



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, 18th October, 2022

Time: 2.00 pm

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Damian Allen
Chief Executive

Issued on: Monday, 10 October 2022

Governance Services Officer for this meeting

David Taylor
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 20th September, 2022. 1 - 8
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications. 9 - 34
 6. Adoption of the Supplementary Planning Document on Biodiversity Net Gain. 35 - 44
 7. Revisions to the Conisbrough Conservation Area Boundary. 45 - 96
- For Information**
8. Appeal Decisions. 97 - 104

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, 20TH SEPTEMBER, 2022

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 20TH SEPTEMBER, 2022, at 2.00 pm.

PRESENT:

Chair - Councillor Susan Durant

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

APOLOGIES:

Apologies for absence were received from the Vice-Chair, Councillor Duncan Anderson and Councillors Bob Anderson, Aimee Dickson and Andy Pickering

23 DECLARATIONS OF INTEREST, IF ANY.

In accordance with the Members' Code of Conduct, Councillor Steve Cox, declared an interest in relation to Application No. 21/02365/FULM, Agenda Item No.5(1), by virtue of being a Local Ward Member.

24 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 23 AUGUST, 2022

RESOLVED that the minutes of the meeting held on 23rd August, 2022 be approved as a correct record and signed by the Chair.

25 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'.

26 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
21/02365/FULM	Erection of residential development of 27 dwellings on land south west of the junction at First Avenue and Hayfield Lane, Auckley, Doncaster DN9 3GA

27 APPEAL DECISIONS

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

Application No	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
21/01016/FUL	Erection of a detached dwelling (Section 73 application to vary condition 2 of planning application 19/00986/FUL at land off Fox Lane, Barnburgh Doncaster DN5 7ET	Appeal Dismissed 24/08/2022	Sprotbrough	Delegated	No
21/03186/OUT	Outline application (access and siting to be agreed) for the erection of a detached dormer bungalow and associated works (AMENDED APPLICATION SITE BOUNDARY) at land adjacent Homelea, Remple Lane, Hatfield Woodhouse, Doncaster	Appeal Dismissed 31/08/2022	Hatfield	Delegated	No
21/02978/OUT	Outline application for the erection of detached dwelling and garage including construction of new access on 0.03ha of land (all matters reserved) at land east of Guelder Cottage, West End Road, Norton, Doncaster	Appeal Allowed 23/08/2022	Norton and Askern	Committee	Yes

22/00556/FUL	Erection of front porch with canopy to front and erection of rear kitchen extension (Retrospective) at 59 Paxton Crescent, Armthorpe, Doncaster DN3 2AW	Part Refused/Part Granted 26/08/2022	Armthorpe	Delegated	No
21/01503/FUL	Erection of a single storey front garage extension, a two storey side extension and a supported canopy to the front elevation at 45 Cherry Tree Drive, Dunscroft, Doncaster DN7 4JZ	Appeal Dismissed 26/08/2022	Hatfield	Delegated	No

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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 20th September, 2022

Application	1
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Application Number:	21/02365/FULM
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Application Type:	Full Planning Permission
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Proposal Description:	Erection of residential development of 27 dwellings on land south west of the junction at First Avenue and Hayfield Lane
At:	Land at First Avenue/Hayfield Lane, Auckley, Doncaster, DN9 3GA

For:	Melissa Kroger - Fenwood Estates Limited
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Third Party Reps:	10 letters of objection.	Parish:	Auckley Parish Council
		Ward:	Finningley

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

Proposed by: Councillor Susan Durant

Seconded by: Councillor Iris Beech

For: 5 Against: 1 Abstain: 1

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) Delivery of off-site tree planting mitigation**
- (B) A contribution of £7,000 towards affordable housing**

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Councillor Alan Jones, Ward Member, who was neither in support or in opposition to the Application spoke for the duration of up to 5 minutes.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Melissa Kroger, the Applicant spoke in support of the Application for the duration of up to 5 minutes.

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 Avenue)
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

A proposal was made to grant the application.

Proposed by: Councillor Charlie Hogarth

Seconded by: Councillor Iris Beech

For: 7 Against: 0 Abstain: 0

Decision: Planning permission granted

Application	3
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Application Number:	21/03150/FUL
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Application Type:	Householder Application
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Proposal Description:	Erection of detached double garage and extending driveway to front
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At:	27 Doncaster Road, Kirk Sandall, Doncaster DN3 1HP
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For:	Mr A Robinson (Agent: Mr John Mason – INK Architectural Design Ltd)
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Third Party Reps:	None	Parish:	Barnby Dun/Kirk Sandall
		Ward:	Edenthorpe and Kirk Sandall

A proposal was made to grant the application subject to conditions.

Proposed by: Councillor Gary Stapleton

Seconded by: Councillor Sue Farmer

For: 7 Against: 0 Abstain: 0

Decision: Planning permission granted

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DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 18th October 2022

To the Chair and Members of the

PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

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

Human Rights Implications

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

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

Copyright Implications

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

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1.	21/03464/FUL	Conisbrough	

Application	1
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Application Number:	21/03464/FUL
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Application Type:	Full Planning Permission
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Proposal Description:	Erection of 3 detached dwellings (amended plans)
At:	Land To The Rear Of 7 Milner Gate Court Conisbrough Doncaster DN12 3BW

For:	Mr Mike Murtagh - Rural Estates
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Third Party Reps:	14 Letters of objection from 9 properties.	Parish:	
		Ward:	Conisbrough

Author of Report:	Nicola Howarth
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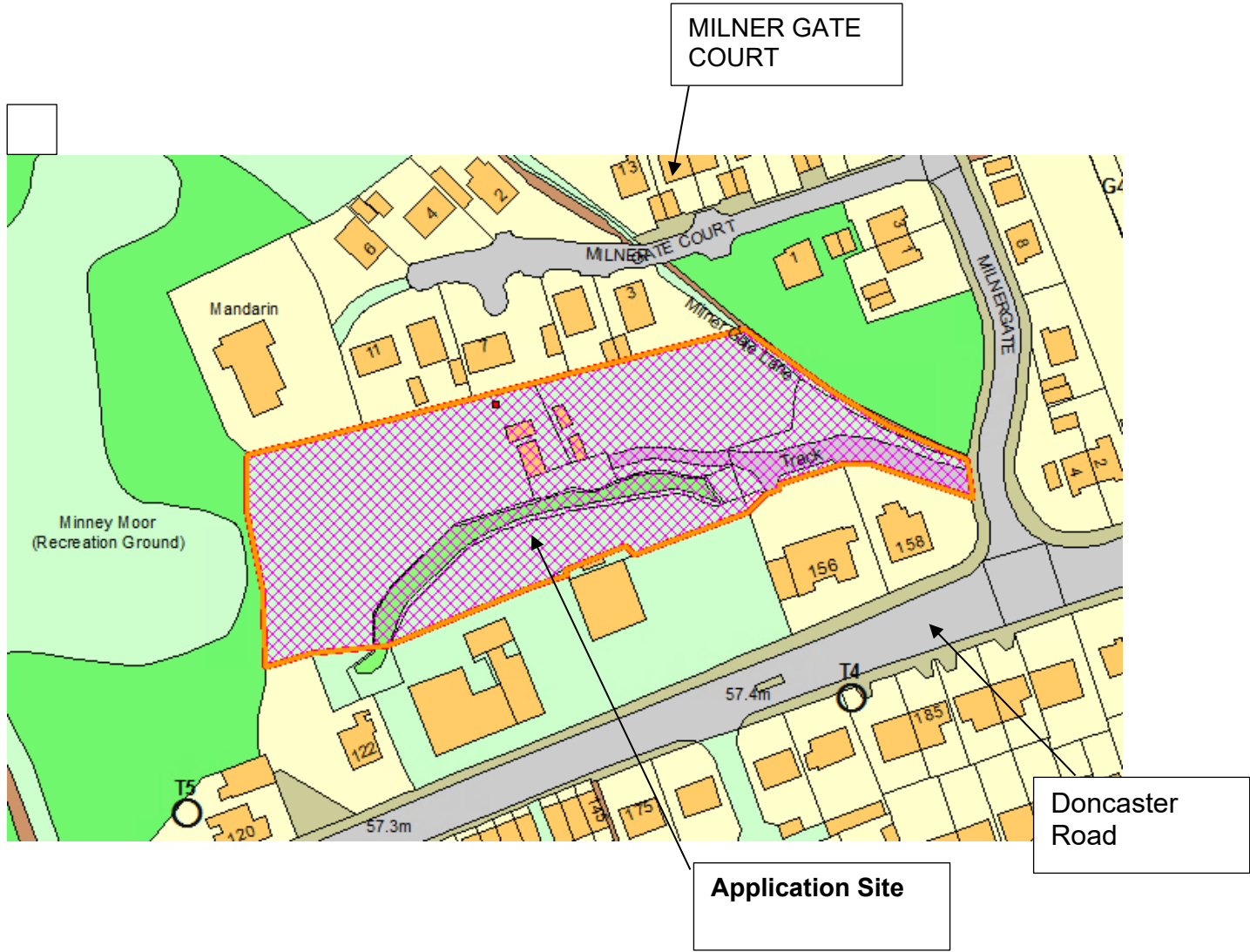
SUMMARY

The proposal seeks full planning permission for the erection of 3 detached dwellings and associated development on scrub land allocated within Residential Policy Area and lying within the built up area of Conisbrough.

The application as amended is being presented to Committee due to the significant public interest shown in the application and member request. The objections raised include increase in traffic, access obstruction, drainage, loss of privacy, scale and loss of habitat.

The site lies within a Residential Policy Area, therefore policies 10, 13, 30, 41 and 44 are applicable. In summary the proposal is acceptable as it does not result in a demonstrable significant detrimental effect on the highway, or harm to surrounding residential amenity, character of the area or the surrounding environment.

RECOMMENDATION: GRANT subject to conditions.



1.0 Reason for Report

- 1.1 The application is being presented to Committee due to the public interest shown in the application and at the request of Cllrs N. Ball, L-M Ball and I Pearson.

2.0 Proposal and Background

- 2.1 The proposal seeks full planning permission for the erection of 3 detached dwellings, together with suitable access, landscaping and parking arrangements.
- 2.2 The layout shows 3 detached, four and five bedroom dwellings with attached and detached double garaging, front and rear garden amenity space and further off road car parking set within the large plots. The existing trees and hedges sited on the boundaries are to be mostly retained with some replacement planting and further enhancement on the northern and western boundary.

