



City of 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, 7th February, 2023

Time: 2.00 pm

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Damian Allen
Chief Executive

Issued on: Monday, 30 January 2023

Governance Services Officer for this meeting

David M Taylor
01302 736712

City of Doncaster Council
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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 10th January, 2023. 1 - 12
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications. 13 - 56
 6. To provide authority for the Recommendation & Reason(s) for Refusal associated with Non-Determination Appeal - 22/00040/NONDET & 22/00250/OUTM - Land at former Blaxton Quarry, Mosham Road, Auckley, Doncaster. 57 - 70
 7. Briefing Paper on the Doncaster Local Heritage List. 71 - 82
- For Information**
8. Appeal Decisions. 83 - 110
 9. Planning Enforcement Quarterly Report - December, 2022. 111 - 134

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

Agenda Item 4.

CITY OF DONCASTER COUNCIL

PLANNING COMMITTEE

TUESDAY, 10TH JANUARY, 2023

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 10TH JANUARY, 2023, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

An apology for absence was received from Councillor Aimee Dickson

46 DECLARATIONS OF INTEREST, IF ANY.

In accordance with the Members' Code of Conduct, Councillor Bob Anderson declared an interest in relation to Application No. 22/01960/FUL, Agenda Item No. 5(4), by virtue of being a member on the Yorkshire Wildlife Consultative Committee. He had not been involved in discussions or expressed an opinion on the application.

In accordance with the Members' Code of Conduct, Councillor Steve Cox, declared an interest in relation to Application Nos. 21/02867/FULM, 22/01960/FUL and 22/01290/COU, Agenda Item No. 5(3,4&5), by virtue of being a Local Ward Member.

47 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 13TH DECEMBER, 2022

RESOLVED that the minutes of the meeting held on 13th December, 2022 be approved as a correct record and signed by the Chair.

48 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 Scheduled and marked Appendix 'A'.

49 ADJOURNMENT OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 3.31 p.m., 4.41p.m. and 6.00 p.m. respectively to be reconvened on this day at 3.41 p.m., 4.48 p.m. and 6.05 p.m.

50 RECONVENING OF MEETING.

The meeting reconvened at 3.41 p.m., 4.48 p.m. and 6.05 p.m. respectively.

51 DURATION OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 33.1, the Committee, having sat continuously for 3 hours, continue to consider the remaining item of business on the agenda.

52 APPEALS DECISIONS

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

Application No	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
22/00069/OUT	Residential development of up to 5 dwellings as entry-level exception site (access and principle only to be considered) (being resubmission of application 20/03082/OUT) at Land to the West of Station Road, Blaxton, Doncaster DN9 3AF	Appeal Dismissed 02/12/2022	Finningley	Delegated	No
20/03548/FUL	Erection of a detached bungalow with integral garage (Amended plans) at Land on the South Side of Green Lane, Old Cantley, Doncaster	Appeal Dismissed 02/12/2022	Finningley	Committee	Yes

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 10th January, 2023

Application	1		
Application Number:	21/03311/FULM		
Application Type:	Full Planning Permission		
Proposal Description:	Proposed residential development with public open space, access, landscaping and associated infrastructure (amended plans).		
At:	Land South East of Old Road, Conisbrough, Doncaster DN12 3LR		
For:	Robert Harding – Countryside Partnerships PLC		
Third Party Reps:	35 representations in opposition	Parish:	N/A
		Ward:	Conisbrough

A proposal was made to defer the application for further consideration of sustainability, impact on the community in terms of infrastructure and drainage issues.

Proposed by: Councillor Steve Cox

Seconded by: Councillor Sue Farmer

For: 10 **Against:** 0 **Abstain:** 0

Decision: The application be deferred for further consideration of sustainability, impact on the community in terms of infrastructure and drainage issues.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', the following individuals spoke on the application for the duration of up to 10 and 5 minutes:-

- Councillor Nigel Ball, Lani-Mae Ball and Ian Pearson, Ward Members spoke in opposition to the Application (sharing 10 minutes);

- **Mr Peter Wright, member of the public, spoke in opposition to the Application; and**
- **Mr J Londesborough (Applicant/Agent) spoke in support of the Application**

(The receipt of a further objection from Mr Watson raising concerns with regard to the lack of buffer to No.134 Old Road and Archaeology – potential for human remains was reported at the meeting.

Application	2
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Application Number:	19/02977/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of residential development (Use Class C3), internal access roads, car parking, open space and associated works.
At:	Land off Watch House Lane, Bentley, Doncaster

For:	C/O Quod
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Third Party Reps:	37 (of which only 7 are against the current affordable housing scheme).	Parish:	
		Ward:	Bentley

A proposal was made to defer the application for further information on the amount of floor space that the dwellings are below NDSS and for further confirmation on viability and further consideration of parking provision within the site.

Proposed by: Councillor Susan Durant

Seconded by: Councillor Iris Beech

For: 10 Against: 0 Abstain: 0

Decision: The application be deferred for further information on the amount of floor space that the dwellings are below NDSS and for further confirmation on viability and further consideration of parking provision within the site.

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

- **Mr Stephen Benstead and Mr Ken Murray, spoke in opposition to the application (sharing 5 minutes); and**
- **Mrs Emma Bilton (from Quod, applicant) spoke in support of the application.**

Application	3
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Application Number:	21/02867/FULM
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Application Type:	Full Planning Permission
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Proposal Description:	Erection of stables and change of use of field to equestrian use (Amended plans – change of access and design of stable block as well as the addition of a perimeter fence).
At:	Land On the North Side Off Bawtry Road, Bawtry Road, Finningley, Doncaster FN9 3BX

For:	Natalie O’Connir G.A Mell (Builders) Ltd
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Third Party Reps:	20 objections received in respect of the amended scheme, 19 in respect of the original proposal	Parish:	Finningley
		Ward:	Finningley

A proposal was made to grant the Application subject to conditions

Proposed by: Councillor Duncan Anderson

Seconded by: Councillor Susan Durant

For: 4 Against: 6 Abstain: 0

On being put to the meeting, the proposal to GRANT Planning Permission subject to conditions was declared LOST.

A proposal was made to refuse Planning Permission

Proposed by: Councillor Iris Beech

Seconded by: Councillor Andy Pickering

For: 6 Against: 4 Abstain: 0

On being put to the meeting, the proposal to refuse Planning Permission was CARRIED

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

- 01. The proposal is for private use and therefore is not an enterprise that supports a prosperous rural economy and is contrary to policy 25(4)(a) of the Doncaster Local Plan (2015-2035) and paragraph 84 (a) and (b) of the NPPF (2021).**

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

- Councillor Richard Allan Jones, Ward Member, spoke in opposition to the application;**
- Parish Councillor Robert Castle, Chair of Finningley Parish Council, spoke in opposition to the application;**
- Mr Ian Collett, Mrs Caroline Newbould and Mr Graham Newbould, members of the public, spoke in opposition to the application (sharing 5 minutes); and**
- Mr Jim Lomas, Agent, spoke in support of the application.**

Application	4
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Application Number:	22/01960/FUL
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Application Type:	Full Application
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Proposal Description:	Erection and operation of an observation wheel at the Yorkshire Hive (retrospective)
At:	Yorkshire Wildlife Park, Brockholes Lane, Branton, Doncaster

For:	Mrs Louise Millington – Yorkshire Wildlife Park
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Third Party Reps:	8 in objection	Parish:	Cantley with Branton Parish Council
		Ward:	Finningley

A proposal was made to grant the Application subject to conditions and addition of condition 3

Proposed by: Councillor Susan Durant

Seconded by: Councillor Duncan Anderson

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted subject to conditions and the addition of the following condition:-

03. The observation wheel shall not be illuminated before 9am or after 9pm, Monday to Sunday.

REASON

To safeguard the appearance and character of the area in accordance with policy 25 of the Doncaster Local Plan.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee' Councillor Richard Allan Jones, Ward Member spoke in opposition to the application for the duration of up to 5 minutes.

Application	5
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Application Number:	22/01290/COU
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Application Type:	FULL PLANNING PERMISSION
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Proposal Description:	Change of use from residential dwelling (C3) to children's home for a maximum of 4 children (C4)
At:	Bankswood, Thorne Road, Blaxton, Doncaster

For:	Dove Adolescent Services Ltd
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Third Party Reps:	12 Objections have been received from 6 neighbouring households	Parish:	Blaxton Parish Council
		Ward:	Finningley

A proposal was made to grant the Application subject to conditions and the addition of 11.

Proposed by: Councillor Sue Farmer

Seconded by: Councillor Duncan Anderson

For: 6 Against: 2 Abstain: 1

Decision: Planning permission granted subject to conditions and the addition of the following condition:-

- 11. No development shall take place until details of the demolition works to the existing garage and making good the shared boundary wall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the approved development shall not be occupied until the works to the boundary wall have been completed.**

REASON

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

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

- **Mr Phillip Dalowsky, Neighbour spoke in opposition to the application; and**
- **Mrs Stacy Cooper (Dove Adolescent Services) spoke in support of the application.**

Application	6
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Application Number:	21/01877/FUL
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Application Type:	Full application
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Proposal Description:	Installation of flue to outbuilding
At:	Aberdeen Bungalow, Drake Head Lane, Conisbrough

For:	Mr P Heath
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Third Party Reps:	5 letters from 3 residents	Parish:	Conisbrough Parks Parish Council
		Ward:	Conisbrough

A proposal was made to grant the Application subject to conditions

Proposed by: Councillor Gary Stapleton

Seconded by: Councillor Susan Durant

For: 5 Against: 4 Abstain: 0

Decision: Planning permission granted subject to conditions

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

- **Councillor Nigel Ball, Ward Member, spoke in opposition to the application;**
- **Mr Brian Middleton, member of the public, spoke in opposition to the application; and**
- **Mr Paul Heath and Mrs Annette Heath, Applicants spoke in support of the application (Sharing 5 minutes).**

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CITY OF DONCASTER COUNCIL

Date 7th February 2023

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 wellbeing or the rights of others to enjoy their property.
3. Whether restriction on one is proportionate to the benefit of the other.

Copyright Implications

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

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1. SV	19/02977/FULM	Bentley	
2.	22/02194/OUT	Roman Ridge	

Application	1.
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Application Number:	19/02977/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of residential development (Use Class C3), internal access roads, car parking, open space and associated works.
At:	Land off Watch House Lane, Bentley

For:	C/O Quod
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Third Party Reps:	37 (of which only 7 are against the current affordable housing scheme)	Parish:	
		Ward:	Bentley

Author of Report:	Mel Roberts
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SUMMARY

This is a similar application to that which Planning Committee resolved to approve subject to a Section 106 Agreement in October 2020. That was for a Build to Rent scheme and it has now changed to 100 per cent affordable housing.

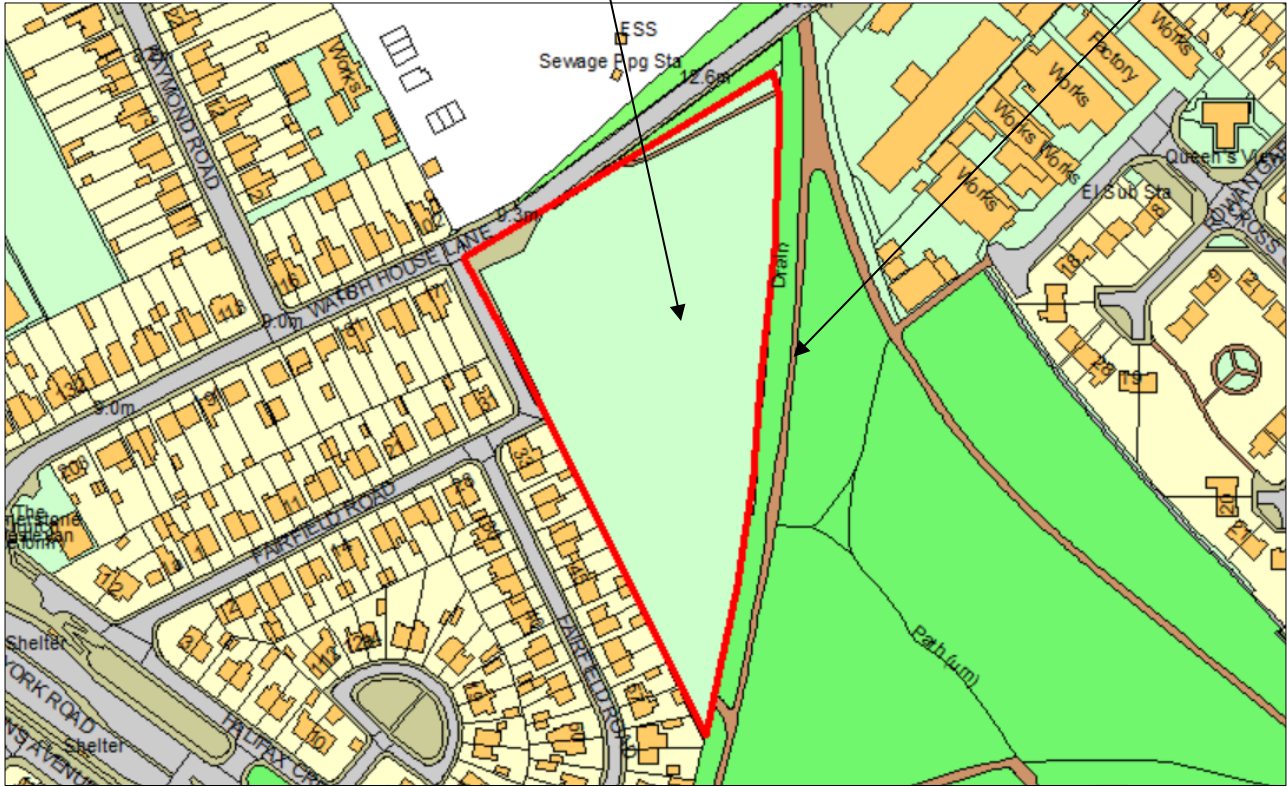
The site falls within the Residential Policy Area as allocated in the Doncaster Local Plan and accords with policy 10 of the Local Plan. The proposal provides an acceptable level of amenity for existing and new residents, helps to protect and enhance the existing area and meets other development plan policies relating to flood risk, open space, design and sustainable construction.

The proposal will deliver much needed affordable housing on previously developed land in a sustainable location. Although not viable for the full policy asks, it will still contribute towards education, off-site biodiversity, open space and a transport bond.

RECOMMENDATION: Grant subject to a Section 106 Agreement

Application site

Trans Pennine Trail



1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee at the request of Councillor Jane Nightingale, due to the number of representations made and because a similar scheme was considered and recommended for approval subject to the signing of a s106 agreement by Planning Committee back in October 2020.

2.0 Proposal and background

- 2.1 This application was considered at Planning Committee on 10th January 2023 and was deferred for further information in relation to the amount of floor space that the dwellings are providing as part of the proposal in comparison to a Nationally Described Space Standards (“NDSS”) compliant scheme. Additional information was also sought in relation to viability and further consideration of parking provision within the site. NDSS is discussed in paragraph 9.18 of the report and viability in paragraph 9.19. Parking provision is set out in paragraph 9.35 of the report.
- 2.2 This application seeks full planning permission for the erection of 60 new affordable houses, along with vehicular/pedestrian access and new areas of public open space at a vacant site off Watch House Lane, Bentley. The affordable housing comprises 40% affordable rent (24 dwellings) and 60% shared ownership (36 dwellings).
- 2.3 The scheme provides for new family homes, split between 19 x 3-bed and 41 x 2-bed houses. The homes are a mixture of terraced and semi-detached properties and are all two storeys. The proposals include new areas of public open space, focusing around a central area, providing informal amenity and a play area. Access to the site is to be taken from Fairfield Road. The scheme includes two pedestrian accesses onto the Trans Pennine Trail (TPT) that runs along the eastern boundary of the site (see site plan in the appendix).
- 2.4 In December 2019, the applicant submitted a full planning application (ref 19/02977/FULM) for the development of 60 Build to Rent (“BtR”) homes, which are purpose-built housing that is 100% rented. The application was approved at Planning Committee on 13th October 2020 subject to the completion of a Section 106 Agreement. Since Members resolved to grant planning permission and prior to the signing the S106 Agreement, which had been negotiated in readiness for completion, Doncaster Council adopted a new Local Plan in September 2021. This Local Plan represents a new material consideration and the application needs to be reconsidered by Planning Committee in light of this. Given the passage of time, the applicant reviewed the scheme and is now proposing a change of tenure to 100 per cent affordable, rather than Build to Rent.
- 2.5 The proposed layout is very similar to before when Planning Committee considered it. The main changes include an increase in the size of the houses, which has resulted in the modest re-positioning of each plot to accommodate this and as a result, two visitor car parking spaces have been removed. The highway arrangement has been simplified to make it more efficient, which has resulted in the central area of green space increasing by 50sqm. A new substation is also proposed adjacent to Plot 43, in the least intrusive location on the site.

3.0 Site Description

- 3.1 The site is triangular in shape and currently comprises approximately 1.4 hectares of vacant land. Industrial uses previously occupied the site, but it has been vacant for over 13 years and cleared of any buildings. There is an existing vehicular access to the site off Watch House Lane to the north and along Fairfield Road bordering the north west of the site. The site topography is largely flat with a level change of approximately 500mm from the north to the south. Currently there is a large man made mound in the centre of the northern half of the site, as well as 1.5m perimeter banks along Watch House Lane and Fairfield Road.
- 3.2 Shrubbery and trees surround the majority of the site boundary, with the TPT running along the eastern boundary. To the north east of the site, beyond a landscape buffer, are industrial uses. To the south east is dense tree cover, interspersed by the TPT footpaths. To the west and north west is existing two storey semi-detached housing. Finally, to the north, beyond Watch House Lane, is a new housing development.

4.0 Relevant Planning History

- 4.1 In December 2019, the applicant submitted a full planning application under this same reference number for the erection of 60 new homes along with vehicular and pedestrian access and new areas of public open space. The intention was that these homes would comprise BtR units. Planning Committee resolved to approve the application on 13th October 2020 subject to a S106 Agreement, but this was never signed and the permission never issued. The proposal has since changed to 100 percent affordable housing and is now to be re-considered.

5.0 Planning Policy Context

National Planning Policy Framework (NPPF 2021)

- 5.1 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.2 Paragraphs 7 to 11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development. One of the three overarching objectives of the NPPF is to ensure a significant number and range of homes are provided to meet the needs of present and future generations (paragraph 8b).
- 5.3 The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (para 58).
- 5.4 Paragraph 60 outlines the Government's objective of significantly boosting the supply of housing, noting the importance of a sufficient amount and variety of land coming forward where it is needed and that the needs of groups with specific housing requirements are addressed.

- 5.5 Paragraph 62 requires a mix of housing size, type and tenure to come forward on developments to meet housing need, including those who require affordable housing.
- 5.6 Paragraph 110 sets out that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.7 Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.8 Paragraph 119 notes the importance of making efficient use of land, whilst decisions should promote an effective use of land in meeting the needs for homes, in a way that makes best use of previously developed land.
- 5.9 Paragraph 120 (c) notes *‘decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes’*, and *‘support appropriate opportunities to remediate contaminated land’*. Part (d) of the same paragraph also supports the development of under-utilised land.
- 5.10 Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126).
- 5.11 Planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 185).

Doncaster Local Plan

- 5.12 The site lies within the Residential Policy Area as allocated in the Doncaster Local Plan.
- 5.13 Policy 1 states that Bentley falls within the Main Urban Area. At least 45 per cent of new homes will go to the Main Urban Area. Doncaster Main Urban Area will be the main focus for development in the Borough, including housing, retail, leisure, cultural, office and other employment development. Additional growth on non-allocated sites within the development limits of the Main Urban Area will be considered favourably.
- 5.14 Policy 2 states that the Local Plan’s strategic aim is to facilitate the delivery of a minimum of 15,640 net new homes in the remainder of the plan period 2018-2035 (920 per annum). The total allocation for the Main Urban Area is 7,192 new homes.

- 5.15 Policy 7 states that the delivery of a wider range and mix of housing types, sizes and tenures will be supported through the following:
- a) New housing developments will be required to deliver a mix of house sizes, types, prices, and tenures to address as appropriate the needs and market demand identified in the latest Housing Need Assessment;
 - b) Housing sites of 15 or more homes (or 0.5ha or above) will normally be expected to include 23% affordable homes in the borough's high value housing market areas or a lower requirement of 15% elsewhere in the borough (including starter homes which meet the definition) on site.
- 5.16 Policy 10 states that new residential development will be supported in Residential Policy Areas provided: 1) an acceptable level of amenity for existing and new residents is provided; 2) the development helps to protect and enhance the existing area; and 3) the development meets other development plan policies relating to flood risk, open space, design and sustainable construction.
- 5.17 Policy 13 sets out that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact to ensure that:
- a) access to the development can be made by a wide choice of transport modes, including walking, cycling, private vehicles and public transport;
 - b) site layouts and the street environment are designed to control traffic speed through an appropriate network and street hierarchy that promotes road safety for all;
 - c) walking and cycling are encouraged with the development and beyond, through the design of facilities and infrastructure within the site and provision of linkages to the wider network;
 - d) appropriate levels of parking provisions are made; and
 - e) existing highway and transport infrastructure is not adversely affected by new development. Where necessary, developers will be required to mitigate (or contribute towards) and predicted adverse effects on the highway network.
- 5.18 Policy 16 states that the needs of cyclists must be considered in relation to new development and in the design of highways and traffic management schemes to ensure safety and convenience. Provision for secure cycle parking facilities will be sought in new developments.
- 5.19 Policy 17 states that an increase in walking provision in Doncaster will be sought. Walking will be promoted as a means of active travel. Proposals will be supported which provide new or improved connections and routes, which enhance the existing network and address identified gaps within that network. The needs of pedestrians will be considered and prioritised in relation to new developments, in public realm improvements and in the design of highways and traffic management schemes.
- 5.20 Policy 18 supports proposals which improve the number and quality of opportunities for walking, cycling and riding, and those that enhance the TPT.
- 5.21 Policy 21 sets out that all new housing and commercial development must provide connectivity to the Superfast Broadband network unless it can be clearly demonstrated that this is not possible.

- 5.22 Policy 28 deals with open space provision in new developments and states that proposals of 20 family dwellings or more will be supported which contribute 10 or 15 per cent of the site as on-site open space to benefit the development itself, or a commuted sum in lieu of this (especially where the site is close to a large area of open space).
- 5.23 Policy 30 seeks to protect sites and species of local, national and international importance and requires proposals to meet 10 percent net gain for biodiversity.
- 5.24 Policy 32 states sets out that proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided.
- 5.25 Policy 41 sets out that imaginative design and development solutions will be encouraged to ensure that proposals respect and enhance identity, character and local distinctiveness. In all cases, proposals will need to demonstrate an understanding of the context, history, character and appearance of the site, neighbourhood and wider area, to inform the appropriate design approach.
- 5.26 Policy 42 states that high-quality development that reflects the principles of good urban design will be supported. Proposals for new development will be expected to follow a best practice design process and where appropriate, use established design tools to support good urban design.
- 5.27 Policy 44 sets out that new housing will be supported where it responds positively to the context and character of existing areas and creates high quality residential environments through good design.
- 5.28 Policy 45 states that new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants and shall meet the Nationally Described Space Standard as a minimum. At least 65 per cent of all new homes should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and at least 5 per cent meet Building Regulations requirement M4(3) 'wheelchair adaptable dwellings.' Exemptions to these requirements will only be considered where the applicant can robustly demonstrate, with appropriate evidence, that it is not viable to do so. Any deviation from the minimum space standards must be robustly justified and offset through exceptional or innovative design.
- 5.29 Policy 47 supports developments which are designed in a way that reduces the risk of crime and the fear of crime.
- 5.30 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides a high quality, comprehensive hard and soft landscape scheme.
- 5.31 Policy 50 states that development will be required to contribute positively to creating high quality places that support and promote healthy communities and lifestyles, such as maximising access by walking and cycling.
- 5.32 Policy 52 states that where housing proposals of 20 or more family dwellings will create or exacerbate a shortfall in the number of local school places, mitigation will

be required, either through an appropriate contribution to off-site provision or, in the case of larger sites, on-site provision.

