



## 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  
Waterdale, Doncaster

**Date:** Tuesday, 12th December, 2023

**Time:** 2.00 pm

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**Damian Allen**  
Chief Executive

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Issued on: Monday, 4 December 2023

**Governance Services Officer for this meeting**

David Taylor  
Tel: 01302 736712

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 14th November, 2023 1 - 14
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications 15 - 94
- For Information**
6. Appeal Decisions 95 - 106
  7. Planning Enforcement Quarterly Report - September 2023 107 - 130

### **Members of the Planning Committee**

Chair – Councillor Susan Durant  
 Vice-Chair – Councillor Sue Farmer

Councillors Duncan Anderson, Iris Beech, Steve Cox, Aimee Dickson, Charlie Hogarth, Sophie Liu, Emma Muddiman-Rawlins, Andy Pickering and Gary Stapleton



# Agenda Item 4.

## CITY OF DONCASTER COUNCIL

### PLANNING COMMITTEE

TUESDAY, 14TH NOVEMBER, 2023

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 14TH NOVEMBER, 2023, at 2.00 pm.

#### PRESENT:

Chair - Councillor Susan Durant

Vice-Chair - Councillor Sue Farmer (In the Chair for Agenda Items 6 and 7).

Councillors Duncan Anderson, Iris Beech, Steve Cox, Charlie Hogarth, Sophie Liu, Emma Muddiman-Rawlins and Gary Stapleton.

#### APOLOGIES:

Apologies for absence were received from Councillors Aimee Dickson and Andy Pickering.

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

In accordance with Members Code of Conduct, Councillor Sophie Liu declared an interest in Application No. 23/01702/COU Agenda Item 5(4) by virtue of being a Local Ward Member.

In accordance with Members Code of Conduct, the Vice-Chair Councillor Sue Farmer declared an interest in Application No. 22/02382/OUT Agenda Item 5(5) by virtue that a family member was speaking on the item. She took no part in the discussion and left the meeting for the duration of the consideration of the application.

In accordance with Members Code of Conduct, Councillor Steve Cox declared an interest in Application No. 23/01305/4FULM Agenda Item 5(1). He stated that he had read all the information provided and would listen to proceedings today and form an opinion following the debate. His opinion had not been predetermined.

In accordance with Members Code of Conduct, Councillor Gary Stapleton declared an interest in Application Nos. 23/01305/4FULM and 22/02382/OUT Agenda Item 5(1 and 5) stating that regarding Application 1, any decision he would be making would be based on the information presented and discussed in the Chamber today. He had not predetermined his decision. Regarding Application 5 he stated that he would be speaking in support of the application on behalf of the applicant. He took no part in Committees debate on the application and did not vote.

43 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 17TH OCTOBER, 2023

RESOLVED that the minutes of the meeting held on 17th October, 2023 be approved as a correct record and signed by the Chair.

44 SCHEDULE OF APPLICATIONS

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

45 EXCLUSION OF PUBLIC AND PRESS

The Committee heard from the planning officer presenting Application No.1 (23/01305/4FULM) and speakers. Prior to the Committee entering debate, the Committee undertook a vote to exclude the public and press to enable Members to receive privileged legal advice that was exempt under Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act, 1972.

It was moved by Councillor Iris Beech and seconded by Councillor Steve Cox that public, and press be excluded for part of the item.

A vote was taken on the proposal made by Councillor Iris Beech and declared as follows:-

For	-	9
Against	-	0
Abstain	-	0

On being put to the vote the proposal made by Councillor Iris Beech and seconded by Councillor Steve Cox was declared CARRIED. It was also agreed that Committee Members would move to a private room to avoid disruption with removing the public and press from the Civic Chamber.

RESOLVED that the public and press be excluded from part of the agenda item in accordance with Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

46 TOWN AND COUNTRY PLANNING ACT 1990, SECTION 106 AGREEMENTS.

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

<b>Application No.</b>	<b>Description and Location</b>
23/01305/4FULM	Erection of residential development with public open space and associated landscaping, drainage, and infrastructure. (Being resubmission of application 22/01710/4FULM refused on 14/04/2023.) at land north of The Railway Line, Rose Hill Rise, Rose Hill, Doncaster DN4 5LE
22/00848/FULM	Erection of 38 residential units and 56 retirement living homes, including landscaping and access and land on the north east side of Sandford Road, Balby.
22/01032/FULM	Erection of building with commercial units at ground floor level and office space on upper levels (Use Class E) with landscaping; creation of car park area and associated works at Herten Way, Doncaster DN4 7NW

47 ADJOURNMENT OF MEETING

RESOLVED that in accordance with Council Procedure Rule 17(l), the meeting stand adjourned at 3.20 p.m. and 4.32 pm respectively, to be reconvened on this day at 3.30 pm and 4.40 pm.

48 RECONVENING OF MEETING

The meeting reconvened at 3.30pm and 4.40 pm.

49 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

50 DEED OF VARIATION

The Committee received a report seeking approval for the variation to the Section 106 Agreement for a development of residential housing at Owston Road, Carcroft. The report was previously presented to Members at the 17th October Planning Committee but was deferred to provide further education information.

An officer from Children and Young People was present at the meeting and an update was provided stating that a revised education calculation had been provided which advises that based on the reduced number of dwellings, this along with a post covid birth rate drop, a change to parental preference and removing any out of catchment children from the calculations there is sufficient space at Carcroft Primary and Outwood Academy Adwick to accommodate any

children arriving from this development, therefore no education contribution would be required.

During debate, further discussion took place regarding education contributions and who was responsible for picking up the places i.e. Local Authority, the school or Department for Education (DfE). Members were advised that as a consultee on a planning application, the service will carry out their own assessment and where insufficient places are found, a contribution would be sought through S106 Agreement. It was acknowledged that in some cases that contribution has not come forward and in these cases, it would be the Local Authorities responsibility to ensure that places are available. The Local Authority have a small amount of capital funding provided through the DfE which would be used in addition to the funding from the S106 monies received. It was advised that where it is a significant development and the creation of a new school was required, a request would be made to the DfE to supply that funding.

It was **MOVED** by Councillor Iris Beech and **SECONDED** by Councillor Gary Stapleton that authorisation be given to Head of Planning to agree the Deed of Variation to vary the terms of the Section 106 Agreement dated 13th December, 2019.

A vote was taken on the proposal made by Councillor Iris Beech which was declared as follows:-

For	-	7
Against	-	0
Abstain	-	0

On being put to the vote the proposal made by Councillor Iris Beech and seconded by Councillor Gary Stapleton was **CARRIED**.

RESOLVED that the Head of Planning be authorised to agree a Deed of Variation to vary the terms of the Section 106 Agreement dated 13th December 2019, to remove the requirement to provide affordable housing and to remove the requirement for a commuted sum in lieu of education in accordance with the terms of this report. The provisions relating to POS are unchanged.

## 51 APPEAL DECISIONS

In response to a query made in relation sale of caravans at Bethel House, Moss Road, Moss, Doncaster, officers would investigate this outside of the meeting and an update would be provided.

RESOLVED that the following decisions of the Secretary of State and/or his inspector, in respect of the undermentioned Planning Appeals against the decisions 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>
21/00565/INJ	Appeal against alleged unauthorised change of use of green belt land for the creation of 4 caravan/mobile home plots under grounds A and G. at Land West Of, Peastack Lane, Tickhill, Doncaster	ENF- Appeal Dismissed, ENF Notice Upheld  04/10/2023	Tickhill And Wadworth		No
22/01034/FUL	Regularise the sale of caravans. at Bethel House, Moss Road, Moss, Doncaster	Appeal Dismissed 04/10/2023	Norton And Askern	Delegated	No
21/00321/M	Appeal against enforcement action for selling of caravans and display of advertisements under grounds (g) at Bethel House, Moss Road, Moss, Doncaster	ENF-App Dis/Upheld Sub to Correction/Var 04/10/2023	Norton And Askern		No
22/02432/FUL	Erection of a single dwelling including associated external works at Land Between 2 & 2B Devonshire Road, Intake, Doncaster, DN2 6LA	Appeal Dismissed 18/10/2023	Wheatley Hills And Intake	Delegated	No
22/02566/FUL	Erection of 2 shops with 2 flats above at 24 The Circle, New Rossington, Doncaster, DN11 0QR	Appeal Dismissed 10/10/2023	Rossington And Bawtry	Delegated	No

22/00043/FUL	Erection of two single storey terraced dwellings following demolition of existing outbuildings and conversion and extension of attached outbuilding to form third unit. at 4 St Marys Road, Wheatley, Doncaster, DN1 2NP	Appeal Dismissed 09/10/2023	Town	Delegated	No
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## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 14th November, 2023

<b>Application</b>	01
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<b>Application Number:</b>	23/01305/4FULM
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<b>Application Type:</b>	Planning FULL (DMBC Reg 4) Major
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<b>Proposal Description:</b>	Erection of residential development with public open space and associated landscaping, drainage and infrastructure. (Being resubmission of application 22/01710/4FULM refused on 14/04/2023.)
<b>At:</b>	Land North Of The Railway Line Rose Hill Rise Rose Hill Doncaster DN4 5LE

<b>For:</b>	Mr Adam Pitman - Miller Homes Limited
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<b>Third Party Reps:</b>	111 Letters of objection	<b>Parish:</b>	None
		<b>Ward:</b>	Bessacarr

**A proposal was made to GRANT Planning Permission subject to conditions and the signing of a Section 106 Agreement**

**Proposed by: Councillor Susan Durant**

**Seconded by: Councillor Sue Farmer**

**For: 7 Against: 0 Abstain: 2**

**Decision: Planning Permission Granted subject to conditions, the amendment of Conditions 22 and 26 to read as follows, the addition of condition 35 to read as follows and the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990, in relation to the following matters and the Head of Planning be authorised to issue the Planning Permission upon completion of the Legal Agreement:-**

- (A) Provision of 22 Rented and 6 Shared Ownership dwellings. Shared Ownership mix of 4 x 2 bed houses and 2 x 3 bed houses.
- (B) Provision of 15% on site POS (and Maintenance) and LEAP
- (C) A commuted sum of £481,752.00 towards the provision of school places at Hall Cross Academy.
- (D) Commuted sum of £17,529.27 as a Transport Bond in the event targets within the Travel Plan are not met.
- (E) Annual Travel Plan monitoring at a cost of £5,000 per entrance/ exit point.
- (F) Traffic signals revalidation at the following junctions at a cost of £2,000 per junction.  
SCND0011 A638 Bawtry Road/B1396 Cantley Lane  
SCND0029 A638 Bawtry Road Adj St Augustine's Rd
- (G) Biodiversity Net Gain to deliver a minimum 10% net gain to be secured via a suitable offsite location or paying the Council of a biodiversity offsetting contribution of £27,500 per biodiversity unit needed.

22. Prior to the commencement of development, a Construction Environmental Management Plan (ecology) shall be submitted to the Local Planning Authority for approval in writing. The Plan shall then be implemented in accordance with the approved details. The measures within the CEMP will be based on those outlined in Table 6.1 of the Ecological Impact Assessment Brooks Ecological Ref: Brooks Ecological Ref: ER-5334-17H 22/06/23 (revised 13/11/2023) and also include:

- A risk assessment of the potentially damaging construction activities in relation to habitats and fauna.
- Any measures identified to protect the adjacent Local Wildlife Site, Red House Plantation from direct and/or indirect impacts of the construction phase.

**REASON**

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29 and 30B(3)

26. Notwithstanding the submitted Habitat Management Plan (Brooks Ecological ref ER 5334-11. 12/06/23), prior to first occupation of the site, a Management and Monitoring Plan for proposed onsite habitats detailed in the Biodiversity Gain Assessment (Brooks Ecological ref ER-5334-16E) further details shall be submitted prior to the first occupation of the site to detail the following measures:

- 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 detail 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 1,2,3,5,10,15, 20 and 30 of the monitoring period.
- Details of the approval process with the LPA that will be used in instances where monitoring reports show that measures within the approved Habitat Management and Monitoring Plan need to be changed in order to meet target conditions.



- The roles, responsibilities, and professional competencies of the people involved in implementing and monitoring the biodiversity net gain delivery.
- Evidence of the necessary contractual arrangements to ensure that the necessary resources are available to deliver the proposed biodiversity net gain plan and the ongoing management.
- The approved Management and Monitoring Plan shall be implemented in full.

**REASON**

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

35. Prior to commencement of works to the existing bridleways within the site, full details of the surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The surfacing shall be complete prior to the occupation of the last dwelling within the development.

**REASON**

To ensure adequate provision for all types of users of the bridleway in accordance with Doncaster Local Plan Policy 18.

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 each:-

- Mr Chris Owen on behalf of Rose Hill Residents Association spoke in opposition to the Application;
- Councillor Nick Allen, Ward Member spoke in opposition to the Application
- Councillor Majid Khan, Ward Member spoke in opposition to the Application; and
- Emma Lancaster, the Agent and Ian Thompson, Miller Homes, the Applicant spoke in support of the Application.

(The receipt of 3 additional representations regarding the following issues

- Inaccuracies in the Construction Method Statement
- Site is within Biodiversity Opportunity Area and the level of biodiversity loss is totally unacceptable, and full ecological survey have not been submitted and
- Illegal planting of 32 trees on the estate spine road

And a late representation received on behalf of RHRA raising issue with the officer recommendation in the report was reported at the meeting).

(The following amendments to paragraphs 8.55, 8.97, 8.100 and 8.166 were reported at the meeting as follows:-

Paragraph 8.55 is updated to reflect an error in the modelling

The TA also includes an operational analysis of the nearby signalised junctions namely the A638 Bawtry Road/B1396 Cantley Lane and the A638 Bawtry Road adjacent St Augustine's Road. Further counts and modelling of the U-Turn on Bawtry Road have been undertaken to include a future year of 2023 as opposed to 2032. This has now been corrected and the model re-run. The CDC Traffic

Signals team has assessed the modelling for this junction which is currently operating slightly over absolute practical capacity during the morning peak hour. During the PM peak all arms of the junction operate within desirable practical capacity. The performance of the junction will be impacted during the AM peak (not in the PM peak) due to the addition of traffic growth and committed development. The assessments carried out still confirm that the development will not result in a severe impact, however a financial contribution of £2,000 for the junction to be 'revalidated' will be secured to review the sequencing and queue times at the signalised junctions and adjusting where necessary. Paragraph 111 of the NPPF advises that 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' As such no objections are raised and this financial contribution is included within the S106 Legal Agreement.

Paragraphs 8.97, 8.100 and 8.166 updates on Biodiversity Net Gain following update of the Defra Metric and should read as follows:

#### **Paragraph 8.97**

Local Plan Policy 30B requires that developments demonstrate a minimum net gain of 10%, and further guidance on this is contained within the Council's Biodiversity Net Gain SPD (2022). Table 3 of the SPD provides a list of submissions required to support an application. A biodiversity net gain assessment has been submitted with the latest DEFRA metric 4.0 as the final version dated 13<sup>th</sup> November, 2023.

#### **Paragraph 8.100**

It is proposed that the deficit in biodiversity net gain should be discharged through agreement of a s106 with the developer. This will require the developer to demonstrate that off-site biodiversity net gain has been secured, prior to the commencement of development. This will either involve legally securing biodiversity net gain units on the open market within Doncaster, or through a financial contribution to the Council if no suitable units can be found in line with the Council's SPD. This is the standard method for securing offsite BNG units that is being used in Doncaster prior to the introduction of the national Mandatory BNG in January 2024. Were a commuted sum to the Council ultimately be required then, based on the latest metric calculations and the current fee of £27,500 per unit, this would be £719,625 to deliver 26.17 units. On a site such as this, where the offsite unit delivery has not yet been identified, then it is normal for the trading rules to be broken. This will be resolved once offsite units are secured.

#### **Paragraph 8.166**

Prior to development the biodiversity value of the site has been assessed as being worth 38.03 habitat units and 5.26 hedgerows units. The proposed development will result in the loss primarily of habitats of medium distinctiveness according to the Defra Biodiversity Metric. These habitats have arisen over the last 20-30 years and are not considered irreplaceable, as they could be recreated on a different site over a similar time frame. Post development onsite there will be 15.66 Habitat Units and 5.87 Hedgerow Units. 7.67 of these habitat units are derived from 1.27 hectares of existing habitats (18.9% of the total site area) that are being retained and/or enhanced to improve their biodiversity value. The remaining 7.99 units are derived from new habitats

that are being created on site as off-site compensation to ensure the development delivers a minimum 10% net gain, in accordance with Planning Policy. In line with the Council's Biodiversity Net Gain Supplementary Planning Document, the S106 agreement will commit the developer to either, showing that biodiversity units have been secured in a suitable offsite location, or paying the Council a biodiversity offsetting contribution of £719,675 to deliver 26.17 units at £27,500 per biodiversity unit needed. The Council would then secure the necessary biodiversity units using this money. An offsite delivery project will be identified that delivers the appropriate types of habitat compensation. This means that the trading rules will be satisfied).

The press and public were then excluded from this part of the meeting to enable privileged legal advice to be taken.

Following the provision of legal advice, the Committee then considered and determined the application in public.

<b>Application</b>	02
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<b>Application Number:</b>	22/00848/FULM
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of 38 residential units and 56 retirement living homes, including landscaping and access.
<b>At:</b>	Land on the north east side of Sandford Road, Balby

<b>For:</b>	Stacey Chappell - Hooper Urban Partnership
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<b>Third Party Reps:</b>	Petition (51) against 1 letter in support.	<b>Parish:</b>	
		<b>Ward:</b>	Balby South

A proposal was made to GRANT Planning Permission subject to the completion of a Section 106 Agreement.

**Proposed by:** Councillor Gary Stapleton

**Seconded by:** Councillor Iris Beech

**For:** 9    **Against:** 0    **Abstain:** 0

**Decision:** Planning Permission Granted subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990, in relation to the following matters and the Head of Planning be authorised to issue the Planning Permission upon completion of the Legal Agreement:-

- (A) 100 per cent affordable housing, the retirement living units to be exclusively for the over 55's.
- (B) Travel Plan Bond of £13,617.78 and monitoring costs.
- (C) £2,000 towards the revalidation of the signals at the junctions of Sandford Road/Sunningdale Road and Balby Road/Sandford Road.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Kat Crisp, the agent and Andrea Brough of Housing Together spoke in support of the Application for the duration of 5 minutes.

<b>Application</b>	03
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<b>Application Number:</b>	22/01032/FULM
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	Erection of building with commercial units at ground floor level and office space on upper levels (Use Class E) with landscaping; creation of car park area and associated works.
<b>At:</b>	Herten Way Doncaster DN4 7NW

<b>For:</b>	Zuka Ltd
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<b>Third Party Reps:</b>	24 representations	<b>Parish:</b>	N/A
		<b>Ward:</b>	Town

A proposal was made to GRANT Planning Permission subject to the completion of a Section 106 Agreement.

**Proposed by:** Councillor Steve Cox

**Seconded by:** Councillor Charlie Hogarth

**For:** 9    **Against:** 0    **Abstain:** 0

**Decision:** Planning Permission Granted subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990, in relation to the following matters and the Head of Planning be authorised to issue the Planning Permission upon completion of the Legal Agreement:-

- (A) Travel Plan Bond - No. of employees (357) x the current cost of a 28 day SY Connect+ ticket (currently £131.70) x 1.1; and
- (B) Bio-diversity Net Gain – 0.867 units x £25,000

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Max Jones, the agent spoke in support of the Application for the duration of 5 minutes.

<b>Application</b>	04
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<b>Application Number:</b>	23/01702/COU
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<b>Application Type:</b>	Planning FULL (Minor)
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<b>Proposal Description:</b>	Change of use of ground floor from vacant bar/public house (Sui Generis) to off licence (Class E)
<b>At:</b>	Former Hexthorpe Star Bar, 2 Langer Street, Hexthorpe, DN4 0EX

<b>For:</b>	Mr Thiru Makeetharan
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<b>Third Party Reps:</b>	14 objections	<b>Parish:</b>	N/A
		<b>Ward:</b>	Hexthorpe & Balby North

A proposal was made to DEFER the application for a site visit to allow members to understand the highways/street layout and the impact upon parking availability.

**Proposed by:** Councillor Sue Farmer

**Seconded by:** Councillor Iris Beech

**For:** 8    **Against:** 0    **Abstain:** 1

**Decision:** The application be deferred for a site visit to allow members to understand the highways/street layout and the impact upon parking availability.

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 each:-

- Mr Richard Hall, member of the public, spoke in opposition to the Application; and
- Mr Mubeen Patel on behalf of the applicant, spoke in support of the application.

