



# 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, DN1 3BU

**Date:** Tuesday, 26th April, 2022

**Time:** 2.00 pm

**PLEASE NOTE:** There will be limited capacity in the public gallery for observers of the meeting. If you would like to attend the meeting, please contact the Planning Department by email: [tsi@doncaster.gov.uk](mailto:tsi@doncaster.gov.uk) or telephone 01302 734854 to request a place, no later than 2.00 pm on Monday, 25th April, 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.

### BROADCASTING NOTICE

This meeting is being filmed for subsequent broadcast via the Council's web site. The Council is a Data Controller under the Data Protection Act and images collected during this recording will be retained in accordance with the Council's published policy. Please be aware that by entering the meeting, you accept that you may be filmed and the images used for the purpose set out above.

---

**Damian Allen**  
Chief Executive

---

Issued on: Wednesday, 13th April 2022

Governance Services Officer for this meeting

Amber Torrington  
Tel. 01302 737462

Doncaster Metropolitan Borough Council  
[www.doncaster.gov.uk](http://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 29th March 2022. 1 - 8
- A. Reports where the Public and Press may not be excluded.**  
**For Decision**
5. Schedule of Applications. 9 - 64  
**For Information**
6. Appeal Decisions. 65 - 78

### **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

# Agenda Item 4.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

TUESDAY, 29TH MARCH, 2022

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 29TH MARCH, 2022, at 2.00 pm.

#### PRESENT:

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

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

#### APOLOGIES:

Apologies for absence were received from The Chair, Councillor Susan Durant and Councillors Aimee Dickson and Charlie Hogarth

#### 65 DECLARATIONS OF INTEREST, IF ANY.

In accordance with the Members' Code of Conduct, Councillor Iris Beech declared that in relation to Application No 21/02978/OUT and 22/00230/3FUL Agenda Item 5 No (1&5) 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(2) by virtue of being a Ward Member for Finningley.

The Chair stated that whilst these were not interests that Members were required to declare, Committee noted the declarations.

#### 66 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 1ST MARCH, 2022

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

#### 67 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'.

68 ADJOURNMENT OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 2.34 p.m. to be reconvened on this day at 2.44 p.m.

69 RECONVENING OF MEETING.

The meeting reconvened at 2.44 p.m.

70 APPEAL DECISIONS

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

<b>Application No</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>	<b>Ward</b>	<b>Decision Type</b>	<b>Committee Overturn</b>
20/03566/FUL	Erection of car port (RETROSPECTIVE) at Home Farm, Stockbride Lane, Owston, Doncaster	Appeal Dismissed 16/02/2022	Norton and Askern	Delegated	No

## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 29th March, 2022

<b>Application</b>	1		
<b>Application Number:</b>	21/02978/OUT		
<b>Application Type:</b>	OUTLINE PLANNING PERMISSION		
<b>Proposal Description:</b>	Outline application for the erection of detached dwelling and garage including construction of new access on 0.03ha of land (all matters reserved).		
<b>At:</b>	Land East of Guelder Cottage, West End Road		
<b>For:</b>	Mrs S Peacock		
<b>Third Party Reps:</b>	10 objections have been received from members of the public. Objection from Parish Council	<b>Parish:</b>	Norton Parish Council
		<b>Ward:</b>	Norton and Askern

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

**Proposed by:** Councillor Iris Beech

**Seconded by:** Councillor Sue Farmer

**For:** 4    **Against:** 3    **Abstain:** 0

**Decision:** Planning permission refused contrary to officer recommendation for the following reason:-

01. The proposal would result in a detrimental impact to the character of the area contrary to Policies 41 A and 42.B.2 of the Local Plan.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', the following individuals spoke on the application for the duration of up to 5 minutes:-

- Mr Andy Aitchison (neighbour) spoke in opposition to the application;

- **Parish Councillor Mike Morgan (on behalf of Norton and Askern Parish Council) spoke in opposition to the application; and**
- **Councillor Austen White (Ward Member) spoke in opposition to the application**

<b>Application</b>	2
--------------------	---

<b>Application Number:</b>	20/03548/FUL
----------------------------	--------------

<b>Application Type:</b>	Full Planning Permission
--------------------------	--------------------------

<b>Proposal Description:</b>	Erection of a detached bungalow with integral garage (Amended plans)
<b>At:</b>	Land on the East Side of Green Lane, Old Cantley, Doncaster DN3 3QW

<b>For:</b>	Mr David Riley
-------------	----------------

<b>Third Party Reps:</b>	8 letters of objection (original scheme) 3 in respect of the amended plans	<b>Parish:</b>	Cantley with Branton
		<b>Ward:</b>	Finningley

**A proposal was made to refuse the application contrary to officer recommendation.**

**Proposed by: Councillor Steve Cox**

**Seconded by: Councillor Sue Farmer**

**For: 5    Against: 1    Abstain: 1**

**Decision: Planning permission refused contrary to officer recommendation for the following reason:-**

- 01. The proposal would not comply with any of the listed exceptions which grant residential development within the Countryside Policy Area and would be inappropriate development contrary to Policy 25 of the Local Plan.**

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Steven Fagg and Mr Steven Littlehales (on behalf of local residents) spoke in opposition to the application for the duration of up to 5 minutes.

<b>Application</b>	3
--------------------	---

<b>Application Number:</b>	21/03121/OUT
----------------------------	--------------

<b>Application Type:</b>	OUTLINE
--------------------------	---------

<b>Proposal Description:</b>	Outline application for the erection of 1 detached two storey dwelling house with integral double garage on 0.1ha of land (approval of access, layout and scale) – Resubmission of 21/00595/OUT (AMENDED PLANS)
<b>At:</b>	1 Scawthorpe Cottages, The Sycamores, Scawthorpe, Doncaster DN5 7UN

<b>For:</b>	Mr TE & R Morrell
-------------	-------------------

<b>Third Party Reps:</b>	31 Letters of objection from 11 properties	<b>Parish:</b>	
		<b>Ward:</b>	Roman Ridge

**A proposal was made to grant the application.**

**Proposed by: Councillor Gary Stapleton**

**Seconded by: Councillor Sue Farmer**

**For: 7 Against: 0 Abstain: 0**

**Decision: Planning permission granted subject to conditions**

<b>Application</b>	4
--------------------	---

<b>Application Number:</b>	21/01932/FUL
----------------------------	--------------

<b>Application Type:</b>	FULL
--------------------------	------

<b>Proposal Description:</b>	Proposed Agricultural Barn and welfare building together with hardstanding, car parking and access track (AMENDED PLANS)
<b>At:</b>	Land off Chapel Lane, Thurnscoe

<b>For:</b>	Mr James Wallis – Wallis Farming Ltd
-------------	--------------------------------------

<b>Third Party Reps:</b>	13 Letters of objection 12 Letters of support	<b>Parish:</b>	Clayton Parish Council
		<b>Ward:</b>	Sprotbrough

**A proposal was made to grant the application.**

**Proposed by: Councillor Iris Beech**

**Seconded by: Councillor Steve Cox**

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

**Decision: Planning permission granted subject to conditions**



<b>Application</b>	5
--------------------	---

<b>Application Number:</b>	22/00230/3FUL
----------------------------	---------------

<b>Application Type:</b>	Full Planning Application (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992).
--------------------------	--

<b>Proposal Description:</b>	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.
<b>At:</b>	Askern and Campsall Sports Centre, Church Field Road, Campsall, Doncaster DN6 9LN

<b>For:</b>	Andy Maddox, Civic Office, Waterdale
-------------	--------------------------------------

<b>Third Party Reps:</b>	2 letters of support	<b>Parish:</b>	Norton
		<b>Ward:</b>	Norton and Askern

**A proposal was made to grant the application.**

**Proposed by: Councillor Sue Farmer**

**Seconded by: Councillor Steve Cox**

**For: 7 Against: 0 Abstain: 0**

**Decision: Planning permission granted subject to conditions**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', the following individuals spoke on the application for the duration of up to 5 minutes:-**

- **Councillor Austen White (Ward Member) spoke in support of the application; and**
- **Mr Andy Maddox (Applicant) spoke in support of the application**

This page is intentionally left blank

## **DONCASTER METROPOLITAN BOROUGH COUNCIL**

Agenda Item No  
Date 26th April 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**

The Ordnance Survey map data and plans included within this document is protected by the Copyright Acts (Sections 47, 1988 Act). Reproduction of this material is forbidden without the written permission of the Doncaster Council.

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.	21/01109/FUL	Sprotbrough	Hooton Pagnell Parish Council
2. M	21/01502/FULM	Finningley	Finningley Parish Council

---

<b>Application</b>	1.
--------------------	----

<b>Application Number:</b>	21/01109/FUL
----------------------------	--------------

<b>Application Type:</b>	Full Planning
--------------------------	---------------

<b>Proposal Description:</b>	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.
<b>At:</b>	Hooton Pagnell Hall Hooton Pagnell Village Streets Hooton Pagnell Doncaster DN5 7BW

<b>For:</b>	Mr Mark Norbury
-------------	-----------------

<b>Third Party Reps:</b>	8 letters of objection	<b>Parish:</b>	Hooton Pagnell
		<b>Ward:</b>	Sprotbrough

<b>Author of Report:</b>	Nicola Elliott
--------------------------	----------------

## SUMMARY

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

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

The application was deferred from Planning Committee on the 1<sup>st</sup> February 2022 for a Site Visit in order to assess the impact on the neighbouring dwellings located to the North of the walled garden and for clarification on the drainage including how contaminants would be intercepted in the proposed porous drainage scheme. The site visit took place on the 25<sup>th</sup> February 2022.

**RECOMMENDATION: APPROVE subject to conditions**

B6422

Application site



Access road

## **1.0 Reason for Report**

- 1.1 This application is being presented to Planning Committee due to the level of opposition to the proposal. The application was deferred from the previous Planning Committee on the 1<sup>st</sup> February 2022 for a Site Visit in order to assess the impact on the neighbouring dwellings located to the North of the walled garden and for clarification on the drainage including how contaminants would be intercepted in the proposed porous drainage scheme. At the time of the writing of this report the Site Visit was being scheduled for 25<sup>th</sup> February 2022. Further clarification in respect of drainage can be found in paragraph 9.41.
- 1.2 A mitigating impact and operating standards report has been submitted by the applicant which seeks to address vehicle movements, parking and internal signage. Additional conditions are suggested in respect to the surface dressing of the car park, way finding lighting scheme and electric car charging points. Condition 03 has also been altered to remove the possibility of construction on Saturdays as well as altering the start time for construction from 7am to 8am.

## **2.0 Proposal and Background**

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

## **3.0 Site Description**

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

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

- 3.2 The walled garden unlike the courtyard buildings is in a prominent position with respect to the formal north front of the Hall. It is not clear whether the original function of the garden was to provide food for the occupiers of the Hall or to provide them with a private recreational area away from the eyes of the villagers to the north. OS maps from the latter half of the 20th century and remains of concrete bases within the garden suggest that the area last accommodated sheds or greenhouses. Whatever its origins or recent uses, the walls of the garden are prominently visible from the entrance courtyard though their impact is softened by extensive tree planting around the outside of the walls.

#### 4.0 Relevant Planning History

- 4.1 The relevant planning history is as follows:

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

#### 5.0 Site Allocation

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



## **5.2 National Planning Policy Framework (NPPF 2021)**

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraphs 55-56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.7 Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.8 Paragraph 130 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.
- 5.9 Paragraph 137 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.10 Paragraph 138 lists the five purposes that Green Belt serves;
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.11 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.12 Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Page 15

- 5.13 Paragraph 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
  - b) engineering operations;
  - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
  - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
  - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
  - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 5.14 Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.15 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.16 Paragraph 208 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.
- 5.17 Doncaster Local Plan**
- 5.18 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster includes the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.19 Policy 1 sets out the Borough's settlement hierarchy, seeking to preserve the openness and permanence of Doncaster's Green Belt. Within the Green Belt, national planning policy will be applied including the presumption against inappropriate development except in very special circumstances.
- 5.20 Policy 13 seeks to promote sustainable transport within new developments.
- 5.21 Policy 29 seeks to protect the Borough's ecological networks.
- 5.22 Policy 30 deals with the need to value biodiversity.