- 5.33 Policy 54 sets out that where developments are likely to be exposed to pollution, they will only be permitted where it can be demonstrated that pollution can be avoided or where mitigation measures will minimise significantly harmful impacts to acceptable levels. This includes giving particular consideration to the presence of noise generating uses close to the site.
- 5.34 Policy 55 states that proposals will be required to mitigate contamination by: a) demonstrating there is no significant harm to human health, or land, natural environment,, pollution of soil or any watercourse or ground water; b) ensuring necessary remedial action is undertaken to safeguard occupiers of the site; c) demonstrating that adverse ground conditions have been properly identified; and d) clearly demonstrating that the land is suitable for its proposed use.
- 5.35 Policy 56 states that development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities.
- 5.36 Policy 65 states that developer contributions will be sought to mitigate the impacts of development through direct provision on site, provision off site, and contributions towards softer interventions to ensure the benefits of the development are maximised by local communities.
- 5.37 Policy 66 states that where the applicant can demonstrate that particular circumstances justify the need for a Viability Appraisal, the Council will take a pragmatic and flexible approach to planning obligations and consider their genuine impact on viability of development proposals on an independent and case-by-case basis.

Other material planning considerations

- 5.38 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 referred to superseded development plan policies and some provided guidance which was 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 very limited weight. The Council have adopted a Biodiversity Net Gain Supplementary Planning Document in line with the Local Plan which attracts full weight.

6.0 Representations

- 6.1 Prior to submitting the BtR application, a public consultation event took place on 16th September 2019 at Cornerstone Church, Watch House Lane. Notification of the event was via post, with leaflets delivered to 685 local residents and businesses informing them of the proposals and inviting them to the public consultation event.

65 people attended the event with 26 of those completing the feedback forms provided. Although broadly supportive of the principle of the development for residential use, local residents raised some local issues focusing around highways, access and drainage.

6.2 On the BtR proposal, 30 letters of objection were received and these can be summarised as follows:

- i) Fairfield Road and Halifax Crescent act as a thoroughfare during peak traffic time and are regularly used as a short cut between Watch House Lane and York Road.
- ii) There will be disruption during construction.
- iii) There have been numerous accidents along this stretch of road.
- iv) Insufficient parking is provided within the scheme.
- v) The access into the site will compromise access to and from a driveway of an adjoining residential property.
- vi) Fairfield Road and Halifax Crescent share a sewerage and drain system that at times is overloaded and causes flooding and blockage.
- vii) Nothing is being done with this development against methane that was reported in the remedial statement from the previous planning application and has not been mentioned in this application.
- viii) There will be overlooking.
- ix) This will result in the loss of an employment site.
- x) It would affect house prices.

6.3 This application for 100 percent affordable housing was re-advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, Council website, press advertisement and neighbour notification to all houses bordering the site. Only 7 letters of objection have been submitted as part of the re-consultation, raising similar concerns as follows, which given the passage of time, is markedly fewer than the number of representations received in relation to the original BtR scheme:

- i) The access to the development will cause a bottleneck for traffic and also being positioned on a corner.
- ii) This development will lead to an increase in throughput traffic to/from the development onto a small quiet estate which is already being increasingly used as a short cut by drivers.
- iii) The condition of the road at Fairfield Road is not strong enough to cope with the increase in traffic throughput
- iv) Access into the site will compromise access to and from a driveway of an adjoining residential property.
- v) The development will put a strain on the existing drainage pipes.
- vi) The development will increase air, traffic and noise pollution.
- vii) The wall along the rear of the properties on Fairfield Road should be maintained at an average height of 3.5m.

6.4 Although not specifically about the affordable housing scheme, Rt Hon Ed Miliband MP wrote in about the BtR scheme, asking that the concerns of his constituents are taken into account.

6.5 The Trans Pennine Trail Partnership has objected to the proposal, stating that there is a need to provide direct access to the Trans Pennine Trail as part of this application, with safe cycling provision through the development.

7.0 Relevant Consultations

- 7.1 **Transportation** has raised no objections subject to the provision of a Transport Bond (of £7,352) to ensure that mitigation measures are in place in the event that traffic numbers exceed those set out in the Transport Assessment.
- 7.2 **Highways** has responded and has raised no objections.
- 7.3 The **Urban Design Officer** has raised concerns that the proposal does not meet Nationally Described Space Standards, over half of the gardens do not meet minimum standards, that plot 59 is too close to existing properties on Fairfield Road, insufficient visitor parking for plots 1 to 12 and no details being provided on the connections from the site to the TPT. It should be noted that details of the connection to the TPT is to be secured by a planning condition and all other concerns are addressed in the report.
- 7.4 **Ecology** has raised no objections subject to a net gain in biodiversity to be provided on a suitable project off-site or if a project cannot be found, a contribution of £103,625.
- 7.5 The **Tree Officer** has raised no objections subject to a condition.
- 7.6 The **Open Space Officer** has raised no objections subject to further details of the open space to be provided and a commuted sum to offset the lack of 15% open space provision on site.
- 7.7 **Environmental Health** has raised no objections subject to hours of restriction on construction and provision of a 2.3m acoustic barrier along the rear gardens of plots 18 to 26 along Watch House Lane as required by the Noise Assessment. The acoustic barrier is shown on the Boundary Treatment Plan and hours of construction are to be controlled through the submission of a Construction Method Statement as set out in condition 8.
- 7.8 The **Contamination Officer** has raised no objection subject to a condition requiring further remedial works to those already carried out. The further works include additional gas monitoring across the site, a clean cover system and no dig layer, the appropriate assessment of the asbestos containing materials and appropriate certification of all imported materials.
- 7.9 The **Air Quality Officer** has raised no objection, as each dwelling shall benefit from an Electric Vehicle (EV) charging point and cycle parking within the curtilage of each dwelling.
- 7.10 The **Environment Agency** has raised no objections, as the site is within Flood Zone 1 and satisfactory remediation has been carried out to ensure that risks posed to controlled waters are at an acceptable level.
- 7.11 **Yorkshire Water** has raised no objections subject to conditions.
- 7.12 The **Internal Drainage Officer** has responded and has raised no objections.

- 7.13 **South Yorkshire Archaeology Service** consider that the archaeological potential is likely to be negligible, as the site has been developed previously in the 20th Century and contained standing buildings until recently. No archaeological investigation is necessary.
- 7.14 **Public Rights of Way** has raised no objections and welcome the connections linking the proposed development and the TPT, although has requested that further details of these connections be provided ideally to accommodate both pedestrians and cyclists (this is covered by condition 11).
- 7.15 **Education** advise that the development will create the need for an additional 9 school places for Don Valley Academy to ensure that the school has capacity beyond 2026/27 (the projection period), resulting in a contribution of £240,876.
- 7.16 **Public Health** are pleased to see that the development plans includes two access points to the TPT and cycle storage for each dwelling and welcomes the increase in size of the open space from the previous scheme.
- 7.17 **Strategic Housing** advise that demand for affordable housing in Bentley is very high with the majority of demand (95%) being for 3 bed family properties.

8.0 Ward members

- 8.1 Councillor Jane Nightingale has raised a number of concerns including:
- i) The amount of traffic using Watch House Lane, especially during peak periods.
 - ii) Serious accidents have occurred on Watch House Lane.
 - iii) Fairfield Road is not wide enough to accommodate extra traffic.
 - iv) Surface water is becoming a problem over recent years.
- 8.2 Councillor James Church has raised a number of concerns including that the original application was submitted several years ago and since then, the construction of Dominion Road has been completed. This large new estate has added greatly to the traffic congestion on Watch House Lane. That in turn causes issues on Raymond Road and its junction with Watch House Lane. The residents on Watch house lane and Raymond Road have difficulty parking for various reasons and this creates problems especially at peak times, or if any large vehicles need to access this area. Because of the build-up of traffic either exiting or entering Watch House Lane via York Road, there has been an increase in vehicles using Fairfield Road to bypass the congestion. The standing traffic increases pollution levels and impacts on the lives of the residents. The railway crossings at Bentley can cause difficulties, when a build-up of traffic heads towards Watch House Lane and adds to the congestion.

9.0 Assessment

- 9.1 The issues for consideration under this application are as follows:
- Principle of development;
 - Impact on Amenity
 - Design and Impact on the character and appearance of the area
 - Ecology
 - Trees and Landscaping

- Highway safety and traffic
- Flooding
- Noise
- Air Quality
- Contamination
- Energy efficiency
- Economy
- S106 obligations
- Overall planning balance

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

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

Principle of Development

9.3 The site lies within the Residential Policy Area as allocated in the Doncaster Local Plan, where residential development is acceptable in principle. Policy 10 of the Local Plan states that new residential development will be supported in Residential Policy Areas provided: 1) an acceptable level of amenity for existing and new residents is provided; 2) the development helps to protect and enhance the existing area; and 3) the development meets other development plan policies relating to flood risk, open space, design and sustainable construction.

9.4 Policy 1 of the Local Plan identifies Bentley as falling within the Main Urban Area, which is the focus for housing growth and regeneration. The housing requirement for the Main Urban Area is 7,182 and equates to 45% of the total borough allocation. The proposal would therefore make a significant contribution towards the Main Urban Area's housing requirement on an urban site and thus contributing towards the objectives of policy of the Local Plan.

9.5 The site is sustainable, being well located to access the services and facilities in the area, including schools, shops, employment and access to public transport. Doncaster town centre can be accessed within 5km cycling distance and the closest bus stops are located on Watch House Lane and York Road, which provide a number of services towards the town centre and other local destinations. The proposal makes efficient use of previously developed land and is therefore in accordance with the guidance set out in paragraph 119 of the NPPF.

9.6 The proposal delivers much needed affordable housing, being 100 per cent affordable. During the period 2015-2020, 925 new affordable homes were delivered (185 per year). Doncaster Council's Housing Need Study (2019), which was used to inform the new Local Plan, identifies a need for 209 affordable new homes per year over and above the Council's own build programmes. There is a therefore a need for affordable housing, which is not currently being met. The findings of the 2019 Housing Need Study suggest there is a net affordable housing need for the

Bentley area and it is one of the Wards with the highest affordable housing need. The need is mainly for 3 bed houses and 1 or 2 bed bungalows. Furthermore, the number of people on Doncaster Council's housing waiting list and the number of bids for each available property illustrates the continuing need for more affordable homes. As at January 2020, there were 7,300 households on the Housing Register looking for an affordable rented home with 1,662 properties advertised in the year to January 2020 and 82,891 bids made - an average of 50 bids per property.

Sustainability

- 9.7 The NPPF (2021) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.8 There are three strands to sustainability and these are social, environmental and economic (paragraph 8). Paragraph 10 of the NPPF states in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

SOCIAL SUSTAINABILITY

Impact on Residential Amenity

- 9.9 The scheme has been designed to minimise the impact on the amenity of those residential properties on Fairfield Road that border the site. In all cases, the scheme either meets or exceeds the minimum separation distances to avoid any unacceptable overlooking or overshadowing. There is a slight pinch point with plot 59, which is only 17m from the rear elevation of the closest property on Fairfield Road, but this is mitigated by being set at an angle to avoid any unacceptable direct overlooking.
- 9.10 Site levels are to be raised slightly mainly to accommodate a gravity fed drainage system. Cross sections have been submitted and these show that the maximum height difference between the proposed dwellings and existing dwellings would be just over 1m (see cross sections in the Appendix). The existing high wall at the rear of the houses on Fairfield Road is to be retained at a height of 3.2m, which will afford some privacy and together with the separation distances is considered acceptable.
- 9.11 During the public consultation back in September 2019, local residents shared issues of anti-social behaviour experienced at the site, including littering and throwing of rubbish and rubble from the site into surrounding residents gardens. It is not clear if these issues still exist, but the development of the site will help to remove these issues.
- 9.12 Any disruption during construction of the development would be minimised by ensuring that the applicant submits and adheres to a Construction Management Plan that is to be secured by a planning condition.

ENVIRONMENTAL SUSTAINABILITY

Design and impact upon the character of the area

- 9.13 The development proposes 60 new homes across a 1.4ha site, resulting in a density of 43 dwellings per hectare. Although quite a high density, this is largely a result of the fact that many of the properties on site are terraced. All of the dwellings are two storey, which reflects the general character of the surrounding area. Materials will be agreed to ensure that they respect the surrounding area, which is mainly red brick, with some buff/brown brick (see typical street scene in the appendix).
- 9.14 The scheme has been designed to ensure that those properties that can be seen from Watch House Lane will front onto the road, providing a strong frontage to the development and avoid any back gardens fronting the road, which would be undesirable. Plots 18 to 26 in the north-eastern corner of the site have the back gardens facing Watch House Lane, but this is acceptable given that this part of the site is obscured by trees and the rising road, where it goes over the TPT. Properties (plots 1 to 6) also front onto Fairfield Road to provide a strong frontage to the road.
- 9.15 A boundary and surface treatment plan has been submitted with the application. A water main runs along the boundary of the site and Yorkshire Water has advised that no built structures are provided along this boundary. As such, provision is to be made for low hedges in the front gardens of houses fronting Watch House Lane and Fairfield Road. Other boundary treatments include walling and fencing, with retention of the 3.2m high wall along the back gardens of houses along Fairfield Road.
- 9.16 The development provides new areas of open space situated centrally to the site, populated with trees. Furthermore, two links are proposed through to the TPT and this will improve connectivity and use into this local amenity for the community. It is understood that the land beyond the site boundary to the TPT routes are within Council ownership. A play area is to be provided on site with details to be secured by a condition.
- 9.17 Each home includes a private rear garden. Although most properties do not meet the minimum standards set out in the Transitional Developer Guidance, the gardens are still of sufficient size for a range of activities such as clothes drying, gardening, dining and sitting out. Not all prospective occupiers desire a large garden due to upkeep, therefore a mix of garden sizes will suit a range of people, including smaller households or couples, including older persons, contributing to a mixed community. All properties will have access to the open space within the site.
- 9.18 Policy 45 of the Local Plan requires new homes to comply with NDSS, with the target of 65% of new homes meeting Building Regulations requirement Part M4(2), and 5% of new homes to meet Building Regulations requirement Part M4(3). It is, however, recognised that such policy targets may not be achievable due to viability. The proposed house types do not fully meet NDSS, however they are larger compared to those previously approved by Planning Committee in October 2020. The table in the appendix sets out the size of the dwellings approved by Planning Committee in October 2020, the size of the proposed dwellings proposed in this application, NDSS for the dwelling type and the difference between the proposed dwellings and NDSS. This demonstrates that all of the proposed dwellings are larger than those previously approved by Planning Committee in October 2020 and that the size of the proposed dwellings fall between 12.7 % and 14.7% below NDSS. The outline of the NDSS floor area has been indicated on the proposed

floor plans for the three dwelling types (see floor plans in appendix). This shows that the proposed units are only marginally smaller than NDSS and the variance in area does not unduly affect any individual room, being spread over two floors and extending over the full footprint of the dwelling. All of the proposed dwellings have open-plan ground floor living accommodation which maximises the utility and flexibility of the available space due to the absence of internal walls. Each property would also benefit from a ground floor toilet to make the properties more accessible to those with mobility issues. At first floor, there would be sufficient circulation space for the intended future occupiers to store clothes and other items in addition to useable bedroom space.

- 9.19 Advice has been sought on this from an independent consultant appointed by the Council who is of the opinion that the scheme would not be viable if the scheme were NDSS compliant. Applying NDSS, Part M4(2) and Part M4(3) standards in accordance with Policy 45 would have significant viability issues and this is demonstrated in the Assessment of Financial Viability. In order to achieve M4(2)/(3) standards, the internal arrangements of dwellings would need to be reconfigured to allow for clear access routes, step free routes, door openings etc. which would lead to an increase in footprint. External arrangements also need to be considered such as wider parking bays and external ramps. Collectively, these requirements would impact unit numbers and increase construction costs with no additional premium being achieved on the properties. There would be a reduction in the number of homes by 8 and a subsequent increase in the cost per plot. The material reduction in the number of homes would render the development wholly unviable. Policy 45 is permissive of exemptions to housing design standards where it can be robustly demonstrated that it is not viable to adhere to these standards and it is considered that this has been demonstrated. Any deviation from the minimum space standards must be robustly justified and offset through exceptional or innovative design. The proposed development cannot be considered to be of exceptional or innovative design and therefore does not accord with this part of the policy. However, the scheme is betterment in relation to space standards compared to that previously approved by Planning Committee. On balance, whilst the proposal is not deemed to be exceptional or innovative, the resultant properties will still provide a usable space that is considered adequate for new occupiers. Importantly, this scheme sees an increase in the size of the currently proposed properties compared to those previously approved by the Planning Committee and in conjunction with the overall viability of the scheme, which has been independently assessed on behalf of the Council, these are key considerations for the planning balance and will bring forward the beneficial reuse of this vacant, previously developed site within the Residential Policy Area.

Ecology

- 9.20 An Ecological Assessment has been submitted in support of the application. The site is not situated within influencing distance of any nature conservation site of either statutory or non-statutory designation. The report concludes that the site has limited ecological value, with some scattered trees along the boundary.
- 9.21 No records of amphibians were obtained within 2km of the site boundary. The site does not contain the required aquatic habitats suitable for breeding amphibians such as toads, frogs or newts, as the two temporary ponds on site will dry up in periods of dry weather. The site does not contain the required aquatic habitats and riparian corridors of vegetation to support water vole. The dense scrub on site has moderate ecological value for birds and offers nesting opportunities for ground

nesting bird species. There were no records of bats species within 2km of the site, however the proposed development site has connecting dense tree corridors linking it to the surrounding area and agricultural fields to the north-east.

- 9.22 The report recommends that owing to the presence of grass snake in the vicinity of the site and suitable reptile habitat within the site, a reptile survey is required. The survey must take place between April and June (inclusive). It is therefore recommended that the reptile survey be repeated prior to the commencement of the development, and this can be secured by a suitably worded condition (condition 19). It also states that obtrusive lighting on the woodland edge at the eastern boundary of the site must be avoided (details secured by condition 4).
- 9.23 The newly created gardens and trees are likely to provide nesting and foraging opportunities for bird species and form a commuting habitat connecting to the wider landscape for bats, birds and hedgehogs. The newly created habitat of floral species will increase the diversity of invertebrates on site for birds and bats to feed on.
- 9.24 A Biodiversity Metric Report (version 3.1) has been submitted with the application. The report concludes that the development will result in the loss of areas of mixed scrub, other neutral grassland and ruderal/ephemeral vegetation. These are all low/medium distinctiveness habitats. The baseline biodiversity unit value of the site is 8.45 units. To deliver a 10% net gain in biodiversity, 9.295 units would be required post development. The proposed onsite landscaping delivers 5.15 units. There is therefore a deficit of 4.145 units. In order to satisfy the requirement of policy 30 in the Local Plan, this deficit in biodiversity units would have to be secured via a project offsite. This could be done via a Section 106 agreement that asks for the details of appropriate offsite compensation to be provided. If there are no local projects available that could deliver the required units, then the final option within the S106 agreement would be for a biodiversity offsetting contribution fee to be paid to the Council. This would be calculated as £25,000 per Biodiversity unit required, so in this case £103,625. The application therefore accords with policy 30 of the Local Plan.

Trees and Landscaping

- 9.25 A Tree Survey has been carried out and this shows that the trees that border the site are generally in a good condition. The trees are not protected by a Tree Preservation Order. No tree removals or remedial pruning works are required to facilitate the proposed development.
- 9.26 A landscaping scheme has been submitted and this has been agreed by the Tree Officer. The site will be managed by one management company and this should ensure that all areas are maintained and kept to a high standard. The application therefore accords with policy 48 of the Local Plan.

Impact upon Highway Safety

- 9.27 A Transport Assessment and Travel Plan have been submitted in support of this application. The site is considered to be located in a sustainable location with good access to local amenities, public transport and cycling and walking opportunities.
- 9.28 In terms of walking, Scawsby Saltersgate Junior/Infant School is approximately a 700m/9 minute walk to the west of the site. Scawthorpe Sunnyfields Primary School

and Kirkby Primary School are also located within walking distance of the site. Aldi, Morrison's, Tesco Express, and Danum Retail Park are all considered to be within walking distance. There are other healthcare and employment facilities within walking distance of the site. Direct pedestrian access between the development site and the TPT will be provided on the eastern boundary of the site.

- 9.29 In terms of cycling, the report shows that the whole of Doncaster city centre can be accessed within 5km cycling distance of the site. The Travel Plan indicates a commitment to cycle parking within the curtilage of each dwelling with access provided to gardens so that bicycles do not have to be carried through homes.
- 9.30 In terms of access to public transport, the closest bus stop is located on Watch House Lane approximately 325m to the west of the development site. In addition, bus stops located on York Road, approximately 350m from the site access offer a number of services towards Doncaster town centre and other local destinations. Additional bus stops are located on York Road, Cusworth Lane and Newlands Drive, which are within 800m walking distance. Bentley train station is located approximately 1km/12 minute walk from the site, which provides services to Leeds and Doncaster.
- 9.31 The Travel Plan sets out a number of measures that will encourage residents on site to use sustainable modes of transport. These includes a Travel Plan Coordinator to provide transport advice to residents and travel information provided to prospective and new residents on all available modes of transport including maps, health benefits, local amenities and public transport timetables.
- 9.32 The development is forecast to generate 35 2-way trips in the AM peak and 37 2-way trips in the PM peak. A junction capacity assessment has been undertaken at the Fairfield Road/Watch House Lane junction and the results show that the junction operates within capacity in the future (year 2024) with the proposed development traffic included. As part of the proposed access arrangements, road markings will be provided at the Watch House Lane / Fairfield Road junction to provide a 'build out' and improve visibility from Fairfield Road.
- 9.33 Vehicular access to the site will be taken approximately 65m to the south of the Fairfield Road /Watch House Lane existing junction. The existing width of Fairfield Road between the access point and Watch House Lane will be retained. With reference to the South Yorkshire Residential Design Guide for conventional streets with a design speed of 20mph or less, a "*minimum carriageway width of 4.8 metres [is] needed for two cars to pass with some care*". Drawings submitted with the application demonstrate that the existing width of the carriageway is sufficient for two large cars to pass each other and for occasional use by fire appliances and refuse vehicles. Widening the carriageway is not considered necessary to accommodate the development. Widening the carriageway on Fairfield Road could potentially encourage drivers to increase their speed and potentially induce additional through traffic from the A638 York Road, to the detriment of existing residents living on Fairfield Road and Halifax Crescent. Overall, taking into account the nature of Fairfield Road within an established residential area, the existing carriageway width (of approximately 5.2m) is adequate for the current and future use of the road.
- 9.34 During pre-application discussions, it was requested that the issue of rat-running using Halifax Crescent, to avoid any queuing on Watch House Lane, be investigated and this has been carried out. Queue length surveys were undertaken

during the peak hours on Watch House Lane and Halifax Crescent. There is evidence of queuing on Watch House Lane during the peak hours and evidence of some vehicles using Halifax Crescent to avoid the queues on Watch House Lane. However, the numbers are relatively low and the queue on Halifax Crescent was observed to clear within two green phases of the traffic signals. The addition of the development traffic will, inevitably, add to the queue but the impact is not expected to be significant with the development generating approximately 1 trip every 2 minutes in the peak hours.