<b>Application</b>	05
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<b>Application Number:</b>	22/02382/OUT
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<b>Application Type:</b>	Planning OUTLINE with all matters reserved except for access (Minor)
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<b>Proposal Description:</b>	Outline application for erection of 1 residential dwelling (up to one-and-a-half storey) on vacant play area (approval being sought for access) (AMENDED SCHEME)
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<b>At:</b>	Land Off Sutton Road, Kirk Sandall, Doncaster, DN3 1NY
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<b>For:</b>	Barnby Dun with Kirk Sandall Parish Council
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<b>Third Party Reps:</b>	3 Objections (1 petition with 5 signatures), 3 Support	<b>Parish:</b>	Barnby Dun/Kirk Sandall
		<b>Ward:</b>	Edenthorpe and Kirk Sandall

**A proposal was made to GRANT outline planning permission with all matter reserved except for access, subject to conditions**

**Proposed by: Councillor Susan Durant**

**Seconded by: Councillor Iris Beech**

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

**Decision: Outline Planning Permission granted with all matters reserved except for access, 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 each:-**

- **Mr Paul Daniels, member of the public, spoke in opposition to the Application; and**
- **Councillor Gary Stapleton on behalf of the applicant, spoke in support of the application.**

## CITY OF DONCASTER COUNCIL

To the Chair and Members of the  
**PLANNING COMMITTEE**

### **PLANNING APPLICATIONS PROCESSING SYSTEM**

Purpose of the Report

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

### **Human Rights Implications**

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

1. Whether the activity for which consent is sought interferes with any Convention rights.
2. Whether the interference pursues a legitimate aim, such as economic 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 Place

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. SV	23/01702/COU	Hexthorpe And Balby North	
2. M	23/01292/FULM	Edlington And Warmsworth	Warmsworth Parish Council
3.	22/00311/FUL	Norton And Askern	Norton Parish Council

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<b>Application</b>	1
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<b>Application Number:</b>	23/01702/COU
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<b>Application Type:</b>	Planning FULL (Minor)
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<b>Proposal Description:</b>	Change of use of ground floor from vacant bar/public house (Sui Generis) to off licence (Class E)
<b>At:</b>	Former Hexthorpe Star Bar, 2 Langer Street, Hexthorpe, DN4 0EX

<b>For:</b>	Mr Thiru Makeetharan
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<b>Third Party Reps:</b>	14 objections	<b>Parish:</b>	N/A
		<b>Ward:</b>	Hexby and Balby North

<b>Author of Report:</b>	Susie Boyce
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**SUMMARY**

The application seeks full planning permission for a proposed change of use at the ground floor from a bar/drinking establishment (Sui Generis use) to an off-licence (shop) (Class E use). No external alterations are proposed.

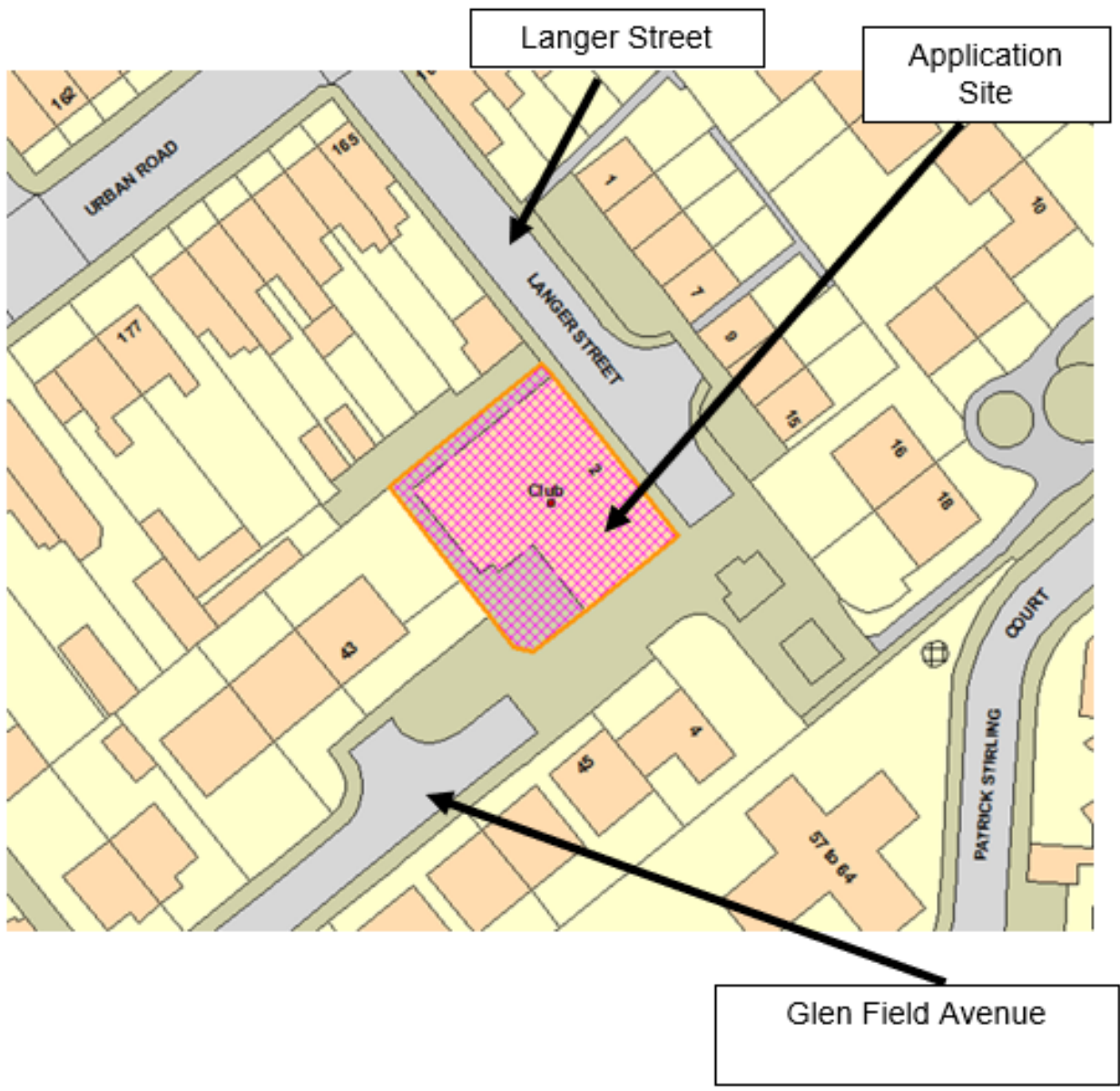
The application site comprises a two-storey detached building with residential flats at the first floor and a small yard to the rear. The ground floor comprises some 340m<sup>2</sup> floor space, formally occupied by the Hexthorpe Star Bar. The site lies in a residential area and has frontages at the ends of both Langer Street and Glen Fields Avenue, two cul-de-sacs which have a pedestrian link adjoining the application site. Additional information has been sought during the planning application process to clarify delivery arrangements and proposed opening hours.

This report demonstrates that the development would not cause an undue level of harm to the amenity of neighbouring properties, the highway network or the wider character of the area, subject to suitably worded conditions.

The application was deferred at the last Planning Committee to allow Members to visit the site, in order to understand the highways/street layout around the site; and assess the impact of the proposal on parking availability. Proposed delivery hours have been amended for the purposes of flexibility and reasonableness.

Additional information has also been received from the Applicant showing the parking situation on surrounding streets at various times of the day (Appendix 4). Condition 4 is updated to reflect amended delivery days (Monday to Friday).

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



## **1.0 REASON FOR REPORT**

- 1.1 The application is being presented to Members due to the high level of public interest in the application, and following a Member's Site Visit which took place on Friday 8<sup>th</sup> December at 14:30.

## **2.0 PROPOSAL**

- 2.1 This application seeks full planning permission for the change of use of the ground floor at 2 Langer Street from a drinking establishment (Sui Generis Use) to an Off Licence (Class E Use). No external alterations are proposed.
- 2.2 The Off Licence is to have a shop floorspace of approximately 150m<sup>2</sup>, with the remainder to be used as storage, staff toilets and amenity area.
- 2.3 Proposed opening hours are 08:00 to 21:00.
- 2.4 Bin storage will be accommodated in the existing yard to the rear and collected from Glen Field Avenue.
- 2.5 Deliveries will be to the rear via Glen Field Avenue, between 10-11am Monday to Friday (amended from the previous Committee report). The vehicle type is to be a small van.

## **3.0 SITE DESCRIPTION & LOCAL CHARACTERISTICS**

- 3.1 The application site comprises a two-storey detached building with 3 residential flats at the first floor and a small yard to the rear. This incorporates bin storage areas for both the ground floor commercial use and first floor residential uses, as well as 3 parking spaces for the flats. The ground floor comprises some 340m<sup>2</sup> of vacant floor space, formally occupied by the Hexthorpe Star Bar.
- 3.2 The site lies in a residential area and has frontages at the ends of both Langer Street and Glen Fields Avenue, two cul-de-sacs whose connecting highway link has been closed with bollards adjacent to the application site.
- 3.3 The public house is understood to historically have had an associated car park at Langer Street, although this has long since been developed for housing (now Nos. 1-15 Langer Street).

## **4.0 RELEVANT PLANNING HISTORY**

<b>Application Reference</b>	<b>Proposal</b>	<b>Decision</b>
18/00446/FUL	Partial change of use of first floor to create two flats with associated alterations.	Granted 11 <sup>th</sup> April 2018
13/01293/FUL	Change of use from existing first floor public house (Class A4) to form two self-contained	Granted 8 <sup>th</sup> August 2013

	residential apartments (Class C3) including operational and associated external works.	
12/03134/FUL	Change of use of first floor of existing Public House (Use Class A4) to form 2 Houses in Multiple Occupation (Use Class C4) including operational works.	Refused 12 <sup>th</sup> February 2013

## 5.0 **RELEVANT PLANNING POLICY**

### 5.1 Site Allocation

5.2 The site falls within a Residential Policy Area on the adopted Local Plan Policies Map (2021).

5.3 The site falls within Flood Zone 1 according to the Environment Agency Flood Maps for Planning (Rivers and Sea), an area at the lowest risk of flooding.

### 5.4 National Planning Policy Framework ('NPPF') 2023

5.5 The National Planning Policy Framework 2023 (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:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 7 - Ensuring the vitality of town centres
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Annex 1 - Implementation
- Annex 2 - Glossary

### 5.6 Doncaster Local Plan (2021)

5.7 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. The development plan consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012). The following Local Plan policies are relevant in this case:

- Policy 1 : Spatial Strategy and Settlement Hierarchy (Strategic Policy)
- Policy 10 : Residential Policy Areas
- Policy 13 : Promoting sustainable transport in new developments
- Policy 22 : Locating Town Centre Uses (Strategic Policy)
- Policy 41 : Character and Local Distinctiveness (Strategic Policy)

- Policy 42 : Good Urban Design (Strategic Policy)
- Policy 46 : Design of Non-Residential, Commercial and Employment Developments
- Policy 47 : Safe and Secure Places
- Policy 49 : Advertisements and signage
- Policy 51 : Protection of Education, Community and Leisure Facilities

#### 5.8 Other material planning considerations

5.9 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) were 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 in September 2021. Since then, the Council are in the process of drafting new SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan.

5.10 Following public consultation the Council has adopted five SPDs under the Local Plan with respect to Biodiversity Net Gain, Flood Risk, Technical and Developer Requirements, Loss of Community Facilities and Open Space, and Local Labour Agreements. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight.

5.11 The Transitional Developer Guidance (Updated August 2023) provides supplementary guidance on certain elements, including design, whereby updated SPDs have not yet been adopted. The Transitional Developer Guidance should be referred to during the interim period, whilst further 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.

5.12 Other material considerations include:

- National Planning Practice Guidance (ongoing)
- National Design Guide (January 2021)

## 6.0 REPRESENTATIONS

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 as follows:

- Advertised on Council Website
- Neighbour notification letters

6.2 Sixteen representations (objections) were received from 14 members of the public as part of the consultation process. The representations raise the following concerns (in summary):

- Highways and Parking:
  - The location at the bottom of a small dead end street is unsuitable for a medium size retail outlet as the increase in traffic would create road hazards: every vehicle that uses the shop then has to do a multi point turn. In many cases this would involve encroaching on residents open plan driveways.
  - Road safety: the junction of Langer Street and Urban road is already hazardous because of road design (narrow entrance) and parked vehicles creating poor visibility. The substantial increase in traffic can only exacerbate this problem.
  - Insufficient parking, Langer Street is already a busy street for cars that already reside on the street. The pub used to have a car park which has now been built on with 7 houses, the new shop will need parking but none are proposed. Another application for a shop on Urban Road was refused because of lack of parking, why is it ok for this one.
  - No information on deliveries. Other residential properties require access to their driveways with work vans and trucks, potential deliveries may cause an obstruction.
- Need for the proposal:
  - There is already a shop around the corner on a main busy road that serves the needs of the local community, as well as several alternative shops further down Urban Road.
- Residential amenity:
  - Loss of privacy to residents of 15 Langer Street as the main entrance to the shop will be opposite their home.
  - Noise disturbance from deliveries early in the morning may cause significant disruption to residents.
  - Although the previous use was a bar, this was rarely open, its patrons were elderly and it never caused any issues early in the morning or very late at night. Patrons didn't drive so parking wasn't an issue.
- Impact on character of the area:
  - Multiple unresolved issues with the residents of the flats above 2 Langer Street including broken windows and glass on the street. How will the landlord manage the shop if he can't manage the flats. The proposed off-licence may increase anti-social behaviour as it sells alcohol.
  - Surrounding area is poorly lit, this will increase existing antisocial behaviour and noise problems if people sit and drink outside. The bollards blocking traffic between Langer Street and Glen Field Avenue mean police cars can't pursue them.
- Other:
  - Queries whether the operator can use the same licence for a pub and a shop

## **7.0 CONSULTATIONS**

## Internal CDC Consultees

- 7.1 **CDC Local Plans (Community Facilities) Officer** – No objection  
The last use of the premises was as a 'Public House (i.e., a community facility), therefore Local Plan Policy 51: Protection of Education, Community and Leisure Facilities is relevant. The new use as a 'local shop' is also classified as a Community Facility under the National Planning Policy Framework (NPPF). Therefore, I can support this application.
- 7.2 **CDC Local Plans (Retail and Town Centre) Officer** – comments provided.  
Policy 22 does allow for small shops and services to be located outside the town, district and local centre boundaries if there is a locational need or meets the criteria as set out in Policy 22 Part 3. Small shops are defined as units having a gross floor space areas of 300m<sup>2</sup> or less. Small scale shops such as newsagents, convenience stores would be encouraged in appropriate locations where they meet a local need. These types of services would serve a local population and not be reliant on large car parks or big lorry deliveries which would impact on the amenity of the residents.
- 7.3 Essentially the proposed use is a main town centre use and should be located in a town centre environment, these are the most sustainable locations for shops and services. However, given this is a change of use and not new development, it could be argued that there is a local need for a convenience store which would meet the criteria of a small shop to serve the local community. Although there are no details of this in the submission, therefore if you do agree then the main issues would be the impacts on the residential amenity; traffic, noise, fumes, smells or unsightliness should be your main consideration. If you don't agree then I think the details should include a planning statement regarding need and impacts.
- 7.4 **CDC Highway Officer** – No objection.  
No external alterations are proposed, therefore comments are restricted to Local Plan Policy Appendix 6 and the Parking requirements between the two types of development. The parking requirements for a Public House are more than they are for an off licence, therefore on the basis that the pub could re-open without the need for planning permission, then I am content to support the application without the need for either Conditions or Informatives.
- 7.5 Updated comments to respond to neighbour objection points:  
Langer Street has no parking restrictions on it and also has a turning head. Site photos indicate this is now used for parking by a Motorhome. Glen Field Avenue also has a turning head and again has no parking restrictions. If this is now to be an off-licence i.e. retail, then people using the facility will either be locals or if they are using their car it will more than likely be a stop of less than 5 minutes - so the potential removal of a designated car park doesn't affect anything.
- 7.6 With relation to deliveries more information on what vehicle will be used to deliver to the premises would be helpful. It is assumed it would be more of a transit van rather than a dray waggon which pubs use. There does look to be

parking at the side of the development from Glen field Avenue entrance, which appears approximately 7.75m wide x over 5m long. This could accommodate parking or turnaround of a delivery vehicle, although there looks to be the same amount of room on the highway. The Motorhome parked at Langer Street is longer than a transit which demonstrates that the turning manoeuvre is possible at Langer Street for this type of vehicle.

7.7 **CDC Waste and Recycling Officer** – No objection.

7.8 **CDC Area Manager** – No comments received.

7.9 **CDC Licensing** – No comments received.

#### External Consultees

7.10 **South Yorkshire Police** – No objection

Advice provided to ensure the physical protection elements of the development are up to current minimum standards.

### **8.0 ASSESSMENT**

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

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

8.2 The NPPF (2023) 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.

8.3 The main issues for consideration under this application are as follows:

- The principle of the development
- Impact on Parking/Highways
- Impact on Neighbouring Amenity
- Impact on the character of the area

#### 8.4 The Principle of the Development

8.5 The principle of the development rests on two factors, the loss of a public house and the introduction of a new retail unit in an out-of-centre location.

8.6 The ground floor premises was formerly occupied by the Hexthorpe Star Bar, a Public House (Sui Generis). Where a development proposal may involve the loss of a Community Facility, Local Plan Policy 51 requires that this be justified. However, Public Houses and local shops are both considered a ‘Community



Facility' by the NPPF ( Paragraph 93(a)) and therefore the proposal does not lead to any such loss for these purposes and is acceptable in this respect.

- 8.7 In terms of the principle of the proposed retail use, Local Plan Policy 1 contains the Settlement Hierarchy of the Borough. Doncaster Main Urban Area is to be the main focus for various types of development in the Borough, including retail which will be directed towards Doncaster Town Centre, with defined 'District' and 'Local' Centres serving more day-to-day needs. As a retail use (Class E), the proposed off licence would also be considered a 'Main Town Centre Use' and therefore its out of centre location must be assessed against the requirements of Policy 22.
- 8.8 The proposed shop floorspace falls below the threshold requirement for a retail impact assessment required by Part 2 of LP22. Part 3 identifies several types of retail provision that will be supported in principle within out of centre locations. This includes (c) small scale shops which would complement the function and role of the local community where they serve a local need. Small scale shops are those with a retail floorspace of 300m<sup>2</sup> or less. With a retail floorspace of 150m<sup>2</sup>, the proposed off-licence would fit this definition as a small shop which serves local residents. In terms of local need, there is currently just one other convenience store/Off Licence in the vicinity, (Dhaliwals, 151 Urban Road), therefore there appears capacity for an additional shop to serve local need without harming the vitality of local centres. The Council's Local Plans (Town Centre and Retail) Officer has not raised any objections to the proposals in this respect.
- 8.9 Local Plan Policy 10 permits non-residential uses of an appropriate scale in residential policy areas provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.
- 8.10 In light of the above, the proposed change of use is considered acceptable in principle, subject to an assessment of site-specific impacts as detailed in the following sections.
- 8.11 Highways
- 8.12 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.
- 8.13 Policy 13 (A) (4) requires developments to provide appropriate levels of parking provision in accordance with the standards contained within Appendix 6 of the LP. For non-food retail, this is 1 space per 30m<sup>2</sup> for all development below 1000m<sup>2</sup>. This would result in a requirement for 11 parking spaces for the proposed off-licence.
- 8.14 There have been a significant number of objections from local residents relating to the potential impact of vehicles visiting the proposed off-licence to Langer Street, including both customer and delivery vehicles. Langer Street is a cul-de-

sac with a turning head (which is already experiencing obstruction issues caused by residents parking their own vehicles within the turning head). The highway has no parking restrictions although is relatively narrow near its junction with Urban Road.

- 8.15 No off-street parking is to be provided for the proposed retail use; existing parking spaces to the rear are associated with the upper floor residential flats. Deliveries are to be to the rear from Glen Field Avenue, via a small van. Delivery hours are stated to be between 10:00-11:00, Monday to Fridays. This has been revised from the previous scheme brought to Committee for the purposes of flexibility for the operator and to ensure any associated condition meets the test of reasonableness.
- 8.16 The Council's Development Management Highway officer has been consulted on the application and has raised no objection to the proposals. This is on the basis that whilst the ground floor premises is currently vacant, its current lawful use is as a Public House, and as such it could be returned to an active use without the need for any planning permission. The parking requirement for a public house (1 space per 4m<sup>2</sup> gross floor area for customers, 1 space per 3 non-residential staff on duty at the busiest time) is higher than that of non-food retail and, as such, a change of use to a retail unit would in fact represent a betterment as it would require less parking. The fact that it is also an off licence serving the local community is material, as customers will primarily be local and likely to walk to the shop rather than drive.
- 8.17 There are no parking restrictions at Langer Street which would preclude any customers who do choose to drive to the shop from parking there. Notwithstanding current poor parking practices evident at Langer Street in terms of residents parking large vehicles in the turning head, there is adequate space for customer vehicles to park and manoeuvre. Given the nature of the retail unit as an off licence, customer vehicles are unlikely to be parked for long periods of time. Objections have primarily related to concerns over parking impact to Langer Street, but is worth noting that the site is also served by Glen Field Avenue to the rear which is wider and less constrained in terms of parking demand.
- 8.18 In terms of deliveries, the applicant has confirmed that these would be to the rear from Glen Field Avenue, and therefore larger delivery vehicles would not cause obstruction to Langer Street. There is sufficient space to the rear of the property for delivery vehicles to stop for loading and unloading without causing obstruction to Glen Field Avenue. Delivery hours are to be restricted to 10:00-11:00 on Mondays to Fridays, i.e. outside of school hours or periods when there would be heightened demand for parking/manoeuvring space on local residential streets. The proposed delivery arrangements would therefore not cause adverse harm to local parking pressure or highway safety, and are acceptable. Delivery hours will be secured via condition.
- 8.19 The historic loss of the affiliated car park to the public house is noted, however this would be the case whether the premises remained as a public house or as

an off licence, and the application proposal must be assessed on the merits of the current context.