The scheme includes:

Plot 1 - Type A - 5 bed detached, 2.5/3 storey height with detached garage.

Plot 2 - Type B - 4 bed detached, 2 storey height with detached garage

Plot 3 - Type C - 5 bedroom detached, 2 storey height with integrated double garage.

- 2.3 The development will be accessed via a private road utilising an existing access point behind No.158 Doncaster Road, off Milner Gate.
- 2.4 The scheme has been amended a number of times to take account of comments received by Doncaster MBC (DMBC) Highways, DMBC Flood Risk, DMBC Ecology, Yorkshire Water and the EA. The proposal has been reduced from 5 to 3 detached dwellings. An on-site waste treatment plant has been removed from the scheme.

3.0 Site Description

- 3.1 The application site is approx. 0.5 Ha and comprises overgrown scrub and scattered trees. A line of trees runs along the western boundary and there are some scattered trees along the northern boundary. A hedgerow runs along the northern and eastern boundary. To the south of the site is a low wall retaining with a number of scattered trees and dense scrub.
- 3.2 The site is accessed from Milner Gate, a residential estate road. The existing access runs to the rear of residential properties, No's 156 and 158 Doncaster Road.
- 3.3 The land surrounding the site largely consists of residential properties and associated gardens immediately to the north on Milner Gate Court, with a recreation area (Minneymoore) to the west. The front boundary is bordered by light industrial units that front onto the A630 Doncaster Road and the residential properties No's 156 and 158 Doncaster Road. To the east lies a residential housing estate off Milner Gate.
- 3.4 The residential area is characterised by mainly low-density, open plan, spacious residential pattern, with detached and semidetached dwellings set in medium sized plots. The area features similar architectural styles and materials, with the most dominant materials being buff brick, render and brown concrete panels. Most roofs are pitched or hipped, and properties are generally two and one storeys in height.

4.0 Relevant Planning History

- 4.1 09/02551/OUTM - Outline application for residential development on approx 0.55 ha of land. Application withdrawn.

5.0 Site Allocation

- 5.1 The site falls within Residential Policy Area, as defined by the Doncaster Local Plan (adopted in 2021).

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development.
- 5.6 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.7 Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.8 Paragraph 69 on delivering homes, advises that that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should, inter alia, support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 5.9 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 Paragraph 119 requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.11 Paragraph 124 states that planning decisions should support development that makes efficient use of land when taking into account the identified need for different types of housing and other forms of development.

- 5.12 Paragraph 130 states that planning decisions should ensure that developments inter alia will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should also create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.13 Paragraph 174 states planning policies and decisions should contribute to and enhance the natural and local environment, including preventing new and existing development from being put at unacceptable risk from land instability.
- 5.14 Paragraph 183 states planning policies and decisions should ensure that a site is suitable taking account of ground conditions and any risks arising from land instability and contamination.
- 5.15 Paragraph 184 states where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

5.16 Local Plan

- 5.17 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster includes the Doncaster Local Plan (adopted 23 September 2021).
- 5.18 The following Local Plan policies are the most relevant in this case:
- 5.19 The site lies within a Residential Policy Area according to Policy 10. This policy supports new residential development providing it, amongst other matters, protects and enhances the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood.
- 5.20 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure.
- 5.21 Policy 29 relates to ecological networks and that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks.
- 5.22 Policy 30 relates to valuing biodiversity and geodiversity and advises that internationally, nationally, and locally important habitats, sites and species that will be protected through a number of principles. It requires the use of the mitigation hierarchy to ensure that the most valuable ecological features of a site are protected and harm to biodiversity is minimised. In line with best practice, the provision of compensation to account for residual biodiversity impacts will not be allowed unless the prior steps of the mitigation hierarchy have been followed, and all opportunities to avoid and then minimise negative impacts have first been pursued.

- 5.23 Policy 32 relates to woodlands, trees and hedgerows. Proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be a presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.
- 5.24 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions; respond positively to their context, setting and existing site features as well as respecting and enhancing the character of the locality. Developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.
- 5.25 Policy 42 relates to urban design and states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, and relevant spatial requirement and design standards.
- 5.26 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.
- 5.27 Policy 45 relates to Housing Design Standards and advises that new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants, and are designed and constructed in a way that enables them to be easily adapted to meet existing and changing needs of residents in Doncaster.
- 5.28 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides high quality hard and soft landscaping scheme which includes fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 5.29 Policy 55 deals with the need to mitigate any contamination on site.
- 5.30 Policy 56 requires the need for satisfactory drainage including the use of SuDS.

Neighbourhood Plan (NP).

- 5.31 No neighbourhood plan is relevant to this application.

5.32 Other material planning considerations and guidance

- 5.33 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 (as amended) by means of site notice, council website, press advertisement and neighbour notification.

6.2 Following this publicity, a total of 14 letters of objection were received from 9 properties. A summary of the material planning issues raised is set out below:

- Poor access;
- Increase in traffic;
- Invasion of privacy and overlooking;
- Overdevelopment;
- Loss of habitat and removal of trees;
- Scale of the development is too large should be single storey;
- Noise and odour from treatment plant;
- Drainage concerns;
- Damage of the gates and new wall to neighbouring property.

Non material issues in respect of planning determination raised included the following:

- Land ownership and easement concerns.
- Structural damage to property.
- Loss of view.

7.0 Relevant Consultations

7.1 DMBC Highways DC:

Initially objected to the scheme but as a result of the amended plans/information has been able to remove their objection subject to condition(s).

7.2 Yorkshire Water:

Raise no objection. Advise that for option one for foul drainage would be private treatment works - Yorkshire Water has no comment to make on this. Option 2 is discharge to public sewer via pumping station. If this is the preferred option, Yorkshire Water would require details of pumping station, rate of pumped discharge and gravity breakout chamber prior to discharge to the public network.

7.3 DMBC Ecology:

Requested a Preliminary Ecology Assessment (PEA) and a biodiversity net gain assessment. Confirmed that there are no habitats of high distinctiveness on the site and no protected species constraints that require special measures, further surveys or licencing. It is recommended that a sensitive exterior lighting scheme should be

used in order that commuting/foraging bats are not adversely disturbed. There are a small number of trees that may potentially have bat roosts within dense ivy covering the stems. It is indicated that these trees are to be retained. However the PEA clearly states that if these are to be removed in the future then bat surveys must be carried out. If there are any alterations of any parts of a scheme approved by the LPA then the responsibility for carrying out such surveys is with the developer.

Ecological enhancements through the installation of bat and swift boxes can be conditioned as recommended in the PEA at 6.3.2.3 to ensure the development enhances links with local ecological networks as required by Local Plan policy 29.

The use of the DEFRA small sites metric has been correct in the calculation of baseline habitats as shown in the Phase 1 map at Appendix 1 of the PEA. However, the consultee was unhappy about the pre-emptive site clearance that was carried out to allow for geophysical investigations. It appears to be a cynical move to reduce the biodiversity value of the site or just a fairly reckless and clumsy approach to the investigations.

The biodiversity net gain assessment using the small sites metric has identified that it is possible to achieve a positive outcome from on-site habitat creation and hedgerow planting of 23% and 46% net gains respectively which makes the development compliant with Local Plan policy 30B. The on-site delivery of biodiversity net gain habitats and hedgerows can be conditioned to ensure delivery in line with biodiversity Local Plan and national net gain policy

No objections on ecological grounds and conditions provided.

7.4 DMBC Tree Officer:

Initially objected to the scheme but as a result of the amended plans/information has been able to remove their objection subject to condition(s).

7.5 DMBC Pollution Control:

The site investigation confirms the soils on site are suitable for reuse and don't require remediation. It is noted the site has been previously developed, thus unexpected made ground maybe found during the development works, in light of this it is strongly recommended any favourable planning permission should have **CON 2** attached.

7.6 DMBC Flood Risk:

Initially objected to the scheme. Required further details and requested consultation with the EA in regards to a proposed reed bed on site treatment plant. Further amendments to the drainage were submitted with options for both an on-site treatment plant and direct connection to mains sewers. Following final amendment showing the removal of the onsite foul treatment plant the Flood Risk Officer has been able to remove their objection subject to condition(s).

7.7 DMBC Open Space:

The site is allocated in the new Local Plan as Residential Policy Area and is not noted as open space in the Green Space Audit. As such, no objections to this proposal were received on open space grounds, nor is there any open space requirement for

the site, given it is for 5 houses and falls under the threshold. The consultee noted there will be landscaping to the south which will create an attractive feature of some amenity value to residents.

7.8 Environment Agency:

Advise that the EA is no longer a statutory consultee for non-major development proposing non-mains drainage. It is the LPA's responsibility to ensure that proposals for non-mains drainage for non-major development comply with NPPF and PPG. The LPA should be mindful that the developer will need to address four drainage matters to get their environmental permit and meet building control regulations.

8.0 Assessment

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

8.2 The NPPF at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

8.3 This report considers the proposal against the Development Plan (Doncaster Local Plan, Joint Waste Plan), the relevant sections of the NPPF and the National Planning Practice Guidance.

8.4 The main issues are:

- The Principle of the Development
- Residential Amenity
- Design and Visual Impact
- Highways
- Trees, Landscaping and Ecology
- Drainage Impacts

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

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

Principle of Development

- 8.6 The NPPF seeks to significantly increase the overall quantity and quality of housing and to ensure that it is built in sustainable locations. The principle of development, would be in conformity with the Local Plan and National Planning Policy objectives and as such is considered acceptable in principle. This weighs considerably in favour of the application.

