - December 2021

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

During consideration of the report, Councillor Steve Cox sought clarification with regard to the non-implementation of a Zebra Crossing in connection the application for the erection of a 75 bed Care Home, Liberty House, on Goodison Boulevard, Cantley. In response, the Team Manager for the Enforcement Team, Scott Forbes, undertook to provide Councillor Cox with a progress report on the issue in due course.

At the conclusion of the debate on the report, the Chair, Councillor Susan Durant, requested that an informal meeting be arranged for Members of the Planning Committee involving Officers from the Enforcement, Highways and Conservation Teams, to consider the issue of Conservation Areas.

RESOLVED that:-

- (1) all Planning Enforcement Cases received and closed for the period for 1st October to 31st December, 2021, be noted;
- (2) a progress report on in relation to the non-implementation of a Zebra Crossing in connection the application for the erection of a 75 bed Care Home, Liberty House, on Goodison Boulevard, Cantley, be forwarded to Councillor Steve Cox; and
- (3) an informal meeting be arranged for Members of the Planning Committee involving Officers from the Enforcement, Highways and Conservation Teams, to consider the issue of Conservation Areas.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 1st February, 2022
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Application	1
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Application Number:	21/02845/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of a 2 storey houseblock, extension to existing car park (34 spaces), proposed storage facility, modular storage building and refurbishment of part of existing building to provide dentistry facility within secure perimeter fence at HMP Hatfield Category D Prison
At:	HMP Hatfield, Thorne Road, Hatfield, Doncaster

For:	Mr Stephen Sumitomo-Wyatt
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Third Party Reps:	1 Letter of objection	Parish:	Hatfield Parish Council
		Ward:	Hatfield

A proposal was made to grant the Application.

Proposed by: Councillor Charlie Hogarth

Seconded by: Councillor Steve Cox

For: 8 Against: 0 Abstain: 0

Decision: Planning permission granted subject to the deletion of Condition 27 and the amendment of Conditions 2, 5, 15, 18, 22, 23 and 24 to read as follows:-

- 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:-**

- **Housing Block Elevations (274842-5316-RSD-036-XX-DR-A-2011 REV P01 dated 22.11.21)**
- **New accommodation block site section (274842-5316-AHR-036-XX-DR-L-0832 REV P03 dated 22.11.21)**
- **Roof Plan (274842-5316-RSD-036-R2-DR-A-2004 REV P01 dated 22.11.21)**
- **Attic Floor Plan (274842-5316-RSD-036-02-DR-A-2003 REV P01 dated 22.11.21)**
- **First Floor Plan (274842-5316-RSD-036-01-DR-A-2002 REV P01 dated 22.11.21)**
- **Ground Floor Plan (274842-5316-RSD-036-00-DR-A-2001 REV P01 dated 22.11.21)**
- **Parking Plan incl. EVC Points (274842-5316-AHR-201-XX-DR-L-9960 REV P11 dated 15.12.21)**
- **Sections A-A, B-B (274842-5316-RSD-036-XX-DR-A-2026 REV P01 dated 22.11.21)**
- **Hatfield - Accommodation block 01 -1-200 site section (274842-5316-AHR-036-XX-DR-L-0832 REV P2 dated 20.8.21)**
- **Hatfield - Building Section A1 (274842-5316-AHR-036-XX-DR-A-2028 REV P2 dated 22.8.21)**
- **Hatfield - Building Section CC & DD (274842-5316-AHR-036-XX-DR-A-2022 REV P2 dated 20.8.21)**
- **Site Layout Plan (274842-5316-AHR-000-XX-DR-L-9930 REV P08 dated 15.12.21)**
- **Block Plan (274842-5316-AHR-036-XX-DR-L-9934 REV P04 dated 15.12.21)**
- **New Modular Building (274842-5316-AHR-036-XX-DR-L-9933 REV P05 dated 22.11.21)**
- **Arboricultural Method Statement (274842-5316-AHR-000-XX-R-L-9800 dated 16.12.21)**
- **Arboricultural impact assessment (274842-5316-MEN-000-XX-SU-X-0007 REV P02 dated August 2021)**

- **Tree protection plan (274842-5316-AHR-000-XX-DR-L-9800 REV P01 dated 16.12.21)**
- **Technical note- external envelope materials - planning (274842-5316-ESS-000-XX-RP-W-9001 REV P02)**
- **Landscape and Visual Impact Assessment (274842-5316-PEG-000-ZZ-RP-X-0005 REV P03 dated 25/11/2021)**
- **Site wide landscape plan (274842-5316-AHR-000-XX-DR-L-9931 REV P03 dated 15/12/2021)**
- **New Accommodation Block Planting Plan and Schedule (274842-5316-AHR-036-XX-DR-L-9981 REV P01 dated 22/11/21)**
- **BREEAM 2018 New Construction Issue 3.0 (Rev 03 dated 28.5.21)**
- **Addendum to Transport Statement (including Transport Statement and Travel Plan) (274842-5316-CAU-000-XX-RP-C-9304-S3-P05 dated 17.12.21)Construction Environmental Management Plan (EF01 REV 1)**
- **Energy Statement (274842-5316-BCL-000-XX-RP-ME-9002 dated 13.8.21)**
- **Design and Access Statement (274842-5316-AHR-000-XX-RP-A-9140 REV P04 dated 7.9.2021)**
- **Drainage Strategy (274842-5316-CAU-000-XX-RP-C-9301_S3-P04 dated 22.11.21)**
- **Site location plan (274842-5316-AHR-000-XX-DR-A-9900 REV P05 dated 17.8.21)**
- **Modular Storage Container Location Plan (274842-5316-AHR-037-00-DR-A-9901 REV P05 7.9.21)**
- **Ground Investigation Report (274842-5316-ESS-000-XX-RP-W-8055 dated July 2021 REV P01 Report No: 6829a/GIR)**
- **Noise Impact Assessment (274842-5316-PAC-000-XX-RP-Y-0001 REV P03 dated 3.9.2021)**
- **Heritage Statement (274842-5316-PEG-000-ZZ-RP-X-0004 REV P02 dated 03.09.2021)**
- **Planning statement (274842-5316-CUS-000-XX-RP-T-001 REVP03 dated 12/08/2021)**

- **BNG Calculations submitted 16.9.21**
- **Flood Risk Assessment ((274842-5316-CAU-000-XX-RP-C-9303_S3-P03 dated 02.09.21)**
- **New Accommodation Block Existing and Proposed Levels (274842-5316-AHR-036-XX-DR-L-9935 REV P02 dated 22/11/2021)**
- **Existing & Proposed Dentistry Elevations (274842-5316-AHR-029-00-DR-A-9100 REV P04 dated 07.09.21)**
- **Ecological Walkover survey 274842-5316-MEN-000-XX-SU-X-0003 RT-MME-154096A-03_(Eco_Walkover) Rev A and Ecological Mitigation Strategy (274842-5316-MEN-000-XX-SU-X-0005-RT-MME-154096A-04_(EMS) Rev B dated September 2021**
- **Air Quality Assessment (274842-5316-ESS-000-XX-SU-X-0001_P02 REV2 August 2021)**
- **Extended phase 1 Habitat Map (274842-5316-ESS-000-XX-DR-W-8054 REV P01)**

REASON

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

05. No development approved by this permission shall be commenced prior to a remediation strategy, together with a timetable of works (in accordance with the approved Ground Investigation Report), being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

- 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, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

- 15. All surface water run-off from the proposed development 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 shall be approved by the Local Planning Authority prior to the commencement of the development and they shall be fully operational before the proposed development site is brought into use.

REASON

To avoid pollution of the public sewer and land drainage system.

- 18. Within 3 months of the commencement of development a Management Plan for the creation and management of the 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 at the proposed development.

-Objectives relating to the timescales in which it is expected to progress towards meeting target habitat conditions will be achieved.

-A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.

-That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 3, 5, 10, 15, 20, 25 and 30)) immediately following habitat creation.

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

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

REASON

To ensure the habitat creation on site and subsequent management measures are sufficient to deliver a greater than 10% net gain in biodiversity as required by the Local Plan policy 30B

- 22. Prior to first use of the development a Road Safety Audit Stage 1 and 2 will need to be undertaken on the proposed layout to ensure an independent assessment of any safety concerns associated with the new access/layout arrangements i.e. single point of entry/exit and any changes to the signing and lining.**

REASON

In the interest of highway safety.

- 23. The development must take place in accordance with the submitted BREEAM pre-assessment and meet the agreed 'excellent'. Within 6 months of occupation of any building, a post construction review should be carried out by a licensed assessor and submitted for approval. This will enable the planning condition to be fully discharged.**

REASON

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

- 24. Within 3 months of the commencement of the development (including any demolition, earthworks or vegetation clearance) hereby approved full details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. Unless as shall be specifically approved by the Local Planning Authority, the landscape scheme shall include a plan indicating the planting location of all trees and shrubs; a schedule including the nursery stock specification for all shrubs and trees in compliance with British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs and planting density/numbers; a detailed specification for engineered tree pit construction that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements supplementary planning document and a load-bearing capacity equivalent to BS EN 124 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a maintenance specification and a timescale of implementation, which shall be within 3 months of completion of the development or alternative trigger to be agreed. Thereafter, the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified prior to backfilling any engineered tree pits to inspect and confirm compliance and within seven days of the completion of landscape works to inspect and approve practical completion in writing. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.**

REASON

These details have not been fully provided and are required prior to commencement of development to ensure that a landscape scheme is implemented in the interests of environmental quality and compliance with Local Plan Policy 32.

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

(Receipt of amendments to the report regarding the deletion of Condition 27 and the amendment of Conditions 02, 5, 15, 18, 22, 23 and 24, were reported at the meeting.)

Application	2
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Application Number:	21/01109/FUL
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Application Type:	Full Planning
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Proposal Description:	Landscape works to area within the walled garden at Hooton Pagnell Hall to create new car parking area, a wildflower garden and a way finding lighting scheme.
At:	Hooton Pagnell Hall, Hooton Pagnell Village Streets, Hooton Pagnell, Doncaster, DN5 7BW

For:	Mr Mark Norbury
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Third Party Reps:	8 letters of objection	Parish:	Hooton Pagnell
		Ward:	Sprotbrough

A proposal was made to defer the Application for a Site Visit in order to assess the impact on the neighbouring dwellings located to the North of the walled garden and for clarification on the drainage including how contaminants would be intercepted in the proposed porous drainage scheme.

Proposed by: Councillor Andy Pickering

Seconded by: Councillor Steve Cox

For: 6 Against: 0 Abstain: 2

Decision: The Application be deferred for a Site Visit in order to assess the impact on the neighbouring dwellings located to the North of the walled garden and for clarification on the drainage including how contaminants would be intercepted in the proposed porous drainage scheme.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Ms Alison Hope 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 Alan Sampson, on behalf of the Applicant, spoke in support of the application for the duration of up to 5 minutes.

(Receipt of an additional Condition 15 was reported at the meeting.)

DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 1st March 2022

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.

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

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1. SV	21/01109/FUL	Sprotbrough	Hooton Pagnell Parish Council
2. M	20/01774/TIPA	Edenthorpe And Kirk Sandall	Barnby Dun /Kirk Sandall Parish Council
3.	21/02978/OUT	Norton And Askern	Norton Parish Council
4.	20/03548/FUL	Finningley	Cantley With Branton Parish Council

Application	1.
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Application Number:	21/01109/FUL
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Application Type:	Full Planning
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Proposal Description:	Landscape works to area within the walled garden at Hooton Pagnell Hall to create new car parking area, a wildflower garden and a way finding lighting scheme.
At:	Hooton Pagnell Hall Hooton Pagnell Village Streets Hooton Pagnell Doncaster DN5 7BW

For:	Mr Mark Norbury
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Third Party Reps:	8 letters of objection	Parish:	Hooton Pagnell
		Ward:	Sprotbrough

Author of Report:	Nicola Elliott
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SUMMARY

The proposal seeks full permission for landscape works to area within the walled garden at Hooton Pagnell Hall to create new car parking area, a wildflower garden and a way finding lighting scheme. The car park is contained within a former walled garden and is not significantly visible from outside the site therefore it is not considered that the proposal represents harm to the openness of the Green Belt. Furthermore, it is not considered inappropriate development in the Green Belt in that it is ancillary to an existing, permitted, use.

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

The application was deferred from Planning Committee on the 1st February 2022 for a Site Visit in order to assess the impact on the neighbouring dwellings located to the North of the walled garden and for clarification on the drainage including how contaminants would be intercepted in the proposed porous drainage scheme.

RECOMMENDATION: APPROVE subject to conditions

B6422

Application site



Access road

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee due to the level of opposition to the proposal. The application was deferred from the previous Planning Committee on the 1st February 2022 for a Site Visit in order to assess the impact on the neighbouring dwellings located to the North of the walled garden and for clarification on the drainage including how contaminants would be intercepted in the proposed porous drainage scheme. At the time of the writing of this report the Site Visit was being scheduled for 25th February 2022. Further clarification in respect of drainage can be found in paragraph 9.41.

2.0 Proposal and Background

- 2.1 This application seeks full permission for landscape works to area within the walled garden at Hooton Pagnell Hall to create new car parking area, a wildflower garden and a way finding lighting scheme. This will provide event parking for guests attending the hall. A separate Listed Building Consent application has been submitted alongside this application, although the Conservation Officer does not believe that this is required and as such is not presented to Planning Committee.
- 2.2 The Design and Access Statement states that currently the parking within the grounds only accommodates those guests who are booked in to use the accommodation associated with the Hotel. The parking will provide 43 additional car park spaces for those guests who wish to park their vehicles at the venue during an event. Typically, events held on site have guest numbers of between 80 to 150. Guest arrival times are dictated by the event start time, which would generally be between 11.30am to 2.00pm. Occasionally later arrivals may occur for those clients wishing to invite additional guests to an evening function; in which case some cars may arrive between 6-8pm. In each case, the arrival period is short due to events being by invitation only with specified timings.
- 2.3 The total amount of land to be converted will be 2,220m², with approximately 57% being converted into parking bays and access tracks and the remaining 43% being developed for biodiversity.
- 2.4 The proposal does not seek to make any alteration to the walls and in order to protect the walls and vehicles parked within the walled garden the proposal includes for reclaimed stone to be laid approximately 600mm from the boundary. Lighting is also proposed, and there will be a planting scheme on the area not to be utilised as a car park.

3.0 Site Description

- 3.1 The site is situated to the north east of Hooton Pagnell Hall, a Grade II* listed building and is surrounded by 2.5m high stone wall. The hall forms the focus of a group of buildings associated with the Hall and the estate, most of which are grouped around courtyards to the south and east of the Hall, with many being separately Grade II listed.
- 3.2 The walled garden unlike the courtyard buildings is in a prominent position with respect to the formal north front of the Hall. It is not clear whether the original function of the garden was to provide food for the occupiers of the Hall or to provide

them with a private recreational area away from the eyes of the villagers to the north. OS maps from the latter half of the 20th century and remains of concrete bases within the garden suggest that the area last accommodated sheds or greenhouses. Whatever its origins or recent uses, the walls of the garden are prominently visible from the entrance courtyard though their impact is softened by extensive tree planting around the outside of the walls.

4.0 Relevant Planning History

4.1 The relevant planning history is as follows:

Application Reference	Proposal	Decision
06/00720/FUL	Erection of single storey detached dwelling on approx 0.23 ha of land	Refused 4 th September 2006 (Appeal dismissed 11 th January 2008)
16/02345/FUL	Proposed conversion of existing Tithe Barn & adjacent barns to a wedding venue and creation of additional parking area	Granted 07/04/2017
16/02347/LBC	Listed Building Consent for proposed conversion of an existing Grade II listed Tithe Barn & adjacent barns into a wedding venue.	Granted 07/04/2017
18/02137/FUL	Change of use of the existing Stable Block to Hotel accommodation.	Granted 14/01/2019
18/02138/LBC	Listed Building Consent for alterations to building in connection with planning application for change of use of the existing Stable Block to Hotel accommodation (18/02137/FUL).	Granted 14/01/2019
20/03165/LBC	Listed building consent for internal and external alterations, including conversion of attic space (Stable Block)	Granted 04.02.2021

5.0 Site Allocation

5.1 The site is located within the Green Belt and Hooton Pagnell Conservation Area, defined by Doncaster's Local Plan. Hooton Pagnell Hall is a Grade II* Listed Building.

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

- 5.14 Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.15 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.16 Paragraph 208 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.

5.17 Doncaster Local Plan

- 5.18 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:
- 5.19 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's 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 34 seeks to conserve Doncaster's historic environment.
- 5.25 Policy 36 sets out a number of principles to assess proposals which affect Listed Buildings or their setting.

- 5.26 Policy 37 sets out the principles to assess proposals which affect Conservation Areas or their setting.
- 5.27 Policy 42 deals with the need for good urban design.
- 5.28 Policy 54 requires the need to take into account air and noise pollution.
- 5.29 Policy 55 deals with the need to mitigate any contamination on site.
- 5.30 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.31 Policy 57 deals with the need to consider flooding.
- 5.32 Policy 58 deals with low carbon and renewable energy within new developments.

5.33 Other material planning considerations

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

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, neighbour notification, council website and press advertisement.
- 6.2 Following this publicity, a total of 8 letters of objection were received. A summary of the material planning issues raised is set out below:
- Impact on residential amenity from noise and disturbance and lighting – night and day
 - No very special circumstances to justify development in the Green Belt
 - Visible from upstairs windows
 - Negative impact on Conservation Area and Listed Buildings
 - Walled garden was not previously unkempt until recently, previously abundant with indigenous wildflowers, shrubs and small trees
 - Gravel surface will be noisy, exacerbated by the numbers of vehicles
 - Impact on health and wellbeing
- 6.3 Non material issues raised included the following
- Other land associated with the Hall would be more appropriate
 - The current car park is adequate
 - No need for the development

7.0 Parish Council

Hampole and Skelbrooke Parish Council

- 7.1 Objects for three principal reasons - the removal of a buffer zone between a significant growing business and the village, the adverse effect on the setting of listed buildings and the inappropriate nature of the development in Green Belt.
- 7.2 There are no very special circumstances to justify this inappropriate development in Green Belt. The proposal is therefore contrary to policies ENV10 of the UDP, policy CS3 of the Core Strategy, policy 2 of the emerging Local Plan and paragraphs 143 and 144 of the National Planning Policy Framework. *[Comments provided prior to adoption of Local Plan.]*

Marr Parish Council

- 7.3 Objects for the following reasons;
- Impact on the Grade I Listed church
 - No assessment of the other 28 Listed Buildings in the village
 - Inappropriate development in the Green Belt
 - Planning permission previously refused for this site and upheld at Appeal
 - Insensitive end use and not environmentally friendly
 - No electric vehicle parking
 - There would be no buffer between the Hall and residents as there currently is
 - Light, noise and air pollution impacts where currently there are none
 - Impact on residential amenity from cars arriving and departing, guests making noise at late times
 - Negative impact from lighting on residents
 - Loss of children's privacy
 - Access not wide enough for two cars to pass
 - Noise from gravel surface
 - Not suitable for wheelchair users and the elderly/infirm
 - Impact on ecology and trees

8.0 Relevant Consultations

8.1 Design and Conservation Officer

The proposal is broadly welcome as this area will be less intrusive on the setting of the listed buildings and Conservation Area than the previously approved location of car parking, although it should be confirm that this car parking will supersede the previously approved car parking to the south of the Tithe Barn rather than be additional to it. *[The proposal replaces this previously approved location]* The walls of the walled garden are also to be repaired which will be of long term benefit to the walls and to the setting of the listed Hall and its buildings. Given its position it will have minimal impact on the Conservation Area although would ask that conditions be added to minimise any significant light and noise pollution.

The proposal would therefore be considered to protect the setting of the listed hall and its buildings, and preserve the character and appearance of the conservation area. It is considered to be in accordance with saved policies ENV25 and 34 of the Doncaster UDP, emerging policies 36 and 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, policies updated accordingly within report].*

8.2 South Yorkshire Archaeology Service

Google maps shows the base of the former glasshouse within the walled garden but there is no mention of it at all in the heritage statement or pictures. The proposals would clearly have an impact if it remains (excavation of 150mm-200mm deep within walled garden) and evidence relating to the former glasshouse (construction materials, power supply, heating technology etc) could be damaged or destroyed. If the base still remains, a condition to secure a watching brief will be requested. *[At the time of writing this report, a response is still awaited from the applicant, this can ultimately be dealt with by condition which can be added by way of pre-committee amendment if necessary.]*

8.3 Historic England

Do not wish to offer any comments and suggest that the views of the Council's specialist conservation and archaeological advisers, as relevant, are sought.

8.4 National Grid

No comments received.

8.5 Pollution Control – Air Quality

Falls below air quality assessment criteria.

8.6 Pollution Control – Contaminated Land

Historic maps indicate that the site is not located on land subject to previous industrial use and the proposed development does not constitute a sensitive end use. As such, no further comment to make in relation to potential contaminated land and the impact upon human health.

8.7 Ecology

No objections, subject to condition for ecological enhancement.

8.8 Trees and Hedgerows

The Arboricultural Impact Assessment (AIA) and the Arboricultural Method Statement (AMS) (Report Reference: TCC-1463-1) appear to have made a fair assessment of the trees and the proposal in relation to them. If the access into the wall garden and the tree protection fencing can be installed as described in the AMS the proposal would be acceptable from a trees and hedgerows perspective, subject to condition.

8.9 Yorkshire Water

No comments received.

8.10 Drainage

No objections, subject to condition.

8.11 Environmental Health

No objections following review of the lighting design proposals, and subject to condition.

8.12 Highways

Following clarification that this will not result in additional traffic to the venue using the existing access, no objections.

8.13 Transportation

The proposal is to provide parking for event traffic. The Design and Access Statement indicates that the arrival and departure times are most likely to be outside traditional network peak hours. It also states that the 43 car parking spaces is ample to meet their needs, this number is not considered to generate trips which will have a severe impact on the highway network, therefore, there are no objections from a Transportation perspective.

9.0 Assessment

9.1 The proposal seeks full planning permission for landscape works to area within the walled garden at Hooton Pagnell Hall to create new car parking area, a wildflower garden and a way finding lighting scheme. In considering the proposal the main material planning considerations are outlined below:

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

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

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

Principle of development

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

9.4 Paragraph 147 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' Paragraph 148 of the NPPF states that new buildings should be

regarded as inappropriate development. There are however exceptions to this and part (b) includes; 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.

- 9.5 Part (g) includes; 'the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'
- 9.6 The proposed car park is not a new building. It is however a change of use of previously developed land which is now redundant and the overall use of the Hall, to which the walled garden is connected, is as an events venue. Therefore, providing that the car park does not harm the openness of the Green Belt, which will be assessed in a later section of this report, in accordance with the NPPF, the principle of the development is not considered inappropriate. The NPPF allows for other uses required in connection with an existing use, as such, it is not contrary to policy.
- 9.7 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.
- 9.8 If approved, it is not considered that the proposed car park would contribute to urban sprawl or coalescence of settlements, encroachment of the countryside, or would hinder urban regeneration. The impact on the setting and character of the Conservation Area and Listed Building is to be assessed later in this report.
- 9.9 A number of the objections comment that there is no need for the car park and it will be additional to the existing car park. The agent has confirmed that this is not the case and that the original car park site has not proved to be feasible. The area suffers from a high water table and problems have been encountered in inclement weather. The proposed scheme will replace the current car park site and will not be in addition to it. Access to the venue will be through the same route on Butt's Lane.
- 9.10 It is therefore not considered that the proposal represents inappropriate development and therefore does not need to demonstrate very special circumstances. The use is already present, and it is not considered that a car park to be contained within a walled garden, will harm the openness of the Green Belt.

Sustainability

- 9.11 The 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
- 9.12 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

- 9.13 Part A.2 of Policy 46 of the Doncaster Local Plan states that proposals for non-residential, commercial or employment developments will be supported where they are designed to have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. Paragraph 130 states that developments should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'
- 9.14 Many of the objections received raise concern with regard to the impact of the proposal on residential amenity, from the overall use as a car park adjacent property boundaries and the hours of use (which would be late at night given that many of the events hosted are weddings). Many do not wish to see a car park in this location from bedroom windows.
- 9.16 Whilst outlook is a material planning consideration, the right to a view is not. The fact that residents will be able to see cars parked in this location during an event, it is not considered to contribute to a poor outlook. When not in use, the outlook will be of a gravel surface with landscaping, retained behind the existing wall. The car park will not be visible from neighbouring properties gardens for ground floor accommodation. Therefore, it is not considered that the proposal would lead to a poor outlook for which planning permission could reasonably be refused. This also needs to be balanced with keeping the Hall in use in the interests of preserving a Listed Building for the future.
- 9.17 The impact of noise and disturbance is a material consideration, and in order to fully assess this, consultation has taken place with Environmental Health. In respect of the noise from guests leaving events which has been raised by concerned residents, the agent states that each of the events at Hooton Pagnell Hall is managed carefully and, aside from the main management team, security are also employed. Security will be deployed at the end of an event to help direct guests to their cars and ensure people are aware and respect the fact that there are properties nearby. There are currently several properties within the immediate vicinity of the Tithe Barn which are privately let and the management team are used to directing guests to ensure minimal disruption. Cars will be travelling at a maximum of 5mph in line with the wider site speed restrictions enforced during events. Hooton Pagnell Hall are not

aware of any historic complaints relating to the noise levels created by guests at any of its events. No objections have been received from Environmental Health.

- 9.18 There is no change to the proposed access, so there is no further impact here. The car park would be relocated however, and the closest residential property is The Old Vicarage. The Old Vicarage is set within a large garden, which is separated by a stone wall of approximately 2.5m in height, and 55cm thick. The closest part of the car park would be 27m from this property. St Chads adjoins The Old Vicarage so if further away from the proposed car park.
- 9.19 Concern has also been raised by residents with regard to light pollution. The agent has responded to this and states that 'the lighting scheme has been carefully designed in line with guidance from the IDA (International Dark-Sy Association). All lighting will be a colour temperature of 2700k and will be shielded to prevent upward light spill. All lighting proposed in the scheme has been manufactured specifically for applications such as this, where ecology and wellbeing are paramount. The management team will be able to operate the lighting remotely to ensure that it is only on when required (when guests leave) and lights will not be left on overnight.' Environmental Health have reviewed the lighting design proposals and raised no objections to the proposal.
- 9.20 As such, it is not considered that there will be adverse impact to residential amenity.

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

9.23 ENVIRONMENTAL SUSTAINABILITY

Impact upon the openness of the Green Belt

- 9.24 Paragraph 150 of the NPPF requires proposals to preserve the openness of the Green Belt and not to conflict with the purposes of including land in it. Part (e) of paragraph 150 lists material changes of use of land as a form of development which may not be inappropriate in the Green Belt.
- 9.25 The car park is to be screened by the existing walls of the walled garden which are approximately 3m in height. It is only likely to be viewed from neighbouring first floor windows. As such, it is not considered that this constitutes harm to the openness of the Green Belt. There are no additional highway problems given that the existing access is to be utilised. As such, the proposal is in conformity with the NPPF.

Highways

- 9.26 Policy 13 (A) of the Doncaster Local Plan requires new development to make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. Part 3 of the policy states that the Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards contained within Appendix 6 (of the Local Plan). Developments should also include provision for electric vehicle charging points, with fast charging infrastructure provided for use by short stay users. 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, which is consistent with part 6 of Policy 13 (A) of the Local Plan.
- 9.27 The Highways Officer originally raised concern to the proposal as it was considered to be an increase in vehicle movements utilising the existing access which was considered too narrow and poorly defined, limiting visibility. Concern was also raised with regard to the dimensions of the car parking spaces. However, as the applicant pointed out, the application is for a new car park, not the access or principle of the development as this was approved in 2016. The venue has established a one way system which is effective and vehicles are parked at the venue for a long time (given that it is a wedding venue) rather than repeatedly coming in and out. The proposed car park is to replace the existing which has drainage issues resulting in cars becoming stuck.
- 9.28 Following this clarification, the Highways Officer states that if this is not additional parking but replacement for the problematical existing parking, then they would be content that there will be a little or no impact between the existing and proposed layouts or have an adverse impact on the development. The applicant was however asked to check the parking dimensions for the parking layout which are set out in the South Yorkshire Residential Design Guide reference 4B.2.1.19 through to 4B.2.1.26 which covers, aisle widths, end space widths and those spaces next to grassed areas. If these measurements can be confirmed, which shouldn't be too onerous and that the use of the existing parking will be conditioned then highways would be happy to support the application.
- 9.29 The applicant reviewed the car parking and found only one bay to be tight. It was suggested that this bay be omitted if adequate spacing cannot be achieved on site, and this was agreed by the Highways Officer, as such there are now no objections on highway grounds.
- 9.30 Hooton Pagnell Hall were keen to ensure a sustainable scheme and have been in conversations with Doncaster Council about the allocation of electric charging points. Should the scheme be approved, then it is the applicant's intention to install at least two EV bays.
- 9.31 Therefore, it is considered that as the proposal would not constitute an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, there is no conflict with the Local Plan or the NPPF.

Impact on Conservation Area and Listed Building

- 9.32 The site is situated to the north east of Hooton Pagnell Hall, a Grade II listed building and is surrounded by 2.5m high stone wall. The hall forms the focus of a group of

buildings associated with the Hall and the estate, most of which are grouped around courtyards to the south and east of the Hall, with many being separately Grade II listed.

- 9.33 The walled garden unlike the courtyard buildings is in a prominent position with respect to the formal north front of the Hall. It is not clear whether the original function of the garden was to provide food for the occupiers of the Hall or to provide them with a private recreational area away from the eyes of the villagers to the north. OS maps from the latter half of the 20th century and remains of concrete bases within the garden suggest that the area last accommodated sheds or greenhouses. Whatever its origins or recent uses, the walls of the garden are prominently visible from the entrance courtyard though their impact is softened by extensive tree planting around the outside of the walls.
- 9.34 Recently the nearby 'Tithe Barn', one of the listed courtyard buildings mentioned above, has been converted sensitively into a wedding venue, and the adjoining listed stables is also being converted to provide auxiliary accommodation. As part of this car parking was to be provided in an area to the south of the Tithe Barn
- 9.35 The proposal is broadly welcome by the Conservation Officer, as this area will be less intrusive on the setting of the listed buildings and conservation area than the previously approved location of car parking, and it has been confirmed that this car parking will supersede the previously approved car parking to the south of the Tithe Barn rather than be additional to it. The walls of the walled garden are also to be repaired which will be of long term benefit to the walls and to the setting of the listed Hall and its buildings. Given its position it will have minimal impact on the conservation area and conditions can be added to minimise any significant light and noise pollution.
- 9.36 The Conservation Officer considers that the proposal would therefore be considered to protect the setting of the listed hall and its buildings, and preserve the character and appearance of the conservation area. It is considered to be in accordance with Policies 36 and 37 of the Local Plan and paragraphs 195, 197 and 199 of the NPPF on determining applications.
- 9.37 It noted that this application is accompanied by a Listed Building Consent (LBC) but there does not appear to be anything that would affect any walls and/or build features associated with the adjoining listed buildings and therefore LBC is not required.

Archaeology

- 9.38 Policy 39 (B) of the Doncaster Local Plan states that development affecting other archaeological assets will need to demonstrate how any benefits will outweigh harm to the site. When development affecting such sites is justifiable, the Council will seek to ensure preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for appropriate investigation and recording including excavation in accordance with Policy 35.
- 9.39 A late consultation response was received from South Yorkshire Archaeology Service (SYAS) as detailed in the above consultation comments. The matter of concern related to whether or not the former greenhouse base remain and if so, a condition for a Watching Brief will be required. Confirmation has been sought from the applicant and the response is awaited. Once confirmation is provided, this will

inform if the condition is required and this can be added as a pre-committee amendment.

Flooding and Drainage

- 9.40 The application site lies within an area designated as Flood Risk Zone 1 and has a low probability of flooding. The site is also less than a hectare in size and a flood risk assessment is not required. The Council's drainage team have been consulted and raise no objections, subject to condition.
- 9.41 At the Planning Committee held on the 1st of February 2022, Members requested clarification on the drainage including how contaminants would be intercepted in the proposed porous drainage scheme. Following consultation with the Council's Drainage team, the drainage team agree that interceptors will not work if the car park is porous. It is therefore suggested that alternative methods for pollution control are designed in accordance with the SuDS Manual C753 with detailed explanation as to how pollution risk will be minimised and treatment train provided. Condition 10 should cover all SuDS features and would therefore deal with this concern.
- 9.42 As such, in accordance with policy 56 of the Local Plan and the NPPF, it is not considered that there are any flooding or drainage issues which would prevent approval of the application, which carries considerable weight.

Trees and Landscaping

- 9.43 Policy 32 of the Doncaster 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 safety have been avoided. Following consultation with the Council's Trees and Hedgerows Officer, a Tree Survey was requested. All the trees within and overhanging the proposed development site are within the Hooton Pagnell Conservation Area and the Tree Officer considered that whilst there was no objection to the parking within the walled garden area of the hall, this part of the site is directly adjacent a well-established group of trees that help frame/buffer the northern edge of the hall and contribute to its setting/character.
- 9.44 As such, this is important because the new proposed hard surfaces could have a significant impact on the health and structure of these trees if it impacted on their rooting systems. Without the tree survey there wasn't enough information on the trees around the proposed car park to assess what potential impacts and encroachment the proposal would have. A tree survey was duly submitted, to which the Trees and Hedgerows Officer has no objections subject to a number of tree related conditions.

Ecology and Wildlife

- 9.45 Policy 29 of the Local Plan states that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks. The Council's Ecologist has been consulted on the application.
- 9.46 The Ecologist considers that the proposal would be an improved use of the land within the curtilage of the Hall. Some informal discussion with the applicants did take place prior to the submission of the application and what has been put down on the

plan equates to what was expected. The area is not quite big enough to require a biodiversity net gain assessment.

- 9.47 However it is considered that a plan with 'wildflower meadow' marked upon an area of the walled garden is sufficient to ensure that the wildflower grassland (meadow would be the wrong description) created will become established and will have the biodiversity value that was discussed with the applicants.
- 9.48 The Ecologist considers that the creation of the wildflower grassland area should be subject to a detailed specification. This should provide information on the ground preparation, seed mix used, application of seeds, aftercare and the indicators of good establishment. It is also considered that the boundary walls at the wildflower meadow end of walled garden could accommodate some bird boxes at the higher parts.
- 9.49 As such, there are no objections on ecological grounds subject to an ecological enhancement plan by condition in order that the wildflower grassland is correctly established. This can also require the installation of bird boxes. There is therefore, no conflict with Policy 29.

Pollution issues

- 9.50 Consultation has taken place with the Council's Pollution Control Team in respect of contaminated land and air quality. The proposal does not trigger the need for an Air Quality Assessment and with regard to contaminated land, historic maps indicate that the site is not located on land subject to previous industrial use and the proposed development does not constitute a sensitive end use. As such, there are no objections from Pollution Control and no conditions.

Conclusion on Environmental Issues

- 9.51 Para.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.
- 9.52 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.

9.53 ECONOMIC SUSTAINABILITY

- 9.54 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. The proposal also allows this commercial enterprise to continue with improved facilities, however limited weight is also given to this.

9.55 Conclusion on Economy Issues

- 9.56 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.
- 9.57 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 seeks to relocate the existing parking to an alternative part of the site which will be screened by the existing walls of the former walled garden. There is no increase in vehicle movements and the development will be screened from view therefore not impacting on the Green Belt. Whilst occupiers of neighbouring properties may have some views from first floor windows, this is not considered to represent a poor outlook given the distance away, and cars are not permanent structures. No objections have been raised by Environmental Health and it is not considered that the use of the area for car parking would lead to significant harm to residential amenity. Any car lights would be largely obscured by the boundary walls and there light spillage from the proposed lights within the car park have been assessed by Environmental Health. Event staff at the Hall will help direct guests to their cars and ensure people are aware and respect the fact that there are properties nearby. The proposal is therefore recommended for approval.

11.0 RECOMMENDATION

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

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:

Walled Garden - Proposed Layout - Rev R1
Walled Garden - Lighting Plan - HPH-09032021.R1.104.DWG - Rev R1
Lighting Design Proposal for HPH Ltd - Wall Garden Car Park

REASON

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

03. No construction or demolition works shall take place outside the hours of 7am to 5pm Mondays to Fridays inclusive, 9am to 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

REASON

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

04. 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.

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

REASON

To safeguard the living conditions of neighbouring residents.

