



Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

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

Venue: Council Chamber - Civic Office, Waterdale, Doncaster

Date: Tuesday, 29th March, 2022

Time: 2.00 p.m.

PLEASE NOTE: There will be limited capacity in the public gallery for observers of the meeting. If you would like to attend the meeting, 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 March, 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 March 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 March, 2022 1 - 10
- A. Reports where the Public and Press may not be excluded.**
For Decision
 5. Schedule of Applications 11 - 144**For Information**
 6. Appeal Decisions 145 - 152

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

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 1ST MARCH, 2022

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 1ST MARCH, 2022, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

An apology for absence was received from Councillor Aimee Dickson

59 DECLARATIONS OF INTEREST, IF ANY.

In accordance with the Members' Code of Conduct, Councillor Gary Stapleton declared that in relation to Application No 20/01774/TIPA Agenda Item No.5 (2) by virtue that he was a Parish Councillor for Kirk Sandall where this application had been discussed but he had not expressed his opinion.

In accordance with the Members' Code of Conduct, Councillor Iris Beech declared that in relation to Application No 21/02978/OUT, Agenda Item No.5 (3) by virtue of being a Ward Member for Norton and Askern.

In accordance with the Members' Code of Conduct, Councillor Steve Cox declared that in relation to Application No 20/03548/FUL, Agenda Item No.5 (4) by virtue of being a Ward Member for Finningley.

60 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 1ST FEBRUARY, 2022.

RESOLVED that the minutes of the meeting held on 1st February, 2022 be approved as a correct record and signed by the Chair.

61 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'.

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

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

Application No.	Description and Location
20/01774/TIPA	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 and Land North West of Sandall Stones Road, Kirk Sandall, Doncaster.

63 REVISIONS TO THE CONISBROUGH CONSERVATION AREA BOUNDARY.

The Committee were advised that a request had been made for the report to be deferred to allow time for officers to investigate a Tree Preservation Order (TPO) on site.

RESOLVED that the report be deferred to allow the TPO to be served.

64 APPEALS DECISIONS.

Discussion took place with regard to appeals that had been withdrawn and whether it meant that the appeal was now concluded. Officers stated that if an appeal is withdrawn, the current appeal falls and the applicant would have to resubmit and follow normal procedures.

The Committee also discussed the 3 crematorium applications that were brought to Committee in December 2020, where the application for Barnby Dun was granted and the applications at Green Lane and Conisbrough were refused. An Appeal for Green Lane was submitted and dismissed by the Planning Inspectorate. However, there had not been an appeal brought for the site at Conisbrough. Officers stated that it was unlikely that a further application would come forward in Doncaster to deal with any residual need. Further details were provided to Members in relation to the possibility of a legal challenge to the appeal decision on the Green Lane site, in which the applicant had 6 weeks to challenge the decision of the Inspector. It was noted that this was unlikely to happen.

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
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's 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	ENF-App Dis/Upheld	Roman Ridge	Enforcement	No

	for alleged unauthorised erection of wall/fencing to front of property under ground (a) at 30 Rosedale Road, Scawsby, Doncaster, DN5 8SU	Sub to Correction/ Var 28/01/2022			
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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 1st March, 2022

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

The Chair announced that a request had been made by the applicant seeking a deferral of the application. Following a brief update from officers, it was agreed that the application be deferred to the next available committee in order to allow the applicant time to resolve some of the issues raised.

Application	2
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Application Number:	20/01774/TIPA
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Application Type:	Tipping/Waste with Environmental Access
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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
At:	Land North West of Sandall Stones Road, Kirk Sandall, Doncaster

For:	BH Energy Gap (Doncaster) Ltd		
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

A proposal was made to grant the Application subject to the completion of a Section 106 Agreement and conditions.

Proposed by: Councillor Gary Stapleton

Seconded by: Councillor Iris Beech

For: 6 Against: 3 Abstain: 0

Decision: Planning permission granted subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to the following matters, the amendment of conditions 7, 28 and 35 to read as follows, the addition of condition 36 and the Head of Planning be authorised to issue the planning permission upon completion of the legal agreement:-

(A) Routeing Agreement

- 07. Details of intended piling activities (including time frames) shall be submitted to and approved by the Local Planning Authority prior to the development commencing. The approved details shall be adhered to for the lifetime of the development.**

REASON

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

- 28. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to the LPA for approval, such CEMP shall include:**

- 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.**

- The CEMP shall be implemented in accordance with the approved details prior to commencement of the development.

REASON

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

35. Prior to the commencement of the relevant works. Detail of any external lighting should be submitted and approved in writing by the Local Planning Authority.

REASON

In the interests of safeguarding the nearby railway line.

36. All vehicles leaving the site carrying material shall be securely sheeted and appropriately covered.

REASON

In the interests of local amenity, the protection of the public highway and highway safety.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor David Nevett 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 James Houlston (applicant BHEnergy) and Mr Mark Walton, Planning Agent, spoke in support of the application for the duration of up to 5 minutes.

(The receipt of four additional representations from local residents and Barnby Dun with Kirk Sandall Parish Council were reported at the meeting).

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.	Parish:	Norton Parish Council
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	Objection from Parish Council		
		Ward:	Norton and Askern

A proposal was made to defer the application for a site visit to assess the impact of the development on the character of the area.

Proposed by: Councillor Andy Pickering

Seconded by: Councillor Sue Farmer

For: 6 **Against:** 3 **Abstain:** 0

Decision: The Application be deferred for a Site Visit order to assess the impact of the development on the character of the area.

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

Councillor Austen White had requested to speak but unfortunately was unable to attend the meeting, a copy of his representation was read out by an officer at the meeting.

(The receipt of an additional representation from a neighbour withdrawing their objection and replacing with the following comments was reported at the meeting - *When the first application for planning on this piece of land I objected, I now wish to withdrew that objection, If planning is granted I will be very pleased, because at present the plot is just a dumping ground and is an eyesore*).

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	8 Letters of objection	Parish:	Cantley with Branton
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Reps:	(original scheme) 3 in respect of the amended plans		
		Ward:	Finningley

A proposal was made to defer the application for a site visit to assess the impact of the development on highway access.

Proposed by: Councillor Steve Cox

Seconded by: Councillor Andy Pickering

For: 7 Against: 1 Abstain: 1

Decision: The Application be deferred for a Site Visit order to assess the impact of the development on highway access.

(The receipt of additional comments in relation to the application description were reported at the meeting).

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DONCASTER METROPOLITAN BOROUGH COUNCIL

Agenda Item No
Date 29th 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.

Copyright Implications

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

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1. SV	21/02978/OUT	Norton And Askern	Norton Parish Council
2. SV	20/03548/FUL	Finningley	Cantley With Branton Parish Council
3.	21/03121/OUT	Roman Ridge	
4.	21/01932/FUL	Sprotbrough	Clayton Parish Council
5.	22/00230/3FUL	Norton And Askern	Norton Parish Council

Application	1.
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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

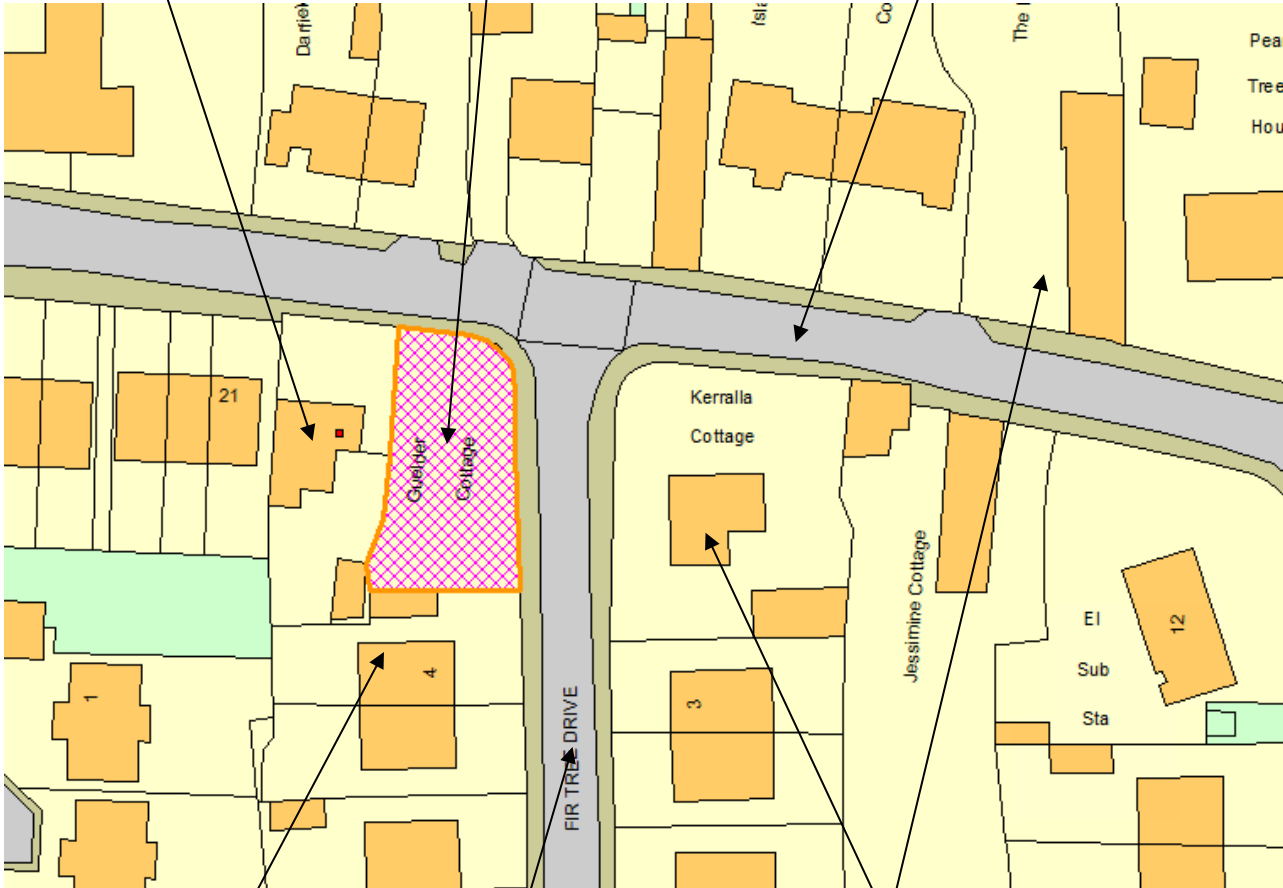
This application is seeking outline planning permission for the erection of a detached dwelling with garage and new access (all matters reserved). The site is positioned on a corner plot of West End Road and Fir Tree Drive, adjacent to the property at Guelder Cottage.

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. The application was deferred at the previous planning meeting for a committee site visit which will take place on 25th March 2022.

RECOMMENDATION: GRANT outline planning permission subject to conditions.



- 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.
- 1.2 The application was presented at the previous planning committee meeting (1st March 2022) but was deferred for a committee site visit. Members requested to visit the site to assess the development's impact upon the character of 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.
- 9.18 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.
- 9.19 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 whichever is the later of the following dates:- i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates the final approval of the last such matter to be approved.

REASON

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

02. Approval of the details of the access, layout, scale, appearance and landscaping of the site (hereinafter referred to as reserved matters) shall be obtained from the local planning authority before the commencement of any works.

REASON

To enable the local planning authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

03. 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

REASON

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

04. 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.

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. 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>

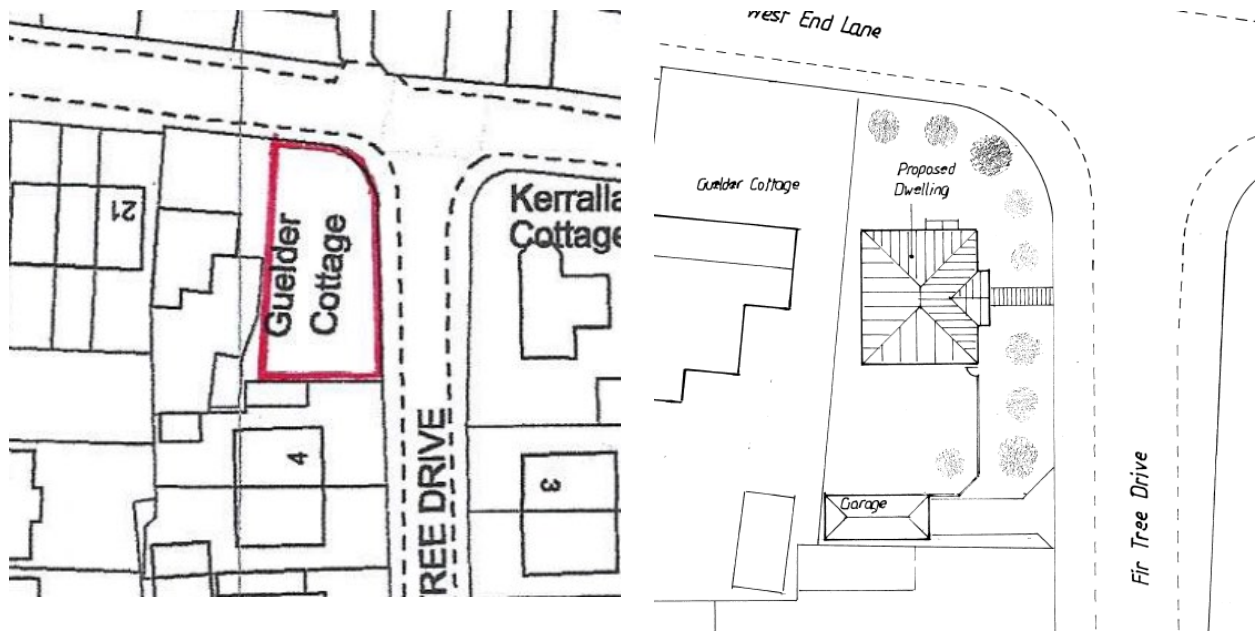
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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.

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Application	2.
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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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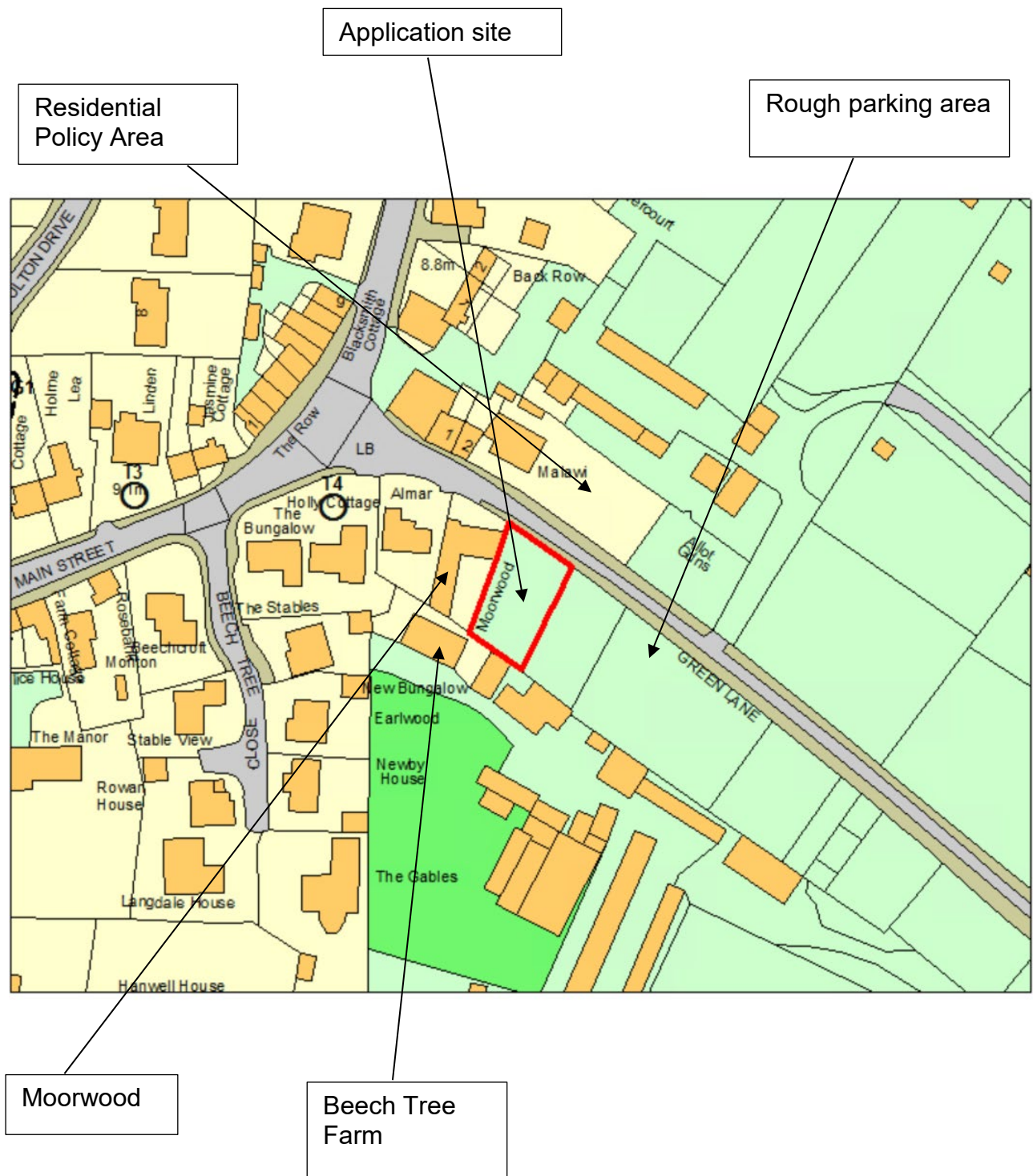
SUMMARY

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.

The application is being presented to Planning Committee as it represents a departure from the development plan and given the level of public interest. The application was deferred at the previous planning meeting for a committee site visit which will take place on 25th March 2022.

RECOMMENDATION: GRANT planning permission subject to conditions.



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 as well as in respect of amenity and highways matters.
- 1.2 The application was presented at the previous planning committee meeting (1st March 2022) but was deferred for a committee site visit. Members requested to visit the site to assess the proposed access arrangements.

