



City of Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

Notice is given that a Meeting of the above Committee is to be held as follows:

Venue: Council Chamber, Civic Office, Waterdale, Doncaster DN1 3BU

Date: Tuesday, 6th February, 2024

Time: 2.00 pm.

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**Damian Allen
Chief Executive**

Issued on: Monday, 29 January 2024

Governance Services Officer for this meeting

Amber Torrington
Tel 01302 737462

**City of Doncaster Council
www.doncaster.gov.uk**

1. Apologies for Absence
 2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
 3. Declarations of Interest, if any.
 4. Minutes of the Planning Committee Meeting held on 9th January, 2024 1 - 6
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications 7 - 122
- For Information**
6. Appeal Decisions 123 - 154
 7. Planning Enforcement Quarterly Update 155 - 174

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, 9TH JANUARY, 2024

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 9TH JANUARY, 2024, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

Apologies for absence were received from Councillors Duncan Anderson, Aimee Dickson, Emma Muddiman-Rawlins and Andy Pickering.

57 DECLARATIONS OF INTEREST, IF ANY.

No declarations were reported at the meeting.

58 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 12TH DECEMBER, 2023

RESOLVED that the minutes of the meeting held on 12th December, 2023 be approved as a correct record and signed by the Chair.

59 SCHEDULE OF APPLICATIONS

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

60 CONSIDERATION OF VARIATIONS TO TWO SECTION 106 AGREEMENTS IN RELATION TO THE AFFORDABLE HOUSING REQUIREMENTS ON LAND TO THE EAST SIDE OF HATFIELD LANE, ARMTHORPE (UNDER REFERENCES 12/00188/OUTM AND 20/01606/FULM).

The Committee considered a report seeking approval to variations to two Section 106 agreements in relation to the affordable housing requirements on land to the east side of Hatfield Lane, Armthorpe.

Members were advised that the first application under reference 12/00188/OUTM was outline planning permission granted at Committee on 17th October 2017 for the larger site of residential development, with the decision being subject to a Section 106 agreement dated 27th October 2017. It was noted that amongst other things, the Section 106 Agreement delivers 26 per

cent affordable housing as per the requirement of the Core Strategy in place at that time.

Subsequently, a reserved matters application was approved on this larger site for 382 dwellings on 15th January, 2021 under reference 20/01421/REMM and construction of the site is well underway.

Regarding the second application under reference 20/01606/FULM is a full planning permission granted under delegated authority on 28th July 2022 for 18 dwellings, with the decision subject to a Section 106 Agreement dated 28th July, 2022. The 106 Agreement delivers 23 per cent affordable housing as per the reduced requirement in the Doncaster Local Plan.

It was advised that the 18 dwellings application site was excluded from the original outline application despite being part of the same housing allocation in the development plan, because at the time of the outline, the smaller parcel of land was owned by a third party.

The report outlined that although under the deeds of variations, 6 fewer affordable homes units would be delivered across the whole of the site, the Council has actively sought to agree this deal with the developer. The Council will be able to purchase 11 dormer bungalows and 9 of these are being built on the smaller scheme for 18 dwellings and hence the reason for varying both 106 Agreements to increase the requirement on the smaller site and reduce it on the larger site. The Council will be able to increase its supply of older people's housing and this is a Mayoral priority.

It was advised that if the Local Planning Authority agrees to vary the Section 106 Agreements, the number of affordable units being delivered across the site through the Deeds of Variation would be:-

- 12/00188/OUT - 88 dwellings (23%)
- 20/01606/FULM - 9 dwellings (50%)
- Total number of units - 97 dwellings (24%)

It was **MOVED** by Councillor Gary Stapleton and **SECONDED** by Councillor Charlie Hogarth that authorisation be given to Head of Planning to agree the Deed of Variation to vary the terms of the Section 106 Agreements dated 27th October 2017 and 28th July 2022.

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

For - 7

Against - 0

Abstain - 0

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

RESOLVED that:-

- (1) authorisation be given to the Head of Planning to agree a Deed of Variation to vary the terms of the Section 106 agreement dated 27th October 2017 to reduce the requirement of affordable housing from 26% to 23% in accordance with the terms of this report. The provisions relating to Education, Highways, Transportation, bus stops and the Travel Plan are unchanged; and
- (2) authorisation be given to the Head of Planning to agree a Deed of Variation to vary the terms of the Section 106 agreement dated 28th July 2022 to increase the requirement of affordable housing from 23% to 50% in accordance with the terms of this report. The variations will continue to serve a useful purpose equally well in respect of affordable housing provision.

61 APPEAL DECISIONS

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

Application No	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
22/01941/FUL	Erection of 5 dwellings with associated access and landscaping (being resubmission of 21/03266/FUL withdrawn 01.02.2022) at Land off Birch Close, Sprotbrough, Doncaster DN5 7LF	Appeal Dismissed 08/12/2023	Sprotbrough	Delegated	No
22/01895/OUT	Outline planning application for the erection of up to 4 residential dwellings (with all matters reserved except for access) at Field House, Station Road, Blaxton, Doncaster	Appeal Dismissed 28/11/2023	Finningley	Delegated	No

22/02802/TEL	Installation of telecommunications 5G telecoms H3G 20m street pole and additional equipment cabinets at Telecommunications Mast, Pinfold Lane, Fishlake, Doncaster.	Appeal Dismissed 28/11/2023	Norton and Askern	Delegated	No
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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 9th January, 2024

Application	01
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Application Number:	23/02052/4FULM
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Application Type:	Planning FULL (DMBCREG4) (Major)
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Proposal Description:	Demolition of existing buildings and erection of a new commercial development block
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At:	Doncaster Gateway, Trafford Way, Doncaster
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For:	City of Doncaster Council
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Third Party Reps:	1	Parish:	N/A
		Ward:	Town

A proposal was made to GRANT Planning Permission subject to conditions

Proposed by: Councillor Charlie Hogarth

Seconded by: Councillor Iris Beech

For: 5 Against: 1 Abstain: 1

Decision: Planning Permission Granted subject to conditions.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Clare Plant, the Agent spoke in support of the application for the duration of 5 minutes.

(Consultation Response from CDC Street Scene questioning how the public open space will be maintained and who will be responsible for the areas and that no litter bins are shown on the plans and the cost if street scene were to maintain it was reported at the meeting).

(Additional information received from the Applicant regarding a response to the questions raised by street scene, within the report to Cabinet regarding he funding proposal outlined within this application, it was outlined that the revenue costs of the public open space and maintenance will be met from the income generated from the development. Furthermore, details of hard

landscaping including bins will be secured via condition to which street scene will be consulted at that stage was reported at the meeting).

(An update to the Planning report since the publishing of the committee report, there has been an updated NPPF released by the Government. The general principles of the NPPF remain the same but there are some alterations to paragraph numbers, this does not affect the recommendation, and during the publishing of the agenda pack there was some formatting error and some of the summary was not visible was reported at the meeting).

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.

Application	Application No	Ward	Parish
1 M	23/02196/3FULM	Town	
2.	23/01339/FUL	Bessacarr	
3.	23/02313/FUL	Conisbrough	
4.	23/02097/FUL	Norton And Askern	Askern Town Council

Application	1
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Application Number:	23/02196/3FULM
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Application Type:	Full Planning Permission
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Proposal Description:	Full Planning Application for the remediation of land at Doncaster Waterfront (East) and use of site for interim public open space
At:	Land Of Former Gas Holder Wharf Road Wheatley Doncaster DN1 2ST

For:	Mr Peter Wilson - City of Doncaster Council
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Third Party Reps:	None	Parish:	N/A
		Ward:	Town Ward

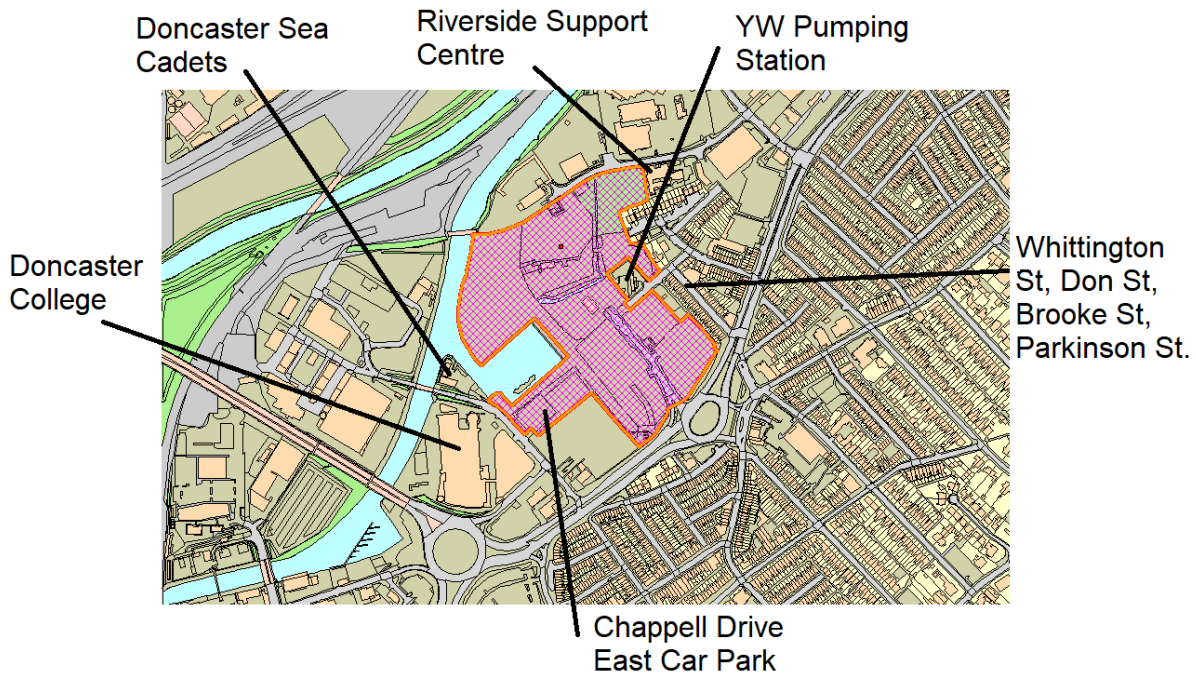
Author of Report:	Dave Richards
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The proposal seeks full planning permission for the remediation of c.7.7ha of land at Doncaster Waterfront (East) and subsequent delivery of public open space. The delivery of public open space will be temporary in nature, pending a further redevelopment scheme at some point in the future. The application follows the allocation of grant funding from the UK Government Levelling Up Fund.

The Doncaster Local Plan identifies the site as entirely within the Doncaster's Main Urban Area Development limits (Policy 1) and partially within the Lower Wheatley Employment Policy Area (Policy 4). It is also a 'Key Doncaster Town Centre and Main Urban Area Mixed-Use Site' (Policy 68). The method of remediating to enable the site to be 'development ready' is a sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2023).

The report shows that any harm generated by the proposal has been mitigated/outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to flood risk for the area, drainage, highway or public safety, neighbouring residential amenity or the wider character of the area - subject to suitably worded conditions.

RECOMMENDATION: GRANT subject to conditions



1.0 REASON FOR REPORT

1.1 This major scale application is being presented to Planning Committee in accordance with the adopted Scheme of Delegation. The application has been submitted by City of Doncaster Council and is not considered to be minor or routine development.

2.0 INTRODUCTION & PROPOSAL

2.1 The site (known as “Waterfront East”) is one of the largest urban centre brownfield development sites in the UK and is a priority regeneration area for Doncaster. It is currently underutilised given its prime location – with a mix of public car parks, vacant land, and small-scale industrial uses.

2.2 Levelling Up Funding (LUF) has been secured to enable the site to be remediated effectively to assist in delivering the site towards a final end use. Remediation will assist in unlocking the site by making it more appealing and viable for future development. The site has potential as a large scale, mixed-use regeneration scheme, which is consistent with the allocation in the Local Plan for a mixture of flexible employment, commercial and residential uses.

2.3 The anticipated costs to remediate the extent and types of contamination have acted as a major blockage to the redevelopment of this key gateway site. However, the proposed scheme now benefits from an award of £8.96 million awarded to City of Doncaster Council (CDC) by the Department of Levelling Up, Housing and Communities (DLUHC). This funding is part of a larger package of three projects associated with Doncaster’s emerging City Centre Masterplan. Funding will help capsule interventions and regeneration in these keys areas which are vital for the economic resilience, productivity and health and well-being of the area. Furthermore, the Council has applied for further

funding through the South Yorkshire Combined Mayoral Authority (SYMCA) Gainshare Fund to support delivery of this project. In March 2023, the SYMCA confirmed Outline Business Case approval for the project funding.

- 2.4 The application has been subject to pre-application discussions with key stakeholders, including City of Doncaster Council departments, the Environment Agency, Forestry Commission and Ward Members. The outcome from these discussions is summarised in a Consultation document submitted with the application.
- 2.5 Since the substantive technical reports have been completed, the red line site boundary for the application site has been updated to include land up to the adopted highways along the Church Way frontage, and the extent of Whittington Street. An addendum to the various reports has been produced to describe the changes. The amendment to the red line boundary is considered to make no substantive alterations to the assessment and conclusions recommended within the technical reports.

Proposal

- 2.6 The proposal seeks full planning permission for necessary remediation works to remove contaminated soil. Essentially, the site is proposed to be excavated to a depth of approximately 2m. Soils and effluent would be treated, reused/left in situ where appropriate or, alternatively, physically removed from the site and taken to a licensed waste facility. Up to 17 wells across the site will monitor groundwater quality during and post remediation.
- 2.7 The site would then be landscaped and opened to the public as interim open space. It is important to note that this would be a temporary arrangement pending the redevelopment of the site for a final end use in line with its site allocation in the Local Plan for a mixture of residential, commercial or employment related uses. The site is not designated as public open space in the Local Plan and it will not attain the status of Local Green Space as set out in the National Planning Policy Framework. The site can be closed from public use should the Council wish to assert its rights to do so.
- 2.8 The proposed works have been discussed with the Environment Agency and Council's Pollution Control team to allow a phased approach to assessing and remediating contamination across the site. This will allow for a flexible approach to addressing complex ground conditions, whilst allowing for subtle land levels to be agreed. For example, there are over buried utility infrastructure that cross the site and there are particular 'hot spots' or local ground conditions where the removal of 2m of soils may not be appropriate. There may be further minor changes to the agreed verification strategy which would be covered through individual risk assessment and verification plans agreed with statutory bodies.
- 2.9 There are existing drainage ditches which are proposed to be kept in situ at the same levels for the time being. The remediation would retain the existing land levels across the site once remediation is complete. However, this may be

subject to change in the future where the ditches are filled and remediated with clean soils to an agreed level across the site. This would be subject to a future planning application should this approach be progressed.

- 2.10 The proposed open space works would be designed to allow temporary public use. It would be comprised of maintained grass land, trees, footpaths and lighting with links to Church Way, Chappell Drive, Whittington Street and Wharf Road in Doncaster City Centre. Various street furniture is proposed including asphalt footpaths, (in-floor) solar lighting, litter bins, benches, fishing areas, defensible boundary tree planting and grass mounds/banking. Some existing site features would be kept in situ, including drainage ditches, some limited boundary tree planting, fencing, access points and the former pumping station.
- 2.11 In terms of existing landscaping, the site does not benefit from existing trees which have good amenity value or could be maintained long term. The site has previously been surveyed and then cleared of historic vegetation growth. Remaining trees on or near the eastern boundary from Whittington Street will be retained and supplemented with additional tree planting. A total of 20 new trees are proposed to be planted across the site.
- 2.12 The site would be made accessible to the public but controlled through appropriate waypoints. Most of the site perimeter would be contained by a paladin mesh fence anticipated to be 1.2 metres high, with the exception of a 2m paladin mesh fence, principally around Chappell Drive East Car Park. This is to be retained in line with the Park Mark standard. Lockable gates at pedestrian access points are proposed, and two vehicular access gates are to be installed for maintenance/ emergency access. 2 existing CCTV cameras in the south west of the site near Chappell Drive would be retained, as well as CCTV camera on Whittington Street to the north east of the site. The potential for further CCTV coverage located on existing Council owned street furniture is being explored. At this stage their exact location is unknown. However, a Structural Engineer's Assessment is currently being undertaken and the outcome of this assessment will determine the CCTV camera location(s). Low level solar lighting is proposed along the public footpath points.
- 2.13 It is anticipated that the remediation would ideally take place in a single construction phase. The duration is anticipated to last no more than 1 year, with the site then being landscaped in line with the final masterplan proposals before being made available as public open space. There may be a delay in 'opening' the site following remediation to take account of ensuring remediation has been verified, site levels are finalised and then hard and soft landscaping works carried out. In respect of planting, this may involve some delay until the planting season (winter period) to allow dormant planting to establish in new ground conditions before the growing season.
- 2.14 Unrestricted, 24-hour public access would be provided, however Doncaster Council will reserve its right to close the area if access is required for statutory undertakers or for routine works to be carried out. It is proposed that signage will provide information on the temporary nature of the site. This signage is

likely to be deemed consent and would not require express approval under the Advertisement Regulations.

3.0 SITE DESCRIPTION & LOCAL CHARACTERISTICS

- 3.1 The main site's western boundary is formed by the River Don in the north and Chappell Drive in the south; Doncaster College and a fuel filling station lie to the west of Chappell Drive. The northern boundary is formed by Wharf Road, beyond which are businesses including a recycling company. The eastern boundary is predominantly formed by residential properties, and in the north by offices. The southern boundary is formed by the A630 dual carriageway (Church Way). The site ground levels typically range from around 9m AOD (Above Ordnance Datum) to around 10.5m AOD, but falling to around 8.0m AOD along the western boundary with the River Don.
- 3.2 The site has undergone significant change and development since the 1850's, when it had a predominantly agricultural land use. The most significant development was associated with a gas works which occupied most of the southern part of the site by the turn of the century, with a further gasholder added in the northern part of the site in the late 1960's. The gas works was disused and mostly demolished by the early 2000's. The site was previously connected with the River Don, as river meanders within the site were filled in by the 1950's in the north, and the early 2000's in the south. A sewage pumping station owned by Yorkshire Water has been present within the northern part of the site since the late 19th Century, with some treatment works (settling tanks and septic tanks). A toffee factory was present in the north-east of the site.
- 3.3 Existing development surrounding the site includes Doncaster College, scrap yards and other industrial uses. In addition, the site also directly adjoins residential areas. The north of the site is bounded by the Sheffield & South Yorkshire Navigation Canal, based chiefly by the River Don.
- 3.4 There are a number of utility constraints across the site. These include utility cables and pipes, a main sewage line and drainage channels. A 'constraints plan is provided within Appendix 6 of this report.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is no recent planning applications for the site which are relevant.
- 4.2 The site has undergone significant change and developments since the 1850s, when it had a predominantly agricultural land use. The most significant development was associated with the gas works, which occupied most of the southern part of the site by the turn of the century, with a further gasholder added in the northern part of the site in the 1960s. The gas works was disused and then mostly demolished by the early 2000s. A pumping station and drainage infrastructure has existed from the late 19th Century. The pumping station has local heritage interest. Further changes to the site area took place by the straightening of the River Don and the infilling of river meanders in the northern and western parts of the site

- 4.3 There has been a number of investigation works within the site over the last 20 years which has established a wide range of contamination. This includes gasworks related contamination (tar, spent oxide), elevated concentrations of PAHs, cyanide and heavy metals. Plumes of hydrocarbon and chlorinated solvents were noted in parts of the site. Further evidence of coal, slag, ash, and spent oxide, together with coal tar and hydrocarbons were identified in the south-eastern and northern parts. Samples of groundwater taken were found to have elevated levels of PAH, phenol, BTEX, TPH, metals and some inorganic compounds (ammonium, total cyanide and sulphate). There has been some limited remediation of the site, in the north-west in 1988 and the south eastern section in 1998. Further remediation was consented and carried out in 2001, 2004 and 2013.
- 4.4 A request for a screening opinion was submitted under ref. 23/00317/SCRE. The Council, acting as the Local Planning Authority, confirmed the proposal does not fall as an EIA development and that an Environmental Statement was not required to be submitted as part of the proposed development.
- 4.5 An application (ref. 23/01843/FUL) for a Battery Energy Storage Facility on part of the site was refused in 2023 for a host of reasons, including flood risk, lack of community consultation, impacts to water quality, and due to the incompatibility with the site allocation in the Local Plan. This application is only relevant insofar in that it is a recent decision but offers a different set of proposals which are not relevant to the current application.

5.0 SITE ALLOCATION

- 5.1 The site is entirely within Doncaster's Main Urban Area Development Limits (Policy 1) and partially within the Lower Wheatley Employment Policy Area (Policy 4). It is also a 'Key Doncaster Town Centre and Main Urban Area Mixed-Use Site' (Policy 68). Figure 1 below sets out the relevant extract of the Doncaster Local Plan supporting Policies Map:

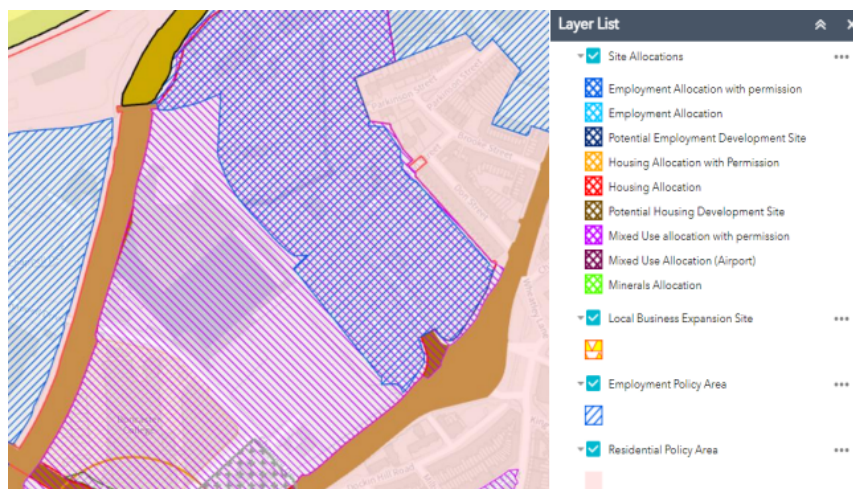


Figure 1. – Extract from Doncaster Local Plan Policies Map

5.2 National Planning Policy Framework (NPPF) 2023

- 5.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 2 reiterates planning law in that 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 Paragraphs 55 and 56 sets out that the LPA should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions and obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraph 101 states planning policies and decisions should promote public safety by anticipating and addressing possible malicious threats and natural hazards. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.
- 5.7 Paragraph 109 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 5.8 Paragraph 115 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.
- 5.9 Paragraph 123 requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.10 Paragraph 124 c) states substantial weight should be given to using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land,
- 5.11 Paragraph 125 states Local Planning Authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs
- 5.12 Paragraph 135 states planning policies and decisions should ensure that developments:

a) 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;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.13 Paragraph 139 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

5.14 Paragraph 172 states where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. Paragraph 173 states when determining any planning applications, local planning authorities should however ensure that flood risk is not increased elsewhere.

5.15 Paragraph 159 requires new development to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed.

5.16 Paragraph 180 e) states planning policies and decisions should contribute to and enhance the natural and local environment, including preventing new and existing development from being put at unacceptable risk from land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

5.17 Paragraph 189 states planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks

arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

5.18 Paragraph 190 confirms where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

5.19 Paragraph 194 states the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

5.20 Doncaster Local Plan (2021)

5.21 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).

5.22 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. Policy 1 confirms the application site falls within Doncaster Main Urban Area at the top of the settlement hierarchy

5.23 Policy 2 establishes the Council's strategic aims. At least 481 hectares of employment land is needed over the plan period (2015-2035) to help grow and diversify the Sheffield City Region (which Doncaster is part of) economy, increase productivity, meet regeneration needs, and widen access to learning and training opportunities. The identified land will accommodate business, light industry and manufacturing and distribution and warehouse uses to meet future employment needs on sites with good access to the Strategic Transport Network which are attractive to market investment and which can be accessed via a range of transport modes. New retail, leisure, office, cultural and tourist developments in accordance with the defined Network of Centres. Doncaster Town Centre will be the main location for offices and commercial uses, further

education, regional retailing centre, transport hub, civic uses and range of leisure uses.

- 5.24 Policy 4 seeks to retain the application site for employment development. In this case the site has not been used for employment development for a significant period of time and its contaminated state is deterring re-development opportunities.
- 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.
- 5.26 Policy 22 confirms Main Town Centre Uses, including retail, leisure, office, cultural and tourist developments, will be located according to the 'Network of Centres' defined by Policy 1 and Policy 2. Proposals within centres (as defined on the Policies Map) will be assessed against Policy 23.
- 5.27 Policy 23 confirms proposals for development in town, district and local centres, outside of any defined 'primary shopping area', will be acceptable in principle for a wider range of Main Town Centres Uses, such as restaurants, pubs, hotels and cinemas and financial and professional services. Non-town centre uses will be resisted unless it can be demonstrated that they will not negatively impact upon the vitality and viability of the town centre, with particular regard to the amenity of existing businesses and residents. The proposal complies with this policy.
- 5.28 Policy 26 states that the Council will protect, maintain, enhance and extend or create Doncaster's green infrastructure (GI), including landscapes, ecological networks, natural environment, open spaces, public rights of way, geodiversity, and biodiversity. All proposals of 1 hectare or more will be required to show how the development contributes to the existing GI or how it will create or enhance existing GI.
- 5.29 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
- 5.30 Policy 30 relates to valuing biodiversity and geodiversity and advises that internationally, nationally, and locally important habitats, sites and species that will be protected through a number of principles. Policy 30 states that proposals must achieve a 10% net gain in biodiversity.
- 5.31 Policy 32 relates to woodlands, trees and hedgerows. Proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be a presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.

- 5.32 Policy 33 focuses on landscape and states that where development proposals will most likely result in a significant impact on the Borough's landscape, the proposals should assess the potential impact (including cumulative impact) and propose how any negative effects will be minimised.
- 5.33 Policy 34 values and conserves Doncaster's historic environment. Proposals and initiatives will be supported which preserve and, where appropriate, enhance the heritage significance and setting of the Borough's heritage assets (including locally identified undesignated heritage assets), and especially those elements which contribute to the distinct identity of the Borough. Proposals and initiatives will be supported which identify, promote and secure the long term future of Doncaster's heritage assets.
- 5.34 Policy 35 seeks to understand and record the historic environment. Planning applications require the submission of sufficient information to gain an understanding of the potential impact that the proposals will have on the significance of any heritage assets or historic environment likely to be affected.
- 5.35 Policy 37 protects Conservation Areas. It confirms proposals should not detract from the heritage significance of a conservation area by virtue of their location, layout, nature, height, density, form, scale, materials or design or by the removal of trees, the loss of important open spaces or other important landscape features, or through adverse impact on key views and vistas (Part B). Proposals will be supported where it can be demonstrated that they will enhance or better reveal an element which can contribute to the character and appearance of the conservation area (Part C).
- 5.36 Policy 39 states that development affecting other archaeological assets will need to demonstrate how any benefits will outweigh harm to the site.
- 5.37 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.
- 5.38 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.
- 5.39 Policy 47 seeks to create safe and secure places and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Developments will be supported which are designed in a way that reduces the risk and fear of crime.

- 5.40 Policy 48 states that development will be supported which protects landscape character; protects and enhances existing landscape features and provides high quality hard and soft landscaping scheme which includes fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 5.41 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.
- 5.42 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality.
- 5.43 Policy 55 deals with the need to mitigate a number of potential impacts resulting in environmental contamination on site.
- 5.44 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.45 Policy 57 relates to flood risk management and requires all development proposals to be considered against the NPPF.
- 5.46 Policy 60 protects and enhances Doncaster's soil and water resources.
- 5.47 Policy 67 sets out the strategic approach to Doncaster Town Centre. New development in Doncaster town centre will be supported where it helps improve the centre as a thriving and accessible shopping, commercial and leisure destination of regional importance with a broader range of high quality services and businesses, homes and excellent cultural, entertainment and education facilities. Major development opportunities will be directed towards Waterfront, Marshgate, Civic and Business District, Waterdale, Minster Canalside, the Markets and St Sepulchre Gate West areas of the town centre, as defined on the Policies Map. Proposals will be supported where relevant, which:

D) transform the Minster canalside and waterfront area into a vibrant mixed-use destination in its own right, framed with higher density development, a hierarchy of greenspaces and a mix of small-scale ancillary uses focused around the marina and canalside

F) create high-quality streets, public spaces and routes which are safe to walk and cycle between key destinations, particularly at Doncaster Waterfront, Waterdale, Doncaster Market, Marshgate, Doncaster Minster and St Sepulchre Gate West, including where appropriate treelined boulevards, parks and canal-side walkways.

H) create inviting and safe places for pedestrians, cyclists and disabled people, with special emphasis on reducing the severance caused by the Trafford Way/Church Way/Cleveland Street corridor and improving links to Balby Island, Doncaster Minister, St Sepulchre Gate West (including the railway station), Doncaster Waterfront, Lower Wheatley, Hyde Park and Doncaster Lakeside.

5.48 Policy 68 identifies the site as part of the Key Doncaster Town Centre and Main Urban Area Mixed Used sites, specifically 5 Doncaster Waterfront. The waterfront area will become a thriving and attractive high density waterside neighbourhood, representing a natural extension of the town centre. It will support a variety of uses and activities such as modern waterfront living, student accommodation, employment, education and learning, centred on the marina and a high quality public realm. New and improved pedestrian and cycle links, crossing facilities and greenspaces (including a new urban park) will also be created, connecting the waterfront with the rest of the town centre. Accepted uses also include commercial, health, recreation and community facilities. The proposal complies with this policy.

5.49 Other material planning considerations

5.50 In line with the Town and Country Planning (Local Planning) (England) Regulations 2012 City of Doncaster Council has adopted five Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in September 2021. The adopted SPDs are regarding 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.

5.51 Additional SPDs regarding the implementation of other specific Local Plan policies are currently being drafted.

5.52 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.

5.53 Other material considerations include:

- National Planning Practice Guidance (ongoing)
- National Design Guide (January 2021)
- Crime and Disorder Act 1998
- British Standard BS5489/EN13201-1:2013

5.54 Other Council initiatives include:

- Doncaster Green Infrastructure Strategy 2014 – 2028
- Doncaster Economic Strategy 2030
- Doncaster Masterplan
- Doncaster Delivering Together

5.55 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.

5.56 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. The main purpose of the application would be to remediate the site from contamination in order to assist in delivering a site which has been sequentially assessed as being appropriate for development. The site is 'previously developed land' which reusing is a particularly sustainable use of land (1) for a mixed use led development (2, 3). The temporary use of the land for open space will present a time limited opportunity to expand recreational provision within the City Centre, close to Doncaster College (4, 5, 6). The proposals are sought in conjunction with delivering on a funding award of over £18.6 million from the Levelling Up Fund to help to transform Doncaster city centre's retail, leisure and cultural offer. Funding will help acquire and make the land accessible, preparing it for future development (1, 2, 3, 4, 8).

Other legislation

5.57 The planning system is part of a network of other legislation which deals with site remediation. This includes identifying and remediating statutorily defined contaminated land under Part 2A of the Environmental Protection Act 1990, which provides a risk based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment. Other legislation includes the Building Regulations and Environmental Permitting Regulations.

5.58 The government has published statutory guidance on Part 2A which is a material consideration in this application. This focuses on addressing contaminated land that meets the legal definition and cannot be dealt with via any other means, including planning. The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:

(a) To identify and remove unacceptable risks to human health and the environment.

(b) To seek to ensure that contaminated land is made suitable for its current use.

(c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

5.59 The fact that the site is to be temporarily made available to the public requires the LPA to consider the design of the scheme, in particular 'Designing out Crime' is considered to be an important part of the remit of any Public Body. The Crime and Disorder Act 1998 established that the responsibility of reducing crime does not fall solely to the police. Section 17 requires that Local Authorities exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. Also, Secured by Design is the official UK Police flagship initiative supporting the principles of 'designing out crime'. Secured by Design is owned by the Association of Chief Police Officers (ACPO). Finally, the Health and Safety at Work Act (1974) and other contributory legislation requires a duty to ensure the health and safety of users, so far as is reasonably practicable.

5.60 Paragraph 194 of the NPPF makes clear that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

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:

- Any neighbour sharing a boundary with the site has received written notification
- Advertised on the Council website
- Site notice (x2 notices)
- Advertised in the local press

6.2 Approximately 60 neighbouring properties were consulted by letter. No representations have been received from members of the public.

7.0 CONSULTATIONS

Internal CDC Consultees

7.1 **Pollution Control Officer (contamination)** - No objections subject to condition. The submitted reports have been reviewed and approved by Pollution Control during pre-application discussions. The site has been subject to an appropriate contaminated land risk assessment, and the proposed remedial works are clear and concise. Remedial works include hot spot removal/bio-remediated/cover system. To ensure the required remedial works are carried out in an appropriate manner, a site-specific condition is proposed.

7.2 **Planning Policy Officer (Open Space)** - No objections subject to condition. The officer noted the site is allocated for mixed use development and the application is clear that this is a temporary use of the land pending a future development. It is suggested that signage is included to ensure the temporary nature of the site is made clear at access points to avoid future issues should this become perceived as something more permanent by the time it is redeveloped. This is likely to be erected under express consent permitted development rights.

