



# City of Doncaster Council

## Agenda

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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, 4th April, 2023

**Time:** 2.00 pm

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**Damian Allen**  
Chief Executive

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Issued on: Monday, 27 March 2023

Governance Services Officer for this meeting

David M Taylor  
01302 736712

City of Doncaster Council  
[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

1. Apologies for Absence.
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
3. Declarations of Interest, if any.
4. Minutes of the Planning Committee Meeting held on 7th March, 2023. 1 - 10
- A. Reports where the Public and Press may not be excluded.**  
**For Decision**
5. Schedule of Applications. 11 - 148  
**For Information**
6. Appeal Decisions. 149 - 164

### **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, 7TH MARCH, 2023

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 7TH MARCH, 2023, at 2.00 pm.

#### PRESENT:

Chair - Councillor Susan Durant

Vice-Chair - Councillor Duncan Anderson (In the Chair for Applications 5 & 6 and Agenda Item 6)

Councillors Bob Anderson, Iris Beech, Steve Cox, Aimee Dickson, Sue Farmer and Gary Stapleton

#### APOLOGIES:

Apologies for absence were received from Councillors Charlie Hogarth, Sophie Liu and Andy Pickering

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

In accordance with the Members' Code of Conduct, Councillor Steve Cox declared an interest in relation to Application No 22/01377/3FULM, Agenda Item No.5 (2) by virtue of being the Local Ward Member and having requested to speak in opposition to the application and took no part in the discussion or vote on the application.

#### 62 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 7TH FEBRUARY, 2023.

RESOLVED that the minutes of the meeting held on 7th February, 2023 be approved as a correct record and signed by the Chair.

#### 63 SCHEDULE OF APPLICATIONS

RESOLVED that upon consideration of a Schedule of Planning and Other Applications received, together with the recommendations in respect thereof, the recommendations be approved in accordance with Schedule and marked Appendix 'A'.

#### 64 ADJOURNMENT OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 3.29 p.m. and 4.54 p.m. respectively to be reconvened on this day at 3.41 p.m and 5.00 p.m.

65 RECONVENING OF MEETING.

The meeting reconvened at 3.41 p.m. and 5.00 p.m. respectively.

66 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 items of business on the agenda.

67 APPEAL DECISIONS

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

<b>Application No</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>	<b>Ward</b>	<b>Decision Type</b>	<b>Committee Overturn</b>
22/00102/FUL	Erect detached chalet bungalow and garage at West Lodge, Sutton Road, Campsall, Doncaster	Appeal Dismissed 14/02/2023	Norton and Askern	Delegated	No
20/02415/FUL	Erection of two detached houses to the rear of 154-156 Bawtry Road at R/O 152, 154 & 156 Bawtry Road, Bessacarr Doncaster DN4 7BT	Appeal Dismissed 14/02/2023	Bessacarr	Delegated	No
21/02900/FUL	Erection of first floor extension above existing garage to the front at 23C Croft Drive, Tickhill, Doncaster DN11 9UL	Appeal Dismissed 09/02/2023	Tickhill and Wadworth	Delegated	No

## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 7th March, 2023

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

A proposal was made to refuse Planning Permission contrary to officer recommendations.

**Proposed by:** Councillor Duncan Anderson

**Seconded by:** Councillor Gary Stapleton

**For:** 8    **Against:** 0    **Abstain:** 0

**Decision:** Planning permission refused contrary to officer recommendations for the following reasons:-

01. The Doncaster Local Plan identifies and allocates the site for housing (site reference CD06). Table H2 of the Local Plan provides an indicative capacity figure of 200 dwellings for site CD06. It is considered that the proposal exceeds the density described in table H2 and would result in an adverse impact on flood risk, access to health care and air quality by virtue of the quantum of development.
02. The proposal by virtue of increased vehicle movements would result in an adverse impact on air quality, close to an area that is a declared Air Quality Management Area leading to a cumulative

impact on public health. It is further considered that the submitted Travel Plan would be ineffective to mitigate those impacts. Consequently the proposal is considered to be contrary to Policy 54 of the Doncaster Local Plan and paragraph 186 of the National Planning Policy Framework.

03. The proposed development, if approved would result in a significant increase in the number of residents to the Conisborough Ward. It is considered that this increase would result in an adverse impact on the local health care network placing additional pressure on GP surgeries and dental provision. As such the proposal is considered to be contrary to Policy 50 (d) of the Doncaster Local Plan and paragraph 130 (f) of the NPPF.
04. The proposed development would result in an adverse impact in relation to flood risk, specifically in relation to surface water runoff to Kearsley Brook and surrounding residential properties. As a consequence the proposal is considered to be contrary to Policy 56 (b & c) 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 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 and Mr Tim Watson members of the public, spoke in opposition to the Application (sharing 5 minutes); and
- Mr J Londesborough (Applicant/Agent) spoke in support of the Application

(The receipt of additional representations from Ms Carol North in regard to increased levels of traffic causing an increase in levels of nitrous dioxide were reported at the meeting).

<b>Application</b>	2
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<b>Application Number:</b>	22/01377/3FULM
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of 10 dwellings
<b>At:</b>	Land off Goodison Boulevard, Cantley

<b>For:</b>	Mr Adam Goldsmith - CDC
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<b>Third Party Reps:</b>	16 in opposition and 1 in support	<b>Parish:</b>	
		<b>Ward:</b>	Finningley

**A proposal was made to grant Planning Permission subject to conditions**

**Proposed by: Councillor Susan Durant**

**Seconded by: Councillor Duncan Anderson**

**For: 6 Against: 0 Abstain: 1**

**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 Steve Cox (Ward Member) spoke in opposition to the application (Councillor Jane Cox read out his statement on his behalf);**
- **Mr Lee Murden, Member of the public spoke in opposition to the application; and**
- **Mr Adam Goldsmith/Mr Matthew Clarkson, applicants, spoke in support of the application**

<b>Application</b>	3
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<b>Application Number:</b>	22/01228/3FULM
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<b>Application Type:</b>	Planning FULL (REG3)
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<b>Proposal Description:</b>	Erection of 48 dwellings ranging from 1 bedroom apartments to 5 bedroom homes. Works to include new road infrastructure connecting to Cedar Road, new public open space; and other landscaping and associated works
<b>At:</b>	Site of former Nightingale School Cedar Road Balby Doncaster DN4 9EY

<b>For:</b>	Adam Goldsmith - CDC
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<b>Third Party Reps:</b>	8 Objections	<b>Parish:</b>	N/A
		<b>Ward:</b>	Balby South

**A proposal was made to grant the Application subject to conditions**

**Proposed by: Councillor Iris Beech**

**Seconded by: Councillor Sue Farmer**

**For: 8 Against: 0 Abstain: 0**

**Decision: Planning permission granted subject to conditions and the amendment of condition 2 to read as follows:-**

**02. Location Plan, Drawing No: PQ2806/AD/11, Received: 3/3/2023  
Site Plan – Site Layout, Drawing No: PQ2806/AD/10, Rev: L,  
Received: 3/3/2023**

**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:-**

- Mrs Carol Hendley, Member of the public spoke in opposition to the application**



- **Mr Adam Goldsmith/Mr Matthew Clarkson, applicants, spoke in support of the application**

**(The receipt of the following changes to the report was reported at the meeting:-  
Schedule of accommodation included on the site plan and in the report (para  
2.1) has been updated to accurately reflect the masterplan:**

**4x Housetype E1210- 4 Bedroom 7 person House**

**1x Housetype E1375 -Adapted 5 Bedroom House**

**6x Housetype E500 -1 bedroom apartment**

**2x Housetype E716 -2 Bedroom 3 person Mobility Bungalow**

**3x Housetype E1014 -3 bedroom 5 person Dormer Bungalow**

**8x Housetype E790- 2 bedroom 4 person house**

**5x Housetype E794- 2 Bedroom 4 person house**

**4x Housetype E801- 2 Bedroom 4 person house**

**2x Housetype E930- 3 Bedroom 5 person House**

**7x Housetype E943- 2 Bedroom 4 person Dormer Bungalow**

**5x Housetype E855 -3 Bedroom 4 person house**

**1x Housetype E645- 2 Bedroom 3 Person Bungalow)**

<b>Application</b>	4
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<b>Application Number:</b>	22/01427/3FULM
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<b>Application Type:</b>	Planning FULL (REG3)
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<b>Proposal Description:</b>	Erection of 21 dwellings and associated infrastructure including a mix of 2,3 and 4 bedroom two storey houses and bungalows with a communal, central park area.
<b>At:</b>	DMBC Archives King Edward Road Balby Doncaster DN4 0NA

<b>For:</b>	Adam Goldsmith - CDC
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<b>Third Party Reps:</b>	One letter of objection	<b>Parish:</b>	None
		<b>Ward:</b>	Balby

**A proposal was made to grant the Application subject to conditions**

**Proposed by: Councillor Duncan Anderson**

**Seconded by: Councillor Susan Durant**

**For: 6 Against: 0 Abstain: 1**

**Decision: Planning permission granted subject to conditions and the amendment of condition 2 to read as follows:-**

- 02. AMENDED Site Layout Dwg PQ2804-DC-AD-10 Rev L  
AMENDED Site Layout Dwg PQ2804-AD-10 Rev L  
AMENDED PLANS - House Type Dwg PQ2804-AD-PD09\_E943 Rev A (Variant Plot 6)  
AMENDED PLANS - House Type Dwg PQ2804-AD-PD03\_E645A/B Rev B  
AMENDED PLANS - House Type Dwg PQ804-AD-PD01\_E716 Rev B**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mr Adam Goldsmith and Mr Matthew Clarkson, applicants spoke in support of the application for the duration of up to 5 minutes**

<b>Application</b>	5
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<b>Application Number:</b>	22/01962/3FUL
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<b>Application Type:</b>	Planning FULL (REG3)
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<b>Proposal Description:</b>	Erection of 3 2-bedroom 100% affordable council houses on vacant land. The application is for houses, roads and all associated infrastructure to serve them.
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<b>At:</b>	Garage Site Springfield Avenue Hatfield Doncaster DN7 6RF
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<b>For:</b>	Adam Goldsmith - CDC
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<b>Third Party Reps:</b>	2 Objections	<b>Parish:</b>	Hatfield Parish Council
		<b>Ward:</b>	Hatfield

**A proposal was made to grant the Application subject to conditions**

**Proposed by: Councillor Sue Farmer**

**Seconded by: Councillor Gary Stapleton**

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

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

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mr Adam Goldsmith and Mr Matthew Clarkson, applicants spoke in support of the application for the duration of up to 5 minutes**

**(The receipt of an additional representation regarding the maintenance of trees on the site was reported at the meeting)**

<b>Application</b>	6
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<b>Application Number:</b>	22/02770/3FUL
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	Erection of a youth services modular building with roof-mounted photovoltaics and low-carbon components with a new landscaped surrounding
<b>At:</b>	Land at Parkway South Wheatley Doncaster DN2 4JS

<b>For:</b>	Mr Marcus Isman-Egal - CDC
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<b>Third Party Reps:</b>	1 objection	<b>Parish:</b>	n/a
		<b>Ward:</b>	Wheatley Hills and Intake

**A proposal was made to grant the Application subject to conditions**

**Proposed by: Councillor Gary Stapleton**

**Seconded by: Councillor Bob Anderson**

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

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

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mr Fraser Morrison, applicant spoke in support of the application for the duration of up to 5 minutes**

## CITY OF DONCASTER COUNCIL

Date 4th April 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.

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Application	Application No	Ward	Parish
1. M	22/01978/FULM	Tickhill And Wadworth	Braithwell / Micklebring Parish Council
2.	22/00936/FUL	Sprotbrough	High Melton Parish Council
3. M	22/02088/FULM	Adwick Le Street And Carcroft	
4. M	22/02316/FULM	Hatfield	Hatfield Parish Council
5.	22/01711/FUL	Finningley	Cantley With Branton Parish Council

<b>Application</b>	1.
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<b>Application Number:</b>	22/01978/FULM
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of a solar farm and battery energy storage system (BESS) and associated infrastructure
<b>At:</b>	Foredoles Farm House Marsh Hill Micklebring Rotherham

<b>For:</b>	Rotherham Solar 1 Limited
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<b>Third Party Reps:</b>	15 representations, 14 objections, 1 in support	<b>Parish:</b>	Braithwell / Micklebring Parish Council
		<b>Ward:</b>	Tickhill And Wadworth

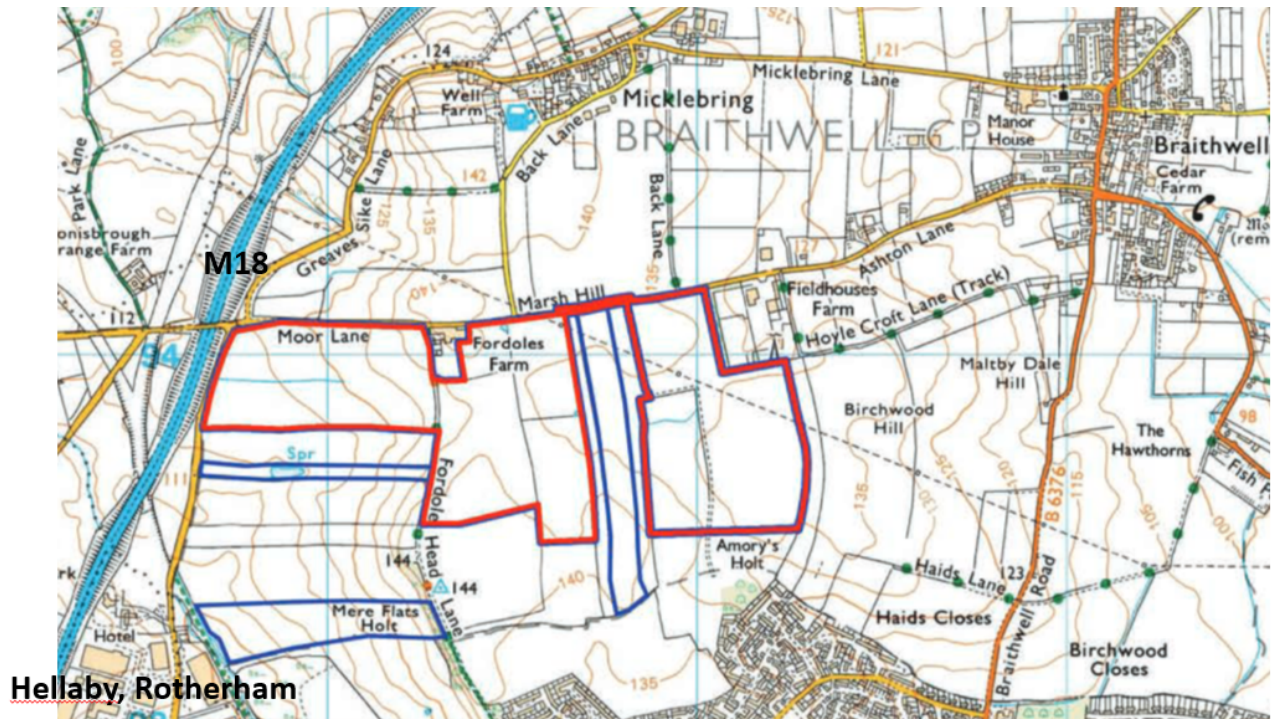
<b>Author of Report</b>	Mark Sewell
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## SUMMARY

The proposal seeks full planning permission for the installation of a solar farm and battery storage facility with associated infrastructure, with an installed power capacity of up to 49.9MW.

The application site is located within the Green Belt, and technically represents inappropriate development as defined by the National Planning Policy Framework. Whilst the development would be inappropriate development within the Green Belt, very special circumstances have been provided to justify the development, in respect of the significant amount of renewable energy the scheme would deliver, and the resultant carbon emission savings. The application has also been assessed in terms of its impacts upon ecology, visual impact, agricultural land, highways and other technical matters, and subject to the imposition of appropriate conditions to deliver mitigation where required, is considered to be acceptable.

**RECOMMENDATION: GRANT subject to conditions**



## 1.0 Reason for Report

- 1.1 The application is being presented to Members given the fact it represents a departure from the development plan. In addition to this there has been significant local interest in the proposal.

## 2.0 Proposal and Background

- 2.1 The submitted application seeks full planning permission for the installation of a solar farm and battery storage facility with associated infrastructure, with an installed power capacity of up to 49.9MW.
- 2.2 The proposed development comprises of an array of ground mounted solar panels in rows facing south, together with ancillary infrastructure including inverters (mounted behind the panels), transformer units, electrical infrastructure, CCTV, storage containers, switch gear and substation and temporary construction compounds. In addition, a Battery Energy Storage System (BESS) will be located near to the substation to the western side of the site. The proposals include landscape and ecological management measures to support biodiversity net gain. The application site is split into two distinct parcels, a western / central parcels, and a smaller eastern parcel. Land to be retained for agricultural use divides the two parcels. Access to the site is to be via two site entrances; one existing field entrance off Hellaby Lane on the western site boundary for access to the western and central parcels of the site; and one new entrance off Marsh Hill / Ashton Lane to the north of the site for access to the eastern parcel.
- 2.3 The array of panels will be contained within a maximum area of 62ha, and the layout has been designed to consider the ground conditions of the site and to avoid overshadowing from nearby features such as boundary hedgerows and trees. The panels will be sited in an east / west orientation in order to have a fixed tilt to the



south to face the sun. The panels will be mounted at a fixed angle of approximately 20 degrees, and will have a maximum height of 2.5, and with a minimum ground clearance of 0.8m. This arrangement allows for safe grazing for sheep under the panels. Adequate spacing between the panels will be provided to allow for maintenance and avoid shading from neighbouring panels. The panels will be grouped in blocks of 26 or 13 panels that are arranged in two rows in portrait format. The panels are planned to be “bi-facial, which means that they have the capability to generate electricity from light received to both the front and back of the panel. The frames that support the panels are made of aluminium, and are fixed to the ground with ground anchors. Where less disturbance is required to the subsurface, concrete feet can be used to stabilise the panel frames.

- 2.4 Solar panels generate Direct Current (DC) electricity which must be converted to electricity with an Alternating Current (AC) before being exported into the local network. This conversion takes place via inverter units located behind the panels, mounted on to the frames. Each unit is typically 100cm x 70cm x 37cm. The panels and inverters are connected via cabling, and underground cables link the inverters to transformer units. These transformers step the generation voltage up to the required connection voltage of the local network. There would be 12 transformer units required on the site, each measuring 7.6m in length, 2.5m in width and 2.8m tall. A similarly sized spare parts container would also be required to be housed within the site.
- 2.5 As already mentioned, access to the site is to be via two site entrances; one existing field entrance off Hellaby Lane on the western site boundary for access to the western and central parcels of the site; and one new entrance off Marsh Hill / Ashton Lane to the north of the site for access to the eastern parcel. Within the site, existing farm tracks will be upgraded and new tracks laid where necessary to delivery and access to the individual areas of the solar array. A perimeter fence and CCTV system comprising of inwards facing cameras will also be installed. The security fence will be a stock proof fence of wooden posts and wire, standing up to 2m in height.
- 2.6 In terms of other ancillary infrastructure, a meteorological monitoring station is required for monitoring the site weather conditions. The station will include a 3m post to support the weather monitoring equipment, and will be situated in the western part of the site, grouped with other infrastructure near the site access.
- 2.7 A BESS is also proposed as part of the scheme, and will occupy an area of approximately 0.15ha, again to the western part of the site. The BESS would comprise of 6 containerised battery modules, with a total connection capacity of 17MVA. An inverter station then converts the DC electricity of the battery to the AC electricity of the network. The individual battery containers are 12.2m in length, 2.4m wide and 2.9m tall, and the inverter stations are typically 6m in length, 2.4m wide and 2.9m tall.
- 2.8 Adjoining the BESS will be a substation compound, in order to connect to the local electricity distribution network. The substation will internally segregated for the operators equipment and the Distribution Network Operators (DNO) equipment, who in this case is Northern Powergrid. The compound will contain switchgear, a control with store and metering equipment, as well as isolation equipment and site transformer. From here, underground cables will connect to the DNO's underground line adjacent to the north west of the site.

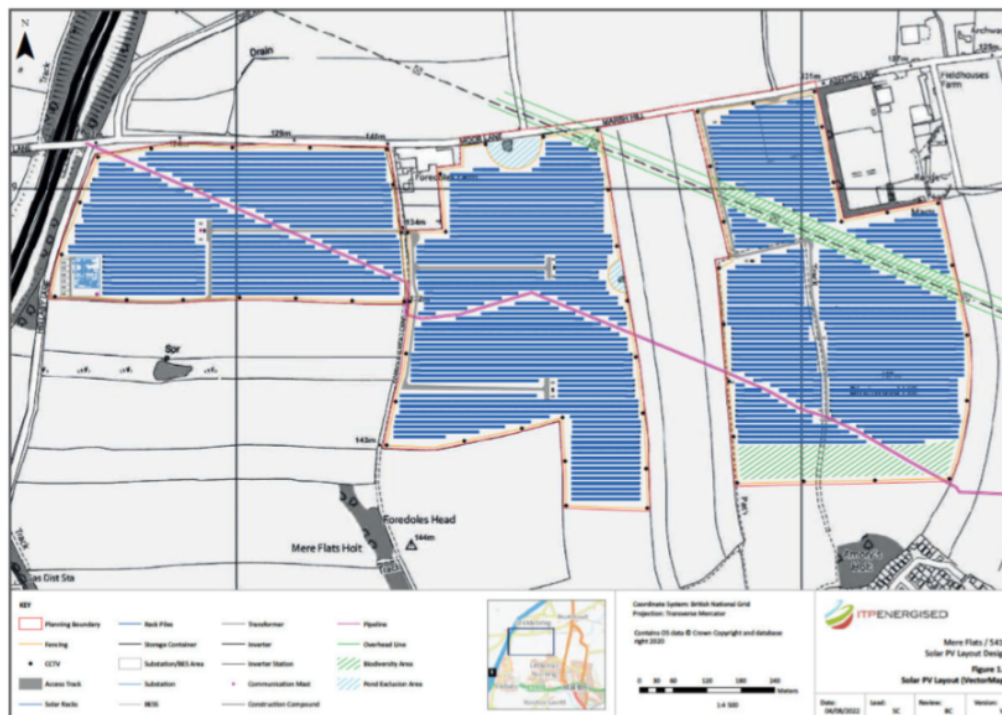
2.9 As well as this, the scheme also proposes a new planting plan alongside the technical infrastructure, in order to provide both ecological as well as landscape mitigation. This includes;

- New field boundary hedgerows with hedgerow trees around the northern and eastern boundaries of the site
- New hedgerow planting to restore historic hedgerows within the site
- Infill hedgerow planting with hedgerow trees to gap up the existing hedgerows on the western and southern boundaries of the site
- Species rich grass meadow across the entire site including beneath the solar PV arrays
- Species rich wildflower margins around the field perimeters
- New pond creation and biodiversity areas around existing ponds.

2.10 During operation, the site will be remotely monitored and operated with an automated system alerting an engineer in case of any component or system issues. Regular checks and inspections will be carried out to ensure that all of the equipment on site, as well as boundary fencing, is in good working order. The panels will obviously be cleaned periodically to ensure maximum production. It is anticipated that personnel will visit the site on a monthly basis.

2.11 The development would operate for a period of 40 years, after which the solar farm and BESS would be decommissioned, unless a fresh planning permission were granted to extend its life. Decommissioning would consist of the removal of all elements and the restoration of the site to its current condition.

2.12 As stated above, the solar farm would have an installed power capacity of up to 49.9MW. It is estimated that the solar farm will be sufficient to offset the equivalent annual electricity needs of approximately 13,500 homes, based on average domestic consumption.



Proposed Site Layout

### **3.0 Site Description**

- 3.1 The application site currently comprises of approximately 63ha of agricultural land located on farmland to the east of the M18 motorway, to the south east of Micklebring and north west of Maltby. The application site is entirely within the Parish of Braithwell, with Maltby Parish adjacent to the south. The western edge of the development is on the boundary with Rotherham Borough Council. Scattered dwellings and farms are situated along the minor roads and in the farmland surrounding the application site. The closest residential properties not associated with the development are located approximately 140m to the south of the eastern part of the site, on Armory's Holt Road, Maltby.
- 3.2 As stated above, the application site is currently agricultural land, and comprises four arable medium sized linear fields. From Foredoles Head Lane, the land slopes down to the west to Hellaby Lane, whilst to the east of this the land is a an undulating plateau before gently the sloping in a north / south plane further down to the east. There are field boundary hedgerows within the development site and surrounding area, and a well established treeline borders Foredoles Head Lane.
- 3.3 One Public Right of Way crosses through the site along Foredoles Head Lane. Other Public Rights of Way are located in the wider area including a bridleway which connects the edge of Maltby with Foredoles Head Lane.
- 3.4 Overall, the application site is located in an area that can be characterised as rural to sub-urban. There is existing energy infrastructure present within the site in the form of an overhead electricity line and pylons, and an underground gas pipe with other gas infrastructure located in the surrounding area. An industrial estate is located to the south west of the application site and covers a large area. The M18 is obviously a significant feature crossing the wider site.

### **4.0 Relevant Planning History**

- 4.1 The application site has no relevant planning history.

### **5.0 Site Allocation**

- 5.1 The application site lies within the Green Belt as defined by the Local Plan Policies Map.
- 5.2 National Planning Policy Framework (NPPF 2021)
- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraphs 7 - 11 establish that all decisions should be based on the principles of a presumption of sustainable development.

5.6 Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 6 - Building a strong, competitive economy

Section 13 - Protecting Green Belt land

Section 11 - Making effective use of land

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

5.7 Paragraph 138 states that the green belt serves 5 purposes including controlling urban sprawl, prevent neighbouring towns merging, safeguarding the countryside, preserving the character of historic towns, and assist urban regeneration.

5.8 Paragraph 147 states inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.9 Paragraph 148 states when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

5.10 Paragraph 151 of the NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

5.11 Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Planning Practice Guidance notes issued by the Department for Communities and Local Government offers advice to local planning authorities when dealing with solar photovoltaic farms. It states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

It states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- i) encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.
- ii) where a proposal involves greenfield land, the proposed use of any agricultural land has been shown to be necessary and poorer quality of land has been used in preference to higher quality land and the proposal allows for continued agricultural use where applicable and encourages biodiversity improvements around arrays.
- iii) the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety.
- iv) the need for, and impact of, security measures such as lights and fencing.
- v) conservation of heritage assets.
- vi) the potential to mitigate landscape and visual impacts through, for example, screening with native hedges.
- vii) the energy generating potential, which can vary for a number of reasons including latitude and aspect.

## **Local Plan**

- 5.12 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In the case of this application, the development plan consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted 2012) (JWP).

The most relevant policies are:

- Policy 1 : Settlement Hierarchy
- Policy 18 : Development affecting Public Rights of Way
- Policy 26 : Green Infrastructure (Strategic Policy)
- Policy 29 : Ecological Networks (Strategic Policy)
- Policy 30 : Valuing Biodiversity and Geodiversity (Strategic Policy)
- Policy 32 : Woodlands, Trees and Hedgerows
- Policy 33 : Landscape (Strategic Policy)
- Policy 41 : Character and Local Distinctiveness (Strategic Policy)
- Policy 48 : Landscaping of New Developments
- Policy 56 : Drainage
- Policy 57 : Flood Risk Management
- Policy 58 : Low Carbon and Renewable Energy
- Policy 60 : Protecting and Enhancing Doncaster's Soil and Water Resources

National Planning Policy Framework (NPPF) 2021 and the National Planning Practice Guidance

## **Other material planning considerations and guidance**

5.13 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 Council adopted its first SPD under the new Local Plan in September 2022 relating to Biodiversity Net Gain.

5.14 The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst further new SPDs to support the adopted Local Plan are progressed and adopted. This guidance is attached limited weight.

5.15 Other material considerations include:

- National Planning Practice Guidance (ongoing)
- National Design Guide (2019)

5.16 Other Council initiatives include:

- Doncaster Green Infrastructure Strategy 2014 – 2028
- Doncaster Masterplan
- Doncaster Delivering Together

5.17 Launched in September 2021, Doncaster Delivering Together (DDT) is the Council's new 10 year Borough Strategy. DDT is about everyone being able to thrive and contribute to thriving communities and a thriving planet. This strategy does not form part of the adopted development plan but it is important that the policies of the Doncaster Local Plan achieve the aims and objectives of DDT strategy. The DDT has identified 8 priorities to deliver for Doncaster over the next ten years.

1. Tackling Climate Change
2. Developing the skills to thrive in life and work
3. Making Doncaster the best place to do business and create good jobs
4. Building opportunities for healthier, happier and longer lives for all
5. Creating safer, stronger, greener and cleaner communities where everyone belongs
6. Nurturing a child and family - friendly borough
7. Building transport and digital connections fit for the future
8. Promoting the borough and its cultural, sporting and heritage opportunities

## **6.0 Representations**

6.1 This application has been advertised by way of site notice and a notice in the local press.

6.2 15 representations from 11 parties have been received. One representation supported the proposal, although did ask that local informal walking routes were accounted for in the proposed layout. The remaining representations objected to the proposals. The issues raised within the objections were;

- Loss of agricultural land
- Impacts of the proposal upon ecology
- Noise
- Impacts upon local views

- Road safety in respect of glint and glare
- Loss of access to the countryside

## **7.0 Town / Parish Council**

- 7.1 “Braithwell with Micklebring Parish Council can confirm that we did not receive any objections directly with regards to this proposal.

However the Parish Council discussed this application in length due to the ramifications on Micklebring land.

The first concern was the landscaping on the site, and the opportunity to increase biodiversity on the land. The application appears to be extremely focused on these matters and the Parish Council sincerely hope that the plans are followed through in its entirety.

The second concern was the loss of a public right of way across the land for walkers, ramblers etc.

The third concern was the fact that the borough of Rotherham and local villages Maltby & Hellaby were acknowledged in the application. The land proposed for this solar farm is solely within the Parish of Braithwell with Micklebring boundaries.

The Parish Council received further correspondence recently from GNL (agents of Climate ER) which reassured the Council.”

- 7.3 Comments have also been received from Maltby Town Council, who have objected to the proposal due to inappropriate use of land, noise, taking up a percentage of green space between Maltby and damage to wildlife and concerns about the batteries and disposal.

## **8.0 Consultations**

- 8.1 **DMBC Ecologist** - no objections following information received in respect of Biodiversity Net Gain (BNG). Conditions recommended to ensure BNG delivery, construction management and ecological enhancements.

- 8.2 **DSA Safeguarding** - no objections

- 8.3 **DMBC Highways** -no objections subject to condition re: Construction Traffic Management Plan.

- 8.4 **DMBC Trees & Hedgerows** - no objections subject to condition to ensure hedge planting details and management are agreed.

- 8.5 **DMBC PROW** – note potential right of way linkage through the site, however this would be subject to claim made through the appropriate PROW legislation. Observations around construction management and hedgerows.

- 8.6 **Environment Agency** – No comments received.

- 8.7 **SYAS** – No comments received.

- 8.8 **DMBC Environmental Health** - No objections.

- 8.9 DMBC Pollution Control** – No objections.
- 8.10 National Highways** – No objections, request conditions regarding landscaping and to control potential glint and glare.
- 8.11 NATS Safeguarding** – No objections.
- 8.12 Natural England** – No objections subject to the land being returned to agricultural usage.
- 8.13 Yorkshire Water** – No objections, recommend condition to ensure adequate standoff to YW assets.
- 8.14 Severn Trent** – No objections
- 8.15 Rotherham MBC** – No objections, welcomes additional publicity carried within RMBC area and requests than any representations received are taken into account.
- 8.16 Ward Members** – No comments received
- 8.17 HSE** – No objections
- 8.18 Yorkshire Wildlife Trust** – No comments received
- 8.19 DMBC Transportation** – No objections

## **9.0 Assessment**

- 9.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.
- 9.2 The NPPF at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.
- 9.3 The main issues for consideration in determining this proposal are;
- Principle of development
  - Landscape / visual impact
  - Ecology and biodiversity
  - Trees and hedgerows
  - Construction management
  - Public rights of way
- 9.4 For the purposes of considering the balance in this application, planning weight is referred to in this report using the following scale:



### EIA development

- 9.5 The EIA Regulations contain two development schedules (Schedule 1 development and Schedule 2 development). Schedule 1 contains a list of development where EIA is mandatory. The proposed development does not fall within Schedule 1 development.
- 9.6 Solar energy developments are not explicitly listed under Schedule 2, however Class 3(a) lists the following as Schedule 2 development;

“Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)” where “the area of the development exceeds 0.5 hectare”.

The proposed development exceeds the applicable threshold for EIA development of 0.5 hectares, and, as such, the local planning authority has screened the proposal (by the criteria listed in Schedule 3) to ascertain whether there are likely to be significant effects on the environment. The authority have concluded that the application is not likely to raise complex or significant and hazardous environmental impacts that would warrant the need for an EIA.

### Principle of Development

- 9.7 As previously described, the application site comprises of land totalling approximately 63ha, and predominantly rural in character, and is wholly within the Green Belt as defined by the Local Plan. In terms of judging the principle of development, Policy 58 deals with Low Carbon and Renewable Energy. The Local Plan defers to national guidance held within the NPPF in terms of development within Green Belt Areas.
- 9.8 In terms of national policies, Section 6 of the NPPF refers to the economy and paragraph 84 in particular states that in supporting a prosperous rural economy planning decisions should enable the development and diversification of agricultural and other land based rural business. Paragraph 158 sets out that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.
- 9.9 At a national level, the UK's renewable energy policies are in line with international policy objectives, namely to ensure that the global economy will need to be zero-carbon by the second half of the 21st Century.
- 9.10 To help to achieve the net zero target, the government is seeking to transition from dependence on fossil fuels to increasing the amounts of secure, renewable and low carbon energy, which of course includes solar. In terms of the varying forms of technology, solar is one the more advanced to the point where it is no longer reliant on government subsidy to ensure its viability.

- 9.11 Announcements by the Government in 'The Ten Point Plan for a Green Industrial Revolution' (November 2020), the 'National Infrastructure Strategy' (November 2020), Energy White Paper (December 2020), hosting of the international climate summit, COP26 in Glasgow in 2021, and changes in law to reduce carbon emissions by 78% by 2035 further reinforce the requirement for change.
- 9.12 In addition to this the Energy White Paper of December 2020 puts net zero and the UK Governments effort to fight climate change at its core. Whilst the report does not target a particular generation mix for 2050, the report goes on to state that a low-cost, net zero consistent system is likely to be composed predominantly of wind and solar.
- 9.13 In planning policy terms, the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.14 At a local level, in September 2019 Doncaster joined a growing number of local authorities who have declared a climate and biodiversity emergency. Doncaster has pledged to become carbon neutral by 2040. An Environment & Sustainability Strategy 2020 - 2030 has been developed by Team Doncaster having the backing of the Council and builds on the work of the Councils Climate and Biodiversity Commission. Importantly, this strategy provides a priority for Doncaster to increase energy production for sustainable sources and to "maximise the large-scale and small-scale renewable energy generation". The strategy also seeks to increase the proportion of land given over to wildflower grassland to support greater biodiversity and improve soils.
- 9.15 Within the Local Plan, Policy 58 seeks to increase the supply of low carbon and renewable energy generated in the borough. Amongst others, it states that proposals will be supported which give priority to heat or power generation from light, water, waste and other low carbon sources. The policy sets out criteria to allow such proposals to be supported, including community engagement and demonstrable environmental, social and economic benefits, no adverse effects on amenity and air quality, highways and infrastructure, and the built and natural environment. The applicants have undertaken pre-application community consultation with the local community, and a Statement of Community Involvement has been provided with the application. The other specific points mentioned will be assessed within the report.
- 9.16 On this basis, it is clear that from both a national and local policy position, there is support generally for the form of development proposed. Specifically however, the proposed development site is located on land allocated as Green Belt within the Local Plan, and as such the scheme needs to be assessed in terms of its impact in those terms.
- 9.17 As a starting point, Policy 1 (Settlement Hierarchy) of the Local Plan sets out the Council's approach to development within the Green Belt. The policy states that; "The openness and permanence of Doncaster's Green Belt (as indicated on the Key Diagram) and defined on the Policies Map will be preserved."Page 24

"The general extent of the Green Belt will be retained. Within the Green Belt, national planning policy will be applied including the presumption against inappropriate development except in very special circumstances."

9.18 As such, the Local Plan defers to the NPPF with regards to Green Belt Policy. Para 147 of the NPPF states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Para 148 goes on to state that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

9.19 In terms of inappropriate development, the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, subject to a number of exceptions. It goes on to outline a number of forms of development that are not considered to be inappropriate in the Green Belt (provided they preserved the openness), however none of these exceptions are applicable to the development proposals.