- 5.23 Policy 32 states that the design process should consider woodlands, trees and hedgerows.
- 5.24 Policy 34 seeks to conserve Doncaster's historic environment.
- 5.25 Policy 36 sets out a number of principles to assess proposals which affect Listed Buildings or their setting.
- 5.26 Policy 37 sets out the principles to assess proposals which affect Conservation Areas or their setting.
- 5.27 Policy 42 deals with the need for good urban design.
- 5.28 Policy 54 requires the need to take into account air and noise pollution.
- 5.29 Policy 55 deals with the need to mitigate any contamination on site.
- 5.30 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.31 Policy 57 deals with the need to consider flooding.
- 5.32 Policy 58 deals with low carbon and renewable energy within new developments.

### **5.33 Other material planning considerations**

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

## **6.0 Representations**

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, neighbour notification, council website and press advertisement.
- 6.2 Following this publicity, a total of 8 letters of objection were received. A summary of the material planning issues raised is set out below:

- Impact on residential amenity from noise and disturbance and lighting – night and day
- No very special circumstances to justify development in the Green Belt
- Visible from upstairs windows
- Negative impact on Conservation Area and Listed Buildings
- Walled garden was not previously unkempt until recently, previously abundant with indigenous wildflowers, shrubs and small trees
- Gravel surface will be noisy, exacerbated by the numbers of vehicles
- Impact on health and wellbeing

### 6.3 Non material issues raised included the following

- Other land associated with the Hall would be more appropriate
- The current car park is adequate
- No need for the development

## 7.0 Parish Council

### Hampole and Skelbrooke Parish Council

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

### Marr Parish Council

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

## 8.0 Relevant Consultations

### 8.1 Design and Conservation Officer

The proposal is broadly welcome as this area will be less intrusive on the setting of the listed buildings and Conservation Area than the previously approved location of car parking, although it should be confirmed that this car parking will supersede the previously approved car parking to the south of the Tithe Barn rather than be additional to it. *[The proposal replaces this previously approved location]* The walls

of the walled garden are also to be repaired which will be of long term benefit to the walls and to the setting of the listed Hall and its buildings. Given its position it will have minimal impact on the Conservation Area although would ask that conditions be added to minimise any significant light and noise pollution.

The proposal would therefore be considered to protect the setting of the listed hall and its buildings, and preserve the character and appearance of the conservation area. It is considered to be in accordance with saved policies ENV 25 and 34 of the Doncaster UDP, emerging policies 36 and 37 of the Local Plan, Policy CS15 of Doncaster Core Strategy, particularly sections A, and Section 16 (Conserving and enhancing the historic environment) specifically paragraphs 190, 192 and 193 of the National Planning Policy Framework on determining applications. *[Comments provided prior to adoption of Local Plan, policies updated accordingly within report].*

## **8.2 South Yorkshire Archaeology Service**

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

## **8.3 Historic England**

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

## **8.4 National Grid**

No comments received.

## **8.5 Pollution Control – Air Quality**

Falls below air quality assessment criteria.

## **8.6 Pollution Control – Contaminated Land**

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

## **8.7 Ecology**

No objections, subject to condition for ecological enhancement.

## **8.8 Trees and Hedgerows**

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

## **8.9 Yorkshire Water**

No comments received.

### **8.10 Drainage**

No objections, subject to condition.

### **8.11 Environmental Health**

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

### **8.12 Highways**

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

### **8.13 Transportation**

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

## **9.0 Assessment**

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

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

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

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

### **Principle of development**

9.3 As stated in the National Planning Policy Framework (NPPF), inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is reinforced by Policy 1 of the Local Plan. It is further stated in the NPPF that 'when considering any planning

application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

- 9.4 Paragraph 147 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' Paragraph 148 of the NPPF states that new buildings should be regarded as inappropriate development. There are however exceptions to this and part (b) includes; 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.
- 9.5 Part (g) includes; 'the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'
- 9.6 The proposed car park is not a new building. It is however a change of use of previously developed land which is now redundant and the overall use of the Hall, to which the walled garden is connected, is as an events venue. Therefore, providing that the car park does not harm the openness of the Green Belt, which will be assessed in a later section of this report, in accordance with the NPPF, the principle of the development is not considered inappropriate. The NPPF allows for other uses required in connection with an existing use, as such, it is not contrary to policy.
- 9.7 As stated in paragraph 138 of the NPPF, Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.8 If approved, it is not considered that the proposed car park would contribute to urban sprawl or coalescence of settlements, encroachment of the countryside, or would hinder urban regeneration. The impact on the setting and character of the Conservation Area and Listed Building is to be assessed later in this report.
- 9.9 A number of the objections comment that there is no need for the car park and it will be additional to the existing car park. The agent has confirmed that this is not the case and that the original car park site has not proved to be feasible. The area suffers from a high water table and problems have been encountered in inclement weather. The proposed scheme will replace the current car park site and will not

be in addition to it. Access to the venue will be through the same route on Butt's Lane.

- 9.10 It is therefore not considered that the proposal represents inappropriate development and therefore does not need to demonstrate very special circumstances. The use is already present, and it is not considered that a car park to be contained within a walled garden, will harm the openness of the Green Belt.

### Sustainability

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

## **SOCIAL SUSTAINABILITY**

### Impact on Residential Amenity

- 9.13 Part A.2 of Policy 46 of the Doncaster Local Plan states that proposals for non-residential, commercial or employment developments will be supported where they are designed to have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. Paragraph 130 states that developments should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'
- 9.14 Many of the objections received raise concern with regard to the impact of the proposal on residential amenity, from the overall use as a car park adjacent property boundaries and the hours of use (which would be late at night given that many of the events hosted are weddings). Many do not wish to see a car park in this location from bedroom windows.
- 9.16 Whilst outlook is a material planning consideration, the right to a view is not. The fact that residents will be able to see cars parked in this location during an event, it is not considered to contribute to a poor outlook. When not in use, the outlook will be of a gravel surface with landscaping, retained behind the existing wall. The car park will not be visible from neighbouring properties gardens for ground floor accommodation. Therefore, it is not considered that the proposal would lead to a poor outlook for which planning permission could reasonably be refused. This also needs to be balanced with keeping the Hall in use in the interests of preserving a Listed Building for the future.
- 9.17 The impact of noise and disturbance is a material consideration, and in order to fully assess this, consultation has taken place with Environmental Health. In respect of the noise from guests leaving events which has been raised by concerned residents,



the agent states that each of the events at Hooton Pagnell Hall is managed carefully and, aside from the main management team, security are also employed. Security will be deployed at the end of an event to help direct guests to their cars and ensure people are aware and respect the fact that there are properties nearby. There are currently several properties within the immediate vicinity of the Tithe Barn which are privately let and the management team are used to directing guests to ensure minimal disruption. Cars will be travelling at a maximum of 5mph in line with the wider site speed restrictions enforced during events. Hooton Pagnell Hall are not aware of any historic complaints relating to the noise levels created by guests at any of its events. No objections have been received from Environmental Health.

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

### **Conclusion on Social Impacts.**

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

### **9.23 ENVIRONMENTAL SUSTAINABILITY**

#### Impact upon the openness of the Green Belt

- 9.24 Paragraph 150 of the NPPF requires proposals to preserve the openness of the Green Belt and not to conflict with the purposes of including land in it. Part (e) of paragraph 150 lists material changes of use of land as a form of development which may not be inappropriate in the Green Belt.
- 9.25 The car park is to be screened by the existing walls of the walled garden which are approximately 3m in height. It is only likely to be viewed from neighbouring first

floor windows. As such, it is not considered that this constitutes harm to the openness of the Green Belt. There are no additional highway problems given that the existing access is to be utilised. As such, the proposal is in conformity with the NPPF.

### Highways

- 9.26 Policy 13 (A) of the Doncaster Local Plan requires new development to make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. Part 3 of the policy states that the Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards contained within Appendix 6 (of the Local Plan). Developments should also include provision for electric vehicle charging points, with fast charging infrastructure provided for use by short stay users. In accordance with NPPF paragraph 111, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, which is consistent with part 6 of Policy 13 (A) of the Local Plan.
- 9.27 The Highways Officer originally raised concern to the proposal as it was considered to be an increase in vehicle movements utilising the existing access which was considered too narrow and poorly defined, limiting visibility. Concern was also raised with regard to the dimensions of the car parking spaces. However, as the applicant pointed out, the application is for a new car park, not the access or principle of the development as this was approved in 2016. The venue has established a one way system which is effective and vehicles are parked at the venue for a long time (given that it is a wedding venue) rather than repeatedly coming in and out. The proposed car park is to replace the existing which has drainage issues resulting in cars becoming stuck.
- 9.28 Following this clarification, the Highways Officer states that if this is not additional parking but replacement for the problematical existing parking, then they would be content that there will be a little or no impact between the existing and proposed layouts or have an adverse impact on the development. The applicant was however asked to check the parking dimensions for the parking layout which are set out in the South Yorkshire Residential Design Guide reference 4B.2.1.19 through to 4B.2.1.26 which covers, aisle widths, end space widths and those spaces next to grassed areas. If these measurements can be confirmed, which shouldn't be too onerous and that the use of the existing parking will be conditioned then highways would be happy to support the application.
- 9.29 The applicant reviewed the car parking and found only one bay to be tight. It was suggested that this bay be omitted if adequate spacing cannot be achieved on site, and this was agreed by the Highways Officer, as such there are now no objections on highway grounds.
- 9.30 Hooton Pagnell Hall were keen to ensure a sustainable scheme and have been in conversations with Doncaster Council about the allocation of electric charging points. Should the scheme be approved, then it is the applicant's intention to install at least two EV bays.

- 9.31 Therefore, it is considered that as the proposal would not constitute an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, there is no conflict with the Local Plan or the NPPF.

#### Impact on Conservation Area and Listed Building

- 9.32 The site is situated to the north east of Hooton Pagnell Hall, a Grade II\* listed building and is surrounded by 2.5m high stone wall. The hall forms the focus of a group of buildings associated with the Hall and the estate, most of which are grouped around courtyards to the south and east of the Hall, with many being separately Grade II listed.
- 9.33 The walled garden unlike the courtyard buildings is in a prominent position with respect to the formal north front of the Hall. It is not clear whether the original function of the garden was to provide food for the occupiers of the Hall or to provide them with a private recreational area away from the eyes of the villagers to the north. OS maps from the latter half of the 20th century and remains of concrete bases within the garden suggest that the area last accommodated sheds or greenhouses. Whatever its origins or recent uses, the walls of the garden are prominently visible from the entrance courtyard though their impact is softened by extensive tree planting around the outside of the walls.
- 9.34 Recently the nearby 'Tithe Barn', one of the listed courtyard buildings mentioned above, has been converted sensitively into a wedding venue, and the adjoining listed stables is also being converted to provide auxiliary accommodation. As part of this car parking was to be provided in an area to the south of the Tithe Barn
- 9.35 The proposal is broadly welcome by the Conservation Officer, as this area will be less intrusive on the setting of the listed buildings and conservation area than the previously approved location of car parking, and it has been confirmed that this car parking will supersede the previously approved car parking to the south of the Tithe Barn rather than be additional to it. The walls of the walled garden are also to be repaired which will be of long term benefit to the walls and to the setting of the listed Hall and its buildings. Given its position it will have minimal impact on the conservation area and conditions can be added to minimise any significant light and noise pollution.
- 9.36 The Conservation Officer considers that the proposal would therefore be considered to protect the setting of the listed hall and its buildings, and preserve the character and appearance of the conservation area. It is considered to be in accordance with Policies 36 and 37 of the Local Plan and paragraphs 195, 197 and 199 of the NPPF on determining applications.
- 9.37 It noted that this application is accompanied by a Listed Building Consent (LBC) but there does not appear to be anything that would affect any walls and/or build features associated with the adjoining listed buildings and therefore LBC is not required.

#### Archaeology

- 9.38 Policy 39 (B) of the Doncaster Local Plan states that development affecting other archaeological assets will need to demonstrate how any benefits will outweigh harm to the site. When development affecting such sites is justifiable, the Council will seek to ensure preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate

provision for appropriate investigation and recording including excavation in accordance with Policy 35.

- 9.39 A late consultation response was received from South Yorkshire Archaeology Service (SYAS) as detailed in the above consultation comments. The matter of concern related to whether or not the former greenhouse base remain and if so, a condition for a Watching Brief will be required. Confirmation has been sought from the applicant and the response is awaited. Once confirmation is provided, this will inform if the condition is required and this can be added as a pre-committee amendment.