- 8.20 In light of the above, there is no demonstrable harm that would be caused by the development to parking or highway safety that would justify refusal of the application on highway grounds. It complies with policies 13, 42 and 46 of the Local Plan and is acceptable in this respect.
- 8.21 Impact on Neighbouring Amenity
- 8.22 Local Plan policies 10, 42 and 46 require that non-residential and commercial uses have no unacceptable negative impact to the amenity of neighbouring users. The site lies within a residential area and is surrounded by residential properties on all sides.
- 8.23 Objections have been received from local residents on the grounds of neighbouring amenity relating to noise from customers leaving the premises, increase in anti-social behaviour, parking impacts, loss of privacy, and noise disturbance from deliveries early in the morning.
- 8.24 Parking impacts have been addressed in the Parking section of this assessment. Further information has been sought in respect of delivery hours, which will be 10:00-11:00 Mondays to Fridays. A condition can be attached to any decision notice to secure these hours, to avoid deliveries at anti-social times of the day and any corresponding amenity impacts to local residents.
- 8.25 Opening hours will be 08:00 to 21:00. These hours are acceptable as they would not result in customers leaving the Off Licence late at night or lead to adverse noise disturbance at anti-social times of the day. .
- 8.26 It is also worth noting that there are no opening hours or delivery times restrictions on the existing lawful Public House use, which is more likely to lead to noise disturbance to local residents from patrons leaving the premises. Furthermore, there is not considered likely to be any material increase in anti-social behaviour that arises from an off licence as opposed to a public house, given both premises involve the sale of alcohol. The South Yorkshire Police Liaison Officer has been consulted on the application proposals and has raised no objections in this respect.
- 8.27 The proposal involves no external alterations and is not considered likely to lead to any loss of privacy arising from customers entering and exiting the shop opposite existing residential properties.
- 8.28 A licensing application has recently been granted for the sale of alcohol (not for onsite consumption) at the premises.
- 8.29 In light of the above, the proposed change of use to an Off Licence is not considered likely to lead to any materially harmful impacts to neighbouring residential amenity that would warrant refusal of the application on these

grounds. The proposal meets the requirements of policies 10, 42 and 46 and is acceptable in this respect.

#### 8.30 Character of the Area

8.31 Paragraph 130 of the NPPF states planning decisions should, amongst other things, ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site and are sympathetic to local character.

8.32 Local Plan Policies 41(a), 42(b) and 46 all seek for development to be sympathetic to the character of the area and to integrate well with the immediate and surrounding environment.

8.33 No external alterations are proposed as part of the development proposal, therefore there will be no impact in this respect. Conversely, the return to active use of a long-term vacant premises, which is in a poor state of repair, would represent a material benefit to the local area both in terms of ensuring ongoing maintenance and also increasing footfall, which improves natural surveillance and thereby deterring anti-social behaviour.

#### 8.34 Other Matters

8.35 Local Plan Policy 49 relates to advertisements and signage. It is anticipated that signage is likely to be required for the proposed Off Licence although none is shown on the proposed elevations drawings. Any signage that is not permitted development will require separate advertisement consent - an informative will be attached to any decision notice to draw this to the developer's attention.

### **9.0 PLANNING BALANCE & CONCLUSION**

9.1 Due to the reasons outlined above, the proposed Change of Use to an Off Licence is considered acceptable in principle as it will not result in the loss of a Community Facility as defined by the NPPF, nor harm the vitality or viability of any town, district or local centres through the creation of a new retail unit in an out of centre location. Instead, it will introduce a new small-scale shop which serves the local community.

9.2 No material harm has been identified arising from the proposal to highway safety or parking, neighbouring amenity or the character of the area. Conversely, many of these factors are likely to be materially improved over the potential impacts should the current lawful use of the premises as a public house be returned, particularly in terms of noise disturbance and anti-social behaviour. As such, the proposed change of use away from a public house would present a material benefit in these respects.

- 9.3 Matters raised by local residents have been carefully considered and further details/amendments sought where needed, including in respect to delivery arrangements and opening hours.
- 9.4 In conclusion, the application proposal is considered to comply with all the relevant local and national planning policies, including Policies 1, 10, 13, 22, 23, 41, 42, 46, 47, 49 and 51 of the Doncaster Local Plan, as well as Sections 2, 7, 8, 9 and 12 of the NPPF, and may therefore be supported.

## **10.0 RECOMMENDATION**

- 10.1 **That the application be APPROVED, subject to the following conditions:**

### **CONDITIONS**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
2. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
  - Location Plan, received 21/08/2023
  - Site Plan, received 21/08/2023
  - Proposed plans,- drawing no. A102, received 21/08/2023REASON  
To ensure that the development is carried out in accordance with the application as approved.
3. The hours of opening shall be limited to:  
Monday to Sunday 08:00 to 21:00, including Bank Holidays  
REASON  
To ensure that the development does not prejudice the local amenity.
4. Deliveries to the Off Licence hereby approved shall be loaded/unloaded from the rear at Glen Field Avenue only, and not outside the hours of 10:00 to 11:00 on Monday to Fridays.  
REASON  
To protect the amenity of local residents and to reduce highway impacts from the development.

### **INFORMATIVES**

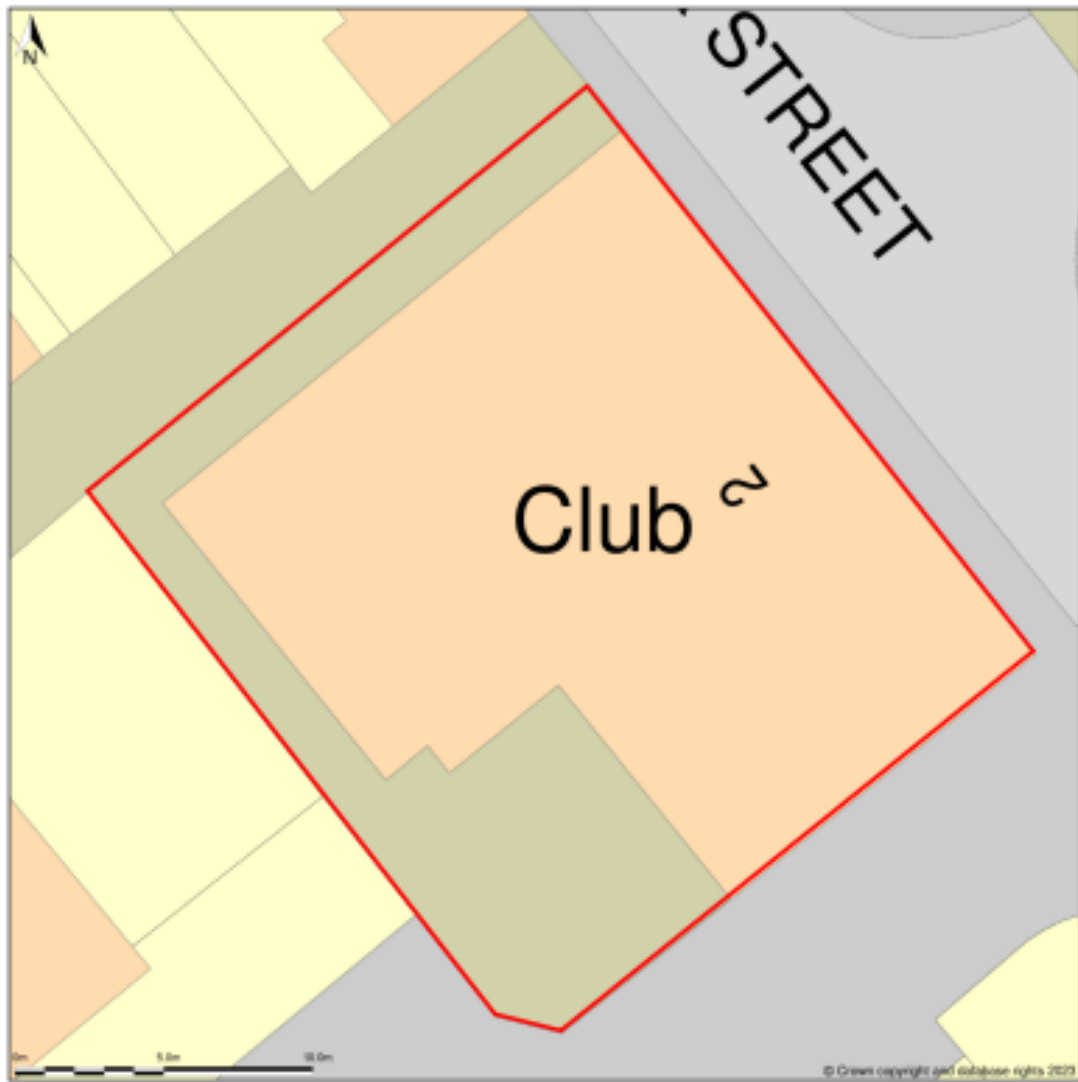
1. Advertisement/Signage  
The permission hereby granted shall not relate to the display of any advertisement for which express consent is required. Separate consent under the Town & Country Planning (Control of Advertisements) Regulations 2007 (as amended) is required.

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

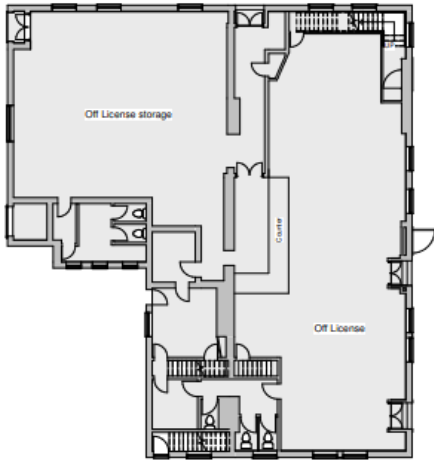
The applicant has provided additional information in respect of delivery arrangements and opening hours upon request of the Case Officer and in response to objections raised by local residents.

**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**



## APPENDIX 2 – PROPOSED FLOOR LAYOUT AND ELEVATIONS



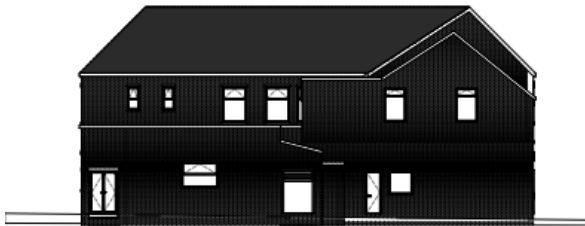
**Proposed Ground Floor**  
1:100

**Proposed Roof Plan**  
1:100



**Proposed North-East**  
1:100

**Proposed North-West**  
1:100



**Proposed South-West**  
1:100

**Proposed South-East**  
1:100



**APPENDIX 3 – OFFICER SITE VISIT PHOTOS (13<sup>TH</sup> September 2023 – 15:40)**



**Photo 1: Application Site: Elevation at Langer Street**



**Photo 2 – Application Site: Elevation at Glen Field Avenue**





**Photo 3 – Application Site: rear yard, including parking area (for flats above) and access for deliveries**



**Photo 4 –Parking in the turning head at Langer Street**



#### **APPENDIX 4 – Additional Parking Photos from Applicant**

The below photos have been taken over 3 days - 22nd, 23rd and 24th November by the Applicant in order to provide a snapshot of the highways of Langer Street and Glen Field Avenue at various times of the day:



**Langer Street – Wednesday 22<sup>nd</sup> November – 09:30**



**Glen Field Avenue – Wednesday 22<sup>nd</sup> November – 09:30**



**Langer Street – Thursday 23<sup>rd</sup> November – 09:30**





Langer Street – Friday 24<sup>th</sup> November – 08:30



Glen Field Avenue – Friday 24<sup>th</sup> November – 08:30

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<b>Application</b>	<b>2</b>
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<b>Application Number:</b>	23/01292/FULM
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<b>Application Type:</b>	Planning FULL (major)
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<b>Proposal Description:</b>	Erection of ancillary storage building (non-permanent construction) on existing hard standing for a period of 5 years.
<b>At:</b>	Wavin Edlington Lane Edlington Doncaster DN12 1BY

<b>For:</b>	Mr David Wilson -Wavin Limited
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<b>Third Party Reps:</b>	18 representations	<b>Parish:</b>	Warmsworth Parish Council
		<b>Ward:</b>	Edlington and Warmsworth

<b>Author of Report:</b>	Hannah Wilson
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## SUMMARY

This application seeks permission for the erection of an ancillary storage building (non-permanent construction) on existing hard standing for a period of 5 years at Wavin, Edlington Lane, Edlington. The building will be 10.1m in height, with anchors to fix to the ground. The building will provide storage for a new product line during the temporary period, to then replace their existing product in the original building if the 5 year trial is successful, thus no longer requiring the temporary structure applied for here.

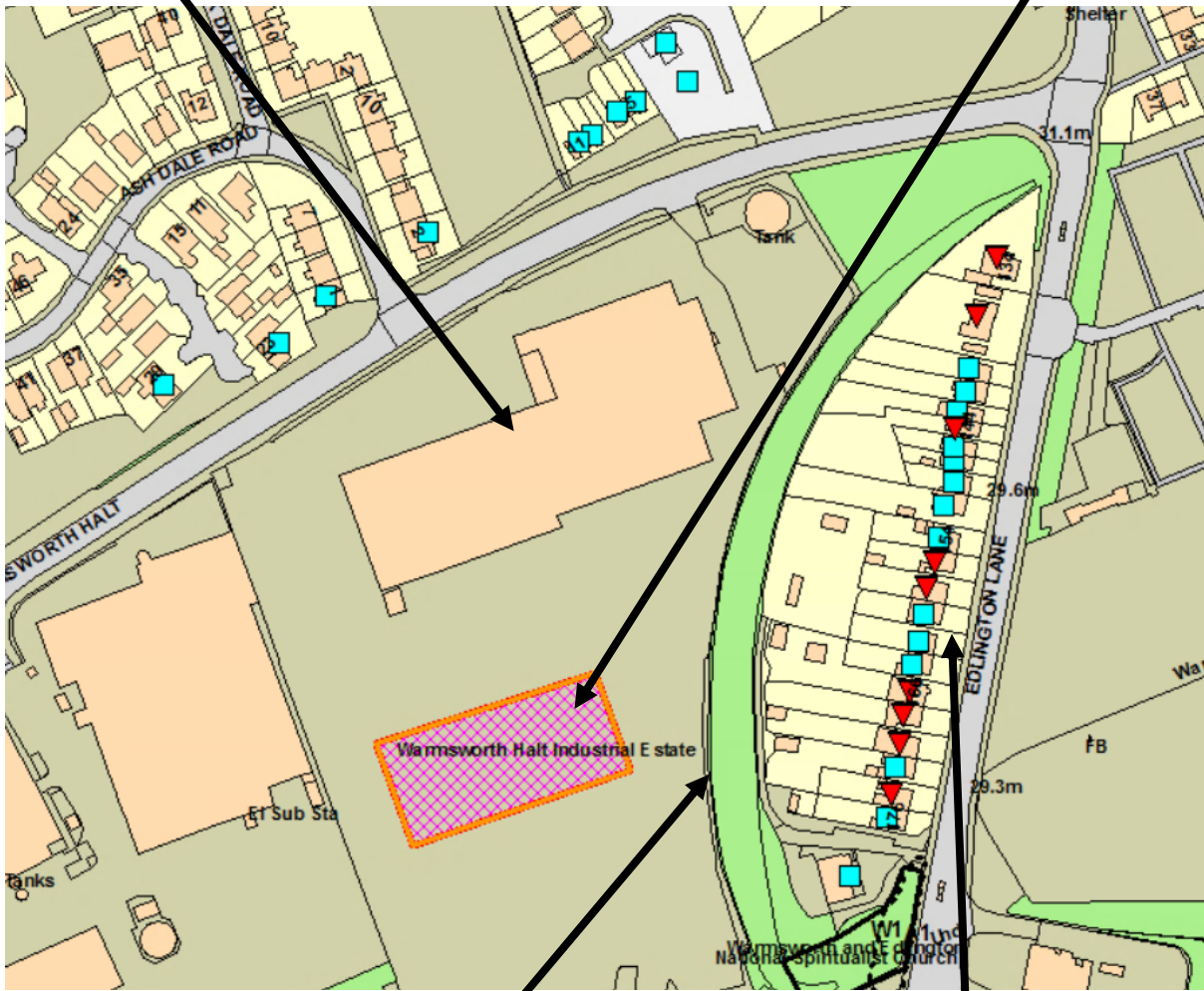
The application site is within the well established the storage yard of the existing Wavin pipe and drainage company. The site is allocated as employment policy area (EPA) in the adopted Doncaster Local Plan and thus the proposal is in keeping with the allocated use.

Additional information has been provided during the consideration of the application to address consultee concerns and neighbouring concerns. This included drainage information and separation distances and a section plan to show the significant distance to the residential properties. The existing car parking facilities, access, number of staff and vehicles will remain unchanged. There will be no additional lighting or increase in hours of operation.

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

Wavin existing building

Application Site



Bank of trees and scrub. Increase in land levels here.

Existing residential properties. A triangle indicates they objected.



## **1.0 REASON FOR REPORT**

- 1.1 This application is being presented to Planning Committee due to the number of representations received.

## **2.0 PROPOSAL**

- 2.1 This application seeks full planning permission for the erection of an ancillary storage building (non-permanent construction) on existing hard standing for a period of 5 years at Wavin, Edlington Lane, Edlington. The existing hard standing is used for pallet storage.
- 2.2 Wavin Limited are a manufacturer and supplier of plastic drainage pipes for above and below ground use. The company has 5,500 employees, with 40 manufacturing sites in Europe. The site in Doncaster operates as a branch with 22 full time (increasing to 24) and 2 part time employees.
- 2.3 The building is for a temporary period as they are wanting to create a new product range. Over time, if this is a success it will be assimilated into the existing building and the previous product line removed. Until this time, they need to run them side by side for a temporary period.
- 2.4 There will be no external lighting affixed to the proposed building. The external yard area will be lit as existing. The proposed building is for storage use. No plant or equipment will be necessary. The only machinery used within the building will be pallet and forklift trucks which are already in use on the yard. The proposed building will help to internalise and reduce noise from the existing lawful use of the yard area, a net benefit in residential amenity terms.
- 2.5 The hours of use are listed on the application form (Mon-Fri from 06:00 to 22:00hrs and closed on weekends and Bank Holidays). This is the same operational time as existing, as stated by the environmental health officer.
- 2.6 The location of the building makes efficient use of the yard area where lorries and HGVs can manoeuvre safely ensuring minimum disruption to on site operations. The proximity to the company's main warehouse building minimises unnecessary movement of supplies and the distance from the neighbours protects amenity.
- 2.7 The building is to be constructed from a hard-pressed extruded aluminium frame with steel connections, single sheet steel walls and PVC coated polyester thermo roofing system. This will not appear out of character with the rest of the site.

## **3.0 SITE DESCRIPTION & LOCAL CHARACTERISTICS**

- 3.1 The application site is on a raised land level to the residential dwellings to the East. There is a bank of shrub and trees separating the two uses, creating a seasonal buffer. The residential dwellings are red brick hipped and gable roofed



07/00577/FUL	Erection of single storey shrink wrapper building (7.6m x 5.8m) and installation of roller shutter door to existing building, including installation of 5 no LPG tanks (14.0m x 5.0m)	Granted 19.04.2007
07/02848/FUL	Erection of 3 smoking shelters (each 3.1m x 2.08m)	Granted 01.11.2007
08/01787/FUL	Erection of two covered bicycle/motorcycle shelters (each one approx 10.00m x 2.50m x 2.25m high)	Granted 15.08.2008
08/01827/RET	Retention of change of use of land for siting of two double stacked portable buildings (each cabin 8.0m x 3.0m)	Granted 21.08.2008
08/02353/FUL	Erection of 2.4m high electronic gate to front entrance to replace existing	Granted 07.01.2009
08/02354/FUL	Erection of 2.4m palisade fencing to front/side boundary to replace existing fencing	Granted 03.12.2008
10/00981/FUL	Change of use of land for siting of two double stacked portable buildings (each cabin 8.0m x 3.0m) (Being continuation of use previously granted permission under ref 08/01827/RET on 21.08.2008, due to expire 21.08.2010.)	Granted 01.07.2010
10/02732/FUL	Erection of 2.4m high replacement palisade perimeter fence	Granted 18.11.2010
11/01442/FUL	Erection of 2.4m high palisade fencing to replace part of existing perimeter fence	Granted 07.07.2011
12/00483/FUL	Replacement of part of perimeter fence with approx 2.4m high palisade fencing	Granted 08.05.2012
14/02569/FULM	Erection of extension to factory (65.31m x 26.58m) including minor alterations to external elevations, relocation of sprinkler tank and pump house, relocation of 3 storage silos and erection of silo loading gantry	Granted 15.01.2015

## 5.0 **SITE ALLOCATION**

5.1 The application site is lies within the Employment Policy Area in the adopted Doncaster Local Plan. This site is not within the Edlington neighbourhood Plan area and is in flood zone 1 according to the Environment Agency Flood Maps.

5.2 **National Planning Policy Framework ('NPPF') 2023**

- 5.3 The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraphs 7-11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development.
- 5.6 Paragraph 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 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 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 81 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities.
- 5.10 Paragraph 107 relates to the parking standards for non-residential development and states that the accessibility of the site; the type, mix and use as well as the availability of public transport should be taken into account.
- 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 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 5.13 Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.14 Paragraph 130 states that planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive; sympathetic to the local character; establish a strong sense of place; optimise the potential of the site and create places which are inclusive and accessible whilst having a high standard of amenity.
- 5.15 Paragraph 131 states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 5.16 Paragraph 132 states that design quality should be considered throughout the evolution and assessment of individual proposals.
- 5.17 Paragraph 135 makes clear that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 5.18 Paragraph 174 states planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity or geological value.
- 5.19 Paragraph 180 states if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.20 Paragraph 185 states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 5.21 Doncaster Local Plan (2021)
- 5.22 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. The development plan consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).