06. The development hereby granted shall not be commenced until a schedule of tree surgery work has been submitted to and approved in writing by the Local Planning Authority. Best arboricultural practice shall be employed in all work, which shall comply with British Standards BS3998:2010 Tree Works Recommendations and, unless as may be specifically approved in writing by the Local Planning Authority, all tree work shall be completed before the demolition or development commences.

REASON

To ensure that all tree work is carried out to the appropriate high standard

07. The development hereby granted shall not be commenced nor materials or machinery brought onto the site until a written specification for the construction and installation of a porous, no-dig driveway utilising a professionally recognised 3-dimensional load-bearing construction technique has been submitted to and approved in writing by the Local Planning Authority. Thereafter, installation of the driveway shall be implemented in full accordance with the approved scheme before the new access is used by any vehicle.

REASON:

To prevent the loss of and damage to roots from retained trees as a result of the installation of the new access.

08. This document (Report Reference: TCC-1463-1) is to be made available to all operatives on site during the construction process, so that they understand the scope and importance of the AMS. The facilitation tree pruning works agreed with the LPA, the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Following the installation of the tree protection fencing the CCS shall be installed as per the approved details before any equipment, machinery or materials have been brought into the main walled garden area. 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.

09. Prior to the commencement of development, an ecological enhancement plan shall be submitted to the Local Planning Authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented on a timescale to be approved by the local planning authority.

- o The specification and establishment details for a wildflower grassland to include indicators of successful establishment and the requirement to provide a report of progress within 18 months of the commencement of development.

- o Proposals to install 3No. surface mounted bird boxes on suitable area of existing wall.

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan Policy 29 and the NPPF para. 176

10. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems (based on sustainable drainage principles SuDS) and all related works necessary to drain the site, including details indicating how additional surface water run-off from the site will be avoided during the construction works, have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

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

11. 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.

12. 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 shall be approved by the Local Planning Authority prior to the commencement of the 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.

13. A method statement shall be submitted to and approved in writing by the Local Planning Authority for the repair of the boundary walls to the area prior to any part of the site being used for car parking. Within the statement shall be a timescale for works to be undertaken and specification for repairs to be undertaken. Works to be undertaken in accordance with approved details.

REASON

To ensure the long term future of the boundary walls and their protection as a curtilage listed structure.

14. 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 and any replacement vehicle charging provisions 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 Doncaster Local Plan.

Informatives

01. **INFORMATIVE TO CONDITION 7**
The outline specification for the Arboricultural Method Statement (AMS) section 8 and 9 is acceptable for the Access Road Construction, please confirm which Cellular Confinement System (CCS) will be used on site, due to the availability of a wide variety in type and efficacy. For example "Cellweb" is a CCS used in the AMS and the relevant technical specs and installation guide is available to be downloaded from the website (<http://www.geosyn.co.uk/downloads>). To discharge condition 7 please confirmation in writing which CCS is to be implemented along with a copy of the relevant technical specs and installation guide for the version used.
02. **INFORMATIVE TO CONDITION 6**
The AMS doesn't specify tree works required for facilitation pruning or if its needed, so if it is needed a schedule of pruning will need to be agreed.
03. **INFORMATIVE TO CONDITION 8**
This relates to the timing and phasing of the works onsite and how to work it around the trees. Prior to the works commencing within the walled garden the CCS assess and tree protection fencing needs to be in place for the construction vehicles and equipment to use in order to access and exit the site. So it needs to be the first thing to be implemented.
04. **INFORMATIVE**
1. Surface water drainage plans should include the following:
*Rainwater pipes, gullies and drainage channels including cover levels.
* Inspection chambers, manholes and silt traps including cover and invert levels.
* Pipe sizes, pipe materials, gradients and flow directions.

*Soakaways, including size and material.

*Typical inspection chamber / soakaway / silt trap and SW attenuation details.

*Site ground levels and finished floor levels.

2. Surface Water Discharge From Greenfield Site:

The total surface water discharge from greenfield sites should be limited to green field run-off rates - up to 1 in 100 years storm + climate change. On site surface water attenuation will be required.

If the greenfield run-off for a site is calculated at less than 2 l/s/ha then a minimum of 2 l/s can be used (subject to approval from the LPA)

3. On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year plus 30% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

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

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

*Ground percolation tests to BRE 365.

*Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.

*Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003

*Volume design calculations to 1-in 30-year rainfall plus 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2.

*Location plans indicating position (Soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.

*Drawing details including sizes and material.

*Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

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

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

6. The proposed development is within a groundwater source protection zone (SPZ_)

Where the development lies within SPZ 1 or 2, the applicant is advised to consult with the Environment Agency to ensure that pollution risk to aquifers is minimised.

All necessary precautions should be taken to avoid any contamination of the ground and thus groundwater. Guiding principles on the protection of groundwater are set out in Environment Agency document GP3.

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

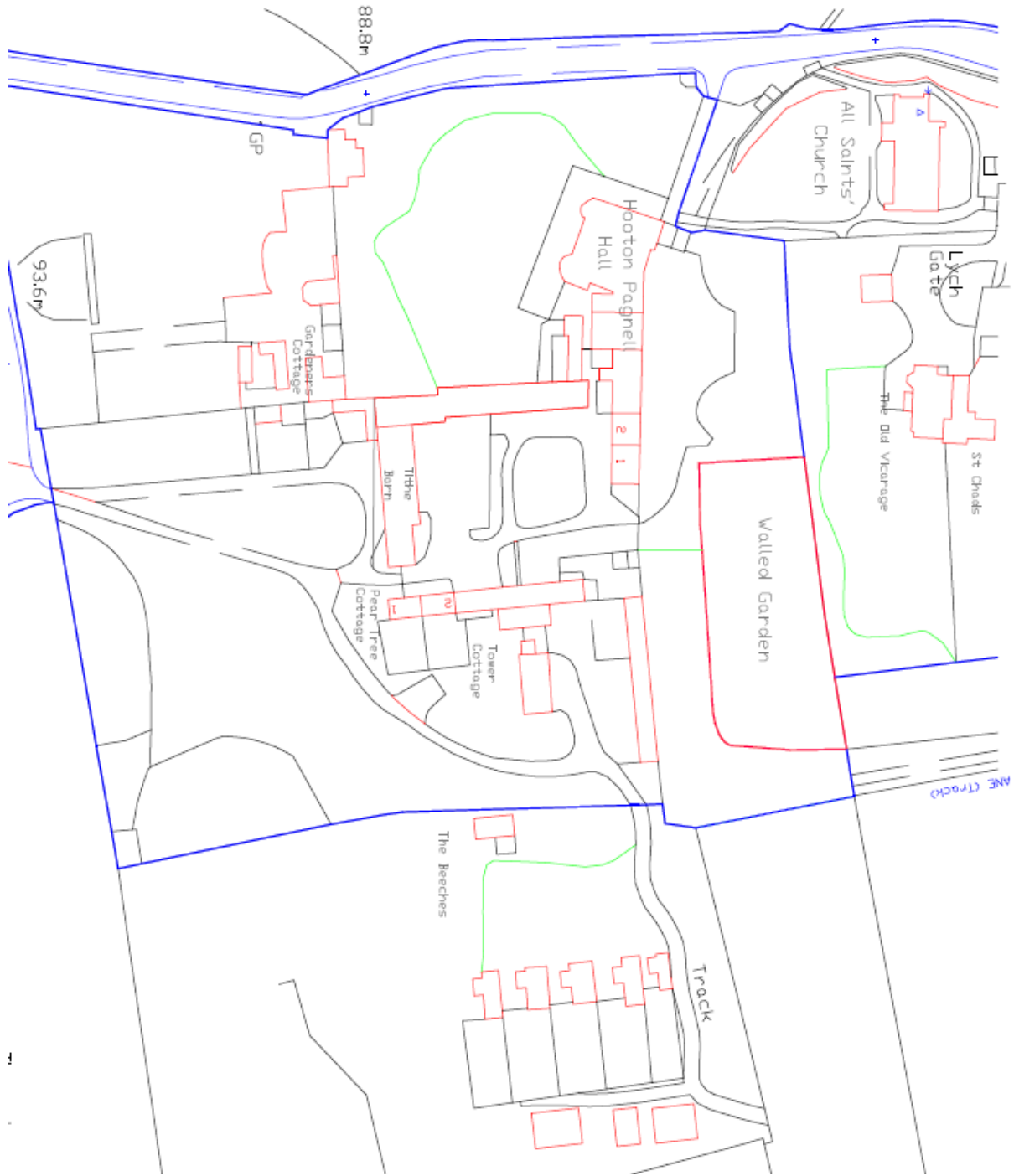
8. Any SuDS/Drainage system installed must not be at the detriment to the receiving watercourse or ground (infiltration), so managing the quality of the run-off to must be incorporated into any design in accordance with CIRIA 753 The SuDS Manual

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

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

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.

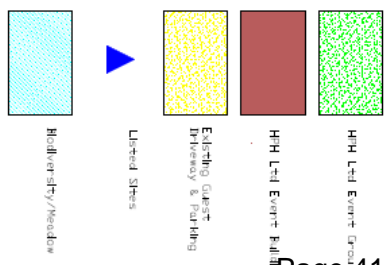
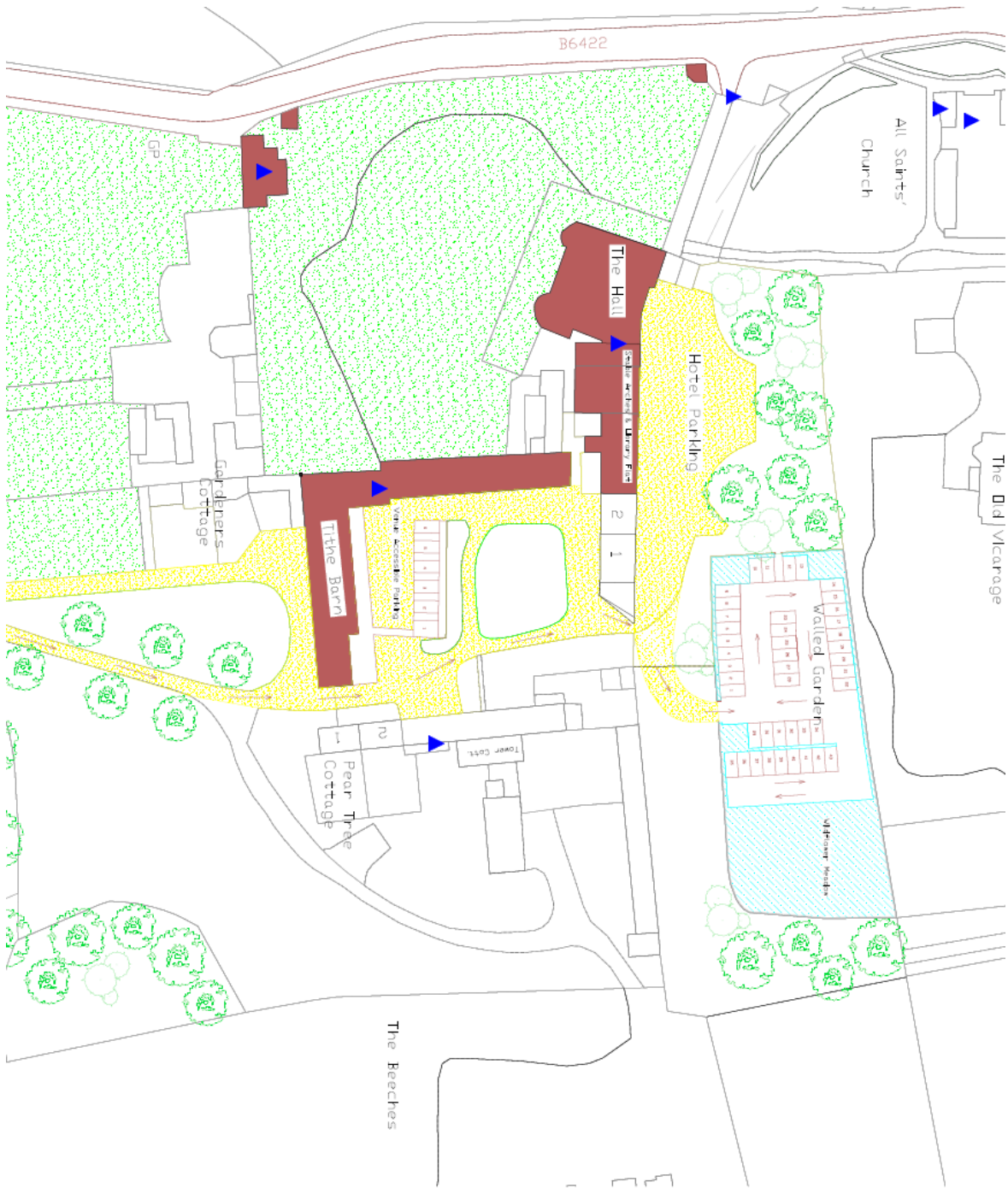
Appendix 1: Location Plan



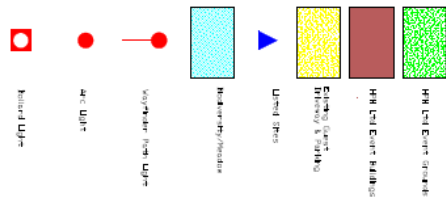
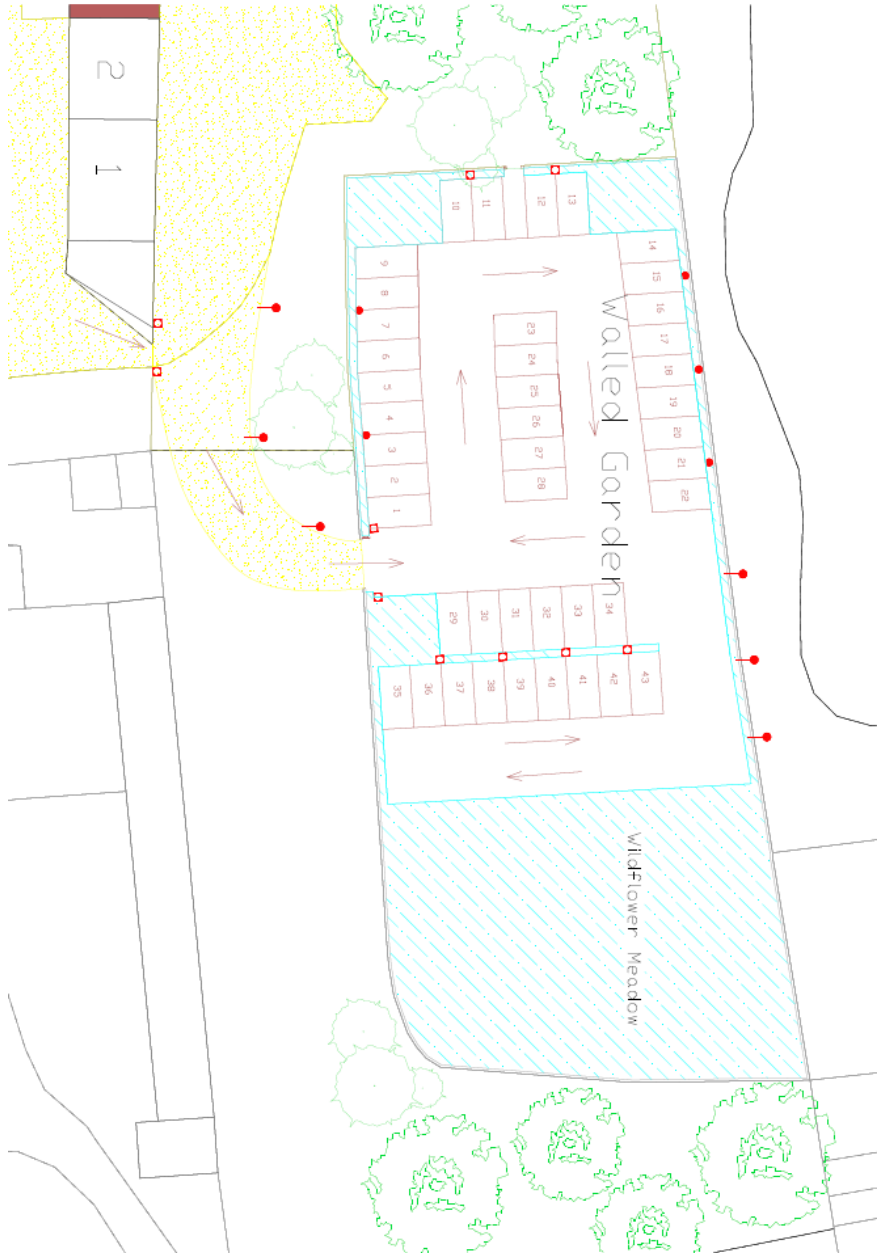
Appendix 2: Existing Site Plan



Appendix 3 – Proposed Site Plan



Appendix 4 – Lighting Design Proposals



KEY

Application	2.
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Application Number:	20/01774/TIPA
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Application Type:	Tipping/Waste With Environmental Assess.
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Proposal Description:	The construction of an energy recovery facility involving the thermal treatment of residual waste and associated infrastructure including engineering, access, landscape, ground and landscaping works
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At:	Land North West Of Sandall Stones Road Kirk Sandall Doncaster
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For:	BH Energy Gap (Doncaster) Ltd
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Third Party Reps:	2 Letters of objection, and 2 objections from Barnby Dun/Kirk Sandall PC and Edenthorpe PC	Parish:	Barnby Dun /Kirk Sandall Parish Council
		Ward:	Edenthorpe And Kirk Sandall

Author of Report:	Mrs Andrea Suddes
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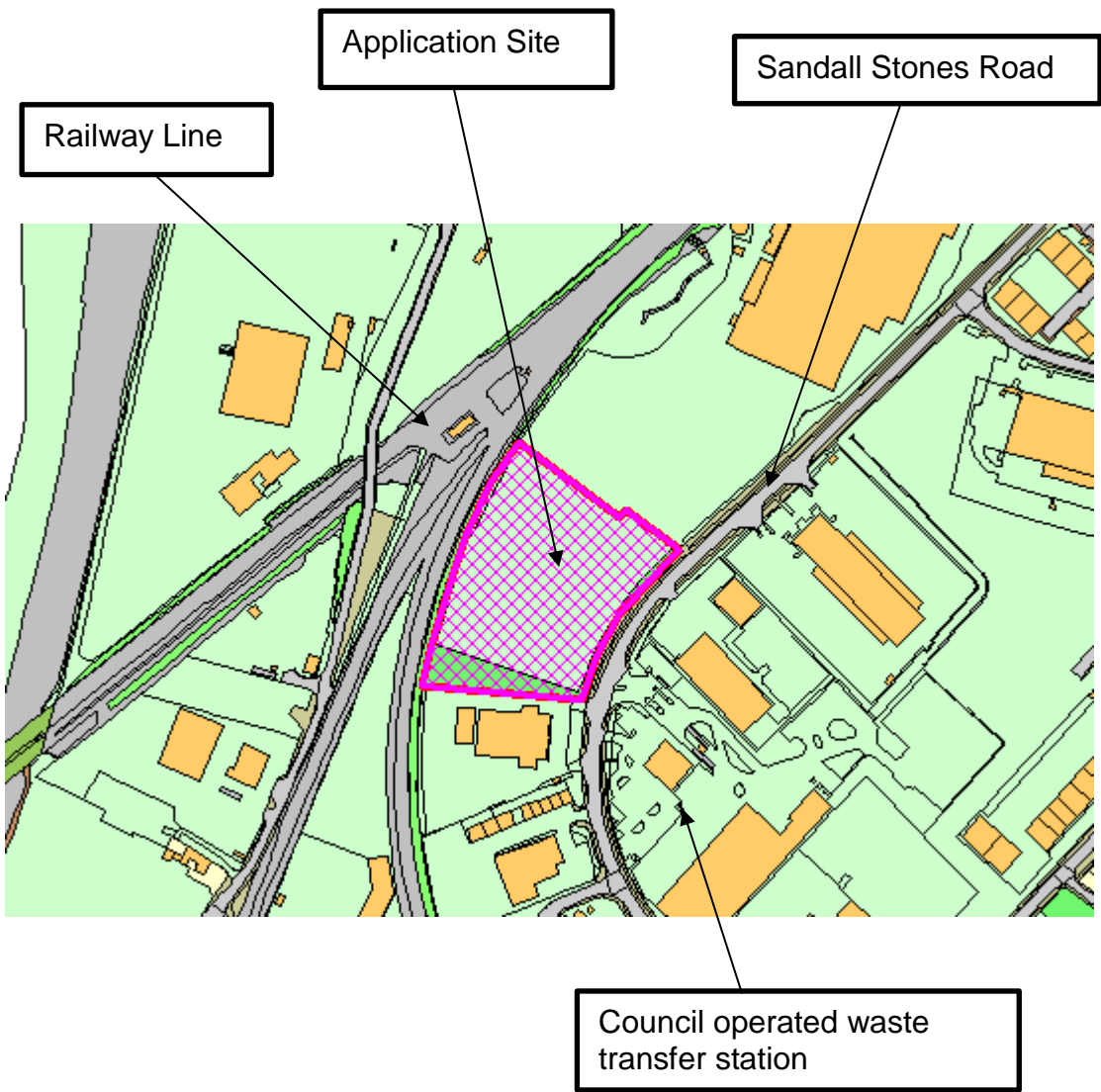
SUMMARY

Planning permission is sought for an energy recovery facility involving the thermal treatment of residual waste with associated infrastructure, access, landscape, ground and landscaping works, on land that is designated as Employment Policy Area as defined by the Doncaster Local Plan. The proposal is considered to be acceptable in policy terms being located within a sustainable location on a site allocated as a 'new strategic waste management site.' It is allocated as one of the large-scale municipal, commercial and industrial waste management facilities aimed at addressing the capacity needs over the period to 2026 in the Barnsley Doncaster Rotherham Waste Plan and this weighs considerably in favour of the application. In addition the two previously approved applications on this site are a material consideration, including the currently extant planning consent that is capable of being developed.

The environmental issues associated with the operation of the facility will be controlled by the Environment Agency under the Environmental Permitting Regulations whilst protection of residential amenity for nearby residents from noise and disturbance during the construction period and during operation of the facility will be mitigated and controlled by condition.

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 nearby residents, neighbouring uses, the highway network, rail network or the wider character of the area.

RECOMMENDATION: GRANT planning permission subject to conditions and the signing of a S106 legal agreement.



1.0 Reason for Report

- 1.1 The application is being presented to Members at the request of local ward councillors Andrea Robinson and David Nevett on account of the environmental impact upon residents within their ward.

2.0 Proposal and Background

- 2.1 The proposals comprise the construction of an energy recovery facility, involving the thermal treatment of residual waste and the recovery of metals, ash and other residues for recycling, and associated infrastructure including engineering; access, landscape; ground and landscaping works.
- 2.2 The proposed facility will treat Commercial and Industrial waste (C&I), and/ or municipal waste which otherwise would go to landfill and produce energy from a sustainable alternative to fossil fuels and primary resources by recovering maximum value from the waste stream. The site is located on land to the North West of Sandall Stones Road, Kirk Sandall Industrial Estate. (See Appendix 1 for site location).
- 2.3 The proposed facility would process waste materials and generate electricity on a 24 hour basis. Waste will only be accepted during daytime hours.
- 2.4 The facility will treat up to 300,000 tonnes per annum of commercial and industrial waste and/or municipal waste with 90% being diverted away from landfill sites.
- 2.5 The facility will be designed to produce circa 34 Megawatts of electricity, taking advantage of the energy efficiency benefits of the proposed technology. The plant will consume approximately 4 Megawatts of power with the remainder being exported to the local distribution grid. This is enough to provide electricity, heat and power to more than 45,000 homes.
- 2.6 As background to the site; Planning permission was granted on 16.12.2010 under planning ref 09/00246/TIPA for an energy recovery facility. The permission was subject to a S106 legal agreement that agreed routing for HGV movements to and from the site.
- 2.7 At the time of the application the Operators were relying on Government funding which they did not get therefore the scheme was not built out. However on 11th Dec 2013 the commencement of the development was agreed as foundations had been excavated. This was on account that the applicants wanted to ensure the permission remained extant until they could secure funding. Therefore there is a 'live' permission for a facility on this site.
- 2.8 A non-material amendment was also agreed in 2013 under ref 13/01137/MAT that amended the layout and appearance of buildings so as to enable another Operator to take over the site.
- 2.9 A variation (17/00923/TIPA) to the approved details, namely site layout, energy output, HGV movements, increased stack height and changes to the building shape and elevations, was granted by Doncaster Council on the 3rd May 2018.
- 2.10 Due to technical and commercial difficulties a number of contractors were having

in delivering Gasification technology, investor confidence collapsed. It has therefore not proven possible to finance the facility at Sandall Stones Road. This has resulted in the original project being undeliverable within the current planning permission.

- 2.11 In light of the fundamental change from gasification technology ('advanced thermal treatment') to combustion with associated energy recovery – a new application has been required to be submitted. The applicant initially considered that the change in process to combustion fell within the remit of the existing consent, however the Council disagreed therefore the applicant has subsequently submitted this current application.
- 2.12 The Site is also identified in the adopted Barnsley, Doncaster and Rotherham Joint Waste Plan (March 2012) as a strategic site for large scale municipal, commercial and industrial waste management facilities to meet the capacity need in the Joint Authorities for the period until 2026.
- 2.13 A detailed Environmental Statement has been submitted with the application.

3.0 Site Description

- 3.1 The application site is located in the Kirk Sandall Industrial Estate, an established industrial area with steel framed portal buildings of various sizes and heights within the wider area and typical of the type of buildings to be found in an industrial estate, but also includes a Municipal Waste Transfer Station located opposite the Site and operated on behalf of Doncaster Council by Suez. Residential properties are located beyond the industrial uses.
- 3.2 The site itself is a vacant plot some 2ha in size, within the estate enclosed by palisade fencing and gates. Some of the site is hard surfaced and most recently the site has been used as an open storage facility for the adjacent occupiers (Polypipe Group PLC). The site is set back from the highway frontage and separated by a grassed highway verge which forms part of the characteristic of the industrial estate.
- 3.3 There are a few individual properties along Clay Lane, which are separated from the application site by a rail line, the closest being some 200 metres from the application site. The Site is separated from these residential premises by industrial businesses and railway lines. Residential properties associated with Kirk Sandall are situated, at the closest point, 370m to the west of the Site.
- 3.4 Further employment and business uses are present in the wider surrounding area where residential areas can also be found. The nearest educational facility to the Site is the Hungerhill School on Thorne Road located approximately 800m to the south east of the site.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
09/00246/TIPA	Proposed energy recovery facility involving gasification of waste	Granted subject to S106 Legal Agreement 16.12.2010
13/01137/MAT	Proposed energy recovery facility involving gasification of waste (being amendment to previous permission 09/00246/TIPA, granted on 16.12.2010 - Minor revisions to layout and appearance of gasification/building, revisions to ancillary buildings and minor revisions to layout)	Granted 20.06.2013
16/02913/SCOP	Request for a scoping opinion	Issued 15.12.2016
17/00923/TIPA	Proposed energy recovery facility	Granted 03.05.2018
19/00954/CPL	Certificate of proposed lawful use for the use of a combustion technology in place of a gasification technology solution as approved under application ref 17/00923/TIPA	Certificate Refused 11.06.2019

5.0 Site Allocation

5.1 The site is designated as Employment Policy Area as defined by the Doncaster Local Plan (adopted Sept 2021), and as an allocated strategic waste site (Site 3.1) in the Barnsley, Doncaster and Rotherham ('BDR') Joint Waste Plan (2012).

5.2 National Planning Policy Framework (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 NPPF is a material consideration in planning decisions and the relevant sections are outlined below:

5.4 Paragraph 81 states that planning decisions should help create 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 local business needs and wider opportunities for development.

5.5 Paragraphs 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.

- 5.6 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 if the residual cumulative impacts on the road network would be severe.
- 5.7 Paragraph 113, requires an application to be supported by a transport assessment where significant amounts of traffic are generated and the likely impacts of the proposal can be assessed.

5.8 National Planning Policy for Waste

- 5.9 **The National Waste Management Plan for England January 2021** is an analysis of the current waste management situation in England. Its aim is to bring current waste management policies together under one national plan. The Plan, and its associated documents, together with local authorities' waste local plans will ensure that waste management plans are in place for the whole of the UK. The Plan, which sits alongside the Resources and Waste Strategy realises the requirements of the Waste (England and Wales) Regulations 2011. The 2011 Regulations require everyone involved in waste management and waste production in England (and Wales) to take all reasonable measures to apply the priority order in the waste hierarchy of prevention, re-use, recycling and other recovery.
- 5.10 **The National Planning Policy for Waste (October 2014)** is also a material consideration for this application, and should be read in conjunction with the National Waste management Plan for England, in particular the relevant sections outlined below;
- 5.11 Paragraph 3 states that Waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams; in particular, identify the tonnages and percentages of municipal, and commercial and industrial, waste requiring different types of management in their area over the period of the plan; work collaboratively in groups with other waste planning authorities; and, consider the extent to which the capacity of existing operational facilities would satisfy any identified need.
- 5.12 Paragraph 4 states that in preparing their plans waste planning authorities should identify sites for new or enhanced waste facilities and should identify the broad type or types of waste management facility that would be appropriately located on the allocated site, taking care to avoid stifling innovation.
- 5.13 Paragraph 6 advocates criteria for which to assess sites including the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, and the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.
- 5.14 Paragraph 7 asserts that when determining applications, waste planning authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the **Environment** control

authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

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) and the Barnsley, Doncaster and Rotherham ('BDR') Joint Waste Plan (2012). The following Doncaster Local Plan policies are relevant in this case:

5.16 Policy 4: Employment Policy Areas
Policy 13: Promoting Sustainable Transport in New Developments
Policy 46: Design of Non –Residential, Commercial and Employment Developments
Policy 50: Health
Policy 54: Pollution
Policy 57: Flood Risk Management
Policy 58: Low Carbon and Renewable Energy

5.17 The following **Barnsley, Doncaster and Rotherham ('BDR') Joint Waste Plan (2012)** policies are also relevant in this case:

5.18 Policy WCS3: New Strategic Waste Management Sites.
This policy identifies the Sandall Stones Road site (3.1) as a 'new strategic waste management site,' one of the large-scale municipal, commercial and industrial waste management facilities aimed at addressing our capacity needs over the period to 2026.

5.19 Policy WCS6: General considerations for all waste management proposals

5.20 There is no Neighbourhood Plan (NP) for this area.

5.21 Other material planning considerations and guidance

- National Planning Policy Guidance –Waste
- 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)

6.0 Representations

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

6.2 The application was initially submitted on the 04.08.2020 and advertised via site notice (21.08.2020) with additional notices posted 29.10.2020 and press notice on 20.08.2020. Following this publicity, a total of 2 individual letters of objection were received. A summary of the material planning issues raised is set out below:

- The increase in HGV's bringing in waste and resultant impact on the highway network
- Impact on air quality, contamination and odours (Doncaster already has one of the lowest air qualities and one of the highest pollution levels)

6.3 Non material issues raised included the following;

- Lack of notification to all individual residents living in Clay Lane, Edenthorpe, Kirk Sandall, and Barnby Dun
- Possible minimum wages to be paid to workers at the facility
- Materials the facility will incinerate and price of electricity
- DMBC have poor recycling record, if overseas countries will not accept DMBC waste will we get government funding for housing the facility?

7.0 Parish Council

7.1 Edenthorpe PC has raised objection to the proposal for the following reasons;

- Location of the proposal, close to major housing estates and school
- Issue of air pollution, smells (The Council run Waste Transfer Station is already an issue)
- Generation of traffic movements associated with the development
- Cumulative impact of this and other developments with respect to emissions from road haulage and other existing developments ie Aardagh Glass, Trackwork Incinerator, Car Transporter & Storage site and the Waste Recycling Plant

7.2 Barnby Dun with Kirk Sandall PC has raised objection to the proposal for the following reasons;

- The cumulative impact of emissions from this and other sources
- No noise background data available or predicted noise levels.
- Flood risk
- There are areas within the surrounding local landscape that provide suitable habitats for wildlife species including badger, grass snake and great crested newt which will be threatened by this development.
- Lack of consideration of safety, health and wellbeing of local residents
- Insufficient information submitted to confirm that the development could be operated in an environmentally acceptable manner

8.0 Relevant Consultations

8.1 **DMBC Policy (Employment)** – No policy objections in principle as the site is located within an allocated Employment Policy Area, and subject to further consideration by the Waste Policy Officer.

- 8.3 Environment Agency** – Initially raised objection on account of lack of acceptable Flood Risk Assessment (FRA). A further FRA was submitted which has addressed EA concerns and who have subsequently removed their objection subject to inclusion of condition for the development to be carried out in accordance with the submitted flood risk assessment.
- 8.5 DMBC Ecology** – The Council’s Ecologist has raised no objection to the application subject to conditions including a monitoring programme from the commencement of operational activities. This would establish a data set of emissions and depositions over a period of several years or more to ensure accurate assessment of impacts and significance of any impacts. A condition for an ecological enhancement plan to compensate for any biodiversity losses as the overall ecological value of the site is very low, and a Construction Environmental Management Plan which sets out measures for protecting wildlife and habitats during construction.
- 8.6 DMBC Tree Officer** – No objections raised, no conditions.
- 8.7 DMBC Internal Drainage** – No objections or issues raised and no conditions.
- 8.8 Yorkshire Water** – No objection subject to conditions for foul and surface water drainage.
- 8.9 DMBC Environmental Health** – No objections raised subject to conditions with respect to noise related issues to protect amenity.
- 8.11 DMBC Highways Development Control** – No objections are raised following minor amendment to the overflow parking spaces, and subject to a number of conditions related to highway safety.
- 8.12 DMBC Transportation** – No objections are raised subject to conditions for electric vehicle charging points and adherence to the Transport Assessment and Travel Plan.
- 8.13 DMBC Design Officer** – No objections raised in principle however has requested details of all external materials to be agreed.
- 8.14 South Yorkshire Archaeology** – The site has archaeological implications however no objections are raised subject to inclusion of condition for submission of a Written Scheme of Investigation that sets out a strategy for archaeological investigation.
- 8.15 DMBC Pollution Control** – No objections raised subject to mitigation by condition for a Phase 1 desktop study to be submitted and agreed, and material imported onto a sensitive site.
- 8.16 DMBC Air Quality** – No objections are raised subject to conditions for submission of an air quality mitigation plan to demonstrate how the damage costs will be disbursed to offset traffic emissions during the lifetime of the development, and provision for charging points for electric vehicles with respect to staff parking.
- 8.17 Network Rail** – No objection raised in principle however subject to an advisory note for requirements to be met with respect to the proximity of the rail line given the scale and nature of the proposal.

8.18 DMBC Public Health – A Health Impact Assessment for Commercial Developments was requested and subsequently submitted. No issues of concern have been raised as a result.

8.19 RHADS Safeguarding – Doncaster Sheffield Airport has been consulted and no response has been received on this application. However a response to the previously approved application requests lighting for the chimney stack on account of its height. Therefore an advisory informative note is also included with this application as this scheme includes the same height chimney stack.

8.20 Ward Members – Edenthorpe and Kirk Sandall Local Ward Councillors Andrea Robinson and David Nevett have raised objection to the application as they consider the proposal is a significant development, the environmental impact upon residents within their ward and surrounding communities will be considerable.

9.0 Assessment

9.1 The proposal seeks permission for a thermal treatment plant to generate energy from commercial and industrial waste, and/ or municipal solid waste. In considering the proposal the main material planning considerations are outlined below:

- The acceptability of the development
- The impact on residential amenity
- The impact on the character and appearance of the surrounding area
- The impact on visual Amenity
- The impact on the highway network and highways standards
- Flooding and Drainage issues
- The impact on the existing trees
- The impact on the ecology/wildlife of the site
- Pollution Issues
- Section 106 Legal Agreement

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

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

Appropriateness of the proposal

9.3 The site lies within an area designated as Employment Policy Area as per the Doncaster Local Plan. As such it should be assessed against Policy 4 which relates to Employment Policy Areas stating that B2, B8 and E(g) (this includes offices, research and development and light industrial) uses will be supported and retained. The site lies within the Kirk Sandall Industrial Estate where the natural character of this area is industrial type uses.

