



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 July, 2022

Time: 2.00 pm

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Damian Allen
Chief Executive

Issued on: Monday, 18 July 2022

Governance Services Officer for this meeting

David Taylor
Tel: 01302 736712

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

1. Apologies for Absence.
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
3. Declarations of Interest, if any.
4. Minutes of the Planning Committee Meeting held on 28th June, 2022. 1 - 8
- A. Reports where the Public and Press may not be excluded.**
For Decision
5. Schedule of Applications. 9 - 74
For Information
6. Appeal Decisions. 75 - 108

Members of the Planning Committee

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

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

Public Document Pack Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 28TH JUNE, 2022

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER on TUESDAY, 28TH JUNE, 2022, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

Apologies for absence were received from Councillors Bob Anderson and Aimee Dickson

6 Declarations of Interest, if any

There were no declarations of interest made at the meeting.

7 Minutes of the Planning Committee Meeting held on 31st May, 2022

RESOLVED that the minutes of the meeting held on 31st May, 2022 be approved as a correct record and signed by the Chair.

8 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'.

9 Town and Country Planning Act 1990, Section 106 Agreements

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

Application No.	Description and Location
19/01835/FULM	Erection of 27 dwellings on approx 0.913 ha of land at 1 Fulwood Drive Balby, Doncaster, DN4 8QH

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
20/01323/FUL	Retrospective change of use of land to Sui Generis for the recycling of concrete, bricks, rubble and soils into a sellable by-product to provide recycled aggregates; construction materials storage; civils engineering operation use and proposed erection of modular building. at Unit 1, Pastures Road, Mexborough, S64 0JJ	13/06/2022	Mexborough	Committee	Yes
21/01596/FUL	Erection of two storey rear/side extension and associated works to include patio path and driveway re-paving, reinstatement of boundary fence/railings. at 2 Rectory Gardens, Wheatley, Doncaster, DN1 2JU	Appeal Dismissed 20/05/2022	Town	Delegated	No
20/02300/FUL	Erection of two	Appeal	Hatfield	Delegated	No

	storey dwelling and demolition of existing dwelling within 3 months of erection of new dwelling at Fairwinds, Hatfield Road, Thorne, Doncaster	Dismissed 27/05/2022			
20/01486/FUL	Erection of 7 dwellings following demolition of existing dwelling with associated access, parking and landscaping. at 59 Church Street, Bawtry, Doncaster, DN10 6HR	Appeal Dismissed 07/06/2022	Rossington & Bawtry	Delegated	No

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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 28th June, 2022

Application	1
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Application Number:	19/01835/FULM
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Application Type:	Full Planning Permission
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Proposal Description:	Erection of 27 dwellings on approx 0.913 ha of land.
At:	1 Fulwood Drive, Balby, Doncaster, DN4 8QH

For:	Mr James Blunt - Hooper Limited
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Third Party Reps:	36 Letters of objection.	Parish:	None
		Ward:	Tickhill & Wadworth

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

Proposed by: Councillor Iris Beech

Seconded by: Councillor Charlie Hogarth

For: 9 Against: 0 Abstain: 0

Decision: Planning permission granted subject to Conditions the completion of an agreement under Section 106 of the Town and Country Planning Act, 1990 in relation to the following matters, and the Head of Planning be authorised to issue the planning permission upon completion of the legal agreement:-

- (a) 23% Affordable Housing to be provided onsite;**
- (b) Proposal to provide 15% off site Public Open Space (POS) including ongoing management and maintenance; and**

- (c) An education contribution towards additional school places equating to £91,485.00**

(The receipt of the amendment to the first sentence in the first paragraph of the Summary description within the report that “The proposal seeks full Planning Permission for the erection of 27 dwellings.....” and not 30 dwellings, was reported at the meeting).

Application	2
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Application Number:	21/02399/FUL
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Application Type:	Full Planning Application
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Proposal Description:	Formation of new site entrance (from Worcester Ave)
At:	Crompton Lighting Limited, Wheatley Hall Road, Wheatley, Doncaster

For:	Mr Nigel Griffiths - Ground Group
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Third Party Reps:	5 Letters of objection	Parish:	n/a
		Ward:	Wheatley Hills & Intake

A proposal was made to defer the Application in order to receive further information in relation to the impact on trees affected by the development.

Proposed by: Councillor Susan Durant

Seconded by: Councillor Sue Farmer

For: 9 Against: 0 Abstain: 0

Decision: Planning Application deferred to receive further information in relation to the impact on trees affected by the development.

(The receipt of the amendment to the list of Conditions within the report to amend the number of the second Condition 06 to 07, was reported at the meeting).

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DONCASTER METROPOLITAN BOROUGH COUNCIL

To the Chair and Members of the PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

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

Human Rights Implications

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

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

Copyright Implications

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

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1.	21/02399/FUL	Wheatley Hills And Intake	
2.	22/00034/3FUL	Adwick Le Street And Carcroft	
3.	22/00413/FUL	Adwick Le Street And Carcroft	
4.	22/00414/FUL	Adwick Le Street And Carcroft	

Application	1.
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Application Number:	21/02399/FUL
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Application Type:	Full Planning Application
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Proposal Description:	Formation of new site entrance (from Worcester Ave)
At:	Crompton Lighting Limited Wheatley Hall Road Wheatley Doncaster

For:	Mr Nigel Griffiths - Ground Group
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Third Party Reps:	5 Letters of objection	Parish:	n/a
		Ward:	Wheatley Hills and Intake

Author of Report:	Mark Ramsay
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SUMMARY

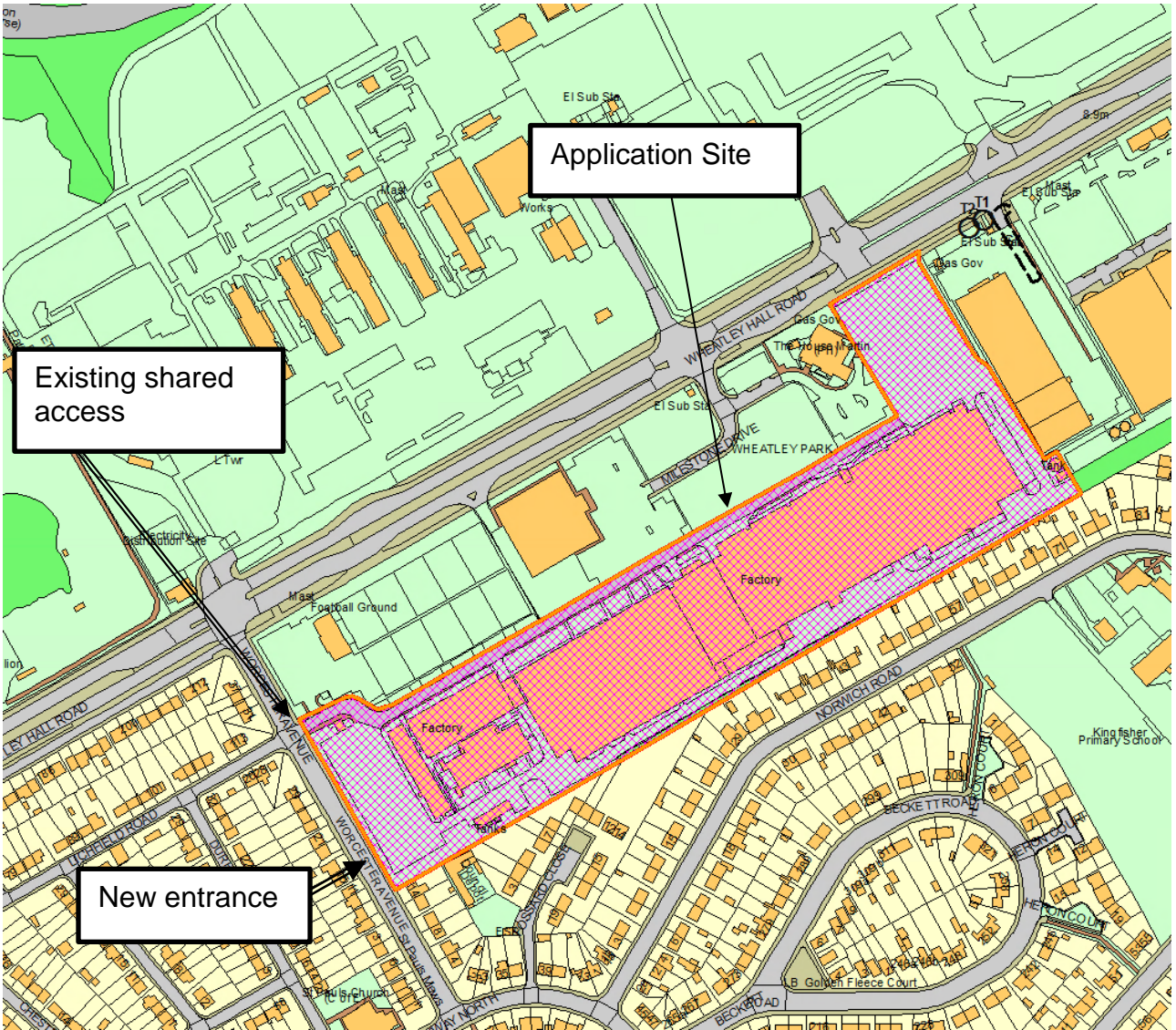
The proposal is for a new vehicle access to land to the west of the former Crompton Electrical factory building also known as Xenon Park. This would be to provide direct access to the existing car park and building instead of via the access to Worcester Avenue that is shared with 'Goals' football centre.

The access would be further south along Worcester Avenue than the current access and delivery vehicles would need to traverse part of the avenue that is subject to a weight restriction, however the traffic order that is in place only applies to through traffic.

The site is allocated as employment land in the Doncaster Local Plan 2015-2035.

The proposal continues to ensure access to a site allocated for employment uses, while moving the access will inevitably lead to commercial traffic movements passing some residential premises, the impact on amenity will be limited and therefore the proposal is recommended for approval.

The application was deferred for decision at the previous meeting in order to receive further information in relation to the impact on trees affected by the development. The tree officer has been consulted and the relevant section report has been updated below.



1.0 Reason for Report

1.1 The application is being presented to Members due to the number of representations made to the proposal.

2.0 Proposal and Background

2.1 Planning permission is sought for permission to create a new direct access to the car parks and buildings forming Xenon Park, former Crompton Electrical Site rather than the shared access with the Goals football centre. There are potential civil matters between the users of the shared access that may mean that it is no longer available to the occupants of the factory site, so the possibility of a dedicated access is necessary.

2.2 At the opposite end of the site a direct access to Wheatley Hall Road has been approved to service a speculative new development, which would be separated from the rest of the site. This further amplifies the requirement for a dedicated access.

3.0 Site Description

3.1 The site lies to the east of Worcester Avenue and is populated by former factory buildings which are now leased out as business units. The site is bounded by a mesh fence on the boundary with Worcester Avenue. There are detached two storey properties fronting Worcester Avenue opposite the site and other housing along the southern boundary which aren't directly affected by this proposal. The existing driveways around the factory site and its car park would remain otherwise unaltered.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
21/02682/FUL	Proposed new site entrance (from Wheatley Hall Road)	Granted 14 February 2022

5.0 Site Allocation

5.1 The site is identified within the Local Plan as Employment Policy Area.

5.2 National Planning Policy Framework (NPPF 2021)

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

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

- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraphs 55-56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.6 Paragraph 83 recognises that decisions should the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations contributing to a strong competitive economy.
- 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.

Local Plan

- 5.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.9 Policy 4, Employment Policy Area, broadly supports commercial, storage and industrial uses and other uses that support these uses or are sufficiently specialist.
- 5.10 Policy 12 Strategic Transport Network states that developments which generate large volumes of freight traffic or involve the transport of bulk materials should be located close to the strategic transport network, where this can be accommodated within the existing capacity of the network

Other material planning considerations and guidance

- National Planning Policy Guidance

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification.
- 6.2 Following this publicity, a total of 5 letters of objection were received. A summary of the material planning issues raised is set out below:

- Loss of amenity through noise, disturbance and delivery traffic passing and turning close to dwellings, changes in character and appearance from adjacent dwellings

7.0 Parish Council

7.1 The location is not currently a parished area

8.0 Relevant Consultations

8.1 Yorkshire Water

No objections

8.2 Highways

The applicant has shown that vehicles will be able to safely turn in and out of the site without compromising parked vehicles. While noting that the access is inside the weight restriction on Worcester Avenue, it is 'except for access' so that vehicles accessing the site would not actually be breaching the order although it would be preferred if the weight restriction was moved, should the application be approved. This would entail a separate process requiring a traffic order which has its own consultation process under the relevant legislation and is separate from planning law. Tracking was carried on the proposed layout and found that vehicles were able to turn into the site without affecting parked cars, so there isn't a requirement for double yellow lines to be applied to part of the street.

8.3 Environmental Health

Concern was raised with regards to the impact on the properties opposite the site. The applicant provided information showing that the number of vehicle movements in and out of the site were small in terms of commercial vehicles and only within normal working hours and the movements were not at anti-social times of the day. The officer commented that movements are relatively small and would only have a limited noise impact on residents and properties immediately opposite may result in limited light intrusion from headlights shining across the road caused by vehicles leaving the site.

8.4 Trees

The trees along the boundary of the site have been heavily pollarded and this can be seen in street view images from recent years when the trees were not in leaf. The tree officer is not concerned regarding whether they are retained but a scheme should be put together for tree planting and landscaping to provide some replacements for those removed (see para. 9.15 below).

9.0 Assessment

9.1 The proposal seeks permission for a new access from Worcester Avenue. In considering the proposal the main material planning considerations are outlined below:

- The impact on the character of the area
- The impact on neighbouring residential properties

- The impact on the highway network and highways standards

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

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

Appropriateness of the proposal

9.3 The Local Plan supporting Policies Map show this site is allocated as part of an Employment Policy Area and the proposal will ensure the site can continue to be accessed should the operator no longer be in a position to use the access shared with the Football centre. The associated buildings are in use for various commercial purposes, which is deemed in line with the Local Plan policies.

Sustainability

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

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

SOCIAL SUSTAINABILITY

Impact on Residential Amenity

9.6 The impact on residential amenity is significant as there is currently restrictions reducing the amount of heavy goods vehicles traversing Worcester Avenue. The impact on amenity will come from additional vehicles passing the frontages of properties on Worcester Avenue to access the site, which otherwise would have turned off the road before reaching those dwellings or turned away, driving towards Wheatley Hall Road. Currently there is no proposal to alter the premises within the wider site and the new access would not generate extra traffic because of its creation.

9.7 The additional movements would be largely within regular working hours and the numbers are relatively small when based on the existing comings and goings. The applicant carried out a survey of vehicles accessing and leaving the site over a two week period and the daily number of trips ranged from 20 up to a maximum of 39. Around a third of those each day being trips by car with the remainder being vans or HGV's.

9.8 This would only become relevant if and when changes within the wider site mean that they would no longer be able to share the existing access with 'Goals'. Changes of use within the site that require planning permission would also trigger the requirement for those impacts to be further assessed at the time a planning application is submitted.

9.9 In order to limit any impact to the immediate surroundings, it would be prudent to make provision that prior to the site coming into use, a traffic management agreement is put in place so that commercial traffic arriving and leaving the site departs towards Wheatley Hall Road and could also be applied to avoid arrivals at anti-social times of day.

9.10 Conclusion on Social Impacts.

9.11 While there are significant and recognisable impacts on the amenities of nearby occupiers, particularly between the shared access with Goals and the proposed access, the number of additional movements that would affect adjacent occupiers is relatively low and the likelihood is that they would not be at anti-social times. Given this could be further limited by agreeing a traffic management plan, the amount of weight afforded to these impacts against the development is limited.

9.12 ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

9.13 The impact would be limited as it would only require a new vehicle turning introduced part way along the edge of the existing car park. A condition requiring prior approval of the fencing, gates and replacement landscaping has been suggested in the recommendation below. This would ensure that replacement planting and boundary treatments are appropriate to the part commercial part residential setting along the edge of the site.

Highways/Access

9.14 The Highways officer has not objected to the proposal and by adopting a traffic management plan that seeks to direct commercial traffic to Wheatley Hall Road it complies with the Local Plan policy that seeks to keep traffic travelling to and from sites in employment areas close to the strategic transport network. Wheatley Hall Road is a key part of the main routes around the borough linking to the arterial routes in and out of the centre.

Trees

9.15 The Trees along the boundary of the site have been heavily pollarded and therefore not regarded as benefiting from retention. It is accepted that the screening function that they provided cannot be replaced in the same location due to the proposed development. Rather than transplanting the affected trees, which was originally proposed, a scheme should be developed that will identify the areas available for replacement planting that could be introduced around the site and a condition has been included requiring prior approval of such a scheme. At the time

of writing the applicants are working to provide plans and information which will be included in pre-committee notes and form part of the presentation.

9.16 Conclusion on Environmental Issues

9.17 Para. 8 of the NPPF (2021) indicates that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land. Creating a new access to the site ensures the continuing viability of a site allocated as an employment use as well as maintaining links to the strategic transport network. The change in appearance is limited to the new opening into the existing car park seen in the setting of the existing former factory buildings within the site

9.18 In conclusion of the environmental issues, the impacts are limited and it is considered that issues raised in relation to 8s, highways and changes to the boundary treatment can be dealt with subject to suitably worded conditions.

9.19 ECONOMIC SUSTAINABILITY

9.20 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. In terms of the local economy, keeping the site connected to the local highway network and enabling businesses within the wider site to continue trading without interruption is important and given modest weight.

9.21 Conclusion on Economy Issues

9.22 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.

9.23 Whilst the economic benefit of the proposal is slight in isolation, the wider benefit of ensuring this allocation is sustainable is afforded modest weight, as it will maintain the economic vitality of this existing employment site and the borough in general. For that reason this weighs in favour of the development.

10.0 PLANNING BALANCE & CONCLUSION

10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on an existing employment site in the Local Plan and this weighs considerably in favour of the application.

10.2 The noise and disturbance associated with the extra vehicle movements is potentially significant in terms of the occupants of nearby dwellings. However the impact is limited and can be restricted by the imposition of a traffic management plan requiring limits on the hours vehicles should be entering and leaving the site. The short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

11.0 RECOMMENDATION

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

Conditions / Reasons:

01. The development to which this permission relates must be begun not later than 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:

2021-047-02C Proposed New Access

2021-047-03A Site Location Plan

REASON

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

03. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

04. Prior to the access being brought into use, a Traffic Management Plan (TMP) shall be submitted to and agreed in writing by the Local Planning Authority. The TMP shall detail:

- movements of commercial vehicles moving to and from the site and directing them towards Wheatley Hall Road;
- the times that access to the site will be permitted.
- the details required of a commercial vehicle record

The operation of the site shall be carried out in accordance with the approved TMP plan unless otherwise agreed in writing with the Local Planning Authority. The approved TMP shall be implemented upon the access hereby approved coming into use and shall be adhered to for the lifetime of the development.

REASON

In the interests of amenities of nearby occupiers.

05. A Commercial Vehicle Record shall be maintained which details; operator details, vehicle registration number, dates, times and numbers of all commercial vehicle movements associated with the site which enter and exit the site.

These records shall be maintained for the lifetime of the development and shall be made available for inspection by the Local Planning Authority within two working days of a verbal or written request being received.

REASON

In the interests of amenities of nearby occupiers.