- 9.35 Parking standards are set out in Appendix 6 of the Local Plan. These require 2 unallocated spaces per dwelling, plus 1 visitor space per 4 dwellings. Based on these standards, there would be a requirement for 135 parking spaces on site. The original scheme included provision for 100 car parking spaces. The revised scheme seeks to marginally reduce this figure to 98 spaces by removing 2 unallocated visitor spaces. The provision on site is as follows: 41 spaces for the 41 no. 2-bed homes, 38 spaces for the 3-bed homes and 19 visitor spaces. The overall proposed parking provision is therefore slightly lower than would be expected in line with the Council's requirements. This modest reduction is acceptable however given the sustainable location of the site and its design. The site is readily accessible by a range of suitable transport modes and falls within walking distance of a range of amenities and facilities, including schools and shops, thus reducing reliance on owning a car. The Residential Travel Plan will introduce a range of practical measures to encourage future residents to make sustainable travel choices. Dedicated cycle storage is still provided for each property within the curtilage of each dwelling, with access provided to gardens so that bicycles do not have to be carried through homes. There is plenty of room within the site for informal visitor parking spaces particularly around the central area, where there is no conflict with driveway entrances. A 450mm timber knee rail will enclose the open space and this will prevent vehicles parking on the grass. As such, it is considered the proposed quantity of car parking spaces is sufficient and appropriate to accommodate the proposed development.
- 9.36 Swept path analysis has been undertaken to demonstrate that a fire appliance (as the largest emergency vehicle that would need to use the access) will be able to access the site. In an emergency, a fire appliance would be able to get to a point within 45m of accesses to each dwelling, meeting the requirements of Building Regulations. Sufficient turning space is provided within the site to allow the fire appliance to exit the site in forward gear.
- 9.37 The development will be in single ownership and so the maintenance responsibility of private drives will fall to the Register Provider.

Flood Risk, Foul and Surface water drainage

- 9.38 The site sits within Flood Zone 1 (lowest risk of flooding) as indicated on the Environment Agency flood maps. A Flood Risk Assessment and Drainage Strategy have been submitted in support of this application because the site is more than 1 hectare in size. The site levels vary from around 9.35mAOD at the site entrance to 8.63mAOD to the east, but generally, the site is flat with an overall slight fall from east to west. There is no history of flooding occurring at the site. This report has identified that the main flood risk to the development is from over topping of the local watercourse or blockage of drains. The minimum finished floor levels (FFL) are recommended to be 9.35mAOD for the site and this will be achieved. The FRA confirms that the site has a no or low risk of flooding and the proposed

development is appropriate for this location. The application therefore accords with policy 56 of the Local Plan.

Noise

- 9.39 A Noise Assessment has been submitted to assess the potential impact of surrounding noise on the proposed development. Noise measurements were taken within the vicinity of the proposed development site for night-time and daytime periods. The results of the noise monitoring were used to create a noise model of the site. The noise model was used to identify the proposed residential façade that would be subject to the highest levels of noise. Noise ingress calculations were undertaken, which demonstrated that noise levels could be achieved for both daytime and night-time periods with the incorporation of a glazing and ventilation strategy, therefore demonstrating that internal noise levels would not pose a barrier to the development of the site.
- 9.40 The noise model identified plots where World Health Organisation criteria of external amenity areas would not be met. Mitigation is recommended in the form of a 2.3m acoustic fence to provide protection to the affected plots 18 to 26 (this is shown on the submitted boundary detail plan). The noise model demonstrates that this would be sufficient to meet the criteria, therefore demonstrating that with mitigation, external noise levels would not pose a barrier to the development of the site. The predictions were also inclusive of commercial noise from Queens Drive Industrial Estate. The assessment indicates likelihood of a low impact at the receptor location, therefore demonstrating that commercial noise from the industrial estate should not pose a barrier to the development of the site.
- 9.41 With the inclusion of the mitigation measures recommended within the report, it has been concluded that noise will not have any amenity impacts on the new residential development. The application therefore accords with policy 54 of the Local Plan.

Air quality

- 9.42 An Air Quality Assessment has been submitted with the application. This report provides a review of existing air quality in the vicinity of the proposed development. It also provides an assessment of the impact of the proposed development on local air quality during both its construction and operational phases. With the implementation of appropriate mitigation measures (such as dust monitoring and dealing with any complaints etc.), the impact of dust associated with construction and demolition activities is considered to be not significant when considered in accordance with Institute of Air Quality Management (IAQM) guidance.
- 9.43 Existing air quality around the development has been reviewed. Concentrations of Nitrogen Dioxide (NO₂) and Particulate Matter 10 (PM₁₀) are likely to be below their respective long and short-term objectives at the proposed development site, which is therefore considered suitable for residential use with regards to air quality. Vehicle emissions associated with the proposed development are not likely to have a significant impact on local air quality. A number of mitigation measures are proposed including the provision of an Electric Vehicle (EV) charging point within each dwelling and cycle parking within the curtilage of each dwelling. The application therefore accords with policy 54 of the Local Plan.

Contamination

- 9.44 Previous environmental investigations and risk assessments have been undertaken on the site in consultation with the Environmental Agency and Doncaster's Pollution Officer. Remediation works have already been carried out on site during 2016, which were attended by the Environment Agency and the Council. A Geo-environmental Overview and Remedial Strategy has been prepared in support of this application, which outlines a future remedial strategy and this is secured by a condition. The further works include additional gas monitoring across the site, a clean cover system and no dig layer, the appropriate assessment of the asbestos containing materials and appropriate certification of all imported materials. The application therefore accords with policy 55 of the Local Plan.

Energy Efficiency

- 9.45 An Energy and Sustainability Statement has been submitted in support of the application. Through assessing low or zero carbon technologies at the development, it concludes that it is not technically feasible or viable to install these technologies. However, through the incorporation of good passive suitable design measures, an improvement in energy efficiency can be achieved when compared to baseline Building Regulations.

ECONOMIC SUSTAINABILITY

- 9.46 The development will create approximately 60 construction jobs, with local supply chains targeted during construction. Post-occupation, the development will bring about increased spending on goods and services in the local area.

10.0 Other issues raised by objectors, but not covered in the report

- 10.1 The concern raised that the proposal will result in the loss of an employment site is no longer relevant as the site has changed from being allocated as an Employment Site in the UDP to a Residential Policy Area in the Local Plan. Highways have carefully considered the proposal and do not consider that access will compromise access to and from a driveway of an adjoining residential property (this is consistent with the view that they took when it was last considered in 2020). Any potential impact on house prices is not a material planning consideration.

11.0 Planning Obligations

- 11.1 There are a number of Planning Obligation requirements that have been identified in accordance with Local Plan policies. The scheme proposes 100 percent affordable housing and this is to be secured through a Section 106 Agreement. There is a requirement for a commuted sum of £240,876 towards Don Valley Academy. The scheme provides on-site open space, but this only equates to 10 per cent of the overall site area and so an additional sum of £16,250 is required to meet the 15 per cent requirement given that the Bentley community profile area is deficient in 3 out of 5 open space typologies. There is a Biodiversity offsetting project or contribution requirement of £103,625 and a returnable Travel Plan Bond of £7,352 to mitigate any traffic in the event that targets in the Travel Plan are exceeded.
- 11.2 A viability appraisal has been submitted with the application. It was assessed by David Coate of Adams Integra who has provided an independent review of the viability of the scheme. David Coate concludes that the scheme would not be viable with all of the policy asks. It is the independent consultant's conclusion that a planning policy compliant scheme is unviable. Having considered all of the build costs and

income etc., the consultant considers that the scheme can contribute a total of £249,480 towards planning obligations and remain viable. It should be noted that this is the same level of contribution that was agreed on the BtR scheme, minus the affordable housing contribution of £111,556 given that this is now 100 per cent affordable housing provision. In essence, this is a greater contribution than before because the scheme is now 100 per cent affordable rather than around 4 affordable units as would have been secured through the Section 106 Agreement on the BtR scheme.

- 11.3 In line with the Council's Section 106 Protocol, the Section 106 Board met on November 18th 2022 to discuss where the available Section 106 monies should be spent. The Section 106 Board have recommended that all of the required contributions be given to off-site open space, BNG and the Travel Plan Bond. They have asked that the open space contribution be used to improve the open space off Queens Drive, Bentley (situated to the east of the application site). The remaining money of £122,253 is to be given to Don Valley Academy.

12.0 PLANNING BALANCE & CONCLUSION

- 12.1 The site lies within the Residential Policy Area as allocated in the Doncaster Local Plan. The proposal provides an acceptable level of amenity for existing and new residents, helps to protect and enhance the existing area and meets other development plan policies relating to flood risk, open space, design and sustainable construction. The proposal therefore accords with policy 10 of the Local Plan.
- 12.2 The site lies within the Main Urban Area of Doncaster and has been vacant for over 13 years, following the clearance of the previous industrial and office buildings. Development of this sustainably located site will remove vacant and underutilised land from the urban area and make a meaningful contribution to meeting Doncaster Council's housing need.
- 12.3 The information submitted in support of the application shows that there are no issues with highway safety and as such, no objections have been raised by highways. The site is within walking and cycling distance of schools, shops and public transport provision and the Travel Plan will help to deliver sustainable travel modes. The scheme provides connections to the TRP and EV charging points are to be provided to every dwelling on site.
- 12.4 The scheme has been designed to reflect the character of the surrounding area and avoid any impact on the amenity of surrounding residential properties. All other issues such as ecology, air quality, noise and contamination have been thoroughly assessed with the submission of technical documents and are all satisfactory subject to the necessary mitigation measures that are either shown on the plans or secured by condition.
- 12.5 The application comprises a highly sustainable development and accords with national and local planning policy. Although the proposal does not strictly meet NDSS compliance, this has been carefully considered and the deficient would not result in sub-standard properties. Importantly, the proposal would deliver 60 affordable homes, which is a significant benefit when considered in the context of the high level of affordable housing need, particularly in the Bentley ward.

13.0 RECOMMENDATION

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

- 1) 100 per cent affordable housing to be secured in perpetuity.
- 2) £122,253 for Don Valley Academy
- 2) £103,625 for Biodiversity offsetting
- 3) £16,250 for improvements to the Recreation Ground off Queens Drive
- 4) £7,352 for the Travel Bond.

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

Conditions / Reasons

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

REASON

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

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

- 100-448/(P)002C dated 16.12.21 (Location plan)
- 100-448/(P)001ZD dated 02.12.22 (Site plan)
- 100-448/(P)015E dated 10.12.21 (Typical cluster 2B)
- 100-448/(P)018E dated 10.12.21 (Typical cluster 2A)
- 100-448/(P)011E dated 10.12.21 (Typical cluster 3)
- 100-448/(P)008D dated 10.12.21 (Typical cluster 4)
- 100-448/(P)019E dated 10.12.21 (Cluster 4 street corner)
- 100-448/(P)007E dated 10.12.21 (House type plans)
- 100-448/(P)021A dated 10.12.21 (Street elevation)
- 100-448/(P)016L dated 02.12.22 (Boundary and surface treatment)
- 46102/035 Rev A dated 28.03.2022 (Boundary wall typical sections)
- L-200 rev E dated 30.11.2022 (soft landscaping)
- 46102/001 Rev C dated 30.11.2022 (Drainage Plan)
- 46102/011 Rev C dated 30.11.2022 (External works sheet 1 of 2)
- 46102/012 Rev C dated 30.11.2022 (External works sheet 1 of 2)

REASON

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

3. The approved phase 3 remediation works (as set out in JPG's Geo- Environmental Overview & Remedial Strategy Ref 5269-jpg-zz-xx-rp-g-1301-s2-p01. Nov 2019. Revision P01) shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works, contamination is encountered which has not previously been identified, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA. Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to

and approved by the LPA. The site or parts of the site shall not be brought into use until such time as all verification data has been approved by the LPA.

REASON

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

4. Prior to the installation of any external lighting on site, a lighting strategy including a lux level diagram detailing all the lighting levels resulting from lighting to be installed on the site shall have been submitted and approved by the local authority. The lighting shall then be installed in accordance with the approved scheme.

REASON

To ensure the ongoing ecological interests of the site with respect to bats in accordance with policy 30 of the Local Plan.

5. The development shall be carried out in accordance with the mitigation measures set out in Section 11 of the Air Quality Report Number 102178V2 dated 28th January 2020 including the provision of EV charging points and cycle storage for each dwelling to be provided prior to the occupation of that dwelling.

REASON

To reduce air pollution on site in accordance with policy 54 of the Local Plan.

6. The development shall be carried out in accordance with the measures set out in Section 5 of the submitted Travel Plan by Fore dated 19th November 2019.

REASON

To promote sustainable modes of travel in accordance with policy 13 of the Local Plan.

7. Prior to the occupation of any dwellings on site, an informal play area shall have been installed and be operational on the area of open space in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

REASON

To ensure adequate play provision in accordance with policy 28 of the Local Plan.

8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) - the parking of vehicles of site operatives and visitors
- ii) - loading and unloading of plant and materials
- iii) - storage of plant and materials used in constructing the development
- iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) - wheel washing facilities
- vi) - measures to control noise and the emission of dust and dirt during construction
- vii) – hours of construction
- viii) - a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

9. Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure that the materials are appropriate to the area in accordance with policy 42 of the Local Plan.

10. No dwellings shall be occupied on site until highway improvement works, as indicated on plan reference 3798 SK001 04 rev A dated 14/10/19, have been completed in accordance with a detailed scheme previously submitted to and approved in writing by the local planning authority.

REASON

In the interests of highway safety and to ensure adequate visibility at the junction of Watch House Lane and Fairfield Road.

11. No dwellings shall be occupied until connections to the Trans Pennine Trail as indicated on 100-448/(P)001ZD dated 02.12.22 have been provided in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

REASON

To encourage sustainable modes of travel in accordance with policy 13 of the Local Plan.

12. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

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

13. 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.

14. Prior to the occupation of any dwellings on site, a Management and Monitoring Plan for proposed onsite habitats detailed in Section 4 of the Biodiversity Metric 3.1 Report by JCA Revision 3 shall be submitted to the Local Planning Authority for approval in writing. The Management and Monitoring Plan shall detail the following:

- i) A detailed adaptive management plan setting out how habitats will be created or enhanced and describing the proposed ongoing management for a minimum of 30 years.
- ii) The details of when target condition will be achieved and how it shall be maintained.
- iii) A detailed monitoring plan that will be used to inform any potential changes to the ongoing management and assess the progress towards achieving target condition.

This should outline the surveys that will be used to inform condition monitoring reports. Monitoring reports will be provided to the Local Planning Authority by the end of years 1,2,5,10,20, and 30 of the monitoring period.

iv) The roles, responsibilities and professional competencies of the people involved in implementing and monitoring the onsite habitat delivery.

v) Evidence that the necessary resources are available to deliver the proposed onsite habitat and its ongoing management.

Once approved, the Management and Monitoring Plan shall be implemented in full and any subsequent changes to management as a result of findings from the monitoring agreed in writing with the Local Planning Authority.

REASON

To fulfil specifically the requirements of Local Plan policy 30B.

15. The site shall be developed with separate systems of drainage for foul and surface water on and off the site. Surface water from the entire site shall be restricted to a maximum rate of 3.5 litres per second, to the public surface water sewer network.

REASON

In the interests of satisfactory and sustainable drainage.

16. No building or other obstruction including landscape features shall be located over or within 3.5 metres either side of the centre line of the public sewer i.e. a protected strip width of 7 metres that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the local planning authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to the construction in the affected area, the approved works have been undertaken.

REASON

In order to allow sufficient access for maintenance and repair works at all times.

17. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved details. The sustainable drainage scheme shall be designed, managed and maintained in accordance with the Non-statutory technical standards and local standards.

REASON

To comply with the National Planning Policy Framework.

18. No development shall take place on the site until a detailed aftercare/maintenance plan based on the detailed Soft Landscape plan (L-200 Rev E) with clear scheduling and responsibilities for a minimum of 5 years following practical completion of the landscape works has been submitted and approved in writing with the local planning authority. Thereafter the approved landscape scheme (Detailed Soft Landscape plan L-200 Rev E) 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 completed in full accordance with the approved scheme, prior to occupation of the home, which will be monitored by the Local Planning Authority. Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

In the interests of environmental quality and Policy 48: Landscaping of New Developments section C and F.

19. Prior to any development or vegetation clearance commencing on the site, a reptile survey of the site shall be carried out between April and June (inclusive) by a suitably qualified person and submitted to the Local Planning Authority for approval in writing. The survey shall include details of all mitigation measures including precautionary working methods considered necessary to ensure the interests of reptiles are maintained. The development shall be carried out in accordance with all mitigation recommendations made within the approved survey.

REASON

In line with policy 30 of the Local Plan to ensure the ecological interest of any reptiles on the site.

INFORMATIVES

1. 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. The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud on the highway is an offence under provisions of The Highways Act 1980.
2. Records indicate that this area may be susceptible to surface water flooding. Please see Environment Agency indicative SW Flood Maps. 2. Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84. 3. The applicant should produce a Flood Evacuation Plan.

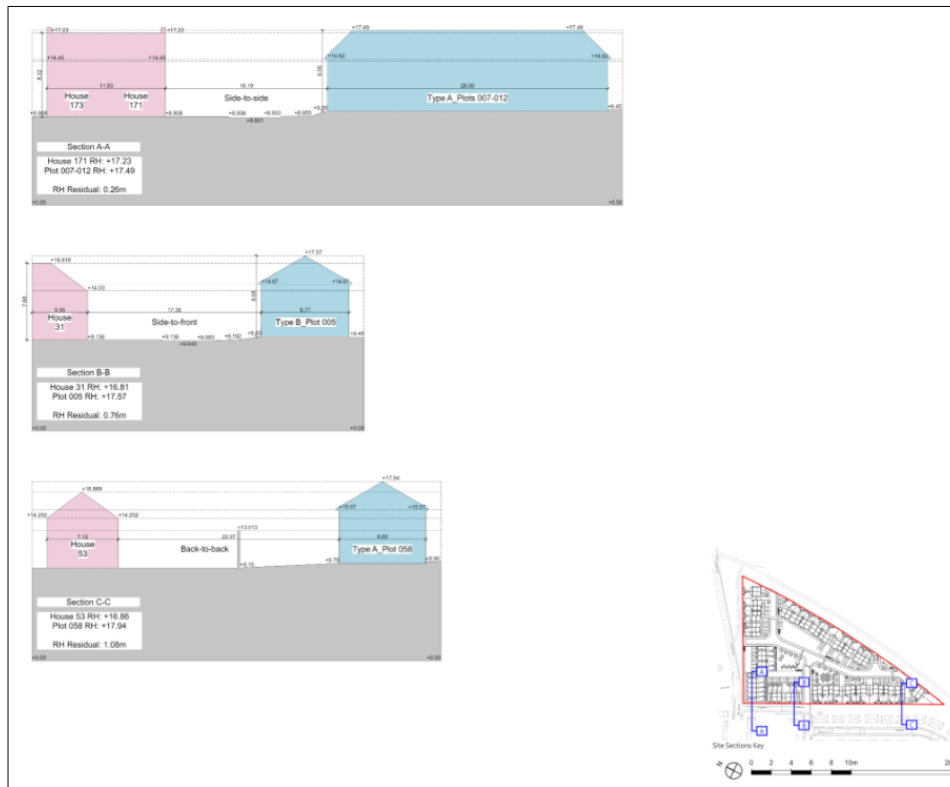
The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Appendix

Site plan



Cross Sections



Typical street scene

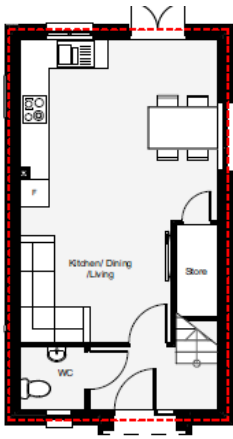


Proposed Street Elevation

House sizes in relation to NSS and previous approval in 2020

Unit	Type	No. Units	sqm Oct 2020 (A)	sqm Proposed (B)	sqm NDSS (C)	sqm Increase (B-A)	% Increase	sqm below NDSS (B-C)	% Variance
Type A (undercroft)	2B4P	12	67.0	67.6	79.0	0.6	0.9%	-11.4	-14.4%
Type A	2B3P	29	62.0	67.4	79.0	5.4	8.7%	-11.6	-14.7%
Type B	3B5P	19	78.0	81.2	93.0	3.2	4.1%	-11.8	-12.7%

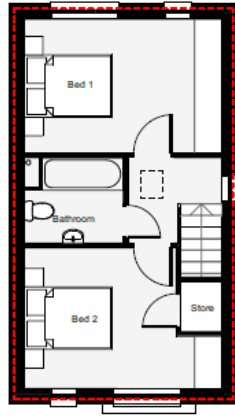
Floor layouts of house types



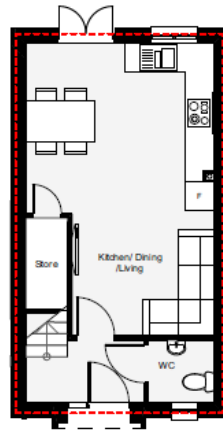
Ground Floor

House Type A ■
 Proposed GIA: 67.4sqm
 NDSS GIA: 79.0sqm

Variance to NDSS: 11.6sqm (5.8sqm/storey)



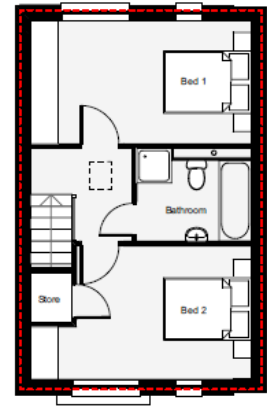
First Floor



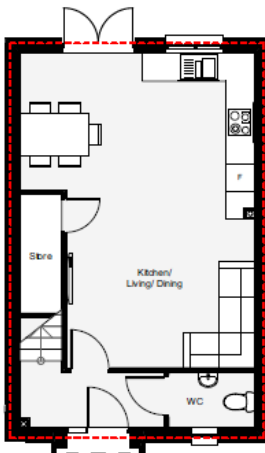
Ground Floor

House Type A (With undercroft) ■
 Proposed GIA: 67.6sqm
 NDSS GIA: 79.0sqm

Variance to NDSS: 11.4sqm (5.7sqm/storey)



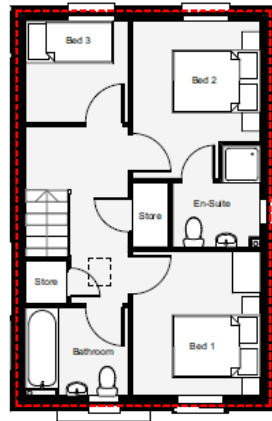
First Floor



Ground Floor

House Type B ■
 Proposed GIA: 81.2sqm
 NDSS GIA: 93.0sqm

Variance to NDSS: 11.8sqm (5.9sqm/storey)