9.20 Paragraph 151 of the NPPF specifically mentions renewable energy development within the Green Belt, and states;

"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

9.21 On this basis, the local planning authority must consider the impact of the proposal upon the openness of the Green Belt, and whether very special circumstances justify the development in the Green Belt.

9.22 The NPPF at para 138 sets out the five purposes of the Green Belt;

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.23 In order to assist the decision making process, Planning Policy Guidance provides advice on the factors that can be taken into account when considering the potential impact of development upon openness of the Green Belt. The guidance advises that the courts have identified a number of matters which may need to be taken into account in making this assessment. These include:

- openness is capable of having both spatial and visual impacts - in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness;
- the degree of activity likely to be generated, such as traffic.

- 9.24 In terms of this proposal, it is prudent to assess the scheme against the 5 objectives of the Green Belt to guide the judgement of impact upon openness. With regards to checking the unrestricted sprawl of large built up areas, it is not considered that the scheme would result in such sprawl. Solar arrays in fields are not a form of development typically thought of or associated with "urban sprawl", and increasingly are no longer an unusual feature in rural locations, as it is often only possible to locate solar farms of this type of scale on greenfield land in the countryside. Furthermore, the proposed solar farm would have a lifespan of 40 years, after which it would be decommissioned and the land restored in an agreed manner, and so any harm would be of a temporary and reversible nature.
- 9.25 The second objective seeks to prevent neighbouring towns from merging into one another. As described earlier in the report, the application site is located on agricultural fields sitting between the settlements of Micklebring, Braithwell and Maltby. The fields themselves are separated from the settlements, and the existing gaps between the settlements and application boundary will be retained. Furthermore, given the nature of the proposal, with relatively low solar panels (no taller than 3m) and existing field hedgerow boundaries to be retained and additional to be planted, the scheme will ensure that the settlements will not have visual appearance of merging. The applicants have provided a Landscape and Visual Impact Assessment (LVIA), which concludes that there would be no significant changes in views from within any of the settlements.
- 9.26 The third objective is to assist in safeguarding the countryside from encroachment. It is recognised that the siting of solar panels into agricultural fields would change the character of the area, and so would represent encroachment of development within the countryside. The development does however have a lifespan of 40 years after which it will decommissioned, and as such any harm through encroachment will be of a temporary and reversible nature. In terms of the landscape and visual effects of the proposal, the LVIA recognises that the scheme would have a substantial impact upon views from a public right of way, used by walkers, cyclists and horse riders that cross the site. The impacts upon these views would be mitigated slightly by the establishment of proposed landscape enhancements. More widely, the LVIA concludes that the addition of the solar farm in a few middle distance publically afforded route views would not adversely alter the appreciation of the view, and that there would be no significant impacts more broadly on the landscape character or views in the local area. As such, it is considered that the impact of views is relatively limited given the scale of the scheme, and there would be no significant impacts more broadly on landscape character or views in the local area.
- 9.27 The fourth objective is to preserve the setting and special character of historic towns. Given the location and surroundings of the proposed development, it is not considered that the proposals would impact upon the setting special character of any historic towns.
- 9.28 The final objective is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. It cannot be argued that the proposal will assist in contributing to urban regeneration, however neither would it hinder or discourage urban regeneration in Doncaster.
- 9.29 Having assessed the proposal against the five objectives of the Green Belt, as per Para 147 of the NPPF, it must be demonstrated that very special circumstances

exist to permit the granting of what is considered to be inappropriate development within the Green Belt. Case law holds that the decision maker must first decide whether very special circumstances exists, before then determining whether those very special circumstances outweigh the potential harm to the Green Belt.

- 9.30 By definition, the proposed development represents inappropriate development in the Green Belt and, as such, will result in harm to the openness of the Green Belt. Whether the scheme can be considered acceptable in planning terms, as stated above hinges on whether very special circumstances can be demonstrated, and whether any potential harm to the Green Belt by reason of its inappropriateness is outweighed by other considerations.
- 9.31 In terms of the impact of the proposal upon the openness of the Green Belt, the scheme has been assessed against the 5 purposes for including land within the Green Belt. Both in terms of the visual and spatial impacts of the proposal, it is considered that the harm to the openness of the Green Belt has been kept to a minimum, and over time will be further mitigated by the proposed landscape enhancements. In addition, the degree of harm arising from the loss of openness is also tempered by the temporary and reversible nature of the proposal.
- 9.32 With regards very special circumstances, as mentioned previously within the report, para 151 of the NPPF states that many renewable energy projects will comprise inappropriate development, and in such cases developers will have to demonstrate very special circumstances. These may include the wider environmental benefits associated with the increased production of energy from renewable sources. Case law has established that the decision maker must first decide whether very special circumstances exists, before then establishing whether those circumstances outweigh the potential harm to the Green Belt. Furthermore, a number of factors, none of them "very special" when considered in isolation, may when combined together amount to very special circumstances.
- 9.33 In the case of this proposal, it is anticipated that the development will generate sufficient electricity to offset the equivalent annual energy needs of 13,900 Doncaster homes, equating to 11% of the households within the Local Authority Area. The size and significance of this amount of renewable energy generation is in itself presented as very special circumstances.
- 9.34 The applicants have provided information to show that the electricity produced by the solar array would offset the equivalent of 10,400 tons of CO<sub>2</sub> per annum, which equates to a saving of 6,520 average Doncaster residents domestic carbon footprints. On this basis, the proposal would make a significant contribution towards reducing CO<sub>2</sub> emissions, in line with national legislation of achieving zero net carbon emissions by 2050, and as required in Doncaster by the Council's declaration of a Climate Emergency in 2019. An Environment and Sustainability Strategy 2020-2030 has been developed by the Council in response to the climate change and biodiversity emergency declaration, with a stated ambition to become carbon neutral by 2040 and to increase the land given over to woodland, wood pasture, wildflower grassland and thus support greater biodiversity. As such the development proposals will assist greatly in the Council delivering on its carbon neutral target, as well as improving biodiversity through proposed net gain mitigation delivery (to be discussed later).
- 9.35 The proposed solar farm will connect to the local electrical distribution network immediately to the north west of the site. This provides the very real benefit of

100% of the electricity generated by the solar farm being entirely supplied and consumed by local residents, rather than be fed into the National Grid to be used elsewhere. As such, all of the electricity generated is helping to reduce the carbon emissions that would normally be emitted to supply local residents with electricity.

- 9.36 To conclude, the proposed development is by definition inappropriate development in the Green Belt, and therefore will result in a level of harm to the openness of the Green Belt. In deciding whether the scheme is acceptable in planning terms, this potential harm to the Green Belt is dependent on whether very special circumstances have been demonstrated, and indeed whether those circumstances clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and indeed by any other harm resulting from the proposal.
- 9.37 As stated previously, it is considered that the harm to the openness of the Green Belt in visual and spatial terms has been minimised, given the position of the site and surrounding land uses, and the proposed additional landscaping and ecological mitigation proposed. As such, the resultant harm is considered to be limited.
- 9.38 Weighed against that, and as advised by para 151 of the NPPF, are the very special circumstances of the wider environmental benefits associated with increased production of energy from renewable sources. In this case, the scheme would deliver a substantial amount of renewable energy for local residents, enough offset the equivalent annual energy needs of 13,900 Doncaster homes and 10,400 tons of CO<sub>2</sub> annually. Both of these factors help to achieve both local and national net zero targets. Furthermore, the majority of the application site is not on the higher grades of agricultural land, where policy directs such proposals after previously developed land. The proposal will also provide a significant contribution to "home grown" energy generation, which helps to ensure future energy security, a particularly pertinent issue given recent world events. Finally, the proposal has a lifespan of 40 years, so although long term, is ultimately temporary and reversible.
- 9.39 On this basis, it is concluded that the limited harm to the Green Belt by way of loss of openness is clearly outweighed by the substantial environmental benefits from the generation of a significant amount of renewable energy. These benefits, as discussed in the previous paragraph, amount to very special circumstances that outweigh the limited harm to the Green Belt and other potential harm identified. As mentioned previously, these other issues and potential impacts will be discussed further in the report.

### Sustainability

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

## Impact upon Residential Amenity

- 9.42 The closest residential properties not associated with the development are located approximately 140m to the south of the eastern part of the site, on Armory's Holt Road, Maltby.
- 9.43 Local Plan Policy 46 states that development will be supported provided that it does not result in unacceptable negative effects on the amenity of neighbouring land uses or the environment.
- 9.44 A small wooded area lies to the rear of the closest properties to the south east of the site, and the proposal show a belt of landscaped ecological mitigation land as the nearest part of the application site, before the solar array starts. As such, given the distance and intervening landscaping, and height of the proposed panels, it is considered that any views of the proposal will not be overbearing to nearby residents. Whilst there may be a change in the view, this is not a material planning consideration in respect of residential amenity. In addition, the applicants are proposing to allow existing hedgerows to grow further, as well as planting additional. Over time, these measures will temper the impact of the proposal.
- 9.45 The biggest potential for disturbance is during the construction period. This is discussed in further detail later in the report, however no objections have been received from the Council's Environmental Health team in respect of the noise information and initial construction management plan received. A condition will be applied to ensure detailed construction management details are agreed before any development commences.

## **Conclusion on Social Impacts**

- 9.46 The proposal has been able to adequately demonstrate that residential development can be achieved on the site without adversely affecting the residential amenity of neighbouring properties. The development complies with Policy 46 of the Local Plan and is given moderate weight in the determination of the application.

## **ENVIRONMENTAL SUSTAINABILITY**

### Landscape and Visual Impact

- 9.47 One of the core principles of the NPPF is that the intrinsic character and beauty of the countryside should be recognised. Planning Practice Guidance notes issued by the government states that the deployment of large-scale Solar Farms can have a negative effect on the rural environment, particularly in very undulating landscapes. However, it states that the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively. This guidance also stresses that local topography is an important factor in assessing whether a large scale solar farm could have a damaging impact on the landscape.
- 9.48 Policy 58 also states that low carbon and renewable energy proposals will be supported whether they have no unacceptable adverse impacts, including cumulative impacts, on the built and natural environment (including landscape character).
- 9.49 Policy 33 of the Local Plan is concerned with Landscape at a strategic level. It states that proposals will be supported that take account of the quality, local

distinctiveness and the sensitivity to change of distinctive landscape character areas and individual landscape features, in particular Thorne and Hatfield Moors. The Policy goes on to state that where developments will most likely result in a significant impact upon the Borough's landscape, the proposals should assess the potential impact (including cumulatively) and propose how any negative effects will be minimised.

9.50 As previously stated, the development site is located to the north of the settlement of Maltby, to the south of Micklebring, and to the east of the M18 motorway. The application site currently comprises agricultural fields, delineated by mature hedgerows and planting. The scheme includes an array of ground mounted solar panels and associated ancillary infrastructure, including inverters, transformer units, switch gear and substation and temporary construction compounds on two parcels of land. The scheme also includes battery storage on the western side of the site.

9.51 As part of the application, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA describes the site and the elements that define its character. The assessment takes into account both the alteration the development would introduce to the landscape, and the sensitivity of the site and its current surroundings. There are no national or local landscape designations within the site or surrounding area., however as already mentioned the site is within the Green Belt. The Doncaster Landscape Character and Capacity Study (LCCS) identifies that the application site is located within the C1 - Stainton to Edlington Limestone Plateau landscape character area (LCA). Some of the characteristics of the area include;

- a gently rolling landform dipping gently to the north and the east with a steep escarpment to the west,
- large scale intensive arable farmland with some pasture around settlements
- hedgerows often with gaps or missing altogether from field boundaries
- sparsely scattered farmsteads
- modern influences including 2 motorways cutting through the area
- industrial style red brick mining settlements and spoil heaps associated with former deep coal mining.
- some large scale limestone quarrying.
- network of minor roads and some public rights of give good access into the area
- nature roadside hedges restrict views but elsewhere there is an open feel with extensive views to the east and west.

9.52 The LVIA identifies that the most sensitive viewers within this area would be residents on the edge of existing settlements, those living within farmsteads within the area, and the users of public rights of way. Other sensitive viewers outside of the landscape character area include residents on the edges of adjacent urban suburbs of Maltby, Conisbrough and Doncaster, with less sensitive viewers being travellers using the roads and motorways passing through or past the area. Visibility across the LCA varies according to elevation, landform and local screening. There are some extensive views to both east and west from some locations.

9.53 Also to note, the land adjacent the site to the west falls within the Central Rotherham Coalfield Farmland (8) area. This area is located at the centre of Rotherham Borough and runs north south through it. It abuts the boundaries with both Doncaster Borough and Derbyshire, running into the Doncaster Landscape



Character Area C1: Stainton to Edlington Limestone Plateau and the Derbyshire Landscape Character Type Southern Magnesian Limestone - Limestone Farmlands. The characteristics of this area are, unsurprisingly, similar to those stated above i.e., gently undulating landform, large scale arable landscape, motorway corridors, quarries and mining villages.

- 9.54 The main part of the assessment of the effect of the proposed development upon the landscape is undertaken by defining how susceptible and sensitive the landscape is to the proposed development, where that change would be experienced in relation to the key characteristics and to what degree. From there, this analysis is carried out for each key characteristic. The assessment states that the landscape is of medium sensitivity to the type of change proposed.
- 9.55 The conclusions state that the effects of carrying out the development on the site, landscape fabric and landscape character would be moderate to substantial and adverse. However, this is set against the establishment of mitigation and landscape enhancements that are set out in the submitted Landscape and Ecological Management Plan, whereby the changes to the landscape would be mitigated by beneficial changes as a result of reverting arable land to grassland, further hedge creation, pond creation and letting of hedges growing up over the first four years of the development. The assessment concludes that the long term effect of these landscape enhancements upon the landscape character of the area would be moderate to substantial and beneficial.
- 9.56 In addition to an assessment upon the impacts of the proposal upon the landscape character of the area, the LVIA also carries out an assessment of the effect of the proposed development upon the visual amenity of viewers and visual receptors. This assessment records the effect on viewers including users of the roads, public rights of way, settlements and any adjacent individual dwellings. In addition, a Zone of Theoretical Visibility and ten publicly accessible viewpoints are included within the assessment. In terms of views from within any of the adjacent settlements, the assessment concludes that there would be no significant changes, and therefore no significant impacts upon these receptor groups.
- 9.57 The assessment does conclude that the development would have a substantial impact on the appreciation of views from a single adjacent byway used by cyclists, walkers and horse riders which crosses the landscape adjacent to the site, and moderate to substantial changes in view from a second section of the byway to the northeast of the site, and significant changes in view from three sections of local road, and where seen the change would be moderate to substantial and significant and adverse.
- 9.58 The assessment then includes the establishment of the mitigation and landscape enhancements set out in the Landscape and Ecological Management Plan, following which it is concluded that the changes to the views of the site in the landscape would become slightly reduced and some beneficial changes would be observed in terms of improvement of landscape condition and quality, with letting the hedges grow up over the first four years and reversion from arable to grassland bringing the greatest visual amenity benefits. The resulting long-term effect on the views of the landscape character of the area is assessed as being below the threshold of significance but adverse.
- 9.59 The addition of the proposed solar farm in a few middle-distance publicly afforded linear route views in the landscape would not adversely alter the appreciation of the

viewer of the view. There would be no significant impacts more broadly on the landscape character or views in the local area.

- 9.60 Overall, whilst the introduction of the solar farm into the landscape would result in effects on both the landscape character of the area and upon visual receptors, the proposed mitigation and landscape enhancements set out in the Landscape and Ecological Management Plan would ensure that over the longer term those effects would be tempered and mitigated, such that the long-term effect of these landscape enhancements on the landscape character of the area is assessed as being moderate to substantial and beneficial.
- 9.61 The LVIA has been reviewed internally, and it is concluded that the proposal would not result in a significant harm to the landscape character of the area or harm the wider landscape. Furthermore, solar PV arrays are not considered a common part of the rural landscape character as the country moves towards renewable energy generation.

### Ecology

- 9.62 Policy 30 of the Local Plan is concerned with Biodiversity, and seeks to ensure that all proposals are considered in light of the mitigation hierarchy in accordance with National Policy. Furthermore, proposals will only be supported where:
1. They use the DEFRA biodiversity metric to demonstrate that a proposal will deliver a minimum 10% net gain for biodiversity;
  2. They protect, restore, enhance and provide appropriate buffers around wildlife and geological features and bridge gaps to link these to the wider ecological network;
  3. They produce and deliver appropriate long term management plans for local wildlife and geological sites as well as newly created or restored habitats;
  4. They can demonstrate that the need for a proposal outweighs the value of any features to be lost; and
  5. If the permanent loss of a geological site is unavoidable, then provision will be made for the site to first be recorded by a suitably qualified expert.
- 9.63 An Ecology Assessment Report has been submitted with the application which sets out which species may be impacted by the scheme, and the potential impact of the scheme upon nearby protected. A biodiversity net gain assessment has also been provided.
- 9.64 The application site is not located within any non-designated statutory sites for nature conservation. Six statutory designated sites and nine non-designated sites are located within 2km of the site.
- 9.65 The main habitats within the application site currently comprise extensive areas of arable cropland, associated boundaries, field margins, hedgerows and trees. Whilst arable farmland is generally of low value to wildlife, supporting little species diversity, the boundary features located in and around the site can potentially support a more diverse range of species. The habitat losses predicted as part of the development will be the open arable land, whilst other more species diverse habitats and features will be retained.
- 9.66 The Council's Ecologist has been consulted as part of the application process, and notes that the presence of notable and protected species has been fully accounted

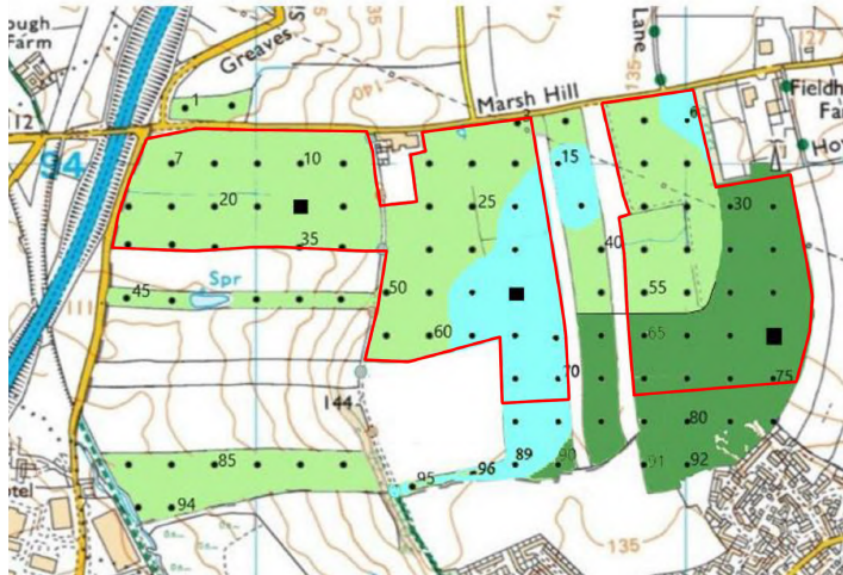
for through survey and appraisal of survey results in relation to the site and the proposals.

- 9.67 The records of breeding birds and from field surveys have identified 21 species possibly breeding and 5 of these species are Red as identified under the RSPB Birds of Conservation Concern listing. The submitted Breeding Bird Survey Report shows clearly that most species and particularly red listed species such as linnet, mistle thrush, tree sparrow and greenfinch are using boundary areas and features of the site which will be retained. Skylark, a red listed species, using more open areas of land would have additional areas made available through the proposed habitat delivered through the proposed landscape biodiversity net gain proposals. As such, the Ecologist considers that there would be no significant adverse impacts upon breeding birds from the proposal.
- 9.68 The potential for great crested newts has been identified within the submitted surveys, but it is considered that although there has been a positive eDNA test for the presence of this species in one of the ponds within the site, the proposed development would not pose a threat to this species if reasonable avoidance measures are used. As described within the ecological assessment report, a buffer of 50m around this pond and additional avoidance measures can be in place within a Construction Environmental Management Plan (CEMP) to be delivered by way of planning conditions. It is agreed by the Council's Ecologist that habitats delivered through biodiversity net gain will be of benefit to great crested newts and other amphibians.
- 9.69 Bats were identified to be using field boundaries for commuting and foraging within the submitted surveys. The presence of large areas of arable land has constrained the habitat value of the site to moderate as assessed during surveys. Some trees within the site show potential for roosting bats but as these are all situated in the boundary areas and not to be impacted by the proposed development it is considered that no further surveys were considered necessary. As with breeding birds, it is considered that the retention and enhancement of boundary features will have a beneficial effect on the use of the site by bats. The CEMP should also include measures to protect bats during the construction phase of the development.
- 9.70 As mentioned above, Policy 30 of the Local Plan requires that developments will deliver a minimum 10% net gain for biodiversity. The applicants have provided a Biodiversity Net Gain Assessment, which the Council's ecologist has confirmed has been carried out using both national standard guidance and from the Council's own Biodiversity Net Gain SPD. As is generally the case when arable land is being developed for a use such as solar arrays, it is possible to produce a significant surplus of biodiversity net gain habitat and hedgerow units. The submitted assessment shows that the mitigation hierarchy and the best practice principles of net gain have been demonstrated as required by the SPD.
- 9.71 Overall, the proposed development anticipates achieving significant net gains for habitat and hedgerow units, all to be delivered on site. The report shows an 81% increase in habitat units, far above the required 10%, as well as a 184% increase in hedgerow units. Additional habitats to be created include grasslands, wildflower meadow, ponds and new hedgerow planting. In addition, and not included within the BNG calculations, the scheme will also deliver additional bird and bat boxes, as well as amphibian hibernacula and beetle banks.

- 9.72 The submitted information sets out the proposed management proposals for the created habitats, to be implemented for the life of the proposal for a minimum of 30 years. The management proposals will ensure that the habitat conditions set out in the submitted BNG information are achieved.
- 9.73 Overall, the Council's Ecologist raises no objections to the scheme. Conditions are recommended to secure a BNG Management and Monitoring Plan for proposed onsite habitats, for a minimum of 30 years, a Construction Environmental Management Plan to ensure that construction activities cause no harm to onsite habitats, and an Ecological Enhancement Plan to deliver the additional ecological enhancements set out by the applicant.
- 9.74 The Council's Trees and Hedgerows Officer has also been consulted, and raises no objections to the scheme. A condition is recommended in respect of hedgerow restoration, enhancement and management.

#### Agricultural Land

- 9.75 National planning guidance states a preference focussing large scale solar farms on previously developed and non-agricultural land. Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. Policy 60 of the Local Plan states that proposals on non-allocated sites that involve the significant loss of the best and most versatile agricultural land (grades 1, 2 and 3a) will only be supported where:
1. there are no other suitable alternative locations on lower quality agricultural land (or non-agricultural land) available; or
  2. the land can be reinstated back to its previous state (where possible).
- 9.76 In both cases, there is a clear intention to ensure that proposals avoid the loss of the best and most versatile agricultural land. As previously discussed, the site currently utilised as arable agriculture, and the applicants have provided agricultural land classification information to confirm the quality of the land. This shows that the majority of the land within the application site is Grade 3b i.e. not the best and most versatile, with smaller areas of Grade 3a and 2, which can be considered amongst the best and most versatile. Technically, using these smaller parcels of better quality land is contrary to the provisions of Policy 60, however the applicants have made the case that it would be impractical to take these pockets out of the solar farm and continue arable farming. Set against this, Doncaster as a whole has a higher proportion of very good agricultural land (Grade 2) in comparison with the England as a whole. Furthermore, although long term, the development is temporary and its impacts fully reversible. The management of the land under the panels over the life of the development can improve soil health, increase biodiversity and improve soil structure. It is proposed that following the decommissioning of the solar farm, the land would revert back to its former use. As quoted above, part 2 of Policy 60 of the Local Plan does make provision for the loss of such land where it can be reinstated back to its previous use. In addition, grazing of livestock can still take place alongside the operation of the solar farm, so retaining an agricultural use.



Agricultural Land Quality Map

9.77 On this basis, and on balance, it is considered that the proposal is acceptable in terms of its effect on agricultural land. Whilst the scheme is not sited on the worst quality land, the majority of the land is not within the best and most versatile classification. The location of the proposal close to the local grid connection, together with the amount of energy capable of being produced, are significant benefits which are considered to outweigh the relatively small loss of best and most versatile agricultural land. Recent appeal decisions have given great weight to solar schemes that generate significant energy, on sites where there is a more substantial loss of best and most versatile agricultural land. Furthermore, the land could be returned to its original state at the end of the development, in accordance with Policy 60. Coupled with the significant benefits the scheme would bring forward, the proposal is considered acceptable in terms of its impacts upon agricultural land.

#### Glint and Glare

9.78 Part B of Policy 58 seeks to ensure that in all cases, low carbon and renewable energy proposals allow for the continued safe and efficient operation and growth of Doncaster Sheffield Airport. The applicant has submitted a Glint and Glare Assessment to establish the possible effects of solar reflections on aviation safety. The assessment also looks at the potential impacts upon road users and residential properties.

9.79 The assessment also confirms that the panels are made specialist glass, which has a much lower reflectivity than conventional glass, and the strength of reflection is much lower than other features commonly seen such as glasshouses, glass fronted buildings and calm reservoirs. The panels are obviously fixed, and so reflections can only be directed to one area of the sky at any one time. This point slowly moves across the sky as the sun moves during the course of a day. The maximum extent of any glint is only the size of the proposed solar farm and as such an aircraft moving at high speed will cross this point very quickly. The potential for glint will also be reduced where cloud, rain or other weather events obscure the sun from the panels.

9.80 The submitted assessment considers the potential impacts upon ground-based receptors, such as road, rail and residential dwellings as well as aviation assets,

and 1km study area around the site has been used for ground based receptors, and a 30km study area for aviation receptors.

- 9.81 The assessment concluded that solar reflections are possible at 34 of the 61 residential receptors within the study area. These initial findings were based on a theoretical "bald earth" scenario, however when reviewing the actual visibility of the receptors, glint and glare impacts reduce to "low" at one receptor, and "none" at all for the remaining properties. The additional landscape mitigation proposed over time will obviously further lessen any such impacts.
- 9.82 With regards to road receptors, the study showed that reflections were possible at 37 of the 50 receptors within the study area. Again, when reviewing the actual visibility of the receptors, glint and glare impacts were "high" at two receptors, "low" at one and none at all for the remainder, Mitigation to counter these impacts is proposed by way native hedgerows to be planted / infilled along the western and northwest boundary of the western array within the site.
- 9.83 Highways England have commented on the application, and have requested conditions are added to ensure that the panels have a none reflective coating, and also support the requested condition from the Council's Tree Officer to agree the scheme of hedge row planting and maintenance.
- 9.84 In terms of the impact upon aviation assets, the study showed there would be no glint / glare effecting these. Doncaster Sheffield Airport Safeguarding team were consulted, and whilst the airport is not currently operational, comments are still being received to ensure that developments which have the potential to impact air safety are properly considered. In this case, no objections to the scheme were raised.
- 9.85 It is therefore unlikely that the proposed solar farm will have any significant effect on the impact of the radar system or aviation safety, or on local residents or road users through glint or glare and the proposal is therefore compliant with policy 58 of the Local Plan and the Planning Practice Guidance.

#### Highways and Construction

- 9.86 The applicant has submitted a Traffic Statement together with an Initial Construction Traffic Management Plan with the application. It is proposed that the site will be accessed via two entry points, one located on Hellaby Lane for the western and central plot, and another access point located on Marsh Hill for the eastern plot. There will be secondary tracks within the site accessing all transformers and storage containers.
- 9.87 In terms of the construction phase of the development, it is intended that the construction activities will be over a period of 39 weeks. To ensure a robust assessment, the applicants have included a 10% buffer to the anticipated number of vehicles to account for the day to day fluctuation of traffic movements. It is anticipated that a maximum of 545 deliveries (1,090 two-way movements) are expected to occur during the construction phase, which represents an average of six two way movements a day.
- 9.88 It is anticipated that there will be approximately 70 personnel on site on an average day, as well as construction movements operated by smaller vehicles (such as waste management). A minibus will be in operation to transport staff to and from

the site. Construction activities are proposed to occur Monday to Friday between 08:00 and 18:00, however construction vehicles will be coordinated to avoid the traditional morning and evening peak hours of 08:00-09:00 and 17:00-16:00. Construction activities and deliveries will occur between 08:00-13:00 on Saturdays, and not at all on Sundays and Bank Holidays.

- 9.89 For the western and central plots, construction access to the site is proposed from two access points, one from Hellaby Lane via an existing agricultural access (to the west of the plot), and the other via Moor Lane (to the north of the plot). Construction access to the eastern plot will be located some 1.2km to the east of the Moor Lane / Hellaby Lane junction, on Marsh Hill. Construction vehicle routing is to be from the M18 Junction1 through the Hellaby Industrial Estate, to the southwest of the site.
- 9.90 The submission states that no parking of vehicles associated with the construction activities will be permitted on the highway network, appropriate wheelwash facilities will be provided and appropriate signage for users of the highway network will be provided. The timings and volumes of construction vehicles has already been discussed.
- 9.91 The Council's Highways team have been consulted, and raise no objections to the proposals. Further clarification was sought over visibility splays to be provided, the management of deliveries to the site, turning areas within the site compounds, and liaison with Rotherham Borough Council over the vehicle routing arrangements. The applicants have provided appropriate responses to the points raised, and as such there are no objections to the proposals. A condition requiring a detailed construction traffic management plan will be imposed upon the permission.
- 9.92 In terms of the operational phase of the development, traffic associated with the proposal will be extremely limited, expected that the site will be visited once a month by a small van.
- 9.93 In addition, no objections have been received from the Council's Environmental Health team to the proposals.

#### Flooding and Drainage

- 9.94 The application site is located entirely within Flood Zone 1, which is defined as having a low risk of flooding. NPPF Annex 3: flood risk vulnerability classification, places the use of a Solar Farm as 'essential infrastructure', being appropriate in Flood Zone 1. The site is not considered to be at risk of flooding from groundwater, sewers, reservoirs or other artificial sources.
- 9.95 The submitted information shows the majority of the site is not predicted to be affected by a 1 in 1,000 year rainfall event and is at very low risk of surface water flooding. Part of the eastern parcel of land is at low risk of surface water flooding due to a subtle depression in the site, predicted to flood to a maximum depth of 300 to 600mm during a 1 in 1,000 year surface water flood event.
- 9.96 The solar panels on the site will be raised above the maximum predicted flood depths, with the lowest part being 800mm above ground, and no vulnerable infrastructure, such as inverters, will be located within areas of surface water flood risk. It is proposed to mitigate runoff from the inverters and enclosures by constructing them on granular beds, or to surround them with gravel strips.

Similarly, access tracks will be constructed of permeable granular material to ensure no increase in run off.

- 9.97 No objections have been received from consultees. Yorkshire Water have recommended a condition to ensure a protective strip either side of water main within the site. They have however added an informative to state that from the drawings provided, their asset would not in practice be affected.

### Other Issues

- 9.98 With regards to rights of way, there are no formal public rights of way recorded across the site. Foredoles Head Lane does run through the western part of the site, and is recorded on the highway record as a rural unclassified road and has an informal surface along much of its length. The lane continues into Rotherham where it is recorded as a bridleway; so it can be presumed that its main use is by pedestrians, equestrians and cyclists with some vehicle use on the Doncaster side. Other public rights of way are located in the wider area, including a bridleway which connects the edge of Maltby to Foredoles Head Lane.

- 9.99 The Councils PROW team have been consulted and provided comment on the application. It has been noted that whilst there are no public rights of way currently recorded across the site, as a result of this application, the team have been made aware of a possible public right of way through the eastern block. The path links Huntington Way in Maltby to Ashton Lane. The applicants have discussed this with the PROW team, and have advised that as the link has not been adopted or formally recognised, they have not accounted for it within their layout. The applicants are aware that if an application is made to the Rights of Way team to formally dedicate this route as a Public Right of Way and is successful, they will have to go through the necessary procedures to accommodate it within their layout. This obviously outside of the remit of planning controls, however the applicants are aware of this.

- 9.100 It is noted that the mitigation to screen the site focusses on allowing the growth of existing hedgerows and planting up additional. Height of hedges is a particular issue for horse riders, so nothing should overhang Foredoles Head Lane that will obstruct a user on horseback. The hedges will need to be managed throughout the lifetime of the development. A condition has already been recommended to ensure that details of hedge planting and management on the site are provided. In addition, the conditioned Construction Traffic Management Plan shall include specific details on how construction activities affecting Fordoles Head Lane will be managed, in terms of vehicles crossing.

- 9.101 No objections have been received from other consultees to the application.

### **Conclusion on Environmental Issues**

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



9.103 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition. As such significant is weight attached to this in favour of the development through the achievement of BNG offsetting on site and the provision of renewable energy into utilities network. Whilst there would be an initial impact upon the landscape this would be tempered over time by the proposed additional planting around the site. The scheme is acceptable in terms of drainage and flood risk, and no objections have been received in respect of ground conditions or archaeology.

## **ECONOMIC SUSTAINABILITY**

### Employment

9.103 As described previously, it is anticipated that there will be up to 70 workers on the site, over a construction period envisaged to last 39 weeks. As such, there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project. This is however a temporary benefit, and so carries limited weight in favour of the application.

### Energy Costs

9.104 Wholesale energy costs are currently at an all-time high, which has resulted in government intervention to support customers and brought into sharp focus the issue of energy security and how we source our energy. As such, the need for alternative and reliable energy sources are required in order to move away from the reliance on gas and the impacts of the market price. This development will allow local residents to benefit from zero emission locally generated electricity, and at a large scale. Over time, developments such as this will help to stabilise and hopefully reduce fuel bills as the reliance on fluctuating oil and gas prices is lessened.

### Rural Diversification

9.105 Rural diversification has become an important source of support and income for a large proportion of UK farms. DEFRA figures show that 46% of farm businesses in England have some diversified activity, and a report by the NFU found that 29% of already diversified farms chose renewable energy. The importance of supporting a prosperous rural economy is highlighted within the NPPF at para 84, stating that development should enable the sustainable growth of rural businesses, enable the diversification of agricultural and other land based rural businesses, allow for sustainable rural tourism and retain/develop local services. To provide a source of diversification will ensure the long term viability of the farm and the associated benefits for the local rural economy.

## **Conclusion on Economic Issues**

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

9.107 Whilst the economic benefit of the proposal in terms of job creation is temporary, the numbers of employees is not insignificant, however limited weight is afforded to this benefit overall. Moderate weight is however given in terms of the benefits the proposals brings with respect to the rural economy and the provision of a secure and locally generated energy supply.

## **10.0 PLANNING BALANCE & CONCLUSION**

10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. Whilst the development would be inappropriate development within the Green Belt, very special circumstances have been provided to justify the development, in respect of the significant amount of renewable energy the scheme would deliver, and the resultant carbon emission savings. Furthermore, the LVIA submitted demonstrates that whilst there would be some impacts upon the visual character of the surroundings initially, over time the proposed additional planting would soften this and lessen those impacts

It is considered that the benefits the scheme delivers, namely a significant contribution towards the delivery of sustainable, renewable energy, enough to supply 11% of the households in the Borough weighs heavily in its favour. Coupled with this, the scheme is temporary (although a significant period) in nature, and the land can be returned to its original use at the end of its life. The scheme is also considered to be acceptable in terms of ecology, and will deliver a substantial net gain on site. The scheme will also ensure further planting across the site, as well as the retention of existing hedgerows.

## **11.0 RECOMMENDATION**

### **11.1 GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS:**

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

#### **Conditions / Reasons**

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. Within 18 months of the 40th anniversary of the date of the first commercial export of electricity from the solar farm or within 18 months of the cessation of the generation of renewable energy, whichever is the sooner, a scheme for the proposed restoration of the land within the application site, including removal of all solar panels, associated equipment, fencing and other infrastructure shall be submitted to and approved in writing by the Local Planning Authority  
REASON:

To ensure the site is appropriately restored

03. Within 6 months of the 40th anniversary of the date of the first commercial export of electricity from the solar farm or within 6 months of the cessation of the generation of renewable energy, whichever is the sooner, all solar panels, associated equipment, fencing and other infrastructure shall be removed and the ground re-instated in accordance with the approved restoration scheme.

REASON

To ensure that the site is appropriately restored.

04. Within one month of the date of first commercial export of electricity from the solar farm, the local planning authority shall be notified in writing of that date.

REASON

To establish a date of commencement for the development and to assist in the effective monitoring of the site.