#### Flooding and Drainage

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

#### Trees and Landscaping

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

## Ecology and Wildlife

- 9.45 Policy 29 of the Local Plan states that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks. The Council's Ecologist has been consulted on the application.
- 9.46 The Ecologist considers that the proposal would be an improved use of the land within the curtilage of the Hall. Some informal discussion with the applicants did take place prior to the submission of the application and what has been put down on the plan equates to what was expected. The area is not quite big enough to require a biodiversity net gain assessment.
- 9.47 However it is considered that a plan with 'wildflower meadow' marked upon an area of the walled garden is sufficient to ensure that the wildflower grassland (meadow would be the wrong description) created will become established and will have the biodiversity value that was discussed with the applicants.
- 9.48 The Ecologist considers that the creation of the wildflower grassland area should be subject to a detailed specification. This should provide information on the ground preparation, seed mix used, application of seeds, aftercare and the indicators of good establishment. It is also considered that the boundary walls at the wildflower meadow end of walled garden could accommodate some bird boxes at the higher parts.
- 9.49 As such, there are no objections on ecological grounds subject to an ecological enhancement plan by condition in order that the wildflower grassland is correctly established. This can also require the installation of bird boxes. There is therefore, no conflict with Policy 29.

## Pollution issues

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

## **Conclusion on Environmental Issues**

- 9.51 Para.8 (c) of the NPPF (2021) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.52 In conclusion of the environmental issues, it is considered that issues in relation to trees, ecology, highways, flood risk and drainage and pollution have been overcome subject to suitably worded conditions. Collectively these issues weigh significantly in favour of the application. Overall therefore, the proposal is considered to balance positively in relation to environmental matters.

## 9.53 ECONOMIC SUSTAINABILITY

9.54 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application. The proposal also allows this commercial enterprise to continue with improved facilities, however limited weight is also given to this.

## 9.55 Conclusion on Economy Issues

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

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

## 10.0 PLANNING BALANCE & CONCLUSION

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

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

## 11.0 RECOMMENDATION

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

## Conditions

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:  
  
Walled Garden - Proposed Layout - Rev R1  
Walled Garden - Lighting Plan - HPH-09032021.R1.104.DWG - Rev R1  
Lighting Design Proposal for HPH Ltd - Wall Garden Car Park  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. No construction or demolition works shall take place outside the hours of 8am to 5pm Mondays to Fridays inclusive, , and not at all on Saturdays, Sundays or Bank Holidays.  
REASON  
To ensure that the development does not prejudice the local amenity.
04. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:  
  
i) - the parking of vehicles of site operatives and visitors  
ii) - loading and unloading of plant and materials  
iii) - storage of plant and materials used in constructing the development  
iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate  
v) - wheel washing facilities  
vi) - measures to control noise and the emission of dust and dirt during construction  
vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works  
  
REASON  
To safeguard the living conditions of neighbouring residents and in the interests of highway safety.
05. Before any construction works are started on the application site, a Construction Impact Management Plan, indicating measures to be taken to mitigate the effects of the construction activity and associated vehicle movements upon the living conditions of neighbouring residents and highway safety shall be submitted to and approved by the Local Planning Authority. The mitigation measures shall include provision for

the following: the limitation of noise, the means of enclosure of the construction sites, and any proposed external security lighting installation; the control of dust emissions; the control of deposition of mud or debris on the highway, and the routing of contractors' vehicles. The mitigation measures so approved shall be carried out at all times during the construction of the development hereby approved.

REASON

To safeguard the living conditions of neighbouring residents.

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

REASON

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

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

REASON:

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

08. The Arboricultural Report (Reference: TCC-1463-1) document is to be made available to all operatives on site during the construction process, so that they understand the scope and importance of the Arboricultural Method Statement (AMS). The facilitation tree pruning works agreed with the LPA and the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Following the installation of the tree protection fencing the Cellular Confinement System (CCS) shall be installed as per the approved details before any equipment, machinery or materials have been brought into the main walled garden area. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.'



REASON

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

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

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

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

REASON

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

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

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

REASON

To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal.

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

REASON

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

13. A method statement shall be submitted to and approved in writing by the Local Planning Authority for the repair of the boundary walls to the area prior to any part of the site being used for car parking. Within the

statement shall be a timescale for works to be undertaken and specification for repairs to be undertaken. Works to be undertaken in accordance with approved details.

**REASON**

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

14. Prior to the first use of the development hereby approved, details of electric vehicle charging provision including their position shall be submitted to and approved in writing by the local planning authority. Installation and any replacement vehicle charging provisions shall comply with current guidance/advice. The development shall not be brought into use until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

**REASON**

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

15. Prior to the commencement of development, details of the surface dressing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details, the surface dressing completed prior to its first use, and maintained for the lifetime of the development.

**REASON**

In order to safeguard the amenity of neighbouring properties.

16. Prior to the commencement of development, details of the way finding lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details, the lighting scheme shall be operational prior to its first use and maintained for the lifetime of the development.

**REASON**

In order to avoid unacceptable levels of light pollution.

17. The development hereby approved shall be carried out in accordance with the 'Mitigating the impact of development within the walled garden' document received 08<sup>th</sup> April 2022.

**REASON**

In order to safeguard the amenities of neighbouring properties.

**Informatives**

01. **INFORMATIVE TO CONDITION 7**  
The outline specification for the Arboricultural Method Statement (AMS) section 8 and 9 is acceptable for the Access Road Construction, please confirm which Cellular Confinement System (CCS) will be used on site, due to the availability of a wide variety in type and efficacy. For

example "Cellweb" is a CCS used in the AMS and the relevant technical specs and installation guide is available to be downloaded from the website (<http://www.geosyn.co.uk/downloads>). To discharge condition 7 please confirmation in writing which CCS is to be implemented along with a copy of the relevant technical specs and installation guide for the version used.

02. INFORMATIVE TO CONDITION 6

The AMS doesn't specify tree works required for facilitation pruning or if its needed, so if it is needed a schedule of pruning will need to be agreed.

03. INFORMATIVE TO CONDITION 8

This relates to the timing and phasing of the works onsite and how to work it around the trees. Prior to the works commencing within the walled garden the CCS assess and tree protection fencing needs to be in place for the construction vehicles and equipment to use in order to access and exit the site. So it needs to be the first thing to be implemented.

04. INFORMATIVE

1. Surface water drainage plans should include the following:

\*Rainwater pipes, gullies and drainage channels including cover levels.

\* Inspection chambers, manholes and silt traps including cover and invert levels.

\* Pipe sizes, pipe materials, gradients and flow directions.

\*Soakaways, including size and material.

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

\*Site ground levels and finished floor levels.

2. Surface Water Discharge From Greenfield Site:

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

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

3. On Site Surface Water Management:

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

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

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors,

warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

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

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

\*Ground percolation tests to BRE 365.

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

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

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

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

\*Drawing details including sizes and material.

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

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

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

6. The proposed development is within a groundwater source protection zone (SPZ\_)

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

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

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

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

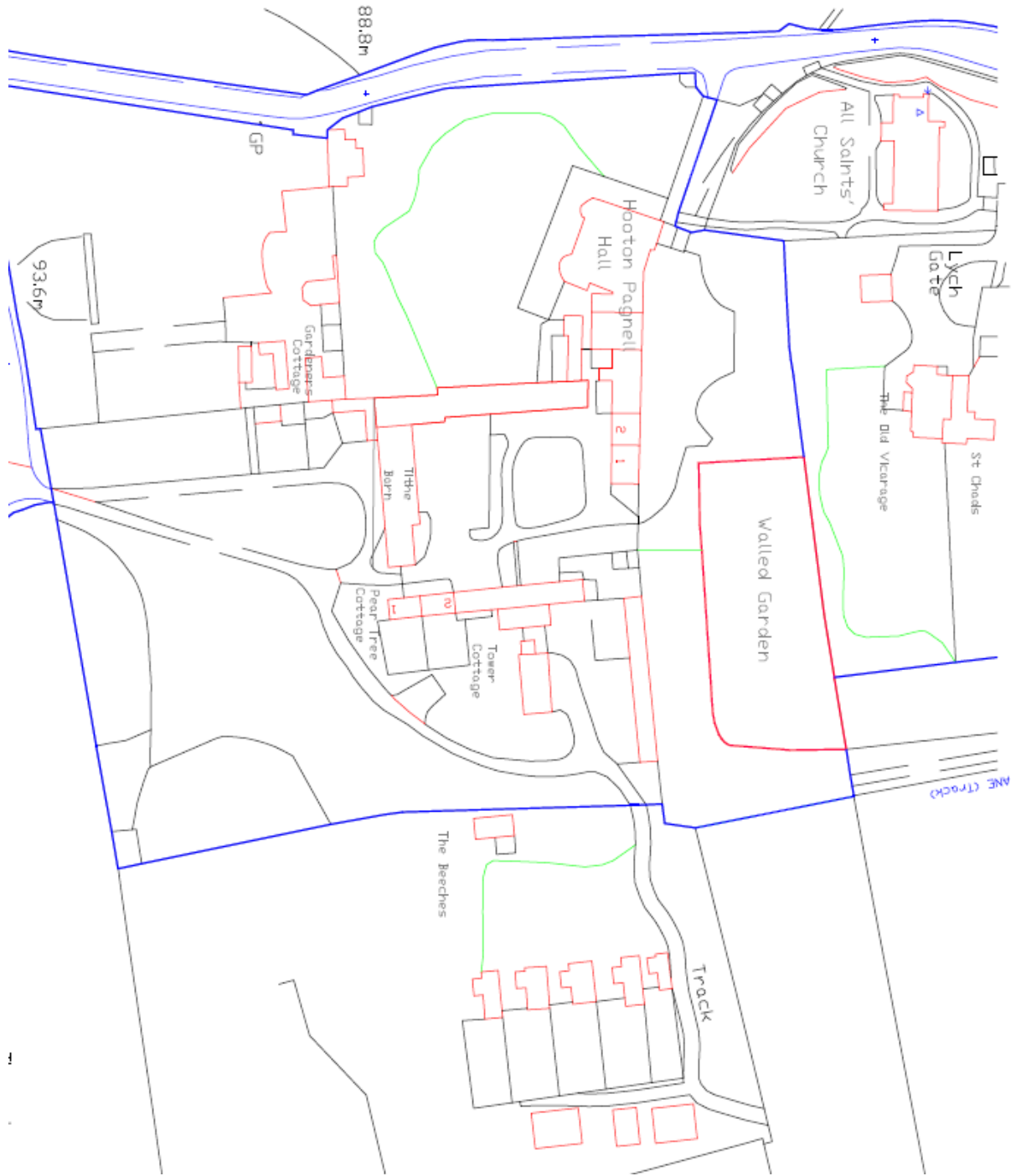
The design of flow control devices should, wherever practicable, include the following features:

a) Flow controls may be static (such as vortex flow controls or fixed orifice plates) or variable (such as pistons or slide valves),

- b) Controls should have a minimum opening size of 100 mm chamber, or equivalent;
- c) A bypass should be included with a surface operated penstock or valve; and
- d) Access should be provided to the upstream and downstream sections of a flow control device to allow maintenance.