- 9.4 The site is also a strategic site allocated within the Barnsley, Doncaster and Rotherham (BDR) Joint Waste Plan 2012. The 2012 BDR Waste Plan Policy WCS3 identifies the Sandall Stones Road site (3.1) as a 'new strategic waste management site' as one of the large-scale municipal, commercial and industrial waste management facilities aimed at addressing our capacity needs over the period to 2026.
- 9.5 Table 9 of the Plan identifies the site for recycling and recovery with a potential waste recovery capacity of the site at 120,000 tonnes per year and includes the requirement of mitigation measures to protect the surrounding environment. It also acknowledges that Sandall Stones Road is centrally located within an established industrial area close to existing waste facilities and major transport routes on the gateway to Doncaster.
- 9.6 As stated previously within the background section of this report; Planning permission (09/00246/TIPA) was granted for a gasification facility in December 2010 and the permission implemented in 2013. A further permission was granted (17/00923/TIPA) which varied the approved application in 2018, but was not progressed. The site allocation in the BDR Waste Plan and the previous consents on this site are therefore material considerations with regard to this current application.
- 9.7 Waste Plan Policy WCS3 sets out the general considerations to be addressed as part of the application process. The applicant has provided a full EIA, focusing on and addressing issues such as; landscape and visual impact, air quality, draining and flood risk, ecology, noise, and traffic as set out in Policy WCS3. The applicant has also provided a Health Impact Assessment.
- 9.8 The overarching national policy for waste is the Waste Management Plan for England (2021) This Plan sits alongside the Resources and Waste Strategy and realises the requirements of the Waste (England and Wales) Regulations 2011. The 2011 Regulations require everyone involved in waste management and waste production in England (and Wales) to take all reasonable measures to apply the priority order in the waste hierarchy of prevention reuse, recycling and other recovery. Disposal of landfill or incineration without R1 (Recovery) status should be a last resort. Simply put, R1 status means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. In this case recovery of waste to produce energy which will go into the national grid.
- 9.9 The 2012 BDR Waste Plan also considers 'waste needs and capacity'. The Plan identifies in 2021 a commercial and industrial waste gap of 155,000 tonnes per annum rising to 180,000 tonnes per annum by 2026. However, the detailed figures within the plan are now out of date. Doncaster LPA is currently project managing the production of an up to date 'Waste Needs Assessment' for the whole of South Yorkshire, but this will not be completed until March/April 2022.
- 9.10 As the BDR Waste Plan is now out of date, National Waste Policy requires applicants to demonstrate a need for a new facility where proposals are not consistent with an up-to date Local Plan. A Need Statement was therefore requested and subsequently submitted.

Need

- 9.11 The applicants were requested and advised to critique the BDR waste plan to provide updated need assessment work that was forward thinking beyond the 2026 plan period. The applicants have now duly carried out this work including also modifying this at the Officer's request when queried on some of the figures. The waste needs assessment provided by the applicant identifies an average estimate capacity gap of approximately 375,000 tonnes by 2035.
- 9.12 External consultants have been employed by the Council to produce a new South Yorkshire Waste Needs Assessment. They have also independently assessed the Waste Needs Assessment provided by the applicants and have estimated an interim lower capacity gap of approximately 280,000 tonnes by 2035 for commercial, industrial and residual waste arisings. As a result of the comments received from the council's consultants, the applicant has suggested they are willing to condition the through-put of material to 300,000 tonnes per annum.
- 9.13 Given the previous approved applications and the fall-back position in that the extant consent can still be brought into use, and the current (if out of date) BDR Waste Plan, the application is considered to comply with policy. The site is identified in the BDR Waste Plan as a 'Strategic Waste Management Site' for recycling and recovery subject to appropriate mitigation measures protecting the environment. The application therefore satisfies both local plan policy and regional waste policy subject to inclusion of conditions ensuring the applicant attains R1 status from the EA, a restriction of the through-put, and satisfying other policy considerations.

Sustainability

- 9.14 The 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
- 9.15 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

- 9.16 The nearest residential properties are located some 200 metres from the application site and which are separated by a railway line. Residential properties associated with Kirk Sandall are situated, at the closest point, 370m to the west of the Site. The nearest educational facility to the Site is the Hungerhill School on Thorne Road located approximately 800m to south east of the site. The main impacts on residential amenity as a result of this development will be environmental (air quality) as a result of emissions and potential noise arising from the proposed facility.

- 9.17 It should be noted that the actual operation of and emissions from, the proposed installation will require a valid permit issued and regulated by the Environment Agency (EA) as defined within the Environmental Permitting Regulations (EPR).
- 9.18 The Applicant has already applied for and received an Environmental Permit (on 10.09.2021) from the Environment Agency who will oversee the proper environmental management of the facility. When determining planning applications, National Waste Policy states LPA's should *'Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.'* The Planning Practice Guidance is also clear that there are separate roles between the planning function and other regulatory bodies when considering an application for a waste treatment facility.
- 9.19 The LPA can however assess the impact on residential amenity. The Council's Environmental Health Officer has assessed the proposal and recommended a number of conditions to protect the amenity of any nearby residents or adjacent uses from noise disturbance during the construction phase, including construction activities that would create noise disturbance such as piling, and annual noise monitoring for the first 3 years. This is discussed further in paragraph 9.64 of this report.
- 9.20 With respect to other issues including emissions from the facility itself, these are in the main covered by the Environment Agency's Permit as stated previously and it is discussed further in paragraph 9.60. However emissions from traffic is an aspect that can be considered by the LPA and as such is addressed by the Council's Pollution Control, again as discussed in paragraph 9.61.

9.21 Conclusion on Social Impacts.

- 9.22 In conclusion of the social impacts of the development, it is not considered that the impact of residential amenity will be adversely affect by the proposal, subject to the mitigation by a number of conditions suggested by Officers. Significant weight should also be attached to the provision of energy produced from the facility that will generate power to the local distribution grid, sufficient to provide electricity, heat and power to more than 45,000 homes.

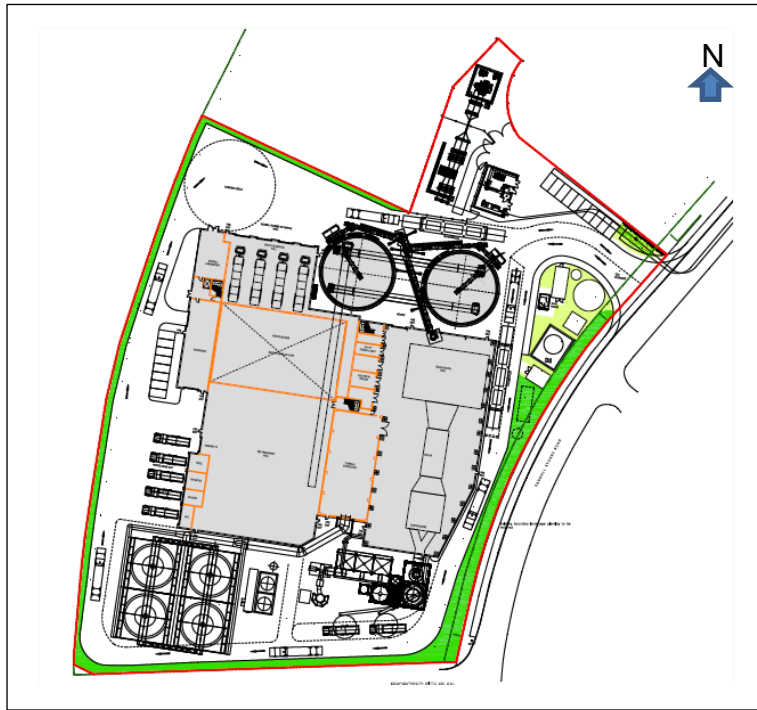
9.23 ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 9.24 Policy 46 of the Local Plan states that all non-residential, commercial and employment developments must be designed to a high quality, attractive and make a positive contribution to the area in which they are located. Part A) sets out a list of design criteria developments should meet.
- 9.25 This new scheme retains the fundamental design and proportions of the building from the extant consent. However due to the new process requirements there are a number of changes proposed. Fundamentally these are; a significant reduction in the amount of outdoor equipment and plant with the majority now being contained within building enclosures. Another change is the inclusion of the administration wing on the eastern facade. The overall footprint is therefore bigger than as previously

approved on account of these changes. See ground floor plans below of the extant consent and currently proposed scheme.

Ground Floor of Building Approved under ref 17/00923/TIPA (Extant Consent)



Ground Floor of Current Proposal



9.26 As with the extant permission the main mass of the building is located centrally on the site. The submitted Design and Access Statement acknowledges that whilst adjacent industrial units are reasonably large they cannot equate to the scale that is inherent in this development, and thus to further reduce its visual impact in more distant views, the building height has been kept as low as possible. The previously

approved process building sought to reduce the mass of the facility by 'stepping down' the building northwards. The building height has increased from 40m to 49.50m but then steps down 37m, 28m and 16.0m.

- 9.27 The proposed facility also seeks to visually anchor itself within the surrounding landscape with the use of horizontal banding on the elevations to break up the scale of the main building which has been repeated from the previous consent along with the principle of using darker coloured cladding at the base of the building and lighter colours of the top and interruption of large wall surfaces with building features such as coloured cladding, ventilation openings, windows and louvers. It also recognises that much of its upper parts will be read against a backdrop of sky and for that reason its higher levels are light coloured.
- 9.28 The Council's Urban Design officer made previous comments on the approved scheme but has again reiterated that he considers the architectural appearance of the building requires more detailed consideration and in particular the choice of cladding and colours. Whilst there has obviously been an attempt to introduce some interest to what is essentially a functional industrial structure, the proposed cladding colour and quality will be important to get right, to ensure the building makes a positive contribution to the character of the area, reduces the visual impact of the proposal and makes the building as attractive as can be for this typology. The final choice of materials is therefore subject to agreement via condition, therefore a suitable condition has been included as originally suggested by the applicant.

Visual Amenity

- 9.29 With the previously approved application the main issue for concern was the stack height; A 95m high chimney stack was proposed as opposed to the originally approved 45m high stack. A 95m chimney stack height is again proposed.
- 9.30 It is important to note that whilst the application proposes a 95m high stack, this is a maximum worst case scenario and the final height is determined following the agreement of the air quality model with the Environment Agency (EA) as part of the environmental permit application submission. As stated previously, the EA has now issued the permit, and this is based on air quality modelling with an 85m high stack, therefore the maximum height of the chimney will be 85m and not 95m as per the application submission.
- 9.31 The application includes key viewpoints from various locations around the site and a Landscape and Visual Impact Assessment which assesses the overall visual impact of the chimney stack and the proposed building. Whilst the proposal will be prominent and have a visual impact from key viewpoints, the building has to be considered in relation to the existing industrial character of the area and the landscape character which is judged to have less importance in the countryside area to the west, (see Appendix 3). Whilst the building and chimney will be visible from residential properties along Doncaster Road and from glimpsed viewpoints further afield, the distance, intervening features and the location within the existing estate serve to reduce the impact of the proposals. Having fully considered the height of the stack previously, it was considered by officers that 'the chimney stack will be seen in context with the stacks on the nearby Ardargh glass site which are 65m and 70m high. Although the proposed stack will be taller; given the local context it would not adversely affect visual amenity to an extent to recommend refusal of the application.'

This consideration has not changed since the previous approval and in officers' opinion the height of the chimney stack is acceptable.

- 9.32 Overall the proposed building in terms of its height, scale and massing is appropriate to the industrial nature of the immediate surrounding area, and whilst the building will be viewed from further afield it will not adversely affect the character or appearance of the surrounding area. The application therefore accords with Policy 46 of the Local Plan subject to mitigation by inclusion of condition for external materials to be submitted and agreed.

Highways/Access

- 9.33 Safety and security of the highway is one of the criteria set out in Local Plan Policy 13 to ensure that there are no negative effects upon highway safety or residual cumulative impacts on the road network. It also seeks to ensure that new developments provide the delivery of travel choice and sustainable opportunities for travel.
- 9.34 The development proposes to utilise the existing access from Sandall Stones Road and as previously approved in the extant permission. Ample car parking is provided on site including 22 parking spaces along the South Eastern boundary perimeter with 2 disabled spaces plus overflow parking with the provision of 14 additional spaces. The Highways DC Officer has therefore raised no issues with the access but requested slight amendment to the car parking spaces on the over flow car park as the 2 end spaces would not be accessible. They have therefore been brought forward by an amended plan. The Highways DC Officer is now satisfied with the proposal subject to inclusion of a number of conditions such as submission and agreement of a construction traffic management plan, access construction details, the potential installation of gates and provision of parking prior to the development being brought into use.
- 9.35 In terms of traffic movements associated with this proposal, a detailed Transport Assessment has been submitted to accompany the application. The extant permission allows for up to 78 HGV trips (156 two-way) per 12-hour operating period. The proposed development will not result in a change to required staff numbers or the number of HGV movements compared to the already consented development.
- 9.36 The information submitted in relation to 'Peak Traffic Flows' arising from the development shows:

Table 3 – Peak Hour Trip Generation (HGV's)

Time Period	Arrivals	Departures	Two-Way
AM Peak (8am to 9am)	5	5	10
PM Peak (5pm to 6pm)	5	5	10

- 9.37 The site will employ approximately 46 members of staff across five shifts. A maximum of 22 staff members will be on site at any time and this will be during the day. Five members of staff will work one of five operational shifts. Four members of staff will

work one of two maintenance shifts. To provide a robust assessment in the Transport Assessment, it is assumed that all 22 staff who work during the day will arrive and depart in the AM and PM peak hours. In addition, it is also assumed that all nine staff associated with the operational and maintenance shifts will arrive during the PM peak and depart during the AM peak.

- 9.38 An issue of concern has been raised by objectors regarding the impact of additional traffic on the highway network. The Council's Transportation Officer has raised no issue of concern stating that *'there will be no change to staff numbers or HGV movements compared to the extant permission, therefore, the trip generation will be the same as has been agreed previously, no increase.'* The Transportation Officer also provided advice on the information required for inclusion within the Transport Assessment for this application submission. As per that advice, this includes taking into account consented and committed developments within the surrounding area. It also includes a forecast of future traffic growth up to 2030 as per Supplementary SPD guidance, again as agreed with the Transportation Officer. Overall there are no objections raised subject to condition that the development is carried out in accordance with the submitted TA and Travel Plan.
- 9.39 The proposal shows provision for cycle parking but not electric vehicle charging therefore a condition is included requiring this. The application thereby satisfies and accords with policy 13 of the Local Plan.

Flooding and Drainage

- 9.40 The site lies within Flood Risk Zone 3 as defined by the Environment Agency's Flood Maps, and the proposal is to redevelop an existing industrial site for a similar use. The NPPF Technical Guidance at Table 2 and Annex 3: Flood Risk Vulnerability Classification defines such a use as 'Less Vulnerable'. National planning policy requires proposals in Flood Risk Zones 2 & 3 areas to pass a flood risk Sequential Test (ST) and where necessary an Exception Test (ET). The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding.
- 9.41 Policy 57 of the Local Plan deals with flood risk management and Part A) states all development proposals will be considered against the NPPF, including application of the ST and, where necessary, ET.
- 9.42 The NPPF at paragraph 166 is clear that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again (paragraph 14.7 of the Local Plan reconfirms this position).
- 9.43 The proposal is on site ref 3.1 (Sandall Stones Rd, Kirk Sandall) which was allocated as a strategic waste management site via the Barnsley, Doncaster and Rotherham Joint Waste Plan (2012) and is also shown via the Local Plan Policies Map as such.
- 9.44 National planning policy at the time (PPS25) the Joint Waste Plan was being prepared required the application of the flood risk Sequential Test (ST) so, unlike the UDP when sites were allocated without undertaking any such test, the ST was applied at plan-making stage so, in line with NPPF and LP Policy 57A), this site does not need application of the ST again as part of the planning application stage.

- 9.45 Any opportunities for a sequential approach to the site layout should be considered and informed via the Flood Risk Assessment (FRA) which is also required. A FRA, prepared by WYG Engineering Limited, accompanies the application. The principal potential flood mechanisms, identified in Section 4.0 are fluvial flooding from the River Don. The FRA states that the EA map shows the site is within an area that benefits from flood defences comprising of an embankment constructed along the River Don providing a level of protection of up to the 1% exceedance probability (AEP) storm event (1 in 100 year). It also identifies a potential residual risk of flooding from the River Don as a result of floodwater overtopping the existing embankment during storm events with a less than a 1% AEP and a breach of the existing flood defence embankment during an extreme flood event.
- 9.46 The site lies within a flood zone 3 and as such will always be at residual risk of flooding; historically the site did flood during the 2007 flood event. As part of the design of the development it will adopt measures to reduce the impact of surface water run-off through the use of SuDS, where practicable. Surface water run-off will be attenuated within the site drainage system to mitigate off-site flooding and to protect vulnerable areas within the site. The FRA shows that there is little differentiation of residual risk across the site given its relatively small size.
- 9.47 The Environment Agency (EA) initially raised objection due to further information being required but on providing this further information they have addressed the EA's concerns and who have subsequently raised no objection subject to mitigation for a condition for development to be carried out in accordance with the FRA and critical equipment to be protected up to 8.98 metres above Ordnance Datum.
- 9.48 With regards to the Exceptions Test, the NPPF Technical Guidance at Table 2 and Annex 3 defines such industrial uses as 'Less Vulnerable' and as such there is no requirement to pass the Exceptions Test. The application therefore satisfies policy 57 of the Local Plan.

Trees and Landscaping

- 9.49 Policy 46 of the Local Plan states that all non-residential, commercial and employment developments should be well landscaped. It also states that the visual impact of car parking, storage and service areas should be reduced through landscaping and boundary treatments. The proposed landscaping on this site is not dissimilar to the extant consent in that it is fundamentally proposed around the perimeter of the site.
- 9.50 An existing tree adjacent to the existing access is proposed to be felled so as to provide widened adequate access provision. However this tree has previously been granted consent for removal on the extant permission. It should also be noted that the removal of this tree will not unduly impact upon the greenery of the wider area and is of minor consequence in terms of this and the benefit of the wider scheme. The applicant has also provided a landscape scheme for the site that includes planting of 5 no. heavy standard trees adjacent to the proposed new access. This is in addition to 5no. heavy standard trees to be planted at the south eastern corner of the site. Landscaping is concentrated along the frontage perimeter boundary that lies adjacent to Sandall Stones Road, with the existing planting retained adjoining the frontage and additional shrub planting proposed behind this which will reduce the visual impact of the proposed linear car parking along this boundary.

- 9.51 The Council's Trees and Hedgerows Officer is satisfied with the proposed landscape scheme subject to the development being carried out in accordance with the details submitted. No conditions are suggested nevertheless the landscape plan is included on the condition listing approved plans should Committee deem to grant consent. The application is therefore in accordance with Policy 46.

Ecology and Wildlife

- 9.52 Policy 30 of the Local Plan seeks to protect biodiversity and geodiversity. It lists a set of criteria for protection of nationally and locally important habitats, sites and species. It requires developments to assess the impacts of the development on such sites and to provide mitigation against any harms including delivering a net gain in biodiversity to offset any harms by using the DEFRA biodiversity metric.
- 9.53 The Council's Ecologist has commented that this application is principally about the potential impacts of the proposal away from the red line boundary site. The origin of these potential impacts is the emissions from the waste conversion process, the content and direction of travel. These ecological receptors, identified as being within range of potentially damaging impacts are, in order of level of protection: Special Protection Area (SPA) and Special Area for Conservation (SAC) both of which extend across Thorne and Hatfield Moors, the Site of Special Scientific Interest (SSSI) at Hatfield Moors and Sandall Beat Wood: the most distant one at 1.2km from the site. Shaw Wood 1.7km to the south of the application site is also included in the assessment on the grounds that it is ancient woodland.
- 9.54 At the request of the Ecologist an Air Quality Assessment was submitted for these sites prior to the application submission which was accompanied by an Ecological Interpretation Report (EIR) that provides specific details on the predicted impacts on these sites of the predicted emissions. Overall the assessment concludes that whilst the predicted emissions would be unlikely to have any significant impacts upon these sites; however the potential impacts are close to the threshold levels for significance. As such the Ecologist has recommended a condition for a monitoring programme from the commencement of operational activities. This condition has not been included as the EA License Permit assesses the environmental impact of the emissions and is therefore duly considered as part of the Licensing considerations. Therefore to include this condition would breach the remit and scope of the LPA in assessing the application.
- 9.55 With regard to the site itself, it is of limited ecological value in respect of habitats. The overall ecological value of the site is very low and it is considered that ecological enhancements can fully compensate for any biodiversity losses. There are no protected species issues and no habitats or species of principal importance. Barnby Dun with Kirk Sandall PC has also raised concerns that there are areas within the surrounding local landscape that provide suitable habitats for wildlife species including badger, grass snake and great crested newt which will be threatened by this development. However the Council's Ecologist has fully considered the impact of the development on local species and habitats, and has raised no issues of concern.
- 9.56 The site is virtually all hard standing/sealed surfaces and as such a biodiversity Net Gain assessment is not required as there will only be a loss of 0.1 ha of the peripheral vegetation on the south western boundary which amounts to about 5% of the total area of the whole site. It would be very difficult to carry out a BNG calculation on the

loss of such a small area, and the landscape scheme proposed adequately addresses and compensates for the losses of the vegetation on the south western boundary. However, the application of the mitigation hierarchy, mitigation, compensation, and enhancement measures should be applied through an Ecological Enhancement Scheme which is included via a suitably worded condition.

- 9.57 The application is therefore in accordance with Local Plan Policy 30 subject to the inclusion of suggested condition.

Pollution issues

- 9.58 Local Plan Policy 54 seeks to ensure that development proposals that are likely to cause pollution are only permitted where it can be demonstrated that pollution can be avoided or mitigation measures can be incorporated to minimise harmful impacts to acceptable levels that protect health, environmental quality and amenity.
- 9.59 As stated previously in paragraph 9.18, the applicant has already applied for and received an Environmental Permit License (on 10.09.2021) from the Environment Agency who will oversee the proper environmental management of the facility in terms of consideration of environmental issues such as air quality, odour and noise associated with the processes. The Planning Practice Guidance is clear that there are separate roles between the planning function and other regulatory bodies when considering an application for a waste treatment facility.
- 9.60 The role of the Environment Agency is to provide the environmental permit which will provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.
- 9.61 However the permitting regime does not include pollution from traffic that may be generated by the facility. This comes within the remit of the local authority. As such the applicant has submitted an Air Quality Assessment (AQA) which follows standard methodology, uses data from recognised sources and worst case scenarios.
- 9.62 Edenthorpe PC and Barnby Dun with Kirk Sandall PC has each raised concerns as to whether the cumulative impact of emissions from other developments is taken into account as part of the consideration of air quality? In response to this, the Council does consider existing sources and those that have planning consent in the consideration of air quality (emissions) of a new development with respect to traffic emissions. Standard modelling will also take into account existing sources for the emissions to the environment. The EA has confirmed they also consider cumulative impacts under the permitting regime.
- 9.63 The Council's Pollution (Air Quality) Team have been consulted and subsequently raised a number of queries which have been satisfactorily addressed by the applicant. The Pollution Officer has commented that the Air Quality Assessment (AQA) includes a calculated sum of £79319 to ameliorate the impact of traffic emissions. The majority of transport emissions will be from the additional HGV movements and therefore mitigation proposals should focus on reducing the impact of the HGV traffic. As such two conditions are recommended; submission of an air quality mitigation plan to demonstrate how the damage costs will be offset to offset traffic emissions during the lifetime of the development; this will set out how,

and provision for charging points for electric vehicles with respect to staff parking. This sum will be put towards the potential mitigation options in an air quality mitigation plan and will include measures recommended in the AQA such as public transport use and infrastructure, walking and cycling infrastructure, and electric vehicle charging infrastructure.

- 9.64 The Council's Environmental Health Team has been consulted and whilst environmental issues are considered under the EA permit application, the impact on residential amenity as a result of the development can be considered by the local authority. The Environmental Health Officer has requested a number of conditions to protect the amenity of nearby residents during the construction phase such as the submission and agreement of a Construction Environmental Management Plan (CEMP), details to be submitted and agreed of any piling activities, restriction of construction hours, and noise monitoring during the operations of the development for the first 3 years.
- 9.65 The application is therefore deemed to be in accordance with Local Plan Policy 54 subject to the inclusion of the suggested conditions.

9.66 Conclusion on Environmental Issues

- 9.67 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.
- 9.68 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition. The facility will require an Environment Agency Permit License that will control environmental issues including emissions and noise whilst the suggested planning conditions controlling noise during construction and noise monitoring will protect amenity.

9.69 ECONOMIC SUSTAINABILITY

- 9.70 As part of the submitted information it is stated that once operational, the facility will create approximately 46 permanent full time jobs (including locally sourced apprenticeships): therefore there is some economic long term benefit. It is anticipated that there would be some medium term economic benefit to the development of the site through the employment of around 300 construction workers and tradesmen connected with the build of the project which will be approximately a 3 year construction period and therefore carries moderate weight in favour of the application.

9.71 Conclusion on Economy Issues

- 9.72 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.

9.73 Whilst the economic benefit of the proposal is modest and afforded moderate weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

9.74 Planning Obligations

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

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

9.76 These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010.

9.77 The previously approved applications and the current extant consent were subject to a routeing agreement by way of a Section 106 legal agreement. A further routeing agreement is deemed necessary to render the proposal acceptable to ensure HGV's traverse a specific route to and from the site using classified roads. Therefore, it is considered that this would meet with the provisions of Local Plan Policy 13.

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. The proposal is considered to be located within a sustainable location on a site allocated as a 'new strategic waste management site.' It is allocated as one of the large-scale municipal, commercial and industrial waste management facilities aimed at addressing the capacity needs over the period to 2026 in the BDR Waste Plan and this weighs considerably in favour of the application. In addition the two previously approved applications on this site are a material consideration, including the currently extant planning consent that is capable of being developed.

10.2 The proposed maximum number of HGV vehicles leaving the site will be limited and controlled by condition as per previous permissions and the routeing for HGV's will also be agreed and controlled by legal agreement. This will ensure HGV's traverse a specific route to and from the site.

10.3 Moderate weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

10.4 The environmental issues associated with the operation of the facility will be controlled by the Environment Agency under the Environmental Permitting Regulations whilst protection of residential amenity for nearby residents from noise and disturbance during the construction period and during operation of the facility can be mitigated and controlled by condition, the short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

10.5 The proposal is subject to a Section 106 Agreement and the proposed conditions of terms are outlined below.

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 IN RELATION TO THE FOLLOWING MATTERS:

A) Routeing Agreement

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

Conditions / Reasons

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

AMENDED Proposed Site layout Dwg 1388-PL101-Rev A
AMENDED Fencing Plan Dwg 1388-PL103-Rev A
AMENDED Landscape Plan Dwg 1388-PL102-Rev B
AMENDED Roof Plan Dwg 1388-PL110 Rev A

REASON
To ensure that the development is carried out in accordance with the application as approved.
03. The development hereby permitted shall be carried out in accordance with the details contained in planning application Ref. 20/01774/TIPA - and the mitigation measures contained in the submitted Environmental Statement dated June 2020 compiled by YWG (Tetra Tech), and the additional information received on 28 June 2021 and 31 March 2021, unless otherwise set out in the conditions stated below which shall in all cases take precedence.
Reason
To ensure that the development is carried out in accordance with the submitted details.
04. Prior to the commencement of the development of the Facility hereby permitted, details which verify that the Facility has achieved R1 status (energy efficiency equal to or above 0.65) from the Environment Agency at Stage 1 (i.e. the design information stage) ~~Page 65~~ R1 status

application process shall be submitted to and approved in writing by the Local Planning Authority.

Within 24 months of the first operation of the Facility hereby permitted details which verify that the operating Facility has achieved R1 status through certification from the Environment Agency shall be submitted to the Local Planning Authority.

The Facility shall be configured and operated such that R1 status is maintained throughout its operation.

REASON

To ensure that the Facility operates only as an energy recovery facility.

05. The Facility hereby permitted shall not exceed the maximum throughput of 300,000 tonnes per annum and a record of the annual throughput monitoring information will be available to the Local Planning Authority upon request. The throughput shall be monitored for the lifetime of the development hereby permitted.

REASON

In order to reflect the current outstanding need for the facility and assist with monitoring and compliance with the above condition.

06. Prior to the development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by the Local Planning Authority.

REASON

To ensure that the development does not prejudice the local amenity in accordance with Local Plan Policy 54.

07. Details of intended piling activities (including time frames) shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.

REASON

To ensure that the development does not prejudice the local amenity in accordance with Local Plan Policy 54.

08. The doors to the waste reception hall shall remain closed at all times other than for access and egress.

REASON

To ensure that the development does not prejudice the local amenity in accordance with Local Plan Policy 54.

09. Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and cover the following points, expanded on as required'

- Volumes and types of construction vehicles
- identification of delivery routes, including any Abnormal load routing.)
- identification of agreed access point

- Contractors method for controlling construction traffic and adherence to routes
- Size, route and numbers of abnormal loads
- Swept path analysis (as required)
- Construction Period
- Temporary signage
- Wheel Wash facilities
- Timing of deliveries

REASON

In the interests of road safety in accordance with Policy 13 of the Doncaster Local Plan.

10. Before the development hereby permitted is brought into use, the designated private car parking spaces as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved and shall be retained as such for the lifetime of the development.

REASON

To ensure that adequate parking provision is retained on site.

11. 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.

12. The proposed access shall be constructed to the satisfaction of the Local Planning Authority before the development is brought into use. Adequate measures shall be designed to avoid the discharge of surface water from the site onto the public highway.

REASON

In the interests of road safety in accordance with Policy 13 of the Doncaster Local Plan.

13. Gates to the vehicular access, if provided, shall not be less than 20m from the edge of the carriageway of the public highway and hung as to open inwards and shall be retained as such for the life of the development.

REASON

To provide adequate space to allow an arriving vehicle to be driven clear of the carriageway of the highway before the driver alights to open the gate.

14. The development hereby granted approval shall be carried out in accordance with the details contained within Appendix 2.2 of the Environmental Statement, Transport Assessment Report No. RT111857-01 compiled by WYG Transport Planning and Dated June

REASON

In the interests of road safety in accordance with Policy 13 of the
Doncaster Local Plan.

15. Unless otherwise approved in writing by the Local Planning Authority, the maximum number of HGVs leaving the site per day shall not exceed 78.

REASON

To ensure that the number of vehicles passing through local residential areas are within acceptable limits having regard to local amenity (noise, dust and vibration).

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

REASON

In the interest of satisfactory and sustainable drainage.

17. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection ; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

REASON

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

18. 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 1

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 Local Planning Authority.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

19.

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. Proposal Page 69
contamination testing including testing schedules, sampling

frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the Local Planning Authority prior to any soil and soil forming material being brought on to site.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

20. There shall be no outside storage or stockpiling of waste.

REASON

In the interest of health and safety, visual amenity and to prevent dust and litter on the highway.

21. Prior to the operation/opening of the development hereby approved, an air quality mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. This plan should demonstrate how the damage costs have been applied to develop mitigation that specifically and quantifiably offsets vehicle emissions, particularly HGVs, during the lifetime of the development. As a minimum the following will be submitted:

- A detailed travel plan;
- A plan for encouraging use of public transport;
- Aiding and facilitation of walking and cycling to the site
- Car sharing
- Electric car charging points
- HGV emissions reduction plan including baseline vehicle standards, retrofitting programme, fleet turn-over commitments and commitment to ULEV

This list is not exhaustive and should show that the damage costs have been "off-set."

Vehicles operating at the development should have the same or better standard Euro engines than those used in the modelling assessment, this will ensure that the predictions from the air quality assessment are representative of the real operating conditions

REASON

To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with Doncaster Local Plan Policies 13 and 54.

22. Before the development commences, a BREEAM pre-assessment, or equivalent assessment, shall be submitted 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. 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.

23. No built development shall commence (excluding site clearance and excavation, demolition, ground investigations, installation of foundations), until details, including the colours and materials, of the proposed external façade have been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved materials and colours.

REASON

To ensure that the materials are appropriate to the area in accordance with Policy 46 of the Doncaster Local Plan.

24. No development shall take place in implementation of this permission until a report (the initial SAP report carried out as part of Building Regulations will be sufficient information in many cases) has been submitted to the Local Planning Authority and approved in writing from them, which details how CO2 emissions from the development will be reduced by providing at least 10 Percent of the development's operational energy through on-site renewable energy equipment or improvements to the fabric efficiency of the building. The carbon savings, which result from proposed measures, will be above and beyond what is required to comply with Part L of Building Regulations. Unless otherwise agreed in writing by the Local Planning Authority, the development shall then proceed in accordance with the approved report. Before any building is occupied or sold, the Local Planning Authority shall be satisfied that the measures have been installed, which will enable the planning condition to be fully discharged.

REASON

In the interests of sustainability and to minimize the impact of the development on the effects of climate change. This condition is required to be discharged prior to commencement as the approved detail may have an impact on the design and fabric of the building during construction or the appearance of the development.

25. The operator shall maintain yearly records for the lifetime of the development of all HGVs and collection vehicles entering the site and these records shall be made available for inspection by the Local Planning Authority within two working days of a verbal or written request.

REASON

To assist in the monitoring and compliance with the above condition.

26. The development shall be carried out in accordance with the submitted Flood Risk Assessment Addendum (ref 784-A111857-L01, dated 16 February 2021 by Tetra Tech) and the following mitigation measures it details:

- Critical Equipment shall be protected up to 8.98 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON

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

27. During the operations of the development, for the first three years, annual noise monitoring for compliance or at any time as requested by the Local Planning Authority following a complaint, the operator shall submit a noise report to the Local Planning Authority. The noise report shall be conducted by a competent noise consultant whilst the site is in operation and cover daytime/night-time periods. The monitoring positions shall reflect the sensitive receptors as identified in chapter 6 Noise and Vibration (page 6-5 to 6-7) of the White Young Green Environmental Statement Volume dated June 2020. The first report shall be submitted within 3-4 months of the process receiving material (and 12 months after to demonstrate that the plant noise does not exceed the existing background levels). Should the actual noise levels not meet the identified background levels at the sensitive receptors location mitigation measures shall be agreed with the Local Planning Authority and implemented within three months of the date of the noise report subject to the source of any increase in noise level being as a result of the operations of the development.

REASON

To protect the amenities of the locality from noise in accordance with Local Plan Policy 54.

28. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to the Local Planning Authority for approval, and then implemented in accordance with the approved details.

- A risk assessment of the potentially damaging construction activities in relation to wildlife and habitats.
- A method statement for the protection of reptiles and other terrestrial fauna that may be encountered on site.
- Measures to protect the adjacent ecological receptors and impact pathways
- The use of protective fencing, exclusion barriers, and wildlife safety measures.

REASON

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

29. During the construction phase of the development, the hours of operation and deliveries to and from and the loading or unloading of raw materials shall be restricted to the hours of 06:00 to 19:00 Monday to Friday and 07:00 to 17:00 on Saturdays, except as may otherwise be agreed in writing with the Local Planning Authority. No deliveries or construction work on Sundays and Bank Holidays.

REASON

To ensure that the development does not prejudice the local amenity in accordance with Local Plan Policy 54.

30. Prior to the commencement of development, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of the measures outlined in Section 7.7 to 7.9 of Chapter 7 Ecology of the Environmental Statement. All measures within the Ecological Enhancement Plan shall be implemented on a timescale to be approved in writing with the Local Planning Authority:

REASON

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

31. 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 use shall not commence operation 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 Doncaster Local Plan Policies 13 and 54.

32. Part A (pre-commencement)

No 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 and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.

- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development 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.

33.

Where vibro-compaction machinery is to be used in the development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

REASON

To safeguard the stability of the nearby railway line.

34.

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

REASON

To safeguard the stability of the nearby railway line.

35.

Detail of any external lighting should be provided as a condition if not already indicated on the application.

REASON

In the interests of safeguarding the nearby railway line.

INFORMATIVES

01. **INFORMATIVE: ENVIRONMENT AGENCY FLOODING**

We recommend that the developer uses this opportunity to reduce the potential impact of flooding by raising floor levels wherever possible and incorporating flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways to help reduce flood damage.

Guidance on how to reduce flood damage can be found at the following websites:-

Communities and Local Government: 'Improving the flood performance of new buildings' -
<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>;

Environment Agency: How to reduce flood damage -
www.environment-agency.gov.uk/homeandleisure/floods/105963.aspx;

Department for Communities and Local Government: Preparing for floods -
www.communities.gov.uk/publications/planningandbuilding/improvingflood;

Ciria: What to do if your property is flooded and how to minimise the damage from flooding - www.ciria.com/flooding/;

National flood forum-
www.floodforum.org.uk/index.php?option=com_content&view=article&id=8&Itemid=4

02. **INFORMATIVE: ENVIRONMENT AGENCY FLOODLINE**
At the time of this decision, the site has been identified as being within an area of medium or high flood risk, based on the Environment Agency's flood maps. Therefore, the applicant/occupants should consider registering for the Environment Agency's Floodline Warning Direct, by phoning Floodline on 0345 988 1188 . This is a free service that provides flood warnings direct by telephone, mobile, fax or paper. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.
03. **INFORMATIVE: BREEAM**
Please note certain BREEAM credits are now not available post planning approval which can impact on scoring and measures to be included therefore associated costs, we strongly recommend advice should be sought from a licensed BREEAM assessor ASAP.
04. **INFORMATIVE: NETWORK RAIL**
Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially given the scale and nature of the proposed scheme.