06. No development of the access shall take place until a plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall show the positions, design, materials, height, and type of boundary treatment to be erected on site, including any proposed lighting, walls, fences or gates. Unless otherwise approved in writing by the Local Planning Authority, the details as approved shall be completed before the new access is brought into use.

REASON

To ensure the satisfactory appearance of the development.

07. No development of the access shall take place until a a scheme showing the landscaping and planting of replacement trees has been submitted to and approved in writing by the Local Planning Authority. No trees shall be removed until the scheme is approved by the Local Planning Authority. The agreed scheme shall be implemented no later than the first planting season following the commencement of development and thereafter maintained for a minimum period of five years.

REASON

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

INFORMATIVES

01. INFORMATIVE (CONDITION 06)

If additional lighting is required for the purpose of illuminating the newly created vehicle access, details can be submitted alongside details of boundary treatments as part of an application to discharge condition 06. This will show the position, height and type of any illumination proposed.

02. INFORMATIVE

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

03 INFORMATIVE

Cadent Gas own and operate the gas infrastructure within the area of your development. Contact the Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.cadentgas.com This service is free of charge.

04. INFORMATIVE

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980 and adoption roads within the development shall be carried out under Section 38 of the Highways Act. The S38 and S278 agreements must be in place before any works are commenced. There is a fee involved for the preparation of the agreement

and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

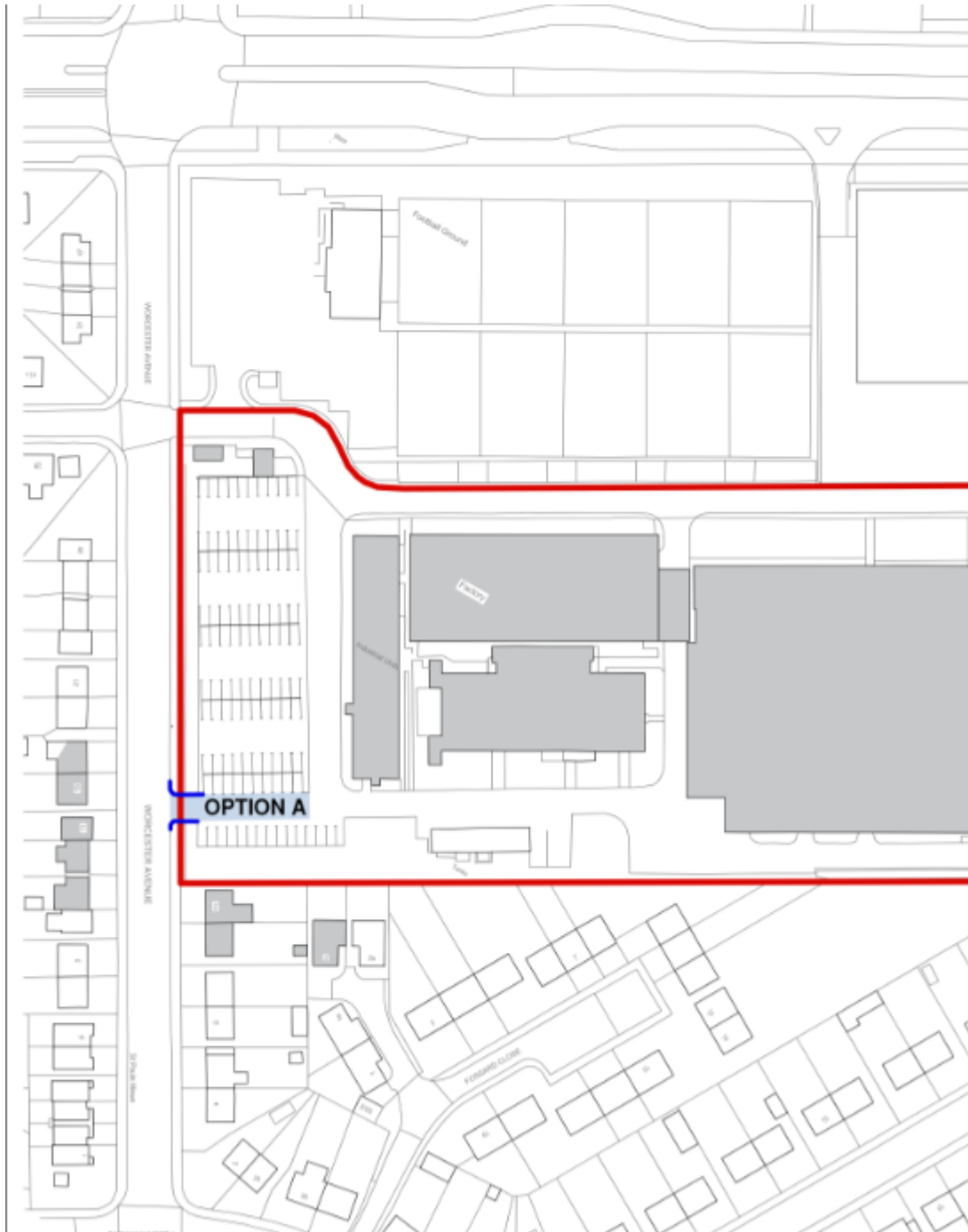
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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

- Additional information in relation to movements to and from the site
- Amendments to the plans to details

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

Appendix 1: Site and Location Plan



Appendix 2 Detailed entrance



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Application	2.
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Application Number:	22/00034/3FUL
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Application Type:	FULL PLANNING PERMISSION
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Proposal Description:	Change of use from Use Class C3 dwellinghouse to Use Class C2 Small Children's Homes including two storey side extension, internal alterations and extension to dropped kerb.
At:	25 Cambourne Close Adwick Le Street Doncaster DN6 7DB

For:	Doncaster's Children's Trust
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Third Party Reps:	19 representations have been received from members of the public, of which 17 are objections	Parish:	No Parish Council
		Ward:	Adwick Le Street & Carcroft

Author of Report:	Jessica Duffield
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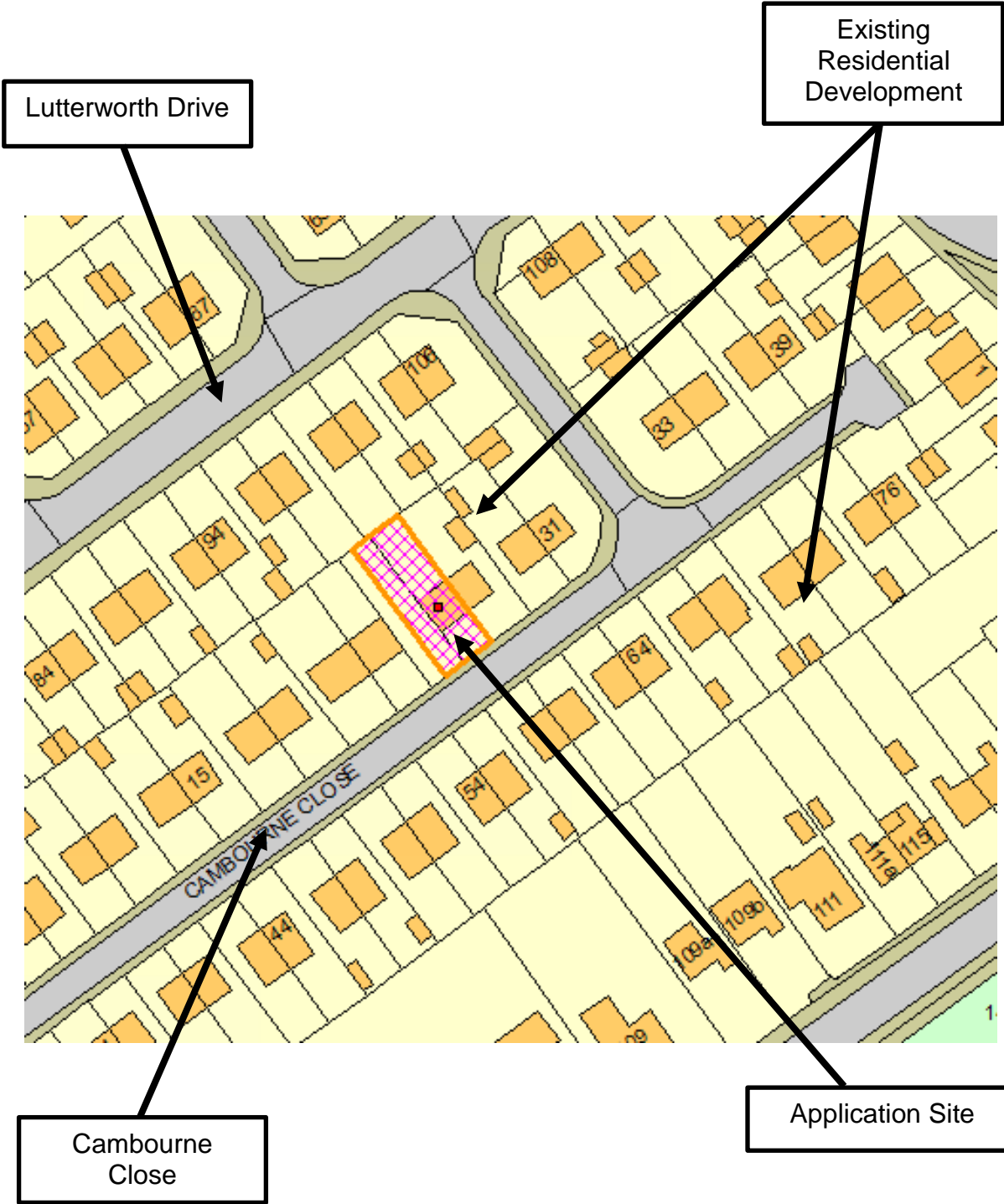
SUMMARY

This application is seeking full planning permission for the change of use of an existing semi-detached dwelling to be used as a small children's home for 2 resident children (Use Class C2). The proposal also includes the erection of a two storey side extension to provide additional space as well as alterations to the frontage to provide 2 off-street parking spaces.

The existing property is a 3 bedroom semi-detached property. The property will facilitate a maximum of 2 children whom will be based at the property on a permanent basis with staff/carers working various shift patterns across a 24 hour period.

This application has received a high volume of public interest and as such is being presented to Planning Committee.

RECOMMENDATION: GRANT full planning permission subject to conditions.



1.0 Reason for Report

- 1.1 The application is being presented to Members due to the volume of public interest and the application applicant being a Council department.

2.0 Proposal and Background

- 2.1 Planning permission is sought for full planning permission in relation to the change of use of an existing residential dwelling to be used as a small children's home (Use Class C2).
- 2.2 The proposal also includes the erection of a two storey side extension and alterations to the frontage including increasing the width of the dropped kerb to provide additional parking to the front.
- 2.3 The proposed development looks to utilise an existing residential property to facilitate a small children's home. The property will accommodate a maximum of 2 resident children which are typically aged between 9-17 years of age, who will attend school for at least 25 hours a week, with the aim to being there full-time. The proposed operation includes providing 1-1 personal care for children who are unable to reside with their family. The children who live at the property would have a typical family routine, with a 1-1 carer.
- 2.4 The children's home will provide personal care only. No additional facilities are proposed as part of the change of use, other than those which are found in a typical family home. The aim is that the proposed children's home will provide accommodation which replicates a family environment and 'normal' day to day living.
- 2.5 There would always be at least 2 members of staff at the property, though no members of staff will reside at the property on a permanent basis. The staff will work on a shift/rota pattern, with shifts varying between 8-9 hours in length. This means that over a 24 hour period there would typically be 3 handovers between shifts, which accumulates up to 6 carers working at the property each day. Additional ad-hoc visits from the manager and other specialist carers may occur during the day, between 9am- 5pm.
- 2.6 During the night shift at least 2 careers will stay at the property overnight, typically working a 10pm – 7am shift. 1 member of staff will sleep in one of the bedrooms while the other works through the night.
- 2.7 The staff will primarily travel by car and will park on the two dedicated off-street parking spaces associated with the dwelling. However, use of public transport such as bus or taxis is encouraged.
- 2.8 Two of the bedrooms will be for the resident children only. The third bedroom will be used as a staff bedroom. The property has a bathroom and separate W/C. On the ground floor the property provides a living room and dining/kitchen.
- 2.9 Whilst the children are at school, staff will undertake the usual household duties such as cooking/cleaning as well as the relevant paperwork to ensure regulations are met. The redecoration of the home will be done by professional decorators, whilst the upkeep of the gardens and minor jobs in the homes will be undertaken

through a service level agreement, the same as the other existing children's homes in the borough.

3.0 Site Description

- 3.1 The property itself is a 1970s style semi-detached property finished in stone with render detailing on the front elevation. The property has an open front garden with paved driveway running down the side and a private garden to the rear.
- 3.2 The street has a fairly uniform character with similar style semi-detached properties on the application side of the street, and a mixture of the same style and dormer style on the opposite side. All the properties are primarily brick with either render, cladding or stone features and have a mixture of open frontages; dwarf walls or hedging.
- 3.3 The application dwelling is a slightly lower level than the adjacent property at No. 23, with a brick retaining wall defining the boundary between the two driveways. The adjacent property has an attached garage to the side.
- 3.4 The site is located in an established residential area, with residential properties surrounding the site in all directions.
- 3.5 The application site falls within Flood Zone 1 and is at low risk of flooding.

4.0 Relevant Planning History

- 4.1 No relevant planning history.

5.0 Site Allocation

- 5.1 The site is identified within the Local Plan as Residential Policy Area.

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below.
- 5.4 Paragraph 55 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.5 The NPPF does not directly make reference to care facilities. However, Paragraph 93 states that planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

5.6 Paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses while safeguarding and ensuring safe and healthy living conditions.

5.7 Local Plan

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

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

5.10 Policy 10 states within residential policy areas the establishment or extension of non-residential uses of appropriate scale will be permitted provided the use would not cause an unacceptable loss of residential amenity through for example excessive traffic, noise, fumes, smells or unsightliness.

5.11 Policy 7 refers to the delivery of a mix of housing types and tenures.

5.12 Policy 41 refers to proposals responding positively to their context, setting and existing site features as well enhancing the character of the locality. Proposals should integrate visually and functionally with the immediate area at a settlement, neighbourhood, street and plot scale.

5.13 Policy 42 states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character and design standards.

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

5.15 Policy 13 relates to sustainable transport within new developments. Part A.4 relates the appropriate levels of parking provision, while Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure.

5.16 There are no specific Local Plan policies which reference care facilities or specialist need accommodation.

5.17 Neighbourhood Plan (NP).

5.18 No neighbourhood plan is relevant to this application.

5.19 Other material planning considerations and guidance

5.20 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to superseded development plan policies, and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight.

6.0 Representations

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

6.2 The application has been advertised on two occasions. The first round of publicity was undertaken upon validation. The second round of publicity was carried out following the public consultation event which was organised by the applicant. A total of 19 neighbour representations have been received. A summary of the material planning issues raised is set out below:

- Impact upon traffic;
- Proposal will increase noise disturbance;
- Anti-social behaviour;
- Lack of public consultation;
- Lack of detailed information;
- Impact upon existing residential amenity;
- Impact upon character of dwellinghouse;
- Street parking already an issue;
- Extension of dropped kerb will reduce amount of on-street parking available;
- Increased coming and goings;
- Concerns regarding consultation response from South Yorkshire Police Liaison Officer;
- Impact upon safety and security of neighbouring properties;
- Alterations would impact character of area;
- Public consultation event held at short notice;

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

- Impact upon property values;
- Impact on neighbours from disturbance caused by construction;
- DMBC savings will be at the expense of neighbours.

7.0 Town/Parish Council

7.1 Not applicable.

8.0 Relevant Consultations

8.1 National Grid – No response

8.2 Yorkshire Water – No response

8.3 DMBC Highways Development Control – Requested updated plans as length of driveway was not sufficient. Revised plans have been received which address the initial issues. No objection subject to condition proposed and informative.

8.4 South Yorkshire Police Liaison Officer – No objection subject to informative regarding security conditions.

8.5 Children’s Trust – No concerns, there is a need for the proposed provision.

8.6 Children’s Homes Planning Consultation/Children’s Commissioning - The proposed provision is part of the Future Placement Strategy and has been identified as a means to address specific needs in Doncaster. We support the application as there is a need for this accommodation. Concerns from residents appear to refer to the property being used as a ‘*young offender’s institution*’ which is not correct. The proposal will enable Doncaster Children’s Services Trust (DCST) to keep two vulnerable children within the borough by expanding their capability to house them.

8.7 Children’s Planning Consultation- Covered above.

8.8 Internal Drainage- No response.

9.0 Assessment

9.1 The proposal seeks full planning permission for the change of use of a residential dwellinghouse (Use Class C3) to a small children’s home which falls within Use Class C2. The proposal also includes a two-storey side extension to the existing property and alterations to the front garden/parking arrangements. In considering the proposal the main material planning considerations are outlined below:

- The Acceptability/Appropriateness of Proposed Use;
- Impact on Residential Amenity- Change of Use
- Impact on Residential Amenity- Proposed Extension
- Impact upon the Character and Appearance of the Surrounding Area
- Impact on the Highway Network and Highways Standards

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

The Acceptability/Appropriateness of Proposed Use

- 9.3 The application site falls within the residential policy area as defined in the adopted Local Plan (2021). Policy 10 relates to the residential policy area and states that new residential development will be supported in these areas provided that:
- The development would provide an acceptable level of residential amenity for both new and existing residents;
 - The development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood;
 - The development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.
- 9.4 Policy 10 follows on to state that within residential policy areas the establishment or extension of non-residential uses of appropriate scale will be permitted provided the use would not cause acceptable loss of residential amenity through for example excessive traffic, noise, fumes, smells or unsightliness.
- 9.5 Whilst the proposed use falls within a different use class to a family dwellinghouse, its day-to-day running will be similar. The property will be occupied by 2 permanent children, with staff rotating on a shift basis to care for the children. This movement of staff is the main consideration which makes the proposal materially different from a typical C3 dwelling.
- 9.6 Based on the policy allocation the proposed development is acceptable in principle subject to the above criteria which will be assessed below.

Sustainability

- 9.5 The National Planning Policy Framework (NPPF 2021) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs
- 9.6 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states 'so 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- Change of Use

- 9.7 Part A.1 of Policy 10 refers to residential amenity for both new and existing residents. Policy 44 also refers to residential amenity. The proposed development is surrounded by residential development in all directions. The main impact upon

residential amenity will be by virtue of the change of use primarily related to the changes in terms of noise; comings and goings and traffic movements.