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

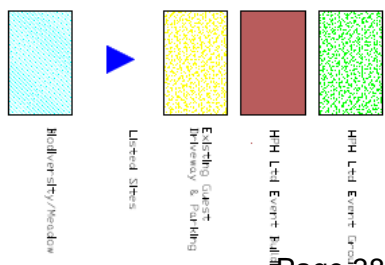
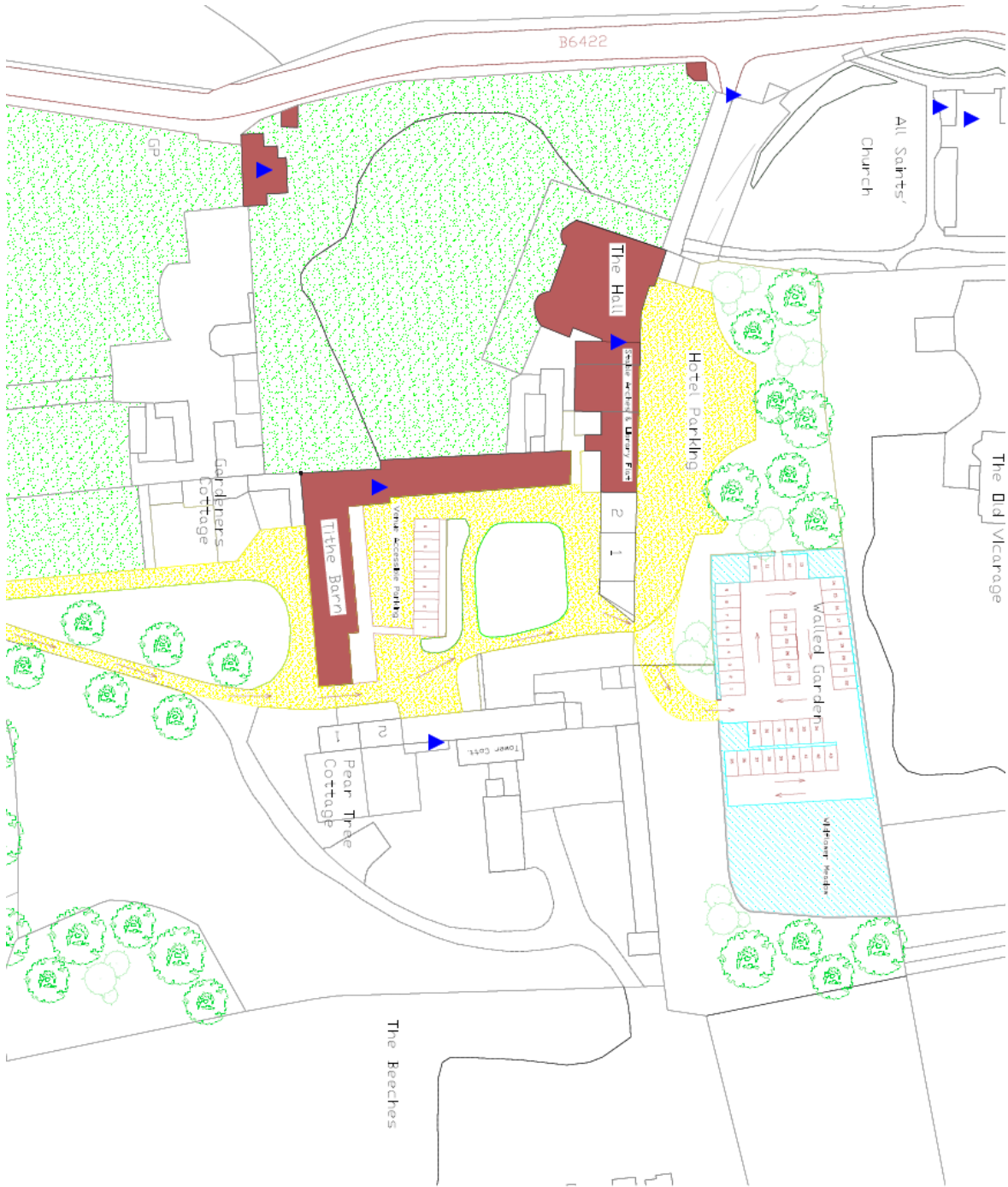
# Appendix 1: Location Plan



# Appendix 2: Existing Site Plan

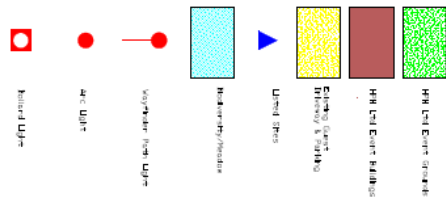
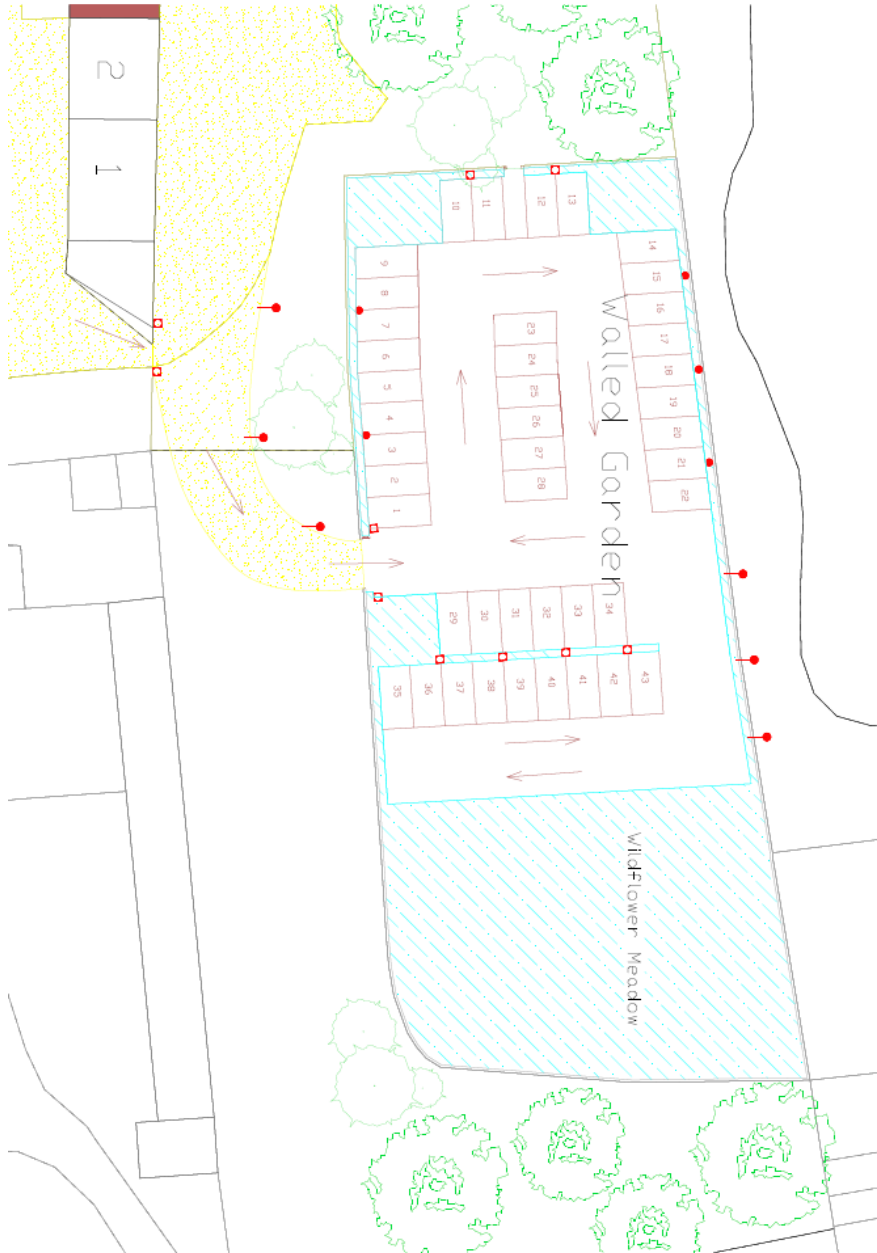


# Appendix 3 – Proposed Site Plan





# Appendix 4 – Lighting Design Proposals



This page is intentionally left blank

<b>Application</b>	2.
--------------------	----

<b>Application Number:</b>	21/01502/FULM
----------------------------	---------------

<b>Application Type:</b>	Planning FULL Major
--------------------------	---------------------

<b>Proposal Description:</b>	Erection of 33 dwellings and associated infrastructure.
<b>At:</b>	Land off Church Lane, Finningley

<b>For:</b>	Partner Construction And Guinness Partnership
-------------	---

<b>Third Party Reps:</b>	57 letters of objection	<b>Parish:</b>	Finningley Parish Council
	1 letter in support		
		<b>Ward:</b>	Finningley

<b>Author of Report:</b>	Mel Roberts
--------------------------	-------------

## SUMMARY

The proposal is for 100 per cent affordable housing in an area that is in need of affordable housing. The site is in a sustainable location being located close to local facilities and public transport provision. There are no highway safety issues and the scheme has been designed to ensure that there is no impact from overlooking on nearby existing residential properties. The scheme meets design criteria including National Minimum Space Standards. The most important trees are to be retained and additional landscaping will be provided and there is no impact on any protected species, with 10 per cent biodiversity net gain secured. A Viability Assessment has been submitted to demonstrate that contributions towards education and further off-site open space improvements would not be viable.

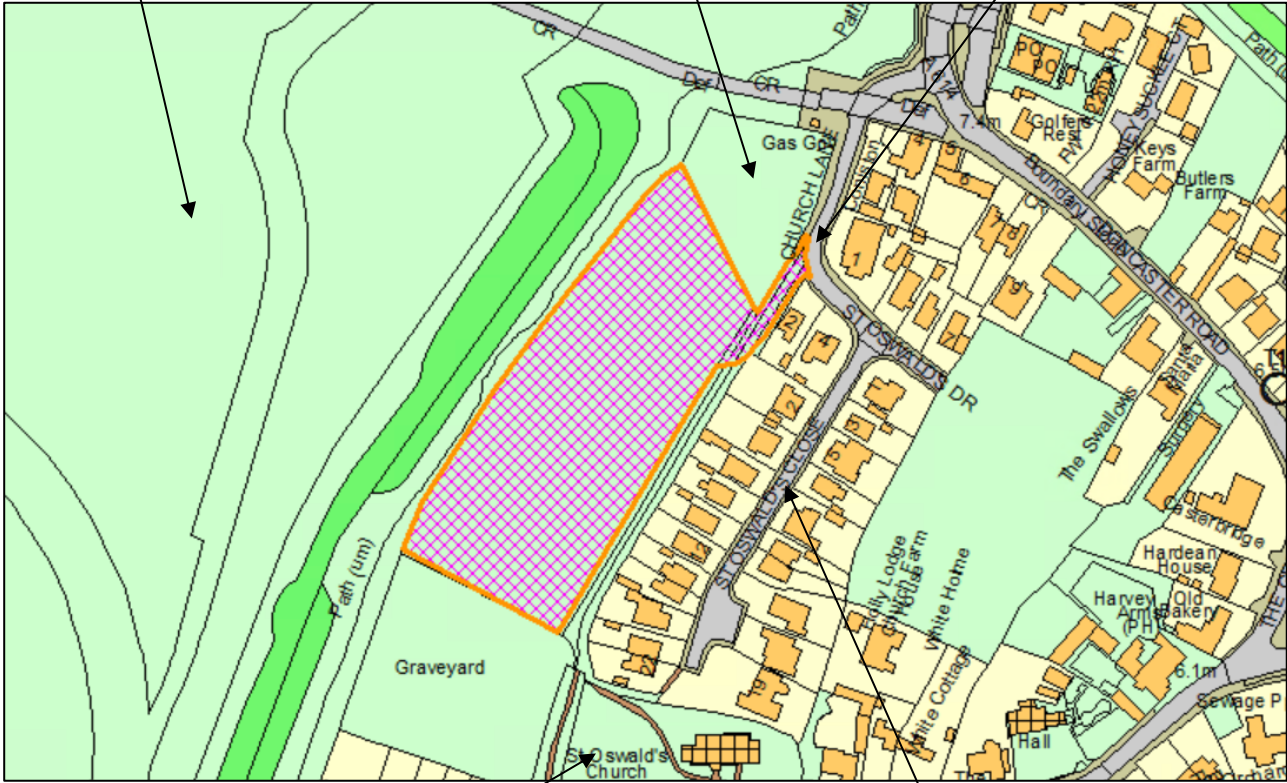
The need for affordable housing weighs heavily in its favour and the site is a suitable rounding off of the settlement.

**RECOMMENDATION: Grant subject to a Section 106 Agreement**

Doncaster Sheffield Airport

Allotments

Access into the site from Church Lane



St Oswald's Church (listed) and graveyard

Residential

## **1.0 Reason for Report**

- 1.1 This application is being reported to planning committee due to the number of representations that have been received, including objections from two local Ward Members and Finningley Parish Council.

## **2.0 Proposal and background**

- 2.1 This application seeks planning permission for the erection of 33 affordable dwellings with open space provision and associated landscaping and drainage works (see site plan in figure 1). The proposal is for 12 two bed homes and 21 three bed homes. The development includes a mixture of shared ownership and affordable rent properties. The layout provides a density mix of approximately 31 dwellings per hectare. Access is proposed to be taken from Church Lane, with pedestrian and cycle access also available via this route.
- 2.2 The proposed dwellings are all two storeys in height (see figure 2 for typical house type). All of the proposed houses will have red brick exteriors with a mixture of red and dark grey roof tiles. A mix of parking on private driveways and on street visitor parking is proposed. Pedestrian footpaths are provided throughout the site, including beyond the site boundary to Church Lane.

## **3.0 Site Description**

- 3.1 The site is situated to the west of Finningley and extends to approximately 1.07 hectares. The site would appear to have formed part of the airport at one stage. The site is currently unused and is grassed over with trees along the edge, most notably on the southern and eastern boundaries. To the west of the site lies Doncaster Sheffield Airport, to the north are allotments, to the east are residential properties and to the south is a cemetery in the grounds of St Oswald's Church (a Grade 1 listed building).