First Floor

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Application	2
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Application Number:	22/02194/OUT
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Application Type:	Full Application
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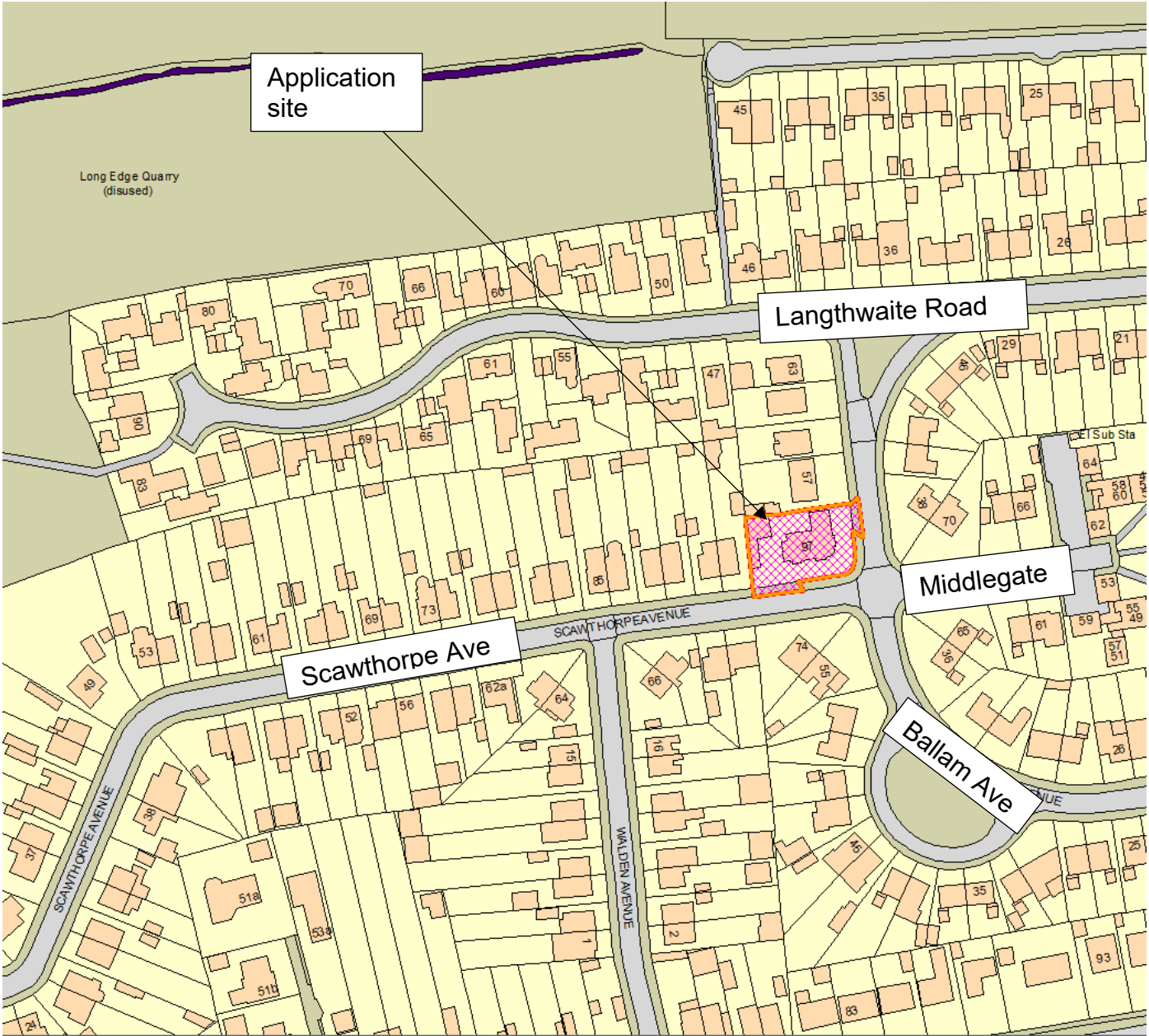
Proposal Description:	Outline application for the erection of extension of dwelling to form six one bedroomed flats and conversion of outbuilding to flat (Approval being sought for access and scale)
At:	97 Scawthorpe Avenue, Scawthorpe Doncaster, DN5 9DQ

For:	Mr Duhre
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Third Party Reps:	4 objectors 1 supporter	Parish:	Unparished
		Ward:	Roman Ridge

Author of Report	Mark Ramsay
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<p>SUMMARY</p> <p>This proposal seeks permission in Outline for the extension to and conversion of a dwelling to six one-bedroom flats and conversion of an outbuilding also to a flat. The application seeks agreement for access and scale with the remaining matters including layout, landscaping to be considered as part of the future reserved matters.</p> <p>The application is being presented to Planning Committee due to a request from a Local Ward Member.</p> <p>RECCOMENDATION: To GRANT planning permission subject to conditions.</p>
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1.0 Reason for Report

- 1.1 This report is being presented to Planning Committee due to a request from the local ward member, Cllr Hempshall due to the building being converted to single bed flats which would be detrimental to the area.

2.0 Proposal and Background

- 2.1 This proposal seeks outline planning permission for the erection of an extension to the existing dwelling at 97 Scawthorpe Avenue to form six one bedroomed flats and conversion of an outbuilding to an additional flat. Approval is being sought for access and scale.
- 2.2 The proposal includes floor plans which show each unit is capable of meeting the Nationally Described Space Standards (NDSS) and a site plan indicating the areas of the existing building that would be extended along with showing the extent of the outbuilding that would be converted into an additional dwelling. The site plan also shows off street parking provision.
- 2.3 As the proposal is in outline, detailed elevations have not been provided, however the maximum height of the roof elements are 8.5m and 5m to the eaves which sets the scale of the building along with the site plan. Detailed elevations, layout and landscaping would be subject to a further application, referred to as reserved matters.

3.0 Site Description

- 3.1 The host dwelling is red brick detached property on the corner of Scawthorpe Avenue and Ballam Avenue. The host property has an overgrown garden area to the side/rear. To the front is a brick wall and two vehicular accesses as well as two pedestrian accesses. There is a detached garage and outbuilding to the western side of the plot and a small garden area to the rear.

4.0 Relevant Planning History

- 4.1 The following two applications while being permitted, were not implemented, although the latter is still within the time limit to be commenced

**08/01300/FUL - Erection of 1no pair of semi-detached houses on approx. 0.04ha of land following demolition of existing bungalow and outbuildings (being resubmission of application refused under ref 07/03388/FUL on 20.12.07) –
Granted 17/07/2008.**

**21/02440/FUL - Erection of two storey side extensions to both side elevations and construction of boundary wall.
Granted 22.07.2022**

- 4.2 The building is as originally built and subsequently incrementally extended as shown in the extract from the plans submitted with the 2008 application (see appendix 1). The single storey westerly extension originally included a post office, and this part of the building has since formed part of the host dwelling. The northerly flat roof projection and outbuildings date from the 1950's and 60's.

5.0 Site Allocation

5.1 The site is identified within the Local Plan as residential policy area. The site is also located within the Main Urban Area and within the settlement confines of Scawthorpe. In addition to this the site is in Flood Zone 1 and therefore at low risk of flooding.

5.2 National Planning Policy Framework (NPPF 2021)

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

Paragraph 38 (Decision making)

Paragraph 47 (Determining applications)

Paragraph 56 (Planning Conditions)

Paragraph 111 (Promoting sustainable transport)

Paragraph 124 (Efficient use of land)

Paragraph 130 (Achieving well designed places)

Local Plan

5.2 The site falls within the Residential Policy Area, as defined by the Doncaster Local Plan (Sept 2021). The following policies are applicable:

5.3 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

5.4 Policy 41 requires development to be successfully assimilated into the existing built environment.

5.5 Policy 44 states that developments must protect existing amenity and not significantly impact on the living conditions of neighbours.

Other material planning considerations and guidance

- Transitional Developer Guidance (2022)
- National Planning Policy Guidance

5.6 Neighbourhood Plan (NP).

5.7 No neighbourhood plan is relevant to this application.

6.0 Representations and consultations

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

6.2 There have been 7 representations received, 6 objecting proposal (two duplicates from the same person) and one in support. The matters raised include:

- change to the character of the area
- overshadowing and loss of privacy
- increase in density
- loss of privacy of neighbouring properties
- insufficient parking

6.3 Yorkshire Water have not objected but asked for conditions requiring separate foul and surface water connections and prior approval drainage works

6.4 Highways have no objections to the proposed parking arrangements

7.0 Ward Members

7.1 Cllr Hempshall (Roman Ridge Ward) has objected to the creation of flats in this location.

8.0 Town/Parish Council

8.1 The site is not in a parished area.

9.0 Assessment

9.1 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
- None

9.0 Assessment

9.1 The main planning considerations relevant to this proposal are whether the development would have a negative impact upon the character of the area, neighbouring amenity, or highway safety.

9.2 Sustainability

9.3 The National Planning Policy Framework (NPPF 2021) sets out at Paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three strands to sustainability, social, environmental, and economic.

Principle

9.4 There are no issues with the principle of considering residential development given the proposal is located in a Residential Policy Area and that the main use of the building will be to form individual residential units and will add to the mix of accommodation available in the surrounding area, so rather than a large family home, it will comprise up to seven one bed dwellings. Concerns have been raised regarding the density of housing within the area but a search of applications on the surrounding streets shows that there have not been similar conversions.

9.5 SOCIAL SUSTAINABILITY

Residential Amenity

9.6 The development will result in an enlargement of the building in terms of additional first floor space above the northern and eastern projections with bedroom windows facing towards the gardens of neighbouring properties. However, none of the proposed openings shown on the floor plans would be facing towards windows on adjacent properties and would also meet the separation distances for overlooking neighbouring gardens. All windows in the converted outbuilding would face into the amenity area and not into adjacent gardens. The land levels of the host property are lower than the adjacent property.

9.7 Noise would only result from the normal domestic use of the property and the comings and goings of residents. The boundary to neighbouring dwellings is substantially formed by the outbuilding which will also form one of the dwellings so would contain external activity in the shared amenity space within the confines of the site.

9.8 The amenity of occupants is also important and the submitted floor plans show that the building can accommodate 1 bed units that meet the requirement of NDSS and also provides a modest shared private outdoor space. Given that elements of the proposal may change when reserved matters are submitted, it is proposed to condition that any unit created should still meet those standards.

Conclusion on Social Impacts

9.9 It is not considered that the proposed development would detract from the residential amenity of any neighbouring residential properties, and the development in this respect would accord with Policy 44 of the Local Plan and Paragraph 130(f) of the NPPF.

9.10 ENVIRONMENTAL SUSTAINABILITY

Design and Impact on Local Character

9.11 The immediate street scene of Scawthorpe Avenue, Middlegate and Ballam Road is mixed in character with properties of varying types and styles, with a line of bungalows to the north and two storey semis with varying roof types and modest gardens in front, set on the adjacent streets. Further along Middlegate is a development of two and three storey connected buildings containing flatted accommodation.

9.12 The proposed alterations would be visible in the street; however, the appearance of the building is a matter that is reserved and would be subject to a further application. However, the floor plans and the indicated roof heights of the extension mean it would

be possible to accommodate the development within the site and it does not appear uncharacteristic for a typical corner plot. It should also be noted that there is an extant permission that involves extension to the building over the existing single storey elements of the building.

Highway Safety

- 9.13 The proposal includes off road parking on both street frontages that would accommodate up to 7 vehicles and the Highways officer has not raised objections to this provision. Additionally, there would still be space for on street parking in front of the building.
- 9.14 As layout is a matter that is reserved, a condition requiring that no less than seven off street parking spaces be provided should be attached to any approval.

Drainage

- 9.15 The proposal is to connect to the existing outfalls that service the dwelling. Yorkshire Water have requested prior approval of surface water drainage works and separate foul and surface water connections which it is recommended to be conditioned as part of any approval.

Conclusion on Environmental Issues

- 9.16 The proposal will have neutral environmental implications in terms of design, character, and visual impact.

9.17 ECONOMIC SUSTAINABILITY

- 9.18 The proposal would likely bring about a limited benefit in terms of local construction labour and the purchase of materials.

Conclusion on Economy Issues

- 9.19 To a limited extent, the proposal would support the economic objective of sustainable development as set out in paragraph 8 of the NPPF.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions set out below. Under the provisions of the NPPF, the application is considered to be a sustainable form of development.

11.0 RECOMMENDATION

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

01. The development to which this permission relates must be begun not later than whichever is the later of the following dates: - i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters

or in the case of different dates the final approval of the last such matter to be approved.

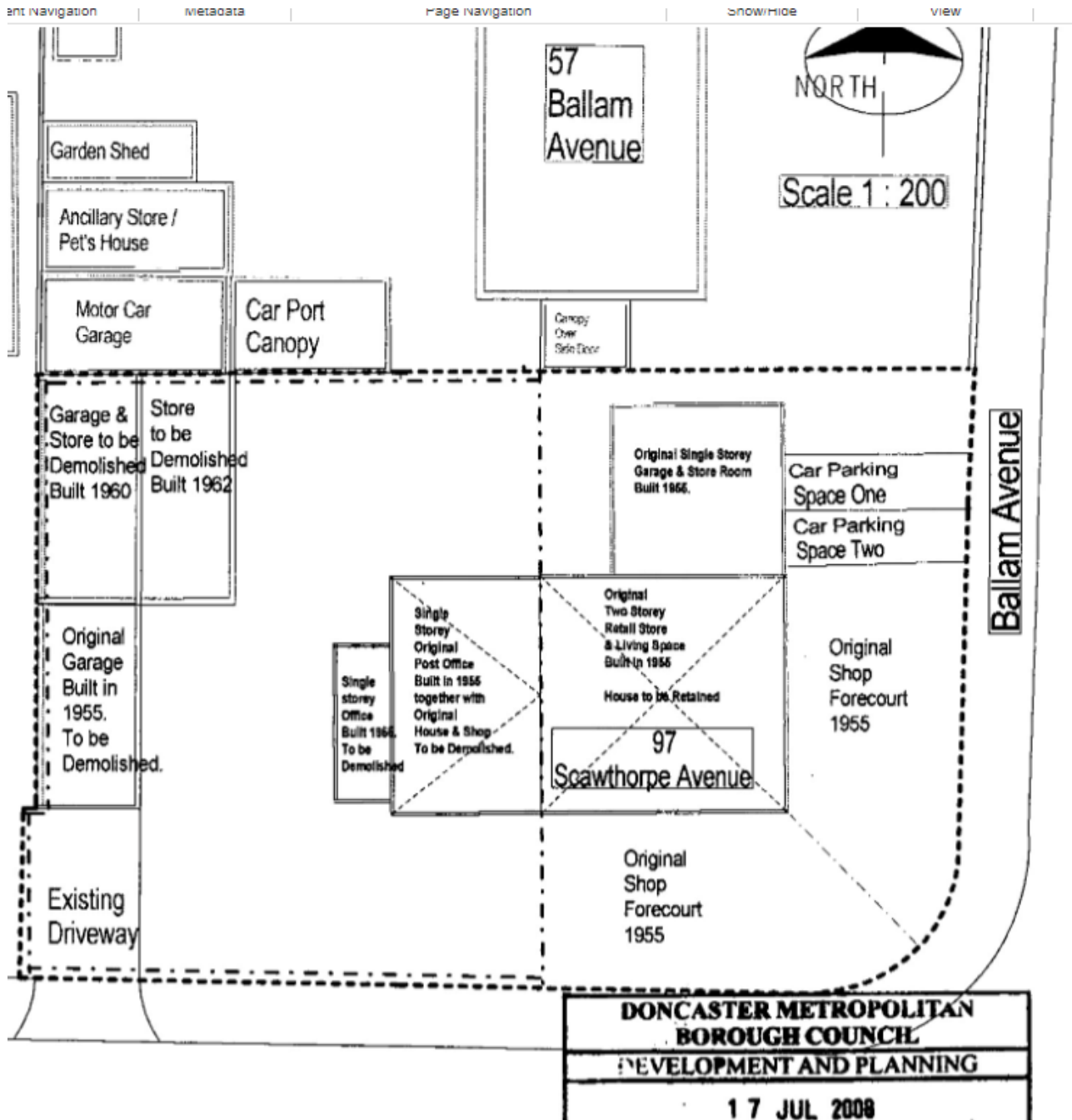
REASON

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

02. In the case of the reserved matters, application for approval must be made not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 92(as amended) of the Town and Country Planning Act 1990.
03. Approval of the details of the Appearance, Landscaping, and Layout (hereinafter referred to as reserved matters) shall be obtained from the Local Planning Authority before the commencement of any works.
REASON
The application is in outline and no details having yet been furnished of the matters referred to in the outline they are reserved for subsequent approval by the Local Planning Authority.
04. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
REASON
In the interest of satisfactory and sustainable drainage
05. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: -
a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
b) evidence of existing positive drainage to public sewer and the current points of connection; and
c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
REASON
To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)
06. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the Local Planning Authority.
REASON
To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety. Page 52

07. 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.
08. The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the Local Planning Authority.
REASON
To avoid damage to the verge.
09. The development hereby approved shall include not less than seven off street parking spaces within the boundary of the site
REASON
In the interests of residential amenity and highway safety
10. The development of the extended part of the building hereby approved shall be developed with a maximum ridge height of 8.5m and maximum eaves height of 5m
REASON
In the interests of the character and appearance of the development and surrounding area
11. The development of the residential units shall be designed to meet or exceed the Nationally Described Minimum Space Standards.
REASON
In the interests of the providing good living standards and in the interests of the amenities of potential occupants

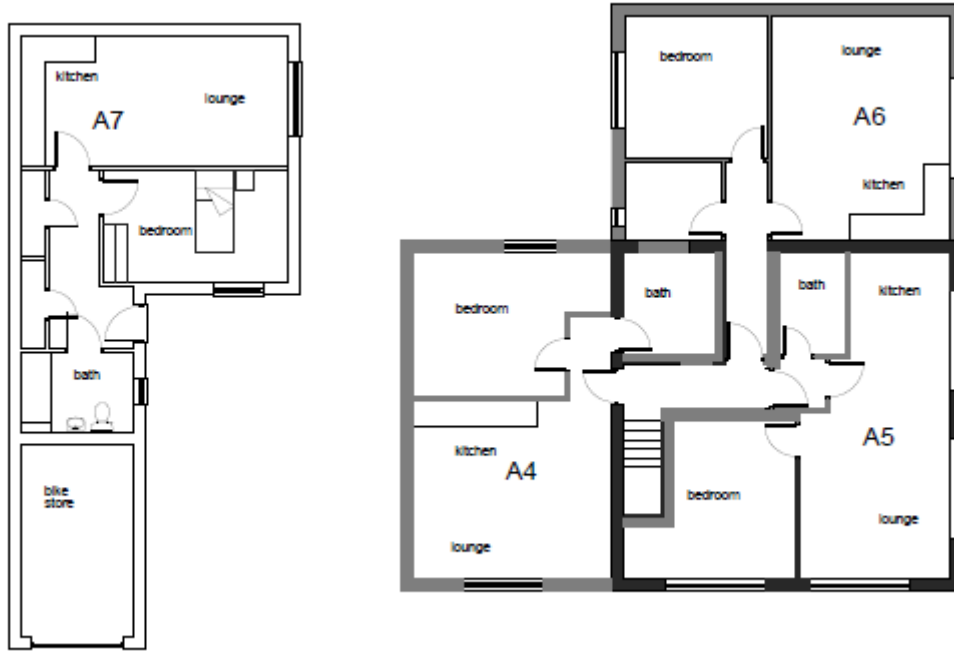
Appendix 1: Existing Site Plan



Appendix 2 Proposed Site Plan



Appendix 3 Floor Plans



proposed first floor layout

Proposed Outbuilding
Floor Layout



proposed ground floor layout



City of Doncaster Council

Report

Date: 7th February 2023

To Members of the Planning Committee

TO PROVIDE AUTHORITY FOR THE RECOMMENDATION & REASON(S) FOR REFUSAL ASSOCIATED WITH NON DETERMINATION APPEAL - 22/00040/NONDET & 22/00250/OUTM

LOCATION - Land At Former Blaxton Quarry, Mosham Road, Auckley, Doncaster

PROPOSAL - Outline Planning Permission (including means of access only) for B2, B8 and Class E:(g) - Employment uses of 31,846 square metres for up to 52 units and parking

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

EXECUTIVE SUMMARY

1. This Report seeks a decision from Members of the Planning Committee to endorse the recommendation and reason for refusal associated with a live appeal against non-determination.

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 requested to authorise the recommendation and reason for refusal, and to endorse the Council's position in an upcoming Public Inquiry.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. Endorsing the recommendation and reason for refusal would support the Council in presenting its case at the upcoming Public Inquiry. The Council will therefore be able to present its case and provide comfort to the citizens of Doncaster that full consideration has been given to the material planning considerations associated with both the application and planning appeal.

BACKGROUND

5. On the 23rd February 2022 an outline application was validated for B2, B8 and Class E:(g) - Employment uses of 31,846 square metres for up to 52 units and parking with permission sought for access (planning reference 22/00250/OUTM). The application was submitted by Mr T. Waddington of Ernest V Waddington Ltd at Land at Former Blaxton Quarry, Mosham Road, Auckley, Doncaster.
6. The determination date of the application was 25th May 2022 however for reasons that will be outlined below, the Council were unable to support the application at the time of determination. The application was still under consideration when an appeal against non-determination was submitted by the applicant.
7. The principal issue of conflict is in relation to the ecological impact of the development weighed against the Local Plan policy allocation, job creation and fall-back position associated with the historic use of the site. These issues were unresolved at the time an appeal was made on the basis of non-determination. The appellant has, as part of this appeal, submitted a viability assessment, however this was not included as part of the application submission under planning reference 22/00250/OUTM.
8. The proposal seeks outline planning permission with access for determination. The determining issue raised is the impact of the development on the biodiversity of the site.
9. It is considered that whilst the proposal accords with the development plan allocation for employment use, it seeks to develop a greater area of the site than the supply envisaged as being delivered from this allocation for the purposes of employment land supply. The applicant/appellant has failed to address the requirements of Policy 30 of the adopted Local Plan pertaining to Biodiversity Net Gain. As a consequence, the proposal does not accord with the development plan when considered as a whole. Whilst the planning history of the site is an important material consideration, the other benefits of granting permission are not sufficient, on balance, to justify a decision not in accordance with the development plan.
10. On the 16th November 2022 a valid appeal against non-determination was received by the Council. The appeal has been scheduled as a Public Inquiry which is to take place between the 14th February – 17th February 2023. This report seeks support for the recommendation and the reason(s) for refusal which will be presented at the Inquiry.