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 entire 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.⁴⁸

- 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 at 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

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>

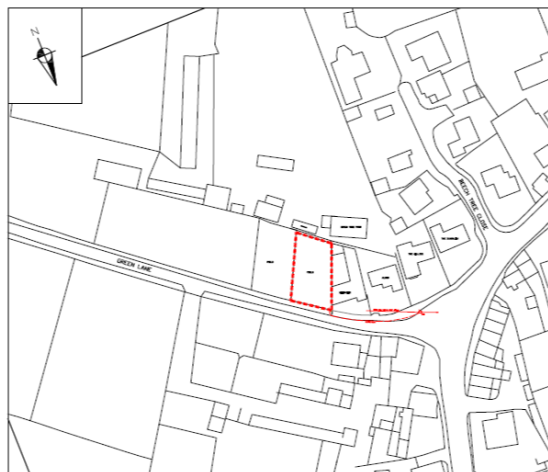
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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:

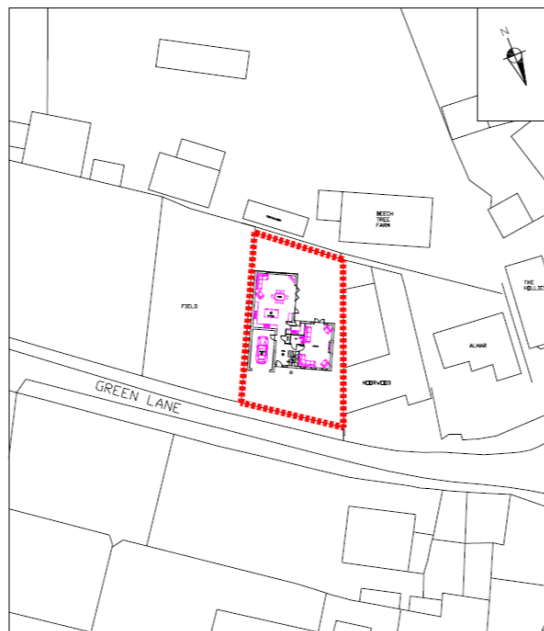
- The property has been handed and the first floor element partially removed.
- The position of the access has been altered to accommodate this change.
- Additional plans have been provided up front to avoid the need for a drainage condition.
- An ecological report has been provided.

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

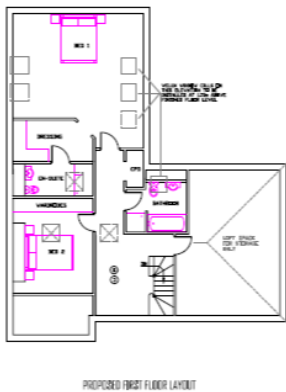
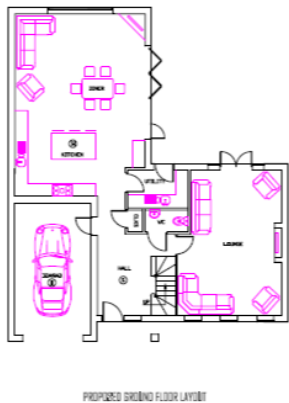
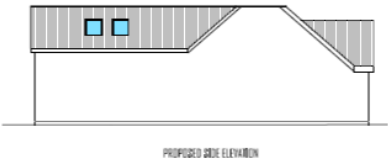
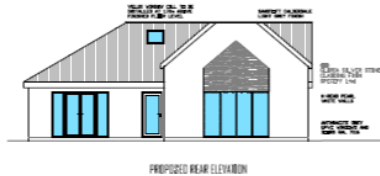
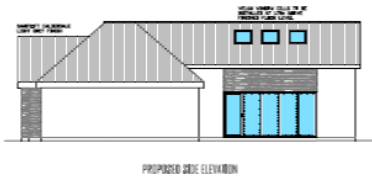


BLOCK PLAN SCALE 1=500

Appendix 2: Site Plan



Appendix 3: Proposed plans



1. DASH DETECTABLE MARK VIEWS
2. DASH DETECTABLE MARK VIEWS
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Project

PROPOSED ERECTION OF A DETACHED BUNGALOW WITH INTERNAL GARAGE AT LAND ON EAST SIDE OF GREEN LANE, OLD CANTLEY, DONCASTER, S16 6BB

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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Application	3.
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Application Number:	21/03121/OUT
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Application Type:	OUTLINE
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Proposal Description:	Outline application for the erection of 1 detached two storey dwelling house with integral double garage on 0.1 ha of land (approval of access, layout and scale) - Resubmission of 21/00595/OUT (AMENDED PLANS)
At:	1 Scawthorpe Cottages The Sycamores Scawthorpe Doncaster DN5 7UN

For:	Mr TE & R Morrell
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Third Party Reps:	31 Letters of objection from 11 properties.	Parish:	
		Ward:	Roman Ridge

Author of Report:	Nicola Howarth
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SUMMARY

The proposal is for outline planning permission to erect one detached two storey dwelling with integral double garage located on land allocated within Residential Policy Area and lying within an existing housing estate in the village of Scawthorpe.

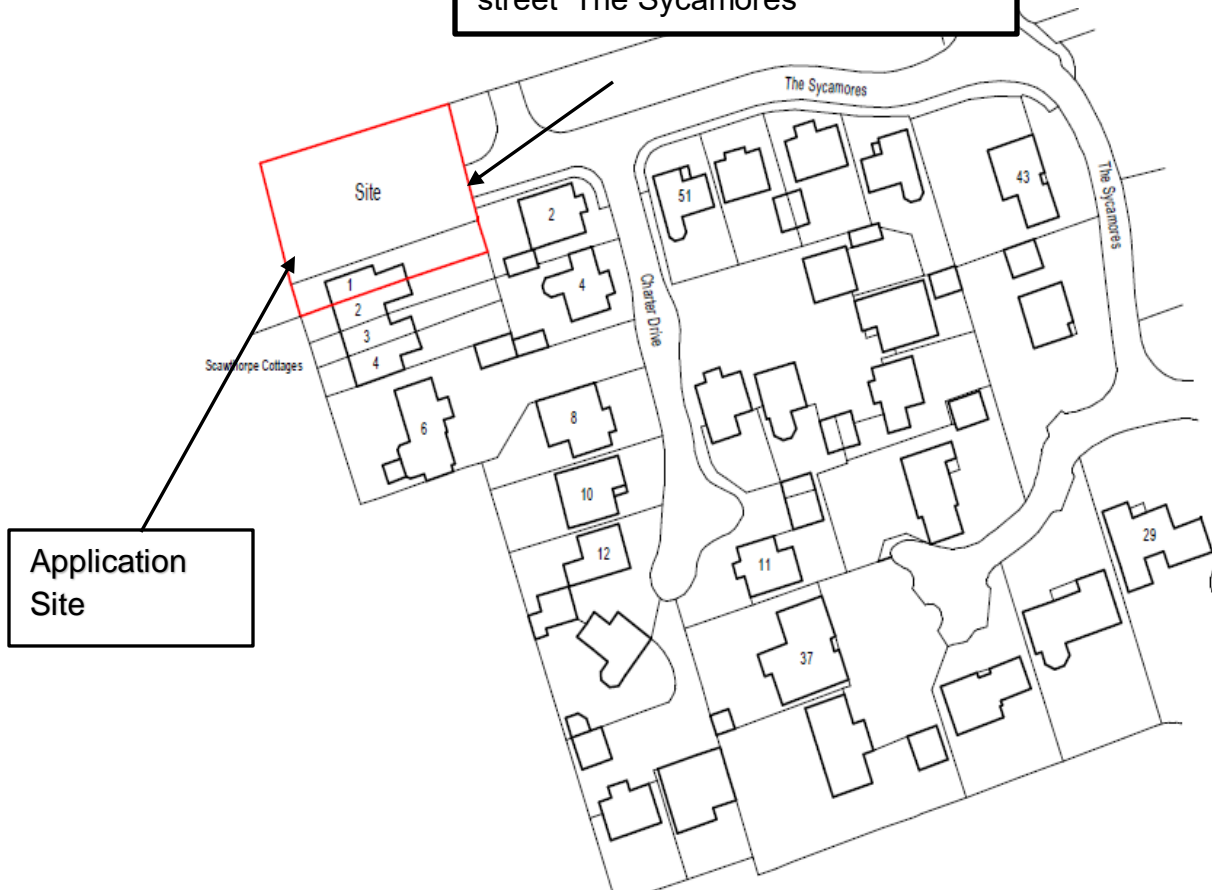
The application is for approval of access, layout and scale. Details of landscaping and appearance are reserved matters.

The application is being presented to Committee due to the significant public interest shown in the application. The objections raised include increase in traffic and parking problems, impact on the street scene, over development, and ownership/easement dispute of the proposed access /parking area.

The site lies within a Residential Policy Area, therefore policies 10, 13, 41 and 44 are applicable. In summary the proposal is acceptable as it does not result in a demonstrable significant detrimental effect on the highway, or harm to surrounding residential amenity, character of the area or the surrounding environment.

RECOMMENDATION: GRANT planning permission subject to conditions.

Proposed access off residential street 'The Sycamores'



1.0 Reason for Report

- 1.1 The application is being presented to Members due to the significant public interest shown in the application.

2.0 Proposal and Background

- 2.1 Planning permission is sought in outline for the erection of 1 detached two storey dwelling house with integral double garage on 0.1 ha of land including approval of access, layout and scale. Appearance and landscaping are to be dealt with as later reserved matters. It is a resubmission of 21/00595/OUT which was withdrawn pending the adoption of the new Local Plan.
- 2.2 The layout shows one detached 2 storey dwelling with an attached double garage, front and rear garden amenity space and further off road car parking. The existing hedges sited on the western, eastern and northern boundaries are to be retained.
- 2.3 The layout also includes 8 car parking spaces (2 each) for residents of Scawthorpe Cottages and formalised pedestrian access for the occupants of No.1 Scawthorpe Cottage at the front of the site.

3.0 Site Description

- 3.1 The application site lies within a corner location on the edge of a residential housing estate. The site is at the end and accessed from 'The Sycamores' which is a residential estate road. The land surrounding the site largely consists of residential properties and associated gardens to the south and east, with arable land to the west and north.
- 3.2 The residential area is characterised by low-density, open plan, spacious residential pattern, with detached dwellings set in large plots. The area features similar architectural styles and materials, with the most dominant materials being buff brick and brown concrete pantile. Most roofs are pitched or hipped, and properties are generally 2 storeys, with the exception of Scawthorpe Cottages which are a row of 4 red brick and render 2 storey terrace properties.
- 3.3 The existing site is a rectangular grassed area enclosed by hedges on three sides. It also includes the adjacent property No.1 Scawthorpe Cottage which is within the ownership of the applicant. The front of the site has been used for informal parking and also provides pedestrian and vehicular access to the adjacent cottages.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
21/00595/OUT	Outline application for the erection of 3 No. 3 bedroom town houses on 0.1 ha of land (with matters of appearance and landscaping	Withdrawn

5.0 Site Allocation

- 5.1 The site is identified within the Local Plan as Residential Policy Area. It lies within Flood Zone 1.

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 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.
- 5.5 Paragraph 69 on delivering homes, advises that that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should, inter alia, support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 5.6 Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.
- 5.7 Paragraph 119 states that planning decision should promote an effective use of land in meeting the need for homes and other uses.
- 5.8 Paragraph 124 states that planning decisions 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.
- 5.9 Paragraph 130 states that planning decisions should ensure that developments inter alia will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should also 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.

Local Plan

- 5.10 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 most relevant in this case:
- 5.11 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.

- 5.12 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.
- 5.13 Policy 29 relates to ecological networks and that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks.
- 5.14 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.
- 5.15 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, and relevant spatial requirement and design standards.
- 5.16 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.
- 5.17 Policy 45 relates to Housing Design Standards and advises that new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants, and are designed and constructed in a way that enables them to be easily adapted to meet existing and changing needs of residents in Doncaster.
- 5.18 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.

Neighbourhood Plan (NP).

- 5.19 No neighbourhood plan is relevant to this application.

5.20 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 Following this publicity, a total of 31 letters of objection were received from 11 properties. A summary of the material planning issues raised is set out below:

- Flooding concerns;
- Insufficient parking;
- Blocking of views across the site;
- Overdevelopment;
- Tandem parking spaces are unacceptable and would cause problems for all neighbours;
- No regard has been given to the surrounding environment and local resident's quality of life.
- Concerns regarding the right of access to the original cottages and right of way across the footpath to the new development

Non material issues raised included the following:

- Land ownership and easement concerns.
- Devaluation of property.
- Tandem parking situation is not a desirable selling point

7.0 Town/Parish Council

7.1 N/A

8.0 Relevant Consultations

8.1 **Yorkshire Water** – Advised conditions.

8.2 **DMBC Ecology** – Advised that the preliminary ecological appraisal was a good report of a survey carried out by a competent and experienced ecologist and DMBC accepted the findings of the surveys which used current best practice methods.

The only constraint identified by the appraisal was the hedge that forms a boundary on 2 and a half sides. The hedgerow is a habitat of principle importance but it is not a historic feature and is not especially species diverse but should be retained. There is no requirement for a biodiversity net gain assessment due to the small size of the site.

No objections on ecological grounds and recommend planning conditions.

8.3 **DMBC Pollution Control** - No objections subject to conditions

8.4 **DMBC Drainage** - No objections subject to conditions.

8.5 **DMBC Highways** – Requested amendments to the layout to provide for the necessary car parking and pedestrian access. Following amendments, no objections subject to conditions.

- 8.6 DMBC Waste and Recycling** - No objections but request that some consideration is given by the developer as to the placement of bins for collection from the cottages and the new home.

9.0 Assessment

- 9.1 The proposal seeks permission in outline for the erection of 1 detached two storey dwelling house with integral double garage on 0.1 ha of land (approval of access, layout and scale) - Resubmission of 21/00595/OUT. In considering the proposal the main material planning considerations are outlined below:

- The acceptability of residential development
- The impact on residential amenity;
- The impact on the character of the area;
- The impact on the highway network and highways standards;
- The impact on the ecology of the site.
- The impact on land drainage/flooding.

- 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 located in a Residential Policy Area, where the development of new dwellings is supported in principle in line with policy 10 of the Local Plan. The proposal is required to demonstrate that its scale, layout, and access would not be harmful to the character of the area, and that the development would provide for an acceptable level of residential amenity for both new and existing residents. These matters are assessed below. In principle, the erection of a dwelling is acceptable.
- 9.4 There is also a statutory duty to approve development proposals that accord with the development plan, unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole, or where specific policies in the NPPF indicate development should be restricted.
- 9.5 The NPPF further states that housing applications should be considered in the context of the presumption in favour of sustainable development. It states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities plan for a mix housing based on current and future demographic trends and the needs of different groups in the community. It is considered that the proposal would, if granted, add to the housing mix in the local area.

- 9.6 It should be noted that there are no objections raised by DMBC Ecologist, Highways Engineer, Land Drainage Officer and Pollution Control Officer or any statutory consultees.

Sustainability

- 9.7 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
- 9.8 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. These material considerations are assessed below:

SOCIAL SUSTAINABILITY

Impact on Residential Amenity

- 9.9 Policy 10 and Policy 44 of the Local Plan require developments to ensure a good standard of amenity for existing and future residents. Policy 44 advises 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), be over-bearing, or result in an unacceptable loss of garden space.
- 9.10 The proposed dwelling is of medium/large scale (155 sqm) and set in a spacious plot (500 sqm) with off road car parking and manoeuvring for approx. 3/4 cars. The rear private garden area is in excess of 170 sqm. As such, it would provide a high quality living environment for its occupants, with plenty of amenity space. The garden space of No.1 Scawthorpe Cottage would still be maintained.
- 9.11 The dwelling would only share one residential boundary with No 1 Scawthorpe Cottage and part boundary with the rear of No.2 Charter Drive. The other boundaries are onto open countryside and the estate road. Therefore separation distances are easily achieved and there will be direct overlooking.
- 9.12 Some residents have expressed repeated concern about the level of car parking and the impacts upon neighbouring residents and also the design of the tandem car parking provided for the Cottages No 2, 3 and 3. However, DMBC Highways have raised no concerns with the level of dedicated car parking provision and the tandem spaces. The proposals has been amended in consultation with Highways to ensure that the car parking spaces are designed to acceptable standards set out in the South Yorkshire Residential Design Guide. There is also a formalised pedestrian access to No 1 Scawthorpe Cottage. The other cottages have pedestrian access retained.
- 9.13 The submitted layout would be similar to that of other detached properties on the residential estate and would not be overly dense in comparison to the surrounding area. The position of the dwelling allows for sufficient spacing between the site and neighbouring properties. The development provides more than 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. There is space for a bin store within the curtilage of the site to accommodate the dwelling and this is

conditioned as part of the reserved matters. In respect of a larger bin store to accommodate the bins of the neighbouring cottages this would at the expense of the car parking provision and would visually dominate the site frontage and is not considered necessary.

- 9.14 The access would be directly off an estate road and access to the Cottages would be maintained together with provision for formal car parking for the Cottages. The dwelling and car parking would be off road and would not impact on the amenity of neighbours. The rear and top boundary of the site abuts countryside and the existing hedge boundaries are maintained.
- 9.15 Based on the proposed site plan, it is not considered that neighbouring residential amenity will be demonstrably harmfully impacted.

9.16 Conclusion on Social Impacts.

- 9.17 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 adding to the vibrancy of the community. The positive social impacts weigh in favour of the application carrying substantial weight.

9.18 ENVIRONMENTAL SUSTAINABILITY

Impact on the character of the surrounding area

- 9.19 Policy 44 and 45 of the Local Plan and the NPPF require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.
- 9.20 The dominant character of the immediate area is that of relatively uniform, spacious low-density residential estate with off road car parking and generous garden amenity space. The dominant dwelling types are two storey detached and the neighbouring Scawthorpe Cottages are large traditional terrace style properties of two storey height with generous front and rear gardens.
- 9.21 As previously described, the layout does not represent an over intensive development of the site and the two storey scale and plot density follows that of the wider residential area. The appearance and landscaping will be dealt with at reserved matters.

Impact on Highways/Access

- 9.22 The Highways Development Control Officer raised no objection with regard to accessing the site from The Sycamores. The layout has been amended following consultation with the Officer and off road car parking is provided for the proposed detached dwelling and formalised car parking is provided for residents of the Cottages which each having dedicated provision for 2 cars. The new dwelling has space for approx. 3/4 cars inclusive of the double garage.
- 9.23 This is compliant with the Local Plan car parking space standards where 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.

- 9.24 The one additional dwelling will undoubtedly increase vehicle comings and goings on the Sycamores, however this would be marginal and not demonstrably harmful or sufficiently excessive to warrant a credible justified refusal of the application.
- 9.25 The strip of land at the front of the site in part provides vehicular and pedestrian access to the neighbouring Cottages. It is known that the residents of the Cottages have also used this area informally to park their cars on. This area will still be used for access and parking although with a more formalised arrangement through built development. It appears from some of the objectors that there is some dispute over right of easement and land ownership. However, ownership/easement rights over land are not material planning considerations nor grounds for refusal of the application and any grant of planning permission would not override the normal rights of a landowner.
- 9.26 Overall the development of one house (together with dedicated off road car parking for the neighbouring Cottages) 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 demonstrable harmful impact in terms of highways or access.

Impact on land drainage/flooding

- 9.27 The site is designated as land within Flood Zone 1. Therefore the assessed risk of flooding is low. The Drainage Officer has not raised any concerns and advised the imposition of standard drainage conditions. Yorkshire Water have also advised conditions.

Impact upon Ecology and Wildlife

- 9.28 Policy 29 of the Local Plan requires developments to protect and enhance the natural environment. 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.

9.29 Conclusion on Environmental Issues

- 9.30 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.
- 9.31 In conclusion of the environmental issues, it is considered 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 dwelling would have an acceptable visual impact, being two storey. The proposal will not harmfully impact the local highway network or create any highway safety or parking issues, and hedgerow on the site are to be retained. The site has no significant ecological constraints, and enhancements can be delivered through condition. Other matters such as drainage and contamination are dealt with through planning condition. Overall, the proposal is considered to be in accordance with policies 10, 29, 41 and 44 of the Local Plan; and the NPPF. 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 where the principle of residential development is acceptable and this weighs considerably in favour of the application.
- 10.2 The proposal as amended maintains the high standard of residential amenity in respect of layout, is an appropriate scale, with access and parking arrangements that comply with highway standards. The proposal would result in a new additional detached dwelling and provision for shared dedicated parking, appropriately located within the settlement boundary and would not result in demonstrable harm to neighbouring amenity, local character, highway safety, protected trees or wildlife and this weighs significantly in favour of the application.
- 10.3 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

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 whichever is the later of the following dates:- i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates the final approval of the last such matter to be approved.