- 9.8 The proposed development looks to utilise an existing residential property to facilitate a small children's home. The property will accommodate a maximum of 2 children on a permanent basis, typically aged between 9- 17 years old.
- 9.9 No members of staff will reside at the property on a permanent basis. The carers primarily work on 8-9 hours rolling shift patterns which run through a 24 hour period (i.e. 2 shifts in the day and 1 overnight shift). Typically 2 members of staff will stay over at the property each night, one of which will sleep and one of which will work through the night.
- 9.10 The children who live at the property would have a typical family routine, with a 1-1 carer at all times. There would always be at least 2 members of staff at the property, with additional ad-hoc visits from managers and other careers during the day. The number of residents and maximum number of members of staff would be conditioned to ensure that this figure does not exceed the numbers suggested. This limits the quantity of people at the property at any one time, therefore reducing the likelihood of noise disturbance upon neighbours, and also ensures that unreasonable demands are not made on the existing parking provision. Highways issues are discussed in more detail below.
- 9.11 In summary, the maximum number of individuals working at the property at any one time would be 2 during the night and 3 during the day. In terms of the overall maximum number of people at the property, during the day this would be 5 (for example only on occasions when both the children are off school and the manager/visitor is at the property) and during the night this would be 4.
- 9.12 The existing property is a 3 bedroom semi-detached dwelling, which may typically be occupied by a family of at least 4-5 residents. The planning system cannot control the number of occupiers within residential dwellings. However, as detailed above, the quantity of residents and members of staff at the children's home will be conditioned, in order to ensure that the proposed development does not cause harmful levels of nuisance or coming and goings. Given that the number of residents and staff at the property equals the number of residents in a similar 3 bedroom family setting, there is considered to be no intensification in the use of the site. Therefore, the impact upon existing residential amenity, is not considered to be harmful.
- 9.13 The semi-detached style of the existing property means that a small amount of noise disturbance may impact the adjoining property. However, given that the existing property and the proposed number of residents replicates that of a family dwelling, the intensification of the use is considered to be limited, and as such noise disturbance is not considered to be harmful.
- 9.14 It is recognised that the proposed shift pattern (i.e. 3 shifts per day) would create 3 'hand-over' periods, whereby 2 members of staff leave and 2 arrive. In total this creates 6 movements of staff over a 24 hour period.
- 9.15 The proposed number of movements associated with the proposed use is not considered to be significantly different in comparison to if the property was occupied by a family of 4-5 people. Again the number of comings and goings

cannot be controlled by the local planning authority at a typical C3 dwellinghouse setting.

- 9.16 The application site is considered to be suitable for the proposed use without harmfully impacting adjoining residential amenity. These types of uses are directed to established residential locations so that the resident children can access local amenities and live in a setting surrounded by families. Whilst the proposal does include a turn-over of staff across the 24 hour period, the number of comings and goings is not dissimilar to a normal family setting for a property of this size. Based on the information provided, the proposed change of use is not considered to harmfully impact existing residential amenity.

Impact on Residential Amenity- Proposed Extension

- 9.17 The proposed development includes a two storey side extension, off the west facing elevation. At ground floor level this will provide a larger kitchen area with utility, W/C and bin store. At first floor level the extension will have an additional bedroom which will be used as the staff sleeping room. The two existing bedrooms will be occupied by the resident children and the 3rd smaller room will be converted to an office.
- 9.18 The proposed extension will not impact residential amenity. Due to the level changes the floor level of the application property is at a slightly lower level than the adjacent semi. The proposed extension will be positioned on the boundary, adjacent to the neighbour's attached garage. The neighbouring semi does have a side window at first floor level which may partially be overshadowed by the extension, but given the fact that this serves a landing only and the distance between the two properties, this is considered to be acceptable.
- 9.19 The proposed extension has no side windows. All the windows are to the front and rear directly facing over the application property's gardens. The first floor rear elevation window serves the proposed en-suite and as such no overlooking of neighbouring gardens would be introduced.
- 9.20 The proposed extension would retain a sufficiently sized private garden to the rear providing the resident children with adequate outdoor play space.
- 9.21 Based on the information provided, the proposed extension is not considered to harmfully impact residential amenity.

9.22 Conclusion on Social Impacts.

- 9.23 Para. 8 b) of the NPPF (2021) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 9.24 It is not considered that the proposed development would adversely affect future or existing residential amenity. The development would provide a much needed care facility within the borough which allows the resident children to remain living within the Doncaster borough, without harmfully impacting the amenity of adjoining neighbours. The number of residents/staff and the frequency of comings and

goings is not significantly different from a typical family setting. This weighs in favour of the application carrying substantial weight.

9.25 ENVIRONMENTAL SUSTAINABILITY

Impact upon the Character and Appearance of the Surrounding Area

- 9.26 The proposed change of use would not alter the character of the dwelling with the overall appearance remaining as existing. The only alteration to the property will be the two-storey side extension.
- 9.27 Examples of similar sized/style extensions are located within the street scene, thus the proposal would not be a new introduction to the area. The proposed plans indicate that matching materials will be used to ensure that the extension appears in-keeping with the established materials.
- 9.28 The proposed two storey side extension has been set down at the ridge and set back from the principal elevation to ensure that it appears subservient to the existing property.
- 9.29 Overall, the development will not harmfully impact the character or appearance of the street scene.

Impact on the Highway Network and Highways Standards

- 9.30 The proposed development includes alterations to the front of the property and the extension of the dropped kerb to create 2 off-street parking spaces. These parking spaces will primarily be used by the staff/carers. The Highways DC Officer has reviewed the proposed plans and has no objection to the alterations.
- 9.31 The neighbour representations highlighted that the extension of the existing dropped kerb would result in less on-street parking availability for existing residents. It is important to note that the extension of dropped kerbs do not require planning permission on non-classified roads such as Cambourne Close and as such as resident along the street would be eligible to undertake this work.
- 9.32 It is recognised that during staff handover periods, additional vehicles may accumulate at the property, particularly as 2 staff prepare to end their shift and 2 others arrive. However this short cross-over period will only occur 3 times a day and as such this is not considered to cause a noticeable difference on the highway network.
- 9.33 On occasions when the manager/other carers visit the property, the street provides sufficient on-street parking. This scenario is similar to any typical family setting whereby visitors attend the property.

- 9.34 The position of the property and its good links to public transport means that some members of staff will travel to work via the bus or taxi, reducing the requirement for off-street parking.
- 9.35 Whilst it recognised that over a 24 hour period, 6 members of staff will work at the property, for the majority of the time only 2 carers will be based at the property per shift. On this basis the provision of 2 off-street parking spaces is considered to be acceptable.

9.36 Conclusion on Environmental Issues

- 9.37 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.
- 9.38 The proposed development is not considered to harm the environment and the extension will be in-keeping with appearance of the site within the street scene. The proposal will not harmfully impact the local highway network or the availability of parking. The property provides 2 off-street parking spaces which will be used by the staff on shift. In conclusion of the environmental issues, it is considered the development carries substantial weight.

9.39 ECONOMIC SUSTAINABILITY

- 9.40 It is anticipated that the development would create minimal economic impact, with the only benefit being through the employment of carers at the property.
- 9.41 The Children's Trust have indicated that the proposal will provide some cost saving for the Council however independent economic benefits are not material planning considerations and is therefore disregarded. In terms of economic impact, this carries limited weight in favour of the application.

9.42 Conclusion on Economy Issues

- 9.43 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.
- 9.44 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal

is considered to be located within a sustainable location on a site earmarked for residential development in the Local Plan and this weighs considerably in favour of the application.

- 10.2 The proposed development will provide a much needed provision which will ensure that 2 vulnerable children can be permanently housed within the borough. The property itself will operate similar to a typical family dwelling, with the only material difference being the crossover of staff.
- 10.3 The number of comings and goings associated with a family dwelling cannot be controlled by the LPA. The creation of 6 movements in 24hours is similar to the number of movements associated with a dwelling of this size and as such is not considered to harmfully impact adjoining residential amenity. The property will provide 2 off-street parking spaces for staff as well as generous facilities for the resident children.
- 10.4 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

11.0 RECOMMENDATION – GRANT PLANNING PERMISSION

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

CONDITIONS/REASONS

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

REASON

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

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

Proposed Plans & Elevations- Inc Site Plan, Project No: PQ3043, Drawing No: AD_002, Rev: C, Received 8/7/2022

REASON

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

03. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing property unless otherwise approved in writing by the Local Planning Authority.

REASON

To ensure the satisfactory appearance of the development in accordance with policy 41 of the Doncaster Local Plan.

04. The maximum number of residents to be housed at the property No. 25 Cambourne Close, Adwick-Le-Street shall be no greater than 2 unless otherwise approved in writing by the Local Planning Authority.
REASON
To ensure that the facility is not detrimental to neighbouring amenity.
05. The maximum number of staff/carers at the property No. 25 Cambourne Close, Adwick-Le-Street at any one time shall be 3 unless otherwise approved in writing by the Local Planning Authority.
REASON
To ensure that the facility is not detrimental to neighbouring amenity.
06. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the Local Planning Authority.
REASON
To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.
07. A staff/carer logbook shall be maintained at all times which details staff/carer name, dates of site visit and entry and exit times. The staff/carer logbook shall be maintained for the lifetime of the development and each staff/carer logbook shall be retained for a minimum of 12 months. The staff/carer logbook shall be made available for inspection by the Local Planning Authority within two working days of a verbal or written request being received.
08. A residents' logbook shall be maintained at all times which details names and dates of residency. The residents' logbook shall be maintained for the lifetime of the development and each residents' logbook shall be retained for a minimum of 12 months. The residents' logbook shall be made available for inspection by the Local Planning Authority within two working days of a verbal or written request being received.

INFORMATIVES

01. INFORMATIVE- HIGHWAYS

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

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

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

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

02. The following security conditions must be met to ensure the safety of the children residing at the home and the staff looking after their welfare.
- All doors and windows must therefore comply with PAS 24 (2016) or LPS 1175 SR2.
 - The glazing units consist of a minimum of one pane of glass that achieves compliance under the BS EN356 P1A attack resistance standard.
 - External lighting to all facades controlled by dawn to dusk sensors. The system should comply with security standard BS 5489 -1:2013
 - The installation of a CCTV system can work to deter attacks against the property and help safeguard the residents. An operational requirements report should be completed to ensure that the system is fit for purpose. Further information is available from the Government website https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378443/28_09_CCTV_OR_Manual2835.pdf
 - The Police expect that a robust internal discipline process will be in place with an escalation process that only involved the police in acute cases and provision within the security of the building to deter missing episodes and the building being targeted.

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

From a physical protection aspect, a requirement to install products accredited under a British (or similar) standard should be seen as a prerequisite to any approval.

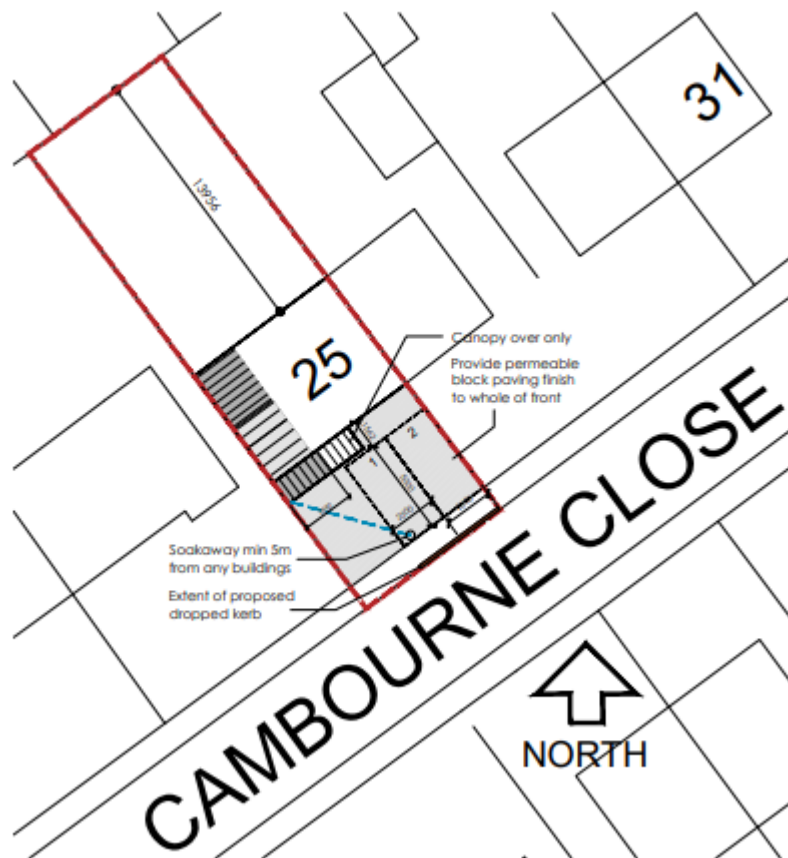
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

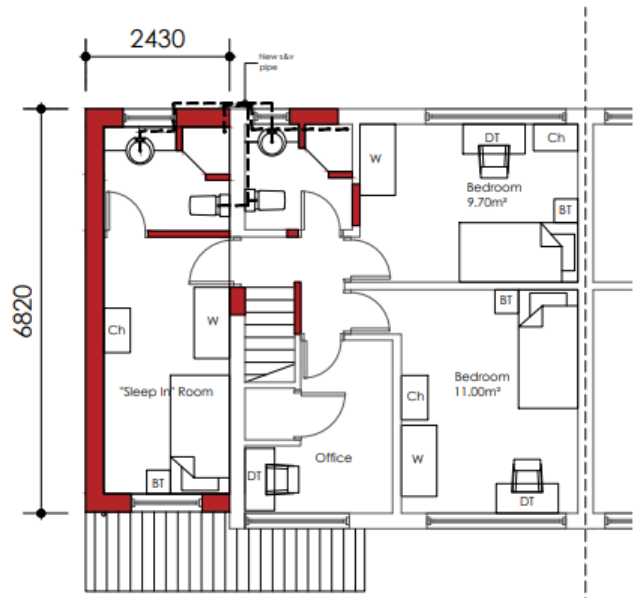
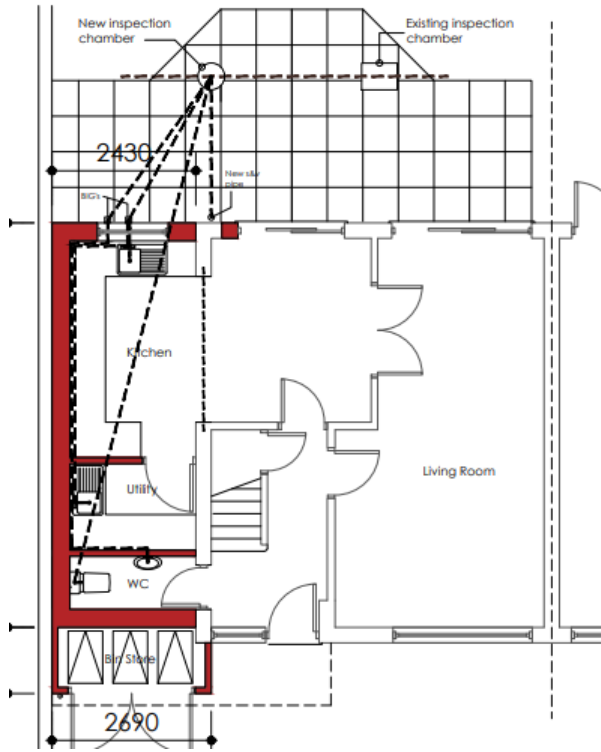
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Amended the site plan to accurately show the proposed parking spaces to address highway concerns;
- Updated the site plan to accurately show the neighbouring property's garage.

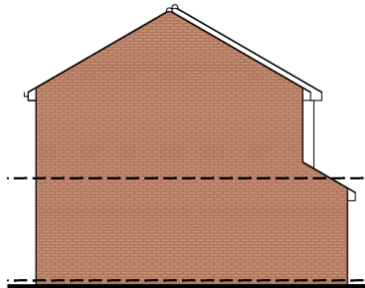
The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

APPENDIX 1 – PLANS





Proposed Front Elevation 1:50



Proposed Side Elevation 1:50



Proposed Rear Elevation 1:50

Application	3
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Application Number:	22/00413/FUL
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Application Type:	FULL PLANNING PERMISSION
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Proposal Description:	Erection of dwelling in association with proposed childrens home use (Use Class C2).
At:	Plot 250- Keepmoat Skylarks Grange Development, 1 Dove Lane, Woodlands, Doncaster

For:	Doncaster's Children's Trust
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Third Party Reps:	16 objections have been received from members of the public.	Parish:	No Parish Council
		Ward:	Adwick Le Street & Carcroft

Author of Report:	Jessica Duffield
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SUMMARY

This application is seeking full planning permission for the change of use of a new built dwelling on the Keepmoat Skylarks development. The dwelling has been constructed on the latest phase of the housing development.

Plot 250 is housetype 'The Windsor' which is a 3 bedroom detached property. The property will facilitate a maximum of 2 children whom will be based at the property on a permanent basis with staff/carers working various shift patterns across a 24 hour period.

No external alterations to the property are proposed as part of the change of use.

This application has received a high volume of public interest and as such is being presented to Planning Committee.

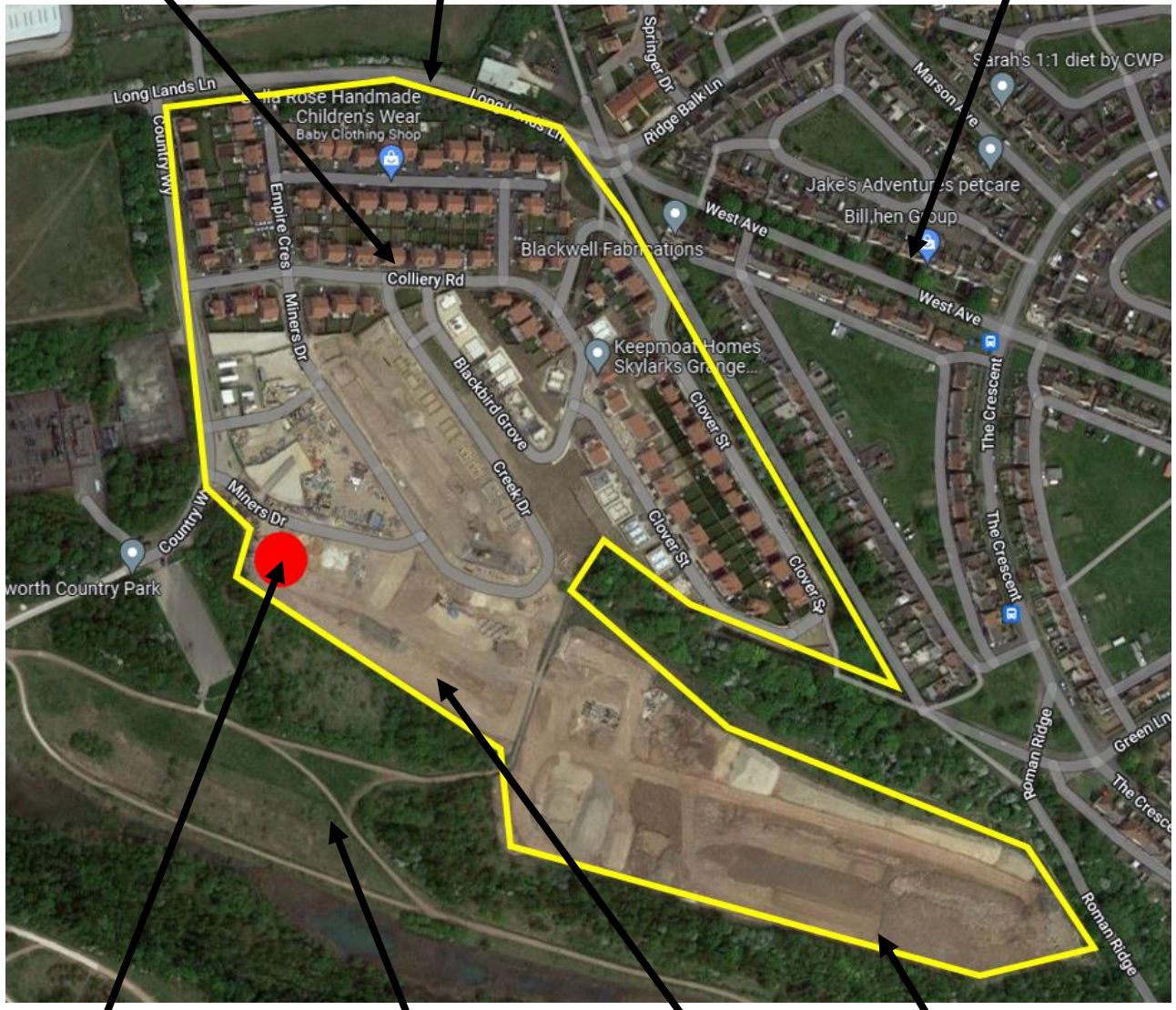
This application has been submitted in connection with a separate planning application for a similar proposal at No. 5 Dove Lane (Plot 248).