Planning History

Reference	Date application received	Description	Status	Date of determination
06/02257/CPE	30.08.2006	Certificate of Lawful Use for existing use of quarry to include storage of oils, plant, vehicles, equipment, scrap metals and timber; vehicle repairs, repair of heavy goods vehicles, plant and equipment and retail sales of bitumen, gravel and minerals not extracted from the site	Application not determined	N/A
06/00110/NONDET App/F4410/X/06 /2030860.	09.11.2006	Certificate of Lawful Use for existing use of quarry to include storage of oils, plant, vehicles, equipment, scrap metals and timber; vehicle repairs, repair of heavy goods vehicles, plant and equipment and retail sales of bitumen, gravel and minerals not extracted from the site; processing of sand, gravel, clay tarmac and bricks	Appeal on non determination – appeal allowed	27.09.2007
09/01292/OUTM	01.06.2009	Outline application for Mixed Use Commercial and Industrial Development on approx 9.6 ha of land	Application granted subject to S106 agreement.	28.08.2009

14/00877/WCC	14.04.2014	Outline application for Mixed Use Commercial and Industrial Development on approx 9.6 ha of land (without compliance with condition 2 of planning application 09/01292/OUTM, granted on 28/08/09 - amendments requested to provide for an additional three years of time in which to apply for Reserved Matters).	Application granted subject to S106 agreement.	24.11.2017
19/02884/FULM	26.11.2019	Use of land as a commercial crane hire business including re profiling of ground levels, construction of a new office and welfare building, workshop, prep, blast and paint areas, crane tracks, car parking, landscaping and means of access.	Resolution from planning committee to grant planning permission subject to S106 agreement (13.10.2020). S106 agreement not signed and decision not issued.	N/A
21/00702/PREAPP	26.02.2021	Erection of 8 light industrial/warehouse buildings	Pre app response	22.04.2022
22/00250/OUTM	03.02.2022	Outline Planning Permission (including means of access only) for B2, B8 and Class E:(g) - Employment uses of 31,846 square metres for up to 52 units and parking	Current appeal	N/A
22/02574/OUTM	24.11.2022	Outline application for (including means	Application pending	N/A

		of access only) for B2, B8 and Class E:(g) - Employment uses of 31,846 square metres for up to 52 units and parking (being resubmission of application 22/00250/OUTM) - DRAFT	consideration.	
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The Statutory Development Plan

11. 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 statutory development plan for Doncaster comprises of the Doncaster Local Plan (DLP) (adopted 2021), and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).
12. The site is allocated for employment use and it has biodiversity interest. The following policies are the most important to the consideration of the proposal:

Local Plan Policy 3: Employment Allocations (Strategic Policy); and
Local Plan Policy 30: Valuing Biodiversity and Geodiversity (Strategic Policy)

13. The following policies are considered to be relevant to the proposal:

Doncaster Local Plan:

- Policy 2: Level of Growth (Strategic Policy)
- Policy 13: Promoting Sustainable Transport in New Developments (Strategic Policy)
- Policy 29: Ecological Networks (Strategic Policy)
- Policy 30: Valuing Biodiversity and Geodiversity (Strategic Policy)
- Policy 31: Local Wildlife and Geological Sites
- Policy 33: Woodlands, Trees and Hedgerows
- Policy 46: Design of Non-Residential, Commercial and Employment Developments (Strategic Policy)
- Policy 65: Developer Contributions (Strategic Policy)
- Policy 66: Development Viability (Strategic Policy)

Auckley Neighbourhood Plan:

14. The Localism Act 2011 (Schedule 9) introduced the ability of any qualifying body or community statutory powers to shape how their communities develop.
15. A neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004). The following policies are considered to be pertinent to this appeal.
16. The Auckley Neighbourhood Plan is at regulation 16 stage and as such is considered to carry moderate weight. There are no representations objecting to policies or proposals which have implications for the proposal.
17. The following policies are considered to be applicable in consideration of this proposal:
 - Policy 6: Design Principles
 - Policy 9: Biodiversity and Nature Conservation

National Policy

18. The provisions of the National Planning Policy Framework will be addressed by the Council in its evidence. It will make particular reference to Chapter 6: Building a strong competitive economy and Chapter 15: Conserving and enhancing the natural environment.

Other Material Planning Considerations:

The Supplementary Planning Document (SPD) Biodiversity Net Gain (Sept 2022):

19. The SPD was adopted by the Council following a consultation period and provides further guidance for developers, applicants and ecological consultants on how planning applications can satisfy the requirement for delivering Biodiversity Net Gain (BNG) within Doncaster.
20. This SPD has been prepared by the Council to support Local Plan Policy 30: Valuing Biodiversity and Geodiversity. It provides further guidance for developers and ecological consultants on how planning applications can satisfy the requirement for delivering BNG within Doncaster. It sets out the type and format of information that should be submitted with planning applications, a local approach to BNG delivery, information on when projects will be considered strategically significant and the requirements for the monitoring of BNG delivery.

The Proposal

21. Outline planning permission is sought for B2, B8 and Class E:(g) - Employment uses of 31,846 square metres for up to 52 units and parking with permission for access sought. The site layout is indicated within Annex 2 of the report.
22. A Lawful Development Certificate (APP/F4410/X/06 /2030860 – referred to above in the history section) allowed permission for the use of the site as an existing quarry to include storage of oils, plant, vehicles, equipment, scrap metals and timber; vehicle repairs, repair of heavy goods vehicles, plant and equipment and retail sales of bitumen, gravel and minerals not extracted from the site; processing of sand, gravel, clay tarmac and bricks. The applicant/appellant advances the argument that this permission is still capable of being implemented and as a result carries considerable weight in favour of the application. It is claimed the site could be reused for its permitted use and if that happened the ecology on the site would be lost. This is referred to by the applicant/appellant as a fall-back position.
23. The planning history of the site is a material consideration. Whilst it is argued that the certificate of lawful use provides a fall-back and the biodiversity value of the site could be extinguished, the certificate is specific in terms of what uses are lawful in specific locations. The reuse of the site in accordance with the certificate would generate employment and is likely to have less impact on the biodiversity of the site than the current proposal. Whilst the certificate is an important material consideration it is not considered to be the determining factor.
24. The proposal benefits from the support of Local Plan Policy 3 which supports the use of designated employment sites for employment uses. The site is allocated with an assumption that 3ha of employment land will come forward during the plan period with respect to employment land supply and the application is for more than this. Also there is no urgent requirement for employment land to come forward in this location. It is recognised that there is an emphasis on encouraging economic development within the Local Plan and in National Policy. Clearly the development of an allocated employment site for its intended purpose and the creation of 700 jobs identified by the applicant would weigh in favour of the application.
25. Conversely, the appeal site has biodiversity value. The proposal is subject to Local Plan Policy 30 and NPPF paragraphs 174 & 180. Policy 30 sets out that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks.
26. Paragraph 174 of the NPPF states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

27. Paragraph 180 of the NPPF states:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

28. The site is on land which has been quarried for sand and gravel and used for other purposes which has been left and unused for some time. As a result the site has naturally regenerated. The previously developed nature of the site has resulted in a valuable and unique habitat being created described as Open Mosaic Habitat (OMH). Both national and local policy require the applicant to consider the mitigation hierarchy in relation to sites of biodiversity interest. The first and most important step in the mitigation hierarchy is the avoidance of significant harm. Policy 30 of the Local Plan (2021) and its supporting text sets out that the hierarchy is applied so that firstly harm is avoided wherever possible, then appropriate mitigation is provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity.

29. During the consideration of the application there was no evidence that this mitigation hierarchy had been applied. In addition there was no evidence within the application of attempts to mitigate the significant harm identified through the loss of a priority OMH habitat, through thoughtful site design and reducing the scale of the development.

30. Since the submission of the appeal, a viability statement has been submitted by the appellant. It makes the claim that the site is unviable to provide any contributions in relation to BNG. This information is set to be tested in the upcoming Inquiry, however it is the Council's position that in the absence of a suitable mitigation scheme in relation to BNG, that the proposal is not in conformity with the development plan when read as a whole.

Conclusion

31. It is considered that the proposal would harm the biodiversity on the site and the applicant/appellant has not provided mitigation or compensation nor otherwise demonstrated that the proposal is acceptable in the terms of Policy 30. In light of this, the proposal is considered to be contrary to Policy 30 of the Doncaster Local Plan, Policy 9 of the emerging Auckley Neighbourhood Plan

and paragraph 180 of the NPPF. The proposal therefore fails to accord with the development plan when read as a whole.

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the proposal to be determined in accordance with the development plan unless material considerations indicate otherwise. It is considered that the proposal does not accord with the development plan and material considerations do not justify a decision other than the refusal of planning permission.
33. In weighing these considerations, we invite members of the Planning Committee to share these views and provide authorisation for a recommendation that the appeal be refused by the Secretary of State subject to the reason(s) set out below.

Reason for refusal:

- 1. The proposal does not deliver a net gain in biodiversity and has failed to satisfactorily compensate for the harm generated from the loss of biodiversity that would occur as a result of the development. This includes the loss of a Priority Habitat, Open Mosaic Habitat (OMH). The proposal is therefore contrary to Doncaster Local Plan Policy 30 (Parts A & B), The Council's Supplementary Planning Document (SPD) Biodiversity Net Gain, and paragraphs 174 and 180 of the National Planning Policy Framework (2021).*

OPTIONS CONSIDERED





34. 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 reason for refusal or,
 - **Option 2 – (Not recommended)** – Not to approve the reason for refusal.





REASONS FOR RECOMMENDED OPTION

35. Option 1 is strongly recommended as being the only reasonable option to take. It will ensure that the Council and its representatives have the necessary authorisation to support its case and defend the appeal.
36. Option 2 is not recommended. Such a decision would effectively mean that the Council does not have the required authorisation to present the recommendation or reason to refusal to the Inspector. Such a decision would significantly undermine the Council's case.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

37. The endorsement of the recommendation and reason for refusal 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	✓			
<p>Comments: By safeguarding the site and in the absence of a suitable mitigation package, the recommendation and reason for refusal would help to deliver the Environment and Sustainability 2030 Strategy and a City-wide effort to achieve 85% of Doncaster's net zero carbon target by 2030.</p>				
 Developing the skills to thrive in life and in work				✓
<p>Comments: Not relevant</p>				
 Making Doncaster the best place to do business and create good jobs			✓	
<p>Comments: The proposal would see significant job creation in the event that planning permission were granted. However as set out above, the creation of jobs is not the only material planning consideration associated with this proposal. Consideration has also been given to the environmental impact of the development of a priority habitat.</p>				
 Building opportunities for healthier, happier and longer lives for all				✓
<p>Comments: Not relevant</p>				

 Creating safer, stronger, greener and cleaner communities where everyone belongs				✓
Comments: Not relevant				
 Nurturing a child and family-friendly borough				✓
Comments: Not relevant				
 Building Transport and digital connections fit for the future				✓
Comments: Not relevant				
 Promoting the borough and its cultural, sporting, and heritage opportunities				✓
Comments: Not relevant				
Fair & Inclusive				✓
Comments: There are no equality implications in relation to this report.				

RISKS AND ASSUMPTIONS

38. The risk in not endorsing the recommended option is that the Council does not have the required authorisation to present its case in the upcoming Public Inquiry significantly undermining the Council's position.

LEGAL IMPLICATIONS [SC 26/01/23]

Under S78 Town and Country Planning Act 1990 an applicant may appeal to the

Secretary of State if the Local Planning Authority has failed to give notice of its decision on an application within the statutory determination period.

Given that the application would have been presented to members of the Planning Committee, had it been in a position to be determined, authority is now required for the Council's position taken on appeal to be endorsed by members. Members are also asked to approve the recommendation that the appeal scheme be refused by the Inspector at the Public Inquiry, for the reason set out in the report.

FINANCIAL IMPLICATIONS [BC 20/01/23]

There are no direct financial implications associated with the decision of this report to endorse the recommendation and reason for refusal associated with an appeal against non-determination.

The cost of the upcoming Public Inquiry is estimated to be around £65k and will be met from existing Planning Services budget.

HUMAN RESOURCES IMPLICATIONS [Kimberley Jackson 19/01/2023]

There are no HR implications associated with this report.

TECHNOLOGY IMPLICATIONS [PW 19/01/2023]

There are no technology implications in relation to this report.

BACKGROUND PAPERS

25. None

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

None

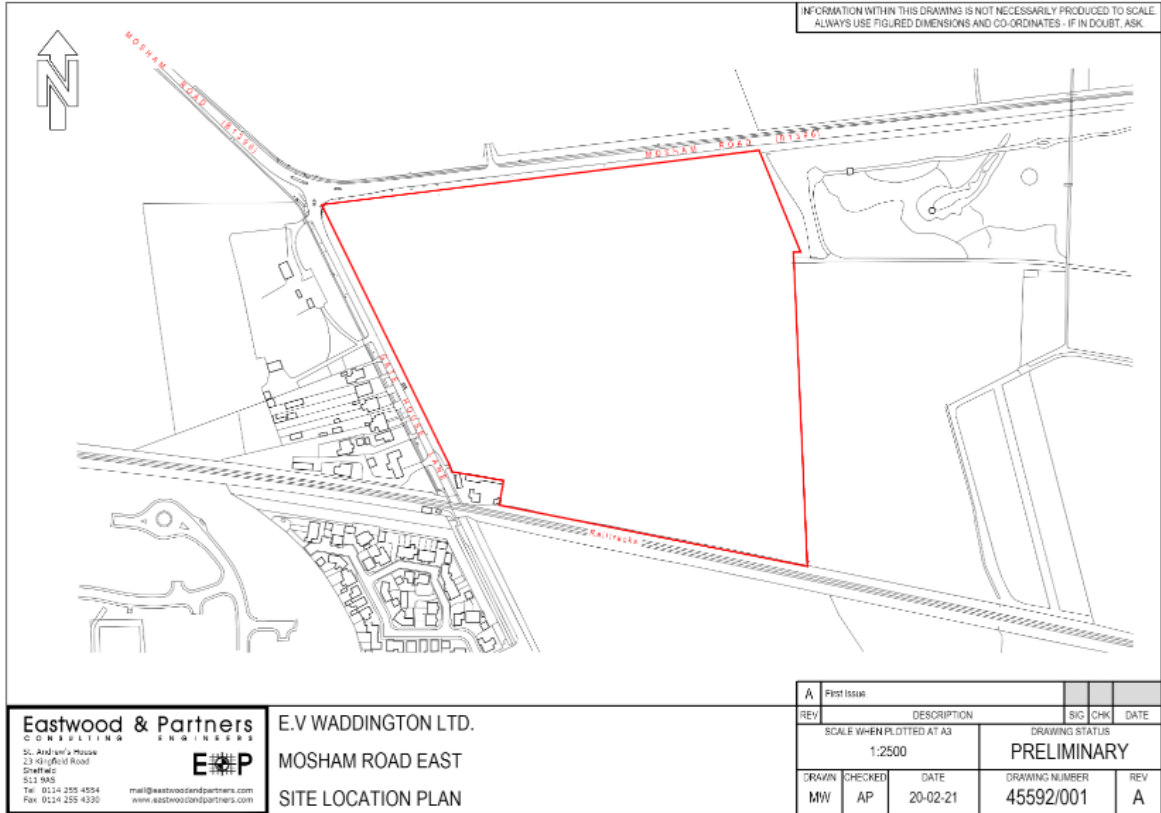
REPORT AUTHOR & CONTRIBUTORS

Garry Hildersley
01302 734867

Planning Development Manager
garry.hildersley@doncaster.gov.uk

Dan Swaine
Director of Economy & Environment

Annex 1 – Site Location





**City of
Doncaster
Council**

Briefing Paper on the Doncaster Local Heritage List for the Planning Committee. (7th February 2023)

Introduction

Designating local heritage assets which otherwise do not have recognition in planning has been an aspiration of the council and is written into the recently adopted local plan. We do have a list of local parks and gardens of historic interest and policies for recognising their special interest however, we have not been able to progress with identifying other heritage assets such as buildings of local historic interest until now.

In 2020, The Department of Levelling Up, Housing & Communities (DLUHC), supported by Historic England, started a campaign to encourage Local Heritage Listing by providing funding to 22 areas to develop new lists or to update existing lists. Given the policy commitment in the Local Plan, Doncaster Council agreed to sign up to a joint South Yorkshire bid alongside Barnsley, Rotherham and Sheffield with the South Yorkshire Archaeology Service, as a joint service, leading on the project. South Yorkshire was one of the areas selected and was awarded a grant to deliver a 12-month project working with community partners and Local Authorities across South Yorkshire to deliver a local heritage list supported by a full-time project officer for 12 months.

What we've done so far

The project asked members of the public in each local authority area to nominate heritage assets (which could be buildings, structures, parks and gardens, historic areas or areas with archaeological interest) to be added to a local heritage list. They were asked to support their nomination with information and photographs.

The nominated candidates were then assessed by a panel with heritage expertise against a set of common criteria (Appendix 1) and if sufficient were met they were then recommended to be added to the relevant local authority list.

Conservation area designation already offer a degree of protection so we prioritised those candidates nominated that were outside conservation areas as these currently lack any recognition in planning.

As a result of the work to date, a total of 31 heritage assets within Doncaster have been deemed to meet the selection criteria so worthy of inclusion on a Doncaster Local Heritage List. These candidates are listed in Appendix 2.

What this means for planning decisions

Local listing does not carry the same restrictions as national listing or scheduling or require special permissions like Listed Building Consent. However, inclusion on the list does mean that **the heritage significance of these assets become a material considerations in planning decisions made.**

The starting point for this is the description of the heritage asset in the nomination, and this heritage significance and the impact of the proposal on it needs to be identified in the planning recommendation report. Most applications that come in front of the planning committee will likely involve buildings or structures of local historic interest. The heritage policy these are assessed against is Policy 40 reproduced below which states;

Policy 40: Buildings or Structures of Local Historic Interest

Development proposals affecting buildings that meet the criteria of buildings of local historic interest, either as part of a local list or as part of the planning application process, will be assessed against the following principles:

A) Proposals which retain those elements of a building of local historic interest which have been identified as contributing to its heritage significance, or proposals which better reveal its significance will be supported.

B) Proposals should seek to avoid harm to those features, including setting, which contribute to the significance of the building of local historic interest. Where proposals result in harm or substantial harm to the significance of a building of local historic interest a balanced judgement will be made taking into account the degree of harm and relative significance of the heritage asset.

Parks and Gardens of local interest are assessed against the similarly worded Policy 38 (Historic Parks and Gardens). Applications affecting archaeological assets of local heritage significance would be assessed against Policy 39B: Development Affecting Archaeology. This asks that;

Development affecting other archaeological assets will need to demonstrate how any benefits will outweigh harm to the site. When development affecting such sites is justifiable, the Council will seek to ensure preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for appropriate investigation and recording including excavation in accordance with Policy 35.

The important point about the local list is that assets on it are identified as having heritage interest whereas previously this may well have been overlooked or not thought to be of sufficient importance to be a planning consideration.

Public Consultation on the local heritage list

A degree of public consultation and engagement has already taken place to reach the stage we are currently at. However, before we add these assets to a Doncaster Local Heritage List

we are required to carry out a final engagement stage with stakeholders lasting about 6 weeks.

We are currently asking for views about the inclusion or otherwise of the 31 identified candidates and in particular on their heritage merits. It then is the council's decision to include assets on the list but our recommendation will be based on heritage merit.

Article 4 Directions

While inclusion on the list means that the special interest of the heritage asset is a material consideration in planning applications much can be done outside planning. This includes demolition of buildings and structures which often only requires notification and not planning permission.

Article 4 directions could be introduced to remove permitted development rights over demolition of these heritage assets so we will be asking for views about this and whether further permitted development rights should be removed over any other alterations such as alterations to windows, render of brickwork, or loss of important details to the elevations. However, this is a separate legal process and at this point we are just canvassing opinion on this matter.

How to find out more and nominate candidates for the Local Heritage List

The Local Heritage List website <https://local-heritage-list.org.uk/south-yorkshire> contains all you need to know about the list, including what is eligible and the assessment criteria used to judge candidates.

This is just an initial list which can be added to as more candidates are put forward by the public and as more are assessed.

Information on how to nominate new candidates for the list, as well as the Local Heritage List itself and upcoming candidates that are open for public comments or additional information can also be found here.

Background Papers:

Appendix 1: South Yorkshire Local Heritage List- Assessment Criteria;

Appendix 2: Doncaster's Assets Recommended for Local Listing (as at 30 September 2022).

**Malcolm Thomas
Design & Conservation Officer**

Malcolm.thomas@doncaster.gov.uk

01302 735 199

February 2023

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South Yorkshire Local Heritage List- Assessment Criteria

Asset type	Age	Rarity	Architectural & Artistic Interest	Archaeological Interest	Historic Interest incl. Social & Communal Value	Landmark Status	Group Value
<p><i>HE Criteria – see: Local Heritage Listing: Identifying and Conserving Local Heritage Historic England</i></p>	<p><i>The age of an asset may be an important criterion; the age range can be adjusted to take into account distinctive local characteristics or building traditions.</i></p>	<p><i>Appropriate for all assets, as judged against local characteristics.</i></p>	<p><i>The intrinsic design and aesthetic value of an asset relating to local and/or national styles, materials, construction and craft techniques, or any other distinctive characteristics.</i></p>	<p><i>An asset may provide evidence about past human activity in the locality, which may be in the form of buried remains, but may also be revealed in the structure of buildings or in a designed landscape, for instance.</i></p>	<p><i>An asset may have significant historical association of local or national note, including links to important local figures. Social and communal interest is a subset of historic interest with special value in local listing, e.g. adding to the ‘collective memory’ of a place.</i></p>	<p><i>An asset with strong communal or historical associations, or because it has especially striking aesthetic value, may be singled out as a landmark within the local scene.</i></p>	<p><i>Groupings of assets with a clear visual design or historic relationship.</i></p>
<p>Buildings/ Structures (Non-commemorative)</p>	<p>Does the asset date from before the 1850s, e.g. is it shown on the 1st edition OS map (and is not nationally listed), or is it a more recent building of merit, e.g. relating to key</p>	<p>Is the asset rare for the local area, or rare in the sense that it is a good surviving example of a particular type of structure?</p>	<p>Does the asset have a distinctive design, or some architectural/ artistic elements, that give it merit? Candidate buildings may have been designed by a known architect</p>	<p>Does the asset contain significant original building fabric and/or authentic features that would help us to understand its past development and</p>	<p>Does the asset have an association with a historic person, group or culture, or with historic events, or is it a place that helps to tell the story of social change, or help create a</p>	<p>Is the asset a place that is a well-known landmark to the community, contributing to the landscape or townscape, or local identity in a positive way?</p>	<p>Does the asset have additional value from being part of a planned or designed group or having a historic relationship with other heritage assets?</p>

	local industries, businesses or infrastructure, or to emerging municipal identity and provision?		or be the work of a known engineer or may be distinctive because they use characteristic local materials or design elements.	use? Does other such evidence survive, e.g. artefacts from use of the building, or contemporary or historic written, drawn or photographic records?	sense of belonging?		
Parks & gardens & designed landscapes	Was the park/garden formed before about 1750 with at least a proportion of the original layout still evident; or was it laid out between about 1750 and the 1850s, e.g. is it shown on the 1 st edition OS map, with enough of the layout surviving to reflect the original design; or is it more recent but relatively intact and with a special quality or historic interest, e.g. designed landscapes	Is the asset rare for the local area, or rare in the sense that it is a good surviving example of a particular type of designed landscape?	Was the asset designed by a known landscape architect, designer, gardener, or plants expert, or does it have a design relating to local styles or have other distinctive local characteristics, including use of local materials?	Does the asset have potential for archaeological evidence to survive for earlier phases of design or associated structures, that would help us understand its historic development? Does other such evidence survive, e.g. contemporary or historic written, drawn or photographic records?	Does the asset have an association with a historic person or group or culture, or with historic events, or is it a place that helps to tell the story of social change or help create a sense of belonging?	Is the asset a place that is a well-known landmark to the community, contributing to the landscape or townscape, or local identity in a positive way?	Does the asset have additional value from being part of a planned or designed group or having a historic relationship with other heritage assets?

	associated with emerging municipal identity and provision?						
Archaeological sites	Is the site definable in extent and in terms of period of origin or use/occupation?	Is the site likely to be well preserved, such as containing visible earthworks or structures, or with clear cropmark or geophysical evidence, or from recorded excavation evidence or associated finds.	Does the asset have potential to contain remains of architectural or artistic interest? (<i>May not be relevant to this asset type</i>)	Could the asset hold evidence to help us understand the lives or culture of people in a particular period of the past, or help us understand a particular former activity, e.g. does it relate to a significant theme identified in the South Yorkshire Historic Environment Research Framework (see https://researchframeworks.org/syrf/)?	Does the asset have any association with historic events, or is it of other historic interest, e.g. appearing in historic accounts? Does it have a social or communal interest, e.g. contributing to understanding of a community's origins?	Is the asset a place that is a well-known landmark to the community, contributing to the landscape or townscape, or local identity in a positive way?	Does the asset have additional value from forming part of a known archaeological landscape? Does it have a relationship with other heritage assets?
Commemorative Monuments/Memorials/Statues	Does the asset commemorate events of national or more local significance and is it more than 30 years old?	Is the asset rare for the local area, or rare in the sense that it is a good surviving example of a particular type of structure?	Does the asset have architectural or artistic merit? Was it designed by a known architect or designer?	Could the asset provide insight into past human activity? (<i>May not be relevant to this asset type</i>)	Does the asset have an association with a historic person or group or culture, or with historic events? Does it commemorate something or	Is the asset a well-known landmark to the community, contributing to the landscape or townscape, or local identity in a positive way?	Does the asset have additional value from being part of a planned or designed group or have a historic relationship with

					someone of especial significance to the local community, , helping to create a sense of belonging?		other heritage assets?
Places/Areas	Is the place definable in extent and having a particular historic character whose origin is more than 30 years old?	Is the place rare, or unique, in terms of the period or event it represents, or survival of component elements?	Does the place have architectural, design or artistic merit?	Does the place have the potential to contain evidence that would contribute to our understanding of, and appreciation of, the historic development of an area?	Does the place have an association with a historic person or group or culture, or with historic events, or is it a place that helps to create a sense of belonging?	Is the place a well-known landmark to the community, contributing to the landscape or townscape or local identity in a positive way?	Does the place have additional value from component elements forming a planned or designed group or having a historic relationship with other heritage assets?