Sustainability

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

SOCIAL SUSTAINABILITY

Impact on neighbouring residential amenity

- 8.9 Policies 10 and 44 of the Local Plan and paragraph 130(f) of the NPPF all place a requirement on developments to provide a good standard of amenity for existing and future users. This includes access to daylight and sunlight, a positive outlook from the windows of habitable rooms, a good standard of privacy, and sufficient internal and external amenity space.
- 8.10 The occupiers of some of the bungalows on Milner Gate Court have expressed concerns that the development would overlook their rear gardens and rear habitable rooms, however with the amended scheme this has been avoided.
- 8.11 The three proposed dwellings are not sited parallel with the bungalows on Milner Gate Court and are well-spaced out so that there is no direct built development opposite. Their main elevations are inward facing into each other so plots 2 and 3 will face each other. Plot 1 has a large corner plot and again its main elevations are facing inwards towards plot 2 and outwards towards the recreation area. The detached garages for plots 1 and 2 will site closer to the bungalows than the proposed houses however these are single storey and not directly opposite the existing bungalows.
- 8.12 There will be no overlooking onto the rear gardens as plot 3 has a blank elevation facing onto No 3 Milner Gate Court and plot 2 has an en-suite obscure glazed side elevation facing the rear elevation of No's 5 and 7 Milner Gate Court. Plot 1 is the largest of the proposed dwellings at approximately 2.5 – 3 storeys in height however the majority of the second floor bedroom space is in the roof space and a second - floor dormer and balcony give the dwelling greater height at the rear. This however looks out onto the recreation area and the sides of the balcony are obscure glazed.
- 8.13 Therefore the scheme has been designed to minimise and avoid any overlooking of the rear of the properties along Milner Gate Court.

- 8.14 In terms of appearing over-dominant, whilst there are changes in levels and the proposed houses are at a higher level the houses are orientated the opposite way to the bungalows on Milner Gate Court and therefore the views of the new houses will be of their side elevations which reduces the visual impact and dominance of the properties. Also the dwellings are not positioned opposite the bungalows. The main views residents will have through their habitable windows on the rear elevation will be of the gardens to the properties.
- 8.15 It should be noted that in a residential area views to the rear of adjacent gardens are expected and with new development provided that separation distances are met then overlooking is not considered to cause an amenity issue. Here the overlooking will be between the new houses and the separation distances are achieved and meet the 21m minimum between habitable rooms, back to back and exceed the front to front distance of no less than 12m as set out in Council's published Transitional Developer Guidance (TDG, April 2022).
- 8.16 In respect of scale the three houses are all varied in scale ranging from plot 2 being a dormer detached property, plot 3 is a two storey detached house and plot 1 is a 2 half/3 storey detached property. Given that the plot sizes are extensive a larger scale is considered acceptable on the site as the development plot ratio is low and the houses will sit comfortably within the site.
- 8.17 Site sections have been provided to show how the dwellings will sit on site. The dwellings would be positioned on higher ground on the site higher than the existing bungalows. The land level increases approximately 1.7 – 2 metres from these properties as shown in the site sections. Plot 2 and 3 are the closest properties to No's 3, 5 and 7 Milner Gate Court. The build height would therefore be 7.6m (plot 2) and 10m (plot 3) when measured from the ground level of these bungalows. The properties are not directly opposite the bungalows.
- 8.18 The dwellings are a typical height for a 2 - 3 storey dwellings but given the land level difference from Milner Gate Court they would be more prominent from these dwellings. However, given the orientation of the proposed dwellings (side on) and their setback spacious position within each plot anyway, negates this impact and the dwellings would not have a detrimental impact on residential amenity in terms of shading or over dominance.
- 8.19 Internally, the gross internal floor area of each dwelling would be over 250 square metres, far exceeding the minimum requirements for internal floor space of 4 and 5-bedroom two-storey dwellings set out within the Nationally Described Space Standards. Accordingly, the proposed dwellings are considered to provide a high quality living environment overall.

Conclusion on Social Impacts

- 8.20 Based on the amended site plan, it is not considered that neighbouring residential amenity will be demonstrably harmfully impacted. On balance, it is considered that the proposal is in accordance with policies 10 and 44 of the Local Plan as well as paragraph 130 (f) of the NPPF. This weighs positively in favour of the application carrying moderate weight.

8.21 ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 8.22 Concerns have been raised by neighbours that the proposal would be out of character with its surroundings. Policies 41 and 44 of the Local Plan requires that all proposals in Doncaster must be of high quality design that respects the character of the area in regard to a number of principles of good design.
- 8.23 The proposal has shown detached properties in generous plots at a scale of 2-3 storey dwellings. These are modern in appearance with a mixture of brick and render. The area is a mixture of 1 and 2 storey brick constructed dwellings set in relatively low density plots.
- 8.24 The low density nature of the development and its scale is considered to enhance the mix of residential development in the locality. On balance having considered the mixed character and context of the surrounding area, it is not considered that the proposal would be out of character with its immediate surroundings.

Highways

- 8.25 The scheme has been amended following objections from highways. DMBC Highway's Development Control team have no objections to the amended scheme.
- 8.26 Policy 42 lists safe and secure private property, public areas and the adoptable highway ensuring access points, street design, parking and operational highway requirements safely cater for pedestrians, cyclists and vehicles as qualities of a successful place. Policy 13 of the Local Plan states that proposals will be supported which make an overall contribution to the improvement of travel choice and the transport network.
- 8.27 Highways Development Control Officers have assessed the proposal against the required standards and relevant software and it has been concluded that there would be no adverse impact from a highway safety perspective. Importantly, the NPPF makes clear at paragraph 111 that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 8.28 In this case, no such harm has been identified and this weighs positively in favour of the application carrying moderate weight.

Flooding and Drainage

- 8.29 The application site lies within an area designated as Flood Risk Zone 1 by the Environment Agency's flooding maps. This is the lowest areas of flood risk.
- 8.30 Doncaster's Flood risk team have been consulted as part of the proposal and an initial objection was made on the basis of a lack of information. However, following consultation with the EA and Yorkshire Water the reed bed filter treatment system has been removed from the scheme and foul mains connection is viable without the need for a pumping station. On this basis a standard drainage condition is proposed.

Trees, Landscaping and Ecology

8.31 Doncaster's Ecologist and Tree Officer have been consulted during the course of the application. A tree survey, Biodiversity Net Gain (BNG) and Preliminary Ecological Assessment (PEA) have been submitted and assessed by the Officers. No objections have been raised subject to planning conditions to ensure mitigation. The proposal is therefore considered to be compliant with the requirements of Policies 30, 32 and 33 of the Local Plan together with paragraph 174 of the NPPF.

8.32 Conclusion on Environmental Issues

8.33 Para. 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

8.34 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition. As such, moderate weight can be attached to this in favour of the development through the achievement of tree retention and landscape improvement.

8.35 ECONOMIC SUSTAINABILITY

8.36 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.

8.37 Conclusion on Economy Issues

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

8.39 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.

9.0 PLANNING BALANCE & CONCLUSION

9.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site where the principle of residential development is acceptable and this weighs considerably in favour of the application.

9.2 The proposal as amended maintains a high standard of residential amenity in respect of layout, is an appropriate scale given the large plot size, with access and parking

arrangements that comply with highway standards. The proposal would result in 3 additional detached dwellings and provision for dedicated parking, appropriately located within the settlement boundary and would not result in demonstrable harm to neighbouring amenity, local character, flood risk, highway safety, protected trees or wildlife and this weighs significantly in favour of the application.

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

9.4 Having balanced all material planning considerations, whilst a number of objections have been received with respect to the proposal they have been suitably addressed by the information supplied and amendments to the scheme. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

10.0 RECOMMENDATION

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

Proposed Site Plan 21-05-100 Rev 08

Proposed House Type A 21-05-101 Rev 01. Garage superseded by 21-05-105.

Proposed House Type B 21-05-102 Rev 00

Proposed House Type C 21-05-103 Rev 00

Proposed Site Plan (cross sections) 21-05-104 Rev 02 received 22.09.2022

Plots 1 and 2 garage plan and elevations 21-05-105 received 22.09.2022

REASON

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

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

REASON

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

04. Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with British Standard 5837: 2012 Trees in Relation to Design, Demolition and construction shall be submitted to the Local Planning Authority for approval. Tree protection shall be implemented on site in accordance with the approved scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON

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

05. The development hereby granted shall not be commenced until the schedule of tree surgery work hereby approved (RECOMMENDED TREE WORK page 41/44 of Ref: Pre-development Arboricultural Report dated 11 November 2021) has been carried out. Best arboricultural practice shall be employed in all work, which shall comply with British Standards BS3998:2010 Tree Works Recommendations.

REASON:

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

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

years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON:

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

07. No development or other operations shall commence on site in connection with the development hereby approved (including tree pruning, demolition works, access formation, or any operations involving the use of construction machinery) until a detailed Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full details of the following:

- Installation of a tree protection scheme
- Siting of materials storage areas and any site cabins
- Specification for tree work and site clearance work
- Routeing of any additional utility runs and excavations and the requirement for specialized trenchless techniques
- retaining structures to facilitate changes in ground levels
- preparatory works for new landscaping
- auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

REASON

To prevent damage to trees shown for retention on the Approved Plan

08. Within one month of the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site

- Bat boxes of the Ibstock Bat Brick or Beaumaris Woodstone surface mounted type or similar to be installed and retained in one of the new dwellings at heights and orientations determined by a suitably qualified ecologist.
- Swift boxes either integrated or surface mounted to be installed and retained in one of the new dwellings at heights and orientations determined by a suitably qualified ecologist.

REASON:

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

09. Within one month of commencement, a lighting design strategy for light-sensitive biodiversity in peripheral areas and particularly the southern and western boundaries, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall show how, external lighting will be installed so that it can be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural

areas by bats and other species of nocturnal wildlife. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/18: Bats and Artificial Lighting in the UK.

REASON

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

10. No piped discharge of surface water from the development shall take place prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

REASON

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

11. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the Local Planning Authority.

REASON

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

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

REASON

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

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

REASON

To ensure that adequate parking provision is retained on site.

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

REASON

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

15. Prior to the commencement of development a Management Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management Plan shall detail the following:

An adaptive management plan for the site detailing the management measures to be carried out over the phased restoration of the site in order to achieve the target conditions proposed for each habitat parcel.

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

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

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

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

REASON

To ensure the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by Local Plan policy 30B and the NPPF paragraph 174.

INFORMATIVES

01. INFORMATIVE: Highways

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

02 INFORMATIVE: Nesting Birds

Please be aware that this decision does not constitute an exemption under the Wildlife and Countryside Act 1981 (as amended). It is an offence to disturb nesting birds or bats and their roosts even when not in use. The felling or pruning of trees or removal of climbing plants such as ivy should not be carried out unless it has been verified that no bat roosts or active bird nests are present within the tree.