Asset Protection

Given the scale and nature of this scheme in proximity to the operational railway, it is imperative that the developer liaise and fully engage with our Asset Protection Team (details below) prior to any work commencing on site. This is to ensure that the scheme can be delivered safely and without impact to operational railway safety. Issues

to be discussed and agreed will include (but not necessarily be limited to), construction methodology, use of crane and plant, construction of the chimney (given its height), possible electromagnetic interference with adjacent railway equipment must also be ruled out and use of scaffolding.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be

undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways. We note that the proposals appear to indicate the use of a Trief HGV kerb along the boundary with the railway which may well satisfy this requirement.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged. We note that the proposals include 2.4m weldmesh security fencing along the site boundary with the railway which should meet this requirement.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

**Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B**

**George Stephenson House
Toft Green
York
Y01 6JT**

Email: assetprotectioneastern@networkrail.co.uk

Please note we will be unable to agree to discharge of a method statement condition without direct discussion and agreement with our Asset Protection Team and the developer entering into a Basic Asset Protection Agreement (where appropriate). We would advise that the developer discuss the proposals with Asset Protection prior to applying for the discharge of condition. Contact details for Asset Protection are below.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

**Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
Y01 6JT**

Email: assetprotectioneastern@networkrail.co.uk

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of foundations onto Network Rail land. Any future maintenance must be

conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorn (Cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen - Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Heaping, Dust and Litter

It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary.

Gas and Fuel Storage

Risks of fires and explosions must be eliminated to safeguard Network Rail assets and the public. Storage must be 15m away from Network Rail assets and accompanied with a detailed method statement.

All gas storage and handling must be in accordance with the industry guidelines, particularly with regard to separation. The developer should be reminded that in case of any incident they are liable for any costs involved and a zone of exclusion imposed for safety reasons must include the railway because of the close proximity of the site to the operational rail. It is strongly recommended that this issue must be included in any planning permission granted for this application as an informative.

Electromagnetic Interference

Power generation presents a risk to Network Rail assets and passengers, therefore the design must take account of the potential for electromagnetic interference. The electromagnetic disturbance generated by an apparatus must not prevent radio and telecommunications equipment, and other apparatus, to operate as intended.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

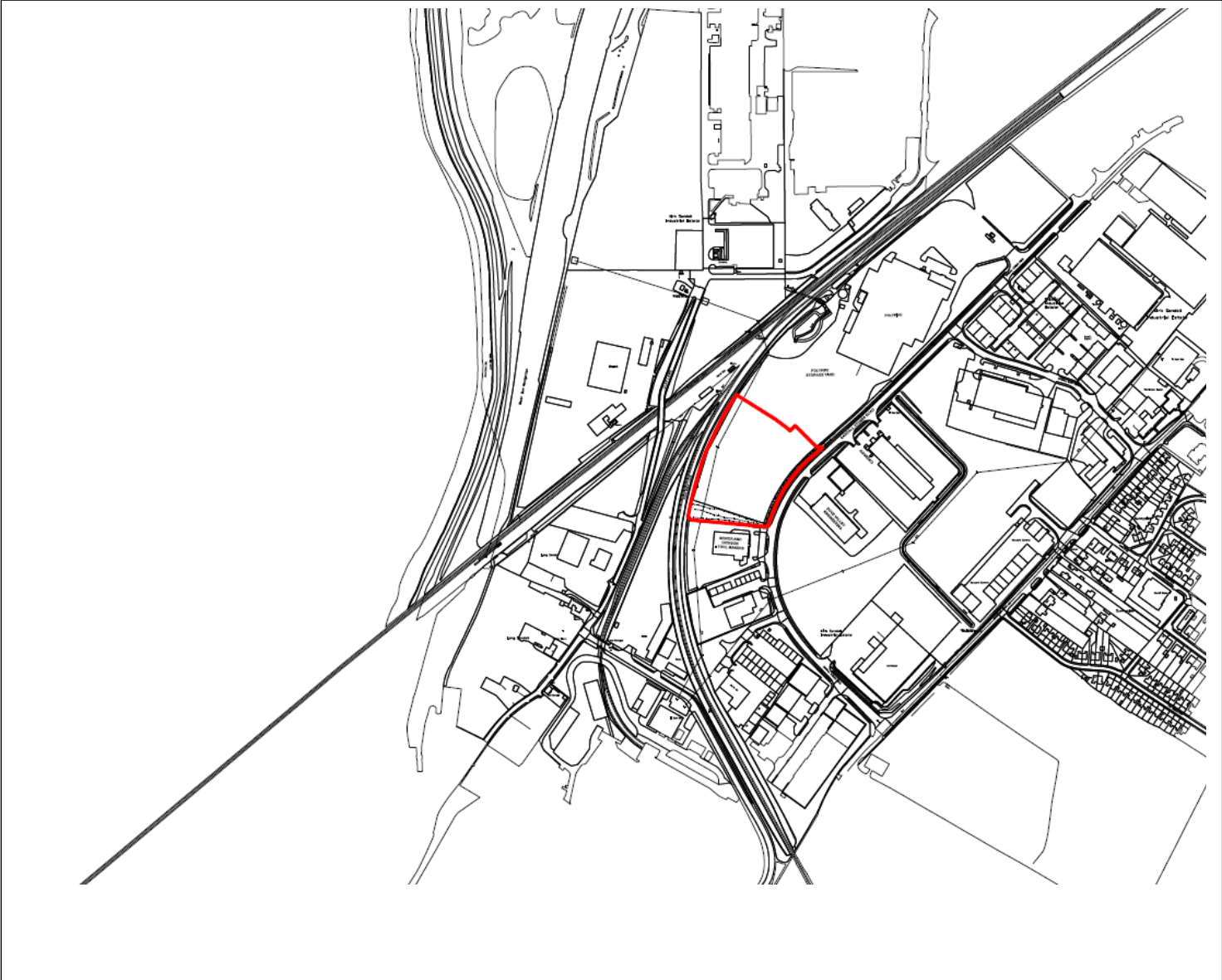
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Additional information in relation to the need for the facility

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



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NOTE
 THIS DRAWING IS COPYRIGHT GSDA LTD.
 THE CONTRACTOR MUST NOT SCALE FROM THE DRAWING
 ALL DIMENSIONS TO BE TAKEN FROM DIMENSION STRINGS.
 WHERE ANY DISCREPANCIES ARE FOUND BETWEEN
 DIMENSIONS THESE MUST BE BROUGHT TO THE ATTENTION
 OF THE ARCHITECTS FOR RESOLUTION.
 WHERE DISCREPANCIES EXIST BETWEEN REFERENCE OR
 ASSEMBLY DRAWINGS & DETAIL DRAWINGS, THE LATTER
 TAKE PREFERENCE.

- Red Line Boundary
- 66kV Ducted Cable
- Cable Easement Strip
- Proposed Amenity Grass
- Proposed Edge Mix
- Proposed Hedgerow
- Existing 2.4m Palisade Fence
- Existing 1.5m Post & Weldmesh Fence
- 2.4m Palisade Fence
- 3.1m Palisade Fence
- - - 2.4m Weldmesh Security Fence
- - - Vehicle Barrier
- Pedestrian Guard Rail
- Removable Armco Barrier
- Triel HGV Kerb
- Vehicle Bolard

PROJECT		DONCASTER EFW	
DRAWING		Proposed Site Layout	
FOR PLANNING		-	20/06/04
1:250 @ A0	22/01/14	A	22/01/14
SCALE	DATE	ISSUED FOR	PLANNING
1388 PL101	A	Overflow car park	adjusted
DWG. NO.	REVISION		

GSDA

GARRY STEWART DESIGN ASSOCIATES

Highways House, Office 302A, 155 The Broadway, Wokingham, London, SW19 1NE
 T: 020 8544 8005

Appendix 3: Photo Montages -Visuals





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Application	3.
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Application Number:	21/02978/OUT
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Application Type:	OUTLINE PLANNING PERMISSION
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Proposal Description:	Outline application for the erection of detached dwelling and garage including construction of new access on 0.03ha of land (all matters reserved).
At:	Land East of Guelder Cottage, West End Road

For:	Mrs S Peacock
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Third Party Reps:	10 objections have been received from members of the public. Objection from Parish Council.	Parish:	Norton Parish Council
		Ward:	Norton and Askern

Author of Report:	Jessica Duffield
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SUMMARY

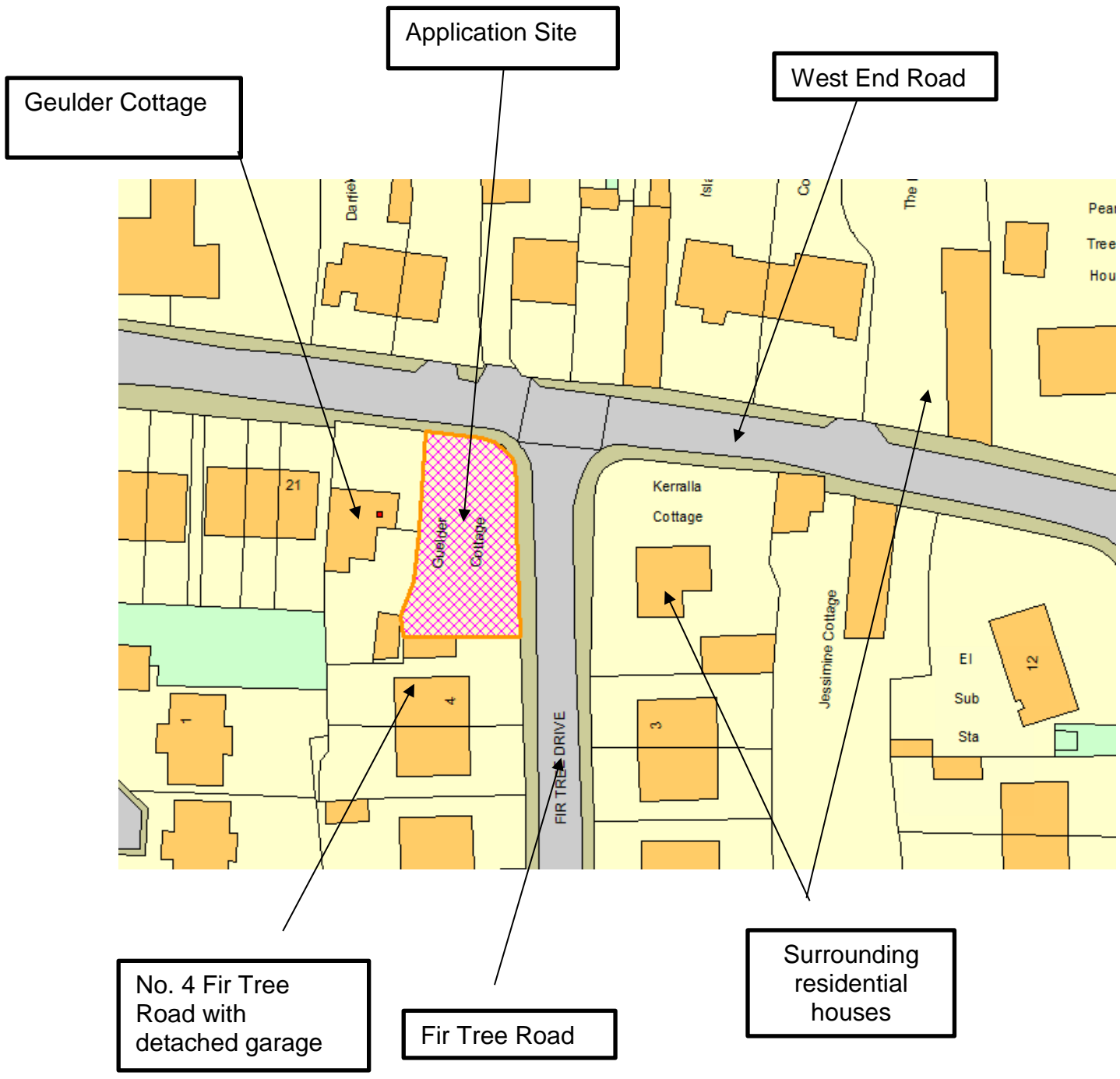
This application is seeking outline planning permission for the erection of a detached dwelling with garage and new access (all matters reserved). The site is positioned on a corner plot of West End Road and Fir Tree Drive, adjacent to the property at Guelder Cottage.

The application has received a high level of public interest with the majority of the representations raising concerns in connection to the land ownership and issues regarding the site previously being considered as informal/non-designated public open space. These issues are addressed in detail within the report. However, in summary the applicant has provided the appropriate information to demonstrate that they are the freehold owner of the land, thus the land ownership issues have been disregarded.

The application is for outline planning permission with all matters reserved and therefore the recommendation is based on the principle of development for one dwelling at the application site.

The application is being presented at Planning Committee as it was called in by a Local Ward Councillor, as well as the level of public interest.

RECOMMENDATION: GRANT outline planning permission subject to conditions.



1.0 Reason for Report

- 1.1 The application is being presented to Members due to the volume of public interest and being called in by a Local Ward Councillor. Cllr White called the application in based upon environmental impact and highways implications in the area.

2.0 Proposal and Background

- 2.1 Planning permission is sought for outline planning permission (all matters reserved) for the erection of 1x detached dwelling with garage and access, on a parcel of land measuring approx. 0.03ha.
- 2.2 A site plan has been submitted to demonstrate that a detached dwelling can comfortably be accommodated at the application site, though the exact siting, appearance and other matters will be determined at reserved matters stage.
- 2.3 The proposed dwelling is shown to be accessed off Fir Tree Drive with a private garden area to be created between the dwelling and the detached garage on the southern boundary of the site.
- 2.4 The site itself was historically owned by the previous occupiers of Guelder Cottage. However in recent years the cottage and the land have been sold off separately and the site is no longer connected with the adjacent cottage.

3.0 Site Description

- 3.1 The site is relatively oblong in shape, with the north eastern corner being curved to follow the shape of the pathway. The site is slightly shorter in length than the adjacent plot at Guelder Cottage and abuts the detached garage at No. 4 Fir Tree Drive.
- 3.2 Historically the site had an open nature, with no boundary treatments and consisted of multiple large/mature trees. However in more recent years, the site has been cleared and currently consists of grass and informal vegetation. A low height boundary fence has been erected to define and secure the site. Using historic photographs it is obvious that trees were cleared prior to 2012, and the fence was erected circa 2015 (see appendix 2). This demonstrates that the site has not be accessible for public use for around 7 years.
- 3.3 The site is surrounded by residential dwellings in all directions, which vary in scale and appearance. West End Road has a traditional character, with a mixture of cottages and stone built dwellings, though examples of render and red brick are also used in the locality. Fir Tree Drive has a more defined street scene consisting of semi-detached and detached bungalows built in brick with faux stone.
- 3.4 The property on the opposite corner to the site is a large traditionally styled detached render dwelling with high stone wall wrapping around the plot. The presence of the high wall makes the property appear enclosed and private in contrast to the low fence which defines the application site.
- 3.5 The application site falls within Flood Zone 1 and is at low risk of flooding.

4.0 Relevant Planning History

4.1 Planning history for the application site as follows:

Application Reference	Proposal	Decision
20/03166/FUL	Erection of two storey side and rear extensions.	GRANTED – 19/2/2021
17/03018/FUL	Erection of part two storey, part single storey rear and side extension to existing detached dwelling	GRANTED- 21/2/2018
15/00548/FUL	Erection of 1 detached house with detached garage on 0.03ha of land (being resubmission of application 13/02565/FUL, refused on 06/03/2014).	WITHDRAWN – 1/5/2015
13/02565/FUL	Erection of 1 detached house with detached garage on 0.03ha of land	REFUSED – 6/3/2014
<p>The above application was recommended for refusal by the Case Officer with the following reason for refusal:</p> <p><i>In the opinion of the Local Planning Authority, the proposal will result in loss of visual amenity through the loss of open space, nor has it been demonstrated that the land isn't valued by the community and that the alternative proposals are supported. It is therefore contrary to paragraph 74 of the National Planning Policy Framework (Adopted May 2012), Doncaster's Core Strategy Policy CS17: Green Infrastructure (Adopted May 2012), and saved Policy RL2 (criteria c) of the Doncaster Unitary Development Plan (Adopted July 1998, saved September 2007) and Draft Policy SP36: Open Space of the Sites and Policies Development Plan Document which seek to protect areas of open space.</i></p>		
12/00939/FUL	Erection of detached house and detached garage on approx 0.03ha of land	REFUSED – 15/8/2012
<p>The above application was recommended for approval by the Case Officer but then refused by Planning Committee members for the following reason:</p> <p><i>In the opinion of the Local Planning Authority, there is a lack of amenity open space in the settlement of Norton and development of this existing amenity open space will result in an unnecessary loss of visual amenity. It is therefore contrary to paragraph 74 of the National Planning Policy Framework (Adopted May 2012), Doncaster's Core Strategy Policy CS17: Green Infrastructure (Adopted May 2012), and saved Policy RL2 (criteria c) of the Doncaster Unitary Development Plan (Adopted July 1998 and saved September 2007), which seek to protect areas of open space.</i></p>		

5.0 Site Allocation

5.1 The site is identified within the Local Plan as Residential 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 NPPF is a material consideration in planning decisions and the relevant sections are outlined below:

5.4 Paragraphs 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.

5.5 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.

5.6 Paragraph 119 states that planning decision should promote an effective use of land in meeting the need for homes and other uses.

5.7 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.

5.8 Local Plan

5.9 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:

5.10 Policy 10 relates to Residential Policy Areas and states that residential development will be supported where the development would provide an acceptable level of residential amenity for both new and existing residents; would protect and enhance the qualities of the existing area; and meets other development plan policies.

5.11 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they recognise and reinforce the character of

local landscapes and building traditions; respond positively to their context, setting and existing site features as well as respecting and enhancing the character of the locality. Developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.

5.12 Policy 42 relates to urban design and 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 requirement and design standards.

5.13 Policy 44 relates to residential design and sets out the key design objectives which residential development must achieve, as well as stating that all developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours.

5.14 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure.

5.15 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides high quality hard and soft landscaping scheme which includes fit for purpose planting and generous trees, shrubs and hedgerow planting.

5.16 Neighbourhood Plan (NP).

5.17 No neighbourhood plan is relevant to this application.

5.18 Other material planning considerations and guidance

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SPD) (2015)
- Residential Backland and Infill Development (SPD) (2010)
- 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 council website and neighbour notification.

6.2 The application was initially submitted on the 1st October 2021 and advertised via neighbour letter (*consultation expiry 5th November 2021*). Following this publicity, a total of 10 letters of objection were received from local neighbours. One neighbour in particular has submitted multiple representations however these have only be counted as one letter of objection. A summary of the material planning issues raised is set out below:

- Road junction is dangerous;
- Congestion on the highway;
- No consideration to residents;
- Limited parking spaces/loss of parking availability
- Trees have been taken down;
- Site is infested with vermin;
- Position of proposed dwelling will obstruct views;
- Boundary should be built of stone instead of fencing;
- Development would result in loss of open/green space;
- Increased danger to pedestrians / reduced visibility;
- Large soakaway under the site to prevent flooding on Fir Tree Drive;
- No change from previously refused applications;
- Loss of light.

6.3 The non material issues raised within the neighbour representations included the following:

- Land not owned by Guelder Cottage;
- Land was originally public land;
- Unauthorised ownership of land;
- Land obtained to make a profit;
- Land was incorrectly gifted;
- Wishes site to be used as a memorial/remembrance garden;
- Application address incorrect;
- The site is not maintained/poorly maintained by the owner;

6.4 A separate representation in objection has been received from the Parish Council of Norton raising the following concerns:

- Previous owners/developers of the Fir Tree Drive applied to develop the site in the 1980s but were unsuccessful.
- The land is the only green open space in the centre of the village and members of the Parish Council historically planted flowers on the site in the belief that it was public open space.
- Issues regarding flooding.

6.5 A second round of publicity via neighbour notification letter (consultation expiry 1st February 2022) has taken place following an updated description of the application site address and clarification of the applicant's address. The site address has been updated to make it clear that the application site is the land to the east of Guelder Cottage to address the comments made in relation to application address/ownership. Following this publicity, a total of 2 letters of objection were received from local neighbours, though both of these neighbours had objected previously with the same comments as covered above.

6.6 Land ownership issues are not material planning considerations and are therefore to be disregarded as part of the planning assessment. However, given the history of the site and the number of objections in relation to such issues, the Case Officer is of the opinion that it would be appropriate to provide a brief overview of the site's ownership history to address the comments raised as summarised above.

6.7 Copies of emails from Land Registry (which have been provided by local neighbours) confirm that an application was received in 2008 from the then occupiers of Guelder Cottage to register themselves as the landowners of the

application site based on adverse possession (*the occupation of land to which another person has title with the intention of possessing it as one's own*).

- 6.8 The adverse possession application was supported by statutory declarations, and a surveyors report notice was served on DMBC. The Council did not object to the application and therefore based on the evidence submitted the possessory title was granted to the occupiers/owners of Guelder Cottage- completed 3rd October 2008. The fact that the Council did not object to the notice served by Land Registry indicates that the Council did not consider themselves as landowners at that time.
- 6.9 It is understood that a second application was received by Land Registry in 2012, however this application was lodged by Norton Parish Council. The application sought to de-register the land on the grounds that there was an error in the register. This application was supported by various statutory declarations. The registered proprietors (the occupiers of Guelder Cottage) objected to this application, and the dispute was then referred to the Adjudicator at HM Land Registry. The dispute was heard in court on 16th and 17th April 2013 and the court ordered that the alteration to the application be cancelled.
- 6.10 During the court hearing the Judge stated that the land in question (i.e. the application site) was not common land nor did the Local Authority hold a documentary title to it. Any previous use by local residents was therefore considered as trespass.
- 6.11 As part of this planning application, the agent has provided a copy of title plan and register which indicates that the applicant (as stated on the application form) is the freehold landowner of the application site and has been the single owner of the site since December 2015. Based on all the information provided, the issues regarding land ownership have sufficiently been addressed and disregarded.

7.0 Town/Parish Council

- 7.1 Norton Parish Council- see comments above.

8.0 Relevant Consultations

- 8.1 National Grid – No response
- 8.2 DMBC Asset and Property- No response
- 8.3 Yorkshire Water – No response
- 8.4 DMBC Ecology – Site is too small for biodiversity net gain however some enhancements are required. Ecological enhancement plan condition proposed.
- 8.5 DMBC Tree Officer – No objection or conditions. The reserved matters application should include proposed boundary treatments; hard landscaping details for the paving/walls/fences; and planting plan schedule. Informative attached.
- 8.6 DMBC Internal Drainage – No objection, condition proposed.
- 8.7 DMBC Housing Policy – Detailed comments provided in regards to the site's history (attached at the appendix 3). The comments raised in the local neighbour objections have been discussed however as the site is privately owned, not

accessible to the public and does not hold the visual amenity that it once, the site cannot be considered as public open space and Policy 27 (protecting open space) does not apply. The site is designated in the site's residential policy area in the adopted Local Plan and is therefore acceptable in principle subject to meeting all other relevant policies.

- 8.8 DMBC Highways Development Control – No objections, however further comments are to be addressed at reserved matters stage. Informative attached with comments.
- 8.9 DMBC Pollution Control – YALPAG form requested and provided. No objection, condition proposed.
- 8.10 Ward Members – Cllr White called the application into Planning Committee based upon environmental health and highway implications.

9.0 Assessment

9.1 The proposal seeks outline permission for the erection of 1x detached dwelling and garage including the construction of new access on 0.03ha of land (all matters reserved). As the application relates to outline permission with all matters reserved, this assessment will consider the principle of the development only, with the detailed matters to be assessed at reserved matters stage. In considering the proposal the main material planning considerations are outlined below:

- The acceptability of residential development
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the existing trees
- The impact on the ecology of the site

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

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

Appropriateness of the proposal

9.3 The application site falls within the Residential Policy Area as defined in the adopted Local Plan (2021). Policy 10 relates to the Residential Policy Area and states that new residential development will be supported in these areas provided that:

- The development would provide an acceptable level of residential amenity for both new and existing residents;

- The development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood;
- The development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.

9.4 Based on the policy designation the proposed development is acceptable in principle subject to the above criteria which will be assessed below.

Sustainability

9.5 The 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

9.6 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

9.7 Part A.1 of Policy 10 refers to residential amenity for both new and existing residents. The proposed development is surrounded by residential development in all directions. In terms of overlooking; overshadowing and separation distances, these could vary slightly at reserved matters stage once the siting and appearance of the dwelling is confirmed. Based on the proposed site plan, it is not considered that neighbouring residential amenity will be harmfully impacted.

9.8 The application site is 0.03ha in size, which is an appropriate size for the scale of the proposed development. It is not considered that the proposal would be an overdevelopment of the site which would introduce harmful overlooking or overshadowing upon neighbouring properties.

9.10 The development provides a sufficient size of outdoor garden space for the future residents and the internal space standards will be assessed against Policy 45 at reserved matters stage. Based on the information provided, the proposed development is not considered to harmfully impact residential amenity.

9.11 Conclusion on Social Impacts.

9.12 Para. 8 b) 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.

9.13 It is not considered that the proposed development would adversely affect future or existing residential amenity. The development would provide one new dwelling within the village of Norton adding to the vibrancy of the community. This weighs in favour of the application carrying substantial weight.

9.14 ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 9.15 Norton is medium sized village located on the north part of the Borough. The application site is located on the junction of West End Road and Fir Tree Drive, relatively central within the village. The principle elevation of the proposed dwelling is shown to face Fir Tree Drive, with the side elevation to follow the established build line along this section of West End Road.
- 9.16 The opposite corner plot has been developed historically (Kerralee Cottage). Development of the application site would make the street junction appear more symmetrical and is considered to be an improvement both visually and in terms of character in comparison to the site's current state.
- 9.17 The application site currently consists of 1m high fencing with concrete post panels. The site is relatively unkempt with overgrown vegetation. Development of the site is considered to significantly improve the appearance of the site, benefiting both West End Road and Fir Tree Drive, as well as the overall character of the village.
- 9.18 In terms of the appearance of the dwelling, the finished materials/style will be assessed at reserved matters stage, but the applicant will be encouraged to use traditional styles making use of stone and/or render to reflect the local character.
- 9.20 Overall, the development is considered to enhance the character and appearance of the local area.

Highways/Access

- 9.21 The detailed highway information will be assessed at reserved matters stage. However for the principle of the outline application, the proposed site plan indicates that the development will include a driveway to the south of the site with a detached single garage. The driveway and garage is shown to be accessed off Fir Tree Drive, adjacent to the access to No. 4.
- 9.22 The Highways DC Officer has reviewed the proposed development and raised no concerns. The officer has provided some advice in regards to width of the proposed driveway and the appropriate visibility splay which will need to be taken into considered in terms of the detailed highway design as per the proposed informative.
- 9.23 Many of the neighbour representations refer to lack of parking availability within the local area and suggest that the site is relied upon for additional provision. Fir Tree Drive consists of bungalows each which have generous driveways/ paved front gardens for multiple vehicles. It is important to note that the application site is currently fenced off and is in private ownership. The site does not provide additional

parking spaces and the development of the site should not impact the availability of parking spaces within the local community.

- 9.24 As part of the reserved matters application, the proposal will need to include the appropriate number of off-street parking spaces in association with the size of the proposed dwelling. Any dwelling with 2+ bedrooms would need to provide at least 2 dedicated parking spaces. The application site provides sufficient space for this requirement to be met and therefore it would not be considered that the development would result in a harmful impact in terms of anti-social parking.
- 9.25 Similarly the development of one house is not considered to harmfully impact the local highway network. Based on all of the above the proposal is considered to be in accordance with Local Plan Policy 13 and causes no harmful impact in terms of highways or access.

Trees and Landscaping

- 9.26 It is recognised that historically large trees and small plants were present on the site. However based on photographs (both from online and those associated with previous applications) it is noted that the site was cleared prior to 2012 (see photos in appendix 2), though the site was still 'open' at this time. The boundary fence posts were then installed circa 2015, with the fence panels added not long after to fully secure the site, making it inaccessible to the public.
- 9.27 The Tree Officer has reviewed the proposal and confirms that there are no trees on site which are of an arboricultural value to justify an objection. The proposed position of the dwelling as shown on the site plan does limit the tree planting somewhat and would mean any future trees would need to be of small/medium sized. No tree conditions are proposed at this time though an informative is attached confirming the level landscaping details required at reserved matters stage.

Ecology and Wildlife

- 9.28 The Council's Ecologist has reviewed the proposed development and confirms that there are no habitats or protected species at the application site. The site is too small for a biodiversity net gain assessment but some enhancements that contribute to ecological networks should be provided. The reserved matters application should therefore include an ecological enhancement plan as per the proposed condition.

Pollution issues

- 9.29 The contamination team have been consulted on the application. The appropriate YALPAG form has been completed and a condition is proposed.

9.30 Conclusion on Environmental Issues

- 9.31 Para. 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.

9.32 The proposed development is not considered to harm the environment and instead will enhance and improve the appearance of the site within the street scene. Development at the site will include sufficient planting and ensure that ecological enhancements are implemented. The proposal will not harmfully impact the local highway network or the availability of parking. In conclusion of the environmental issues, it is considered the development carries substantial weight.

9.33 ECONOMIC SUSTAINABILITY

9.34 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.

9.35 Conclusion on Economy Issues

9.36 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.

9.37 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 (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site earmarked for residential development in the Local Plan and this weighs considerably in favour of the application.

10.2 The indicative plan submitted with the application has shown that a suitable proposed layout can be achieved that would be reflective of the character of the area and safeguard neighbouring properties through appropriate separation distances and this weighs significantly in favour of the application.

10.3 The proposed development will include adequate highways/parking arrangements together with the potential landscaping/planting and ecological enhancements as set out in the proposed conditions, the development weighs significantly in favour of the application.

10.4 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

11.0 RECOMMENDATION – GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS:

Conditions / Reasons

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

REASON

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

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

Location Plan- Received 10th February 2022

Location Plan & Site Plan, Dwg No: 119/21 – Received 1st October 2021

REASON

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

03. On submission of reserved matters, 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:

- A scheme of native species shrub planting in appropriate locations within the final site layout
- The provision of two woodcrete bird nest boxes integrated into the walls or attached externally to the dwelling with the type, location and orientation specified by a suitably qualified ecologist.

REASON

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

04. 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, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

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

REASON

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

INFORMATIVES

01. INFORMATIVE

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

02. INFORMATIVE

But with a full application that may be forthcoming, trees and hedgerows will expect a landscape scheme and this would include:

- Proposed boundary treatments
- Hard landscape including paving/surfacing type, walls, fences
- Planting plan and planting schedule: including common/botanical names, nursery stock specification of trees and shrubs (complying with BS8545, and BS3936: Part 1 / the Horticultural Trades Association National Plant Specification), planting density / numbers of plants for shrubs or hedges, seed mix and sowing densities for grass /wildflowers etc.

03. INFORMATIVE

Parking spaces are required to comply with the South Yorkshire Residential Design Guide Space dimensions 4B.1.1.22 – *“Standard parking spaces must be 5 metres by 2.5 metres.*

The driveway should be a hard surface that enables surface run off and the extent shown on a site plan and to comply with 4B.1.1.29. There looks to be a shaded area from the highway footway to the centre of the dwelling, if this is a designated footpath then the driveway access width needs only be 2.75m. However, if there is no footpath shown from the driveway to the dwelling, we would have to insist on the driveway access being 3.3m width to comply with the South Yorkshire Residential Design Guide 4B.1.1.19.

It looks like the adjoining fence abutting the proposed driveway could obstruct visibility, therefore a 2m x 2m visibility splay will be required to comply with 4B.1.1.31.

Dropped kerb informative will also be applied. - Dropped crossing - 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>

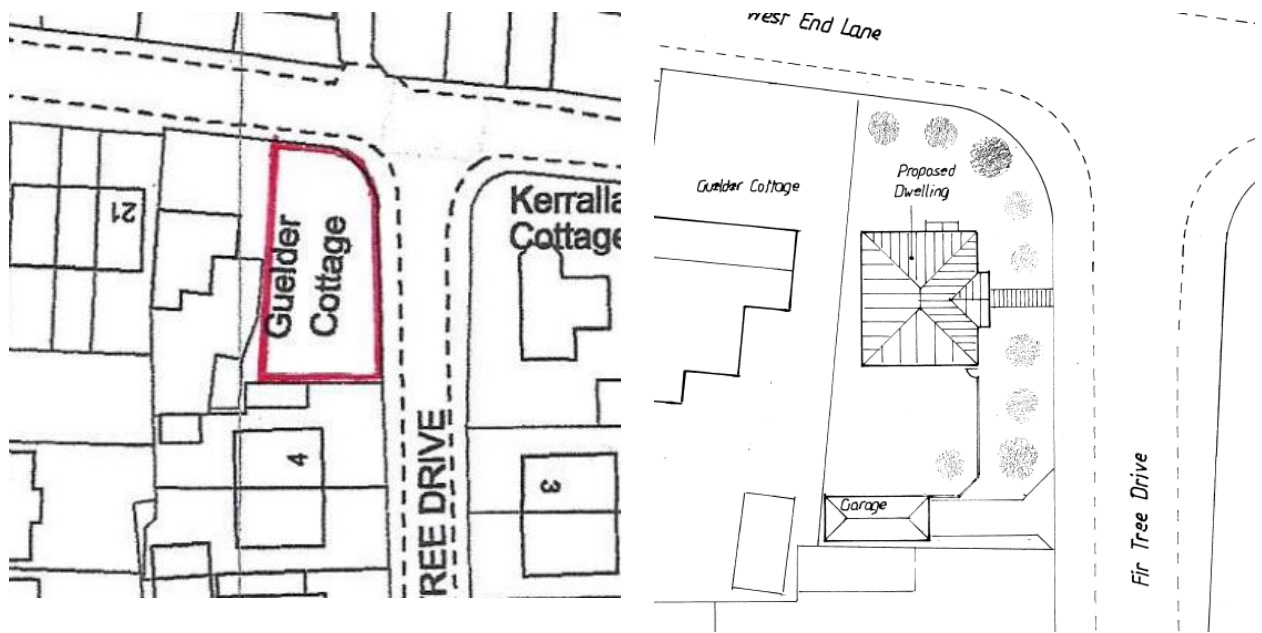
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Amended application site description to ensure that it accurately reflects the application site;
- Updated location plan to remove the blue line as the adjacent land is no longer in the applicant's ownership.

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

APPENDIX 1- Proposed Location/ Site Plan



APPENDIX 2 – Photographs of Site History

Photo from 2009 – Google Streetview



Photo from 2012 application file- site had been cleared but still open



Photos from 2015 application file - Fence posts installed



Photo from April 2021 – Google Streetview



Photos taken by Case Officer – 11/2/2022





APPENDIX 3- Public Open Space Comments

Thank you for consulting on this application. From an open space point of view, this is a difficult application to assess. I appreciate this has, in the past, been publically accessible land. I also appreciate there is clear disagreement about the status of this land, and that applications on this site have been refused previously due to open space matters, albeit under a different Local Development Scheme to today (UDP and Core Strategy; now new Local Plan, adopted 2021). I will attempt to set out the position with regards to open space.

The site dates back to the time the adjacent housing scheme was developed. It appears that as part of DC9734/A (1971) that there was a condition (no. 3) requiring that there should be tree or shrub planting on the site “in accordance with a scheme approved by the Local Planning Authority...”

Officers have reviewed the original planning files related to this application, and cannot find an accompanying map from the date of this application specifies where the open space is located. On the maps we have seen, the land in question is left blank – there is nothing to indicate with 100% certainty that this was the open space referred to in the decision notice. We also have no evidence that we can find on the planning file to show this condition was ever discharged. So whilst we *believe* it is highly likely that the site in question was the intended area for tree and shrub planting, as per DC9734/A, and whilst we know that in circa 2010 this land was still a pleasant grassed area with fir trees located on it, we cannot point to any categorical proof of this on our records from the time that this was definitely the open space, nor that it was delivered via discharge of condition 3 of DC9734/A.

As I understand it, such processes at the time were far more informal than they are today and of course, the paper based system then used means it is easier for files to be misplaced or lost, if indeed the files ever existed. It is also possible, looking over information related to application 12/00939/FUL (as stated in the Planning Committee report for that application) that the builder of the adjacent houses went out of business before the site was completed, and that the parish council / local residents took it upon themselves to deliver and maintain this space for the benefit of the public.