Appendix 2

South Yorkshire Local Heritage (Doncaster 1st, 2nd, and 3rd Phases)

Assets Recommended for Local Listing as at 30th September 2022:

Asset Type	Heritage Asset	Asset Address	Score							Panel comments
			A	R	AA	H	Ar	G	L	
Building/Structure	1938 British Ropes Limited	Bridon Ropes PLC, Balby Carr Bank, Doncaster DN4 8DG	Y	M	Y	Y	M	N	Y	
Building/Structure	19 Ellers Lane Barn	19 Ellers Lane, Auckley	Y	M	Y	Y	M	M	M	C18 barn only should be included – not later house.
Building/Structure	Auckley Pre-School	Auckley Pre-School School Lane, Auckley	Y	Y	Y	Y	M	Y	Y	An interesting early example with good preservation of external character
Building/Structure	Balby Board School	Balby Road/Sandford Road, Doncaster, DN4 8DD	Y	M	M	Y	M	Y	N	
Building/Structure	Baptist Church, Chequer Rd	Baptist Church Chequer Road, Doncaster, DN12AL	Y	Y	Y	Y	M	Y	Y	Nomination should also include church hall.
Building/Structure	Brookes Farm Barn, Main Street, Auckley	Brookes Farm, Main Street, Auckley	Y	Y	Y	Y	Y	N	Y	A rare example of a two-storey barn with ground level carriage sheds.
Building/Structure	Carr Grange	Off White Rose Way DN4 5HY	Y	Y	M	Y	M	N	N	

Building/Structure	Eagle and Child PH	Main Street, Auckley	Y	Y	M	Y	M	M	Y		Has been subject to some change but retains some vernacular character and is a valuable building in settlement.
Building/Structure	Experimental concrete houses for coal miners by architect Sir Tudor Walters	18-24 Paxton Avenue , Carcroft Doncaster, DN6 8EG	Y	Y	Y	Y	M	M	N		
Building/Structure	Former Horse and Jockey PH	St Sepulchre Gate West, Doncaster, DN1 3AQ	Y	Y	Y	Y	N	N	Y		
Building/Structure	Former Hyde Park Schools	Carr Lane, Hyde Park, Doncaster, DN4 5AA	Y	M	Y	Y	M	Y	Y		A well-preserved and complete example.
Building/Structure	Former Nether Road Methodist Church	Nether Hall Road/Broxholme Lane Junction, Doncaster	Y	M	Y	Y	N	Y	Y		Unusually ornate example. Candidate should comprise only the historic façade.
Commemorative Monument	Great War Memorial at church of St. John the Evangelist, Balby	Greenfield Lane, Balby, Doncaster, DN4 0PT	Y	Y	Y	Y	Y	Y	Y		*Considered to be a candidate for National Listing
Commemorative Monument	Hexthorpe Coronation Memorial Clock	Shady Side, Hexthorpe, Doncaster, DN4 0FB	Y	Y	Y	Y	N	N	Y		
Building/Structure	Ivy House	Ivy House, Main Street, Auckley	Y	M	Y	Y	M	Y	Y		Good example of its type and unusual for the area.
Building/Structure	Little Manor House	Little Manor House, The Green, Auckley	Y	Y	Y	M	M	M	Y		A good example for its age without too many alterations.
Building/Structure	The Plough	8 West Laith Gate, Doncaster, DN1 1SF	Y	Y	Y	Y	M	Y	N		
Building/Structure	Mary Woolett Centre	Danum Road Doncaster	Y	M	Y	M	M	M	Y		Preserved quadrangle and covered walkway were highlighted as

											significant and unusual features.
Building/Structure	Parish church of St. John the Evangelist, Balby	Greenfield Lane, Balby, Doncaster, DN4 0PW	Y	Y	Y	Y	Y	Y	Y	Y	Include graveyard. *Considered to be a candidate for National Listing
Building/Structure	Peglers Chimney	St. Catherine's Avenue, Doncaster, DN4 8AJ	M	Y	M	Y	N	N	Y		
Archaeological site	Roman Fort at Long Sandall	Land adjacent to road passing through Long Sandall, Doncaster DN2 4QY	Y	Y	N	Y	Y	Y	N		Needs the boundary defining and to separate Roman and medieval remains into different nominations.
Building/Structure	Rossington Methodist Church	26 Nelson Rd, New Rossington, Doncaster DN11 0PJ	Y	M	M	Y	M	Y	Y		
Archaeological site	Shrunken mediaeval village and later developments up to Victorian times at Long Sandall	Land adjacent to road passing through Long Sandall, Doncaster DN2 4QY	Y	Y	N	Y	Y	Y	N		Agreed in general but area covered by the local list will depend on live planning issues.
Building/Structure	St John the Evangelist National School	Greenfield Lane, Balby, Doncaster, DN4 0PT	Y	Y	Y	Y	M	Y	M		*Considered to be a candidate for National Listing
Building/Structure	Parish church of St Jude, Hexthorpe	St Jude, Laughton Road, Hexthorpe, Doncaster, DN4 0BN	Y	M	Y	Y	Y	M	Y		*Considered to be a candidate for National Listing
Building/Structure	The Leopard PH	2 West St, Doncaster, DN1 3AA	M	Y	Y	M	N	M	Y		
Building/Structure	Thorne Carnegie Library	Corner of Field Side & Durham Avenue, Thorne, Doncaster, DN8 4BQ	Y	Y	Y	Y	N	Y	Y		Also need to consider adjacent police station
Building/Structure	Trent Gaumont Palace Frieze	Sir Nigel Gresley Square, Waterdale, Doncaster, South Yorkshire DN1 3BU.	Y	Y	Y	Y	N	N	Y		A unique example.

Building/Structure	Victoria Mill	Milethorne Lane, Doncaster	Y	Y	Y	Y	M	N	Y	A good example of a rare textile mill with a chance of surviving internal features.
Building/Structure	Watermill at Limestone Hill Mill	Limestone Hill Farm, Tickhill, Doncaster, DN11 9PQ	Y	Y	Y	Y	Y	Y	N	*Considered to be a candidate for National Listing
Archaeological site	York Road Preserved Romano-British settlement	Land south of York Road Park & Ride, Scawthorpe	Y	Y	N	Y	Y	Y	N	A rare example of a Roman Settlement preserved in-situ.

Score: Criteria Key

A – Age **AA** – Architectural & Artistic Interest **Ar** – Archaeological Interest **L** – Landmark Status
R – Rarity **H** – Historic & Communal Interest **G** – Group Value

* Considered to be a candidate for National Listing

A more detailed description of these heritage assets as well as all the other candidates submitted for assessment can be found at;
<https://local-heritage-list.org.uk/south-yorkshire>



Date: 7th February, 2023

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

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

BACKGROUND

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

OPTIONS CONSIDERED

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

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

- 7.

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

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS [Officer Initials SC Date 25/01/2023]

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 25/01/2023]

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 25/01/2023]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 25/01/2023]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 25/01/2023]

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

EQUALITY IMPLICATIONS [Officer Initials RR Date 25/01/2023]

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
21/02095/FUL	Erection of new dwelling (being resubmission of application 21/00333/FUL) (amended) at Beacon Ridge, Common Lane, Clifton, Rotherham	Appeal Dismissed 13/01/2023	Conisbrough	Delegated	No
21/03607/TEL	Proposed 5G telecoms installation: H3G Phase 8 street pole of 20 metres in height, with wrap-around cabinet, 3 further additional equipment cabinets and associated works at Tadcaster Court, Doncaster Road, Armthorpe, Doncaster	Appeal Dismissed 23/12/2022	Armthorpe	Delegated	No
22/00349/FUL	Part demolition of existing cottage, with proposed 2-storey new build 4-bed family home with parking and gardens, creation of new vehicular access. at Hawthorne Cottages, Fenwick Lane, Fenwick, Doncaster	Appeal Dismissed 12/01/2023	Norton And Askern	Delegated	No
21/03313/FUL	Change of use of land to a hand car wash (Use Class Sui Generis) including two permanent storage container structures and associated works - Part Retrospective at Land Opposite Toll Bar Primary School, Askern Road, Toll Bar, Doncaster	Appeal Dismissed 18/01/2023	Bentley	Delegated	No
19/02561/FUL	Erection of rear single storey extension, formation of roof terrace with balustrade above and increased in height of gate piers to approximately 2m (Retrospective). at 8 Auckland Road, Wheatley, Doncaster, DN2 4AG	Out of Time 18/01/2023	Town	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

Miss R Reynolds
01302 734863

TSI Officer
rebekah.reynolds@doncaster.gov.uk
Dan Swaine
Director of Economy and Environment

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Appeal Decision

Site visit made on 6 December 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/F4410/W/22/3295446

Beacon Ridge, Common Lane, Clifton, Doncaster S66 7RX

- 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 Ms Chloe Price against the decision of Doncaster Council.
 - The application Ref 21/02095/FUL, dated 29 January 2021, was refused by notice dated 24 September 2021.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time the Council made its decision on the appeal application the Development Plan included the Doncaster Unitary Development Plan (UDP). The Council's decision notice also referred to the emerging Doncaster Local Plan 2015-2035 (Local Plan), which has subsequently been adopted, superseding the policies of the UDP. The Development Plan now comprises of the Local Plan which I have taken into account in making this appeal determination.
3. Reference was made in the decision notice to the Council's Development Guidance and Requirements: Supplementary Planning Document, but the Council has confirmed that this and other Supplementary Planning Document's were revoked with the adoption of the Local Plan.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area and on the setting of the Clifton Conservation Area.

Reasons

5. The appeal site forms part of the curtilage of an existing dwelling, Beacon Ridge, which is situated on the northern periphery of the village of Clifton but outside the Green Belt. The existing dwelling, and other surrounding buildings are set back from the road within garden areas that contain a range of vegetation and trees. The varying land levels, and the spacing between buildings allow for wide ranging views across the rural surroundings that contribute to the spacious and verdant character of the area.
6. The proposed dwelling would be sited close to the road frontage and in this regard, it would not reflect the setback positioning of nearby dwellings. It would also be in a more restricted plot, with the proposed building occupying

- most of its width. This cramped siting of the proposed dwelling would be clearly seen given the prominent position of the appeal site close to the road, and at the edge of the village.
7. The appeal site is positioned just outside the Clifton Conservation Area (CA), a historic rural village which is situated in an elevated location from the surrounding agricultural areas. Views of surrounding fields, including groups of trees and other mature planting contribute positively to the CA's rural setting.
 8. There is extensive evidence provided in relation to trees, including a 'supplemental tree report'¹ submitted with the appeal that differs from the appellant's earlier Tree Survey² in its assessment of trees. Nevertheless, whatever the position in terms of the category of trees, it is common ground between the main parties that the trees within and around the site contribute positively to the area.
 9. The development would result in the removal of a number of trees, but these trees are close to a large coppice at the edge of the village. Although there could be pressure to prune or remove further trees as identified by the Council, given the number of trees in this area at the edge of the village, I do not consider potential further tree removals, in addition to those identified as requiring removal as a result of the proposal, would be unduly harmful to the verdant character of the area or to the setting of the CA. The proposed driveway access would reduce the informal verge to the side of the road, but given its width of 4m, I do not consider that this would be harmful.
 10. Despite this, and whilst recognising the design of the proposed dwelling reflects the materials and vernacular of traditional buildings in the CA, its tight siting within the plot and small setback from the road would result in it having a cramped appearance which would erode the spacious setting of the CA.
 11. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area and the setting of the CA. In terms of the National Planning Policy Framework (Framework), I assess the harm in relation to the latter as less than substantial. Even so, great weight should be given to an asset's conservation. Paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the proposal. No specific public benefits have been put forward by the appellant, although I do recognise that the proposal would result in an additional dwelling that would contribute to the supply of housing in the area. Given the proposal is for a single dwelling, this would be a limited public benefit, which would not be sufficient to outweigh the identified harm to the setting of the CA.
 12. Of the policies referenced in the decision notice, I consider Local Plan Policies 10, 33, 34, 37 and 44 to be of most relevance to this appeal proposal. The proposal would be contrary to these, insofar as they require development to conserve the local distinctiveness of an area and to prevent harm to a conservation area, including to its setting. It would also be contrary to Sections 12 and 16 of the Framework which seek development that is sympathetic to local character and to avoid harm to the significance of designated heritage assets, including from development within its setting.

¹ Anderson Tree Care, April 2022

² South Yorkshire Tree Services, undated

Other Matters

13. I acknowledge that the proposal would be acceptable in principle as would the external architectural form and the orientation of windows that serve the main habitable spaces, as well as the position of the outdoor amenity space. The development raises no concerns in relation to highway safety, contamination or in terms of living conditions. The proposal is also satisfactory in relation to flood risk and drainage. These are however neutral matters and not considerations which weigh in favour of the proposal.
14. I note the concerns expressed by the Council in relation to the loss of biodiversity, but I've not been provided with any further information on specific harm. I appreciate that trees can provide food and shelter for birds and animals, but as the appeal site is situated near a large group of trees, I do not find that the proposal would be harmful in this regard.
15. I have taken into account all other matters raised, such as those relating to the Tree Preservation Orders, past tree felling, the future growth and management of trees and that the appeal scheme has been amended from an earlier proposal, but they do not have a bearing on the main issue in this appeal. The appellant has raised concerns on the Council's decision making with reference to the Framework, but I can confirm that I have determined the appeal before me on its own merits.

Conclusion

16. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations including the provisions of the Framework, I conclude the appeal should be dismissed.

F Rafiq

INSPECTOR

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Appeal Decision

Site visit made on 20 December 2022

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

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal Ref: APP/F4410/W/22/3298825

Doncaster Road, Armthorpe, Doncaster, Yorkshire DN3 2BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/03607/TEL, dated 16 December 2021, was refused by notice dated 3 March 2022.
 - The development proposed is 5G telecoms installation: H3G phase 8 20m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the Council to assess the proposed development solely on the basis of its siting and appearance, taking account of any representations received. My determination of the appeal has been made on the same basis.
3. The principle of development is established by the GPDO (2015) and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the Doncaster Local Plan 2021 (DLP), and the National Planning Policy Framework (the Framework), only in so far as they are a material consideration relevant to matters of siting and appearance.
4. I have used the description of development as shown on the Council's decision notice and the appellant's appeal form, as there was no specific description in the relevant box on the planning application form. I have determined the appeal accordingly.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether that harm would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

6. The appeal site is located on a verge to the front of Tadcaster Court, a modern 3 storey development of commercial premises with flats above. The surrounding area is predominantly residential in character with nearby dwellings typically 2-storeys in height. This part of Doncaster Road has a more open character due to the set back of Tadcaster Court behind a car park, and the presence of a walled garden on the opposite side of the road. The existence of grass verges and occasional tree planting contributes to the pleasant character of the street scene.
7. Street furniture is common along Doncaster Road with a regular pattern of lighting columns to either side of the road, which due to its straight and flat alignment are visible for some distance in an easterly direction. Whilst the proposed mast would be seen alongside the adjacent lighting columns, at 10m high (as cited by the appellant), they would only serve to emphasise its significant height. Whether or not such structures have been designed to be deployed on pavements and verges, the proposed 20m mast would become the tallest structure in the street scene towering above the existing vertical structures already present, be greater in thickness and a noticeably different shape. It would further be significantly taller than the adjacent 3-storey building which the submitted plans indicate is 11.3m to the ridge of the roof.
8. The appellant suggests that the site benefits from existing trees. At the time of my visit, there were no trees within the appeal site. Whilst there are a small number of trees within the front garden of the adjacent dwelling to the west, they do not appear to be comparable in height to the proposed mast. Moreover, the trees are separated from the appeal site by the access to the Tadcaster Court parking area, such that they would not assist in ameliorating the effects of the proposal.
9. Due to its position forward of Tadcaster Court and without any particular backdrop, the mast would become a dominant and highly prominent vertical feature, at odds with the scale of the surrounding development. This would be experienced by passing motorists and pedestrians for some distance, given the straight, flat alignment of the road to the west of the appeal site. In addition, the proposed equipment cabinets, whilst typical of street scene furniture, due to their size, lack of backdrop and linear positions would result in an oppressive form of development that would erode the open frontage of Tadcaster Court. Colouring the mast and cabinets black would not mitigate the impact of the position, height and form of the proposed development. The proposal would therefore detract significantly from the visual quality of the area.
10. The appellant suggests that the mast would not be in front of any properties. However, it would be directly to the front and therefore visible from the flats within Tadcaster Court. The proposed mast due to its height and form would be visually intrusive so as to harm the outlook afforded to the occupants of these neighbouring dwellings.
11. I have had regard to the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I have also noted the 'Collaborating for Digital Connectivity' communication from the Department for Digital, Cultural, Media and Sport which the appellant has referred me to. I recognise that there is a need to

support the expansion of the electronic communications network, and the specific support for 5G infrastructure. I attach considerable weight to the social and economic benefits that 5G coverage would bring to local residents and businesses accordingly.

12. An assessment of 6 other potential locations has been made that have been discounted for reasons of site constraints. This is a relatively limited selection that does not appear to have considered siting apparatus on existing buildings as required by the Framework, nor sites on private land. The Council consider that there may be alternative, less visually prominent sites along Doncaster Road. There is no evidence before me to indicate that the sites suggested by the Council have been contemplated by the appellant, nor reasons why they could not be considered. I cannot therefore be certain, that more suitable sites are not reasonably available within the coverage area, and that the chosen location is necessarily the least harmful in terms of its visual effects.
13. Overall, I conclude that the proposed mast would result in an incongruous and dominant addition to the street scene, resulting in significant harm to the character and appearance of the area. This harm is not outweighed by the social and economic benefits of 5G coverage. In so far as they are material considerations, the proposal would be contrary to Policies 21, 41 and 46 of the DLP which seek to ensure that new development is of a high quality, compatible with its surroundings and that telecommunications apparatus is sited to minimise the visual impact of the proposal. It would also conflict with paragraph 115 of the Framework which seeks to facilitate the growth of new telecommunications systems, whilst keeping environmental impact to a minimum.

Other Matters

14. The appellant suggests, in their words, that there were not a huge amount of objections to the proposal. Be that as it may, limited objections do not justify development that I have found would be visually harmful as a result of its siting and appearance.
15. The Planning Practice Guide is clear that pre-application advice cannot pre-empt the democratic decision-making process, or a particular outcome in respect of a formal planning application. This does not affect my overall findings.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

M Clowes

INSPECTOR

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Appeal Decision

Site visit made on 6 December 2022

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/F4410/W/22/3302873

Hawthorne Cottages, Fenwick Lane, Fenwick, Doncaster DN6 0EZ

- 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 Oliver Tanner against the decision of Doncaster Council.
 - The application Ref 22/00349/FUL, dated 11 February 2022, was refused by notice dated 30 June 2022.
 - The development proposed is the part demolition of existing cottage, with proposed 2-storey new build 4-bed family home with parking and gardens.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (Framework);
 - the effect of the proposal on the purposes of the Green Belt;
 - the effect of the proposal on the character and appearance of the existing property and the area;
 - the effect of the proposal on the living conditions of neighbouring occupiers with regard to outlook, privacy and amenity space provision;
 - whether the site forms an appropriate location for residential development having regard to local and national planning policy; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

4. The appellant has set out that the development can be considered against different exceptions referenced in local policy and found in the Framework at paragraphs 149 and 150. This includes the exception at paragraph 149 g) of the Framework relating to the partial or complete redevelopment of previously developed land.
5. The appeal site forms part of the garden to an existing property and the Council accept that it is previously developed (brownfield) land. Although the appellant states that the volume of the proposal is the same as the existing cottage, as is its narrow two storey form, in order to meet the exception at paragraph 149 g), it is necessary for the development to not have a greater impact on the openness of the Green Belt than the existing development. The proposal includes for the demolition of part of the existing cottage. I have however been provided with limited information that would enable a comparison between the size of the new dwelling and the extent of the proposed demolition. It is however clear from the submitted plans before me, that the proposed dwelling would have a considerably greater footprint and mass than that part of the existing cottage that is to be partially demolished, which would result in a spatial loss of openness.
6. I was able to see the screening provided by the coppice to the west of the site, the trees on the eastern boundary and the hedgerows to the front. Whilst these provides some enclosure, the appellant acknowledges that the proposed dwelling would be seen from Fenwick Lane. Despite the orientation of the proposed dwelling, with its narrow elevation facing the road as well as the selection of materials, and other features such as the use of large glazing, the proposed dwelling would nevertheless be positioned further forward, closer to Fenwick Lane than the existing dwelling and hence in a more prominent position from public vantage points. There is a concrete hardstanding area currently on the appeal site, but the proposal would also incorporate significant areas of hard landscaping around the proposed dwelling. It would also result in the creation of a vehicular access and driveway, which contrary to the appellant's view that this would create more openness, would result in further development, and provide views towards the proposed dwelling. Consequently, the proposal would result in a significant visual reduction in openness.
7. Given the above, and whilst noting the site's status as previously developed land, the proposal would have a greater impact on the openness of the Green Belt than the existing site. Therefore, it would not meet the exception set out at paragraph 149 g) of the Framework.
8. The appellant has also set out that the development could be considered as a 'proportionate extension' and reference has also been made to the 're-use of existing buildings'. Although the proposal includes for the partial demolition of the existing cottage, the erection of a new detached dwelling such as that proposed, cannot be considered as an extension of a building as set out at paragraph 149 c) of the Framework. The existing cottage would be modernised, but the proposed dwelling would also not meet the exception at paragraph 150 d) relating to the re-use of buildings as it involves the construction of a new dwelling.
9. Consequently, in not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which the Framework states is, by definition, harmful to the Green Belt and should not be approved

except in very special circumstances. Paragraph 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. I also find that the proposal would not comply with Policy 1 of the Doncaster Local Plan 2015-2035 (Local Plan), which seeks, amongst other matters, for the openness and permanence of Doncaster's Green Belt to be preserved.