## **4.0 Relevant Planning History**

- 4.1 There is no planning history associated with the site itself, but planning permission was granted on land immediately to the north under reference 19/02985/COU for a change of use from agricultural land to residential allotments, which is now in operation.

## **5.0 Planning Policy Context**

### National Planning Policy Framework (NPPF 2021)

- 5.1 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:

- 5.2 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development. One of the three overarching objectives of the NPPF is to ensure a significant number and range of homes are provided to meet the needs of present and future generations (paragraph 8b).
- 5.3 The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (para 58).
- 5.4 Paragraph 63 requires on site provision of affordable housing where a need is identified.
- 5.5 Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:
- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and
  - b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework and comply with any local design policies and standards (paragraph 72).
- 5.6 Paragraph 110 sets out that in assessing specific applications for development, it should be ensured 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.
- 5.7 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 the residual cumulative impacts on the road network would be severe.
- 5.8 Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126).
- 5.9 Planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 185).

## Local Plan

- 5.10 The site is allocated as Airport Operational land within the Doncaster Local Plan. It also lies just outside Finningley Conservation Area, which extends to the grounds of St Oswald's Church to the south.
- 5.11 Policy 1 states that in Service towns and villages (including Finningley), a good range of services is provided to meet local needs. To maintain and enhance their role as service towns and larger villages, they will need to provide housing, employment, retail and key services and facilities for the local area and will be a focus for accommodating an appropriate level of growth with priority given to renewing and regenerating run-down neighbourhoods. Additional growth on non-allocated sites within the development limits of the Service Towns and Villages will also be considered favourably.
- 5.12 Policy 2 states that the Local Plan's strategic aim is to facilitate the delivery of at least 920 new homes each year over the plan period (2018-2035) (15,640 net homes in total). Provision is to predominantly meet local housing need in each town and village with a total settlement allocation of 50 houses for Finningley.
- 5.13 Policy 7 states that the delivery of a wider range and mix of housing types, sizes and tenures will be supported through the following:
- a) New housing developments will be required to deliver a mix of house sizes, types, prices, and tenures to address as appropriate the needs and market demand identified in the latest Housing Need Assessment;
  - b) Housing sites of 15 or more homes (or 0.5ha or above) will normally be expected to include 23% affordable homes in the borough's high value housing market areas or a lower requirement of 15% elsewhere in the borough (including starter homes which meet the definition) on site.
- 5.14 Policy 13 sets out that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact to ensure that:
- a) access to the development can be made by a wide choice of transport modes, including walking, cycling, private vehicles and public transport;
  - b) site layouts and the street environment are designed to control traffic speed through an appropriate network and street hierarchy that promotes road safety for all;
  - c) walking and cycling are encouraged with the development and beyond, through the design of facilities and infrastructure within the site and provision of linkages to the wider network;
  - d) appropriate levels of parking provisions are made; and
  - e) existing highway and transport infrastructure is not adversely affected by new development. Where necessary, developers will be required to mitigate (or contribute towards) and predicted adverse effects on the highway network.
- 5.15 Policy 16 states that the needs of cyclists must be considered in relation to new development and in the design of highways and traffic management schemes to ensure safety and convenience. Provision for secure cycle parking facilities will be sought in new developments.
- 5.16 Policy 17 states that an increase in walking provision in Doncaster will be sought. Walking will be promoted as a means of active travel. Proposals will be supported

which provide new or improved connections and routes, which enhance the existing network and address identified gaps within that network. The needs of pedestrians will be considered and prioritised in relation to new developments, in public realm improvements and in the design of highways and traffic management schemes.

- 5.17 Policy 21 sets out that all new housing and commercial development must provide connectivity to the Superfast Broadband network unless it can be clearly demonstrated that this is not possible.
- 5.18 Policy 28 deals with open space provision in new developments and states that proposals of 20 family dwellings or more will be supported which contribute 10 or 15 per cent of the site as on-site open space to benefit the development itself, or a commuted sum in lieu of this (especially where the site is close to a large area of open space).
- 5.19 Policy 30 seeks to protect sites and species of local, national and international importance and requires proposals to meet 10 per cent net gain for biodiversity.
- 5.20 Policy 32 states sets out 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.
- 5.21 Policy 37 states that proposals should not detract from the heritage significance of a conservation area by virtue of their location, layout, nature, height, density, form, scale, materials or design or by the removal of trees, the loss of important open spaces or other important landscape features, or through adverse impact on key views and vistas.
- 5.22 Policy 41 sets out that imaginative design and development solutions will be encouraged to ensure that proposals respect and enhance identity, character and local distinctiveness. In all cases, proposals will need to demonstrate an understanding of the context, history, character and appearance of the site, neighbourhood and wider area, to inform the appropriate design approach.
- 5.23 Policy 42 states that high-quality development that reflects the principles of good urban design will be supported. Proposals for new development will be expected to follow a best practice design process and where appropriate, use established design tools to support good urban design.
- 5.24 Policy 44 sets out that new housing will be supported where it responds positively to the context and character of existing areas and creates high quality residential environments through good design.
- 5.25 Policy 45 states that new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants and shall meet the Nationally Described Space Standard as a minimum.
- 5.26 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides a high quality, comprehensive hard and soft landscape scheme.



- 5.27 Policy 50 states that development will be required to contribute positively to creating high quality places that support and promote healthy communities and lifestyles, such as maximising access by walking and cycling.
- 5.28 Policy 52 states that where housing proposals of 20 or more family dwellings will create or exacerbate a shortfall in the number of local school places, mitigation will be required, either through an appropriate contribution to off-site provision or, in the case of larger sites, on-site provision.
- 5.29 Policy 54 sets out that where developments are likely to be exposed to pollution, they will only be permitted where it can be demonstrated that pollution can be avoided or where mitigation measures will minimise significantly harmful impacts to acceptable levels. This includes giving particular consideration to the presence of noise generating uses close to the site.
- 5.30 Policy 56 states that development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities.
- 5.31 Policy 65 states that developer contributions will be sought to mitigate the impacts of development through direct provision on site, provision off site, and contributions towards softer interventions to ensure the benefits of the development are maximised by local communities.
- 5.32 Policy 66 states that where the applicant can demonstrate that particular circumstances justify the need for a Viability Appraisal, the Council will take a pragmatic and flexible approach to planning obligations and consider their genuine impact on viability of development proposals on an independent and case-by-case basis.

#### Other material planning considerations

- 5.33 Several Supplementary Planning Documents (SPDs) have been published, which although largely superseded by the Local Plan can be material considerations in the determination of planning applications, the main ones of which include:

#### *Development Guidance and Requirements SPD (July 2015)*

- 5.34 The SPD sets out the guidance to help implement policies in the Development Plan. This includes design in the urban and rural environment, the historic environment, transport and accessibility, strategic green infrastructure, biodiversity, geodiversity and ecological networks, open space standards and requirements, landscape, trees and hedgerows.

#### *South Yorkshire Residential Design Guide SPD (2011)*

- 5.35 The South Yorkshire Residential Design Guide SPD is intended to provide a consistent approach to design in the development management process and aims to improve the quality of residential design in South Yorkshire.

## **6.0 Representations**

6.1 In September 2020, prior to submitting the application, the applicant delivered leaflets to all properties within the Finningley Parish Council area, extending to approximately 1,300 households. Residents of the households were provided with details of the proposal and directed to a website for further information where consultation responses could also be submitted. 125 responses were received. The majority of responses considered that Finningley is not a sustainable location for new homes.

6.2 The application has been advertised in the press, on site and with letters to properties that are close to the site. 57 letters of objection have been received and these can be summarised as follows:

- i) the village is too small to cope with more houses and there are insufficient services like shops, doctors, schools etc.
- ii) loss of trees and bushes along the lane to the churchyard and its resurfacing.
- iii) the site is a wildlife sanctuary for many species of animals.
- iv) increase in air pollution from the traffic generated from the development.
- v) increased traffic congestion on roads already busy and dangerous, especially with users of the allotments close-by.
- vi) access is off a bend and is likely to cause accidents and is too narrow.
- vii) access to the proposed development site goes along a public footpath and would not permit any safe dedicated pedestrian access along this section.
- viii) the scheme is over-intensive and out of character with the surrounding area.
- ix) the site is not infill.
- x) the land has been used daily by walkers and dog owners with children playing there during school holidays.
- xi) brown spaces should be developed first.
- xii) the village/military cemetery has limited space.
- xiii) residents on the site will be subject to noise and air pollution from the airport.
- xiv) there will be overlooking of properties on St Oswald's Close.
- xv) consideration should be given to the developer paying for traffic calming measures at the border between Finningley and Blaxton and a pedestrian crossing near the duck pond, to ensure the safe crossing of the children on the A614 as they walk to school.
- xvi) the drains will not be able to cope with the additional housing.
- xvii) in the event of an emergency at the airport, it would be extremely difficult for households to evacuate quickly and safely.
- xviii) there is ample scope for building housing elsewhere in the area, for example at Hurst Lane and Mosham Road.
- xix) building applications for the same area have already been turned down several times in the recent past

6.3 One letter of support has been received, stating that the development will provide affordable homes for Finningley residents and will contribute to keeping families local and contribute to turning Finningley back into a village for local people.

## **7.0 Parish Council**

7.1 Finningley Parish Council has objected on the following grounds:

- i) stress on local infrastructure including St Oswald's Primary and Friends School and the Doctors Surgery.

- ii) parking for allotment users, plane spotters, and users of the Chinese take away and Post Office.
- iii) access to residents properties.
- iv) potential parking for an extra 80 cars if the spaces are taken up and the scheme does not seem to work with access and egress from the parking spaces.
- v) refuse trucks will not be able to get on to the development if occupants park on the roadside and not in their allocated spaces.
- vi) the proposed access is not wide enough for two cars to pass each other.
- vii) access to the graveyard and Grade 1 listed Church, the Public Right of Way (Church Lane), the allotment site and Post Office.
- viii) in the Local Plan, Finningley is a Service Village designated with "infill only."
- ix) Finningley Service Village reached its housing targets in 2020.
- x) the site is on a dangerous bend, a HGV route, with poor line of sight from entrance/exit junction and is close to 40/30 mph change in Station Road.

## 8.0 Relevant Consultations

- 8.1 **Transportation:** has responded and has raised no objections given the limited amount of traffic generated by the development and the commitment to cycle parking and EV charging for each dwelling.
- 8.2 **Highways:** The road layout from the A614 to access the site is acceptable with good visibility in all directions. Most properties have two allocated spaces and there are plenty of visitor spaces distributed throughout the site. There are some concerns regarding the pedestrian access to and from the site crossing over the A614. This site will double the number of properties on this estate. A safe crossing point on the A614 for pedestrians would help encourage pedestrian to access the shops and support bus users, whereas the current provision may encourage short car journeys to access the shops and discourage use of bus services if crossing the A614 is too difficult.
- 8.3 **PROW:** The public rights of way team has no objection in principle to the proposed development.
- 8.4 **Ecology:** The survey work shows that there will be no adverse impact on any protected species. The Ecology Officer is however concerned that the retention of existing vegetation has been given very little consideration with the loss of a significant amount of vegetation including the hedgerow on the eastern boundary. However, there is a biodiversity net gain of 10 per cent with off-site compensation with either ecological enhancement elsewhere or a commuted sum and as such, the proposal complies with policy 29 of the Local Plan.
- 8.5 **Trees:** The Tree Officer has raised no objections subject to a condition requiring tree protection measures to be in place during construction.
- 8.6 **Conservation:** The Conservation Officer has responded and has raised no objections.
- 8.7 **South Yorkshire Archaeology Service:** The site is just outside the historic core of Finningley. It borders the medieval church to the south, but any settlement is likely to have been focussed between the church and the village greens to the east, not the north and west. Aerial photographs show a large circular feature in the middle of the site. Plans show this to be one of the old 'frying pan' concrete hard standings of RAF Finningley where planes were stationed. Archaeological evaluation on sites

with similar features has shown the ground to be very disturbed with negligible archaeological evidence recoverable. The archaeological potential of this site is minimal and no archaeological investigation is required in connection with the development of this site.