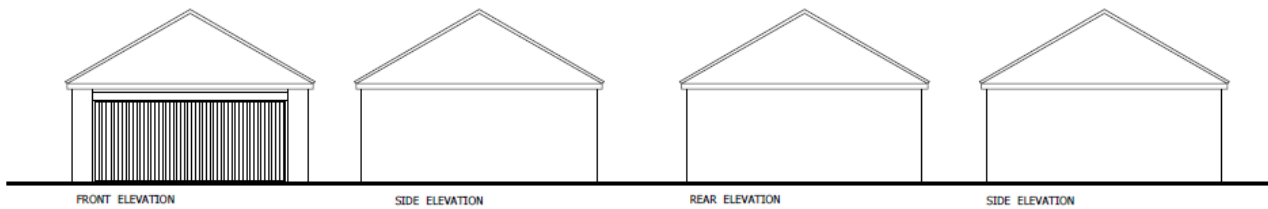
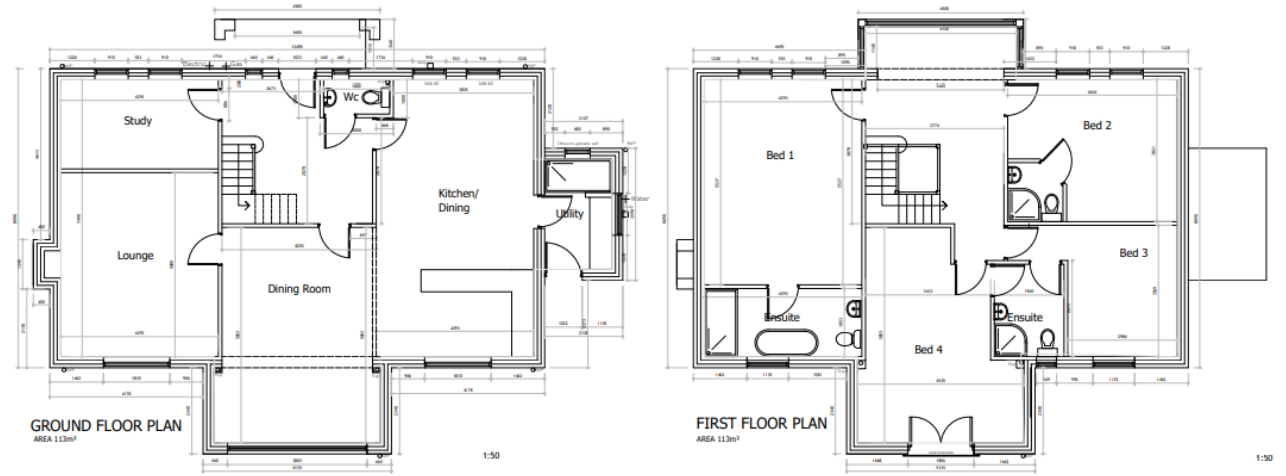
The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Appendix 1 – Site Plan Layout

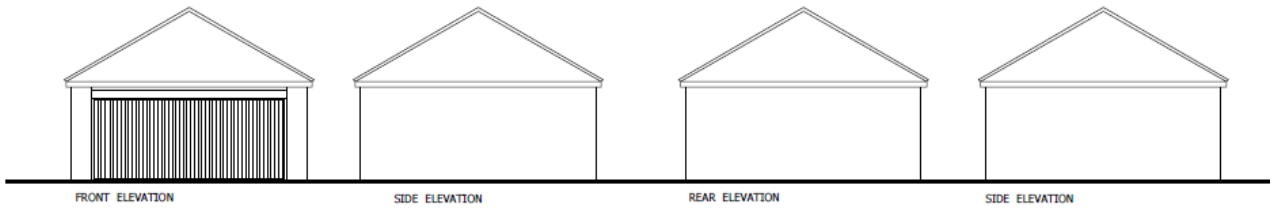
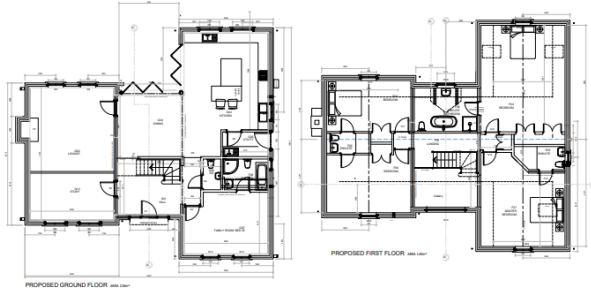


Appendix 2 – Elevations, floorplans and sections

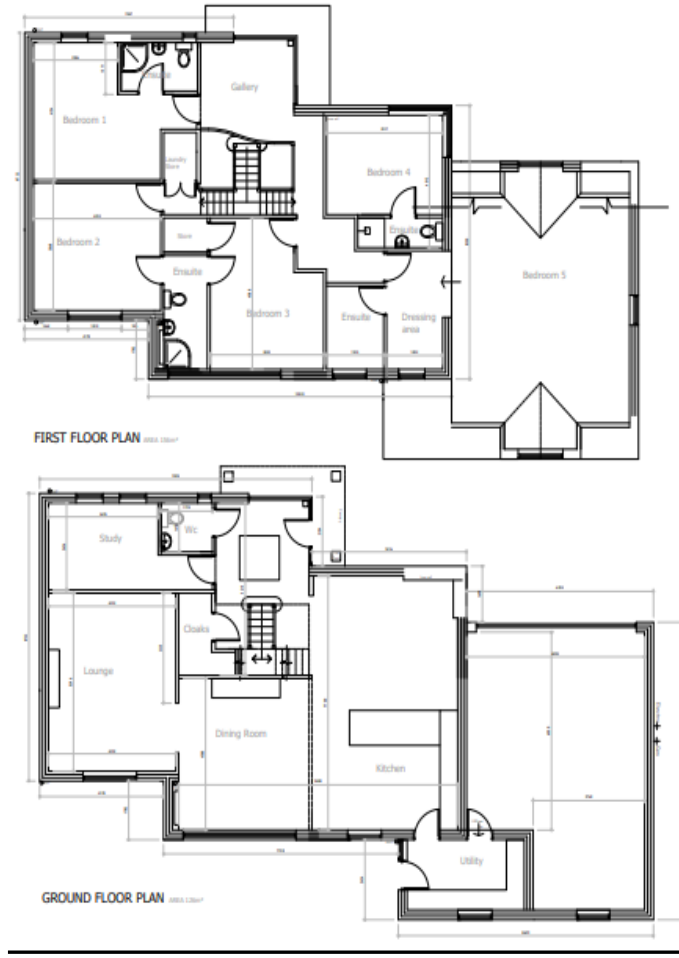
PLOT 1 (HOUSE TYPE A) AND GARAGE

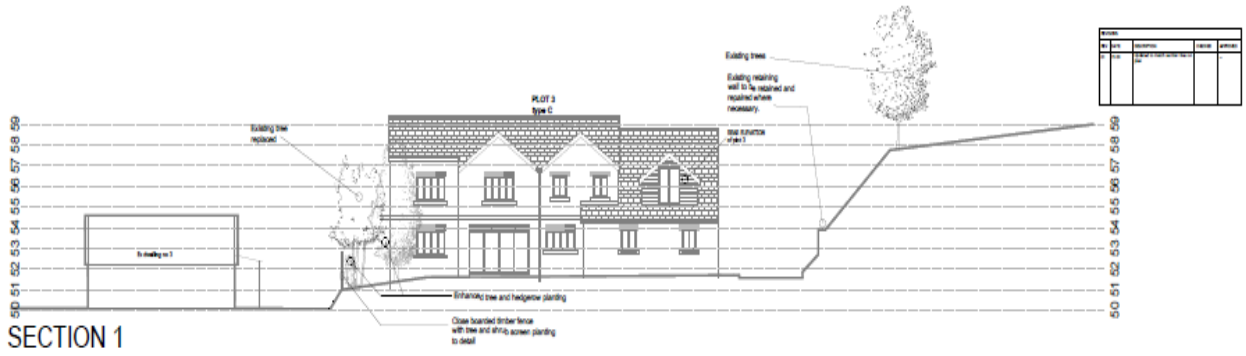


PLOT 2 (HOUSE TYPE B) AND GARAGE

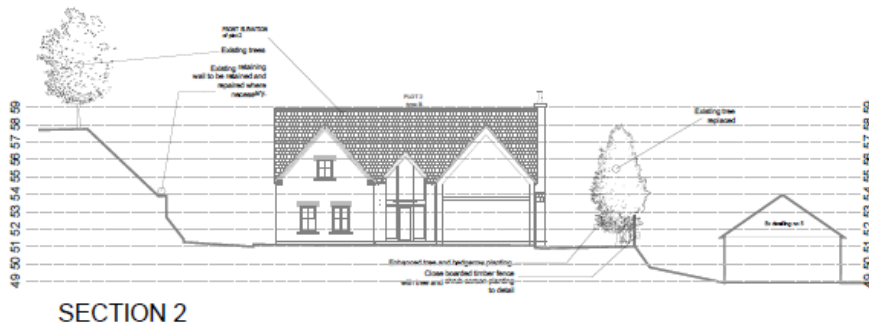


PLOT 3 (HOUSE TYPE C)

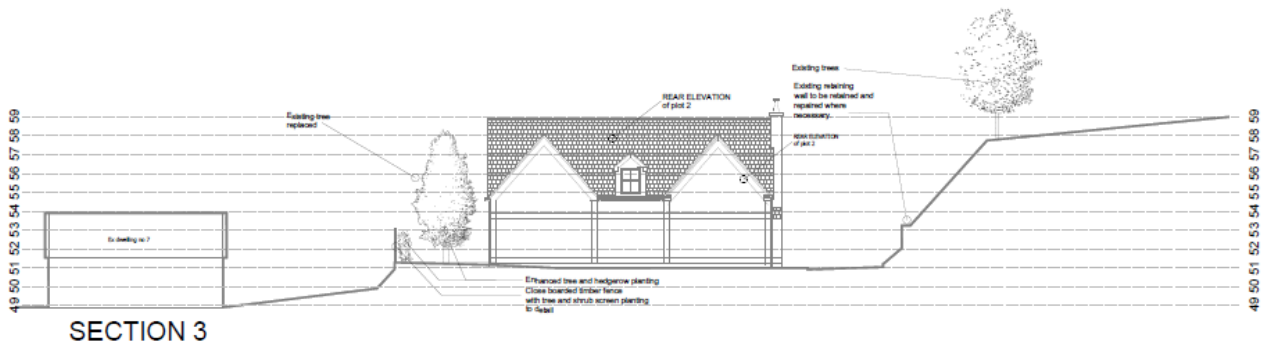




No.3 Milner Gate Court to Plot 3 (type c) (rear elevation)



No. 5 Milner Gate Court to Plot 2 (type b) (front elevation)



No.7 Milner Gate Court to Plot 2 (rear elevation)

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Doncaster Council

Report

Date: 18th October 2022

To Members of Planning Committee

DONCASTER COUNCIL – ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENT ON BIODIVERSITY NET GAIN

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Nigel Ball & Cllr Mark Houlbrook	All	No

EXECUTIVE SUMMARY

1. This report notifies Members of the Planning Committee of the recent adoption of the new Supplementary Planning Document (SPD) on Biodiversity Net Gain.