- 5.23 Policy 1 sets out the Settlement Hierarchy for the City. It seeks to concentrate growth at the larger settlements of the City 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. The site lies within the Main Urban Area as defined in the Local Plan and its supporting Policies Map.
- 5.24 Policy 4 for Employment Policy Areas (EPA) states that buildings or land that fall within Use Classes B2/B8 within Employment Policy Areas as defined on the policies map, will continue to be supported primarily for these uses. Where possible existing land and premises used for offices, research and development and light industrial will be retained.
- 5.25 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. Appendix 6 includes the parking standards which all new developments must comply with as per Part A.2.
- 5.26 Policy 29 relates to ecological networks and that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the City's ecological networks.
- 5.27 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 a presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.
- 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 relates to urban design and states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, and relevant spatial requirement and design standards.
- 5.30 Policy 46 relates to the design of non-residential developments and states that proposals will only be supported where they are designed to be sympathetic to local character; have no unacceptable effects upon the amenity of neighbouring land uses; promote accessibility and way-finding travel modes; and meet

functional requirements whilst being architecturally appropriate with visually attractive elevations and well landscaped.

- 5.31 Policy 48 states that development will be supported which protects landscape character; enhances existing landscape features, and provides high quality hard and soft landscaping scheme which includes fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 5.32 Policy 50 states that development will be required to contribute positively to creating high quality places that support and promote healthy communities and lifestyles, such as maximising access by walking and cycling.
- 5.33 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality.
- 5.34 Policy 55 deals with the need to mitigate any contamination on site.
- 5.35 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.36 Other material planning considerations
- 5.37 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) were 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 in September 2021. Since then, the Council are in the process of drafting new SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan.
- 5.38 Following public consultation the Council has adopted five SPDs under the Local Plan with respect to Biodiversity Net Gain, Flood Risk, Technical and Developer Requirements, Loss of Community Facilities and Open Space, and Local Labour Agreements. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight.
- 5.39 The Transitional Developer Guidance (Updated August 2023) provides supplementary guidance on certain elements, including design, whereby updated SPDs have not yet been adopted. The Transitional Developer Guidance should be referred to during the interim period, whilst further 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.
- 5.40 Other material considerations include:
- National Planning Practice Guidance (ongoing)
  - National Design Guide (January 2021)

5.41 Other Council initiatives include:

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

5.42 Launched in September 2021, Doncaster Delivering Together (DDT) is the Council's new ten-year 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.

5.43 The body of the report below reflects the planning considerations for the site. However, it is considered that the application would contribute towards the aims of DDT.

## **6.0 REPRESENTATIONS**

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

- Advertised on the Council website;
- Nearby neighbours notified by letter;
- Site notices around the site boundary to advertise major application;
- Advertised in local press.

6.2 Three rounds of public consultation have been carried out to ensure that neighbours have had the opportunity to comment on the revised plans and updated description. Across the three rounds of consultation a total of 18 neighbour representations have been received. The following concerns were raised during the rounds of consultation:

6.3 Responses:

- Concerns over the possible lighting on the building and during construction.
- Size of the proposal overdominating and dwarfing the neighbours
- Noise
- Loss of light and privacy due to the land being higher at the site than the neighbours



- Concerns that the development will harm neighbouring wildlife and trees
- Fear heightened fire risk to local properties and surrounding gardens
- Do not feel it will be temporary due to its size and scale.
- Concerns over working hours
- Surface water concerns

6.4 Non-material concerns that cannot be considered by planning were also raised such as the loss of value of the property. The building is not over 7 storeys or 18m in height from ground level, thus does not require a fire risk assessment for planning and will be assessed by building regulations.

6.5 Councillor Phil Cole has no concerns but has asked why it is temporary for 5 years.

## 7.0 **CONSULTATIONS**

### Internal CDC Consultees

7.1 **Local Plans Team (Employment)** - The Doncaster Local Plan was adopted in September 2021 and the accompanying Policies Map designates the site as being within the Development Limits of Edlington – Policy 1, and Employment Policy Area – Warmsworth Halt – Policy 4.

The proposed use meets the requirements of Policy 4 in that Use Class B2 and/or B8 will continue to be supported. Therefore there is no objection in principle from an employment policy point of view.

7.2 **Environmental Health** – No objection in principle to the proposed temporary building. The building does not have any opening doors on the north-east façade i.e. the direction of the closest housing and there will be no change in net vehicle movements. Provided the building is only used during the same operating hours as the rest of the site (6am to 10pm Monday to Friday) there is unlikely to be a significant impact on the residential amenity of neighbours.

7.3 **Lead Local Flood Authority (Drainage Team)** – Originally objected to the proposal on the lack of information. They required:

- Flood Risk Assessment/statement
- Drainage strategy/statement & sketch layout plan
- Preliminary "outline" hydraulic calculations
- Evidence of third party agreement for discharge to their system (in principle/consent to discharge)
- Maintenance programme and on-going maintenance responsibilities.

This information was provided by the applicants and assessed by drainage. They raised no concerns to this and so removed their objection and recommended conditions.

7.4 **Urban Design** - No issues from urban design given site location and context. If the application is over 1000m<sup>2</sup> then the BREEAM and 10% renewable energy

conditions must be applied to any permission if you are minded to approve in line with LP 46.

The sustainability statement explains why they are not proposing any sustainability features. The building is a storage structure but presumably will still have a requirements for lighting which means it will use some energy albeit minimal so should in theory meet the 10% RE policy. They are saying they cant / wont, so will leave it to officer discretion as to whether this is a sufficient reason to refuse the app. The Urban Designer does not feel given the use, size and temporary nature, much can be done in any case.

- 7.5 **Local Plans Team (Minerals)** - Policy 61.B.5 exempts temporary development and infilling from the policy requirements. This is also further clarified in paragraph 14.56 and Table 20 of the Local Plan.
- 7.6 **Trees** - No objections. The proposal is well clear of trees (including access to the footprint). No conditions/informatives.
- 7.7 **Transportation** - The quantum of development does not trigger the need for any further assessment from a Transportation perspective.
- 7.8 **Air Quality** – No comments
- 7.9 **Pollution Control** – No comments
- 7.10 **Ecology** - The proposed temporary building is far enough away from semi-natural vegetation such as tree belts and shrubs. There would be no significant impact on statutory or non-statutory sites. There could be bat and bird boxes included in the proposed building but as it is a temporary building it would be wrong to habituate birds or bats to nesting and roosting and then remove the building and it could cause more complications than its worth. No objections on ecological grounds and no conditions.

As it is going onto existing hard standing then there would be no loss of habitat as hard standing/car park/developed land/ sealed surface would all score zero in the BNG baseline assessment and 10% of zero is zero. So that's why we are not asking for a BNG calculation. With regard to lighting, as it's a car park its already lit so wildlife would be habituated to it.

- 7.11 **Highways** - The location of the new industrial unit is within a larger development on an existing Tarmac area which is used for storage of materials. As this site is operational, caters for the largest HGV's, will be constructed on an existing Hard Standing/Sealed surface, the office is content to support the proposed development without Conditions or Informatives.

The main construction issue for the applicant to address will be constructing the unit, whilst still trying to operate the business, which is not an issue for Highways to comment on. It is an operational matter.

- 7.12 **Public Health** - As referred to in the Planning Statement the development is located in an area with good access to public transport which provides opportunities for people to travel without the need for a car. The location also allows for employees/visitors to actively travel (walking, cycling) to the site.

To encourage active travel, Public Health would recommend including provision for cycle storage for employees/visitors if this is not already provided. It is important that the cycle storage facilities are situated in a location that has natural surveillance and effective lighting to reduce the possibility of anti-social behaviour and crime. The storage facility needs to be secure to ensure employees/visitors feel it is safe to use.

To further encourage active travel Public Health would ask the applicant considers the provision of changing facilities and lockers for employees/visitors to help reduce any barriers to travelling by foot or by cycling.

This is in accordance with policies 13, 16 and 17 of Doncaster's Local Plan.

- 7.13 **Waste and Recycling** - Additional temporary storage space is unlikely to require any specific changes to waste management activities on-site, nor alter the businesses responsibilities at law in this respect.

#### External Consultees

- 7.14 **SY Police Liaison** – No comments
- 7.15 **SY Fire and Rescue** – Advised of the requirements under building regulations.
- 7.16 **Airport Safeguarding** – No conflicts.
- 7.17 **Severn Trent** - Surface water is proposed to connect into the public surface water sewer, which will be subject to a formal section 106 sewer connection approval. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. An informative is recommended.

## **8.0 ASSESSMENT**

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

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

8.2 The NPPF (2023) 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.

8.3 The main issues for consideration under this application are as follows:

- The principle of the development
- Sustainability
- Impact upon residential amenity
- Impact upon the character and appearance of the surrounding area
- Impact upon highway safety
- Trees and Landscaping
- Flood Risk and Drainage
- Air Pollution and Contaminated Land
- Energy Efficiency/Sustainability Features
- Ecology
- Economic Impact
- Overall Planning Balance

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

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

#### The Principle of the Development

8.5 The application site falls within an Employment Policy Area (EPA) as defined in the adopted Doncaster Local Plan. This designation relates to Policy 4.

8.6 Policy 4 for Employment Policy Areas (EPA) states that buildings or land that fall within Use Classes B2/B8 within Employment Policy Areas as defined on the policies map, will continue to be supported primarily for these uses. Where possible existing land and premises used for offices, research and development and light industrial will be retained.

8.7 The NPPF also states that (Paragraph 81) that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities.

- 8.8 The building is for the expansion of the established use for Wavin (plumbing and drainage supplies). The building is applied for on a temporary period to store a new line of products that is being trialled. This may replace a current line in the future and be subsumed into the current building in the future, or cease being made.
- 8.9 The proposed use is the same use on an existing storage yard and is in accordance with the EPA policy. On this basis the proposed development is considered to be acceptable in this location in principle, by virtue of satisfying Policy 4. Other considerations are assessed in turn below

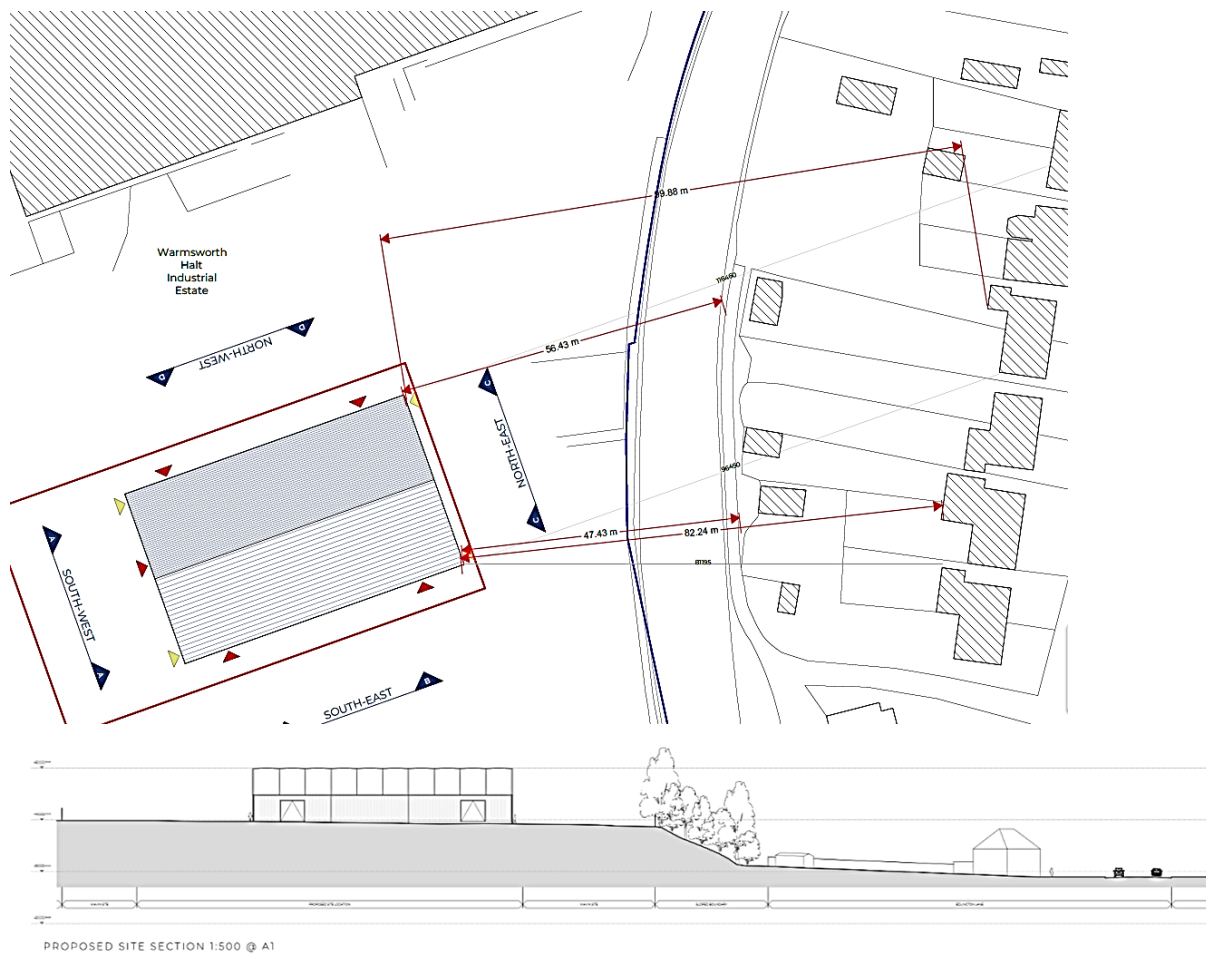
### Sustainability

- 8.10 Paragraph 7 of the NPPF states that one of the core principles of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.11 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.

### **SOCIAL SUSTAINABILITY**

#### Impact on neighbouring residential amenity

- 8.12 Policy 46(A) of the Doncaster Local Plan states: non-residential and commercial developments will be supported where they are designed to have no unacceptable negative effects upon the amenity of neighbouring land uses.
- 8.13 It is noted that many of the neighbour representations refer to the impact upon residential amenity by virtue of the scale and position of the proposed building in relation to the existing residential properties to the east.
- 8.14 During the application, the applicants have provided plans to show the land levels and separation to the neighbours clearly. The topography shows the land at a 10m difference between the neighbouring land levels. Therefore the proposal is 10m tall plus the 10m land level difference, to equate to 20m taller than the neighbours. However the proposal is pulled well away from the boundary of the site and is 47m away from the nearest garden boundary and 82m away from the nearest dwelling. Given this significant distance it is not felt that there would be an unacceptable standard of overshadowing. This can be seen in the extracts below from the plans provided.



- 8.15 Planning Committee are reminded that the right to a view is not a material planning consideration.
- 8.16 The proposal has no window or large vehicle openings on the elevations facing the neighbours and so will cause no significant levels of harmful overlooking.
- 8.17 Given that the building does not have any vehicle doors on the direction of the closest housing and there will be no change in net vehicle movements it is not felt that there will be a harmful impact on the neighbours from noise.
- 8.18 Furthermore there is screening from the neighbouring shrubs and trees along the embankment between the neighbouring land uses. However, if these were removed in future, it is still felt that this is a significant distance away to not cause a detrimental degree of noise or overshadowing.
- 8.19 The building is to only be used during the same operating hours as the rest of the site (6am to 10pm Monday to Friday) and a condition has been imposed to ensure this.
- 8.20 The proposal is stated to not increase staff levels or vehicle movements on the site and thus there will be no greater harm from this development in that regard.

- 8.21 Neighbouring properties have raised concerns in regard to machinery noise and additional external lighting. The applicants have confirmed that the use is purely for storage and thus the noise will be from forklifts trucks and pallet trucks, similar to that which already exists the external storage yard. The application will be conditioned to be B8 use only (storage). The applicants have also stated that there will be no external lighting installed and again this has been conditioned to ensure this.
- 8.22 Overall the development would provide acceptable levels of adequate residential amenity in accordance with Local Plan Policy 46 due to the significant separation to the neighbouring properties to not cause a harmful degree of overshadowing, overlooking or noise and enclosing of an existing storage area.

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

- 8.23 Paragraph 8(b) of the NPPF (2023) sets out the social objective which requires developments to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations through well-designed places; accessible service and open spaces that reflect the current and future needs to support community health, social and cultural well-being.
- 8.24 The proposed use (storage) is not expected to create significant disturbance. The proposed building would be situated a suitable distance from the nearest residential dwellings to ensure that existing amenity is protected.
- 8.25 It is accepted that the proposal would lead to some noise and disturbance being generated whilst construction is taking place, however this is considered to be short term when considered against the lifetime of the development. Whilst the development does not create significant social benefits, there is no overall harm either, with the proposal according with the site's designation in the adopted Local Plan. Overall, the social impact of the development is considered to be acceptable and significant weight should be attached to this in favour of the development.

### **ENVIRONMENTAL SUSTAINABILITY**

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

- 8.26 Policies 41, 42, and 46 of the Doncaster Local Plan require development to be of a high quality design that contributes to local distinctiveness, respond positively to existing site features and integrate well with its immediate surroundings.
- 8.27 Paragraph 130(a) of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Part (c) seeks to ensure that developments are sympathetic to local character and



history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

- 8.28 The boundary between the residential properties and the EPA is well planted with trees and shrubs offering a buffer between the uses. Which can be seen in the images below. However, this could be removed. Although the land levels are higher on the EPA, given the distance from the boundary it is felt that without this planting the proposal would still not have a significantly harmful impact on the character of the area and is within an existing employment site.

View from Edlington Lane near the junction with Warmsworth Halt across different times of the year and different years.



Dec 2020



April 2019





June 2011

View from the Edlington Lane toward the boundary next to the Church



Nov 2022



April 2019





June 2011

- 8.29 The proposed building will have little earth works given the temporary nature and will be fixed to the existing hard standing using chemical anchor bolts drilled into a base plate. The building will be a dull aluminium frame with galvanised steel connections and single sheet steel walls. A white translucent PVC single skin roof allows the transmission of natural light which facilitates efficient use of energy as electrical lighting will not be required during the day.
- 8.30 Overall the design and appearance of the proposed development suitably reflects the EPA character, materials and building styles on the site, whilst not causing significant harm to the surrounding area.

#### Impact upon highway safety

- 8.31 Policy 13(A) of the Local Plan states that the Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards in Appendix 6 (criterion 4) and development does not result in unacceptable impacts on highway safety (criterion 6). Developments should also include provision for electric vehicle charging points (criterion 4).
- 8.32 Paragraph 111 of the NPPF 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.*'
- 8.33 The application does not require a Transport Statement given that vehicle movements will not increase and staff levels will not change.
- 8.34 The building will still leave a large storage yard and significant space around it for vehicle movements. On a site visit to the site it could be seen that there is a vehicle movement plan and route through the site for large vehicles to ensure

safety is protected. The access and parking will not change, and there will be no intensification of the highway network.

- 8.35 Additionally, the application site is located on an established public transport route with a number of bus services serving the site along Edlington Lane. But again the number of staff is not changing and so the sustainability of the site will remain unchanged in this regard. There is cycle storage, canteen, and locker room on the site and a cycle to work scheme operated by the company for many years. Waste will be treated in the same way, within existing bin storage.
- 8.36 There have been no objections from the Highways team or Waste team.
- 8.37 Overall, the proposal provides suitable arrangements for vehicular access, parking and protects public safety in line with the above policies. The trip generation to and from the site would not lead to a harmful cumulative impact of the wider highway network.

#### Trees and Landscaping

- 8.38 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides high quality hard and soft landscaping schemes which include fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 8.39 Given the temporary nature of the proposal it is not felt that a landscaping scheme is required. However, if a full application came forward after this temporary period this would need to be considered upon that application and the applicant is made aware we would require landscaping then.
- 8.40 The proposal's distance to the nearest trees is 30m as the minimum. Thus it is felt that there will be no harm to the trees or their RPA's (root protection area) and the tree officer has raised no objection.

#### Flood Risk and Drainage

- 8.41 Policy 56 states that development proposals will be supported where there is adequate means of foul sewerage disposal; no increase in flood risk or surface water runoff and make use of SUDs unless it can be shown to be technically unfeasible.
- 8.42 The site lies within Flood Risk Zone 1 as per the Environment Agency's Flood Map for Planning and by Doncaster's Strategic Flood Risk Assessment (SFRA). This is the lowest area of flood risk from main river flooding. Nevertheless, major planning applications must be supported by the relevant drainage information including plans and strategies in order to accord with adopted Policy 56.
- 8.43 The Applicant has provided a drainage strategy along with calculations and details of the drainage. The information provided has been reviewed by the

Council's Drainage Officer and there is no objection on this basis, subject to the conditions being attached. Severn Trent have raised no objections and only recommended an informative and no conditions.