REASON

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

02. In the case of the reserved matters, an application for approval must be made not later than the expiration of three years beginning with the date of this permission.

REASON

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

03. Approval of the details of the appearance and landscaping of the site (hereinafter referred to as reserved matters) shall be obtained from the local planning authority before the commencement of any works.

REASON

To enable the local planning authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

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

REASON

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

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

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

if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

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

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

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

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

REASON

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

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

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

REASON

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

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

REASON

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

08. 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. Photographic evidence of the implemented measures must be submitted to the local planning authority prior to the first occupation of the site.

MEASURES

- Two integrated bat boxes of the Ibstock Bat Brick type or similar shall be built into built structures on a west or south facing orientation above 4m from the ground and away from external artificial lighting.

- one sparrow nest box shall be integrated or surface mounted onto dwellings at eaves level on an east or west orientation.

REASON

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

09. 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.

10. Notwithstanding the hereby approved site plan a bin store shall be provided on site and details of which be submitted to and approved in writing by the LPA prior to occupation of the site. The development shall be carried out in complete accordance with the approved details.

REASON

To ensure that there is satisfactory provision of facilities for the storage of refuse.

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

REASON

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

12. 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.

INFORMATIVES

01. DRAINAGE INFORMATIVE

In order to discharge the drainage condition (4), the applicant is advised that they would be expected to submit information including but not limited to the following:

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. If infiltration systems are to be used for surface water disposal, the following information must be provided:
 - Ground percolation tests to BRE-digest 365 must be performed with a minimum of 3 tests per trial hole, with trial hole location plan submitted and where possible photographic evidence of tests.
 - 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 + 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 and a maintenance plan should be provided). Soakaways should not be used within 5m of buildings or the highway or any other structure (building regulations). Best practice is to provide 2.5m from the soakaway structure to the site boundary where possible.
 - Construction details must be submitted including dimensions 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.

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

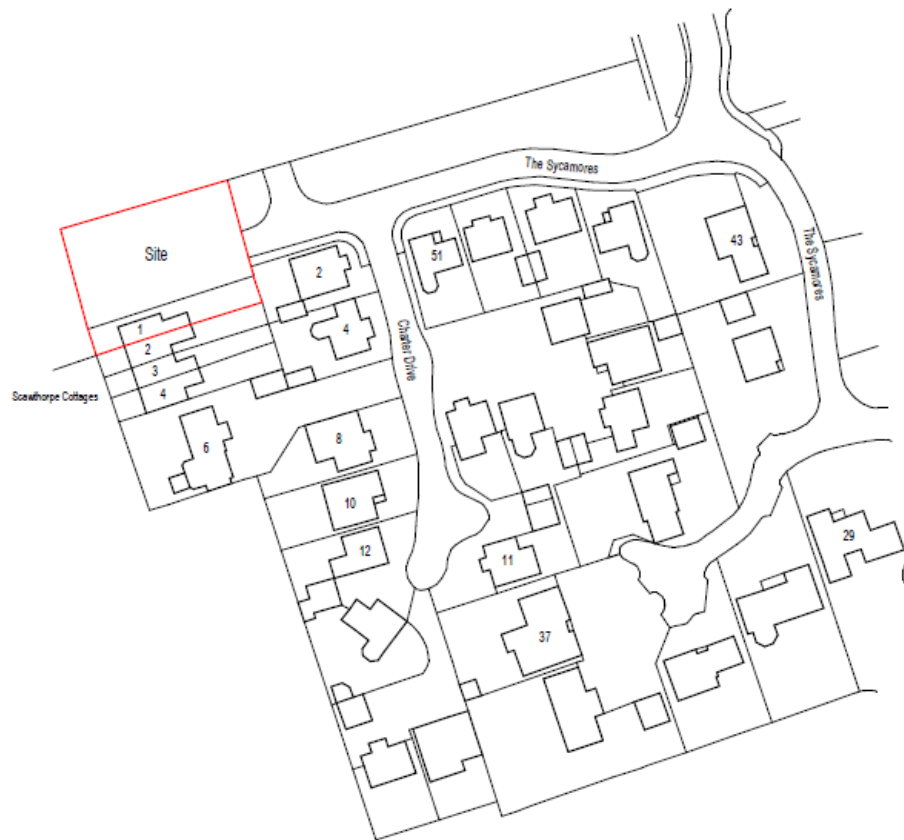
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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:

- Amendments to the layout in respect of car parking and access requirements.

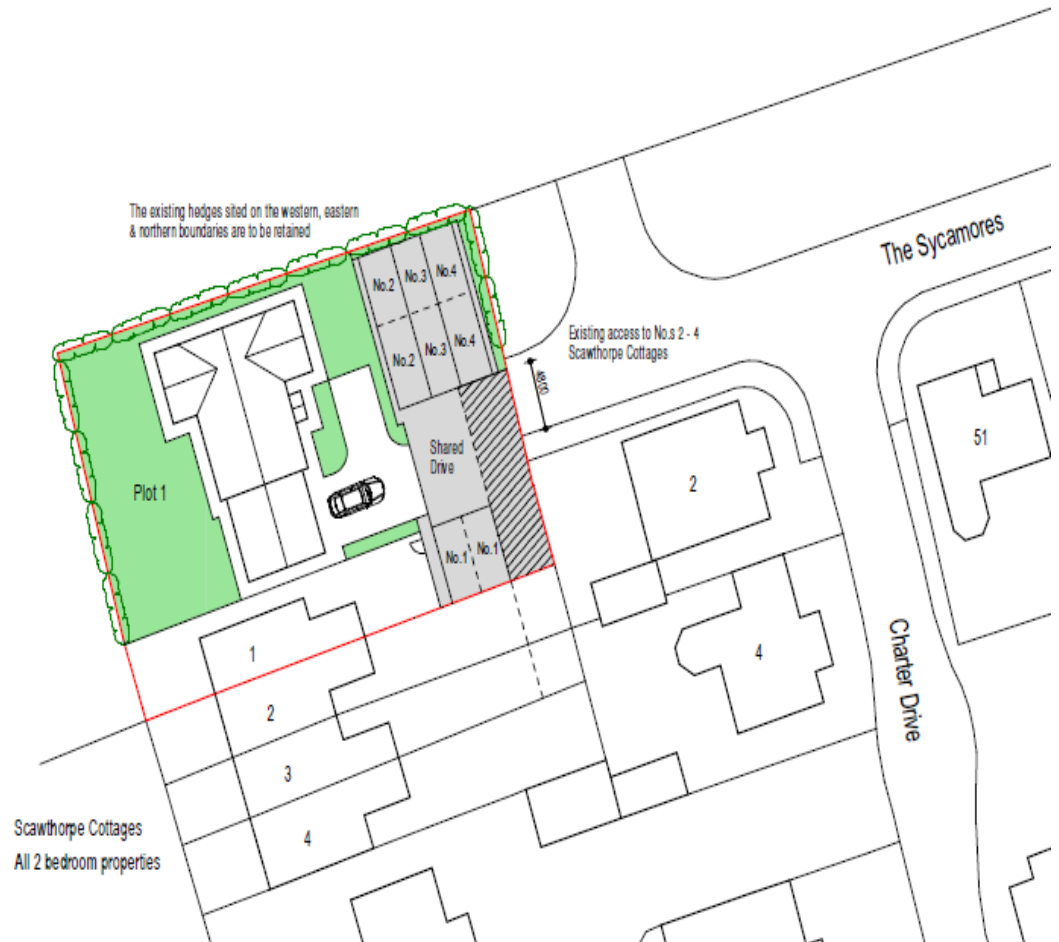
The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Appendix 1: Location Plan



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Appendix 2: Site Plan



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Application	4.
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Application Number:	21/01932/FUL
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Application Type:	FULL
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Proposal Description:	Proposed Agricultural Barn and welfare building together with hardstanding, car parking and access track (AMENDED PLANS)
At:	Land Off Chapel Lane, Thurnscoe

For:	Mr James Wallis - Wallis Farming Ltd
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Third Party Reps:	13 Letters of objection 12 Letters of support	Parish:	Clayton Parish Council
		Ward:	Sprotbrough

Author of Report:	Nicola Howarth
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SUMMARY

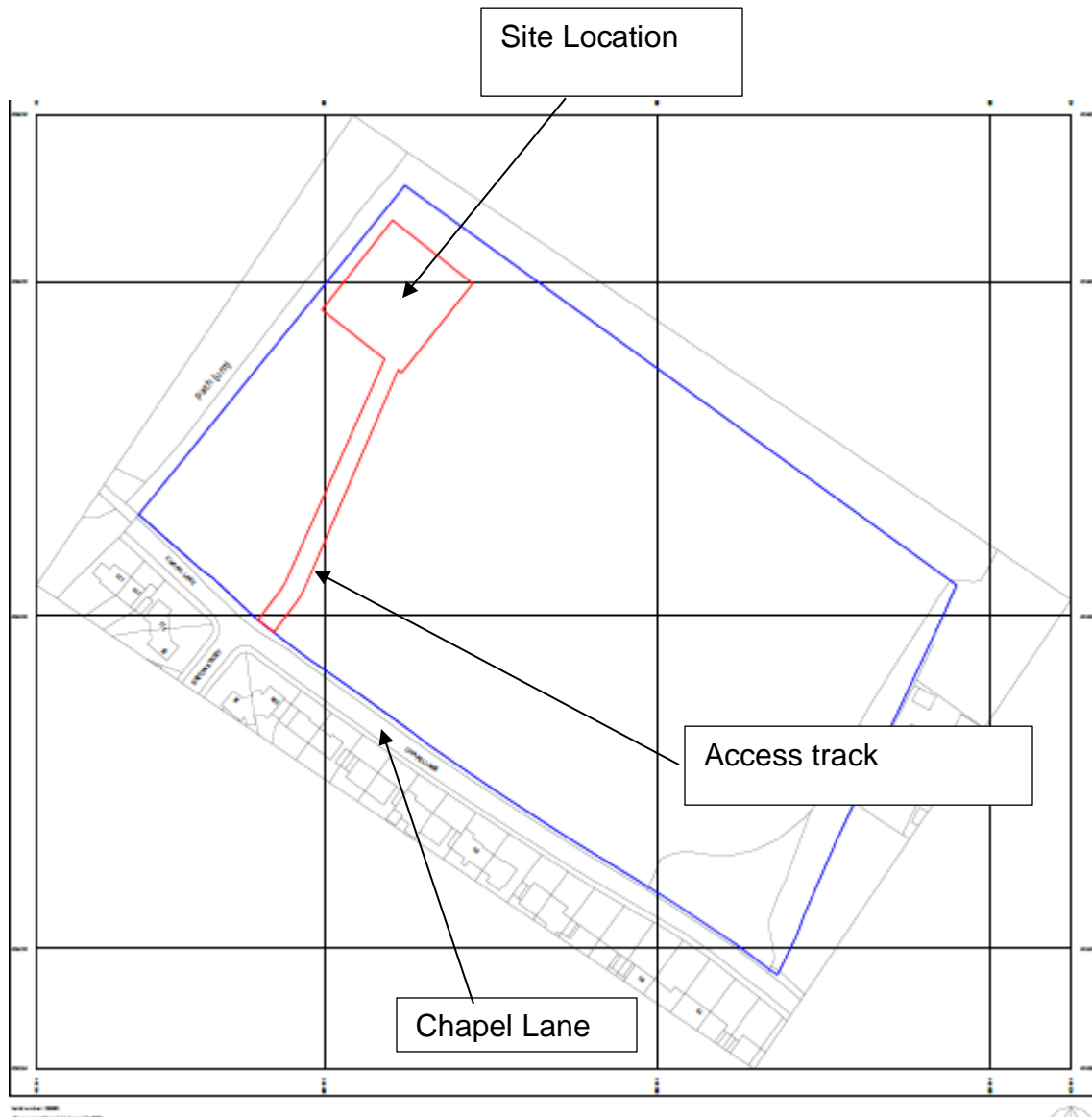
Planning permission is sought in full for the construction of an agricultural barn and welfare building together with hardstanding, car parking area and access track on land allocated as Green Belt, as defined by the Doncaster Local Plan.

The site lies within allocated Green Belt whereby the construction of new buildings are regarded as inappropriate in the Green Belt. Exceptions to this are buildings for agriculture and forestry, and engineering operations as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The development is of a design and scale that is reflective of agricultural buildings. Whilst it is located away from the edge of the village it will be in a corner location and screened by bunding, existing and new proposed hedge and tree planting. The access track and hardstanding serves and facilitates the barn and is of a permeable design that will be allowed to naturally regenerate.

As amended the proposals do not cause undue harm to the openness of the Green Belt and do not conflict with the purposes of including land within it. The application is therefore in accordance with the National Planning Policy Framework (2021), Planning Practice Guidance and the Doncaster Local Plan (2021).

RECOMMENDATION: GRANT planning permission subject to conditions.



1.0 Reason for Report

- 1.1 The application is being presented to Members due to public interest in the application.

2.0 Proposal and Background

- 2.1 Planning permission is sought for an agricultural barn and welfare building together with hardstanding, car park, and access track.
- 2.2 The agricultural building is to be divided internally into a Barn and welfare section. On the ground floor it will be used for machine storage, hydroponics and Christmas tree/fruit and mushroom packaging and storage. The upper level will be used for Bonsai nursery with toilet/changing rooms, manager's office and canteen.
- 2.3 The building will be constructed mainly from profiled metal cladding with a double pitched roof. The external walls will be constructed of profiled metal cladding. External doors and windows shall be metal and aluminium. The roof will be constructed of profiled metal cladding.
- 2.4 An area of hardstanding will be provided to the immediate perimeter of the new building to allow access to farm machinery and for some staff vehicles.
- 2.5 The new farm track will be 5 m wide comprising 250 mm of hard-core topped with 50mm of fine gravel. It will extend approximately 80 m from the existing dropped kerb location on Chapel Lane. It should be noted that the works related to the access track appear to have been substantially undertaken as confirmed by a site visit made on 16.03.2022. Palisade fencing has also been erected around the site.
- 2.6 Members should be aware that this dropped kerb has been incorporated within a widened access which has been constructed already. An application for its retention is pending determination by the Local Planning Authority (LPA) under ref: 21/02200/FUL. In addition an application for a farm shop on the field but on a site closer to the properties on Chapel Lane was refused in 2021 (20/03045/FUL).

3.0 Site Description

- 3.1 The site is located within the Green Belt on land which was formerly set-aside (land stopped for agricultural production). The site lies within the north western corner of the field, approximately 80m from residential properties on Chapel Lane, which lies on the edge of Thurnscoe village. The proposed farm track will be accessed off Chapel Lane. The site and surrounding field is slightly elevated from Chapel Lane but the topography is generally flat and enclosed by mature hedgerow to the north, south east and west.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
21/02200/FUL	Enlargement of existing entrance to field from Chapel Lane and the formation of a recess to allow vehicles	PENDING DECISION

	to pull off the carriageway without blocking Chapel Lane (Retrospective)	
20/03045/FUL	Erection of a two storey farm shop and ancillary car park.	<p>Refused 15.02.2021 for the following reason(s):</p> <p>Namely that the proposal did not fall under the criteria of appropriate development in the Green Belt listed within the NPPF and therefore deemed to be inappropriate development in the Green Belt which by definition is harmful and the very special circumstances and benefits provided did not clearly outweigh the substantial harm. Also the design and appearance of the development was modern and domestic and visually intrusive in the Green Belt.</p>

5.0 Site Allocation

- 5.1 The site is identified within the Local Plan as Green Belt. The site is located in Flood Zone 1, therefore at low probability 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 National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraphs 54 - 56 states local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must only be sought where they meet all of the following three tests:

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

- 5.5 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.
- 5.6 Paragraph 119 states that planning decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.7 Paragraph 130 states that good design criteria should ensure that developments function well and add to the overall quality of the area, are sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.8 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.
- 5.9 Paragraph 138 states 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
- 5.10 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.11 At paragraph 148, the NPPF further 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.’
- 5.12 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: a) buildings for agriculture and forestry... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 5.13 Paragraph 150 advises 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.

Local Plan

- 5.14 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:
- 5.15 Policy 1 (Settlement Hierarchy) 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.
- 5.16 Policy 13 (Promoting Sustainable Transport in New Developments) seeks to promote sustainable transport within new developments.
- 5.17 Policy 26 (Green Infrastructure) seeks to protect, maintain, enhance and, where possible, extend or create Doncaster's green infrastructure, including landscapes, ecological networks, natural environment, open spaces, public rights of way, geodiversity, biodiversity, navigable river and waterway assets.
- 5.18 Policy 29 (Ecological Networks) advises that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks.
- 5.19 Policy 30 (Valuing Biodiversity and Geodiversity) requires proposals which may harm designated Local Wildlife Sites, Local Geological Sites, Priority Habitats, Priority Species, protected species or non-designated sites or features of biodiversity interest, to use the DEFRA biodiversity metric to:
- demonstrate that a proposal will deliver a minimum 10% net gain for biodiversity and;
 - protect, restore, enhance and provide appropriate buffers around wildlife and geological features and bridge gaps to link these to the wider ecological network;
 - produce and deliver appropriate long term management plans for local wildlife and geological sites as well as newly created or restored habitats.
- 5.20 Policy 32 (Woodlands, Trees and Hedgerows) advises that proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be

presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees. It requires sufficient provision of appropriate replacement planting where it is intended to remove trees and hedgerows.

- 5.21 Policy 46 (Design of Non-Residential, Commercial and Employment Development) states that all non-residential and commercial developments, including extensions and alterations to existing properties, must be designed to be high quality, attractive, and make a positive contribution to the area in which they are located. To do this developments will be required to meet a number of criteria relating to character and design, the impact on amenity, and meet functional requirements whilst being architecturally appropriate.
- 5.22 Policy 54 (Pollution) requires proposals to take into account air and noise pollution. Development that is likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that pollution can be avoided, or where mitigation measures (such as those incorporated into the design and layout of development).
- 5.23 Policy 55 (Contamination and Unstable Land) deals with the need to mitigate any contamination on site.
- 5.24 Policy 56 (Drainage) requires the need for satisfactory drainage including the use of SuDS.

Neighbourhood Plan (NP).

- 5.25 There is no Neighbourhood Plan for this area.