EXEMPT REPORT

2. This report is not exempt.

RECOMMENDATIONS

3. Members of Planning Committee are recommended to:
 - i) Note the contents of this report.
 - ii) Note that the newly adopted Biodiversity Net Gain Supplementary Planning Document is a material consideration when determining planning applications.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. The Biodiversity Net Gain SPD will be helpful for local businesses and outside investors wanting to develop in Doncaster, by providing clear and comprehensive guidance on how Biodiversity Net Gain will need to be demonstrated within planning applications. The money collected from biodiversity offsetting fees will allow new habitat creation projects to take place across Doncaster. Habitat creation can have a range of benefits including improving air quality, better mental health and improved public access to green networks. It will also contribute significantly to borough wide nature conservation strategies.

BACKGROUND

Background on Biodiversity and Net Gain

5. The Environment Act amends the Town and Country Planning Act 1990. It will mean that all new developments will be legally required to demonstrate a minimum net gain of 10% and secure those gains for a minimum of 30 years. A two year transition period for this requirement is included in the Act, with provision for secondary legislation to set a date for the requirement to come into force. This is expected to be by winter 2023.
6. National Planning Policy Framework (NPPF) paragraph 174 part d already requires planning decisions to provide net gains in biodiversity. The adopted Doncaster Local Plan, Policy 30, goes further than the NPPF and requires planning proposals to deliver a minimum 10% net gain in biodiversity.

The Role of the Biodiversity Net Gain Supplementary Planning Document

7. Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents (SPD). There is also guidance on their role in the Government's Planning Practice Guidance on Plan Making. SPD:
 - must relate to adopted plans (providing more detailed advice or guidance)
 - do not form part of the Development Plan;
 - cannot introduce new policies into a Development Plan;
 - are a material consideration in decision making;
 - must not add unnecessarily to the financial burdens on development; and,
 - must not conflict with the adopted development plan
8. The Biodiversity Net Gain SPD expands on Policy 30 of the Local Plan and provides guidance to developers on the Council's expectations with respect to biodiversity net gain and help to shape more sustainable development.
9. Following feedback from Elected Members on the need for a local first approach to delivery of Biodiversity Net Gain, the SPD sets out a sequential approach to how the Council will expect Biodiversity Units to be delivered, with developers being asked to show how each of the following measures has been taken in turn. This was designed to ensure that local options for delivering Biodiversity Units are prioritised.
 1. Firstly, demonstrate how negative impacts have been avoided wherever possible through site choice and good design.
 2. Secondly, explain mitigation measures taken to lessen any unavoidable harmful impacts.
 3. Thirdly, show how delivery of new habitat/compensation has been maximised within the red line boundary of the planning application.
 4. Fourthly, demonstrate a local first approach to offsite BNG delivery by seeking opportunities to secure offsite biodiversity as

close to the proposed development as possible. (This may be through bespoke developer led, council led or privately led BNG schemes).

5. Finally, if no offsite biodiversity net gain projects can be found within Doncaster:

Prior to Statutory Credits being available to buy from Central Government (anticipated Winter 2023):

- Pay the Council a Biodiversity Net Gain Contribution of £25,000 per Biodiversity Unit.

Post Statutory Credits being available from Central Government:

- Provide details of a BNG project that will be secured outside of Doncaster.
- Or
- State the intention to purchase statutory credits from the Secretary of State. These would be used to deliver habitat creation schemes outside of Doncaster, potentially anywhere in the country.

Why is there a need for a Supplementary Planning Document on Biodiversity Net Gain?

10. The SPD is designed to offer clarity to developers on what the expectations are with respect to Biodiversity Net Gain in Doncaster. It sets out what information must be provided to support a planning application, as well as detailing when certain pieces of information will be needed.
11. At present it is very difficult for some planning applications to demonstrate how they are going to deliver net gain. Particularly for smaller developments, where only a handful of units are required, it is not cost effective to develop bespoke offsite net gain projects and there is not yet a market of habitat banks for developers to buy units from. This leaves some developers with very limited ways in which they can show how they achieve biodiversity net gain and this can lead to delays in planning decisions, or permissions being granted that are open to legal challenge on the grounds that biodiversity concerns have not been properly addressed. The statutory credits system is proposed by government in order to prevent development stalling in situations where no biodiversity units are available for sale. However, this system is not expected to be available until winter 2023. The temporary introduction of Biodiversity Offsetting Contribution fees outlined within the SPD will ensure planning applications can be determined expediently. It will provide developers with certainty of what is expected, prior to land transactions being negotiated, and give a level playing field to developers across Doncaster during this transition period. It will also mean planning decisions can demonstrate how they are meeting both national and local planning policy requirements.
12. The Biodiversity Net Gain SPD is also intended to help stimulate the market for third parties delivering offsetting schemes. This is vital so that once the transition period ends, and statutory credits are introduced, there is a robust market of local providers delivering biodiversity units for sale. If this does not happen then, following the transition period, money will be directed via

the statutory credit system to habitat creation projects in other parts of the country.

Public Consultation

13. The draft SPD was published for public consultation from April 21st to May 20th 2022. The documents were published on the Council's website, and made available for inspection at the Council's Civic Office during normal office hours. Interested parties, including everyone on the Planning Policy database and those listed in Appendix A of the Statement of Community Involvement, Ward Members and Parish and Town Councils were notified of the consultation. The consultation was also advertised using an advert in the press and a post on Twitter.
14. There were 18 responses to the public consultation, including from statutory consultees, members of the development industry and members of the public. A Consultation Statement was prepared that summarised the comments raised and how these were addressed. The majority of the changes made to the draft SPD were for the purpose of clarifying points in order to avoid potential confusion over issues or to add additional detail. The comments from the Environment Agency raised questions over the lack of information in the draft with respect to how Biodiversity Net Gain in relation to rivers and streams was proposed to be dealt with. In light of this, paragraphs were added to the document to cover this topic. In addition, the information on the circumstances of when the Council would accept Biodiversity Offsetting contributions was clarified. This included explicitly excluding the acceptance of payments for all rivers and streams units and all high or very high distinctiveness habitats. Finally, a glossary was added to the document to help define some of the more technical terms specifically relating to Biodiversity Net Gain.

OPTIONS CONSIDERED

15. The following options are proposed for consideration by members of the Planning Committee.
 - **OPTION 1 (RECOMMENDED)** – Use the adopted Supplementary Planning Document on Biodiversity Net Gain as a material consideration in helping to determine planning applications.
 - **OPTION 2 (NOT RECOMMENDED)** – Do not use the adopted Supplementary Planning Document on Biodiversity Net Gain as a material consideration in helping to determine planning applications.




REASONS FOR RECOMMENDED OPTION

16. The adoption of this SPD provides much needed clarity for both officers and applicants and help ensure consistency in approach to demonstrating Biodiversity Net Gain in line with current Planning Policy and the forthcoming Environment Act.
17. The use of the Biodiversity Net Gain SPD in helping to determine planning applications is recommended for the reasons summarised below.

- It will drive the local delivery of BNG by requiring developers to show how they have prioritised local BNG opportunities.
- It will provide a fall back option to secure BNG on planning applications.
- It gives an additional way to demonstrate National and Local Planning Policy are being followed.
- It reduces the risk of legal challenge by demonstrating Biodiversity is being properly considered.
- It will prevent planning decisions from being delayed allowing them to be determined more expediently.
- It provides a level playing field for developers.
- It gives certainty to developers regarding the Council's expectations.
- It will help to stimulate the market for third parties to bring forward possible Biodiversity Offsetting Schemes.
- It reduces the risk of offsetting projects not being available following the transition period and hence Doncaster's offsetting contributions being directed to schemes elsewhere in the Country.
- It will demonstrate the Council's commitment to its declaration of a Climate and Biodiversity Crisis and provide a mechanism to help secure more sustainable development in Doncaster.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

18. The use of the Biodiversity Net Gain SPD as a material planning consideration in determining planning applications is considered to impact on Doncaster Council's key outcomes as follows:

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – negative overall	Neutral or No implications
 Tackling Climate Change	✓			
As well as helping to deliver biodiversity and better ecological networks, new habitats can also provide investment in other ecosystem services such as flood alleviation, carbon storage and improved air quality. These additional ecosystem services will help Doncaster to limit the negative impacts of and adapt to climate change.				
 Developing the skills to thrive in life and in work				✓
N/A				
 Making Doncaster the best place to do business and create good jobs	✓			

Inward investment in habitat creation in strategic locations within Doncaster as well as ongoing management of these new habitats will provide work within the borough. The introduction of a Biodiversity Offsetting Contribution fee will also help stimulate development by expediting planning decisions, providing clarity to developers on the Council's expectations in terms of Biodiversity Net Gain, help prepare the development industry for the forthcoming changes to the industry brought about by the Environment Act.



Building opportunities for healthier, happier and longer lives for all

✓

The loss of species and habitats poses as much a danger to life on Earth as climate change does. As well as underpinning the food we eat and the air we breathe, we depend on it for protection from other threats, like pollution, flooding and climate breakdown. The biggest driver of biodiversity loss is 'land-use change': specifically, converting and managing wild land for agriculture and development. The adoption of a Biodiversity Net Gain SPD Fee will help to alleviate the impacts biodiversity loss from land use change and hence help the public health of Doncaster's communities.



Creating safer, stronger, greener and cleaner communities where everyone belongs

✓

The adoption of the Biodiversity Net Gain SPD will provide a more transparent mechanism to show how biodiversity is being taken into account in planning applications near people's homes. It will provide funding for habitat creation projects that could help to bring wildlife closer to communities while at the same time delivering other ecosystem services that will make communities safer by delivering ecosystem services such as flood alleviation, clean air and carbon storage all of which will be increasing important in mitigating the negative impacts of climate change.