We are aware there is some dispute about the ownership. It appears this has been maintained over the years as open space, although it has never been formally owned by DMBC or the Parish Council. Members of the local community have said they have informally maintained it, and the landowners have also said they maintained it. We are unable to comment on this other than to say it clearly has been planted at some point, maintained in the past and that it appears to have been accessible and therefore arguably of recreational and visual amenity value previously.

That said, the matter of ownership appears to have been resolved, rightly or wrongly, depending on your view, by the land registry. The land is in private ownership.

In the absence of any concrete evidence to hand regarding the intended use of the land, as described above, and given the ownership has been determined to be private, we can only judge this based on the facts as we find them today.

Those facts are now as follows:

1. The land is privately owned, as such public access could be considered trespass. A fence has been erected around it which now makes it clear this is not a site for public access. It can therefore not be argued that this land has recreational value because it cannot be used recreationally;
2. The land has been cleared of shrubs and planting. It looks slightly unkempt. What visual amenity once existed has not been eroded.
3. The site is allocated as Residential Policy Area in the Local Plan. It is not identified in the Green Space Audit (2013). That does not preclude it from being determined under Policy 27 of the Local Plan as an undesignated open space, but given points 1 and 2 above, it is difficult to now conclude it can be seen as an open space and therefore trigger the need for this policy to be viewed as a loss of open space – the process for dealing with which is set out in both local and national policy.

In short, if this is considered to be an open space, we have to be clear what open space function it is providing. I do not consider it can be said to be providing an open space function such as those listed under Policy 27 part b, and perceptually, it no longer looks like open space. Because it is privately owned and we cannot show it was the intended open space as per the original application, it is not within our power to insist or enforce that this should therefore be retained and maintained as an open space, because we cannot prove it was intended or delivered as such.

There have been a number of applications to develop this site for residential use in the last ten years which have been refused for reasons related to open space in addition to the current application, as set out below:

12/00939/FUL: refused by committee against officer recommendation due to lack of amenity open space in Norton and development of this existing amenity space would

result in an unnecessary loss of visual amenity. Contrary to (then) NPPF 74; Core Strategy CS17 and UDP RL4(c).

13/02565/FUL: refused due to loss of visual amenity through the loss of open space, and it was not demonstrated that the land is not valued by the local community and that alternative proposals are supported as the applicants did not undertake a local consultation to prove the loss of this unidentified open space was acceptable. Contrary to (then) NPPF 74; Core Strategy CS17; UDP RL4(c) and emerging Policy SP36 from the then draft and later withdrawn Sites and Policies Development Plan Document.

15/00548/FUL: withdrawn.

Site visit photos for these applications show that by May 2012 the site had been cleared of trees and shrubs, and that by March 2015 a fence appears to be being erected around the site. We can assume it has been fenced for a number of years now, and therefore perceptually no longer "open" or public.

In the intervening years, the site was submitted to be considered as a 'Local Green Space' in the Local Plan by the Parish Council. Local Green Spaces are a separate designation that can be made through Local and Neighbourhood Plans which are different to the more common open spaces. These can only be allocated where it is proven the sites are demonstrably special to the local community, and if allocated as such, they are given a status akin to Green Belt in the Local Plan. They do not have to be in public ownership. The Borough Council did consider the site for allocation for this reason, but concluded it did not meet the threshold for significance (Beauty; Historical; Recreation; Tranquillity; Wildlife; or Other). No evidence on its local significance was submitted by the Parish Council. This was not a comment on anything other than the proposal for the site to be allocated very specifically as Local Green Space and is not pertinent to this case.

Since the 2012, 2013 and 2015 applications, there have been some changes related to this site. Most significantly, the land has been fenced off and now has the appearance of scrubland or a development plot. There is a lack of public access available now whereas once it appeared to be part of the public realm and could have arguably had recreational or visual amenity value as an open space. Furthermore, the UDP and Core Strategy have been replaced by the new Local Plan, with a new suite of policies. That said, the same principles do broadly still exist in that undesignated open spaces can be protected and we can ask for a consultation on the loss of these if we deem the space to serve an open space function.

Given the above points, and short of being able to establish the full details of the original 1971 application, I am unable to see how this site can now be said to be an open space, or be of value as an open space, given its ownership, lack of public access, appearance and allocation in the Local Plan. As such, I am of the opinion that Local Plan policy 27 does not apply in this case.

The ownership issues are pertinent but beyond our control. There is nothing we can see that allows us to conclude with absolute certainty that this space was the intended open space of the original application, delivered as such, with the conditions discharged.

Furthermore it is now privately owned and not accessible to members of the public, and does not hold the visual amenity value it once did – nor can we affect this or enforce against it given the ownership and issues establishing the site history. I appreciate the strength of opinion locally on this matter and its history. However, given the above and its allocation in the Local Plan as residential policy area, I do not believe Policy 27 parts b or d (Protecting Open Space and Non Designated Open Space) applies in this case. In short, whilst this could once more clearly be argued to be an open space, it now cannot, and short of someone willing negotiate and purchase the site to re-establish the open nature of it for the community, it is hard to see how this position can now change.

Application	4.
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Application Number:	20/03548/FUL
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Application Type:	Full Planning Permission
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Proposal Description:	Erection of a detached bungalow with integral garage (Amended plans)
At:	Land On The East Side Of Green Lane Old Cantley Doncaster DN3 3QW

For:	Mr David Riley
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Third Party Reps:	8 Letters of objection (original scheme) 3 in respect of the amended plans	Parish:	Cantley With Branton
		Ward:	Finningley

Author of Report:	Mary Fleet
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SUMMARY

This proposal seeks full planning permission for the erection of a detached bungalow with integral garage. The proposal represents a departure from the development plan however because of the relationship between the site and the built settlement of Old Cantley there is no objection in policy terms provided the proposal is designed appropriately. The scheme is therefore 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).

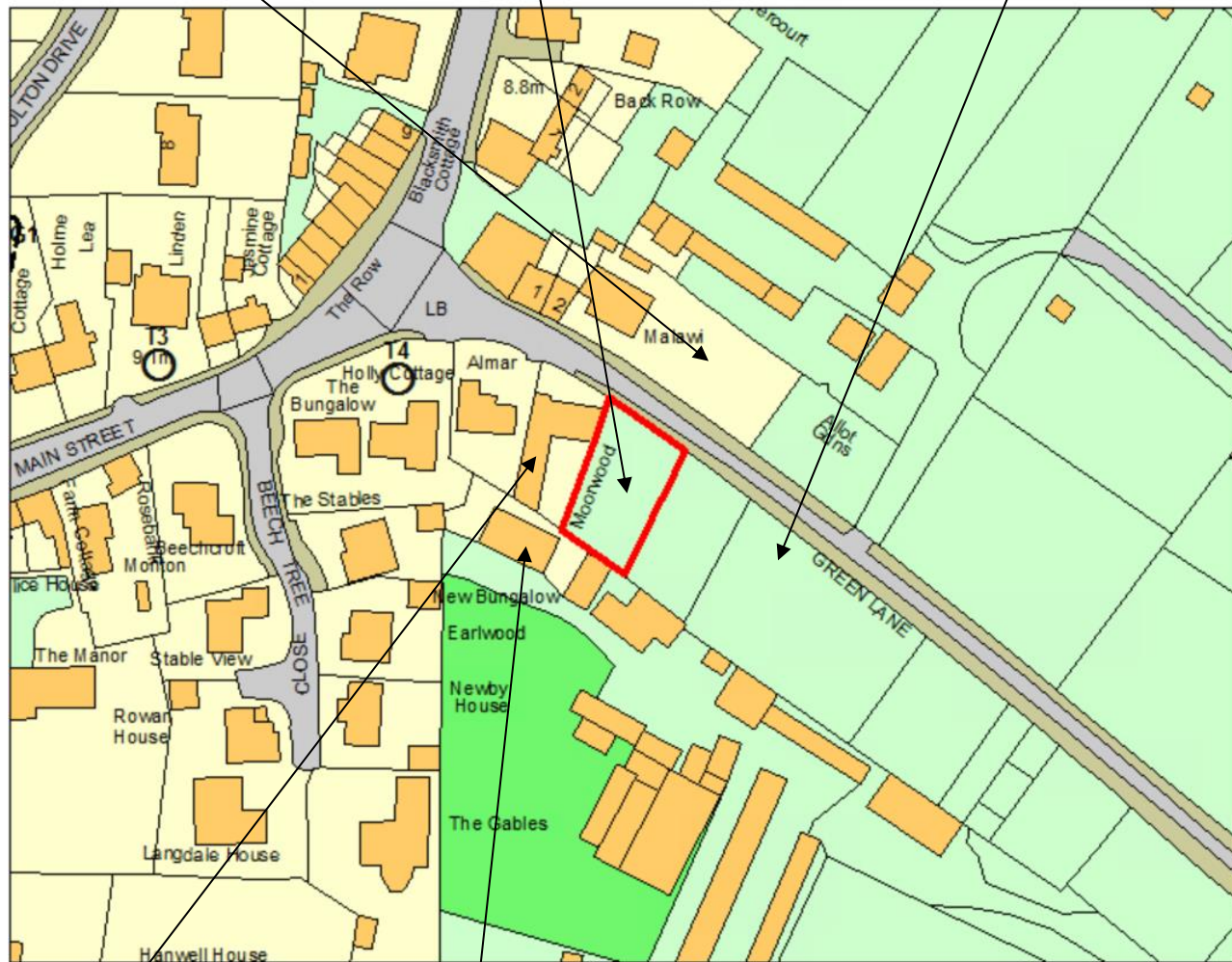
The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to neighbouring properties, the highway network, the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

RECOMMENDATION: GRANT planning permission subject to conditions.

Application site

Residential
Policy Area

Rough parking area



Moorwood

Beech Tree
Farm

1.0 Reason for Report

- 1.1 The application is being presented to Members given the fact it represents a departure from the development plan. In addition to this there has been interest in the application locally partly on account of the land designation.

2.0 Proposal and Background

- 2.1 Planning permission is sought for the erection of one detached dwelling with integral garage. The designation of the site is Countryside Policy Area. The original application was considered detrimental to the amenity of the next door neighbour hence the plans were amended to lessen the impact on the adjoining neighbour and the proposal re- advertised.

3.0 Site Description

- 3.1 The site is located just outside the settlement boundary of Old Cantley village and the characteristics of the site typify this. To the north of the site the land is cultivated and occupied by a number of outbuildings; this is likewise the case to the south where outbuildings flank the rear of the site. To the south east of the site is a rough parking area and to the north west a dwelling.
- 3.2 Green Lane is a single carriageway road that leads off from the historic centre of Old Cantley. In this centre there are a number of older properties set on the back edge of the pavement, the majority of which have now been rendered. There are instances too of stone walls constructed from magnesium limestone which is typical to main of the conservation areas in the borough. The village core is surrounded by more modern, detached villa style housing constructed in the latter part of the 20th Century.
- 3.3 The village is too small to benefit from shops/ services other than a restaurant which is situated on the corner of Green Lane where it joins Main Street. The site itself has been cleared to some extent in recent months and has been utilised for storing some of the materials /equipment required for the re-development of the adjoining site.

4.0 Relevant Planning History

- 4.1 No planning history.

5.0 Site Allocation

- 5.1 The site is identified within the Local Plan as Countryside Policy Area. The site is also in close proximity to the Old Cantley Conservation Area. In addition to this the site is in flood zone 1 and therefore at low risk of flooding.

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 NPPF is a material consideration in planning decisions and the relevant sections are outlined below:

Paragraph 38 (Decision making)
Paragraph 47 (Determining applications)
Paragraph 56 (Planning Conditions)
Paragraph 79 (Sustainable development in rural areas)
Paragraph 111 (Promoting sustainable transport)
Paragraph 119 (Making effective use of land)
Paragraph 130 (Design of new developments)
Paragraph 174 (Conserving the natural environment)
Paragraph 183 (Ground conditions and pollution)

Local Plan

5.4 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:

5.5 Policy 1 Settlement Hierarchy (Strategic Policy)

Policy 2 Level of Growth (Strategic Policy)

Policy 13 Promoting Sustainable Transport in New Developments (Strategic Policy)

Policy 25 Development in the Countryside Policy Area

Policy 29 Ecological Networks (Strategic Policy)

Policy 30 Valuing Biodiversity and Geodiversity (Strategic Policy)

Policy 37 Conservation Areas

Policy 41 Character and Local distinctiveness (Strategic Policy)

Policy 44 Residential Design (Strategic Policy)

Policy 45 Housing Design Standards (Strategic Policy)

Policy 48 Landscaping of New Developments

Policy 55 Contamination and unstable land

Policy 56 Drainage

5.6 There is no neighbourhood plan at the current time for Old Cantley.

Other material planning considerations and guidance

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

6.0 Representations

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

6.2 The application was initially submitted on the 29th December 2020 and advertised via site notice on the 5th February 2021; via neighbour letter on the 19th January 2021; and press notice on the 4th February, 2021. A further site notice, press notice and neighbour letters were then produced and posted/sent to correct the fact that the red line boundary has been drawn incorrectly. These were posted/sent on the 5th March, 2021, the 4th March, 2021; and on the 26th February, 2021 respectively. On the receipt of amended plans neighbour letters were again issued on 2nd June, 2021 to advertise the alterations that have been made to the scheme. Following the initial publicity a total of 8 letters of objection were received. Having re-advertised the proposal 3 objections were received these being from people who had commented on the original proposal. A summary of the material planning issues raised is set out below:

- The proposal is considered contrary to policy and will encourage further development, its outside of the settlement boundary and currently the boundary is clearly defensible.
- The site is not considered a sustainable location and therefore depends on the use of a car which aggravates highways issues.
- Highways – parking /access already difficult – an additional dwelling will make this worse/ pose a safety risk- concern relates to the fact that the riding school take riders out and an additional access will make the safety situation worse – plus there are walkers /cyclists Concerns re fire/ambulance access. Road not adequate for increased use and has no street lights and is poorly surfaced.
- Concerns have been raised in respect of overshadowing and privacy (Overshadowing of neighbours living room, kitchen, dining room and outdoor space) Loss of privacy to neighbour at Beech Tree Farm (conservatory, garden and amenity areas))
- Concerns regarding disruption during the construction period

Following the advertisement of the amended plans 3 representations were received. These were from people who have already objected to the proposal.

All 3 letters of representation say that objections still stand and that concerns remain in relation to the development in principle, regarding parking/access

arrangements as well as in respect of privacy (in relation to Moorwood as well as Beech Farm house and garden – bedroom and conservatory)

7.0 Town/Parish Council

7.1 No response has been received from the Parish Council.

8.0 Relevant Consultations

8.1 DMBC Housing Policy – the response has identified that the site is on land designated as Countryside Policy Area hence the proposal is a departure from the development plan. From a Local Plans perspective there is a mixed level of support for the proposal given that the site does relate well to the built settlement and form of Old Cantley and it is considered that there is some potential to bring forward an appropriate form of development on this site.

8.2 DMBC Ecology – no objections but require a condition relating to the submission of an ecological enhancement plan.

8.3 DMBC Tree Officer – no objections, no requirements for further survey work.

8.4 DMBC Design and Conservation Officer – no objections; the site is separated from the conservation area by 2 bungalows, excluded from the designation as they do not contribute to the character of the conservation area. Given that the proposal follows the built form on the lane and the boundary treatment is in keeping with the green character and is not considered to result in harm to the conservation area. No requirements for specific conservation conditions.

8.5 DMBC Pollution Control – have requested conditions relating to screening for potentially contaminated land.

8.6 DMBC Internal Drainage – have no objections and require a condition adding relating to full drainage details to be agreed before the commencement of work on site.

8.7 DMBC Highways Development Control – have responded to say they have no objections given that there is sufficient onsite parking and given that the road isn't classified vehicles can reverse out on to the lane.

8.8 DMBC Area Manager – has commented – neither to object or support – to note that there may be concerns regarding an increase in the number of vehicles here and also that the proposal may have an impact on the horses stabled close to the site.

8.9 Yorkshire Water – no response, no observations.

8.10 Severn Trent – no response.

8.11 National Grid – no response.

9.0 Assessment

9.1 The proposal seeks permission for the erection of a detached bungalow with integral garage. It is being considered on the basis of the amended plans dated 15.2.22. In considering the proposal the main material planning considerations are outlined below:

- The acceptability of residential development
- The impact on the character of the area including any impact on the nearby conservation area.
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the ecology of the site
- Flooding and Drainage issues

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

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

Appropriateness of the proposal

9.3 The site is identified within the Local Plan as Countryside Policy Area thus if permitted this proposal would be a departure from the development plan. However the site does relate well to the built settlement and form of Old Cantley and on this basis there is not an objection to the proposal in principle from the Local Plans team provided suitable emphasis is placed on achieving a good standard of design that will ensure the proper integration of the development into the village. The site is in no way isolated and given the fact that on all sides it is surrounded by development; the residential curtilage to the north and west of the site; Beech Tree Farm to the south (the dwelling of which is located on land designated as Residential Policy Area) and to the east the brownfield site currently utilised as a carpark. It is not felt therefore that granting this proposal would encourage further development of the countryside given that this is an underdeveloped site surrounded on all sides by land that has already been developed with the boundary of the carpark forming a defensible settlement boundary.

Sustainability

9.4 The 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. 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

- 9.6 Policy 44a) of the Local Plan states that 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) or be over-bearing.
- 9.7 Paragraph 130f) of the NPPF states that planning policies and decisions should ensure that developments are approved that have a high standard of amenity for existing and future users.
- 9.8 In the absence, at this transitional time, of a more detailed document that sits under the Local Plan, the Development Guidance and Requirements SPD sets out in greater detail the standards by which new development should be assessed including such details as separation distances and garden size. It can be treated as a material consideration in decision making but with only limited weight.
- 9.9 Policy 45 of the Local Plan states that all new housing development should meet the Nationally Described Space Standard as a minimum.
- 9.10 Concerns regarding both overshadowing and privacy had been raised in respect of the original proposal. Having advertised the amended plans concerns remain with regards to the fact that the proposal is considered to be detrimental to privacy both in relation to the property Moorwood and also Beech Tree Farm.
- 9.11 Both the siting, scale and design of this proposal have been amended given the concerns the application raised in respect of amenity. The initial submission included development down the entirety length of the neighbours boundary at 2 storey level. Given that this was considered to be overly dominant and detrimental to the light enjoyed by the property Moorwood amendments to the application were requested. The proposal has now been handed (thus altering the position of the access) and the first floor element has been removed above the lounge.
- 9.12 These alterations result in a development proposal that is less dominant in respect of the neighbour (Moorwood) and thus in its altered form the impact in terms of overshadowing is considered acceptable. Whilst in respect of the bedroom (at Moorwood) that this closest to the development proposal there is an infringement into the 45 degree exclusion zone however given the fact that the proposal is set in by between 1.35m and 1.9m off the boundary, this aspect of the scheme has been reduced to single storey and a 2m wall divides the application site from its neighbour this is considered acceptable in terms of the anticipated impact on light. In terms of Beech Tree Farm it is considered that given the application site lies to the north of this property and the development is located away from the rear boundary then in terms of the impact on light this is considered acceptable.
- 9.13 In respect of the amended plans there remain concerns that the proposal will be detrimental to the privacy of those residing at Moorwood and at Beech Tree Farm. The proposal has accommodation at first floor level however all of the glazing is in the form of roof lights installed with sills at a height of 1.7m above the finished floor level (with the exception of those that overlook the fields) thus on account of this

height reducing any overlooking of Moorwood significantly. Likewise in respect of the roof light serving the bathroom – the proposed sill height is again 1.7m and therefore it is not considered that this will be detrimental to the privacy of the occupier of Beech Tree Farm as it will not be possible to look out of these windows and down into the gardens /properties of the adjoining neighbours. The remaining window and door openings are otherwise at ground floor level and will therefore be screened effectively by boundary treatments.

- 9.14 To meet the requirements of policy 45 of the Local Plan proposals are to meet or exceed National Space Standards in terms of the minimum gross internal floor area which as a 2 bedroomed dwelling this proposal easily does with a minimum internal floor area of approximately 184m² (79m² is the minimum based on National Space Standards). The proposed bedrooms are sufficiently large enough and storage has been incorporated into the design of the proposal. As such the scheme is considered to provide a good standard of accommodation and be compliant with this policy. The proposal also has in excess of 100m² private amenity space which significantly exceeds the standard of the Development Guidance and requirements SPD to which we can still attribute limited weight.

Conclusion on Social Impacts.

- 9.15 The proposal as amended is considered to have dealt with the original issues relating to overshadowing and privacy and is respectful of residential amenity. The scheme also achieves a good standard of design for existing and further occupiers of the development. The proposal is therefore considered to be compliant with policies 44a) and 45 of the Local Plan, with paragraph 130f of the NPPF as well as with the guidance set out in the Development Guidance and Requirements SPD. This carries substantial weight in favour of the development.

ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 9.16 Policy 41a) 3. and 4. of the Local Plan states that development proposals will be supported where they respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and where they integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.
- 9.17 Policy 37 in respect of development in conservation areas states in part B) that proposals should not detract from the heritage significance of a conservation area by virtue of their location, layout, nature, height, density, form, scale, materials or design or by the removal of trees, the loss of important open spaces or other important landscape features, or through adverse impact on key views and vistas.
- 9.18 The conservation officer has been consulted and has no concerns in respect of the impact of the proposed development on the character of the Conservation Area. As stated earlier in this report the boundary of the Conservation Area has been drawn to exclude the 2 dwellings immediately next to this site as they are not considered to contribute to the character of the Conservation Area. Given that the proposal follows the built form on the lane and the boundary treatment is in keeping with the green character and is not considered to result in harm to the Conservation Area. The conservation officer has gone on to state that the application should be

considered on its other merits and that there is no requirement for specific conditions relating to conservation.

- 9.19 In more general terms the site is located directly opposite land that is designated as Residential Policy Area and is therefore domestic in its character. The design of the proposal is not dissimilar to the dwellings it would be located immediately next door to and in this sense the scheme integrates effectively with the character of the area which in this case is considered to be more relevant than the achievement of a particularly distinctive design standard which has been noted in the response from Housing Policy. Likewise the development proposal is of a similar density to that which is existing and the retention of the mixed hedge to the boundary of the site helps to soften the appearance of the scheme. The application includes details of the proposed materials which are not dissimilar to those used in other dwellings in the immediate vicinity: the combination of 'Gloria Silver' stone cladding, pearl white K Rend and Sandtoft Calderdale light grey tiles will work well together in addition to being in keeping with the local area. Therefore, both visually and functionally the scheme is considered to respect the established character of the area and thus meet the requirements of policy 41. This carries substantial weight in favour of the development.

Highways/Access

- 9.20 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 highways safety, or the residual cumulative impacts on the road network would be severe.
- 9.21 Policy 13 of the Local Plan reiterates this and goes on to set out appropriate levels of parking provision in Appendix 6.
- 9.22 Representations have been received relating to the potential for this development to have a detrimental impact on the area in terms of increased vehicle movements, in terms of parking, in terms of highway safety (given the walkers, horses etc. using the lane) and in addition to this the point has been raised relating the access for the emergency services.
- 9.23 Highways development control have been consulted on this proposal and they have no objections: whilst there is no room to turn within the site this is not a requirement for joining an unclassified rural road; this is also in line with the movements carried out by other residents on the street. Though the garage is 0.5m too short to be counted as a parking space the area to the front of the proposed dwelling is capable of parking 2 cars within it thus meeting with the expected standard of appendix 6 of the Local Plan. The plans have been checked and both vehicles will be able to effectively manoeuvre when the other is parked next to it.
- 9.24 In addition to this the number of potential additional vehicle movements is considered to be minimal in respect of the addition of one dwelling and therefore it is not considered that the proposal could reasonably be refused on this basis.
- 9.25 Details of the extent of the road adoption have been clarified with Highways DC given that comments have been made in respect of access for the emergency services. The road the access is to be created off is adopted; this application is adding a single dwelling to this road. Unlike in the case of a private drive there is not the requirement to provide a turning head for a fire appliance and therefore there is no reason to object to this proposal in respect of fire safety.

- 9.26 Having considered the details of the scheme it is not considered that the proposal would be detrimental to highway safety: reversing onto an unclassified rural road is an acceptable practice; the plans provided note that the hedge is to be suitably trimmed to ensure visibility for vehicles pulling out of the site; there is adequate parking provision and this has been shown to work effectively within this constraints of the site. The point has been raised regarding disruption during the construction period; this has been discussed with Highways DC and given this proposal is for one dwelling it is considered that insisting on a Construction Traffic Management Plan would be excessive much as it is acknowledged that developing a site can be disruptive particularly in the first instance.
- 9.27 The proposal is therefore considered compliant with the above mentioned policies and this weighs considerably in favour of the application. Conditions are to be included to ensure the parking is retained as such and the suitable arrangements are put in place for creating the access.

Flooding and Drainage

- 9.28 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.
- 9.29 The application site is located in flood zone 1 and is therefore at low risk of flooding.
- 9.30 The applicant has submitted a drainage plan (CRB 4) to clarify the details of this proposal in advance. These details have been checked by the drainage team and have been found to provide sufficient information to avoid the need for a pre-commencement drainage condition. Therefore matters relating both to foul and surface water have been adequately addressed.
- 9.31 The proposal makes use of a resin- based close bound porous paving which is advantageous to the scheme in terms of ensuring rain water can continue to drain effectively from the site as opposed to draining into the road or affecting other properties.
- 9.32 On the basis of the above the drainage impacts of the development have been dealt with and the proposal is considered to comply with policy 56. This weighs considerably in favour of the proposal.

Ecology and Wildlife

- 9.33 Policy 29 of the Local Plan states that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks by a) being of an appropriate size, scale and type in relation to their location within and impact on the ecological network.
- 9.34 In support of this application a report dated 24th March, 2021 has been provided by MRB Ecology and Environment which identifies the constraints of the site from an ecological perspective. Having consulted with our ecologist planner it has been concluded that the ecological constraints of the site are not significant and that suitable enhancements should be made to the site by way of a soft landscaping scheme as well as providing some opportunities for nesting/roosting birds and bats.

These should be incorporated into the layout of the scheme and as such a condition is to be included relating to the requirement to provide an ecological enhancement plan within one month of the commencement of the development.

- 9.35 Providing this plan will ensure that the proposal will deliver a net gain for biodiversity, taking into consideration the current value of the site as well as the nature and the scale of the development proposal. The development is therefore compliant with policy 29 and this weighs significantly in favour of the application.

Pollution issues

- 9.36 Policy 55 of the Local Plan states that Development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate Preliminary Risk Assessment. Proposals will be required to mitigate contamination or land stability by:

A) demonstrating there is no significant harm, or risk of significant harm, to human health, or land, natural environment, pollution of soil or any watercourse or ground water;

B) ensuring necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;

C) demonstrating that adverse ground conditions have been properly identified and safely treated; and

D) clearly demonstrating to the satisfaction of the Local Planning Authority, that the land is suitable for its proposed use.

- 9.37 The issue of potentially contaminated land may be dealt with in 2 ways as part of the planning process: prior to determination with the submission of a contaminated land risk assessment (YALPAG) or post determination by the submission in the first instance of a phase 1 desktop study to include a full site history, details of a site walkover as well as an initial risk assessment. In this instance assurance with regards to the potential risk to human health is to be gained from a phase 1 desk top study. This is to be included as a pre-commencement condition to which the applicant has agreed.

- 9.38 On this basis the issue of potential contamination has been addressed given that development on site cannot legally progress without this condition being formally discharged. The proposal will be compliant therefore with policy 55 which weighs significantly in favour of the application.

Conclusion on Environmental Issues

- 9.39 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.

- 9.40 In conclusion of the environmental issues, it is considered that this proposal, with the addition of the above mentioned conditions, adequately fulfils this requirement. This weighs considerably in favour of the application.

ECONOMIC SUSTAINABILITY

- 9.41 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. Whilst there may be some additional uplift for business within Old Cantley as a result of additional customers, the businesses are very few and this uplift, if any, is unknown and cannot be quantified at this time and so is afforded limited weight.

Conclusion on Economy Issues

- 9.42 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.
- 9.43 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 10 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. The proposal is compliant with the adopted development plan and adopted policies and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

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

Conditions / Reasons

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

REASON

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

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

Proposed location/site plan CRB 1 Amended 15.2.22
Proposed site plan (and parking layout) CRB 3 Amended 15.2.22
Proposed plans CRB 5 Amended 15.2.22
Proposed street scene CRB 6 Amended 15.2.22
Section drawing – visibility splays /separation distances CRB 7 Amended 15.2.22
Proposed drainage layout CRB 4 Amended 15.2.22

REASON

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

03. Within one month of the commencement of development, an Ecological Enhancement Plan shall be submitted to the Local Planning Authority for approval in writing. This plan shall be based on the recommendations in the Ecological Constraints Assessment (MRB Ecology 21st March 2021), all measures shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the Local Planning Authority:

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29

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

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

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

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

contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

05. 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, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

06. 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, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

07. 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.

08. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

09. 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.

INFORMATIVES

01. INFORMATIVE

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

02. 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

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>

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

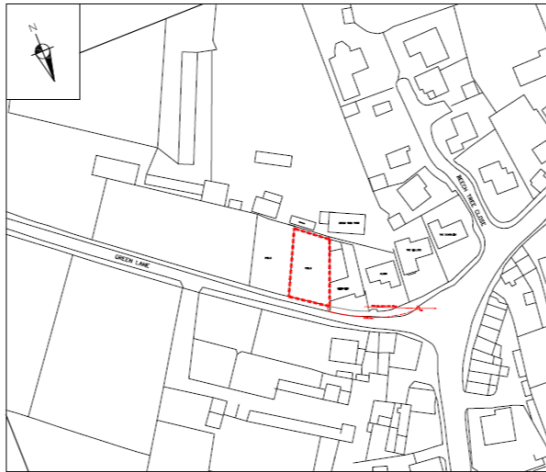
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- The property has been handed and the first floor element partially removed.
- The position of the access has been altered to accommodate this change.

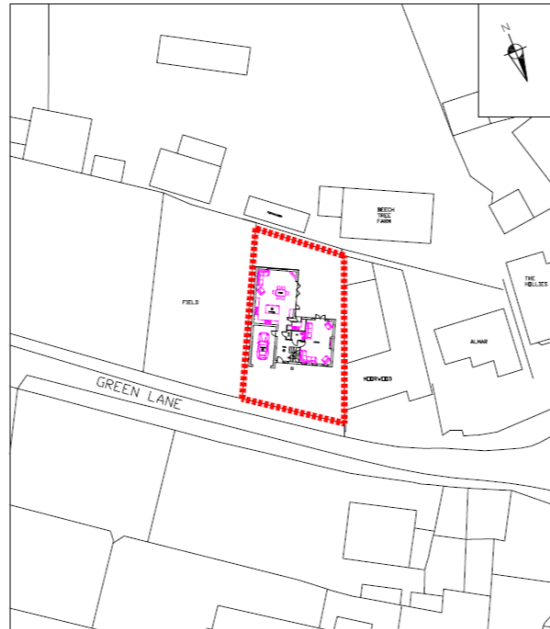
- Additional plans have been provided up front to avoid the need for a drainage condition.
- An ecological report has been provided.

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 SCALE 1=1250

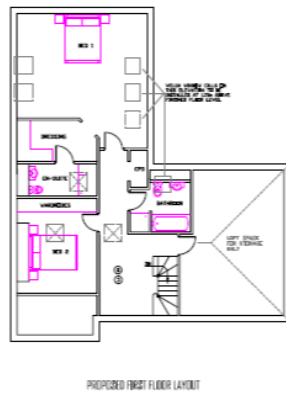
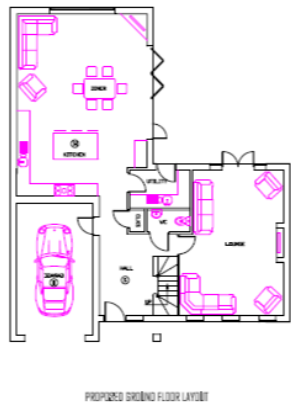
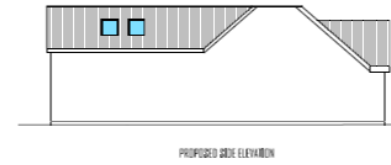
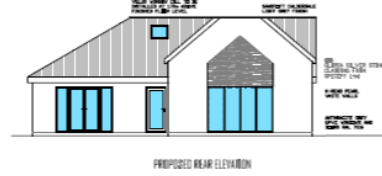


BLOCK PLAN SCALE 1=500

Appendix 2: Site Plan



Appendix 3: Proposed plans



① BRICK EXTERIOR WALL VENTS
 ② GARAGE VENTILATION BETWEEN WALLS VENTS
 ③ HALF HOUR FIRE RISK WITH SELF-CLOSING
 ④ WOOD SPANDED ROOF SECTION

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Project
 PROPOSED ERECTION OF A DETACHED BUNGALOW WITH INTEGRAL GARAGE AT LAND ON EAST SIDE OF GREEN LANE, OLD CANTLEY, BINGHAM, SO24 6JH

PROPOSED ELEVATIONS AND FLOOR LAYOUTS

Drawing No	Date	Revised
CRB 5	21.12.20	15.02.22
Scale	Drawn	Client
1:100	JG	Mr & Mrs RILEY

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Doncaster Council

Report

Date: 1st March, 2022

To Members of the Planning Committee

REVISIONS TO THE CONISBROUGH CONSERVATION AREA BOUNDARY

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Nigel Ball, Cabinet Member for Public Health, Leisure, Culture and Planning	Conisbrough	No

EXECUTIVE SUMMARY

1. This Report seeks a decision as to whether the boundary of Conisbrough Conservation Area should be amended.

EXEMPT REPORT

2. This report is not exempt.

RECOMMENDATIONS

3. For the reasons set out through subsequent sections of this report, Members of the Planning Committee are recommended to approve amendments to the boundary of the Conisbrough Conservation Area as shown on the designation map appended to this Report and to approve the same as the new Conservation Area designation for Conisbrough.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Amending the boundary of the Conservation Area will ensure that buildings and land that have special historic interest that were not originally included are now included and conversely buildings that are now not considered to add to the character and appearance of the Conservation Area are removed. This will ensure that there is more control of what can happen in regards to planning within the more historic parts of Conisbrough and allow citizens to have less restrictions when there is no historic interest.

BACKGROUND

What is Conisbrough Conservation Area?

5. A conservation area is an area of special architectural or historic interest, the character or appearance of which is desirable to preserve or enhance. Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has a duty to consider the designation of conservation areas. Conservation areas are of many kinds; town centres, such as Doncaster and Thorne, or may be centred on squares, terraces or villages. It is the character of the area rather than just the presence of individual buildings, which justifies designation of a conservation area, although such areas often contain listed buildings.

6. Conisbrough was designated a conservation area on 4 January 1974. The Conservation Area is dominated by the castle and the church, both of which are Grade I listed buildings, with the castle also being a scheduled monument. Conisbrough castle is located on a hill-top with the town, which is centred around the church, on a spur behind. The town dates from at least the Anglo-Saxon period, with its main street pattern and the church originating from this period. Within the conservation area there are eight listed structures. Just outside the current boundary are two further listed buildings which are recommended to be included within the Conservation Area as part of amendments to its boundary.

7. The Conservation Area has several 17th and 18th century properties, but there are also numerous buildings from the Victorian period, mainly in the form of commercial and residential terraces. Buildings tend to be mainly of a simple form and use a limited range of materials; brick, render or stone walls, with natural Welsh slate or clay pantiles for the roof. Stone boundary walls are a significant feature. There are a large amount of trees and green spaces especially around the castle and the north-eastern parts of the Conservation Area.

8. The first appraisal was finalised in February 2010. This was reviewed in March 2015 to take account of any significant changes that had occurred there since the original appraisal. The 2015 review is appended to this report at Appendix 1. Recommendations on the boundary changes have not yet been implemented as a result of the 2015 review due to work taking place on the Local Plan since that time. That work now having been completed and the Local Plan adopted, the recommendations in the 2015 review are now being progressed. Given both the time since the original appraisal and its review the proposed boundary changes were the subject of further public consultation between 6 September 2021 and 18 October 2021. A map and summary of the proposed amendments to the boundary are appended to this report at Appendices 2 and 3.

Why does the boundary need changing?

9. It is a statutory requirement for local planning authorities from time to time to review their conservation areas. As part of any review the boundary of the conservation area should be reassessed to see whether it is still appropriate or not. Some areas included at the time of the initial designation may no longer be considered to make sufficient contribution to the character and appearance of the conservation area whereas they might be areas that currently lie outside the present boundary that would enhance the conservation area if included. Revision of the boundary should make the conservation area stronger by improving its overall character and appearance.