Other material planning considerations and guidance

- The Community Infrastructure Levy Regulations 2010 (as amended)
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- Supplementary Planning Document: Development and Flood Risk, Adopted Oct 2010
- South Yorkshire Residential Design Guide (SYRDG) (adopted 2015)
- National Planning Policy Guidance

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, and neighbour notification.
- 6.2 The application has been advertised via site notice and neighbour letter. Following this publicity, approximately 13 letters of objection were received. A summary of the material planning issues raised is set out below:
- The proposal will change the nature of the village;
 - Removal of verge trees and hedgerows;
 - Negative impact on Green Belt;
 - Pollution;

- Danger to school children and parents who use Chapel Lane to and from school;
- Warehousing/industrial development is inappropriate;
- Noise and increase in traffic harmful to amenity;
- The land alone cannot support the business, it makes more sense that its headquarters would be in a more commercially accessible location;
- A residential estate is not the place for a lorry full of Christmas trees. There are plenty of more suitable sites for this type of business in the local area which are designed to cope with the increased traffic levels;
- The access not suitable for high volume traffic;
- No benefit to the community;
- There's several access/ egresses been put up, why are these required for this application.
- Hs2 compound written all over it.

6.3 12 letters of support have been received. The letters of support are in regard to the following summarised issues:

- the development will bring local employment and investment benefits to an area of social deprivation;
- It will tidy the land which has been subject to fly tipping;
- After living in Thurnscoe for years and seeing a lot deterioration and anti-social behaviour in the village. Anything that can make this problem better and provide jobs for the local community and only be beneficial to the village;
- It's encouraging to see that this land has now been acquired and some much needed TLC is taking place. It is looking much tidier and more secure which will hopefully deter trespassers on the surrounding areas and prevent further antisocial behaviour;
- The landscaping and architecture proposed will improve the appearance and utility of this neglected parcel of land with minimal traffic and disruption;
- Believe this is a useful purpose for the community at large. The Applicant is of good character and has a genuine desire to improve this area and reduce anti-social behaviour;
- The area has been a wilderness prone to dumping and motorbiking for years;
- The initiative proposes some investment and fresh ideas for the area which has fallen well below the standards of a fast moving environment but Thurnscoe seems to have been left behind to be at the mercy of decay & feral youths;
- The project would enhance the immediate area with long term benefits absorbed back into the community;
- The development will help eradicate some more of the links to the "poor mining village" tag that has been very hard to shake off and sets the mindset of many youngsters as they hear the same old story that no one is interested.

7.0 **Parish Council** - No comments have been received from the Parish Council.

8.0 **Relevant Consultations**

8.1 **Yorkshire Water** – advise conditions.

8.2 **DMBC Pollution Control** – Historic maps show the above application is located on a former allotment and near a landfill, so there is a strong possibility that contaminants may remain on the site, for example, in the form of asbestos and pesticides. Conditions have been recommended.

8.3 DMBC Ecology – Initially objected to the scheme as no information was submitted to demonstrate how NPPF and Core Strategy ecological guidance and policies will be implemented.

Following the submission of an ecological/biodiversity net gain assessment the Ecologist confirmed that there are no habitats of primary importance so the proposals are in keeping with Local Plan policies 29 and 30 so long as protective measures are carried out during site construction works and through the biodiversity net gain proposals as set out in the RDF Ecology report.

The biodiversity net gain assessment indicates a 33.87 % increase in biodiversity across the site as a result of the proposed development. Hedgerow enhancements will deliver a significant % increase by the planting of 0.58km around the site. The biodiversity net gain assessment does satisfy the 10 principles of biodiversity net gain as set out in the CIRIA 2019 guidance document.

The delivery of the on-site biodiversity net gain will be conditioned to ensure that the long term management and monitoring of the biodiversity net gain measures follows best practice guidance.

8.4 DMBC Tree Officer – Identified the main constraint on the proposal were hedgerows around the perimeter of the site. These are/were protected hedges by the Hedgerow Regulations 1997 being Pre 1845 Hedgerow - Frickley cum Clayton (1821). However from aerial images and street view images they have fallen into poor management and developed gaps or grown more tree like. Large sections have been damaged and removed during the development/works at the site that has taken place so far for this application (21/01932/FUL) and 21/02200/FUL.

As a result green infrastructure from the site has been lost or damaged that otherwise would have been desirable to retain and enhance as part of the development. Adequate consideration should have been given to the existing green infrastructure network and the retention of trees and hedgerows that are present on or adjacent to a site, whether they are protected or not.

These features are desirable to be retained because trees or hedgerows form part of the landscape structure of an area, function as a screen to adjoining properties or land, or in this case help separate the countryside and urban fringe and will normally be required to be retained.

Where tree removal cannot be avoided, or is carried out prior to the submission of an application which appears to be the case here, replacement planting, or a commuted sum in-lieu of off-site tree planting, will be required in accordance with the guidelines included in the council's SPD.

Overall, there is an objection to the proposal. The developments need to provide information to demonstrate how NPPF and Core Strategy ecological guidance and policies will be implemented.

Following the submission of an amended Landscape Management Plan, the Tree Officer objection was resolved. On-site tree planting and management would be secured through a planning condition in the short term over 5 years. This condition does not supersede the condition required by Ecology for a 30 year Management and Monitoring Plan for proposed onsite habitats.

8.5 DMBC Drainage – No comments received.

8.6 DMBC Public Rights of Way – The Public Rights of Way team has no objection to the planning application. There are no recorded public rights of way affected by the proposed development or any claims across the site; however, this does not preclude rights of way from being shown to exist in future. Aerial photos clearly show desire lines across the wider area and through the location of the proposed development.

8.7 DMBC Highways Development Control – Advised to consult Barnsley MBC Highways as the surrounding roads are within the jurisdiction of Barnsley MBC.

8.8 Barnsley MBC Highways – Initially advised that they would not support the application and requested further information to understand the traffic movements associated with the development. In a separate BMBC Highway response they asked for clarification on whether there would be encroachment onto the highway boundary. This was confirmed by the Agent as a negative.

Following the submission of a transport assessment BMBC Highways confirmed no objection subject to no intensification of the use of the site.

8.9 DMBC Waste and Recycling - No concerns in relation to the plans outlined subject to compliance with s33 (Prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste) and s.34 (Duty of care etc. as respects waste) of the Environmental Protection Act 1990. The business will be obliged to ensure waste is collected/transferred/disposed of by a registered waste carrier at a suitably licensed facility and should retain records of transfers for at least two years.

8.10 DMBC Environmental Health – No objections.

8.11 Ward Members – No comments received.

9.0 Assessment

9.1 The proposal seeks permission for an agricultural barn and welfare building together with hardstanding, car parking area and access track on land allocated as Green Belt.

9.2 In considering the proposal the main material planning considerations are outlined below:

- Whether the proposal would be inappropriate development in the Green Belt;
- The effect of the proposal on the openness and purposes of the Green Belt;
- Impact upon Residential Amenity;
- Impact upon the character and appearance of the surrounding area;
- Impact on Highway Safety and Traffic;
- Impact upon Natural Environment;

9.3 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

9.4 Whether the proposal is inappropriate development in the Green Belt

9.5 The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.6 The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a limited number of exceptions as set out in paragraph 149 of the Framework. One such exception is buildings for agriculture and forestry as set out in 149 (a).

9.7 The access track and hardstanding is associated with the Barn and this is considered an engineering operation which is a form of development also considered to be 'not inappropriate' provided it preserves and does not conflict with the purposes of including land within the Green Belt (para 150).

9.8 The preservation of the Green Belt however is paramount and it is important that the visual amenities of the Green Belt are not impacted and the purposes of the Green Belt are not prejudiced by the proposals which can be inappropriate due to their design, materials and siting.

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

9.10 NPPF advises that 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.

9.11 Government planning practice guidance considers what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt.

9.12 Government guidance states that:

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;

- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

9.13 The Visual Impact of the development

Design and Volume

- 9.14 Generally materials, colours, construction methods and building styles should fit in with the traditional building styles of the area, and should not form a prominent feature in the landscape.
- 9.15 The building design has been amended and fully reflects the typical design of an agricultural building and the construction materials and build style reflects that of agricultural buildings. Its design is simple. Both sections of the building (barn and welfare section) will be constructed from profiled metal cladding. The external walls will be constructed of profiled metal cladding. The welfare section shall be thermally insulated. External doors shall comprise steel roller shutters and metal access doors. The roof will be constructed of concrete interlocking roof tiles. There are a small number of windows and uniform roof lights. The colour of the metal cladding is to be merlin grey. The concrete roof tile colour is Breckland Brown. The windows will be polyester coated aluminium window frames colour merlin grey (BS18B25).
- 9.16 In respect of volume the building's size is typical of many agricultural buildings and its volume is not considered overly large measuring approx. 20 m long x 9 m wide x 7 m high. Agricultural buildings have to be designed to accommodate farm machinery and other plant and equipment. The parking area will also be compacted aggregate and will be allowed to naturally regenerate in line with the landscape management plan.
- 9.17 In respect of the access the plans have to be amended to reduce the width of the access and whilst the access track is long it will be constructed with a permeable compacted aggregate sub-base and will be allowed to naturally regenerate. This design will assist in making the track blend into the landscape and would be a more sympathetic feature and would not be urbanising or unduly harmful to the rural Green Belt.

Siting

- 9.18 The building is sited away from the edge of urban area in a corner location of the field, against existing bunding and hedgerow, whilst on one hand this can lead to encroachment into the Green Belt it is not unusual for farm buildings to be located near to boundaries associated with the fields within the landholding. Its widest elevation will be facing into the field. The Barn will be visible to some degree from the properties on Chapel Lane, however it will be at a distance. The access track and car parking area is of a suitable permeable material and will be allowed to regenerate this will ensure that the impact on the landscape is minimised.

Duration of the development, and its remediability

- 9.19 Any new agricultural or forestry building or structure must be needed, designed and constructed only for agricultural or forestry purposes. This prevents the building of

property which is intended to be converted (for example, into a dwelling). In accordance with Part 6 the General Permitted Development Order any new building not used for agriculture within 10 years of it being substantially completed should be removed, and this can be controlled by way of a planning condition or S106 Legal Agreement. A planning condition is therefore advised in order to ensure that the agricultural building and associated structures can be removed and the land restored should it not be viable.

The degree of activity likely to be generated, such as traffic generation

- 9.20 The building, hardstanding and access track has been designed to accommodate farm and low level intensity farming/agricultural practices. A transport assessment has been submitted with the proposal and it confirms that the business when fully established will generate the following movements:
- 2 inbound employee vehicles in the morning and two employee vehicles in the evening.
 - 1 inbound and 1 outbound delivery vehicle movement a day. So likely 6 vehicle movements a day.
- 9.21 The intensification of the use on the site would likely require a planning application. Any extensions to the building are to be controlled through the removal of permitted development rights. A condition is also imposed to require the removal of the development should it not be used for agricultural purposes.
- 9.22 Based on the above assessment, it is considered whilst there will be an impact on openness by virtue of the size and siting of the building in a location where at present there is no building development on the site. Given that this is an appropriate use in the Green Belt and there is visual mitigation through its design, orientation, duration and likely activity to be generated would not cause harm to the rural, open character and appearance of the Green Belt.

SUSTAINABILITY

- 9.23 The National Planning Policy Framework (NPPF 2021) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs
- 9.24 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

- 9.25 Local Plan Policy 46 states that 'new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment'.
- 9.26 The building itself is set away from neighbouring dwellings and therefore noise and disturbance emanating from it will not be audible. The access track will be used by

farm vehicles and a small number of staff, however the number of vehicle movements proposed is small. The impact is not therefore considered to be demonstrably harmful.

9.27 Overall given that the use of the building being for agricultural/horticultural purposes only and not commercial would minimise heavy goods and employee vehicle movements to and from the site and therefore should not result in any detriment to highway safety in the locality.

9.28 The application is thereby deemed to accord with policy 46 of the Local Plan.

9.29 Conclusion on Social Impacts.

9.30 It is considered that the proposal would not adversely affect neighbouring residential properties through excessive noise, traffic or loss of amenity and this weighs in favour of the application carrying moderate weight.

9.31 ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

9.32 It is considered that the proposed building by virtue of its scale and siting would have some visual impact within the surrounding area, however this is mitigated by the design, materials and orientation of the building in relation to the site topography and proposed boundary treatment. It would not be so detrimentally prominent from the public highway and would not cause significant harm to the rural, open character and appearance of the area.

Impact upon Highway Safety and Traffic

9.33 Concerns have been raised by residents that the proposal will increase traffic within the immediate area and that Chapel Lane is a residential road which is not suitable for the additional traffic. Barnsley MBC Highways Department were consulted in regard to the development as the surrounding roads are within the jurisdiction of Barnsley MBC. The application supporting highways assessment confirms that the development will generate minimal traffic movements and that these will be spread through-out the day.

9.34 Barnsley MBC Highways following consideration of the traffic assessment were satisfied that provided there was no intensification of the development the access track would be acceptable and utilising the location of where the former dropped kerb was. In respect of intensity of the development/change of use. Planning conditions are imposed which remove permitted development and also require the removal of the building and structures if the agricultural use ceases within 10 years from the date on which the development was substantially completed and reinstatement of the land.

9.35 Overall given that the use of the building being for agricultural/horticultural purposes only this would minimise the resultant traffic and heavy vehicle movements to and from the site and therefore would not result in any detriment to highway safety in the locality.

9.36 Importantly the NPPF makes clear at Paragraph 111 that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 9.37 On this basis the use generally accords with the provisions of policy 13 of the Doncaster Local Plan and based upon the highways assessment of the site, it is considered that the proposal would neither result in an unacceptable impact on the highway network nor cumulatively impact the road network and as such the bar referred to in paragraph 111 has not been met.

Impact upon Natural Environment

- 9.38 The NPPF at paragraph 174 d) states that planning policies and decisions should contribute to and enhance the natural local environment by “minimising impacts on and providing net gains for biodiversity.” This is reflected in Policy 29 and 30 of the Local Plan that require proposals to deliver biodiversity net gain. Policy 30 requires a minimum of 10% biodiversity net gain.
- 9.39 Policy 32 of the Local Plan requires developments to adequately consider trees as part of any application with a presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.
- 9.40 The Ecology Officer initially raised a holding objection to the scheme, as a preliminary ecological and biodiversity net gain assessment was required to be carried out. This was undertaken and DMBC Ecologist is now satisfied. The biodiversity net gain assessment indicates a 33.87 % increase in biodiversity across the site as a result of the proposed development including hedgerow, shrub and wild meadow planting. The delivery of the on-site biodiversity net gain will be conditioned to ensure that the long term management and monitoring of the biodiversity net gain measures follows best practice guidance.

Pollution/Drainage issues

- 9.41 DMBC Pollution Control have advised that the site is located on a former allotment and near a landfill, so there is a strong possibility that contaminants may remain on the site. They have advised standard conditions CON 1, CON 2 and CON 3 be attached.

In respect of drainage, rainwater harvesting is to be included and will be used for the watering indoor crops as well as outdoor crops. Foul drainage shall be connecting into existing sewer located in Chapel Lane.

9.42 Conclusion on Environmental Issues

- 9.43 Paragraph 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.44 The parking, access and highways safety impacts of the proposal are considered to be acceptable subject to conditions.

- 9.45 Subject to the conditions recommended by the Council's Ecologist and Tree Officer, the proposed development would not create any harm to the natural environment and would provide significant enhancement to the natural environment. A 30 year Management and Monitoring Plan for proposed onsite ecological habitats will be conditioned together with additional landscape planting. Condition 11 requires the approved landscaping scheme to be maintained for a minimum of five years in accordance with BS 8545:2014, this will help establish proposed habitats to be created. This weighs moderately in favour of the application.

9.46 ECONOMIC SUSTAINABILITY

- 9.47 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application. There will be some permanent staff employed associated with the agricultural business and this is given some weight and balanced in the decision making.

9.48 Conclusion on Economy Issues

- 9.49 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.
- 9.50 Whilst the economic benefit of the proposal is not significant and afforded 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 The proposal is considered an acceptable form of development in principle due to its impact on the openness of the Green Belt. The development is of a design and scale that is reflective of agricultural buildings. The chosen build materials will ensure that it visually blends in with the surroundings. The access track and hardstanding serves and facilitates the barn and is of a permeable design that will be allowed to naturally regenerate.
- 10.2 The proposal is considered to have an acceptable impact on the character of the area and on the amenities of neighbours and is considered acceptable in transportation and environmental terms.
- 10.3 The application is therefore in accordance with the National Planning Policy Framework (2021), planning practice guidance and the Doncaster Local Plan (2021).

11.0 RECOMMENDATION

- 11.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT 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 shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

LOCATION PLAN L0160/110 Rev B Received 14.09.2021
BLOCK PLAN L0106/111 Rev D Received 17.02.2022
SITE LAYOUT PLAN AS PROPOSED Ref: L0106/20:01 Rev D. Received 15.02.2022.
PLANS, ELEVATIONS, SECTIONS AS PROPOSED L0106/20:11 Rev E Received 15.02.2022.
To ensure that the development is carried out in accordance with the application as approved.
03. The building, curtilage development and access road hereby approved by this permission shall only be used for agricultural and hydroponics related uses and for associated agricultural machinery storage.
REASON
To ensure that the development is carried out in accordance with the application as approved.
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, filing and level raising shall be tested for

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

REASON

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

07. 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.

08. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

REASON

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

09. Prior to the commencement of development activities a Construction Environmental Management Plan shall be submitted to the LPA for approval, and implemented and adhered to in accordance with the approved details throughout the construction phase of the development. The measures in the plan shall be based on recommendations of sections 7.3-7.7 of the RDF Ecology report of November 2021.

REASON:

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

10. Prior to the commencement of development a 30 year adaptive Management and Monitoring Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management and Monitoring plan shall detail the following:

- A 30 year adaptive management plan for the site detailing the management measures to be carried out over the phased restoration of the site in order to achieve the target conditions proposed for each habitat parcel in the.
- Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved

- A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.
 - That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 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 comply with the requirements of Local Plan policy 30B and the NPPF

11. The planting scheme detailed in Landscape Establishment and Management Plan Rev A (submitted 15.02.2022) and illustrated on Fig 1 – Landscape Proposal dated February 2022 hereby approved in writing by the Local Planning Authority, shall be implemented in the first available planting season after commencement of development. The Local Planning Authority shall be notified in writing within 7 working days of completion of the landscape works to the required standard detailed in the approved documents and the completion shall be subsequently approved in writing by the Local Planning Authority. The approved scheme shall be maintained for a minimum of five years in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations and yearly management and monitoring schedules within Landscape Establishment and Management Plan Rev A (submitted 15.02.2022) dated February 2022. Any landscape which is defective, damaged or removed within five years of establishment shall be replaced.

REASON

In the interests of environmental quality and Policy 48: Landscaping of New Developments of the adopted Doncaster Local Plan 2015 – 2035.

12. If the use of the building and associated development for the purposes of agriculture/horticulture permanently ceases within 10 years from the date on which the development was substantially completed the building and associated development shall be removed from the land and a restoration plan submitted to and approved in writing by the Local Planning Authority. The approved restoration scheme shall be implemented within one month of written approval.

REASON

In the interests of visual amenity of the Green Belt.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no extension or alteration of the development which would otherwise be

permitted by Part 6 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

REASON

To safeguard the openness and visual amenity of the Green Belt.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted by Class Q, part 3, of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

REASON

To safeguard the openness and visual amenity of the Green Belt.

15. 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.

16. Prior to installation of any external illumination, a lighting scheme and installation schedule, including but not limited to details of equipment and levels of luminance, shall be submitted in writing to the Local Planning Authority and implemented in accordance with the agreed scheme.