In terms of the onsite provision, the officer agrees it would not be expedient to deliver copious on-site infrastructure or provide expensive features such as play equipment which will be removed again in due course. Suggestions for low level interventions, such as mounding, boulders, and bins were requested and incorporated into the plans.

Initial concerns were raised over the proposals for solar lights as wayfinders along the paths will not emit enough light to illuminate the routes through the space for it to feel safe to use in the dark. Following further discussion and clarification from South Yorkshire Police on this preferred approach, these concerns were satisfied.

7.3 **Urban Design Officer** - No objections subject to condition. The officer noted the scheme would contribute to the Local Plan vision and objective of appropriate development that reinforces distinctive and vibrant places. She echoed initial concerns over the proposals for solar lights as wayfinders along the paths. It was accepted that the proposed lighting would be utilised in winter as finding their way along the designated footpaths and noted the temporary nature of the scheme. Following further discussion and clarification, these concerns were satisfied.

7.4 **Highway Officer** – No objections subject to condition. Further clarification was sought to understand the scheme in more detail. This included details of access points for motorists, pedestrians, emergency access and whether there would be a loss of parking to the existing parking areas. It was also clarified any recommendations made by the Royal Society for the Prevention of Accidents (RoSPA) were taken into consideration. A construction traffic management plan will be required once a contractor is appointed.

7.5 **Ecology Officer** – No objections subject to condition. The application was subject to pre-application advice with the officer who scoped and assessed the technical reports. There are no concerns with relation to the habitats which are present and previously existed on the site prior to site clearance. Adequate

survey information in relation to bats was agreed. The officer noted a complete and very detailed baseline habitat drawing has been produced. With this now in place, the BNG assessment is acceptable. The outcome is that it is proposed that biodiversity units lost through on-site developments will be delivered through off-site habitat creation and enhancement (Red House Farm). The site will be subject to a condition securing the agreed implementation plan for the delivery of the off site BNG proposals.

- 7.6 **Transportation Officer** – No objections subject to condition. The proposed traffic generated, when averaged across the remediation period, was assessed as not severe. Routes through residential areas are to be avoided and that any HGV movements are timed to take place outside the traditional highway peak hours. The officer reiterated the requirement for a Construction Traffic Management Plan.
- 7.7 **Conservation Officer** - No objections subject to condition. At the heart of the site is an old pumping station, which is a potential candidate to be on the Doncaster Local Heritage List due to its architecture and social history. Unfortunately, its condition is deteriorating and is subject to trespass and anti-social behaviour. The proposed use is warmly welcome as it will bring public access to the area and hopefully bring the marina into use, which might prove to be a further catalyst additional to the remedial measures included within the proposal, leading to redevelopment of the area including conversion/re-use of the old pumping station. Efforts should be made to ensure that the pumping station is protected from the increased used of the site.
- 7.8 **Drainage Officer** – No objections subject to condition. There were initial concerns raised with the proposed infill of a section of open ditch and cut/fill to address changes in land levels either side of the ditch. To address these concerns, the applicant amended the planning application to omit the proposal to infill the ditch and cut/fill adjacent to the ditch.
- 7.9 **Tree Officer** – No objections subject to condition. This site is not within a conservation area and there are no trees protected by a Tree Preservation Order on the site. It was noted that the vast majority of the trees that were within the site were removed under a felling licence, and replacement trees as part of this permission are accepted to be planted in a different location. Further detail and specification of the landscaping scheme is to be dealt with by way of a detailed landscaping condition.
- 7.10 **Environmental Health Officer (noise)** - No objections subject to condition. It was noted that the site is located in a mixed use area, there are businesses and public accessed areas surrounding the site, Doncaster College to the south west. The greatest concern in terms of potential adverse impact from site activities was the area of residential development to the north east, including several terraces of housing that are located along the site boundary. The officer identified the remediation proposed including selective excavations, segregation, bioremediation, possible off-site disposal, pumping off of contaminated waters and capping the site. These adverse impacts may arise from noise, vibration, dust and odours. It was concluded that suitable impacts

could be dealt with via a detailed construction management plan to control these impacts. The officer suggested the Health and Safety Executive be consulted on the proposals which was carried out.

- 7.11 **Environmental Health Officer (air quality)** - No objections.
- 7.12 **Street Scene Officer** – No objections. The response notes CDC Street Scene will undertake routine maintenance during this time and has provided cost estimates. Details of signage and a review of costs is required prior to commissioning which can be dealt with via condition.

External Consultees

- 7.13 **Environment Agency** – No objections subject to condition. In terms of flood risk, the response notes the site lies within Flood Zone 3, with a high probability of flooding from rivers and/or the sea. The use would be a 'less vulnerable' land use in Annex 3 of the NPPF. The EA have noted the requirement for the Sequential Test, however it was explained that the site benefits from being allocated within the Local Plan and therefore the Sequential Test has been passed. The response regards the submitted FRA as being acceptable. In respect of ground water protection, the proposed development is located upon a Principal Aquifer and within a groundwater Source Protection Zone 3. Technical documents demonstrate that it will be possible to manage the risks posed to controlled waters to the extent of the current status of the site. Further details will be required once the final end use comes forward. A condition requiring a verification report is repeated in other requests, notably from the Environmental Health Officers for a verification plan and construction environmental management plan respectively. Further informative advice is given.
- 7.14 **Yorkshire Water** – No objections subject to condition. Initial objection as certain landscaping could have affected their assets. Following the relocation of rem, the objection was removed. The response notes the potential for ground contamination being mobilised as part of the works and on site monitoring during the construction phase is recommended and agreed as part of the overall remediation proposals. Conditions requiring the safe storage of fuels and other liquids along with a construction environmental management plan were suggested and incorporated into conditions requiring detailed drainage strategy and a construction environmental management plan.
- 7.15 **South Yorkshire Police Design Officer** – No objections in principle. The response notes that it is important to maintain as much surveillance of the site as possible. The design officer noted taller boundary treatments would be preferable as it would mean they can be easily climbed. A walkthrough with the officer highlighted the improvements resulting from site clearance on natural surveillance and the design approach taken to clearly delineate the public and private boundary but to keep boundary treatments to allow site permeability.
- 7.16 **South Yorkshire Archaeology Service (SYAS)** – No comments were made on the application but the proposals have been subject to pre-application advice

with SYAS. There are some limited areas of archaeological potential. Where remediation proposals or other groundworks will affect deposits below c. 7.5maOD in certain areas, SYAS have recommended archaeological monitoring of the groundworks. This has been included by way of condition.

- 7.17 **Health and Safety Executive** – No objections.
- 7.18 **Canal and River Trust** - No objections subject to conditions and informatives. The response notes the site lies to the east of the South Yorkshire Navigation, a section owned and managed by the Trust. Design comments were made on the position of site fencing to ensure the amenity value of the waterway is maintained. Although the fencing would be somewhat utilitarian in appearance, it would not be permanent pending a final end use for the site. Comments also reflected any environmental impact from the remediation works including dust or run off. Conditions relating to construction management were suggested, in tandem with other consultees.
- 7.19 **Danvm Internal Drainage Board (IDB)** – Although no response on the application was received, the application was subject to pre-application advise. The IDB confirmed that part of this site falls within the IDB boundary – following the old route of the Don, so only the section of watercourse heading south-north is within their district. The Officer advised any proposals that include work within 9 metres of this section would require separate consent, but the IDB would be happy to see any plans and would be unlikely to object as long as maintenance access is made available, existing connections to the watercourse are picked up and flood risk is not increased.
- 7.20 No responses were received from National Grid, Danvm Internal Drainage Board, CDC Area Manager or CDC Ward Members.

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:
- The principle of the development
 - Ensuring the site is suitably remediated

- Impact upon the character and appearance of the surrounding area
- Impact upon residential amenity
- Flood risk and drainage
- Ecological considerations
- Impact upon highway safety
- Trees and landscaping
- Other considerations
- Conditions
- 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 is entirely within Doncaster's Main Urban Area Development Limits as defined by Policy 1 of the Local Plan and partially within the Lower Wheatley Employment Policy Area defined by Policy 4. It is also a 'Key Doncaster Town Centre and Main Urban Area Mixed-Use Site' (Policy 68).

8.6 Policy 68 of the Local Plan identifies the site as part of the Key Doncaster Town Centre and Main Urban Area Mixed Used sites, specifically "5" known as Doncaster Waterfront. The supporting text to the policy states the waterfront area will become a thriving and attractive high density waterside neighbourhood, representing a natural extension of the town centre. It would be designed to support a variety of uses and activities such as modern waterfront living, student accommodation, employment, education and learning, centred on a marina and a high quality public realm. New and improved pedestrian and cycle links, crossing facilities and greenspaces (including a new urban park) are also envisaged connecting the waterfront with the rest of the town centre. The policy states that accepted uses also include commercial, health, recreation and community facilities.

8.7 The submitted technical reports demonstrate a considerable legacy of historical land contamination involving a wide range of substances. On all land there are background levels of substances, including substances that are naturally present as a result of our varied and complex geology and substances resulting from diffuse human pollution. However, it is clear from the submitted details that there are greater concentrations of contaminants associated with industrial use and waste disposal on the application site.

- 8.8 Responsibility for securing a safe development rests with the developer and/or landowner. In this case, the site is subject to a number of different owners and leasehold agreements.
- 8.9 Although there is no current end user for the site, it forms a key area for the continued regeneration of the City of Doncaster. The anticipated costs to remediate the extent and types of contamination have acted as a major blockage to the redevelopment of this key gateway site. However, the proposed scheme now benefits from an award of £8.96 million awarded to City of Doncaster Council (CDC) by the Department of Levelling Up, Housing and Communities (DLUHC). The current proposals to remediate the site provide a transformation opportunity to ensure the site is remediated to ensure there is no unacceptable risk of contamination and to prepare it for being 'development ready.' T

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. 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.
- 8.11 Making the effective use of land is a clear national priority. The NPPF is clear that previously developed or 'brownfield' land should be used as much as possible.

SOCIAL SUSTAINABILITY

Impact on amenity

- 8.12 The site is allocated for development and has previously been developed for industrial and commercial uses. Notwithstanding this, the northern boundary is formed by Wharf Road, beyond which are businesses including a recycling company, Riverside Care and Support as well as Wharf House a homeless shelter. The eastern boundary is predominantly formed by residential properties on Don Street, Whittington Street and Parkinson Street.
- 8.13 The remediation of the site would involve a degree of disruption primarily during the construction phase. This would take the form of noise, dust, vibration, air/water pollution, surface/subsurface disruption. Indirect impacts may also occur due to any prolonged closure of road safety, detours, utility cuts, etc. Once remediation is complete, the land levels would revert to those previously experienced and limited landscaping and footpath provision would be installed to provide suitable wayfinding through the site.
- 8.14 The main activities anticipated during construction will comprise site preparation, earthworks, and construction. Works are anticipated to be undertaken broadly across the site but there is likely to be a certain element of

overlap between each stage and some individual processes. It is likely that the activities would follow the process below:

- a) preparation works to secure the Site and to determine Site protocols during the following stages:
 - b) b) localised remediation, validation of ground conditions and further geotechnical ground investigation
 - c) Further clearance of vegetation in relevant development phase which are not retained for preservation .
 - d) clearance and creation of temporary accesses/haulage routes through the Site.
 - e) the implementation of any additional fencing and/or hoarding around the site.
 - f) bulk earthworks to ground formation levels and the formation of temporary surface water drainage areas;
 - g) Material handling, storage, stock piling, spillage and disposal.
 - h) Disposal of waste materials within or off site
 - i) Site preparation, excavation, earthworks, and re-profiling to meet required finished floor levels
 - j) Construction of temporary drainage runs, and utilities duct runs;
 - k) Installation of temporary public open space works including pathways, street furniture
 - l) Site restoration and landscaping.
- 8.15 In terms of day to day activity, it is likely that the vehicles on site would involve around 8 excavators, 4 dump trucks and 2 dozers together with half a dozen loaders and rollers. It is anticipated that approximately 20 HGV deliveries would be required during the initial phase to offload equipment and then demobilise at the end of the works. It is likely that the proposals would involve the movement of material on and off site. It is anticipated that there would be between 200-300 trucks for export waste disposal of soils and other deleterious materials (fly tipping / tyres / buried inorganic wastes, etc) over the lifetime of the development. On the assumption that the import of topsoil is for temporary landscaping, then the requirement will be 150mm spread across the whole site. This would equate to 1200-1300 HGVs for import of clean soils towards the end of the project (over a 20-week period). This is based on a worst-case scenario whereby none of the existing topsoil can be re-used and the full amount needs to be imported which will be unlikely.
- 8.16 The duration of remediation works is anticipated to last no more than 1 year, with the site then being landscaped in line with the final masterplan proposals.
- 8.17 The Environmental Health Officer has reviewed the available information and raises no objections. Accordingly, the mitigation measures will ensure that the proposal does not put sensitive receptors at unacceptable levels of disturbance.

Impact on highway safety

- 8.18 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 and development does not result in unacceptable impacts on highway safety.

- 8.19 It is proposed that a carefully co-ordinated remediation phase would be undertaken, eventually leading to the implementation of the public open space. At this stage, a construction management plan would set out a dedicated compound for the site and that remediation is done in a logical fashion. This means that remediation will take place in all areas where possible, but will include seasonal factors. For example, it is proposed to remediate areas closer to residential properties in wetter conditions in order to suppress dust and odour from escaping the site.
- 8.20 Construction access is yet to be agreed, but it is anticipated that the main construction access would be via Chappell East Drive or Wharf Road, away from the narrower streets on surrounding residential roads. The application proposes that the existing vehicular access points are to remain unaltered. The emergency access to the site would also take place from these points. The size of the site is sufficient to ensure that once plant and machinery enter the site, a suitable construction compound can be formed and moved around the site where necessary.
- 8.21 The proposals would result in a reduction in the number of parking spaces at Chappell Drive East car park to no.300 spaces. In consultation with the Council's Parking Services, who have undertaken an assessment of usage levels of the car park, it is clear that Chappell Drive East car parking is underutilised and 300 spaces still retains a sufficient number of spaces to satisfy demand. Peak demand of Chappell Drive East car park is during the day by market traders (Tuesdays, Fridays and Saturdays) and college (Monday-Friday). The proposed interim open space would likely be used on evenings during the week and all day at weekends when parking demand for this amenity would be at its highest outside of the current peak parking demand periods generated by a combination of market traders and the users of the college.
- 8.22 The Highway Officer agrees that the car park would have sufficient capacity to serve the market traders, college, proposed development and users of other amenities and services within the City despite the reduction in car park spaces. The officer has noted that the views of The Royal Society for the Prevention of Accidents should be sought. This has been taken into consideration by the applicant who has commissioned a report to take any views into account.
- 8.23 The proposals have been assessed by the Council's Highways Officer with respect to ensuring that the remediation works do not impact highway safety. The appointed contractor for the scheme would be required to ensure that the construction works are organised and delivered in a manner that safeguards the highway impact, in addition to the safety and amenity of nearby land uses. The scheme is therefore compliant with Policies 13 and 46 of the Local Plan with respect of protecting highway safety.

Landscaping and providing temporary open space

- 8.24 National planning policy states access to high quality open spaces and opportunities for sport and recreation makes an important contribution to health and well-being. Policy 28 is the Local Plan interpretation for providing open space in new developments. It states that spaces within or adjacent to residential areas is the most regularly and intensively used type of open space but provision can be quite complex as the varied types of open space provide different functions and benefits to the local community. In this case, the application has clearly been submitted on the basis that the site is to be remediated and brought into public use, until a final end use for the site is realised through the submission of a new planning application. Policy 47 aims to achieve a good overall standard of security for public and private spaces.
- 8.25 The open space is proposed to comprise low maintenance grass land, trees, footpaths and directional lighting. The space is not intended to provide formal provision of open space or play equipment which usually forms part of new residential developments, rather transitory spaces where members of the public could relax, walking opportunities and provide links through the site which previously formed a barrier between Whittington Street/Wharf Road and Chappell Drive.
- 8.26 The Council's Public Open Space (POS) officer has reiterated that the site is allocated for mixed use development and the application is clear that this is a temporary use of the land pending a final development proposal coming forward. The Officer has no objection to the principle of a temporary use, and it is proposed that the use is time limited through planning condition for the avoidance of doubt.
- 8.27 During the course of the application, the proposals were amended to include more low level interventions alongside the pathways to provide more seating and litter bin provision. This would be designed to provide transitory interest to the site, rather than encourage areas where members of the public would congregate.
- 8.28 How the site is to be lit on a temporary basis will be an important consideration. Consultee officers accept that delivering copious on-site infrastructure or provide expensive features would not be appropriate, but concerns are acknowledged with the level of lighting across the site and whether members of the public would feel and be safe from anti-social behaviour.
- 8.29 Various layers of light combine to provide light source within the Doncaster waterfront/markets area, including spill light from buildings, street and amenity lighting, the floodlighting of both public and private buildings, landscape lighting and illuminated media and signs. Good lighting not only keeps us safe by helping to prevent accidents, but also contributes to security through assisting with the prevention and detection of crime. It can also help us find our way, whether through intuitive means or illuminated signage, thereby preventing us from becoming lost and disorientated.
- 8.30 The site currently is not lit and would otherwise be in darkness when in use. Reducing the amount of light we use can help conserve fossil fuels and reduce

carbon emissions. Light pollution not only blocks the night sky but can cause a nuisance for residents and damage local ecologies. Over-illumination wastes energy and creates visual pollution that can be detrimental to the character of the area. A blanket approach to lighting the entire site would not be an appropriate use of resources, given the proposal would be temporary.

- 8.31 The applicant has taken the approach that the provision of light must be carefully balanced against the need to retain natural darkness. Whilst darkness can sometimes heighten the fear of crime and increase the risk of accidents, it can also provide visual quietness and clear wayfinding.
- 8.32 It is proposed that the network of pedestrian footpaths and seatways crossing the site would be softly illuminated by floor solar lighting with controlled light spill onto the footway. These objects should provide a soft diffuse light and support wayfinding but would also provide a clear delineation of the pathways being a through route rather than locations where the public would be encouraged to congregate or deviate from the paths into unlit areas. The decision to proceed with these was taken in consultation with SY Police. The site would generally be laid to grass rather than heavily landscaped. This would reduce the potential for areas of poor surveillance, vandalism or other anti-social behaviour.
- 8.33 Further consultation is taking place within the Council to explore the potential of adding 3 CCTV cameras, to complement existing coverage on existing lighting columns on Wharf Road, Church Way and Chappell Drive. The installation and costs for monitoring are being investigated and will require Council approval of costs before this can be supported. If included, these will form part of the final landscape proposals reserved by planning condition.

Conclusion on Social Impacts

- 8.34 Having assessed the latest layout, it is considered that the proposal would not adversely affect neighbouring properties either during the construction phase or once the site has been given over to open space on a temporary basis. Moreover, suitable amendments have been made to the overall POS design to take into consideration consultation responses, specifically improving the provision of affordable but interesting POS elements whilst ensuring best endeavours to make the site safe for public users. Amongst an individual's personal behaviour and the Police, the Council would be partly responsible to follow the design philosophy chosen for lighting the site and ensure members of the public are safe when it is in use. Both the Urban Design and POS Officers advise that there are no objections to the approach taken.

ENVIRONMENTAL SUSTAINABILITY

The process of remediation and the impact of contaminated land

- 8.35 Paragraph 120.C of the NPPF states planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for

homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

- 8.36 National planning policy states that any potentially contaminated or unstable land being assessed for development through the planning process should be dealt with at this stage ensuring that it poses no unacceptable risk to future occupiers or the wider environment. Policy 55 states proposals will be required to mitigate contamination or land stability by demonstrating there is no significant harm, or risk of significant harm, to human health, or land, natural environment, pollution of soil or any watercourse or ground water. The policy also secures suitable remedial action is taken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future.
- 8.37 A suite of technical reports and surveys relating to contamination have been produced and submitted with the application:
- Site Investigation Interpretive Report, Doncaster Waterfront, G&J Environmental consultants, GJ263(02) R001 SI INT V1. October 2022
 - DQRA, Doncaster Waterfront, G&J Environmental consultants. GJ263(03) R001 DQRA. October 2022
 - Remediation Strategy & Verification Plan, Doncaster Waterfront, G&J Environmental consultants, GJ263 (03) R002 RSVP. Oct 2022
 - GJ263 Doncaster Waterfront Drainage Ditch Investigation, G&J Environmental consultants, JGJ263 (04) L001. Letter report dated 8th December 2022.
 - GJ263 Doncaster Waterfront – Specification for Cover Layer. G&J Environmental consultants, GJ263(05)-L001. Letter Report January 2023.
- 8.38 The key principles of evaluating and presenting options for remediating the site are set out above. A further technical note 'Remediation Strategy Technical Note Doncaster Waterfront Remediation' has been prepared by Pick Everard as an addendum to these report in relation to specific site constraints identified since the original reports were produced.
- 8.39 The application site is known to be contaminated as a result of historic uses through evidence gathered during investigations across the site. Obvious signs of contamination include free product (coal tar), hydrocarbons, creosote, and solvents have been identified. Contaminants specifically associated with gasworks, such as cyanide, naphthalene and BTEX compounds are shown to be present at overall higher concentrations within the footprint of the former gasworks, but are still present in other areas. Lead and arsenic appear to be present at generally higher overall concentrations outside the gasworks footprint. Within the groundwater, cyanide and naphthalene are the most widespread of the contaminants of concern, with others, such as phenols and BTEX, being more localised in 'hot' spots.

- 8.40 After going through a sequential assessment and a remediation options appraisal, the preferred remedial solution comprises the excavation and bioremediation of organic contamination hotspots, and the pumping of contaminated shallow groundwater from excavations for treatment or disposal. This will be supplemented by a monitoring programme to assess natural attenuation of groundwater, and the placement of a clean cover layer (and possible incorporation of vapour protection measures in new buildings) to manage residual contamination throughout the Made Ground. Remediation verification samples, and samples of any treated, site won or imported material will be analysed and screened against the site remedial targets or generic assessment criteria, as appropriate. The remediation work will be supported by the production of a verification report. Earthworks will be undertaken across the site in order to remove any structures or other below ground obstructions, and to allow the inspection of soils for evidence of contamination. Earthworks will involve turning the upper soils to a depth of at least 2m, although this will be extended to remove deeper obstructions or to chase out deeper contamination. Soils displaying evidence of contamination noted during these works will be separated and sent from treatment and samples and tested where required.
- 8.41 The Council's Pollution Control team have validated pre-application discussions where the surveys were reviewed and approved. The Officer notes that the site has been subject to appropriate contaminated land risk assessment, and the proposed remedial works are clear and concise. Remedial works include hot spot removal/bio-remediated/cover system. To ensure the required remedial works are carried out in an appropriate manner, the permission includes a condition requiring remediation to be carried out in accordance with the agreed strategy.

Site Constraints to Remediation

- 8.42 There are currently a number of utility services within the site, some of are redundant and require to be removed as part of the proposed works. As the remediation strategy states that a lowering of levels by 2m will be undertaken, it is essential that any live utilities that fall within this 2m zone are also considered as part of the remediation scheme. A 'Site Utilities Report' has been prepared by Pick Everard and submitted with the application. It sets out the following constraints to remediating the site and their owners:
- A water connection serving the sewage pumping station (Yorkshire Water)
 - A number of additional existing water supply services within the site (Yorkshire Water, private)
 - 2 intermediate pressure gas pipelines (Cadent Gas)
 - 2 low pressure gas pipelines (Cadent Gas)
 - 2 existing fire hydrants and possible connection (Yorkshire Water, South Yorkshire Fire and Rescue)
 - Potential for telephone/broadband fibre ducts near the site (BT, City Fibre, Virgin Media, Vodafone)
 - Existing ducts, poles and street lighting near the site (Northern Powergrid)

- 8.43 A risk schedule has been produced and has been factored into the agreed remediation strategy which requires further consultation when dealing with localised areas of the site where further consultation will be required prior to remediation works taking place. The proposal therefore accords with Policy 54 having assessed the potential for ground pollution.

Site constraints

- 8.44 The drainage channel is at least 2.5m below the ground levels of the surrounding areas. During the course of the application, it was proposed to infill this channel as part of the cut and fill works to the site, however further modelling was deemed to be necessary and therefore was removed from the proposals.

Flood risk, ground contamination and drainage

Flood risk

- 8.45 Policy 57 (A) states all development proposals will be considered against the NPPF, including application of the sequential test and, if necessary, the exception test. A Flood Risk Assessment (FRA) has been prepared by JBA Consulting and submitted in support of the application. Pre-application advice has also sought independently from the Environment Agency (EA) through their pre-application advice service.
- 8.46 The site is located entirely within Flood Zone 3 according to the EA's Flood Maps and is classified as an area benefitting from defences. When assessing the safety implications of flood risk for development proposed in a site allocation, a key consideration for this site would be analysing the characteristics of a possible flood event, including residual risks from flood risk management infrastructure e.g. the type and source of flooding and frequency, depth, velocity, speed of onset and duration.
- 8.47 The FRA submitted with the application assesses the vulnerability of the remediation works using the most up to date hydraulic model outputs. The outcome from this study is to determine the extent and severity of likely risk posed to the site in its current and proposed form. This study has determined that any projected flooding within the red line boundary either with or without defences in 1 in 100 year scenario (+climate change) is extremely limited. It is understood that the reason for this is the main overtopping mechanism for this watercourse is located upstream of the subject site and on the opposite bank, meaning there are no discernible flow routes or ponding areas associated with fluvial flooding for this site. In summary, the FRA can demonstrate that the proposed remediation works, and the retention of existing site levels, would not increase fluvial flood risk on the site or increase risk elsewhere.

Sequential and Exception Tests

- 8.48 The proposals would not provide a permanent end use, but would result in a temporary change of use of land as public amenity space. This proposed use

would be 'Water-compatible development' when assessed against the NPPF's Annex 3: Flood risk vulnerability classification. This type of use is accepted within flood risk areas. The site has been subject of a Sequential Test due to its allocation for mixed use in the Local Plan and was found to be acceptable. The proposed temporary use would not invoke a more vulnerable use which would require the re-application of the Sequential Test.

- 8.49 Paragraph 035 of the Planning Practice Guidance states where a development proposal is in accordance with an allocation made in a Plan following the application of the Sequential and Exception Tests, it should not be necessary to repeat aspects of the Exception Test unless elements of the development that were key to it satisfying the Exception Test at the plan-making stage (such as wider sustainability benefits to the community or measures to reduce flood risk overall) have changed or are not included in the proposed development or the understanding of current or future flood risk has changed significantly.
- 8.50 The Council's Strategic Flood Risk Assessment states that the site should be subject to the Exceptions Test for any residential proposals or essential infrastructure that is within Flood Zone 3a. Only water-compatible and less vulnerable uses of land are appropriate in this zone. The FRA updates the understanding of the current or future flood risk based on the present site conditions. Once again, the proposed use would be compatible with the SFRA requirements and therefore the Exceptions Test does not need to be repeated.

Drainage Ditch

- 8.51 It should be noted that a drainage ditch doglegs across the site from west to north. This feature is both a remnant from the historic river alignment and a formal drainage route constructed in order for the sewage works to continue to discharge into the River Don once the river had been re-aligned. The ditch is currently designated as an Ordinary Watercourse and as such is within jurisdiction of the Council's Drainage Team acting as the Lead Local Flood Authority (LLFA).
- 8.52 It was originally proposed that the drainage ditches crossing the site was to be filled in as part of the remediation works to provide a level development platform, however further modelling work was recommended in order to understand any transitory impacts on flood risk locally. The application was therefore amended to retain the ditches within the site and submit a further application in due course once this modelling work has been completed.
- 8.53 The EA have been consulted on the application and have raised no objections. It should be noted that the FRA models anticipated flood risk based on the site levels remaining the same as currently present on the site (as noted above in consultation with the LLFA). Should land levels be proposed to be altered as part of any future proposals, this will involve re-assessing the implications on flood risk at this point.

- 8.54 Subject to the imposition of suitable conditions, no objections have been raised from statutory consultees and the development complies with Policy 57 in relation to considering flood risk.

Ground contamination

- 8.55 Policy 54 (D) requires the LPA to consider any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources, including contamination to Source Protection Zones. The works are located within a Principal Aquifer and within a groundwater Source Protection Zone 3, therefore the site location is a very sensitive groundwater environment
- 8.56 As noted above, the site has an extensive history of industrial use and there is evidence from the site investigation that the site is impacted by contamination. A risk is the potential for contamination to be mobilised to outflow to pollute controlled waters.
- 8.57 The application is supported by a number of documents which tackle this potential risk (referenced in para 8.19) and the EA are satisfied that it will be possible to manage the risks during the course of the remediation works. At this stage, the future end use of the site has not been determined and therefore further remediation and validation requirements will be likely but this would be assessed with any subsequent planning application in consultation with the EA.
- 8.58 In conclusion, the remediation works propose a series of soil remedial targets which would reduce the levels of contaminants within the site to levels that would not represent a risk to human health or controlled waters. Essentially, the bulk of contamination within the top layer of soils would be eliminated and the linkages with any deeper contamination would be broken and removed from the eco-system. This would demonstrate that the potential risks to sensitive receptors and ground water contamination can be, at least, is maintained or even reduced as required under Policy 54 (D).

Surface Water Drainage

- 8.59 A Drainage Assessment has been included within the FRA prepared by JBA Consulting and submitted in support of the application. The drainage strategy focusses on using the existing land drain and its connectivity to both the Yorkshire water drainage network and the River Don, in conjunction with ground reprofiling once the remediation has been undertaken.
- 8.60 As noted above, it was the original intention to culvert the existing drain and fill in the voids as part of the wider remediation. The proposal as amended formalises the existing drainage routes along with some strategic ground reprofiling to guide any surface water towards the existing ditches. The principal is to keep them wide and shallow in order to allow public passage during dry periods removing the need for crossing points to be installed. The strategy envisages simple unrestricted ground contouring to allow sufficiently safe and confined discharge into the ditch during any extreme rainfall events. It is also expected that the proposed landscaping strategy to provide clean soils and soft

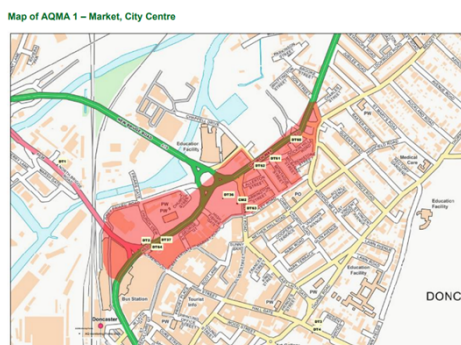
planting would assist in delivering suitable sustainable urban drainage techniques to provide better infiltration of rainwater at source.

- 8.61 Due to the temporary nature of the works and the expected redevelopment of the whole site, no specific requirement for a maintenance strategy is required for inclusion in this investigation.
- 8.62 An assets map has been provided which shows that there are a number of assets (both live and abandoned) controlled by Yorkshire Water within the application site. This includes a Combined Sewer Outfall (CSO) located at the corner of the ditch that discharges flows during storm events which overwhelm the existing pumping station. When the application was initially submitted, Yorkshire Water also raised concerns with proposed tree planting within the operational area of assets within the site.
- 8.63 Further liaison with Yorkshire Water is anticipated and secured by a planning condition requiring further drainage details to ensure that any repair/maintenance/upgrading works required in order to improve the conveyance and design of the connection between their CSO and its final discharge location is incorporated into making the site ready for development. Subsequent discussion with Yorkshire Water and the relocation of proposed trees enabled them to remove their objection. The existing drainage ditches will continue to be maintained as an Ordinary Watercourse and as such is within jurisdiction of the Council's Drainage Team in terms of any interim management or maintenance until a final end use is proposed.
- 8.64 To conclude on drainage matters, responses from the EA, LLFA and Yorkshire Water have indicated no objections. The site can be shown to drain effectively utilising the existing features on the site without affecting flood risk elsewhere. The development therefore complies with Policy 56 of the Local Plan concerning flood risk matters.

Other Environmental Impacts

Air pollution

- 8.65 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality. The application site lies adjacent to an Air Quality Management Area designated near the Market and City Centre. An extract from the latest Annual Status Report showing this area is set out below:



- 8.66 The application has been assessed for any implications for air quality and the main risks from dust or odour would occur during the construction phase. It is anticipated that the primary air pollution emissions will be associated with dust generated from plant movement on site. Any proposed mitigation follows the principals of IAQM "*Guidance on the assessment of dust from demolition and construction*". A series of dust mitigation measures would be set out as part of any construction management plan. These are likely to include:
- Ensuring effective site management controls are enforced
 - Preparing and maintaining the site in a suitable way to reduce dust
 - Effective care during operations of plant and machinery to reduce dust levels
 - Measures to specific areas of earth works to stabilise surfaces
 - Measures to ensure no dust or debris leaves the site
 - Effective waste management
- 8.67 No objections have been received from the Council's Air Quality team in relation to risks to air quality. Any residual risks from remediation activities can be captured and controlled as part of an agreed management plan. The application therefore complies with Policy 54 in relation to protecting air quality.