- 8.8 **Environmental Health (Noise):** have raised no objections subject to a condition requiring a Construction Method Statement.
- 8.9 **Contamination:** Happy that the area in question has been risk assessed in an appropriate manner and that no remediation is required. The gas monitoring confirms that no gas protection measures are required.
- 8.10 **Air quality:** Have raised no objections subject to a condition requiring EV Charging points.
- 8.11 **Yorkshire Water:** has responded and has raised no objections.
- 8.12 **Drainage:** have asked for further information, which is to be covered by a planning condition.
- 8.13 **Public Health:** have raised no objections and are pleased to see that the proposed development includes provision for cycle parking.
- 8.14 **Open Space:** have requested a commuted sum of 15% to be provided in lieu of onsite open space.
- 8.15 **Strategic housing:** The Affordable Housing Officer has stated that demand for affordable rented housing in Finningley parish is very high, with the requirement being specifically high for two bed properties, followed by three bed family properties. This proposed development for 100% affordable housing mirrors this specific affordable rented requirement to meet the local need. The housing association agrees to the legal basis by which priority will be provided to local residents of Finningley through either living in the parish, having a strong family connection to the parish or working in the parish.
- 8.16 According to the Housing Needs Study, Finningley has the highest median house prices of all of Doncaster, making Shared Ownership accommodation essential to meet the need and demand for employed local residents who cannot afford to purchase an open market property in Finningley. Locally, there is limited existing affordable housing, which increases the need and demand of new build affordable housing even more. The properties will be built to a high standard, including insulation levels and energy efficiency measures to help minimise fuel poverty and high-energy bills. The properties exceed the Nationally Described Space Standards.
- 8.17 **Education:** has requested a contribution of £109,782 towards The Hayfield School to fund an additional six school places.
- 8.18 **NATS:** has no safeguarding objections to the proposal.
- 8.19 **Superfast South Yorkshire:** has raised no objections subject to a condition.

## 9.0 Ward members

9.1 Councillor Steve Cox has raised the following concerns:

- i) additional traffic onto Station Road.
- ii) issues raised in some of the surveys regarding drainage, foul and surface water.
- iii) pedestrian access to the shops/doctors etc.
- iv) parking issues in Finningley, especially lack of parking for plane spotters.
- v) management of the green space.
- vi) how affordable would the properties be?

9.2 Councillor Richard Jones has objected for the following reasons:

- i) this application is too high in density and would be more appropriate if built to the similar design of the adjacent properties.
- ii) would noise issues be mitigated better below bund level?
- iii) improvements are needed for residents to access the local shop and the recreation ground, with maybe a pelican type crossing adjacent to the shop.
- iv) need for improvement for vehicular entrance and exit to the proposed development.
- v) open space provision is insignificant.
- vi) provision to contribute to the community facilities would be more beneficial in this application.

## 10.0 Assessment

10.1 The issues for consideration under this application are as follows:

- Principle of development;
- Impact on Amenity
- Design and Impact on the character and appearance of the area
- Ecology
- Trees and Landscaping
- Highway safety and traffic
- Flooding
- Noise
- Contamination
- Energy efficiency
- Economy
- S106 obligations
- Overall planning balance

### Principle of Development

10.2 The Local Plan shows the site as Airport Operational Area. The site lies immediately adjacent to Finningley, which is designated as a Service town and a village where there is a need to provide housing and will be a focus for accommodating an appropriate level of growth to meet their local needs.

10.3 Policy 2 of the Local Plan includes a target for 50 new houses to be allocated to this area. This need is already being met through three allocated sites in the Local Plan totalling 67 dwellings. It should be noted however that this is ~~Page 50~~ a ceiling on the amount of development for the area.

- 10.4 The site is considered to relate well to the settlement form of Finningley. It would not significantly harm the character and appearance of the village. Also, given that the western boundary is the Airport, the proposal would not harm the character and appearance of the surrounding countryside or the rural setting of the settlement; it would be a natural rounding off of the village.
- 10.5 The site is well integrated into the village and is sustainable, being located within walking distance of local facilities including the primary school, parks, pubs, a medical centre and a post office. There are also bus stops close to the site on the A614, allowing access to the wider area including Doncaster town centre. The bus services include 57F which serves Doncaster, Auckley and Finningley and runs approximately every 30 minutes Monday to Saturday and 58F, which serves Doncaster, Bessacarr and Finningley every hour in the evenings.
- 10.6 Paragraph 72 of the NPPF states that local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should comprise of entry-level homes that offer one or more types of affordable housing and be adjacent to existing settlements, proportionate in size to them (i.e. should be no larger than one hectare in size or exceed 5 per cent of the size of the existing settlement), not compromise the protection given to areas or assets of particular importance in this Framework and comply with any local design policies and standards.
- 10.7 This proposal is considered to meet the criteria set out in paragraph 72 of the NPPF. Demand for affordable rented housing in Finningley parish is very high, with the requirement being specifically high for two bed properties followed by three bed family properties and so the need is not already being met. The land is not already allocated for housing and comprises entry-level homes that offers both shared ownership and affordable rented properties. The site is adjacent to the settlement of Finningley and would be no larger than 5 per cent of the size of it. A survey based on Council Tax showed that there were 775 households in Finningley in 2018. The actual figure will be higher than that now, as this did not account for empty homes and the houses that have been built since then. Even at 775 houses, the percentage of an additional 33 is 4.25 per cent and so is below the 5 per cent set out in paragraph 72 of the NPPF. As will be seen below, it does not compromise the protection given to areas or assets of particular importance and complies with local design policies and standards.

### **Sustainability**

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

## **SOCIAL SUSTAINABILITY**

### Impact on Residential Amenity

- 10.10 The scheme has been designed to ensure that there is no loss of amenity to existing residential properties to the east of the site on St Oswald's Drive. The separation distances are well in excess of the standards set out in the Council's SPD. Separation distances between houses within the proposed development also meet the Council's standards.

## **ENVIRONMENTAL SUSTAINABILITY**

### Design and impact upon the character of the area including the Conservation Area

- 10.11 The density of the development at 31 dwellings per hectare is considered acceptable and in keeping with the character of the surrounding area. The scale of the properties at two storeys is also in keeping with the type of housing that surrounds the site.
- 10.12 When the application was first submitted, there were a number of design concerns raised about the scheme. These included too much frontage parking on parts of the site, National Space Standards not being met and the need for dual aspect properties at key points in the layout. Concerns were also raised about boundary treatments in that a more robust boundary treatment was required along the western edge of the site (for security reasons) and a more soft treatment along the greener edges of the site to the east and south to retain more trees and respect the green nature of the lane and the setting of the cemetery to the south.
- 10.13 Amended plans were submitted to address all of these concerns. The number of houses was reduced by three and this allowed more space for parking at the side of the properties. A more secure 1.8m high close boarded fence is to be erected along the western boundary on the inside of the existing hedge to soften its impact. A 1.5m high green paladin type mesh fence is proposed along the southern boundary with the existing hedge retained. A mixture of retained hedges and trees together with the green paladin fencing are proposed along the eastern boundary to retain the green character along the lane. The Conservation Officer and Tree Officers are now happy with the scheme, as it retains the green character along the lane and also respects the setting of the cemetery by retaining the hedge and trees along this boundary.
- 10.14 The design of the proposed houses is acceptable as they have some additional architectural detailing such as stone effect window cills and canopies, which adds to the interest of the design. The proposed materials will match existing dwellings on St Oswald's Close and surrounding estates that reflect the character of Finningley and include red brick with red and dark grey roof tiles (to be secured by a planning condition). The application therefore accords with policies 41, 42, 44 and 45 of the Local Plan and guidance set out in the NPPF.

### Ecology

- 10.15 An Ecological Impact Assessment has been undertaken as part of this planning application together with a number of surveys covering bats, invertebrates and reptiles.

- 10.16 The reptile survey provides the most significant results, with several reptiles being found just off-site. Mitigating for a small number of reptiles can be carried out through a Construction Ecological Management Plan (CEMP) and this is secured by a condition. Bat activity surveys identified that the proposed development is unlikely to impact significantly on the local bat populations and that mitigation should be in the form of the retention of existing habitat features such as the hedgerows and the inclusion of bat boxes in the proposed dwellings (also secured by a planning condition). Although there were a small number of invertebrates of local note, no significant species were found that would be a significant constraint, but the retention of existing vegetation where possible would be of benefit. No active badger setts or other evidence of badger activity has been identified on site. The current likely absence of badger can therefore be reasonably concluded.
- 10.17 The permanent loss of significant habitats on site have resulted in a deficit in habitat and hedgerow units as shown in the biodiversity net gain assessment submitted with a -84% and -8% losses respectively. The total habitat units lost is 4.27 biodiversity units taking into account the minimum 10% net gain requirement from policy 30 of the Local Plan. Where there is a deficit in biodiversity net gain from developments, then these have to be discharged through off site provision either in the form of ecological enhancements on land that the applicant owns or on sites that the Council has identified, with a commuted sum paid to the Council. The applicant is to provide off-site ecological compensation in the form of enhancements on another site, or they will make a payment of £106,700 to the Council (based on a sum of £25,000 per unit) for it to provide ecological enhancement on an alternative site; this will be secured through a Section 106 Agreement.
- 10.18 There are no impacts on any protected species and ecological compensation is being offered to meet the 10 per cent Biodiversity Net Gain and so the proposal accords with policy 30 of the Local Plan.

#### Trees and Landscaping

- 10.19 An Arboricultural Impact Assessment has been submitted with the planning application. The report includes an assessment of the trees on site and a tree protection plan for the construction period. The report identifies a total of 14 trees on site and a further 5 groups, including boundary hedgerows.
- 10.20 Of the trees on site, the majority are classified as category C (low quality) specimens, with only one category A (high quality) tree, which is an Oak. The tree protection plan confirms retention and protection of this oak, as well as another two oak trees (T4 and T5) and a Cherry Tree (T14). It is also confirmed that the boundary hedgerow to the west will be retained and protected.
- 10.21 As part of the landscaping scheme for the development, it is proposed to introduce a range of new street trees and boundary landscaping, including five extra heavy standard trees, one heavy standard and 15 selected standard trees. A detailed landscaping scheme is to be secured by a planning condition.
- 10.22 Overall, the proposed layout has sought to protect existing trees where appropriate, as well remove those that are recommended for removal as part of good arboricultural management. In order to ensure an appropriate and high-quality response to landscaping and biodiversity, a wide range of replacement tree



planting and landscaping is proposed. The application therefore accords with policy 48 of the Local Plan.

#### Impact upon Highway Safety

- 10.23 A Transport Statement (TS) has been submitted with the application. The proposed access has been designed and agreed with the Council's Highways department with an independent road safety audit undertaken to ensure that the junction is designed and constructed to the required road safety standards. The TS sets out that the access junction has capacity to serve the additional 33 dwellings.
- 10.24 As part of the TS, a trip generation assessment has also been undertaken. This concludes that when fully built, the proposals are expected to generate 18 two-way vehicle trip movements during a typical weekday AM peak hour (one every 3 minutes) and 17 during the PM peak hour. The proposed development will therefore not have a significant impact on the operation of the local highway network or site access junction.
- 10.25 It is anticipated that the development will attract the usual servicing requirements such as refuse collection. The development design and layout allows for all manoeuvres to take place within the site. Sufficient parking is provided for each plot together with adequate visitor parking.
- 10.26 Footways are generally available on both sides of the adjoining roads network. Along Church Lane, the section between Golden Sun Takeaway restaurant and the proposed site access, footways are available on one side (eastern flank) reverting to both sides along St Oswald's Close / St Oswald's Drive. From site observations and review of the Personal Injury Incidents, the road network is deemed to be safe for pedestrians. The development is not creating the need for a pedestrian crossing on the A614 and so cannot be secured either by condition or a 106 Agreement even if it were viable. The application therefore accords with policies 13, 16 and 17 of the Local Plan and guidance set out in the NPPF.

#### Flood Risk, Foul and Surface water drainage

- 10.27 A Flood Risk Assessment and Drainage Strategy has been undertaken and confirms that the site falls entirely within Flood Zone 1. A series of tests and analysis has been carried out to assess the flood risk on site and any impacts on future development. The site has been found not to be at risk of flooding from river or tidal water. The report concludes that the site is considered to be acceptable for residential development.
- 10.28 Infiltration testing has been carried out to inform the surface water drainage solution, concluding that soakaways can be used on site, designed to cater for a 1:100 year storm event plus 30%. In terms of foul water, a gravity connection cannot be achieved due to site levels and a pumped connection is therefore proposed, with connection to the public foul sewer crossing Doncaster Road.
- 10.29 The proposals therefore accord with policy 56 of the Local Plan.