REASON

In the interests of protecting visual amenity and protected species.

INFORMATIVES

01. **INFORMATIVE**

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

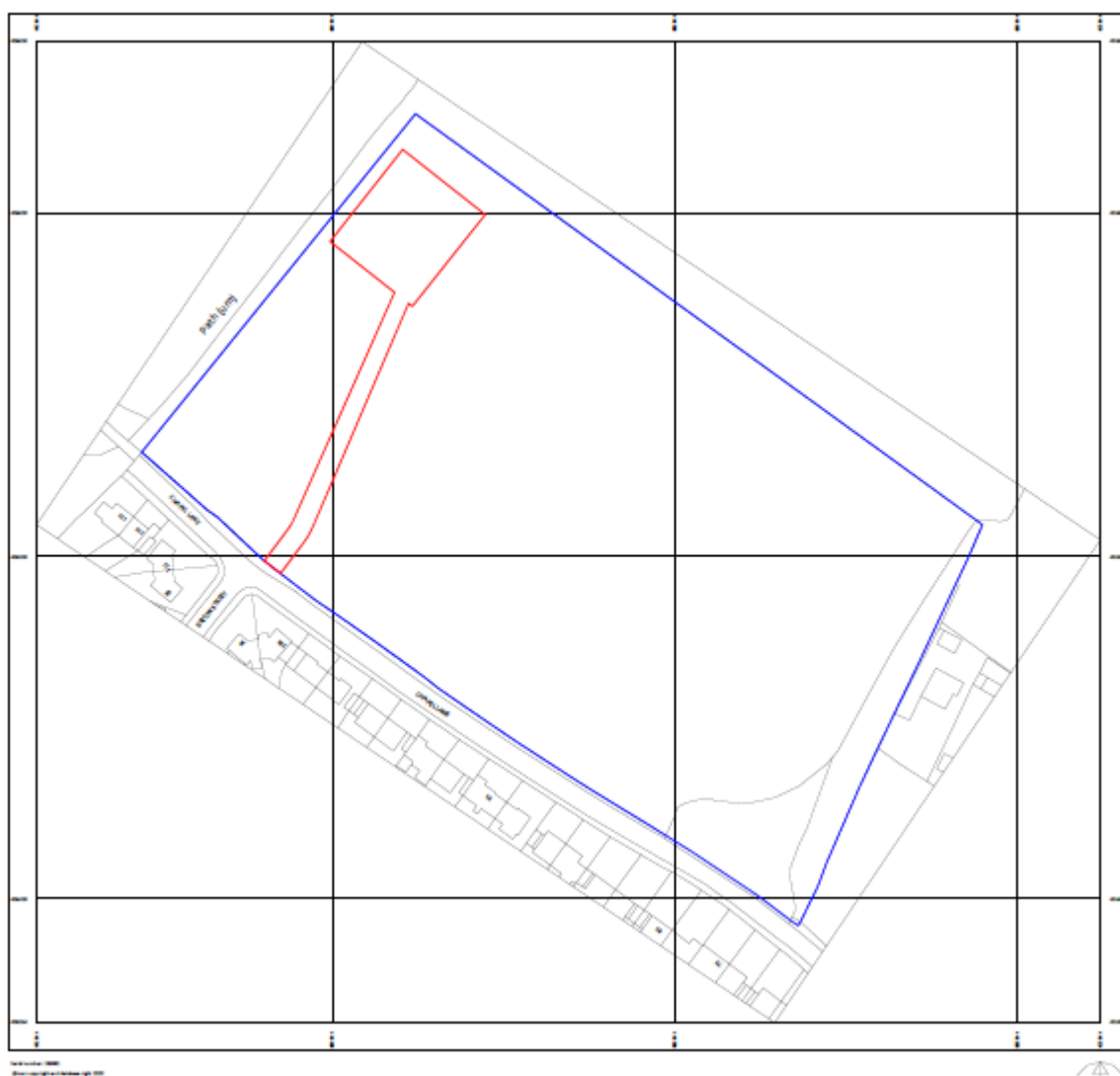
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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:

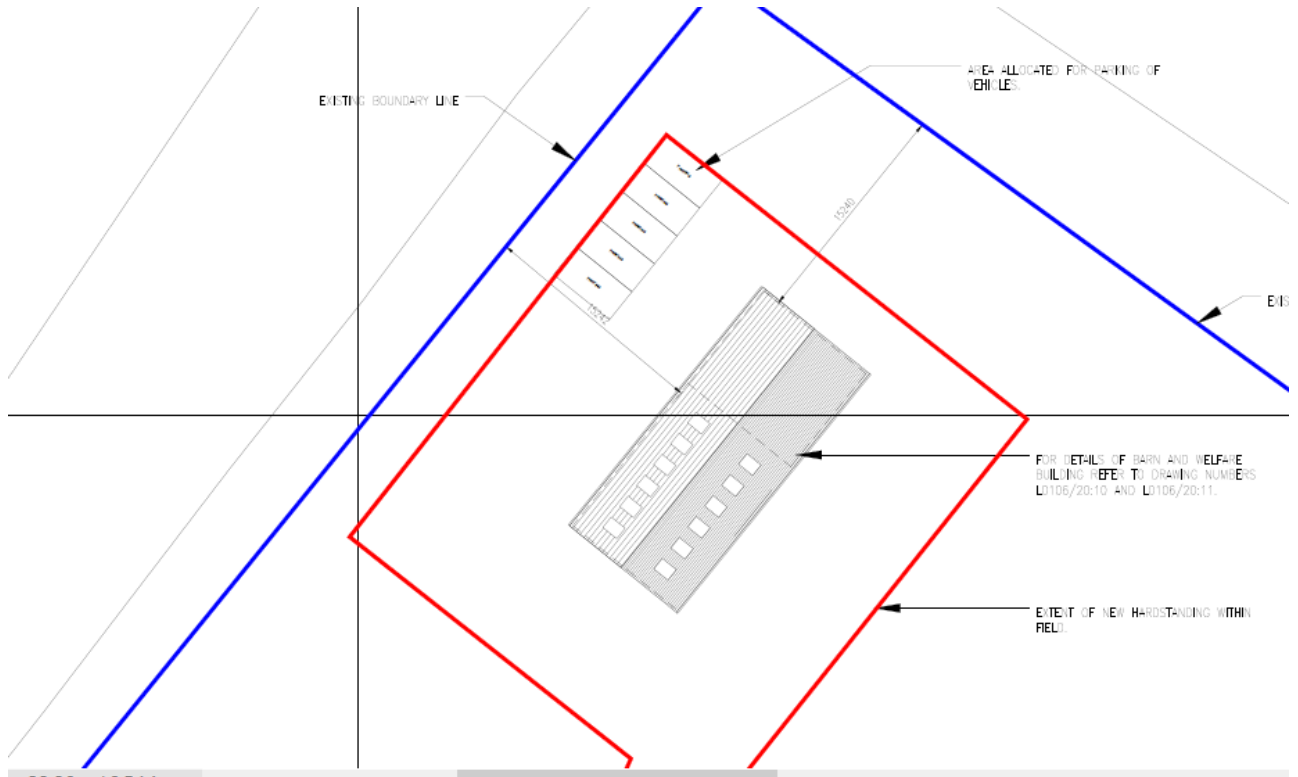
- Amendments to the layout plan to reduce the built footprint;
- Amendment to materials;
- Transport assessment with technical information;
- Drainage information updated;
- Additional information supplied to overcome Ecological and Tree concerns;
- Ecological enhancement and landscaping mitigation.

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

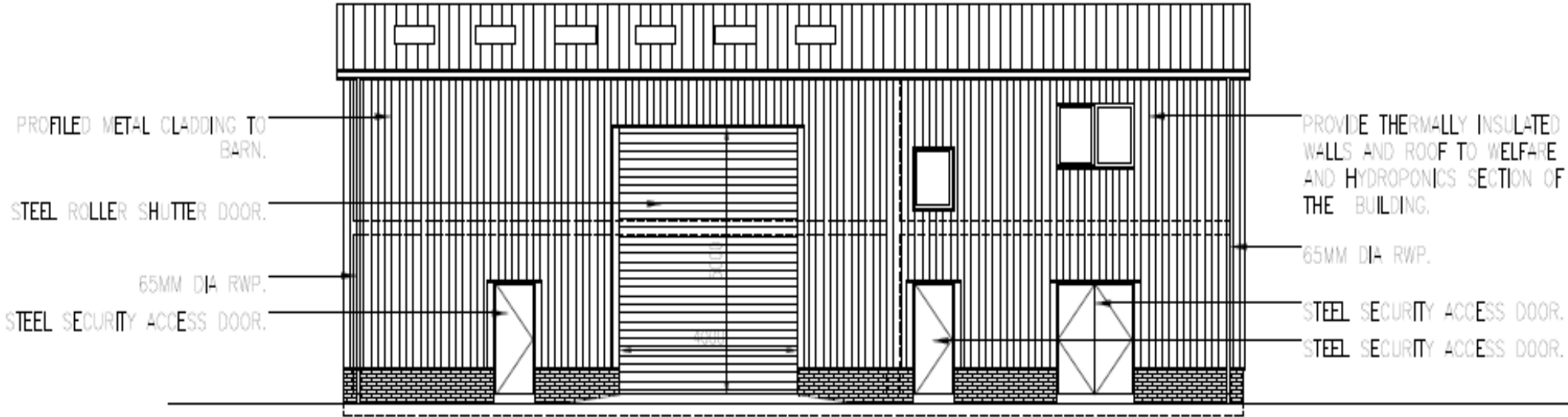
Appendix 1: Location Plan



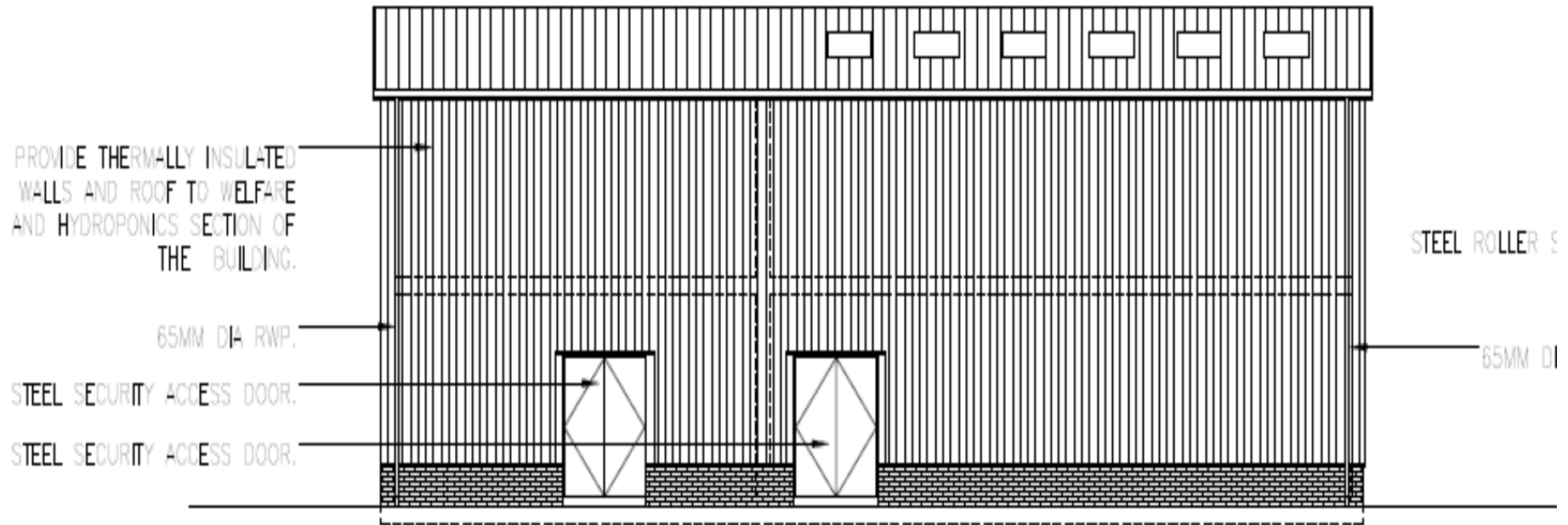
Appendix 2: Block Plan



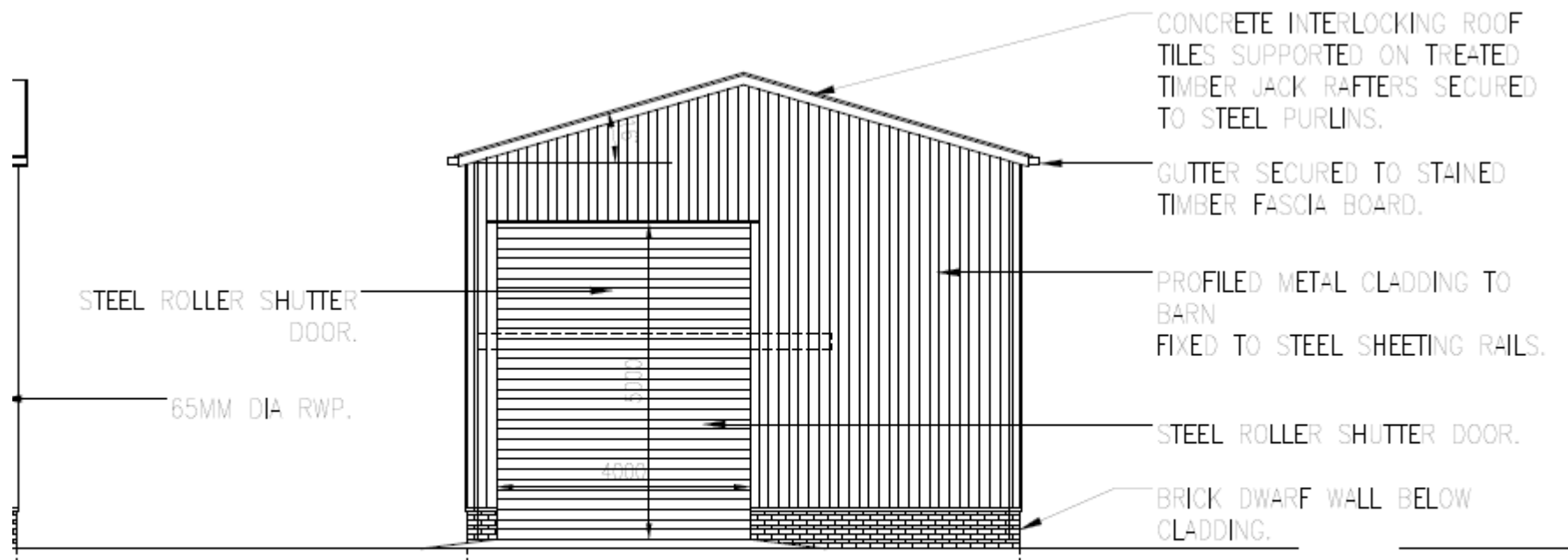
Appendix 3: Proposed Elevations



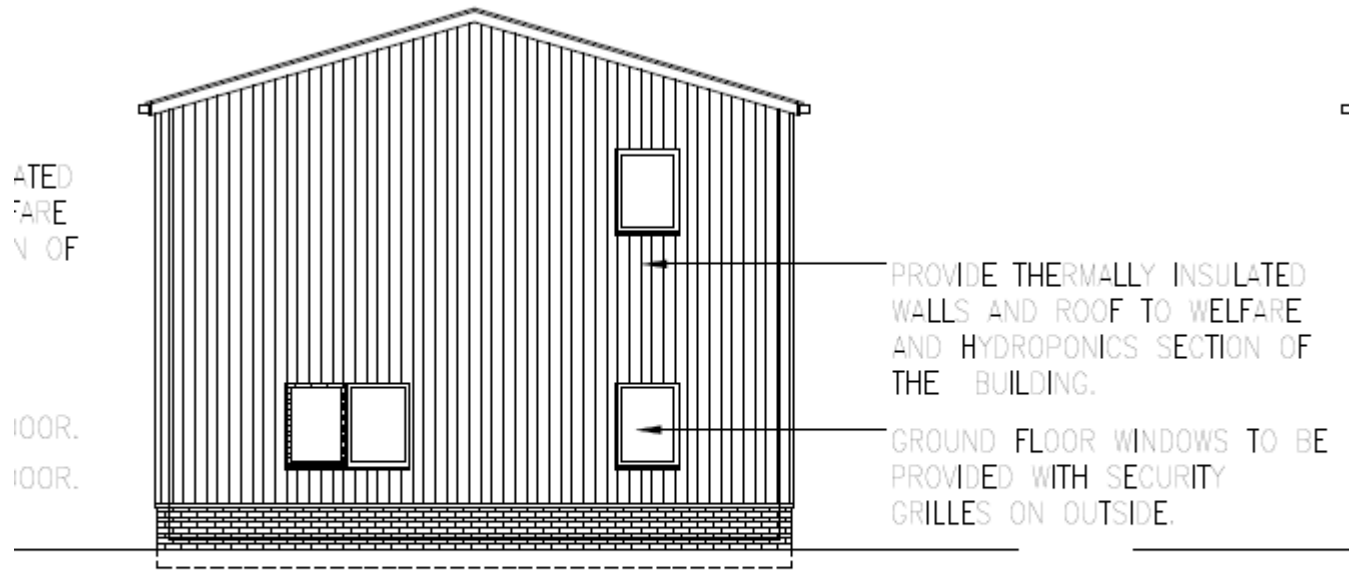
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

CONCRETE WELFARE ROOF

Appendix 4 Landscape Plan



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Application	5.
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Application Number:	22/00230/3FUL
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Application Type:	Full Planning Application (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)
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Proposal Description:	Proposed vehicle and pedestrian road/footway connection between Askern Leisure Centre and Campsall Country Park car parks on Church Field, Campsall. Works to include the closure of the existing vehicular access at the Leisure Centre, engineering operations and reinstating the car park surfacing.
At:	Askern And Campsall Sports Centre Churchfield Road Campsall Doncaster DN6 9LN

For:	Andy Maddox Civic Office Waterdale
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Third Party Reps:	2 letters of support	Parish:	Norton
		Ward:	Norton and Askern

Author of Report:	Dave Richards
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SUMMARY

The proposal seeks planning permission for a road connection linking Campsall Park with Askern Leisure Centre, in addition to other more minor alterations. Although sited within the South Yorkshire Green Belt and locally designated areas, the proposal is considered to be acceptable in policy terms being an appropriate form of development which will assist in providing linkages in sport and recreation between the two leisure uses. The application 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. It is acknowledged that there will be some immediate and tangible loss of green infrastructure to the site once implemented, but the application is accompanied by a good quality landscaping scheme which will mitigate the loss of trees through replanting on a 2 to 1 basis and provide at least a 10% minimum biodiversity net gain.

RECOMMENDATION: GRANT planning permission subject to conditions

Site Layout



1.0 Reason for Report

- 1.1 The application is being presented to Members as the scheme is submitted by the Council and is not considered to be routine minor development.