05. The colour of all ancillary structures and associated equipment shall be finished in one of the following colours: RAL 6002 leaf green, RAL 6005 moss green, RAL 6035 pearl green, RAL 7010 tarpaulin grey, RAL 7012 basalt grey or RAL 8007 fawn brown.

REASON

To ensure the satisfactory appearance of all ancillary structures and preserve the character of the countryside.

06. The development hereby granted shall not be commenced until a detailed proposal of hedgerow restoration and new planting work, including timescales for facilitation works and implementation, together with details of planting/ground preparation, species, density/staggering, guarding from pests and a detailed aftercare schedule with clear responsibilities has been submitted to and approved in writing by the Local Planning Authority. Any new planting that dies, is damaged or is removed within 5 years shall be replaced as per the approved details during the next available planting season. Following the completion of the hedgerow restoration works, new planting and maintenance/aftercare in accordance with the approved proposal the Local Planning Authority shall be notified in writing within 7 days to allow for inspection. The development shall be carried out in accordance with the approved details.

REASON

To ensure that all tree work is carried out to the appropriate high standard, help any new planting be more established prior to the site being occupied and compliance with Policy 48: Landscaping of New Developments section C and F and Policy 29: Ecological Networks (Strategic Policy) section B and C of the adopted Doncaster Local Plan 2015 -2035.

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

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

08. The approved solar panel structures shall be applied with a non reflective coating, details of which shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

In the interests of highway safety.

09. Prior to the commencement of development a biodiversity net gain Management and Monitoring Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management Plan shall be based on the proposals set out in the Biodiversity Net Gain Report (ref: Clima-733-1611, 1st Feb 2023 and detail the following:

- o The baseline biodiversity assessment against which an uplift in biodiversity unit value will be monitored.
- o The project's biodiversity unit targets.
- o 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.
- o The details of when target condition will be achieved and how it shall be maintained.
- o 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.
- o The roles, responsibilities and professional competencies of the people involved in implementing and monitoring the biodiversity net gain delivery.
- o Evidence that the necessary resources are available to deliver the proposed biodiversity net gain plan and the 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 and enhance local ecological networks in accordance with Local Plan policy 29.

10. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to the Local

Planning Authority for approval, and the implemented in accordance with the approved details. The plan shall include:

-A risk assessment of the potentially damaging construction activities in relation to wildlife and habitats.

-A method statement for the protection of reptiles, amphibians and other terrestrial fauna that may be encountered on site.

-The use of protective fencing, exclusion barriers and wildlife safety measures.

- A timescale for the implementation of the approved measures

REASON:

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

11. Prior to the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details the following measures,

-10 No bird boxes sited on suitable trees as directed by a suitably qualified ecologist

- 5 No. bat boxes sited on suitable trees as directed by a suitably qualified ecologist

- 3 No. Hibernacula suitable for use by reptiles and/or amphibians sited and constructed as directed by a suitably qualified ecologist.

All of which shall be implemented within 6 months of the start of the operation of the site. : Photographic evidence of implementation shall be submitted to the local planning authority.

REASON

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

12. Prior to commencement of development on any part of the site to submit to the Local Planning Authority a Construction Traffic Management Plan (CTMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works;
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (k) details of wheel washing facilities and obligations;
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) Details of the amount and location of construction worker parking;
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (o) no mud, stones, water or debris shall be deposited on the public highway at any time.
- (p) full construction and surfacing details of site compound, parking areas and internal access tracks

The development shall thereafter be carried out in accordance with the approved CTMP.

**REASON**

In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the highway for the duration of the construction phase of the development as required by Policy 42 A.2 of the Doncaster Local Plan. This condition is required to be discharged prior to commencement as the approved detail may have an impact on construction arrangements.

13. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public water main i.e. a protected strip width of 6 (six) metres, that crosses the site . Furthermore, no construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been previously submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand -off or protection measures are to be achieved via diversion or closure of the water main, 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 construction in the affected area, the approved works have been undertaken.

**REASON**

In the interest of public health and maintaining the public water supply

14. 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:

- Figure 2 Proposed Site Layout
- Figure 3 Proposed Site Layout - Aerial
- Figure 4 Typical Solar Panel and Frame Arrangement
- Figure 5 Typical Inverter Elevations
- Figure 6 Typical Transformer Unit
- Figure 7 Typical Cable Trench Cross Section
- Figure 8 Typical Storage Container
- Figure 9 Typical Access Track

Figure 10 Typical Perimeter Fence and Gate  
Figure 11 Typical CCTV Equipment  
Figure 12 Typical Meteorological Monitoring Station  
Figure 13 Typical Battery Energy Storage System (BESS) Unit  
Figure 14 Typical BESS Inverter Elevations  
Figure 15 Typical Substation Compound Layout  
Figure 16 Typical Substation Compound Cross Section  
Figure 17 Typical DNO Substation and Communications Mast  
REASON

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

## INFORMATIVES

### 01. INFORMATIVE

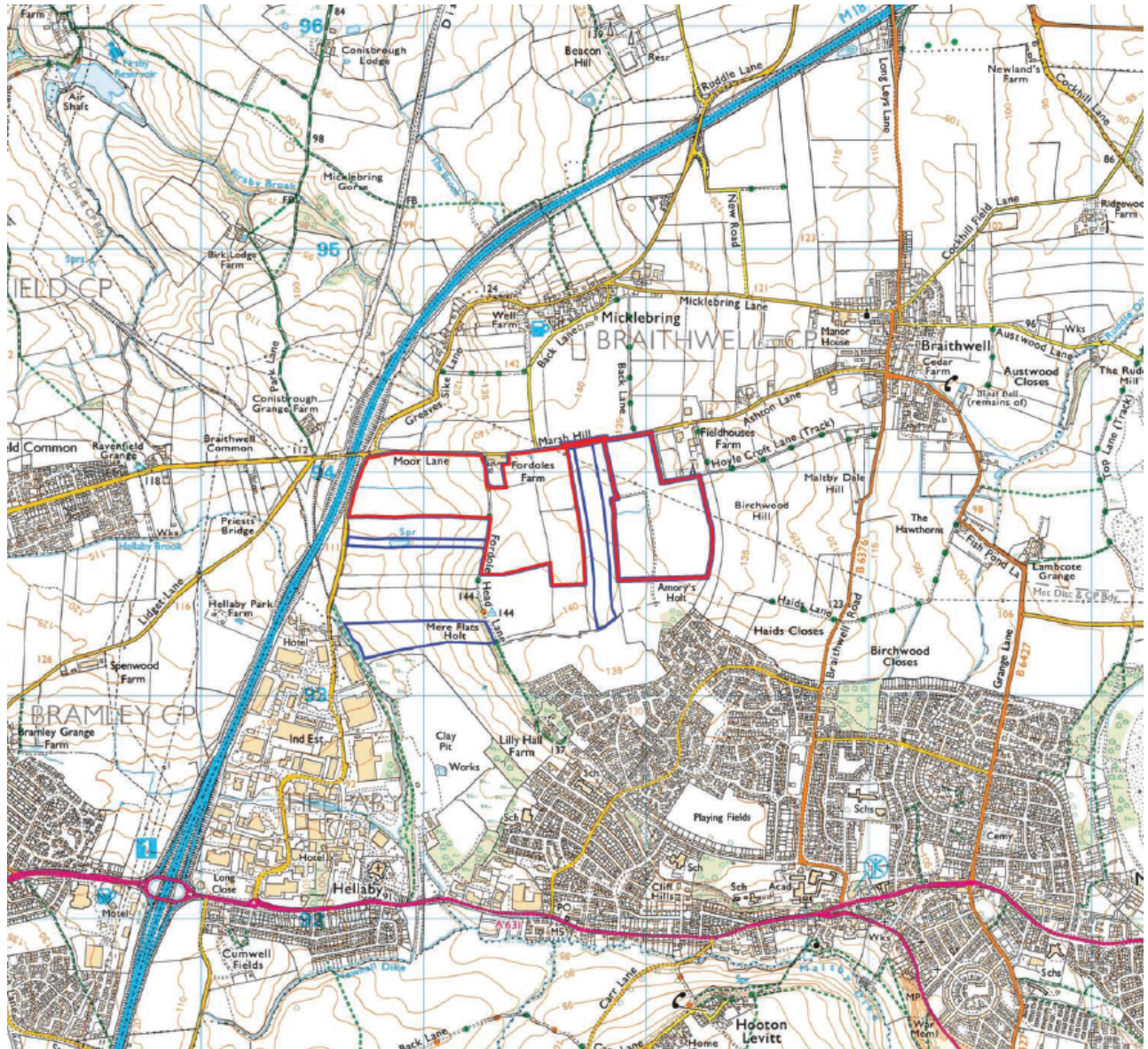
A 160 mm diameter uPVC water main is located on Fordoles Head Lane, with some private mains also located on Moor Lane/Marsh Hill. The water main benefits from an easement, whereby no building or structure shall be erected, including the planting of trees within a 6m restricted strip i.e. 3 (three) metres either side of the main's centre-line. From the drawings provided, it does not appear to affect Fordoles Head Lane. If the proposals change, a diversion would not be necessary if all conditions within the easement can be met.

NOTE: Private mains would have to be dealt with by asset owner.

### 02. INFORMATIVE

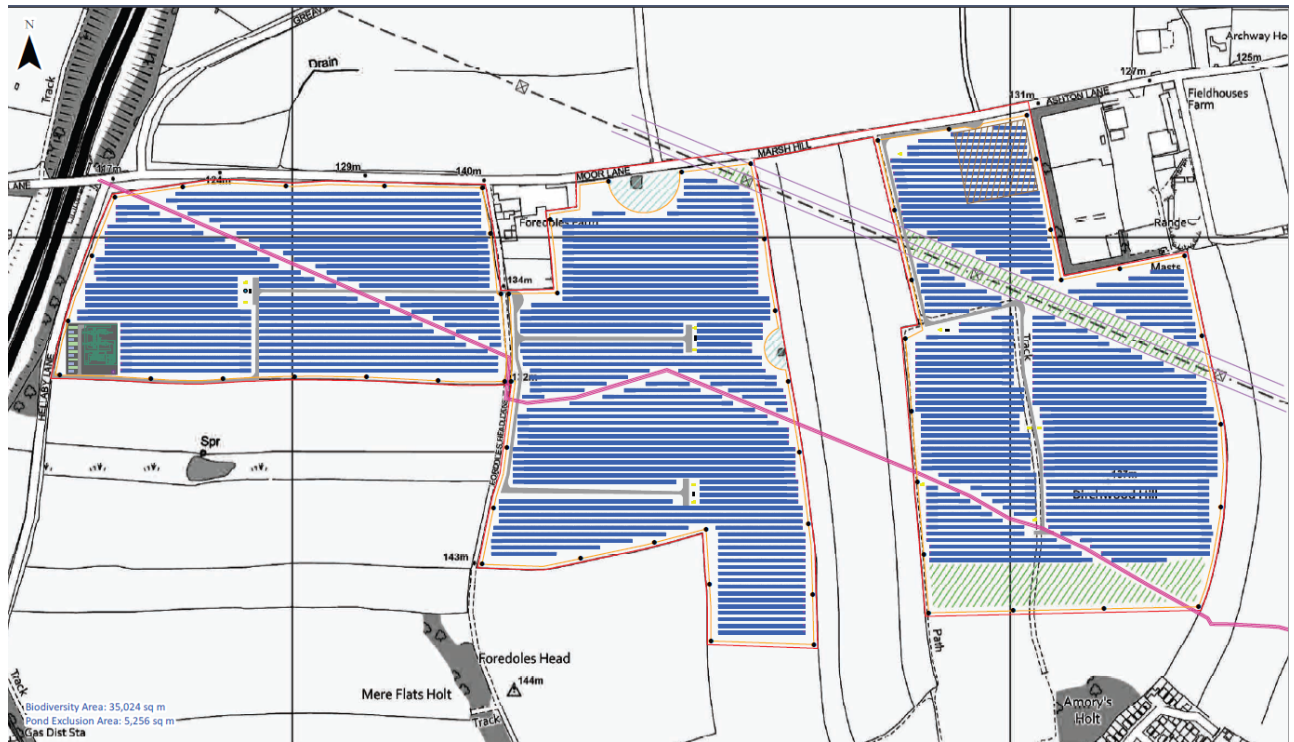
Best practice, guidance from Natural England Technical Information Note TIN085 (as amended) and advice from the project ecologist shall be employed in all work to help promote/restore the long term robustness of the hedgerows within the site while promoting the bio-diversity value of the hedges.

APPENDIX 1 – Site Location

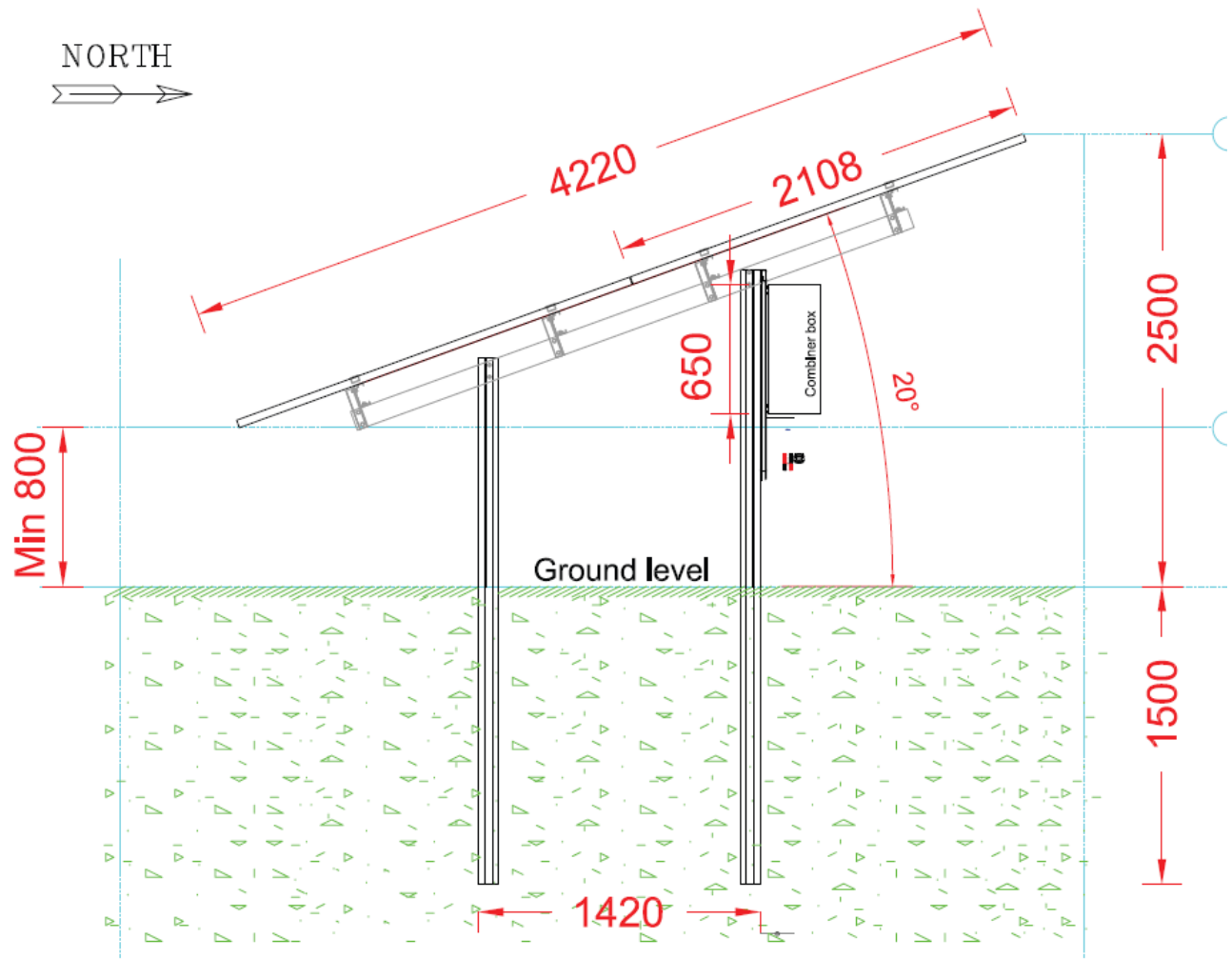




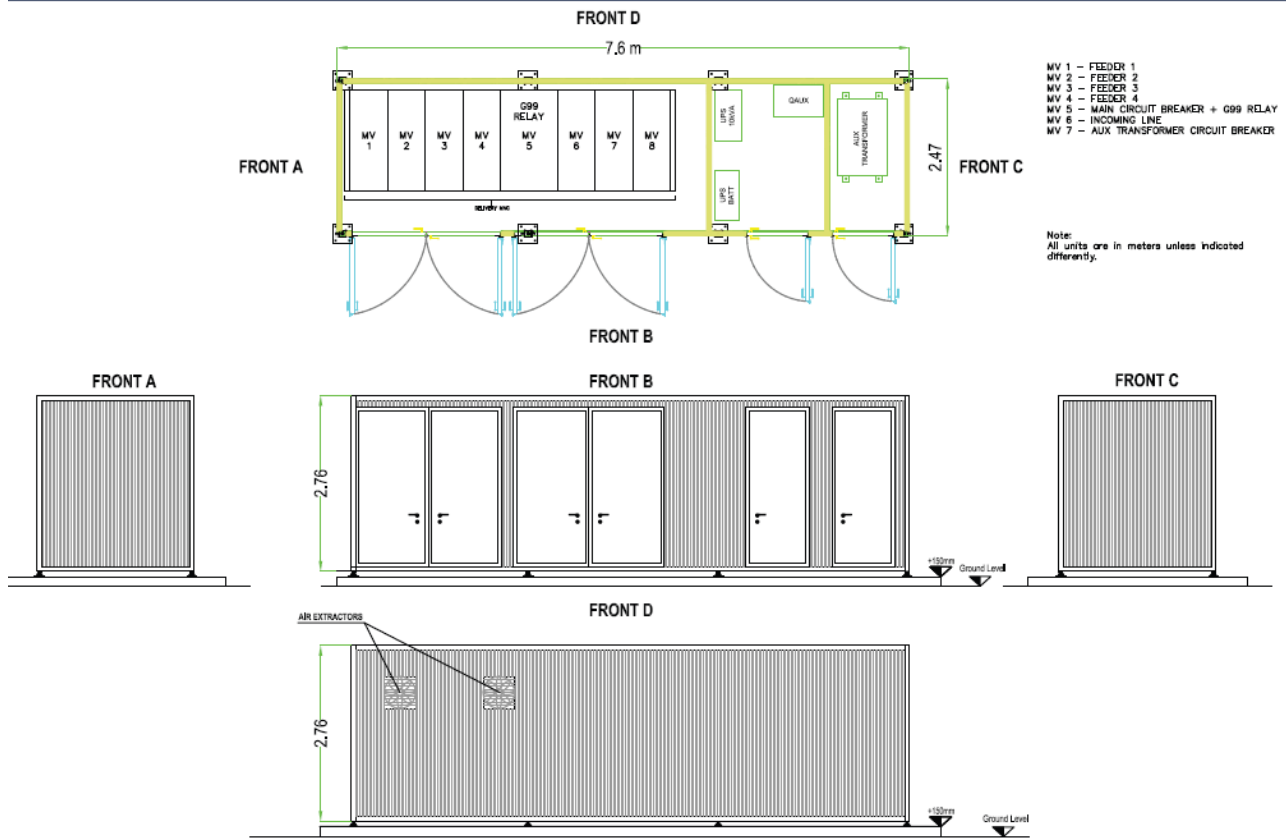
## APPENDIX 2 – Proposed Site Layout



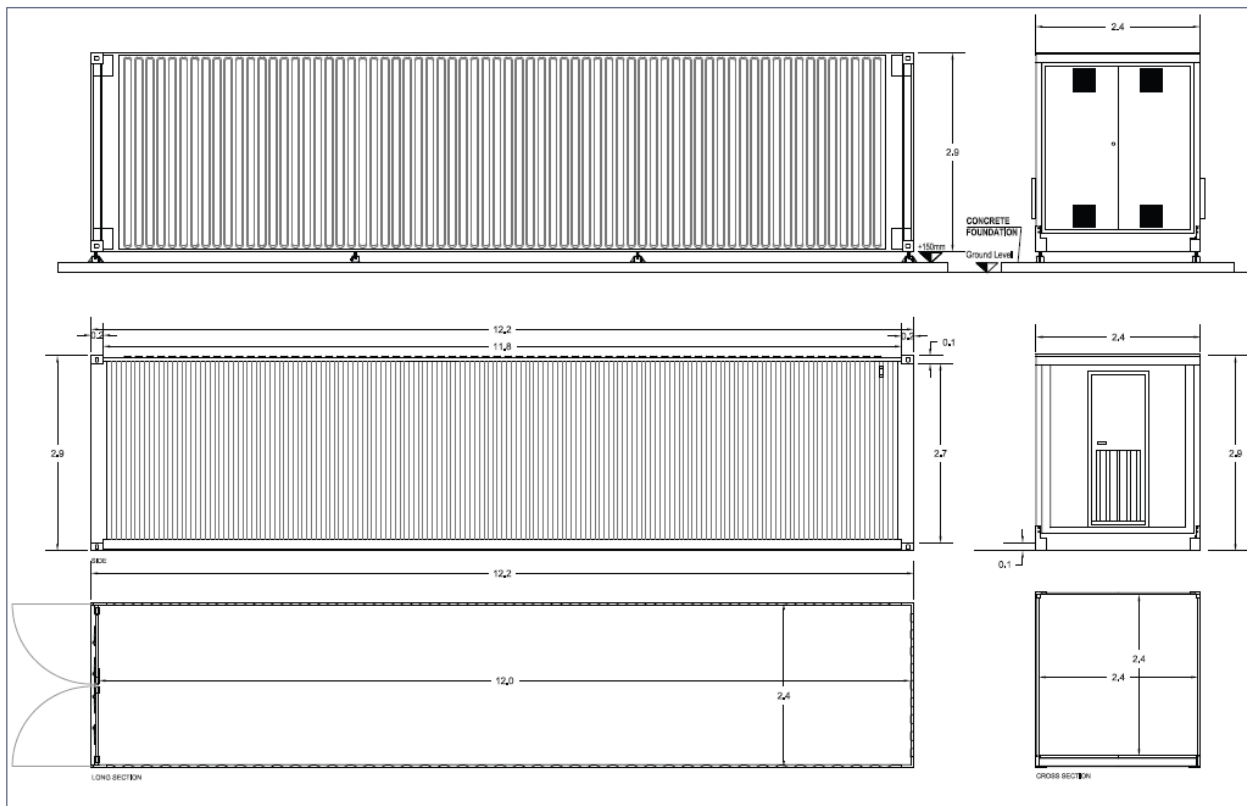
## APPENDIX 3 – Typical Solar Panel and Frame



APPENDIX 4 – Typical Transformer Unit



### APPENDIX 5 – Typical Battery Energy Storage System (BESS) Unit



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<b>Application</b>	2.
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<b>Application Number:</b>	22/00936/FUL
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Engineering Operation for creation of Access Track and Bio fertiliser Storage Lagoon
<b>At:</b>	Red House Farm Doncaster Road High Melton Doncaster

<b>For:</b>	Mr M & T Woolhouse
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<b>Third Party Reps:</b>	118 objections	<b>Parish:</b>	High Melton Parish Council
		<b>Ward:</b>	Sprotbrough

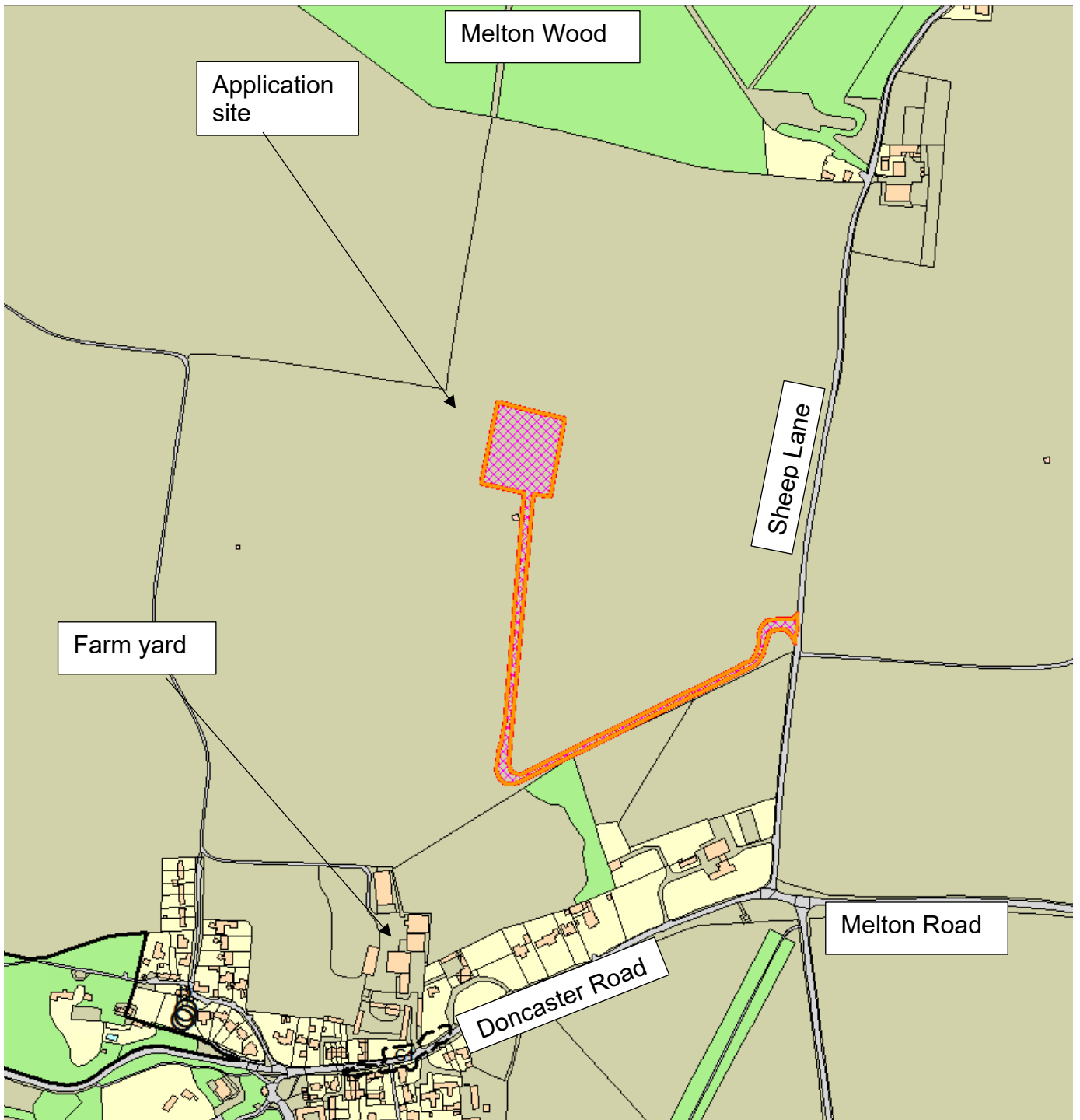
<b>Author of Report</b>	Mark Ramsay
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## SUMMARY

This proposal seeks planning permission for engineering operations to create a lagoon to store Bio fertiliser within the holding of Red House Farm to allow the timely spraying of crops without having to await deliveries. The proposal also includes a spur from the already authorised access track that leads from Sheep Lane to the farmyard. This will replace the existing tank used for storing Bio fertiliser which is located further to the west and is currently accessed from Hangman Stone Lane and requires delivery vehicles to exist the farm within the village.

The application is being presented to Planning Committee given the level of public interest.

**RECCOMENDATION: To GRANT planning permission subject to conditions.**



## **1.0 Reason for Report**

- 1.1 This application is being presented to committee due to the high level of interest in the proposal.

## **2.0 Proposal and Background**

- 2.1 The proposed lagoon would comprise the excavation of soil and banking to be created from it form a lagoon enable approximately 6,000m<sup>3</sup> of Bio fertiliser to be temporarily stored before use on the farm. The lagoon will be lined and covered with high strength Polyolefine, and the seams will be welded and include vents.
- 2.2 The digestate or 'Bio fertiliser' material will be produced from the anaerobic digestion of food waste. The Bio fertiliser that is to be stored within the proposed lagoon will have achieved British Standard Institution's Publically Available Specification – BSI PAS110 - prior to dispatch from the producing anaerobic digestion site, i.e., it is a product not a waste. This specification provides a baseline quality specification for digestate, ensuring that it is safe and reliable to use. PAS110 includes requirements about how food waste and other materials can be processed, and forms the main part of the Biofertiliser Certification Scheme. This certification will ensure that the material is of a consistent quality, is sanitised and stable.
- 2.2 The farm holding is principally in arable production growing wheat, potatoes, sugar beet, oil seed rape and haylage. The Bio fertiliser will be delivered by tanker (as it currently is to the mesh bladder/tank on the farm) and then transferred to and from the lagoon via sealed pipework that will connect the tanker to a discharge station. The discharge station includes a double valve assembly and a sump (PVC overflow drum) to capture any spills during discharge/ filling and also enables the lagoon to be completely emptied, if required. The Applicant's own farm tanker will be used for the removal of digestate for spreading on the land.
- 2.3 The existing bladder/tank within the Farm Holding is served by a track way that runs from the farmyard in the south through to Hangman Stone Lane in the north. This track is of a limestone and road scalping's surface and currently serves the farm holding for farm vehicle movements. This trackway is in part also a public footpath and bridleway. The proposal will render the existing bladder tank redundant and remove the requirement for delivery vehicles to access the farm on the bridleway/footpath.
- 2.4 A new access to the site of the proposed lagoon is partly permitted and under construction from Sheep Lane to the existing farm yard in order to serve a new barn. A new spur will link this access to the lagoon. This new access will provide access to the lagoon from Sheep Lane and avoid deliveries of Bio fertiliser from having to use the access to the farm from Doncaster Road which is in the middle of the village. Tankers will enter and leave the farm from the new access road which is specifically designed for the farm and its specialist vehicles.

## **3.0 Site Description**

- 3.1 The application site lies within the farm holding of Red House Farm and is located, on land to the north of the west of the farmyard. High Melton village principally lies along Doncaster Road running east-west and the site of the lagoon would be approx. 0.5 km to the north of the village to the west of Sheep Lane

- 3.2 The farmyard itself lies adjacent to High Melton Village and the associated farm land extends to some 190 hectares to the north of the village. Sheep Lane runs through the land holding with another 40 hectares lying to the east of Sheep Lane.
- 3.3 The farm buildings are located around the farm yard and comprise large modern agricultural buildings used for machinery storage crop drying and storage. The original and historic farm buildings lie principally within another ownership south of the working farmyard.

#### 4.0 Relevant Planning History

Application Reference	Proposal	Decision
20/02080/FUL	Proposed Erection of Hay Store (36.81m x 27.1m) and provision of new farm access track from Sheep Lane.	Granted December 2020
19/00003/ENFNOT (Planning Inspectorate ref APP/F4410/C/19/3222400)	Appeal against enforcement action for alleged unauthorised installation of bladder tank under grounds A, C, E, F and G.	Appeal allowed Enforcement Notice Quashed and planning permission granted 17 August 2021

- 4.1 The access to be used by delivery vehicles is partly authorised and the bladder bladder/tank currently used to store Bio fertiliser was allowed as part of the appeal against an enforcement notice as listed above. The applicant has stated that the bladder bladder/tank will be redundant and a condition for its removal is recommended to be included in the permission for this development.

#### 5.0 Site Allocation

- 5.1 The site is identified as being within the South Yorkshire Green Belt as shown in the Doncaster Local Plan.

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

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.



- 5.6 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.7 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.8 Paragraphs 55 and 56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.9 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 Paragraph 119 requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.11 Paragraph 130 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.
- 5.12 Paragraphs 147 -150 states that development in the Green Belt is inappropriate unless there are very special circumstances except for a number of types of development that are not considered inappropriate such as engineering works and agricultural buildings.
- 5.13 Paragraph 183 states planning policies and decisions should ensure that a site is suitable taking account of ground conditions and any risks arising from land instability and contamination.
- 5.14 Paragraph 184 states where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

### **Local Plan**

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

- 5.16 Policy 1 Settlement Hierarchy (Strategic Policy) sets out that High Melton is a village and that decisions for development in the Green Belt will be taken in accordance with policies set out in the National Planning Policy Framework.
- 5.17 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure
- 5.18 Policy 41 of the Local Plan states that development proposals will be supported where they respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and where they integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.
- 5.19 Policy 46 sets out that all non-residential and commercial developments, must be designed to be high quality, attractive, and make a positive contribution to the area in which they are located and have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

#### **Other material planning considerations and guidance**

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

#### **5.20 Neighbourhood Plan (NP).**

- 5.21 No neighbourhood plan is relevant to this application.
- 5.22 Doncaster Council adopted the Biodiversity Net Gain Supplementary Planning Document (SPD) in September 2022, and the document is a material consideration in decision-making
- 5.25 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to superseded development plan policies, and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight

#### **6.0 Representations and consultations**

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Act by display of site notice close to the site and letters to neighbouring properties

- 6.2 181 individual representations were received objecting to the proposal and the matters raised include;
- loss of amenity through noise, traffic, noxious odour, air quality
  - scale of the storage facility when compared with the bladder/tank
  - extra movements of large vehicles on country roads and through Sprotbrough village
  - water pollution
  - validity of odour management plan
  - management of current spreading on the farm

## **7.0 Town/Parish Council**

### **High Melton Parish Council**

- 7.1 High Melton Parish Council resolved to object to the proposal.

### **Sprotbrough and Cusworth Parish Council**

- 7.2 The main areas of concern relate broadly to two material planning considerations;
- Impact on local amenity in relation to noise and odour.
  - Impact on the local highway network.

The proposed application will have a significant impact on the resident's enjoyment of their home, the village of Sprotbrough and the surrounding area with persistent odour pollution from the development either by the effect of prevailing winds or the pooling of odour.

- 7.3 We note the response from the Environment Agency to this application dated 24th May 2022 and endorse the view relating to the advice given regarding compliance with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended in 2013 and The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018.

- 7.4 With regard to impact on the local highway network there will be an increase in heavy goods vehicles through the Parish – notably Sprotbrough Road, as this is the most direct route to Bentley where Re:Food is located. This type of traffic is unsuitable through a residential area which includes a primary school at Richmond Hill adjacent to the road.

## **8.0 Relevant Consultations**

### **Environmental Health**

- 8.1 Version 2.1 of the Odour Management Plan is agreeable with the measures to be taken considered suitable and sufficient to control the potential for odour emissions from the proposed storage lagoon.

### **Environment Agency**

- 8.2 No objections but have highlighted the legislation that the developer will need to comply with, in terms of avoiding pollution, should permission be granted.; i.e. Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013 and Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018. Informatives to this effect are recommended to be included in the decision.

### **Highways**

- 8.3 No objections subject to minor alterations required to ensure sufficient turning for delivery vehicles.

### **Natural England**

- 8.4 No objections.

### **Yorkshire Wildlife Trust**

- 8.5 No objections.

### **Public Rights of Way**

- 8.6 The Public Rights of Way team has no objection to the planning application.

Access to the proposed lagoon site is along the new farm access track from Sheep Lane (approved under application ref: 20/02080/FUL) and a proposed link from this track to the lagoon. Public footpath No.4 High Melton crosses the new farm access track. Given the likely increase in traffic from vehicles accessing the lagoon, provision needs to be made to safeguard pedestrians using the public footpath. The farm access track poses a new hazard to pedestrians, previously it was a field with not interaction with vehicles other than during agricultural operations.

### **Ecology**

- 8.7 No objections - in order to provide net gain for bio diversity a condition requiring a landscaping scheme comprising equivalent to two habitat units is required.

## **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
- No

- 9.2 The main assessment in this report will directly be related to the creation of the lagoon and its use. In considering the proposal, the main material planning considerations are outlined below:
- 9.3 The application site falls within the South Yorkshire Green Belt as shown on the maps that form the Doncaster Local Plan 2015-2035. Local Plan Policy 1 is relevant and states that for development in the Green Belt national planning policy will be applied including the presumption against inappropriate development except in very special circumstances.
- 9.4 Paragraphs 147-150 of the NPPF set out that certain types of development are not considered inappropriate in the Green Belt and these include agricultural buildings and engineering operations (provided they preserve its openness and do not conflict with the purposes of including land within it). Therefore, the proposal does not need to show very special circumstances.
- 9.5 Paragraph 84 of the NPPF also states that planning decisions should support the sustainable growth and expansion of all types of business in rural areas through the development and diversification of agricultural and other land-based rural businesses.
- 9.6 The proposal has been screened for an Environmental Impact Assessment (EIA) in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulation 2011. The proposal is not Schedule 1 development requiring mandatory EIA. The proposal is, however, potentially caught by Schedule 2 (Part 11) i.e. Installations for the disposal of waste (within 100 metres of controlled waters). The proposal is not strictly speaking 'disposal' as it is to be stored for the beneficial use as a fertiliser on adjacent land. Nevertheless, it is akin to such considerations and the assessment criteria laid out in Schedule 3 have been assessed.
- 9.7 The cumulative impact of both storage and spreading of this material over the land holding has been considered and it is unlikely that the proposal will have a significant effect on the environment in terms of the characteristic of the development, the location of the development or the characteristics of the potential impact. Indeed, the material is already spread onto this agricultural land and is subject to regulations laid down by the Department of Food and Rural Affairs and subject to regulation by the Environment Agency.
- 9.8 The proposal, therefore, is acceptable in principle.