What consultation has been undertaken?

10. Whilst there is no statutory duty to consult on boundary changes, Historic England advises that Local Planning Authorities' consult as widely as possible about the proposals with local residents and other interested groups. Consultation was therefore undertaken by various means to reach out to as many people potentially affected by the proposed boundary changes. These included:

- Conisbrough Conservation Area website was updated and outlined why the boundary needed changing and what changes are being considered and asked for comments
- promotion on social media with links to the above website and asking for comments
- an article within Conisbrough in Focus that goes out to households in the Conisbrough area again with links to the above website and asking for comments
- site notices throughout the Conservation Area especially the areas affected by the changes, again with links to the above website and asking for comments
- individual letters to affected addresses and interested parties again with links to the above website and asking for comments

11. As a result three letters of support were received with no objections. All three supported all the boundary changes, with two specifically welcoming the inclusion of the Wesley Chapel on Chapel Lane whilst the other particularly supported the retention of the Mill Piece due to its natural beauty and wildlife. There was concern raised from one about the condition of some of the buildings within the Conservation Area and which also highlighted the local interest of the building now known as The Place on Castle Street, which was built as a decontamination centre at the start of World War II.

OPTIONS CONSIDERED

12. At this final stage of the process there are only 2 options identified as being available, albeit Option 2 is not considered as being reasonable for the reasons detailed below:

- **Option 1 – (Recommended)** – To approve the revisions to the Conservation Area boundary as shown in Background Papers or,
- **Option 2 – (Not recommended)** – To leave the boundary as it is

REASONS FOR RECOMMENDED OPTION

13. Option 1 is strongly recommended as being the only reasonable option to take.

It will ensure that the conservation area has a stronger boundary including areas that contribute positively to the conservation area whilst removing areas that make either a neutral or negative contribution to the conservation area.

14. Option 2 is not recommended. Such a decision would effectively mean that areas that would contribute positively to the character and appearance of the conservation area are left unprotected whilst areas that are currently included and which do not contribute to the character and appearance of the conservation area are subject to restrictions that are unnecessary and wasteful of time and resources

IMPACT ON THE COUNCIL’S KEY OUTCOMES

15. The amendment of the boundary of Conisbrough Conservation Area is considered to impact on Doncaster Council’s following key outcomes:

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>Changes to the Conservation Area boundary will help ensure that the most significant parts of the centre of Conisbrough are protected resulting in a more attractive place for commerce to thrive</p>
	<p>Doncaster Living: Our vision is for Doncaster’s people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>The most important parts of Conisbrough town centre will be protected with regard to its heritage significance.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and 	<p>Not relevant</p>

	beyond school <ul style="list-style-type: none"> • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	
	Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents; <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	Not relevant
	Connected Council: <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	It is expected that the changes will ensure time and resources are directed to areas that will benefit the most from the involvement of conservation officers.

RISKS AND ASSUMPTIONS

16. The proposed amendments to the boundaries have been subject to consultation including directly contacting individuals involved. No objections have been raised therefore it is assumed that risks of later complaints will be minimised.

LEGAL IMPLICATIONS [SC 13.01.22]

17. Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities' to review their conservation areas from time to time to determine whether any parts or further parts of their area should be designated as conservation areas. If so determined those parts should be designated accordingly.

Whilst there are no express requirements for the proposed amendments to the conservation area boundary to be consulted upon, it is noted that the Conservation

Officer has followed Historic England guidance and has consulted widely, with positive responses to the proposals received.

In the event members are minded to approve the recommendation, the Conservation Area shall be amended as of the date of the committee resolution.

Notice of the amended designation must be published in at least one local newspaper circulating in the area and in the London Gazette (section 70(8)). The Secretary of State and Historic England must also be notified (section 70(5)). The amended designation must also be registered as a local land charge (section 69(4)).

FINANCIAL IMPLICATIONS [OB 11.02.22]

18. It is understood that there is only one council asset affected by this change, which is the Conisbrough Library. This building will no longer be within the boundary of the Conservation Area. Therefore, we do not expect any financial implications arising as a result of any possible higher costs of any remedial or improvement work to buildings to ensure they are keeping with the other buildings in the area. It is not expected that the change will have any impact upon NDR valuations of the property. There is not expected to be any impact of this boundary change on the planning fee income levels.

HUMAN RESOURCES IMPLICATIONS [DK 03.02.22]

19. There are no direct HR Implications in relation to the report and the proposal to change the Conisbrough boundary.

TECHNOLOGY IMPLICATIONS [PW 03.02.22]

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

HEALTH IMPLICATIONS [CT 14.02.22]

21. Public Health supports Option 1 to revise the conservation boundary. Conservation areas exist to protect the special architectural and historic interest of a place enabling the features that make it unique and distinctive to be preserved. People value conservation areas for their distinctiveness, visual appeal and historic character. Heritage and the historic environment can be seen to be beneficial to health in a number of ways, for communities it contributes to a sense of place that residents identify with and value. Reviewing the areas included in the boundary ensures that the conservation areas continue to positively influence health and wellbeing.

EQUALITY IMPLICATIONS

22. There are no equality implications in relation to this report.

BACKGROUND PAPERS

23. The following background papers/documents are to be read in conjunction with this report:

- 2015 Review attached at Appendix 1

- Map of all proposed amendments to the boundary is attached at Appendix 2
Proposed boundary changes – detailed description of alterations is attached as Appendix 3

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

None

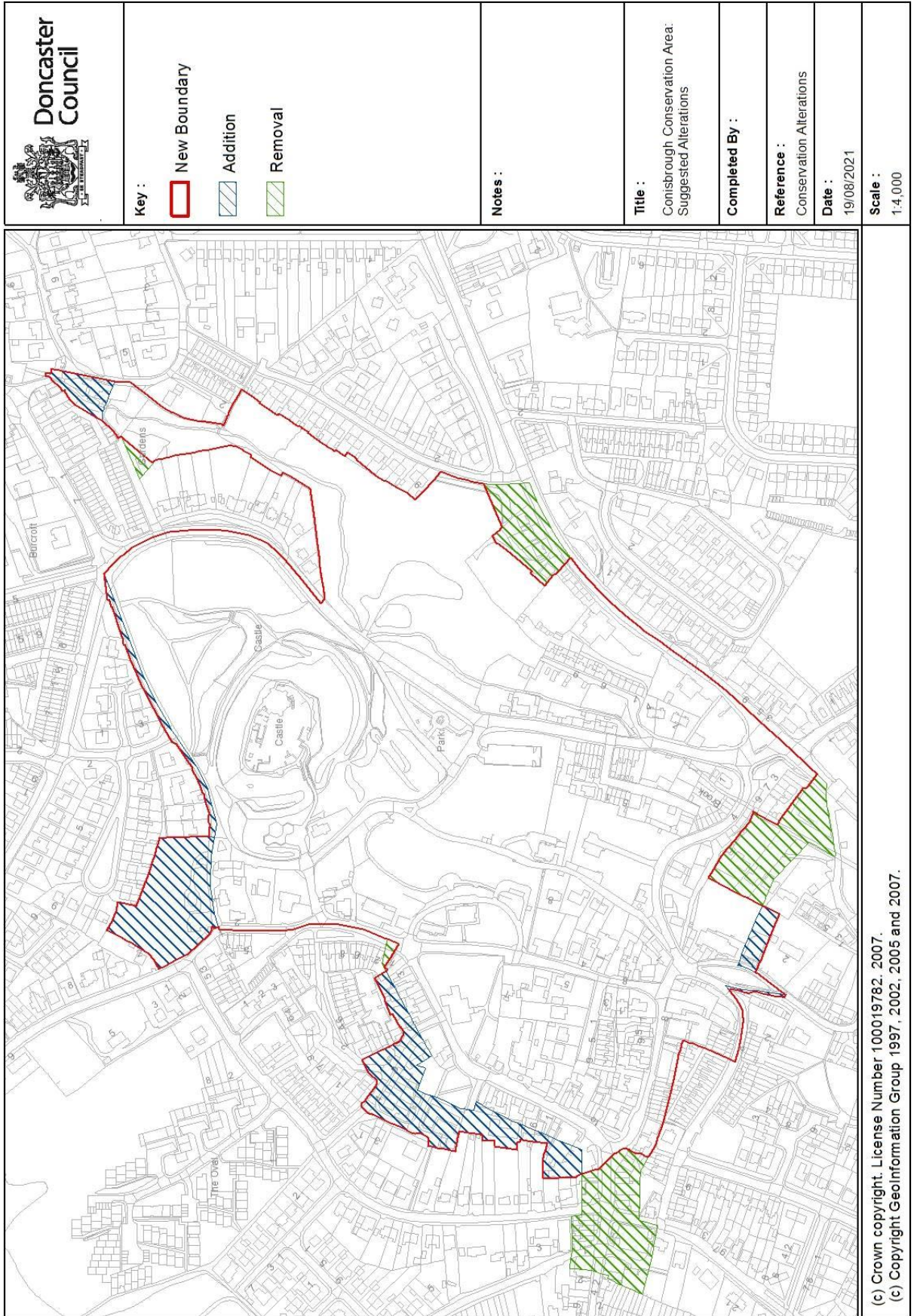
REPORT AUTHOR & CONTRIBUTORS

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Director of Economy & Environment

Appendix 1 – 2015 Conisbrough Conservation Area Review

Appendix 2 - Conisbrough Conservation Area – Proposed Boundary Changes



Appendix 3 – Summary of Proposed Boundary Changes



Doncaster
Metropolitan Borough Council

Conisbrough Conservation Area Review

March 2015

Conisbrough Conservation Area – Review

Since the appraisal completed in February 2010, the general character and appearance of the area overall is much the same, however there have been some significant changes and it is important that these are noted. These are as follows: -

New Developments

Conisbrough Castle Visitor Centre, Castle Hill

A new visitor centre has replaced the previously unpopular visitor centre. The latter, whilst previously neutral in its contribution to the conservation area, was seen as having a negative impact on the Grade I Listed and Scheduled Castle. The new centre retains and extends the previous lodge, which as well as being in the curtilage of the castle was also considered in the original appraisal to be a key building in the conservation area and therefore has secured its future and the finished centre complements the castle and the conservation area.



Castle House, Castle Hill

The original barn of the building had to be demolished due to its structural condition, exacerbated by the earthquake of 2008. Care was taken to ensure the rebuilding had as much of the character and general appearance of the previous barn as well as reusing the original stone. The adjoining walls were

also rebuilt and the overall appearance complements the listed building and the conservation area it is within.



Former Coach House, Castle Terrace

At the time of the original appraisal, the condition of this property was causing concern. It has since been extended and converted into a family home but retains the feeling of an auxiliary building(s) to 'The Terrace'.



Adj. Star Public House, Doncaster Road

This development echoes that of The Star and its bricks attempt to copy the appearance of Conisbrough bricks. It also has natural red clay plain tiles and sliding sash windows and is considered to make a positive contribution to the area. The building however is spoilt by a very municipal looking ramp and its replacement with something of a more appropriate design would be strongly encouraged.



Kenny's Fish and Chip Restaurant, Doncaster Road

This was previously 'The Venue' nightclub which as well as having a negative impact on the conservation area due to its bland modern architecture had been vacant for a considerable time. Although the building is back in use its appearance is virtually the same and would still be considered to have a negative impact on the conservation area.



Adjoining Lowfield House, High Street

On the site of long demolished cottages a new house has been built. Care has been taken to ensure that the building fits in with its surroundings. It is in limestone rubble brought to course with slate roof and sash windows and makes a very positive contribution to the area and thought to be admirable.



March Street

A row of five town houses has been built on previously vacant land and their design is in line with guideline on appropriate developments being red brick, slate roof and vertically sliding windows, although the fanlight within the doors detract. Overall they are considered to make a positive contribution to the area.



1 Low Road

This building was considered to make a negative contribution to the conservation area. With the proposed erection of a new roof there was potential for this building to further detract by the use of modern concrete tiles. However, clay tiles was insisted upon and help tie this building more in with the traditional character of the area. This building is now considered to have a much more neutral appearance to it, although the white fascia boards detract.



Old Workshop, Low Road

The old workshop which in the original appraisal was considered to make a negative contribution has now been demolished. Planning permission has been granted for two town houses which use the adjoining terraced properties as their inspiration. Details and materials are proposed which are in keeping with the use of smooth red engineering bricks, sash windows with sandstone dressings and slate roofs.



Dance Studio (former Printers), Low Road

Previously a printers, this building is now a dance school. The conifers along the front boundary have been removed which beforehand gave a suburban feel to the area. This has exposed the modern building behind which is not of any historic merit but as it is well set back it is still considered to be neutral.



Well Gate

Whilst not currently in the conservation area there have been two developments on and around Well Gate. The fact that their sites were recommended to be included in the conservation area was a material consideration in their planning applications. Unfortunately vents, meter boxes and soilstacks, especially the latter, detract from the one fronting Well Gate. However, both are considered to make a positive contribution to the conservation area and would still justify the inclusion of them and the adjoining areas into the conservation area



Window Replacements

Church Hall, Church Street

The building lies close to the Grade I listed Church of St. Peter and care was taken to ensure that the design, although in uPVC, was sympathetic to the historic character of the church hall and the adjoining conservation. In particular the windows to Church Street replaced casements with sliding sashes which enhances the building and the adjoining conservation area.



32 - 40 Church Street

The first floor of this building was converted into flats including the changing of its windows. The new windows have been designed to reflect the 1950s style of the building and whilst not a vernacular building this has been beneficial to the appearance of the building and the conservation area. Although this has improved the appearance of the building, the canopies and shopfronts still detract and it would still be considered neutral.



Former Star Public House, Doncaster Road

With the conversion of the building to flats, the rear windows of the property were replaced in uPVC. This was considered to be acceptable as it was not the main façade and as this elevation is set back from the road. The frontage windows however have been retained and refurbished. Improvements to the signage would however be encouraged.



'The Castle' Public House, Minneymoore Hill

At the time of the original appraisal the condition of this building was of concern. It was considered to be a potential bookend to the conservation area and was therefore recommended to be included within the conservation area. The building has since been converted to office use and whilst it now has uPVC windows its future has been secured and it would still make a positive contribution if it were to be added to conservation area.



Condition of Buildings

Works have continued on 39 Church Street, which now appears to be coming to completion. However there are still concerns over The Priory, Former Police Station and 12 High Street. The council will continue to work with owners to get empty buildings back in use.



39 Church Street



The Priory



Former Police Station



12 High Street

Appeal Decision

Development within the rear garden of Ivanhoe Lodge

A proposal to build a bungalow in the rear garden was refused planning permission and was also upheld at appeal. The Planning Inspector referred to the Conservation Area Appraisal in his decision and noted that the building was designated as a key unlisted building, and that the proposed development would rob Ivanhoe Lodge of its setting, make it appear unacceptably cramped and undermine its status in the conservation area. The loss of green space, removal of stone boundary walls and the design of the proposed new dwelling were also additional reasons that the development was not considered acceptable.



Ivanhoe Lodge is the prominent half-timbered building in the centre background of this photograph and the refused development land is the green space in front of this

Proposed Boundary Changes

Within the original appraisal of 2010 it was recommended that the boundary of the conservation area be amended. As of yet the boundary has not been formally amended but this recommendation has influenced planning decisions in the area as noted above. After this review it is intended that the boundaries will be formally amended in line with the original recommendation.

New Listed Building

The Chapel on Chapel Lane, which was proposed to be included into the conservation area in the appraisal of 2010 as it was considered to add to the character and appearance of the conservation area and be a key unlisted building has just (19/03/15) at the time of writing this review been listed Grade II.

This is a good example of a Victorian Chapel built in 1876. It appears to be two storeys from the front but as the ground slopes down away there is a basement making it three storeys from sides and rear. It is red brick with concrete roof tiles, rather than presumably originally a Welsh slate roof. The windows are round headed and the frontage has stone dressings with a pediment, whilst side and rear have contrast banding in yellow brick. Windows are predominantly timber which are small paned on the frontage. The chapel is now vacant but does have planning permission for conversion to a single dwelling. As the building is now listed, listed building consent will also now be required for works that affect its special interest. The full list description is added to the rear of this review.



Key Unlisted Buildings

In the original appraisal these were not individual described although there were identified and shown on Map 2. These are now more fully described as below:

The Terrace, Castle Avenue

This large Victorian house is now a conference facility. It started life as the Denaby Pits Manager's Home, it then became a school before turning into its current use. It is prominent in the townscape. It is two storeys with attic storey in red brick with stone dressings. It is roofed in small red plain tiles, with decorative gables. Windows are in timber with casements to bay windows sliding sashes to other windows. Its grounds are well treed that add to its setting and as part of ambience of the area around castle.



Castle Lodge, Castle Hill

Castle Lodge was built as the custodian's house in 1887, and was paid for by Lord Conyers. It would be considered to lie within the curtilage of the castle and therefore be covered by listed building legislation, but would also be considered a key building in its own right. The Lodge is in sandstone with clay red plain tiles and incorporates the castle's DeWarren family coat of arms into its masonry. It has timber windows. The lodge has recently been extended to form a new visitor centre replacing the previously unpopular visitor centre and has secured its future and the finished centre complements the castle and the conservation area.



7 Church Street

This building appears to be from the early 18th century due to its form, which is relatively simple and its size being fairly small scale. It is rendered and unfortunately it does have an inappropriate modern concrete tiled roof and replacement windows. These detract and their replacement with ones constructed with more sympathetic materials and detailing would be extremely welcome.



The Fox PH, Church Street

Former public house now vacant. On prominent corner opposite Grade I Church of St. Peter. Two storeys of simple form rendered with quoins, Welsh slate to front slope but unfortunately roofed in concrete tile to side and behind. The building benefited from grant assistance with refurbishment and redecoration, including the installation of vertically sliding sash windows on its frontage but now appears neglected.



20 Church Street

This building is considered to be important as it one of few buildings that are constructed in limestone rubble brought to course which is the traditional material of the area. Its double piled form and stonework would seem to date it as 18th century although further assessment of its history and fabric may help to give a more accurate date. It is set lower than the street outside, as ground levels seem to have been raised since it was originally built. It is two storied with central doorway to ground floor with windows either side, with first floor windows directly above the ground floor windows – windows and doors are modern and detract as does the signage – replacement with more sympathetic elements would be welcomed and should be based on old photographs of the building. Roof is natural red clay pantiles with stone eaves course with stone copings to gables with kneelers and chimneystacks to the ends of the front ridge, all these features are in keeping with its architecture and should be retained.



39 Church Street

Again this building is considered to be important as it one of few buildings that are constructed in limestone rubble brought to course which is the traditional material of the area. Its form is quite simple being L-shaped with a gable to the roadside and the return set back to create a small front yard to the building which is currently unenclosed to the road. Its form and its stonework would seem to date it as late 17th century/early 18th century although further assessment of its history and fabric may help to give a more accurate date, although some features have been removed such as the central chimney stack. Evidence on the front gable seem to show that it was originally lower and has subsequently been heightened.

As discussed earlier the building has had works occurring on it over a number of years but which seems to be nearing completion. The removal of the external roller shutter to the front window and the replacement of windows more sympathetic to the character of the area such as vertically sliding sashes would be welcome.



The Dale, Dale Road (not currently in the conservation area but proposed to be included)

This building and its grounds lie currently adjacent to the conservation area, and the building and its land are seen very much as a continuation of the character of the adjoining part of the conservation area. The building appears to date from the Georgian period with Victorian additions and is considered to be a key unlisted building due to its architectural and historic interest. The earlier building is a good example of a two storey stone building and with the later three storey extension retains many original features, such as natural slate roofs. Unfortunately the timber vertically sliding sash windows have been recently replaced with crude uPVC and their restoration should be sought. The Victorian extension is also a landmark building on Dale Road. The grounds are well treed.



5 High Street

This is a large house which due to its size is prominent in the street. Again this building is considered to be important as it one of few buildings that are constructed in limestone rubble brought to course which is the traditional material of the area. It is three storied and three bayed, and the limestone is complemented by the natural Welsh slate roof with chimney stacks at either end. The building has grandeur to it with its ground floor bay window and stone door surround and stone quoins to the corners. Regrettably the original timber vertically sliding sash windows have been replaced as brown uPVC top-hung casements. Tall stone walls wall form its boundary with neighbouring streets, with monolithic stone gate piers to main vehicular entrance. In the grounds is an interesting outbuilding – possibly a coach house, again in limestone but with a hipped roof and some circular windows.



12 High Street

This property is again one of the few remaining buildings constructed in stone, although it is not local limestone rubble but sandstone in large shaped blocks, with hipped roof in Welsh slates. It is two storeys and three bays set back from the road that adds to its former grandeur, although noted above its current condition is of deep concern. Central six panelled door with stone surround and small paned vertically sliding sash windows either side with same above all on first floor.



Ivanhoe Lodge, High Street

Large late Victorian/early Edwardian property which was the home of George Kilner of the 'Kilner jar' fame, whose family came from Thornhill Lees to set up their factory in Conisbrough in 1863. It is prestigious and appropriately set in large grounds. It is of two storeys, with sandstone ground floor and half-timbering above. Roofs towards High Street are in slate although that facing the valley of Kearsley Brook is unfortunately in concrete.



Lowfield House, High Street

Large dwelling that is prominent in street. Wide spanned, two storeys and three bays with balanced frontage. Vertically sliding sash windows, although in uPVC rather than timber as would be traditional, with voussoirs and sills. Its rendered finish conceals previous alterations including the removal of an inserted shopfront and results in its current very pleasing appearance. Roof is quite shallow, so that its concrete tiled roof is fortunately not that apparent but would originally have been Welsh slate, with wide chimneystacks either end of ridge. Small offshoot to left hand side set back beyond entrance door with stone surround to side return with sash window above detailed like those to front. Gate piers with shaped caps and decorative gates giving vehicular and pedestrian entrance to forecourt area on approach to left-hand entrance



Eagle and Child PH, West Street

A prominent building on the corner of West Street and High Street. Two storied, rendered with stone painted quoins and Welsh slate roof. The building has been redecorated since the original appraisal – most windows unfortunately have been replaced with ones with cruder detailing than originally as seen in old photographs of the building.



Barn to rear of Eagle and Child PH, West Street/March Street

This is another remaining limestone rubble building in the conservation area, although this has been rendered on its principal elevation. The concrete roof tiles and modern style windows jar but its simple form and it being in limestone adds considerably to the historic character of the area. Its boundary treatment is also hostile and its redecoration and the introduction of soft landscaping would be welcomed.



List Description of Conisbrough Methodist Chapel, Chapel Lane

Summary of Building

Wesleyan Methodist Chapel. 1876 by J Moxen and Son of Barnsley. Orange pressed brick, sandstone dressings, Tiled roof. Italianate.

Reasons for Designation

Conisbrough Wesleyan Methodist Chapel, of 1876 by J Moxen and Son of Barnsley, is listed at Grade II for the following principal reasons: * Interior: a good example of a Methodist chapel, the focus being on preaching with a particularly impressive rostrum platform at the east end with a semi-circular communion rail in front; * Fixtures and fittings: the chapel demonstrates a clear quality of craftsmanship and materials in the use of polished mahogany for the eye-catching rostrum platform and balcony front to the lozenge-shaped gallery, with the curved blocks of enclosed, box pews an unusual feature for this date. The chapel also contains mahogany balustrades to the staircases and many original doors and architraves throughout the building; * Architectural interest: as a Wesleyan Methodist chapel with a well-designed classical façade and a strong street presence; * Plan form: a characteristic Methodist arrangement with the hilly terrain utilised to provide a three-storey building with school accommodation beneath the double-height chapel with upper gallery.

History

The first known Methodist chapel in Conisbrough was built in 1810 on the west side of Castle Avenue. By 1874 it was considered that a bigger chapel was needed, and initially plans were drawn up for a new building on this site. However, in 1875 it was agreed to purchase the site of the present chapel from a Mr Cheetham for £300 and new plans were drawn up by the architects J Moxen and Son of Barnsley. The foundation stone was laid in April 1876 and the name plaque on the chapel is dated 1876. The official opening was reported in October 1877, when it was described as built of pressed brick with stone dressings in an Italianate style with a Welsh slate roof. The chapel provided accommodation for 500 people, and as the ground sloped down from the road a large schoolroom and two classrooms were built beneath. The chapel interior had a rostrum platform and gallery of mahogany, with enclosed pitch-pine pews with mahogany-topped doors. The schoolroom had a varnished pitch-pine dado. The building cost £3,800 of which about £3,000 had been raised prior to the opening service.

In 1878 a balcony organ was added, which was rebuilt and enlarged in 1912. It has now been removed.

In January 1903 fire broke out in one of the vestries when sparks from the firegrate ignited the carpet. It was said that practically the whole of the lower part of the premises was destroyed and two firemen were overcome by fumes and had to be carried out of the building by their comrades. The chapel itself was undamaged.

Between 1902 and 1930 a rectangular building identified as a Sunday School was built to the rear of the chapel. This was demolished after 1994. At an unknown date the fireplaces at the east end of the original building were blocked as was the basement doorway.

The chapel stopped being used for services in 2009.

Details

Wesleyan Methodist Chapel. 1876 by J Moxen and Son of Barnsley. Orange pressed brick, sandstone dressings, Tiled roof. Italianate.

PLAN: rectangular building with curved east end. Three full storeys of double-height chapel with upper gallery and lower ground floor. Partial basement at east end.

EXTERIOR: the symmetrical front elevation faces west onto Chapel Lane. Viewed from the road it is of two storeys and three bays with a broken triangular pediment over the slightly-projecting central bay and stone parapets to the outer bays. The elevation is of orange brick mostly in Flemish bond with a sandstone plinth, moulded sandstone impost bands to the windows, moulded entablature band and projecting eaves cornice flanking a brick frieze band. There is also a stone band between the ground and first floors which is plain to the outer bays and moulded to the central bay over the paired doorways. The round-headed doorways are reached by a shared flight of three steps with iron side railings. They have stone voussoirs with giant keystones framing the semi-circular fanlights. Both doorways have double doors with three vertical panels to each door with glazing to the centre of each panel, moulded timber lintels, and segmental glazing bars to the fanlights. The two outer bays both have a round-headed window on the ground floor with similar stone voussoirs with giant keystones and stone sills. The semi-circular window heads have segmental glazing bars and the windows below have small pane glazing. The central bay has a stone plaque above the moulded band over the doorways which is relief-carved WESLEY CHAPEL. A.D. 1876, the lettering coloured red. On the first floor is a central tripartite, round-headed window with lower, narrower outer lights, and single, round-headed windows to the outer bays. They are similarly detailed with stone voussoirs and giant keystones, and also have stone sill bands. The glazing is similar to that on the ground floor. At the apex of the broken pediment is a small, semi-circular window with a projecting sill band on plain consoles, stone voussoirs and a shaped giant keystone. The roof is not

visible, but is hipped with a double-pitch to the rear of the triangular pediment which forms a gable.

The side elevations are both of four pier and panel bays with four round-headed windows on the ground and first floors. These have narrow bands of buff brick at the window impost level, and a buff brick eaves band with shaped stone eaves brackets. The lower ground floor on both sides has square-headed windows with a lintel band of buff bricks. The left-hand bay of the north side elevation has a doorway rather than a window. The round-headed windows have timber cross-frames with plain semi-circular heads, some blind, and the square-headed windows have timber cross-frames with rectangular lights over.

The curved rear wall steps in from the plane of the side walls and has a shallow projecting chimney stack in the centre. The first floor has a single round-headed window on each side of the stack, with two similar windows on each side on the ground floor, and a single round-headed window to each side on the lower ground floor. Beneath are blocked basement windows with flat-headed stone lintels, and on the left-hand, south side is a blocked round-headed doorway.

INTERIOR: the chapel is largely unaltered and there are many doors and architraves throughout the building. The narrow, full-width entrance lobby has two recessed double doorways opening into the chapel. The jambs and soffits have board panelling and the double doors are each of three vertical panels with diagonal and vertical board panelling. On the left-hand, north side is a staircase up to the chapel gallery with a mahogany balustrade on the right-hand side. It has a heavy, turned and moulded newel post and turned and moulded balusters. On the right-hand, south side is a doorway to the staircase down to the lower ground floor, which has a simpler, mahogany balustrade to one side with a turned newel post. Within the chapel the floor slopes gently down towards the rostrum platform at the east end which stands on a shallow semi-circular step. Three curved blocks of enclosed pews face the rostrum platform separated by two narrow, angled aisles leading down from the two doorways. The pews have curved backs of vertical pitch-pine board panelling with mahogany top boards with prayer book shelves and circular mouldings, and are enclosed with individual doors off the aisles. The side panels and doors have inset alternating diagonal board panels which form a zig-zag pattern and are topped with mahogany circular mouldings. The doors are closed by small, circular, brass catches. The large rostrum platform is of mahogany with round-headed panelling to the base, and symmetrical, curved staircases rising on either side to an enclosed seating area with a projecting lectern. The staircases have turned mahogany newel posts and swept handrails with decorative iron balusters. The projecting, semi-circular, moulded lectern has fluted pilasters and relief-carved foliate panels, with rectangular panelling to the enclosed seating area. In front of the rostrum platform is a semi-circular, mahogany communion rail

on decorative, iron legs. The walls have vertical boarded dados, and the east wall behind the rostrum platform has two flanking doorways with moulded architraves and four-panelled doors. Above is a lozenge-shaped gallery supported on circular iron columns with Corinthian capitals. It has a panelled, mahogany front with an inset, circular clock opposite the rostrum platform. The gallery has dais seating with a board panelling screen around the head of the stairs. At the east end are two stained glass windows depicting Christ as The Light of the World and as The Lamb of God.

The lower ground floor has three rows of circular cast-iron columns with plain moulded capitals supporting the chapel above. Stone steps in the south-east corner lead down to the partial basement. EXCLUSIONS Pursuant to s.1 (5A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') it is declared that the inserted kitchen on the lower ground floor and the lavatories at the east end of the lower ground floor and on the north-east side of the east end on the ground floor are not of special architectural or historic interest. In addition the low, brick wall in front of the chapel forecourt is not intact having lost the original surmounting iron railings and central double gates and so is not included in the List entry.

Selected Sources

Websites

Conisbrough & Denaby Main Heritage Group, Wesleyan Chapel, accessed 10 February 2015 from [www.conisbroughheritage.co.uk/Wesleyan Chapel](http://www.conisbroughheritage.co.uk/Wesleyan%20Chapel)

National Grid Reference: SK5126898503

Consultation on Review

Involving the community and raising public awareness is considered an important part of reviewing the conservation area appraisal and was subject to public consultation from 9th February to 20th March. This included the following measures:

- The review was made available during this period on the Council's website with comments being welcome
- Site notices were erected in the conservation area on Thursday 5th February publicising the review and also welcoming comments
- A press notice was placed in the Doncaster Star also on Thursday 5th February also publicising the review and welcoming comments
- Doncaster Civic Trust were contacted individually given their previous involvement with the original conservation area appraisal
- Local ward members, chair and vice-chair of planning committee, as well as Conisbrough Forward, were made aware of the review as well as welcoming comments
- Design and Conservation Officer attended a meeting chaired by Conisbrough Forward held at the Ivanhoe Centre on Thursday 12 March held to discuss the conservation area, its appraisal and its review, and the potential for a Townscape Heritage Initiative

Responses

As a result of the above consultation one response has been received from:

- Doncaster Civic Trust – agreeing with all comments but suggested that there should be photographs of each of the key unlisted buildings, that especially the new build adjoining Lowfield House was 'admirable', that the state of The Priory, 12 High Street and The Old Police Station was disappointing but when restored would make an excellent contribution to the conservation area and that the proposed boundary changes should be made soon. Entries for each of the key unlisted buildings, including photographs, have been created whilst other comments are noted.



Doncaster
Council

Conisbrough

Conservation Area

Proposed Boundary Changes

September 2021

Proposed Boundary Changes

Since the designation of the conservation area, the area in and around has in parts changed and buildings that were not considered important at the time of the designation of the conservation area are now considered to make a positive contribution, whilst buildings that are currently included are now considered to make a negative or neutral contribution. The areas that are proposed to be amended are as follows:

Wesley Chapel and March Gate

The Wesley Chapel lies adjacent to the current boundary of the conservation area. In 2015 it became Grade II Listed and the conservation area would benefit by its addition. It is an important landmark building that is a good example of a Victorian chapel built in 1876. The condition of the chapel is of concern, however it does have planning permission and listed building consent for conversion and which is expected to be implemented in the near future. There is also a slight alteration of the boundary to include stone walls in the area.



Wesley Chapel

The modern properties nearby on March Gate make no contribution to the conservation area. Their exclusion would not alter the general character and appearance of the conservation area and would make a much more logical boundary.



Development off March Gate

The car parking sales area between March Gate and Doncaster Road also does not contribute positively to the conservation area and its removal is suggested to strengthen the overall character of the area.



Old Road/Church Street

This part of the conservation area, to the west of the commercial centre along Old Road and at the end of Church Street, is dominated by modern commercial premises that are considered to be a major negative impact on the conservation area, as well as the library which has a neutral impact on the conservation area.



Modern commercial developments



Church Street/Well Head

Currently only the buildings fronting on to the north side of Church Street are in the conservation area and the inclusion of their backlands, including the entire supermarket site, would make a more distinct boundary. The rear outbuildings would also add to the character of the frontage buildings.



Backs of properties on Church Street

The listed wellhead also lies just north of Church Street and would also be brought into the conservation area as part of this alteration.



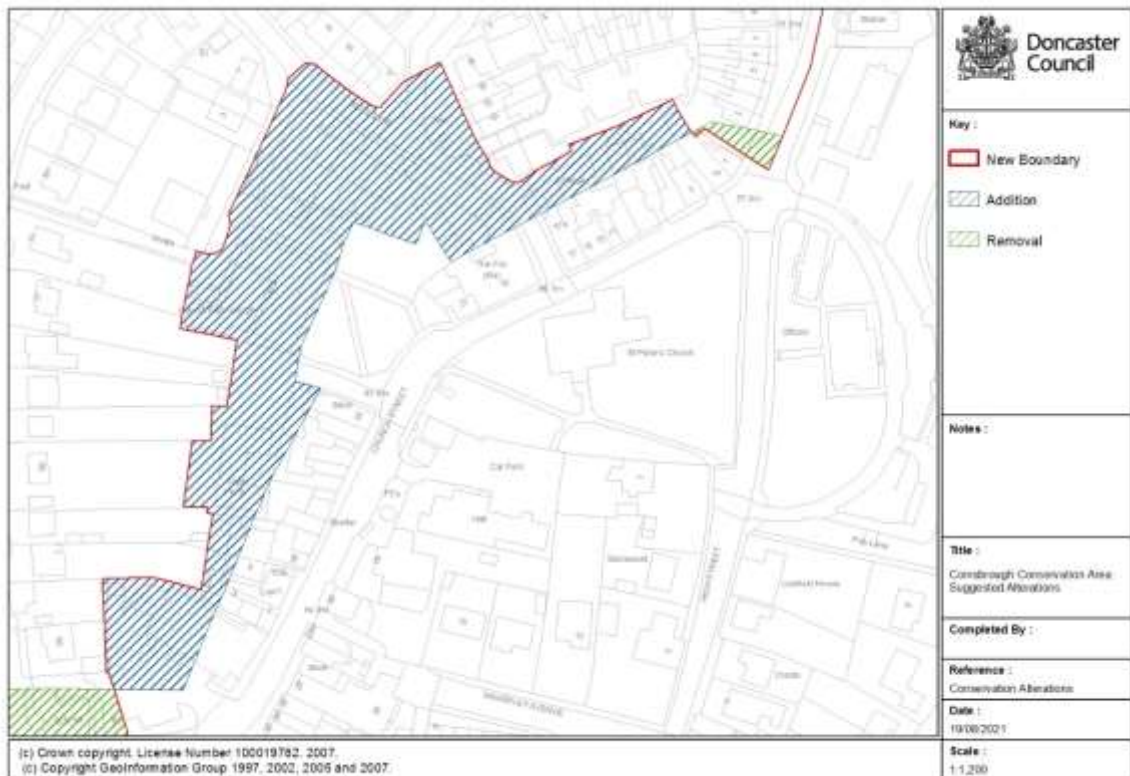
Wellhead on Well Gate

There are also some recently built developments that have picked up on the local character and whose inclusion would benefit the conservation area.



Recent development proposed to be included within the revised boundary

Although the recently built Well Gate development, on the north side of Well Gate, is a considerable improvement on the previous flats it still does not pick up on the area's local distinctiveness sufficiently in terms of detailing, materials and forms so there would not be considered enough merit for it be included in to the conservation area. A small area of land off Castle Street is proposed to be removed so as to follow a defined boundary.