Archaeology

- 8.68 Policy 39 (B) sets out the approach that will be taken towards developments likely to affect archaeological sites of regional or local importance. In the case of such archaeological remains, there is a need to reconcile the relative importance of the remains with the need for the development. Developments should be located or designed to avoid archaeological remains, to ensure that these remains are preserved in situ.
- 8.69 An Archaeological Desk-Based Assessment (DBA) was prepared in 2022 by York Archaeology to assess the potential for survival of buried archaeological remains within the site, and to inform potential remediation strategies. The report makes it clear that there has already been an extensive history of remediation across the site which preclude any reasonable prospect of remains being present in the majority of the area proposed to be remediated. In two areas, near the drainage ditch, there is some limited potential where any remediation would take place below c. 7.5maOD. The South Yorkshire Archaeological Service (SYAS) have recommended that these areas are relatively small either side of the former drainage ditch and recommend that archaeological monitoring of the groundworks takes place should this occur. This is subject to a suitably worded planning condition.
- 8.70 Following the DBA being commissioned, the application site area was reduced by 1.27 hectares but still included the site with the exception of a very small area adjacent to Chappell Drive north of the proposed relocated coach park. This small area, has not been assessed by the original DBA, however it is reasonable to conclude that the mitigation measures contained within the DBA can be extended to this small section of land. SYAS agrees with this approach.

- 8.71 In summary, the assessment indicated that there is the potential for deeply buried archaeological deposits within the site but previous remediation has precluded any realistic possibility of significant finds. Any localised potential can be assessed in situ and the evidence provided with the application satisfies the requirements under Policy 39.

Trees and Landscaping

- 8.72 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.
- 8.73 The application is accompanied by an Arboricultural Report and Impact Assessment, prepared by ECUS Ltd. This includes a tree survey to BS 5837:2012 Trees in relation to design, demolition and construction. This survey has formed the basis of an assessment of the impacts that the proposed remediation works may have on existing trees on the site. In accordance with good practice, the tree survey records the arboricultural value of the site prior to the majority of the site being cleared in accordance with a Forestry Commission approved Felling License.
- 8.74 No trees within the site boundary are protected by a Tree Preservation Order (TPO) and the site is not located within a Conservation Area. In summary, most of the vegetation on the site were generally optically low value, insisted natural regeneration or trees that were interested people condition with only limited long term value. The Tree Survey identifies the best trees to be within the Tree Groups G008, G075 and the Birches, TO21 and T023. These trees are considered to add value to any future site use and are currently proposed to be retained.
- 8.75 Due to the low individual value and relatively small number of trees to be removed, the remaining removals will only have a negligible negative arboricultural impact. Once the remediation has taken place, a scheme of limited replacement planting has been indicatively shown within the proposed landscaping masterplan (ref Rev06). This includes the provision of a total of approximately 20 Field Maple, Black Alder, Silver Birch, Goat Willow and Hawthorne trees around the site periphery. The exact species, location and specification of the trees will be secured via a detailed planning condition. Moreover, the proposals have included a scheme of management and maintenance for the site to ensure it is kept in order once made available.
- 8.76 In terms of protecting trees from remediation works, most of the retained trees are located beyond the site boundary and surrounded by boundary features such as security fencing or brick walls. These features will provide adequate tree protection and the trees will remain largely unaffected by the remediation works. Remediation works would occur in close proximity to T012 – T019, however the works will avoid damage to the hardstanding which the trees are contained within and therefore would not be unduly affected.

- 8.77 In terms of other soft landscaping proposals, the site will include asphalt main and secondary footpaths crossing the site, bench seating, litter and dog waste bins and the site generally laid to low maintenance amenity grass.
- 8.78 The proposals have been assessed by the Council's Tree Officer and Street Scene team and no objections have been raised. The development therefore complies with Policy 48 of the Local Plan in respect of delivering suitable hard and soft landscaping proposals.

Ecology

Habitats

- 8.79 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.
- 8.80 A Preliminary Ecological Appraisal (PEA) has been carried out by ECUS Limited and submitted in support of the application. The purpose of the EPA was to record and map habitats and to assess the potential for the site to support or contain species which are protected under UK and/or other European nature conservation legislation, namely the Wildlife and Countryside Act (2006), the Conservation of Habitats and Species Regulations (Amendment)(EU Exit) 2019 and the Natural Environment and Rural Communities (NERC) Act 2006. In addition, pre-application advice has been carried out with the Council's Ecologists.
- 8.81 The site contains habitats including areas of other neutral grassland, mixed scrub, Bramble scrub, Hawthorns group, buildings, aquatic marginal vegetation, developed land, sealed surface. The PEA advises that the physical features on site are of limited value to conservation and have no more than site-level importance.
- 8.82 No statutory designated sites of important to nature conservation were identified within two kilometres of the site using the magic database. The site is partially located within the SSSI Impact Risk zone of Sandal Beat SSSI, which is located approximately 2.8 kilometres to the east of the site. Sandall Beat SSSI is designated for its woodland habitats, and is known to support a number of breeding birds and invertebrates. The proposals would not have an impact on these sites.
- 8.83 In terms of potential for on-site species, the baseline potential of the site is generally considered to be low given its previously developed nature. The site had been scoped for the presence of roosting bats within trees and buildings but none were found prior to site clearance. Other species that possibly would have used the site would have been mainly birds, hedgehogs, invertebrates and reptiles. In summary, no species protected under statutory legislation are anticipated to present or affected by the proposals. A scheme of on site habitat compensation measures is included within the PEA, and built upon within the submitted Masterplan proposals.

- 8.84 The PEA sets out a series of mitigation measures in the event that species identified within the assessment are discovered during the construction phase. This includes Best Practice Measures to guard against the discovery of amphibians, including Great Crested Newts and Badgers. A series of bat surveys were carried out prior to site clearance and remaining trees would be subject to a further inspection prior to any works being carried out. The lighting proposals have been designed partly to minimise the disruption to potential bat flights. To greatly reduce the risk of committing an offence, the bulk of site clearance was carried out to avoid the bird breeding season. Remaining features would be inspected and excluded where active nests are found. This would also apply to the discovery of and hedgehog nests. Further survey work to inspect for invertebrate, reptile and riparian mammal groups is proposed.

Invasive Species

- 8.85 It is noted within the PEA and as part of on-site inspections, that Himalayan Balsam, buddleia and horsetail were discovered on the site. Himalayan Balsam is listed as an invasive species. Buddleia and horsetail are not listed, however they are widely considered to be an invasive species and readily outcompete native plants.
- 8.86 Retaining these species would not constitute an offence but the applicant considers it good practice to remove these species as part of the remediation proposals. A precautionary approach following a construction environmental management plan is proposed and reserved by planning condition. It will be removed by a licensed contractor and disposed at an appropriately licenced facility (landfill)

Bio-Diversity Net Gain

- 8.87 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.
- 8.88 All developments are required to deliver biodiversity net gain to ensure that biodiversity post development is greater than present redevelopment. It is a requirement in the Doncaster Local Plan that develops deliver a minimum of 10% biodiversity net gain (BNG). An agreed BNG plan follows the mitigation hierarchy which outlines what must be done to firstly, avoid, secondly minimised and thirdly, restore or rehabilitate losses of biodiversity on site. Given the proposals are not a final 'end use' for the site, it would not be appropriate to avoid, minimise or install on-site BNG green infrastructure as part of complying with Policy 30.
- 8.89 The remediation proposes will involve the loss of all onsite habitats including grassland, scrub and trees. These habitats will be compensated through the creation of like for like or higher distinctiveness habitats. A BNG Assessment

has been carried out by Ecus Ltd and concludes that the proposals would result in a loss of –22.72 Habitat Units and a –0.15 loss of Hedgerow Units.

Proposed Bio-Diversity Offsetting Scheme

- 8.90 The Council is the applicant and therefore a financial contribution towards BNG would not be appropriate as a suitable legal agreement cannot be secured. As such, the correct course of action is for the Council to provide a biodiversity offsetting scheme offsite whereby the loss of biodiversity is compensated through new habitat creation.
- 8.91 A BNG Offsetting Scheme has been submitted within a Habitat Management and Maintenance Plan (HMMP) submitted by Ecus Ltd. The HMMP seeks to address the impacts of the remediation works by providing a replacement scheme of grasslands, scrub, trees and native hedgerows at the Council's Habitat Bank within Doncaster known as Red House Farm. The area of land within the Habitat Bank to be utilised for the Waterfront Scheme was confirmed by a decision by the Council's Cabinet on 17th January 2024, should planning permission be granted for this planning application. The area of land within the scheme to be utilised for Waterfront East is shown below hatched in grey:

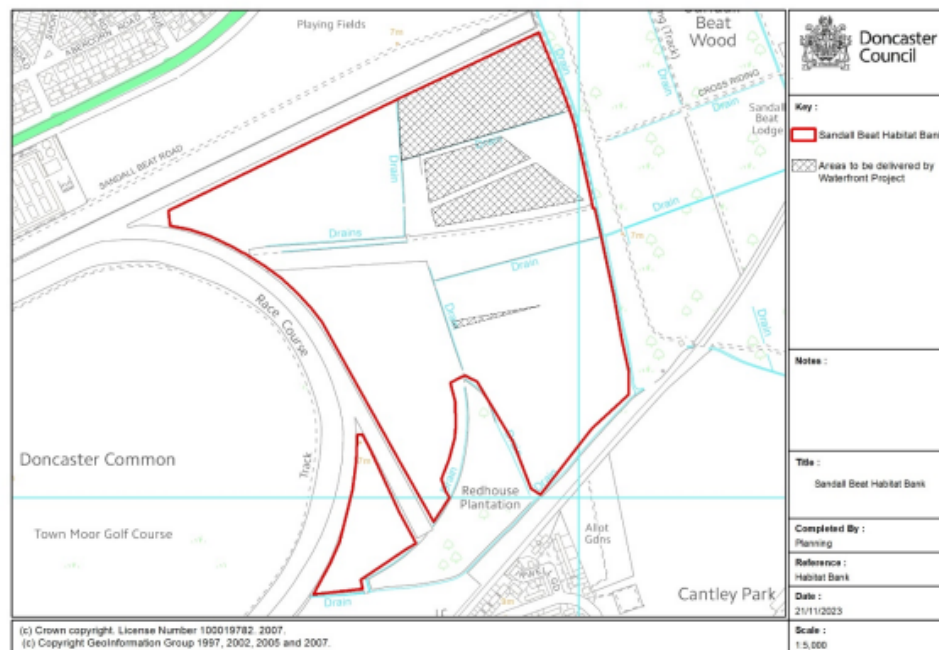


Figure 2 : Extent of areas to be delivered by Waterfront East.

- 8.92 The HMMP will deliver enhancements to existing habitat and new habitat creation, which will deliver a biodiversity net gain within the Habitat Bank. The creation of neutral grassland through seeding and management through a sensitive cutting regime will deliver floristically diverse grasslands of variable sward which provide a valuable food source for invertebrates. The creation of native mixed scrub with diverse age classes and glades will provide suitable shelter and nesting habitat for a range of fauna including breeding birds and small mammals. The creation of new urban tree habitat will contribute to tree cover locally, with native species providing suitable foraging and in the future,

nesting habitat for breeding birds and invertebrates. A section of native hedgerow will be enhanced with supplementary planting and sensitive management which will provide additional shelter for fauna and improve habitat connectivity with the other hedgerows and tree lines within the wider habitat bank. All post implementation management is to be undertaken by the Council as part of maintaining the Habitat Bank to ensure it meets its required objections.

- 8.93 The offsite proposals would result in an overall net gain of +2.28 Habitat Units and a net percentage change of +10.05%. There would also be a 0.02 Hedgerow Unit gain, equating to a net increase of 10.74% in Hedgerow Units. This would ensure that the scheme delivers a minimum of 10% as required by Policy 30.

Impact upon the character and appearance of the surrounding area

- 8.94 Policy 41 relates to character and local distinctiveness and states developments should integrate visually and functionally with the immediate and surrounding area. Policy 46, amongst other matters, seeks to ensure new development is sympathetic to local character and has no unacceptable negative effects upon the local environment.
- 8.95 The application site is currently occupied by a large areas of hardstanding, scrub and transitory uses such as surface car parking, wasteland and industrial uses such as scrap dealing. Overall has the air of a neglected and redundant site in a prominent location close to Doncaster City Centre within reach of significant assets such as the Minster, Doncaster Markets and Corn Exchange. Therefore, as a whole, the site makes only a neutral contribution to the character and appearance of the area at best and any redevelopment should be welcomed and encouraged.
- 8.96 The submitted scheme includes specific proposals for significant improvements via soft landscaping and other visual enhancements whilst also allowing public access and use on an interim basis. The proposed landscaping would improve and soften the visual appearance of the application site in comparison to its existing appearance whilst integrating visually and physically with existing adjoining and neighbouring uses. The public use of the site would increase accessibility and activity, encouraging natural surveillance. Land levels are proposed to be as the existing site and therefore would respect neighbouring land uses and would not look out of place.

Conclusion on Environmental Issues

- 8.97 Paragraph 8 of the NPPF 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.

- 8.98 In conclusion of the environmental issues, it is considered that there have been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition. The contamination strategy agreed has the in principle support of all statutory consultees and would assist in remediating a site which is recognised as contaminated. The proposals would assist in not only making the site developable, but also ensuring that linkages to existing surface and groundwater pollution are removed. This will provide a benefit to natural resources in the area.
- 8.99 The site is at risk of flooding but benefits from flood defences in the wider area. The submitted FRA takes account of the existing land conditions and the impacts from the proposals have been suitably addressed. Amenity issues such as construction traffic, noise, dust and other nuisances associated with the development construction are considered to be short term negative impacts which can be mitigated through appropriate conditions.
- 8.100 The remediation of the Waterfront East site to decontaminate the area, to ensure the site is in a developmental state and create a new temporary public green space all have environmental benefits. It is accepted that the environmental benefits of landscaping the site are limited, given the proposals are temporary in nature. Nevertheless, this new green space will have multiple positive wellbeing impacts for people of all ages in Doncaster for the lifetime of the permission.

ECONOMIC SUSTAINABILITY

- 8.101 Para 8 of the NPPF 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.
- 8.102 The overarching aim of utilising this Levelling Up Fund is to invest in capital projects to help improve local infrastructure. These improvements will have a visible, tangible impact on people and places, and support economic recovery in Doncaster. Doncaster City Centre is critical to the economic future of the borough and central to our levelling up programme. It is a key location in the regional strategic economic plan, which aims to increase productivity, skills, economic resilience, and the health and wellbeing of residents.

Conclusion on Economy Issues

- 8.103 Utilising the funding available is the best result for Doncaster, as it will enable capital interventions and regeneration that may not be achievable without the additional capital funding LUF provides. Failure to deliver this project would deny Doncaster Town Ward the opportunity to develop in key areas which are critical to the economic future of the overall borough as a key strategic growth area.

8.104 The remediation of the Waterfront East site would create a temporary green space and will have the potential to attract investors. The proposal would also result in some short-term economic benefit in the creation of jobs during the construction phase of the proposal.

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. The starting point for this decision is the development plan and conclusions on a balancing exercise considering the relevant policies is set out below.

9.2 There is no objection in principle in terms of land use and the remediation of the site will assist in bringing forward the site as part of its land allocation in the Local Plan. The extent to which the site requires remediation, the availability of government sourced funding in order to do it, and given the majority of the land is classified as previously developed land attracts significant weight in favour of the proposal.

9.3 In relation to design/character and appearance, there is no doubt that the scheme would bring a significant initial change to the area through temporary changes in landform and construction activity. This impact however would be short term and the bulk of the site would be grassed and some planting taking place once remediated. The temporary nature of the open space proposals has ultimately resulted in a compromise to the usability and quality of the open space proposals being provided. The scheme nevertheless would bring about a temporary improvement to the current appearance of the site, which is currently underutilised and generally utilitarian in appearance. The design and landscaping proposals attract moderate weight in favour of the scheme.

9.4 The proposals satisfy a number of technical constraints of the site. Land levels to the site overall would be largely retained post-remediation, and therefore the Flood Risk Assessment and outline Drainage Strategy provides an accurate risk assessment of flood risk and outline proposals on how the site would be drained. The presence of utility infrastructure across the site would involve some localised aspects of the remediation to be dealt with through localised risk assessments and verification, in consultation with the relevant statutory consultee. There are no objections from the Lead Local Flood Authority, Yorkshire Water (which has assets which could be affected) or the Environment Agency. These policy requirements attract neutral weight.

9.5 Any impact to local amenity has been assessed based on the available information at this stage. The principles of construction and highway management have been agreed and suitable controls on traffic, dust, odour, noise, air quality and other environmental impacts can be agreed by way of planning condition. These factors are also subject to compliance with other legislation outside the planning system. These policy requirements attract neutral weight.

- 9.6 The application has been assessed with regard to any impact to local heritage assets nearby. The Conservation Officer agrees that there would be benefits in granting the scheme, subject to the retention and suitable protection of a pumping station on the site which has local historic interest. No harm has been identified, and therefore a balancing exercise is not required. The lack of harm or benefits at this stage carry neutral weight.
- 9.7 Further scoping and consultation will take place with the relevant consultees following the appointment of a contractor to carry out the works. The Local Planning Authority will ensure that the fundamental aspects of the proposals in respect of land levels, construction management, landscaping, public open space works and most importantly, the remediation of the site, remain as submitted under this application. Should any minor or significant amendments be required, the LPA will require a new application to be submitted where neighbouring land uses and consultees would be informed and invited to comment.

Strategic Level

- 9.8 Moreover, the proposals present an opportunity to assist in delivering towards some of the Council's Key Outcomes:
- 9.9 Doncaster Working - The remediation of the Waterfront East site will create a temporary green space and will have the potential to attract a number of investors. This would accord with the Council's aspirations of Doncaster Working, which seeks a brighter and more prosperous future through supporting inward investment.
- 9.10 Doncaster Living - The Levelling Up Fund projects present a number of vital opportunities to increase the creative and cultural offer in Doncaster, which will support wellbeing and business success. The remediation of the Waterfront East site would ensure the site is in a developmental state and create a new temporary public green space. This will include planting 20 new trees. This new green space will have multiple positive wellbeing impacts for people of all ages in Doncaster.
- 9.11 Doncaster Caring - The Levelling Up Fund Projects present the opportunity to improve physical activity and overall wellbeing. The Waterfront East site would provide a new green space on the Waterfront, providing space for physical activity and open space to improve mental wellbeing for a temporary period.
- 9.12 Connected Council - The Levelling Up Fund Projects will enhance spaces within the urban centre, including providing investment into Council owned properties, or provide a catalyst to either sell or transform Council owned spaces that are no longer fit for purpose or economically viable. The funds will allow the Council to provide more strategically appropriate and fit for purpose assets and offers in the Urban Centre. Alongside the LUF monies, the Council investment proposed in this report will provide value for money for Doncaster and residents.

Conclusion

- 9.13 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 NPPF taken as a whole. The key drivers of remediating a site with proven contamination and assisting in enabling its delivery in line with a site allocation within the Local Plan attracts significant weight. In the absence of any significant identified conflict against the policies of the Local Plan, the application should be approved without delay.

Conditions

- 9.14 The imposition of conditions must reflect the 6 tests outlined in paragraph 56 of the NPPF and the PPG. Conditions are intended to enhance the quality of development, and enable it to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the development's adverse effects. They should be only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.

Standard conditions

- 9.15 A condition limiting the time period for the use of the site as public open space is imposed for the avoidance of doubt. A condition specifying the approved plans will ensure the approved masterplan is used.

Pre-commencement conditions

- 9.16 A condition relating to carrying out the remedial works in accordance with the agreed submitted reports has been imposed to ensure that the works are carried out as per the approved plans. This condition makes an allowance that full remediation may not be possible for areas within proximity of utility apparatus within the site as set out within the submitted Waterfront Site Remediation – Utilities Report. Should unexpected contamination be found, or alternative methods of remediation be required within these sensitive areas, an addendum to the agreed survey reports will be required to be submitted and approved prior to remediation works taking place on the site. It will be expected that any remediation proposals would not result in an increase in land levels near any nearby sensitive receptors.
- 9.17 Details of a comprehensive Construction Management Plan (CTMP) have been imposed to ensure that a full set up of how the site will be managed during the construction phase has been agreed. The CTMP will be required to be agreed prior to any construction activity to ensure that the associated impacts set out in this report have been addressed and can be shown to be managed before works commence on site. This will include a complaints procedure which enables mitigation measures to be imposed where required.
- 9.18 The impact and management of environmental assets on or near the site shall be controlled through the submission of a Construction Environmental Management Plan (CEMP). This CEMP shall cover, amongst other matters,

the protection and supervision of badgers, bats, birds, amphibians, other terrestrial mammals and reptiles. It will include a strategy for dealing with invasive species present on the site. The condition also captures the requirement for protecting groundwater as requested by the Environment Agency and Yorkshire Water.

- 9.19 A full detailed drainage design is required to be submitted as part of a drainage condition. This will be required to validate the outline proposals and demonstrate that the works would not cause an unacceptable level of flood risk or result in cross contamination of groundwater or the local watercourse network. The final drainage strategy will be required to be agreed prior to any construction activity to ensure that the LPA, in consultation with statutory consultees, are content with the final design.

Prior to use conditions

- 9.20 The proposals secure a minimum of 10% biodiversity net gain through a scheme of bio-diversity offsetting which is to take place at the Council's Habitat Bank known as Red House Farm. A condition requiring the full implementation of this mitigation is secured to ensure it is delivered.
- 9.21 A condition requiring details of the final open space design are to be submitted and approved in writing prior to the final restoration proposals taking place. This condition will be intended to ensure that the public space equipment is chosen and is fit for purpose. The condition will also cover details of how advertising the public space on a temporary basis. This will ensure members of the public are kept informed over the temporary nature of the site.
- 9.22 A condition requiring the soft final planting specification for the site is imposed to ensure that a detailed hard and soft landscape scheme is agreed with the LPA prior to planting taking place. The scheme would build upon planting maintenance and aftercare which have already been submitted.
- 9.23 A condition has been imposed requiring further archaeological investigation should remediation take place at certain levels, within certain parts of the site as recommended by South Yorkshire Archaeological Service.
- 9.24 A condition requiring the implementation of protective fencing to the former pumping station on the site has been imposed, in the interests of protecting this local heritage asset from damage during construction and when the site is in public use.
- 9.25 Preventative conditions in relation to unexpected contamination, compliance with the agreed FRA, details of drainage outfall and construction hours are imposed for the avoidance of doubt.
- 9.26 Some requests from the Environment Agency, Yorkshire Water and at the request of consultees.

10.0 RECOMMENDATION

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

Conditions / Reasons

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

REASON

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

2. The site shall be in use as public open space for a maximum period of 5 years from the date it is first made available to the public. The Local Planning Authority shall be informed of the opening date prior to first use commencing. Within 6 months from the date of this expiry or should any part of the site cease to be used as public open space before that date, a scheme of restoration shall be submitted to the Local Planning Authority to be approved in writing. The scheme shall include details of the following measures:

Landscaping
Equipment
Easement areas to existing site constraints
Boundary treatments
Maintenance strategy

The scheme of restoration shall be carried out within the first available planting season following the approval of details by the Local Planning Authority. The scheme shall be carried out and maintained in accordance with the agreed details.

REASON

This condition is imposed because the use of the site for public open space has been approved for a temporary 5-year period, pending redevelopment of the site.

3. 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 30.10.23
Doncaster Waterfront Site Remediation Landscape Diagrams Rev 07 received 16.01.24
Design and Access Statement received 30.10.23
Design and Access Statement Addendum received 16.01.24

REASON

This condition is imposed to ensure that the development is carried out in accordance with plans and documents as approved.

4. All remedial works shall be in accordance with the Remediation Strategy & Verification Plan (GJ263 (03) R002 RSVP. Oct 2022 & GJ263 Doncaster Waterfront - Specification for Cover Layer. GJ263(05)-L001. January 2023).

a) 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. Where necessary, the remediation works within the locations as identified within the submitted Waterfront Site Remediation - Utilities Report shall be subject to bespoke remediation measures set out in a remediation works addendum to be submitted to and approved in writing by the Local Planning Authority. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which falls outside the scope of the agreed Remediation Strategy & Verification Plan, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

b) 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

This condition is imposed to ensure that the site and future users is protected from contamination as required by Policies 54 and 55 of the Local Plan.

5. No development, including any works of demolition, shall take place on site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

1. The site compound and parking of vehicles for site operatives and visitors
2. Identification of agreed access points and routing from the Classified road network

3. Timings, volumes and types of construction/delivery vehicles (incl abnormal loads with swept path analysis)
4. Contract duration
5. The areas for loading and unloading of plant and materials
6. Storage of plant and materials used in constructing the development
7. The location, erection and maintenance of any security hoarding to be installed
8. Wheel washing facilities (location and type)
9. Temporary signage on the adopted highway
10. Assessment of impact and measures to control noise and vibration from site activities
11. Assessment of impact and measures to control the emission of dust, mud and dirt from the site
12. Assessment of impact and measures to control the emission of volatile organic compounds and odour from the site
13. Details of artificial lighting and mitigation measures
14. Complaints procedure - to detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved.

The development must be carried out in accordance with the Construction Traffic Management Plan for the lifetime of the development.

REASON

This condition is to ensure that local amenity is protected as required by Policy 46 of the Local Plan. The condition is required to be satisfied prior to the commencement of development to ensure satisfactory controls are in place from the outset.

6. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) relating to biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall cover badgers, bats, birds, amphibians, other terrestrial mammals and reptiles, and shall include:
 - i) A risk assessment of construction activities in relation to wildlife and habitats informed by the submitted surveys carried out by ECUS Ltd and updated protected species surveys where necessary;
 - ii) Details of all reasonable avoidance measures to be employed on the site;
 - iii) A lighting plan detailing the specification, location and orientation of the proposed external lighting to avoid disturbance or adverse effects on light-sensitive species, including bats;
 - iv) An invasive species management plan relating to Himalayan Balsam, Buddleia and Horsetail;

v) The use of protective fencing and wildlife safety measures clearly marked on site plans;

vi) Temporary surface water controls to ensure that no surface water generated during construction of the development are discharged to ground;

vii) Details of any liquid storage tanks and necessary mitigation measures. Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

viii) Plans for a record to be kept by an Ecological Clerk of Works of operations and monitoring activities carried out under the CEMP.

This record shall be made available to the Local Planning Authority on request both during and after the construction period.

The development shall thereafter be implemented in accordance with the approved CEMP.

REASON

This condition is imposed to protect controlled waters, habitats and species on or near the site and to secure the safe removal of invasive species as required by Policies 26, 27, 29, 30 and 54 of the Local Plan. The condition is required to be satisfied prior to the commencement of development to ensure satisfactory controls are in place from the outset.

7. No development shall take place on site until details of foul and surface water systems, including outfall and maintenance, and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority (LPA). These details shall include a drainage management and maintenance plan. These works shall be carried out concurrently with the development prior to first use by members of the public as outlined under condition 2.

REASON

This pre-commencement condition is imposed to ensure that the site is connected to suitable drainage systems to satisfy flood and drainage matters in accordance with Policies 55 and 56 of the Local Plan. The condition is required to be satisfied prior to the commencement of development to ensure suitable measures are agreed from the outset.

8. Upon the commencement of development, the development shall be carried out in accordance with the agreed Habitat Management and Maintenance Plan (HMMP) prepared by Ecus Ltd. Monitoring reports shall be provided to the Local Planning Authority by the end of years 1,2,5,10,20, and 30 of the monitoring period. The HMMP shall be implemented in full and any subsequent changes to management as a

result of findings from the monitoring shall be agreed in writing with the Local Planning Authority and then fully implemented in accordance with the approved scheme as amended.

REASON

This condition is imposed to protect and enhance local ecological networks under Policy 29 and provide bio-diversity net gain on the site in accordance with Policy 30.B of the Local Plan.

9. Prior to the construction of any areas of public realm, details of all external works shall be submitted to and approved in writing by the Local Planning Authority (LPA). Unless otherwise agreed with the LPA, this information should include the following details for all areas within the red line boundary:

- Soft landscape details- species stock and planting spec,
- Hard landscape- surface materials, play equipment, lawn edge design, paving pattern, planters, bins, seating, lighting
- Boundaries, security and walling - boundary treatment, gates,, screen fencing details, security measures;
- Way-finding and signage - road markings, locations and designs for signs, information points and way-finding posts;

The development must take place in accordance with the approved details. Any part of the approved details which fail, are damaged or removed within five years of implementation shall be replaced within 4 weeks (for hard landscaping) or during the next available planting season (for soft planting).

REASON

This condition is imposed to ensure a satisfactory appearance and quality of development in line with Policies 41, 46 and 47 of the Local Plan.

10. Prior to the construction of any areas of public realm, a detailed hard and soft landscape scheme based on the approved landscape masterplan (Landscape Diagrams - Rev07) must be submitted and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials, including adoptable highway finishes and footpaths through the POS.

The soft landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with the Council's Transitional Developer Requirements Document, nursery stock specification and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; a specification for planting including details of tree support, aeration and irrigation and details of management and maintenance for a minimum of 5 years following practical completion of the landscape works.

Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority shall be notified in writing within 7 working days to approve practical completion of any planting within public areas or adoptable highway/pedestrian area within the site. Soft landscaping must be implemented in full accordance with the approved scheme, prior to occupation/use of the site, which will be monitored by the Local Planning Authority. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

This condition is imposed in the interests of environmental quality required by Policy 48 of the Local Plan.

11. No development, including any demolition and groundworks, shall take place on site below 7.5maOD in Areas G or J as defined in the desk-based assessment (DBA) by York Archaeology submitted with the application until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- o The programme and method of site investigation and recording.
 - o The requirement to seek preservation in situ of identified features of importance.
 - o The programme for post-investigation assessment.
 - o The provision to be made for analysis and reporting.
 - o The provision to be made for publication and dissemination of the results.
 - o The provision to be made for deposition of the archive created.
 - o Nomination of a competent person/persons or organisation to undertake the works.
 - o The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

REASON

This condition is imposed in accordance with Policy 39 of the Local Plan to ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained.

12. The boundary treatments surrounding the former pumping station as shown within the approved landscape masterplan (Landscape Diagrams - Rev07) shall be implemented prior to the opening of the site to the public (as defined under condition1). The boundary treatment shall be retained whilst the site is in public use unless removed by any subsequent grant of planning permission.

REASON

This condition is imposed to protect the building of local historic interest in accordance with Policy 40 of the Local Plan.

13. Construction, loading and unloading on the site shall not take place outside of the hours of 8:00 to 18:00 Monday to Friday and 9:00 to 13:00 Saturday. There shall be no construction, loading and unloading at any time on Sundays and public holidays. No construction activities shall be accessed from Don Street, Whittington Street or Parkinson Street.

REASON

This condition is imposed to ensure that local residential amenity is protected as required by Policy 46 of the Local Plan.

14. The development shall be carried out in accordance with the submitted flood risk assessment (ref December 2022 - JBA Consulting - Doncaster Waterfront) and the following mitigation measures it details:

There shall be no ground level raising as a result of the remediation works

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

REASON

These mitigation measures are imposed to prevent flooding elsewhere by ensuring that flood water is not passed on to others as required by Policies 55 and 56 of the Local Plan.

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

REASON

This condition is imposed to ensure that the site is properly drained and in order to prevent overloading to local drainage assets in accordance with Policy 56 of the Local Plan.

16. The development shall be carried out in accordance with the agreed Landscape Management Plan (Issue Number P02) prepared by Pick Everard. Any part of the approved details which fail, are damaged or removed within five years of implementation shall be replaced within 4 weeks (for hard landscaping) or during the next available planting season (for soft planting).

REASON

This condition is imposed to ensure the tidiness and security of the site when it is in temporary public use.

Informatives

01. Drainage

If there are to be any alterations to the existing drainage networks on the site, discussions should be held with the LLFA as soon as possible.

For the watercourse located within IDB area, written consent from the IDB will be required for any works on or near a watercourse. Any consent required in relation to the planning application, once obtained shall be submitted to CDC flood risk team.

For any alterations to the watercourse located in CDC area, the written consent of CDC may be required for any works on or near to an ordinary watercourse. CDC have an anti-culverting policy. Consent must be applied for separately from the planning process, please e-mail Flooding@doncaster.gov.uk to enquire.

Any proposals to alter ground levels, surface water flow paths and 'infill' a watercourses would need to show that flood risk would no be increased elsewhere as a result as per the NPPF and Policy 56 of the Local Plan. Additional modelling would be required. The proposed development is within the operating boundary of Danvm Drainage Commissioners who should be consulted with regard to land drainage matters and to obtain any required consents.

02. Environment Agency

Land contamination: risk management and good practice - Advice to Applicant

We recommend that developers should:

o Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination

o Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health

o Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed

o Refer to the contaminated land pages on gov.uk for more information

Historic Landfill - Advice to applicant / LPA

The proposed development is located on or within 250m of a historic landfill site.

We deem these as historic landfills because these sites stopped operating prior to the Environment Agency (EA) coming into operation in 1995. All land that may be classed as contaminated under section 2A of the Environmental Protection Act (EPA) 1990 is looked after by the Local Authority. There is no EA environmental permit in place, but this does not mean that the land is not contaminated. The local authority might have more information regarding these sites.

The developer may wish to carry out, or the planning authority may wish to require, further risk assessment. This may want to include a stability risk assessment to consider any potential sediment issues or slope instability. There may also be the potential for landfill leachate to exist, which would need to be assessed and managed. Further guidance is available on .GOV webpages.