RECOMMENDATION: GRANT full planning permission subject to conditions.

Completed Earlier Phases

Long Lands Lane

Existing Residential Development



Approximate location of Plot 250/ No.1 Dove Lane

Brodsworth Country Park

Application Street Now Complete

Yellow outline-entire Keepmoat development

1.0 Reason for Report

- 1.1 The application is being presented to Members due to the volume of public interest and the application applicant being a Council department.

2.0 Proposal and Background

- 2.1 Planning permission is sought for full planning permission in relation to the erection of dwelling which will be used as a small children's home.
- 2.2 The property itself has already being constructed as approved under permission 21/00885/REMM - *Section 73 application to vary condition 8 (approved plans) of reserved matters permission 17/00826/REMM - Reserved Matters Application for the delivery of 342 residential units plus amenity space - Re-plan of 81 units within the site, GRANTED- 29/7/2021*
- 2.3 The property has been built as a standard residential dwelling (Use Class C3) in accordance with the plans for housetype - 'The Windsor'. The property has recently been completed and is now vacant.
- 2.4 As no residential use has been implemented the application description was amended to refer to the 'erection of the dwelling' as the proposal does not involve an operational change of use. The proposed children's home use (Use Class C2) will be the first operational use of the property.
- 2.5 The proposed development looks to use the property in order to facilitate a small children's home. The property will accommodate a maximum of 2 resident children which are typically aged between 9-17 years of age, who will attend school for at least 25 hours a week, with the aim to being there full-time. The proposed operation includes providing 1-1 personal care for children who are unable to reside with their family. The children who live at the property would have a typical family routine, with a 1-1 carer.
- 2.6 The children's home will provide personal care only. No additional facilities are proposed as part of the proposed use, other than those which are found in a typical family home. The aim is that the proposed children's home will provide accommodation which replicates a family environment and 'normal' day to day living.
- 2.7 There would always be at least 2 members of staff at the property, though no members of staff will reside at the property on a permanent basis. The staff will work on a shift/rota pattern, with shifts varying between 8-9 hours in length. This means that over a 24hour period there would typically be 3 handovers between shifts, which accumulates up to 6 carers working at the property each day. Additional ad-hoc visits from the manager and other specialist carers may occur during the day, between 9am- 5pm.
- 2.8 During the night shift at least 2 carers will stay at the property overnight, typically working a 10pm – 7am shift. 1 member of staff will sleep in one of the bedrooms while the other works through the night.
- 2.9 The staff will primarily travel by car and will park on the two dedicated off-street parking spaces associated with the property. However, use of public transport such as bus or taxis is encouraged.

- 2.10 Two of the bedrooms will be for the resident children only. The third bedroom will be used as a staff bedroom. The property has a bathroom and separate W/C. On the ground floor the property provides a living room and dining/kitchen.
- 2.11 Whilst the children are at school, staff will undertake the usual household duties such as cooking/cleaning as well as the relevant paperwork to ensure regulations are met. The redecoration of the home will be done by professional decorators, whilst the upkeep of the gardens and minor jobs in the homes will be undertaken through a service level agreement, the same as the other existing children's homes in the borough.

3.0 Site Description

- 3.1 The application property is detached and finished in red brick with render feature on the front elevation. The property is positioned on a corner plot with private garden to the side and driveway to the rear, and is positioned on the southern part of the development.
- 3.2 Other residential properties surround the dwelling to the north and east. The vast majority of these dwellings have been purchased directly from the developer, with most now occupied. Some dwellings further along Dove Lane are nearing completion with the entire development now in its final phases of construction.
- 3.3 All the surrounding dwellings are typical modern style properties, though the houstypes vary in size and appearance. All the properties have 2 off street parking spaces, with a pedestrian footpath running along the northern side of the road. There is no pedestrian footpath on the other side of the road.
- 3.4 Established woodland sits to the immediate south of the site which the application property looks over.
- 3.5 The application site falls within Flood Zone 1 and is at low risk of flooding.

4.0 Relevant Planning History

- 4.1 Planning history for the application site as follows:

Application Reference	Proposal	Decision
22/00414/FUL (Other related application)	Erection of dwelling in association with proposed children's home use (Use Class C2).	PENDING CONSIDERATION
21/00662/COND	Consent, agreement or approval required by conditions 4 (Phasing / Delivery), 8 (Archaeological Evaluation), 9 (Contamination), 10 (Contamination Verification Report), 11 (Landfill Gasses), 12 (Measures for Landfill Gasses), 13 (Site Surfaced and Sealed), 14 (Boundary Walls), 15 (Buildings)	PENDING CONSIDERATION

	Siting Based on Tree Survey), 16 (Tree Protection), 17 (Landscaping), 18 (Colliery Access), 19 (Looped Road), 20 (Public Footpath), 23 (Flood Risk Assessment), 24 (Drainage), 25 (Ecology) and 26 (Construction Method Statement) of planning application 10/02812/EXTM.	
21/00885/REMM	Section 73 application to vary condition 8 (approved plans) of reserved matters permission 17/00826/REMM - Reserved Matters Application for the delivery of 342 residential units plus amenity space - Re-plan of 81 units within the site.	GRANTED RESERVED MATTERS- 29/7/2021
21/00871/MAT	Reserved Matters Application for the delivery of 342 residential units plus amenity space (being amendment to previous application 17/00826/REMM; Amendment to condition 8 to include approved plans).	PLANNING NOT REQUIRED- 11/5/2021
19/02627/MAT	Reserved Matters Application for the delivery of 342 residential units plus amenity space (being amendment of planning application 17/00826/REMM granted on 10.10.2017 - render to front projections of plots 177 and 178).	PENDING CONSIDERATION
17/00826/REMM	Reserved Matters Application for the delivery of 342 residential units plus amenity space	GRANTED RESERVED MATTERS- 10/10/2017
10/02812/EXTM	Outline application for residential development on approx 13.2 ha of land (being extension of time to planning application 02/4458/P granted on 11/10/07)	GRANTED S016 - 30/3/2017
02/4458/P	Outline application for residential development on approx 13.2 ha of land	GRANTED S106- 11/10/2007

5.0 Site Allocation

- 5.1 The site is identified within the Local Plan as a Housing Allocation with Permission – site ref: ADW03.

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 55 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.5 The NPPF does not directly make reference to care facilities. However, Paragraph 93 states that planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- 5.6 Paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses while safeguarding and ensuring safe and healthy living conditions.

5.7 Local Plan

- 5.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.9 Policy 5 states that housing and mixed-use allocations will be developed primarily for residential uses. Other uses will only be permitted on these sites where they are small scale and ancillary to housing; provide a service or other facility mainly for local residents and would not harm the residential amenity or undermine the delivery of housing.
- 5.10 Policy 7 refers to the delivery of a mix of housing types and tenures.
- 5.11 Policy 41 refers to proposals responding positively to their context, setting and existing site features as well enhancing the character of the locality. Proposals should integrate visually and functionally with the immediate area at a settlement, neighbourhood, street and plot scale.
- 5.12 Policy 42 states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character and design standards.
- 5.13 Policy 44 relates to residential design and sets out the key design objectives which residential development must achieve, as well as stating that all developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours.

5.14 Policy 13 relates to sustainable transport within new developments. Part A.4 relates the appropriate levels of parking provision, while Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure.

5.15 There are no specific Local Plan policies which reference care facilities or specialist need accommodation.

5.16 Neighbourhood Plan (NP).

5.17 No neighbourhood plan is relevant to this application.

5.18 Other material planning considerations and guidance

5.19 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to superseded development plan policies, and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight.

6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of council website; press advert and site notices. Neighbour notification letters were also hand delivered by the applicants to properties on the development.

6.2 The application has been advertised on two occasions. The first round of publicity was undertaken upon validation. The second round of publicity was carried out following the public consultation event which was organised by the applicant. A total of 16 neighbour objections have been received, with a summary of the material planning issues raised is set out below:

- Concerns regarding the children being housed;
- Anti-social behaviour issues;
- Impact upon parking availability;
- Issues already being caused by the affordable housing tenants;
- Lack of information included in the planning application;
- Why are the 2 plots not adjacent to each other?
- Dove Lane provides access to the next phase of development- constantly used by construction traffic;
- Staff staying awake at night may impact residential amenity of neighbours;
- Lack of public transport for children to use;

- Severe lack of parking;
- Health & safety impact upon the children caused by the fact that they will be living on a building site;
- Lack of consultation;
- Severe impact upon the residential amenity of the property/occupiers sandwiched in between the two homes;

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

- Impact upon property values
- Lack of information from developer when purchasing property;

7.0 Town/Parish Council

7.1 Not applicable.

8.0 Relevant Consultations

8.1 National Grid – No response

8.2 Yorkshire Water – No response

8.3 DMBC Highways Development Control – Based on the assumption that for the majority of the time only two carers will be present at the property at any one time, the two allocated parking spaces are sufficient.

8.4 DMBC Pollution Control – Outstanding conditions relating to the outline and reserved matters permission for the wider site. Not applicable for this proposal.

8.5 South Yorkshire Police Liaison Officer – No objection subject to informative.

8.6 Environmental Health – No response.

8.7 Children’s Trust – No concerns.

8.8 Children’s Homes Planning Consultation- Covered above.

8.9 Children’s Planning Consultation- Covered above.

9.0 Assessment

9.1 The proposal seeks full planning permission for the erection of a property to be used as a small children’s home. As the appearance, style and scale of the building has been found acceptable in the previous permissions, only the proposed use is to be assessed in this report. In considering the proposal the main material planning considerations are outlined below:

- The Acceptability/Appropriateness of Proposed Use;
- Impact on Residential Amenity- Change of Use
- Impact upon the Character and Appearance of the Surrounding Area
- Impact on the Highway Network and Highways Standards

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

The Acceptability/Appropriateness of Proposed Use

9.3 The application site falls within the housing allocation area. Though most of the development has now been constructed, Policy 5 is still the most relevant which states that housing and mixed-use allocations will be developed primarily for residential uses. Other uses will only be permitted on these sites where they;

- Are small scale and ancillary to housing;
- Provide a service or other facility mainly for local residents;
- Would not harm residential amenity or undermine the delivery of housing.

9.4 The proposed use is small in scale, facilitating a maximum of 2 resident children. Whilst the use does not directly serve local residents, the children's home does deliver a service to the wider borough as it will provide a permanent home for vulnerable children whom are from the Doncaster area. Whilst the proposed use falls within a different use class to a family dwellinghouse, its day-to-day running will be similar and as such the proposal is considered to be ancillary to the wider housing estate.

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

Sustainability

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

9.7 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states 'so 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- Change of Use

9.8 Part C Policy 5 refers to residential amenity as well as Policy 44. The proposed development is surrounded by residential development in all directions. The proposed development is surrounded by residential development to the north and

east. The main impact upon residential amenity will be by virtue of the proposed use in terms of noise; comings and goings and traffic movements.

- 9.9 The proposed development looks to change the use of a recently constructed property to facilitate a small children's home. The property will accommodate a maximum of 2 children on a permanent basis, typically aged between 9- 17 years old.
- 9.10 No members of staff will reside at the property on a permanent basis. The carers primarily work on 8-9 hours rolling shift patterns which run through a 24hour period (ie 2 shifts in the day and 1 overnight shift). Typically 2 members of staff will stay over at the property each night, one of which will sleep and one of which will work through the night.
- 9.11 The children who live at the property would have a typical family routine, with a 1-1 carer at all times. There would always be at least 2 members of staff at the property, with additional ad-hoc visits from managers and other carers during the day. The number of residents and maximum number of members of staff would be conditioned to ensure that this figure does not exceed the numbers suggested. This limits the quantity of people at the property at any one time, therefore reducing the likelihood of noise disturbance upon neighbours, and also ensures that unreasonable demands are not made on the parking provision. Highways issues are discussed in more detail below.
- 9.12 In summary, the maximum number of individuals working at the property at any one time would be 2 during the night and 3 during the day. In terms of the overall maximum number of people at the property, during the day this would be 5 (for example only on occasions when both the children are off school and the manager/visitor is at the property) and during this night this would be 4.
- 9.13 The existing property is a 3 bedroom detached dwelling, which may typically be occupied by a family of at least 4-5 residents. The planning system cannot control the number of occupiers within residential dwellings. However, as detailed above, the quantity of residents and members of staff at the children's home will be conditioned, in order to ensure that the proposed development does not cause harmful levels of nuisance or coming and goings. Given that the number of residents and staff at the property equals the number of residents in a similar 3 bedroom family setting, there is considered to be no intensification in the use in comparison to if the property was used as a dwelling. Therefore, the impact upon existing residential amenity, is not considered to be harmful.
- 9.14 The detached style of the existing property means that there would be limited impact upon the neighbouring properties. The proposed number of residents replicates that of a family dwelling, and the intensification of the use is considered to be negligible.
- 9.15 It is recognised that the proposed shift pattern (i.e. 3 shifts per day) would create 3 'hand-over' periods, whereby 2 members of staff leave and 2 arrive. In total this creates 6 movements of staff over a 24 hour period.
- 9.16 The proposed number of movements associated with the proposed use is not considered to be significantly different in comparison to if the property was occupied by a family of 4-5 people. Again the number of comings and goings

cannot be controlled by the local planning authority at a typical C3 dwellinghouse setting.

9.17 The application site is considered to be suitable for the proposed use without harmfully impacting adjoining residential amenity. These types of uses are directed to residential locations so that the resident children can access local amenities and live in a setting surrounded by families. Whilst the proposal does include a turn-over of staff across the 24 hour period, the number of comings and goings is not dissimilar to a normal family setting for a property of this size. Based on the information provided, the proposed change of use is not considered to harmfully impact adjoining residential amenity.

9.18 Conclusion on Social Impacts.

9.19 Para. 8 b) of the NPPF (2021) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

9.20 It is not considered that the proposed development would adversely affect future or existing residential amenity. The development would provide a much needed care facility within the borough which allows the resident children to remain living within the Doncaster borough, without harmfully impacting the amenity of adjoining neighbours. The number of residents/staff and the frequency of comings and goings is not significantly different from a typical family setting. This weighs in favour of the application carrying substantial weight.

9.21 ENVIRONMENTAL SUSTAINABILITY

Impact upon the Character and Appearance of the Surrounding Area

9.22 No external alterations are proposed as part of this development. Externally the dwelling will remain as existing/ as per the permission 21/00885/REMM. Therefore there will be no impact upon the character or appearance of the street scene or local area.

Impact on the Highway Network and Highways Standards

9.23 The property benefits from two off-street parking spaces arranged in a tandem style, positioned to the rear of the property. These parking spaces will primarily be used by the staff/carers. Many of the neighbour representations raised concerns regarding the impact upon parking as a result of the development.

9.24 In response to the neighbour comments the applicant has confirmed that they are looking to secure an agreement with the developer to lease additional land for car-parking. However as no evidence of this has been provided, as well as the additional parking space being outside of the red line boundary, this cannot be considered as part of this proposal.

9.25 It is recognised that during staff handover periods, additional vehicles may accumulate at the property, particularly as 2 staff prepare to end their shift and 2 others arrive. However, this short cross-over period will only occur 3 times a day

and as such this is not considered to cause a noticeable difference on the highway network.

- 9.26 On occasions when the manager/other carers visit the property, the street as well as the wider estate provides sufficient on-street parking/visitor spaces. This scenario is similar to any typical family setting whereby visitors attend the property.
- 9.27 Staff will also be encouraged to travel to work via public transport such as bus or taxi, therefore reducing the requirement for off-street parking.
- 9.28 Whilst it is recognised that over a 24 hour period, 6 members of staff will work at the property, for the majority of the time only 2 carers will be based at the property per shift. On this basis the provision of 2 off-street parking spaces is considered to be acceptable. The Highways DC Officer has reviewed the proposed plans and has no objection to the proposed development.

9.29 Conclusion on Environmental Issues

- 9.30 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.
- 9.31 The proposed development is not considered to harm the environment with no alterations to external appearance to the property proposed. The proposal will not harmfully impact the local highway network or the availability of parking. The property provides 2 off-street parking spaces which will be used by the staff on shift. In conclusion of the environmental issues, it is considered the development carries substantial weight.

9.32 ECONOMIC SUSTAINABILITY

- 9.33 It is anticipated that the development would create minimal economic impact, with the only benefit being through the employment of careers at the property.
- 9.34 The Children's Trust have indicated that the proposal will provide some cost saving for the Council however independent economic benefits are not material planning considerations and is therefore disregarded. In terms of economic impact, this carries limited weight in favour of the application.

9.35 Conclusion on Economy Issues

- 9.36 Para 8 a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.37 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site earmarked for residential development in the Local Plan and this weighs considerably in favour of the application.
- 10.2 The proposed development will provide much needed provision which will ensure that 2 vulnerable children can be permanently housed within the borough. The property itself will operate similar to a typical family dwelling, with the only material difference being the crossover of staff.
- 10.3 The number of comings and goings associated with a family dwelling cannot be controlled by the LPA. The creation of 6 movements in 24hours is similar to the number of movements associated with a dwelling of this size and as such is not considered to harmfully impact adjoining residential amenity. The property will provide 2 off-street parking spaces for staff as well as generous facilities for the resident children.
- 10.4 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

11.0 RECOMMENDATION – GRANT PLANNING PERMISSION

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

Conditions / Reasons

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

Location Plan- Received 3rd March 2021

REASON
To ensure that the development is carried out in accordance with the application as approved.
03. The maximum number of residents to be housed at the property No. 1 Dove Lane, Woodlands shall be no greater than 2 unless otherwise approved in writing by the Local Planning Authority.
REASON
To ensure that the facility is not detrimental to neighbouring amenity.

04. The maximum number of staff/carers at the property No. 1 Dove Lane, Woodlands at any one time shall be 3 unless otherwise approved in writing by the Local Planning Authority.
REASON
To ensure that the facility is not detrimental to neighbouring amenity.
05. A staff/carer logbook shall be maintained at all times which details staff/carer name, dates of site visit and entry and exit times. The staff/carer logbook shall be maintained for the lifetime of the development and each staff/carer logbook shall be retained for a minimum of 12 months. The staff/carer logbook shall be made available for inspection by the Local Planning Authority within two working days of a verbal or written request being received.
06. A residents' logbook shall be maintained at all times which details names and dates of residency. The residents' logbook shall be maintained for the lifetime of the development and each residents' logbook shall be retained for a minimum of 12 months. The residents' logbook shall be made available for inspection by the Local Planning Authority within two working days of a verbal or written request being received.

INFORMATIVES

01. The following security conditions must be met to ensure the safety of the children residing at the home and the staff looking after their welfare.
- All doors and windows must therefore comply with PAS 24 (2016) or LPS 1175 SR2.
 - The glazing units consist of a minimum of one pane of glass that achieves compliance under the BS EN356 P1A attack resistance standard.
 - External lighting to all facades controlled by dawn to dusk sensors. The system should comply with security standard BS 5489 -1:2013
 - The installation of a CCTV system can work to deter attacks against the property and help safeguard the residents. An operational requirements report should be completed to ensure that the system is fit for purpose. Further information is available from the Government website
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378443/28_09_CCTV_OR_Manual2835.pdf
 - The Police expect that a robust internal discipline process will be in place with an escalation process that only involved the police in acute cases and provision within the security of the building to deter missing episodes and the building being targeted.