The Dale and Dale Road

The Dale and its grounds lie adjacent to the current boundary of the conservation area, and the building and its land are seen very much as a continuation of the character of the adjoining part of the conservation area. The building appears to date from the Georgian period with Victorian additions and is considered to be a key unlisted building due to its architectural and historic interest. The earlier building is a good example of a two storey stone building and with the later three storey extension retains many original features. The extension is also a landmark building on Dale Road. The grounds are well treed and would be a positive addition to the conservation area if supported.



The Dale, a key unlisted building

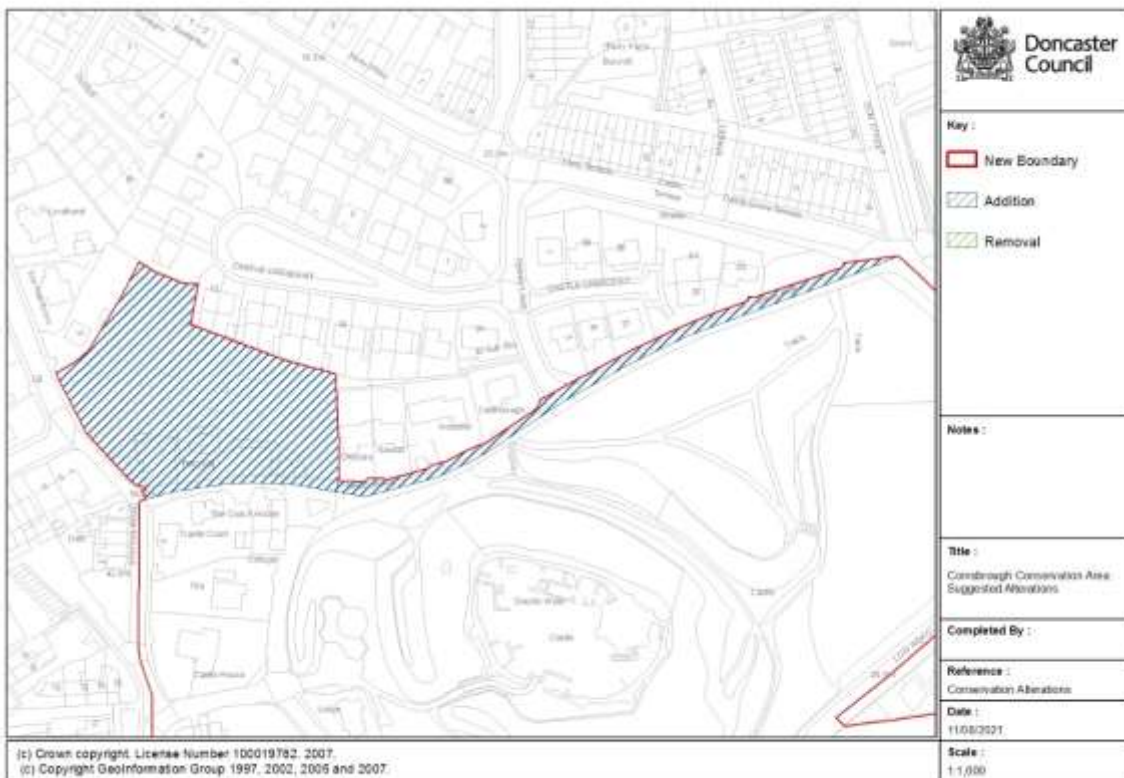


The grounds of The Dale continue the greenness around the castle

The wall to the north side of Dale Road is also considered to contribute positively to the character of the area and is also proposed to be included.



Stone wall along north side of Dale Road



The Castle Mill Business Centre, Minneymoore Hill and The Bungalow, Burcroft Hill

At the end of the green space of the mill piece is a former Edwardian public house that has been converted to offices and which stands on the site of an older inn. The building has undergone some modernisation but is still considered a good example of its type and is a local landmark that would form a strong 'bookend' to the conservation area.



The Castle Mill Business Centre

The Bungalow nearby on Burcroft Hill is considered to make a neutral impact on the conservation area. There is unlikely to be any major changes that being in a conservation area could control and its inclusion is of no benefit to the character and appearance of the conservation area therefore it is suggested that it be removed.



The Bungalow, Burcroft Hill



Bungalows, Doncaster Road

The bungalows on Doncaster Road, are considered to have a neutral impact on the conservation area. There is unlikely to be any major changes that being in a conservation area could control and their inclusion is of no benefit to the character and appearance of the conservation area therefore it is suggested that they be removed.



Bungalows on Doncaster Road



The removal of the whole of the mill piece was considered between Doncaster Road and Low Road as it is remote from the rest of the conservation area and is chiefly landscaping however it was considered that the area acts as a buffer to the area from modern residential developments around the castle and is important to the castle's setting and therefore to the conservation area.



Suggested Additions and Removals



Date: 1st March, 2022

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

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

BACKGROUND

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

OPTIONS CONSIDERED

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

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

7.

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

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS [Officer Initials SC Date 16/02/2022]

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

FINANCIAL IMPLICATIONS [Officer Initials BC Date 16/02/2022]

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

HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 16/02/2022]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 16/02/2022]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 16/02/2022]

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 16/02/2022]

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

CONSULTATION

15. N/A

BACKGROUND PAPERS

16. N/A

CONCLUSIONS

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
19/01624/FUL	Change of use of land for Travelling Showpeoples yards to accommodate 8 family units.(resubmission of previous application 18/00724/FUL). at Land On The South West Side Of, Waggon Way, Stainforth, Doncaster	Appeal Allowed 14/02/2022	Stainforth And Barnby Dun	Delegated	No
19/03088/FULM	Construction of crematorium including memorial gardens, associated car parking, a new vehicle access onto Green Lane and ancillary works. at Land South Of Green Lane, Brodsworth, Doncaster, DN5 7UT	Appeal Dismissed 26/01/2022	Sprotbrough	Committee	No
21/00759/FUL	Alterations and erection of extensions to create recreation room, enlarged kitchen, utility, porch and 3 additional bedrooms with 2 en suites. at Bridge House, Bramwith Lane, South Bramwith, Doncaster	Appeal Dismissed 25/01/2022	Stainforth And Barnby Dun	Delegated	No
20/02870/FUL	Erection of a livestock building for pig finishing unit and associated infrastructure at Toecroft Farm , Toecroft Lane, Sprotbrough, Doncaster	Appeal Withdrawn 25/01/2022	Sprotbrough	Committee	Yes
17/00493/M	Appeal against enforcement action for alleged unauthorised erection of wall/fencing to front of property under ground (a) at 30 Rosedale Road, Scawsby, Doncaster, DN5 8SU	ENF-App Dis/Upheld Sub to Correction/Var 28/01/2022	Roman Ridge	Enforcement	No

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Director of Economy and Environment

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Appeal Decision

Hearing held on 1 February 2022

Site visit made on 2 February 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2022

Appeal Ref: APP/F4410/W/21/3270719

Land to the south-west of Waggons Way, Stainforth, Doncaster DN7 5TZ

- 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 Jamie Raywood against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref: 19/01624/FUL, dated 4 July 2019, was refused by notice dated 12 November 2020.
 - The development proposed is the change of use of land for Travelling Showpeople yard to accommodate 8 family units.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for Travelling Showpeoples yards to accommodate 8 family units at land to the south-west of Waggons Way, Stainforth, Doncaster DN7 5TZ in accordance with the terms of the application, Ref: 19/01624/FUL, dated 4 July 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. Subsequent to the Council making its decision, the Doncaster Local Plan 2015-2035 (2021) (Local Plan) has been adopted. The Local Plan replaces the Doncaster Core Strategy (2012) (Core Strategy) and the saved policies of the Doncaster Unitary Development Plan (1998), including those policies from the Core Strategy that are contained in the Council's reason for refusal. The revised National Planning Policy Framework (Framework) has also been published since the Council's decision. The main parties commented on these changes to the policy framework prior to and during the hearing, and which I have taken into account in my decision.
3. The description of development in the banner heading above is taken from the planning application form. Matters were raised at the hearing in relation to whether one or more yards were proposed. The Council's decision notice refers to yards in the plural. It was evident that the use of yard in the singular by the appellant is a reflection of the intention that the proposal would be occupied by the appellant and family members. In practice, as the occupiers in each of the proposed 8 units would be making use of the site, the Council's description is more accurate. Accordingly, I have considered the appeal on this basis. This is also reflected in my decision paragraph.

4. The appellant submitted late evidence at the appeal by way of further images related to the previously submitted viewpoint photomontages of the proposal. The Council was given the opportunity to consider this evidence over a prolonged adjournment during the hearing and so there is no prejudice in this regard. The images are of relevance to my deliberations. I have considered them on an indicative basis. I have also considered the comments that I received on them at the hearing.
5. The principle matter of dispute between the Council and the appellant does not concern the proposal as a whole but is centred on a 4.5 metre high acoustic barrier that is proposed. This is required so that the future occupiers would have suitable living conditions, as well as to protect adjoining railway infrastructure. The main parties disagree on the effect of the proposed acoustic barrier in visual terms.

Main Issue

6. Taking account of the above, the main issue is the effect of the proposed acoustic barrier on the character and appearance of the area.

Reasons

7. The appeal site comprises an area of unused land that is accessed off Waggon Way. The side of the site where the acoustic barrier is proposed bounds the Hull/Doncaster railway line and a local train station is found a short distance away. The site also adjoins 2 residential properties and abuts an embankment that carries Station Road onto a bridge over the railway line. This embankment contains a number of trees. The site is for the most part enclosed by security fencing. The Waggon Way frontage is more open and contains security fencing that is more temporary in appearance.
8. A mix of residential and commercial uses are found in the vicinity of the site, as well as the railway infrastructure. There is also an existing Travelling Showpeople site, known as Rhodes Fairacres, as well as Gypsy and Traveller sites close by. Development in the area is generally of a modern and urban nature, but otherwise there are limited unifying characteristics. Overall, the character is unassuming.
9. Policy 11 of the Local Plan forms the main development plan policy that concerns Travelling Showpeople development. Part D) of the policy sets out a number of development management related criteria that new yards will be required to demonstrate. Criterion 2. refers to no significant harm to local amenity. Criterion 6. states that the site is within, or can be well integrated into, the local townscape in a manner in-keeping with the local character, using boundary treatments and screening materials which are sympathetic to the existing urban or rural form. Criterion 6. goes on to say that high fences or large walls should be avoided wherever possible to prevent the impression that the site is being deliberately separated from the rest of the community.
10. Policy 41 sets out a number of principles related to character and local distinctiveness. These include under A) matters concerning recognising and reinforcing the character, high quality design, responding positively to the context, and integrating visually and functionally.
11. Policy H of the Planning Policy for Traveller Sites (2015) (PPTS) also refers to matters related to high walls and fences so as to avoid the isolation of such

- sites from the settled community, as well as to landscaping and openness, amongst other considerations.
12. The varied nature of the surroundings would result in the proposed acoustic barrier not appearing incongruous. Whilst it would be of a solid form and run a not insignificant length, it would be largely bounding the railway line and the associated infrastructure. This itself is functional in its design, as is the security fencing around the site. As such, whether it would enhance the local area needs to be appraised in this context. Its height and scale would not be out of keeping, in particular in the context of the railway bridge, nor the site's contribution to this character. Subject to the agreement of a suitable colour finish to the barrier by way of the imposition of a planning condition, it would not unduly detract from its location.
 13. With regard to comparisons with other more modest yet varied forms of boundary treatment that there are in the area, the proposed acoustic barrier would be too distant for it to be readily unsympathetic. Due to the presence of the railway line and roads around the site boundary, it is an area of land, along with the 2 neighbouring dwellings, that is distinct in these surroundings. No significant harm would arise in this respect.
 14. The site is located within an area designated under the Local Plan as an Employment Policy Area. As a consequence, the effect on the character of the site needs to be considered with the expectation that it will be likely developed at some point. When this is borne in mind, the proposed acoustic barrier would not be unacceptable with regard to the contribution to openness. There are clearly wider aspirations to develop the area but as the site is fairly self-contained and with the proposed acoustic barrier running along the boundary with the railway line, it would not depreciate from the aspiration of such development benefitting the local visual appearance.
 15. The location of the proposed acoustic barrier would also not cause an undue sense of isolation and separate the site from the community. The vast majority of Stainforth is found on the opposite side of the site and the barrier would not extend along this boundary. The railway line already forms a firm separation between Stainforth and the neighbourhood on the far side of the line. The barrier would not substantively add to this existing separation. Nor would there be unacceptable combined effects with the proposed wall along the Waggons Way frontage. This would face towards a commercial premises that itself is well enclosed by its facing elevation.
 16. In relation to views, the proposed acoustic barrier would be most likely apparent when seen from Waggons Way. When approached from the north, views from passing motorists would be fleeting. It would be more likely evident to pedestrians utilising the footways, but it would be viewed over the wall that is proposed along this frontage. It would also increasingly angle away from this frontage and so from the views of pedestrians. The submitted block plan also shows potentially caravans in the foreground in this view and at least for part of the year there would be not inconsiderably sized fairground rides and vehicles parked against the barrier.
 17. When either motorists or pedestrians approach from Waggons Way to the east, the angle of view would be even more acute because of the siting of the proposed acoustic barrier in relation to the alignment of this part of Waggons Way. The end of the fence would be more likely evident, but there would be a

- small electricity substation seen to the front of it. Overall, when seen from Waggon Way, even at relatively close quarters, it would not appear overly high and prominent.
18. When seen by pedestrians and motorists travelling across the Station Road bridge, it would be seen down the embankment. Mature trees on the embankment would also provide partial screening from the bridge itself, as Stainforth is approached. Further away, it would become a more distant feature across the railway line and seen against the backdrop of the commercial premises on the far side of Waggon Way. It would also be effectively screened by trees and one of the neighbouring dwellings from the Station Road and East Lane junction.
 19. Users of the trains passing through and approaching the station would have more of a direct view, but this would be of a short duration and within the context of the infrastructure which makes up the railway line and the station. This would not render the proposal unacceptable.
 20. The Council has raised a number of concerns with the appellant's viewpoint photomontages. I am not unsympathetic in this regard as corroboration of what is shown has not been demonstrated, not least as it is not evident what methodology has been followed in order to produce these visual representations. The same applies to the images submitted at the hearing and to a pole that the appellant erected on site in relation to the height of the proposed acoustic barrier. In coming to my conclusions on the visual impact, I have considered the totality of the evidence before me and what I observed on my site visit in its entirety.
 21. In taking these considerations together, the proposed acoustic barrier would not dominate the streetscene. Landscaping in its vicinity would thus not be necessary for screening and there is not merit in the consideration of alternatives to the barrier because it would not be unacceptable in character or visual terms. Where I was referred to other barriers that the Council has permitted, these are some distance from the site and so do not appreciably inform a consideration of the merits of the proposal in planning terms.
 22. I conclude that the proposed acoustic barrier would not have an unacceptable effect on the character and appearance of the area. It would comply with Policy 11 as it would not cause significant harm to local amenity, and as its scale and form would be reasonably well integrated into the local townscape using boundary treatments and screening materials which are sympathetic to the existing urban form. In addition, the barrier would not give the impression that the site is being deliberately separated from the rest of the community because of the site's location, despite that the barrier would be relatively high. It would also comply with Policy 41 where it concerns character, high quality design, context and integrating visually and functionally.
 23. The proposed acoustic barrier would also comply with Policy H of the PPTS as it would avoid the isolation of such sites from the settled community, as well as concerning landscaping and openness. It would also accord with the Framework where it sets out that planning decisions should ensure developments, amongst other considerations, add to the overall quality of the area, are visually attractive and are sympathetic to local character. It is not a situation where development that is not well designed should be refused.

Other Matters

24. There is also disagreement between the main parties over whether there is an identified need for more yards for Travelling Showpeople with regard to the Council's Travelling Show People Accommodation Need Assessment (2018) (TSPANNA) and Policy 11. The Council considers that it can demonstrate a surplus of plots over the initial 5 year assessment period of the TSPANNA and that the need for the proposal has not been adequately justified in order to outweigh its concerns, whilst also accepting that the TSPANNA does not act as a ceiling to the grant of further permissions. The appellant considers there is some underestimation to the need. However, as I have found the proposal to be not unacceptable with regard to the effect on the character and appearance of the area, and that it would accord with Policies 11 and 41, the PPTS and the Framework, I do not have cause to consider this matter further and as part of a balancing exercise.

Conditions

25. In addition to the timescale for implementation, I have imposed for the purposes of certainty a condition concerning the approved plans that show the proposal. I have also imposed conditions by way of the occupancy of the site so that it meets the needs of Travelling Showpeople and in relation to the plots and caravans, in the interests of the living conditions of the future occupiers.
26. I have also imposed a condition in relation to the details of the acoustic fence, in the interests of protecting the living conditions of the future occupiers and the character and appearance of the area, as well as for the safety of the railway line. This includes the proposed colour finish of the barrier. I have also included a condition relating to the storage of equipment and non-residential caravans as shown on the approved drawing and excluding an area that I was informed contains water infrastructure. This is in the interests of character and appearance and protecting water supply. Whilst the Council requested a further storage plan, I am not persuaded this would show a great deal over and above what is already shown.
27. I have also imposed a condition concerning the implementation of the Flood Risk Assessment and Flood Evacuation Plan, in the interests of minimising flood risk, and a landscaping details condition in the interests of character and appearance. Conditions are also imposed concerning biodiversity gain, in the interests of ecology, and with regard to surfacing in the interest of highway safety.
28. A condition is imposed regarding surface water drainage works in the interests of providing satisfactory drainage and minimising flood risk. Conditions are also imposed in relation to land contamination, in the interests of protecting public health.
29. Where conditions are pre-commencement, there is agreement by the appellant through the signing of the Statement of Common Ground (SoCG) which contains these conditions. This was reaffirmed by the appellant at the hearing.
30. Where I have changed the remaining wording of the conditions put forward by the SoCG, I have done so in the interests of precision and without changing their overall intention.

Conclusion

31. The proposal would not be unacceptable with regard to the effect on the character and appearance of the area. It would comply with the development plan when considered as a whole, and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matt Williams	Planning Consultant/Partner, Brimble, Lea & Partners
Jamie Raywood	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Garry Hildersley	Development Manager
Mary Fleet	Senior Planning Officer
Andy Brown	Senior Policy and Insight Manager

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Council, Application correspondence with Network Rail
- 2 Appellant, Further images of the viewpoints
- 3 Appellant, Location images showing the locations of acoustic barriers at Armthorpe and Edenthorpe

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 17234 – 3 Rev D.
- 3) The site shall not be occupied by any persons other than Travelling Showpeople, as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 4) There shall be no more than 8 plots on the site and on each of the 8 plots hereby approved no more than 1 caravan shall be stationed at any time for residential occupation.
- 5) The development hereby permitted shall not commence until details of the acoustic fence including its type, precise siting, construction methodology and external colour finish have been submitted to and agreed in writing by the local planning authority. The acoustic fence shall be implemented in accordance with the approved details prior to the development being brought into use and shall thereafter be maintained.
- 6) The storage of equipment and non-residential caravans shall be carried out in accordance with plan: 17234 – 3 Rev D and shall thereafter be maintained. No storage shall take place in the area shown in red hatched lines on plan: 17234 – 3 Rev D.
- 7) The development hereby permitted shall be carried out in accordance with the submitted Flood risk assessment (received 5.7.19) 10th July 2018 report no: ML/FRDS/1051/01 and the Flood evacuation plan (received 2.12.19) and shall thereafter be maintained.
- 8) The development hereby permitted shall not take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include a soft landscape plan, a schedule providing plant and tree numbers and details of the species, 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 approved 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 the planting. Any part of the scheme which 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.
- 9) The development hereby permitted shall not commence until a scheme showing Biodiversity Net Gain calculations using the DEFRA Small Sites Metric in full in the original Excel workbook form shall be submitted to and approved in writing by the local planning authority. The approved scheme shall have the purpose of ensuring that the development shall result in a biodiversity net gain of a minimum of 10% in accordance with Policy 30 of the Doncaster Local Plan 2015-2035 (2021). The approved scheme shall either include:

- (a) an on-site scheme that clearly demonstrates a biodiversity net gain of a minimum of 10% within the development site which will be maintained for 30 years from the date of implementation of the scheme;
- (b) details of agreements and evidence of contract(s) having been entered into with third parties for the delivery of the required biodiversity net gain offsetting of Biodiversity Units in accordance with the scheme;
- (c) an adaptive management plan for the site detailing the management measures to be carried out to achieve target habitats and conditions according to DEFRA Small Sites Metric habitat trading rules.

The development shall be carried out in accordance with the approved scheme.

- 10) Prior to the development hereby permitted being brought into use that part of the site to be used by vehicles shall be surfaced, drained and marked out in a manner that has been previously submitted to and approved in writing by the local planning authority and shall thereafter be maintained.
- 11) The development hereby permitted shall not be begun until details of the foul, surface water and land drainage systems and all related works have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be implemented in accordance with the approved details concurrently with the development and the drainage system shall be operating in accordance with these details prior to the occupation of the development and shall thereafter be maintained.
- 12) The development hereby permitted shall not commence until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and approved in writing by the local planning authority (LPA), unless otherwise approved in writing with the LPA.
 - a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.
 - b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved 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.

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.

- 13) Should any unexpected significant contamination be encountered during development, all associated works shall cease and the local planning authority (LPA) shall 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.
- 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 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.



Appeal Decision

Inquiry held on 12-15 and 19-21 October 2021 and 30 November 2021

Site visits made on 29 September 2021 and 2 November 2021

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2022

Appeal Ref: APP/F4410/W/21/3277233

Land south of Green Lane, Brodsworth, Doncaster

- 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 Dignity Funerals Limited against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/03088/FULM, dated 17 December 2019, was refused by notice dated 21 December 2020.
 - The development proposed is a crematorium including memorial gardens, car parking, a new vehicle access onto Green Lane and ancillary works.
-

DECISION

1. The appeal is dismissed.

PRELIMINARY MATTERS

Background

2. The appeal site is situated north of Doncaster. There is an existing crematorium at Rose Hill to the east of Doncaster and three existing crematoria to the west at Pontefract, Barnsley and Rotherham. The planning application was one of three applications which were each submitted for crematoria in Doncaster, by three different operators in three different locations (Barnby Dun, Brodsworth and Conisbrough).
3. The Council instructed a consultant to establish whether there was an existing unmet need for a new crematorium in the area. The report¹ concluded that there is a compelling quantitative and qualitative need for a new crematorium in Doncaster. It determined that only one of the three crematoria would be required to meet current and future need and that the application for Barnby Dun best meets that need, based on the population living within its constrained 45-minute drive time catchment.
4. All three applications were accompanied by a Landscape and Visual Impact Assessment (LVIA). The Council commissioned consultants to undertake a review² of the three LVIA's to inform its consideration of the potential landscape and visual effects of the proposals and, in the case of Brodsworth and Conisbrough, the potential affect on the Green Belt.
5. The Barnby Dun application was subsequently granted planning permission. The promoter of Barnby Dun, Memoria, was a Rule 6 (6) party at the inquiry. An application for a new crematorium at Conisbrough was refused permission by the Council and no appeal has been lodged. The proposal the subject of this appeal was also refused by the Council.

¹ Crematorium Need Assessment, Peter Mitchell Associates (Nov 2020) (CD C1)

² Proposed crematoria within Doncaster Borough LVIA Review LUC 2020 (CD C3)

The Appeal Site and the Proposed Development

6. The appeal site is situated to the south of Green Lane, within the Green Belt, to the north west of Doncaster. It comprises around 6.3 hectares and in the main forms part of a larger arable field. There is a small woodland to the west and southwest of the site known as Stane Hill Plantation and Long Plantation lies to the east and south east. Brodsworth Community Woodland and an adjacent tree belt extend along the northern edge of Green Lane.
7. The proposed development would include a main building which would comprise a chapel, crematorium and administration space and, together with the car park, would be situated on the lower part of the site. The site would be accessed via a new junction off Green Lane and a long drive which would sweep down to the crematorium. Memorial Gardens would be situated to the east of the car park.

Procedural Matters

8. The Inquiry sat for 8 days. I made one unaccompanied visit to the site and surrounding area on 29 September 2021 and an accompanied site visit on 2 November 2021.
9. The appellant, Council and the Rule 6 (6) party, Memoria, submitted three Statements of Common Ground to the Inquiry, with CD A7 addressing landscape and visual matters; CD A8 addressing planning matters; and CD A9 addressing matters of need.
10. The Doncaster Local Plan (LP) was adopted on 23 September 2021 and supersedes the Doncaster Unitary Development Plan (1998) and the Core Strategy (CS) (2012). Policy 1 - Settlement Hierarchy replaces CS Policy 3, the policy upon which the application was refused. Other relevant policies are referred to in my reasoning below and were discussed at the Inquiry, where all parties were able to give their views on the implications of the recently adopted Plan upon the proposed development. The Council confirmed that there are no material changes within the LP which would alter its original decision to refuse the application.
11. Prior to the opening of the Inquiry the Council submitted a document entitled 'New analysis of existing evidence regarding need'³. The main parties have had the opportunity to comment on the document and so I have had regard to it and any comments made during my consideration of the appeal.
12. The appellant submitted a hedgerow enhancement plan and details of the title information relating to ownership of the land during the Inquiry. The plan was already included in the appellant's proof of evidence and does not materially alter the application. The details of the landscaping could in any event have been addressed as part of a landscaping condition. The title information simply confirms the ownership of the appeal site. Consequently, I am satisfied that no party would be prejudiced by my consideration of these documents.

MAIN ISSUES

13. It is common ground that the proposal would not meet any of the exceptions identified at paragraphs 149 and 150 of the National Planning Policy Framework (2021) ('the Framework') and would, therefore, be inappropriate development in the Green Belt as set out at paragraph 147 of the Framework. Taking into account all that I have read, heard and seen, I consider that the main issues in this case are:
 - The effect of the proposal on the openness and purposes of the Green Belt;

³ New analysis of existing evidence regarding need PMA, 9 October 2021

- Whether or not there is an identified quantitative and/or qualitative need for the development in the proposed location;
- The effect of the proposal on the landscape and visual character of the area; and
- Whether or not the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

REASONS

The effect of the proposal on the openness and purposes of the Green Belt.

14. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. Paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The main parties agree that the Green Belt has both a spatial as well as a visual aspect.
15. The 6.3ha appeal site forms part of an open, arable field and contributes to the wider, open, undeveloped agricultural landscape. The main crematorium building would have a gross internal area of around 743m² and a height of approximately 4.5m, with the highest point being approximately 5.35m from the finished floor level. The chimney to the cremator would rise approximately 1.8m above the main roof level and 7.17m in total.
16. A visitor car park with a capacity of 109 spaces would be situated on the eastern side of the building at the southern part of the site. A long access drive would connect a new junction onto Green Lane with the car park. Memorial gardens would be situated to the west of the car park. The access itself would be around 500m in length. There would also be some cut and fill and re-contouring of the land and a retaining wall to the rear of the main building. Given the substantial quantum of development, hard landscaped areas, and the increased level of activity in terms of traffic movements, I consider that there would be a significant loss of Green Belt openness in spatial terms.
17. The appellant's case is that the visual openness of the Green Belt would be preserved by virtue of the location of the building in a low-lying secluded part of the site and due to enclosure provided by intervening landform, existing vegetation and proposed landscaping. I acknowledge that the siting of the development would help to mitigate views of the proposal in the wider landscape to a degree. However, the proposal and, in particular, the access road would be seen from Green Lane and parts of Brodsworth Community Woodlands to the north and north west; Brodsworth Hall and Gardens and parts of Church Lane from the west; from the south from Barnsley Road and from the meditation business within Long Plantation to the east.
18. The removal of a substantial section (180m) of established hedgerow would enable open views of the access, particularly the sections on higher ground to the north, in the short term. Whilst a replacement hedgerow would be planted and an off-site hedgerow enhancement scheme could be secured by means of a Grampian condition, these would take some time to establish. In any event, views would remain of the road at the point of access and immediately beyond.
19. Furthermore, the increased activity associated with the use of the access road amounting to 64 vehicles per hour, taken together with the headlights of the vehicles and lighting of the road, would have a negative effect on Green Belt

openness. Although the visual effects would reduce over time as the proposed landscaping matures glimpsed views of the proposal would, nevertheless, remain. In particular, the access road, lighting and car headlights would still be visible, especially in Winter months. Consequently, the proposal would have a harmful effect on the visual component of Green Belt openness. Moreover, given the scale of the development, the significant loss of spatial openness cannot be fully mitigated through siting, landscaping, and design. Overall, I consider that there would be a significant loss of Green Belt openness.

20. The appellant contends that the experience of the visual openness of the Green Belt would be enhanced by reason of the development. However, it is unlikely that anyone would visit the site unless attending a cremation or visiting the memorial gardens and, in any event, by doing so, their views would be of significant built development.
21. The main parties agree that Green Belt purpose 3 'to assist in safeguarding the countryside from encroachment' is most relevant to the appeal proposal. The Council's Green Belt Review (2016)⁴ was undertaken to inform the Local Plan. The appeal site falls within the assessment area known as 'Adwick Le Street 5'. Under purpose 3 the area is assessed as having moderate sensitivity to encroachment.
22. Whilst Adwick Le Street 5 is identified as having a 'semi-urban character', the appeal site is detached from the linear settlement of Little Canada by intervening agricultural land and lies well beyond the woodland, Long Plantation which forms a strong edge to the settlement. The proposal would involve substantial built development of an urban nature within a currently open area of land, which is detached from the settlement of Little Canada. The proposal would, therefore, result in significant encroachment in the countryside and, therefore, conflict with purpose 3.
23. In summary, the proposal would cause a permanent and irreversible loss of Green Belt openness, which would not be fully mitigated through landscape, siting and design. This would cause additional harm to the Green Belt, over and above the harm by reason of inappropriateness. Furthermore, the proposed development would represent an encroachment of urban development into the open countryside. As such it would be contrary to one of the Green Belt's main purposes, of safeguarding the countryside from such encroachment. I attach substantial weight to the totality of Green Belt harm. The proposal would, therefore, be contrary to Policy 1 of the LP which seeks to preserve the openness and permanence of Doncaster's Green Belt. Conflict also arises with paragraphs 137 and 147 of the Framework.

Whether or not there is an identified quantitative and/or qualitative need for the development in the proposed location.

24. The appellant's original need assessment⁵ was predicated on the potential of the appeal scheme to relieve overtrading at the existing crematorium in Doncaster – Rosehill. As Barnby Dun is consented, the main parties agree that it forms a commitment. The appellant has, therefore, undertaken a revised need assessment⁶ which puts greater emphasis on the potential of the scheme to relieve overtrading of the three crematoria to the west of Doncaster – Barnsley, Pontefract and Rotherham; otherwise referred to as the 'Western Arc' crematoria. The Council has also updated its needs evidence to reflect the consented Barnby Dun⁷.

⁴ CD E8

⁵ CD B13

⁶ JH PoE

⁷ Peter Mitchell Proof of Evidence (PoE)

25. The Competition and Markets Authority Report, December 2020 (the CMA report)⁸ describes quantitative need as the number of people who will be closer to the new crematorium compared with any other. Recent appeal decisions⁹ have defined an area to have quantitative need where there will be between 136,000-171,000 people for whom the new crematorium will be their closest facility. Assessing practical core capacity is agreed by the main parties as another way of determining quantitative need for crematoria.
26. In terms of qualitative need the CMA report at paragraph 4.65 described this as typically the number of people who will now have less than a 30-minute cortege drive time to the crematorium. Recent appeal decisions¹⁰ have considered a qualitative need exists where there will be between 59,000-95,000 people who will, for the first time have a crematorium within a 30-minute cortege drive time. Other qualitative factors can include the availability of slots, waiting times, congestion at crematoria and the quality of facilities. There are other factors which may also affect choice, such as previous family funerals and proximity to other family members. Relieving quantitative need at a crematorium which is over-trading enables qualitative improvements to be made.
27. The starting point for the quantitative assessment is the identification of drive times to establish a catchment area. The main parties agree that a 30-minute catchment drive time (CDT) at 60% of normal traffic speeds is a useful rule of thumb; however, travel times up to 45 minutes may also be appropriate, particularly in rural areas.
28. The natural catchment area or minimum distance catchment ("MDC") is an unconstrained catchment area for a crematorium that assumes people will always go to the closest crematorium and is the basis of the calculations of need by all parties. Whilst the broad use of MDCs is agreed; the main parties have used different mapping software and drive times which has produced different results.
29. The appellant identifies that Rosehill and Barnsley crematoria are within the 30-minute CDT with Pontefract and Rotherham beyond. However, the appellant has not clearly set out the drive times which underpinned its GIS catchments, relying instead on platforms provided by the AA and similar which are only realistic for a journey at the time it is being assessed. The lack of transparency in terms of the appellant's evidence reduces the weight which I can attach to it in this regard.
30. In contrast, Memoria's drive times are clearly set out at Appendix 1 of their needs evidence¹¹ and are, therefore, more robust. Memoria's evidence shows that the appeal scheme only sits within the 30-minute cortege drive-time of Rose Hill. Barnsley sits just beyond the 30-minute drive time and Pontefract and Rotherham within the 45-min drive time.
31. Based on these drive times, Memoria calculate a catchment population of 120,670¹² in contrast to the Council's assessment of 133,768 and the appellant's at 142,840. Based on the more robust evidence, the appeal scheme would sit below the parameters defined in previous appeal decisions (136,000-171,000) above which a quantitative need has been determined to exist. In reaching that conclusion, I am mindful that this is just one of a range of factors which need to be considered.

Capacity analysis

32. Assessing practical core capacity is agreed as one way of determining the need for crematoria. The method for establishing practical capacity in a peak month is set

⁸ Paragraph 4.65/146 of the CMA report 'Funerals Market Investigation CD E2

⁹ Paragraph 3.5 of JH PoE

¹⁰ Paragraph 3.5 of JH PoE

¹¹ Appendix 1 MDC and cortege drive-time analysis

¹² Paragraph 3.7/3.8 JH PoE

out in submitted evidence and so I do not repeat it here. It is agreed by the Council and the appellant that operating above 80% practical core capacity in the peak month makes it more difficult to deliver a qualitatively acceptable service. The 80% figure was endorsed by the Inspector and the Secretary of State in the Wergs and Essington appeal decisions¹³.

33. Each existing crematorium uses 40-minute cremation slots, other than Rotherham which has 45-minute slots. It is agreed that 1-hour slots are ideal; however, the ICCM Charter for the Bereaved advocates a 40-45 minute minimum. Core slots are agreed as being between 9.30/10.00am and 3.30/4.00pm.
34. Whilst the broad approach to assessing practical capacity in a peak month is agreed by the main parties, there are several differences which make comparison of the parties' evidence difficult. In addition to the different approach to drive times/catchments, different base dates have been used. Moreover, there are points of disagreement in relation to future cremation rates and the level of direct cremations resulting in different outcomes. This demonstrates that the calculation of need is far from an exact science.
35. Whilst there is agreement that the cremation rate in 2019 is 80%; there is disagreement as to the future cremation rate. The Council and Memoria have used an 80% cremation rate in future projections, reflecting religious factors and the increasing interest in green burials. The appellant utilises the approach of applying an average increase per annum of 0.35% based on previous rates to reach a cremation rate of 85% by 2034. However, whilst the appellant acknowledges that a 100% cremation rate would never be reached, no allowance is made for the slowing of this rate as the maximum is approached. Reflecting a slowing in the cremation rate as the maximum is approached, I consider that the rate is likely to be at some point between 80-85% on the limited evidence before me. The appellant's use of the higher cremation rate of 85% would lead to an overestimate of need.
36. Direct cremation is a simple, low-cost funeral option whereby the deceased is brought to a crematorium and cremated without any ceremony. All parties agree that direct cremations should be discounted from practical capacity calculations as they do not require a service and are usually not undertaken in core times. Hybrid cremations are defined as direct cremations that have not used a funeral director but have used a core slot at a crematorium. Growth in direct cremations would increase the availability of preferred core times and reduce the crematorium's level of capacity working.
37. There is limited cogent evidence before me in relation to future levels of direct cremations. On the one hand, the Council's and Memoria's projected figure of 20% direct cremations may reflect previous rates in 2020 and 2021 which would have been affected by the pandemic due to attendance restrictions. This is likely to lead to an underestimate of need. On the other hand, there is no explanation in Mr Lathbury's evidence for the appellant's future projected rate of 14% and I find no justification for a deduction of that figure by 20% to reflect hybrid cremations. The appellant's approach is likely to have led to an overestimate of need.
38. Turning to the issue of rebalancing, the main parties agree that those who need to use the services of a crematorium will usually use the one nearest to them, being the most convenient. However, the appellant argues that where there is significant overtrading, other issues will come into play such as the availability of slots, waiting times and other qualitative issues. The appellant attempts to forecast based on these other factors by undertaking a 'rebalancing exercise' using a similar

¹³ H11 and H11A

approach to that in the Essington¹⁴ appeal. At Essington, the appellant proposed that the new crematorium would take 100% of cremations within the catchment plus 50% of the cremations within the 'fringe catchment outside the MDC'. However, the Inspector described the approach at that appeal as '*little more than an educated guess*'.