### Sustainability

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

- 9.11 The proposal supports a rural agricultural business and will allow the enterprise to virtually eliminate the use of factory prepared fertilisers and move completely over to the use of Bio fertiliser. Additionally by having the material stored on site and in sufficient quantity, will be able to deploy this at the optimum time, especially when weather conditions are changeable. As the available storage is greater than the bladder/tank, overall, the number of deliveries should even out and it is estimated that around 21 deliveries across a week would be sufficient to keep the lagoon filled.
- 9.12 While the Bio fertiliser itself is technically not waste, the re-use of the end product from the process of disposing of waste food can be seen to add to the overall sustainability of the proposed development.

## **SOCIAL SUSTAINABILITY**

### Impact on Amenity

- 9.13 The proposal will store 6,000 cubic metres of Bio fertiliser. The lagoon has been designed to be lined underneath and with high strength Polyolefine cover over the top with the seams welded together and vents fitted into the cover. The Bio-fertiliser does have a distinctive odour, however as the lagoon is covered the amount of odour emanating from the lagoon itself will be limited and is likely to only emit odour when being filled as the liquid will push air through the vents.
- 9.14 The applicants have prepared an Odour Management Plan that has assessed the receptors within a kilometre of the site and based on the study have concluded the results of odour modelling predict that the 98<sup>th</sup> percentile hourly mean odour concentrations at the modelled residential/commercial premises would be less than the Environment Agency's benchmark criteria for the most offensive odours, the 98<sup>th</sup> percentile hourly mean odour concentration being 1.5 ouE/m<sup>3</sup>.
- 9.15 The assessment concludes that predicted odour concentrations are at levels which would indicate that odour from the proposed lagoon would vary rarely, if ever reach detectable levels at any residential/commercial properties, the closest of which is over 400m away.
- 9.16 The modelling predicts that in closer proximity (within approximately 200 m) of the proposed Bio fertiliser storage lagoon, there would be detectable odours on occasion. This area is largely open arable farmland, however users of the footpaths and/or bridleways might encounter moderate odour levels in very close proximity to the lagoon.
- 9.17 Natural England and the Wildlife Trust have not objected but stated that additional advice is taken. The nearest receptor of interest would be Melton Wood which at its closest point is over 300m away. Given that the development is sufficiently set apart it is not considered that the development would be detrimental to that habitat.
- 9.18 Many of the representations take issue with the odour from the spreading of the product and whether this should be used at all. However, the product is certified for use and is already being spread across the farm holding successfully. The spreading of this product or any fertiliser will inevitably produce some odour but is not directly controlled under the planning acts. Should there be a statutory nuisance it would be for the authority to act in its role under Environmental Protection legislation.

- 9.19 The odour management plan puts in place measures that the operator must take in the course of the operation of the lagoon as good practise, if any incidents occur. This is in a similar fashion to that required by the appeal decision on the bladder/tank. The Environmental Health Officer has agreed with the applicants measures to be put in place to make the deliveries as safely as possible and that there are processes should accidents occur.
- 9.20 The siting of the lagoon is over 400m from the nearest dwelling and the access track for delivery vehicles will be no closer than 150m from the dwellings that front Doncaster Road. The lagoon is proposed to be situated in a dip in the landscape which will also reduce the impact on the appearance in the landscape and the openness of the Green Belt. It also would avoid any run off to adjacent land.
- 9.21 The vehicle movements to and from the lagoon would also lessen the impact of amenities of occupants within the village in terms of disturbance and remove conflict with pedestrians. Delivery vehicles would no longer need to turn onto Doncaster Road within the village and share a bridleway with pedestrians and other users. This is discussed in more detail later in the report.

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

- 9.22 While the development is within the landscape looked over by residents on the edge of the neighbouring settlement. The development is not sufficiently close to significantly harm the amenities of residents through noise, disturbance or odour, due to the distance involved to the nearest receptors and limited weight should be afforded. Additionally this development will render an earlier development redundant and there is a net benefit from vehicle movements servicing that development no longer being required with the benefit to users of the bridleway and occupiers next to the farm. Therefore, limited weight can be set against the proposal based on social impacts.

### **ENVIRONMENTAL SUSTAINABILITY**

#### Impact upon the character and appearance of the surrounding area

- 9.23 The NPPF attaches significant weight to the design of the built environment and states that planning decisions should aim to ensure that developments are visually attractive as a result of appropriate landscaping.
- 9.24 In terms of the existing landscape, the area is dominated by both arable and pasture fields, Melton Wood and trees separating the ribbon of housing on Doncaster Road from the farmland. The key part of the design in its final appearance is safe and secure storage area for digestate and one that isn't intrusive into the surrounding landscape.
- 9.25 The proposal will comprise the excavation of the lagoon, and create a low raised bund approx. 3.5m above ground level. This will limit its visual impact in the landscape. This is then viewed in the setting of the woodland to the north and within undulating land across the holding.
- 9.26 Given the relatively modest rise of the bund above surrounding ground level, which will become naturally colonised by native species, it is considered that the visual impact of the actual lagoon structure will be negligible.

- 9.27 A condition is recommended that would require prior approval of any fencing and landscaping that surrounds the turning area and the lagoon itself.

#### Impact on the Highway Network

- 9.28 Local Plan policy 46 requires, amongst other things, that site layouts should function correctly and development should not result in unacceptable impact on highway safety.
- 9.29 The access to the lagoon will principally be from Sheep Lane which connects to routes towards Sprotbrough, Cusworth and Doncaster so that delivery vehicles can operate to and from the producer.
- 9.30 The current bladder tank is subject to a route management plan that sees vehicles proceed from Hangman Stone Road, share the Bridleway known as Hangman Stone Lane and then exit the farm via the farm yard and the access onto Doncaster Road, within High Melton village
- 9.31 Should the proposed development proceed, this will no longer be necessary as the bladder/tank would be redundant. Vehicles would therefore access the lagoon from Sheep Lane, transfer the Bio-fertiliser to the lagoon and leave via the same route. The applicant is agreeable that the bladder/tank that was approved on the appeal to the bladder tank being removed.
- 9.32 The proposal would benefit two fold, first removing tanker vehicles from the shared bridleway and also cease requiring the vehicles to turn at the access to Red House Farm within the village itself and from Hangman Stone Road which itself requires vehicles to slow on the approach to the turn where visibility is not ideal.
- 9.33 The requirement to access the lagoon for deliveries would remove conflicts that exist with the existing arrangements and provide a net benefit in terms of highway and pedestrian safety. Concern is raised due to the extra movements in Sprotbrough and Cusworth, once the lagoon has been filled the number of trips would average 21 per week so represent 4 or 5 movements each way across a five day week. This does not represent an excessive number of additional movements on local roads and would also remove the requirement for movements within High Melton village and on Hangman Stone Lane.
- 9.34 It is recommended to include a condition stating that access to the lagoon for deliveries is not permitted from Doncaster Road or Hangman Stone Lane, which in turn ensures that deliveries are only routed from Sheep Lane.

#### **Conclusion on Environmental Issues**

- 9.35 Para. 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve Biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.36 It is considered that this proposal, would have some impact on the surrounding landscape although this will lessen as the bund grasses over and it is



recommended a scheme is required by condition for prior approval of boundary treatment, fencing and landscaping of the bund and turning area.

- 9.37 In conclusion, the appearance of the lagoon would represent a change in the landscape, however this is limited by the height of the bund and the distance this would be from the road.
- 9.38 There would be positive benefit in terms of vehicle movements no longer required on Hangman Stone Lane, Hangman Stone Road and also turning onto Doncaster Road within the village of High Melton. So overall, there is limited impact in terms of Environmental sustainability.

## **ECONOMIC SUSTAINABILITY**

- 9.39 This proposal is to benefit the operation of a rural enterprise that already employs 9 people and add to its sustainability by reducing its reliance on bought in factory prepared fertilisers and enable it to apply Bio fertiliser to the land within the farm holding at the most opportune time, especially given changeable weather conditions.
- 9.40 It has been raised in representations, concern that the lagoon would store Bio-fertiliser for onward sale to other operators. The applicant has stated that the content of the lagoon would be purely for the use on this holding. The onward sale may also change the status of what is stored which would require planning permission and also and bring it within other licencing requirements such as the waste transfer regime.
- 9.41 Given that the development has been proposed on the basis of the requirements of the current farm holding, it would not be unreasonable to condition that the storage of Bio fertiliser is purely to benefit the applicant or any operator of Red House Farm that may succeed them.

## **Conclusion on Economy Issues**

- 9.42 Para 8 a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.43 The development will assist the efficiency of the farm holding which is an economic benefit. The work involved in creation of for the lagoon will also provide work for a short period in terms of production of the liner, cover and also the digging out of the lagoon and creating the bund.
- 9.44 The development will therefore give a positive economic benefit to a local employer that grows crops for sale to major food producers through the planting of crops, the fertilisation of the land, harvesting, storage and on site drying of cereals before final transport off the farm to their final destination.

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 10 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have

identified that economic factors that weighs in positive favour along with the social and environmental benefits from deliveries no longer having to come through High Melton village and the Hangman Stone Lane bridleway but balanced against the moderate impact on the landscape and limited impact on amenities of local residents from vehicle movements and odour when in close proximity to the lagoon.

- 10.2 On balance of planning considerations the harm from its appearance can first be mitigated partly by landscaping around the lagoon which will also contribute to Bio diversity. The harm is outweighed by the economic benefit that allowing the lagoon to contribute to a local rural enterprise. There are no other material considerations which indicate the application should be refused.

## **11.0 RECOMMENDATION**

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

#### **Conditions / Reasons**

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

#### **REASON**

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

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

21/358-102 Block Plan

21/358-101 Location and Context

#### **REASON**

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

03. The planning permission hereby granted shall be for the storage of bio-fertiliser to be used by the applicant on their farm holding only or by any succeeding operator of the Red House Farm holding.

#### **REASON**

To restrict the use to the needs of the applicant only in the interests of the proper planning of the area and to reflect the applicant's personal circumstances.

04. Tanker deliveries to the lagoon shall not access or leave the site at any time either via the farm entrance fronting Doncaster Road or from the farm access on Hangman Stone Road.

#### **REASON**

In the interests of improving amenity in High Melton village and reduce conflicting vehicle movements on the footpath/bridleway known as Hangman Stone Lane.

05. The submitted Earthcare Technical Odour Management Plan version 2.1 dated 25 November 2022 shall be in place and adhered to at all times throughout the life of the development. Records of all monitoring required by the odour management

plan shall be kept for a period of 2 years and made available to the local planning authority for inspection when requested. The odour management plan is approved by the LPA and any proposed changes that materially impact on its requirements must be submitted to the LPA for agreement prior to the change being implemented.

**REASON**

To ensure that the development does not prejudice the local amenity.

06. Prior to construction of the lagoon, a scheme shall be submitted to and agreed with the Local Planning Authority to put in place warning signage about pedestrians crossing in the vicinity of where the public footpath intersects with the access track. The scheme shall be implemented before the lagoon is brought into use and maintained in perpetuity to the satisfaction of the Local Planning Authority.

**REASON**

In the interests of highway safety and the amenity of the public.

07. Prior to the lagoon being brought into use, a scheme shall be submitted to the Local Planning Authority and approved in writing for the removal of the bladder tank permitted by Appeal decision APP/F4410/C/19/322400 and shall include a scheme for the restoration of the site. The scheme shall include a timetable of works and the development shall be carried out in accordance with the approved scheme.

**REASON**

In order to ensure development in the Green Belt that is redundant is removed.

08. 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.

09. 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.

10. A permanent cover, as specified in the odour management plan, shall remain over the lagoon at all times, except for the purposes of allowing access for routine and emergency maintenance. All instances when the cover is to be removed shall be notified to the LPA at least seven days prior to its removal in the case of routine works. In the event that the cover must be removed for emergency access then the LPA shall be notified within 48 hours following the cover being removed.

**REASON**

To ensure that the development does not prejudice the local amenity

11. No development shall take place, including any works of demolition, until a Construction Method Statement Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) the identification of delivery routes.

- iii) the identification of a construction access point and a swept path analysis for the largest construction vehicle to enter the site;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction;
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

**REASON**

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

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

- Screening planting on two sides of the lagoon comprising native species trees and shrubs.
- Native species hedgerow to be planted on the northern boundary of the site and on sections of the proposed access track linking to the existing access track.

**REASON**

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

**INFORMATIVES**

01. INFORMATIVE

Planning consent does not authorise the obstruction or interference of public rights of way in any way.

02. INFORMATIVE - Silage, Slurry and Agricultural Fuel Oil Regulations - advice to applicant

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.

You must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility.

Further guidance is available at:  
Storing silage, slurry and agricultural fuel oil  
Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers,  
growers and land managers

03. INFORMATIVE Farming Rules for Water - advice to applicant

The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 which came into effect in April 2018, introduce farming rules for water that now apply to all farms. The 2018 Regulations seek to address diffuse water pollution from agriculture and set a consistent baseline of good practice across the agricultural industry in England. They aim to prevent water quality deterioration as a result of farming activities, but at the same time benefit the farming business by ensuring that fertilisers are spread to meet crop and soil needs, that no nutrients wash off to the water environment causing diffuse pollution and that soil is kept in good health. In this context, Reg 4(1) provides that application of manure and manufactured fertiliser on agricultural land must be planned to meet soil and crop nutrient needs. Hence, it is likely that manure and slurry produced on farms may need to be stored for longer periods before it is applied on land.

In light of the above, the proposed slurry tank must have capacity to store the total volume of slurry produced on the farm for such periods as necessary to comply with the 2018 Regulations.

Additionally, it must be ensured that organic manure (slurry included) is not stored on agricultural land within 10 metres of inland freshwaters or coastal waters, or within 50 metres of a spring, well or borehole. Any risk factors for runoff, such as the angle of slopes, presence of land drains, soil type etc, must be taken into account when deciding on an appropriate storage location.

For more information on the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 please visit:

<https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution#assess-pollution-risks>

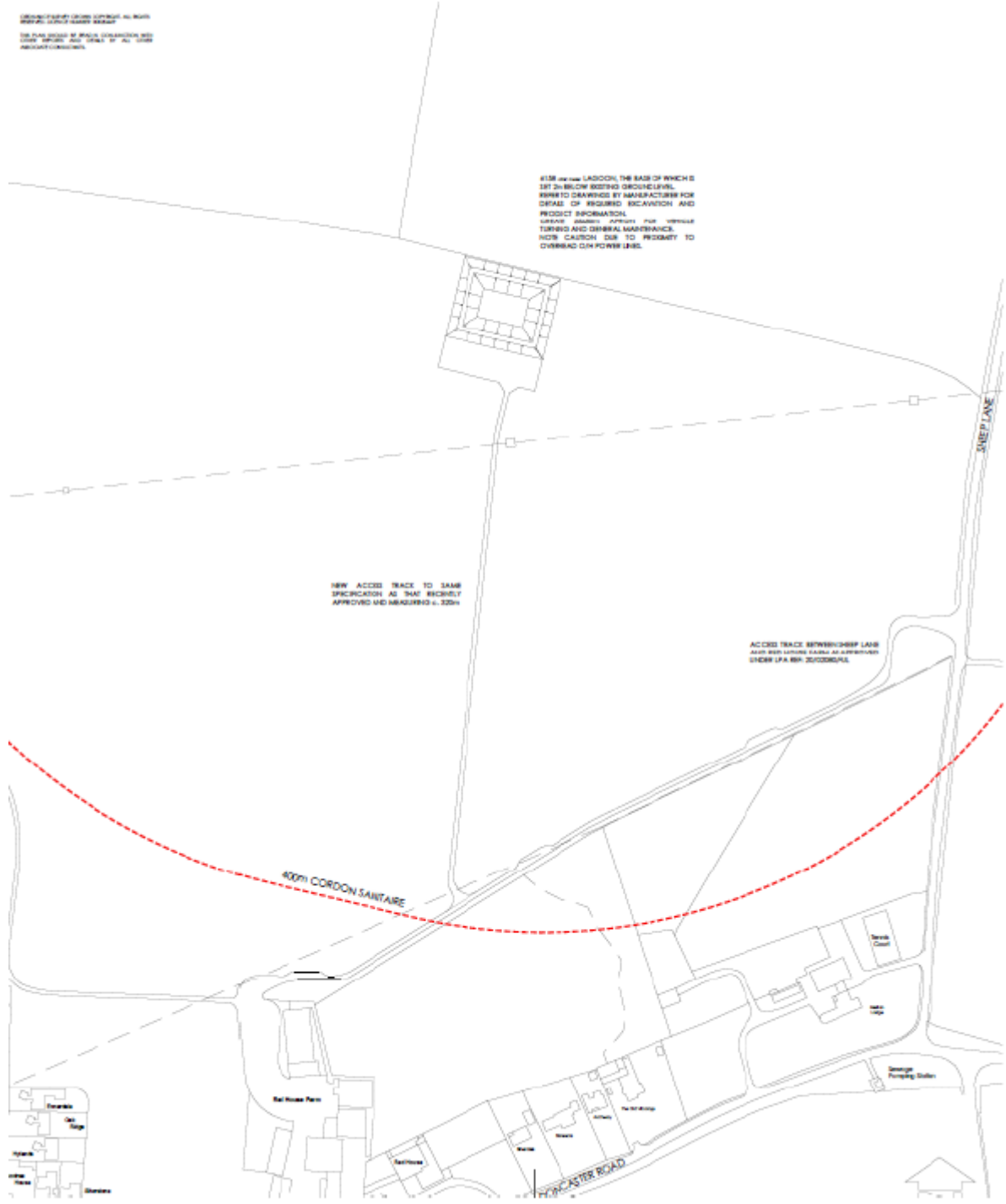
**STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

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

to ensure the access is adequate for delivery vehicles,  
details and enhancements to the odour management plan.

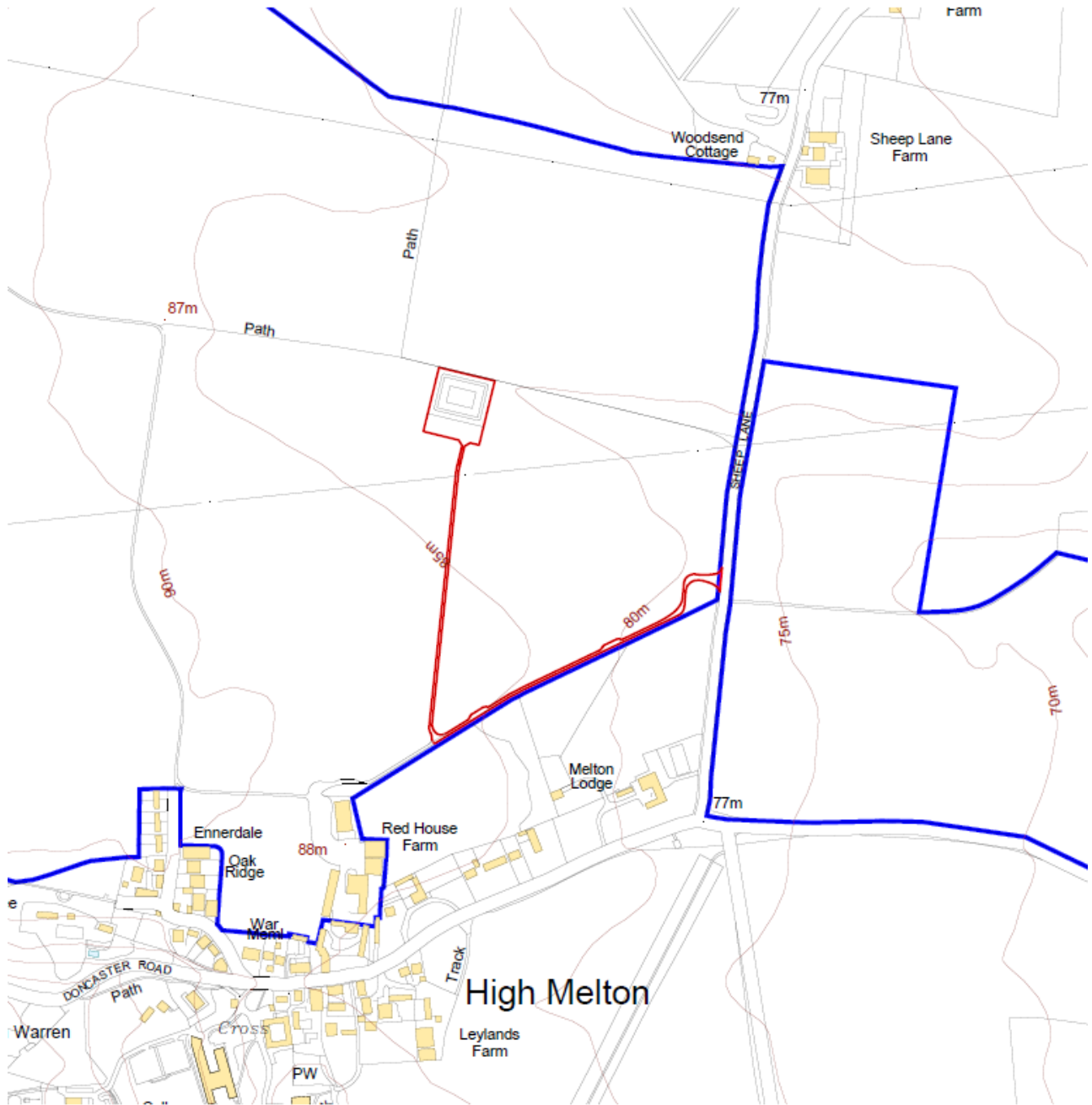
**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

# Appendix 1: Site Plan

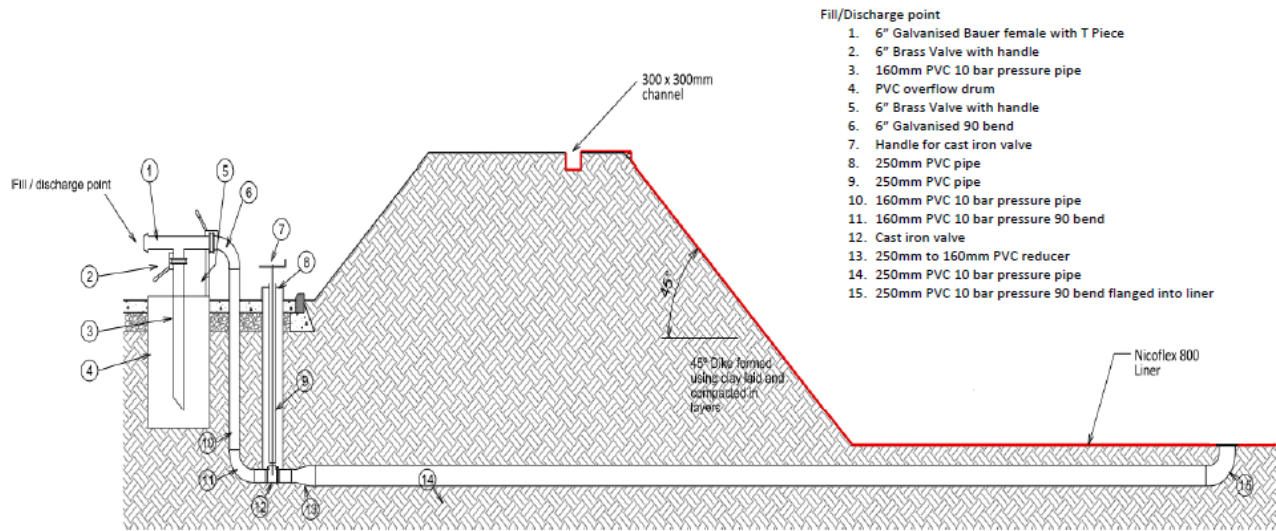


**Proposed Block Plan**

## Appendix 2: Location Plan



## Appendix 3 - Cross section





<b>Application</b>	<b>3.</b>
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<b>Application Number:</b>	22/02088/FULM
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<b>Application Type:</b>	Full (major) Planning Application
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<b>Proposal Description:</b>	The installation of a 2.5MW solar PV array, 0.9MW green hydrogen plant and associated landscaping
<b>At:</b>	Croft Farm Askern Road Carcroft Doncaster DN6 8DE.

<b>For:</b>	P H Maxwell
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<b>Third Party Reps:</b>	0 representations	<b>Parish:</b>	N/A
		<b>Ward:</b>	Adwick Le Street and Carcroft

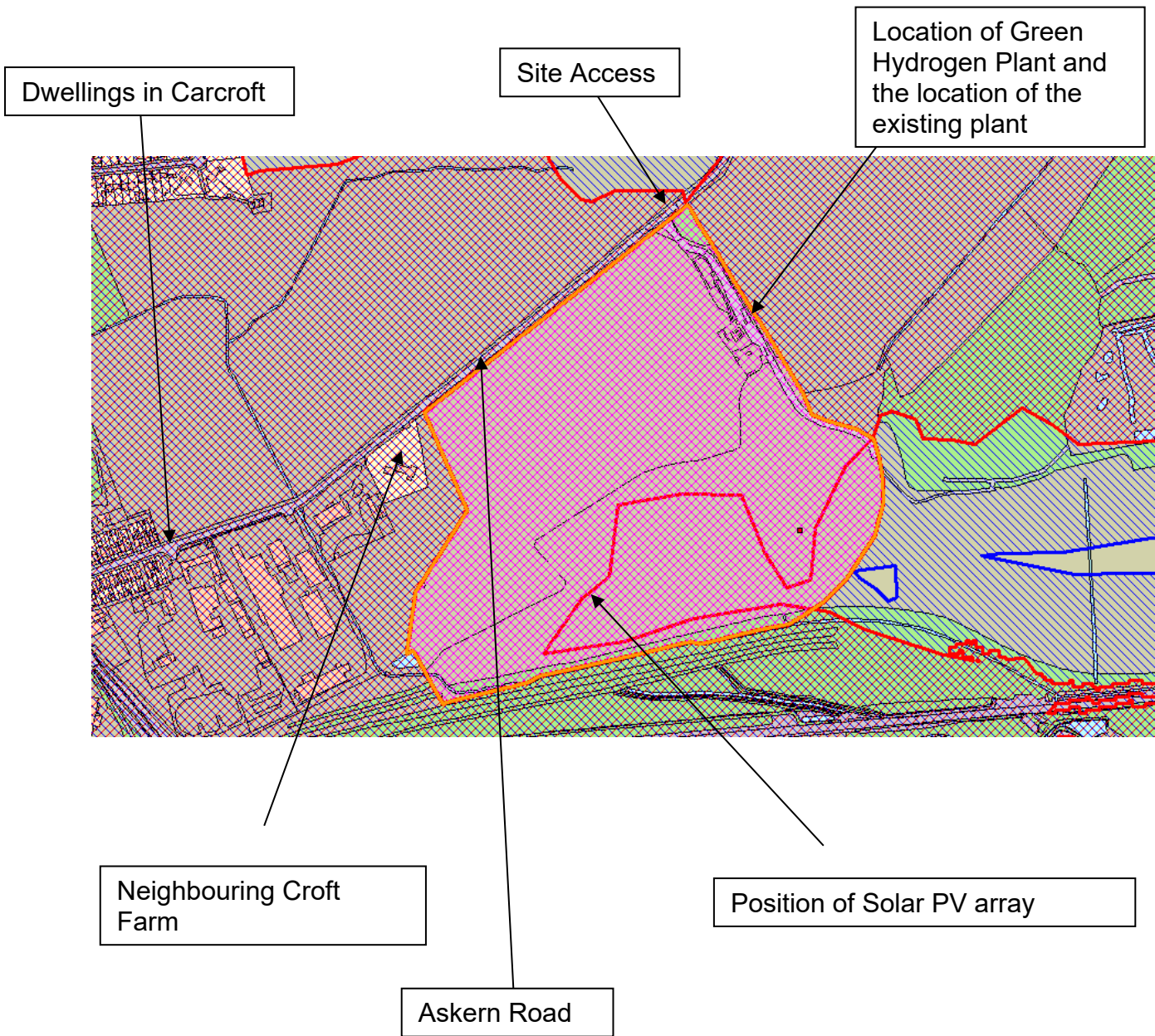
<b>Author of Report:</b>	Alicia Murray
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## SUMMARY

The proposal seeks permission for the creation of a 2.5MW solar PV array and a Green Hydrogen Plant creating 0.9MW of hydrogen to be used within the national utility network. The site is allocated as Green Belt but is on the site of a relatively recently finished landfill use on site. Very special circumstances have been provided, given the fact the proposal would result in renewable energies within the national utilities network and contribute to both Doncaster's and the national green energy targets. The proposal is considered to be acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2021).

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to neighbouring properties, the highway network, flood risk or the wider character of the area.

**RECOMMENDATION: GRANT planning permission subject to conditions**



## 1.0 Reason for Report

1.1 The application is being presented to Members due to the application being a departure from the development plan.

## 2.0 Proposal and Background

2.1 Planning permission is sought for the installation of a solar PV array and green hydrogen plant with associated landscaping, on land at Croft Farm, Askern Road, Carcroft. The solar PV would supply up to 2.5MW and the hydrogen plant would supply 0.9MW.

2.2 The green hydrogen plant will be located adjacent to the existing gas utilisation plant, which is associated with the landfill site. The green hydrogen plant comprises of the installation of an electrolyser which creates the fuel from water. The electricity required for the process would be supplied from the solar PV proposed. The hydrogen produced would be taken off site to provide a sustainable carbon neutral energy source. Any additional electricity will be exported to the grid. The

proposed development includes landscaping and bio diversity enhancements around the perimeter of the site.

### 3.0 Site Description

- 3.1 The site is a former landfill site, the landfill operations ceased and the land is now capped off. The Environment Agency permit deems the site closed as of March 2022. The landfill profile to the south of the site is now grassed. In the northern corner near to the entrance of Askern Road, there is an existing car park, existing gas utilisation plant and areas of hardstanding. The gas utilisation plant captures the methane from the capped landfill and remains operational.
- 3.2 Vehicular access to the site is achieved via an access road from Askern Road. Askern Road defines the northern boundary of the site, to the east of the site lies agricultural fields, and mature woodlands (Owston Common and Randall Croft Wood).
- 3.3 The site is situated within the Green Belt and has an agricultural land classification grade of 4 (poor). The site is within flood zones 2 and 3.

### 4.0 Relevant Planning History

Application Reference	Proposal	Decision
08/00958/WCC:	Continued use of the site (with variation of condition 7 of appeal reference APP/F4410/A/01/1056729).	Planning permission granted 27.06.2008
15/01340/WCCC	Comprehensive reclamation of colliery spoil heaps to create woodland, wetland, and agricultural land by re-engineering the spoil, creation of a landfill site for the deposit of solid household, commercial, and industrial waste, with associated recycling facilities, site facilities including the production of energy from landfill gas, new access to highway and landscaping and aftercare works.	Planning permission granted 22.09.2016

### 5.0 Site Allocation

- 5.1 The site is identified within the Local Plan as Green Belt as defined by the Doncaster Local Plan. The site is also located within Flood Zone 2 and 3.

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

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

- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.7 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.8 Paragraphs 55 and 56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects
- 5.9 Paragraph 57 states planning obligations must only be sought where they meet all of the following test:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 5.10 Paragraph 84 states that development should enable the sustainable growth of rural businesses, enable the diversification of agricultural and other land based rural businesses, allow for sustainable rural tourism and retain/develop local services.
- 5.11 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.12 Paragraph 138 states that the green belt serves 5 purposes including controlling urban sprawl, prevent neighbouring towns merging, safeguarding the countryside, preserving the character of historic towns, and assist urban regeneration.
- 5.13 Paragraph 147 states inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.14 Paragraph 148 states when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt and very special

circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

- 5.15 Paragraph 151 states when located in the Green Belt elements of renewable energy projects will comprise inappropriate development and developers would need to demonstrate very special circumstances. The very special circumstances may include wider environmental benefits associated with increased energy production from renewable sources.
- 5.16 Paragraph 158 states when determining planning applications for renewable and low carbon development, LPAs should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 5.17 Paragraph 174 states planning policies and decisions should contribute to and enhance the natural and local environment, including preventing new and existing development from being put at unacceptable risk from land instability.
- 5.18 Paragraph 183 states planning policies and decisions should ensure that a site is suitable taking account of ground conditions and any risks arising from land instability and contamination.
- 5.19 Paragraph 184 states where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

### **Local Plan**

- 5.20 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.21 Policy 1 sets out the Settlement Hierarchy for the Borough. It seeks to concentrate growth at the larger settlements of the Borough with remaining growth delivered elsewhere to support the function of other sustainable settlements and to help meet more local needs taking account of existing settlement size, demography, accessibility, facilities, issues and opportunities.
- 5.22 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure.
- 5.23 Policy 29 states proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks.
- 5.24 Policy 30 deals with the need to value biodiversity and assets will be protected through the following principles:

A) All proposals shall be considered in light of the mitigation hierarchy in accordance with National Policy.

B) Proposals which may harm designated Local Wildlife Sites, Local Geological Sites, Priority Habitats, Priority Species, protected species or non-designated sites or features of biodiversity interest, will only be supported where:

1. they use the DEFRA biodiversity metric to demonstrate that a proposal will deliver a minimum 10% net gain for biodiversity;
2. they protect, restore, enhance and provide appropriate buffers around wildlife and geological features and bridge gaps to link these to the wider ecological network;
3. they produce and deliver appropriate long term management plans for local wildlife and geological sites as well as newly created or restored habitats;
4. they can demonstrate that the need for a proposal outweighs the value of any features to be lost; and
5. if the permanent loss of a geological site is unavoidable, then provision will be made for the site to first be recorded by a suitably qualified expert.

C) Proposals which may impact Special Areas of Conservation, Special Protection Areas or RAMSAR Sites will only be supported where it can be demonstrated that there will be no likely significant effects and no adverse effects on the integrity of European sites.

D) Proposals that may either directly or indirectly negatively impact Sites of Special Scientific Interest will not normally be supported.

5.25 Policy 32 states that proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided.

5.26 Policy 33 states proposals will be supported that take account of the quality, local distinctiveness and the sensitivity to change of distinctive landscape character areas and individual landscape features. Development will not be permitted where there is significant harm to the distinctive setting of, and relationship between, settlements and buildings and the landscape including important views.

5.27 Policy 39 refers to development affecting archaeology.

5.28 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions; respond positively to their context, setting and existing site features as well as respecting and enhancing the character of the locality. Developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.

5.29 Policy 42 requires proposals to reflect and respect character and local distinctiveness. In all cases, the components of a development must be designed

and assessed to ensure that, amongst other things, it provides safe and secure private property, public areas and the adoptable highway ensuring access points.

- 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 55 deals with the need to mitigate any contamination on site.
- 5.32 Policy 56 requires the need for satisfactory drainage including the use of SuDS whilst Policy 57 relates to flood risk management.
- 5.33 Policy 58 deals with low carbon and renewable energy within new developments.

### **Other material planning considerations and guidance**

- 5.34 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 Council adopted its first SPD under the Local Plan in September 2022 with respect to Biodiversity Net Gain.
- 5.35 The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst further new SPDs to support the adopted Local Plan are progressed and adopted. This guidance is attached limited weight.
- 5.36 Other material considerations include:
  - National Planning Practice Guidance (ongoing)
  - National Design Guide (2019)
- 5.37 Other Council initiatives include:
  - Doncaster Green Infrastructure Strategy 2014 – 2028
  - Doncaster Masterplan
  - Doncaster Delivering Together
- 5.38 Launched in September 2021, Doncaster Delivering Together (DDT) is the Council's new 10 year Borough Strategy. DDT is about everyone being able to thrive and contribute to thriving communities and a thriving planet. This strategy does not form part of the adopted development plan but it is important that the policies of the Doncaster Local Plan achieve the aims and objectives of DDT strategy. The DDT has identified 8 priorities to deliver for Doncaster over the next ten years.