Nurturing a child and family-friendly borough

✓


Access to nature and green spaces have proven benefits for people's mental health and personal well being. The Biodiversity Net Gain SPD will help to kick start a net gain system within Doncaster and see the creation of new wildlife rich habitats that can help to connect children and families to nature.



Building Transport and digital connections fit for the future

✓

N/A

 Promoting the borough and its cultural, sporting, and heritage opportunities				✓
N/A				
Fair & Inclusive				✓
<p>In line with the corporate approach for compliance against the Equality Act 2011 due regard must be shown across all activity within the Council. As the adoption of a Biodiversity Net Gain SPD is a high level strategic decision there are no detailed impacts on any people, groups or individuals on which to base a due regard statement. However as biodiversity net gain becomes further developed, a due regard statement may need to be completed and reported as and when appropriate.</p>				

LEGAL IMPLICATIONS [Officer Initials SC Date 6.10.22]

19. SPDs are prepared by a Local Planning Authority to build upon and provide more detailed advice or guidance on adopted Local Plan policies and they must therefore be consistent with those policies. They do not form part of the development plan and cannot introduce new policies nor add unnecessarily to the financial burdens of development, but SPDs (once adopted) are material considerations to be taken into account in determining planning applications. The SPD has recently been adopted and therefore can be attributed weight as a material consideration in planning decisions.

FINANCIAL IMPLICATIONS [Officer Initials OB Date 6.10.22]

- 20. There are no financial implications directly associated with this decision to formally adopt the Supplementary Planning Document (SPD) on Biodiversity Net Gain (BNG).
- 21. Doncaster's preparation for BNG has included the approval of the development of a habitat bank at Torne Valley via ODR EE21 0213 in June 2021 and, on 10th August 2022, Cabinet approved the introduction of a £25,000 BNG Contribution Fee as part of the SPD and the inclusion of this fee on the Council's published list of fees and charges.
- 22. This payment would be secured as part of a Section 106 Agreement and used to procure biodiversity units within Doncaster.
- 23. It is hoped that the SDP will also encourage local providers to start to deliver biodiversity units so that the benefits of BNG will remain within the Doncaster area and avoid money being redirected to habitat creation projects in other parts of the country once the statutory credit scheme is introduced.

HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 30.09.22]

24. There are no direct HR implications in relation to this report.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 04.10.22]

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

RISKS AND ASSUMPTIONS

26. There are no direct risks identified from this decision. To the contrary, providing clarity through the adoption of an SPD puts the Council in a much better position in terms of challenges to decisions via Appeals where applications may be refused. As set out in the main body of this Report, the SPD will also help provide upfront certainty for the development industry and help guide successful planning applications

CONSULTATION

27. As set out above, the adopted SPD has been subject to full public consultation in line with the Regulations and the Council's Statement of Community Involvement. This itself was subject to its own separate decision earlier this year and included engagement with relevant Portfolio Holders and ELT/Exec Board.

28. Following the public consultation on the SPD, a report was prepared for ELT (4th July 2022), Exec Board (20th July 2022) and Cabinet (10th August 2022) on the principle of introducing a Biodiversity Offsetting Compensation Fee as part of the Biodiversity Net Gain SPD and including this in the published list of Council fees and charges. An informal briefing was also undertaken with Members of Overview and Scrutiny prior to Exec Board.

29. In addition, following the public consultation, a Portfolio Holder briefing has also taken place (24th August 2022) to provide feedback on the issues raised about the SPD during the consultation and how these have been addressed in the document prior to its adoption.

BACKGROUND PAPERS

[Biodiversity Net Gain Supplementary Planning Document](#) – Adopted September 2022

[Biodiversity Net Gain SPD Consultation Summary](#) – September 2022

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

BNG – Biodiversity Net Gain

SPD – Supplementary Planning Document.

REPORT AUTHOR & CONTRIBUTORS

Helen Markland (Principal Ecologist)
01302 734924 helen.markland@doncaster.gov.uk

Jonathan Clarke (Planning Policy and Environment Manager)
01302 735316 Jonathan.Clarke1@doncaster.gov.uk

Dan Swaine (Director of Regeneration and Environment)
01302 762503 Dan.Swaine@doncaster.gov.uk

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Doncaster Council

Report

Date: 18th October 2022

To Members of the Planning Committee

REVISIONS TO THE CONISBROUGH CONSERVATION AREA BOUNDARY

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

EXECUTIVE SUMMARY

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

EXEMPT REPORT

2. This report is not exempt.

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

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

BACKGROUND

What is Conisbrough Conservation Area?

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

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

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

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

Why does the boundary need changing?

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

What consultation has been undertaken?

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

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

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

12. The item was due to be considered by Planning Committee on 1st March 2022 but was deferred as one of the areas to be removed contains trees that a tree preservation order was being considered to be served on. A Tree Preservation Order has been served on this area. The item can therefore now be considered.

OPTIONS CONSIDERED

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

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





REASONS FOR RECOMMENDED OPTION





14. Option 1 is strongly recommended as being the only reasonable option to take. It will ensure that the conservation area has a stronger boundary including areas that contribute positively to the conservation area whilst removing areas that make either a neutral or negative contribution to the conservation area.

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

IMPACT ON THE COUNCIL'S KEY OUTCOMES

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

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change				✓
Comments: Not relevant				
 Developing the skills to thrive in life and in work				✓
Comments: Not relevant				
 Making Doncaster the best place to do business and create good jobs	✓			
Comments: Changes to the Conservation Area boundary will help ensure that the most significant parts of the centre of Conisbrough are protected resulting in a more attractive place for commerce to thrive.				
 Building opportunities for healthier, happier and longer lives for all	✓			

<p>Comments: Conservation areas exist to protect the special architectural and historic interest of a place enabling the features that make it unique and distinctive to be preserved. People value conservation areas for their distinctiveness, visual appeal and historic character. Heritage and the historic environment can be seen to be beneficial to health in a number of ways, for communities it contributes to a sense of place that residents identify with and value. Reviewing the areas included in the boundary ensures that the conservation areas continue to positively influence health and wellbeing.</p>				
 Creating safer, stronger, greener and cleaner communities where everyone belongs	✓			
<p>Comments: The most important parts of Conisbrough town centre will be protected with regard to its heritage significance. It is expected that the changes will ensure time and resources are directed to areas that will benefit the most from the involvement of conservation officers.</p>				
 Nurturing a child and family-friendly borough				✓
<p>Comments: Not relevant</p>				
 Building Transport and digital connections fit for the future				✓
<p>Comments: Not relevant</p>				
 Promoting the borough and its cultural, sporting, and heritage opportunities	✓			
<p>Comments: The most important parts of Conisbrough town centre will be protected with regard to its heritage significance.</p>				
Fair & Inclusive				✓
<p>Comments: There are no equality implications in relation to this report.</p>				

RISKS AND ASSUMPTIONS

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

LEGAL IMPLICATIONS [SC 13.01.22]

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

19. Whilst there are no express requirements for the proposed amendments to the conservation area boundary to be consulted upon, it is noted that the Conservation Officer has followed Historic England guidance and has consulted widely, with positive responses to the proposals received.

20. In the event members are minded to approve the recommendation, the conservation area shall be amended as of the date of the committee resolution.

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

FINANCIAL IMPLICATIONS [OB 11.02.22]

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

HUMAN RESOURCES IMPLICATIONS [DK 03.02.22]

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

TECHNOLOGY IMPLICATIONS [PW 03.02.22]

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

BACKGROUND PAPERS

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

- 2015 Review attached at Appendix 1;
- Map of all proposed amendments to the boundary is attached at Appendix 2; and,
- Proposed boundary changes – detailed description of alterations is attached as Appendix 3.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

None

REPORT AUTHOR & CONTRIBUTORS

Peter Lamb, Principal Planner (Design and Conservation)
01302 734922 peter.lamb@doncaster.gov.uk

Dan Swaine
Director of Economy & Environment

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Doncaster
Metropolitan Borough Council

Conisbrough Conservation Area Review

March 2015

Conisbrough Conservation Area – Review

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

New Developments

Conisbrough Castle Visitor Centre, Castle Hill

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



Castle House, Castle Hill

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

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



Former Coach House, Castle Terrace

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



Adj. Star Public House, Doncaster Road

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



Kenny's Fish and Chip Restaurant, Doncaster Road

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



Adjoining Lowfield House, High Street

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



March Street

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



1 Low Road

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



Old Workshop, Low Road

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



Dance Studio (former Printers), Low Road

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



Well Gate

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



Window Replacements

Church Hall, Church Street

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



32 - 40 Church Street

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



Former Star Public House, Doncaster Road

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



'The Castle' Public House, Minneymoor Hill

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



Condition of Buildings

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



39 Church Street



The Priory



Former Police Station



12 High Street

Appeal Decision

Development within the rear garden of Ivanhoe Lodge

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



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

Proposed Boundary Changes

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

New Listed Building

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

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



Key Unlisted Buildings

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

The Terrace, Castle Avenue

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



Castle Lodge, Castle Hill

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



7 Church Street

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



The Fox PH, Church Street

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



20 Church Street

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



39 Church Street

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

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



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

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



5 High Street

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



12 High Street

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



Ivanhoe Lodge, High Street

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



Lowfield House, High Street

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



Eagle and Child PH, West Street

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



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

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



List Description of Conisbrough Methodist Chapel, Chapel Lane

Summary of Building

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

Reasons for Designation

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

History

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

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

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

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

The chapel stopped being used for services in 2009.