## Noise

- 10.30 An Acoustic Assessment has been undertaken to accompany this application; it has assessed the impact of noise sources within the vicinity of the site, principally the nearby airport.
- 10.31 It has been demonstrated that with the mitigation recommended, including ceiling insulation and enhanced double glazing to all bedrooms with acoustic trickle vents, that noise will not cause an unacceptable impact on the residential amenity of the properties (details to be secured by a planning condition). The report concludes that for the large majority of the daytime period, garden areas would enjoy a reasonable degree of amenity.
- 10.32 It is therefore considered that the proposed development accords with guidance in the NPPF and policy 54 of the Local Plan.

## Contamination

- 10.33 The application is supported by a series of detailed site investigation reports that demonstrate the suitability of the site for the proposed development. This includes a Phase I and Phase II Site Investigation, as well as ground gas monitoring results. It is concluded there are no risks from ground gas that require protection and ground conditions are suitable for development of the proposed houses. The application therefore accords with policy 54 of the Local Plan.

## Energy Efficiency

- 10.34 The proposals seek to implement a fabric first approach to reduce the carbon footprint of the development. This approach places greater emphasis on the thermal performance of the building envelope to ensure that thermal performance and sustainability is embedded within the fabric for the lifetime of the building.

## **ECONOMIC SUSTAINABILITY**

- 10.35 The proposed development will support a range of economic benefits including 40 direct full time construction jobs.

## OTHER ISSUES RAISED BY OBJECTORS NOT ALREADY ADDRESSED IN THE REPORT

- 10.36 A number of issues have been raised by residents and these have been covered in the report. One issue raised includes that the cemetery has limited space. No evidence has been submitted to substantiate this claim, but the land is in private ownership and there is nothing in the Local Plan that requires this land to be safeguarded for an extension to the cemetery. Also, it has been mentioned by some that there is insufficient parking for allotment users, plane spotters, Chinese take away Users and Post Office Users. Again, there is no evidence to substantiate this, but even if there were, then it is not for the applicant to address any deficiencies in parking for other users; the applicant has to ensure that there is sufficient parking available for its own development and it has done this.

## **PLANNING OBLIGATIONS**

- 10.37 Under the relevant policies of the Local Plan, there would be a requirement for an off-site open space contribution (to make up the shortfall of 15 per cent on site provision), as per policy 28 of the Local Plan. There would be a requirement for an education contribution of £109,782 towards Hayfield School to fund an additional six school places as required by policy 52 of the Local Plan. There is also a requirement for off-site ecological enhancements or a contribution of £106,700 in lieu of this to meet ten per cent Biodiversity Net Gain as per policy 30 of the Local Plan. The proposal clearly exceeds its affordable housing requirement in that it is for 100 per cent as opposed to the 23 per cent requirement under policy 7 of the Local Plan.
- 10.38 The proposal meets the Biodiversity Net Gain requirement and this will be secured through a Section 106 Agreement. The proposal also exceeds the requirement for affordable housing, being 100 per cent affordable and this will also form part of the 106 Agreement. As with most schemes that are for 100 per cent affordable housing, there are viability issues in meeting other policy requirements for contributions. The applicant has submitted a viability assessment and this has been checked by the Council's Housing Officer. The Viability Assessment shows that the scheme is unviable for any contributions other than 100 per cent affordable housing and the off-site ecological enhancement or commuted sum of £106,700 in lieu of that. It should be noted that the scheme meets all other policy requirements in terms of National Minimum Space Standards, Electric vehicle charging and Superfast broadband. The application therefore accords with 66 of the Local Plan and guidance within the NPPF.

## **11.0 PLANNING BALANCE & CONCLUSION**

- 11.1 The proposal accords with guidance set out in the NPPF. Demand for affordable rented housing in Finningley parish is very high and the need is not being met. The site is adjacent to the settlement of Finningley and would be no larger than 5 per cent of the size of it. The proposed development will deliver local needs affordable housing for residents who are able to demonstrate a local connection. Whilst there has been housing development in the area in recent years, very little of this has been affordable housing for local needs, as demonstrated through the Council's evidence for affordable housing need in the area. The delivery of 100% affordable homes represents a significant benefit, addressing a need for local families. The properties will be secured as affordable housing in perpetuity with clear eligibility criteria ensuring they are allocated to people in need with a genuine local connection.
- 11.2 There are no highway concerns with the proposal and the scheme has been designed to ensure that there is no impact on nearby residential properties. The scheme has been designed to meet Local Plan policies including National Minimum Space Standards. The most important trees on site are being retained and will be enhanced through additional planting. Off-site ecological enhancement will ensure that the scheme achieves a 10 per cent Biodiversity Net Gain.
- 11.3 The proposal will deliver much needed affordable housing in a sustainable location and this weighs heavily in its favour.

## 12.0 RECOMMENDATION

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

- a) 100% affordable housing to be secured in perpetuity.
- b) Off-site ecological enhancement or a commuted sum of £106,700 for the Council to identify and provide ecological enhancement on an alternative site.

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

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

#### Conditions / Reasons

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

##### REASON

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

2. The development hereby permitted 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:

Drawing number 001 Rev A dated Feb 2021 (Location plan)

Drawing number 003 Rev G dated Feb 2021 (Site plan)

Drawing number R/2464/1D dated Mar 21 (Landscape masterplan)

Drawing number 004 Rev H dated Feb 2021 (Hard landscape and boundary treatment plan)

Drawing number BT / SHEET 01 dated 13.09.11 (Boundary railing detail)

Drawing number BT / SHEET 05 dated 13.09.11 (Boundary close boarded fence)

Drawing number BT / SHEET 27 dated 22.02.12 (Boundary screen fence and wall)

Drawing number BT / SHEET 40 dated 21.12.21 (Mesh security fence)

Drawing number NDS-13(FA) dated Sept 2021 (House type 13)

Drawing number NDS-31 dated Sept 2021 (House type 31)

Drawing number NDS-33(M4(2)) dated Sept 2021 (House type 33)

Drawing number STE/21/06/07/01 A dated 22.07.21 (Drainage plan)

Drawing number STE/21/06/07/02 A dated 22.07.21 (Drainage plan)

##### REASON

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

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

REASON

This is required prior to commencement to ensure that all trees are protected from damage during construction in accordance with in accordance with Local Plan Policy 32.

4. Before the construction of any dwellings on site, a character area strategy and details of materials shall be submitted to and approved in writing by the Local Planning Authority. The LPA may request samples be provided if required. The development shall be carried out in accordance with the approved materials and details.

REASON

To ensure the satisfactory appearance of the development.

5. No development shall take place on the site until a detailed soft landscape scheme, has been submitted to and approved in writing by the Local Planning Authority. The soft landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements guide, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion of any planting within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme, prior to occupation of the home, which will be monitored by the Local Planning Authority. Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

In the interests of environmental quality and policy 48 of the Local Plan.

6. Upon commencement of development, details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to

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

**REASON**

To ensure that all new housing and commercial developments provide connectivity to the fastest technically available Broadband network in line with the NPPF (para. 114) and Policy 21 of the Doncaster Local Plan.

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

**REASON**

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

8. 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.

9. Prior to the occupation of each dwelling on site, noise mitigation measures for that property including enhanced ceiling construction, glazing and ventilation shall have been carried out in accordance with the details set out in section 4 of the submitted Noise Impact Assessment by ENS dated 15th March 2021 referenced NIA/8269/19/8222/v3/Church Lane, Finningley.

**REASON**

To mitigate against the impact of noise from the airport in accordance with policy of the Local Plan.

10. 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 target conditions proposed for each habitat parcel.

- Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved.
  - That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 5, 10, , 25 and 30) immediately following habitat creation. GIS files showing the current habitat condition of each habitat parcel will accompany each monitoring report.
- Once approved in writing the management measures and monitoring plans shall be carried out as agreed.

**REASON**

To ensure that habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by the NPPF paragraph 170.

11. On or before the commencement of development, a Construction Ecological Management Plan shall be submitted to the LPA for approval and then implemented in accordance with the approved details. Measures will be based on recommendations in the Ecological Impact Assessment (Brookes Ecological, Ref. ER-3389-07 01/12/21)

**REASON:**

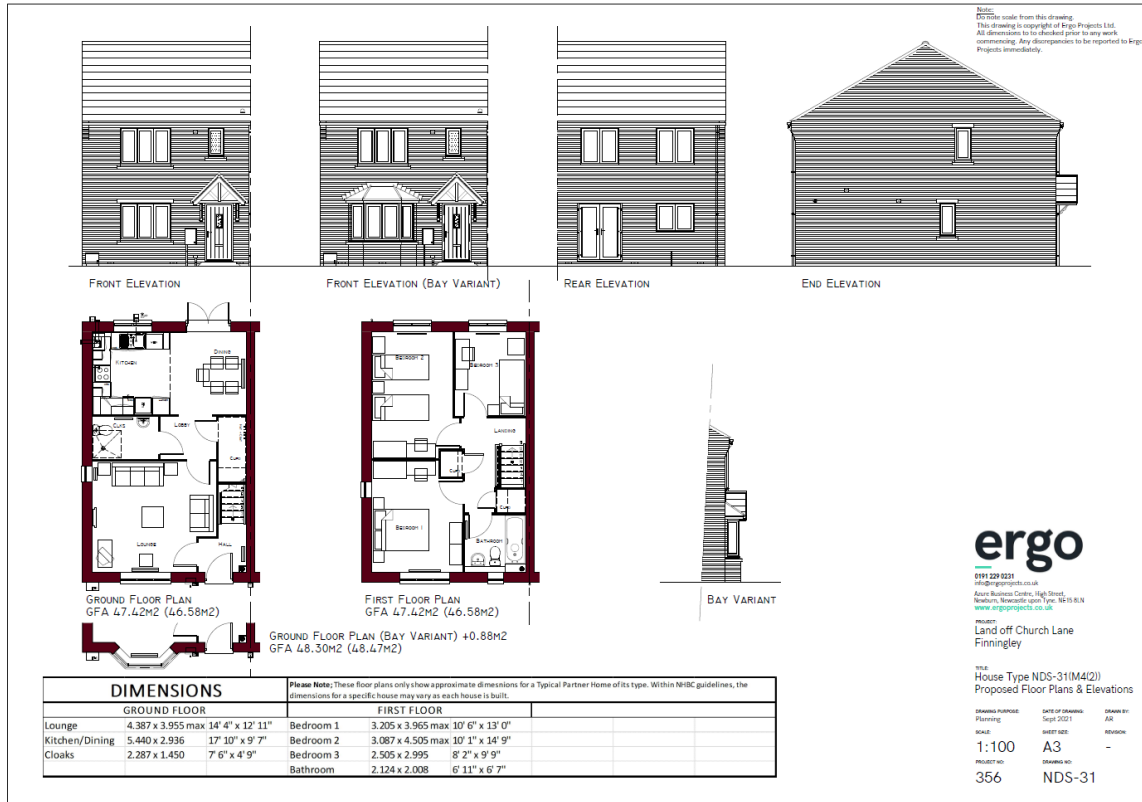
To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16

**Fig 1: Proposed site plan**





**Fig 2: Typical house type**



This page is intentionally left blank



**Agenda Item No.  
Date: 26th April 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.

	<b>Outcomes</b>	<b>Implications</b>
	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 13/04/2022]**

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 13/04/2022]**

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 13/04/2022]**

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

#### **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 13/04/2022]**

12. There are no technology implications arising from the report

#### **HEALTH IMPLICATIONS [Officer Initials RS Date 13/04/2022]**

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

#### **EQUALITY IMPLICATIONS [Officer Initials IH Date 13/04/2022]**

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
21/01759/FUL	Erection of detached 4-bedroom dwelling and associated works (amended from an outline application to a full planning application) at 37 Allenby Crescent, New Rossington, Doncaster, DN11 0JX	Appeal Dismissed 30/03/2022	Rossington And Bawtry	Delegated	No
21/02711/ADV	Installation of freestanding internally illuminated 48 sheet D-Poster display sign. at Goals, Worcester Avenue, Wheatley, Doncaster	Appeal Dismissed 29/03/2022	Wheatley Hills And Intake	Delegated	No
19/00382/M	Appeal against enforcement action for unauthorised replacement of larger windows to first floor without planning permission under grounds B C D and E at N C B Officials Club, The Crescent, Woodlands, Doncaster	ENF Appeal Allowed, ENF Notice Quashed 07/04/2022	Adwick Le Street And Carcroft		No

## REPORT AUTHOR & CONTRIBUTORS

Mr I Harris  
01302 734926

TSI Officer  
ian.harris@doncaster.gov.uk  
**Dan Swaine**  
**Director of Economy and Environment**

This page is intentionally left blank



## Appeal Decision

Site visit made on 15 March 2022

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 March 2022**

---

**Appeal Ref: APP/F4410/W/21/3286050**

**37 Allenby Crescent, New Rossington, Doncaster DN11 0JX**

- 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 Hollick against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 21/01759/FUL, dated 21 May 2021, was refused by notice dated 21 September 2021.
  - The development proposed is erection of a detached 4-bedroom dwelling and associated works.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. During the lifetime of the application, it was modified from an outline application to a full application. I have assessed the appeal on the basis of a full application.

### Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the area.

### Reasons

4. The appeal site is the former side garden area to No 37, which has apparently a separate entity, No 37 is an end terraced dwelling located at a junction corner where a cul-de-sac is formed for the next batch of housing. The area is residential in nature and the host property is part of a large housing estate with a set pattern to the highway network and a traditional crescent style layout.
5. The local pattern for dwellings is for semi-detached and terraced units. The corner plots that form the cul-de-sac junctions have large garden areas. Despite some minor variations, these rigid design features set out the character and appearance of the area.
6. The appeal proposals for one detached dwelling harm the character and appearance of the area, introducing a feature that would appear alien in the rigid design strategy of the residential estate and would affect the symmetry at the corner junction of the cul-de-sac.

7. I find that the detached property would be at odds with the prevailing pattern of development in this residential area, and the simple designs and proportions of dwelling types in the locality. The proposed dwelling would fragment and disrupt this pattern, compromising the pattern of development and would be detrimental to the character and appearance of the locality.
8. Whilst there would be sufficient private garden area available for both the new and existing dwelling, the proposed dwelling would appear contrived, being a detached property in a locality dominated by semi-detached and terraced properties and would be at variance with the ordered pattern of development, appearing incongruous in relation to the character and appearance of the area.
9. As a result, I find the proposals contrary to Policy CS14 of the Doncaster Council Core Strategy (2012) and Policies 41 and 44 of the Doncaster Local Plan (2021) which collectively, amongst other matters, expect development to make a positive contribution to character and continuity, respond positively to their context and integrate visually. I also find conflict with the guidance set out in Paragraph 130 of the National Planning Policy Framework.

### **Other Matters**

10. The appellant has made considerable justification for the proposals based on a scheme on a nearby street that gained consent. Whilst on my site visit, I viewed the proposals in question. Although I do not have the full details of the background of this scheme, it is crucially in a different context to that of the appeal property and was also determined under a previous planning regime. It also served to confirm the harm that can be done in relation to inappropriate schemes. I have, in any event, determined this appeal on its own individual planning merits.

### **Conclusion**

11. For the reasons given above, I therefore conclude that the appeal be dismissed.

*Paul Cooper*

INSPECTOR





---

## Appeal Decision

Site visit made on 15 March 2022

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 March 2022**

---

### **Appeal Ref: APP/F4410/Z/21/3286574**

### **Goals, Worcester Avenue, Wheatley, Doncaster DN2 4NB**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Ben Porte of Clear Channel UK Ltd against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 21/02711/ADV, dated 1 September 2021, was refused by notice dated 27 October 2021.
  - The development proposed is Installation of freestanding internally illuminated 48 sheet D-Poster display sign.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. I have utilised the description in the header above from the Council's Description of Development. It utilises just the first line of the description from the application form and is far more concise than the appellant's description. I am satisfied that neither party is prejudiced by this course of action.
3. Powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In the determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

### **Main Issues**

4. The main issues in this appeal are:-
  - The effect of the development on the visual amenity of the area.
  - The effect of the development on public safety as it relates to road users.
  - The effect of the development on residential amenity.

### **Reasons**

#### *Visual amenity*

5. The appeal site is adjacent the boundary with the "Goals" football centre and the advertisement proposed is designed to attract those travelling along

Wheatley Hall Road (A630), which is a well trafficked dual carriageway. The area is a mix of commercial and residential development.

6. The advertisement would be sited in a prominent position, easily visible from Wheatley Hall Road. There are other advertisements in the area, but these tend to be smaller in scale and not illuminated. I have no doubt that the advertisement would meet all relevant best practice guidance but there is also no doubt that the illumination would result in a visually prominent feature that would stand out from other advertisements and dominate the street scene. This would be magnified by the periodic changing of the illumination that would draw further attention, increasing the visual prominence and harmful to the visual amenities of the area.
7. As per the regulations, I have taken into account the relevant policy of the Doncaster Local Plan (the LP). Criterion A,B and E of Policy 49 of the LP expects advertisements, amongst other matters, to respect the character and appearance of the area, and not be a dominant feature in a location.
8. I find that appeal proposals would harm the visual amenities of the locality and not be in accordance with Policy 49 of the LP as shown above, as well as being contrary to the advice given in Paragraph 136 of the National Planning Policy Framework (the Framework)

#### *Public safety*

9. I note from my site visit that the road is well trafficked, and there is a set of traffic lights close to the site located on the highway which contains a highway turn, and highway users need to be paying attention at this point. The PPG states that all advertisements are designed to attract attention, with those proposed at points where drivers need to take care are more likely to affect public safety.
10. When approaching the signal-controlled junction, the traffic lights would be set in the same context as the appeal proposal. Given the periodic changes of display, even with an instantaneous change, and the operational illumination, I find that it could distract road users at a point where concentration levels need to be high. The highway consultee has objected for a similar reason.
11. In accord with the regulations, I have taken into account the relevant policy of the LP. Criterion D of Policy 49 of the LP expects development, amongst other matters, to not interfere with highway safety. I also find the proposals contrary to the guidance set out in Paragraph 111 of the Framework.

#### *Residential amenity*

12. Concerns have been raised with regard to the potential of the proposals to cause light disturbance to residential amenity as well as being an unnecessary addition to the locality.
13. The addition and relevance of the need for the advertisement is not an issue that carries any significance in the assessment of the proposals, and I find that the position of the advertisement and separation distance from residential property is considerable, in addition to other light producing sources already in-situ in the area means that I find there is no conflict with Criterion E of Policy 49 of the LP with regard to harm to residential amenity. Nonetheless, while I

do not find harm in relation to this issue, I have identified harm in relation to other issues.

**Conclusion**

14. For the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

*Paul Cooper*

INSPECTOR

This page is intentionally left blank



---

# Appeal Decision

Site visit made on 14 March 2022

**by Peter Willows BA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 April 2022**

---

**Appeal Ref: APP/F4410/C/21/3285635**

**The land situate and known as the NCB Officials Club, The Crescent, Woodlands, Doncaster, DN6 7RP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
  - The appeal is made by Mr Ryan Morling (Rhinos Ltd) against an enforcement notice issued by Doncaster Metropolitan Borough Council.
  - The notice was issued on 15 September 2021.
  - The breach of planning control as alleged in the notice is Without planning permission the replacement of the first floor windows on the front and side elevation of the commercial building on the Land with clear glazed windows at the approximate position marked between points A and B in blue on the attached Plan B.
  - The requirements of the notice are:
    - i) Replace the windows at the first floor level on the front and side elevation in the approximate position marked between points A and B in blue on the attached Plan B with obscure glazed glass to level 3 or higher on the Pilkington scale of privacy or equivalent up to a minimum height of 1.7m above the internal floor level of the room in which it is installed; and
    - ii) Ensure that the windows at the first floor level on the front and side elevation in the approximate position marked between points A and B in blue on the attached Plan B are non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed.
    - iii) Upon compliance of steps i) and ii) above permanently remove the resultant materials from the Land.
  - The periods for compliance with the requirements are:

Step i): 2 months  
Step ii): 3 months
  - The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d) and (e) of the Town and Country Planning Act 1990 as amended.
- 

## Decision

1. The enforcement notice is quashed.

## The Notice

2. Although this appeal is made on a number of grounds, as set out above, I must initially address a number of matters relating to the enforcement notice.
3. First, in accordance with section 173(1) of the Act, a planning enforcement notice must state, 'the matters which appear to the local planning authority to constitute the breach of planning control' and it must be stated in such a way that it 'enables any person on whom a copy of it is served to know what those matters are' (section 173(2)). In other words, the allegation must be clear.

4. This notice refers to 'the replacement of the first floor windows on the front and side elevation of the commercial building on the Land with clear glazed windows'. While this may, strictly speaking, be true, it implies that the previous windows were not clear glazed. This impression is reinforced by Section 5 of the notice, which requires the windows to be replaced with obscure glazed items. Yet the Council now suggests that the previous windows were also clear glazed. The new windows are, in fact, much larger than the old ones, but this is not mentioned in the notice. Overall, therefore, the allegation does not give a full and accurate picture of what has occurred. It is clear that this has created uncertainty – the appellant stating 'The windows were always clear' in the grounds of appeal.
5. Second, the requirement for the windows to be replaced with obscure glazing seems out of step with the development that has actually taken place. Given the Council's current view, that the previous windows have been replaced with larger ones, the notice would clearly not result in the breach of planning control being remedied in accordance with section 173(4)(a) of the Act.
6. The Council might take the view that the requirement for obscure glazing would remedy harm to amenity under section 173(4)(b). However, it seems to me that the notice could at least have left the appellant with the option of reverting to the smaller, clear-glazed windows that previously existed. While that might not have fully addressed the Council's overlooking concern, there is no justification for imposing a requirement to improve on the pre-existing situation. To do so would go beyond either of the purposes of a notice prescribed by section 173(4). Thus, by leaving the appellant with no option but to effectively replace the original clear-glazed windows with obscure-glazed (albeit larger) units, the requirements of the notice are disproportionate.
7. Third, it is not entirely clear whether the whole windows (frame and glass) are to be replaced or just the glass. Requirement (i) states 'Replace the windows at the first floor level on the front and side elevation in the approximate position marked between points A and B in blue on the attached Plan B with obscure glazed glass to level 3 or higher on the Pilkington scale of privacy'. The suggestion of replacing 'the windows' (which implies frames and glass) with 'obscure glazed glass' (which clearly does not include the frames) creates uncertainty regarding precisely what is to be replaced.
8. Fourth, Section 5 of the notice sets out 3 requirements, numbered (i)-(iii). The time for compliance sets periods for compliance for requirements (i) and (ii), but fails to set any period for compliance for requirement (iii).
9. Section 173(9) of the 1990 Act states:

*An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities;*
10. Thus, it is clear that an enforcement notice must specify a period for compliance for all the steps (whether individual periods for each step or a composite period for all the steps). The notice is therefore deficient in this respect and cannot remain unchanged.
11. Moreover, requirement (ii) seeks to ensure that the windows are non-opening up to a minimum height of 1.7m above the internal floor level. This has its own

timescale of 3 months. Yet under Requirement (i), the windows would have already been replaced after 2 months. It appears inconsistent and illogical to ensure the windows are non-opening a month after they are installed. Thus, while I cannot be completely sure that this was unintentional, it adds to the impression that the timescales have been erroneously drafted.

12. For all of the above reasons, while the notice is not so ambiguous as to render it a nullity, it is clearly flawed and cannot remain as it is. Under section 176(1) of the Act I have the power to correct any defect, error or misdescription in the notice, provided it does not lead to injustice to the Council or the appellant. I have therefore considered whether it is possible to correct the notice in this case.
13. Neither party has suggested any alternative wording to make the allegation in the notice clearer. However, it seems to me that it would need to be significantly different to the allegation the Council has used and would also lead to different requirements. In my judgement, the changes I would need to impose would be likely to have a significant effect on the cases the parties would wish to put forward at appeal and might also affect the grounds of appeal the appellant would wish to pursue. I would be further hampered in revising the requirements of the notice since I am not sure whether the Council sought the replacement of the whole frames or just the glass.
14. Moreover, introducing a limit for completion of Requirement (iii) would make the notice more onerous. Neither party has referred to the missing timescale and I have no suggestions of an appropriate compliance period to impose. Imposing an additional compliance period could affect the appellant's case and the grounds of appeal the appellant would have wished to pursue.
15. For these reasons, while some aspects of the notice could be corrected, I conclude that I am unable to correct all the defects without causing injustice to the Council or the appellant.

### **Conclusion**

16. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control, the steps required for compliance or the period for compliance. It is not open to me to correct the errors in accordance with my powers under section 176(1)(a) of the 1990 Act as amended, since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances, the appeals on the grounds set out in section 174(2)(b), (c), (d) and (e) of the 1990 Act as amended do not fall to be considered.

*Peter Willows*

INSPECTOR

This page is intentionally left blank