1. Tackling Climate Change
2. Developing the skills to thrive in life and work
3. Making Doncaster the best place to do business and create good jobs
4. Building opportunities for healthier, happier and longer lives for all
5. Creating safer, stronger, greener and cleaner communities where everyone belongs
6. Nurturing a child and family - friendly borough
7. Building transport and digital connections fit for the future

8. Promoting the borough and its cultural, sporting and heritage opportunities

## **6.0 Representations**

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

6.2 No representations have been received.

## **7.0 Town/Parish Council**

7.1 No Town or Parish Council for this site.

## **8.0 Relevant Consultations**

**8.1 CDC Minerals Policy Officer** – The technicalities for re-use of the site for solar PV should be discussed with the Environmental Health Team and the EA to ensure the 'landfill cap' is not disturbed.

**8.2 HSE** – No comments to make.

**8.3 Environment Agency** – Objected to the application on the grounds of insufficient Flood Risk Assessment (FRA) and requested the Green Hydrogen Plant be placed outside of Flood Zone 3. Following receipt of an amended FRA the Environment Agency no longer object to the application, subject to a condition relating to the finished floor levels of the green hydrogen plant.

**8.4 Yorkshire Water** – No objections.

**8.5 CDC Ecology** – No objections to the surveys and outcomes but requested the DEFRA 3.1 metric be submitted along with a bio-diversity net gain report. This was submitted and reviewed by the Ecology Officer, who offers no objections subject to conditions.

**8.6 CDC Tree Officer** – No objections subject to conditions.

**8.7 CDC Internal Drainage** – Requested further details be submitted in order for the development to be fully assessed. This further information has been received and the drainage officer re-consulted, the drainage team no longer object to the application and have requested conditions regarding the onsite drainage and its maintenance.

**8.8 CDC Flood Risk Policy Officer** – A sequential test is not required due to the development being essential infrastructure, but a flood risk assessment is required and an exceptions test must be passed. Having considered the flood risk areas against the proposed plans the majority of the actual development lies in flood zone 2, thereby not requiring an exceptions test for the panels. As stipulated, as the associated infrastructure lies in flood zone 3, an exceptions test must be passed. The FRA does not fully address this. An amended FRA was submitted and it has been demonstrated that the development can be made safe as per the EA response.



- 8.9 CDC Public Rights of Way** – No objections.
- 8.10 CDC Environmental Health** - No comments.
- 8.11 CDC Highways Development Control** – Requested some points for clarification and requested conditions. The points raised have been clarified and the highways officer raises no objections with the proposal.
- 8.12 CDC Transportation** – No objections
- 8.13 CDC Design Officer** – Requested a technical design to further support the sites integration into the existing character and enhance the existing environment, as well as views would be highly advised and required to fully support this application. This has been submitted and reviewed by the Urban Design Officer, who considers the proposal to successfully integrate into the existing environment and would not provide any negative impact to the surrounding area.
- 8.14 Trans Pennine Trail** – Requested funding for their 22 projects in Doncaster if there is an opportunity and requested that care must be taken during construction to not impede the TPT users, but it is noted that the TPT is not located near the site. The TPT suggested that the statement of community involvement was not available to view, this was sent to the TPT directly and no further response was received.
- 8.15 CDC Pollution Control** – The 1.5m landfill cap remains unaffected by this proposal and given the green hydrogen plant is on an area of existing hardstanding, there are no objections and no conditions are required.
- 8.16 CDC Waste and Recycling** – May be a requirement for a commercial waste contract, there would be no issues in accommodating this.
- 8.17 CDC Air Quality** – No objections.
- 8.18 Police Designing out Crime Officer** - Requested a 2.4m pale fence be used along with other security measures such as CCTV. It is noted by the agent that the type of fence proposed due to it being the same as what is currently on site for the gas utilisation plant. There has been no security risks with this current fencing, hence the proposal to have the same.
- 8.19 Network Rail** – Requested conditions related to glint and glare.
- 8.20 Ward Members** – No comments received.
- 8.21 Natural England** – No objections.
- 8.22 Yorkshire and Humber Drainage Board** – Requested full drainage details be submitted and no fencing placed within 9m of existing watercourse.
- 8.23 CDC Highway Network Management** – do not wish to comment further based on CDC Highways comments.
- 8.24 Airport Safeguarding** – No objections.
- 8.25 Yorkshire Wildlife Trust** – No comments received.

**8.26 National Grid** – No comments received.

**8.27 Danvm Drainage Board** – No objections.

## **9.0 Assessment**

9.1 The proposal seeks permission for the installation of a 2.5MW solar PV array, 0.9MW green hydrogen plant and associated landscaping. In considering the proposal the main material planning considerations are outlined below:

- The Principle of Development
- Landscape/Visual Impact
- Agricultural Land
- Glint and Glare
- Ecology and Biodiversity
- Highways
- Flooding and Drainage issues
- Contamination/Former Landfill
- Financial contributions

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

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

### Principle of Development

9.3 The application site comprises of land totalling approximately 20ha, and predominantly rural in character, and is wholly within the Green Belt as defined by the Local Plan. In terms of judging the principle of development, Policy 58 deals with Low Carbon and Renewable Energy. The Local Plan defers to national guidance laid out in the NPPF in terms of development within Green Belt Areas.

9.4 In terms of national policies, Section 6 of the NPPF refers to the economy and paragraph 84 in particular states that in supporting a prosperous rural economy planning decisions should enable the development and diversification of agricultural and other land based rural business. Paragraph 158 sets out that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

At a national level, the UK's renewable energy policies are in line with international policy objectives, namely to ensure that the global economy will need to be zero-carbon by the second half of the 21st Century. Nationally, the policies seek;

- The reduction of CO2 emissions to tackle climate change;
  - The promotion of competitive energy markets in the UK;
  - Affordability to customers; and
  - Security of decentralised energy supplies.
- 9.5 To help to achieve the net zero target, the government is seeking to transition from dependence on fossil fuels to increasing the amounts of secure, renewable and low carbon energy, which of course includes solar and hydrogen.
- 9.6 Announcements by the Government in 'The Ten Point Plan for a Green Industrial Revolution' (November 2020), the 'National Infrastructure Strategy' (November 2020), Energy White Paper (December 2020), hosting of the international climate summit, COP26 in Glasgow in 2021, and changes in law to reduce carbon emissions by 78% by 2035 further reinforce the requirement for change.
- 9.7 In addition to this the Energy White Paper of December 2020 puts net zero and the UK Governments effort to fight climate change at its core. Whilst the report does not target a particular generation mix for 2050, the report goes on to state that a low-cost, net zero consistent system is likely to be composed predominantly of wind and solar.
- 9.8 In planning policy terms, the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.9 At a local level, in September 2019 CDC joined a growing number of local authorities who have declared a climate and biodiversity emergency. Doncaster Council has pledged to become carbon neutral by 2040. An Environment & Sustainability Strategy 2020 - 2030 has been developed by Team Doncaster having the backing of the Council and builds on the work of the Councils Climate and Biodiversity Commission. Importantly, this strategy provides a priority for Doncaster to increase energy production for sustainable sources and to "maximise the large-scale and small-scale renewable energy generation". The strategy also seeks to increase the proportion of land given over to wildflower grassland to support greater biodiversity and improve soils.
- 9.10 Within the Local Plan, Policy 58 seeks to increase the supply of low carbon and renewable energy generated in the borough. Amongst others, it states that proposals will be supported which give priority to heat or power generation from light, water, waste and other low carbon sources. The policy sets out criteria to allow such proposals to be supported, including community engagement and demonstrable environmental, social and economic benefits, no adverse effects on amenity and air quality, highways and infrastructure, and the built and natural environment. The applicants have undertaken pre-application community consultation with the local community, and a Statement of Community Involvement has been provided with the application. The other specific points mentioned will be assessed within the report.

- 9.11 On this basis, it is clear that from both a national and local policy position, there is support generally for the form of development proposed. Specifically however, the proposed development site is located on land allocated as Green Belt within the Local Plan, and as such the scheme needs to be assessed in terms of its impact in those terms.

### Green Belt

- 9.12 As a starting point, Policy 1 (Settlement Hierarchy) of the Local Plan sets out the Council's approach to development within the Green Belt. The policy states that; "The openness and permanence of Doncaster's Green Belt (as indicated on the Key Diagram) and defined on the Policies Map will be preserved."

"The general extent of the Green Belt will be retained. Within the Green Belt, national planning policy will be applied including the presumption against inappropriate development except in very special circumstances."

- 9.13 As such, the Local Plan document defers to the NPPF with regards to Green Belt Policy. Para 147 of the NPPF states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Para 148 goes on to state that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

- 9.14 In terms of inappropriate development, the NPPF states that Authorities should regard the construction of new buildings as inappropriate in the Green Belt, subject to a number of exceptions. It goes on to outline a number of forms of development that are not considered to be inappropriate in the Green Belt (provided they preserved the openness), however none of these exceptions are applicable to the solar PV array part of the proposal. The Green Hydrogen plant however would comply with paragraph 149 (g), as the plant equipment would be positioned immediately adjacent to the existing carbon production equipment on the site, and as the site is former landfill, it does constitute previously developed land.

- 9.15 Paragraph 151 of the NPPF specifically mentions renewable energy development within the Green Belt, and states;

"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

- 9.16 On this basis, the Local Planning Authority must consider the impact of the proposal upon the openness of the Green Belt, and whether very special circumstances justify the development in the Green Belt.

- 9.17 The NPPF at para 138 sets out the five purposes of the Green Belt;

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;

- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.18 In order to assist the decision making process, Planning Policy Guidance provides advice on the factors that can be taken into account when considering the potential impact of development upon openness of the Green Belt. The guidance advises that the courts have identified a number of matters which may need to be taken into account in making this assessment. These include;

- Openness is capable of having both spatial and visual impacts – in other words, the visual impact of the proposal may be relevant, as could its volume;
- The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness;
- The degree of activity likely to be generated, such as traffic.

9.19 In terms of this proposal, it is prudent to assess the scheme against the 5 objectives of the Green Belt to guide the judgement of impact upon openness. With regards to checking the unrestricted sprawl of large built up areas, it is not considered that the scheme would result in such sprawl. Solar arrays in fields are not a form of development typically thought of or associated with “urban sprawl”, and increasingly are no longer an unusual feature in rural locations, as it is often only possible to locate solar farms of this type of scale of land which is typically greenfield land in the countryside; however the benefit of this proposal is that the land is brownfield in nature. Furthermore, the proposed solar farm would have a lifespan of 35 years, after which it would be decommissioned and the land restored in an agreed manner, and so any harm would be of a temporary and reversible nature. The plant for the green hydrogen generator would be located close to existing plant and machinery for the carbon production which is existing on site and therefore would not result in “Urban Sprawl”.

9.20 The second objective seeks to prevent neighbouring towns from merging into one another. The application site is located on a former landfill site between the settlements of Carcroft and Adwick Le Street. The field is separated from the settlements, and the existing gaps between the settlements and application boundary will be retained. Furthermore, given the nature of the proposal, with relatively low solar panels (no taller than 3m) and existing field hedgerow boundaries and landfill bund are to be retained and additional to be planted, the scheme will ensure that the settlements will not have visual appearance of merging. Again the green hydrogen facility is close to existing built form and would not be greater in height to that. The applicants have provided a Landscape and Visual Impact Assessment (LVIA), which concludes that there would be no significant changes in views from within any of the settlements.

9.21 The third objective is to assist in safeguarding the countryside from encroachment. It is recognised that the siting of solar panels into vacant fields would change the character of the area, and so would represent encroachment of development within the countryside. The development does however have a lifespan of 35 years after which it will decommissioned, and as such any harm through encroachment will be of a temporary and reversible nature. In terms of the landscape and visual effects of the proposal, the LVIA recognises that there would be negligible to no impact on the wider landscape and the city’s landscape as a whole and minor impact at the

site entrance on Askern Road. However, this is mainly from the Green Hydrogen facility which is clustered within the existing built form. There is no public access on the site. The impacts upon these views would be mitigated slightly by the establishment of proposed landscape enhancements. As such, it is considered that the impact of views is relatively limited and there would be no significant impacts more broadly on landscape character or views in the local area.

- 9.22 The fourth objective is to preserve the setting and special character of historic towns. Given the location and surroundings of the proposed development, it is not considered that the proposals would impact upon the setting special character of any historic towns.
- 9.23 The final objective is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The site is previously developed land, albeit restored. The creation of the Solar Farm and Green Hydrogen Facility would see part of the site reused for nationally and locally important benefit in terms of the transition to a low carbon economy and given the contaminants underground on the site, other forms of development would not be possible.
- 9.24 Having assessed the proposal against the five objectives of the Green Belt, as per Para 147 of the NPPF, it must be demonstrated that very special circumstances exist to permit the granting of what is considered to be inappropriate development within the Green Belt. Case law holds that the decision maker must first decide whether very special circumstances exist, before then determining whether those very special circumstances outweigh the potential harm to the Green Belt.
- 9.25 As previously mentioned, Para 151 of the NPPF does state that “very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”. The very special circumstances outlined in this application is directly relating to the environmental benefits of the proposal. Renewable energy scheme, providing low carbon, clean energy, the proposed development will make a valuable contribution towards the reduction of carbon emissions and increase the renewable energy capacity in Doncaster. The development contributes towards meeting the targets for renewable energy as set out within the Doncaster environment sustainability strategy and national zero targets for 2050 The proposal would generate 2.5MW of electricity to power 0.9MW green hydrogen plant to produce hydrogen through the process of electrolysis. The hydrogen would be used as an alternative to diesel in equipment like generators; where connections directly to the grid cannot be achieved i.e. building sites and/or remote locations. The benefits of the scheme outweigh the limited harm it would cause.

### Sustainability

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

## **SOCIAL SUSTAINABILITY**

### Impact on Residential Amenity

- 9.28 The nearest residential property outside the applicant's ownership are approximately 300m to the west of the site on Askern Road at the start of the settlement of Carcroft. The predominant neighbouring uses are employment/industrial buildings. The applicant's property neighbours the site.
- 9.29 Local Plan Policy 46 states that development will be supported provided that it does not result in unacceptable negative effects on the amenity of neighbouring land uses or the environment.
- 9.30 The substantial planting of a native hedgerow along the western boundary, will help to screen the development from the neighbouring land uses. The neighbouring buildings are relatively low lying meaning they wouldn't be effected by glint and glare from the PV array. The proposed green hydrogen plant is situated 400m away from the applicant's property and 732m away from the residential properties on Askern Road. The Environmental Health Team have not objected to the proposal and it is considered that the Green Hydrogen Plant would not result in harm to the residential amenity of the area.

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

- 9.31 The proposal has been able to adequately demonstrate that residential development can be achieved on the site without adversely affecting the residential amenity of neighbouring properties. The development complies with Policy 46 of the Local Plan and is given moderate weight in the determination of the application.

## **ENVIRONMENTAL SUSTAINABILITY**

### Landscape and Visual Impact

- 9.32 One of the core principles of the NPPF is that the intrinsic character and beauty of the countryside should be recognised. Planning Practice Guidance notes issued by the government states that the deployment of large-scale Solar Farms can have a negative effect on the rural environment, particularly in very undulating landscapes. However, it states that the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively. This guidance also stresses that local topography is an important factor in assessing whether a large scale solar farm could have a damaging impact on the landscape.
- 9.33 Policy 58 also states that low carbon and renewable energy proposals will be supported whether they have no unacceptable adverse impacts, including cumulative impacts, on the built and natural environment (including landscape character).
- 9.34 More specifically, Policy 33 of the Local Plan is concerned with Landscape at a strategic level. Proposals will be supported that take account of the quality, local distinctiveness and the sensitivity to change of distinctive landscape character areas and individual landscape features. The Policy goes on to state that where developments will most likely result in a significant impact upon the Borough's

landscape, the proposals should assess the potential impact (including cumulatively) and propose how any negative effects will be minimised.

- 9.35 As part of the application, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The assessment takes into account both the alteration the development would introduce to the landscape, and the sensitivity of the site and its current surroundings. The LVIA has concluded that any public views close to Askern Road to the north will have a perceptible change. However, given the change is aligned with the existing urban uses and existing built form associated with the existing gas utilisation plant. There are no highly sensitive receptors in public places i.e. public right of way and medium receptors would mainly be road users, which would primarily be focused on travelling along the road.
- 9.36 The proposal benefits from a good level of containment due to the combination of land cover, landform, and built form. The previously developed nature of this site results in the proposal being integrated successfully in this location. Furthermore the proposal includes the planting of a substantial native hedgerow and existing hedgerow will be gapped up where required (as shown on ASP3 plan).
- 9.37 The LVIA has been reviewed by our Urban Design Officer and they are satisfied that the proposal would not result in a significant harm to the landscape character of the area or harm the wider landscape. In turn resulting in no impact to the openness of the Green Belt. Furthermore, solar PV arrays are not considered a common part of the rural landscape character as the country moves towards renewable energy generation.

#### Agricultural Land

- 9.38 National planning guidance states a preference focussing large scale solar farms on previously developed and non-agricultural land. Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. Policy 60 of the Local Plan states that proposals on non-allocated sites that involve the significant loss of the best and most versatile agricultural land (grades 1, 2 and 3a) will only be supported where:
1. there are no other suitable alternative locations on lower quality agricultural land (or non-agricultural land) available; or
  2. the land can be reinstated back to its previous state (where possible).
- 9.39 In both cases, there is a clear intention to ensure that proposals avoid the loss of the best and most versatile agricultural land. The site is a former landfill, which although restored is of poor agricultural land value due to its former use; the site is Grade 3b and Grade 4 in quality. Set against this, Doncaster as a whole has a higher proportion of very good agricultural land (Grade 2) in comparison with the England as a whole. Furthermore, although long term, the development is temporary and its impacts fully reversible. The management of the land under the panels over the life of the development can improve soil health, increase biodiversity and improve soil structure. It is proposed that following the decommissioning of the solar farm, the land would revert back to its former use however the Green Hydrogen plant would be permanent (on an existing area of hardstanding, not affecting the grassland). As quoted above, part 2 of Policy 60 of



the Local Plan does make provision for the loss of such land where it can be reinstated back to its previous use.

- 9.40 On this basis, the solar farm would not harm Doncaster's agricultural land capacity. In line with National Planning Guidance and Policy 60 of the Local Plan. The proposal is located on the best possible land as the solar PV array would be on brownfield land of low agricultural quality. Furthermore, the land could be returned to its original state at the end of the development, in accordance with Policy 60. Coupled with the significant benefits the scheme would bring forward, the proposal is considered acceptable in terms of its impacts upon agricultural land.

#### Glint and Glare

- 9.41 Part B of Policy 58 seeks to ensure that in all cases, low carbon and renewable energy proposals allow for the continued safe and efficient operation and growth of Doncaster Sheffield Airport. In order to protect any potential commencement of commercial flights from Doncaster Sheffield Airport, the airport safeguarding team have been consulted. There is no objections to the proposal. Given the proposal is close to an existing rail network, it is considered appropriate to include a condition on the decision to ensure remedial measures can be secured should there be any issues raised by rail drivers of glint and glare from the solar PV array. Given the position of the solar PV array there would be no impact to road users or residential properties.
- 9.42 Furthermore, most panels are made specialist glass, which has a much lower reflectivity than conventional glass, and the strength of reflection is much lower than other features commonly seen such as glasshouses, glass fronted buildings and calm reservoirs. The panels are obviously fixed, and so reflections can only be directed to one area of the sky at any one time. This point slowly moves across the sky as the sun moves during the course of a day. The maximum extent of any glint is only the size of the proposed solar farm and as such an aircraft moving at high speed will cross this point very quickly. The potential for glint will also be reduced where cloud, rain or other weather events obscure the sun from the panels.
- 9.43 It is therefore unlikely that the proposed solar farm will have any significant effect on the impact of the radar system or aviation safety through glint or glare and the proposal is therefore compliant with policy 58 of the Local Plan and the Planning Practice Guidance.

#### Highways/Access

- 9.44 The applicant has submitted a Design and Access Statement together with a Construction Traffic Management Plan with the application. Similarly to the operation of the former landfill, to avoid large vehicles from routing through the centre of Carcroft, all construction and subsequent HGVs required to transport the hydrogen shall follow an access route via the A19 and onwards to the A1.
- 9.45 The access will remain as existing, which was approved for the landfill operation. The access is surfaced and kerbed with sufficient drainage. The highways officer has no objections to the intensification of the access point.
- 9.46 Construction is relatively short 3-4 months, the majority of traffic would be installer vans with an average of 5 vans a day. During the first week of construction there would be 2 to 3 deliveries on an articulated lorry for the mounting systems and the

following week 2 to 3 more for the delivery of the panels. Articulated Lorries would deliver the ancillary equipment e.g. inverters, subs and the electrolyser, once the panels are installed. The construction hours would be 8am to 4:30pm.

- 9.47 Post construction, once the green hydrogen plant is in operation a maximum of 1 tanker collection is required per day. Once the solar array is in operation, solar visits by van would be infrequent for maintenance once or twice a year.
- 9.48 No objections are raised by the Council's Highways Team or by Highways Network Management. Whilst a CTMP has been provided, it is requested that an updated version is provided prior to the commencement of development.

### Flooding and Drainage

- 9.49 The application site lies within an area designated as Flood Risk Zone 2 and 3, which is defined as having a high probability of flooding. The Environment Agency have been consulted as part of the application. They agree with the findings of the amended Flood Risk Assessment (FRA) subject to condition to ensure the measures of the FRA are met (the container will be anchored in such a way that it will not float away in times of flood; and flood resilience and resistance measures shall be incorporated). This will be secured by condition as recommended by the Environment Agency.
- 9.50 NPPF Annex 3: flood risk vulnerability classification, places the use of a Solar Farm as 'essential infrastructure' and the green hydrogen plant and other infrastructure classified as 'highly vulnerable' (although the table also stipulates that where there is a demonstrable need to locate such installations to be located in other high flood risk areas, these installations should be classified as essential infrastructure); Table 2: flood risk vulnerability and food zone incompatibility states that an exception test is required. The Council's Technical Developer Guidance (April 2022) states that if a proposal meets one of the categories set out in Table 9 then it avoids the need for a sequential test. With regards Solar Farms the table says development proposals identified as "essential infrastructure" will not require a sequential test, however a site specific flood risk assessment will be required, and should consider how they can remain operational during times of flooding. As per Table 2 (NPPF), an exceptions test will be required for any development in Flood Zone 3 but in the flood zone 2 'development is acceptable and not required'. Having considered the flood risk areas against the proposed plans the majority of the actual development lies in flood zone 2, thereby not requiring an exceptions test for the panels. As stipulated, the associated infrastructure lies in flood zone 3, and although a sequential test is not required (essential infrastructure), however it concludes that an exceptions test is required.
- 9.51 In order to pass the Exceptions Test Paragraph 164 of the NPPF states that it should be demonstrated that:
- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 9.52 The development will provide essential green energy infrastructure, providing a sustainable form of energy production to feed into the national energy network. The

development would provide wider sustainability benefits and is considered to pass part A of paragraph 164.

- 9.53 It is considered that the proposal will be constructed with floor resilience in mind. The drainage system proposed will ensure no foul water is flowing back from the drainage system to internal drainage points such as toilets, plugs and waste pipes but will allow foul water to leave the property under normal conditions. This will also prevent rodents from being forced through the drainage system into the property during flood. Additionally mains electricity cut off and fuse boxes should be installed at ceiling level if within the ground, and mains electricity to the ground floor will be distributed from ceiling level, with sockets installed at the highest possible position. Finally the container will be anchored to the ground to ensure that during a flood it doesn't float away, this will also decrease the damage experienced on site as the containers won't be able to move potentially damaging surrounding infrastructure. Resulting in the development passing part b of paragraph 164 of the NPPF.
- 9.54 The council's Drainage Team have considered the proposals and raised no objections subject to drainage conditions.
- 9.55 In conclusion, the proposal is considered to pass the Exception Test and no objections have been raised by the Environment Agency or internal drainage teams subject to suitably worded conditions. The proposals are therefore considered to accord with policies 56 and 57 of the Local Plan and Paragraphs 162 and 164 of the NPPF.

#### Ecology and Wildlife

- 9.56 Policy 30 of the Local Plan is concerned with Biodiversity, and seeks to ensure that all proposals are considered in light of the mitigation hierarchy in accordance with National Policy. Furthermore, proposals will only be supported where:
1. They use the DEFRA biodiversity metric to demonstrate that a proposal will deliver a minimum 10% net gain for biodiversity;
  2. They protect, restore, enhance and provide appropriate buffers around wildlife and geological features and bridge gaps to link these to the wider ecological network;
  3. They produce and deliver appropriate long term management plans for local wildlife and geological sites as well as newly created or restored habitats;
  4. They can demonstrate that the need for a proposal outweighs the value of any features to be lost; and
  5. If the permanent loss of a geological site is unavoidable, then provision will be made for the site to first be recorded by a suitably qualified expert.
- 9.57 An Ecology Assessment Report has been submitted with the application which sets out which species may be impacted by the scheme, and the potential impact of the scheme upon nearby protected sites. A biodiversity net gain assessment has also been provided. There are no statutory or non-statutory nature conservation sites within the application site.
- 9.58 The Ecological Impact Assessment (EclA) identified a range of habitats on the proposal site with only: broadleaved semi-natural woodland, hedgerow and running water being ecologically important with almost 90% of the site area being

occupied by predominantly low value grassland and recently planted woodland. The high value habitats were identified as being retained and not impacted by the proposed solar array, thus demonstrating that the mitigation hierarchy is being implemented. The presence or otherwise of protected species was ascertained through a range of surveys providing definitive assessments. Great crested newts were identified as being present but in very small numbers and probably not breeding on or adjacent to the site. As construction and operational phases will have limited land take it is proposed that the very unlikely direct impacts on this species can be managed through a specific method statement within a Construction Ecological Mitigation Plan (CEMP). A Natural England Rapid risk assessment was carried out and confirmed that this approach would not likely cause an offence in respect of protected species legislation. The presence of reptiles was established through desk studies and again a reasonable avoidance strategy would be used to ensure that reptiles (most likely grass snakes) would not be harmed during the construction phase. It was proposed that there would be no long term adverse impacts on reptiles as the grassland and other peripheral habitats will be largely retained. This is acceptable but there should also be ecological enhancements that provide additional favourable conditions for reptiles. Although there are records of water vole in the area around the site no evidence of water vole was found in surveys. Pre- commencement surveys and precautionary measures are proposed within a CEMP. Bats were identified to be using the site at a very low level and there would be no adverse impacts on this group as all of more favourable peripheral habitats would be retained.

9.59 The EclA has been supported by a Net Gain Assessment also. Such habitat enhancement and management measures set out in a Biodiversity Management Plan (BMP), also submitted with the application. At a high level, the enhancements will include;

- Wildflower meadow, a long season meadow mix, to the south of the hedgerow;
- Native tree and hedgerow planting, including infilling of existing hedge gaps and 30 small and 50 medium trees

The Biodiversity Net Gain Assessment details how the Proposed Development can achieve a 10.43% net gain in habitat units and 353.58% net gain in hedgerow units.

9.60 The Council's ecologist has been consulted, and following discussions with the scheme ecologists and some further survey work, no objections are raised as a result of the proposals. It is considered that there are no outstanding ecological issues in respect of protected species or habitats of principal importance and hence these do not pose any constraints on the development.

9.61 On this basis, conditions are recommended to secure Construction Ecological Management Plan, and in respect of delivery of BNG and future management.

9.62 The Council's Trees and Hedgerows Officer has also been consulted, and raises no objections to the scheme. A condition is recommended in respect of hedgerow restoration, enhancement and management.

#### Pollution issues

9.63 As previously outlined the site is located on a former landfill site, which has been capped off and restored. The proposed solar panels are proposed to be anchored to the ground using platypus earth anchoring system to a depth of 1m, to avoid piercing the landfill cap, which lies 1.5m below the surface. The proposed Green

Hydrogen Plant is proposed on an existing area of hardstanding, resulting in no impact to the ground gas infrastructure located on the site for the existing gas transfer facility.

- 9.64 The Council's Contaminated Land Department do not offer any objections to the proposal. Consultation with the Environment Agency has also been carried out, however they have outlined that they no longer provide comments on contamination and defer to the Council's Contaminated Land Department. However, as the closed landfill is regulated by the Environment Agency, separate consultation will be carried out. The development is considered to be in accordance with policy 54 and 55 of the Local Plan.

### **Conclusion on Environmental Issues**

- 9.65 Para. 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.66 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition. As such moderate weight attached to this in favour of the development through the achievement of BNG offsetting on site and the provision of renewable energy into utilities network. The position and ground fixing of the solar panels and hydrogen plant have been designed in order to minimise the risk of any impact to the landfill gas and gas utilisation facility. There would be minimal impact to the landscape. The initial concerns from the Environment Agency and Drainage Team have been addressed and the proposal is not considered to result in an increased risk of flooding nor would it result in harm to any person.

### **ECONOMIC SUSTAINABILITY**

- 9.67 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project. Additionally there would be a small number of employees for maintenance of the solar array and for the transport of the hydrogen. However this is restricted to a short period of time and would likely be existing jobs within the existing business network and therefore carries limited weight in favour of the application.

### **Conclusion on Economy Issues**

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

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. Whilst the development would be inappropriate development within the Green Belt, very special circumstances have been provided to justify the development. Furthermore, the LVIA submitted explains that there would be minimal impact to the landscape and in turn the openness of the Green Belt. It is considered that the scheme delivers, namely a significant contribution towards the delivery of sustainable, renewable energy, weighs heavily in its favour. Coupled with this, the scheme is temporary (although a significant period) in nature, and the land can be returned to its original use at the end of its life. The scheme is also considered to be acceptable in terms of ecology, and will deliver a substantial net gain on site. The scheme will also ensure further planting across the site, as well as the retention of existing hedgerows. The proposal is considered to be located within a sustainable location close to major road networks and the neighbouring settlement of Carcroft and this weighs considerably in favour of the application.
- 10.2 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

## **11.0 RECOMMENDATION**

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

#### **Conditions / Reasons**

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

#### **REASON**

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

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

129889-202A [H]

129889-201A [H]

29889-102A [S]

29889-101C [S]

29889-003C

29889-001B

7815/CSD

Flood Evacuation Plan

#### **REASON**

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

03. Within 18 months of the 35th anniversary of the date of first commercial export from the solar PV (as defined in condition 4 below), or within 6 months of the cessation

of the generation of renewable energy from the solar PV, whichever is the sooner, all solar panels, associated equipment, fencing and other infrastructure shall be removed and the ground re-instated in accordance with details to be approved in writing by the local planning authority.

REASON

To ensure that the site is appropriately restored.

04. Within 6 months of the 35th anniversary of the date of the first commercial export of electricity from the solar farm or within 6 months of the cessation of the generation of renewable energy, whichever is the sooner, all solar panels, associated equipment, fencing and other infrastructure shall be removed and the ground re-instated in accordance with the approved restoration scheme.

REASON

To ensure that the site is appropriately restored.

05. Within one month of the date of first commercial export of electricity from the solar PV array, the local planning authority shall be notified in writing of that date.

REASON

To establish a date of commencement for the development and to assist in the effective monitoring of the site.

06. The development hereby granted shall not be commenced until a detailed proposal of hedgerow restoration and new planting work, including timescales for facilitation works and implementation, together with details of planting/ground preparation, species, density/staggering, guarding from pests and a detailed aftercare schedule with clear responsibilities has been submitted to and approved in writing by the Local Planning Authority. Any new planting that dies, is damaged or is removed within 5 years shall be replaced as per the approved details during the next available planting season. Following the completion of the hedgerow restoration works, new planting and maintenance/aftercare in accordance with the approved proposal the Local Planning Authority shall be notified in writing within 7 days to allow for inspection. The development shall be carried out in accordance with the approved details.

REASON: To ensure that all tree work is carried out to the appropriate high standard, help any new planting be more established prior to the site being occupied and compliance with Policy 48: Landscaping of New Developments section C and F and Policy 29: Ecological Networks (Strategic Policy) section B and C of the adopted Doncaster Local Plan 2015 -2035.

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

REASON

To ensure that adequate parking provision is retained on site.

09. Prior to commencement of development in any part of the site the Planning Authority shall have received and approved a Construction Traffic Management Plan (CTMP) including:
- (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works;
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
  - (k) details of wheel washing facilities and obligations;
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
  - (m) Details of the amount and location of construction worker parking;
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
  - (o) no mud, stones, water or debris shall be deposited on the public highway at any time.

The development shall be carried out in accordance with the approved CTMP.

**REASON**

In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the highway for the duration of the construction phase of the development as required by Policy 42 A.2 of the Doncaster Local Plan. This condition is required to be discharged prior to commencement as the approved detail may have an impact on construction arrangements.

10. During the operational period of the development, in the event of a complaint to the Local Planning Authority from Network Rail relating to signal sighting safety or driver distraction, the operator of the solar farm shall by no later than 28 days following notification from the Local Planning Authority, submit for approval to the Local Planning Authority details of a scheme of remedial measures to address the concerns along with a timescale for implementation of the works. The works shall be carried out in full accordance with the approved details and timetable.

**REASON**

The safety, operational needs and integrity of the railway.

11. On commencement of development the Construction and Ecological Management Plan (Ramm Sanderson RSE\_4770\_R2\_V1\_CEMP January 2023) shall be implemented in accordance with the approved details therein. Page 94

**REASON:**



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

12. Prior to the commencement of development a Management and Monitoring Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management Plan shall be based on the following:

- o The baseline biodiversity assessment against which an uplift in biodiversity unit value will be monitored.
  - o The project's biodiversity unit targets.
  - o 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.
  - o The details of when target condition will be achieved and how it shall be maintained.
  - o 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.
  - o The roles, responsibilities and professional competencies of the people involved in implementing and monitoring the biodiversity net gain delivery.
  - o Evidence that the necessary resources are available to deliver the proposed biodiversity net gain plan and the 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 and enhance local ecological networks in accordance with Local Plan policy 29.

13. The development shall be carried out in accordance with the submitted flood risk assessment by Ramm Sanderson (referenced RSE\_4770\_01\_V3 and dated 17 February 2023) and the following mitigation measures it details:

- the container will be anchored in such a way that it will not float away in times of flood.
- Flood resilience and resistance measures shall be incorporated into the development as detailed in Section 7 of the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**REASONS**

To reduce the risk of flooding to the proposed development and future occupants.

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

**REASON:**

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

15. No building shall be erected within 10 metres of the watercourse or culvert, which passes through/runs adjacent to the site.

REASON:

To ensure adequate access at all times and to protect the culvert from damage.

16. Prior to the development being brought into use, details of the drainage management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The drainage system for foul and surface water drainage shall be retained, managed and maintained for the lifetime of the development in accordance with the approved drainage management and maintenance plan.

REASON:

To ensure the drainage apparatus of the site is adequately maintained for the lifetime of the development and to accord with Para. 169 c) of the NPPF (2021).

### **INFORMATIVES**

01. The Developer should be aware that a Sustainable Drainage System (SuDS) is the LPA's preferred option. A detailed explanation of any alternative option and reasons for rejecting a SuDS solution will be required.
02. Drainage strategy for the proposed hydrogen plant/building does not show how the swale will get to the outfall at Wellsdike. Detailed drainage design will need to be submitted.  
What flow control devices will be used to achieve the proposed discharge rate of 4.2l/s? Doncaster Council do not accept orifices of less than 100mm diameter.  
Overland flow paths have not been submitted.  
Any alteration to existing watercourse/ditches (to create swales etc.) will require consent from the relevant Land Drainage Authority, which in this instance would be the IDB.  
Maintenance information needs to cover the grass/ground conditions of the solar farm, to ensure water runoff will not create channelling etc.  
Micro drainage calculations will need to be submitted and it is advised that the applicant review the final comments from the Drainage Engineers on the Council's Public Access.

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

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

- Additional information in relation to Highways, Ecology, and Drainage.