Purposes

10. Paragraph 138 of the Framework sets out the five purposes of the Green Belt. One of these is to assist in safeguarding the countryside from encroachment.
11. The appeal site is within the curtilage of the existing property and is contained on a number of sides by existing trees and other vegetation. Despite this, the introduction of a dwelling largely beyond the end of this group of buildings which the appeal site forms part of, would however have the effect of spreading development into an open area of land. Although the proposal includes for the demolition of part of the existing dwelling and there is some hardstanding on the site, the size and positioning of the proposed dwelling, which would also be served by a new access, would be seen to encroach into the countryside by more than the existing development.
12. Given the above, I conclude that the proposed development would not assist in safeguarding the countryside from encroachment. As such it would conflict with Paragraph 138 of the Framework and with Policy 1 of the Local Plan. Although the Council has referenced restricting sprawl in its first reason for refusal, as the proposal does not form part of a large built-up area, I do not consider there would be a conflict with this purpose that the Green Belt serves, as set out in paragraph 138 a).

Character and Appearance

13. The appeal site is situated in a rural landscape that contains small groups of buildings that are bounded by fields and open land. The generally flat topography and the boundary treatments to surrounding fields and properties that comprise in part of hedges and other vegetation, results in a verdant, spacious character which contributes positively to the wider countryside setting.
14. The appellant has set out that the external detailing of the proposed dwelling has been carefully considered and has referenced a number of features such as the depth of windows and doors and the use of timber cladding. I note the Council do not raise any concerns in this respect but reference the siting of the proposed building, which would be forward of the building line of the existing dwelling. This positioning, and the largely two storey form of the proposal, would appear incongruous in the front garden area of the existing dwelling and would harm the spacious characteristic of the area. Although the appellant considers that the orientation of the proposed dwelling minimises its visual impact, I find its long, linear form with its narrow elevation facing the road would be at odds with many of the nearby buildings. It would not therefore sit harmoniously within the site and would detract from the rural character of the area.
15. For these reasons, I conclude that the development would have an adverse impact on the character and appearance of the existing property and the area.

It would be contrary to Policies 41 and 44 of the Local Plan, insofar as they seek, amongst other matters, for proposals to respond positively to their context. It would also be contrary to Paragraph 130 the Framework, which requires development to add to the overall quality of the area.

Living Conditions

16. The proposed dwelling would be positioned a short distance to the front of the existing cottage in a slightly offset position. The bulk of this dwelling would be seen at close quarters from a number of windows in the front elevation of the existing property. Given the size and the close proximity of the proposed dwelling to the existing property, this would have a dominating effect on the latter's occupants.
17. The first floor of the proposed dwelling would have a number of bedroom windows that would directly face the front garden area of the existing property, and also the front garden of The Hawthornes which adjoins the existing property to the east. Given the elevated position of these windows and the distance to these gardens, the development would have a harmful overlooking effect on their occupants. The appellant has stated that the same family members would be living in the existing and proposed dwellings. Whilst I do not doubt this intention, this may not always be the case and as a separate dwelling, it could be occupied by non-family members.
18. The Council has also raised concerns on the loss of garden space, but both the existing and proposed dwellings would be provided with garden areas to the front and rear and I do not therefore find the proposal harmful in this regard.
19. Nevertheless, I conclude that the proposed development would have an unacceptable adverse impact on the living conditions of neighbouring occupiers with regards to outlook and privacy. It would therefore be contrary to Policy 44 of the Local Plan, which seeks, amongst other matters, for development proposals to not significantly impact on living conditions in terms of privacy and over-bearing impact. Reference is also made to Local Plan Policy 41 A), but this relates to character and local distinctiveness rather than living conditions matters. It would also be contrary to Paragraph 130 of the Framework, which seeks a high standard of amenity for existing and future users.

Appropriate Location

20. Local Plan Policy 1 sets out details of the Council's spatial strategy with the majority of new homes to go to the 'Main Urban Area', 'Main Towns' and 'Service Towns and Villages'. In addition to these, development limits are also drawn around 'Defined Villages'. The appeal site is not situated within the defined development limits of Fenwick, which the Council states does not have allocations for new development given it has a limited number of services.
21. Given the limited nature of such services in Fenwick and in the absence of details of sustainable travel modes to access services and facilities elsewhere, I consider that future occupiers would be reliant on private vehicles as their main means of transport. The appellant has set out various measures for the proposed dwelling to exceed Building Regulation standards and also referenced family members residing locally in Fenwick, but these matters would not outweigh the harm that I have identified in relation to the location of development.

22. As such, I conclude that the development would not be in an appropriate location for residential development having regard to Local Plan Policy 1, which seeks to prioritise development within the development limits of existing settlements to make the most of existing services and facilities. Although the appellant has referenced the proposal would make good use of land and the support from paragraph 120 of the Framework in promoting and supporting the development of underutilised land, paragraph 124 c) of the Framework states in relating to development making efficient use of land, the need to take into account the availability and capacity of infrastructure and services, to promote sustainable travel modes and limit future car use which this proposal would fail to do.

Other Considerations

23. The proposal would result in a net additional family dwelling that would be occupied by the same family as the existing dwelling. It would contribute to the Council's supply of housing and in this respect the proposal receives support from the Local Plan. The Framework also states that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. The provision of a new dwelling therefore weighs in favour of the appeal, although as it involves a net additional single dwelling, this would attract limited positive weight as would the economic benefits of using local labour and materials in the construction, and the ecological enhancements set out.

24. I appreciate the design of the dwelling, with openings on the western side seeks to maximise the presence of the coppice. I further note reference to the proposal according with local guidance documents in relation to design and the new dwelling exceeding the nationally described space standards, including the provision of adequate parking and amenity space. It would also not place additional pressure on the existing sewer networks, is in an area with a low probability of flooding and would preserve a mature tree. These are however neutral matters that do not weigh in favour of the proposal.

25. Reference has been made to the part demolition of the existing building which would be brought up to modern standards. This could however be undertaken independently of the proposed new dwelling.

26. The appellant has referenced efforts that were made to work with the Council and the lack of feedback from them as well as delays in issuing a decision. These are administrative matters and are outside the scope of this appeal. A number of amendments have been suggested by the appellant, but I am required to determine the appeal before me on its own merits.

27. My attention has been drawn to a number of planning permissions in Fenwick for single dwellings. Although the full details of those cases are not before me, the Council has stated the referenced approvals relate to sites within the settlement boundary of Fenwick or were granted permission in a different policy context. As such, given the circumstances of these referenced planning permissions differ from the appeal proposal, they are of limited relevance.

Conclusion

28. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm, in this case that relating to character and appearance, living conditions and the location of the development, is clearly outweighed by other considerations.

29. I have attached limited weight in favour of the scheme to the provision of a net additional family dwelling, to the economic and ecological benefits. The other considerations raised, are neutral matters.
30. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
31. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR



Appeal Decision

Site visit made on 20 December 2022

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

an Inspector appointed by the Secretary of State

Decision date: 18 January 2023

Appeal Ref: APP/F4410/W/22/3304229

Land Opposite Toll Bar Primary School, Askern Road, Toll Bar, Doncaster DN5 0QR

- 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 Keith Miller (Don Valley Properties Ltd) against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/03313/FUL, dated 4 November 2021, was refused by notice dated 27 May 2022.
 - The development proposed is change of use of land to a hand car wash (Use Class Sui Generis) including two permanent storage container structures and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice suggests that the proposal is partially retrospective. At the time of my visit, I saw that the development on the site, namely a storage container and portacabin, does not accord in position, form or use with the proposed development shown on the submitted plans. In reaching my decision I have assessed the development as shown on the submitted plans.
3. I have used the description of the proposal from the Council's decision notice as it more accurately and succinctly defines the development. However, I have removed the word retrospective as it is not an act of development.

Main Issues

4. The main issues are the effect of the development upon i) the living conditions of neighbouring occupiers with particular regard to noise and disturbance, outlook, daylight and sunlight, and water spray, ii) highway safety and, iii) the adequacy of provisions for surface water drainage.

Reasons

5. The appeal site comprises a small parcel of land occupied by a portacabin in use as a reception building and a storage container, to the west of Askern Road (A19). It forms part of a larger site that is allocated as an Employment Policy Area within the Doncaster Local Plan 2021 (DLP). It currently provides vehicular access to the steel framed industrial building to the rear of the larger business site, which I am advised by the Council is unauthorised and for which a planning application is pending determination.

6. Despite the industrial building to the rear, the surrounding area is predominantly residential in character. Toll Bar Primary School lies opposite and there are a limited number of small-scale commercial premises juxtaposed with the housing along Askern Road to the south.
7. The appeal site extends between the back edge of the pavement along Askern Road and just beyond the small rear garden of 1 Stone Cottages, an adjacent end of terrace property. However, a low brick wall and sliding gate have been erected part way into the site which separates the proposed car washing area from the frontage of the appeal site which has been laid out with car parking. The erection of a fence across the rear boundary would sever the appeal site from the wider business site.

Living conditions

Noise and Disturbance

8. The parties advise that the appeal site was previously in use as a car sales/repair business. However, there is no evidence before me of the nature of that business, its hours of operation or its impacts on the living conditions of neighbouring occupiers, such that I could form a view as to whether it was more or less disruptive to the local environment than the proposal before me. Moreover, the business is no longer in operation and all indication of the former use has been removed. I must therefore assess the proposal on the evidence before me.
9. The appeal site is subject to considerable background noise, arising from traffic using the A19. Nonetheless, sited in between the dwellings of No 1 Stone Cottages and those on Manor Estate to the south, the proposed car wash has the potential to cause noise and disturbance to neighbouring occupiers from the comings and goings of patrons and the activities associated with its use.
10. The appeal documentation and accompanying plans provide little cohesive information on the precise nature and extent of the car washing activities, where they would take place on the appeal site, whether multiple vehicles would be washed simultaneously, nor the equipment to be used. Nonetheless, it is apparent from the plans that there would be only minimal separation of vehicles from the living accommodation and garden of No 1, and the Manor Estate dwellings to the south, albeit these are slightly further away.
11. A Noise Impact Assessment (NIA) has been put to me in support of the proposal. The NIA appears to have been confined to assessing the impact of noise emitting from a high pressure jet wash and generator, and noise from queuing/idling engines. However, there may be other sources of noise such as car doors shutting, car radios playing (while vehicles wait) and conversation, along with the use of further noise emitting equipment including vacuums and valet machines, depending on the range of services to be offered. These latter types of equipment along with jet washes can generate significant noise levels for a short period of time, even if the generator is to be housed within an insulated enclosure. This is evidenced in the NIA which suggests that a high pressure jet wash could typically have a noise reading of 72 dB $L_{Aeq, T}$ at 4m. This is some 10dB above the background noise level as measured at the appeal site which the NIA advises would be an indication of a significant adverse impact, depending on the specific context.

12. It is unclear as to how many jet washes would be in operation at the site. Even if it were just one jet wash, the intermittent operation of such equipment would produce bursts of high level noise throughout the day. I find that this would be particularly disturbing and audible to neighbouring occupiers above the background noise of passing traffic, that has a more consistent level of noise. Such noise disturbances would be particularly intrusive at the weekend when the proposed car wash is likely to be more in demand, and in operation between 10:00 and 16:00 hours. This would be a time when it is reasonable for neighbouring occupiers to expect the quiet enjoyment of their homes and gardens. The power washings and vehicular activity associated with the proposed use are further likely to be intrusive to neighbouring occupiers during warmer weather, when the occupants could reasonably expect to be able to open their windows. Such noise would be difficult to filter out for neighbouring occupiers and is therefore more likely to cause harm to their living conditions.
13. The NIA suggests that the provision of a timber fence on 3 of the external boundaries of the appeal site, which I understand from the plans to be the northern, southern and western boundaries, would mitigate the noise impact of the proposal. I am not convinced that the suggested fence would reduce or prevent noise emitting from the car washing area to a significant degree. This is due to the proximity of activities to the neighbouring dwellings, the type of loud, intermittent noises that would be generated and the lack of a canopy over the proposed car washing area to further contain noise. Even with the proposed fence to the full extent of the 3 external boundaries proposed, the occupiers of the dwellings at No 1 and those to the south on Manor Estate, are likely to experience significant noise and disturbance that would be harmful to their living conditions and quality of life.

Outlook

14. Appendix 3 of the NIA suggests that the fence would not extend for the full extent of the northern or southern boundaries of the site and instead, would stop before meeting the eastern boundary with Askern Road. This appears to differ from the annotation shown on drawing number 007 which implies a fence to the whole extent of the northern and southern boundaries. In light of the discrepancies, I have assessed the proposal based on the 007 plan which appears to be the most up-to-date version of the car wash plan. Whilst there are no elevational drawings of the proposed fence, the annotation on the site plan infers it would be of a standard design to 2.4m in height, such that I am satisfied as to its visual appearance. From my observations, this would be significantly higher and more solid in appearance than the more modest boundary treatments found within the vicinity of the appeal site.
15. The side (southern) elevation of No 1 contains a window at ground floor which looks over the frontage of the appeal site. The proposed fence would extend across and above this window at a relatively close distance. I observed that this window is a secondary opening with the main window in the rear elevation facing towards the private rear garden. Nonetheless, the outlook from the rear ground floor window is limited by the presence of an existing outbuilding. In contrast, the side facing window provides a more open view along Askern Road. The position and height of the proposed fence would have a significantly enclosing and oppressive affect upon this window, resulting in harm to the living conditions of the occupiers of No 1.

16. A 2.4m high fence to the southern boundary of the appeal site, although set beyond the front gardens and footpath to the dwellings on Manor Estate, would nonetheless be on marginally higher ground. Though palisade fencing is industrial in its appearance it allows views through, enabling a sense of space. In contrast, the proposed fence due to its height and solid form would be imposing in views from the nearest dwellings on Manor Estate to the south, again resulting in significant enclosure, so as to be harmful to the living conditions of the existing occupiers.
17. The appellant suggests that they could erect a means of boundary enclosure up to 2m in height without planning permission, under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Whether or not this is the case, a smaller fence of this height would not appear to address the concerns raised in respect of noise and disturbance to neighbouring occupiers. As such, it would not be a realistic fallback position, given it would not serve the purpose it would be required for.

Daylight and Sunlight

18. The proposed 2.4m fence would be significantly taller than the existing boundary treatment between No 1 and the appeal site. Due to its height and position the entirety of the window would be obstructed and overshadowed. The occupiers of No 1 would experience a substantial loss of afternoon sunlight to their living space as a result. I am mindful that this side window is a secondary window. Nevertheless, it provides an important source of sunlight for the rear facing ground floor habitable room of No 1. Daylight would also be impacted but to a much lesser extent, given that the driveway would provide an intervening space between the window and the proposed fence where light could penetrate.
19. Whilst there may be a small degree of increased overshadowing of the rear garden space, given its size and orientation it would not adversely affect the overall useability of the outdoor space.
20. Sited to the north of the Manor Estate dwellings, the proposed fence along the southern boundary of the appeal site would not affect sunlight afforded to the principal windows of these neighbouring dwellings. Being beyond the front gardens and footpath the fence would be a sufficient distance from the front elevation of the dwellings so as not to result in a significant loss of daylight to the ground floor habitable rooms.

Water Spray

21. The operation of a car wash has the potential to result in spray from the utilisation of powered jet washes that could be blown outside of the site, depending on the specific weather conditions. Again, although the exact location of the jet washing bays is not clear, cars are nonetheless likely to be washed in proximity to the external boundaries of the appeal site, particularly that with No 1 to the north. The 2.4m fence is likely to provide a degree of shelter from spray but the proximity of the car washing activities is such that spray could readily blow up and onto the neighbour's driveway and garden in windy conditions. I find this is likely to cause harm to the living conditions of the neighbouring occupiers of No 1, and prevent the reasonable use of the rear garden area for typical domestic activities such as sitting out and drying washing.

22. As the proposed cabin would form an intervening feature between the cars to be washed and 133 Manor Estate, any blown spray is unlikely to reach this neighbouring dwelling or its private garden which is to the rear.

Conclusion – Living Conditions

23. The proposal would adversely affect the living conditions of neighbouring occupiers with particular regard to noise and disturbance, outlook, sunlight and water spray. The proposal would conflict with Policies 4 and 46 of the DLP which seek to ensure that new development does not have unacceptable negative effects upon the amenity of neighbouring land uses or the environment. Conflict would therefore also arise with paragraph 130 of the National Planning Policy Framework (the Framework), which requires new development to have a high standard of amenity for existing users.

Highway Safety

24. The proposed area for the change of use is relatively compact, between the proposed rear boundary and the brick wall and gate erected to the front of the site. Vehicles would pull off Askern Road via the existing dropped kerb access and onto the front forecourt that is currently laid out for car parking. Access into the site would be via the narrow gateway and vehicles would be routed in a one-way system around a central container to leave the site in a forward gear.
25. Having reviewed the appeal documentation it appears that there are discrepancies on the car wash plan (drawing number 007), such as to provide uncertainty regarding the exact impact of the proposal on highway safety. For example, the gate indicated on drawing number 007 at a scale of 1:200 results in the gate measuring 30m. As the gate is in situ, I was able to see that it is significantly less than 30m in length. As such, I am unable to rely on the tracking information so as to be confident that the compact nature of the site is sufficiently large enough to accommodate the suggested number of vehicles, whilst providing a safe working environment around vehicles for future staff.
26. Notwithstanding the discrepancies on the plans, given the proximity of the proposed car washing area to Askern Road, it is apparent from my observations that there would be limited space within the appeal site to accommodate queuing vehicles. It would require only a relatively short queue to develop before vehicles would create a tailback onto the highway. In this regard, I disagree with the findings of the Stage 1 Road Safety Audit (RSA) that suggests there is sufficient room within the appeal site for the stacking of vehicles.
27. I saw that there is a pedestrian refuge within Askern Road just south of the dropped kerb access into the appeal site. Were traffic to queue into the appeal site, the presence of the refuge would prevent other vehicles from being able to overtake to continue their journey's. It therefore seems to me that any obstruction caused by traffic queuing onto the appeal site would result in congestion on this well-trafficked route to and from Doncaster City Centre. This would be a source of annoyance and could lead to dangerous manoeuvres, that would be hazardous to both oncoming traffic and pedestrians attempting to cross the road, particularly those accessing the Primary School at drop off and pick up times.

28. I further note that whilst the 6m wide access would technically allow 2 standard sized cars to pass each other, if a car entered the site too widely, it is likely to interfere with the free passage of vehicles trying to egress.
29. Whilst the RSA indicates that banksmen could be used to control traffic on and off the site, I note the Highway Authority's advice that they would be unable to control traffic on the public highway. Therefore, I am not persuaded that this would be effective or provide suitable mitigation to prevent congestion or overcome the highway safety concerns I have identified.
30. Furthermore, it is unclear as to whether the car parking spaces currently laid out within the front forecourt of the appeal site would remain as part of the proposed development. Hence, the possibility of car parking on the frontage, adds further to the potential for the proposal to cause conflict between vehicles.
31. I find that the proposed change of use would have an unacceptable impact on highway safety. Accordingly, conflict is found with Policy 13 of the DLP which seeks to ensure new development does not result in unacceptable impact on highway safety, or severe residual cumulative impacts on the road network, objectives shared with paragraph 111 of the Framework.

Drainage

32. The appeal site is located within Flood Risk Zone 3, an area with a high probability of flooding. Paragraph 159 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The proposed development falls within the 'less vulnerable' category of the Flood Risk Vulnerability Classification set out in Annex 3 of the Framework, and Planning Practice Guidance Table 2, given that it constitutes an 'other services/general industry' use.
33. The crux of the dispute between the parties is with regard to the proposals for the discharge of surface water drainage which would be to the public sewer. Following the Council's concerns regarding the provision of a 19mm connection pipe to the existing sewer, an amended drainage strategy (drawing number DR-C-0100 P3) was produced with an enlarged pipe of 100mm diameter and a flow rate of 12.5 litres/second.
34. Notwithstanding that the Environment Agency has not objected to the proposal on flood risk grounds, there is no evidence before me that the existing sewer network has capacity for the increased flow rate that would arise from the enlarged orifice size. Nor has confirmation been put to me that the discharge rate would be acceptable to Yorkshire Water. The nature of a car wash use is such that large volumes of water would discharge across the site. It is therefore important that excess water does not leave the site in an uncontrolled fashion. On the evidence before me, I cannot be satisfied that it would not cause flooding elsewhere off-site. Neither am I satisfied that a condition could reasonably deal with discharge rates, particularly if they were unsatisfactory to Yorkshire Water as this would necessitate a change to the proposed plans.
35. Insufficient information has been provided to demonstrate that the scheme makes adequate provision for surface water drainage. Consequently, it fails to

comply with Policy 57 of the DLP which seeks to ensure that flood risk is managed in accordance with the Framework. The proposal conflicts with paragraphs 167c of the Framework that requires new development in areas at risk of flooding to incorporate sustainable drainage systems.

Other Matters

36. The appellant is concerned that in meeting the advice of one Council department, their proposal has contravened another. They further suggest that the Council has not considered setting the proposed fence further into the appeal site or, the possibility of more visually harmful operations for example, the erection of large warehouse buildings. Whilst I understand the appellant's frustration, it is nonetheless incumbent upon them to ensure that the proposal addresses all of the site constraints and meets the development plan policy requirements. Moreover, it is for the decision-maker to assess the development as a whole, as is proposed to them.
37. I have considered the appellant's statement that the proposed car wash would make efficient use of a brownfield site, in an accessible location that would provide a service to local clients, investment to support local services and generate local employment in an area that experiences high levels of deprivation. Whilst any contribution to job creation would be worthwhile, the scale of the development is such that the benefits in these regards would be relatively limited. Furthermore, the Council has advised that the site forms part of an employment policy area where proposals for employment generating uses are supported, subject to compliance with a number of criteria (Policy 4 of the DLP). It seems to me therefore, that there may be other employment generating uses that could be accommodated on the site, that would not result in the harmful impacts identified above.
38. The appellant suggests the proposal would be a sustainable form of development in compliance with paragraph 11 of the Framework. However, paragraph 12 of the Framework is clear that development which conflicts with an adopted development plan should usually be refused. Moreover, the Framework shares similar aims to the development plan of protecting the living conditions of neighbouring occupiers, preventing unacceptable impacts on highway safety and ensuring adequate surface water drainage. Hence, I find that the policies of the Framework taken as a whole, do not weigh in favour of allowing the appeal.