Details

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

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

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

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

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

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

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

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

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

Selected Sources

Websites

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

National Grid Reference: SK5126898503

Consultation on Review

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

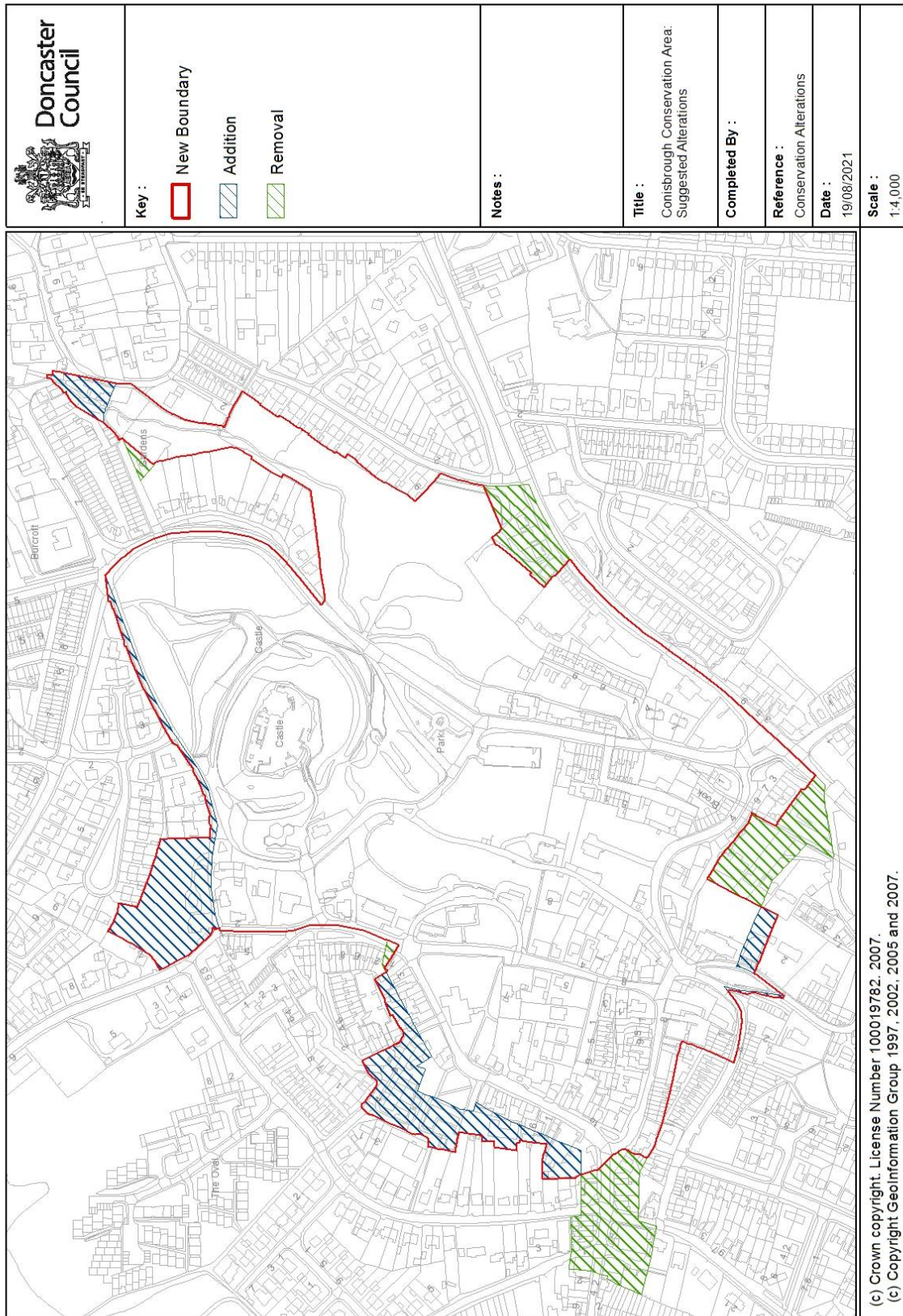
- The review was made available during this period on the Council's website with comments being welcome
- Site notices were erected in the conservation area on Thursday 5th February publicising the review and also welcoming comments
- A press notice was placed in the Doncaster Star also on Thursday 5th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

Responses

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

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

Appendix 2 - Conisbrough Conservation Area – Proposed Boundary Changes



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Doncaster
Council

Conisbrough

Conservation Area

Proposed Boundary Changes

September 2021

Proposed Boundary Changes

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

Wesley Chapel and March Gate

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



Wesley Chapel

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



Development off March Gate

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



Old Road/Church Street

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



Modern commercial developments



Church Street/Well Head

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



Backs of properties on Church Street

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



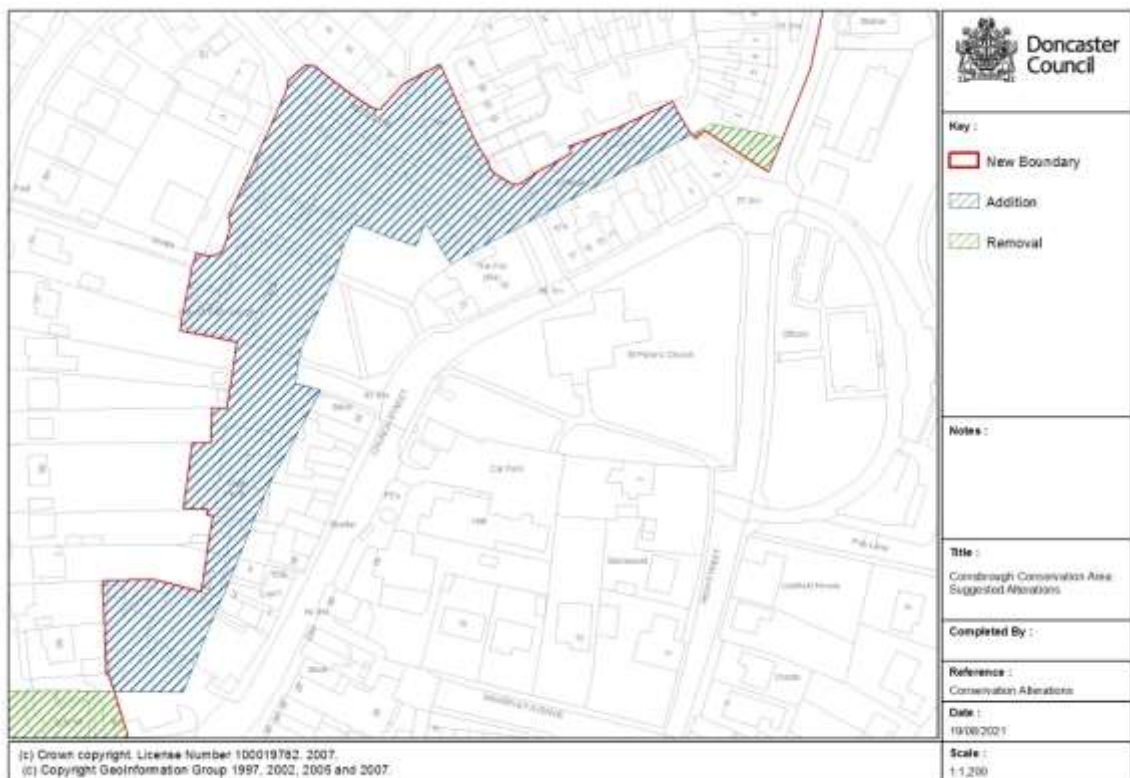
Wellhead on Well Gate

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



Recent development proposed to be included within the revised boundary

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



The Dale and Dale Road

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



The Dale, a key unlisted building

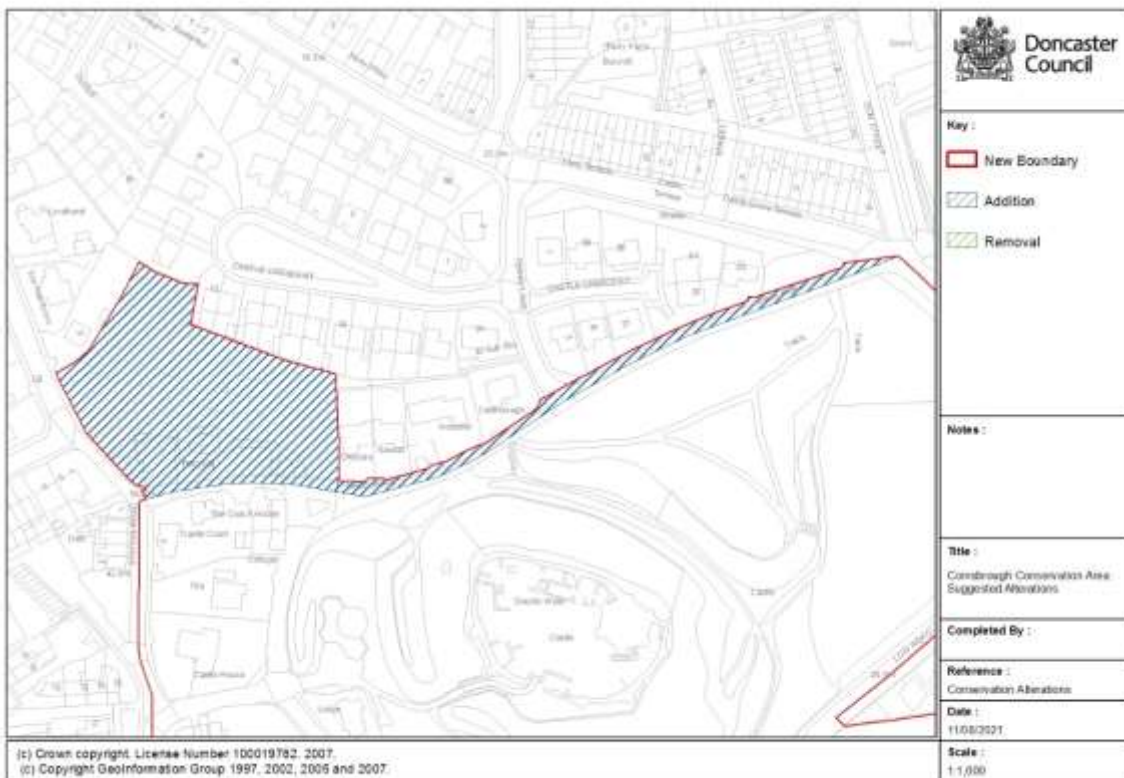


The grounds of The Dale continue the greenness around the castle

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



Stone wall along north side of Dale Road



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

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



The Castle Mill Business Centre

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



The Bungalow, Burcroft Hill



Key : New Boundary Addition Removal	
Notes :	
Title :	Conisbrough Conservation Area - Suggested Alterations
Completed By :	
Reference :	Conservation Alterations
Date :	11/08/2021
Scale :	1:800