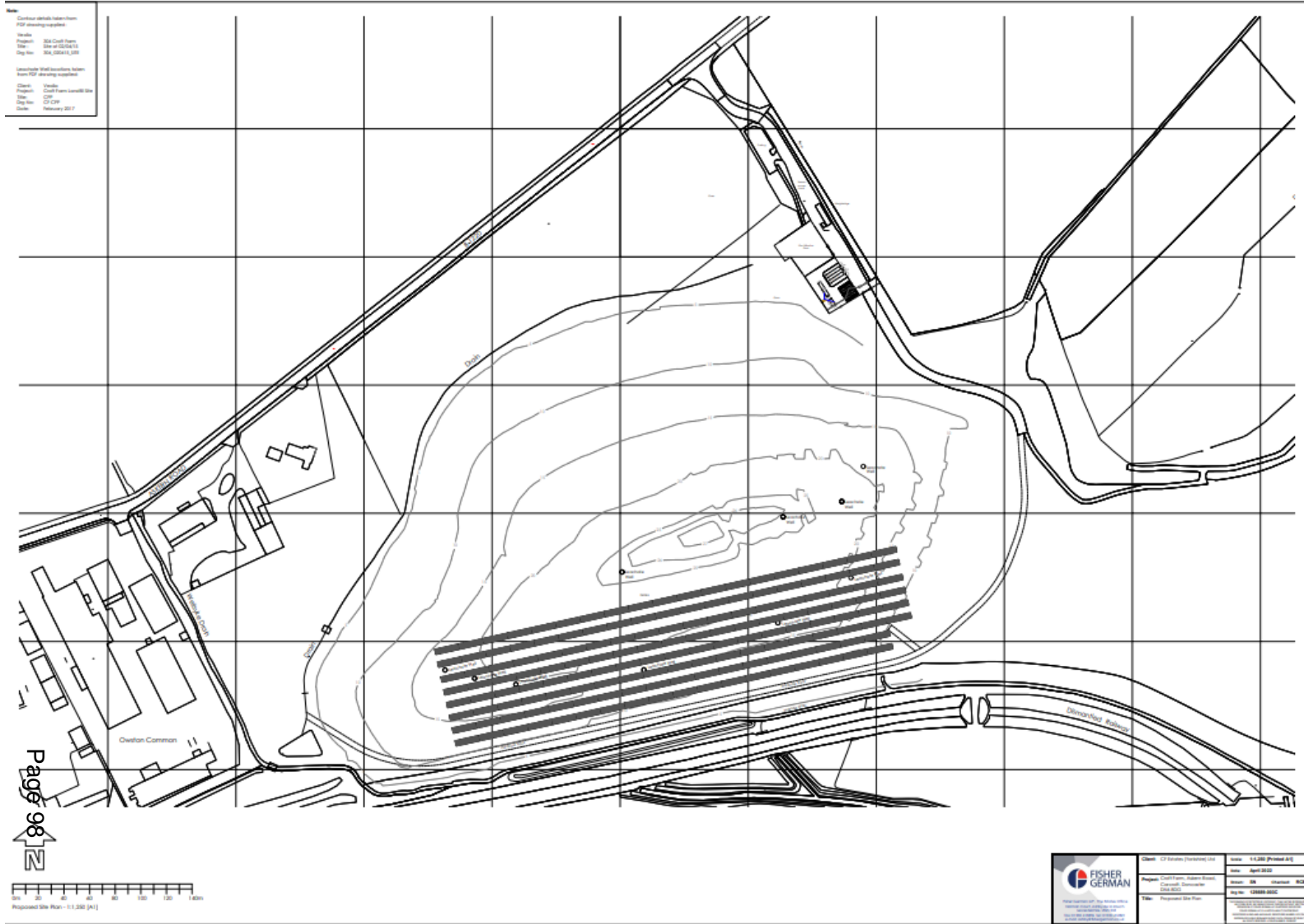
**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

# Appendix 1: Location Plan

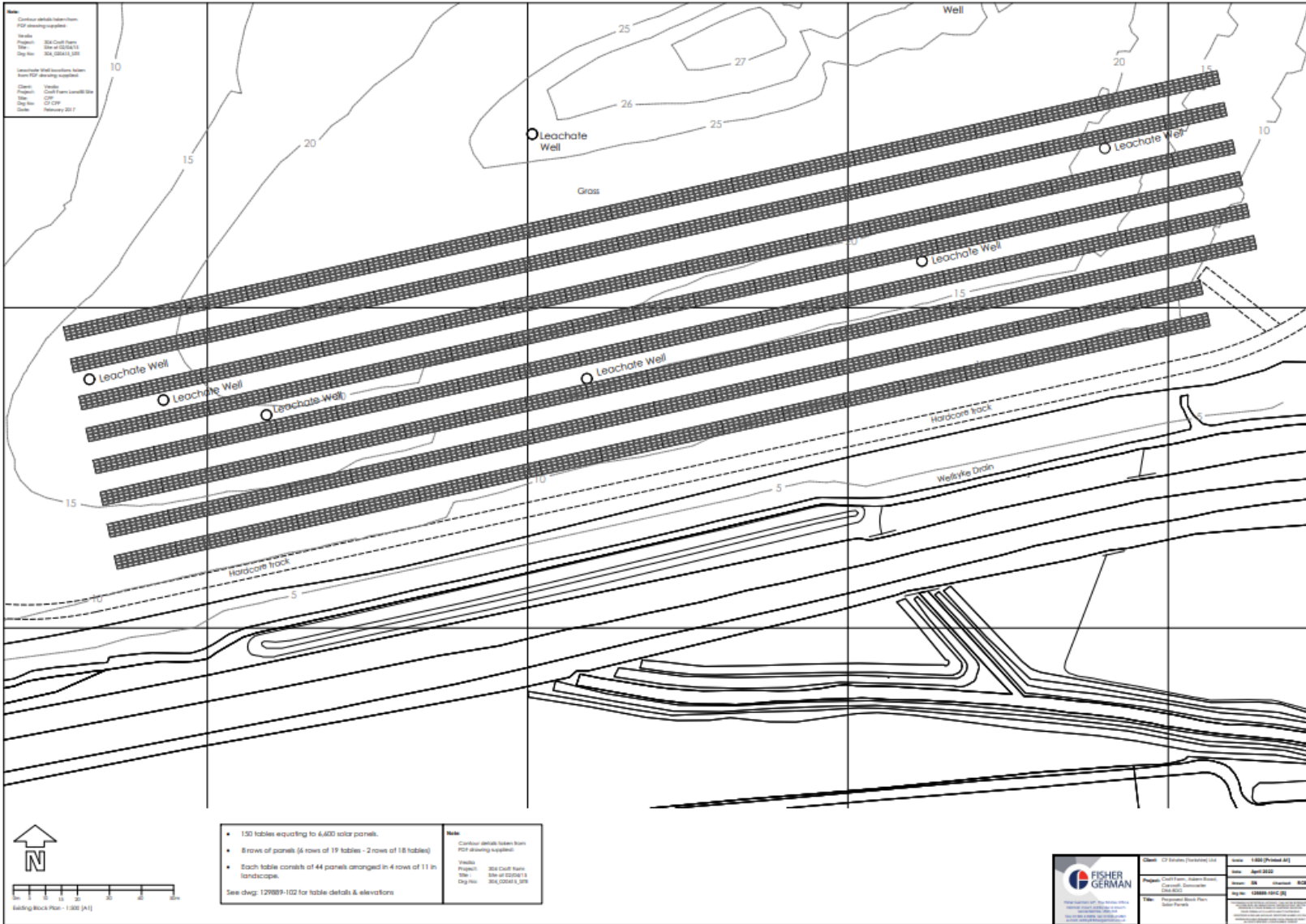
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Contours derived from  
2017 aerial photography  
Height: 200m Contour Interval  
North: 360° (True North)  
Date: 2024-01-15  
Page No: 97 of 100



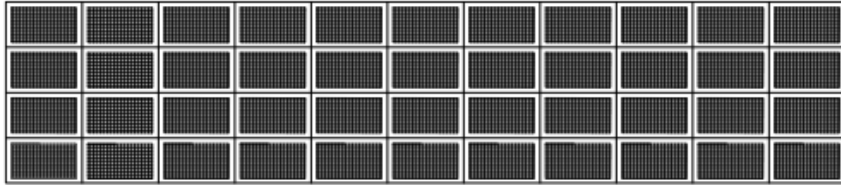
# Appendix 2: Site Plan



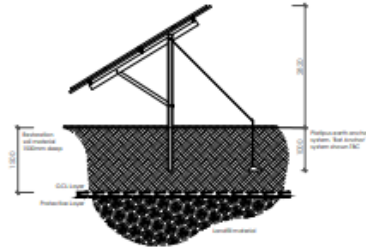
# Appendix 3: Proposed Solar Array



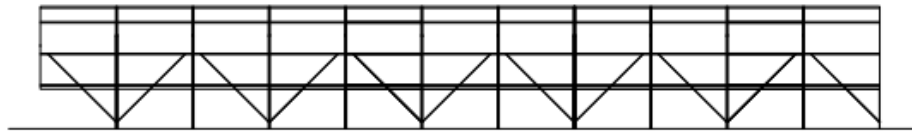
# Appendix 4: Solar Panel Details



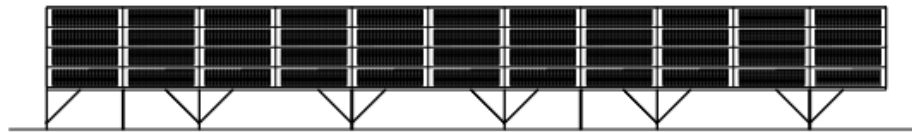
Plan View - 1 no. table



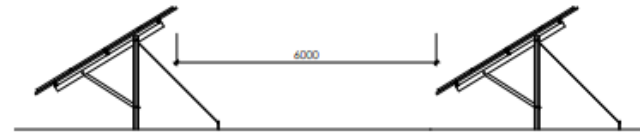
- 150 tables equating to 6,600 solar panels.
  - 8 rows of panels (6 rows of 19 tables - 2 rows of 18 tables)
  - Each table consists of 44 panels arranged in 4 rows of 11 in landscape.
- See dwg: 129889-101 for layout of the above




Rear Elevation - 1 no table

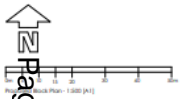
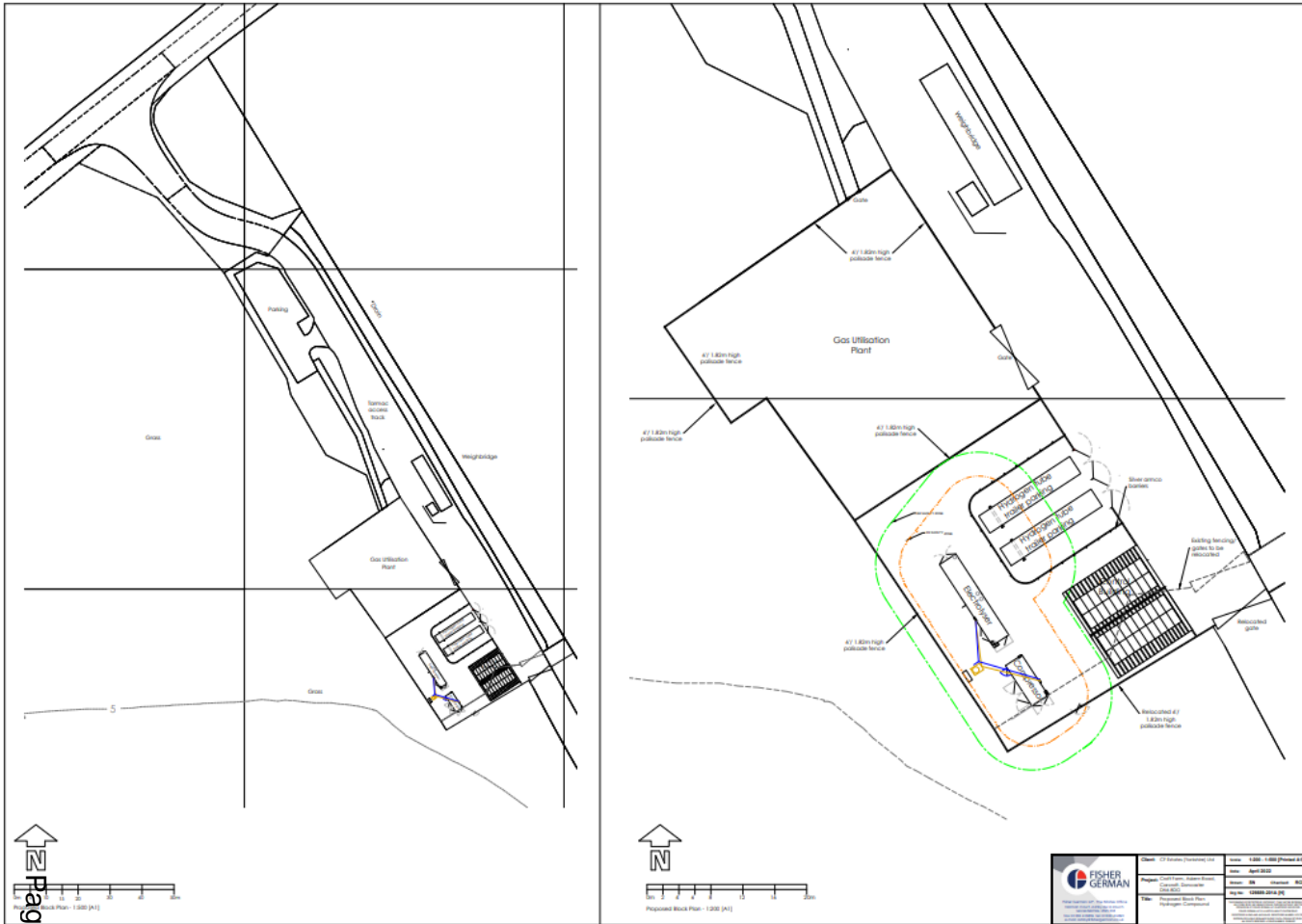


Front Elevation - 1 no table



 <p>Fisher German LLP, The British Office                  10th Floor, 100, The Quadrant,                  Leamington Spa, Warwickshire, CV32 3LF                  Tel: 01922 412874, Fax: 01922 412822                  Email: info@fishergerman.co.uk</p>	Client: CF Estates (Torkshire) Ltd	Scale: 1:100 (Printed A3)
	Date: April 2022	
	Project: Cliff Farm, Aikem Road, Carcroft, Doncaster DN11 8DG	Drawn: SN Checked: RCB
	Title: Details Solar Panels	Dwg No: 129889-102A [5]

# Appendix 5: Proposed Block Plan, Green Hydrogen Plant



	Project: 27 Energy Transition A1 Client: Green Hydrogen Location: 99 Date: 2024-08-29	Scale: 1:200 - 1:500 (Phase A1) Date: 2024 Author: [Name] Checked: [Name] Status: [Status]
	Revision: 01 Description: [Description] Date: [Date]	

# Appendix 6: Green Hydrogen Plant

**Control Building 1:100**  
South West Elevation

**Control Building 1:100**  
South East Elevation

**Control Building 1:100**  
North West Elevation

**Control Building 1:100**  
North East Elevation

**Electrolyser 1:100**  
South East Elevation

**Electrolyser 1:100**  
South West Elevation

**Electrolyser 1:100**  
North West Elevation

**Electrolyser 1:100**  
North East Elevation

**Electrolyser**  
Roof Plan 1:100

**Compressor 1:100**  
North West Elevation

**Compressor 1:100**  
North East Elevation

**Compressor 1:100**  
South East Elevation

**Compressor 1:100**  
South West Elevation

**Compressor 1:100**  
Roof Plan

**Proposed Section - 1.82m/ 6' Palsade silver fence**  
Scale 1:50

**Section of silver Amco barrier**  
Scale 1:50

**Proposed - 1.82m/ 6' Palsade silver gates**  
Scale 1:50

**FISHER GERMAN**  
Water Services LLP, The Millers Office  
Horseshoe Court, Airedale, 100 St. George's  
Square, Leeds, LS2 8JF  
Tel: 0113 255 0789, Fax: 0113 255 0787  
E-Mail: info@fishergerman.co.uk

<b>Client:</b> CF Estates (Yorkshire) Ltd	<b>Scale:</b> 1:50 - 1:100 (Printed A2)
<b>Project:</b> Croft Farm, Airedale Road, Carcroft, Doncaster DN4 8DG	<b>Date:</b> April 2022
<b>Title:</b> Proposed Details Hydrogen Compound	<b>Drawn:</b> SN <b>Checked:</b> RCB
	<b>Dwg No:</b> 12988-262A [P]



<b>Application</b>	<b>4.</b>
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<b>Application Number:</b>	<b>22/02316/FULM</b>
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of a two storey houseblock
<b>At:</b>	HMP Hatfield Thorne Road Hatfield Doncaster

<b>For:</b>	Lynette Emmanuel
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<b>Third Party Reps:</b>	1 neutral comment	<b>Parish:</b>	Hatfield Parish Council
		<b>Ward:</b>	Hatfield

<b>Author of Report:</b>	Jess Hill
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## SUMMARY

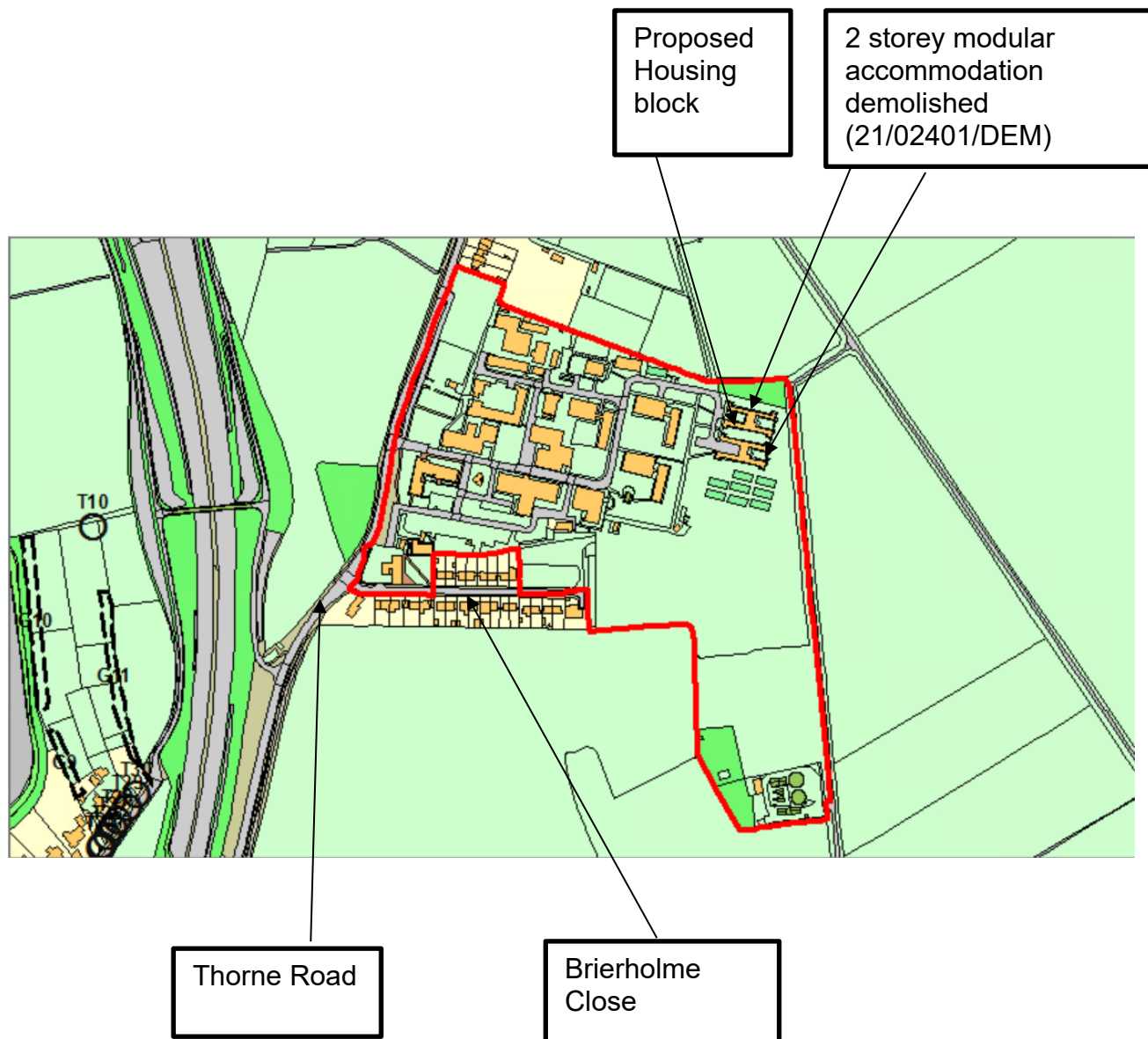
The proposal seeks permission to erect a new two storey 60 bed housing block for Hatfield Prison, which is a Category D (open) prison.

The proposed house block is of a similar (virtually identical) scale and appearance to the house block that was approved under application 21/02845/FULM. The approved house block is located to the south of the current application site.

The site is located in the Countryside Policy Area (CPA), however, it is within the wider prison site and previously featured the house blocks. The use is therefore technically a departure as prison buildings are not covered by Policy 25 in the Local Plan. The use is rare, however, it is considered to be suitable in this case as the house block will provide accommodation for prisoners within the site, which cannot be located elsewhere.

The impact on the countryside has been carefully assessed and there is felt to be no significant harm to high value landscapes or the wider countryside given the development is an expansion of an existing prison within the existing boundary. Therefore the application is recommended for approval.

**RECOMMENDATION: GRANT planning permission subject to conditions.**



## 1.0 Reason for Report

1.1 The application is being presented to Members because it is a departure from the Local Plan.

## 2.0 Proposal and Background

2.1 This application seeks permission for the erection of a 2 storey house block within secure perimeter fence at HMP Hatfield Prison. The prison is a Category D prison, which is for prisoners who present a low risk and can reasonably be trusted in open conditions and for whom open conditions are appropriate.

- 2.2 The site is located to the east of Thorne Road. There are a mix of building styles and storey heights within the prison site. The prison entrance is characterised by landscaping, mature trees and car parking on either side of the entrance road. The buildings at the entrance are one storey in height rising to three storeys elsewhere on the site. The buildings are set within open space and there is a football pitch to the south east of the main prison buildings.
- 2.3 The proposed house block will feature 60 bed spaces and is similar to the house block that was approved to the south of the site under application 21/02845/FULM. The two former house blocks which were “H” shaped have now been demolished and there is a need to provide suitable and energy efficient accommodation in its place. This aim has been embodied within the design of the proposals and the proposed house block will achieve at least BREEAM Excellent.

### 3.0 Site Description

- 3.1 The site lies to the North East of the existing settlement of Hatfield bound on its western side by Thorne Road with dwellings to the North of the site and southern boundary by dwellings on Brierholme Close. The site is located approximately 13km north east of Doncaster.
- 3.2 The site and surrounding countryside is generally flat. There are limited views of the prison due to the mixture of established trees and shrub surrounding the site to add a landscaped buffer to the prison. To the front of the site there is a grassed verge and established row of trees behind the car parking area.
- 3.4 The properties on Brierholme Close are mainly two storey semi-detached gable roofed dwellings with a detached dwelling at the entrance. The prison buildings are low level next to the residential dwellings and raise up behind the landscaping. On Thorne Road there are a mix of detached, semi-detached and bungalow property types.
- 3.5 The site is within Flood Zone 3a. HMP Hatfield is set in a largely rural location within the open countryside and farmland beyond the prison and housing.

### 4.0 Relevant Planning History

Application Reference	Proposal	Decision
79/2380/P	Erection of replacement second dormitory block	Application granted 22.02.1980
79/2373/P	Erection of new dining hall	Application granted 22.02.1980
93/0156/P	Erection of cell confinement block (16.4M X 10.1M) (Being notification under DOE Circular 18/84)	Application granted 22.02.1993
02/4148/P	Erection of extension to visits building (9.5M X 11.0M), erection of external walls and erection of shallow pitched roof (Being notification under DOE Circular 18/84)	Application granted 28.11.2002

02/2377/P	Construction of two, two storey 'H' shaped temporary living modular each holding 40 places (Being notification under DOE Circular 18/84)	Application granted 30.07.2002
02/1581/P	Construction of two, two storey living modular's (36.0M X 16.6M OVERALL) (Being notification under DOE Circular 18/84)	Application granted 24.04.2002
05/03359/CIR	Erection of single storey extension (2.9m x 1.9m and 6.2m x 2.0m) to existing single storey flat roofed office building (Being notification under DOE Circular 18/84)	Application granted 21.12.2005
07/01473/FUL	Installation of 1.8m satellite dish on roof of single storey administration block	Application granted 18.06.2007
07/02465/RET	Retention of two 2-storey 'H' shaped living modulares holding 40 places (being renewal of application 02/2377/P granted on 30.07.2002 by notification under Circular 18/84 for a temporary period of 5 years)	Application granted 24.09.2007
07/02904/FUL	Temporary siting of portacabin 8.5m x 3.0m for ambulance stand by point	Application granted 01.11.2007
10/02554/FUL	Siting of relocatable unit (8.41m x 2.96m) for use as an ambulance stand by point for a temporary period.	Application granted 15.10.2010
12/01307/FULM	Permanent siting of two 2-storey 'H' shaped living modulares holding 40 places (being continuation of permission granted under application 07/02465/RET granted on 27.08.2007 for a temporary period of 5 years)	Application granted 30.12.2013
12/02063/PD	Decommissioning of existing pump station, incorporating decanting, capping off underground pump chamber & to remove the pumping equipment. Provision of replacement pump station & vehicle access. Erection of new kiosk & tarmac entrance.	Application granted 20.11.2012
13/02509/FUL	Retrospective application for formation of site compound including change of use of land for siting of re-locatable cabins, construction of car park, erection of 2m high fencing around the site and creation of new access road (all for a temporary period)	Application granted 27.06.2014
15/02965/FUL	Siting of a relocatable building (8.5m x 2m x 2.3m) for ambulance standby point	Application granted 14.01.2016
16/01283/COU	Change of use from HMP social club to cafe, retail and community centre.	Application granted 12.08.2016
16/01284/ADV	Display of non illuminated advertising hoarding (3.40m x 2.10m x 0.05m)	Application granted 12.08.2016

19/02712/FUL	Replacement of existing pre-fabricated building with new spoke building in a pre-fabricated unit	Application granted 13.05.2020
20/03262/PD	Temporary Prison Expansion (under Coronavirus Permitted Development Rights)	Notification that complies with temporary regulations until 21.4.22. Closed confirming comply 01.12.2020
21/02401/DEM	Notification of demolition of D&E Wing, 2no 40 bed 2 story modular accommodation.	Application granted 24.08.2021
21/02845/FULM	Erection of a 2 storey houseblock, extension to existing car park (34 spaces), proposed storage facility, modular storage building and refurbishment of part of existing building to provide dentistry facility within secure perimeter fence at HMP Hatfield Category D Prison	Application granted 02.02.2022

## 5.0 Site Allocation

- 5.1 The site is identified within the Local Plan as Countryside Policy Area. The site is also within a high Residual Flood Risk Area, Flood Zone 3a, and a Mineral Safeguarding Area.
- 5.2 National Planning Policy Framework (NPPF 2021)
- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraphs 7 to 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraphs 55 to 56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

- 5.7 Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.8 Paragraph 130 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.
- 5.9 Paragraph 159 states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.10 Paragraph 162 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 5.11 Paragraph 163 states if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.
- 5.12 Paragraph 167 states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 5.13 Paragraph 174 states that 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);

## **Local Plan**

- 5.14 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster includes the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.15 Policy 13 seeks to promote sustainable transport within new developments.
- 5.16 Policy 25 lists appropriate development in the countryside.
- 5.17 Policy 30 deals with the need to value biodiversity.
- 5.18 Policy 32 states that the design process should consider woodlands, trees and hedgerows.
- 5.19 Policy 42 deals with the need for good urban design.
- 5.20 Policy 46 deals with design of non-residential, commercial and employment developments, protecting neighbouring amenity and good design.
- 5.21 Policy 48 considers new landscaping of new developments
- 5.22 Policy 54 requires the need to take into account air and noise pollution.
- 5.23 Policy 55 deals with the need to mitigate any contamination on site.
- 5.24 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.25 Policy 57 deals with the need to consider flooding.
- 5.26 Policy 61 looks at safeguarding minerals.

## **Other material planning considerations and guidance**

- Community Infrastructure Levy (CIL) Regulations (2010)
- Town and Country Planning (Environmental Impact Assessment) Regulations (2017)
- Biodiversity Net Gain Supplementary Planning Document (2022)
- South Yorkshire Residential Design Guide (2011)
- National Planning Policy Guidance

## **6.0 Representations**

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification.
- 6.2 Consultation letters have been issued to neighbouring properties (on Brierholme Close to the south of the prison site, and to residential properties located to the north of the prison next to Thorne Road). A site notice and press notice have also

been issued. Following this publicity, 1 representation was received requesting drawings of the location of the site.

## **7.0 Relevant Consultations**

7.1 **Environment Agency (EA)** – No objections subject to a condition

7.2 **DMBC Flooding Policy Officer** – The Sequential Test is considered to be passed.

7.3 **Health and Public Protection** – No concerns

7.4 **Severn Trent** – The site is out of Severn Trent Water's area for sewerage.

7.5 **Yorkshire Water** – No objections subject to conditions

7.6 **DMBC Public Rights of Way** – No objections. There are no recorded public rights of way affected by the proposed development.

7.7 **National Grid** – No objections (recommended an informative)

7.8 **Contaminated Land** – No objections subject to conditions.

7.9 **South Yorkshire and Fire Rescue** – If the proposal should become the subject of a Building Regulations application then detailed comments may be made at that time.

7.10 **South Yorkshire Police** – No recommendations or comments

7.11 **Highways England** – No objection

7.12 **Air Quality** – No comments

7.13 **Local Plans Team (Minerals)** – On this occasion, the consideration of Local Plan Policy 61 B (mineral safeguarding) is not required. Given the size of development proposed the consideration of prior extraction or further consideration of policy 61 is not required on this occasion.

8.16 **Waste and Recycling Officer** – No concerns

8.17 **Tree Officer** – Initially requested clarification relating to tree group G11. Clarification was subsequently provided omitting reference to excavations near tree group G11. No objections subject to tree protection and landscaping conditions.

8.18 **Superfast Broadband** – A condition is recommended to secure gigabit-capable full fibre broadband

8.19 **South Yorkshire Archaeology** – Archaeological monitoring of groundworks in connection with a previous application (21/02845/FULM) at HMP Hatfield demonstrated widespread ground disturbance within the grounds affecting archaeological potential. These conditions are likely to apply to the current application area as well. Given this, SYAS recommends that no archaeological investigation is required and have no further comments to make.



- 8.20 **Internal Highways** – The development site is HMP Hatfield on Thorne Road. The proposed development & construction work that have been proposed the building is to be situated within the grounds of HMP Hatfield Thorne Road. The development is to be used by residents of the prison only. Construction & delivery vehicles have an allocated route/ process that means they should cause no obstructions to the highway network. Given the above no objections.
- 8.21 **Ecology** –Requested the DEFRA 3.1 Excel metric to assess the proposed biodiversity net gain. This metric was subsequently provided and the council’s Ecology Officer subsequently confirmed they have no objections to the proposal subject to a conditions requiring the implementation of the proposed net gain measures.
- 8.22 **Internal Drainage** – Initially requested further information. Further drainage details were provided and the Drainage Team have now confirmed they have no objections subject to conditions.
- 8.23 No responses have been received from Emergency Planning, the Civil Aviation Authority, Robin Hood Airport, Natural England, Yorkshire Wildlife Trust and the Isle of Axholme and Notts Water Level.

## 9.0 **Assessment**

- 9.1 The proposal seeks permission for the erection of a two storey housing block. In considering the proposal the main material planning considerations are outlined below:
- Principle of Development
  - Design and Visual Impact
  - Residential Amenity
  - Flood Risk and Drainage
  - Trees and Landscaping
  - Ecology
  - Highways
- 9.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:
- Substantial
  - Considerable
  - Significant
  - Moderate
  - Modest
  - Limited
  - Little
  - No

### Principle of Development

- 9.3 The application is presented to Planning Committee as a departure from the Local Plan. Local Plan Policy 25 lists appropriate uses in the countryside, of which a prison use is not listed. The proposal is therefore contrary to policy.

- 9.4 The proposal is, however, a rare form of development and it is understandable that there is no specific local or national policy to consider such proposals. It is acknowledged that the development would enable the expansion of an existing prison to meet a defined national need for additional prison places. The government announced in 2019 that 10,000 additional prison places would be provided, comprising of 3,500 prison places through the expansion, reconfiguration and refurbishment of the existing estate – the new houseblocks and ancillary accommodation proposed in this application form part of this expansion with the remaining 6,500 places coming from four new prisons. As part of this programme a need has been identified by the Ministry of Justice (MOJ) to provide additional accommodation at a number of Category D (open prisons). Hatfield was identified as a prison which required additional accommodation. This planning application would provide an additional 60 bedspaces (for 60 prisoners) at HMP Hatfield.
- 9.5 Furthermore, the residential element of the development would entail a relatively limited expansion of the existing prison complex and would be retained within a well-defined boundary to the east (strong hedgerow / treed boundary) which defines the extent of the prison. Thus the visual impact upon the wider countryside appears to be limited. Given this is within the confines of the prison it is not felt to significantly harm the wider countryside which is the aim of Policy 25.
- 9.6 Therefore although a departure, the benefits of the provision of improved sustainable facilities at the Prison within an existing prison's boundary and in line with government aspirations and requirements would have limited impact on the wider countryside and would not be significantly harmful to the amenity and value of the countryside and this weighs considerably in favour of the application.

#### Design and Visual Impact

- 9.7 Policy 42 of the Local Plan is concerned with good Urban Design, stating that high quality development that reflects the principles of good urban design will be supported.
- 9.8 Policy 46 of the Local Plan sets out the Authority's expectations around the Design of Non-Residential, Commercial and Employment Developments. As above, it seeks to ensure that such proposals are designed to be high quality, attractive and make a positive contribution to the area in which they are located. Development should be sympathetic to the local character, not cause unacceptable negative effects on local amenity, promote accessibility, be architecturally appropriate and reducing bulky and bland elevations through quality materials and detailing, ensuring that parking and servicing areas are sensitively located, and to be well landscaped.
- 9.9 The building measures 59m in length by 11.5m in width. The building features a gable end roof form and the roof ridge is 12.3m from the ground level. The dimensions, scale and appearance of the building are the same as the house block that was approved under permission 21/02845/FULM.
- 9.10 The application is accompanied by a Landscape Visual Impact Assessment (LVIA). The LVIA is thorough and includes an assessment of the proposals from various viewpoints. The site is located on generally level, low-lying land which makes up the majority of the surrounding area too. The report finds that the immediate landscape context is influenced by the built form and existing car parking areas of HMP Hatfield and by residential built form to the north and south of the existing

prison site. It is also influenced by the transition between this and the wider countryside, noting that the local landscape is influenced by the proximity to the M18 and M180 road corridors.



*Extract from LVIA showing the heavily planted and screened boundary.*

- 9.11 The report finds that in the case of the proposals, mitigation should include the retention of existing vegetation where possible, introduction of new planting and a sensitive approach to materials and heights of structures so as to not impede the surrounding landscape (Paragraph 7.6 – Page 53). This is similar to the assessment of the previous house block.
- 9.12 The LVIA concludes that there are a limited number of receptors that have been identified to have a visual change because of the proposed development. These are located within close proximity to the site including PRow users adjacent to the eastern boundary of HMP Hatfield (Paragraph 7.12 of the LVIA). Due to mature vegetation, localised undulations in the topography and intervening built form across the study area many views are screened and provide only glimpsed views towards the proposed development for the majority of receptors, as such visual effects are not considered greater than minor adverse as a result of the proposed development (Paragraph 7.13 of the LVIA).
- 9.13 Materials details have been provided for the housing block to be a brick slip to match the colour of the other buildings on site and grey metal cladding which again will be sympathetic to the rest of the site.
- 9.14 The proposed housing block will also be built to a highly sustainable standard and is planned to exceed local and national planning policy requirements in terms of sustainability. The accommodation block will achieve at least BREEAM Excellent certification. This will be secured by planning condition.
- 9.15 Given the proposed planting to the south of the housing block, existing screening (security fencing and planting) and landscaping areas, the proposals will not cause significant harm to the character of the area and wider countryside.
- 9.16 Whilst it is acknowledged that the appearance of the land would invariably change in the event that planning permission is granted, the proposed development would be seen as an extension to the existing built environment within the confines of the existing prison development. Overall, the scheme is considered to be acceptable in terms of its landscape and visual impacts and there are no high value landscapes that would be adversely affected.

### Residential Amenity

- 9.17 The properties most likely to be affected by the development are those located to the north of the site on Thorne Road and to the south of the site on Brierholme Close.
- 9.18 There were previously two house blocks on the site. The proposals seek to erect a house block which will be in a similar position to the previous house blocks. Proposed house block will be located approximately 250m to the south east of the nearest residential properties on throne Road, and approximately 190m to the north east of the nearest properties on Brierholme Close.
- 9.19 Consequently it is considered that the proposal would not adversely affect neighbouring properties in terms of excessive levels of overlooking, over dominance, loss of privacy, noise or overshadowing. This weighs positively in favour of the application carrying moderate weight.