03. Internal Drainage Board

Nothing in this permission shall be taken as giving authority to commence any works which affect the watercourse/ land drainage dyke which crosses / runs adjacent to the site, as separate consent is required for such works from the Environment Agency or internal drainage board.

04. Ecology

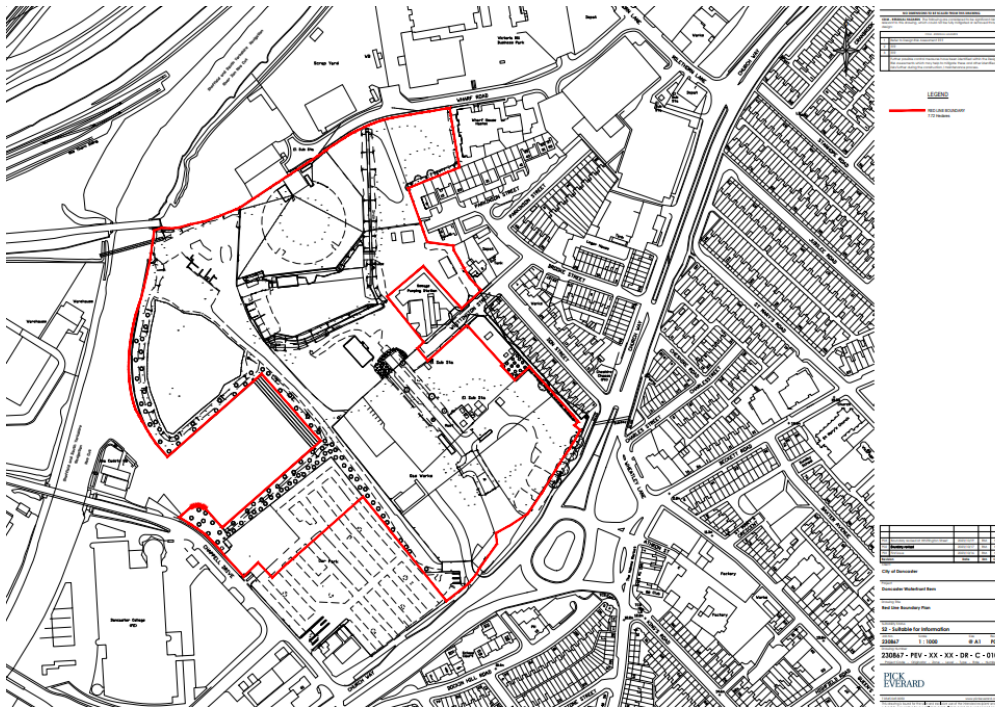
Birds may be nesting in trees and shrubs on the site. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb nesting birds, and vegetation removal or disturbance should be timed therefore to avoid the nesting season (March to August inclusive).

05. Environment Agency

It is advised consultation is sought from the Environment Agency with regards to any risks to ground and surface water

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

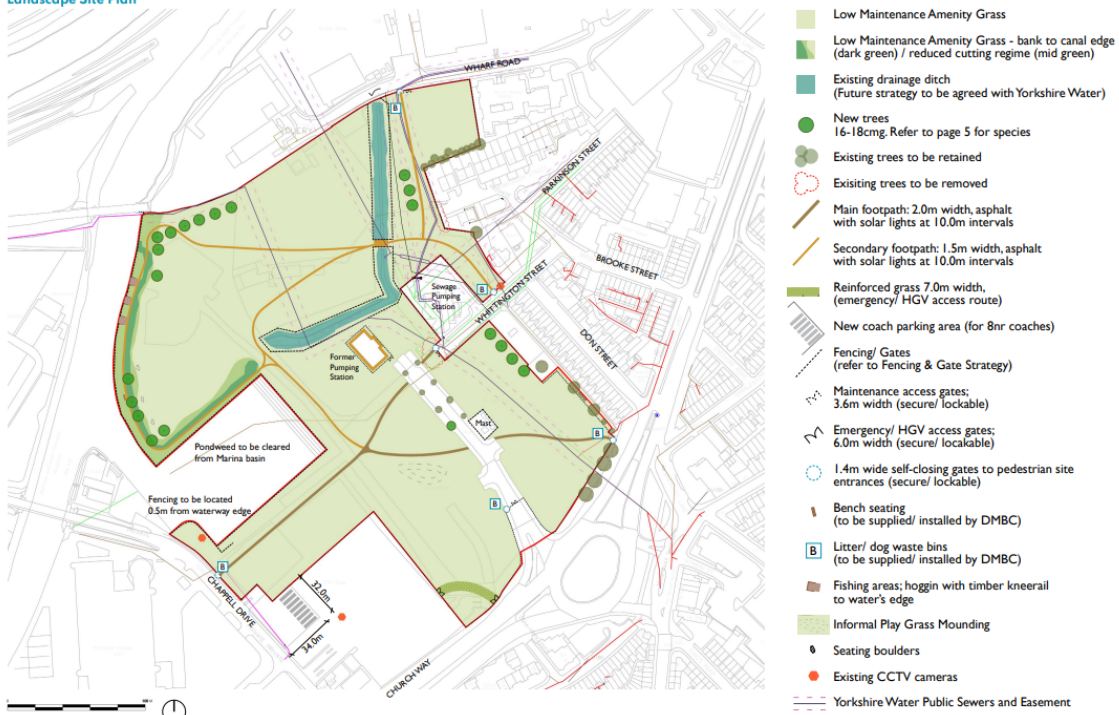
Appendix 1 – Location Plan



Appendix 2 – Site Landscape Masterplan Proposals

Doncaster Waterfront Site Remediation | Landscape
Landscape Site Plan

2



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Council

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LEVELLING
UP

PICK
EVERARD

Appendix 3 – Fencing and Gate Strategy

Doncaster Waterfront Site Remediation | Landscape
Fencing & Gate Strategy

3



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Doncaster
Council

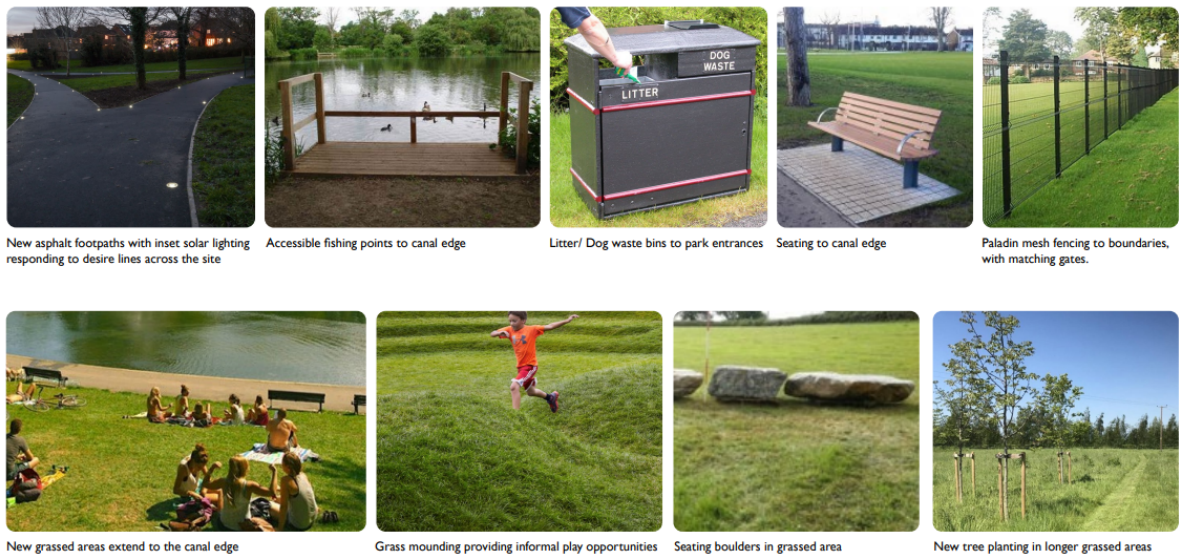
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Appendix 4 - Materials Palette

Doncaster Waterfront Site Remediation | Landscape
Precedents and Materials

4



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Appendix 5 – Technical Report Boundary Vs Planning Application Boundary

The original report boundary:



The planning application boundary:



Appendix 6 – Site Constraints Plan



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Application	2
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Application Number:	23/01339/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of one dwelling and detached garage with associated landscaping.
At:	Land at 24 Carr Lane Bessacarr Doncaster DN4 7PX

For:	Mrs Lee
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Third Party Reps:	15 Representations have been received in opposition to the application	Parish:	No parish covers this area
		Ward:	Bessacarr

Author of Report:	Rebecca Larder
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SUMMARY

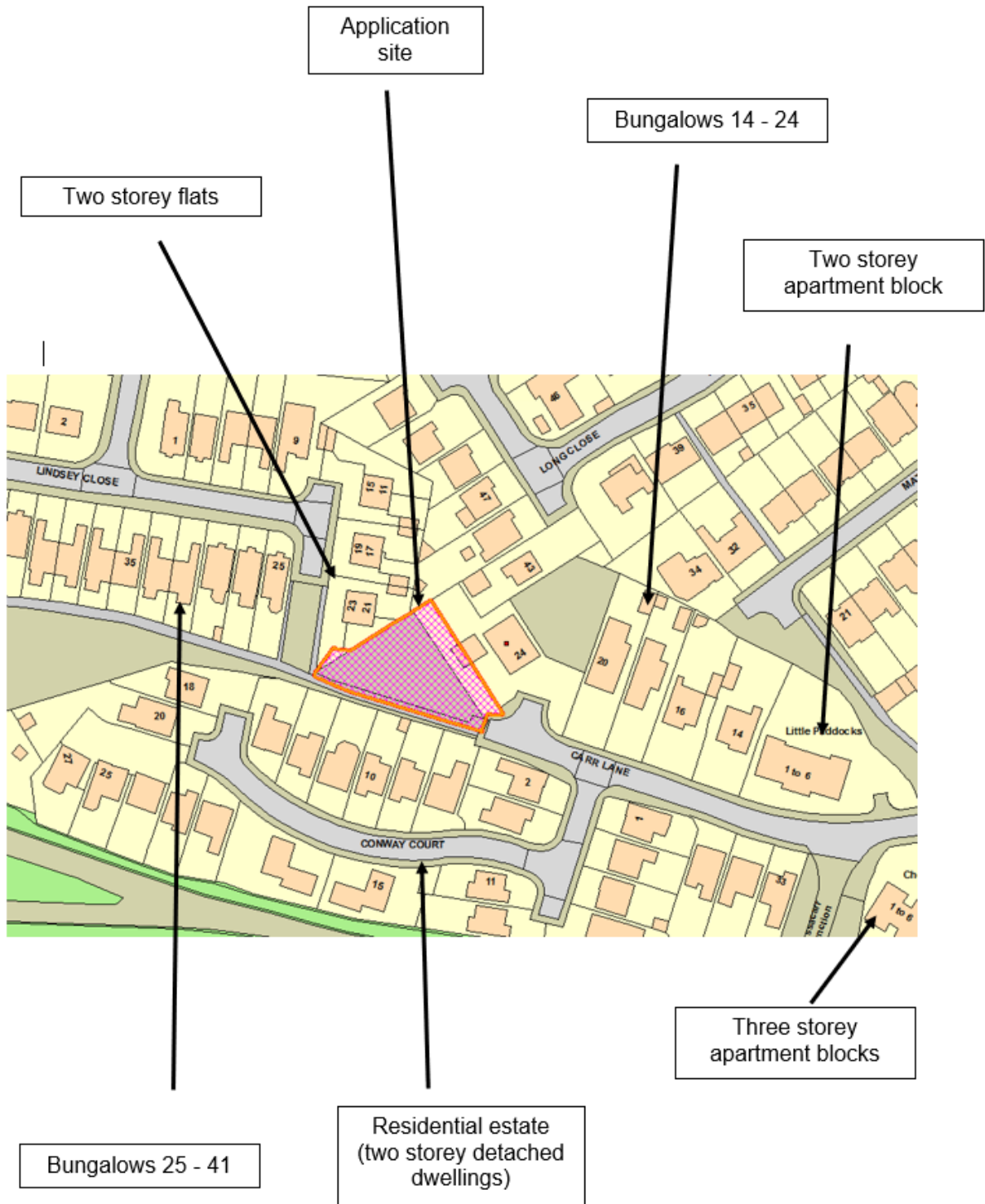
This application seeks permission for the erection of one dwelling on land that currently forms part of the residential curtilage at 24 Carr Lane, Bessacarr. The proposal also includes the demolition of the existing double garage to facilitate the proposed site layout and the erection of a new double garage further to the rear of the site. A new garage is also proposed for No24 however this is outside the red line boundary thus is not being considered under this application and will be subject to a separate householder application at a later date.

Overall, the proposal is considered to be an acceptable and sustainable form of development in accordance with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2023).

The proposal is presented to Planning Committee for determination based on the level of public interest. The application has received a total of 15 neighbour representations objecting to the scheme from 8 different surrounding properties.

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

RECOMMENDATION: GRANT planning permission subject to conditions



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 1 dwelling and double garage to land which lies adjacent to No24 Carr Lane. The application also includes demolition of the existing garage and the incorporation of new landscaping.
- 2.2 The application site is within a Residential Policy Area as defined in the Doncaster Local Plan.

3.0 Site Description & Local Characteristics

- 3.1 The application site is a triangular shaped plot which sits at the head of the cul-de-sac on Carr Lane. The site is surrounded by residential properties to all sides, with a public footpath running along the southern boundary between the site and properties on Conway Court.
- 3.2 The site is undeveloped at present and currently forms a large proportion of land to the side of No24. It is unclear whether this land forms part of the domestic curtilage associated with No 24 however it is under the same ownership. Access to the site is from the south east corner of the site at the very end of Carr Lane.
- 3.3 The immediate stretch of Carr Lane adjacent to the application site is predominantly characterised by bungalows. However, the wider street scene, does include a variety of other building typologies, including two and three storey apartment blocks and other two storey residential dwellings.
- 3.4 The application site is well connected to local amenities, facilities, and local open space/countryside.
- 3.5 The site is within Flood Zone 1 thus at low risk of flooding from main rivers.

4.0 Relevant Planning History

- 4.1 There is no planning history on this site.

5.0 Site Allocation

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

- 5.2 The surrounding area also lies within the Residential Policy Area and the site is set well away from both Bessacarr Conservation Areas.
- 5.3 National Planning Policy Framework (December 2023)
- 5.4 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:
- 5.5 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.
- 5.6 Paragraphs 7-14 establish that all decisions should be based on the principles of a presumption in favour of sustainable development.
- 5.7 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.
- 5.8 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.
- 5.9 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.
- 5.10 Paragraph 60 states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.11 Paragraph 112 states maximum parking standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

- 5.12 Paragraph 115 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.
- 5.13 Paragraph 131 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.14 Paragraph 135 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site. Paragraph 135(f) sets out that planning decisions should create places which provide a high standard of amenity for existing and future users.
- 5.15 Paragraph 136 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 137 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.
- 5.17 Paragraph 189 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.
- 5.18 Development Plan
- 5.19 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).

Doncaster Local Plan

- 5.20 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, uses and opportunities. Policy 1 defines Bessacarr as within the Doncaster Main Urban Area.

- 5.21 Policy 10 relates to Residential Policy Areas. It supports residential development in these areas provided the development would provide an acceptable level of residential amenity for both new and existing residents, the development would enhance the quality of the existing area and would meet other development plan policies.
- 5.22 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure.
- 5.23 Policy 29 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.
- 5.24 Policy 30 relates to valuing biodiversity and geodiversity and advises that internationally, nationally, and locally important habitats, sites and species that will be protected through a number of principles. Policy 30 states that proposals must achieve a 10% net gain in biodiversity.
- 5.25 Policy 32 relates to woodlands, trees and hedgerows. Proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be a presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.
- 5.26 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.
- 5.27 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.
- 5.28 Policy 44 relates to residential design and sets out the key design objectives which residential development must achieve, as well as stating that all

developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours.

- 5.29 Policy 45 relates to Housing Design Standards and advises that new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants and are designed and constructed in a way that enables them to be easily adapted to meet existing and changing needs of residents in Doncaster. The policy requires all new dwellings to meet the Nationally Described Space Standard (NDSS).
- 5.30 Policy 48 states that development will be supported which protects landscape character; protects and enhances existing landscape features and provides high quality hard and soft landscaping scheme which includes fit for purpose planting and generous trees, shrubs, and hedgerow planting.
- 5.31 Policy 55 deals with the need to mitigate any contamination on site.
- 5.32 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.33 Other material planning considerations
- 5.34 In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, the City of Doncaster Council has adopted five Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in September 2021. The adopted SPDs are regarding 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.
- 5.35 Additional SPDs regarding the implementation of other specific Local Plan policies are currently being drafted.
- 5.36 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.
- 5.37 Other material considerations include:
- National Planning Practice Guidance (ongoing)
 - National Design Guide (January 2021)

5.38 Other Council initiatives include:

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

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
- All neighbours with an adjoining boundary notified by letter

6.2 Two rounds of public consultation have been carried out to ensure that neighbours have had the opportunity to comment on amended plans. Across the two rounds of consultation a total of 15 neighbour representations have been received from 8 different households, raising the following comments:

- Loss of trees/wildlife
- Loss of light to neighbouring properties on Conway Court
- Concerns regarding the size/scale
- Proximity to the properties on Conway Court
- Positioning of the new fence along the boundary/footpath
- Out of keeping with the area

7.0 Consultations

External Consultees

7.1 National Grid

No comments received.

7.2 Northern Gas Networks

No comments received.

7.3 Yorkshire Water

No comments received.

Internal CDC Consultees

7.4 Highways Development Control

No objections. The double garage does not provide adequate space to accommodate two parking spaces but is sufficient for one. There is other space within the curtilage/driveway to accommodate additional vehicle parking as such the proposal is acceptable.

7.5 Ecology

The ecologist has provided comments on this application and has raised no concerns or objections in relation to ecological impacts. The ecologist has requested a condition in relation to ecological enhancements and landscaping.

7.6 Drainage Officer

No objections subject to condition and drainage details being agreed prior to commencement of works on site.

7.7 Contamination

A YALPAG screening assessment form has been completed and reviewed by a Pollution Control Officer and no objections have been raised. No conditions have been requested.

7.8 Tree Officer

The Tree Officer originally requested a Tree Survey be undertaken however the trees on site have subsequently been removed. These trees were not subject to a tree preservation order or offered protection through conservation area status, as such the applicant was within their rights to remove these. The Tree Officer has requested a condition to ensure a robust, good quality landscaping scheme is agreed and implemented as part of the scheme which should seek some replacement trees and additional landscaping to mitigate the clearance of the site.

7.9 Footpaths/Public Rights of Way

No objections to the proposal.

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 upon residential amenity
- Impact upon the character and appearance of the surrounding area
- Impact upon highway safety
- Trees and Landscaping
- Drainage
- Ecology
- 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 a Residential Policy Area as defined by the Local Plan, as such residential development is acceptable in principle providing that there is an acceptable level of residential amenity for both existing and future occupiers, the qualities of the existing area are protected and enhanced, and other development plan policies are met.

Sustainability

- 8.6 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
- 8.7 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

- 8.8 Policy 44(A) of the Local Plan states: 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.
- 8.9 Table 2 of the Transitional Developer Guidance (TDG) gives minimum separation distances that are applied for new residential development. 2-3 storey properties should have back-to-back distances (between facing habitable rooms) of no less than 21m, and front to front distance of no less than 12m, dependent upon the street hierarchy. Habitable room windows that overlook neighbouring garden space should normally be at least 10 metres from the boundary.
- 8.10 The properties with the most potential to be affected by the development are those to the north-west on Lindsay Close.
- 8.11 The separation distances between the proposed dwelling and the neighbouring properties on Lindsay Close accord with the standards as set out in the TDG Guidance as there is a distance of 21m between the rear of both properties. The properties are not directly facing and sit at an angle to one another, as such would further mitigate any direct overlooking. The proposed dwelling is also positioned over 10m away from the boundary which abuts the neighbours rear garden area. This meets the separation guidance in the TDG as set out above. Therefore, the proposal accords with all requirements in this respect and as a result would not cause any harmful overlooking or loss of privacy to the existing neighbouring properties at the rear.
- 8.12 The properties on Conway Court to the south are a minimum of 15m away from the side elevation of the proposed dwelling. There is only 1 first floor window proposed to this side elevation, this serves a bathroom and as such will have an obscure glazed window to retain privacy and minimise overlooking (secured by condition). Given the proposed dwelling would sit to the North of those on Conway Court it is not considered that the proposal would cause overshadowing or a loss of light. A 15m separation distance is considered

appropriate in this location especially given there would be no overlooking or overshadowing introduced through the proposal.

- 8.12 The proposed dwelling is set a suitable distance away from neighbouring properties to avoid harmful overshadowing. Due to the positioning of the dwelling in relation to the sun's path, any overshadowing likely to occur would primarily be contained within its own rear garden area, as such not affecting neighbours. Whilst overshadowing may be exacerbated during winter months as the sun is lower, this would not impact the adjacent neighbouring properties on Lindsay Close to a level that would be unacceptable or warrant refusal.
- 8.13 The application also includes a proposal for a detached double garage at the rear of the plot. This is tucked in the northern corner of the site and is set in from the boundary by approximately 0.8m at either side. Whilst some overshadowing may occur as a result of the positioning within the site, this is likely to be negligible in terms of impact. Primarily as the proposed garage is single storey in height with a hipped roof which limits any overshadowing that may occur. Additionally, the areas that may somewhat be impacted are the very rear of the neighbour's garden areas, which are unlikely to be the most usable amenity space.
- 8.14 As such, it is not considered the proposal, as a whole, would cause harmful overlooking or overshadowing, thus complies with policy 10 and 44 of the Local Plan.
- 8.16 Policy 45 of the Local Plan requires all new dwellings to meet the Nationally Described Space Standard (NDSS). The proposed dwelling has been measured and does accord with these standards. Additionally, it will provide appropriately sized outdoor amenity space in accordance with the TDG, including adequate space to be retained for the existing bungalow. As such the proposed dwelling provides a good standard of internal and external amenity space in accordance with the TDG and policy 45 of the Local Plan.
- 8.17 Overall the development would provide acceptable levels of adequate residential amenity for existing residents and future occupiers in accordance with Local Plan Policy 10, 44 and 45.
- 8.18 Conclusion on Social Impacts.**
- 8.19 Paragraph 8(b) of the NPPF (2023) sets out the social objection 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.
- 8.20 The proposed development would not detract or harmfully impact the residential amenity of existing neighbouring residential properties. The proposed dwellings will provide good levels of internal and external living areas in accordance with the NDSS and the standards set out in the TDG.

- 8.21 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

- 8.22 Policies 41 (a), 42 (b), and 44 (b) in part 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.
- 8.23 Paragraph 135(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.
- 8.24 The proposed dwelling would be a four-bedroom detached house. It is recognised that local neighbours have raised concerns regarding the size, scale and design of the proposed dwelling, however, given positioning of the property at the end of the cul-de-sac and within the wider street scene it is considered the revised proposal would be appropriate in this location. The size and scale of the proposal has also been significantly reduced since the application was originally submitted to take account of those concerns raised. A street scene drawing has also been provided which shows the relationship between the proposed dwelling and neighbouring properties. It is considered the proposed dwelling would integrate well with the surrounding properties as such complies with the relevant Local Plan policies and NPPF as above.
- 8.25 Initially the proposal was much larger and had a poor relationship with the neighbouring properties and wider street scene. The proposal has been revised and the amended plans are now considered to reflect the local built form and integrate well with the street scene.
- 8.26 The external materials proposed are brick, with a pantile roof and uPVC windows and doors. In principle these materials would be acceptable and would relate well to the surrounding properties. A condition would be imposed on the permission to ensure the specific details of materials are agreed with the LPA prior to development commencing to ensure they are of an acceptable quality.
- 8.27 Overall, the design and appearance of the proposed development is acceptable and suitably reflects the local character and materials which are prevalent in the surrounding area. As such, the proposal accords with Policy 41, 42 and 44 of the Local Plan and paragraph 135 of the NPPF.

Impact upon highway safety

- 8.28 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).
- 8.29 Paragraph 115 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.”
- 8.30 The application proposes to utilise the existing access which currently serves No 24 Carr Lane. A separate access and new garage is proposed for No 24 however this is subject to a separate application. Highways have raised no concerns in relation to the use of this access and have confirmed there is adequate space within the site and/or garage to provide functional parking for at least two vehicles.
- 8.31 It is not considered the proposal for one additional dwelling would generate significantly more traffic or vehicle movements within the street to a level that would cause highways safety issues.
- 8.32 Overall, the proposal provides suitable arrangements for vehicular access and parking in line with the above policies. The Highways DC Officer has raised no objection to the proposal subject to conditions.

Trees and Landscaping

- 8.33 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.
- 8.34 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.
- 8.35 The site has been cleared and is currently grassed over. Previously there was a hedgerow and several trees along the southern boundary. These have since been removed and replaced with a timber fence around the perimeter of the site. These trees were not subject to TPO or afforded protection through conservation area status as such could be removed at any point without permission. Although this is the case, the Tree Officer considers there should be a robust landscaping scheme as part of the proposal to somewhat off-set the loss of trees.
- 8.36 Some indicative landscaping has been noted on the site plan however a more detailed landscaping plan/scheme is required and will be secured via condition.

- 8.37 Overall, there is no objection from a Trees or Landscaping perspective and the proposal would accord with policies 32 and 48 of the Local Plan.

Drainage

- 8.38 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 run off and make use of SUDs unless it can be shown to be technically unfeasible.

The Drainage Officer has been consulted on the application and has raised no concerns subject to full drainage details being provided prior to commencement of the works. A condition will be included as such to ensure that the site is connected to suitable drainage system and to ensure that full details thereof are approved by the Local Planning Authority before any works begin. The proposal would therefore accord with Policy 56 and be acceptable in this instance.

Contaminated Land

- 8.39 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.

A screening assessment form has been submitted as a preliminary risk assessment. The Pollution Control Officer considers this to be sufficient to confirm there is unlikely to be contaminated land within the site and no conditions are required. As such the proposal is in accordance with the National Planning Policy Framework (para 189) and Doncaster's Local Plan Policy 55.

Ecology

- 8.40 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 by:

A) being of an appropriate size, scale and type in relation to their location within and impact on the ecological network;

B) maintaining, strengthening and bridging gaps in existing habitat networks;

C) planting native species and creating new, or restoring existing, national and local priority habitats and/or species; and

D) working with strategic partnerships to deliver conservation projects at a landscape scale where appropriate.

- 8.41 The site is 0.09ha in area and given the small scale of the site there is no requirement for a biodiversity net gain assessment. However, in line with Local Plan Policy 29 ecological enhancements should be included so as to enhance local ecological networks. No details have been provided up front, however a condition will be attached to this permission for an Ecological Enhancement Scheme to be agreed once development has commenced.
- 8.42 Overall, the Ecologist has no objection to the proposal subject to the condition mentioned above and supports the Tree Officer's comments in terms of a good landscaping scheme. The proposal would therefore comply with policy 29 of the Local Plan.

Conclusion on Environmental Issues

- 8.43 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.
- 8.44 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 the imposition of appropriate planning conditions. The design, layout and appearance of the development is acceptable in this location and takes into account the local character. The parking/access arrangements are deemed to be acceptable, as well as the tree and landscaping proposals.
- 8.45 Overall, there are no adverse environmental impacts arising from the development and it is considered to be acceptable in these respects. As such, significant weight should be attached to this in favour of the development.

ECONOMIC SUSTAINABILITY

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

Conclusion on Economy Issues

8.47 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.

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

9.0 PLANNING BALANCE & CONCLUSION

9.1 In accordance with Paragraph 11 of the NPPF (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 and there are no material considerations which indicate the application should be refused.

10.0 RECOMMENDATION

10.1 DELEGATE AUTHORITY TO THE HEAD OF PLANNING TO GRANT PLANNING PERMISSION SUBJECT TO THE 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 shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

Proposed site plan - drawing no 023/079/PSP/C - amended 13/11/2023
Proposed floor plans - drawing no 023/079/PD P1/A - amended 13/11/2023
Proposed elevations - drawing no 023/079 PE P1/A - amended 13/11/2023
Street scene drawing - drawing no 023/079/P1LPSSC/A - amended 13/11/2023
Proposed garage drawing - drawing no 023/079/DGD - received 14/11/2023

REASON

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

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

REASON

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

04. Prior to the commencement of the relevant drainage works the details of the foul, surface water and land drainage systems and all related works necessary to drain the site shall be submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

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

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

REASON

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

06. No development shall take place on the site until a detailed soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a soft landscape plan, a schedule providing plant and tree numbers and details of the species, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs, and BS8545:2014 Trees: from nursery to independence in the landscape; a specification of planting and staking/guying; a timescale of implementation and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion of the planting. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme unless the local planning authority gives its written approval to any variation.

REASON

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

07. Within two months of the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority: Photographic evidence of implementation must be submitted to the Local Planning Authority.

1 x bat box of the Vivaro Pro Build-In Bat Tube type or similar to be located in accordance with instructions from a suitably qualified ecologist.

1 x swift box of the integrated Woodstone type or similar to be located in accordance with instructions from a suitably qualified ecologist.

Small mammal access holes 13x13cm to be located on two sides in any fencing erected

REASON

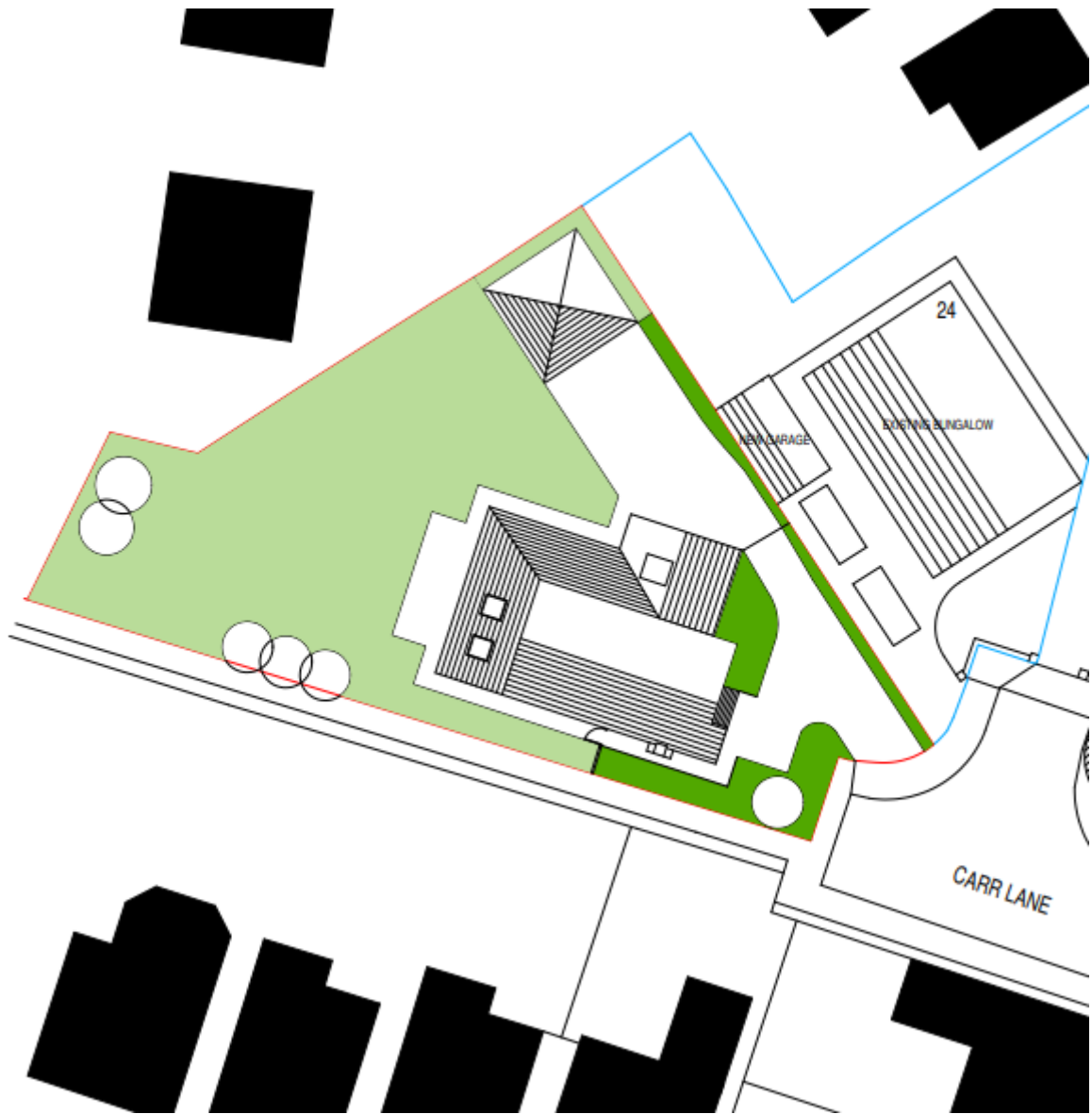
To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29

08. Before the first occupation of the building hereby permitted, the windows(s) at the first floor, indicated as bathroom and ensembles on the approved floor plan shall be fitted with obscured glazing 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.