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

From a physical protection aspect, a requirement to install products accredited under a British (or similar) standard should be seen as a prerequisite to any approval.

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

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

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



Application	4
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Application Number:	22/00414/FUL
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Application Type:	FULL PLANNING PERMISSION
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Proposal Description:	Erection of dwelling in association with proposed children's home use (Use Class C2).
At:	Plot 248- Keepmoat Skylarks Grange Development, 5 Dove Lane, Woodlands, Doncaster

For:	Doncaster's Children's Trust
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Third Party Reps:	16 objections have been received from members of the public.	Parish:	No Parish Council
		Ward:	Adwick Le Street & Carcroft

Author of Report:	Jessica Duffield
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SUMMARY

This application is seeking full planning permission for the change of use of new built dwelling on the Keepmoat Skylarks development. The dwelling has been constructed on the latest phase of the housing development.

Plot 248 is housetype 'The Warwick' which is a 3 bedroom detached property. The property will facilitate a maximum of 2 children whom will be based at the property on a permanent basis with staff/carers working various shift patterns across a 24 hour period.

No external alterations to the property are proposed as part of the change of use.

This application has received a high volume of public interest and as such is being presented to Planning Committee.

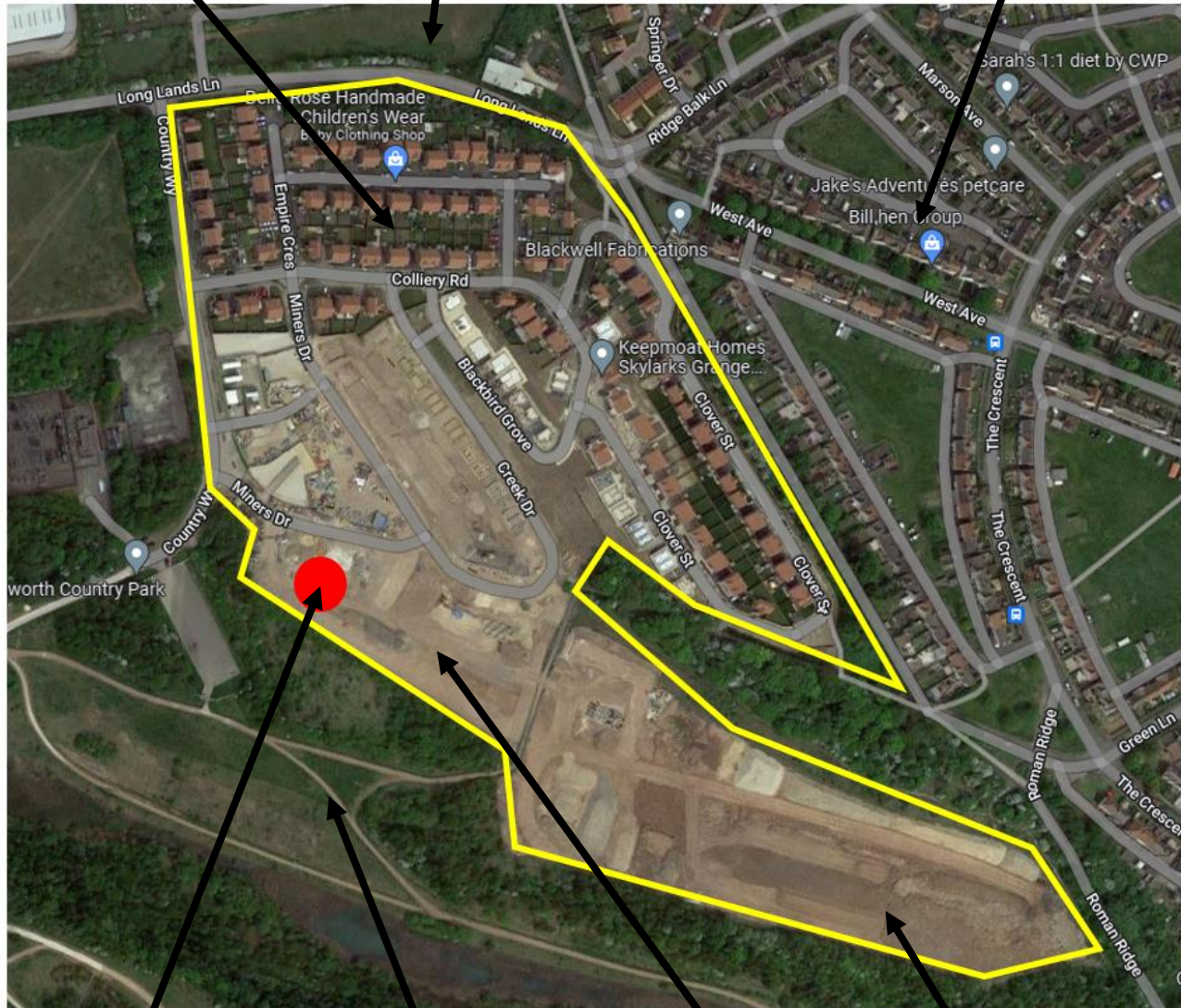
This application has been submitted in connection with a separate planning application for a similar proposal at No. 1 Dove Lane (Plot 250).

RECOMMENDATION: GRANT full planning permission subject to conditions.

Completed Earlier Phases

Long Lands Lane

Existing Residential Development



Approximate location of Plot 248/ No.5 Dove Lane

Brodsworth Country Park

Application Street Now Complete

Yellow outline-entire Keepmoat development

1.0 Reason for Report

- 1.1 The application is being presented to Members due to the volume of public interest and the application applicant being a Council department.

2.0 Proposal and Background

- 2.1 Planning permission is sought for full planning permission in relation to the erection of dwelling which will be used as a small children's home.
- 2.2 The property itself has already being constructed as approved under permission 21/00885/REMM - *Section 73 application to vary condition 8 (approved plans) of reserved matters permission 17/00826/REMM - Reserved Matters Application for the delivery of 342 residential units plus amenity space - Re-plan of 81 units within the site, GRANTED- 29/7/2021*
- 2.3 The property has been built as a standard residential dwelling (Use Class C3) in accordance with the plans for housetype – '*The Warwick*'. The property has recently been completed and is now vacant.
- 2.4 As no residential use has been implemented the application description was amended to refer to the '*erection of the dwelling*' as the proposal does not involve an operational change of use. The proposed children's home use (Use Class C2) will be the first operational use of the property.
- 2.5 The proposed development looks to use the property in order to facilitate a small children's home. The property will accommodate a maximum of 2 resident children which are typically aged between 9-17 years of age, who will attend school for at least 25hours a week, with the aim to being there full-time. The proposed operation includes providing 1-1 personal care for children who are unable to reside with their family. The children who live at the property would have a typical family routine, with a 1-1 carer.
- 2.6 The children's home will provide personal care only. No additional facilities are proposed as part of the proposed use, other than those which are found in a typical family home. The aim is that the proposed children's home will provide accommodation which replicates a family environment and 'normal' day to day living.
- 2.7 There would always be at least 2 members of staff at the property, though no members of staff will reside at the property on a permanent basis. The staff will work on a shift/rota pattern, with shifts varying between 8-9 hours in length. This means that over a 24hour period there would typically be 3 handovers between shifts, which accumulates up to 6 carers working at the property each day. Additional ad-hoc visits from the manager and other specialist carers may occur during the day, between 9am- 5pm.
- 2.8 During the night shift at least 2 carers will stay at the property overnight, typically working a 10pm – 7am shift. 1 member of staff will sleep in one of the bedrooms while the other works through the night.
- 2.9 The staff will primarily travel by car and will park on the two dedicated off-street parking spaces associated with the property. However, use of public transport such as bus or taxis is encouraged.

- 2.10 Two of the bedrooms will be for the resident children only. The third bedroom will be used as a staff bedroom. The property has a bathroom and separate W/C. On the ground floor the property provides a living room and dining/kitchen.
- 2.11 Whilst the children are at school, staff will undertake the usual household duties such as cooking/cleaning as well as the relevant paperwork to ensure regulations are met. The redecoration of the home will be done by professional decorators, whilst the upkeep of the gardens and minor jobs in the homes will be undertaken through a service level agreement, the same as the other existing children's homes in the borough.

3.0 Site Description

- 3.1 The application property is detached and finished in red brick with render feature on the front elevation. The property has an open frontage with private garden to the rear and driveway to the side, and is positioned on the southern part of the development.
- 3.2 Other residential properties surround the dwelling to the north, west and east. The vast majority of these dwellings have been purchased directly from the developer, with most now occupied. Some dwellings further along Dove Lane are nearing completion with the entire development now in its final phases of construction.
- 3.3 All the surrounding dwellings are typical modern style properties, though the housetypes vary in size and appearance. All the properties have 2 off street parking spaces, with a pedestrian footpath running along the northern side of the road. There is no pedestrian footpath on the other side of the road.
- 3.4 Established woodland sits to the immediate south of the site which the application property looks over.
- 3.5 The application site falls within Flood Zone 1 and is at low risk of flooding.

4.0 Relevant Planning History

- 4.1 Planning history for the application site as follows:

Application Reference	Proposal	Decision
22/00414/FUL (Other related application)	Erection of dwelling in association with proposed children's home use (Use Class C2).	PENDING CONSIDERATION
21/00662/COND	Consent, agreement or approval required by conditions 4 (Phasing / Delivery), 8 (Archaeological Evaluation), 9 (Contamination), 10 (Contamination Verification Report), 11 (Landfill Gasses), 12 (Measures for Landfill Gasses), 13 (Site Surfaced and Sealed), 14 (Boundary Walls), 15 (Buildings Siting Based on Tree Survey), 16 (Tree	PENDING CONSIDERATION

	Protection), 17 (Landscaping), 18 (Colliery Access), 19 (Looped Road), 20 (Public Footpath), 23 (Flood Risk Assessment), 24 (Drainage), 25 (Ecology) and 26 (Construction Method Statement) of planning application 10/02812/EXTM.	
21/00885/REMM	Section 73 application to vary condition 8 (approved plans) of reserved matters permission 17/00826/REMM - Reserved Matters Application for the delivery of 342 residential units plus amenity space - Re-plan of 81 units within the site.	GRANTED RESERVED MATTERS- 29/7/2021
21/00871/MAT	Reserved Matters Application for the delivery of 342 residential units plus amenity space (being amendment to previous application 17/00826/REMM; Amendment to condition 8 to include approved plans).	PLANNING NOT REQUIRED- 11/5/2021
19/02627/MAT	Reserved Matters Application for the delivery of 342 residential units plus amenity space (being amendment of planning application 17/00826/REMM granted on 10.10.2017 - render to front projections of plots 177 and 178).	PENDING CONSIDERATION
17/00826/REMM	Reserved Matters Application for the delivery of 342 residential units plus amenity space	GRANTED RESERVED MATTERS- 10/10/2017
10/02812/EXTM	Outline application for residential development on approx 13.2 ha of land (being extension of time to planning application 02/4458/P granted on 11/10/07)	GRANTED S016 - 30/3/2017
02/4458/P	Outline application for residential development on approx 13.2 ha of land	GRANTED S106- 11/10/2007

5.0 Site Allocation

5.1 The site is identified within the Local Plan as a Housing Allocation with Permission – site ref: ADW03.

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 55 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.5 The NPPF does not directly make reference to care facilities. However Paragraph 93 states that planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- 5.6 Paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses while safeguarding and ensuring safe and healthy living conditions.
- 5.7 Local Plan**
- 5.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.9 Policy 5 states that housing and mixed-use allocations will be developed primarily for residential uses. Other uses will only be permitted on these sites where they are small scale and ancillary to housing; provide a service or other facility mainly for local residents and would not harm the residential amenity or undermine the delivery of housing.
- 5.10 Policy 7 refers to the delivery of a mix of housing types and tenures.
- 5.11 Policy 41 refers to proposals responding positively to their context, setting and existing site features as well enhancing the character of the locality. Proposals should integrate visually and functionally with the immediate area at a settlement, neighbourhood, street and plot scale.
- 5.12 Policy 42 states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character and design standards.
- 5.13 Policy 44 relates to residential design and sets out the key design objectives which residential development must achieve, as well as stating that all developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours.

5.14 Policy 13 relates to sustainable transport within new developments. Part A.4 relates the appropriate levels of parking provision, while Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure.

5.15 There are no specific Local Plan policies which reference care facilities or specialist need accommodation.

5.16 Neighbourhood Plan (NP).

5.17 No neighbourhood plan is relevant to this application.

5.18 Other material planning considerations and guidance

5.19 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to superseded development plan policies, and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight.

6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of council website; press advert and site notices. Neighbour notification letters were also hand delivered by the applicants to properties on the development.

6.2 The application has been advertised on two occasions. The first round of publicity was undertaken upon validation. The second round of publicity was carried out following the public consultation event which was organised by the applicant. A total of 16 neighbour objections have been received, with a summary of the material planning issues raised is set out below:

- Concerns regarding the children being housed;
- Anti-social behaviour issues;
- Impact upon parking availability;
- Issues already being caused by the affordable housing tenants;
- Lack of information included in the planning application;
- Why are the 2 plots not adjacent to each other?
- Dove Lane provides access to the next phase of development- constantly used by construction traffic;
- Staff staying awake at night may impact residential amenity of neighbours;
- Lack of public transport for children to use;
- Severe lack of parking;

- Health & safety impact upon the children caused by the fact that they will be living on a building site;
- Lack of consultation;
- Severe impact upon the residential amenity of the property/occupiers sandwiched in between the two homes;

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

- Impact upon property values
- Lack of information from developer when purchasing property;

7.0 Town/Parish Council

7.1 Not applicable.

8.0 Relevant Consultations

8.1 National Grid – No response

8.2 Yorkshire Water – No response

8.3 DMBC Highways Development Control – Based on the assumption that for the majority of the time only two carers will be present at the property at any one time, the two allocated parking spaces are sufficient.

8.4 DMBC Pollution Control – Outstanding conditions relating to the outline and reserved matters permission for the wider site. Not applicable for this proposal.

8.5 South Yorkshire Police Liaison Officer – No objection subject to informative.

8.6 Environmental Health – No response.

8.7 Children’s Trust – No concerns.

8.8 Children’s Homes Planning Consultation- Covered above.

8.9 Children’s Planning Consultation- Covered above.

9.0 Assessment

9.1 The proposal seeks full planning permission for the erection of a property to be used as a small children’s home. As the appearance, style and scale of the building has been found acceptable in the previous permissions, only the proposed use is to be assessed in this report. In considering the proposal the main material planning considerations are outlined below:

- The Acceptability/Appropriateness of Proposed Use;
- Impact on Residential Amenity- Change of Use
- Impact upon the Character and Appearance of the Surrounding Area
- Impact on the Highway Network and Highways Standards

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

The Acceptability/Appropriateness of Proposed Use

9.3 The application site falls within the housing allocation area. Though most of the development has now been constructed, Policy 5 is still the most relevant which states that housing and mixed-use allocations will be developed primarily for residential uses. Other uses will only be permitted on these sites where they;

- Are small scale and ancillary to housing;
- Provide a service or other facility mainly for local residents;
- Would not harm residential amenity or undermine the delivery of housing.

9.4 The proposed use is small in scale, facilitating a maximum of 2 resident children. Whilst the use does not directly serve local residents, the children's home does deliver a service to the wider borough as it will provide a permanent home for vulnerable children whom are from the Doncaster area. Whilst the proposed use falls within a different use class to a family dwellinghouse, its day-to-day running will be similar and as such the proposal is considered to be ancillary to the wider housing estate.

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

Sustainability

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

9.7 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states 'so 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- Change of Use

9.8 Part C Policy 5 refers to residential amenity as well as Policy 44. The proposed development is surrounded by residential development in all directions. The proposed development is surrounded by residential development to the north, west

and east. The main impact upon residential amenity will be by virtue of the proposed use in terms of noise; comings and goings and traffic movements.

- 9.9 The proposed development looks to change the use of a recently constructed property to facilitate a small children's home. The property will accommodate a maximum of 2 children on a permanent basis, typically aged between 9- 17 years old.
- 9.10 No members of staff will reside at the property on a permanent basis. The carers primarily work on 8-9 hours rolling shift patterns which run through a 24hour period (ie 2 shifts in the day and 1 overnight shift). Typically 2 members of staff will stay over at the property each night, one of which will sleep and one of which will work through the night.
- 9.11 The children who live at the property would have a typical family routine, with a 1-1 carer at all times. There would always be at least 2 members of staff at the property, with additional ad-hoc visits from managers and other careers during the day. The number of residents and maximum number of members of staff would be conditioned to ensure that this figure does not exceed the numbers suggested. This limits the quantity of people at the property at any one time, therefore reducing the likelihood of noise disturbance upon neighbours, and also ensures that unreasonable demands are not made on the parking provision. Highways issues are discussed in more detail below.
- 9.12 In summary, the maximum number of individuals working at the property at any one time would be 2 during the night and 3 during the day. In terms of the overall maximum number of people at the property, during the day this would 5 (for example only on occasions when both the children are off school and the manager/visitor is at the property) and during this night this would be 4.
- 9.13 The existing property is a 3 bedroom detached dwelling, which may typically be occupied by a family of at least 4-5 residents. The planning system cannot control the number of occupiers within residential dwellings. However, as detailed above, the quantity of residents and members of staff at the children's home will be conditioned, in order to ensure that the proposed development does not cause harmful levels of nuisance or coming and goings. Given that the number of residents and staff at the property equals the number of residents in a similar 3 bedroom family setting, there is considered to be no intensification in the use in comparison to if the property was used as a dwelling. Therefore, the impact upon existing residential amenity, is not considered to be harmful.
- 9.14 The detached style of the existing property means that there would be limited impact upon the neighbouring properties. The proposed number of residents replicates that of a family dwelling, and the intensification of the use is considered to be negligible.
- 9.15 It is recognised that the proposed shift pattern (ie 3 shifts per day) would create 3 'hand-over' periods, whereby 2 members of staff leave and 2 arrive. In total this creates 6 movements of staff over a 24 hour period.
- 9.16 The proposed number of movements associated with the proposed use is not considered to be significantly different in comparison to if the property was occupied by a family of 4-5 people. Again the number of comings and goings

cannot be controlled by the local planning authority at a typical C3 dwellinghouse setting.

- 9.17 The application site is considered to be suitable for the proposed use without harmfully impacting adjoining residential amenity. These types of uses are directed to residential locations so that the resident children can access local amenities and live in a setting surrounded by families. Whilst the proposal does include a turn-over of staff across the 24 hour period, the number of comings and goings is not dissimilar to a normal family setting for a property of this size. Based on the information provided, the proposed change of use is not considered to harmfully impact adjoining residential amenity.

9.18 Conclusion on Social Impacts.

- 9.19 Para. 8 b) of the NPPF (2021) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

- 9.20 It is not considered that the proposed development would adversely affect future or existing residential amenity. The development would provide a much needed care facility within the borough which allows the resident children to remain living within the Doncaster borough, without harmfully impacting the amenity of adjoining neighbours. The number of residents/staff and the frequency of comings and goings is not significantly different from a typical family setting. This weighs in favour of the application carrying substantial weight.