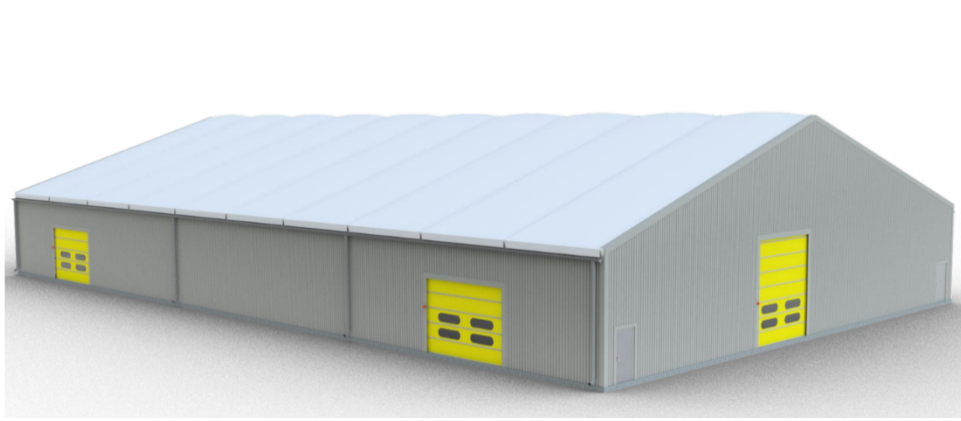
#### Air Pollution and Contaminated Land

- 8.44 Policy 55 states that proposals will be required to mitigate contamination by demonstrating there is no significant harm to human health; land; natural environment; pollution of soil or any watercourse. Developments must ensure that necessary remedial action is undertaken and demonstrate that any adverse ground conditions have been properly identified and safely treated so suitable for the proposed use.
- 8.45 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality. An air quality assessment will be required to enable clear decision making on any relevant planning application.
- 8.46 No objections have been raised by pollution control or air quality and the proposal is for storage with minimal ground disturbance. Therefore, there are no concerns in regard to pollution.

#### Energy Efficiency/Sustainability Features

- 8.47 Policy 58 relates to low carbon and renewable energy proposals, and states that development will be supported which give priority to heat or power generation from light or other low carbon heat sources.
- 8.48 Policy 46 B) states that new major non-domestic applications (1000m<sup>2</sup> floorspace or more, or a site of 1 hectare or above) must meet the BREEAM rating of at least 'Very Good', or any agreed equivalent standard, and secure at least 10% of their regulated energy from renewable sources (or equivalent carbon emission reductions). Large footprint buildings should ensure roofs are designed to accommodate the potential for solar panel arrays. This should be demonstrated through the submission of preliminary assessments at planning application stage.
- 8.49 The explanation to Policy 46 (B) of the Local Plan states that "that viability and cost effectiveness is directly influenced by the site location and the specific energy demand of the development in question". And "Where the use of renewable energy, or roof space for arrays, is not practicable or viable, robust evidence must demonstrate this is the case.
- 8.50 This is a temporary building with permission sought for a five year-period for the ancillary storage and sorting of plastic drainage pipes and fittings. It is of a modular design and construction (see 3D image below). The modular nature of the building means that it can be removed from the Wavin site upon the expiry of the five years and re-used elsewhere. This is inherently sustainable. Whilst the building comprises an inflated thermos-PVC roof which allows natural daylight and reduces the need for electric lighting and heating, this would not be able to bear the load of a PV panel array. Regardless, the proposed building

will have a very low energy demand as a storage building. The development will support the operational needs of a local business, create jobs and ensure the efficient use of land within their premises, which are sustainably located.



Wavin is taking broad measures to reduce greenhouse gas GHG emissions and increase energy efficiency by, for example, installing LED lighting at production sites, by using more efficient machines or reorganizing production lines. Work is also underway increasing the number of sites, using 100% electricity from renewable sources including at the Doncaster depot. Source: <https://wavin.com/en-gb/about-us/sustainability>

- 8.51 Therefore given the temporary nature of the site and the sustainability of the existing business, it is felt that in this case the further sustainability measures are not required.

#### Archaeology

- 8.52 Policy 39 states that development affecting other archaeological assets will need to demonstrate how any benefits will outweigh harm to the site. This building will have minimal ground disturbance given it is anchored to the existing yard and therefore it is not felt that any additional harm to archaeology will be created.

#### Ecology

- 8.53 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. Policy 30 states proposals which may harm priority habitats; protected species or features of biodiversity interest will only be supported where the DEFRA biodiversity metrics demonstrates that a proposal will be deliver a minimum 10% net gain for biodiversity.
- 8.54 The ecologist has stated that the proposed temporary building is far enough away from semi-natural vegetation such as tree belts and shrubs that there would be no significant impact on habitats, statutory or non-statutory sites.
- 8.55 There could be bat and bird boxes included in the proposed building but as it is a temporary building it would be wrong to habituate birds or bats to nesting and

roosting and then remove the building and it could cause more complications than its worth. Thus, there are no objections on ecological grounds and no conditions.

- 8.56 As the proposal is going onto existing hard standing then there would be no loss of habitat as hard standing/car park/developed land/ sealed surface would all score zero in the BNG baseline assessment and 10% of zero is zero. Therefore a BNG calculation is not required. With regard to lighting, the ecologist feels that as it's a car park its already lit, so wildlife would be habituated to it.

### **Conclusion on Environmental Issues**

- 8.57 Paragraph 8(c) of the NPPF (2023) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.58 In conclusion of the environmental issues, it is considered that there have been no significant issues raised which would outweigh against the benefits of the proposal or that cannot be mitigated by condition. The design, layout and appearance of the development is acceptable in this EPA location. Whilst the introduction of a building that sits on land 10m higher than the neighbouring dwellings, this is acceptable being well set back from the boundary and with a significant separation distance.
- 8.59 The parking/access/highway movements are deemed to be acceptable, the site is not in a flood risk area and there will be no significant harm to biodiversity and trees.
- 8.60 Overall, the environmental impact of the development is considered to be acceptable and significant weight should be attached to this in favour of the development.

### **ECONOMIC SUSTAINABILITY**

- 8.61 The proposed development will provide 1,531 sqm of storage space. It is expected that the development would bring forward substantial long term economic benefits, allowing them to develop their product line and grow in their business sector, in accordance with the objectives set out in Policy 2: Level of Growth.
- 8.62 In the short term there would be economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.

## **Conclusion on Economy Issues**

- 8.63 Para 8 a) of the NPPF (2023) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 8.64 The proposal would result in some short-term economic benefit in the creation of jobs during the construction phase of the proposal and longer term would result in a significant amount of investment, playing a part in creating the envisaged economic growth for Doncaster. These factors weigh positively in favour of the application and when combined carry moderate weight.

## **9.0 PLANNING BALANCE & CONCLUSION**

- 9.1 In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan as a whole and there are no material considerations which indicate the application should be refused. On this basis the application is recommended for approval.

## **10.0 RECOMMENDATION**

- 10.1 **MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW**

### **CONDITIONS**

- 01 The building hereby permitted shall be for a limited period being the period of 5 years from the date of this decision. At the end of this period, the building hereby permitted shall be removed and the land restored in accordance with a scheme previously submitted to and approved in writing by the local planning authority.  
REASON  
The building hereby approved is not required for longer than 5 years and other policies of the Doncaster Local Plan would be considered differently for a permanent application.
- 02 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:
- Location Plan 23046-SDA-V2-ZZ-DR-A-0001 dated 6.6.23 received 27.6.23

- Proposed floor plans and elevations 23046-SDA-V2-ZZ-DR-A-0701\_P1 dated 9.6.23 received 27.6.23
- Planning statement June 2023 received 27.6.23
- Proposed plan showing separation distances 23046-SDA-V2-ZZ-DR-A-0701\_P2 Rev P2 dated 26.07.23 received 4.8.23
- Topographical survey 23322 sheet 1 of 2 dated 22/08/23 received 6.9.23
- Topographical survey 23322 sheet 2 of 2 dated 22/08/23 received 6.9.23
- Sustainability Statement dated September 2023 received 6.9.23
- Proposed site sections 23046-SDA-V2-ZZ-DR-A-0702 dated 25.8.23 received 6.9.23
- Sustainable Drainage Statement 80005R3 dated 2023-11-03 received 6.11.23
- Borehole Record received 6.11.23

**REASON**

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

- 03 The hours of opening shall be limited to:  
Mondays to Fridays inclusive 6:00 hours to 22:00 hours  
and not at all on Saturdays, Sundays or Bank Holidays.

**REASON**

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

- 04 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and agreed in writing with the Local Planning Authority. Once installed such plant or equipment should not be altered.

**REASON**

In the interests of the amenities of the locality and occupiers of adjoining property.

- 05 No external lighting shall be fitted to the building.

**REASON**

In the interests of the amenities of the locality and occupiers of adjoining property.

- 06 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 operating to the satisfaction of the Local Planning Authority prior to the use 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

07 Prior to the first use of the development hereby approved, 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 (2023).

08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order with or without modification), the development hereby approved shall only be used for uses falling within Use Class B8 - Storage, and for no other purpose.

**REASON**

To ensure that the building is only used for its intended use and cannot be converted to other town centre uses and thus bypass the Sequential Test exercise which is required by Local Plan Policy 22- Part 1.

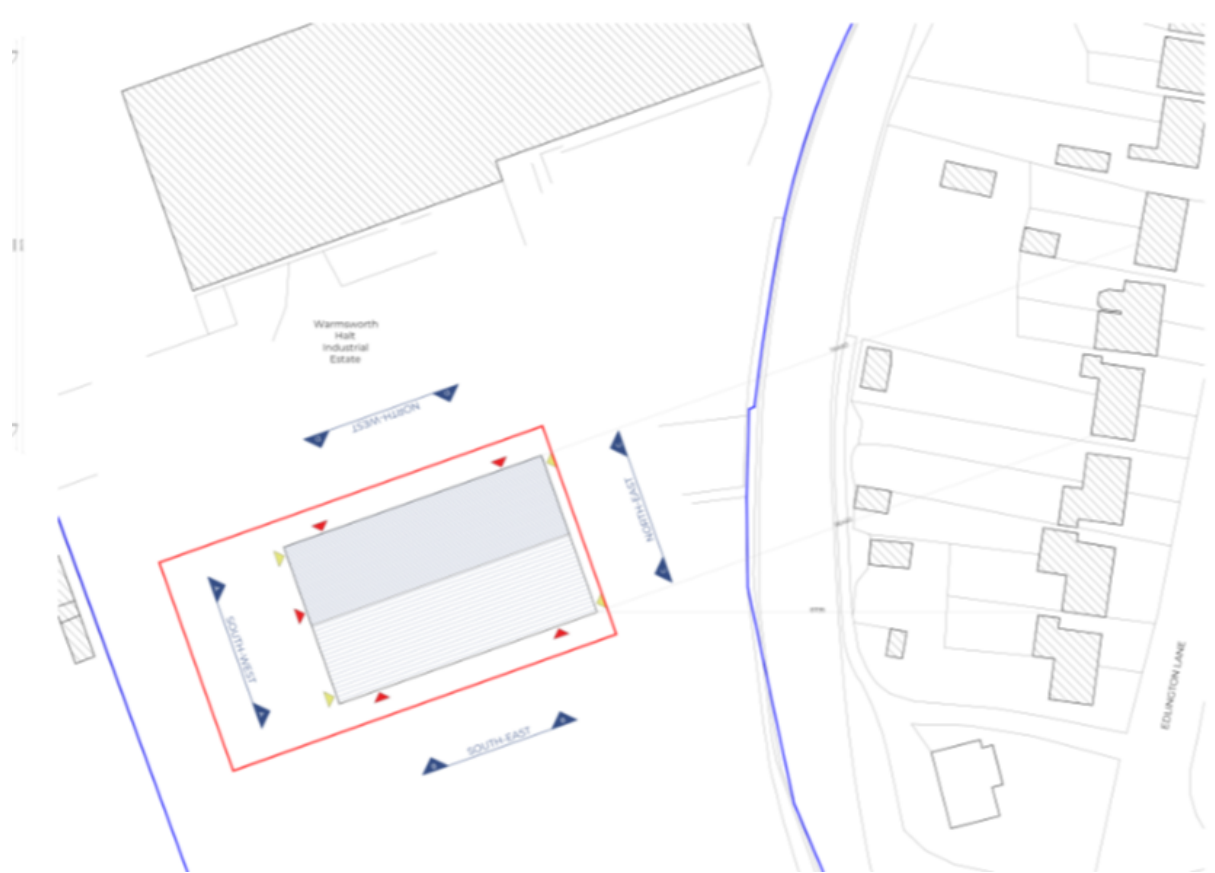
**INFORMATIVES**

01 **INFORMATIVE**

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

# APPENDIX 1 – SITE PLAN





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<b>Application</b>	<b>3</b>
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<b>Application Number:</b>	22/00311/FUL
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Erection of residential development for 4 houses
<b>At:</b>	Land On the East Side of Common Lane Norton Doncaster

<b>For:</b>	Mr Chris Hardacre - CP Built Ltd
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<b>Third Party Reps:</b>	8 Representations	<b>Parish:</b>	Norton Parish Council
		<b>Ward:</b>	Norton And Askern

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

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

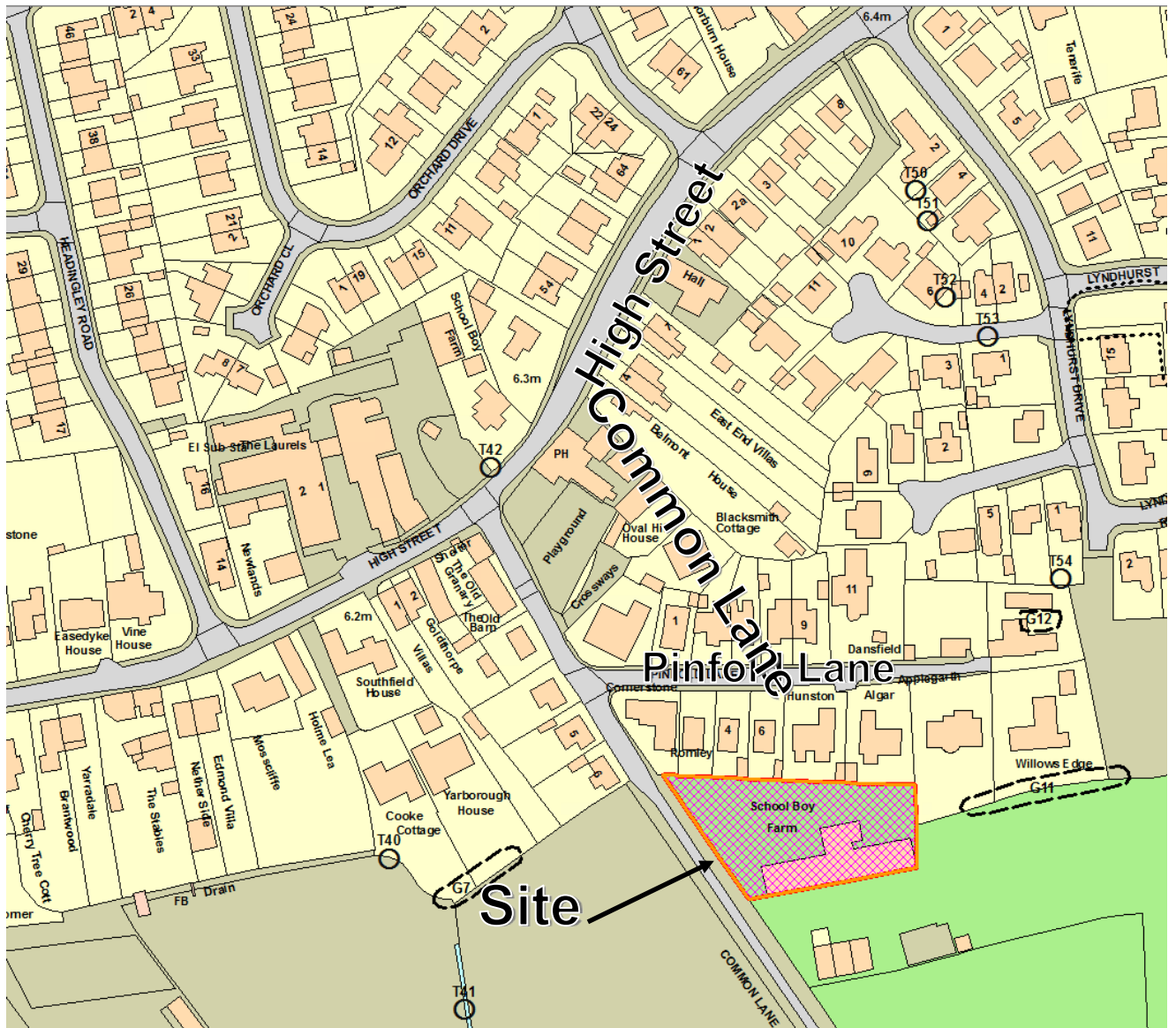
The proposed development is acceptable in principle, and through a process of negotiation with the applicant, the density of the development has been reduced from five to four dwellings as well as changes to improve the parking provision and also avoid development intruding into the adjacent Green Belt.

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.

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

# Location Plan



## **1.0 REASON FOR REPORT**

1.1 This application is being presented to Planning Committee due to the number of representations received.

## **2.0 PROPOSAL**

2.1 The application proposes the erection of four dormer bungalows with associated parking. Each bungalow would have off street parking with tandem spaces for up to three vehicles and each building will have two bedrooms in the roofspace. The scheme has been reduced from a proposal for 5 dwellings

## **3.0 SITE DESCRIPTION & LOCAL CHARACTERISTICS**

3.1 The site is a wedge of land located between a now demolished farm building and the rear of properties that front on a residential street known as Pinfold Lane. The site is constrained by development having to be located inside the village boundary with the Green Belt.

3.2 The site will be accessed from what is currently a field access from Common Lane just south of the junction with Pinfold Lane. The street scene of Common Lane and Pinfold Lane is characterised by bungalows, which are set back from the street by front gardens. The properties feature a mix of boundary treatments with planting or low walls to the front of the properties.

3.3 The site has had previous permissions in outline for residential development and indicative plans showed four properties on the site.

3.4 The site is a parcel of land that sat north of the front of the now demolished farm building and is allocated as residential policy area in the current local plan and was similarly allocated in the Unitary Development Plan.

## **4.0 RELEVANT PLANNING HISTORY**

Application Reference	Proposal	Decision
10/03289/OUT	Outline application for residential development of 5no dwellings on approx. 0.16ha of land following demolition of existing farm building (being all matters reserved)	GRANTED 07.01.2011
11/01331/OUT	Outline application for residential development on approx. 0.16ha of	GRANTED 30.06.2011



	land following demolition of existing farm building (being all matters reserved) (being re-submission of previous application 10/03289/OUT refused 07/01/11)	
15/00289/OUT	Outline application for residential development on approx. 0.16ha of land following demolition of existing farm building (all matters reserved)	GRANTED 31.03.2015
15/01565/OUT	Erection of stables with ancillary dwelling on approx. 0.1ha of land (All matters reserved)	REFUSED 20.08.2015

## 5.0 **SITE ALLOCATION**

5.1 The developed area of the application site lies within Residential Policy area. The area directly south of the private gardens is shown as landscaped and is in the Green Belt. These allocations are shown on maps in the adopted Doncaster Local Plan (Sept 2021).

### 5.2 National Planning Policy Framework ('NPPF') 2023

5.3 The National Planning Policy Framework 2023 (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:

- 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

### 5.4 Neighbourhood Plan (NP).

5.5 No neighbourhood plan is relevant to this application.

### 5.6 Doncaster Local Plan (2021)

5.7 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. The development plan consists of the Doncaster Local Plan (DLP) (adopted

2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).

- 5.8 Policy 1 sets out the Settlement Hierarchy for the City. It seeks to concentrate growth at the larger settlements of the City 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. The site lies within the Residential Policy Area of Norton village as defined in the Local Plan and its supporting Policies Map.
- 5.9 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. Appendix 6 includes the parking standards which all new developments must comply with as per Part A.2.
- 5.10 Policy 16 states that the needs of cyclists must be considered in relation to new development and in the design of highways and traffic management schemes to ensure safety and convenience. Provision for secure cycle parking facilities will be sought in new developments
- 5.11 Policy 21 sets out that all new housing and commercial development must provide connectivity to the Superfast Broadband network unless it can be clearly demonstrated that this is not possible.
- 5.12 Policy 29 relates to ecological networks and that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the City's ecological networks.
- 5.13 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.
- 5.14 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.
- 5.15 Policy 42 relates to urban design and states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, and relevant spatial requirement and design standards.

- 5.15 Policies 44 seek to ensure that development is sympathetic to the character of the area and to integrate well with the immediate and surrounding environment through not adversely impacting the existing amenity, living conditions and privacy of neighbours or the host property.
- 5.16 Local Plan Policy 45 sets out a requirement that all new homes must meet the criteria in the Nationally Described Space Standards (“NDSS”)
- 5.17 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality.
- 5.18 Policy 55 deals with the need to mitigate any contamination on site.
- 5.19 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.20 Other material planning considerations
- 5.21 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) were 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 in September 2021. Since then, the Council are in the process of drafting new SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan.
- 5.22 Following public consultation the Council has adopted five SPDs under the Local Plan with respect to Biodiversity Net Gain, Flood Risk, Technical and Developer Requirements, Loss of Community Facilities and Open Space, and Local Labour Agreements. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight.
- 5.23 The Transitional Developer Guidance (Updated August 2023) provides supplementary guidance on certain elements, including design, whereby updated SPDs have not yet been adopted. The Transitional Developer Guidance should be referred to during the interim period, whilst further 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.
- 5.24 Other material considerations include:
- National Planning Practice Guidance (ongoing)
  - National Design Guide (January 2021)
- 5.25 Other Council initiatives include:

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

5.25 Launched in September 2021, Doncaster Delivering Together (DDT) is the Council's new ten-year 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.