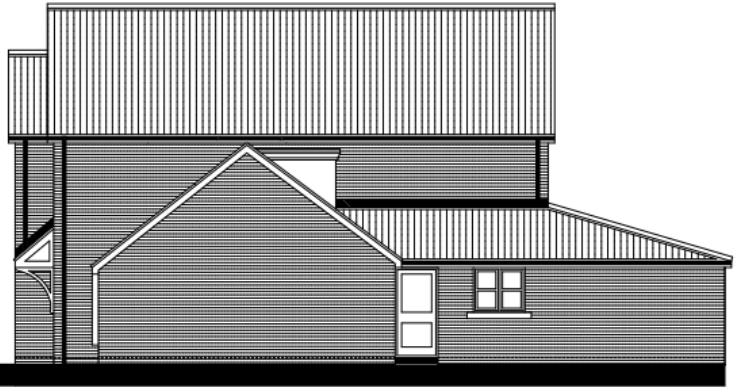
Appendix 1 – Site Plan



Appendix 2 – Proposed Elevations



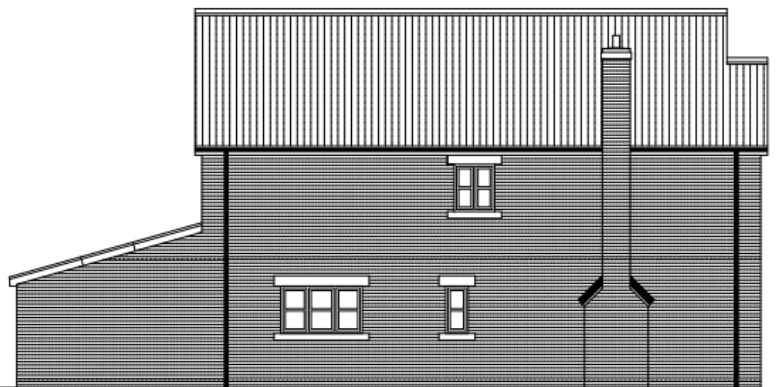
FRONT ELEVATION



SIDE ELEVATION

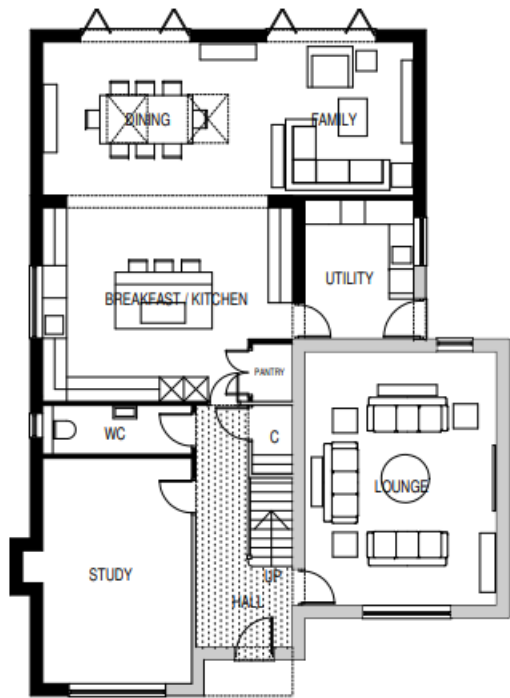


REAR ELEVATION



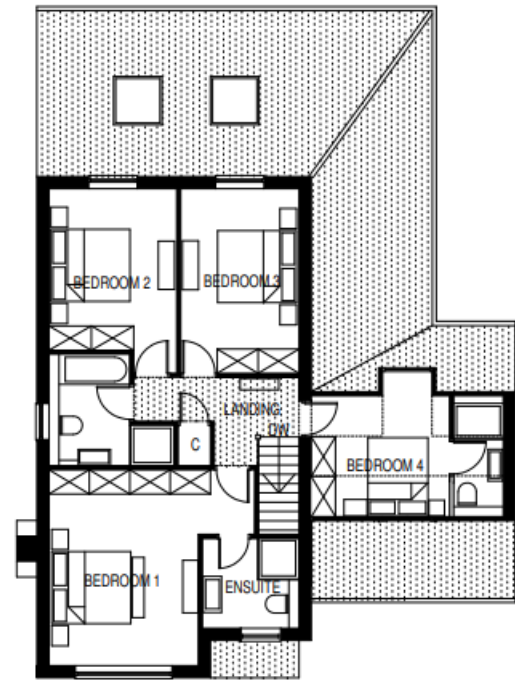
SIDE ELEVATION

Appendix 3 – Proposed Floor Plans



PROPOSED GROUND FLOOR

NEW 4 BEDROOM DETACHED HOUSE 2,550 SQ FT



PROPOSED FIRST FLOOR

Appendix 5 – Proposed Street Scene



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Application	3
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Application Number:	23/02313/FUL
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Application Type:	Full
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Proposal Description:	Erection of a single storey rear extension to house in multiple occupation
At:	1 Elm Green Lane

For:	Wrap Around Charity
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Third Party Reps:	8 objectors	Parish:	Unparished
		Ward:	Conisbrough

Author of Report:	N Howarth
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SUMMARY

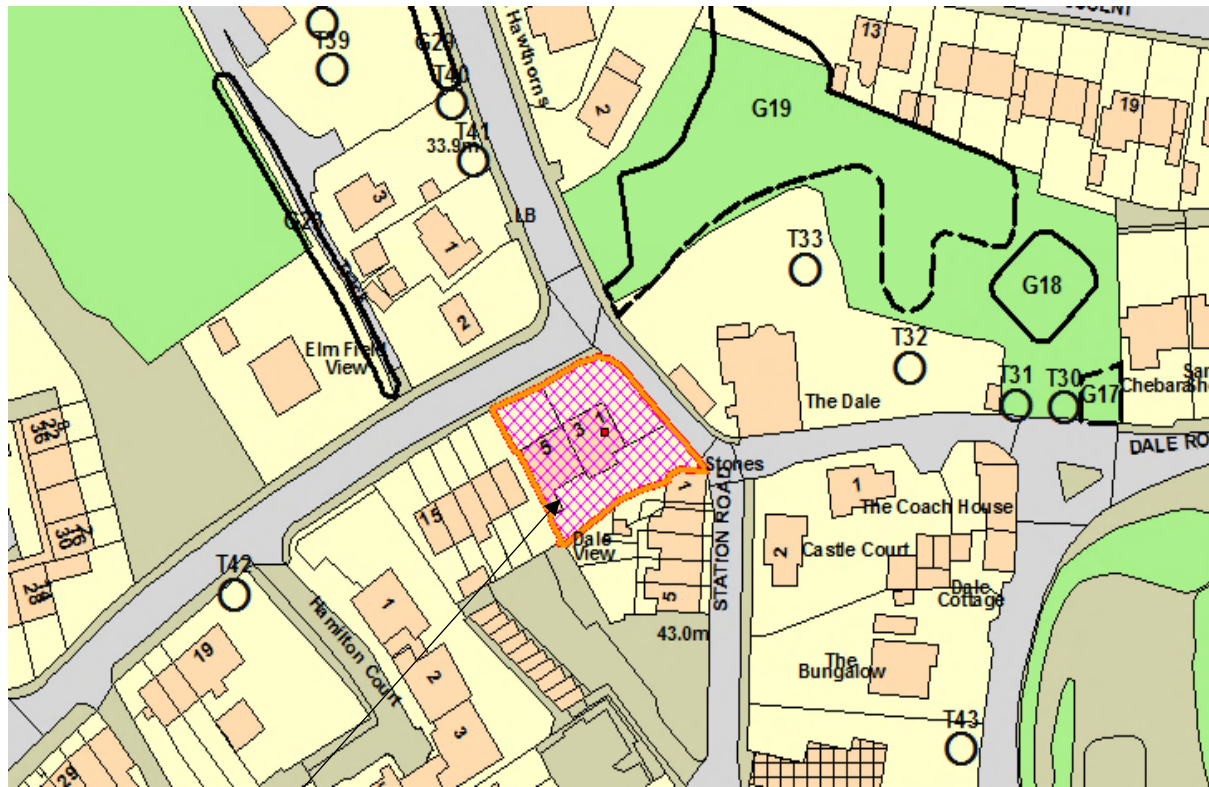
This application is seeking permission for the erection of a ground floor rear extension to create a shared activity room and small courtyard to an existing and lawful large HMO.

The proposal is not considered to harm the appearance and character of the adjoining Conservation Area or street scene or cause any demonstrable harm to neighbouring amenity, highway safety or the environment and is therefore being recommended for approval.

This application is being presented to members due to member request and also the level of public interest from local residents.

This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal.

RECOMMENDATION: GRANT subject to conditions



Application Site

1.0 REASON FOR REPORT

1.1 The application is being reported to Members due to member request and the level of public interest. Councillor Nigel Ball requested that the application be brought to Planning Committee due to concerns about: loss of amenity, environmental impact and ongoing ASB and criminal activity in this area. In addition, there has been approx. 8 objections received.

2.0 Proposal and Background

2.1 Planning permission is sought for the erection of a single storey rear extension to serve an existing and lawful House in Multiple Occupation (HMO). For the avoidance of any doubt, the premises has been in use as an HMO for many years. This application does not propose to intensify that use in any way. No external alterations are proposed to the front elevation of the property. A single storey flat roofed 'L shaped' extension measuring approx. 3 m high, 6.5 m wide and 8 m at its maximum depth is proposed to the rear of the building. Render is proposed to the front elevation and fairfaced block to the side and rear elevation.

2.2 The extension is to create an activity room for the existing occupants of the HMO including use by staff. There will also be a small enclosed courtyard. The applicant has confirmed that the activity room will mainly be for residents to undertake enrichment activities such as painting and crafting. The courtyard is a light well to

allow additional light into existing bedroom 8 and to provide maintenance access only. No activities of any kind will take place in it.

- 2.3 In respect of the established HMO use, the Authority granted a Certificate of Lawful Development for use of the property as a 15 bed House in Multiple Occupancy on 13/11/2023 ref 23/01873/CPE. This confirms the existing use of the premises is a building used as a house of multiple occupation with 15 bedsits. The latest HMO license for the current operators has been in place since February 2022 and confirms that there are 15 rooms with sleeping accommodation, no self-contained units and can accommodate a maximum of 15 persons that occupy the premises.
- 2.4 The Applicant is a charity based in Conisbrough.' Wrap Around Charity' who help those who may be struggling with homelessness, addiction or rehabilitation. They support vulnerable people and help them re-integrate back into society by helping them with accommodation and if necessary, helping them register for support services.

3.0 Site Description

- 3.1 The application property is a two and half storey detached property located within an elevated corner located on Elm Green Lane and Station Road, Conisbrough.
- 3.2 The site lies opposite the recently extended boundary to Conisbrough Conservation Area which is dominated by the nearby Scheduled Monument and Grade I listed Conisbrough Castle. Development in the area is typically two storied, however there are occasionally three storied properties, with a few bungalows interspersed. Boundary walls are an important feature, with trees and landscaping also adding to the character of the area. 1 Elm Green Road appears to have once been a pair of semis, or possible a row of three properties given the numbering, but now appears to function as one entity. It is two storeys with accommodation in the roof space, rendered and roofed in slate, with end gables with stone bays at ground floor level, although crude detailed uPVC windows mar its current appearance. It does however still retain an imposing presence on the corner of Elm Green Road and Station Road, set behind a tall retaining stone wall and lawned front garden. Sections of Paladin fencing has been added around the boundary of the property which gives a rather commercial feel to the otherwise residential character of the building and area.

4.0 Relevant Planning History

- 4.1 The planning history for the application site is as follows:

Application Reference	Proposal	Decision
02/2778/P	ERECTION OF FLAT ROOF GROUND FLOOR EXTENSION (5.40M X 9.05M OVERALL) TO PROVIDE ADDITIONAL BEDSIT ACCOMMODATION	Refused 27.09.2002

04/6710/P	Installation of dormer window to front elevation of house in multiple occupancy	Granted 17.11.2004
23/01873/CPE	Certificate for existing lawful use for the whole premises as a 15 bed house in multiple occupancy	Granted 13.11.2023

5.0 Site Allocation

5.1 The site is identified within the Local Plan as Residential Policy Area and lies outside but adjacent to the Conisbrough Conservation Area. The following policies are applicable:

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 Paragraphs 96 advises that planning decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which inter alia promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

5.5 Paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.6 Paragraph 128 notes the importance of making efficient use of land, whilst decisions should promote an effective use of land in meeting the needs for homes, in a way that makes best use of previously developed land.

5.7 Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 131).

5.8 Paragraph 135 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site. Decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 5.9 Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 5.10 Paragraph 180 states planning decisions should contribute to and enhance the natural and local environment by inter alia preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability
- 5.11 Paragraph 195 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.12 Paragraph 205 of the NPPF outlines the Government's advice when considering the potential impact on designated heritage assets. It advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.13 Local Plan

- 5.14 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster includes the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.15 The site lies within the Residential Policy Area as designated in the Doncaster Local Plan (Policy 10). This policy advises that new residential development will be supported provided:
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.
- 5.16 Policy 9 deals specifically with HMOs and how they will be supported under strict circumstances. This policy is not relevant to this proposal as the HMO use is already existing and the proposal will not increase the number of bedspaces in the property.
- 5.17 Policy 34 states that development proposals affecting, or within the setting of, Conservation Areas will be assessed as per the following. Proposals must not detract from the heritage significance of a conservation area by virtue of their location, layout, nature, height, density, form, scale, materials or design or by the

removal of trees, the loss of important open spaces or other important landscape features, or through adverse impact on key views and vistas. Proposals that may result in potential harm to a conservation area will be refused unless the harm is outweighed by public benefits arising from the development.

- 5.18 Policy 37 states that Doncaster's historic environment will be conserved where proposals and initiatives preserve and, where appropriate, enhance the heritage significance and setting of the Borough's heritage assets.
- 5.19 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.
- 5.20 Policy 47 (Safe and Secure Places) states that developments will be supported which are designed in a way that reduces the risk of crime and the fear of crime.
- 5.21 Policy 48 details how new developments should provide high quality, comprehensive hard and soft landscaping schemes.
- 5.22 Policy 50 (Health) (Strategic Policy) advises that the Council will look to improve and promote strong, vibrant and healthy communities by ensuring a high quality environment is provided with local services to support health, social and cultural wellbeing. In order to help achieve this the Council will require inter alia, development to positively contribute to creating high quality places that support and promote healthy communities and lifestyles and developments designed to encourage and support healthy lifestyles.

5.23 Neighbourhood Plan (NP).

- 5.24 No neighbourhood plan is relevant to this application.

5.25 Other material planning considerations and guidance

- 5.26 In line with the Town and Country Planning (Local Planning) (England) Regulations 2012 City of Doncaster Council has adopted five Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in September 2021. The adopted SPDs are regarding 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.
- 5.27 Additional SPDs regarding the implementation of other specific Local Plan policies are currently being drafted.
- 5.28 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.

5.29 Other material considerations include:

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

5.30 Other Council initiatives include:

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

5.31 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.

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.

6.2 The application was advertised via neighbour letter, site notice and in the local press. Following this publicity, approx.8 objections were received from local residents.

6.3 A summary of the material matters raised included concerns regarding;

- anti-social behaviour of the residents who stay in the property leave residents fearful and unsafe.
- deterrent to tourism.
- impacting on businesses operating in the area.
- noise nuisance, loss of privacy.
- harm to the character of the area

7.0 Relevant Consultations

7.1 Parish Council – N/A

7.2 CDC Conservation Officer – The site lies opposite the recently extended boundary to Conisbrough Conservation Area which is dominated by the nearby Scheduled Monument and Grade I listed Conisbrough Castle. Development in the area is typically two storied, however there are occasionally three storied properties, with a few bungalows interspersed. Boundary walls are an important feature, with trees and landscaping also adding to the character of the area.

1 Elm Green Road appears to have once been a pair of semis, or possible a row of three properties given the numbering, but now appears to function as one entity. It is two storeys with accommodation in the roof space, rendered over brickwork and roofed in slate, with end gables with stone bays at ground floor level, although crude detailed uPVC windows mar its current appearance.

It does however still retain an imposing presence on the corner of Elm Green Road and Station Road, set behind a tall retaining stone wall and lawned front garden. Paladin fencing appears to have recently added to the side of the access which gives a rather commercial feel to the otherwise residential character of the building and area, and landscaping would be encouraged additional to the current potted plants which due to their nature are fairly inconspicuous. A previous application for a single storey was withdrawn.

The proposal is for the addition of a single storey extension to the rear.

Whilst the extension is to the rear it would be visible from Station Road and seen in conjunction with the recently erected paladin fencing. The extension's flat roof would jar with the pitched roofs of the main building (notwithstanding the flat roofed rear porches – which due to the size of these porches they are less noticeable than the proposed extension would be) and would further detract from the character of the building and the adjoining conservation area. However, additional landscaping is now proposed that would soften the overall appearance, and in terms of appearance would preserve the setting of the conservation area. The proposal would be in accordance with Policy 37 of the Local Plan and Section 16 (Conserving and enhancing the historic environment) specifically paragraphs 195, 197 and 199 of the National Planning Policy Framework on determining applications. Standard condition on material should suffice along with deadline for landscaping to be implemented.

7.3 CDC Environmental Health Officer – This section has no objection to the proposed single storey extension.

7.4 CDC Highways Development Control – The access from the public highway to the rear of the property is not being amended by the proposal and taking into consideration the existing usage of the development I am content that the proposal should not cause an adverse effect on the public highway.

As the existing parking situation for the development is not being significantly altered and the applicant has confirmed in writing in the attached Design and Access Statement that they only require four parking spaces for the development's usage I am content to support the application based on the submitted information

- 7.5 CDC Public Health - It is positive to see this will benefit residents and provide more formal amenity space. Public Health had some concerns regarding the loss of outdoor space that this extension would represent, however from the applicant's comments it is clear that the new extension will be of more benefit to residents than the previous yard space.

The applicant has also clarified that there are other areas of external landscaped space around the property for residents. The health and wellbeing benefits of outdoor green and blue space are well evidenced, so any provision for outdoor amenity space is welcomed as it provides opportunity for physical activity, social interaction as well as a place for other activity like hanging washing. Public Health therefore have no further comments to make at this stage, however should anything change with the application we would appreciate being reconsulted.

- 7.6 Designing out Crime Officer (South Yorkshire Police) - Thank you for giving South Yorkshire Police 'Designing Out Crime Officers' the opportunity to review this planning application.

Police records show a total of eight offences recorded at the location in 2023. Both the victim and offender in every offence are residents at the hostel and known to each other.

Eight calls have been made to the Police in 2023, regarding incidents reported as occurring on Elm Green Lane. Of these, four relate to issues regarding vehicles and the road, the remainder providing no specific address or location.

It is noted that the application does not include additional bedrooms or increase the number of residents at this hostel. Enquiries have been made with the local policing team and there are no grounds for this officer to comment further on this application. Even though the Designing our Crime officer has no other comment to make regarding this application, other comments which may not support the application may be made by other Police departments.

8.0 Assessment

- 8.1 The proposal seeks approval for a single storey rear extension to house in multiple occupation. In considering the proposal, the main material planning considerations are outlined below:

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

- Principle of Development
- Impact upon Existing and Neighbouring Residential Amenity
- Fear of crime and anti-social behaviour
- Impact upon the Character and Appearance of the Area and Setting of the adjoining Conservation Area.
- Highways

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

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

Principle of Development

- 8.3 The application site is washed over by Residential Policy Area and as such Policy 10 of the Doncaster Local Plan supports residential development in principle, providing that it does not adversely affect the character of the area or detrimentally affect neighbouring properties through for example excessive overshadowing, over dominance or loss of privacy.
- 8.4 In respect of the large HMO use, this has been established with the granting of the Lawful Development Certificate. There is also an existing HMO license for the premises.

Sustainability

- 8.5 The NPPF sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. 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.
- 8.6 There are three strands to sustainability, social, environmental, and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favor of sustainable development.

8.7 SOCIAL SUSTAINABILITY

Impact upon Existing and Neighbouring Residential Amenity

- 8.8 Local Plan Policy 10 states that residential development will be permitted in Residential Policy Areas whereby it does not detrimentally affect the amenities of occupiers of nearby properties.
- 8.9 Local Plan Policy 44 relates to residential design and advises that new extensions, alterations and changes of use to housing will be supported where they respond positively to the context and character of existing areas or the host property, and create high quality residential environments through good design. Proposals are required to 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.
- 8.10 The application site property is a large detached premises sat within generous grounds. It is bordered by existing residential development to the rear (No's 1 – 5 Dale View). This is a row of terrace cottages whose back garden is adjacent in the rear boundary with the property. Adjoining the property boundary to the west is No 7 Elm

Green Lane (a terrace property) whose rear back garden adjoins the rear side boundary of the site and is slightly elevated, and The Dale, a large detached property which lies on the opposite corner separated by Station Road.

- 8.11 The extension will infill the rear corner of the property. Here, there is already a 2 storey rendered off shoot extension to the property and a single storey flat roof rear block extension. The extension will sit in front of existing 2 storey off shoot and then wrap round adjoining the rear elevation of the property. It will measure approx. 3 m high, 6.5m wide and 8m at its maximum depth. With it being at the rear of the property it will be relatively screened from view being single storey and will be set behind by an existing 2.5m high retaining wall which runs along the boundary with No. 7 Elm Green Lane and a 1.8 m high retaining wall which runs along the rear boundary with No's 1 – 5 Dale View. There are no windows directly overlooking any neighbouring property. There will be 3 windows on the inward elevation facing onto Station Road. The single storey scale, flat roof, design features and location of the extension set within the corner screened by the retaining walls ensures that it is not over dominant or will introduce any harmful overlooking or over shadowing to neighbours.
- 8.12 In terms of the amenity of existing residents, this will be improved by the proposal with the enhanced provision of shared space for their use. The extension will limit the views from the windows of Room 8 and associated bedroom and likely reduce the level of light as these 2 windows are currently not obscured in any way, however the proposed small open courtyard area will allow some light and a view. There has been objection from the EHO in this respect either. Public Health have also confirmed no objection to the proposal.

Fear of Crime and Anti-social Behaviour

- 8.13 Policy 47 of the Local Plan relates to Safe and Secure Places. The policy is more related to achieving a good overall standard of security for buildings and the public and private spaces around them. Policy 10 advises that within residential policy areas new residential development will be supported provided inter alia the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood.
- 8.14 With regard to public safety, fear of crime and antisocial behaviour as expressed by some residents, the use of the premises is already established as being lawful in planning terms and cannot be revisited through the consideration and determination of this planning application. This application does not seek to increase the number of bedrooms or increase the number of residents at the premises meaning that there would be no intensification of the use. Instead, it seeks to improve the living conditions for the residents through providing additional shared living space. Public safety and the fear of crime can be material planning considerations. However, in this case such concerns are only relevant materially when assessing the HMO use itself which as mentioned is already well established and lawful. South Yorkshire Police Designing out Crime Officer has not objected to the extension and also notes that the premises does not include additional bedrooms or increases the number of residents at the premises.
- 8.15 It is acknowledged that the consultation response from the Designing Out Crime Officer does confirm that police records show a total of eight offences recorded at the location in 2023 with both the victim and offender in every offence are residents at

the premises. However, there is no justification to argue that the extension itself would cause there to be further internal conflicts amongst the residents. It is envisaged that the extension will improve provision at the HMO and would help improve the quality of life for the residents and help their recovery providing them with a space where they can more positively undertake social activities etc in the presence of staff.

- 8.16 In terms of design, the South Yorkshire Designing Out Crime Officer has not objected to the scale or design features of the extension. The applicants have confirmed that the inner courtyard will not be accessible to residents and is to allow additional light into bedroom 8 and to provide maintenance access only. No activities of any kind will take place in it.
- 8.17 In light of the above considerations, the proposal is not considered to lead to any materially demonstrable harmful impacts to residential amenity that would warrant refusal of the application on these grounds. The proposal meets the requirements of policies 10, 44, 47, 50 and is acceptable in this respect.

Conclusion on Social Impacts.

- 8.18 Paragraph 8 of the NPPF indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The design of the extension will not adversely affect existing or neighbouring residential amenity through overlooking, loss of light, outlook or loss of privacy. Whilst it is recognised that some residents are concerned that the proposal could cause increased anti-social behaviour, there is no evidence to suggest that the development would increase crime or anti-social behaviour at the premises or in the locality. The additional shared living space encourages social interaction and is considered to provide suitable accommodation. Crucially, the extension would not increase the number of bedrooms within the HMO or the number of people residing there, meaning that there would be no intensification of the existing lawful use. This weighs moderately in favour of the application.

8.19 ENVIRONMENTAL SUSTAINABILITY

Impact upon the Character and Appearance of the Area and Setting of the adjoining Conservation Area.

- 8.20 Policy 41 of the Local Plan states that development proposals will be supported where they respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and where they integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.

- 8.21 Policy 44 states that new extensions and alterations will be supported where they respond positively to the context and character of existing areas or the host property, and create high quality residential environments through good design.
- 8.22 Policy 37 in respect of development proposals affecting, or within the setting of, Conservation Areas states in B that proposals should not detract from the heritage significance of a conservation area by virtue of their location, layout, nature, height, density, form, scale, materials or design or by the removal of trees, the loss of important open spaces or other important landscape features, or through adverse impact on key views and vistas.
- 8.23 Paragraph 135 of the NPPF advises that planning decisions should ensure that developments: a) 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; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 8.24 Paragraph 201 of the NPPF advises Local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.25 The Council's Conservation Officer has been consulted and assessed the impact of the development on the setting of the Conservation Area which is opposite the site. He has not objected to the design of the extension. In his assessment he noted that the flat roof design would jar with the pitched roofs of the main building (notwithstanding the flat roofed rear porches) and would further detract from the character of the building and the adjoining conservation area. However, he also accepted that additional landscaping is now proposed that would soften the overall appearance, and in terms of appearance would preserve the setting of the conservation area. As such, the proposal would be in accordance with Policy 37 of the Local Plan and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework on determining applications.
- 8.26 Whilst the design of the extension being flat roofed does not fully reflect the design features of the property as mentioned by the Conservation Officer, its low level roof design will have a less impact in terms of neighbour visual amenity and being at the rear corner of the property it will not harm the overall street scene.
- 8.27 The chosen build materials, being render to the front and fairfaced block to side and rear, are practical and in general keeping with the existing varied character of the area. A condition will be imposed to ensure that the LPA approves samples of the build materials to ensure a suitable quality.
- 8.28 The landscaping details that have been submitted as part of the application include a hedge belt to be planted along the rear garden boundary and two trees within the side garden area. This will help screen the extension and existing fencing from Station Road. The Conservation Officer has requested that the landscaping condition is worded to ensure that it is carried out as soon as possible.

- 8.29 Overall subject to the imposition of appropriate planning conditions, the appearance of the building will continue to be preserved within the street scene and the proposal will not harm the setting of the opposite Conservation Area. The proposal is therefore in accordance with Local Plan Policies 37, 41, 44, 48 and the NPPF.

Noise

- 8.30 The development does not increase the number of residents or staff at the property, therefore it is expected that any noise associated with the HMO use itself would not be increased. The outdoor courtyard will not be in use by residents. The standard of the accommodation would be enhanced for the residents by the provision of the extension. The premises is already licensed and the EHO has made no objection. The application property benefits from being a detached house, thus limiting transmission of internal noise as there are no party walls shared with neighbouring properties. It is therefore considered that there is no demonstrable harmful impact to residential amenity related to noise from the use.

Highways

- 8.31 Local Plan Policy 10 and 13 seek amongst other things, to achieve ease of pedestrian movement, the protection of public safety and a functional highway network.
- 8.32 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.
- 8.33 The siting of the extension will result in the loss of some of the rear hardstanding which is currently used for car parking at the premises. CDC Highways are satisfied that there will still be sufficient car parking provision on the site for staff. The application site is in a sustainable location with good links to public transport, as well as being within walking distance to local amenities and facilities. Given the type of accommodation, residents are less likely to have private transport and given location and proximity to services and public transport, no concerns were raised by the Highways Engineer.
- 8.34 In light of the above, there is no demonstrable harm that would be caused by the development to levels of parking provision or highway safety that would justify refusal of the application on highway grounds. It complies with policies 10 and 13 of the Local Plan and is acceptable in this respect.

Conclusion on Environmental Issues

- 8.35 Paragraph 8 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.

- 8.36 In conclusion of the environmental issues, subject to conditions being imposed, it is considered that this proposal will have neutral environmental implications in terms of design, character, visual impact and other environmental impacts. This weighs moderately in favour of the application.

9.37 ECONOMIC SUSTAINABILITY

- 9.38 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time. The proposal would however provide enhanced provision at the premises, providing a shared space which could help support and encourage the residents to integrate back into society and help them regain their independence. Some residents have raised concerns about the impact of the proposal on tourism. This is related to the HMO use of the premises which is already established. The minor physical extension of the premises at the rear is not considered to have any demonstrable impact upon tourism.

Conclusion on Economy Issues

- 9.39 Paragraph 8 of the NPPF sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.40 The proposal would result in some economic benefit, it would not increase the occupancy of the property but it would bring some benefits to occupants by providing an improved communal space. This weighs moderately in favour of the application.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF 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.

11.0 RECOMMENDATION

11.1 GRANT planning permission subject to 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 shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:
plans as existing WAC/22/01
plans as proposed WAC/22/02
proposed elevations WAC/22/04
planting as proposed WAC/22/05

REASON

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

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

REASON

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

4. The extension/activity room shall be solely used by staff, residents and visitors related to the HMO use of the premises only. The courtyard will be used for maintenance access and emergency exit purposes only.

REASON

In the interests of residential amenity.

5. Prior to the occupation of the development hereby granted the proposed landscaping details planting as proposed on plan ref: WAC/22/05 shall be implemented in full to the satisfaction of the local planning authority. Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

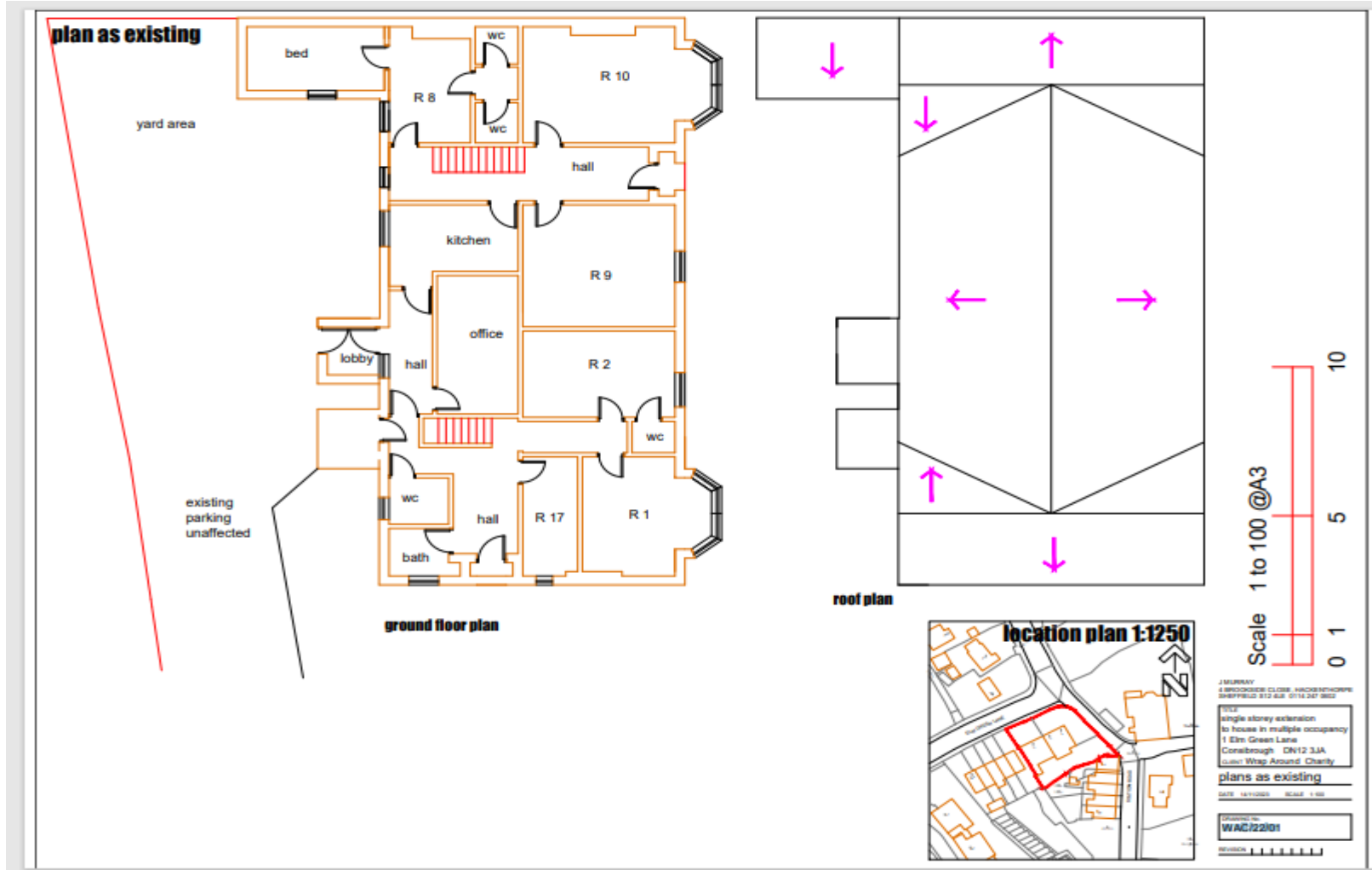
REASON

In order that the Council may be satisfied as to the details of the proposal.