9.21 ENVIRONMENTAL SUSTAINABILITY

Impact upon the Character and Appearance of the Surrounding Area

- 9.22 No external alterations are proposed as part of this development. Externally the dwelling will remain as existing/ as per the permission 21/00885/REMM. Therefore there will be no impact upon the character or appearance of the street scene or local area.

Impact on the Highway Network and Highways Standards

- 9.23 The property benefits from two off-street parking spaces arranged in a tandem style, positioned to the rear of the property. These parking spaces will primarily be used by the staff/carers. Many of the neighbour representations raised concerns regarding the impact upon parking as a result of the development.
- 9.24 In response to the neighbour comments the applicant has confirmed that they are looking to secure an agreement with the developer to lease additional land for car-parking. However as no evidence of this has been provided, as well as the additional parking space being outside of the red line boundary, this cannot be considered as part of this proposal.
- 9.25 It is recognised that during staff handover periods, additional vehicles may accumulate at the property, particularly as 2 staff prepare to end their shift and 2 others arrive. However this short cross-over period will only occur 3 times a day

and as such this is not considered to cause a noticeable difference on the highway network.

- 9.26 On occasions when the manager/other carers visit the property, the street as well as the wider estate provides sufficient on-street parking/visitor spaces. This scenario is similar to any typical family setting whereby visitors attend the property.
- 9.27 Staff will also be encouraged to travel to work via public transport such as bus or taxi, therefore reducing the requirement for off-street parking.
- 9.28 Whilst it is recognised that over a 24 hour period, 6 members of staff will work at the property, for the majority of the time only 2 carers will be based at the property per shift. On this basis the provision of 2 off-street parking spaces is considered to be acceptable. The Highways DC Officer has reviewed the proposed plans and has no objection to the proposed development.

9.29 Conclusion on Environmental Issues

- 9.30 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.
- 9.31 The proposed development is not considered to harm the environment with no alterations to external appearance to the property proposed. The proposal will not harmfully impact the local highway network or the availability of parking. The property provides 2 off-street parking spaces which will be used by the staff on shift. In conclusion of the environmental issues, it is considered the development carries substantial weight.

9.32 ECONOMIC SUSTAINABILITY

- 9.33 It is anticipated that the development would create minimal economic impact, with the only benefit being through the employment of carers at the property.
- 9.34 The Children's Trust have indicated that the proposal will provide some cost saving for the Council however independent economic benefits are not material planning considerations and is therefore disregarded. In terms of economic impact, this carries limited weight in favour of the application.

9.35 Conclusion on Economy Issues

- 9.36 Para 8 a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.37 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site earmarked for residential development in the Local Plan and this weighs considerably in favour of the application.
- 10.2 The proposed development will provide much needed provision which will ensure that 2 vulnerable children can be permanently housed within the borough. The property itself will operate similar to a typical family dwelling, with the only material difference being the crossover of staff.
- 10.3 The number of comings and goings associated with a family dwelling cannot be controlled by the LPA. The creation of 6 movements in 24hours is similar to the number of movements associated with a dwelling of this size and as such is not considered to harmfully impact adjoining residential amenity. The property will provide 2 off-street parking spaces for staff as well as generous facilities for the resident children.
- 10.4 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

11.0 RECOMMENDATION – GRANT PLANNING PERMISSION

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

Conditions / Reasons

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

REASON

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

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

Location Plan- Received 3rd March 2021

REASON

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

03. The maximum number of residents to be housed at the property No. 5 Dove Lane, Woodlands shall be no greater than 2 unless otherwise approved in writing by the Local Planning Authority.

REASON

To ensure that the facility is not detrimental to neighbouring amenity.

04. The maximum number of staff/carers at the property No. 5 Dove Lane, Woodlands at any one time shall be 3 unless otherwise approved in writing by the Local Planning Authority.
REASON
To ensure that the facility is not detrimental to neighbouring amenity.
05. A staff/carer logbook shall be maintained at all times which details staff/carer name, dates of site visit and entry and exit times. The staff/carer logbook shall be maintained for the lifetime of the development and each staff/carer logbook shall be retained for a minimum of 12 months. The staff/carer logbook shall be made available for inspection by the Local Planning Authority within two working days of a verbal or written request being received.
06. A residents' logbook shall be maintained at all times which details names and dates of residency. The residents' logbook shall be maintained for the lifetime of the development and each residents' logbook shall be retained for a minimum of 12 months. The residents' logbook shall be made available for inspection by the Local Planning Authority within two working days of a verbal or written request being received.

INFORMATIVES

01. The following security conditions must be met to ensure the safety of the children residing at the home and the staff looking after their welfare.
- All doors and windows must therefore comply with PAS 24 (2016) or LPS 1175 SR2.
 - The glazing units consist of a minimum of one pane of glass that achieves compliance under the BS EN356 P1A attack resistance standard.
 - External lighting to all facades controlled by dawn to dusk sensors. The system should comply with security standard BS 5489 -1:2013
 - The installation of a CCTV system can work to deter attacks against the property and help safeguard the residents. An operational requirements report should be completed to ensure that the system is fit for purpose. Further information is available from the Government website
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378443/28_09_CCTV_OR_Manual2835.pdf
 - The Police expect that a robust internal discipline process will be in place with an escalation process that only involved the police in acute cases and provision within the security of the building to deter missing episodes and the building being targeted.

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

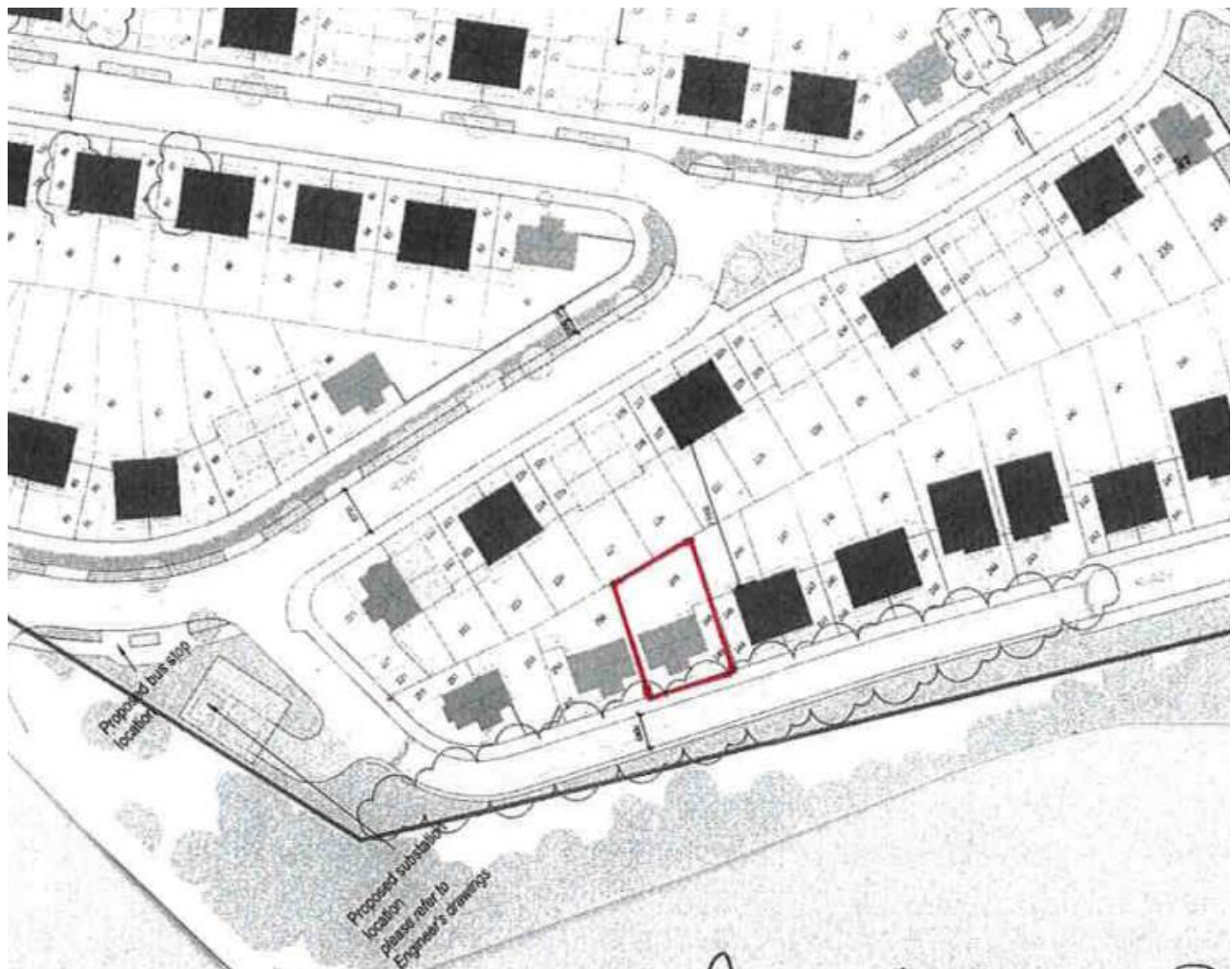
From a physical protection aspect, a requirement to install products accredited under a British (or similar) standard should be seen as a prerequisite to ~~any~~ approval.

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

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

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





To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

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

BACKGROUND

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

OPTIONS CONSIDERED

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

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

7.

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

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS [Officer Initials SC Date 13/07/2022]

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 13/07/2022]

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 13/07/2022]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 13/07/2022]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 13/07/2022]

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 13/07/2022]

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
21/00102/FUL	Change of use of campsite and amenity block to garden and ancillary granny annex. at Mawson Green Cottage, Mawson Green Lane, Sykehouse, Goole	Appeal Dismissed 01/07/2022	Norton And Askern	Delegated	No
19/01563/FUL	Erection of 4 dwellings at 14 School Lane, Auckley, Doncaster, DN9 3JR	Appeal Dismissed 22/06/2022	Finningley	Non-Determination	No
21/03355/PRIOR	Notification to determine if prior approval is required for raising of roof height in connection with formation of additional storey at 25 St Marys Crescent, Tickhill, Doncaster, DN11 9JN	Appeal Dismissed 29/06/2022	Tickhill And Wadworth	Delegated	No
21/01564/COU	Conversion from single occupancy semi detached house to 3 bed HMO (RETROSPECTIVE) at 29 St Patricks Road, Intake, Doncaster, DN2 5EP	Appeal Allowed 05/07/2022	Wheatley Hills And Intake	Committee	Yes
20/03418/FUL	Erection of two storey and single storey extensions and brick boundary treatment (retrospective application) (being resubmission of 19/03017/FUL) at 1 Church View, Wadworth, Doncaster, DN11 9BZ	Part Refused / Part Granted 27/06/2022	Tickhill And Wadworth	Delegated	No
21/02686/FUL	Erection of a single storey rear extension (retrospective) at Blacksmiths Lodge , 11 Grove Court, Marr, Doncaster	Appeal Allowed 27/06/2022	Sprotbrough	Delegated	No
21/02276/FUL	New roof to dwelling to provide two usable bedrooms with porch at ground floor level to front at 1 Highfield Road, Bawtry, Doncaster, DN10 6QN	Appeal Allowed 16/06/2022	Rossington And Bawtry	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

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TSI Officer
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Dan Swaine
Director of Economy and Environment



Appeal Decision

Site visit made on 24 January 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2022

Appeal Ref: APP/F4410/W/21/3284244

Mawson Green Cottage, Mawson Green Lane, Sykehouse, Goole DN14 9AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Mark and Alex Adam against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/00102/FUL, dated 12 January 2021, was refused by notice dated 28 May 2021.
 - The development proposed is change of use of campsite and amenity block to garden and ancillary granny annex.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has adopted the Doncaster Local Plan 2021 (the Local Plan) since making its decision on the planning application. Based on the evidence before me, the Local Plan replaces the policies of the Core Strategy 2012 and the Unitary Development Plan 1998. Both the Council and the appellants have had the opportunity to comment on the Local Plan, and I have proceeded to determine this appeal on the basis of the adopted development plan.
3. The appellants have provided further evidence in respect of flood risk with their final comments. I requested that relevant consultees should be given further opportunity to respond to this evidence, as should the Council and the appellants with regard to any further comments. This consultation has been undertaken, and I have had regard to the comments raised.
4. Subsequent to the submission of the appeal, the Council has revoked its suite of Supplementary Planning Documents (SPDs), including the Flood Risk SPD referred to in the reasons for refusal. The Transitional Developer Guidance 2022 (TDG) has replaced the Flood Risk SPD. The appellants have been given the opportunity to comment on this matter.

Background and Main Issues

5. The appeal site consists of part of a campsite with an amenity block. The description of the proposed development indicates that the amenity block would be used as a granny annex, which the appellants submit would be ancillary to their main dwelling located in the vicinity. The Council's reasons for refusal primarily relate to flood risk, although the concerns on this matter arise from whether the proposal would in fact be an annex or a separate dwelling

and the form of accommodation on the ground floor. On that basis, the main issues in this appeal are:

- Whether the proposal would lead to the creation of a separate dwelling; and
- Flood risk.

Reasons

Whether separate dwelling

6. The appeal site is part of an extensive area of land which contains the appellants' dwellinghouse, substantial utility buildings, and the area of the campsite including the amenity block which is the subject of this appeal. Planning permission for the campsite was granted in 2016 and subsequently implemented, although the appellants explain that this has now ceased to operate.
7. The appellants submit that the proposal would result in the appeal site reverting back to garden land forming part of the existing residential planning unit, and would be a residential annex tied to the main dwelling. However, the Council refers to the planning history of the area which indicates that the appeal site was previously part of a field rather than residential curtilage.
8. The appellants own the appeal site as well as the main dwelling. However, the appeal site is distinctly separate. It is set within a separate plot of land and has its own access to the highway. The substantial buildings between the site and the main dwelling emphasise this degree of separation.
9. It may be that residents of the appeal proposal could use facilities within the main dwelling, such as at meal times. However, there is no certainty that this would be the case as the proposed conversion would also provide facilities, including a kitchen, which would enable the building to be used as a separate dwelling. The appeal site would also have a separate access to the highway and a garden area, and the Council also refers to separate utilities.
10. Whilst there is a path linking the appeal site to the appellants' house, this is not of a form and arrangement which indicates that the proposal would be functionally linked to the main dwelling or would be ancillary to it. Viewed objectively and in context, the path does not negate the distinctly separate and self-contained nature of the appeal site.
11. As a matter of fact and degree, I conclude that the proposal would in effect lead to the creation of a separate dwelling, and should be assessed on that basis in respect of flood risk. In other words, I find on the evidence before me that the proposal would not be integral to or part and parcel of the primary use of the appellants' main dwelling.
12. I have considered whether it would be appropriate to use a condition limiting the occupancy of the building to the appellants' family. The Planning Practice Guidance on the appropriate use of such conditions states that "*There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission*". However, whilst I acknowledge the circumstances of the appellants' relative, based on the evidence before me these are not of such an exceptional nature as to justify an occupancy condition.

13. Even if there was substantive evidence to demonstrate a reasonable functional relationship with the main house, I am mindful that any such functional link would be very difficult to monitor due to the self-contained nature of the proposal. Furthermore, it is entirely possible that there may be pressure to amend or remove a condition should the personal circumstances of the appellants and their family change.
14. I therefore conclude that the proposal would in effect create a separate dwelling unit. I also conclude that limiting occupancy by means of a condition would not be reasonable or enforceable for the reasons stated previously.
15. On that basis, the proposal should be assessed as relating to a new dwelling when considering matters of flood risk.

Flood Risk

16. The appeal site is within the 'High Risk' Flood Zone 3. The use of the building as a dwellinghouse would fall within the 'More Vulnerable' flood risk classification. The existing use of the appeal site and the adjacent area as a camp site also falls within the 'More Vulnerable' risk class. It is common ground between the main parties that the Sequential and Exceptions Tests do not need to be applied in this case as the proposal is for a change of use and would not create any additional floorspace.
17. However, comments raised by the Council and consultees including the Environment Agency (EA) identify that the site is within a residual risk area at risk from a breach of flood defences. The site is within a day hazard category classified as 'danger to most', and could experience flood depths of 1.0-2.0m above ground level arising from a breach in defences. More specifically the EA identifies that a flood level could reach an internal depth of 1.69m, which could be higher allowing for climate change. The EA highlight that the proposal includes ground floor sleeping accommodation which would be unsuitable at those depths of flooding.
18. The appellants have provided a Flood Risk Assessment (FRA) in support of the planning application, and an FRA Addendum which sought to address comments raised by the EA. The FRA and Addendum emphasise that the proposal is for an annex to an existing dwelling representing minor development, and that it would not be proportionate, reasonable or necessary to require a breach analysis for that scale of development. However, I have concluded that the proposal would in effect be for a new dwelling. It is therefore appropriate to assess flood risk on that basis. The concerns of the Council and consultees in respect of whether the FRA and Addendum are a sufficient basis to assess flood risk are therefore well founded.
19. The appellants have provided evidence that the flood depths would be significantly lower, although given the concerns of the EA in respect of the approach to understanding residual (breach) risk and climate change, I am not persuaded that the appellants' evidence is robust.
20. In respect of the range of flooding events, the EA's concerns on the lack of a breach assessment and allowances for climate change are clearly set out. Given that the proposal would lead to the creation of a new dwelling, I consider that the evidence provided by the appellants is not sufficient to fully assess the proposal in respect of Flood Risk.

21. The appellants emphasise that the proposal would not change the flood risk classification of the site, as both the existing camp site and the proposed dwelling would be within the 'more vulnerable' classification. I have also had regard to the Planning Practice Guidance which states that a change in use may involve an increase in flood risk if the vulnerability classification of the development is changed. However, that does not indicate that a change of use within a vulnerability classification means that the consideration of flood risk should be set aside. This is a matter of public safety where a precautionary approach is reasonable. Simply relying on broad flood risk vulnerability classifications is not appropriate, and an assessment of the form of development proposed should be undertaken.
22. The nature of occupation arising from the dwellinghouse which would result from the proposal would be materially different to the existing permitted camp site. As has been set out by the EA, a camp site would not provide permanent residential accommodation, and could therefore be closed and/or evacuated allowing campers to return to their permanent residences. However, if the appeal proposal was affected by flooding it is likely to take time and expense to return it to a habitable condition. This is particularly due to the lack of accommodation above the ground floor. Although there may be dwellings in the vicinity where the residents of the appeal proposal could be evacuated to, this would not address the proposal's poor resilience to the effects of flooding due to the ground floor accommodation proposed.
23. Flooding would affect the existing building in its permitted use as an amenity block for the camp site, and in the event of flooding there would be costs associated with the renovation of the building for that use as well as interruption to the business. However, the use of the building as a dwelling would require residents to seek alternative accommodation following a flood, and the resilience of the building therefore raises different issues compared to the extant use as a camp site.
24. The appellant refers to potential planning conditions which could require mitigation measures such as raising the bedroom floor level, a refuge within the loft space, and a wall or banking around the site. While it may be possible to create a refuge with an appropriate escape route in the roof space, it would not be sensible to add to the number of permanent dwellings in this area which may be affected by flooding, thereby adding to the demands of the emergency services at the time of a flooding event. It has not therefore been demonstrated that mitigation measures would be effective given the depths of flooding referred to by the EA. A wall or banking may also affect flood levels and or divert flood flows, and while these effects may potentially be minor they have nonetheless not been adequately modelled.
25. I conclude that it has not been suitably demonstrated that the proposal would provide safe residential accommodation in respect of flood risk, with due regard to residual (breach) risks, climate change and flood risk resilience. The proposal would therefore be contrary to policies 1, 44 and 57 of the Local Plan regarding the consideration of challenges arising from flood risk, including flood resistance and resilience, climate change, and residual flood risk. The proposal would also be contrary to the National Planning Policy Framework (the Framework) with regards to planning and flood risk, including in respect of avoiding inappropriate development in areas at risk of flooding, and the management of residual flood risk. The proposal would also be contrary to the

advice of the TDG which seeks to ensure that development is safe with regards to Flood Risk.