2.0 Proposal and Background

Proposal

- 2.1 The main part of this planning application is to seek planning permission for a link road to connect the existing car parks associated with Askern Leisure Centre and Campsall Country Park.
- 2.2 The application includes other operational development associated with the general maintenance and improvement of the site including:
- The closure of the existing leisure centre vehicular access
 - The provision of 13 6m lighting columns within the country car park
 - General vegetation clearance and relaying of aggregate within the car park
 - A small plant compound of approximately 4sqm
 - The creation of a drainage swale within the site to assist with surface water from the proposed roadway
 - Provision has been made for additional cycling storage and 2 electric vehicle charging points
- 2.3 Due to the typography of part of the site, the works will involve engineering operations to create a development platform for the roadway. This will involve the importation of approximately 3,215 tonnes of inert fill material.
- 2.4 The roadway would consist of a two way asphalt platform measuring approximately 73m in length, 7.5m in width. A new footpath would run parallel to the road and link with the pavement on Church Field Road.
- 2.5 6m lighting columns would be located in strategic positions to provide illumination. These would have integral intelligent photo cell sensors so they can be dimmed when sufficient daylight is available. All luminaires will be warm white LEDs and unnecessary light spill will be controlled through a combination of directional lighting and hooded/shielded luminaires.

Background

- 2.6 Doncaster Council is one of 12 areas awarded Local Delivery Pilot status from Sport England, to test new ways to increase activity levels within Doncaster. This has enabled the creation of the 'Get Doncaster Moving' team which is a partnership of people, groups, organisations and businesses who work together to support Doncaster's communities to be physically active, healthy and vibrant.
- 2.7 The proposal is subject to funding by Sport England under this initiative. The connection will see the car parks used by visitors to both the country park and leisure centre and provide a shorter route for pedestrians between the two. The proposals are part of a wider masterplan for the area to reinterpret the leisure centre as a hub for Campsall Country Park so visitors can make use of both facilities.

- 2.8 The application has been subject to pre-application advice with the planning team. The potential impacts in terms of potential harm to ecological assets and the loss of trees were considered from the outset and a number of routes were considered and rejected. The preferred route is that presented through the planning application. This route targets an area of the woodland which is relatively poor with little ground flora and presents the most logical connection for the existing car parks.
- 2.9 It was recognised that the application would involve the loss of approximately 55 trees and scrub to make way for the roadway and the associated embankment. The applicant has carefully considered this impact and proposed a landscaping strategy which will replace what is lost on a 2 for 1 ratio. The submitted landscaping scheme replants native tree species of oak, birch and wild cherry with an understorey of hazel, hawthorn, field maple, wild privet, spindle and dog rose. A similar mix of native species is proposed for the wet woodland adjacent to the proposed drainage swale includes alder, downy birch and oak trees along with dogwood, hazel, hawthorn and field maple. In total, 110 trees will be replanted within the immediate site area, within Campsall Country Park itself and suitable locations within the Norton and Askern Ward under the Council's control. This is to be conditioned as part of the approval and controlled through a 30 year adaptive management and monitoring plan.
- 2.10 The application is accompanied by various plans and supporting documents including:
- Design and Access Statement
 - Transport surveys
 - Ecology Reports
 - Tree Survey including replacement planting strategy, arboriculture report, constraints plan and trees to be removed/retained plan
 - Site and Location plans
 - Proposed site alteration plans
 - Landscape Details
 - Lighting details
 - Topographical Report

3.0 Site Description

- 3.1 Askern Leisure Centre and Campsall Country Park are located on the south side of Church Field Road which links Askern with Campsall. The site generally lies to the east of Campsall village itself.
- 3.2 Askern Leisure Centre is currently closed whilst it undergoes major works and improvements to replaces the old coal heating to a more environmentally and sustainable water heating solution. Once it reopens, it will provide a health and fitness gym, sports hall and swimming pool offering a variety of health benefits for residents.
- 3.3 Campsall Country Park is a popular attraction having won Green Flag Awards in 2020 & 2021. It has a junior play area with great facilities including a rope spider-web climbing frame and a zip-wire and toddler play area. The scenery includes meadows, ponds, woodland and wildflower areas and it provides picnic areas and playing fields. The park formed an important space to residents during the Covid 19 Pandemic evidenced by increased numbers using its amenities for recreation, walking and cycling.

- 3.4 The main development area forms a parcel of woodland which generally separates the two car parks associated with the above uses. The woodland wraps around the leisure centre to the south and east and physically encloses this part of the park. The species mix in the woodland is majority Sycamore with a single Ash trees within the area affected by the development. The Tree Officer agrees that the individual amenity value of the trees is low.

4.0 Relevant Planning History

- 4.1 The only relevant planning application to the proposal is a recent approval for a scheme of refurbishment works to the Centre as mentioned above.

Application Reference	Proposal	Decision
21/02104/3FUL	Refurbishment of Askern Leisure Centre as part of de-carbonisation project, replacing windows, doors, high-level cladding and roof coverings. Extension of existing plant compound, alterations to landscape to improve escape routes and proposed new substation.	Granted 06.10.2021

5.0 Site Allocation

- 5.1 The site is subject to a number of key Local Plan allocations. These include:

- The whole site is located within the Green Belt.
- Campsall Country Park is within an Open Space area protected under Policies 26 and 27.
- Askern Leisure Centre is designated as a Community Facility under Policy 51.

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 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 5.7 Paragraph 84 states that planning policies and decisions should enable, amongst other things, the retention and development of accessible local services and community facilities, including sports venues and open space.
- 5.8 Paragraph 92 states planning policies and decisions should aim to achieve healthy, inclusive and safe places including developments which enable and support healthy lifestyles. This includes where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities and layouts that encourage walking and cycling.
- 5.9 Paragraph 98 states access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.
- 5.10 Paragraph 99 seeks to protect open space unless criteria are met, including that the development is for alternative sports and recreational provision and the benefits of which clearly outweigh the loss of the current or former use.
- 5.11 Paragraph 103 states policies for managing development within a Local Green Space should be consistent with those for Green Belts.
- 5.12 Paragraph 106 states planning policies should provide for attractive and well-designed walking and cycling networks with supporting facilities.
- 5.13 Paragraph 110 ensures that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.14 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.
- 5.15 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.
- 5.16 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.

- 5.17 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.
- 5.18 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.19 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.
- 5.20 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
- 5.21 Paragraph 174 states planning policies and decisions should contribute to and enhance the natural and local environment including the protection and enhancement of valued landscapes, trees and woodland and minimising impacts on and providing net gains for biodiversity.

Local Plan

- 5.22 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:
- 5.23 Policy 1 sets out the Settlement Hierarchy for the Borough. It states the general extent of the Green Belt will be retained. Within the Green Belt, national planning policy will be applied including the presumption against inappropriate development except in very special circumstances.
- 5.24 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.

- 5.25 Policy 16 states cycling provision in Doncaster (including new routes and improved links to existing networks and to existing and new development) will be sought in line with some key principles.
- 5.26 Policy 17 states walking will be promoted as a means of active travel as well as for recreation. Improvements will be sought to walking connectivity throughout the Borough in line with a number of key principles.
- 5.27 Policy 26 requires the Council to protect, maintain, enhance and, where possible, extend or create Doncaster's green infrastructure.
- 5.28 Policy 29 states 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;
 - B) maintaining, strengthening and bridging gaps in existing habitat networks;
 - C) planting native species and creating new, or restoring existing, national and local priority habitats and/or species; and
 - D) working with strategic partnerships to deliver conservation projects at a landscape scale where appropriate.
- 5.29 Policy 30 requires all applications to be considered against the mitigation hierarchy in accordance with national policy. In line with best practice, the provision of compensation to account for residual biodiversity impacts will not be allowed unless the prior steps of the mitigation hierarchy have been followed, and all opportunities to avoid and then minimise negative impacts have first been pursued. The Council use the DEFRA biodiversity metric to account for the impacts of a proposal on biodiversity and demonstrating that a net gain will be delivered. A minimum 10% net gain will be expected unless national standards increase this in the future.
- 5.30 Policy 32 states proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.
- 5.31 Policy 33 supports proposals that take account of the quality, local distinctiveness and the sensitivity to change of distinctive landscape character areas and individual landscape features.
- 5.32 Policy 41 states imaginative design and development solutions will be encouraged.
- 5.33 Policy 42 supports high quality development that reflects the principles of good urban design.

- 5.34 Policy 46 sets out specific design requirements in relation to non-residential and commercial developments. It requires all non-residential and commercial developments, including extensions and alterations to existing properties, to be high quality, attractive, and make a positive contribution to the area through a number of key principles.
- 5.35 Policy 48 states development will be supported which protects landscape character, protects and enhances existing landscape features, and provides a high quality, comprehensive hard and soft landscape scheme.
- 5.36 Policy 55 states proposals will be required to mitigate contamination or land stability.
- 5.37 Policy 56 states that development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities.

Other material planning considerations and guidance

- 5.38 - Town and Country Planning (EIA) Regulations (2017)
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance

6.0 Representations

- 6.1 This application has been advertised in accordance with 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 01 February 2022 and advertised via site notice/neighbour letter and press notice within the first week. Following this publicity, two letters of support were received noting that improved access and parking would benefit the local area.

7.0 Parish Council

- 7.1 Norton Parish Council fully support the application.

8.0 Relevant Consultations

- 8.1 **DMBC Tree Officer** – Notes that the area is heavily constrained by a section of woodland trees. The species mix in the woodland is majority Sycamore with just one Ash tree within the proposed development area. The trees are established and visible from the main road when entering and exiting Campsall.

The proposed development will have a significant impact on the appearance of the site when viewed from the road due to the tree loss and this change will be noticeable for some time despite the proposed replacement planting. This is because the size and age range of the replacement planting will be noticeably different to the surrounding trees/woodland that is to be retained.

However, the woodland area affected by the proposal is low quality and the proposed removals are tolerable providing that comprehensive replacement planting is implemented. This is because once implemented in the long term the woodland area at the site will be of much higher quality than what is there at the moment in terms of structure and species mix. However, as above in the short to medium term the site irrespective of the proposed planting will change significantly in appearance due to the proposed works and tree loss.

Overall, there are no objections subject to conditions.

- 8.2 DMBC Ecology** – Given the small impact area it was agreed that a DEFRA metric 3.0 or Small Sites Metric would not be required but a clear assessment of losses should be undertaken. It has been agreed that the process of replacement habitats will utilise the principle of two trees planted for each one lost.

The planting plan is comprehensive and detailed providing a clear indication of how losses to woodland will be compensated for and how additional habitat enhancements and creations will add to that compensation. I can see that such a planting plan will fully compensate for the losses of woodland as a qualitative approach to the existing woodland habitats and new woodland proposals clearly indicates that the habitats would be significantly improved. There is ample Council land in the immediate vicinity of the site which can be utilised for any further planting.

The presence or otherwise of protected species has been given full consideration through a range of surveys and data consultation with the LRC. Bats were considered to have a low potential in respect of roosting sites within the trees to be impacted by the development. Surveys carried out using current best practice methods identified a low potential and hence no further surveys are required.

The presence or otherwise of great crested newts (GCN) has been assessed through data records and field assessments of nearby waterbodies. It was determined that although there is a low potential for GCN to be on the site; there is still a potential. It is proposed that the site is registered in the Natural England District Level Licencing scheme.

Badgers are considered to be present on the site following data records and field surveys. However as badgers are a mobile species and it can never be ruled out that they could turn up at any time. A construction environmental management plan can be used to ensure that any potential hazards to badgers are minimised.

The potential presence of hedgehogs on the development site will be given consideration and the CEMP will be used to minimise any impacts. I am of the opinion that the habitat improvements proposed will be of benefit to a range of invertebrates and enhance opportunities.

Although there is some woodland loss potentially through this development the quality of the woodland is relatively poor with little ground flora. I am sure that a replacement woodland scheme on the site will deliver a high quality habitat with long term management and monitoring.

Overall, there are no objections subject to conditions.

- 8.3 DMBC Highways Development Control** – No objections in principle although asked for clarification on the visibility of the access, tracking within the site and legibility of parking spaces. Further details were requested and an update on these points will be provided verbally to members.
- 8.4 DMBC Transportation** – No objections. Have requested that any improvements to the existing car parks should include secure cycle parking and capability for EV Charging, if there is no existing provision.
- 8.5 DMBC Waste and Recycling** – No objections.
- 8.6 DMBC Internal Drainage** – No objections in principle were expressed at the outline stage. The use of a positive drainage system and swale were accepted although, depending on the final scheme, further on site attenuation may be required.
- 8.7 DMBC Open Space Officer** – The land in question has three designations; part community facility; part open space; and all of it is Green Belt. There is also the matter of the loss of trees, for which I will defer to my colleagues.

With regards to open space, this is generally the area where the country park car park is located. Any loss of open space as part of this would have to be justified in line with Policy 27. This arguably would fall under Policy 27 Section A, as the proposal is said to be enhancing a sport and recreation facility, and there is no loss of playing fields or sports pitches.

With regards to the community facility, this must be judged against Policy 52. As there is no loss to the community facility, and it is argued that this will enhance and benefit the leisure centre, the proposals are also in accordance with this as the use is related to the community facility.

With regards to development in the Green Belt, the car park already exists, but there would have to be some assessment of whether the proposals will cause any harm to the Green Belt and its purposes (NPPF para 138 and 147 - 150) and whether very special circumstances exist. A statement on this from the applicants would aid understanding of the proposals and their policy compliance.

8.8 Yorkshire Water – No comments.

8.9 Ward Members – No comments.

9.0 Assessment

9.1 In considering the proposal the main material planning considerations are outlined below:

- The appropriateness of the proposal in the South Yorkshire Green Belt
- Impact on the character of the area and any resultant harm to openness
- Impact on trees and any ecological assets
- Any other 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

Green Belt

- 9.3 The site is located outside the development boundary for Askern and Campsall in the South Yorkshire Green Belt. Policy 1 sets out the Settlement Hierarchy for the Borough and it states the openness and permanence of Doncaster's Green Belt (as indicated on the Key Diagram) and defined on the Policies Map will be preserved. Policy 1 reiterates national planning policy will be applied including the presumption against inappropriate development except in very special circumstances.
- 9.4 Paragraphs 149 and 150 of the NPPF set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Furthermore, other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This includes engineering operations which are presented in the application as reforming the land profile to level the area subject to the new roadway.
- 9.5 The proposal is to construct an access route to connect the leisure centre with the existing car park. The access would comprise a length of asphalt measuring approximately 73m in length and 7.5m in width accounting for a footpath running parallel to the road. It is proposed to reinstate some areas of the country car park which have become overgrown via appropriate vegetation management and carry out localised resurfacing with Cell pave (Gravel filled recycled plastic grid) and crushed graded limestone.
- 9.6 Campsall Country Park is an established outdoor recreation facility which is listed as an appropriate facility within the Green Belt and the use of the land and operational development associated with the proposal would be in connection with this existing use. This operational development therefore would not automatically conflict with the purposes of including land within the Green Belt as it would facilitate and promote access to this facility as a destination for outdoor sport and recreation.
- 9.7 Paragraph 150 of the NPPF details that engineering operations that are not inappropriate must preserve its openness and not conflict with the purposes of including land within it. A fundamental aim of Green Belt policy, as set out in Paragraph 137 of the NPPF, is to keep land permanently open.
- 9.8 It is inevitable that the proposed development would have some impact on the surrounding area and the openness of the Green Belt in the short term. The immediate impact will be through the clearance of part of the site and activity associated with the tipping of material and the formation of the formal asphalt surface. This would result in the immediate change in character of the land.

- 9.9 However, the development would facilitate the existing permitted use of the site rather than result in an intensification or physical expansion of a new use. Once established, the physical works to create the roadway and its subsequent use, would be substantially screened from public view other than when travelling along Church Field Road and using the car park areas. From these views, the change will be noticeable for some time because of the size and age range of the replacement planting being different to the surrounding trees/woodland. Nevertheless, in time, the replacement landscaping (which is managed and supplemented where required) will take hold and the physical development will slowly ameliorate into the landscape. There would be no other public views of the proposal from other viewpoints or the wider area. This would include small areas of plant equipment and general resurfacing to the car park areas, which are reasonably required and would have a neutral impact on openness and the Green Belt.
- 9.10 As a result, whilst the proposal would likely require a large amount of physical works to the landform of the site, I find that the majority of these works would be screened and would have a very localised impact on the openness of the Green Belt or the purposes of including land within it. Therefore, having regard to the above, I find that the proposal would comply with the requirements of Policy 1 and the relevant policy within the NPPF concerning the protection of the Green Belt. Compliance with this policy is a national requirement and provides limited weight in support of the proposal.

Open Space

- 9.11 Campsall Country Park is designated as being sited within an Open Space Policy area according to Policy 27 of the Local Plan. Within these areas, the policy states that proposals for the creation and enhancement of sports and recreation facilities will be supported. This is based on the requirement that there is no loss of open space such as playing fields or sports pitches, visual amenity is retained and enhanced and the environmental and ecological value is retained and enhanced.
- 9.12 In this case, it is proposed to instate some areas of the car park which have become overgrown via appropriate vegetation management and carry out localised resurfacing with cell pave (gravel filled recycled plastic grids) and crushed graded limestone to ensure a more durable surface for vehicles. The impact on visual amenity would be acceptable and, notwithstanding the greater impact of the roadway, this localised resurfacing would not result in environmental or ecological harm. This aspect of the proposal is therefore considered to comply with Policy 27. The Council's Open Space Policy Officer agrees with this approach and offers no objections. The marginal improvements in facilities within the car park would provide a safer and more robust environment to visit which results in modest weight being supplied in support of the proposal.

Community Facility

- 9.13 Askern Leisure Centre is designated as being a Community Facility under Policy 51 of the Local Plan. The policy protects against the loss or land allocated within it unless a number of strict criteria are met. This is because community facilities, such as leisure centres, contribute to sustainable communities. They play an important part in ensuring a good quality of life by supporting the needs and healthy lifestyles of residents in the Borough. In this particular case, the linking of the leisure centre

would also foster social cohesion and public health, which is a key objective of the Local Plan.

Section D) of the policy states that development will be accepted if the current use will be retained and enhanced by the development of a small part of the site. In the context of the overall site area, it is considered that the proposal to link the leisure centre with the existing country park space would present an enhancement to the existing use as it would encourage footfall and users to the leisure centre and the associated benefits in terms of improving accessibility and public health. The merits of enhanced sustainable means of transport at the leisure centre are also discussed later in the report. In terms of the principles of development however, the proposals would enhance the current use at the site in line with Policy 51 and modest weight can be provided in support. The Council's Open Space Policy Officer agrees with this approach and offers no objections.

Summary on Appropriateness

- 9.13 In summary, the typography and characteristics of the land means that the proposed development would not be visible from any other vantage points other than adjacent views from Church Field Road. It is acknowledged there would be an initial stark contrast in views as a result of the initial tree loss, however the proposed replacement planting would, in time, soften the appearance of development to that of an engineered roadway and parking areas but development which is still subservient to its surroundings. The development would be retained against a background of the remaining woodland and would remain heavily enclosed from other vantage points. The development overall would not be inappropriate and it would comply with Policies 1 and 27 of the Local Plan and the relevant guidance within the NPPF concerning the protection of the Green Belt. In terms of other appropriate policies, the proposals would enhance the attractiveness of visiting the site and would retain the two uses for recreation and sports provision. This would be in accordance with Policies 27 and 51 of the Local Plan and a degree of weight can be provided in support of the application.