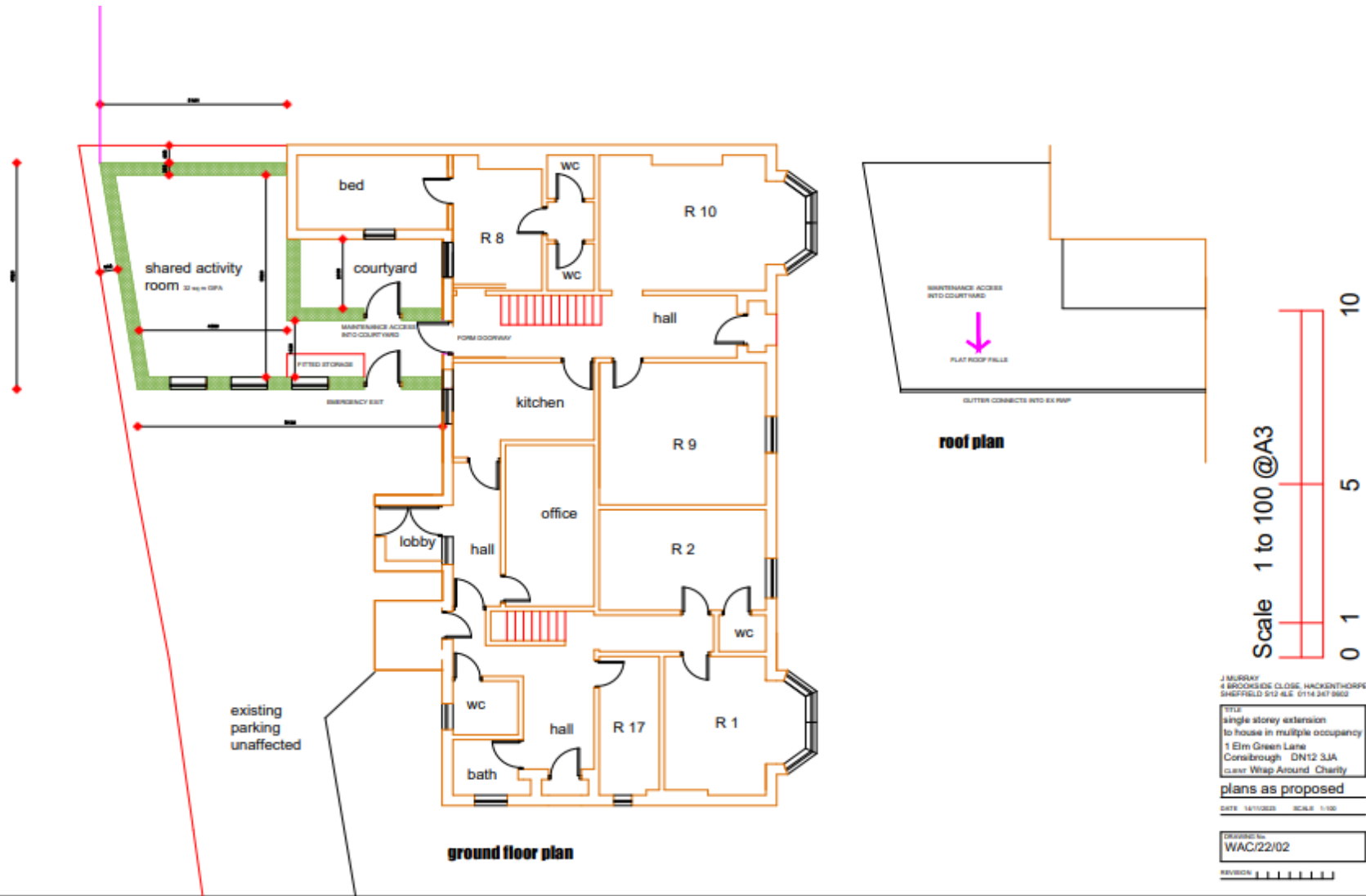
APPENDIX 1- Existing Elevations



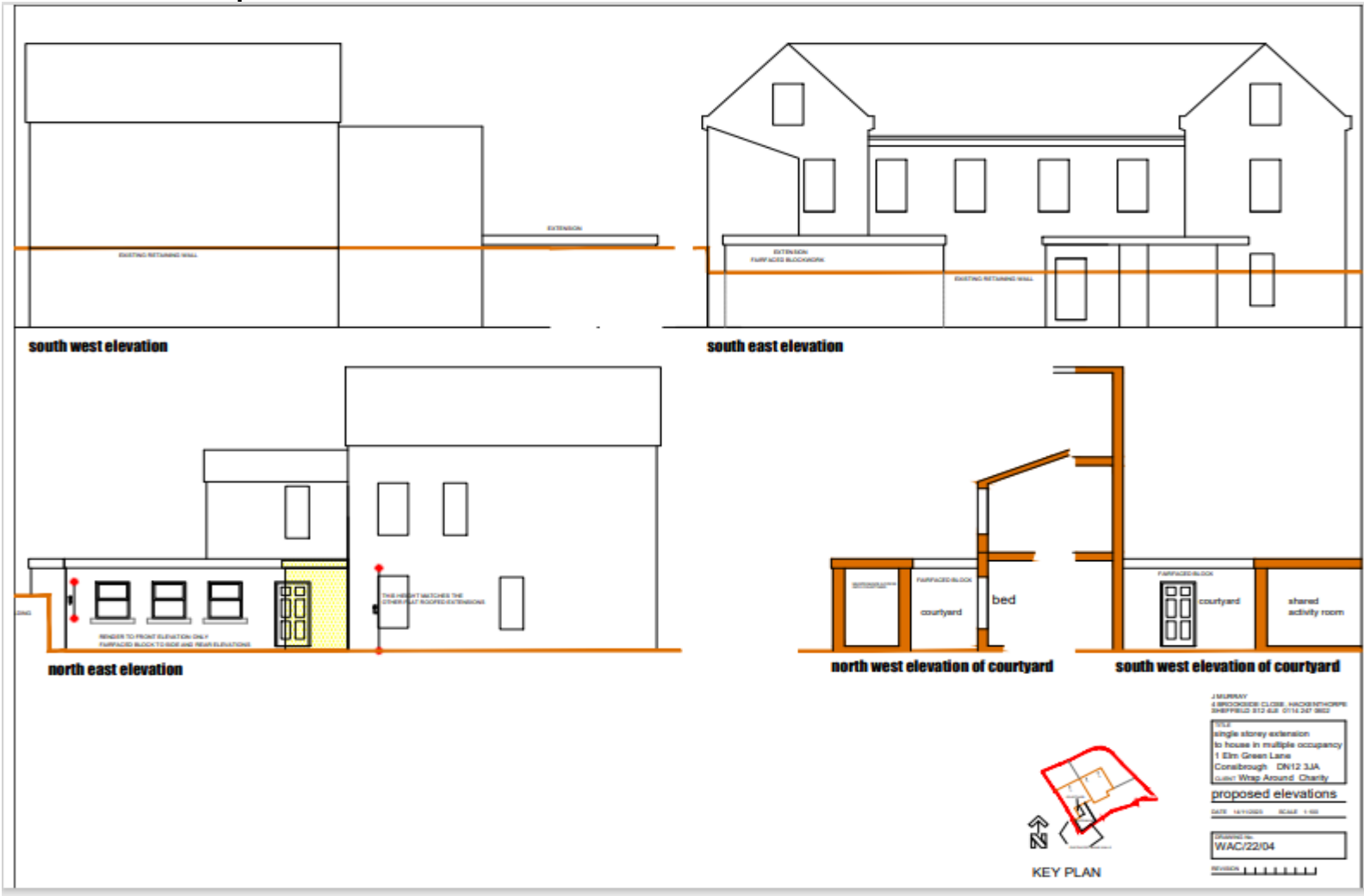
APPENDIX 2- Existing Floor Plans



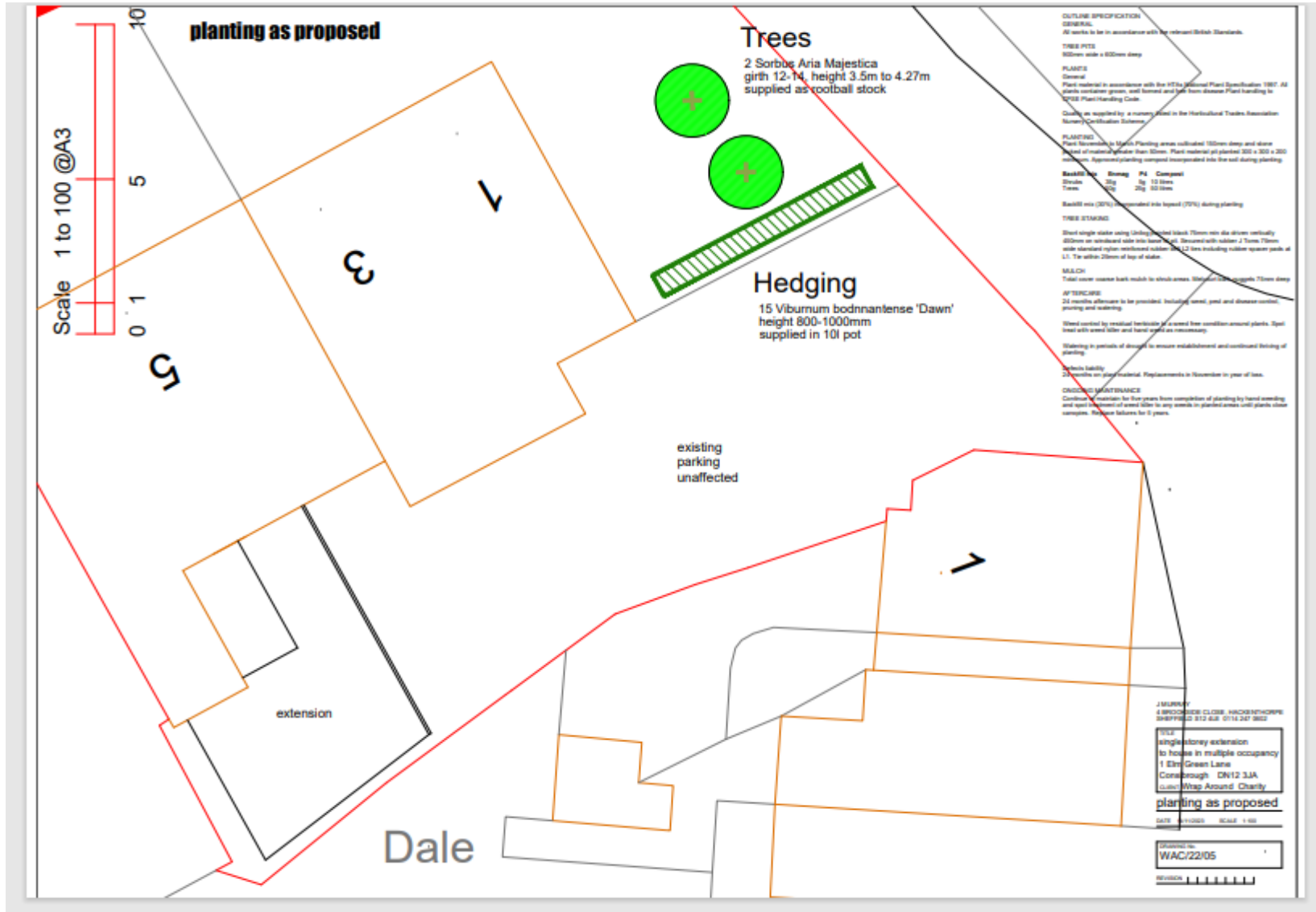
APPENDIX 3 - Proposed Floor Plans



APPENDIX 4 - Proposed Elevations



APPENDIX 5 – Planting as proposed



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Application	4
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Application Number:	23/02097/FUL
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Application Type:	HOUSEHOLDER
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Proposal Description:	Installation of a dropped kerb to a classified road (A19) (resubmission of application 23/00174/FUL, withdrawn on 20.03.2023)
At:	26 Doncaster Road, Askern

For:	Mrs T Hughes
-------------	--------------

Third Party Reps:	0 Supporters 0 Objectors	Parish:	Askern Town Council
		Ward:	Norton and Askern

Author of Report:	Nathan Ward
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SUMMARY

This application is a resubmission of application (ref: 23/00174/FUL) and is seeking permission for the installation of a dropped kerb to a classified road (A19).

The previous application was withdrawn on 20.03.2023 following comments made by the Highways Development Control Officer.

The proposed dropped kerb is to serve a residential dwelling, and that it would be a second dropped kerb at this location as the existing property shares an access and dropped kerb with the adjacent neighbour.

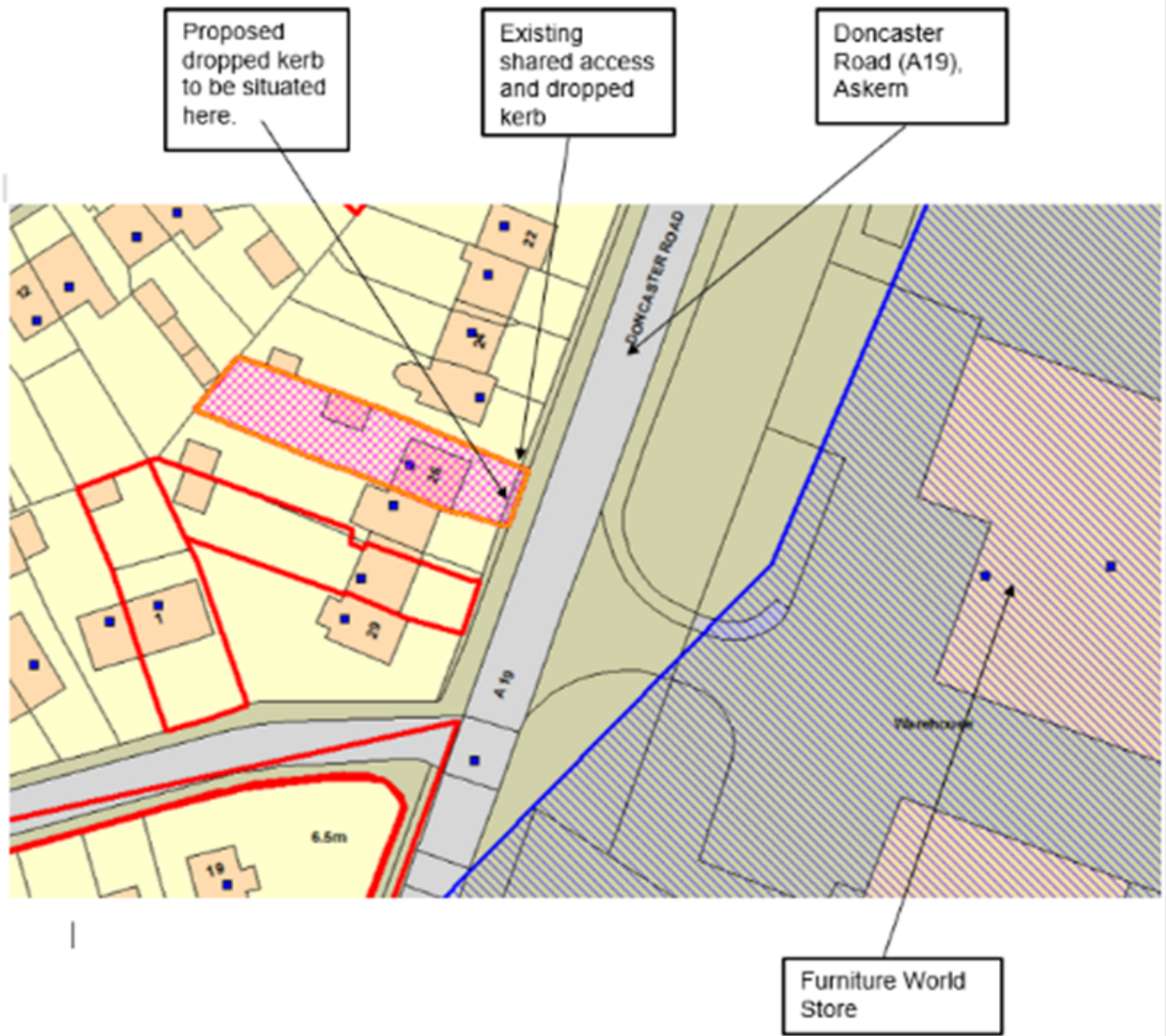
The resubmitted proposal is considered to harm highways safety as it fails to distinguish where a specific entry point is into a property and gives no definition/clarity on the highway as well as minimising the protection a full height kerb also gives to pedestrians.

The application also failed to provide adequate plans in order to fully assess the merits of the proposed development. The plans failed to address concerns raised by Highways Development Control

This application is being presented to members because it has been called in by local Ward Councillor White.

RECOMMENDATION: REFUSE

ANNOTATED SITE PLAN



1.0 REASON FOR REPORT

- 1.1 This application is being presented to Planning Committee at the request of Ward Councillor White.

2.0 PROPOSAL AND BACKGROUND

- 2.1 Planning permission is sought for the installation of an additional dropped kerb onto Doncaster Road, Askern.
- 2.2 This application is a resubmission of a previous application (23/00174/FUL) which sought to install an additional dropped kerb at this site. That application was withdrawn prior to determination to avoid a refusal on the grounds of lack of sufficient information to assess the application.
- 2.3 The proposed additional dropped kerb is sought in order to create a private access and driveway/turning area so that there is sufficient turning space within the site to enter and exit in forward gear.
- 2.4 The plans also show the removal of a section of the front wall to form a new private access, this can be carried out under Permitted Development Rights and so the only element requiring planning permission is the installation of the dropped kerb, as this would be to a classified road. It is this element of the works only which is before Planning Committee for determination.

3.0 SITE DESCRIPTION & LOCAL CHARACTERISTICS

- 3.1 The application site is a semi-detached, two storey dwelling situated on an established residential street. The front of the property is bound by a low-lying wall of brick, with modest grassy verges situated in front. To the rear of the site is a single storey garage outbuilding.
- 3.2 The property is set back from Doncaster Road (A19) and is separated by a gravelled front curtilage. The property currently shares an access and dropped kerb with their neighbour to the north (No. 25). Directly opposite the application site is a large Furniture World Store. Overall, the character of the area is largely residential, with the Furniture World store being the sole commercial unit in the area.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The planning history for the application site is as follows:

Application Reference	Proposal	Decision
23/00174/FUL	Installation of a dropped kerb to a classified road (A19)	Withdrawn – 20/03/2023
79/2142/P	Erection of single storey conservatory extension (1.95M X 4.5M) at rear	Granted - 01/08/1980

5.0 SITE ALLOCATION

- 5.1 The application site lies within a Residential Policy Area as defined in the adopted Doncaster Local Plan and its supporting Policies Map (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:
- 5.4 Section 4: Decision Making – paragraph 43 relates to the information that is required for local planning authorities to make good, well-informed decisions. Section 9: Promoting sustainable transport - paragraphs 114b and 115 specifically relate to the highway safety considerations of development proposals
Section 12: Achieving well-designed and beautiful places – paragraphs 135(a) and 139 relate to the need for good quality and well-integrated design and state that poor quality designs should be refused.
- 5.5 Doncaster Local Plan (2021)
- 5.6 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:
- 5.7 Policy 13: Promoting Sustainable Transport in New Developments (Strategic Policy)
Policy 41: Character and Local Distinctiveness
Policy 42: Good Urban Design (Strategic Policy)
Policy 44: Residential Design
- 5.8 Appendix 6 – Residential Development states that two allocated off street parking spaces must be provided to meet the parking standards for 2+ bed units.
- 5.9 Other material planning considerations
- 5.10 In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, the City of Doncaster Council has adopted five Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in September 2021. The adopted SPDs are regarding 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 Additional SPDs regarding the implementation of other specific Local Plan policies are currently being drafted.
- 5.12 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.
- 5.13 The South Yorkshire Residential Design Guide (2011) covers the requirements for parking in residential settings and the relevant sections are B.1.1.19 and B.1.1.24 - Technical Requirements – Private Drives.

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:
- The application was advertised via neighbour letter, with an overall consultation expiry date of 20th November 2023. Following this publicity, no letters of objection were received from local neighbours, and no letters of support were received.

7.0 CONSULTATIONS

Internal CDC Consultees

- 1.0 **Highways Development Control - Objects.** Highways Development Control would not support a new centralized access as shown in the unscaled “Site Plan Access”, however would support a widened shared access to 4.5m which includes the existing drop kerb being widened to cater for the new access width. The “Front Garden” area highlighted on the attached “Site Plan Access” will need to be shown on any scaled plan as a hard standing surface i.e. concrete, tarmac / block paving which the latter two can be porous. Any existing and boundary treatments will need to be clearly shown on any scaled plans. The existing grass verges adjacent to any access widths will need to be shown on the site plans and stated to be altered to match the existing footway.
- 7.2 **Highways Road Safety –** No comments beyond Highways Development

Control.

External Consultees

7.3 **Town Council** - No comments received

7.4 **Yorkshire Water** – No comments received

7.5 **Northern Gas** – No objections raised.

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:

- Impact upon highway safety
- Impact upon the design and character of the surrounding area
- Impact upon residential amenity

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 the Residential Policy Area as defined in the adopted Local Plan (2021). As such, extensions and alterations to a domestic property are acceptable in principle if they remain subsidiary to the host

dwelling, are of a scale and design that is appropriate to the host property and are not detrimental to the amenity afforded to adjacent properties.

Impact upon Highway Safety

- 8.51 Policy 13 states that new developments shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. Paragraph A6 states that proposals will be supported where development does not result in unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.
- 8.52 Policies 41(a), 42(b), and 44(b) all seek for development to integrate well with the immediate and surrounding environment.
- 8.53 Policy 42 B(4) states development will be supported where it considers access points, street design, parking and operational highway requirements to safely cater for pedestrians, cyclists and vehicles.
- 8.54 Paragraph 43 of the NPPF highlights that the right information is crucial to good decision-making, particularly where formal assessments are required. To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.
- 8.55 Paragraph 114(b) of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that there is safe and suitable access to the site can be achieved for all users.
- 8.56 Paragraph 115 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.
- 8.57 The applicant states that the purpose of the proposed development is to ensure they do not need to reverse out onto the road in order to exit the site, and that the new driveway and dropped kerb would allow for access and turning provisions within the curtilage of the application site.
- 8.58 The proposal will create an additional 4.8m wide private access for the applicants at No. 26, with an associated dropped kerb of 4.66m.
- 8.59 The existing shared access and parking arrangements to the side would also be retained.
- 8.60 The plans show that the proposed dropped kerb would be installed between the existing dropped kerb, currently used for the shared access, and another dropped kerb used by No. 27. However, the plans provided are of poor quality. Specifically, the proposed site plan provides no specified scale, and it is therefore impossible to accurately identify precisely where the proposed new entry point to the site would be along the existing site boundary. It does not show existing or proposed boundary treatments and so there is no clarity over

what is proposed in this respect; likewise, the existing grass verges have not been shown on the plans. The plans also fail to show the extent of the existing shared driveway entrance and dropped kerb, and so it is impossible to assess the relationship of the proposed dropped kerb with the existing dropped kerbs already present. This means it is not clear whether the proposal would create one long dropped kerb or multiple dropped kerbs in close proximity to each other. Additionally, no information has been provided with regards to proposed surfacing for the driveway, the existing boundary treatment or the grass verges on the existing footway. This should be hardstanding in order to be used as a turning space, to avoid the transportation of gravel onto the highway.

- 8.61 Notwithstanding the poor quality of the plans submitted, and the resultant ambiguity of what is proposed on the ground, there are clear highway safety issues with either eventuality. The creation of multiple access points in such close proximity to each other on a classified road would create uncertainty on the road as drivers will be unsure which access vehicles will be entering and existing the highway from. This scenario cannot be supported as it would cause unacceptable harm to highways safety by virtue of disrupting traffic flow on a busy classified road, contrary to local and national policy requirements.
- 8.62 In the alternative, if the proposal does involve the creation of one long-dropped kerb, this would cause unacceptable risk to pedestrian safety on the street, as there would be no place of refuge for pedestrians to wait whilst vehicles are entering and leaving the application site. A significant stretch of the road pedestrians would no longer benefit from the protection provided by a full height kerb. Again, this would be contrary to local and national policy requirements.
- 8.63 As part of their consultation response, in the interests of seeking to work positively and proactively with the applicant, the Council's Highways Officer suggested a viable alternative proposal which would address the issues the applicant is seeking to overcome whilst also overcoming the technical highway safety objections. The suggestion involved the widening of the existing shared access and dropped kerb, which would ensure that the public footway is not affected by such a long-dropped kerb as currently proposed, whilst also suitably providing for the turning provisions within the site which the applicant requires. The Highways Officer's comments and proposed solution was provided to the applicant on November 17th, 2023, however at the time of writing no amended plans have been received and so the assessment and recommendation are based on the current plans.
- 8.64 The proposal set out on those current plans is unacceptable for the reasons given above. Therefore, the proposal is considered to be contrary to Local Plan Policies 13, 41, 42 and 44, and paragraphs 114(b) and 115 of the NPPF. Ultimately, the Highways Officer continues to maintain the objection to the scheme in its current form and the technical advice provided must be given great weight by the planning committee in reaching its decision.

Impact upon the character and appearance of the area

- 8.65 Policy 41 A states that developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.
- 8.66 Paragraph 135(a) of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area.
- 8.67 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 8.68 The application site is located at the entrance to the town of Askern and lies on Doncaster Road (A19), a busy classified road that acts as the main road into and out of the town.
- 8.69 The existing street is relatively high density and consists of semi-detached and terraced properties, of a similar design.
- 8.70 The proposal would lead to the creation of a new break in the front boundary treatments, however the removal of part of the front boundary wall to create the access is permitted development and therefore could take place at any time without requiring any planning permission from the council. There would be no adverse impact on the street scene arising from the creation of the dropped kerb itself, which is solely what this planning application relates to.

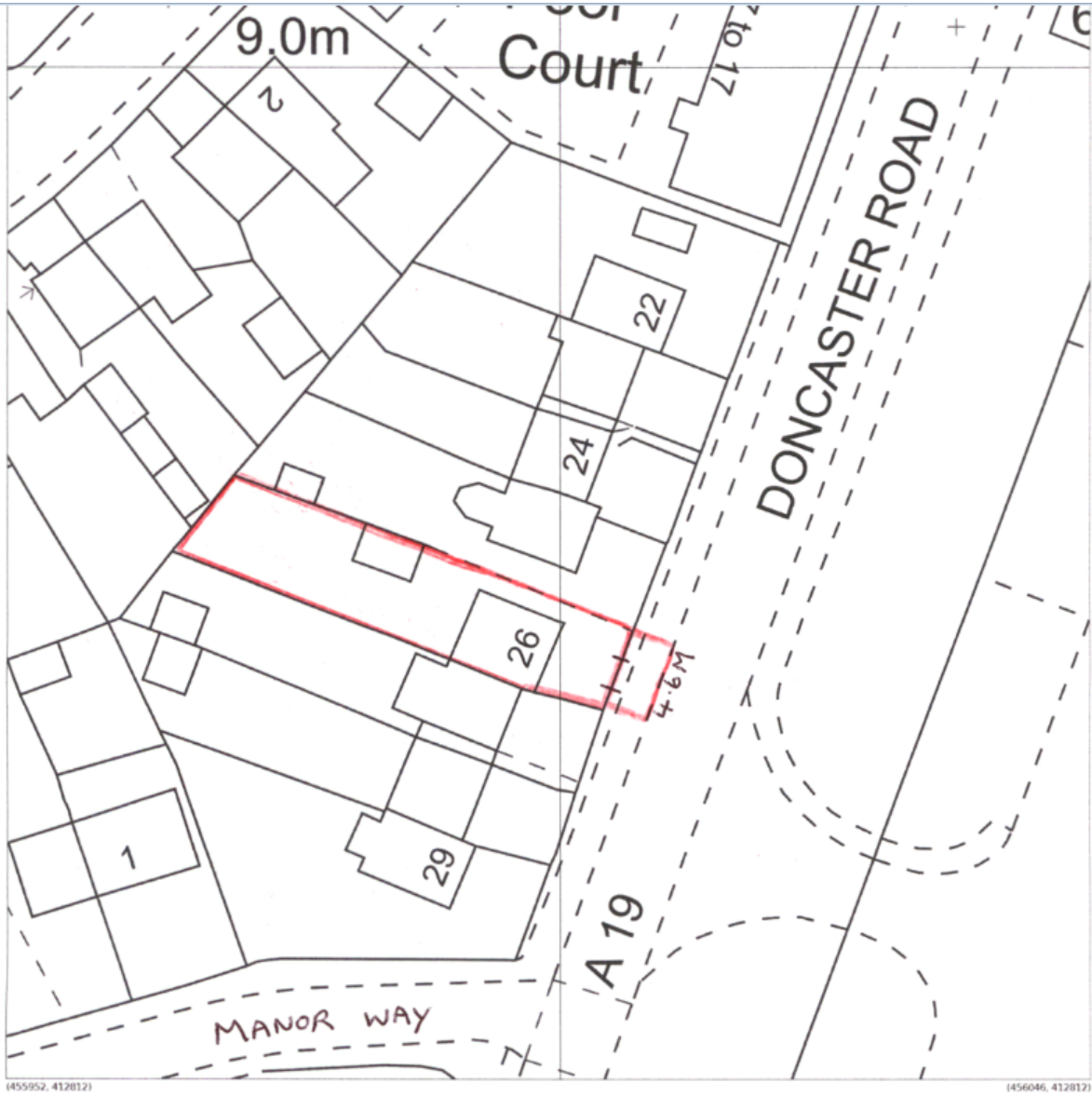
9.0 PLANNING BALANCE & CONCLUSION

- 9.1 The submitted plans indicate that the proposal would be harmful to pedestrian and highways safety by virtue of either creating one long dropped kerb on the public footway or of creating multiple accesses onto the classified road in close proximity with each other. The proposal therefore contravenes Policies 13, 41, 42 and 44 of the Local Plan as well as paragraphs 114(b) and 115 of the NPPF
- 9.2 The plans provided to the Local Planning Authority by the applicant were inadequate and failed to provide sufficient information to address the concerns raised by the Local Planning Authorities Highways Development Control Team. Consequently, the proposal contravenes Section 4 of the NPPF, specifically paragraph 43. Officers have endeavoured to work with the applicant to reach a satisfactory alternative solution which would overcome the highway safety objections and still provide the applicant with a workable layout on site. Unfortunately, this has not resulted in any amended plans being forthcoming and we must therefore determine the application as it currently stands.
- 9.3 On balance, whilst the applicants may benefit personally from additional turning provisions within their residential curtilage, the overall harm to highways safety by virtue of installing one long dropped kerb or the creation of multiple access points, and the consequent impact on pedestrian and highway safety outweighs the potential benefits to them.

10.0 RECOMMENDATION – REFUSE PLANNING PERMISSION

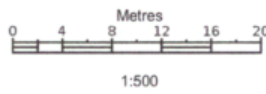
1. The Local Planning Authority considers on the basis of the information provided that the proposed development would cause clear and significant harm to highways and pedestrian safety at Doncaster Road, which is a classified road, because it would either involve creating a single long dropped kerb or multiple access points within close proximity to each other. In either eventuality, the proposal would therefore be contrary to Policies 13, 41, 42 and 44 of the Local Plan as well as Paragraphs 114 and 115 of the National Planning Policy Framework.