26. The appellants submit that the proposal would not conflict with policy 25 of the Local Plan which relates to the re-use and conversion of buildings in the countryside. However, this policy does not specifically address flood risk, and this does not lead me to a different conclusion in respect of this main issue.

Other Matters

27. A lawful development certificate has been granted for the siting of a mobile home for use as a granny annex within the curtilage of the main dwellinghouse. As a mobile home intended for permanent residential use this would have a 'highly vulnerable' flood risk classification, in comparison to the 'more vulnerable' classification of the appeal proposal. The appellants emphasise that this fallback position is more than a theoretical alternative as the appellants' relative is currently residing in a caravan on the appellants' land.
28. However, if I was to accept the appellants' argument in respect of the fallback position of a mobile home or caravan annex, applied consistently, this would be a perverse incentive for property owners in areas at risk of flooding to propose such an annex as a method of justifying a dwellinghouse. Whilst a dwellinghouse may be of a lower risk classification than a residential mobile home as set out in Annex 3 of the Framework, it is not appropriate to use this alternative as a method of circumventing valid concerns in respect of flood risk and matters of public safety. In any event, the fallback position of the mobile home is materially different to the appeal proposal, as it is common ground that the lawful development certificate relates to an annex whereas I have concluded that this appeal would result in a separate dwelling.
29. It has also not been demonstrated why the existing dwelling or other buildings in the appellants' ownership could not be used to provide suitable accommodation for the appellants' relative, including sleeping accommodation above ground floor level. This further detracts from any weight I can give to the mobile home annex as a fallback.
30. The appellants refer to the potential to provide ground floor sleeping accommodation in the existing dwelling which would not require planning permission. But this is a theoretical proposition, and does not justify the provision of ground floor sleeping accommodation in a new dwelling. In any event, I would be surprised if the appellants were to provide additional sleeping accommodation on the ground floor of the existing dwelling when a flood risk is evident.
31. The proposal may have benefits compared to a mobile home or caravan due to the re-use of an existing building, greater energy efficiency and limiting surface water run-off. However, these matters are not sufficient as to outweigh the concerns I have identified in respect of flood risk.

Conclusion

32. For the reasons given above I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

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Appeal Decision

Site visit made on 27 April 2022

by M Clowes BA (Hons) MCD PGCERT (Arch con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/F4410/W/21/3288038

14 School Lane, Auckley, Doncaster DN9 3JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Andrew Burden against Doncaster Metropolitan Borough Council.
 - The application Ref 19/01563/FUL, is dated 25 June 2019.
 - The development proposed is erection of 4 dwellings.
-

Decision

1. The appeal is dismissed and planning permission for the construction of 4 dwellings is refused.

Procedural Matters

2. The appeal is against the Council's failure to determine the planning application within the relevant statutory timeframe. However, I have had regard to the Council's statement which provides clarity in terms of the reasons the Council would have refused planning permission for the proposed development, had they been able to do so.
3. The planning application originally proposed 9 dwellings. This was subsequently revised downwards to 4 dwellings, with accompanying plans submitted to reflect this change. I have used the description of development from the appeal form as this more accurately describes the development on which a decision is sought and is agreed by both parties. I have determined the appeal accordingly.

Main Issues

4. The main issues are the effect of the proposed development upon the character and appearance of the area and the living conditions of neighbouring occupiers, with particular regard to outlook.

Reasons

Character and Appearance

5. The appeal site relates to a substantial detached 2 storey dwelling set in extensive grounds. It is set well back and at a higher land level than School Lane, where mature planting exists within the front garden and the boundary is delineated by a stone wall with a fence and trellising above. As such, the dwelling is not overtly visible in the street scene.

6. The site is bounded by School Lane and existing residential development on The Hollows. This part of School Lane is characterised by the presence of single storey detached bungalows or small – scale 2 storey dwellings with low boundary walls, mature hedgerows and tree planting contributing to the verdant, spacious and pleasant village character.
7. The principle of residential development on the appeal site is not contested, the site falling within the established built form of the village of Auckley. Based on all that I have seen and read, I have no reason to disagree with this point of view.
8. In views from School Lane, the scale of the proposed frontage dwellings would be significant and plot 1 in particular, would dwarf the small – scale bungalows of 16 and 18 School Lane. Whilst the 2 storey frontage dwellings include a 1.5 storey element that steps down towards the side boundaries of the site, the height, scale and siting forward of the established building line, would nonetheless result in a visually dominant and obtrusive form of development within the street scene.
9. Although hipped, the proposed roofs are particularly large and high compared to surrounding properties. The use of a 1.5 storey element with half dormers, classically inspired porches and corbelling details results in a fussy design for the proposed dwellings. I saw how this would contrast appreciably with the somewhat modestly sized and simply detailed dwellings which surround the site. Consequently, the proposed dwellings would be conspicuous, resulting in visual harm to the appearance of the street scene.
10. Plot 2 is likely to be readily visible in views along the new access, despite the suggested provision of electric gates. This view would emphasise the ‘backland’ nature of the proposed development and that the proposed dwellings to the rear of the site, would not have a road frontage as is typical of surrounding dwellings. As such, the proposed layout would not reflect the prevailing form and pattern of development surrounding the site. The character of the area would be neither complemented nor enhanced as a result.
11. Although the design has evolved through various iterations with a view to finding a solution, for the foregoing reasons in this instance that process has not resulted in a well – designed scheme.
12. Despite my findings in respect of the principle of the development, the specific scale, layout and design of the proposed dwellings would be harmful to the character and appearance of the area. As such the proposal would fail to accord with Policies 41, 42 and 44 of the Doncaster Local Plan (2021) which amongst other things, seek to ensure new development responds positively to its context and integrates visually and functionally with the built environment. The proposal would also fail to comply with paragraph 130 of the Framework, which requires high-quality design that responds to local character and reflects the identity of the surroundings.

Living Conditions

13. The levels of the appeal site are raised above School Lane and all of the neighbouring properties on The Hollows. As a result, there are substantial retaining walls to the shared boundaries with 1, 3 and 5 in particular, as well as but to a lesser degree 11, 15 and 17 The Hollows.

14. The existing dwelling is sited beyond No 1. It's replacement with plot 4 would result in the new dwelling being sited almost directly behind the rear elevation of No 1, albeit perpendicular and at a slightly offset angle to it. Although the hipped roof would slope away from the shared boundary, its height would add to the sense of enclosure already exerted by the high retaining wall and fence.
15. Having reviewed the appeal documentation I agree with the Council that there are discrepancies between the submitted elevations, the site plan and the section drawing, such as to provide uncertainty regarding the exact impact of the proposed dwellings on neighbouring properties. For example, Plot 4 is shown on the street scene drawing at 10.90m FL but 10m FL on the site plan. The exact relationship of plot 4 with No 1 in particular, cannot therefore be determined precisely. Nor, by consequence, can I legitimately resolve that matter via condition.
16. Notwithstanding the discrepancies on the plans, I am of the view that the deep plan form, the tall and dominant roofscape and the close siting of plots 3 and 4 adjacent the boundary with Nos 1, 3 and 5 The Hollows, would result in an overbearing and oppressive form of development atypical of the prevailing nature of the area. These neighbouring properties already have relatively narrow rear gardens which are significantly enclosed by the existing concrete retaining wall and timber fence above. Further development above and close to this boundary would inevitably further reduce the outlook from the rear ground floor habitable rooms of Nos 1, 3 and 5, with Nos 3 and 5 more acutely affected, due to their shallower rear gardens.
17. The proposed dwellings at plots 2 and 3 would be greater than the 21m separation distance advocated in the South Yorkshire Residential Design Guide (2011) from Nos 11, 15 and 17 The Hollows. However, I am mindful that this is guidance. Considering the site specific characteristics, the proposed development would result in 2 storey dwellings backing onto bungalows with windows to habitable living rooms within the rear elevation, at a lower ground level. Whilst the view would change, the outlook from these dwellings is unlikely to be unduly affected given the proposed separation distances.
18. I conclude that the proposed dwellings would have an adverse effect upon the living conditions of the occupiers of 1, 3 and 5 The Hollows, with particular regard to outlook. Therefore, the development proposed conflicts with Policy 44 of the Doncaster Local Plan (2021), which amongst other things seeks to protect existing amenity and prevent unacceptable impacts on neighbouring properties. It would also conflict with paragraph 130 of the Framework, which requires new development to have a high standard of amenity for existing users.

Other Matters

19. The scheme would make efficient use of a site, boost housing provision and entail economic benefits during construction and from future occupants using local services and facilities. However, the benefits of 3 new homes in that respect would inevitably be modest and, in this instance, to the detriment of local character and the living conditions of those nearby.
20. I note that the Council indicate a bat survey would be required, and the lack of objections from statutory consultees. Nevertheless, even if the scheme were to be acceptable in those regards, or to be capable of being made acceptable

through the use of appropriately-worded conditions, that would be effectively neutral in my assessment of the scheme, rather than weighing positively in favour of allowing the appeal. Consequently, no other matters are sufficient to outweigh my reasoning above, namely that the scheme would be unacceptable.

Conclusion

21. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations including the Framework, the appeal is dismissed and planning permission is refused.

M Clowes

INSPECTOR



Appeal Decision

Site visit made on 27 May 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2022

Appeal Ref: APP/F4410/D/22/3291893

25 St. Marys Crescent, Tickhill DN11 9JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Niall Doyle against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 21/03355/PRIOR, dated 8 November 2021, was refused by notice dated 25 January 2022.
- The development proposed was originally described as 'raising of roof to form additional storey. Materials to match existing.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits development involving the enlargement of a dwellinghouse by construction of additional storeys, subject to specified limitations and conditions.
3. There is no dispute between the main parties that the proposal meets the relevant limitations and conditions of paragraphs AA.1.(a) to (k) and AA.2.(2)(a) to (d). On the evidence before me, and having regard to my observations on site, I have no reasons to disagree in these matters. The proposal therefore constitutes permitted development under Class AA, subject to the consideration of the prior approval matters under Paragraph AA.2.(3)(a).
4. Paragraph AA.2.(3)(a) sets out four matters for which the developer must apply to the local planning authority for prior approval. The Council refused prior approval only in respect of matter (ii): *the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway*. As before, I have no evidence to dispute the Council's conclusions in respect of the other prior approval matters under sub-sections (i), (iii) and (iv) of Paragraph AA.2.(3)(a).
5. During the course of the appeal the *CAB Housing Ltd*¹ judgment was issued, which relates to the interpretation of Class AA. The main parties have been

¹ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

afforded the opportunity to comment on the relevance of this decision to the appeal.

Main Issue

6. The main issue is whether prior approval should be given, having regard to the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

7. Paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO requires that the developer must apply to the local planning authority for prior approval as to the external appearance of the dwellinghouse. The judgement in *CAB Housing Ltd* confirmed that the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but can also include the impact on neighbouring premises and the locality, with this being a matter for the decision maker having regard to the facts in each case.
8. The eastern side of St Mary's Crescent is characterised by groups of consistent, detached bungalows with front-facing gables and roof ridges running perpendicular to the street, interspersed by semi-detached pairs of bungalows with side gables and the roof ridges running parallel to the street. From my observations, the overall layout is deliberate, with all dwellings sharing the same palette of materials and having matching eaves levels and roof shapes.
9. The proposal seeks to raise the height of the walls by 1.25 metres to create an additional storey within the roof space. Two windows would be inserted in the front elevation at the proposed first floor level, with one window added to the rear elevation.
10. The consistency to the eaves and ridge lines of the street is obvious in views in both directions. The increased height of the dwelling would interrupt this pattern in a conspicuous manner, creating an uncharacteristic chalet bungalow form not seen elsewhere in the street.
11. The appellant claims the proposal would align with the roof ridge of the semi-detached pairs within the street, including those immediately adjacent to the appeal dwelling, as they stand 1.2 metres higher than the detached bungalows. I do not have measured plans to verify this, but my observations on site suggest there to be a very modest difference in height at most, and not as large as suggested by the appellant. Any perceived difference may be due to the different orientations of the roof ridges, but it is clear in long views down the street that the overall scale of all of the dwellings is very similar, and that the proposal would create a jarringly taller dwelling that would interrupt the prevailing pattern of development in a highly incongruous manner.
12. Moreover, one of the proposed windows would cut awkwardly across the rendered section of the front elevation, creating a disjointed arrangement that would severely detract from its overall appearance, and in turn the consistent appearance of the dwellings within the street.
13. For these reasons, I conclude that the external appearance of the dwellinghouse would significantly harm the character and appearance of the area. So far as they are relevant to the appeal as material considerations, there would be conflict with Policies 41(A) and 44 of the Doncaster Local Plan (2021) and Policy DE6 of the adopted Tickhill Neighbourhood Plan (2016),

which together require development to respond positively to the context and character of existing areas or the host property and create high quality residential environments through good design; for extensions to complement and enhance the main building and its setting, and to be proportionate to it in scale and size. There would also be conflict with the advice of the National Planning Policy Framework, which seeks to achieve well-designed places.

Conclusion

14. For the reasons given, the proposal is not acceptable in respect of prior approval matter (ii) of Paragraph AA.2.(3)(a) of Schedule 2, Part 1, Class AA of the GPDO. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR

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Appeal Decision

Site visit made on 15 June 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2022

Appeal Ref: APP/F4410/W/22/3292699

29 St. Patricks Road, Intake, Doncaster DN2 5EP

- 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 Dr Hena Brar against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/01564/COU, dated 26 May 2021, was refused by notice dated 20 October 2021.
 - The development proposed is conversion from single occupancy semi -detached house to 3 bed HMO.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion from single occupancy semi – detached house to 3 bed HMO at 29 St Patricks Road, Intake, Doncaster DN2 5EP in accordance with the terms of the application, Ref 21/01564/COU, dated 26 May 2021 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have used the description of the proposal from the Council’s decision notice as it more concisely defines the development proposed. The Council considered the proposal retrospectively. At the time of my site visit, internal alterations for the proposed house of multiple occupation (HMO) had been made. However, the property was not occupied, and a change of use had not yet occurred. For clarity I have determined the appeal on the basis of the proposed use.

Main Issues

3. The main issues are the effect of the proposed development upon highway safety, with particular regard to parking and, whether the proposed development would provide acceptable living conditions for future occupants, with particular reference to internal space.

Reasons

Highway Safety

4. The scheme proposes the provision of 2 off–road car parking spaces within the boundary of the appeal site, although no detailed plans have been provided to identify their location. The driveway to the side of the HMO is unlikely to be used for car parking other than by a very small car or motorcycles, given its restricted width and presence of a boundary wall that would restrict the ability to open car doors when parked in situ. Therefore, parking could only be practically accommodated to the front of the HMO.

5. A small tree to the front of the property would prevent the space being used for car parking. The tree is relatively small and ornamental and there is nothing before me to indicate the tree could not be felled. I saw it is common for the car parking areas of properties along St Patricks Road to have been extended within the front gardens. This could be replicated at the appeal site subject to the removal of the tree. Car parking could therefore be secured by condition, were I minded to allow the appeal.
6. The Council is concerned that the proposal would push car parking demands elsewhere, due to parking restrictions on St Patricks Road during the week. Although occupants of a HMO may lead more separate lives, it does not follow that vehicle ownership is more likely or would increase over and above what would be expected if the property were in use by a single family. Likewise, the proposal is no more likely to result in parking difficulties at weekends when restrictions are not in force. Similarly to a private dwelling, occupants of the HMO would need to be considerate and move their car if another vehicle needs to exit the parking area. Given the proposed HMO would be limited to 4 occupants and 2 off-road car parking spaces could be provided, I am not persuaded that the proposal would result in significant levels of on-street car parking, such that the free flow of traffic would be adversely affected.
7. The appellant intends the HMO to be occupied by employees at Doncaster Royal Infirmary. Although I agree that it would be unenforceable to restrict occupancy to hospital workers, the HMO would nevertheless be attractive to such individuals, given its proximity. As public transport is available a short walk away on Thorne Road, occupants would not be reliant on the private car.
8. Paragraph 111 of the Framework is clear that development should only be 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. I am mindful that the Highway Authority did not object to the proposal and the provision of one small-scale HMO with 2 on-plot spaces, would not result in a severe impact on the nearby road network.
9. In the absence of substantive evidence to the contrary, the proposed development would not be harmful to highway safety, with particular regard to car parking. The proposal would comply with Policies 9(b) and 44(b) of the Doncaster Local Plan 2021 (Local Plan) which amongst other things, seek to ensure the provision of sufficient convenient, and secure on - site car parking.

Living Conditions of Future Occupiers

10. A ground floor kitchen would be the sole communal living space. Initially narrow, the kitchen opens up into a wider space within a rear extension. The layout as a double space, equipped with 2 hobs and ovens, 2 washing machines and a good degree of worktop space for food preparation, would enable more than 1 person to comfortably use the facilities at the same time. There would also be room for a compact table or breakfast bar next to the rear door, to allow the seated consumption of food. The kitchen door additionally provides access to the large rear garden which would provide outdoor space for the future occupants. An acceptable level of space would therefore be available within the kitchen.
11. In addition, the bedrooms of the HMO would be double sized and spacious enough to accommodate furniture for seating if required. I consider that the overall level of accommodation to be provided within the HMO would be sufficient to provide proper and adequate living space for the future occupants.

12. Regarding the 2 appeal decisions my attention is drawn to, I have no substantive evidence of whether the surrounding context, layout or amount of HMO accommodation in appeal decision 3237846, is the same as that before me. Appeal decision 3220077 relates to the change of use to a large 9 room HMO and therefore, I do not find the circumstances relating to living conditions comparable to the small HMO before me.
13. I conclude the proposed development would provide acceptable living conditions for future occupants, with particular reference to internal space. The proposal would comply with Policies 9(a and c) and 10(a.1) of the Local Plan (2021) which amongst other things, seek to ensure an acceptable level of amenity for new residents and appropriate internal standards of living space for multiple occupation.

Other Matters

14. Concerns have been raised regarding the effect of the proposal on disruption to neighbouring residents and the types of HMO occupants. The use of a small HMO by a maximum of 4 persons would not significantly increase the level of activity at the property over and above occupation by a single family. As the Council did, I find no harm would arise as a result.
15. The Council advise that there are no other HMO's within the vicinity of the appeal site and Policy 9 of the Local Plan (2021) enables control over where HMO's can be located. The proposal would not therefore result in an over concentration of HMO's or set an undesirable precedent. Carrying out works prior to obtaining consent is not an offence, the provision of double beds does not imply a greater level of occupancy and the Council have powers to deal with untidy land and noise nuisance. Concerns relating to the impact on property values are not material considerations. These matters do not affect my findings on the main issues.

Conditions

16. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance and paragraph 56 of the Framework. Along with the standard time limit, a plans condition is imposed in the interest of certainty. The number of residents is limited to a maximum of 4 to regulate the effect of the proposal on the living conditions of neighbouring properties and parking generation. I am satisfied that 2 parking spaces can be provided on site subject to the agreement of an additional plan and provision before occupation. I agree the bathroom windows need to be obscured glazed for the privacy of the occupiers. I have amended the Council's suggested wording to ensure compliance with the 6 tests and that the works are completed prior to occupation.