39. In its evidence, the appellant assumes that 100% of the catchment area will go to the appeal proposal and then adds 30% to that figure from outside the catchment. The appellant takes 30% of the total 1,465 cremations and readjusts the figures to reflect a higher trade draw from the west and a lower trade draw from the east. However, firstly a crematorium is unlikely to take 100% of cremations within its catchment.
40. Secondly, the origin of the 30% is from research that in over 30% of cases, the chosen crematorium was not the closest to the house of the deceased. However, there is no clarity on the robustness of this research and so it cannot be relied upon in my decision. Indeed, it is the same research that was submitted to the CMA and was assessed as tending to over-state the position. The Westerleigh Research, also scorned by the CMA, suggested 20-30%. When choosing which figure to take for the rebalancing, the appellant has taken the upper figure with no justification for doing so.
41. Re-balancing is not a requirement as suggested by the appellant; it has no basis in policy, guidance or appeal decisions. I acknowledge that there may be some rebalancing because of a new crematorium opening; however, I agree with the findings of the CMA that irrespective of the age of the facility, flows across MDC boundaries go both ways. Furthermore, on the appellant's own submissions, it is impossible to assess with any accuracy these flows using anything other than convenience. Certainly, there is no cogent evidence before me which can be relied upon to reach a sound judgment on the matter - the analysis in scenario 3 'further re-balancing' is pure conjecture. Consequently, in the absence of sound evidence to undertake rebalancing in the circumstances of this case; I have taken the appellant's calculations of capacity prior to rebalancing.
42. Overall, due to the approach to drive-times and catchment populations; cremation rates; level of direct cremations; and rebalancing, I find that the appellant's methodology generally results in an over-estimate of need. Due to the approach to cremation rates and direct cremations the Council's and Memoria's evidence may result in an under-estimate of need.

Existing and Future Need

43. It is common ground between the main parties that Rosehill is currently overtrading¹⁵ and that there is a need for another crematorium in the Doncaster area to alleviate this overtrading. Whilst the figures differ, the main parties also agree that all the crematoria in the Western Arc are currently operating well above the 80% practical core capacity in a peak month referenced at the Essington Appeal¹⁶ (ranging between 116.2%-123.7% in 2019¹⁷ based on the Council's figures).
44. The Council has not projected need beyond 2034 other than for Rose Hill in its late evidence¹⁸; and the appellant and Memoria have calculated future need in 2034 and 2033 respectively.

¹⁴ Appeal reference: APP/C3430/W/15/3039163 Land off Broad Lane, Essington, South Staffordshire

¹⁵ 138.7% of practical (core capacity) in peak month, PMA PoE Figure 1, page 22

¹⁶ Appeal reference: APP/C3430/W/15/3039163 Land off Broad Lane, Essington, South Staffordshire

¹⁷ PMA PoE Figure 1, page 22

¹⁸ New analysis of existing evidence regarding need PMA, 9 October 2021

45. The extent to which the two new crematoria at Barnby Moor and Babworth at Retford would affect Rose Hill crematorium is contested following the Council's late evidence. The Council's Need PoE suggests a diversion of 460 cremations from Rosehill to the Retford crematoria. However, in its late evidence the Council notes that there has been a drop of 162 cremations at Rose Hill in 2019 compared with the average for the three previous years despite only 2 fewer deaths and attributes this to the early effects of the Retford Crematoria. The Council considers that the full effects of those crematoria are not reflected as it will take time for them to establish.
46. The appellant's original ME Needs Assessment¹⁹ predicted a trade diversion of 726 from Rosehill to the new crematoria; however, its rebuttal of the Council's new evidence suggests a diversion of 64 cremations from Rosehill. Although the former figure is presented as a worst-case scenario, and the appellant has distanced itself from the original figure, it nevertheless represents a significant change in position. The Council suggests that the diversion figure would be likely to be between 460 and 726 cremations.
47. Barnby Moor is likely to be drawing trade from the Haworth and Bawtry areas to the north on the border of the Rose Hill and Barnby Moor catchments. It is not unreasonable that this impact may increase as Barnby Moor becomes more established; although, the opening of Barnby Dun may temper this effect in due course. There is anecdotal evidence that Babworth is drawing trade from Rose Hill; however, due to its location to the south of Retford this influence is likely to be considerably less.
48. Given the significant divergence in figures, it is difficult to reach conclusions on a definitive trade diversion figure from Rose Hill to the Retford crematoria. However, based on the evidence of all the main parties overtrading at Rose Hill would, nevertheless, be relieved to a greater or lesser extent by Barnby Dun (ranging from the Council's revised position of 68.1% practical core capacity in a peak month²⁰; the appellants position at 72.2% in 2034²¹; and Memoria at 76% in 2033²²).
49. Both the Council²³ and Memoria²⁴ predict that Barnby Dun would be operating comfortably in 2019 and in 2033 respectively. In contrast, the appellant anticipates that it would be overtrading in 2034²⁵ and so is the outlier in this respect. However, I consider that the appellant has generally overestimated need and the appellant draws a wider catchment area for Barnby Dun to the east. Nevertheless, even taking an average of all three figures, the practical core capacity in a peak month would be around 82% in 2034. Consequently, I consider that any residual need in Doncaster in 2034 would be substantially met by Barnby Dun. Even if there was a slight residual need this would not be sufficient to warrant an additional new crematorium in Doncaster itself.
50. It is common ground that all the crematoria in the 'Western Arc' would be substantially overtrading in 2034. The main parties agree that Barnby Dun would do little to alleviate this need and that there is a further need for one or even two crematoria to meet the need in the Western Arc. Based on the evidence before me, I have no reason to reach a different conclusion.

¹⁹ (CD A10)

²⁰ Figure 1, New analysis of existing evidence regarding need PMA

²¹ Table 10.4 Ap4

²² JH PoE page 17

²³ 58.2% practical core capacity in peak month (2019), Figure 1 New analysis of existing evidence regarding need PMA, 9 October 2021

²⁴ 69.2% JH PoE para 5.12 pge 17

²⁵ 118.4%, Table 10.4 AP4

Relief afforded by the appeal scheme

51. The appellant²⁶ points to the number of diverted cremations set out in the Council's PoE²⁷ and the degree to which this would impact on the extent of over-trading (i.e., the difference between the 80% figure and the actual number of cremations at each crematorium in 2019 as set out in Table 1 of the SoCG). At Barnsley the appeal scheme would represent a reduction in the 'overtrading' element of some 20.3% and the equivalent percentages for Rotherham are 32.8% and 70% for Pontefract. However, whilst the figures are not disputed; I consider that they need to be looked at in the broader context of need and in particular the effect of the appeal scheme on the practical core capacity of the crematoria.
52. The main parties agree that the effect of introducing the appeal proposal on Rose Hill would be to reduce practical core capacity to well below the 80% benchmark of practical core capacity in the peak month. Whilst there is agreement between the Council and the appellant that the appeal proposal would not make Rose Hill unviable there would clearly be a significant impact in terms of the total loss of cremations considering the cumulative effect of Barnby Dun.
53. The main parties agree that Barnby Dun would not be rendered unviable by the appeal proposal based on a 45-min CDT. The Council and Memoria agree that Barnby Dun would operate at a comfortable level (Council in 2019²⁸; Memoria in 2034²⁹), well below the 80% benchmark. The appellant purports that Brodsworth would alleviate overtrading at Barnby Dun³⁰; however, for the reasons set out above I consider that the appellant's assessment of practical capacity in a peak month at Barnby Dun is likely to be an over-estimate. In any event, taking an average of the three figures, I consider that Barnby Dun would operate at a comfortable level.
54. With the introduction of the appeal scheme the appellant accepts at paragraph 10.44 of its PoE on Need that Barnsley, Pontefract and Rotherham would still trade at high levels. The appellant's figures³¹ indicate that Barnsley would be at 119.28%; Pontefract at 130.14%; and Rotherham 134.17% in a peak month. Figures in the mean month range from 96.19% to 108%. Consequently, based on the appellant's figures none of the Western Arc crematoria would be able to reduce to the 80% capacity point at which it becomes feasible to make qualitative improvements. Even on the most optimistic assessment, on the basis of the appellants rebalancing exercise³², the crematoria in the Western Arc would still be significantly overtrading (ranging from 115.28%-130.17%).

Qualitative factors

55. Anecdotal evidence from funeral directors set out at Appendix C of Mr Lathbury's evidence for the appellant indicates that an acceptable qualitative standard is not being met at crematoria in the area. The evidence points to existing facilities being dated, with limited slots and significant waiting times for families. This evidence is from funeral directors who are part of Dignity which limits the weight to which I can attach to it in my decision. Nevertheless, I acknowledge that the extent of overtrading at present is likely to be resulting in a less than acceptable service and that facilities in the Western Arc are somewhat outdated.
56. Barnby Dun will substantially meet the quantitative need in Doncaster, increasing competition and choice through the introduction of state-of-the-art facilities.

²⁶ Paragraph 43-45 Appellant's closing submissions

²⁷ PMA PoE figure 22.

²⁸ 58.2% Figure 1 New analysis of existing evidence regarding need PMA

²⁹ 60.5% para 5.19 JH Poe

³⁰ 93.78% Table 10.13 'Scenario 2' AP4

³¹ Table 10.13, Comparison of the results of scenarios 1,2, and 3 'scenario 2' AP4

³² Table 10.13, Comparison of the results of scenarios 1, 2 and 3 'scenario 3' AP4

Furthermore, it would relieve over-trading at Rose Hill enabling qualitative improvements there. I acknowledge that there would be some reduction in over-trading in the Western Arc; however, based on the appellant's figures, even after 're-balancing', the Western Arc crematoria would continue to trade at well above the 80% threshold above which the Council and the appellant agree it becomes difficult to make qualitative improvements. On this basis, the appeal proposal clearly fails.

57. Furthermore, based on Memoria's figures, which were not challenged by the appellant, 22,611 people at 2033 figures³³ will, for the first time, have a crematorium within a 30-minute cortege drive time because of the appeal proposal in comparison to appeal decisions whereby a need was considered to exist at between 59,000-95,000 people. It is also significantly lower than the 67,901 people in the Oxted appeal decision³⁴ at which the Inspector considered that the proposal would increase consumer choice and competition. The Council conclude that the appeal proposal would only bring 2,148 people within a 30-minute drive-time of a crematorium³⁵ (in the Doncaster area). 84.4% of Doncaster residents currently live within a 30-minute drive time of a crematorium. Barnby Dun would increase this to 94.9%. Brodsworth would bring this to 95.2%, an increase of only 0.3%.
58. Consequently, all the evidence indicates that the appeal proposal would not provide sufficient quantitative relief to enable meaningful qualitative improvements to be made in the Western Arc Crematoria.

Alternative sites

59. Whilst there is nothing in the Framework or the Local Plan that requires an alternative site assessment (ASA) for development management purposes, paragraph 141 of the Framework sets out that at a strategic policy level all other reasonable options for meeting identified need for development should be explored as opposed to simply taking land out of the Green Belt.
60. The appellant's planning witness accepted that as part of the very special circumstances case, it is appropriate to consider whether there are alternative (preferable sites) available to accommodate the development within the catchment area it will serve. However, the site search area commissioned by the appellant only covers the north of Doncaster³⁶. It was conceded in cross-examination that the site search did not cover the Western Arc catchment area. Consequently, I cannot be certain whether or not there may be an alternative site/s that better meet the needs of the Western Arc.
61. I acknowledge that land to the west of Doncaster is designated Green Belt; however, there may be sites within or on the edge of urban areas which lie outside the Green Belt which may be suitable. There may also be Green Belt sites which are better situated to have a more significant impact on relieving over-trading in the Western Arc and where the Green Belt harm may be less.
62. The appeal scheme does not provide significant relief to the Western Arc Crematoria as although they are within the 45-minute CDT, they lie outside the 30-minute CDT. The site is situated on the edge of Doncaster and is significantly further away from the centres of population currently served by the crematoria at Barnsley, Pontefract and Rotherham. Indeed, the centres of population lie to the west of the crematoria which would result in people driving past the existing crematoria to go to the appeal scheme. On the basis of any reasonable

³³ JH PoE pge 12

³⁴ Appeal decision APP/M3645/W/21/3272384

³⁵ PMA PoE para 11.2, page 53

³⁶ CD B8

assessment the appeal scheme is not well placed to relieve the Western Arc Crematoria.

Conclusion on need

63. Bringing this all together, I conclude that the appellant generally over-estimates the quantitative and qualitative benefits of the appeal scheme. Barnby Dun will alleviate over-trading at Rose Hill, enabling qualitative improvements to be made and substantially meeting residual need in the Doncaster area.
64. The main parties agree that there is a clear need for one or even two crematoria in the Western Arc. The appeal scheme would meet some of this need; however, due to its location, it would fail to provide sufficient quantitative relief to enable meaningful qualitative improvements to be made to those crematoria. Furthermore, I cannot be certain that there is not an alternative site which would better meet the needs of the Western Arc. Therefore, I can only attach moderate weight to the benefits of the appeal proposal in this regard.

The effect of the proposed development on the landscape and visual character of the area.

65. The appeal site falls within the Southern Magnesian Limestone National Character Area (NCA) 30³⁷ which is identified as having a smoothly rolling landform; fertile intensively farmed arable land, with large fields bounded by hawthorn hedges creating a large-scale open landscape; a number of parklands, woodlands and plantations and historic estates. The rolling agricultural and wooded landscape of the appeal site and its tranquillity are characteristic of this NCA.
66. At a local level, the Doncaster Landscape Character and Capacity Study (2007)³⁸ identifies the appeal site within the C2 "Cadeby to Adwick Limestone Plateau". The key characteristics are gently rolling landform, large-scale arable farmland and hedgerows. The general landscape capacity for development (including housing that was specifically considered) was low. The appellant's Landscape and Visual Impact Appraisal³⁹ subdivides C2 into five Local Landscape Character Areas (LLCA) - the appeal site falls within LLCA1 which is described as 'generally good'. The appeal site is representative of LCA2.
67. A large proportion of the appeal site also lies within Area EMP 5.1 of the Landscape Character and Capacity Study (2010)⁴⁰ which considered the capacity of the area to accommodate housing and employment development. EMP 5.1 was assessed as having medium landscape character and visual sensitivity; high landscape value and low capacity to accommodate employment development. The main parties agree that the site does not constitute a 'Valued Landscape' within the context of paragraph 174 of the Framework.
68. The Council commissioned consultants (Land Use Consultants [LUC]) to carry out a high-level review⁴¹ of the three LVIA's submitted in support of the planning applications which broadly agreed with the appellant's LVIA. LUC were subsequently commissioned by the Council to prepare evidence for the Inquiry. The appellant draws attention to the Council's apparent change of position on such matters; however, the Council's evidence to the Inquiry was based on a more detailed assessment than undertaken for the previous high-level review. Moreover, the appellant also alters⁴² its position from its original LVIA⁴³. In any event, I must

³⁷ CT PoE Appx3

³⁸ CD F9

³⁹ CD B2

⁴⁰ CD F10

⁴¹ CD C3

⁴² SK Landscape and Visual PoE

⁴³ (CD B2)

reach my own judgment based on the evidence before me and my observations on site.

69. In terms of landscape character, the appellant's LVIA describes LLCA1 as having low susceptibility to development⁴⁴ due to the influence of the A1 corridor, network of powerlines and level of visual enclosure provided by vegetation and landform. However, I agree with the Council's LVIA that the appellant overplays the level of visual enclosure, particularly as the upper elevated parts of the site are more exposed and underplays the importance and susceptibility of the open agricultural landscape. Consequently, I consider that LLCA1 has medium susceptibility to development.
70. The appellant's LVIA concludes that the development would result in slight landscape effects at years 1 and 10 at the scale of LLCA1. However, the proposed development would see the introduction of built development in the open countryside. It would involve the loss of agricultural land and fragment an otherwise large-scale arable field. In addition, it would involve the loss of 180m of hedgerow along Green Lane to enable highway access. Whilst a new hedgerow would be planted this would take years to mature. There would be significant earthworks and retaining walls, the long access road, a pond, network of footpaths and some non-native planting. Furthermore, there would be a significant loss of tranquillity due to the increased activity arising from frequent vehicular movements and associated lighting. The proposal would result in a loss of key features identified in the landscape character assessments outlined above. It would cause permanent and irreversible change to the site and result in the urbanisation of the open countryside.
71. The appellant's LVIA fails to recognise the effects of the proposal on the intrinsic character and scenic qualities of LCA C2 and does not properly assess the effects of the road and associated activity or the effects at construction. The LVIA, therefore, underplays the landscape effects of the proposal. Consequently, I agree with the Council's LVIA that there would be a medium level of change and a moderate adverse effect in construction and year 1, reducing to slight after year 10 at the LLCA1 scale.
72. Although the appeal site lies to the east of the A1M, the industrial heritage has shifted into a new phase of regeneration at Brodsworth Community Woodland. Whilst section 6.6 of CD F10 suggests that should development take place in EMP 5.1, it should be on the eastern side of the A1; paragraph 6.7 nevertheless goes on to say that large scale development of the site would be highly visible and out of character with surrounding land uses and is not, therefore, recommended. Consequently, the introduction of large and uncharacteristic development into an otherwise rural setting would result in a moderate adverse effect decreasing to slight adverse after year 10 at the EMP 5.1 level.
73. At the NCA level the proposal would only represent a small change. Nevertheless, the loss of characteristic features and the introduction of an urbanised landscape and associated activity in contrast to the surrounding simple farmed landscape, would result in a low adverse effect.
74. The appellant's LVIA does not assess the site level effects; however, there would be a prominent, large scale change which would involve the loss of key landscape characteristics and features and the introduction of urban fringe development in the open countryside. I, therefore, agree with the Council's LVIA which concludes that the landscape effects at the site itself would be major adverse at construction; moderate adverse at year 1 and remaining moderate adverse at year 10, despite landscape mitigation.

⁴⁴ Paragraph 8.2.1 SK Landscape and Visual PoE

75. In visual terms, the appellant's Landscape PoE states that the overall magnitude of change in views from Green Lane would be low both at year 1 and year 10 on the basis that the changes would largely be restricted to transient views along the section of land adjacent to the site entrance area, which would be viewed obliquely. However, the proposal would require the removal of a substantial section (180m) of established hedgerow on Green Lane to allow for a bell mouth for the access, the construction of a two-lane width road around 510m long, running in a sweeping curve from higher ground where it would be widely visible, to lower lying slopes adjacent to Stane Plantation, where it would be screened in some views.
76. It was clear from my site visit that users of Green Lane would have filtered views of the site, with direct views opening up at the new entrance. The removal of a substantial section of hedgerow would increase views of the proposal during the construction phase and in the early years of the development. Views of the internal access road would be limited to the section immediately beyond the access due to the road sweeping to the west and stretches of the road on higher land until the proposed landscaping along the access road matures.
77. The location of the development on a lower section of land and the intervening landform would help to screen views of the building, car parking and memorial gardens to a degree, although glimpsed views may be available from the access to the site. Nevertheless, due to the substantial section of hedgerow to be removed, I consider that the proposed development and its entranceway would result in an urbanising effect to the existing rural character of Green Lane, particularly during the construction phase and until landscaping matures. As such there would be a moderate adverse effect for users of Green Lane up until year 1. The effects would diminish overtime to slight adverse at year 10 as the replacement hedgerow matures, including off-site hedgerow enhancement, which accords with the appellant's and Council's assessment at year 10.
78. The appellant's Landscape PoE adjusts the assessment of the effect of the proposal in views from Brodsworth Community Woodland from a 'very low magnitude of visual change' in its original LVIA to negligible at both years 1 and 10 as it is considered that visibility would be limited to a very small part of the proposal due to enclosure by woodland and the hedgerow along the upper section of the western site boundary. Whilst intervening vegetation and woodland would minimise views towards the site to a degree, it was clear from the site visit that glimpsed views would be available from informal paths in Winter months to the immediate north of Green Lane and east of the public car park. I, therefore, agree with the findings of the Council's LVIA that there would be a moderate adverse effect at construction and year 1 to users of the woodland reducing to slight adverse at year 1 and very low at year 10 as the proposed landscaping matures.
79. The main parties agree that generally views from the south are constrained by woodland coverage at Ducker Holt and Long Plantation. There would be very glimpsed views of the proposal through gaps in the hedgerow along Barnsley Road. I noted on my site visit that the proposal would also be highly visible from fields to the north of Barnsley Road, behind the layby. Views would be partly filtered by Stane Plantation, although clearer views would be available when standing to the west. As public access is not available to these fields and as the hedgerow adjacent to the layby filters views, I agree with the Council's LVIA that the proposal would have a moderate adverse effect at construction, reducing to slight adverse at years 1 and 10 taking account of mitigation.
80. Enclosure is provided in views from the east by Long Plantation which prevents views from residential properties in Little Canada. There is an outdoor meditation business operating within Long Plantation which I note has informal footpaths and seating on the edge of the wood. Short range views of the proposal would be

available from the edge of the woodland looking down to the site. I consider that there would be a moderate adverse visual effect from this location, reducing to slight adverse at year 10 as proposed landscaping around the site matures.

81. The appellant has reduced the assessment of visual impact from Brodsworth Hall and gardens to the west from slight adverse at year 1 and year 10 to a negligible change. However, it was clear on my site visit that there would be filtered views of the proposed access road and associated vehicular movements from the parkland and rooms on the eastern side of both the upper and ground floors of the Hall. Whilst viewed at a distance, the proposal would, nevertheless, alter the predominately rural view from Brodsworth Hall. The proposed landscaping along the western boundary of the site would mitigate the visual impact to a degree, although the road lighting and lights from vehicles would be visible in Winter months. Therefore, I agree with the Council's LVIA that the visual effects would be slight adverse during operation.
82. I noted on my site visit that filtered views would also be available from Church Lane, connecting Marr and Pickburn. Consequently, in visual terms, the proposal would have a moderate adverse effect reducing to slight adverse in year 10 taking account of mitigation.
83. Although due to the existing level of enclosure and proposed landscaping the visual effects of the proposed development would reduce overtime to low adverse the urbanisation of the landscape, the effects of increased level of activity and vehicular movements and proposed lighting would remain particularly on the upper part of the site which is more exposed.
84. Overall, I consider that the appellant's LVIA and Landscape PoE underestimate the visual effects of the proposal particularly at construction and in the early years of the development before the proposed landscaping matures. Nor do they take account of the access road and other aspects of the scheme such as traffic movements and their effect on the landscape. Furthermore, there is no justification for the reduction in the visual effects of the proposal to negligible from certain viewpoints. Moreover, the landscape effects of the proposal are not sufficiently addressed. This reduces the weight which I can attach to it in my decision.
85. For the reasons stated, the proposal would result in slight adverse landscape and visual harm at year 10, considering mitigation measures. Whilst this harm would be limited, the proposal would, nevertheless, be contrary to Policy 33 of the Doncaster Local Plan which seeks to ensure that development conserves, enhances and where possible, restores the landscape character and local distinctiveness of the area. Conflict also arises with paragraphs 174 of the Framework which seeks to recognise the intrinsic character and beauty of the countryside.

OTHER CONSIDERATIONS

Economic considerations

86. There would be economic benefits during construction and the operation of the crematorium, including the future employment of those that will work at the crematorium. Indirect benefits would arise from the increased use of local services and facilities. I attach moderate weight to these benefits.

Social Considerations

87. The proposal would provide a benefit to the community in terms of the provision of an essential community need. However, for the reasons stated, I consider that the community of the Western Arc would be better served by a facility which would reduce the degree of over-trading in the Western Arc to a level which would

achieve more meaningful qualitative improvements. Hence, I only attach moderate weight to these benefits.

Biodiversity

88. The main parties agree that the proposal would result in net biodiversity gain of over 16% and would enhance the ecological value of the site which attracts significant weight in my decision. The proposal would comply with Policies 29 and 30 of the Local Plan in so far as they seek to protect and enhance the Borough's ecological network and ensure a net gain in biodiversity in new developments.

Whether or not the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

89. For the reasons set out above, the proposed development would be inappropriate and would cause a loss of Green Belt openness. Furthermore, it would represent an encroachment into the countryside, contrary to Green Belt purpose 3. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal, therefore, conflicts with Policy 1 of the Local Plan. Paragraph 148 of the Framework requires that substantial weight be given to any harm to the Green Belt.
90. Moreover, it is not possible to ascertain that an alternative non-Green Belt site or alternative Green Belt site which would be better placed to meet the need and/or have less impact on Green Belt openness is not available.
91. There would also be landscape character and visual harm, which, albeit limited, nevertheless weighs against the proposal. In this respect the proposal would also be contrary to Policy 33 of the Local Plan and the Framework.
92. In this case, I have determined that Barnby Dun would substantially meet the need for crematoria facilities in the Doncaster area. Whilst there is an identified need in the 'Western Arc' group of crematoria; I have found that the proposal would not provide sufficient relief to enable meaningful qualitative improvements to be made due to the location of the appeal site. Consequently, I only attach moderate weight to this need.
93. There would be social and economic benefits arising from a new crematorium in terms of its operation and employment of staff to which I give moderate weight. The proposed landscaping would, when mature, result in a net gain in the biodiversity value of the site to which I give significant weight.
94. Therefore, whilst the proposed development would have some benefits, these would not individually or collectively clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
95. The proposal would, therefore, be contrary to the development plan as a whole and the Framework. There are no material considerations which would indicate a decision other than in accordance with the development plan.
96. For the reasons stated above and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector

APPEARANCES

For the Local Planning Authority

Mr Philip Robson of Counsel	Instructed by Doncaster Borough Council
<i>He called:</i>	
Andrea Suddes MA MRTPI.	Principal Planning Officer, Doncaster Borough Council
Sam Oxley BSc MA MLA	Director of Landscape Planning and Management for Land Use Consultants
Peter Mitchell FICCM(Dip)	Principal Consultant of Peter Mitchell Associates
Stacy Cutler LLB (Hons) Degree DipLP	Planning Solicitor, Doncaster Borough Council

For the Appellant

Mr Peter Village of Counsel	Instructed by Dignity Funerals Limited
<i>He called:</i>	
John Williams BA (Hons) MRTPI	Director, PlanIt Planning and Development
Stephen Kirkpatrick BSc BLD CMLI	Director at Scarp Landscape Architecture Limited
Jonathan Best BSc (Hons) Dip TP, MRTPI.	Partner at Montagu Evans
Alan Lathbury	Business Development Director at Dignity Funerals Limited
Ian Ginbey LLP	Partner at Clyde & Co (appellant's solicitor)

Interested Persons

Rhonda Job	Chair Joint Rural Parishes
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INQUIRY DOCUMENTS

Joint (main parties)

JT1	Agreed amended conditions 30/11/21
JT2	Updated Core Document list

Documents submitted on behalf of the Council

CO1	New Analysis of Existing evidence regarding need, PMA 9 October 2021
CO2	Opening submissions on behalf of the Council
CO3	AS Errata Sheet
CO4	Doncaster Local Plan adoption notice (23/09/2021)
CO5	Council's position statement on adopted Doncaster Local Plan
CO6	Closing submissions on behalf of the Council

Documents submitted on behalf of the Appellant

AP1	Opening submissions on behalf of the appellant
AP2	Appellant's Response to the Council's Late Evidence
AP3	JB Need Errata Sheet
AP4	Johnathon Best Proof of Evidence Section 10 Tables amended to exclude direct cremations at 11% 21 October 2021 (final)
AP5	Johnathon Best Proof of Evidence Rebuttal Tables updated to accord with amended section 10 tables 21 October 2021(final)
AP6	Crematorium Green Lane off-site hedgerow enhancement plan 24/11/21

- AP7 Title information and Savills Letter
- AP8 Closing submissions on behalf of the appellant

Documents submitted by Memoria (Rule 6 Party)

- ME1 Opening submissions on behalf of Memoria
- ME2 Closing submissions on behalf of Memoria

Documents submitted by Interested Persons

- JRP1 Joint Rural Parishes Group Statement/Presentation to Public Inquiry

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Appeal Decision

Site visit made on 14 December 2021

by **Claire Megginson**

an Inspector appointed by the Secretary of State

Decision date: 25th January 2022

Appeal Ref: APP/F4410/D/21/3279649

Bridge House, South Bramwith, DONCASTER, DN7 5SJ

- 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 Martin Warrender against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/00759/FUL, dated 25 February 2021, was refused by notice dated 28 May 2021.
 - The development proposed is alterations and extensions to create recreation room, enlarged kitchen, utility, porch and 3 additional bedrooms, 2 with ensuite.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The decision notice for the application that is the subject of this appeal refers to three separate development plan policies; ENV4 and ENV14 of the Unitary Development Plan (1998) and Policy CS3 of the Doncaster Core Strategy (2012). Subsequent to the submission of this appeal, the Doncaster Local Plan 2015-2035 was adopted in September 2021. This document replaces both the Unitary Development Plan and the Core Strategy and therefore the above policies have been superseded.
3. During the appeal process the Council provided copies of the most relevant policies from the Local Plan (policies 25 and 41) to the appeal and these are considered below. Both parties were given the opportunity to comment further based on this change in the development plan.

Main Issue

4. The effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site accommodates a detached brick built dwelling and is located alongside the River Dun Navigation which is separated from the northern boundary of the site by a small public amenity space. The site adjoins a large garden area to a property from Bramwith Lane to the west, a densely overgrown piece of land to the south, and Low Lane to the east where the property takes its access. Across Low Lane are a group of agricultural buildings, some of which are partly collapsed.

6. Beyond the river to the north is an open, flat area of agricultural land, which gives the immediate area an intrinsically rural character.
7. Whilst the appeal site is part of the village of South Bramwith and could not be said to be isolated, it stands alone in a prominent location at the river crossing and is highly visible from the north including from Low Lane and the River Dun Navigation.
8. The design of the appeal property has been altered over the years, with a long single storey annex extension on the east elevation, and a conservatory on the west elevation which has recently been demolished. The red brick and red roof materials on the appeal property can be seen on other buildings in the surrounding area.
9. The appeal scheme would extend the building considerably, adding to the height and mass of the property. Whilst dwellings in the settlement do vary in size and scale, the proposed development includes a significant increase in floorspace, well beyond the 40% outlined in Local Plan Policy 25 (a more stringent figure than the 50% outlined in the Council's Development Guidance and Requirements Supplementary Planning Guidance 2015). The proposed increase in floorspace from an original 93 square metres to 226 square metres cannot be described as limited.
10. The increase from single storey to two storeys adjacent to the road and the increase in the overall roof height of 2.13 metres, coupled with a proposed rendered finish would result in the proposed dwelling being prominent, particularly when viewed from the north. Whilst reasonably localised in its extent, the effect of the scheme would be to diminish unacceptably the character of the host building with consequent harm to the character and appearance of the surrounding rural area.
11. I note that the appellant states that the existing dwelling is in poor condition and that the extensive range of options under permitted development rights should be considered when considering the percentage level of additions that could be made to the property. However, I have very limited information on what permitted development rights are referred to in this case; moreover in any event I consider that the existing condition of the property or potential additions which may be made under permitted development powers do not justify the harm that the proposal would cause in this instance.
12. I therefore conclude that the appeal scheme would have a detrimental effect on the character and appearance of the countryside and would thereby run contrary to the objectives of Local Plan Policies 41 and 25, which seek to limit the scale of extensions to dwellings in the countryside policy area, and to respect and enhance character and local distinctiveness through high quality design. The proposal would also be contrary to the National Planning Policy Framework, which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Conclusion

13. For the reasons given above, having considered the development plan as a whole and all other relevant matters, I conclude that the appeal should be dismissed.

C. Megginson

INSPECTOR

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Your Ref: TOECROFT FARM
Our Ref: APP/F4410/W/21/3281652

Mr Ian Pick
Ian Pick Associates Ltd
Station Farm Offices
Wansford Road
Nafferton
East Yorkshire
YO25 8NJ

25 January 2022

Dear Mr Pick,

Town and Country Planning Act 1990
Appeal by F E Lodge & Son
Site Address: Toecroft Farm Toecroft Lane, Sprotbrough, DONCASTER, DN5 7PQ

Thank you for your letter withdrawing the above appeal(s).

I confirm no further action will be taken.

Any event arrangements made for the appeal(s) will be cancelled.

A copy of this letter has been sent to the local planning authority.

Yours sincerely,

Deployment Officer

Deployment Officer

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

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Appeal Decision

Site visit made on 5 January 2022

by Felicity Thompson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Appeal Ref: APP/F4410/C/21/3282745

30 Rosedale Road, Scawsby, Doncaster DN5 8SU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Miss Toni Clews against an enforcement notice issued by Doncaster Metropolitan Borough Council.
 - The notice was issued on 2 August 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a wall and fencing more than 1 metre in height to the front boundary of the residential property adjacent to a highway on the Land in the position marked between points A and B in red on Site Plan A attached to the notice.
 - The requirements of the notice are:
 - (i) (a) Remove the wooden gates to the front of the property on the Land, in the approximate position marked between points A and B on Plan A attached to the notice; or (b) reduce the height of the wooden gates to the front of the property on the Land marked between points A and B on Plan A attached to the notice to a height of not greater than one metre;
 - (ii) Remove the wooden fence, metal structures and brick piers erected on top of the existing brick wall and reduce the height of the brick wall to a height not greater than one metre on the Land marked between points A to B on the Plan A attached to the notice;
 - (iii) Following compliance with steps (i) to (ii) above permanently remove the resultant materials from the Land.
 - The period for compliance with the requirements are for steps (i) and (ii) one month and for step (iii) two months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The enforcement notice is corrected by deleting the word *brick* where it appears before the words *piers* and *wall* in (ii) within section 5 of the enforcement notice (what you are required to do).
2. Subject to this correction the appeal is dismissed, and the enforcement notice is upheld.

The Enforcement Notice

3. The requirements of an enforcement notice should flow logically from the allegation. In this case the alleged breach refers to a wall and fencing however, requirement (ii) refers to a *brick* wall, when the wall is rendered. This misdescription does not render the notice unclear, and it is evident to me that the appellant understands what they have done and are required to do. In the interests of clarity, I have deleted the word *brick* where it appears in

requirement (ii). This correction neither enlarges or reduces the scope of the allegation and as such there is no injustice to either party.

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

4. The appeal property is a semi-detached house located in a mainly residential area, characterised predominantly by semi-detached dwellings constructed from red brick, set back from the road with, for the most part, enclosed front gardens, and off-street parking. Boundary treatments are varied but are mostly composed of relatively low walls in brick or stone and/or fences with some formed of hedges. Whilst there are some reasonably tall fences, mostly to side boundaries, the general height and design of boundary treatments ensures a level of visual permeability, which contributes to a sense of openness.
5. The development, subject of the notice, due to its design and height, has resulted in a dominant structure in a prominent location that appears appreciably taller than the majority of boundary treatments on other frontages in the vicinity of the site. Moreover, due to its length and position, adjacent to the footway, it presents an enclosed frontage to passers-by, which contrasts with the sense of openness that characterises the frontages of nearby dwellings. Consequently, the wall and fencing are a dominant and incongruous feature that appreciably harms the character and appearance of the area.
6. The appellant referred to other boundary treatments of similar height and style in neighbouring streets however, no details have been provided. In any event, I noted none of a comparable appearance in the immediate vicinity at my visit, as such this is a matter of limited weight.
7. Whilst I acknowledge the appellant's comments regarding the need for a tall boundary due to their large dogs and the safety of passing children, since there is no substantive evidence that the appeal development is the only way in which such needs could be met, this is a matter of little weight in my assessment. Similarly, the appellant's misgivings about the Council's handling of the case including the time taken to issue the enforcement notice are separate matters which have no bearing on the planning merits of the development.
8. For the reasons given, the development is contrary to Policy CS14 of the Council's Core Strategy¹ which requires high quality design that integrates well with the immediate and surrounding local area. It also fails to accord with the design aims of the National Planning Policy Framework.

Conclusion

9. I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR

¹ Doncaster Council Core Strategy 2011 – 2028 Adopted May 2012 Doncaster Local Development Framework