Conclusion

39. I have found that the proposal would not be harmful to daylight afforded to neighbouring occupiers. However, this lack of harm is neutral in the planning balance, so it does not outweigh my findings in respect of the effect of the proposal in relation to noise and disturbance, outlook, sunlight, and water spray to neighbouring occupiers, highway safety and surface water drainage. For the above reasons, having considered the development plan as a whole, the approach in the Framework and all other considerations, the appeal is dismissed.

M Clowes

INSPECTOR

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The Planning Inspectorate

Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5000
Customer Services:
0303 444 5000

Email: cat@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Your Ref:

Our Ref: APP/F4410/D/23/3314486

Mr Anthony Snowden
1 Pinders Court
Bawtry
Doncaster
DN10 6JA

18 January 2023

Dear Mr Snowden,

Town and Country Planning Act 1990
Appeal by Miss Emma Quinn
Site Address: 8 Auckland Road, DONCASTER, DN2 4AG

Thank you for your Householder (HAS) Appeal received on 10 January 2023.

Appeals and all of the essential supporting documentation must reach us within 12 weeks of the date of the local planning authority's notice of the decision.

As we received this appeal(s) after the time limit, we are unable to take any action on it.

I am sending a copy of this letter to the local planning authority.

Yours sincerely,

Validation Officer A8
Validation Officer A8

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

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City of Doncaster Council Planning Enforcement Quarterly Report December 2022

Introduction

This report provides Doncaster Council's Planning Enforcement performance in the third quarter of 2022/23.

The Planning Enforcement Team now consists of 6 Enforcement Officers following a successful interview process which will see Chris Ayres join the team from January 2023.

Case Updates – Third Quarter (1st October – 31st December 2022)

Total Cases Still Under Investigation as at end of September 2022.	367
Total Cases Recorded in the Third Quarter (1 st October – 31 st December 2022)	118
Total Cases Closed Down in the third Quarter (1 st October – 31 st December 2022)	191

Prosecution Cases.

No new prosecution case outcomes this quarter.

Notices Served.

1 Madingley Close, Balby

Before



After



As previously mentioned in the last quarterly report. A complaint was received regarding the alleged unauthorised breach of planning conditions, in relation to the works not being carried out in accordance with the approved plans of planning application 19/00375/FUL. A site visit was carried out where it was confirmed that ground floor extensions to the side and rear of the property had been built. The owners submitted a retrospective planning application 21/03525/FUL to regulate the change in the design.

This application was refused on the 25.02.2022 and as a result, an enforcement notice was served on the 13th July 2022 under section 171a (1) (a) of Town and Country Planning Act 1990, requiring the owners to:

- (i) Remove the rear extension;
- (ii) Make good the host dwelling by returning to its former condition of a semi- detached house with single storey side extension;
- (iii) Following compliance with steps (i)-(ii) above, remove the resultant materials from the Land.

Following the serving of the notice, no appeal was received by Doncaster Council within the allocated timeframe and the owners had until the 24th October 2022 to comply. A site visit was carried out on the 26th October 2022, which found the enforcement notice had been complied with and the extension had been removed.

8 Briar Road, Skellow



A complaint was received regarding the alleged unauthorised erection of a fence to the front of the property. A site visit was conducted which found the fence to measure 1.75 metres high. The property was run by a management company, who were advised to reduce the height of the fence to 1 metre high within 28 days, the company subsequently submitted a planning application 22/01378/FUL on the 6th June 2022 which was refused on the 22nd September 2022.

An enforcement notice was served under Section 171a (1) (a) of the Town and Country Planning Act 1990 on the 27th October 2022 to either:

- i) Reduce the height of the wooden fencing and gate and concrete posts as shown in the position coloured blue on the attached Site Plan to no more than 1 metre in height on the Land; or
- ii) Remove in their entirety from the Land the wooden fencing and gate and concrete posts as shown in the position coloured blue on the attached Site Plan from the Land.
- iii) Upon completion of either i or ii above to either remove permanently from the Land all the resultant materials and debris arising from compliance with the aforementioned requirements of this Notice;

The notice came into effect on the 7th December 2022 with a date to comply by the 7th January 2023. On the 7th December 2022 an appeal was lodged with the Planning Inspectorate, the enforcement notice will now be held in abeyance until a decision has been made.

9 Doncaster Road, Conisbrough



A 2 metre high palisade fence has been erected around the boundary of the land adjacent to 9 Doncaster Road, Conisbrough without planning permission. Part of the fence is adjacent to Doncaster Road and therefore does not benefit from permitted development rights.

The Planning Enforcement Team sent a letter to the owners to advise that planning permission was required to retain the fence at its current height. The owners responded stating that they had erected the fence to incorporate the land as residential use with the adjacent property.

The Council received an application for the erection of palisade fencing and change of use of the land adjacent to 9 Doncaster Road to incorporate it within the residential curtilage of 9 Doncaster Road referenced 21/00652/FUL.

The change of use of the land was deemed acceptable but the application was refused as the palisade fence was not considered appropriate or acceptable for residential curtilage given the harm caused to the character and visual amenity of the area.

Following the planning refusal, the Planning Enforcement Team sent a letter to the owner to attempt to get them to remedy the breach of planning control but they failed to comply.

On 27th October 2022, an enforcement notice was served on the owner of the land requiring the part of the fence adjacent to the highway to be reduced to 1 metre so it complies with permitted development rights. The notice provides a compliance period of 1 month from the date the notice takes effect.

The enforcement notice has been appealed to the Planning Inspectorate and we are awaiting a start date for the appeal.

18 Carr Lane, Bessacarr



A 1.73 metre high timber fence has been erected on the side boundaries of the front garden at 18 Carr Lane, Bessacarr. The fence falls outside the relevant permitted development rights as it exceeds 1 metre in height adjacent to the highway.

Highways Development Control do not support the height of the fence adjacent to the highway as it creates a highway safety issue.

The owner was given an exceptional amount of time to reduce the fence panels adjacent to the highway to 1 metre in line with permitted development rights but they have failed to comply.

The Council therefore served an enforcement notice on the 11th November 2022 requiring the height of the fence panels located adjacent to the highway to be reduced to 1 metre. The notice took effect on 23rd December 2022 and a compliance period of 1 month has been provided.

A site visit will be carried out next week to assess if the enforcement notice has been complied with. Further updates will be provided in the Q1 2023/2024 Quarterly Report.

35 Berry Edge Close, Conisbrough



Doncaster Council received a complaint that a fence had been erected to the front of 35 Berry Edge Close, which was not in keeping with the open plan design of the street.

It was identified that the original permission for the estate included an open plan condition, which removed permitted development rights to erect walls fences or other means of enclosure on land between the walls of any dwellings fronting a highway and the highway boundary, unless agreed in writing by the Local Planning Authority. As such, the erection of the fence at the front of the property is unauthorised as it doesn't have the necessary planning permission.

A Planning Officer advised that the fence would not be supported as it is out of character in the open plan area.

A letter was sent to the owners of the property on 1st March 2022 granting 28 days to remove the fence. It also advised that they had the right to submit a planning application for the fence within the same time period but it would be unlikely to receive permission given the advice from Development Management.

On 29th March 2022, the owners submitted a Permitted Development Enquiry for the fence to allow a Planning Officer to check if it did need planning permission. The Permitted Development Enquiry was determined as not permitted development thus confirming planning permission was required.

Following the Permitted Development Enquiry, the owner was granted a final 28 days to remove the fence. However, a site visit following the 28 days confirmed the fence was still in situ at the front of the property.

A breach of condition notice was served on 2nd December 2022 requiring the removal of the fence in its entirety within 1 month of the date of service. An extension of time had informally been agreed with the owner due to the delays in them obtaining legal advice during the holiday period. Subsequently, a site visit on 18th January confirmed that the fence had been removed and replaced with planters. The requirements of the notice have been complied with and therefore the case is now closed.

The Old School - Barnby Dun.



On the 30th May 2022 a complaint was received from the Trees and Hedgerows Officer in relation to development taking place before the approved planning permission (20/00769/FUL) pre commencement conditions, had been discharged. Concerns were raised that protected trees were being damaged without the required protection methods being put in place.

A site visit was carried out on the 30th May 2022, where evidence was gathered that work had taken place without the necessary requirements as stipulated in the planning permission. Immediately a telephone discussion was held with the developer and they were advised not to carry out any further work until the conditions have been discharged, this was also confirmed in writing to them on the same day.

Despite Planning Enforcements warning, work commenced on the site and a Temporary Stop Notice and a Breach of Condition Notice were served on the developer and on the site, on the 10th June 2022. All activities were to cease immediately until the conditions have been discharged. The Temporary Stop Notice expired on 8th July. No application to discharge conditions has been received and the site is being monitored.

(Recent Update 11th January 2023):

An application to discharge the conditions 22/02033/COND was received on the 2nd September 2022 for the consent, agreement or approval required by conditions 3 (Samples of materials), 4 (Drainage details), 5 (Tree protection), 6 (Tree replacement), 7 (Site surfaced and sealed) and 8 (Vehicle turning space) of planning application 20/00769/FU. This application is currently pending and a decision has not yet been determined.

Catlow Civil Engineering – Mexborough



As covered in the previous quarterly report, an Enforcement Notice was served on 3rd August 2022 regarding the unauthorised expansion of the site for the recycling of concrete, bricks, rubble and soils and ancillary storage. The notice required the:

- (i) Cessation of the use of the expanded part of the Land for the processing and recycling of concrete, bricks, rubble and soils;
- (ii) Cessation of the use of the expanded part of the Land for all operations relating to the civil engineering business;
- (iii) Permanent removal of the blockwork barrier walls and all stored material and stockpiles, vehicles, machinery and equipment associated with the civil engineering business from the expanded area of the Land.

The Enforcement Notice was appealed to the Planning Inspectorate. The Planning Inspectorate has declined the Council's request for the appeal to be considered solely through the written representations procedure and so a hearing date is to be agreed in due course.

Appeals.

No appeals outcomes to report in this quarter.

Section 215 Notices.

Land off Queensgate – Waterdale – Doncaster City Centre.



Further to the previous update in the last quarterly report, the notice served on 3rd May 2022 under Section 215 of the Town and Country Planning Act 1990, requesting that the following works be carried out, has not been complied with:

- i. Remove the HERAS fencing from around the perimeter of the site and dispose of the resultant materials in an approved manner.
- ii. Erect hoarding fencing at 2 metres high around the perimeter of the site which will improve the visual amenity of the area and prevent unauthorised access onto the site.

Despite allowing an extension of time to complete the works in September 2022, due to the current workload and availability of materials to erect hoarding, the contractors have failed to comply. Therefore, a prosecution case will now be considered.

Update – 12/12/2022

A site visit took place with the owners of the land and Scott Cardwell. It was agreed at this time that the owners have committed to comply with the Section 215 notice by the end of January 2023. A further site visit will be conducted following the expiry of this extension to check for compliance.

Update – 19/01/2023

A site visit was conducted which established that the HERAS fencing had been removed and 2 metre high hoarding had been erected. The Section 215 Notice has now been complied with and the case has now been closed.

After



After



57 Christ Church Road – Doncaster City Centre.



Further to the previous update in the last quarterly report, the notice served on 17th May 2022 under Section 215 of the Town and Country Planning Act 1990, requesting that the following works be carried out, has not been complied with:

- i. Remove and replace all damaged and missing hoarding panels to the ground floor front and side elevations including all roof panels.
- ii. Ensure that all the hoarding is tidied up and repainted uniformly in black.
- iii. Remove all rubbish and disregarded items (for example but not limited to 3 seater sofa, plastic barrels, metal and wood) from the rear garden and roof of the rear ground floor extension to the premises.

The notice came into effect on 28th June 2022 and the compliance date is 26th July 2022. A site visit was conducted following the expiry of the notice to check that these works have been carried out.

On the 15th August 2022, following a site inspection, it was apparent that the owner has used advertisement boards for the cladding of the structure, therefore the requirements of the S.215 notice had not been complied with. Following further communication with the owners, it was agreed that the boards would be painted a suitable colour (i.e. black). Unfortunately, the owners have failed to comply. Therefore, a prosecution is now being considered.

Update – 15/12/2022

A site visit was conducted which found that no works have been carried out to comply with the S215 notice. Legal proceedings will now be sought against the owner for non-compliance of the notice.

Markham House, 22 Market Street, Highfields, Doncaster, DN6 7JE



On 28th June 2022 a complaint was received from a local councillor via the Environmental Enforcement Team regarding an empty shop premises that has been vandalised, boarded up and looked untidy and unkempt.

A site visit established that the first floor windows were boarded with white boarding, the ground floor windows were partially boarded with brown boarding and the front door and other windows had been smashed and not boarded. The Environmental Enforcement Team were also dealing with an alleged rat infestation at the premises.

The current condition of the site was deemed as having a detrimental effect on the amenity of the area. Letters were sent to the owners requesting works to improve the condition of the site. Adequate time was allowed to bring the premises back to an acceptable condition, however this was not carried out, so it was considered appropriate and expedient to take enforcement action. On 17th August 2022, a notice was served under Section 215 of the Town and Country Planning Act 1990, requesting that the following works be carried out:

- i. Ensure that all window openings and entrances are uniformly boarded within the window recess and paint the boarding black or alternatively fit all windows and entrances with metal screening to all elevations.

- ii. Ensure that regular inspections are made to the premises and its surrounding grounds and maintain these on an on-going basis, so as not to cause further detriment to the amenity of the surrounding area.

The notice came into effect on 28th September 2022 and the compliance date is 26th October 2022.

Update – 15/12/2022

A site visit was conducted which found that the ground floor front shop windows and door had been boarded and painted in black. The first floor windows had metal shuttering installed. The requirements of the notice have been complied with therefore the case has now been closed.

Section 215 General Cases

25 Church Street, Conisbrough, Doncaster

Before



After



On 5th September 2022 a complaint was received via a Councillor enquiry regarding the condition of a new Premier Off-License whereby the former windows had been boarded and it was having a detrimental effect on the amenity of the area.

A site visit was conducted and a letter sent to the premises owner. The owner advised that they are awaiting the correct signage from Premier headquarters but agreed to paint the boarding in black in the interim.

A further site visit was then carried out which confirmed that the boarding had been painted black which improved the condition of the premises and as such met the requirements of the initial Section 215 letter. The case has now been closed.

40 Park Road, Instonville, Doncaster

Before

After



On 4th July 2022 a complaint was received regarding an empty fire damaged property that was having a detrimental effect on the amenity of the area.

A site visit was conducted and a letter sent out to the owner to outline what works were required whilst the property was left empty.

A further site visit confirmed that these works had been carried out and the front and rear windows and doors had been boarded and painted. Boarding was also installed to the front and rear garden entrances to prevent unauthorised access and vandalism. The case has now been closed.

Former Brewery Chambers, King Street, Thorne

Before



After



On 27th June 2022, a complaint was received regarding an empty commercial premises in the Conservation Area within Thorne.

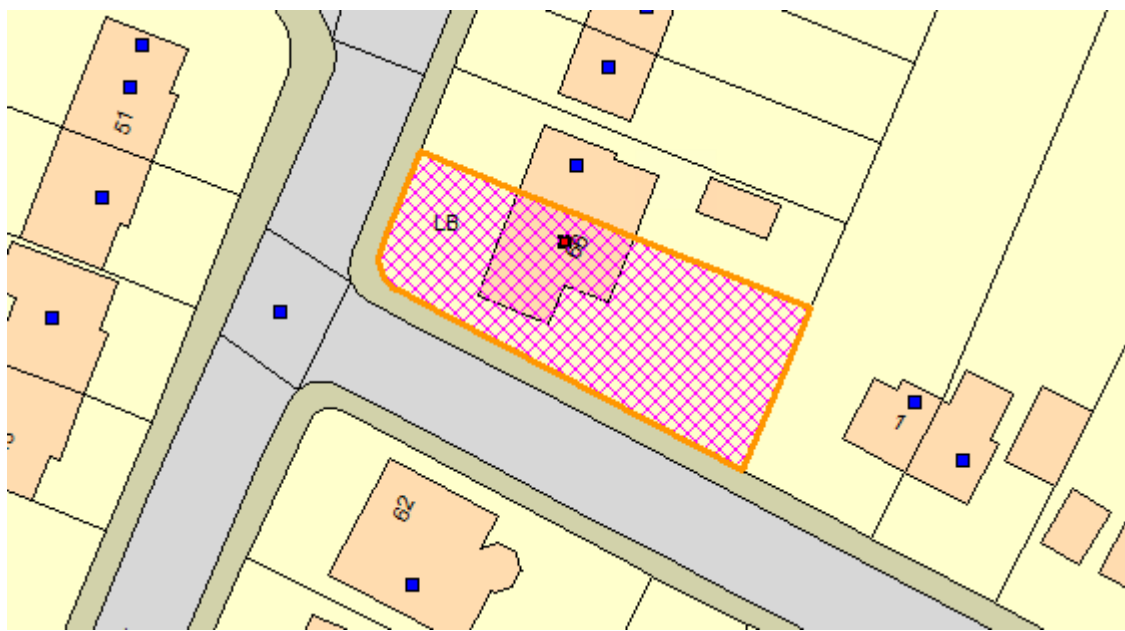
A site visit was conducted which established that its poor and unkempt condition was having a detrimental effect on the amenity on the area. A letter was sent to the owners requesting that the following works be undertaken within 21 days;

- Ensure the window openings to the front elevation are uniformly boarded within the window recess and paint the boarding black. Also paint around the edging of the boarding in white so as to look like they have a frame.
- Install boarding to the front door and paint the boarding black.
- Ensure that regular inspections are made to the premises and its surrounding grounds and maintain these on an on-going basis, so as not to cause further detriment to the amenity of the surrounding area.

Further site visits have been conducted over several months regarding the condition of the Former Brewery Chambers, King St, Thorne which established that the front entrance door, ground floor and first floor windows have been boarded with the boarding painted in black. Whilst it is not ideal that such a large building stands empty, there has been no suggestion by the executors of the owner's estate of future plans to sell and bring this premise back into use. The black boarding that has been installed to the door and window openings has improved the condition and it would not be proportionate to request further works at this time whilst the premises stands empty. The case has now been closed.

General Cases

Rear of 66 Crookes Broom Lane, Hatfield



A complaint was registered concerning the formation of a hardstanding to the rear of the property. The development was found to be preparation for the siting of a caravan, with the intention of sectioning off part of the rear garden to be used as a separate residential unit.

Upon confirmation that a caravan had been placed on site, and was being occupied, the owner was contacted and stated it was their intention to develop the site for residential purposes. Shortly afterwards a request for pre-application advice was submitted to the Local Planning Authority (LPA).

A response was issued in August 2022. The owner was contacted when no further documentation was submitted to the LPA. The response from the owner was that it was still their intention to submit an application to develop the land, but they did not currently reside in the borough and the caravan that was previously in place had now been removed. A check of the site confirmed this to be the case.

The Old Grammar School, King Street, Thorne



A complaint was registered regarding the conversion of a grammar school to a residential dwelling and associated alterations, which included the attachment of timber fencing to the existing iron railing boundary treatment.

Upon contacting the owner, it was found that at the time of purchase, there was no indication that planning permission has not been applied for. As a result, there were a number of legal issues in addition to the enforcement complaint that had been raised.

An application was submitted under Ref No. 22/00765/FUL - Use of property as a dwelling and retention of windows and door, retention of access with dropped kerb, steel sliding vehicular access gate and proposed steel pedestrian gate (to replace timber) (RETROSPECTIVE).

The application was approved, with a condition that stated the timber fencing in place was to be removed within 2 months of the date of decision. A site visit confirmed that the fencing had been removed.

Banners and advertisements displayed without consent or permission.

In the Third quarter 2022, 26 companies and organisations were identified as displaying banners and advertisements within the borough of Doncaster, without consent. There was 14 banners, 4 A boards and 43 signs dealt with. Initial contact was made resulting in 16 companies directly removing their displays within the required time period (2 days). The remaining 10 companies received a verbal warning due to being their first incident and their displays were removed. In this quarter one company received a verbal warning for displaying signs, they initially removed their signs. Later displaying signage on other various locations they received written warnings the and company removed 1 of these signs following the first written warning. City of Doncaster Council removed 7 signs that were still displayed after the 2 day timescale and 4 Charges were issued to the company for removal of the signs.

Examples of unauthorised advertisements:

York Road Doncaster

Following a check of the Doncaster area, a company's signage were identified on street furniture. Following direct contact with our Enforcement Officer, the company, agreed to remove all items displayed in Doncaster, without consent or planning permission. A verbal warning was also issued, regarding future occurrences. The following photographs show the advertisements on a piece of Highway barrier fencing at the York Road, Doncaster.

Before



After



Trafford Way Doncaster.

Whilst undertaking duties on district, signage was found, being displayed for a Gym company on council car park at Trafford way. A visit was made to the company in the city centre, who were requested to remove their signage within 2 days, to which they complied. A verbal warning was given regarding future occurrences.

The following photographs show the advertisements on a piece of City of Doncaster Council car park fence at Trafford way Doncaster

Before



After



Lakeside, Doncaster and Gliwice Way, Doncaster

Following a patrol of the district, a pet food suppliers advertisement sign without planning permission, was identified. Following contact, with the company from Balby, they removed all their signage from the highway street furniture, and City of Doncaster Council sites. A verbal warning was issued to the company.

Before



After



Gliwice Way

Before



After



For Sale/ To-Let Boards

Since April 2021, following complaints of Estate Agents' boards causing a blight in specific parts of the urban/town centre area. An initial project, identified 280 locations, displaying either "for sale/to-let" boards. Whilst it is not an offence to display these boards, all the relevant companies were contacted by the Enforcement Team, to ensure that businesses are aware of the required standards of Class 3(A) of The Town and Country Planning (Control of Advertisements) (England) Regulation 2007.

In the 2nd Quarter of 2022 we received a complaint that boards were an issue, in an area of Balby. We established there were 49 boards being displayed, contact was made with the relevant companies and 17 of those boards were removed.

In this the 3rd quarter of 2022, 27 of the boards being monitored in the Urban / Town area and Balby area were no longer displayed, either due to their expiry or for being incorrectly displayed (i.e. several boards for the same company displayed on one property). However, there were 32 new displays of "for sale/to-let" boards established.

The Enforcement Team will continue to monitor the 132 boards identified and if required, take the appropriate action, to ensure compliance with the current planning regulations and guidance.

Quarterly Enforcement Cases.

Quarter 3 (October - December 2022)	
Received Enforcement Cases	118
Total Cases Pending	376
Closed Enforcement Cases	191

Case Breakdown	
Unlawful Advertisements	5
Breach of Conditions	38
Unauthorised Change of Use	22
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	50
Unauthorised Works to Protected Trees	0

Areas Where Breaches Take Place	
Adwick and Carcroft	5
Armthorpe	7
Balby South	2
Bentley	6
Bessacarr	1
Conisbrough	3
Edenthorpe and Kirk Sandall	7
Edlington and Warmsworth	1
Finningley	9
Hatfield	5
Hexthorpe and Balby North	6
Mexborough	2

Norton and Askern	9
Roman Ridge	1
Rossington and Bawtry	7
Sprotbrough	6
Stainforth and Barnby Dun	9
Thorne and Moorends	2
Tickhill and Wadworth	10
Town	13
Wheatley Hills and Intake	7

Formal Enforcement Action	
Notices Issued	3
Prosecutions	0
Injunctions	0

Report Prepared By: Planning Enforcement (Part of the Enforcement Team, Regulation & Enforcement, Economy and Environment).

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