Conclusion

17. For the reasons identified above, there are no conflicts with the Development Plan when taken as a whole and I conclude that the appeal should be allowed.

M Clowes

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans:
Location Plan
Proposed Floor Plan drawing number 3655-01
- 3) The number of occupants to reside at the property must not exceed 4 individuals forming no more than 3 households.
- 4) Before the HMO hereby permitted is first occupied as such, 2 parking spaces shall have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Once provided, the approved parking spaces shall thereafter be retained for their intended purposes.
- 5) The HMO hereby permitted shall not be occupied until the windows serving the en-suite bathrooms as shown on the proposed floor plan (drawing number 3655-01) shall have been fitted with obscured glazing, in accordance with a scheme of details that has first been submitted to and approved in writing by the Local Planning Authority. The obscured glazing shall be installed in accordance with the approved details and retained as such thereafter.



Appeal Decision

Site visit made on 27 May 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/F4410/D/22/3295314

1 Church View, Wadworth, Doncaster DN11 9BZ

- 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 Paul Chiddey against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 20/03418/FUL, dated 11 December 2020, was refused by notice dated 6 January 2022.
- The development proposed was originally described as '*Alterations and Extensions which have already been completed. Two storey and single storey extensions which have already been built. This is a retrospective application to retain same.*'

Decision

1. The appeal is dismissed insofar as it relates to the boundary treatments to the front and sides of the driveway of the dwelling. The appeal is allowed insofar as it relates to the side and rear extensions to the dwelling, and planning permission is granted for erection of two storey and single storey extensions, at 1 Church View, Wadworth, Doncaster DN11 9BZ, in accordance with the terms of the application Ref 20/03418/FUL, dated 11 December 2020, and the plans 2019/10/01; 2019/10/02 and 2020/10/01(E) submitted with it, subject to the following condition:

- 1) Unless within four months of the date of this decision a scheme for the maintenance of colour tinting of the roof tiles of the dwelling is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within the timeframe agreed with the local planning authority, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

The submitted scheme shall include details of the tinting colour, the manufacturer of the product, the longevity of the product and a timetable for the renewal of tinting of the main roof of the dwelling.

If no scheme in accordance with this condition is approved within six months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, the works detailed in the scheme shall thereafter be maintained and/or repeated in accordance with the approved timescales.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the

time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matters

2. The application was made on a retrospective basis, and I saw on site that works to construct the extensions and front boundary treatment appeared to be complete. The exception to this is the proposed reduction in the height of the boundary treatment dividing the front gardens of Nos 1 and 3 Church View. Therefore, whilst I have had regard to the works as built, for the avoidance of doubt I have considered the appeal on the basis of the proposed plans.
3. For the reasons that follow, I find the extensions to the dwelling to be acceptable and clearly severable both physically and functionally from the front boundary treatments. Therefore, I intend to issue a split decision in this case and grant planning permission for the extensions only. Accordingly, I have amended the description of development in my formal decision to accurately reflect the development permitted.

Background and Main Issue

4. The appeal relates to a semi-detached dwelling standing at an angle to the road at the corner of Church Road and Church View. Permission was granted in 2019 for a two storey side extension and single storey rear extension. The roof of the side extension as constructed stands flush with the main roof of the dwelling, and not in accordance with the approved plans which show the ridge of the extension stepped down from the main ridge and the front elevation recessed from that of the main dwelling. The appellant seeks to retain the extensions as built, alongside changes made to the boundary treatments surrounding the front driveway.
5. The Council does not oppose the single storey rear extension, which differs from the approved scheme only in the detailing of its fenestration. Having seen the extension on site, I have no reasons to disagree with the Council on this element of the development. For the avoidance of doubt, an outbuilding erected to the rear of the site did not form part of the application and I have not considered it as part of the appeal.
6. The main issue, therefore, is the effect of the side extension and front boundary treatments on the character and appearance of the area.

Reasons

Side Extension

7. The principle of a two storey side extension has been established through the 2019 permission, which included a lower roof ridge to the extension and a slightly recessed front elevation. Both elements align with the main roof and front wall of the dwelling in the scheme now before me, and as has been built on site.
8. The Council's Development Guidance and Requirements Supplementary Planning Document (SPD) (July 2015) sets out that extensions should be subservient to the existing dwellings. It indicates that the ridge and eaves lines should be level or lower than those of the existing dwelling, and in some cases it may be better to make a distinct break in the roofline and wall to ensure the

extension remains secondary and to avoid unsightly matching of old and new materials. As such, the absence of a break in the roofline is not necessarily unacceptable, but will depend on the design of the dwelling in question and the impact on the surrounding built form.

9. In this case, the approved extension was subservient through its recessed ridge line and front elevation. These elements have been omitted, and in doing so have reduced the legibility of the original dwelling. However, the extension has maintained the characteristic hipped roof shape of the surrounding semi-detached pairs. The position of Nos 1 and 3 is such that the pair is read primarily as part of the Church Road street scene, rather than part of Church View. From Church Road, the corresponding corner pair on the opposite side of the road, Nos 2 and 4, is seen in the same vista. This pair appears wider in footprint than the original footprint of Nos 1 and 3. Consequently, following the extension to No 1, the overall massing of Nos 1 and 3 does not appear demonstrably larger in size than Nos 2 and 4 opposite, with both having similar overall roof spans.
10. Moreover, whereas Nos 2 and 4 are directly adjacent to a second corner building of similar scale, the surroundings of the appeal site are more open due to the presence of a low height electricity substation immediately next to the site, in addition to the rear gardens of dwellings on St Johns Croft to the east. Given this more spacious setting, the side extension, despite not being set down in height from the main dwelling, does not result in the dwelling or the semi-detached pair appearing excessive in size or overly dominant within the site or the street scene, but rather it maintains the general scale and form of the semi-detached pairs on Church View. Having regard to the SPD, the absence of a break in the roofline or the front elevation is not harmful to the overall appearance of the dwelling in this instance.
11. The Council was further critical of the colour of the grey roof tiles installed on the appeal dwelling, given the prevailing use of red tiles on Church View and St Johns Croft. The appellant has subsequently applied a red tint to the tiles, which I saw on site blends reasonably well with the roof of No 3. Overall, I am satisfied that the extension matches well with the parent building and surroundings in terms of materials. However, I agree with the Council that the tinting should be maintained for the life of the development in order to ensure a satisfactory appearance. This could be secured by planning condition.
12. For these reasons, I conclude that the side extension preserves the character and appearance of the area, in accordance with Policies 41 and 44 of the Doncaster Local Plan 2021, which together support development proposals which respond positively to their context, setting and existing site features; and which respect and enhance the character of the locality, having regard to factors such as layout, siting, spacing, scale, massing, form and materials.

Boundary Treatments

13. The Council indicates that the front garden/driveway of the appeal site was previously enclosed by a low brick wall to the front, and a hedgerow to the side boundary with No 3. I saw low, red brick walls to No 3 and other dwellings in Church View which form a characteristic feature of the streetscape, and provide for open frontages which add to the visual interest and spacious feel of the surroundings.

14. The replacement front boundary comprises a low brick wall of similar height to that at No 3. However, it is interspersed with taller pillars to a height of between 1.96 and 2.05 metres above ground level. Between the pillars, solid grey timber panelling sections have been installed to a height of 1.8 metres.
15. The height and solid form of the front boundary treatment creates an uncharacteristic sense of enclosure to the property which contrasts with the generally open frontages to surrounding dwellings. The taller fencing to the side of 3 Church View appears to be an isolated exception to this pattern, and stands out prominently as a result. I also have no details of the planning history of this fencing. The absence of any soft landscaping to the appeal site further contrasts with the general appearance of surrounding front gardens and adds to the stark appearance of the site.
16. I acknowledge the appellant's point that the dwelling is seen mainly within the Church Road streetscape. Several examples of taller boundary treatments have been pointed out to me, which I saw on site. These other examples tend to relate to side or rear boundaries which address the road, rather than front boundaries. Taking the wider extent of Church Road, I saw that dwellings fronting the road predominantly retain low front boundary treatments allowing views into the site, with the cited examples of taller boundaries being occasional exceptions which have not altered the overall character of the area.
17. The enclosure of the front garden of the site is exacerbated by the 1.8 metre close boarded fence on the boundary with the front garden of No 3. Due to its length and clear visibility from the street, it appears as a conspicuous and jarring feature, particularly compared to the modest brick walls which enclose the garden of No 3. The appellant has proposed reducing this fence to 1.3 metres in height. This would go some way to reducing its imposing appearance, but it would still be seen in conjunction with the front boundary, and together they would continue to form a aberrant feature of the street scene that would fail to harmonise with surrounding development.
18. A fence of similar scale has been erected to the opposite side of the front driveway, where the site adjoins the electricity substation. This fence is not proposed to be lowered. It is similarly prominent in views from the east on Church Road, and adds to the overall enclosed, fortress-like appearance to the front of the property.
19. For these reasons, I conclude that the cumulative effect of the front boundary treatments would cause significant harm to the character and appearance of the area, contrary to the aforementioned aims of Policies 41 and 44 of the Doncaster Local Plan 2021 to support developments which respond positively to their context, setting and existing site features and respect and enhance the character of the locality.

Other Material Considerations

Conservation Area

20. The green open space across the road from the appeal site lies within the Wadworth Conservation Area (WCA). The Council determined that the appeal scheme did not have an adverse effect on the setting of the WCA. From my observations, the appeal site is physically and visually detached from the historic core of the WCA, forming part of the wider residential surroundings to

the south of the conservation area. The appeal scheme is not of a scale that would demonstrably alter the relationship between these wider surroundings and the WCA, or how it is experienced. Therefore, I concur with the Council that there would not be an adverse effect on the heritage significance of the WCA through an adverse effect on its setting. This, however, is a neutral consideration in the overall planning balance.

Security

21. The appellant refers to security needs having prompted the installation of the boundary treatments, both in terms of protecting his family from the busy Church Road, and due to the nature of the appellant's business requiring him to regularly park high value motor vehicles on the drive for temporary periods.
22. I appreciate that the taller boundary treatments may provide some additional peace of mind for the appellant in these respects, but securing the site for family members could be achieved by other, less harmful forms of boundary treatment. Any benefit in this respect would also be a private benefit, rather than a public one.
23. Moreover, I have little evidence of a specific security problem at the site, as no details of any specific incidents have been provided. It is therefore unclear as to the scale of the security risk which may exist. There is also a lack of detail as to the extent to which the appellant has considered other security measures. As above, any benefit accruing in this respect would be modest in scale and private to the appellant.
24. Therefore, I afford limited weight overall to these other material considerations and find they do not outweigh the harm to the character and appearance of the area caused by the front boundary treatments.

Conclusion

25. For the reasons set out, I conclude that the front boundary treatments result in conflict with the development plan, to which I afford significant weight. Material considerations advanced in this case would not outweigh this conflict so as to justify granting planning permission. Therefore, I conclude that this part of the appeal should be dismissed.
26. However, I find that the side and rear extensions to the main dwelling accord with the development plan, taken as a whole, and as these are physically and functionally severable from the front boundary treatments, I conclude that this part of the appeal should be allowed.

Conditions

27. As those parts of the appeal being allowed have already been developed, it is not necessary to impose conditions relating to the time limit or compliance with the approved plans, though these are listed in my formal decision for the avoidance of doubt.
28. For the reasons set out above, I agree that a condition requiring reapplication of the roof tile tint for the lifetime of the development is necessary to secure a satisfactory appearance. However, as worded, the Council's suggested condition lacks precision in terms of when such works would be required to be undertaken, or the specifications of the product to be used.

29. Therefore, Condition No 1 is imposed to ensure that a scheme for the maintenance of colour tinting of the roof tiles is submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively-worded condition to secure the approval of the maintenance scheme before the development takes place. The wording of the condition will also ensure that the development can be enforced against if the requirements are not met.

K Savage

INSPECTOR



Appeal Decision

Site visit made on 7 June 2022

by **J Downs BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/F4410/D/22/3295548

Blacksmiths Lodge, 11 Grove Court, Marr, Doncaster DN5 7AL

- 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 M Cooper against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/02686/FUL, dated 26 August 2021, was refused by notice dated 1 February 2022.
 - The development is described as 'proposed single storey rear extension'.
-

Decision

1. The appeal is allowed and planning permission is granted for development described as 'proposed single storey rear extension' at Blacksmiths Lodge, 11 Grove Court, Marr, Doncaster DN5 7AL in accordance with the terms of the application, Ref 21/02686/FUL, dated 26 August 2021, subject to the condition set out below:
 - 1) The development hereby permitted is as shown on drawing reference 015/045/PD/REV B.

Procedural Matters

2. Notwithstanding the description of development, the appeal documents (and my site visit) confirm that the extension has been completed. I have considered the appeal accordingly. In addition, the appeal documentation refers to a previously approved permission on the site for a single storey rear extension. The Council also refer to the fact that permitted development rights have been removed for the property. Nevertheless, I have considered the appeal scheme on its own merits.

Main Issue

3. The main issue is the effect of the development on the living conditions of neighbouring and existing occupiers with specific regard to outlook and provision of garden space.

Reasons

4. The crux of the Council's concerns in regard to the main issue related to the outlook of the occupants of No 9 Grove Court and the provision of garden space for the host dwelling. No 9 is sited at a higher level than the appeal site. This change in levels and the boundary fences between the properties results in effectively only the roof of the extension being visible from their garden and ground floor level. Any effect on the outlook of occupiers of No 9 is further

reduced by the roof of the extension sloping away from the shared boundary and the overall size of the garden afforded to No 9. The extension is consequently not unacceptably dominant or over-bearing to the point that the outlook of the occupiers of No 9 would be adversely affected.

5. While the extension does cover a considerable area of the host dwelling's garden, a reasonable amount, for the purposes of private enjoyment, seems to remain. The area provides adequate space for unencumbered sitting out amongst other things. In addition, I have not been provided with any policy which sets out a minimum amount of private garden space for the size of the host dwelling.
6. The development does not therefore harm the living conditions of neighbouring occupiers and would be acceptable in terms of the living conditions of existing occupiers. It therefore complies with Policies 41 and 44 of the Doncaster Local Plan 2021 and the provisions of the National Planning Policy Framework (NPPF) which, amongst other things, seek to ensure that good design creates high quality residential environments and that developments are not over-bearing or result in an unacceptable loss of garden space.

Other Matters

7. In their reason for refusal, the Council express substantive concerns over the effect of the development on the Green Belt. Whilst they allude to openness and character, they confirm that the development is not in the Green Belt. Thus, for planning policy purposes, the tests of the relevant section of the NPPF would not apply.
8. The officer report also expresses concerns that the siting of a timber shed within the Green Belt demonstrates that insufficient private amenity space remains and that allowing this appeal would lead to future pressure on the Green Belt. I have concluded that the remaining garden space would be sufficient. It would therefore be for the Council to address any issues as they arise in relation to the Green Belt when or if any encroachment thereinto occurs.
9. The site is within the Marr Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. As the appeal proposal is to the rear of the host dwelling, not readily visible from any public area, and is acceptable in design terms for the host dwelling, the character and appearance of the CA would be preserved.

Conditions

10. Since the appeal scheme seeks retrospective planning permission, the only condition I have imposed relates to the approved plans, to define the planning permission and for the avoidance of doubt.

Conclusion

11. For the reasons given above, the appeal scheme complies with the development plan. As such, the appeal should be allowed.

J Downs

INSPECTOR

Appeal Decision

Site visit made on 31 May 2022

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/F4410/D/22/3296870

1 Highfield Road, Bawtry, Doncaster DN10 6QN

- 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 Mark Keogh against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref: 21/02276/FUL, dated 16 July 2021, was refused by notice dated 14 February 2022.
 - The development proposed is a new roof to the dwelling to provide 2 number usable bedrooms with a porch at ground floor level.
-

Decision

1. The appeal is allowed, and planning permission is granted for a new roof to the dwelling to provide 2 number usable bedrooms with a porch at ground floor level at 1 Highfield Road, Bawtry, Doncaster, DN10 6QN in accordance with the terms of application 21/02276/FUL, dated 16 July 2021, and subject to the following conditions:
 - i) The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: existing and proposed elevations and first floor – ref 21-482/01 dated June 2021; existing and proposed ground floor plan – ref 21-482/02 dated August 2021 and site location & layout plans ref 21-482/03 dated June 2021.
 - iii) The external materials for the roof and for the roofs to the proposed dormers shall match the existing roof materials currently on the building.

Procedural Matter

2. The appellant states that the proposed development would raise the ridge of the existing building by 1.08 metres while the local planning authority (LPA) states that it would be by 1.3 metres. While I do not consider the difference between the main parties to be material to my decision, for the avoidance of doubt I have determined the appeal based upon the submitted plans.

Main Issue

3. The main issue is the effect of the proposed alterations to the roof upon the character and appearance of the area.

Reasons

4. The appeal dwelling is located at the head of a cul-de-sac on Highfield Road. The cul-de-sac is a small development of mainly bungalows distinct from other properties on Highfield Road containing two storey dwellings. The bungalows generally have hipped roofs and have a similar design and height, though the appeal dwelling and its immediate neighbour have larger footprints.
5. The appeal dwelling, while having a comparable roof height to the other dwellings in the cul-de-sac, its overall size and shape varies considerably from the neighbouring dwellings. It is sited at the very end of the cul-de-sac and is set behind a boundary brick wall which is approximately 2 metres high.
6. The proposed development is to increase the height of the roof, the hipped roof on the north-eastern side would become a gable, and dormer windows would be constructed to the rear and front elevations. A porch is also included.
7. The reason for refusal does not refer specifically to the replacement of the hipped roof to a gable, though this would raise the height of the roof at this point. Nor does it refer to the inclusion of new dormers or to the ground floor porch. However, the LPA, in its officer report, considers that the proposed change from the hipped roof to a gable on the northeast elevation would be out of character with the area. The appeal property already has a gable over the garage part of the dwelling and there is a mix of gables and hipped roofs in the area. Therefore, I do not find that the proposed change from a hipped roof to a gable to the northeast elevation would adversely affect the character and appearance of the area.
8. So far as the proposed dormer windows are concerned, the officer report refers to an earlier approval for alterations to the property which includes dormers.¹ While I have no details before me regarding the earlier approval, I find that the dormers proposed, by their limited height and size, would be proportionate to the scale of the dwelling and would have an acceptable impact upon the character and appearance of the area.
9. The LPA does not raise an objection to the proposed porch, and I see no reason to disagree.
10. So far as the proposed raising of the roof is concerned, including its altered pitch, I do not find that the limited change to its height or to the pitch would be so significant as to be particularly discernible to the passer-by or to appear incongruous in the immediate locality.
11. In reaching the above conclusion, I have taken into account the fact that the appeal property is the last one at the head of the cul-de sac rather than being in the middle of existing houses. Consequently, the proposed change would be less anomalous or noticeable in the street-scene. In addition, it would be

¹ 86/1032/P

viewed against the background of the higher, two storey dwellings further along the main part of Highfield Road and which are visible from the appeal property.

12. Therefore, I conclude that the proposed development would not conflict with policy 41 of the Doncaster Local Plan 2021 which requires development to recognise and reinforce the character of the locality.

Planning conditions

13. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty. In the interests of the character and appearance of the area and good design, it is also necessary to impose a materials condition.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR

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