Bungalows, Doncaster Road

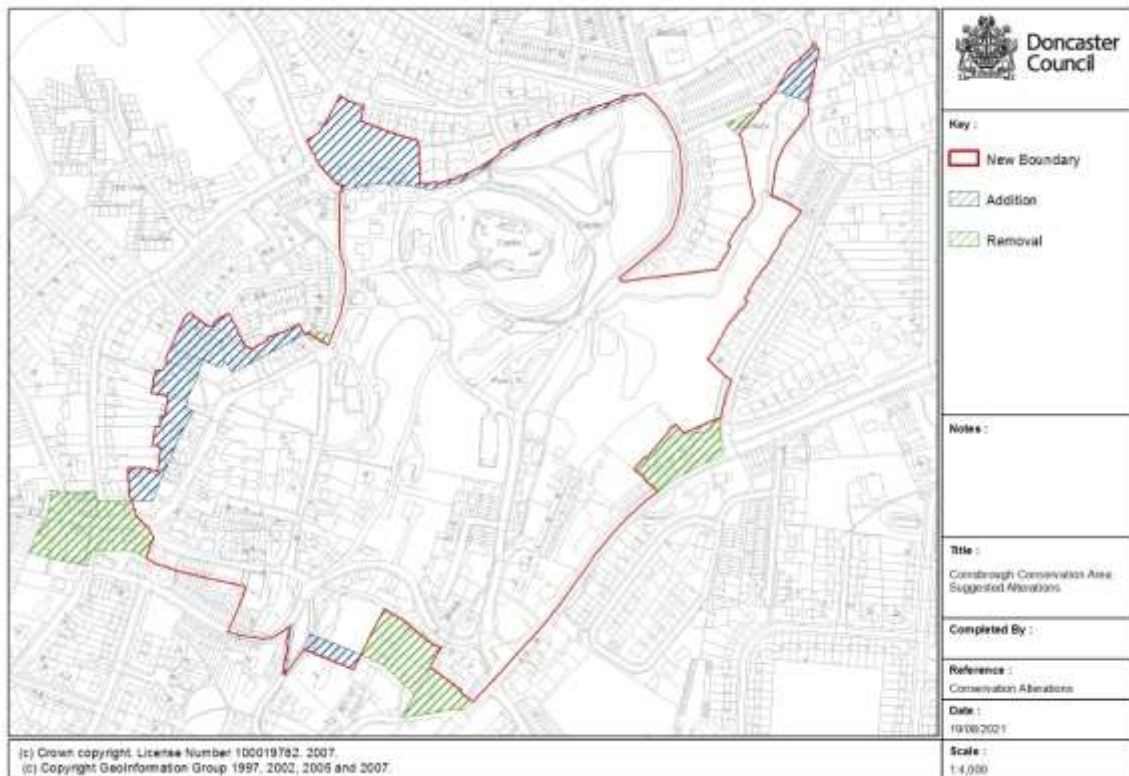
The bungalows on Doncaster Road, are considered to have a neutral impact on the conservation area. There is unlikely to be any major changes that being in a conservation area could control and their inclusion is of no benefit to the character and appearance of the conservation area therefore it is suggested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



Bungalows on Doncaster Road



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



Suggested Additions and Removals

Town and Country Planning

Doncaster Council

PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990

NOTIFICATION OF CONSERVATION AREA BOUNDARY AMENDMENTS

CONISBROUGH CONSERVATION AREA

Notice is hereby given that in accordance with section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Doncaster Council did, on [*date*], and after public consultation, amend and adopt the Conisbrough Conservation Area Boundary.

The review of the conservation area boundary considered whether the areas were of special architectural or historic interest, and that it is desirable to preserve or enhance its character or appearance. All properties previously within the designated conservation area, and not listed below, remain within the conservation area designated as of 1974.

The amendments include:

- a. Inclusion of Conisbrough Methodist Church on Chapel Lane
- b. Inclusion of rear gardens/backyards of properties on the northern side of Church Street (1-49 (odds) inc. Castlegate apartments and Excelsior Court)
- c. Inclusion of properties on Wellgate (4-9 (continuous) and Church Farm Lodge) and Wellhead, Wellgate
- d. Inclusion of The Dale on Dale Road
- e. Inclusion of the boundary walls on the northern side of Dale Road of properties (Chebara, Sandal Shoan, Ancaster, Castlereagh and 19-25 Dale Road (odds) and 3 Ferry Lane)
- f. Inclusion of The Castle Mill Business Centre (formerly known The Castle PH), Minney Moor Hill
- g. Exclusion of properties on March Gate (Ruston View, The Hollows and Brooklands) and Conisbrough Motor Company on Sheffield Road
- h. Exclusion of properties on Old Road (1 and Conisbrough Library), Properties on Church Street (63-81 (odds) and 46-62 (evens)) and 1 and 2 North Cliff Road
- i. Exclusion of the garden to 2 Castle Street
- j. Exclusion of The Bungalow, Burcroft Hill
- k. Exclusion of properties on the north side of Doncaster Road (72-82 (evens))

The principal effects of being included within a conservation area are as follows:

1. The Council is under a duty to formulate and publish plans to ensure the preservation or enhancement of the area.
2. Planning permission must be obtained from the Council for the demolition of any building over 115 m³ in the area. It is now a criminal offence to carry out demolition in a conservation area without planning permission.
3. Special publicity must be given to planning applications for development in the conservation area.
4. In carrying out any function under the planning acts (and, in particular, for determining applications for planning permission and listed building consent) the Council and the Secretary of State are required to take into account the desirability of preserving and enhancing the character and appearance of the area.
5. Six weeks' notice must be given to the Council before works are carried out to any tree in the conservation area.

Further information regarding the conservation areas can be found at <https://www.doncaster.gov.uk/services/planning/conisbrough-conservation-area> or by contacting Doncaster Council at conservation@doncaster.gov.uk



Date: 18th October, 2022

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

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

BACKGROUND

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

OPTIONS CONSIDERED

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

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

- 7.

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

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS [Officer Initials JB Date 05/10/2022]

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 05/10/2022]

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 05/10/2022]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 05/10/2022]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 05/10/2022]

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

EQUALITY IMPLICATIONS [Officer Initials JB Date 05/10/2022]

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
21/03183/FUL	Erection of first floor side extension to dwelling at 19 Barnburgh Hall Gardens, Barnburgh, Doncaster, DN5 7DS	Appeal Dismissed 14/09/2022	Sprotbrough	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

Mr J Bailey
01302 734603

TSI Officer
jane.bailey@doncaster.gov.uk

Dan Swaine
Director of Economy and Environment

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Appeal Decision

Site visit made on 17 May 2022 by Darren Ellis MPlan

Decision by S R G Baird BA (hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2022

Appeal Ref: APP/F4410/D/22/3294462

19 Barnburgh Hall Gardens, Barnburgh, Doncaster DN5 7DS

- 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 A Huntley against the decision of Doncaster Metropolitan Borough Council.
 - The application 21/03183/FUL, dated 23 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is a first floor side extension to dwelling.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issues

3. These are the effect on the character and appearance of the courtyard estate, and neighbours' living conditions with regard to privacy and light.

Reasons for the Recommendation

Character and appearance

4. No 19 is a detached 2-storey dwelling with a single-storey outrigger. The property is one of 4 dwellings that front on to and encircle a courtyard area. These courtyard properties are densely packed and built to a similar design and finish. The single-storey outriggers provide some relief to the densely packed layout and contribute to an open character and appearance of the courtyard. In the wider area whilst house types vary there is a continuity in the use of finishing materials. Overall, this gives the impression of a carefully planned estate and has resulted in an attractive residential environment and a coherent street scene.
5. Despite the use of matching materials, the addition would add considerable bulk and massing to the front of the property which would impact negatively on the openness of the courtyard. Consequently, the proposal would not respond positively to its context and would detract from the character and appearance of the courtyard estate.
6. Nos 4 and 6 Barnburgh Hall Gardens have 2 and 3-storey outriggers respectively. However, these properties are part of a separate group of

dwellings at the opposite end of the street which have a more spacious layout than the properties around the courtyard at the appeal site. As such these outriggers are not directly comparable to the scheme before me.

7. For these reasons the proposal would cause unacceptable harm to the character and appearance of the courtyard estate. The proposal would therefore conflict with Policies 41 and 44 of the Doncaster Local Plan (September 2021) (LP) which require development, including house extensions, to respond positively to their context and site features. The proposal would also fail to comply with the guidance in paragraph 2.12 of the Doncaster Council Development Guidance and Requirements: Supplementary Planning Document (July 2015) (SPD), which states that the design concept, layout and detailing should take reference from the host dwelling, neighbouring properties and the character of the area.

Living conditions of the occupiers of the neighbouring properties

8. The proposal would add 4 windows at first-floor level that would directly face the private patio area at No 11. Given the layout of the surrounding properties and the modest height of its boundary wall, this patio area is already overlooked by Nos 15 and 17. However, the new windows would be significantly closer to the patio area than the windows of the other properties, which would unacceptably increase the overlooking of and the perception of overlooking of the patio area. As such the proposal would cause significant harm to the living conditions of the occupiers of No 11.
9. The elevation facing No 21 would include an obscure-glazed window to an ensuite and 3 rooflights. The height of the rooflights above floor level would ensure there was no overlooking of No 21. The garden at No 21 is at a lower level and the extension would be directly to the south, however any overshadowing would only occur during the winter months when the sun is at its lowest. Overall, the proposal would not have a significant effect on No 21. There would be a significant separation between the proposed extension and the garden area and windows at No 17 which, together with the orientation of the extension, would ensure that would be no overlooking or overshadowing of No 17 and its garden.
10. For these reasons, the proposal would significantly harm to the living conditions of the occupiers of No 11. Consequently, the proposal would not accord with LP Policy 44 which requires, amongst other things, for proposals to not significantly impact the living conditions or privacy of neighbours. The proposal would also comply with paragraph 130(f) of the Framework and the guidance in SPD paragraph 2.12, which both require development to have a high standard of amenity for existing and future users.

Other Matters

11. No. 19 is located within the Barnburgh Conservation Area (CA), which contains Listed Buildings (LB) and a Scheduled Ancient Monument (SAM). The Council has raised no objection to the extension in terms of the effect on the character or appearance of the CA or the setting of the LB or SAM. I have no reason to disagree. Given the existing screening by intervening buildings and the degree of separation, there would be no harm to the setting of the listed building and scheduled monument.

12. Concerns regarding the Council's handling of the case are not matters for me to deal with as part of an appeal under S78 of the above Act.

Conclusion and recommendation

13. The proposal would cause harm to the character and appearance of the courtyard estate and to the living conditions of the occupiers of the neighbouring property. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed because of the conflict with the development plan and there being no material considerations which indicate that a decision should be made other than in accordance with the development plan.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

George Baird

INSPECTOR

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