5.26 The body of the report below reflects the planning considerations for the site. However, it is considered that the application would directly contribute towards the aims of DDT.

## **6.0 REPRESENTATIONS**

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

- Letters to neighbouring properties
- Listed on the City of Doncaster Council website

6.2 The matters raised in 8 representations include;

- 5 bungalows were considered overdevelopment
- overlooking and loss of privacy
- mud dragged onto surrounding roads from unmade road
- concern on access to maintain boundary walls and fences
- out of character with surroundings

6.3 The above objections were made to the original scheme of 5 houses and no objections were received in response to publicity for the smaller scheme

## **7.0 CONSULTATIONS**

### Internal CDC Consultees

- 7.1 **Pollution Control** - It is possible contamination could have been moved/spread around the site during demolition of the original farm building Further remedial works may be required so a contaminated land assessment will be needed and conditions recommended.
- 7.2 **Public Rights of Way – No objections**
- 7.3 **Waste & Recycling – No objections**
- 7.4 **Ecology** – No objections subject to conditions requiring compliance with the iterative Management and Monitoring Plan and an ecological enhancement plan.

#### External Consultees

- 7.5 **Yorkshire Water** – No objections subject to conditions requiring separate outfalls of surface and foul water and no discharge until a scheme of drainage is agreed with the Local Planning Authority
- 7.6 **Internal Drainage Board** – Objected due to lack of soakaway test or drainage design.
- 7.7 **Norton Parish Council** - No comments received

## **8.0 ASSESSMENT**

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

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

- 8.2 The NPPF (2023) 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.
- 8.3 The main issues for consideration under this application are as follows:
- The principle of the development
  - Sustainability
  - Impact upon residential amenity
  - Impact upon the character and appearance of the surrounding area
  - Impact upon highway safety
  - Trees and Landscaping
  - Flood Risk and Drainage
  - Air Pollution and Contaminated Land
  - Energy Efficiency/Sustainability Features

- Ecology
- Economic Impact
- Overall Planning Balance

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

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

#### The Principle of the Development

8.5 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.

8.6 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.

#### Sustainability

8.7 Paragraph 7 of the NPPF states that one of the core principles of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8.8 There are three strands to sustainability, social, environmental and economic. 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.

### **SOCIAL SUSTAINABILITY**

## Residential Amenity

- 8.9 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”). The proposal uses land that formed part of the historic farm site but is allocated as part of the Residential Policy Area, so no garden space is lost through the proposal.
- 8.10 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.
- 8.11 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.
- 8.12 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.
- 8.13 This development is slightly different in that the development is parallel to the street to the north and the front of the houses face the backs of those on Pinfold Lane. The development proposes small dormer bungalows, with first floor accommodation in the roof space.
- 8.14 No first-floor windows that serve bedrooms will be in the front of the proposed buildings and the properties on Pinfold Lane are single storey. In order to protect amenity of neighbours the first-floor windows at the front should be obscure glazed and a condition requiring those windows to be so treated and retained as such is recommended as part of this report. Both proposed and existing properties will not be overlooked by each other so loss of privacy will not be introduced by this development.
- 8.15 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 and each property exceeds the 60 sq. m threshold. The rear garden spaces are therefore adequate for the number of bedrooms being created in each property.
- 8.16 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.

- 8.17 Policy 16 asks that needs of cyclists are taken into account. A scheme for the provision of secure cycle storage shall be required to be agreed and implemented. Each property has private amenity space and is considered sufficient to accommodate such facilities.
- 8.18 Policy 21 requires that developers make provision for new development to make provision for gigabit capable broadband and a condition requiring this to be incorporated into the scheme is proposed to be included in the decision.

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

- 8.19 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.

### **ENVIRONMENTAL SUSTAINABILITY**

#### Design and Character

- 8.20 Local Plan Policy 44(C) states that back land 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 back land 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.
- 8.21 The scheme was originally for five dwellings, which has been reduced to four mainly to ensure highway access was sufficient but has also meant that the development is more spacious and less intensive. The reduction in the number of dwellings, provides a lower density development which is more in keeping with its surroundings.
- 8.22 The proposed buildings are of similar height to the bungalows that front the street to the north but even so will sit in their own street scene as they have to be accessed further down Common Lane, so set their own separate character. Overall, the modified design better reflects the character of the area by reducing the intensity of the proposed development and will not dominate or interfere with the character of surrounding residential streets.
- 8.23 In terms of materials and appearance, 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.

- 8.24 The site borders the edge of the village with open countryside to the south of the site. While some tree planting is shown on the submitted plan for land the applicant owns, it is recommended that a condition requiring that a full landscaping scheme with details of intended planting and provision for its maintenance while the planting becomes established is included in the decision.
- 8.25 Concerns have been raised in the representations received in relation to the scale of development, the number of dwellings proposed, and that it is out of character. Since these representations were made the applicant has reduced the number of units proposed, and the density and style of the development is considered to be appropriate to the site. Some of the representations referred to the previous outline application that has an indicative layout of four properties and that this was more intensive. No representations were made when the revised scheme was re-advertised.
- 8.26 Overall, it is considered that the dwellings will 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.

#### Highway Safety

- 8.27 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.
- 8.28 The Highways Officer has reviewed the information submitted and does not object to the application following changes that saw a turning area provided at the end of the row, sufficient turning into the private drive and also tandem parking big enough for three cars beside each house.
- 8.29 Each dwelling has a footpath to the house and a bin storage collection area has been provided within the design to ensure efficient roadside collection to take place, which is acceptable.
- 8.30 Representations have been received in relation to the potential for additional traffic from the development. The development will result in four 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.

- 8.31 The Highways Engineer does not have any concerns in relation to additional traffic generation and does not have any highway safety concerns. Concerns are raised about dragging dirt from the unmade part of Common Lane, but this will need to upgrade to an adoptable standard and a Grampian condition requiring that work to be carried out prior to occupation is recommended to be included in any decision. 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

- 8.32 Local Plan Policy 56 (Drainage) states that development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure wastewater and surface water run-off are managed appropriately and to reduce flood risk to existing communities.
- 8.33 The site is within Flood Zone 1 and is not considered to be at a high risk of flooding. The Water Company and Local Drainage Board have been consulted the water company have requested prior approval of method of drainage and the Internal Drainage Board have objected to the lack of drainage information. It is therefore necessary to require 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. The development will, therefore, comply with Local Plan Policy 56

#### Ecology

- 8.34 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.
- 8.35 The Council's 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 and an ecological enhancement scheme for a bat box and swift box. 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

- 8.36 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.

- 8.37 A preliminary risk assessment will be needed as pollutants may have been distributed as part of the demolition of the barn adjacent to the site. With that considered, the Pollution Control Team have recommended conditions that will require a 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**

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

### **ECONOMIC SUSTAINABILITY**

- 8.40 The proposed development will provide 4 new houses. In the short term there would be economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.

### **Conclusion on Economy Issues**

- 8.41 The proposal would result in some short-term economic benefit in the creation of jobs during the construction phase of the proposal and longer term would result in a significant amount of investment, playing a part in creating the envisaged economic growth for Doncaster. These factors weigh positively in favour of the application and when combined carry moderate weight.

## **9.0 PLANNING BALANCE & CONCLUSION**

- 9.1 In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan taken as a whole

and there are no material considerations which indicate the application should be refused.

## **10.0 RECOMMENDATION**

### **10.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT 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 and specifications.

P02 Rev L site plan- section-house types

A2 Sheet TURNING SWEPT ANALYSIS FOR LARGER SIZE CAR

**REASON**

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

03. 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. details?

**REASON**

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

04. Before the development is brought into use, as shown on the approved plan, 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.

05. 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.

06. 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 in accordance with the agreed scheme 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.

07. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems shall extend to the points of discharge to be agreed.

REASON

In the interest of satisfactory and sustainable drainage

08. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided and retained for use by occupants and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

09. Upon commencement of development, an iterative Management and Monitoring Plan for proposed onsite delivery of 0.2151 habitat units and 0.3087 hedgerow units as set out in the biodiversity net gain metric of 9th May 2022 (Estrada Ecology) shall be submitted to the Local Planning Authority for approval in writing. The Management and Monitoring plan shall detail the following:

- Objectives relating to the timescales in which it is expected progress towards meeting target habitat and hedgerow conditions will be achieved.
- A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.
- That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, and 5) immediately following habitat creation.

Once approved in writing the management measures and monitoring plans shall be carried out as agreed prior to the occupation of any dwelling.

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 174d

10. Prior to first occupation an ecological enhancement scheme shall be submitted to the Local Planning Authority and agreed in writing. The scheme shall comprise the following measures:

-1 Vivaro Pro Beaumaris bat box (or similar) attached to two of the dwellings under the supervision of a suitably experienced ecologist

-1 Vivaro Pro swift box (or similar) attached to three of the dwellings under the supervision of a suitably experienced ecologist

Photographic evidence of the implementation of the measures must be submitted to the local planning authority

Prior to occupation of any dwelling, the agreed scheme shall be implemented and maintained thereafter.

REASON

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

11. 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), unless otherwise agreed in writing with the LPA.

a) The Phase I 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 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.

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.

12. 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.

13. 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.

14. Prior to the commencement of development, a scheme of offsite highway improvement works, based on approved plan 'P02 Rev L site plan- section-house types' shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied prior to the required off site improvement works being completed in accordance with the approved technical details.

REASON

In the interests of providing proper access to the site and highway safety.

15. Prior to occupation, the bin store storage area shown on the approved plan ('P02 Rev L site plan- section-house types') shall be completed and permanently retained.

REASON

In the interests of providing storage for waste receptacles and highway safety.

16. Before the first occupation of the dwellings hereby approved, the windows(s) at first floor level on north facing elevations shall be fitted with obscured glazing (no lower than Pilkington level 3 or equivalent) and shall be permanently retained in that condition thereafter.

REASON

To ensure that the development does not impact on the privacy of the adjoining premises.

17. Prior to any above ground works at the site, full details of both hard and soft landscape work 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

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



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

**REASON**

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

19. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and/or visitors to the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented in accordance with the approved details and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**REASON**

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy 13 of the Doncaster Local Plan.

**INFORMATIVE - Section 278 - Malc Lucas**

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

**INFORMATIVE**

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

**INFORMATIVE**

Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

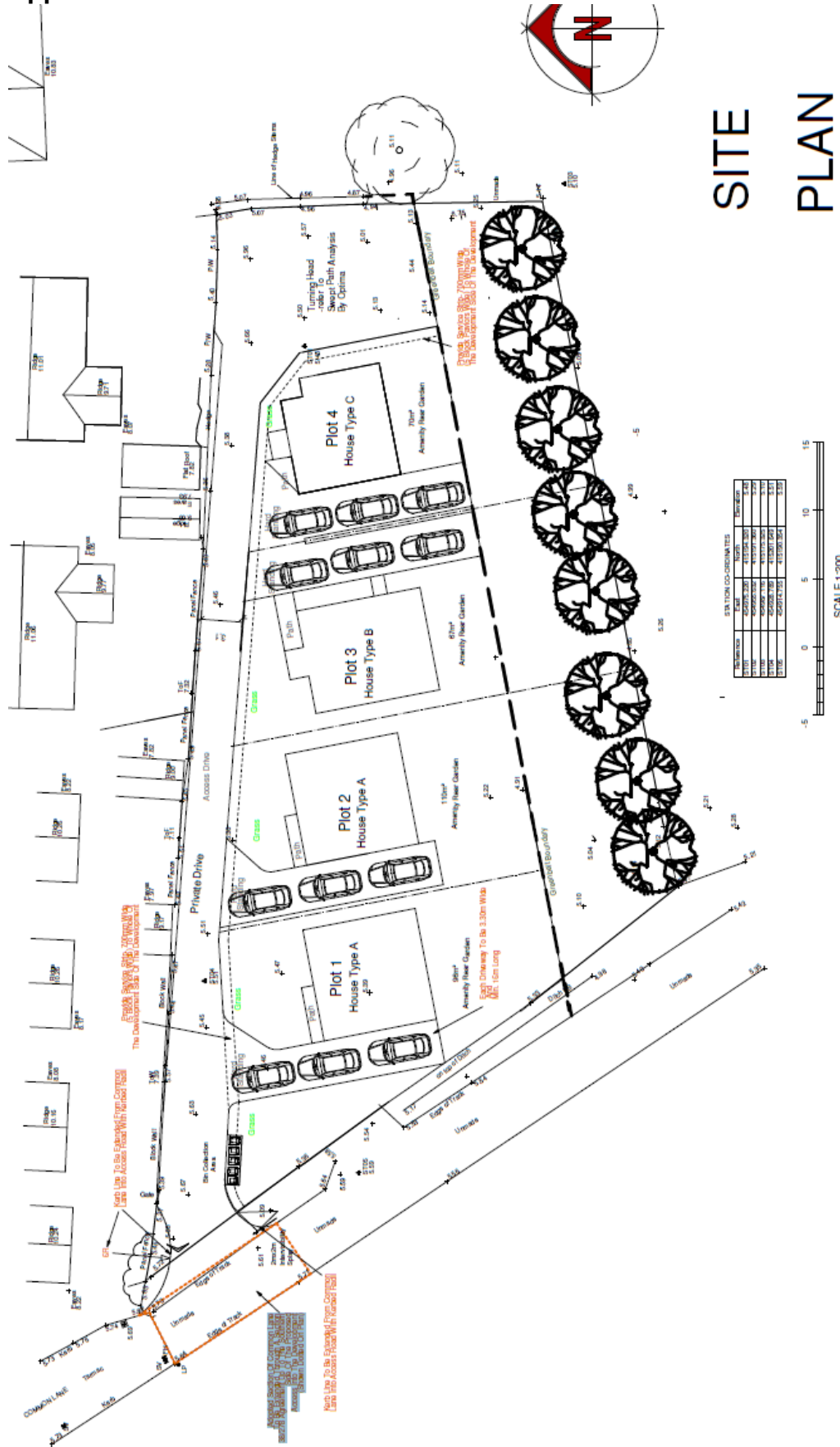
**Reasons(s) for Granting Planning Permission:**

## **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:

Ecology information and highways alterations which then required change to the number of houses.

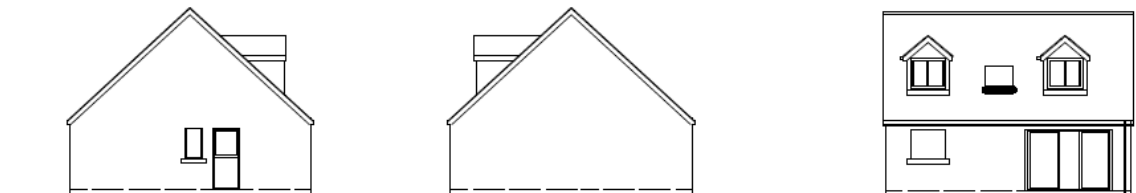
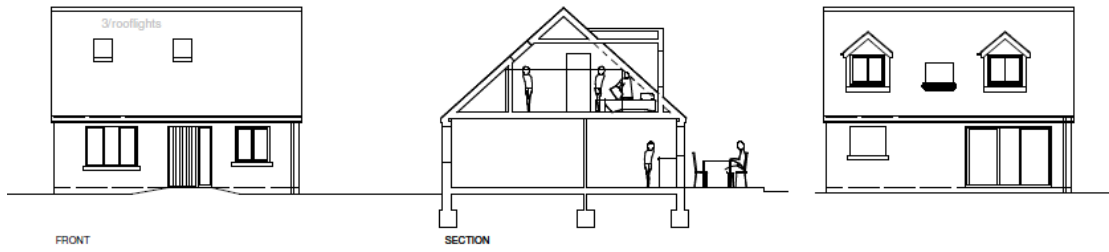
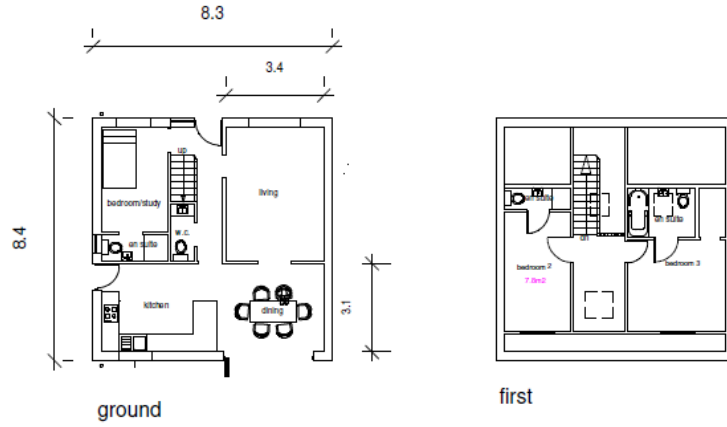
# Appendix 1: Site Plan



## Appendix 2 Elevations and floor plans Plots 1&2

### House Type A - Plots 1,2

91m<sup>2</sup>



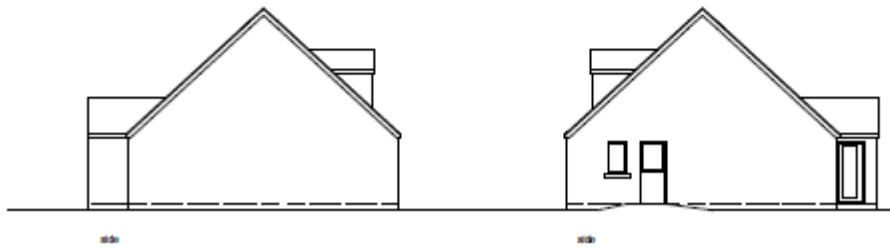
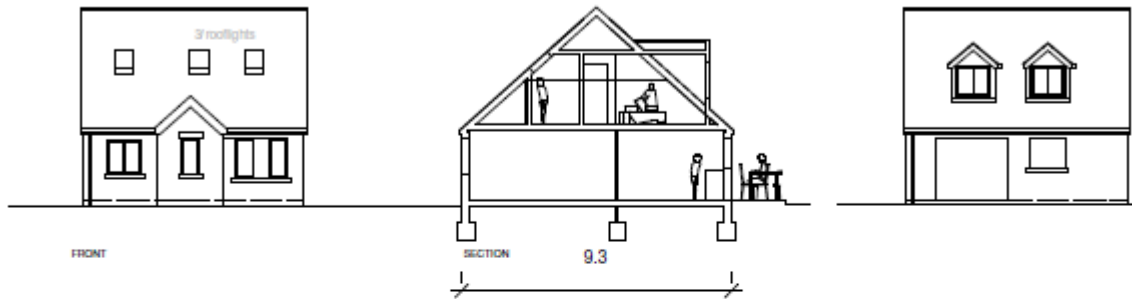
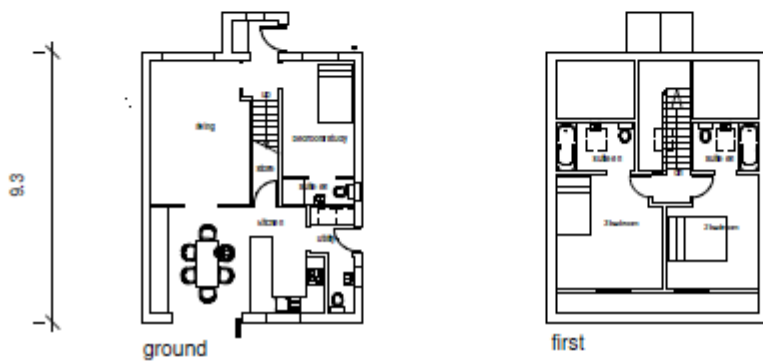
# Appendix 2 Elevations and floor plans Plot 3

A 030  
MH ( Foul )  
5.96  
IL Pipe 2.761

## House Type B - Plot 3

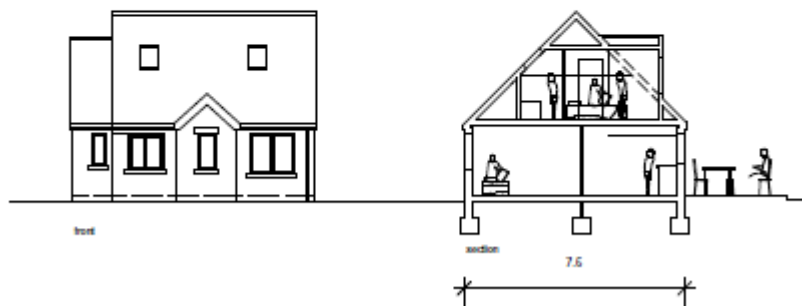
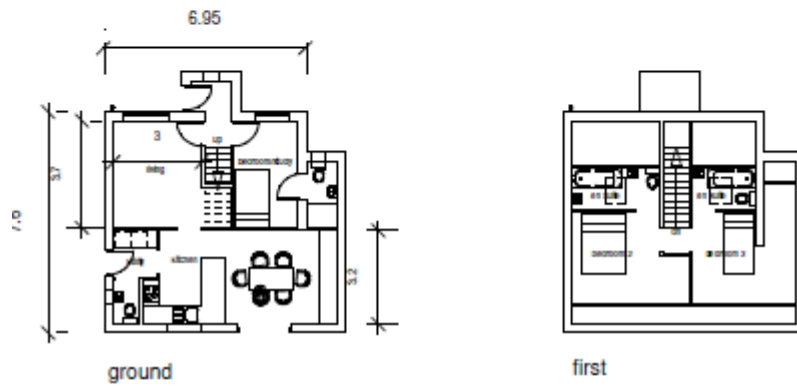
95m<sup>2</sup>

7.6



## Appendix 3 Elevations and floor plans Plot 4

### House Type C - Plot 4 79m<sup>2</sup>



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## 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.