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

Potential Health Benefits

- 9.16 The Council's vision for the centre is that it is better integrated into the park and effectively repurpose it with provision of swimming and exercise facilities. The proposals would provide a single point of arrival to the park that connects with the

leisure centre. By doing so, the Council will have opportunity to engage a wider audience that wish to take part in informal or formal activity.

- 9.17 Currently, Askern Leisure Centre sits adjacent to Campsall Country Park, and is traditionally seen as a standalone facility. Through its refurbishment, the opportunity has been made available through external funding to refocus the facility and connect with the park. The final intention is to establish a facility that is both a leisure and parks building for Campsall Park. This development would be enabled via funding from Sport England.
- 9.18 Engagement and consultation with the local community in Askern and Campsall has indicated support for the proposals. The Council has carried out an enquiry process undertaken by 'By Well Doncaster' which concluded that the community valued community spirit/pride, green space and to promote local activities. Customer feedback received by Doncaster Culture and Leisure Trust has identified access to Askern leisure centre as a concern for users, this includes mobility impaired access being poor, lack of cycling facilities and poor parking.
- 9.19 In terms of planning policy, Doncaster's Health and Wellbeing Strategy sets out priorities for improving health in Doncaster. By guiding the use of land, planning decisions influence the link between the physical and social environment and help create opportunities for improving both physical and mental health, in the ways we live, work and play. This policy states the Council will improve and promote strong, vibrant and healthy communities by ensuring a high quality environment is provided with local services to support health, social and cultural wellbeing. The application would contribute directly towards the aims of this policy and its benefits attract moderate weight in the overall planning balance.

Impact on nearby land uses

- 9.20 The nearest residential properties are located adjacent to the existing car park on Beech Road. These neighbours may notice increased activity in the site, however it is considered that that amenity would not be impacted by the proposals. Lighting columns are proposed to be sited within the car park, however the closest column would face away from neighbouring land and all would be down lit to strategic points within the parking area rather than spill light outside the site. The Council's Environmental Health Officer has been consulted and no objections have been received. It is considered that the proposals protect neighbouring amenity as required by Policy 46 A.2. This is an expectation of planning policy and neutral weight is attracted to this requirement as a result.

9.21 Conclusion on Social Impacts.

- 9.22 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 Policy 46 of the Local Plan. Moderate weight can be provided in support of the social benefits of the proposal.
- 9.23 It is anticipated that the proposal would lead to some noise and disturbance being generated whilst construction is taking place, however this is considered to be short term when considered against the lifetime of the development, as such this is considered to carry limited weight against the proposal. Notwithstanding this, planning conditions have sought to mitigate this harm as far as possible by the submission of a Construction Method Statement and Construction Traffic

Management Plan to ensure that the impacts from construction activities are minimised in terms of amenity impact and to ensure the safe operation of the local highway network.

ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 9.24 As the site and proposed access route is largely screened from surrounding views by the remaining woodland and vegetation, the proposal would result in a localised visual impact only when viewed from Church Field Road. It is acknowledged that drivers using the roadway would be visible along this stretch of road. However, such views would be fleeting and, having regard to the car parking areas for the leisure centre and the country park respectively, this activity would not appear out of keeping with the particular setting.
- 9.25 It is acknowledged that the bulk proposals would result in the removal of a number of trees and vegetation in the immediate area relating to the proposed roadway and that the land will take on an engineered and man-made form of development. Even so, the backdrop to the parking areas for the leisure centre and country park would remain that of the remaining woodland and therefore the loss of this section of green character would not significantly impact on the surrounding area. As such, the application complies with most aspects of Policies 41 and 46 of the Local Plan, although there will be an impact in the short to medium term until mitigation becomes established after the development is completed. Appropriate mitigation is an expectation of planning policy and neutral weight is attached to this consideration as a result.
- 9.26 As noted elsewhere, a landscape strategy has been provided with the application which includes details of hard and soft landscaping treatments. This is to be implemented in accordance with an agreed schedule by planning condition. Any subsequent changes regarding other surface treatments and planting can also be dealt with effectively via condition under compliance with Policy 48 of the Local Plan.

Highways/Access

- 9.27 The proposals would see the country park access forming a single access to the country park and leisure centre with an existing access reinstated and landscaped.
- 9.28 The proposals would see the re-establishment of a combined total of approximately 53 parking spaces. This includes some spaces which have become overgrown with vegetation. This presents an improvement over the existing situation where shortages in car parking provision for the leisure centre has historically led to on street parking on Church Field Road itself. The parking requirement is in accordance with Policy 13 and the parking standards set out in Appendix 6 of the Local Plan.
- 9.29 It has previously been identified that pedestrian and cycle links to the leisure centre could be improved. A footpath complements the roadway which links the country park car park with the leisure centre at a grading suitable for a range of users, including those with impaired mobility. Increased cycle parking facilities and up to two electric vehicle charging bays can be provided within the leisure centre car park. These enhancements are secured by planning condition and would be compliant with Policy 13. These benefits would provide moderate weight in support of the proposals.

- 9.30 The Council's Highway Officer has considered the proposed development and no objections have been raised in principle with regards to the layout of the highway, access or parking areas. Some areas of clarification regarding the visibility splay of the access on to Church Field Road, the safety record nearby and clarification on parking space size was requested. Further details were provided which demonstrate that there are no road safety concerns near the site and that adequate parking provision has been provided. Given the Council owns the entirety of the site, the use of appropriate conditions will ensure that suitable visibility splays and correctly sized parking spaces can be provided, along with tracking showing how maintenance/delivery/refuse vehicles can safely access the site in line with the Highway Officer's advice. Taking all matters into account, no significant highway safety concerns have been raised in accordance with Policies 13 and 46 of the Local Plan. This is an expectation of planning policy and neutral weight is attracted to this requirement as a result.
- 9.31 The Highway Officer had raised a query as to how the car park for the leisure centre would be altered. It was clarified that the car park would remain as approved under planning permission 21/02104/3FUL as part of refurbishment works to the building. No changes are proposed by the current application other than the connection to the new proposed roadway and the insertion of cycle storage and electric vehicle charging points agreed under planning conditions.
- 9.32 It is important to consider how the site will operate and remain open to the public whilst ensuring public safety and retaining a sufficient number of parking spaces, without the construction activities spreading beyond reasonable boundaries. It is therefore proposed that a Construction Method Statement and Construction Traffic Management Plan is imposed via condition to ensure these matters can be adequately addressed before development commences.

Flooding and Drainage

- 9.32 The site lies within Flood Zone 1 according to the Environment Agency's maps. These areas comprise land assessed as having a low risk of flooding from a watercourse and/or sea with less than a 1:1000 annual probability. Therefore, there are no concerns regarding the potential flooding of the site from these sources. The application complies with Policy 57 of the Local Plan.
- 9.33 In terms of drainage, surface water from the proposed road will be drained into a sustainable drainage system, with a high level overflow which will discharge to a positive drainage system. A swale is proposed to form part of the strategy and is to be sown with a meadow seed mix for wetlands and includes eighteen species of wildflowers including meadowsweet, oxeye daisy, common knapweed.
- 9.34 No objections in principle were expressed at the outline stage by the Council's Drainage Team. The use of a positive drainage system and swale were accepted although, depending on the final scheme, further on site attenuation may be required. A planning condition will ensure that the system can be designed as such that no additional or increased rate of flow of surface water will drain to adjacent land and that there is capacity to contain the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change. The application is considered to comply with Policy 56 of the Local Plan. This is an expectation of planning policy and neutral weight is attracted to this requirement as a result.

Trees and Landscaping

- 9.35 A tree survey has been submitted with the planning application. It is recognised that the proposed development is heavily constrained by a section of woodland trees, the majority being Sycamore. The Tree Officer agrees that the individual quality of trees affected by the proposal is poor, however a total of around 55 trees will be lost to the development and this will have an immediate visual impact.
- 9.36 The proposals include a comprehensive landscaping plan to enhance the area around the roadway post development. Such planting has been considered by the Council's Ecologist and Tree Officer to offer betterment in terms of enhancing biodiversity. It is acknowledged that the immediate loss of woodland trees will mark a stark contrast in a portion of the site as it is being cleared and developed, however the proposed landscaping scheme will make a much more positive contribution to biodiversity than the existing landscaping present which is generally poor quality with little ground flora and neglected. This would be in accordance with Policies 26, 33, 41, 46 and 48 of the Local Plan and the betterment provided to biodiversity provides substantial benefits to the application.

Ecology and Wildlife

- 9.37 A Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment has been submitted with the application. To ensure there are no wider impacts, the survey area is wider than the immediate development area. The Council's Ecologist agrees with the findings of the report, which gives full consideration through a range of surveys and data consultation with other bodies.
- 9.38 In terms of protected species, bats were considered to have a low potential in respect of roosting sites within the trees to be impacted. Surveys were carried out using current best practice methods identified a low potential and hence no further surveys are required. A sensitive lighting scheme is to be conditioned for the avoidance of doubt.
- 9.39 The presence or otherwise of great crested newts (GCN) has been assessed through data records and field assessments of nearby waterbodies. It was determined that although there is a low potential for GCN to be on the site; there is still a potential. The Ecologist has recommended that the site is registered in the Natural England District Level Licencing scheme which provides a degree of protection if GCN are encountered through the registration of the site through the DLL scheme and the payment of a fee. This is to be secured by planning condition.
- 9.40 Badgers are considered to be present on the site following data records and field surveys. However, as badgers are a mobile species, it is recommended that a construction environmental management plan can be used to ensure that any potential hazards to badgers are minimised.
- 9.41 The potential presence of hedgehogs on the development site will be given consideration and the CEMP will be used to minimise any impacts.
- 9.42 In summary, there is limited potential that protected species would be affected by the development and no statutory or non-statutory designations would also be impacted. This is compliant with Policies 26 and 29 of the Local Plan. This is an expectation of planning policy and neutral weight is attracted to this requirement as a result.

- 9.43 Given the small impact area it was agreed that a DEFRA metric 3.0 or Small Sites Metric would not be required but a clear assessment of losses should be undertaken and delivered through the compensatory planting scheme. The Council's Ecologist agrees that the replacement planting proposed would increase the biodiversity value of the site to at least the minimum 10% net gain required by Policy 30. As noted elsewhere, the enhancements to biodiversity provides substantial benefits for the application.

Pollution

- 9.44 As part of the proposal, it is required to infill certain land sections to ensure an acceptable gradient to the roadway. This would be done via inert material to be imported and deposited near the void where it will readily be formed into the site. This material is already within the Council's possession and has been tested and certified to be safe for disposal. Taking a precautionary approach, planning conditions will ensure that the material remains suitable to ensure that there is no risk to human health or to groundwater resources in accordance with Policy 54 of the Local Plan. This is an expectation of planning policy and neutral weight is attracted to this requirement as a result.

9.45 Conclusion on Environmental Issues

- 9.46 Paragraph 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.47 In conclusion of the environmental issues, the development would not be inappropriate but there will be an immediate and stark contrast in the appearance of the site once development commences. This has been addressed through the form of a structured landscaping plan agreed which replaces in part what has been lost immediately and to soften the appearance of the development.
- 9.48 The application makes provision for a replanting scheme on a 2 for 1 basis which positively contributes towards tree planting in the Borough. The Tree and Ecology Officer's agree this to be a policy compliant approach and will likely offer an enhancement to the biodiversity of the site. Surveys have identified that protection species are unlikely to be affected by the development and the proposals will not affect local statutory and non statutory ecological areas. Further conditions will ensure that the impact from construction works are taken into account and the replacement ecological and planting measures are secured.
- 9.48 It is considered that the proposals have made appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. The parking areas remain as they were previously but will benefit from a better maintained approach and surface. More importantly, the application includes provision for increased use of cycling to and from the site and improves pedestrian links between the two assets.
- 9.49 In terms of pollution control, the proposals make use of sustainable urban drainage to ensure that surface water can be dealt with on site. The proposed use of screened infill material would replace the use of virgin material, therefore protecting resources.

The provision of electric vehicle charging points will promote the use of electric cars, making a small contribution to preserving air quality and reducing carbon footprint.

- 9.50 In summary, the environmental considerations have been addressed through the planning application in line with the adopted planning policies. Compliance with these policies attracts neutral weight with substantial weight being given towards an enhanced planting scheme providing tangible improvements to the biodiversity of the area.

9.48 ECONOMIC SUSTAINABILITY

- 9.49 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time. There may be other uplifts to economic development as a result of increase used of the leisure centre or amenities and events within the country park, however the direct benefits cannot be identified at this stage. Therefore, the economic considerations carry limited weight in favour of the application.

9.50 Conclusion on Economy Issues

- 9.51 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.
- 9.52 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. It is considered that the proposal is not inappropriate development in the Green Belt, and so there is no requirement to demonstrate very special circumstances to justify the scheme in its location.
- 10.2 Nevertheless, the proposal would facilitate a connection between two Council assets which will result in a more efficient use of the facility for recreational purposes. This would directly contribute towards one of the Council's key objectives to improve local service provision to support health, social and cultural wellbeing and significant weight should be attached to this (Policy 50). The attractiveness of the location in terms of promoting walking and cycling (policies 16 and 17) would be boosted by the connection. Furthermore, the proposal will ensure that additional cycling facilities are provided and the proposals include provision for electric vehicle charging points (Policy 13).
- 10.3 In relation to local wildlife habitats, ecology, woodland and trees, whilst the proposal would have an impact on a substantial section of the site in the short term, the impacts in terms of high quality habitats and potential for having protected species would be limited (Policies 26, 29). The loss in green infrastructure is

inevitably a negative aspect of the proposal but this is balanced by improvements to the bio-diversity to the site and replanting of better quality and wider range of appropriate specimens lost to development at a ratio of 2 to 1 (Policies 30, 33, 46). The application will contribute directly towards tree planting for the Borough (Policy 29).

- 10.4 Finally, it is shown that the site specific matters of ensuring that development does not impact on local amenity (Policy 46), highway safety (Policy 13), pollution control (Policy 54) and drainage (Policy 56) can be secured through the use of appropriate conditions.
- 10.5 Having regard to the above, the proposed scheme would be not inappropriate development in the Green Belt. That said, whilst the proposal would have some limited impact on Green Belt openness and its related purposes, it is considered that this harm would be outweighed by other material considerations such as the social and economic benefits of the proposal. Furthermore, the proposal would have no significant adverse impact on the character or appearance of the area or the site in any other respect.
- 10.6 For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions set out below. Under the provisions of the NPPF, the application is considered to be a sustainable form of development.

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:
- Dwg. No. 29966-DC-01 Revision A Location Plan
Dwg. No. 29966/OP1 Revision B Concept Plan Option 1
Dwg. No. 29966/700/CS/001 Cross Sections
Dwg. No. 29966/700/01 Pavements
Dwg. No. 29966/600/01 Works boundary and Earthworks
Dwg. No. 29966-DC-02 Tree removal/retention
Dwg. No. 29966-DC-03 Planting Proposals
Dwg. No. BA11084TS Tree Survey & Constraints
Dwg. No. ED 01 Basement Level
Dwg. No. ED 02 Ground Floor Level
Dwg. No. ED 04 Specifications
Dwg. No. ED 05 Isometric Light Levels
Lighting catalogue

Preliminary Ecological Appraisal with Initial Biodiversity Net Gain Assessment

REASON

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

03.

Prior to the commencement of development a 30 year adaptive Management and Monitoring Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management and Monitoring plan shall detail the following:

A 30 year adaptive management plan for the site detailing the management measures to be carried out in order to achieve the optimal conditions for each habitat parcel.

Objectives relating to the timescales in which it is expected progress towards meeting optimal conditions for each habitat parcel.

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

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

REASON

To ensure the habitat creation on site and subsequent management measures are sufficient to deliver a minimum of 10% net gain in biodiversity as required by Policy 30 of the Doncaster Local Plan. The condition is required to be satisfied prior to the commencement of development to ensure agreed works are consistent with the reasons for granting planning permission,

04.

Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to the LPA for approval, and the approved plan shall be implemented and adhered to during the construction period in accordance with the approved details. The details shall include:

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 Local Wildlife Site, Long Plantation

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 Policy 29 of the Local Plan. The condition is required to be satisfied prior to the commencement of development to ensure agreed works are consistent with the reasons for granting planning permission,

05. Within one month of commencement, a lighting design strategy for light-sensitive biodiversity in (specify the site/site areas) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall show how, external lighting on the development will be installed (through the provision of external lighting contour plans and technical specifications) so that it can be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural areas of the park by bats and other species of wildlife. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/18: Bats and Artificial Lighting in the UK.

All external lighting shall be installed in accordance with the specification and locations set out in the strategy prior to the development being brought into use and maintained as such.

REASON

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

06. Prior to the commencement of any development works the LPA must be provided with evidence of the Site Registration Confirmation from Natural England.

REASON

To ensure the ecological interests of the site are maintained in accordance with Policy 29 of the Doncaster Local Plan. The condition is required to be satisfied prior to the commencement of development to ensure agreed works are consistent with the reasons for granting planning permission,

07. No development shall take place on the site until final details of an annual landscape maintenance scheme/schedule has been submitted to and approved in writing by the Local Planning Authority. The landscape maintenance scheme/schedule shall include the irrigation, weeding, mulching, formative pruning, securing of guards/stakes as appropriate, routine/general assessment and replacement planting of trees, vegetation and plantings that is dead, dying, missing or damaged; and a timescale for implementation. Thereafter the annual

landscape maintenance scheme/schedule shall be implemented and maintained in full accordance with the approved detail and implementation timetable for a minimum of five years following practical completion of the landscape works. Any landscape feature which is defective, damaged or removed within five years of establishment shall be replaced in full accordance with the approved planting scheme shown on the approved Planting Proposals (Drawing number 29966-DC-03).

REASON

To ensure that the agreed planting establishes fully to achieve its potential as required by Policies 29, 32, 33 and 48 of the Doncaster Local Plan. The condition is required to be satisfied prior to the commencement of development to ensure agreed works are consistent with the reasons for granting planning permission,

08. The planting scheme hereby approved in writing by the Local Planning Authority shown on Planting Proposals (Drawing number 29966-DC-03), shall be implemented in the first available planting season after commencement of development. The local Planning Authority shall be notified in writing within 7 working days of completion of the landscape works to the required standard (BS8545 Trees from nursery to independence) and the completion shall be subsequently approved in writing by the Local Planning Authority. The approved scheme shall be maintained for a minimum of five years in accordance with BS8545 Trees from nursery to independence and the detailed annual maintenance plan that is to be agreed. Any landscape which is defective, damaged or removed within five years of establishment shall be replaced.

REASON

To ensure that the agreed planting establishes fully to achieve its potential as required by Policies 29, 32, 33 and 48 of the Doncaster Local Plan.

09. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars (Drawing number - 29966-DC-02) immediately after the agreed facilitation tree works agreed on the approved plan are completed and 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. 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 as required by Policy 32 of the Doncaster Local Plan.

10. Tree surgery work shall be carried out in accordance with the approved Tree removal/retention (Drawing number - 29966-DC-02). Best arboricultural practice shall be employed in all work, which shall

comply with British Standards Specification No.3998:2010 Tree works recommendations and unless otherwise agreed with the Local Planning Authority shall be completed before the development commences.