APPENDIX 1 – SITE PLAN



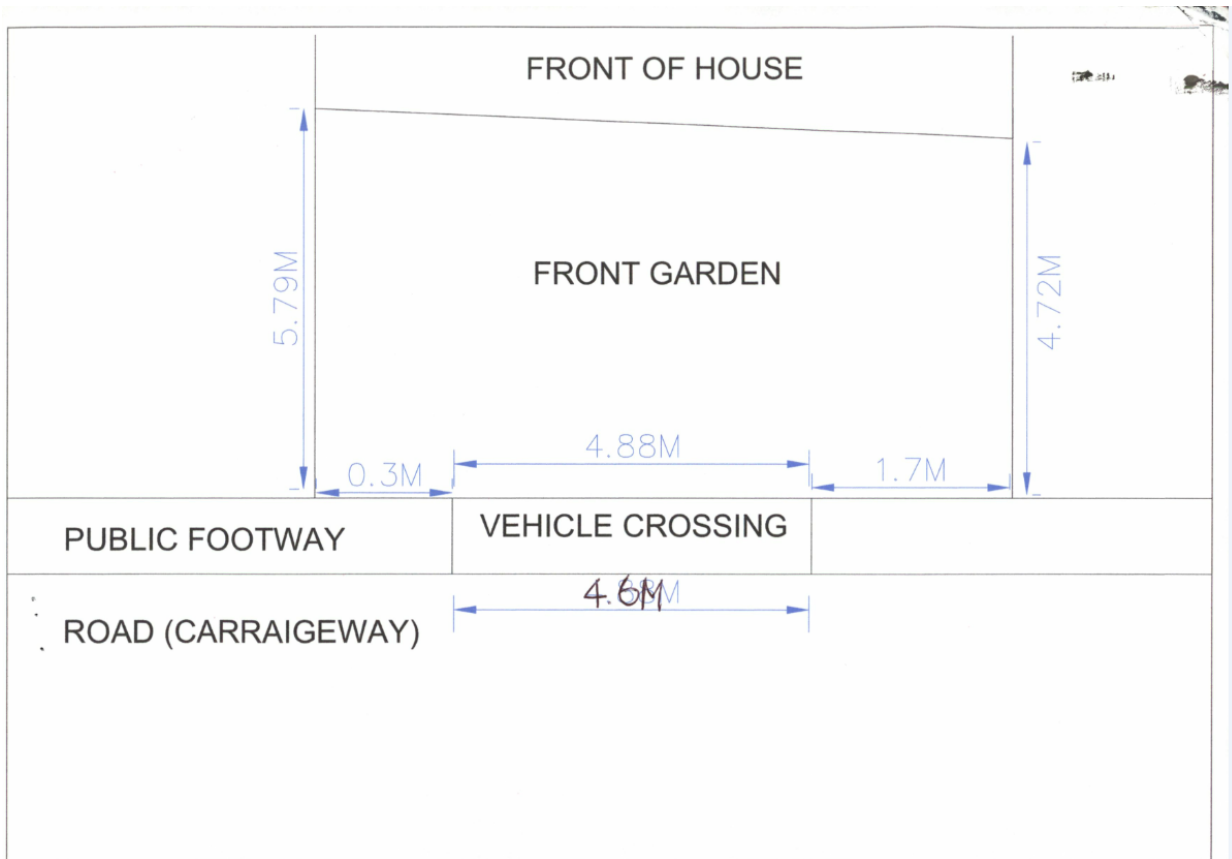
Produced 24 Jan 2023 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right



26, Doncaster Rd, Askern, Doncaster
DN6 0AL

APPENDIX 2 – PROPOSED FLOOR PLANS





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





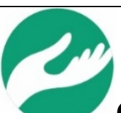
6. It is helpful for the Planning Committee to be made aware of decisions made on appeals lodged against its decisions.




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
 Tackling Climate Change	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Developing the skills to thrive in life and in work	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Making Doncaster the best place to do business and create good jobs	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Building opportunities for healthier, happier and longer lives for all	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Creating safer, stronger, greener and cleaner communities where everyone belongs	✓			

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

LEGAL IMPLICATIONS [Officer Initials AH Date 24/01/2024]

9. Sections 288 and 289 of the Town and Country Planning Act 1990, provides that a decision of the Secretary of State or his Inspector may be challenged in the High Court. Broadly, a decision can only be challenged on one or more of the following grounds:
- a) a material breach of the Inquiries Procedure Rules;
 - b) a breach of principles of natural justice;

- c) the Secretary of State or his Inspector in coming to his decision took into account matters which were irrelevant to that decision;
- d) the Secretary of State or his Inspector in coming to his decision failed to take into account matters relevant to that decision;
- e) the Secretary of State or his Inspector acted perversely in that no reasonable person in their position properly directing themselves on the relevant material, could have reached the conclusion he did; a material error of law.

FINANCIAL IMPLICATIONS [Officer Initials BC Date 24/01/2024]

- 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 24/01/2024]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 24/01/2024]

- 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
22/01297/FUL	Erection of detached chalet bungalow and garage. (Being resubmission of 22/00102/FUL refused 07.03.2022) at West Lodge, Sutton Road, Campsall, Doncaster	Appeal Dismissed 08/01/2024	Norton And Askern	Delegated	NO
22/02550/LBC	Listed building consent for the installation of black photovoltaic (solar) panels on south-facing roof at The Granary Rear Of 33,	Appeal Dismissed 19/12/2023	Tickhill And Wadworth	Delegated	NO

	Northgate, Tickhill, Doncaster				
21/02792/FULM	Change of use of land for the siting of holiday lodges and holiday park reception, including formation of 1 new access and alteration of 1 existing access, creation of ponds, bunding, landscaping and associated infrastructure. at Land East Of, Doncaster Road, Bawtry, Doncaster	Appeal Dismissed 18/12/2023	Rossington And Bawtry	Delegated	NO
23/00051/FUL	Erection of site boundary fence (retrospective) at Land North West Of, Long Sandall, Clay Lane, Doncaster	Appeal Dismissed 16/01/2024	Wheatley Hills And Intake	Delegated	NO
22/02154/FUL	Erection of garage to the side; porch/canopy feature to the front elevation; and a balcony at first floor level to the rear with associated alterations to the appearance of the dwelling (RETROSPECTIVE). at 175 South Street, Highfields, Doncaster, DN6 7JH	Appeal Dismissed 19/12/2023	Adwick Le Street And Carcroft	Delegated	NO

Copies of the appeal decisions are appended to this report.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

16. N/A

REPORT AUTHOR & CONTRIBUTORS

Amanda Hobson, Technical Support & Improvement Officer

TSI Officer Phone Number 737489 | TSI Officer Email address
Amanda.hobson@doncaster.gov.uk

Dan Swaine, Director of Place

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Appeal Decision

Site visit made on 5 September 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2024

Appeal Ref: APP/F4410/W/23/3315176

West Lodge, Sutton Road, Campsall, Doncaster DN6 9AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Sayles of Elmfield Doncaster Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/01297/FUL, dated 26 May 2022, was refused by notice dated 5 August 2022.
 - The development proposed is to erect a detached chalet bungalow and garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address on the application form as that reflects the address used on the Council's decision notice.
3. The appeal follows a recent appeal decision¹ in respect of a very similar development on the same site. The appeal was also for a 'detached chalet bungalow and garage' and was dismissed on 14 February 2023. The dwelling and garage were largely in the same location as the appeal scheme before me, but differed in terms of siting, scale and appearance. I have had regard to this in reaching my decision.
4. Amended plans were provided to me with the appeal². These show a very minor increase to the rear of the garage by 150mm to meet parking standards. As the revised plans do not change the substance of the proposed development that was considered by the Council, having regard to the "Wheatcroft" principles and tests in recent legal judgements³ the Council and interested parties would not be prejudiced by my consideration of them.
5. The Council has withdrawn its third reason for refusal which relates to highway safety and parking arrangements. Therefore, I have not dealt with this aspect as a main issue.
6. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I

¹ Appeal Ref: APP/F4410/W/22/3305570

² Garage extended 150mm and Amended Block Plan – Garage extended.

³ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37 and Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

7. The main issues are:

- whether the proposed development would preserve or enhance the character or appearance of the Campsall Conservation Area (the CA) and its effect on the character and appearance of West Lodge, as a Non-Designated Heritage Asset (NDHA);
- the effect of the proposed development upon existing and protected trees; and
- the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to outlook.

Reasons

Designated and non-designated heritage assets

8. The appeal site is situated at the southern edge of the village and is formed from the subdivision of an existing residential garden at West Lodge. It is set behind a Limestone boundary wall and includes its garage. As a former lodge to the now demolished Campsall Hall, West Lodge is a diminutive, but distinctive building. It is now set within a comparatively large open plot, with a sizeable road frontage at the edge of the village. The appeal site has a boundary with properties at Wood Garth Court, a small residential enclave, which runs to the side and rear of the appeal site. There are trees of note within and adjacent to the site which are protected by the Tree Preservation Order A14 and A15 Doncaster Rural District Council Tree Preservation Order (No.18) 1972 Campsall with Sutton.
9. The appeal site is also within the Campsall CA. Based on my observations, the significance of the CA is derived from the well-preserved architectural quality of built development, which reflects the historic growth of the settlement. Together with trees, open spaces and limestone boundary walls, residential properties set within relatively generous plots and within a rural setting form part of its special interest and significance. The appeal site forms part of the current grounds of a traditional building, within a spacious plot at the edge of the village bordering a rural area, and this allows for visual links to the wider rural landscape. The appeal site and West Lodge therefore makes a significant positive contribution at the entry point of the village and to the CA.
10. The Council have explained that West Lodge is a key unlisted building, but is not included on any heritage local list, as this is at an early stage within the Borough. However, the Inspector appointed to determine the February 2023 appeal considered that West Lodge constitutes a NDHA, and I concur with that assessment. Even though it has been altered, its distinctive single storied form and canted projection contributes to its significance, which is also derived from the asset's physical isolation from West Garth Court and its, spacious sylvan and rural surroundings at the edge of the village. I have considered the effect of the proposal in line with paragraph 209 of the National Planning Policy Framework accordingly that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required

- having regard to the scale of any harm or loss and the significance of the heritage asset.
11. The parties disagree on whether the entire appeal site recently became part of the grounds to West Lodge. It is not disputed that West Lodge was built to serve as a gatehouse for the estate of Campsall Hall. It is noted that West Lodge was not provided separate grounds but was set within an area on the Campsall Estate named Beevers Plantation. West Lodge was later enclosed and there is evidence of a short stub of brick wall, which I observed, and which appears to be in a similar position to a line shown on the 1893, 1932 and 1960 1:2500 Ordnance Survey maps (OS maps). The appellant contends the amalgamation of the site occurred after 1960. Although the current garden to West Lodge may therefore have not originally been designed as such, due to the associations of the land with the Estate there is an historical relationship with the land within the appeal site.
 12. However, the above being said, the current defined curtilage of West Lodge appears to have been in existence for several decades. I am mindful that the description of the setting of a heritage asset contained within the Annex 2: Glossary of the Framework refers to the surroundings in which a heritage asset is experienced, and that its extent is not fixed and may change as the asset and its surroundings evolve.
 13. At the time of my site visit the trees on and adjacent to the site provided extensive and impressive leafy canopies. The extent of hardstanding and garage was not the dominating feature of the site. The limestone boundary walls screened the hardstanding from the direction of the south, and the trees drew the eye away from the garage which was set far back into the site. The absence of development towards the site frontage, not only allows the distinctive appearance of West Lodge to be appreciated, it also allows glimpsed views across the appeal site to open fields and the rural landscape beyond. I am therefore minded to agree with the previous Inspector that the appeal site is an integral part of the setting of West Lodge and the surroundings in which it is appreciated within the CA.
 14. Against this context, and as with previous appeal, the development would include the demolition of the existing double garage and erection of a detached dwelling with a pitched roof and dormer windows, a replacement garage, hard and soft landscaping, and boundary treatments between No 7 and West Lodge facing Sutton Road. It would be set back a little within the plot. It differs from the dismissed appeal in that its orientation to the road is altered, and it is over 1m lower than the previous proposal. The design now incorporates two front dormer windows and an external chimney stack.
 15. I acknowledge that the site has the appearance of a domestic garden by virtue of the double garage and existing hard standing and that development is clearly visible to the rear of the site. However, the open space towards the frontage and its long boundary to Sutton Road is a visually positive aspect within the area. The proposed building would increase development on the plot. The elevations to the site boundaries with both No 7 and West Lodge would be close. Unlike No 7 it would have little space to the side of the development for any landscaping features. This would emphasise the scale of the building and make it appear large and visually cramped within the plot and less spaciouly laid out than development in the immediate area.

16. The development would be positioned on a similar building line to the front elevation of West Lodge. West Lodge and the taller trees to the south of it would screen the development from longer distance views, and on the approach from Sutton they would be largely unchanged. The development of the site would also not encroach further into countryside than the development surrounding it. However, No 7 in the opposite direction, like West Lodge is single storey and has a shallow hipped roof. The development would be positioned slightly forward of the main bulk of this building. The large gable, external chimney stack and dormer windows would be more prominent in views from the direction of Campsall.
17. The succession of closer views from the junction of the road from Burghwallis and along the frontage of the site would be significantly changed. The development would consist of a steeply pitched roof design, and its contrasting form to No 7 and West Lodge would therefore present a more suburban appearance. The remaining garden area which would be attributed to the side of West Lodge would be significantly reduced and therefore would not be sufficient to mitigate the bulk and appearance of the development. The intrusion of a substantial built development would almost fill the width of the appeal plot, a significant part of the existing wider site, thus eroding the isolation of West Lodge and interrupting views of it, to the detriment of the way the NDHA and the CA is now experienced.
18. The appellant asserts that there were previous buildings in the location of the proposed dwelling, to the north of West Lodge. The previous Inspector discounted an historic precedent for dwellings at the appeal site. Further evidence has been submitted which includes annotated photographs from 1937. The appellant contends the additional photographs show a small cottage, wall or fence with possible chimney stacks. It is unfortunate they are not clearly identifiable; however the appellant concludes that definitive evidence for the function of the buildings is lacking. The Council has also suggested that anecdotal evidence from nearby residents suggests the buildings were stores.
19. Regardless of whether these elements could have been one or two small cottages or outbuildings to the north of West Lodge, I do accept it is likely this appeal site had some form of development close to the road. There is also no dispute that the site is a suitable location for housing development and falls within the Council's 'Residential Policy Area.' However, the appeal proposal is for a single large substantial dwelling which appears substantially different in its layout and scale to those elements identified on the OS maps. The presence of former or historical development does not automatically mean that proposals are acceptable in terms of other planning issues. Any new scheme is subject to assessment against local and national planning policy. I give the historical presence of housing or buildings only limited weight.
20. Whilst the trees are intended to be retained, those at the rear, and within the grounds of No 7 would be obscured by the proposed dwelling, as would the glimpses of views of the rural landscape. Furthermore the effect of the health and longevity of the trees, a matter which I return to below, is uncertain. Although plans for residential development have been scaled back from those associated with a previously dismissed appeal, the alterations to the development now proposed are not extensive and are substantially the same as before. Therefore for the reasons above, I do not consider that this proposal addresses all the previously identified concerns.

21. The highlighted example of residential development to the west of the site does not present a comparable proposal. Set back from the road in a larger plot, on the opposing side of the road, and well screened by frontage trees it thus differs to the appeal site. I appreciate that it is located close to the village edge, but it is not within the CA.
22. Consequently, for the reasons set out above the proposed development would detract from the setting of the NDHA, and therefore harm would arise to the CA from the proposed development. Whilst the harm I have identified to the CA would be less than substantial, it nevertheless is of considerable importance and weight. Paragraph 208 of the Framework requires this harm to be weighed against the public benefits of the proposal.
23. The proposal would result in the provision of one new dwelling which would help contribute to housing supply. There would be economic benefits arising from its construction and occupation, and support to local services. However, these benefits would be relatively limited in light of the modest scale of the proposal. Taking these points together, I conclude that they would not outweigh the harm identified.
24. For the above reasons I conclude that the proposed development would harm the setting of West Lodge, the character and appearance of the of the area, and would not preserve the character or appearance of the conservation area. The development would therefore conflict with Doncaster Local Plan 2015 – 2035 (the Local Plan) Policies 10, 32, 33, 34, 37 and 44. Insofar as they are relevant to the appeal, these seek to protect the setting, character and appearance of the area, including trees and the historic environment. The proposal would also be at odds with the Framework in relation to both designated and non-designated heritage assets.

Trees

25. As set out above, the site contains protected trees that significantly contribute to the character and appearance of the CA and the surrounding area. The application was supported by an Arboricultural Report and Impact Assessment (Jan 2022) (ARIA), which is the same document submitted in support of the dismissed appeal. Tree T4 is shown within the appeal site on the proposed block plan towards the rear, and Tree T5 is just outside the site, almost centrally positioned on the appeal site boundary. Trees T1, T2 and T3 are within neighbouring gardens. Trees T1 to T5 are highly visible and have either a moderate or high amenity value and comprise early mature to mature trees. The trees have crowns which overhang the appeal site and existing flat roof garage. Whilst some potentially have defects all have a life expectancy potentially up to and in excess of 40 years.
26. The previous Inspector was not convinced that the development could be constructed without causing harm to protected trees through damage to their root systems, leading to their decline or loss in the future. He also noted that the proposed dwelling, garage, and hardstanding would encroach significantly into the Root Protection Areas (RPAs) of Trees T1, T2, T3, and T5, including beyond the existing extent of hardstanding. Moreover, he expressed concern about the potential for drainage and servicing works to cause further damage, and the lack of detail and certainty regarding the use of micro piling and other such measures. Given that the current appeal proposal would encroach into

- those RPAs to a comparable extent, the previous Inspector's concerns clearly apply. I see no reason to depart from my colleague's findings in this regard.
27. I do not dispute that some shade from trees may be beneficial, and pruning works could not be undertaken, as previous tree consents indicate. However, the Light Report is not clear whether it has addressed the proposed development as the drawings and shading diagrams are for the dismissed scheme. The previous Inspector also expressed a number of additional concerns relating to the effect of additional nuisance to future occupiers such as large trees causing apprehension and overshadowing which would likely lead to future pressure to prune or remove them.
28. I share these views due to the number proximity and size of the trees. The development would result in the dwelling having almost the entirety of its outdoor garden areas consisting of woodland or parking areas. Mature trees would dominate the rear of this property and could restrict light to its rear facing windows. In this regard, I note that the drawings show kitchen dining and bedrooms to the rear, which would be likely to be well used. The restricted light that would reach the rear of this property could cause resentment and lead to pressure to remove additional trees once the dwelling is occupied. Moreover, any lawn or flowerbeds that were created would also be heavily overshadowed. Future occupiers may also perceive the nearest trees as a potential hazard to the property. These factors are likely to create significant additional pressure to remove trees once the dwelling is occupied. The close proximity of the retained trees to the dwelling could also affect the Council's ability to resist future applications to prune or fell the trees.
29. There are no landscape or additional tree planting proposals before me. Whilst landscaping can be conditioned, I am mindful that any future replacement trees, would take years to establish, whereas the existing trees would otherwise continue to contribute to the amenity of the area for many years. It is also unclear why new ownership would facilitate tree maintenance, particularly as some are in separate ownership.
30. For the above reasons, I conclude that the development would significantly undermine the longer term existence and visual contribution of the protected trees. It would therefore be contrary to Policies 10, 32 and 33 of the Local Plan which, amongst other things, seek to ensure proposals for new development protect landscape character and successfully integrate and protect existing trees, and allow sufficient space for trees to flourish and mature. There would also be conflict with paragraph 136 of the Framework which recognises the important contribution of trees and sets out that existing trees should be retained wherever possible.

Living conditions

31. The existing rear living room of No 7 would look towards the gable of the proposed development. The rear garden of No 7 is shallow and the development would be highly visible above the joint boundary fence. Although it would be separated by the driveway and the development would not extend as far along the boundary as the dismissed scheme, it would be brought closer to No 7. The development is wide, and there would be additional massing from the steeply pitched gable. In combination with the gable the higher external chimney stack and dormer windows would be close to the dwelling and the garden areas both of which would be likely to be well used.

32. The property at No 7 already experiences some overshadowing by trees, the introduction of development would be a significant contrast with the current open character of the site and would make the garden in particular a less attractive area to spend time. The development would feel oppressive when viewed from within the living room and garden areas. I find that the above factors would result in a harmful sense of enclosure, detrimental to the outlook from the dwelling and garden area of No 7.
33. There are several windows and doors on the side of West Lodge facing the appeal site, as well as the adjacent side garden area. The proposed development would be sited almost on the proposed joint side boundary with West Lodge with only minimal space between the development and boundary fence. The gable and dormer windows would be highly visible and dominant above any boundary treatment. Combined with the above features the proposed dwelling would also be quite deep and extend along a large part of the garden. In combination with the trees on the site this would therefore have an enclosing effect on the garden to West Lodge which would feel oppressive and affect the occupiers enjoyment of the garden area.
34. Whilst I have found that development may give rise to additional nuisance to future occupiers which would result in pressure for additional works to the trees, this would not equate to harmful living conditions. Although the proposed development is different and the light report reflects the previous proposal, I am satisfied that sufficient light to the proposed garden and dwelling would be provided. However, that does not alter my other concerns in relation to the living conditions of No 7 and West Lodge.
35. Overall, whilst I appreciate the scheme has been amended, the development would be overbearing and would harm the outlook of neighbouring residents from within their dwellings and garden areas.
36. For the above reasons, I conclude that the development would harm the living conditions of neighbouring occupiers with regard to outlook. The proposal would therefore conflict with Policies 10 and 44 of the LP which seek to ensure, amongst other things, that new development provides an acceptable level of residential amenity for both new and existing residents. The proposal would also conflict with paragraph 135 of the Framework, which seeks to ensure new development provides a high standard of amenity for existing and future users.

Other Matters

37. As set out above, the Council has withdrawn its reason for refusal relating to highway safety. This resulted from the previous appeal, where that Inspector found the proposed access arrangements to be acceptable. The access and turning arrangements proposed here are identical to those previously considered, and I see no reason to depart from my colleague's findings on this matter.
38. The appellant has referred to the site as being brownfield. However, the Framework states that the definition of previously developed land excludes residential gardens in built up areas.

Conclusion

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

K Williams

INSPECTOR



Appeal Decision

Site visit made on 26 October 2023

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal Ref: APP/F4410/Y/23/3318045

The Granary, Northgate, Tickhill, Doncaster, South Yorkshire DN11 9HZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Sewa Singh against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/02550/LBC, dated 20 November 2022, was refused by notice dated 1 February 2023.
 - The works proposed are installation of black photovoltaic (solar) panels on south-facing roof.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. I have also had regard in so far relevant, and in accordance with Paragraph 30 of the National Planning Policy Framework, 2023 (the Framework) in this appeal decision to the Tickhill Neighbourhood Plan 2013-2028, brought into force 24 July 2015, which the Council provided as part of their appeal submission.

Main Issues

4. The main issues are whether the proposal would preserve a Grade II listed building, barn belonging to, and south east of number 31 and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Tickhill Conservation Area (CA).

Reasons

5. The appeal property is a Grade II listed building, barn belonging to, and south east of number 31 and the building was listed in 1981 (Ref: 1314762) and dates from the 17th century or earlier. The building is identified in the listing as the former rear wing of No.29 (now demolished) and of being a timber frame, rubble and pantiled roof. It was probably built as a dwelling, but later becoming a barn.
6. The barn now links to a substantial sized modern two storey dwelling known as 'The Granary' since 2001 when the barn was extended with a link extension,

renovated, and roof replaced. The barn is constructed of random coursed rubble with renewed clay pantile roof. It forms the garage and original boarded doors have been replaced with modern garage doors, although adapted for its use there is some evidence of the historic elements and timbers remaining and it is recognisable as an outbuilding of traditional form and materials.

7. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated from its architectural and historic interest as a well-preserved example of a linear rectangular building with likely historic agricultural and residential use of traditional materials, including coursed limestone and the visible renewed red clay pantile roof which is characteristic to the area.
8. The Tickhill CA was designated in 1970 and encompasses the market town strongly influenced by the foundation of the Norman Castle and its medieval period. The main streets of the CA are lined with historic buildings with some more modern buildings integrating in the form of infill and back land development. It follows, therefore, that the appeal property, being an early 17th century property of historic and architectural interests, makes a significant positive contribution to the character and appearance of the CA.
9. The solar panels would be installed on the south-facing roof slopes of the former barn and its linked extension. There are existing rooflights and the solar panels would be sited above and in between these within a frame. Although they would be confined to the south elevation there would be some 16 panels in total with some 11 sited on the former barn. The addition of the solar panels would clearly result in further stark additions and clutter on the roof. They would conceal and erode most of the roof space to the former barn and its vernacular detail, whilst spanning over the wider significance of the listed building in combination with the linked extension. As such, appearing as dominant and incongruous additions to the roof and along the south elevation.
10. The appellant has provided layouts of the solar arrays and technical details with components in a document¹. There are existing photographs of the roof, photographs from the wider area and an aerial image showing the array superimposed upon. However, I consider details of the scheme are limited, other than the extent of technical inputs, outputs and loads and there is no finer detail showing the extent of the frame size, fixings or exact positioning of the frame on the roof itself.
11. The technical evidence seems to suggest there would be a significant amount of roof hooks and screws. Thus, it is not clear to the extent all these would be fixed to the frames and the frames positioned on the roofs, which would mean it is not necessarily reversible to the renewed roof. Furthermore, in the appellant's evidence it states that quotation details have expired, and new quotes would be required, due to panel technology constantly being improved they would install the most efficient black photovoltaic panels available as and when if approval was obtained. The Council have acknowledged that technical details can be altered provided the panels were a dark frame.
12. Nevertheless, the extent of works to be carried out to the roof to facilitate the panels is limited, and I cannot be certain without substantiated evidence that it would not result in permanent or ongoing damage to roof and the historic

¹ French Electrical Renewable, Project Name 12th October 2022

fabric of the barn for all the component parts. Moreover, there is a degree of permanence given that the solar arrays would likely be in position for several years, and there is nothing before me which demonstrates how the proposed installation in this case has been informed by guidance published by Historic England.

13. The appellant has suggested that the proposal would not harm the listed building because it would not be more widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
14. Given the above, I find that the proposal would fail to preserve the special architectural and historic interest of the listed building. This listed building is an important element in the CA and a positive contributor to its character and appearance. It must follow that if the listed building would be harmed by the proposal, then there would be a similarly harmful impact on the character and the appearance, and significance of the CA. Moreover, as I saw the proposal would be clearly discernible in those views from gaps between properties on Northgate when looking across on either side of this road, in the public realm and the CA which the former barn is sited within. Consequently, I give this harm considerable importance and weight in the planning balance of the appeal.
15. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale of works to the listed building, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its [the asset's] optimal viable use.
17. The appellant is of the opinion that the proposal would be beneficial because it would contribute to minimising fossil fuel and protect the environment from greenhouse gases and would feed into the grid. I note that the technical evidence details provide a disclaimer and that the model is based on only assumptions. The evidence appears to me to provide an expected generation output of some 3382 kWh per year, and including that costs would be expected to be recouped after 10 years. Nevertheless, I agree that any reduction in the carbon footprint of the dwelling would represent a public benefit that attracts considerable weight.
18. The weight I give to this is however lessened by a lack of evidence, including whether the less harmful alternatives suggested have been fully considered would have less harm upon the barn's significance and may still deliver these benefits of minimising fossil fuel. As I saw, the appeal property is a substantial sized dwelling in a generous sized plot rather than being limited. Moreover, Policy 36c of the Doncaster Local Plan 2015-2035, 2021 (DLP), states that measures for improving the energy efficiency of listed buildings will be supported where they do not conflict with its special interest.

19. Therefore, these public benefits are not sufficient to outweigh the harm that I have identified. In the absence of any substantiated evidence to the contrary neither would any public benefits accrue in relation to the CA. In addition, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the listed building has an ongoing residential use that would not cease in its absence.
20. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building and the character or appearance of the Tickhill CA would be neither conserved nor enhanced. This would fail to satisfy the requirements of the Act, paragraphs 199 and 200 of the Framework and conflict with Policy 36a and 36b of the DLP, and Policy HE1 of the NP. Taken together the policies, amongst other matters, do not support proposals that harm the significance of a listed building or its setting other than in circumstances where that harm is clearly not outweighed by public benefits; alterations and extension will only be acceptable where they are sympathetic, use materials that complement, and preserve and enhance its special interest.

Other Matters

21. I have been referred to other appeal decisions², however I have not been provided with the precise details of these schemes and cannot be certain they are comparable. In any event, I have considered the works based on the evidence before me and my own site observations.
22. The lack of objections by consultations and neighbours is a neutral matter that weighs neither for nor against a proposal.
23. The appellant suggests that there is a variation in planning policy to the installation of photovoltaic panels on listed buildings across the country. Reference has also been made to listed buildings in Kensington and Chelsea. Nevertheless, there is a clear statutory duty placed on such works to listed buildings by the Act, and the Framework sets out national planning policy.

Conclusion

24. For the reasons given above and having regard to all other matters raised I conclude that the appeal should fail.

KA Taylor

INSPECTOR

² East View, High Street & APP/W0530/Y/19/3230068



Appeal Decision

Site visit made on 21 November 2023

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/F4410/W/23/3320089

Forest View, Doncaster Road, Bawtry, Doncaster DN10 6DF

- 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 Harriet Huddlestone against the decision of Doncaster Council.
 - The application Ref 21/02792/FULM, dated 9 September 2021, was refused by notice dated 6 December 2022.
 - The development proposed is change of use of land for the siting of holiday lodges and holiday park reception, including formation of 1 new access and alteration of 1 existing access, creation of ponds, bunding, landscaping and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site would be an acceptable location for the proposed development having regard to its accessibility, its effect on the character and appearance of the area and whether it is justifiable to support a prosperous rural economy.

Reasons

Policy Context

3. The appeal site is an agricultural field located just beyond a caravan/motorhome sales and storage business and a group of dwellings that are located mainly in a linear form along the A638 within generous plots. A paintball facility is across the A638 from the site. Bawtry lies around 1.7 miles to the south, with Rossington around 3 miles to the north. Bawtry is within the Service Towns and Villages category of the settlement hierarchy defined in Policy S1 of the 2021 adopted Doncaster Local Plan 2015-2035 (the Local Plan), which are described as providing a good range of services meeting their own needs and the local area. Rossington is a Main Town.
4. The site is within the Countryside Policy Area as defined in Policy S1. In such areas, proposals will be supported where they accord with Policy 25 of the Local Plan. Part 4 of Policy 25 sets out the circumstances in which proposals for non-residential development will be supported in the Countryside Policy Area. The supporting text to the policy states that non-residential development may include sustainable tourism and leisure developments.
5. As the proposed development would be for tourism and leisure purposes, it is supported in principle under Policy 25 subject to it meeting the other specific requirements, and the development plan as a whole. Paragraph 84 of the 2023

National Planning Policy Framework (the Framework) is supportive of sustainable rural tourism and leisure developments which respect the character of the countryside.

Accessibility

6. Given the proposed use, the holiday lodges would likely be reached more often than not by private motor vehicle. However, they could also be accessed by bus services. There is a bus stop located close to the new site entrance proposed and one just opposite. These are served by frequent services to Worksop and Doncaster, including evenings and weekends, which give access to a wider range of public transport options to other destinations. A less frequent service runs to Retford. The proposed development would therefore be reasonably well served by public transport.
7. There is a footway between the site and the nearest defined settlement of Bawtry which runs alongside the A638. During my site visit, which I appreciate is just a snapshot in time, I observed a few cyclists and pedestrians using the footway, and so it does provide a means of travel by modes other than the private motor vehicle. Nonetheless, the speed and volume of vehicles on the road and the absence of streetlights would not make for a particularly pleasant walking or cycling environment between the site and Bawtry, especially during darker winter months or in inclement weather. The appellant's Transport Statement shows that there are several Public Rights of Way relatively close to the site although to access these would involve use of the footway along the A638 for at least a short distance.
8. Given this context, the proposal would accord with the requirements of Policy 13 of the Local Plan as the site could be accessed by a range of transport modes. Nevertheless, the development plan must be read as a whole, and accessibility is not the only factor in considering whether the proposal would be a sustainable development in this countryside location. Criterion D of Part 4 of Policy 25 and paragraph 84 of the Framework include consideration of matters relating to the effect of a development on the character and appearance of the area, to which I now turn.

Character and Appearance

9. The in-principle support for tourism and leisure developments in Policy 25 of the Local Plan and paragraph 84 of the Framework is not unqualified. It is subject to development being of an appropriate scale and design so that it does not have a significant adverse impact on the landscape in the case of Policy 25 and respecting the character of the countryside in the case of paragraph 84.
10. The site lies within the Bawtry to Finningley Sands Heaths and Farmland landscape character area as described in the 2007 Doncaster Landscape Character and Capacity Study. Key characteristics are identified as including gently rolling raised ridge of sandstone; medium to large scale intensive arable farmland with rectangular fields; fragmented and missing hedges characteristically lined with bracken; geometric landscape with straight roads, straight edged conifer plantations and fields; large scale coniferous forestry plantations and smaller scattered mixed deciduous and coniferous woodlands.
11. The site comprises a rectangular agricultural field bounded along much of its length by hedgerows with some hedgerow trees. It is set within a gently rolling

- landscape of agricultural fields, with blocks of coniferous and mixed woodland apparent. The site and its setting therefore displays some of the key landscape characteristics of the area.
12. There is some development to the south of the site, as described above. The appellant highlights the proximity of Doncaster Airport and the permissions granted for a solar farm to the north and east. Nevertheless, when both approaching and at the site, the sense is one of being in a predominantly open rural landscape.
 13. Although the submitted masterplan notes only three bed lodges, plans have been submitted showing one and two bed lodges. The masterplan notes that a typical three bed unit footprint would be 72m² with parking provision for two cars. All sizes of lodge are shown on the submitted plans as single storey black vertical timber clad structures with a mono pitched roof. They would sit on a natural timber decking that would project outwards to the side and front to provide access and a sitting out area. The lodges would therefore be quite substantial structures. Grasscrete or similar would be used for the parking area at each lodge. In addition, there would be a reception building which would include a café and farm shop. This building would be constructed from dark corrugated steel shipping containers with a green roof and vertical larch timber cladding to the front and would include some visitor parking.
 14. The appellant contends that a landscape and visual impact assessment was not requested by the Council. Nevertheless, Policy 25 of the Local Plan is clear that consideration is to be given to the impact of development on the landscape and rural character of the area, while paragraph 84 of the Framework is similarly clear about the need to respect the character of the countryside. While a visual impact was submitted as part of the appeal, this just comprises a series of photographs of the site and looking towards it.
 15. The hedgerow and trees along the boundary of the site would provide some screening of the proposed development during summer months when they are in full leaf. However, based on what I saw during my site visit, during winter months views of the proposed development would be possible due to the deciduous nature of the hedgerows and trees and occasional gaps. The proposed lodges, reception/café/farm shop building and associated infrastructure would therefore be visible from the proposed access points and the surrounding area for a good proportion of the year.
 16. Although the appellant states that there would be no change in land levels, the site slopes gently upwards from the A638 to a high point roughly in the middle of the site. No section drawings have been supplied to demonstrate how the lodges would be accommodated to take account of the sloping land. If any of the units, particularly those closest to the road, were to be raised above ground to account for the gentle slope, this would likely emphasise the visual prominence of the development further. In addition, no information is provided on the height of the proposed bund.
 17. Public views of the site would be relatively localised. Nonetheless, the siting of up to 62 lodges, along with the associated domestic paraphernalia, the reception building, hardstanding for the access roads and car parking area, would have an adverse encroaching urbanising effect. Light spillage from internal lighting during hours of darkness and inclement weather would accentuate the prominence and urbanising nature of the development within

the landscape. Given the number of lodges proposed and the extent of the area, the development would appear more substantial than a collection of rural buildings.