#### EXEMPT REPORT

2. This report is not exempt.

#### RECOMMENDATIONS

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

#### WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. 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

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

#### OPTIONS CONSIDERED

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






#### REASONS FOR RECOMMENDED OPTION




7. To make the public aware of these decisions.

#### IMPACT ON THE COUNCIL'S KEY OUTCOMES



8.

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 <b>Tackling Climate Change</b>	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 <b>Developing the skills to thrive in life and in work</b>	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 <b>Making Doncaster the best place to do business and create good jobs</b>	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 <b>Building opportunities for healthier, happier and longer lives for all</b>	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 <b>Creating safer, stronger, greener and cleaner communities where everyone belongs</b>	✓			
Comments:				

Quality planning decisions contribute to the Councils Great 8 Priorities				
 <b>Nurturing a child and family-friendly borough</b>	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 <b>Building Transport and digital connections fit for the future</b>	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 <b>Promoting the borough and its cultural, sporting, and heritage opportunities</b>	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
<b>Fair &amp; Inclusive</b>	✓			
Comments: Demonstrating good governance				

## LEGAL IMPLICATIONS [Officer Initials AH Date 29/11/2023]

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 material breach of the Inquiries Procedure Rules;
  - a breach of principles of natural justice;
  - 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 29/11/2023]**

- 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 29/11/2023]**

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

**TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 29/11/2023]**

- 12. There are no technology implications arising from the report

**RISK AND ASSUMPTIONS**

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

**CONSULTATION**

- 14. N/A

**BACKGROUND PAPERS**

- 15. Decisions on the under-mentioned applications have been notified as follows:-

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
22/01870/FUL	Conversion of previously approved two-storey side extension to form independent dwelling (RETROSPECTIVE) (being resubmission of 21/02066/FUL refused 2.8.2022) at 12 Oldfield Crescent, Stainforth, Doncaster, DN7 5PG	Appeal Dismissed 14/11/2023	Stainforth And Barnby Dun	Delegated	No

Copies of the appeal decisions are appended to this report.

**GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

16. N/A

## **REPORT AUTHOR & CONTRIBUTORS**

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**Dan Swaine, Director of Place**

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## Appeal Decision

Site visit made on 6 November 2023

**by Ben Plenty BSc (Hons) DipTP MRTPI**

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

**Decision date: 14 November 2023**

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### **Appeal Ref: APP/F4410/W/23/3322813**

### **12 Oldfield Crescent, Stainforth, DONCASTER DN7 5PG**

- 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 RTS Properties against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 22/01870/FUL, dated 4 August 2022, was refused by notice dated 15 March 2023.
  - The development proposed is described as "Conversion of previously approved two storey side extension to form independent dwelling (Retrospective) (being resubmission of 21/02066/FUL refused 2.8.2022)".
- 

### **Decision**

1. The appeal is dismissed.

### **Applications for costs**

2. An application for costs has been made by RTS Properties against Doncaster Metropolitan Borough Council. This is a matter the subject of a separate decision.

### **Preliminary Matters**

3. A two-storey side extension was granted by the Council in 2020 and a version of this has been erected. The Council inform that the constructed extension differs from the approved plans inasmuch as it does not include a reduced ridge height, a front set-back of 0.6m and includes a front doorway. As such, the extension as built is set slightly lower and slightly behind the front elevation of the host dwelling, however it appears that the extent of set-back is less than that which was approved.
4. Nonetheless, the width of the approved two-storey extension is the same as that built and as such the overall mass of the constructed extension is generally similar in form and bulk. The approved extension forms a material fall-back position, essentially demonstrating the general scale of development that could be undertaken without the requirement for any further consent. It is not my place, within this appeal, to comment on the suitability of the variance of the 'as built' extension.
5. An amended site plan, drawing reference 'Site Plan-Scale 1:250' dated 23/5/23, has been submitted in support of the appeal showing wider parking spaces on the frontage of the site. This plan shows parking spaces that are 2.75 metres wide and thus meet the requirements of the Highway Authority. It is not the role of the appeal process to evolve a scheme. However, I have dealt with the appeal on the basis of the amended plan, which does not materially

change the substance of the proposal and would not prejudice any party. Furthermore, the revision appears to address the Council's second reason for refusal and as such I have not considered this matter further.

### **Main Issue**

6. The main issues are:

- the effect of the proposed dwelling on the character and appearance of the area,
- the effect of the proposal on the living conditions of existing and future occupiers with particular regard to overlooking and the provision of external space, and
- whether the proposed dwelling would include sufficient details of drainage provision.

### **Reasons**

#### *Character and appearance*

7. Oldfield Crescent is a residential street in a suburban location. Dwellings are a variety of styles with semi-detached and bungalow properties featuring predominantly in the local area. The appeal site is a corner plot, it is a semi-detached dwelling that stands with a short row of similar style properties. The host dwelling has been recently extended with a two-storey side extension that consists of a largely complete weatherproof structure, although it is absent its garage door and internal divisions at first floor. Key characteristics of the built form in the area include predominantly two-storey development, with a consistent front building line and enclosed front gardens behind various styles of front boundaries. The appeal site accords with these characteristics and therefore makes a positive contribution to the character and appearance of the area.
8. The proposed scheme seeks to convert the approved side extension into a separate dwelling. The existing extension, whilst not fully in accordance with the approved plans, is a wide and bulky addition to the host dwelling. This has eroded the articulation and design rhythm of the pair of semi-detached dwellings. However, the approved extension would have resulted in similar effects and would have effectively doubled the width of the previous dwelling and equally unbalanced the appearance of the semi-detached pair of dwellings. As such, the extension, as approved and as built, would and has to some extent intruded into the established pattern of development with an uncommon form of development.
9. The proposed alterations to accommodate the proposed dwelling would include a front door and bay replacing the approved garage door and include various internal changes. Furthermore, the front and rear gardens would be subdivided. As a result, most proposed changes to the plot would be relatively minor in comparison to the approved extension, having a negligible further visual effect on the street.
10. The proposed dwelling would be only marginally set back from the ridge and front elevation of No 12. As a result, it would not read as a subservient form of development. The proposal would therefore have a similar sense of presence as

other dwellings within the street. Accordingly, whilst the plot subdivision would create the appearance of a short terrace row, this alone would not result in an adverse effect on the character of the area. Nonetheless, the absence of first-floor cladding would to a modest extent prevent the proposal from integrating well with neighbouring dwellings, which instead has the appearance of an extension.

11. Furthermore, the street is currently well enclosed by low walls and fences that define the regular spacing of paired driveways. The proposed on-plot parking, whether for three or four spaces, would result in the removal of a large section of the front boundary fencing and the introduction of a substantial area of hardstanding within an extremely wide driveway. This urbanising feature would substantially erode the existing enclosed and landscaped character of the site and wider street. This would create a stark and dominant parking area that would be out of keeping with the established character of the area.
12. The Appellant refers to local properties that do not have enclosed front gardens. However, these have not been specifically identified. During my site visit, and in walking the surrounding area, I observed a predominant character of frontages with enclosed front gardens. Furthermore, suitable on plot parking provision is required by the Council to meet other policy objectives and as such the removal of the proposed on-plot parking, or some of it, would be unlikely to satisfactorily resolve this matter.
13. Consequently, the proposed dwelling would fail to complement the character and appearance of the area. Accordingly, the proposal would conflict with policies 41(A), 42(A) and 44 of the Doncaster Local Plan [2021](LP) and the National Planning Policy Framework (the Framework) with respect to matters of character. These seek, among other matters, for development to respond positively to the context and character of an area and to be sympathetic to local character.

#### *Living conditions*

14. The Council has produced Transitional Design Guidance in the form of the South Yorkshire Residential Design Guidance (SYRDG) which, due to its unadopted state, affords only limited weight. The SYRDG requires habitable room windows to be at least 10 metres from a shared boundary. The Council identifies that the distance from the rear bedroom window and the boundary with 34 Kingsway (No 34) would be around 2.5 metres.
15. The proposed dwelling would include bedroom and bathroom windows on the rear elevation at first floor. The approved side extension included a bedroom and ensuite window in a similar situation. Whilst the bathroom window could be obscurely glazed, the bedroom window of the proposed dwelling would enable occupiers to look into the rear garden of No 34 and oblique views into some rooms. However, a high level of intervisibility already exists between these dwellings due to their arrangement and proximity. Moreover, the extent of overlooking would not be materially different to that which could be observed from the approved extension. As a result, the living conditions of neighbouring occupiers would not be harmed by overlooking.
16. Occupiers of the proposed dwelling would have access to two small pockets of external private space. These would be to the rear of the dwelling and to its side/front. The SYRDG requires a two-bed dwelling to provide access to 50sqm



of outdoor private amenity space. This provides a useful indication of the Council's normal expectations for such development despite the limited weight of the guidance. It seems that the rear and side gardens when combined would achieve this requirement.

17. The side/front garden could be suitably enclosed by privacy fencing. However, due to the irregular shape of both, and the disconnect of the side garden to the dwelling, I am unconvinced that the external area would create spaces that would be capable of meeting the day-to-day needs of a family. Furthermore, the location of the side garden, close to parking and the street would be poor quality, which further detracts from the overall functionality of the garden.
18. Accordingly, whilst the proposal would not result in a loss of privacy it would harm the living conditions of future occupiers but providing inadequate and poor-quality outdoor space. Consequently, the proposal would conflict with LP policy 44(A) and (B) and the Framework in regard to effect on living conditions. These seek development to, *inter alia*, would provide an adequate provision of garden space and a high standard of amenity for future users.

#### *Drainage issues*

19. LP policy 56 requires development to incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately to reduce flood risk to existing communities. The site is within flood zone 3 and therefore within an area at risk of flooding. I am cognisant that the Environment Agency raised no objection to the scheme on the understanding that the finished floor level was no lower than 5.92m above Ordnance Datum. It has not been confirmed, within the submitted evidence that this has been achieved for the 'as built' extension.
20. Furthermore, the Lead Local Flood Authority (LLFA) has objected to the proposal. This is on the basis that the proposed development has not been supported by the required drainage strategy and a permeability test for the proposed soakaway. The Appellant asserts that the drainage has been installed as part of the works to build the approved extension. However, I am unconvinced that a drainage solution for an extension would necessarily be sufficient to meet the needs of the occupiers of a separate dwelling. No details have been provided, in evidence, to address this matter to my satisfaction.
21. A pre-commencement condition, requiring drainage details appears to have been accepted by the Council when approving the side extension. However, I am conscious that this has not been sought by the LLFA in connection with this proposal which further indicates that it may require a different drainage solution to that secured previously.
22. As a result, taking a precautionary approach to flood related matters, the proposal includes insufficient information to demonstrate that it would prevent off-site flooding due to an absence of robust drainage details. Consequently, the proposal would conflict with LP policies 56 and 57 and the Framework. These include the requirement for development to incorporate satisfactory measures for dealing with their drainage impacts and to avoid increased vulnerability to the range of impacts arising from climate change.

### **Other Matters**

23. The site is within a settlement and is well located for future occupiers to gain access to nearby goods and services. It would also make efficient use of land. These benefits weigh in favour of the proposal.
24. The site plan shows the provision of four parking spaces. The two nearest to No 12 would be set away from its frontage preventing direct overlooking and creating security concerns. It is also noted that the bin store area would not be accessed by a pathway and the extended dropped kerb is not shown on the proposed plan. Nonetheless, the site is of sufficient space to address these matters. Accordingly, it is likely that these could have been suitably addressed by means of planning condition if I had been minded to-allow the appeal.

### **Conclusion**

25. Although the dwelling would be within an accessible location, this merit would be limited and outweighed by the identified conflict with the development plan when taken as a whole.
26. For the above reasons, the appeal is dismissed.

*Ben Plenty*

INSPECTOR

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City of  
Doncaster  
Council

## The City of Doncaster Council Planning Enforcement Quarterly Report September 2023

### Introduction

This report provides the City of Doncaster Council's Planning Enforcement performance in the second quarter of 2023/24.

<b><u>Case Updates – Second Quarter (1<sup>st</sup> July – 30<sup>th</sup> September 2023)</u></b>	
Total Cases Still Under Investigation as at end of September 2023.	348
Total Cases Recorded in the fourth Quarter (1st July – 30 <sup>th</sup> September 2023)	148
Total Cases Closed Down in the fourth Quarter (1st July – 30 <sup>th</sup> September 2023)	116

## Prosecution Cases.

### 92 Lawn Avenue, Woodlands



Before



After

It was reported in a previous quarterly report that a garage was erected at 92 Lawn Avenue, which was 1.2 metres higher than the approved plans under 19/01394/FUL. The owner failed to comply with a Breach of Condition Notice, which required the height of the garage to be reduced in line with the approved plans. This resulted in the owner being prosecuted with an £80 fine and £200 contribution to costs.

Following the prosecution, the owner was granted a further time-period to comply with the Breach of Condition Notice. Despite this, the height of the garage was not reduced.

Subsequently the Council filed a second prosecution case at the Magistrates' Court. The owner was initially convicted in his absence at Doncaster Magistrates' Court on 26<sup>th</sup> July 2023 and was fined £660, ordered to pay £494.42 to Doncaster Council in costs and a £66 victim surcharge. However, the owner made an application to the court to reconsider the case as he had not received notification of the July 2023 hearing. The court agreed to this and due to the owner's financial circumstances a revised sentence was issued on 20<sup>th</sup> September 2023 composed of a £200 fine, £494.42 costs remain intact and a £34 victim surcharge.

During the period the case was at court, the owner reduced the height of the garage in line with the approved plans, thus achieving compliance with the Breach of Condition Notice.

## Injunctions



Doncaster Council received a complaint alleging the unauthorised preparation of site for a Travellers caravan site which would be commencing from 27th March 2023. A site visit was carried out on the 24<sup>th</sup> March 2023, where it was found no activity was happening on the site. A further site visit was then carried out on the 28<sup>th</sup> March 2023 whereby no activity was found to be taking place.

Over the Easter bank holiday weekend of 2023, an email was received informing that work had commenced on the site, this was confirmed on the 11th April 2023, where during the site visit it was found that a new opening had been created, with the land sectioned off into 8 plots and adjoining paddocks, wooden fencing was installed around each individual plot and paddock and caravans were situated within each plot. A discussion was held with the owners of the land who explained that a planning application had been submitted on the 6<sup>th</sup> April 2023, the families had already moved onto the site and that portable toilets would be delivered that day.

A discussion was held between the Councils Planning Enforcement Team, Development Management Team and Legal services where it was decided to serve a Temporary Stop Notice and apply for an injunction on the land.

The Temporary Stop Notice was served later that day informing of no further works to be undertaken for the next 28 days. On the 13<sup>th</sup> April 2023, Doncaster Council applied for and were awarded a temporary injunction from The High Court in London, which was served on all persons on the site as well as any persons unknown, where it prohibited any further works from being undertaken.

The case was then heard before The High Court, in London on the 25<sup>th</sup> April 2023 where an injunction was awarded to Doncaster Council, which gave an extension to the timeframe that was on the temporary injunction. These documents were served on the persons residing on the land as well as any persons unknown.

(Update 25<sup>th</sup> August 2023)

A date has been set for 31<sup>st</sup> October 2023 for a hearing at the High Court in Leeds.



## Notices Served

### Enforcement Notice - Land at Council Depot, Edlington Road, Edlington



Before



After

As highlighted in the previous quarterly report, the land was being used for vehicle repair, dismantling and storage without the necessary planning permission.

To address this, an Enforcement Notice was served on the land on 3rd April 2023 with the following requirements:

- (i) Cease the use of the land for the dismantling, repair and storage of vehicles.
- (ii) Remove all vehicles, vehicle parts, associated equipment, oils and materials from the land.
- (iii) Either:
  - a. Reduce the height of the metal corrugated fencing in the area coloured in blue on the plan to no more than 1 metre in height and reduce the height of the metal corrugated fencing in the area coloured in green on the plan to no more than 2 metres in height; or
  - b. Remove the corrugated metal fencing coloured blue and green on the plan in its entirety from the land.

(iv) Upon completion of steps (i)-(iii) above, to permanently remove the resultant materials from the land.

The notice took effect on the 15<sup>th</sup> May 2023 and a compliance period of 28 days was provided for step (i) and 2 months for step (ii) to (iv).

A site visit was undertaken on 16<sup>th</sup> August 2023, which identified that the unauthorised vehicle repairs or dismantling had ceased, and a significant portion of the land had been cleared. However, there was still some storage of vehicles, along with skips containing rubbish and part of the unauthorised fencing. Following the site meeting, the owner was granted an additional time to finish clearing the land.

Another site visit was conducted on 9<sup>th</sup> October 2023, which found that most of the site had been cleared except for a few vehicles, a skip of rubbish and some unauthorised fencing. Due to the owner's progress in clearing the land, the Council agreed to provide an additional couple of weeks for the removal of the remaining items from the land. A site visit has been scheduled to monitor compliance.

### **Enforcement Notice – 29 Kings Road, Wheatley**



The Planning Enforcement Team received a complaint regarding the alleged unauthorised erection of a two-storey extension, outbuilding, dormer window, and change of use of the outbuilding to a dwelling. A site visit was carried out where it was established that the development was in progress. The enforcement officer spoke to the developer who claimed to have planning permission, but they were



informed that the planning permission had been refused and the current works being carried out were unauthorised.

Despite numerous attempts to work with the developer, no remedial action was taken and works continued whereby the rear of the property was turned into 3 storeys and the outbuilding was turned into a self-contained flat that extended across the alleyway to the rear of the property.

On the 29<sup>th</sup> June 2023, an Enforcement Notice was served on the property and the developers registered office. The notice comes into effect on the 10<sup>th</sup> August 2023 and requires the developer to;

- (i) Demolish in its entirety the unauthorised two-storey rear extension shown marked in blue on the plan.
- (ii) Reinststate and make good the rear elevation of the original dwelling to its former condition.
- (iii) Following compliance with steps (i) to (ii) above, permanently remove the resultant materials from the Land.

The time for compliance of the notice is the following;

For steps (i) to (ii) above, two months from the date upon which the notice takes effect and for step (iii) above, three months from the date upon which this notice takes effect.

(Update as of the 30<sup>th</sup> September 2023)

City of Doncaster Council have received on the 21<sup>st</sup> August 2023 a notification of an appeal against the enforcement notice, this means the enforcement notice will now be held in abeyance until the Planning Inspectorate has made their decision.

### **Temporary Stop Notice and Enforcement Notice - Land on south side of Oldfield Lane, Stainforth**



As clarified earlier in this report, a Temporary Stop Notice (TSN) was served on 6<sup>th</sup> April 2023 informing the owners that no further works are to be undertaken on the land for the next 28 days.

(Recent Update as of the 25<sup>th</sup> August 2023)

Following the refusal of the planning application 23/00733/COU on the 22<sup>nd</sup> August 2023, an enforcement notice was served on the 25<sup>th</sup> August 2023 requiring the occupiers to;

Permanently cease the use of the Land as a residential gypsy and traveller site;

Permanently remove from the Land all mobile homes and caravans, structures and hardcore and any materials associated with the unauthorised use;

(iii) Following compliance with steps (i) and (ii) above, remove the resultant materials from the Land;

(iv) Reinstate the Land to its previous condition by reseeding with native grass seed.

TIME FOR COMPLIANCE:

For step (i) above, three months from the date upon which this Notice takes effect;

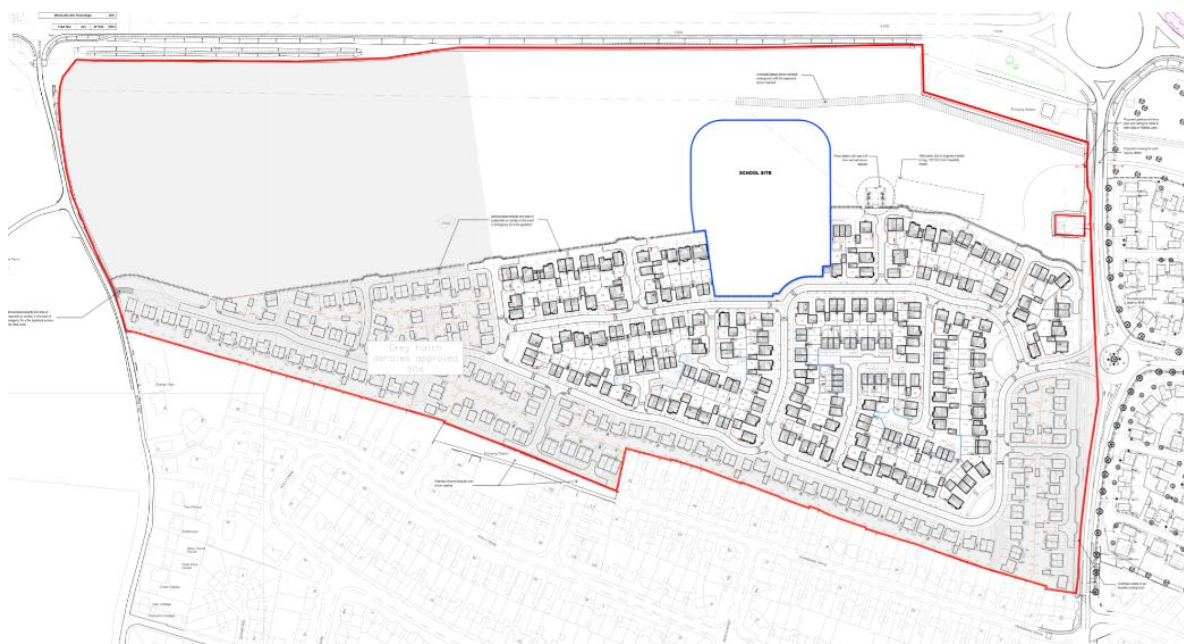
For steps (ii) and (iii) above, six months from the date upon which this Notice takes effect;

For steps (iv) above, the next available planting season (October to March) following compliance with steps (i), (ii) and (iii) above but in any event not more than 18 months from the date upon which this Notice takes effect.