### Flood Risk and Drainage

- 9.20 The application site lies within an area designated as Flood Risk Zone 3, which is defined as having a high probability of flooding. The Environment Agency have been consulted as part of the application. They agree with the findings of the Flood Risk Assessment (FRA) subject to condition to ensure the measures of the FRA are met (floor levels at 4.4mAOD). This will be secured by condition as recommended by the Environment Agency.
- 9.21 It is also necessary to determine whether the proposal has adequately applied the Sequential Test and Exceptions Test.
- 9.22 The NPPF makes clear that developments which are 'more vulnerable' within high flood risk zones should look to apply the Sequential Test (ST). Paragraph 161 sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 9.23 The Sequential Test is contained within the submitted FRA. This outlines that the proposal directly relates to the expansion and intensification of an existing facility. It is not possible for the proposal to be re-located to a different site, or set at a lower flood risk area as all the site lies within an area of flood risk. It is accepted that it would be unreasonable to look for alternative sites at a lower risk of flooding which could accommodate the proposal. As the majority of the site lies within flood zone 3, even looking further at on-site opportunities to reduce the flood risk would potentially be unreasonable. The Sequential Test is therefore considered to be passed.
- 9.24 Table 3: Flood risk vulnerability and flood zone 'compatibility' sets out the circumstances where the Exceptions Test should be applied. Annex 3 of the NPPF defines prisons as 'More Vulnerable development' and this in combination of the site being classified as Flood Risk Zone 3a triggers the need for an Exception Test.
- 9.25 In order to pass the Exceptions Test Paragraph 164 of the NPPF states that it should be demonstrated that:

- a) *the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

- 9.26 As residential development is classed as more vulnerable by national policy and its supporting guidance, then both parts of the exception test must also be met in line with NPPF para.161 and Policy 57 of the Local Plan. Part 1 requires demonstration that the development provides wider sustainability benefits to the community that outweighs the residual risk. Part 2 of the exception test process requires that the development will be safe for its lifetime (given to be 100 years) taking into account the vulnerability of its users without increasing flood risk elsewhere and, where possible, reduce flood risk overall.
- 9.27 The submitted Exceptions Test states that the benefits of the proposal include the delivery of a modern, quality facility within the site. The new accommodation will be energy efficient and meet BREEAM excellent standards and will help facilitate the ongoing operations of the prison site, which is to offer support and rehabilitation for prisoners.
- 9.28 It is considered that the proposal will be constructed to provide enhanced flood resistance and resilience and the wider site can be operated in a safe manner for the lifetime of the development. Whilst it is acknowledged that the site can never be free from flood risk, the measures noted within it will maximise the flood resilience of the new parts of the site while providing enhanced accommodation and wellbeing facilities that will benefit the occupants of the site meeting the exceptions test.
- 9.29 The council's Drainage Team have considered the proposals and raised no objections subject to drainage conditions.
- 9.30 In conclusion, the proposal is considered to pass the Sequential Test and Exception Test and no objections have been raised by the Environment Agency or internal drainage teams subject to suitably worded conditions. The proposals are therefore considered to accord with policies 56 and 57 of the Local Plan and Paragraphs 162 and 164 of the NPPF.

#### Trees and Landscaping

- 9.31 Policy 32 seeks to protect trees and Policy 48 seeks to secure new landscaping in developments. Landscaping is a key component of sustainable development that helps to tackle climate change. The Council has declared a climate change emergency and so this is an important feature of new development.
- 9.32 Initially, clarification was sought from the applicant with regards to tree group G11, however, this was subsequently omitted from the revised Arboricultural Method Statement. The tree officer subsequently confirmed this was acceptable and that the application has been accompanied by a good level of arboricultural information. For clarity the trees that require removal are the BS5837 (2012) category U trees T17 (cherry), T37 (oak), T40 (birch) and T45 (hybrid black poplar). Category U trees represent trees that should be removed for sound arboricultural reasons. The tree officer has no objections to the removal of these trees. Works are required (pruning and ground disturbance) to T21 (rowan) and T22 (cherry), but these are small,

unremarkable category C trees. The tree officer also has no objections to these works.

- 9.33 The tree officer has recommended conditions to secure measures for tree protection and further soft landscaping details which have been included. The proposals are therefore considered to accord with policies 32 and 48.

### Ecology

- 9.34 The site is within 3 km of the Hatfield Moors SPA/SAC/SSSI and adjacent to open countryside. The site is also within the nightjar foraging circle. Policy 30 (Part E) of the Local Plan sets out that development should not negatively impact on nightjar populations.

- 9.35 The application is accompanied by the following ecological reports and information:

- Preliminary Ecological Appraisal;
- Landscape and Ecological Management Plan;
- Ecological Mitigation Strategy;
- Water Vole Survey; and
- Biodiversity Net Gain Calculations.

- 9.36 The Council's ecology officer has been consulted and has confirmed they have no objections to the proposals subject to conditions to secure a Management Plan and ecological enhancement plan to secure the proposed ecological enhancements proposed by the submission.

- 9.37 The ecology officer has set out that a number of ecological receptors could be potentially affected by the proposal. These are assessed within the Ecological Mitigation Strategy which identifies that there will be sufficient impacts on bats that mitigation would be required.

- 9.38 In accordance with Paragraph 174 of the NPPF, planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Biodiversity Net Gain (BNG) calculations using the DEFRA 3.1 Excel metric have been submitted. The metric shows that there is a surplus of 1.44 Habitat Units (+133%) and 0.63 Hedgerow Units (+313%). The council's ecology officer is satisfied with the calculations and the assessments that have been made. Habitat creation proposals are set out in the Landscape Plan (9032 Rev P04).

- 9.39 It is considered that the calculation of BNG and imposition of suitably worded conditions would deliver suitable BNG for this scheme. BNG is considered to carry moderate weight in favour of the application as it would result in betterment. The proposals are therefore considered to accord with policies 29 and 30 and Paragraph 174 of the NPPF.

### Highways

- 9.40 Policy 13 of the Local Plan sets out that proposals will be supported which make an overall contribution to the improvement of travel choice and the transport network.

- 9.41 Importantly the NPPF makes clear at Paragraph 111 that:

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

- 9.42 The council’s Highways team have been consulted and have confirmed that they have no objections. The proposed house block will be situated within the prison grounds and will only be used by residents of the prison. Construction and delivery vehicles have an allocated route and process which should reduce the potential for obstructions to the highway network.
- 9.43 Highways England have also confirmed they have no objections to the proposals.
- 9.44 It is considered that the proposal would not cause any highway safety harm or severe detriment to the highway network. The proposals therefore accord with policy 13 and Paragraph 111 of the NPPF.

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on an established site within the existing boundary of the prison and there is substantial landscaping. This weighs considerably in favour of the application. The proposals can be achieved that would be reflective of the character of the site and safeguard the countryside amenity and neighbouring properties and this weighs significantly in favour of the application.
- 10.2 The proposed biodiversity net gain and the aim of a BREEAM excellent certificate to be achieved by the development weighs moderately in favour of the application. It is noted that whilst the proposal lies within a high residual flood risk zone, the applicants have provided sufficient justification to the Environment Agency meaning that no objections have been received subject to a condition.
- 10.3 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.
- 10.4 There are no material considerations which indicate the application should be refused and is recommended for approval.

## **11.0 RECOMMENDATION**

### **11.1 GRANT PLANNING PERMISSION subject to conditions:**

#### **CONDITIONS**

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

#### **REASON**

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

02. The development hereby permitted must be carried out and completed entirely in

accordance with the terms of this permission and the details shown on the approved plans listed below

- Location Plan (2007 Rev P01)
- Site Layout Plan (9030 Rev P02)
- Ground Floor Plan (2001 Rev P02)
- First Floor Plan (2002 Rev P02)
- Attic Floor Plan (2003 Rev P02)
- Roof Plan (2004 Rev P02)
- Proposed Site Block Plan (2006 Rev P01)
- House Block Elevation (2011 Rev P02)- Landscape Plan (9032 Rev P04)
- Tree Felling and Protection Plan (9800 Rev P01)
- Landscape and Ecological Management Plan (0005 S3 Rev P01)
- Planting Plan (9033 Rev P03)

#### REASON

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

03. The development shall be carried out in accordance with the submitted flood risk assessment (ref 274842-7325-CAU-038-XX-RP-D-9306-S3-P2, dated August 2022, compiled by Caulmert Ltd) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.4 metres above Ordnance Datum (AOD)

This mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

#### REASON

To reduce the risk of flooding to the proposed development and future occupants.

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

#### REASON

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

05. No development shall be commenced prior to a remediation strategy, together with a timetable of works (in accordance with the approved Ground Investigation Report), being approved by the Local Planning Authority (LPA).

a) The Phase 2 Geo-Environmental Report (274842-7325-ESS-000-XX-SU-G-8001) has identified that further remediation and verification works are necessary, and as such a Phase 3 remediation report is required. The Phase 3 Remediation Report shall be submitted to and approved in writing by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the



identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

#### REASON

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

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

#### REASON

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

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

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

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

-A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA

and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.

-That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 3, 5, 10, 20 and 30)) immediately following habitat creation.

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

#### REASON

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

08. Within one month of commencement of development an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall be based on the measures outlined in section 4 of the Ecological Mitigation Strategy Middlemarch Ecological Ltd. (0004 Rev P01) (September 2022). All of the measures shall be implemented prior to the first occupation of the site.

#### REASON

To ensure the ecological interests of the site are maintained in accordance with the NPPF and Local Plan policy 29 and 30.

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

#### REASON

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

10. No building shall be erected within 10 metres of the watercourse or culvert, which passes through / runs adjacent to the site.

#### REASON

To ensure adequate access at all times and to protect the culvert from damage.

11. Prior to the first occupation of the development hereby approved, details of the drainage management and maintenance plan shall be submitted and approved in writing by the Local Planning Authority. The drainage system for foul and surface water drainage shall be retained, managed and maintained for the lifetime of the development in accordance with the approved drainage management and maintenance plan.

#### REASON

To ensure the drainage apparatus of the site is adequately maintained for the lifetime of the development and to accord with Paragraph 169 (c) of the National Planning Policy Framework (2021)

12. The scheme of protection for all retained trees, including tree management, ground protection measures and the erection of impact resistant protective barriers shall be implemented in full accordance with the requirements contained within the approved plans and particulars (ref. Sterry-Walters Partnership Arboricultural Method Statement 274842-7325-SWL-000-XX-RP-L-9800 dated 26.01.2023; Middlemarch Preliminary Arboricultural Assessment Report No: 274842-7325-MEN-000-XX-SU-X-0001\_S3 RT-MME-157486-01 dated August 2022 P02 - Issued for Planning; and Estates Directorate Plans Drawing Nos. 274842-7325-SWL-038-XX-DR-L-9800 Rev.P01 dated 08.09.22) before any equipment, machinery or materials have been brought on to site for the purposes of the development. The local planning authority shall be notified of implementation and shall visit site to approve the setting out of the site and location of protective barriers prior to the commencement of development. Thereafter tree protection practices shall be implemented and monitored in full accordance with the approved scheme 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

In the interests of environmental quality and in accordance with Policy 32 of the Local Plan.

13. Unless as shall be specifically approved in writing by the Local Planning Authority, the scheme of soft landscaping shall be implemented in full accordance with the approved plans and particulars (ref. Middlemarch Landscape and Ecological Management Plan Report No. 274842-7325-MEN-000-XX-SU-X-0005 RT-MME-157486-05 S3 P01 dated September 2022 and Estates Directorate Phase 2 Accommodation Block Landscape Plan Drawing No. 274842-7325-SLW-038-XX-DR-L-9032 Rev. P04 dated 08.09.2022) during the first available planting season following the completion of the development hereby granted and the local planning authority notified in writing within 7 working days of the completion of the landscape works to inspect and approve practical completion in writing. 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.

#### REASON

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

14. The development must take place in accordance with the submitted BREEAM pre-assessment and meet the agreed 'excellent'. Within 6 months of occupation of any building, a post construction review shall be carried out by a licensed assessor and submitted to and approved by the Local Planning Authority to demonstrate BREEAM 'excellent'.

#### REASON

In the interests of sustainability and to minimise the impact of the development on the effects of climate change.

## INFORMATIVES

01.           INFORMATIVE  
At the time of this decision, the site has been identified as being within an area of medium or high flood risk, based on the Environment Agency's flood maps. Therefore, the applicant/occupants should consider registering for the Environment Agency's Floodline Warning Direct, by phoning Floodline on 0345 988 1188 . This is a free service that provides flood warnings direct by telephone, mobile, fax or paper. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.
02.           INFORMATIVE  
The applicants attention is drawn to the South Yorkshire Fire and Rescue Service comments which states that:
- Fire Service access should comply with the Building Regulations 2010, Approved Document B5 "Access and Facilities for the Fire Service". If the proposal should become the subject of a Building Regulations application then, as the enforcing authority, consultation with the Crown Premises Inspection Group should be considered.
- The development should accord with the appliance dimensions and weights in their table 'Scania Rescue Pumps and Scania Turntable Ladders'.
03.           INFORMATIVE  
Developers, individuals or companies who wish to operate cranes or other tall equipment within 6 kilometres of the Aerodrome boundary and at heights of more than 10m Above Ground Level (AGL) or that of surrounding trees or structures must receive prior permission and a Crane Authorisation Permit from Doncaster Airport, Airport Duty Manager. Operators of exceptionally tall equipment (greater than 50m AGL) are advised to consult Doncaster Airport if operating within 15km of the Aerodrome Boundary.
04.           INFORMATIVE  
The developer's attention is drawn to the information provided by Doncaster East Internal Drainage Board. The information may be found by viewing their consultation reply which is attached to the planning application on the Council's website. Please use the following link  
[www.doncaster.gov.uk/planningapplicationsonline](http://www.doncaster.gov.uk/planningapplicationsonline)
05.           INFORMATIVE  
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

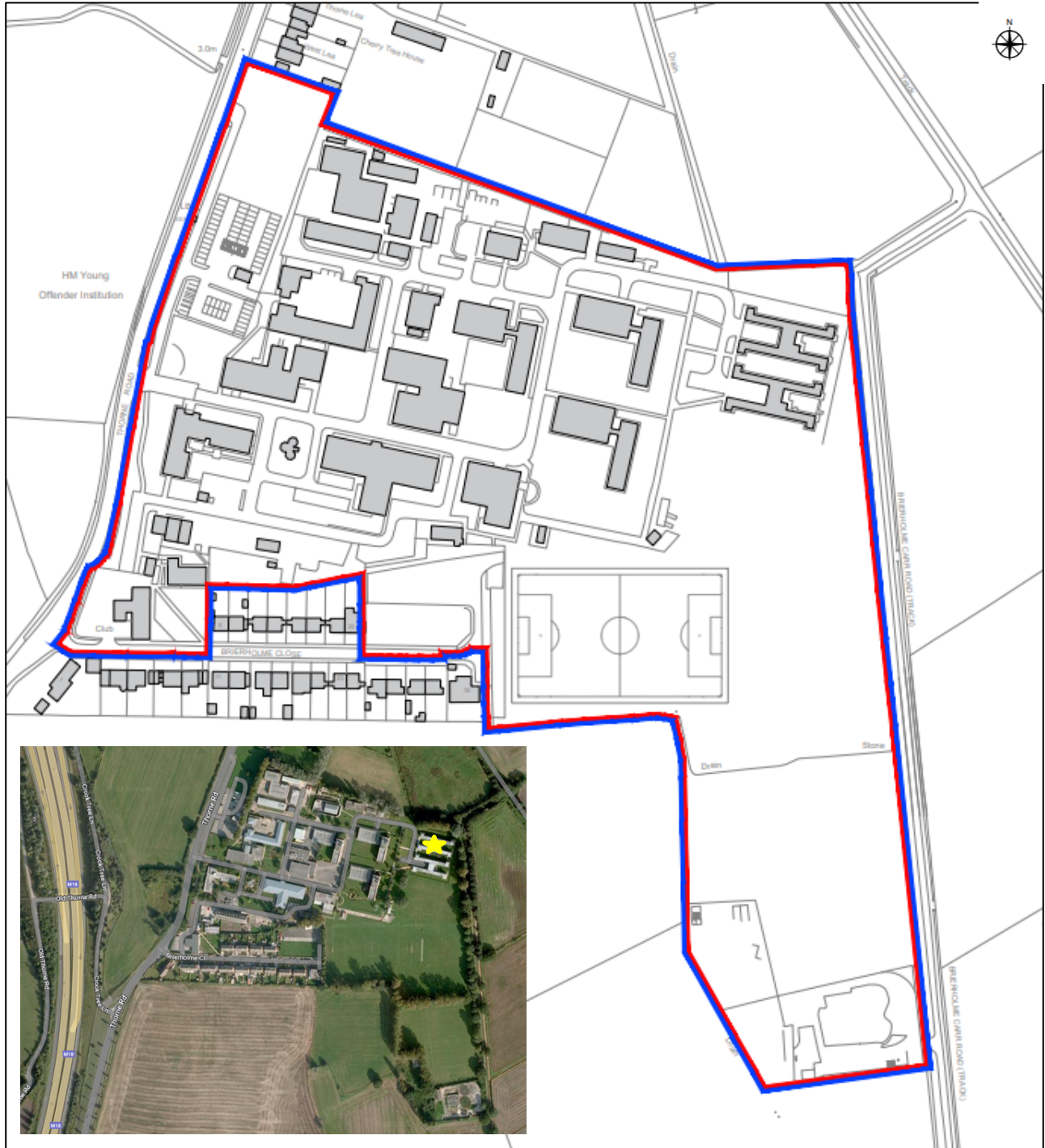
**STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

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

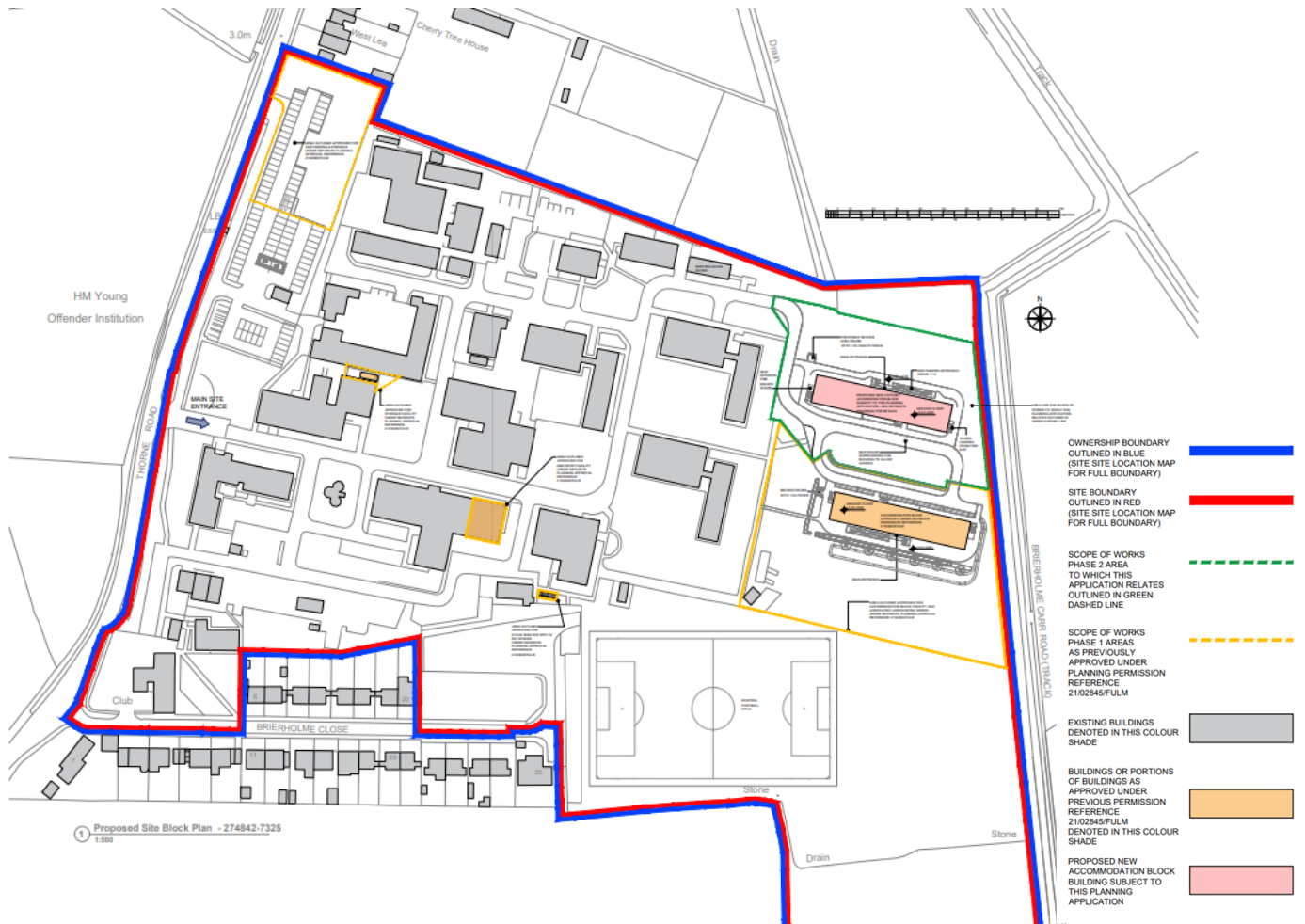
- A revised Arboricultural Method Statement which removes reference to Tree Group G11; and
- Additional information relating to the proposed drainage works and the submission of a Flood Evacuation Plan.

**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**

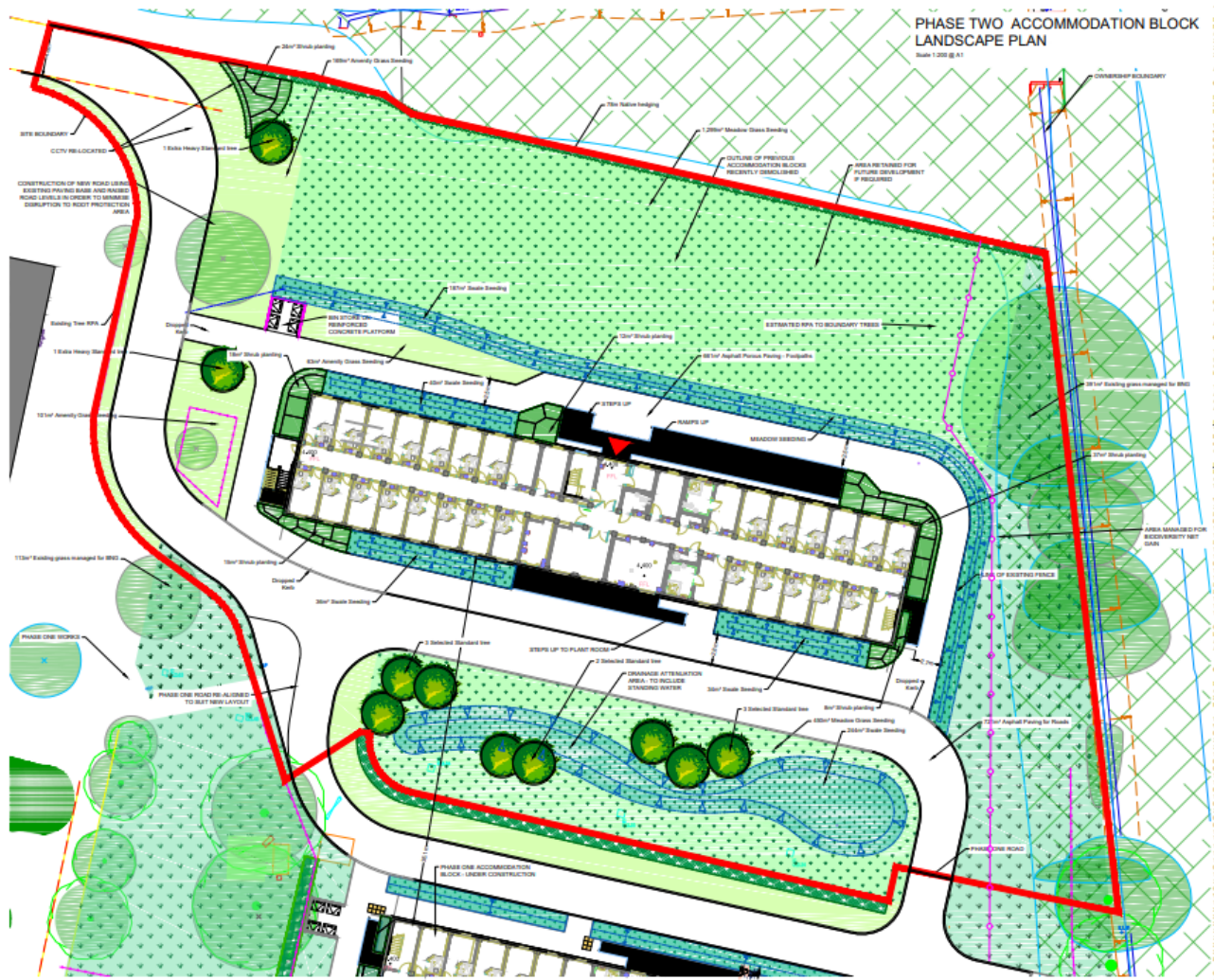
# Appendix 1: Location Plan
















# Appendix 2: Site Plan



# Appendix 3: Landscaping

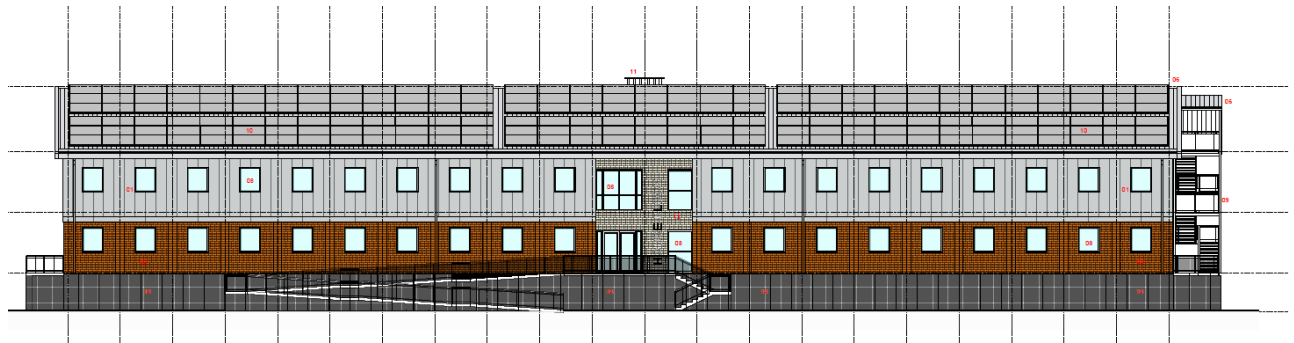
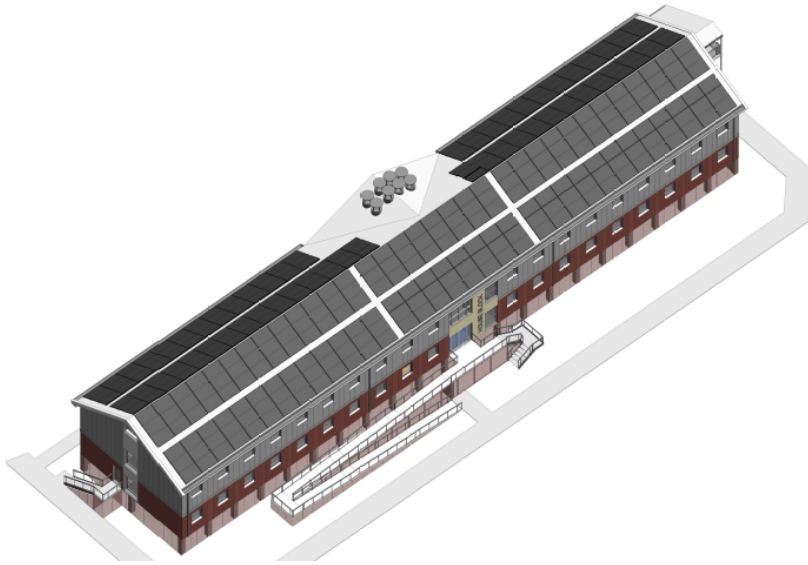


## LEGEND

-  PROPOSED BUILDING
-  EXISTING BUILDING
-  BUILDING ENTRANCE
-  ASPHALT PAVING FOR FOOTPATHS TO ENGINEER'S SPECIFICATION
-  ASPHALT PAVING FOR ROADS TO ENGINEER'S SPECIFICATION
-  Species Rich Grass Maintenance and Over-seeding Q30.314 - Existing levels retained
-  Meadow Mix Seeding Q30.313 - Min 150mm site won, screened topsoil
-  Amenity Grass Seeding Q30.310 - Min. 150mm site won, screened topsoil
-  Swale Seeding Q30.315 - Min. 150mm site won, screened topsoil
-  Hedge Planting Q31.400 - 600mm wide trench min 450mm site won, screened topsoil, with ameliorants
-  Shrub Planting Q31.400 - Min 450mm imported, screened topsoil, with ameliorants
-  Existing Trees
-  Proposed Trees - Min 1m Dia x 0.6m imported, screened topsoil, with ameliorants. Double low-staked.



# Appendix 4: Housing Block



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<b>Application</b>	<b>5.</b>
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<b>Application Number:</b>	22/01711/FUL
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Erection of 3no. detached dwellings & formation of new vehicular access following demolition of existing dwelling (Amended Description)
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<b>At:</b>	9 The Close, Branton, Doncaster, DN3 3LX
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<b>For:</b>	Mr Robert Simpson
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<b>Third Party Reps:</b>	13 Representations	<b>Parish:</b>	Cantley with Branton Parish Council
		<b>Ward:</b>	Finningley

<b>Author of Report:</b>	Stephen Gill
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## SUMMARY

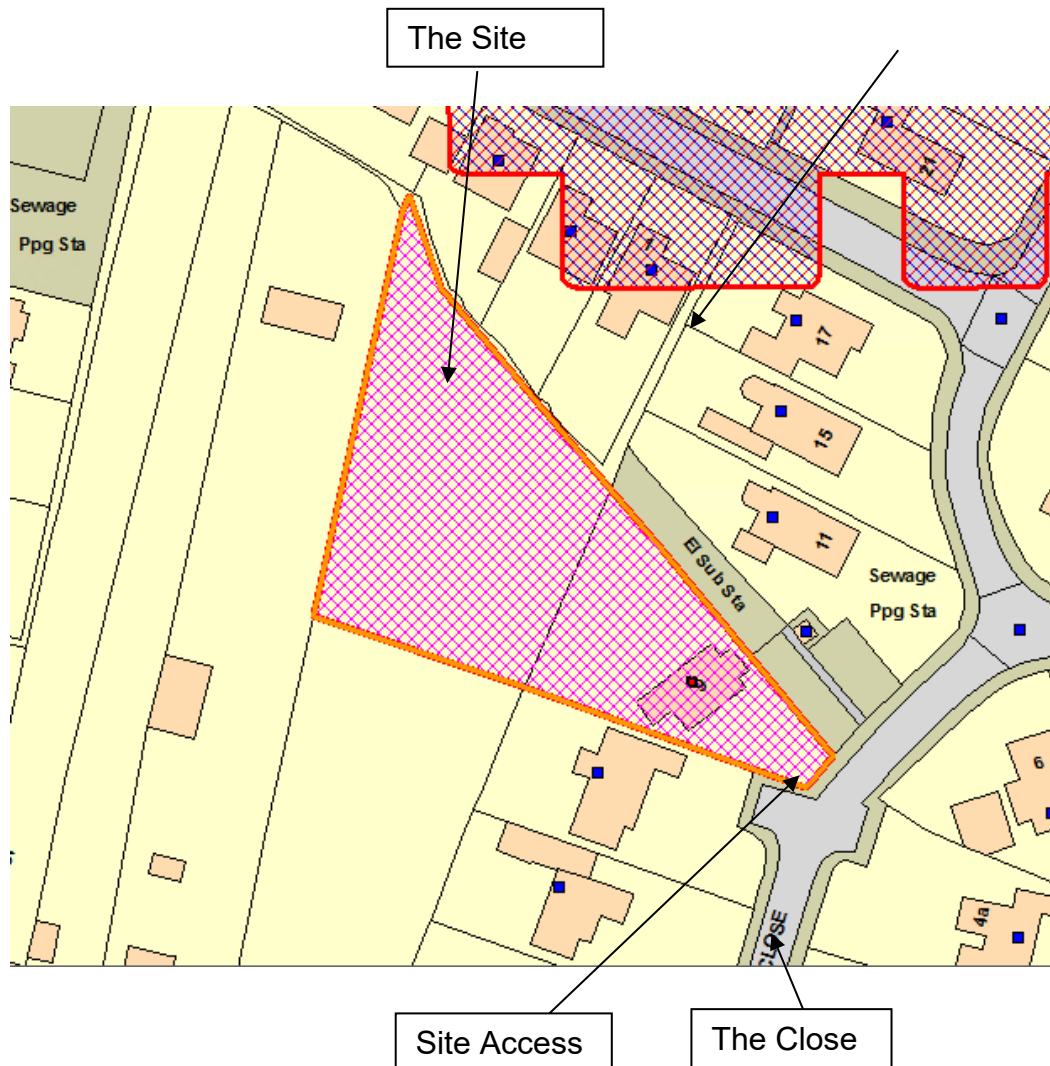
The proposal seeks full planning permission for the erection of three detached bungalows, on land that is designated as being within a Residential Policy Area in the Doncaster Local Plan.

The proposed development is acceptable in principle, and through a process of negotiation with the applicant, the density of the development has been reduced from four to three dwellings. In addition, the scale of the properties proposed has also been reduced to single storey bungalow type properties, to ensure that the proposal fits the character of the area better. The specification of materials and boundary treatments are conditioned to ensure an appropriate appearance.

There are no unacceptable amenity implications that would justify a refusal. The separation distances both within the development and in relation to existing residents that surround the site are acceptable for the reasons set out in the report. In addition, the proposed dwellings are spacious and meet the requirement of the Nationally Described Space Standards.

Overall, there are no negative aspects of the scheme that would outweigh the benefit of developing the site for a residential use in the planning balance, and on that basis, the development is recommended for approval.

**RECOMMENDATION: GRANT subject to conditions**



## 1.0 Reason for Report

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

## 2.0 Proposal and Background

- 2.1 The application proposes the demolition of the existing bungalow and the erection of three large detached bungalows, with associated parking. Each bungalow would have an integral garage, plots 1 & 2 would have 3 beds and plot 3 would have 4 beds. The scheme has been reduced from a proposal for 4 two storey dwellings for the reasons set out in this report.

## 3.0 Site Description

- 3.1 The site is a triangular shaped piece of land located on a residential street. The street scene is characterised by bungalows, which are set back from the street scene by

good-sized front gardens. The properties generally feature small brick wall boundary treatments to the front of the properties.

#### 4.0 Relevant Planning History

4.1 Planning history for the application site as follows:

<b>Application Reference</b>	<b>Proposal</b>	<b>Decision</b>
22/00335/DEM	Demolition of bungalow and attached garage	Prior Approval Not Required
20/00469/FUL	Erection of one replacement dwelling and erection of two new dwellings (amended proposal).	Withdrawn

#### 5.0 Site Allocation

5.1 The site is located within a Residential Policy Area as defined by the Local Plan (2021).

#### 5.2 Local Plan

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

- Local Plan Policy 10 : Residential Policy Areas
- Local Plan Policy 13 : Promoting sustainable transport in new developments
- Local Plan Policy 29 : Ecological Networks (Strategic Policy)
- Local Plan Policy 30 : Valuing Biodiversity and Geodiversity (Strategic Policy)
- Local Plan Policy 32 : Woodlands, Trees and Hedgerows
- Local Plan Policy 41 : Character and Local Distinctiveness (Strategic Policy)
- Local Plan Policy 42 : Good Urban Design (Strategic Policy)
- Local Plan Policy 44 : Residential Design (Strategic Policy)
- Local Plan Policy 45 : Housing Design Standards (Strategic Policy)
- Local Plan Policy 48 : Landscaping of New Developments
- Local Plan Policy 54 : Pollution
- Local Plan Policy 55 : Contamination and Unstable Land
- Local Plan Policy 56 : Drainage

5.4 The relevance of each policy will be discussed in the assessment of the application below.

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

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

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

## **5.7 Neighbourhood Plan (NP).**

5.8 No neighbourhood plan is relevant to this application.

## **5.9 Other material planning considerations and guidance**

5.10 Doncaster Council adopted the Biodiversity Net Gain Supplementary Planning Document (SPD) in September 2022, and the document is a material consideration in decision-making.