18. Although new planting is proposed, it would take a considerable amount of time to establish to make any meaningful contribution to the screening of the development. Even then, given that the lodges would be in place all year around and the proposed planting would consist of deciduous native species, they are likely to be conspicuous in the winter months. In any event, it would not overcome the effect that the proposal would have on the landscape through diminishing the openness of the site and the contribution it makes to the wider rural landscape, which would instead be quite intensely developed with up to 62 lodges and associated infrastructure. Securing a landscape mitigation plan by condition would not be reasonable given my concerns about the impact of the proposal on the character of the area.
19. For the above reasons, I conclude that the proposal would result in a significantly harmful effect on the character and appearance of the area. Consequently, it would conflict with Policy 25 of the Local Plan and paragraph 84 of the Framework, as summarised above. It would also conflict with Policy 46 of the Local Plan which is supportive of proposals where they are designed to be sympathetic to local character amongst other matters.

Prosperous Rural Economy

20. The appellant highlights that an objective of Doncaster's tourism strategy is to increase overnight stays to embed Doncaster as a true weekend, conference, and long stay visitor destination. The draft business plan submitted with the appeal sets out a brief market analysis. This includes identifying that the target market would be nature-oriented individuals and families who enjoy outdoor activities. The development would offer pet friendly accommodation which the draft business plan suggests is in short supply in Doncaster hotels. It also states that there is no direct competition nearby offering eco-friendly and competitively priced family holidays. However, no detail is presented on the parameters used in the search.
21. Furthermore, there are conflicting statements from the main parties about whether the Council's business team support the proposal. The Council identify a lack of support from the Business Doncaster Team, but no specific detail is provided other than that the team advised at pre-application stage that existing provision in the area is sufficient. The appellant states that the Tourism team offered support to the proposal, but similarly, no further detail is provided.
22. I appreciate that the surrounding area may have visitor attractions. I acknowledge that it is likely that the proposal would help to support the rural tourist economy through the creation of some direct jobs and increased overnight stays, enabling greater visitor spend locally. However, very limited evidence is presented on direct employment that would be generated by the proposal or how it would specifically contribute to the local economy. As such, based on the evidence before me, I am not persuaded that a case has successfully been made that there would be an overriding benefit to the local economy or community that would provide a locational justification for the proposal in the Countryside Policy Area. I cannot therefore conclude that the

rural location of the enterprise would be justifiable to support a prosperous rural economy as required by criterion A of part 4 of Policy 25.

Conclusion on the Acceptability of the Location

23. I have found that the appeal site is a location that could be accessed by a range of transport modes. There would be harm to the landscape character of the area from the proposed development, meaning that it would not be sympathetic to local character and would not respect the character of the countryside. The provision of holiday lodges has the potential to support the local tourism economy. However, based on the submitted evidence, I am not satisfied that a case has been made that the rural location is justifiable.
24. Overall, therefore, I conclude that the appeal site would be an acceptable location for the proposed development having regard to its accessibility. However, I conclude that it would not be an acceptable location with regard to its effect on the character and appearance of the area, and its location would not be justifiable to support a prosperous rural economy. Accordingly, while there would be no conflict with Policy 13 of the Local Plan, the proposal would conflict with the requirements of Policies 25 and 46 of the Local Plan and paragraph 84 of the Framework, as summarised above.
25. The Council has referred to a conflict with criterion B of part 4 of Policy 25. However, no concerns have been raised by the Council about the effect of the proposal on neighbouring uses or highway safety and I have no reason to take a different view. Nonetheless, this does not alter my conclusions.

Other Matters

26. The evidence before me indicates that the proposal would be capable of achieving a biodiversity net gain. However, any such benefit would not overcome or outweigh the harm identified.
27. The appellant contends that there would be no flood risk or risk to highway safety, and there would be no unacceptable effects on the living conditions of nearby residents. While that may be the case, a lack of harm is effectively neutral in the planning balance.

Conclusion

28. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR

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Appeal Decision

Site visit made on 7 November 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2024

Appeal Ref: APP/F4410/W/23/3323446

Land off Clay Lane West, Long Sandall, Clay Lane, Doncaster DN2 4QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Griffiths of Ground Group against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 23/00051/FUL, dated 17 February 2023, was refused by notice dated 13 March 2023.
 - The development proposed is Erection of site boundary fence.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme had been completed at the time of my site visit. Nevertheless, I have determined the appeal based on the plans before me.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. The main parties have had an opportunity to comment on the revised Framework and so have not been prejudiced by this change. I have thus had regard to the latest version of the Framework in determining this appeal.

Main Issues

4. The main issues are the effect of the development upon:
 - (a) the setting of Nos 1-4 Clay Lane West, which are grade II listed buildings;
 - (b) pedestrian access through the site; and
 - (c) the biodiversity interest of the site.

Reasons

Setting of Listed Buildings

5. Nos 1-4 Clay Lane West are two pairs of semi-detached houses of red brick construction under a slate roof. The dwellings have a consistent design, with decorative features, including ashlar stone sills and lintels to sash windows, arched brickwork features, and decoratively finished bargeboards. Their aesthetic interest results from this architectural detailing, while historic interest results from their origins as very early and high-quality examples of Council housing.

6. The immediate setting comprises the cottage grouping and associated gardens bound by low brick walls to the front. Beyond this, vacant land to the north and northeast contributes to an open rural aspect. Roadside hedgerows, particularly to the southwest, a lack of road markings and street lighting, as well as only limited sections of pavement, reinforce this rural character, which positively contributes to the significance of the setting of these listed buildings. However, the wider area also includes car parking and a number of large, dispersed industrial buildings, some of which include metal fencing to their perimeters.
7. In considering whether to allow the appeal and grant planning permission for development which affects a listed building or its setting, the statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
8. The appeal scheme has introduced metal fencing opposite No 4 Clay Lane West and extending northeast for a considerable distance. As a result of its design and materials, this type of fencing is industrial in appearance. It is positioned adjacent to the road, and it is exposed due to the lack of any mature vegetation. Given its proximity, it clearly falls within the setting of this group of listed buildings when viewed along the lane, and it harms the significance derived from their setting, by further eroding the rural character that contributes positively to it.
9. Boundary fencing of this type is not uncommon within the wider area. A section of such fencing is located at Long Sandall Lock car park, opposite No 1 Clay Lane West. However, while positioned close to the road and the listed buildings, much of the fencing at this car park is interspersed with mature vegetation which serves to soften and screen its industrial appearance when viewed in the context of these listed buildings. Other examples of this type of fencing are set back much further from the road, or are located further away, and so their impact on the immediate setting of these listed buildings is not comparable to the appeal scheme.
10. While large industrial units are also present in the wider area, in the vicinity of Nos 1-4 Clay Lane West, these buildings are set back some distance from the road or are screened by mature vegetation. In contrast, the appeal scheme fencing lies close to these listed buildings and for the reasons outlined above, it is harmful to the rural character of their immediate setting.
11. I understand that the land adjoining the appeal scheme lies within an Employment Policy Area and it may be re-developed for commercial purposes in the future. However, the details of such a scheme are not before me. I am required to determine the appeal based on the circumstances at the present time.
12. I am presented with a fallback position whereby the same height and design of fence could be erected utilising permitted development rights, which would require the fence to be re-positioned. No lawful development certificate is provided to this effect, nor any indication of the extent of any re-positioning. The proximity of the fence to the road and the listed buildings is a key factor in the harm I have identified to the significance of the setting of these listed buildings. As the fallback position would re-position the fence, I cannot be

certain that the harm resulting from this fallback position, would be the same as that resulting from the scheme before me.

13. The development harms rural character, negatively impacting on the significance derived from the setting of these listed buildings and so the setting is not preserved. This amounts to less than substantial harm. Both Policy 36 of the Doncaster Local Plan 2015-2035, September 2021 (LP) and paragraph 208 of the Framework require that this harm is weighed against the public benefits. I will return to this matter below.

Pedestrian Access

14. An informal footpath crosses the land north of the appeal site and the appeal scheme appears to block the alignment of this footpath where it previously joined the highway. However, I observed at my site visit that it remains possible to access this land at its southwestern edge, where it is possible to re-join this footpath. As such, pedestrian access through the site is achievable, albeit this does not appear to have been the intention when installing the fence. On this basis, the development does not conflict with LP Policy 17, which amongst other matters, requires the maintenance of existing pedestrian infrastructure.
15. LP Policy 18 requires that new development retains any public right of way, and where possible, this should be on the legally recorded alignment, unless a suitable alternative is established. It also requires unrecorded public paths to be treated in the same way. As noted above, alternative access exists for the affected informal footpath. Should this footpath subsequently be defined legally as a highway, then the Council's Footpaths Team confirms that separate powers exist to require removal of any part of the fencing that obstructs the legally defined route. As such, the development adequately responds to the requirements of this policy.

Biodiversity Interest

16. The site is within a Biodiversity Opportunity Area. These areas are selected as project areas for conservation work to assist in providing a coherent ecological network. The Council indicates that the fence could harm wildlife and ecological networks and without an overall ecological strategy for the adjoining land, the Council considers that it is not clear whether the fence will have a detrimental impact on local wildlife, on the basis that the fencing isolates the site from adjoining areas.
17. The development before me relates to the fencing only, not any re-development of adjoining land and must be considered on its individual planning merits. The fencing runs to the south-eastern boundary of the adjoining parcel of land and so it does not appear to fully enclose or isolate the adjoining land from its surroundings. The appellant states that no ecological information was requested by the Council at the planning application stage and there is little substantive evidence provided by the Council to demonstrate that the fencing has had any significant detrimental impact on local wildlife or ecological networks.
18. Consequently, the evidence before me has not demonstrated that the development has resulted in, or would result in significant harm to biodiversity interests and so I find no conflict with LP Policy 29, which amongst other

matters, requires that new development is of an appropriate type in terms of its location and impact on the ecological network. Nor do I find any conflict with Paragraph 180 of the Framework, which seeks to protect and enhance sites of biodiversity value.

Public Benefits

19. The appellant suggests that a public benefit of the scheme is the prevention of unauthorised access onto the land, which is not safe. However, the appellant accepts that pedestrian access to the site remains possible and so these benefits are not achieved. Further, the safety risk could be addressed by alternative means, for example by remediating the safety risk directly, or by erecting fencing of an alternative design, as suggested by the Council. The latter option could equally deliver any public benefits associated with the prevention of unauthorised occupation of the site or fly tipping, albeit there is no evidence before me to suggest that these are persistent issues. As such, I give these public benefits only limited weight.

Other Matters

20. A number of local residents have expressed a range of concerns in addition to those relating to the main issues, including, but not limited to the following: noise echoing from the fence, highway visibility, land ownership, harm to residential amenity, factual inaccuracies. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of local residents, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Planning Balance and Conclusion

21. Whilst I have not identified harm in relation to pedestrian access or biodiversity interests, the development would result in less than substantial harm to those heritage assets comprising Nos 1-4 Clay Lane West. As required by the Framework, I attach great weight to the conservation of these assets. For the reasons set out above, I afford only limited weight to the public benefits of the appeal scheme and so, they do not outweigh the harm identified. Therefore, the development conflicts with LP Policy 36.

22. Consequently, the appeal scheme would conflict with the development plan as a whole, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR



Appeal Decision

Site visit made on 6 December 2023

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

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal Ref: APP/F4410/D/23/3330880

175 South Street, Highfields, Doncaster DN6 7JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Arkadiusz Buja against the decision of the City of Doncaster Council.
 - The application Ref 22/02154/FUL, dated 26 September 2022, was refused by notice dated 17 July 2023.
 - The development sought is described as the extension of the garage and flat roof in front of the building.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. While the appellant has described the proposal as in the above heading, the Council has referred to it as the erection of a garage to the side, a porch and canopy feature to the front elevation, a first-floor rear balcony and associated alterations to the appearance of the dwelling. From my inspection of the plans, I consider that the Council's description more fully reflects the development sought. I have assessed the appeal scheme on that basis.
3. The development sought is in place. It is broadly consistent with the details shown on the plans.

Main issues

4. The main issues are the effect of the development firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of 173 South Street with reference to privacy.

Reasons

Character and appearance

5. The appeal property is a mainly 2-storey, semi-detached house. It stands within a predominantly residential area, wherein dwellings along the same part of South Street, are similar in design, type, and age and most are arranged in groups that each follow a similar front building line. Despite some variety in built form and use of external materials, there is a broad uniformity to the character and appearance of dwellings in the street scene and the local area to which the appeal property belongs. The site is not within a conservation area.

6. The new porch and canopy is a modern style, open fronted structure that provides shelter to the front entrance and garage door at the side of the property. It is a sizeable addition, projecting noticeably forward of the main front wall of No 175, across roughly one half of the 2-storey front elevation and well beyond the main flank wall. Taken together with its flat roof, this element of the appeal scheme appears as an overly wide and large 'box like' addition that relates poorly to the shape and proportions of the host building. That the appearance of the new addition, with its timber panels and thick black edging sharply contrasting with the light rendered walls and lower brick courses of the main house, emphasises its awkward relationship with the host building.
7. By disrupting the flat front of the main 2-storey house and unduly disturbing the unassuming, balanced façade of the host building, the appeal scheme detracts from the character and appearance of the appeal property. While some properties in the local area include small front porches covering the entrance door and modest canopies, none were comparable in scale and design to the development sought. As the only obvious example of such development in the street scene to which No 175 belongs, the new porch and canopy draw the eye as an obtrusive and discordant feature with an uncharacteristic, outward appearance.
8. I appreciate that the development seeks to introduce a contemporary twist to the traditional style of the dwelling. In my experience, residential extensions and alterations that contrast in style and materials can add visual interest to the host building and diversity to the local area. However, in this case, the new porch and canopy are an unwelcome addition for the reasons given. Applying a different colour to the timber cladding or the black surroundings of the porch and canopy to, for instance, more closely match the existing dwelling would not overcome my concern with regard its scale and design.
9. At the rear, the new first-floor balcony is a sizeable addition. It projects outwards from the main 2-storey house and extends across almost the full width of the building. With clear glazed panels along the outside edge, the balcony is a visually strong horizontal feature in a high-level position on the rear façade. Although not visible from the road, the balcony is clearly evident from the rear of the site and the back garden of the attached property, which is 173 South Street. From these vantage points, the balcony is a conspicuous feature in the rear elevation. Its modern appearance relates awkwardly to the traditional style of the existing dwelling and other nearby properties.
10. On the first main issue, I conclude that the development causes significant harm to the character and appearance of the host building and the local area. Accordingly, it conflicts with Policies 41 and 44 of the Doncaster Local Plan 2015-2035 (LP). These policies aim to ensure that new development achieves high-quality design, responds positively to the context, and respects and enhances local character. It is also at odds with the National Planning Policy Framework (the Framework), which states that development should be sympathetic to local character and add to the overall quality of the area.

Living conditions

11. The rear balcony forms a platform upon which a small number of people would be able to gather and or sit outside. The outward projection and elevated position of the balcony would enable users to have largely uninterrupted and close-range views of the back garden of No 173. The extent of overlooking

possible as a result would seriously harm the neighbours' enjoyment of their back garden due to an unacceptable loss of privacy.

12. In my experience, some overlooking is often a characteristic of residential properties that stand side-by-side in built-up areas. In most cases, the external views possible from inside a property are normally restricted by the width of the window. In contrast, views from an external balcony are generally as open as its depth and outward projection would allow. In this case, the overlooking possible of the back garden of No 173 would be far greater and more sustained than would have been possible from the upper rear windows of the dwelling before the appeal works were carried out.
13. The introduction of obscure glazing around the outside edge of the balcony as a privacy screen could avoid these overlooking problems. However, the screen would need to be significant in width and reasonably tall to be effective, which in turn, would visually accentuate the presence and harmful visual impact of the balcony. For this reason, the introduction of a privacy screen would have little effect in diminishing the sense of being overlooked insofar it would be experienced by the occupiers of No 173.
14. On the second main issue, I conclude that the balcony seriously harms the living conditions of occupiers of No 173. Accordingly, this element of the appeal scheme conflicts with LP Policies 10 and 44 insofar as they seek to safeguard residential amenity.

Other matters

15. Others raise no objection, including the occupiers of No 173. A good-sized rear garden remains with the development in place. The development has no effect on the use of the driveway or the access arrangements to the site. The development makes efficient use of the space available within the plot. There would also be social and economic benefits from the use of the additional space provided and as a result of providing employment and through the sale of construction materials. Given the modest scale of development, I doubt that the wider benefits in supporting local services such as healthcare or public transport or in reducing energy use and diminishing the carbon footprint of the dwelling would be significant. Taken individually and together, these considerations do not outweigh the significant harm that I have identified.
16. The balcony provides additional outdoor amenity space, and it provides users with expansive views across the open field beyond the rear of the site. However, these benefits are insufficient to outweigh the significant adverse effects on the privacy of neighbours.

Conclusion

17. Overall, the proposed development would conflict with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

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City of
Doncaster
Council

The City of Doncaster Council Planning Enforcement Quarterly Report December 2023

Introduction

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

<u>Case Updates – Third Quarter (1st October – 31st December 2023)</u>	
Total Cases Still Under Investigation as at end of December 2023.	360
Total Cases Recorded in the third Quarter (1 st October – 31 st December 2023)	120
Total Cases Closed Down in the third Quarter (1 st October – 31 st December 2023)	89

Prosecution Cases.

Section 215 - 57 Christ Church Road – Doncaster City Centre



Further to updates in previous quarterly reports, a Section 215 notice was served on the owner of 57 Christ Church Road, Doncaster for property and land adversely affecting the amenity of the neighbourhood. The notice required that the following works were carried out:

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

Following the expiry of the notice, it was identified that the owner had used advertisement boards for the cladding of the structure, therefore the requirements of the S.215 notice had not been complied with. Further communication took place with the owners to paint these boards in a suitable colour (i.e. black). Unfortunately, the owners failed to comply and a prosecution was taken against the owner. The case was heard at Doncaster Magistrates Court whereby the owner was found guilty of the offence of failing to comply with a Section 215 Notice. A fine of £440 was given, with contribution to costs awarded for £740.13 and a victim surcharge of £176.

Land Rear of Plane Tree Farm, Barnburgh (aka Bella Wood View)



As mentioned in a previous Quarterly Report, the Council are dealing with a case where a developer has failed to comply with the approved permission (12/01211/EXT) on the land, rear of Plane Tree Farm, Barnburgh. Specifically, the developer has failed to undertake green space planting, not laid a roadway (except for the base layer), imported soil and other products without first seeking Council's approval and not completed the stone boundary walling (as shown on the approved plans). As such, the development is in breach of condition 7, 15, 16 and 25 of the approved permission.

The Council served a Breach of Condition Notice on 30th September 2022, in relation to the breaches of the approved permission. The notice required the erection of stonewalling and gateposts, removal of soil and soil forming materials on the areas marked for landscaping, implementation of the landscaping scheme and submission of a scheme for the surfacing, drainage and marking out of the parts of the land to be used by vehicles, which needed to be implemented once approved.

Unfortunately, the developer failed to comply with the requirements of the notice and the Council filed a prosecution case at the Magistrates' Court. The developer was found guilty of failing to comply with the Breach of Condition Notice and was

sentenced with a £440 fine, £1,007.09 contribution to costs, and £176 victim surcharge

71 Park Drive, Sprotbrough



As presented in a previously quarterly report, a complaint was received for the unauthorised erection of a wall at the front of 71 Park Drive, Sprotbrough.

The Council's investigation found that the wall fell outside of the confines of permitted development by exceeding 1 metre in height adjacent to the highway resulting in an adverse impact on highway safety.

An Enforcement Notice was served on 7th July 2022. The notice took effect on 18th August 2022 from which they had 1 month to reduce the height of the wall to 1 metre.

A follow up visit identified that part of the wall had been reduced but it remained above 1 metre in height. As a result, the requirements of the Enforcement Notice had not been met.

The Council filed a prosecution case against the developer at the Magistrates' Court. The developer's were found guilty of failing to comply with the requirements of the enforcement notice and was ordered to pay £660 fine each, £400 costs order each and a surcharge of £264 each - to pay within 28 days.

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 24th March 2023, where it was found no activity was happening on the site. A further site visit was then carried out on the 28th 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 6th 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 13th 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 25th 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 25th August 2023)

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

(Update December 2023)

On October 31, 2023, the injunction hearing took place at the Leeds High Court. All parties were present, and the defendants requested an adjournment due to the fact

that they had not obtained the necessary legal representation. The judge granted their request. In order to provide hot water and heating, the judge also approved the installation of power at the site. We do not yet have a date for the case's next court appearance in the new year.

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 6th 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 25th August 2023)

Following the refusal of the planning application 23/00733/COU on the 22nd August 2023, an enforcement notice was served on the 25th 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 24th 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 31st October 2023.

(Update December 2023)

On October 31, 2023, the injunction hearing took place at the Leeds High Court. All parties were present, and the defendants requested an adjournment due to the fact that they had not obtained the necessary legal representation. The judge granted their request. In order to provide hot water and heating, the judge also approved the installation of power at the site. We do not yet have a date for the case's next court appearance in the new year.

48 Jubilee Road, Wheatley



A complaint was received regarding the alleged unauthorised conversion of a single dwelling into 3 flats. On the 29th 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 16th 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 24th January 2023, so an enforcement notice has been served on the property dated 30th March 2023, which comes into effect on the 15th May 2023 and the owners have until the 18th 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 - 30th 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.

(Update December 2023)

Despite numerous attempts no response has been received and further investigation is required in the new year.

10 and 10A Ellers Road, Bessacarr



It was advised in the previous quarterly report that the Planning Enforcement Team were dealing with 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.

A breach of condition notice was served on the 30th August 2023 for the following breaches of planning control.

- 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.

The notice provided a total of 120 days for 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.

During the compliance period, the developer submitted a Section 73 application (reference number: 23/02628/FUL) to vary condition 2 (amended plans), 3 (Site surfaced and sealed) & 4 (Crossing over footpath/verge) of the original planning permission. The Enforcement Team are awaiting the outcome of the application before taking any further action.

Appeals.

There has been no appeals during this quarter

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.

Update 14/12/23

Further site visits were carried out in December 2023 which identified that 6 of these properties had complied with the S215 notices. Meetings are now taking place with the Council's Public Building Maintenance (PBM) Team in order to obtain quotes for carrying out these works in default through Direct Action.

Update 22/01/24

11 Properties have been identified as failing to comply with the Section 215 notices. Quotes have been received from PBM and a date will be set in due course to carry out the improvement works through direct action. Legal proceedings may be taken against the owners who have not complied based on the public interest test and any aggravating or mitigating circumstances.

General Cases

1 Scawthorpe Cottages, York Road Scawthorpe



On January 16, 2023, a complaint was received regarding the alleged unlawful construction of a house as well as the desire to land grab further land and remove a hedge. A site visit was conducted, and it was discovered that no development was taking place. Interrogation of the planning system revealed that a planning authorisation 21/03121/OUT was granted on March 31, 2022, although the conditions had not yet been discharged. Following interaction with the developer and his agent, two applications were received for the discharge of conditions and remedial measures pertaining to the details of appearance and landscaping for the erection of one detached residence. Both applications were recently approved in September and December 2023.

14 Regent Square Doncaster

A complaint was received on the 8th April 2022, regarding the alleged unauthorised conversion of a flat into two flats, following a site visit it was established that the flat had been subdivided into two flats without the relevant planning permission. Following several conversations with the owner, a Certificate Existing Lawful Development was subsequently submitted on the 1st February 2023. This application was refused on the 17th April 2023, on the grounds that there was insufficient evidence to conclusively demonstrate that the first floor of 14 Regent Square comprises only a single self-contained flat, for a Certificate of Lawful Development to be granted for this use. On the contrary, the weight of evidence clearly demonstrated that the first floor was being used as two self-contained flats. The owner was given an amount of time to revert the first floor back to 1 flat which was completed in December 2023.

5 Cosgrove Court Edenthorpe, Doncaster



On the 19th August 2021, a complaint was received regarding the alleged unauthorised excavating of earth and the installation of a pergola style covered fish pond in the rear garden, following a site visit the owner was informed that a planning application would be required due to the size of the pond. Planning application 22/02384/FUL was submitted on the 31st October 2022 and was granted planning permission on the 3rd October 2023.

28 French Gate Doncaster

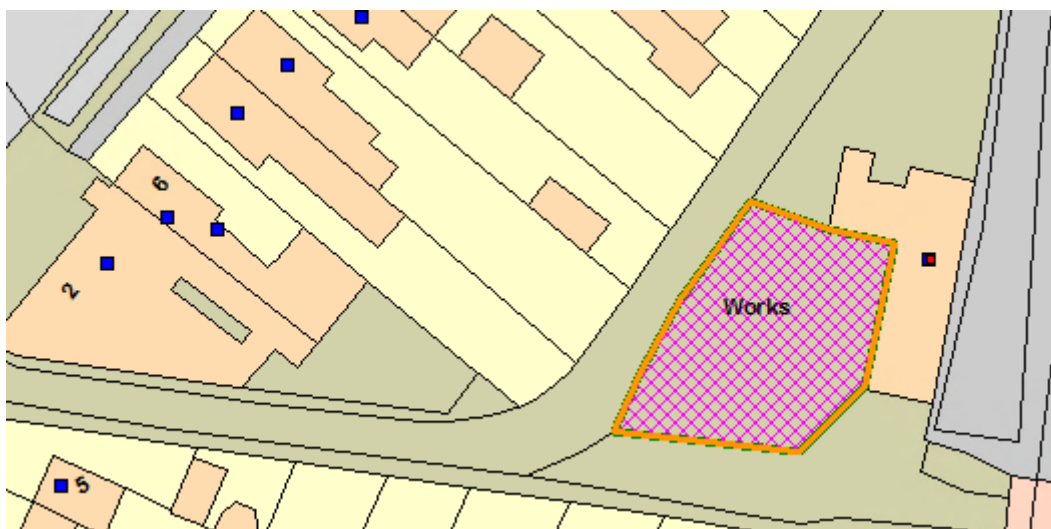


On the 15th November 2022 a complaint was received regarding the alleged unauthorised change of use and display of signage. A site visit identified that the property in question had been changed to a nail salon and advertising had been erected all without planning permission, following lengthy discussions and invalid planning applications, planning permission was finally granted for the change of use and the advertising in October 2023.

Workshop to rear Of 2 - 6 Thorne Road, Station Road, Bawtry

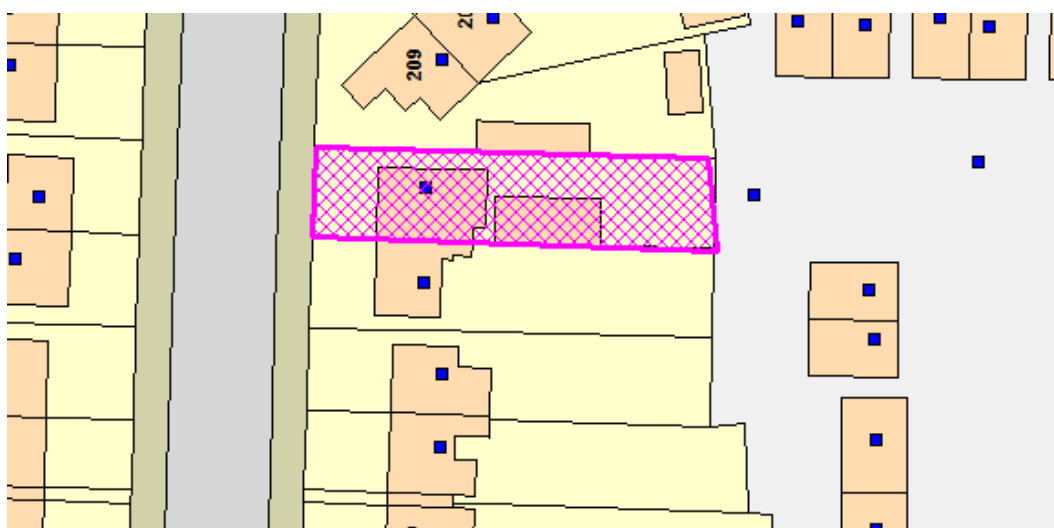
A complaint was received that a former workshop was being used as a tyre and exhaust centre. It was established that the tenant took over the running of a similar business when the owner retired and the landlord changed the agreement to a 6 month lease. As a result, the business had to relocate.

After checking the land use classifications, it was found that both Workshop and Tyre & Exhaust Centre were both in the same use of Class B2 under the Town and Country Planning (Use Classes) Order 1987 (as amended in September 2020), so no formal application was required.



211 Broadway, Dunscroft

A complaint was received regarding the installation of gates to the rear of the property, onto Wren Drive, Dunscroft which forms part of the recently completed Ongo homes development. After checking the approved plans and speaking to the project manager for the development, the installation of the gates were not considered a planning breach as the opening to the rear of the property was onto allocated visitor parking spaces, which was not considered part of the highway. As a result, Ongo dealt with the matter on a civil basis.



Banners and advertisements displayed without consent or permission.

In the 3rd quarter 2023-2024, 25 companies and organisations were identified as displaying banners and advertisements without deemed consent within the City of Doncaster. During this period, 7 banners, 4 'A' boards and 178 signs were dealt with. Initial contact was made resulting in 14 companies and organisations directly removing their displays within the required time period of 2 days.

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

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

In this quarter, one company received written warnings and the company removed the sign within the 2-day notice timescale.

Examples of unauthorised advertisements:

Church Way Doncaster

Following a check of the Doncaster area, a company's 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 deemed consent or planning permission. A verbal warning was also issued, regarding future occurrences. The following photographs show the advertisements on City of Doncaster street furniture. Checks were made and the company had removed the sign within the required timescale.



Before



After

Belle Vue Avenue Doncaster.

Whilst undertaking duties on district, signage was found being displayed for a company on City of Doncaster Park 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 not been removed within the given timescale therefore the advertisement was removed by officers within the Council. The following photographs show the advertisements on a piece of City of Doncaster park furniture at Belle Vue Avenue, Doncaster.



Before



After

White Rose Way Doncaster

An 'A' board advertisement was located on a highway verge for a local 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. A verbal warning was also issued to the company.



Before



After

For Sale/ To-Let Boards

Since April 2021, following complaints of Estate Agents' boards causing a blight in specific parts of the urban/City centre area. An initial project, identified 280 locations, displaying either, "for sale" or "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 3rd quarter of 2023-2024, 133 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 5 new displays of "for sale/to-let" boards established.

The Enforcement Team will continue to monitor the 87 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 were 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.

In this 3rd Quarter, 23 signs were removed by the companies as the signs were no longer needed. We are continuing to monitor the 153 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

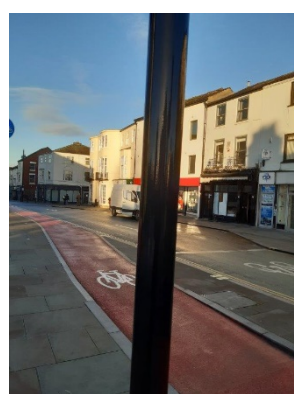
Stickers

Officers have also been involved in removing stickers that have been attached to street furniture around the City Centre. A total of 180 stickers have been fully removed and disposed of.

Some of these examples are shown below;



Before



After

Quarterly Enforcement Cases.

Quarter 3 (October – December 2023)	
Received Enforcement Cases	180
Total Cases Pending	360
Closed Enforcement Cases	89

Case Breakdown	
Unlawful Advertisements	6
Breach of Conditions	23
Unauthorised Change of Use	27
Unauthorised Works to Listed Building	2
Unauthorised Operational Development	62
Unauthorised Works to Protected Trees	0

Areas Where Breaches Take Place	
Adwick and Carcroft	6

Armthorpe	4
Balby South	4
Bentley	2
Bessacarr	4
Conisbrough	9
Edenthorpe and Kirk Sandall	7
Edlington and Warmsworth	1
Finningley	7
Hatfield	4
Hexthorpe and Balby North	5
Mexborough	5
Norton and Askern	4
Roman Ridge	1
Rossington and Bawtry	12
Sprotbrough	8
Stainforth and Barnby Dun	2
Thorne and Moorends	9
Tickhill and Wadworth	8
Town	9
Wheatley Hills and Intake	9

Formal Enforcement Action	
Notices Issued	1 x Breach of Condition Notice 4 x S215 notices
Prosecutions/Simple Cautions	3
Injunctions	0

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

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