This Notice took effect on 24<sup>th</sup> September 2023 and no appeal has been made against it.

This notice will be held in abeyance until the injunction has been decided at the High Court in Leeds on the 31<sup>st</sup> October 2023.

## Land North West of Hatfield Lane, Armthorpe



A case was registered following a report from Highways Enforcement that mud was being deposited on the highway when vehicles were exiting the part of the site currently being developed by Stonebridge Homes. Pre-commencement conditions had not been implemented relating to a previously application 16/02224/OUTM - Outline application for the erection of residential development of up to 400 dwellings, primary school, open space including green wedge, formal open space and children's play areas, landscape works including retained and new woodland planting, principle of access from Hatfield Lane, internal road network, cycle and pedestrian network, provision of utilities, drainage and necessary diversions and demolition and any engineering and ground remodelling works (All Matters Reserved).

It was decided that there was sufficient concern that the mud deposits would prove harmful to the highway network. A Temporary Stop Notice (TSN) was served on 19<sup>th</sup> January 2023. The notice was effective when served on the developer for a period of 28 days, which expired on 16<sup>th</sup> February 2023. The requirements of the notice were:

“Cease any and all vehicular movements associated with construction activities on the Land which result in mud and debris being deposited onto the highway from vehicles entering or leaving the Land.”

During the period that the notice was effective, a number of site visits were undertaken by both Planning and Highways Enforcement to check that compliance with the notice was being achieved.

(Update as of 31/07/23)

Following the issue of the Temporary Stop Notice, the monitoring visits undertaken by Planning Investigation and Highways highlighted that there had been 2 occasions when the TSN had been breached and mud/debris deposited onto the highway network. Advice has been sought regarding the Local Planning Authorities position, and whether Stonebridge Homes Ltd. will be subject to prosecution action.

Following discussions with Highways and Legal, it was considered that the breaches of the TSN were sufficient to warrant further action against Stonebridge Homes for the offences.

A case has been filed, and Stonebridge Homes notified of the LPA's intention to prosecute at Doncaster Magistrates Court and are awaiting a date.

(Update 02/11/23)

Due to the current RAAC situation at Doncaster Magistrates Court, resulting in the building being closed. Current cases are being adjourned and transferred to neighbouring courts. It is therefore likely that these cases will not be heard before 2024.

### **The Old School - Barnby Dun.**



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

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

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

(Update 13<sup>th</sup> April 2023):

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



(Recent update 31/07/23)

Conditions 5 (Tree protection), 6 (Tree replacement), 7 (Site surfaced and sealed) and 8 (Vehicle turning space) of planning application 20/00769/FUL have still not been determined for discharge therefore the enforcement case is still being held in abeyance until a decision is made on the discharge of condition application.

### **Wynmoor, York Road, Bentley**



#### **Before**

A complaint was received on the 22<sup>nd</sup> August 2022 regarding the alleged unauthorised erection of sheds, to the rear of the property. A site visit was conducted where officers established that the owners had erected several wooden structures as living accommodation in order to extend the property. The extensions took up most of the rear garden and the owner was advised that it was over development of the land and that it would require planning permission. Though it would be unlikely to be supported. The owner subsequently submitted a retrospective planning application 22/02517/FUL for the retention of part of the extension on the 15<sup>th</sup> November 2022, which was granted on the 27<sup>th</sup> March 2023.

Following this approval an enforcement notice was served on 30<sup>th</sup> March 2023, which comes into effect on the 18<sup>th</sup> May 2023. The compliance date is 18<sup>th</sup> August 2023 where the owner is required to remove all remaining structures. A site visit will be carried out following the expiry of the notice to check for compliance.

(Recent update -11<sup>th</sup> September 2023)



#### **After**

On the 11<sup>th</sup> September 2023 a site visit was carried out where it was found that the enforcement notice had been complied with and the additional buildings had been removed.

## **48 Jubilee Road, Wheatley**



A complaint was received regarding the alleged unauthorised conversion of a single dwelling into 3 flats. On the 29<sup>th</sup> April 2022, a letter was sent to the owners, informing them that planning permission is required as the property sits within the Article 4 Directive area. On the 16<sup>th</sup> May 2022, a retrospective planning application 22/01194/COU was received for the change of use from a residential property to self-contained flats. This application was refused on the 24<sup>th</sup> January 2023, so an enforcement notice has been served on the property dated 30<sup>th</sup> March 2023, which comes into effect on the 15<sup>th</sup> May 2023 and the owners have until the 18<sup>th</sup> September 2023 to comply and revert the property back to a single dwelling house. A site visit will be carried out following the expiry of the notice to determine compliance.

(Update - 30<sup>th</sup> September 2023)

Planning Enforcement have attempted to contact the owners to carry out an internal inspection of the premises to determine whether remedial action has been taken. No response has been received at this point and enquiries are ongoing.

## **121 Bawtry Road, Bessacarr**

On 23<sup>rd</sup> January 2023, the Planning Enforcement Team received a complaint alleging that the garage at 121 Bawtry Road was still being used as a dwellinghouse despite previous temporary permissions for such a use expiring.

The Council's investigation found that the garage was still being occupied as a dwellinghouse as construction on the main dwellinghouse hadn't yet been completed.

On 15<sup>th</sup> May 2023, the occupier was instructed that the LPA are unlikely to support another temporary permission to utilise the garage as a dwellinghouse and they were advised to cease the unauthorised use. However, they were informed of their right to submit a planning application if they wished. A letter was sent to the occupier advising that they must cease the use of the garage as a dwellinghouse within 2 months or submit a planning application for temporary permission to use the garage as a dwellinghouse within 1 month.

Following the 2 months' timescale provided, a site visit was conducted which established that the unauthorised use of the garage as a dwellinghouse had not ceased nor had a planning application been submitted.

As a result, an Enforcement Notice was served on 24<sup>th</sup> August 2023, which required the unauthorised use of the garage as a self-contained dwellinghouse to cease. The notice provided a compliance period of 6 months from the effective date. There is no record of an appeal being submitted so the notice took effect on 30<sup>th</sup> September 2023.

## 10 and 10A Ellers Road, Bessacarr



The Planning Enforcement Team initially received a complaint, stating that the approved plans and conditions relating to 16/00225/FUL (Erection of two detached houses and two double garages on approx. 0.21ha of land following demolition of existing bungalow and garage) had not been complied with.

The Council's investigation confirmed that the development granted under 16/00225/FUL had been completed and occupied despite the pre-commencement and pre-occupation conditions not being discharged.

Several of the conditions were discharge application under 17/00280/COND. However, insufficient information was provided from the developer to discharge the other pre-commencement and pre-occupation conditions. The Council worked with the developer to ensure the remaining pre-commencement and pre-occupation conditions were discharged, as well as comply with the approved plans.

Despite these efforts, there still remained the following breaches of planning control that were identified;

- The width at the entrance of the shared driveway for 10 and 10A Ellers Road being narrower than that specified on the approved plans under 16/00225/FUL.
- The failure to submit and implement a scheme for widening the dropped crossing as required by condition 4 of 16/00225/FUL.
- The failure to install block paving on the shared driveway in accordance with the plan approved in connection with the discharge of condition 3 of 16/00225/FUL.



- The failure to install bat and bird boxes in accordance with the plans approved in connection with the discharge of condition 7 of 16/00225/FUL.

It was deemed expedient to pursue with formal enforcement action therefore a Breach of Condition Notice was served on the 30th August 2023, which required the developer to:

- (i) Increase the width of the driveway in accordance with the details shown on the approved site plan.
- (ii) Install block paving on the shared driveway in accordance with the approved scheme.
- (iii) Submit a scheme to widen the dropped crossing over the footpath and verge to at least 4.5 metres wide and once approved construct the dropped crossing in accordance with the approved scheme.
- (iv) Install a bat and a bird box in accordance with the approved scheme.

The notice provided a total of 120 days, beginning with the date of service, for compliance with all the requirements.

## **Appeals.**

### **9 Doncaster Road, Conisbrough**



As mentioned in a previous quarterly report, a 2 metre high palisade fence has been erected around the boundary of the land adjacent to 9 Doncaster Road, Conisbrough without planning permission. Part of the fence is adjacent to Doncaster Road and therefore didn't benefit from permitted development rights.

A planning application was submitted for the fence referenced 21/00652/FUL, but it was refused as the LPA considered the palisade fence was not appropriate or acceptable for residential curtilage given the harm caused to the character and visual amenity of the area.

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



On 27<sup>th</sup> October 2022, an enforcement notice was served on the owner of the land requiring the part of the fence adjacent to the highway to be reduced to 1 metre so it complies with permitted development rights.

On 6<sup>th</sup> December 2022, the alleged offender appealed the enforcement notice to the Planning Inspectorate.

(Update 25<sup>th</sup> August 2023)

The Planning Inspector determined that the fence is an acceptable development and therefore granted it 'deemed planning permission'. This has resulted in the enforcement notice being quashed, which means the Council are unable to take any further action in relation to the matter.

## **Section 215 Cases**

The Council and partners including South Yorkshire Police and St Leger Homes are currently operating a joint project to deliver a sustainable regeneration in Edlington. This includes a specific focus on improving the condition of the environment and properties on Princes Crescent and Dukes Crescent. Site visits have been carried out within the area whereby 23 properties have been identified where there are concerns about the appearance of the properties and its grounds, which are seen as detrimental to the amenity of the surrounding area.

Initial Section 215 letters were sent out to the relevant properties and their owners requiring the necessary action to rectify any issues brought to their attention. Subsequent site visits were carried out and it was identified that 18 of these properties had not complied with the initial letter therefore Section 215 notices were drafted and served.

## **Section 215 Notices**

### **Princes and Dukes Crescent, Edlington**





Following Section 215 initial letters being sent to properties in a poor condition on Princes and Dukes Crescent, Edlington, 18 notices were drafted and served on the owners requiring them to take certain steps to improve the condition. Of these 18 notices, 5 were served on Dukes Crescent and 13 were served on Princes Crescent. A positive response has been seen so far from resident's, owner's and landlords. Although Section 215 legislation cannot enforce for a property to be re-occupied, it is anticipated that the service of these notices will encourage these properties to be brought back into use.

Further visits are scheduled for December 2023 to check for compliance of these 18 notices.

### **Campsall WMC, The Avenue, Campsall**

In March 2023 a complaint was received regarding an empty former public house that has been vandalised, boarded up and looked untidy and unkempt. Site visits were conducted which found that the premises were insecure to the front ground floor window, a door panel to the rear and the front door boarding panel had been pulled off at the bottom allowing unauthorised access. The former public house premises is empty and is being regularly vandalised. The site was identified as having a detrimental effect on the amenity of the neighbourhood. Initial letters were sent out requiring the following works to be carried out within 42 days;

- i. Fit all windows and entrances with metal screening to all elevations or alternatively, demolish the premises and remove and dispose of all the resultant materials from site in an approved manner. Please note that you are required to submit an application for full planning permission to demolish pubs and other drinking establishments as well as a building regulations application through a demolition notice.

- ii. Remove from the land all rubbish, litter, sofa and miscellaneous materials and disposed of in an approved manner.
- iii. Cut down all overgrown vegetation, weeds, and shrubs. Dispose of the resultant materials in an approved manner.
- iv. Ensure that regular inspections are made to the premises and its surrounding grounds and maintain these on an on-going basis, so as not to cause further detriment to the amenity of the surrounding area.

Informative - Upon completion of steps (i-iii) above, the owner and any occupier of the site are strongly advised to secure the site perimeter by means of site fencing. The height of which should not exceed one metre if adjacent to the highway or two metres in all other cases unless specific planning permission has been granted beforehand for a higher fence.

An additional site visit was conducted following expiry of these letters which found that no works had been carried out. Subsequently a Section 215 notice was drafted and served on 13<sup>th</sup> September 2023 on both the premises and the owner. The notice comes into effect on 18<sup>th</sup> October 2023 with a compliance date of 07<sup>th</sup> February 2024. Further visits will be carried out following the expiry of these notices to check for compliance.



## **Section 215 General Cases**

### **35 The Avenue, Bentley**

In March 2023 a complainant was received regarding the poor condition of an empty property at 35 The Avenue, Bentley. Site visits were made which established that the ground floor windows and doors were boarded however the first floor had smashed glazing, graffiti on the exterior walls and the garden full of waste. Initial letters were sent requesting works to be completed to improve the properties condition.

In August 2023 a further site visit was conducted which found that all the windows and doors had been replaced, the graffiti had been cleaned off and the waste fully removed from the garden. The property has been brought back into use and is now occupied.





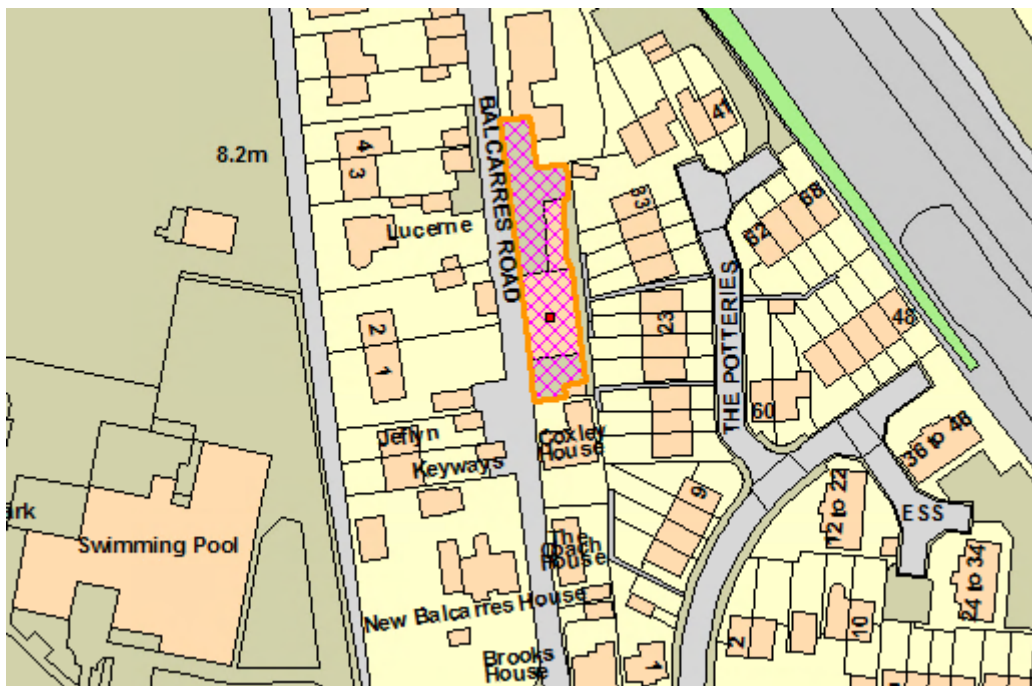
Before



After

### General Cases

#### **Station motor Company, Balcarres Road, New Rossington**



A complaint was received regarding an alleged unauthorised change of use to a MOT station from community garage. After investigation it was found that the garage use had been in operation for approximately 35 years and the additional MOT testing had been in effect for the last 2 years or so. A check of the Land Use Gazetteer found that both garage for repairs and MOT testing were both within the use class category B2. As there was no breach of planning legislation, no formal application was required for the additional use.

## Land at Former Auction Room, Church Road Stainforth



Before



After

A complaint was received on the 22<sup>nd</sup> March 2023 regarding the alleged unauthorised running of a business which involves the selling/scrapping of static caravans and Luton-style vans. It was also alleged that there was a static caravan on site that was being used as living accommodation. Following a site visit, contact was made with the owner who was given 28 days to clear the land and to cease residing in the static caravan. Following a request of an extension of time the land was cleared and the use ceased on the 28<sup>th</sup> September 2023.

## Rose Cottage West End Road Norton



Before



After

A complaint was received regarding the alleged unauthorised works to demolish an old newsagents shop on West End Road, Norton. Following a site visit and discussion with the owners it was determined that a planning application was required before any further works were to continue. The owner submitted an application (23/01039/DEM) to demolish the building, and this was subsequently approved. The case has now been closed.

## **Banners and advertisements displayed without consent or permission.**

In the 2nd quarter 2023-2024, 44 companies and organisations were identified as displaying banners and advertisements within the City of Doncaster, without consent. There were 33 banners, 6 'A' boards and 92 signs dealt with. Initial contact was made resulting in 32 companies and organisations directly removing their displays within the required time period (2 days).

There were 9 companies that received a verbal warning due to it being their first incident and their displays were removed.

Four companies/organisations were unable to be traced so their items were removed from display by the Council.

In this quarter, one company received a written warning and council officers removed the sign that was still being displayed after the 2-day notice timescale. A charge was issued to the company for removal of the sign.

### Examples of unauthorised advertisements:

#### **Wilmington Drive Lakeside Doncaster**

Following a check of the Doncaster area, a company's banner advertisement was identified on a City of Doncaster fence at the Lakeside. Following contact with officers, the company agreed to remove all items displayed in Doncaster that did not have consent or planning permission. A verbal warning was also issued, regarding future occurrences. The following photographs show the advertisements on a City of Doncaster fence.



Before  
After





## Thorne Road Wheatley

Whilst undertaking duties on district, signage was found being displayed for a company on adopted highway land and attached to street furniture. Contact was made with the company, to request the removal of their signage within 2 days. A subsequent site visit showed that the signage had been removed within the given timescale. The following photographs show the advertisements on a piece of City of Doncaster highway furniture at Thorne Road, Wheatley.



Before



After

## Church Way Doncaster

A banner sign was located on a highway barrier for a local takeaway company. The advertisement sign was being displayed without planning permission or deemed consent. Contact was made with the company from Doncaster which resulted in the removal of the signage from the highway barrier. A verbal warning was also issued to the company.



After



Before

## **For Sale/ To-Let Boards**

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

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

In the 2nd quarter of 2023-2024, 44 of the boards being monitored in the Urban/City centre area and Balby area were no longer being displayed, either due to their expiry or for being incorrectly displayed (i.e. several boards for the same company displayed on one property). However, there were 45 new displays of "for sale/to-let" boards established.

The Enforcement Team will continue to monitor the 135 boards identified and if required, take the appropriate action, to ensure compliance with the current planning regulations and guidance.

## **Developer Signs**

In the 4th Quarter 2022-2023, we have been assisting the Highways Team in relation to the yellow developer type of signs being displayed on council street furniture that were giving directions to new housing developments. These signs are allowed within the Town and Country Planning (Control of Advertisements) (England) Regulation 2007 and the Highways Act 1980 as long as there is permission and a licence agreement from the Highways Department. Of the 50 directional signs that were identified, 35 were found to not to have a current agreement. Contact was made to 6 companies and 13 of the signs were removed. City of Doncaster council removed 27 of the signs that did not have permission due to the companies no longer been in business or the sign not being compliant.

In the 2nd quarter of 2023-2024, visits were made across a wider area was carried out and 179 of these signs were found to being displayed. Checks were made to establish if they compliant and 30 of these were found to no longer be required or have the relevant permissions in place. Contact was made with the developers and signage suppliers and at present some of these companies are resubmitting permissions to retain the signage. Two signs were removed by the companies and 5 signs were found to be old and no longer needed so were removed by Doncaster Council officers. We are continuing to monitor the 172 remaining signs and will work



with other colleagues within the council to ensure the signs that are been displayed have the relevant permissions and are removed when no longer required

### Adwick Road, Mexborough



Before



After

## **Quarterly Enforcement Cases.**

<b>Quarter 2 (July - September 2023)</b>	
Received Enforcement Cases	148
Total Cases Pending	348
Closed Enforcement Cases	116

<b>Case Breakdown</b>	
Unlawful Advertisements	9
Breach of Conditions	26
Unauthorised Change of Use	24
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	88
Unauthorised Works to Protected Trees	1

<b>Areas Where Breaches Take Place</b>	
Adwick and Carcroft	1
Armthorpe	7
Balby South	7
Bentley	6
Bessacarr	8
Conisbrough	6
Edenthorpe and Kirk Sandall	6
Edlington and Warmsworth	3
Finningley	6
Hatfield	14
Hexthorpe and Balby North	8
Mexborough	3
Norton and Askern	17
Roman Ridge	2

Rossington and Bawtry	7
Sprotbrough	5
Stainforth and Barnby Dun	3
Thorne and Moorends	8
Tickhill and Wadworth	11
Town	13
Wheatley Hills and Intake	7

<b>Formal Enforcement Action</b>	
Notices Issued	3
Prosecutions/Simple Cautions	1
Injunctions	1

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