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

## **6.0 Representations**

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of council website and neighbour notification letters.
- 6.2 Ten representations were received as part of the initial consultation process, four of which have been received from two households. The representations raise the following concerns (in summary):
- The existing sewer infrastructure cannot cope with the existing properties and the proposal will add to an existing problem.
  - No site notice has been posted at the site.
  - Detrimental impact on views and privacy and the proximity of the development to neighbouring boundaries.
  - Potential noise impacts of additional traffic, and concerns in respect of the traffic that will be generated from the development.
  - The density of the development should be reduced.
  - The scale of type of properties are not in keeping with the area.
  - The development would look very unsightly in the area.

- 6.3 The application was then reduced in scale to three bungalows and a re-consultation process was undertaken. As a result of that further consultation, three representations were received, which raised the following concerns:

- Drainage and sewerage issues that already exist.
- Additional vehicles coming in and out of the site will increase hazards for children.
- The plans seems to encroach on the adjacent ransom strip to the north.
- The development still continues to be overdevelopment.
- Noise and dust from the demolition and construction phase of development.
- Loss of privacy for existing residents surrounding the site.
- The established trees within the site have been removed.

## **7.0 Parish Council**

- 7.1 Cantley with Branton Parish Council object to the application as they feel it would not be in keeping with the area. The Parish Council also conclude that additional traffic issues would be incurred to an already busy street, and the development represents overdevelopment of the site. Finally, the Parish Council also state that there are already drainage issues within the area, and they would want some comfort to know that this could be managed.

## **8.0 Relevant Consultations**

- 8.1 **CDC Drainage Officer** – No objection subject to condition

- 8.2 **CDC Ecology Officer** - No objection subject to condition

- 8.3 **CDC Highway Officer** – No objection subject to condition.
- 8.4 **CDC Pollution Control Team** - No objections subject to conditions
- 8.5 **CDC Tree Officer** – No objection subject to condition
- 8.6 **CDC Waste and Recycling Officer** - No objections.
- 8.7 **Internal Drainage Board** -No comments
- 8.8 **Severn Trent Water** - No comments.
- 8.9 **National Grid** - No comments.
- 8.10 **Yorkshire Water** - No objections but note the presence of utility equipment near the access.

## **9.0 Assessment**

### Principle of development

- 9.1 The site sits within a Residential Policy Area, and in accordance with Local Plan Policy 10, new residential development will be supported in principle, subject to the following criteria:
  - 1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
  - 2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
  - 3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.
- 9.2 Therefore, the principle of residential development is considered acceptable on the site, subject to the criteria listed above in Local Plan Policy 10 being met.

## **ENVIRONMENTAL SUSTAINABILITY**

### Design and Character

- 9.3 Local Plan Policies 41 and 44 seek for development to be sympathetic to the character of the area and to integrate well with the immediate and surrounding environment. Local Plan Policy 44(C) states that backland proposals will be supported where the loss of rear domestic gardens is minimised due to the need to maintain local character, amenity, garden space, green infrastructure and biodiversity. The policy accepts modest redevelopment on backland sites, subject to proposals being subservient to the host property and meeting the criteria A and B in



the policy. In addition, such development should generally conform to existing plot sizes and not lead to overdevelopment and/or a cramped appearance.

- 9.4 The scheme was originally for four, two storey dwellings, which were considered to be out of character for the locality and did not appear subservient to the existing bungalows on The Close. Following a discussion with the agent, amended plans were received for the current scheme, which offered a reduction in the amount of dwellings from four to three. The reduction in the number of dwellings, provides a lower density development which is more in keeping with its surrounding. The scheme also amended the design of the proposal significantly. The dwellings have been amended from two storey dwellings to low-level bungalows, with hipped style roofing, which reflects the type and style of the surrounding properties.
- 9.5 The bungalows to the rear of the development are larger in their massing than the frontage property in terms of development spread, and it is noted that the Local Planning Authority would normally look for subservient dwellings to the rear. However, the dwellings to the rear are well set back from the frontage bungalows, and it should also be noted that two storey dwellings are situated to the north, and with those factors considered, the bungalows at the rear themselves, will not look harmful to the main street scene or at the rear of the site. Overall, the design of the bungalows has been amended and better reflects the character of the existing bungalows on The Close.
- 9.6 In terms of materials and appearance, very little information has been submitted with the application. However, a suitably worded planning condition is to be attached to any decision notice to ensure that materials are agreed prior to the commencement of development. Similarly, in terms of boundary treatments, whilst the site plan sets out in parts what boundary treatments will be proposed, there are no images, colours or specifications, and therefore, this will need to be conditioned to ensure that these are agreed prior to implementation.
- 9.7 Concerns have been raised in the representations received in relation to the scale of development, the amount of dwellings proposed, and the fact that it is out of character. In response to this, the applicant has reduced the number of units proposed, the scale of the dwellings have also been reduced significantly in terms of height, and the house type has been changed to bungalows. The density and style of the development is now considered to be appropriate to the site following these amendments for the reasons set out in this Committee Report.
- 9.8 Overall, it is considered that the dwellings now sit comfortably within their respective plots, and the design and siting of the development is acceptable. The materials and overall appearance of the dwellings and boundary treatments will be acceptable subject to condition, and therefore, it is considered that the development complies with Local Plan Policies 10, 41, 42, and 44.

- 9.9 Paragraph 110 of the NPPF states that development proposals should mitigate against any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety. Local Plan Policies 13, 42 and 46 requires, amongst other criteria, that site layouts function correctly and development should not result in unacceptable impacts on highway safety.
- 9.10 The Highways Engineer has reviewed the information submitted and does not object to the application. A new access through the site will be formed following the demolition of the existing dwelling. The access is wide enough at 4.5m to allow two vehicles to pass, and the specification of each driveway is considered acceptable, with space for two cars, a visitor space is also available.
- 9.11 Each dwelling has a footpath to the house, and the garage sizes proposed are considered to be sufficient in size for a vehicle. The Highways Engineer concludes that the road length within the site exceeds 20m in length and as such can accommodate a fire appliance in the case of an emergency, which is acceptable. A bin storage collection area has been provided for within the design to ensure efficient roadside collection to take place, which is acceptable.
- 9.12 Representations have been received in relation to the potential for additional traffic from the development. The development will result in three additional dwellings, and given the level of development proposed, the Highways Engineer does not consider it necessary for the applicant to submit a Transport Statement. The Highways Engineer does not have any concerns in relation to additional traffic generation and does not have any highway safety concerns. Therefore, highway safety impacts and additional traffic would not form a reasonable basis to refuse the application. On that basis, the development complies with Local Plan Policies 13, 42 and 46.

#### Drainage

- 9.13 Local Plan Policy 56 (Drainage) states that development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities.
- 9.14 The site is within Flood Zone 1, and is not considered to be at a high risk of flooding. The Lead Local Flood Authority (“LLFA”) have been consulted and have requested a condition that will ensure that drainage details are submitted and agreed prior to the commencement of development. This will ensure that the site drains adequately in terms of surface water.
- 9.15 Representations have been received stating that there are already drainage issues within the area. As stated above, the LLFA have not raised any objections on drainage grounds, and whilst there could be existing drainage problems, this development cannot be used a mechanism to resolve existing issues, however, if there are issues then the development should not make an **Essex 100** worse. The condition recommended by the LLFA, means that the applicant will need to submit

and agree a scheme to drain surface water from the site appropriately prior to the commencement of development. This will ensure that the site will drain appropriately for the developments lifetime.

- 9.16 Overall, the Drainage Team do not object to the application, and subject to suitably worded planning conditions, the development will comply with Local Plan Policy 56.

#### Impacts on Trees

- 9.17 Local Plan Policy 32 states that proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees. In addition, Local Plan Policy 33 supports proposals that take account of the quality, local distinctiveness and the sensitivity to change of distinctive landscape character areas and individual landscape features.
- 9.18 The Tree Officer has reviewed the planning application and does not object. Only an Oak Tree (T4) is left on the site, and subject to a condition in relation to tree protection for that tree, no major concerns have been observed. Representations have been raised due to the removal of established trees on the site. It should be noted that the trees on the site are not covered by a Tree Preservation Order.
- 9.19 Therefore, subject to the necessary conditions, the development is acceptable against Local Plan Policies 32 & 33.

#### Ecology

- 9.20 Local Plan Policy 29 states proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks. Local Plan Policy 30 requires all applications to be considered against the mitigation hierarchy in accordance with National Policy. The Council use the DEFRA biodiversity metric to account for the impacts of a proposal on biodiversity and demonstrating that a net gain will be delivered. A minimum 10% net gain will be expected unless national standards increase this in the future.
- 9.21 The applicant has submitted a Biodiversity Net Gain Assessment, which was undertaken by Estrada Ecology. The Net Gain Assessment concludes that the site, with current proposed scheme design will result in a net gain for habitats of 12.67%, which can be delivered on site. However, in relation to hedgerows, there would be a net loss, and in order to improve the outcome for the metric, an ornamental hedgerow of 33m is to be planted. The applicant has submitted details of a mixed species hedgerow comprising hawthorn, blackthorn and holly, which will be delivered to the north west of the site (at the rear boundary of plot 3).

- 9.22 The Councils Ecology Officer has reviewed the assessment, and does not object on ecology grounds, subject to a condition for a management and monitoring plan for the proposed habitats. Therefore, the development is considered to comply with Local Plan Policies 29 & 30 by achieving in excess of the minimum 10% Biodiversity Net Gain requirement.

#### Contaminated Land

- 9.23 Local Plan Policy 54 (A) requires an assessment of the risks to public health to be provided and assessed. Local Plan Policy 55 states that land suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate Preliminary Risk Assessment.
- 9.24 A preliminary risk assessment has been provided, however, given that it is over two years old, the Pollution Control Team required an update on the current ground conditions. With that considered, the Pollution Control Team have recommended conditions that will require an updated contaminated land assessment to be carried out and submitted. Therefore, subject to conditions, the development will comply with Local Plan Policies 54 & 55.

#### **Conclusion on Environmental Issues**

- 9.25 Following the amendments discussed above, the development would not harm the street scene or character of the local area. In addition, there would be no adverse impacts to highway safety that would justify a refusal. The development is acceptable in terms of ecology, drainage, trees and contaminated land. Therefore, the development complies with Local Plan Policies 10, 29, 30, 32, 33, 41, 42, 44, 46, 54 and 55.

#### **SOCIAL IMPACTS**

##### Residential Amenity

- 9.26 Local Plan Policy 44(A) states that developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space. In addition, Local Plan Policy 45 sets out a requirement that all new homes must meet the criteria in the Nationally Described Space Standards ("NDSS")
- 9.27 Paragraph 130 of the National Planning Policy Framework seeks, amongst other things, to ensure developments will function well and promote health and well-being with a high standard of amenity for existing and future users.

- 9.28 Concerns in respect of potential impacts to privacy and residential amenity have been raised in the representations submitted, and in this section, these comments will be considered.
- 9.29 When considering living standards and residential amenity, separation distances are an important factor to ensure the existing and future occupants have adequate levels of privacy. The Transitional Developer Guidance states that a distance of 21m should be achieved (back to back) for 2 storey properties and no less than 12m front to front. The development proposes ground floor bungalows, with no first floor. Given that the windows will be at ground floor level, this minimises the potential for overlooking. Plots 2 & 3 sit side by side, however, the windows that are situated in the side elevation of each property will be shielded by a boundary fence, which prevents privacy from becoming a fundamental issue.
- 9.30 The distance between Plots 1 & 2 (at the closest point) would be 11.3m, at this point both dwellings are single storey, Plot 2 has a blank wall, and a boundary fence divides the properties, meaning privacy will not be compromised. The distance between the side elevation of Plot 3 and the closest property on Sandhills Way is approximately 15m, and although there is a bathroom and bedroom window in the side elevation of Plot 3, this is at ground floor level. The distance between the development and the properties on Hillcrest Drive is in excess of 40m, which is acceptable, and the distance between Plot 2 and the closest dwelling granted to the south under planning application 20/02837 is 12m. This is again acceptable given the single storey nature of this development. In terms of relationship between Plot 1 and the neighbouring properties opposite on the main street scene of The Close, this is in excess of 30m, which is acceptable.
- 9.31 In relation to garden sizes, the South Yorkshire Residential Design Guide (SYRDG) recommends the provision of at least 50sqm of private outdoor amenity space for 2-bedroom dwellings, and at least 60sqm of outdoor amenity space for 3-bedroom dwellings. When we consider the rear garden sizes proposed in this instance for each of the plots, these are as follows:
- Plot 1 = 152 sq.m
  - Plot 2 = 156 sq.m
  - Plot 3 = 244 sq.m
- 9.32 The rear garden spaces are substantial in size and are more than adequate for the amount of bedrooms being created in each property.
- 9.33 The rooms within each property will meet the requirements set out in Nationally Described Space Standards, which is acceptable. This will ensure that amenity of the future occupants will be maintained to an acceptable standard.

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

- 9.34 Overall, it is considered that the development demonstrates adequate separation distances, acceptable outdoor and indoor amenity spacing and the development will not have any unacceptable impacts on the surrounding residents, and this complies with Local Plan Policies 44 & 45 and NPPF section 12.

## **OTHER MATTERS**

- 9.35 Many of the points raised in the representations have been discussed in the report, the following addresses any other matters raised.
- 9.36 A concern was raised because no site notice had been posted at the site. The development has been advertised accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of council website and neighbour notification letters. There is no requirement in the legislation to post a site notice for this type of development.
- 9.37 The potential for noise and dust was also raised as a concern during the construction phase of development. This matter can be appropriately dealt by way of a condition that will ensure that the applicant submits a Construction Management Plan that will agree appropriate working methods during the construction phase of development.

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. In terms of the planning balance, the principle of development is acceptable, the design proposals are now acceptable and there would be no adverse impacts to residential amenity for the reasons set out in this report. In addition, there are no fundamental technical issues that would prevent the development of the site. The development would deliver three family sized homes, which is considered a significant benefit.
- 10.2 In terms of harm, this is considered to be minimal and matters such potential impacts from noise, dust and drainage, can be adequately controlled through conditions.
- 10.3 Based on the above, it is considered that the development accords with the adopted Local Plan and should be approved without delay in accordance with NPPF Paragraph 11.

## **11.0 RECOMMENDATION – GRANT PLANNING PERMISSION**

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

#### **Conditions / Reasons**

1. The development to which this permission relates must be begun ~~Page 140~~ 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 shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows.
  - Site Plan (Reference 22.001.2 Revision D)
  - Plot 1 House Type (Ref: 22.001.3)
  - Plot 2 House Type (Ref: 22.001.4 Revision A)
  - Plot 3 House Type (Ref: 22.001.5 Revision B)
  - Street Scene & Site Cross Section (Ref: 22.001.6 Revision)

## REASON

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

3. Prior to any above ground works at the site, details of the proposed external materials and boundary treatments 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 Doncaster Local Plan.

4. Prior to the commencement of the development hereby granted a scheme for the protection of the root protection area of the oak tree (T4) shown for retention on the approved plan that complies with clause 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the approved details and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

## REASON

To ensure that the oak tree (T4) is protected from damage during construction in accordance with Local Plan Policy 32.

5. Prior to the commencement of development a Management and Monitoring Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for

approval in writing. The Management Plan shall be based on the proposals set out in the Biodiversity Impact Assessment report (Estrada Ecology 1<sup>st</sup> March 2023, Ref: SQ-956) and detail the following:

- The baseline biodiversity assessment against which an uplift in biodiversity unit value will be monitored.
- The project's biodiversity unit targets.
- 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.
- The details of when target condition will be achieved and how it shall be maintained.
- 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.
- The roles, responsibilities and professional competencies of the people involved in implementing and monitoring the biodiversity net gain delivery.
- Evidence that the necessary resources are available to deliver the proposed biodiversity net gain plan and the 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 approved in writing with the Local Planning Authority.

#### REASON

To fulfil specifically the requirements of Local Plan policy 30B and enhance local ecological networks in accordance with Local Plan policy 29.

6. Prior to any above ground works at the site, full details of both hard and soft landscape works with an associated implementation plan, shall have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or



plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

**REASON:**

Prior approval of such details is necessary as the site may contain features which require incorporation into the approved development, and to ensure that the development site is landscaped to an acceptable standard having regard to Doncaster Local Plan Policy 46

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

**REASON:**

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

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

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

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

c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to remediate unless the identified contamination given the proposed end-use of the site and surrounding

environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

#### REASON

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

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

#### REASON:

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

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

#### REASON:

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

11. No construction works shall commence until full details within a Construction Management Plan (CMP) having regard to highway works and methods to protect residential amenity has been submitted to and approved in writing by the Local Planning authority, the details shall include:

- Volumes and types of construction vehicles
- Identification of delivery routes;
- Identification of agreed access point
- Contractors method for controlling construction noise, dust, construction traffic and adherence to routes
- Size, route and numbers of any abnormal loads
- Swept path analysis (as required)
- Construction hours and period
- Temporary signage
- Wheel wash facilities
- Timing of deliveries
- Proposals for maintaining access to existing properties

The development shall be carried out in full accordance with the approved details.

#### REASON

In the interests of highway safety and residential amenity

12. 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.

13. 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.

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

REASON:

To ensure that adequate parking provision is retained on site.

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

The applicant has amended the proposal during the consideration of the application to reduce the number of dwellings from 4 to 3 and to change the design from 2-storey to bungalows.

**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**







Date: 4th April, 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.

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

**RISKS AND ASSUMPTIONS**

8. N/A

### **LEGAL IMPLICATIONS [Officer Initials SC Date 22/03/2023]**

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 22/03/2023]**

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 22/03/2023]**

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

### **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 22/03/2023]**

12. There are no technology implications arising from the report

### **HEALTH IMPLICATIONS [Officer Initials RS Date 22/03/2023]**

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 22/03/2023]**

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
22/00467/FUL	Erection of single storey rear extension and two storey side and front extension at 35 Cromwell Drive, Sprotbrough, Doncaster, DN5 8DF	Appeal Dismissed 08/03/2023	Sprotbrough	Delegated	No
22/01599/ADV	Display of wall mounted internally illuminated 48-sheet D-Poster digital display with a height of 3 metres and a width of 6 metres. at 8 Town End, Bentley, Doncaster, DN5 9AG	Appeal Dismissed 21/02/2023	Bentley	Delegated	No
22/01326/FUL	Erection of 1.77m - 1.60m high boundary wall and 1.68m high gates (Retrospective) with alterations to lower sections of wall to 0.90m to improve visibility (being resubmission of 21/03467/FUL, refused on 03/02/2022). at 49 Ravenswood Drive, Auckley, Doncaster, DN9 3PA	Appeal Dismissed 21/02/2023	Finningley	Delegated	No
22/00956/ADV	Display of a wall-mounted 48-sheet sized digital LED advertising unit at 47 Main Street, Mexborough, S64 9LU	Appeal Dismissed 21/03/2023	Mexborough	Delegated	No

## REPORT AUTHOR & CONTRIBUTORS

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**Dan Swaine**  
**Director of Economy and Environment**

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## Appeal Decision

Site visit made on 26 September 2022

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 March 2023

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**Appeal Ref: APP/F4410/D/22/3300889**

**35 Cromwell Drive, Sprotbrough, Doncaster DN5 8DF**

- 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 R Pell against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 22/00467/FUL, dated 22 February 2022, was refused by notice dated 13 April 2022.
  - The development proposed is the erection of a single storey rear extension and 2-storey extension to the side and front.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The proposed development is under construction. The constructed part of the appeal scheme appears to be broadly in accordance with the plans.
3. Since refusing planning permission, the Council has revoked the Developer Guidance and Requirements Supplementary Planning Document (SPD), to which the evidence refers. It has also published Transitional Developer Guidance (TDG), which has replaced the SPD. The appellant has submitted comments on these changes, which I have taken into account. As the TDG has not been adopted, I attach limited weight to it.

### Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

### Reasons

5. The appeal property is a 2-storey semi-detached dwelling with a ground floor side projection within an estate style residential area. It stands within a row of semi-detached pairs that are generally separated by good sized gaps and follow a broadly consistent front build line. In the wider area, I observed that dwellings vary in size, type, and general appearance, partly due to various alterations and extensions that have taken place. Consequently, there is some variety to the existing built form in the local area to which No 35 belongs.
6. When seen from Cromwell Drive, the new 2-storey front extension with a hipped end facing the road would be a new and significant feature. By stepping noticeably forward of the main front wall, the new addition would be a

prominent feature in the new front façade. It would also interrupt the established layout of existing development along the same side of this section of road. The proposed side addition would also include a sizeable 2-storey element that would, in effect, elongate the main house to fill almost the entire width of the plot. Due to their scale, design and position, the new front and side extensions, in combination, would overwhelm the simple form, modest proportions and style of the existing dwelling.

7. In views from Cromwell Drive, the front elevation of the finished house would appear significantly wider and larger than its attached counterpart, which has not been extended at the side. Consequently, the new built form would unbalance the principal elevations of this pair to the extent that the imbalance would draw the eye from the road. By introducing a new 2-storey flank wall close to and along part of the site's side boundary, the proposal would also unduly erode the space at the side of the site. This arrangement would create a noticeably smaller gap between the completed building and the adjacent pair and an uncharacteristically abrupt transition between adjacent. The extensive use of render, as proposed, would also be a discordant feature within a residential estate of predominantly brick buildings.
8. For all these reasons, the scale, design, position, and appearance of the proposed front and side extensions would spoil the intrinsic character of the appeal dwelling and be incongruous in the local street scene. By unduly disrupting the established pattern of existing development along this section of Cromwell Drive, the proposed development would be detrimental to the character and appearance of the local area.
9. I saw that some properties in the local area include sizeable front and side extensions and others have rendered walls including those to which the appellant has referred. Background details have also been provided in relation to the Council's recent decision to grant planning permission to enlarge and alter 13 Cromwell Drive with an off-white render applied to that dwelling.
10. I agree that some of the elements proposed are evident elsewhere in the area surrounding the site. However, none of the examples cited or that I saw were very similar in scale and design to the proposal, in its entirety, nor did they have the same relationship to neighbouring buildings as No 35. For instance, No 13 is sited at an offset angle to the road on a corner plot in a different street scene to that of No 35. While the Council has approved the application of render in relation to No 13, that finish sets the appearance of the building apart from those around it, which are largely of brick construction. In other words, it exemplifies the harm to which I have referred.
11. In any event, a key principle of the planning system is that each development should be assessed on its own merits. Having done so, my own conclusion is that the combination of the proposed extensions and alterations would result in a radical change to the scale and appearance of the appeal dwelling with an impact on the street scene that would be both substantial and harmful.
12. On the main issue, I therefore conclude that the proposed development would cause significant harm to the character and appearance of the host building and the local area. It therefore conflicts with Policies 41 and 44 of the Doncaster Local Plan 2015-2035 and Policy S1 of the Sprotbrough Neighbourhood Development Plan. These policies aim to ensure that development is of high-quality design and responds positively to the context

and character of the area. It is also at odds with the National Planning Policy Framework, which states that development should be sympathetic to local character and add to the overall quality of the area.

13. The Council appears to raise no objection to the new rear extension. From the submitted plans, I, too, find this part of the appeal scheme acceptable subject to the use of appropriate external materials. However, it is not clearly severable from the proposed 2-storey side extension, which is objectionable. Consequently, I am unable to issue a split decision that grants planning permission solely for it.

**Conclusion**

14. For the reasons set out above, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR

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## Appeal Decision

Site visit made on 6 February 2023

by **John Whalley**

an Inspector appointed by the Secretary of State

Decision date: 21<sup>st</sup> February 2023

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**Appeal ref: APP/F4410/Z/22/3309527**

**8 Town End, Bentley, Doncaster DN5 9AG**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Clear Channel UK against the decision of Doncaster Metropolitan Borough Council.
  - The application, ref. 22/01599/ADV, dated 1 July 2022, was refused by a notice dated 25 August 2022.
  - The advertisement proposed is the display of a wall mounted internally illuminated 48-sheet D-Poster digital display with a height of 3 metres and a width of 6 metres to be fitted to the north-western end gable wall of No. 8 Town End.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue in this appeal is whether or not the proposed illuminated sign would be unduly prominent and distracting to passing vehicle drivers.

### Reasons

3. The powers to be exercised in the interests of amenity and public safety under the Regulations, state at 3(2)(b) that factors relevant to public safety include:  
(i) the safety of persons using any highway, ....
4. Government guidance explaining the control of advertisement regime dealing with considerations affecting public safety and locations for advertisements likely to affect public safety on the roads notes that whilst all advertisements are intended to attract attention, proposed advertisements at points where drivers need to take more care are more likely to affect public safety. It goes on to provide such examples as at junctions, roundabouts, pedestrian crossings, ... or other places where local conditions present traffic hazards.
5. I agree with the Council that the proposed large advertisement sign to be fixed to the end gable wall of the Town End short row of shops would adversely risk detriment to highway and public safety. Its obvious propose is to draw attention. That opportunity would occur most particularly because of the large digital sign's position facing the busy St Mary's 5 roads A19/A638 roundabout junction. The sign's striking size would likely provide an undesirable distraction to drivers, just as their vehicles were approaching, negotiating and leaving this busy multi-limbed roundabout from the north, north-west and to the east.

That is especially so where traffic approaching the roundabout from the north and under the railway bridge would be faced directly by the large appeal advertisement. Traffic speeds should be low, but particular attention on the part of drivers is required to ensure the safe flow of traffic around the roundabout junction. The sign's illumination at night may be assumed intended to maintain its prominence.

6. Described by the Appellant Company as Out of Home advertising, such displays are said to be; "... always on – day or night. You can't switch it off or turn the page – it's simply unavoidable!". In view of the sign's proposed width, height, and location close to the busy roundabout, which is served by several equally busy roads, the proposed illuminated digital display screen would cause drivers using the roundabout an unnecessary and potentially unsafe distraction. That would be particularly so as this sign would probably regularly change the image displayed, typically ever 15 seconds. I consider that any possibility of drivers being inattentive to the road conditions by even a brief perception of the sign would be at some risk.
7. The Department for Communities and Local Government booklet entitled 'Outdoor advertisements and signs: a guide for advertisers', describes Public safety' in this context to mean the considerations which are relevant to the safe use and operation of any form of traffic or transport on land, (including the safety of pedestrians), over water or in the air. A planning authority is to assess the likely effects of the advertisement in relation to such matters as the behaviour of drivers, possible confusion with any traffic sign or signal. I consider that the proposed sign would be sufficiently distracting or confusing as to create a hazard for people who are otherwise taking reasonable care for their own and others' safety.
8. I conclude therefore that the proposed advertisement would cause drivers to be distracted as they approach and negotiate the St Mary's roundabout junction.

### **Conclusion**

9. For the reasons outlined above, and taking into account all other matters raised, the appeal is dismissed.

*John Whalley*

INSPECTOR





## Appeal Decision

Site visit made on 7 February 2023

by **John Whalley**

an Inspector appointed by the Secretary of State

Decision date: 21<sup>st</sup> February 2023

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**Appeal ref: APP/F4410/D/22/3310815**

**49 Ravenswood Drive, Auckley, Doncaster DN9 3PA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
  - The appeal is made by Mr Paul Morris against the decision of Doncaster Metropolitan Borough Council.
  - The application, ref. 22/01326/FUL, dated 27 May 2022, was refused by a notice dated 14 September 2022.
  - The development proposed is the erection of a 1.77m - 1.60m high boundary wall and 1.68m high gates (Retrospective) with alterations to lower sections of wall to 0.90m to improve visibility, (being resubmission of 21/03467/FUL, refused on 03/02/2022).
- 

### Decision

1. The appeal is dismissed and planning permission is refused.

### Main issue

2. The main issue in this appeal is the acceptability or otherwise of the appeal footway edge boundary to No. 49, as proposed to be altered, on the appearance of the street scene.

### Reasons

3. No. 49 Ravenswood Drive is an extended single storey dwelling on a corner plot at the road junction with Common Lane. The appeal red brick wall follows the curved line boundary to the back of the footway of the 2 roads, enclosing the front and side gardens to the house. The wall has been built to a height of about 1.7m above the adjoining footway. Steel framed boarded vehicular gates have been fitted at each end of the wall to a similar height.
4. Following refusal by the Council of an earlier planning application ref. no. 21/03467/FUL on 3 February 2022, the current appeal application 22/01326/FUL, dated 27 May 2022, proposes the lowering of the wall each side of the gates to a height of 0.9m above the footway to provide safer visibility at the accesses.
5. The Appellant, Mr Morris, said his family had lived in Auckley for many years. Moving to No. 49 Ravenswood Drive upon retirement and now having visiting grandchildren, the high boundary wall was considered necessary to provide security for the children when playing in the front and side gardens; there being no rear garden available on this corner plot. If the wall was reduced to

1m as suggested by the Council, privacy and security would no longer be possible.

6. The Council said the new fronting wall was incongruous and detrimental to the character and appearance of the street scene. That was contrary to policies 41 and 44 of the Doncaster Local Plan, (September 2021), and section 2.6.1 of the Doncaster Transitional Developer Guidance (April 2022). They said the new wall fails to accord with the provisions of the National Planning Policy Framework, (July 2021), that new development should be of high quality design and add to the overall quality of an area.
7. I consider that planning permission should not be granted to retain the appeal wall as it is or in the current proposed altered form. Although Mr Morris does not accept the Council's view that the modified wall would still be overbearing and detrimental to the street scene, I agree with their conclusion. Mr Morris' corner plot is more exposed to views than most of the neighbouring houses. That exacerbates the appeal wall's predominance, its excessive height almost hiding the single storey house at No. 49, producing an impression of some sort of closed-in secure premises, rather than the wall being a domestic residential boundary. That, in my view, is ill suited to this otherwise pleasant housing estate. The high obscured gates unfortunately add to that impression.
8. I can understand Mr Morris' wish to provide a safe and private outdoor area for his grandchildren's recreation. There is no rear garden to No. 49 and the front and side gardens are narrow. I also note there are a variety of boundary treatments to nearby houses, both in terms of materials used and heights achieved. But none produce the same rather grim degree of enclosure. I have also considered the representations regarding the endeavour to match the design of the house at No. 49, but find the new wall, as intended to be modified, will not add to the overall quality of the neighbouring residential area as exhorted by guidance in the National Planning Policy Framework, (para. 126).

### **Conclusion**

9. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*John Whalley*

INSPECTOR



## Appeal Decision

Site visit made on 14 February 2023

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 21 March 2023**

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**Appeal Ref: APP/F4410/Z/22/3304482**

**47 Main Street, Mexborough, Doncaster S64 9LU**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Vivid Outdoor Media Solutions (B) Ltd against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 22/00956/ADV, dated 8 April 2022, was refused by notice dated 28 June 2022.
  - The advertisement proposed is described as the erection and display of a wall-mounted 45-sheet sized digital LED advertising unit.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Council has cited the National Planning Policy Framework and Policies 13 and 49 of the Doncaster Local Plan 2015-2035 in its decision notice. Whilst I have had regard to these as material considerations, the control of advertisements is exercisable only with respect to public safety and amenity. Consequently, these have not, themselves, been decisive in my determination.

### Main Issues

3. The main issues are the effect of the appeal proposal on:
  - amenity, with particular regard to the character and appearance of the existing street scene; and
  - public safety, with particular regard to users of the local highway network.

### Reasons

#### *Character and appearance*

4. The appeal site is an existing commercial premises which is situated to one end of Main Street on the edge of the Town Centre of Mexborough, one of Doncaster's Main Towns. The mixed-use, urban character and appearance of the appeal site's context is defined by its mining legacy and the prevalence of local businesses and adjoining residential terraced streets on either side of Main Street, in addition to the large retail unit opposite on Hartley Street. Although it serves a rural hinterland, the commercial character of the appeal site is heavily influenced by its existing use and the signage that relates to it and the surrounding commercial units. The appeal site does not fall within the context of any designated heritage assets.

5. The proposed digital advertising hoarding would be sited on the exposed gable end of No 47 Main Street, at first floor level. The location and orientation of the host property to one side of the roundabout, where Main Street, Hartley Street and Lower Dolcliffe Street intersect, means that this gable end is highly prominent on approach when travelling westwards along Main Street, in either direction along Hartley Street or on approach from Lower Dolcliffe Street. However, the presence of the appeal proposal would be confined to localised vantage points along these routes. The appeal proposal would be of an LED lit digital poster format which would display multiple advertisements on rotation. The appeal proposal's main receptors would be pedestrians, occupiers of vehicles using the local road network and facing properties.
6. The host gable end is devoid of any notable architectural features which would be obscured by the appeal proposal. The proposed unit would be centrally positioned with uniform spacing around it. Moreover, the ratio of exposed wall to advertisement coverage would not result in an overly domineering effect. The size and overall scale proposed is proportionate to that of its host
7. The proposed digital display would present static images only and changes between advertisements would take place instantaneously with no rapid changes, sequencing, fading, swiping, or merging of images. Such measures would ensure that any effect of transitioning of imagery is momentary. Diagnostics software would report any faults and turn the content black pending repair. Overall, I am satisfied that all of these matters could be controlled by way of appropriately worded conditions to achieve a display format which would not be jarring with the surrounding context.
8. The appeal proposal would be illuminated, and this would heighten its presence during hours of darkness. It would however be controlled by light sensors to vary the brightness of the screen according to the ambient lighting conditions up to 300cd/m<sup>2</sup>. This level would not significantly increase luminance in the area above that level currently provided by the existing street lighting. In view of this, and given its orientation and distance from its neighbours, the appeal scheme would pose no notable risk of light to filter into nearby residential properties. There would be no perceivable differential in lighting levels from the appeal proposal to any of its receptors and an appropriate level of light omission would arise for this particular street scene at all times of the day.
9. By virtue of its location, size, operation display and design the appeal proposal would not be at odds with this mixed-use area and would not tip the balance so as to cause visual clutter for its main receptors. Crucially, although its presence would be clearly visually evident both day and night within this street scene, the proposed hoarding would be experienced within the context of the existing commercial premises and their associated signage which surround the appeal site. Overall, coupled with the separation distances and orientation with existing surrounding residential properties, I am satisfied that the appeal proposal will not harm existing living conditions of occupiers on surrounding properties in terms of visual amenity.
10. For these reasons, the appeal proposal would not be harmful to amenity, with particular regard to the character and appearance of the existing street scene.

### *Highway safety*

11. The appellant's evidence appreciates that the purpose of the appeal proposal is to attract attention, but not at a point which becomes dangerous to the safe functioning of the highway. Nonetheless, the Local Highway Authority ("LHA") has opposed the particular appeal proposal by virtue of its location fronting onto traffic at a busy section of the highway network, near a roundabout junction.
12. The LHA has drawn attention to the Institute of Lighting Practitioners' Guide which advises that moving images, animation, video, or full motion images should not be displayed at locations where they could be seen by drivers in moving traffic and present a hazard. However, the LHA has not demonstrated that the changing images that would be accommodated within the advertisement unit would constitute animation. Moreover, I am satisfied that the proposed display unit would be located so as not to obstruct vision or hinder the interpretation of highway signs or signals. Being served by a mini roundabout with 4 entrances and exits, this is not a particularly complex junction, and the speed limit here is not high.
13. Nonetheless, on-comers would experience the appeal proposal during the extent of their approach to this roundabout junction within which it would be visible. During that time its content would have changed. The small scale of the roundabout junction means that it will be prone to the slowing down, halting and pulling off of vehicles within a very concentrated area. Moreover, the submitted evidence confirms this to be a busy route. When coupled with the change in imagery, the site-specific circumstances of this edge of town centre location mean that there is a realistic prospect that road users could become unduly distracted. In the absence of convincing evidence to the contrary, and despite the commercial characteristics of this part of Mexborough, I find that this particular set of circumstances could be prejudicial to public safety even when highway users are taking reasonable care for their own and others' safety.
14. Although my attention has been drawn to a previous poster hoarding in a similar position and size to that proposed, this elevation is currently free of any existing features. In any event that advertisement did not feature frequently changing content. Consequently, the appeal scheme represents a significant visual change which may not be expected by users of this particular part of the local highway network. Therefore, the previous site history does not influence my assessment of the effects on public safety arising from the specific appeal proposal before me. For these reasons, the appeal proposal would have a realistic prospect of being harmful to public safety, with particular regard to users of the local highway network.

### **Conclusion**

15. Despite the absence of harm to amenity and the environmental and economic benefits advanced by the appellant, the identified harm to public safety is not outweighed. Therefore, I conclude that this appeal should be dismissed.

*C Dillon*

INSPECTOR

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