REASON

To ensure that all tree works are carried out to a recognised standard as required by Policy 32 of the Doncaster Local Plan.

11. 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 as required by Policy 46 of the Doncaster Local Plan. The condition is required to be satisfied prior to the commencement of development to ensure agreed works are in place first.

12. Detailed engineering drawings for the access arrangements to include footways shall be submitted for inspection and approved in writing by the Local Highway Authority before works commence on site. The development shall be carried out in accordance with the approved details and the access arrangements shall remain available for the lifetime of the development.

REASON

To ensure adequate parking, delivery and turning provision in the interests of public safety as required by Policy 42 B.4 of the Doncaster Local Plan.

13. Before the first use of development hereby approved, details of additional cycle storage shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON

To promote cycling usage in Doncaster in accordance with Policy 16 of the Local Plan.

14.

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

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

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

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

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-

remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

REASON

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

15. 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.

16. 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.

17. Details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. The development hereby approved shall not be brought into use until the approved electric vehicle charging provision has been installed and is operational. Following installation the electric vehicle charging provision shall be retained for the lifetime of the development.

REASON

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

18. The development shall not commence until a Construction Traffic Management Plan (CTMP) for the development is submitted to and subsequently approved in writing by the Local Highway Authority. The approved plan shall be adhered to throughout the construction phase. The CTMP shall contain information relating to (but not limited to):

Volumes and types of construction vehicles
identification of delivery routes;
identification of agreed access point
Contractors method for controlling construction traffic and adherence to routes
Size, route and numbers of abnormal loads (if applicable)
Swept path analysis (as required)
Construction Period
Temporary signage
Measures to control mud and dust being transferred to the public highway
Timing of deliveries
Phasing of development

REASON

To ensure that highway safety is protected during the construction phase as required by Policy 13 of the Doncaster Local Plan. The condition is required to be a precommencement condition in order to have a plan in place on how highway safety will be protected during the construction phase.

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

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.

20. Details shall be submitted to and approved in writing demonstrating how the existing access to Askern Leisure Centre is to be permanently closed to vehicular traffic. The closure of the access to Askern Leisure Centre shall be carried out in accordance with the approved details before the roadway as shown on the approved plans is brought into use.

REASON

To ensure highway safety is maintained in accordance with Policy 13 of the Doncaster Local Plan.

21. Before the development hereby permitted is brought into use, the parking areas 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 visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site in accordance with Policy 13 of the Doncaster Local Plan.

Informatives

01. INFORMATIVE

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980 and adoption roads within the development shall be carried out under Section 38 of the Highways Act. The S38 and S278 agreements must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail Fiona.Horgan@doncaster.gov.uk as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

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

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

02. In order to discharge the above drainage condition, the applicant will be expected to provide information including but not limited to the following:

Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients and flow directions.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

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

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

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

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

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003
- Volume design calculations to 1 in 30-year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2.
- Location plans indicating position (Soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

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

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

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.

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

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:

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

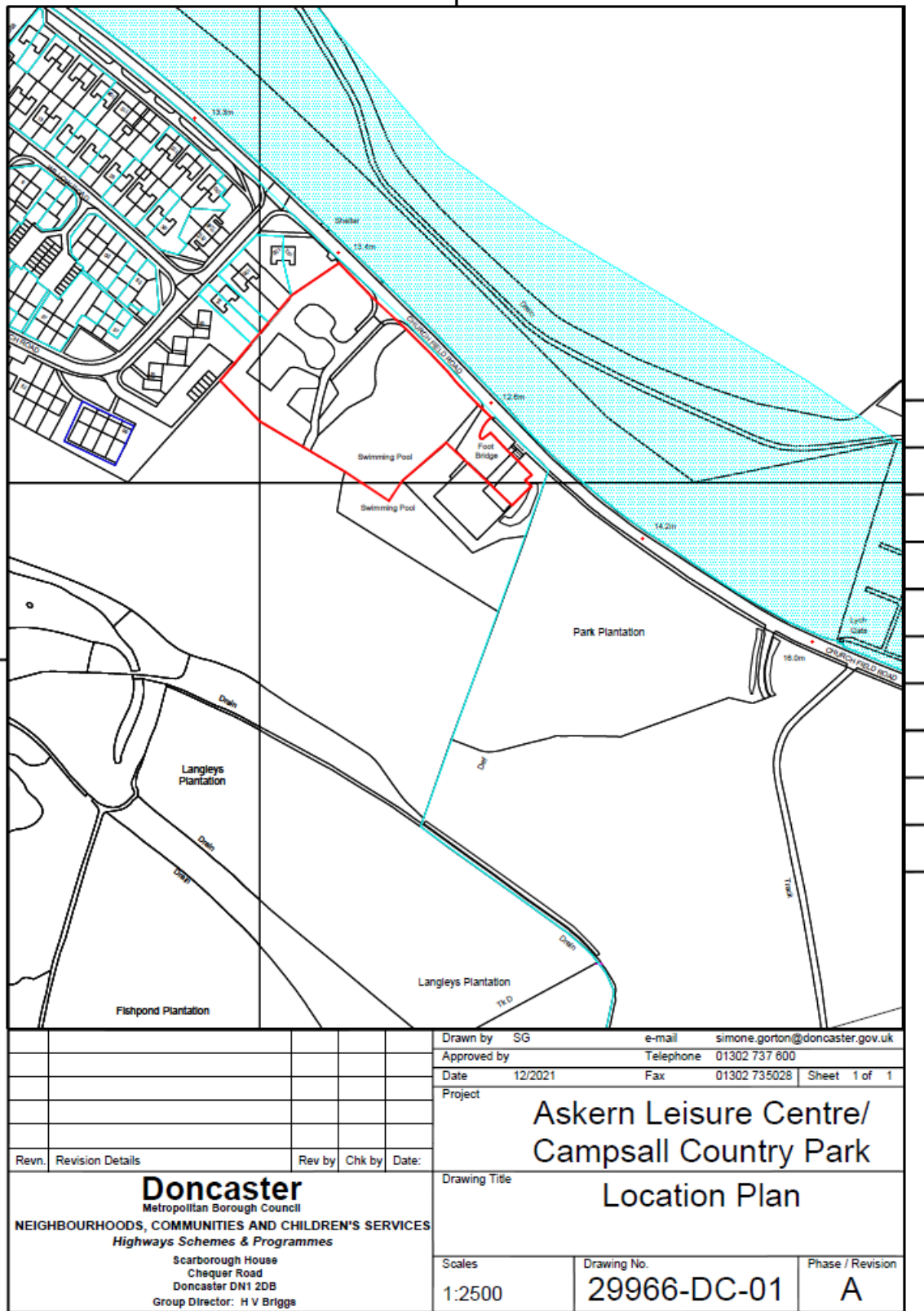
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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:

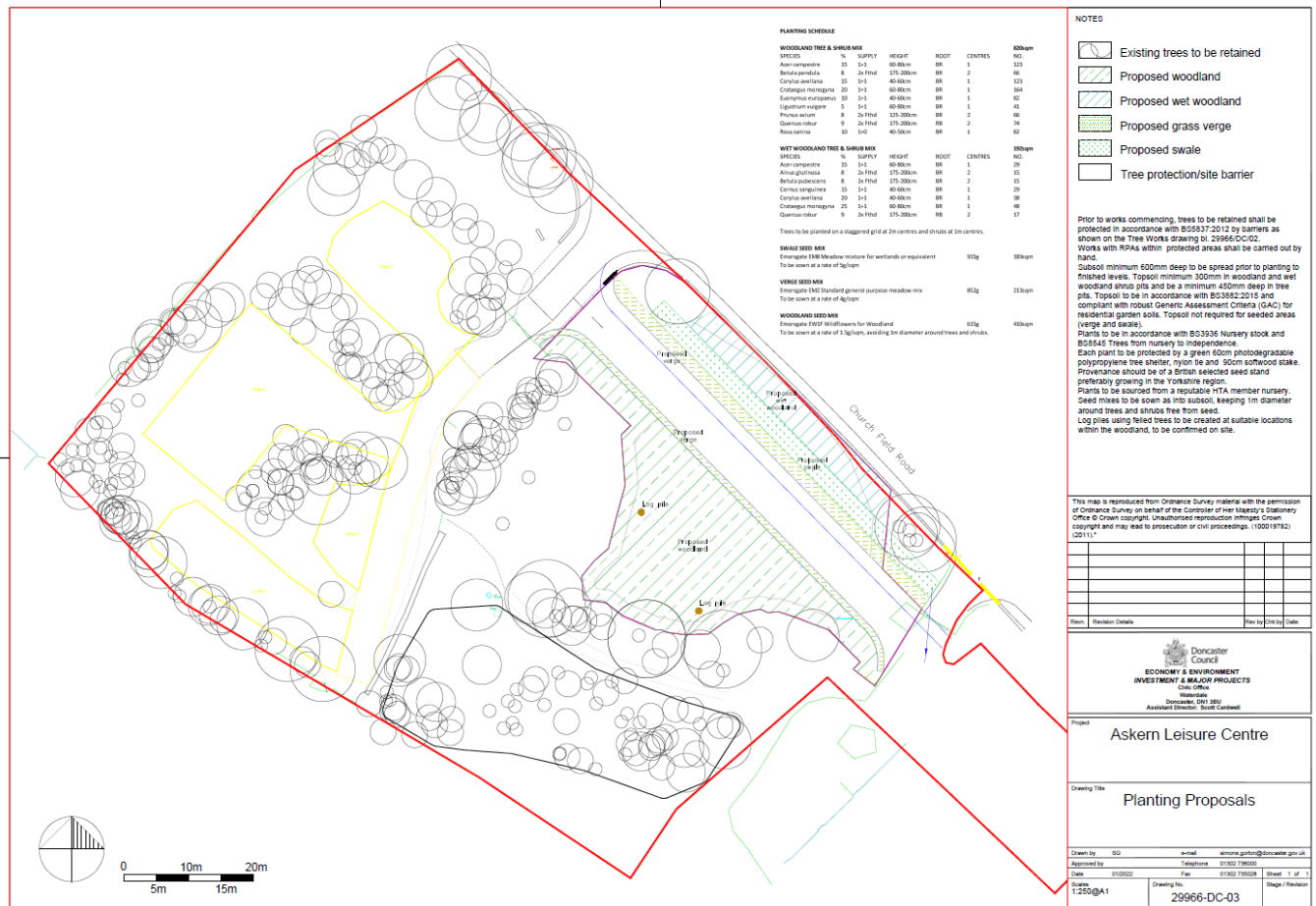
Additional information on green belt, highway, land contamination and ecology impacts.

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

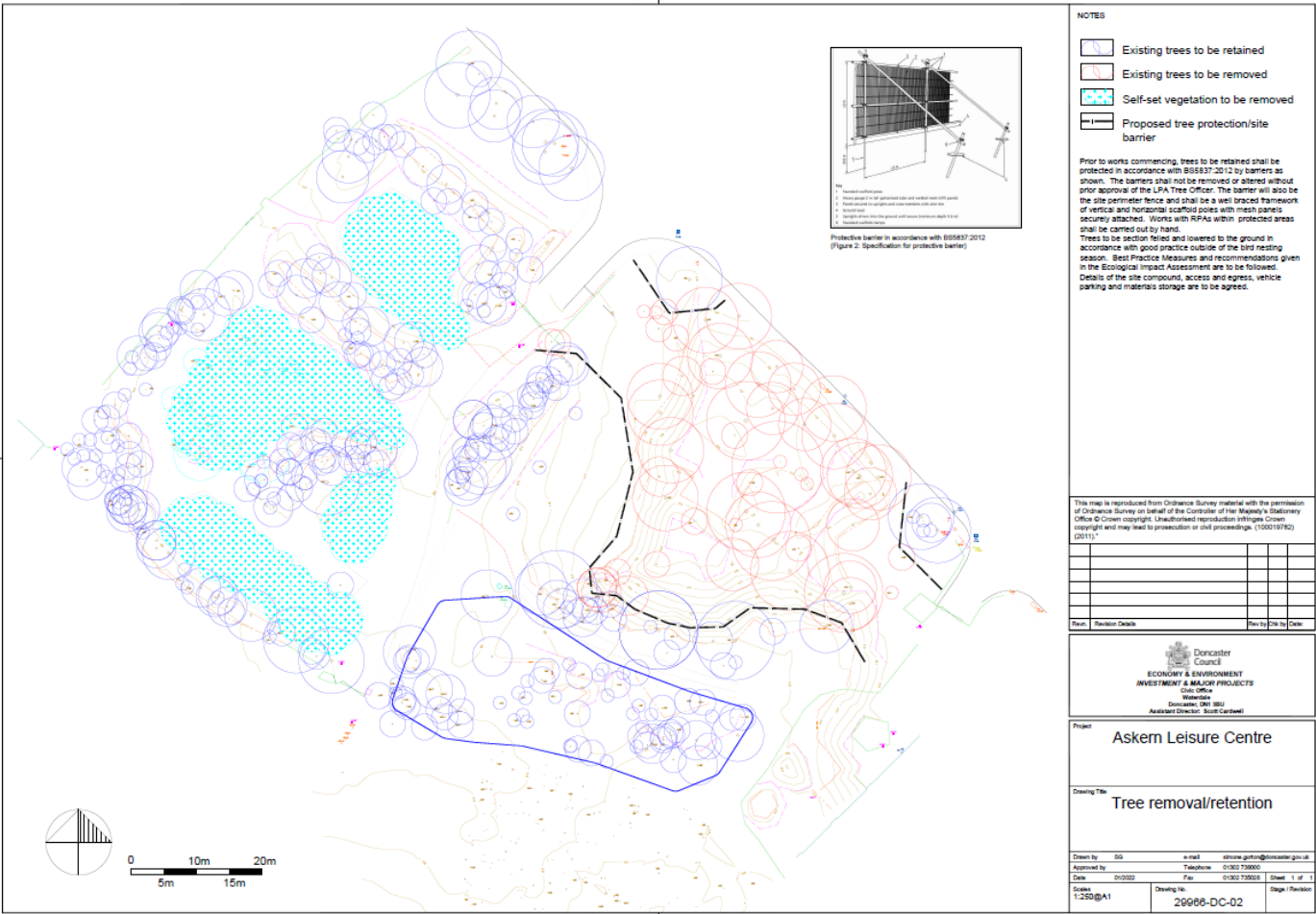
Appendix 1: Location Plan



Appendix 2: Site Plan (including planting proposals)



Appendix 2: Tree Removal/Retention Plan



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Agenda Item No.

Date: 29 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 16/03/2022]

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 16/03/2022]

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 16/03/2022]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 16/03/2022]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 16/03/2022]

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

EQUALITY IMPLICATIONS [Officer Initials JML Date 16/03/2022]

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
20/03566/FUL	Erection of car port (RETROSPECTIVE) at Home Farm, Stockbridge Lane, Owston, Doncaster	Appeal Dismissed 16/02/2022	Norton And Askern	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

Ms J M Lister
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Dan Swaine
Director of Economy and Environment

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Appeal Decision

Site visit made on 18 January 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2022

Appeal Ref: APP/F4410/D/21/3281015

Home Farm, Stockbridge Lane, Owston, Doncaster DN6 9JF

- 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 Steve Warner against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/03566/FUL, dated 29 December 2020, was refused by notice dated 24 May 2021.
 - The development is the erection of car port (retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Doncaster Local Plan (LP) was adopted on 23 September 2021 and supersedes the Doncaster Unitary Development Plan (UDP) (adopted July 1998) and the Core Strategy (CS) (adopted May 2012). The Council refused the development against the development plan at the time and also considered it against policies 36 and 37 of the then emerging LP. Copies of these policies from the emerging plan were provided to me at appeal and the appellant has considered them in their appeal statement. There are no material changes within policies 36 and 37 of the adopted version of the LP which would affect the determination of this appeal.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Owston Conservation Area (CA) and the effect of the development on the settings of nearby Listed Buildings.

Reasons

Owston Conservation Area

5. The car port is located adjacent an existing garage to the side of the host building close to the junction of Stockbridge Lane and North Park Lane. It is formed of a curved metal frame and topped with a green roof.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. Owston CA derives its significance from its historic association with the development of the Owston Hall estate, including the compact layout of its buildings, and its vernacular architecture. Buildings are generally of simple form reflecting their agricultural origins and are constructed predominantly of limestone.
8. The curved shape and generally modern appearance of the car port, particularly the use of metal for the frame, appears incongruous in the context of the simple form and limestone construction which characterise the area. Moreover, the positioning of the car port close to the boundary of the garden and between the existing garage and the vehicular access to North Park Lane gives the development a cramped appearance.
9. This harm caused by the design and positioning is compounded by the prominent location at the junction of the two lanes. Despite some screening provided by the limestone wall and walnut tree in some vantage points further from the appeal site, I observed the car port was clearly visible from both North Park Lane and Stockbridge Lane. Despite being smaller than the existing garage, and the use of a green roof in an attempt to assimilate the car port into the area, the car port appears as an unsympathetic addition to the local area.

Setting of Listed Buildings

10. Section 66(1) of the Act requires the decision maker to pay special attention to the desirability of preserving the setting of a Listed Building.
11. The Church of All Saints is a Grade I Listed Building which derives significance primarily from its age and historic and societal links to the estate village, as well as from its commanding presence and appearance. Much of its setting is intrinsically linked to Owston Hall and the settlement itself given the relatively remote location of the village. Home Farmhouse/Garden Cottage is Grade II Listed and constitutes a pair of semi-detached dwellings. The significance derives from its vernacular appearance and historic association to the estate village.
12. Given the association of both the host building and the church with the historic development of the estate village, the starkly modern appearance of the car port harms the setting of both Listed Buildings and the way they are experienced, particularly on the approach to both buildings from the adjacent lanes.
13. Although the possibility of additional landscaping to provide screening of the development is mentioned, I have no specific details of this before me. In any event, this would likely take some years to mature and in the interim the car port would be clearly visible. I take on board the point that the car port is located within a residential garden, but this does not justify any and all residential types of development in and of itself. The development must be assessed on its own merits and in the context of the site-specific circumstances.

Other Matters

14. The appeal site is located within the Green Belt. I note the Council has not determined whether the development is inappropriate, although they have concluded that due to the open sides of the car port, it does not harm the openness of the Green Belt. As I am dismissing the appeal on other matters, I have not considered this issue further.

Conclusion

15. For the above reasons, I conclude that the development fails to preserve the character or appearance of the Owston CA and harms the settings of both the Church of All Saints and Home Farmhouse/Garden Cottage. The harm to the significance of these heritage assets is less than substantial. In such cases, harm should be weighed against public benefits of the development in accordance with paragraph 202 of the Framework. However, while the car port may provide a more convenient place to park their vehicle, the benefits are essentially private to the appellant and therefore do not represent clear justification to outweigh the harm.
16. Accordingly, the development does not meet the statutory requirements of the Act. The development is also contrary to Policies 36 and 37 of the LP, which amongst other things state proposals that harm the significance of a listed building or its setting will not be supported other than in circumstances where that harm is clearly outweighed by the public benefits of the proposal having regard to the significance of the heritage asset affected, while 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. The development is also contrary to guidance in the Framework relating to designated heritage assets.
17. For the above reasons and having had regard to the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

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