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| Application | 2. |
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| Application Number: | 20/00969/FUL |
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| Application Type: | Planning FULL Change of Use |
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| Proposal Description: | Change of use from hairdressing salon (Use Class A1) to Micro-Pub establishment (Use Class A4) (Resubmission of refused application 19/01896/FUL) |
| At: | 2 New Hill, Conisbrough, Doncaster, DN12 3HA |

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| For: | Mr Stephen Pugh |
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| Third Party Reps: | 13 Representations: 10- Support 3 - Objections | Parish: | N/A |
| | | Ward: | Conisbrough |

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| Author of Report: | Jessica Duffield |
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SUMMARY

The application relates to the change of use of an existing property at 2 New Hill. The property was previously used as a hairdressing salon, however this use ceased in September 2016 and the building has been vacant since.

The applicant looks to change the use to facilitate a Micro-Pub establishment (Use Class C4). There are no major alterations to the fabric of the building proposed.

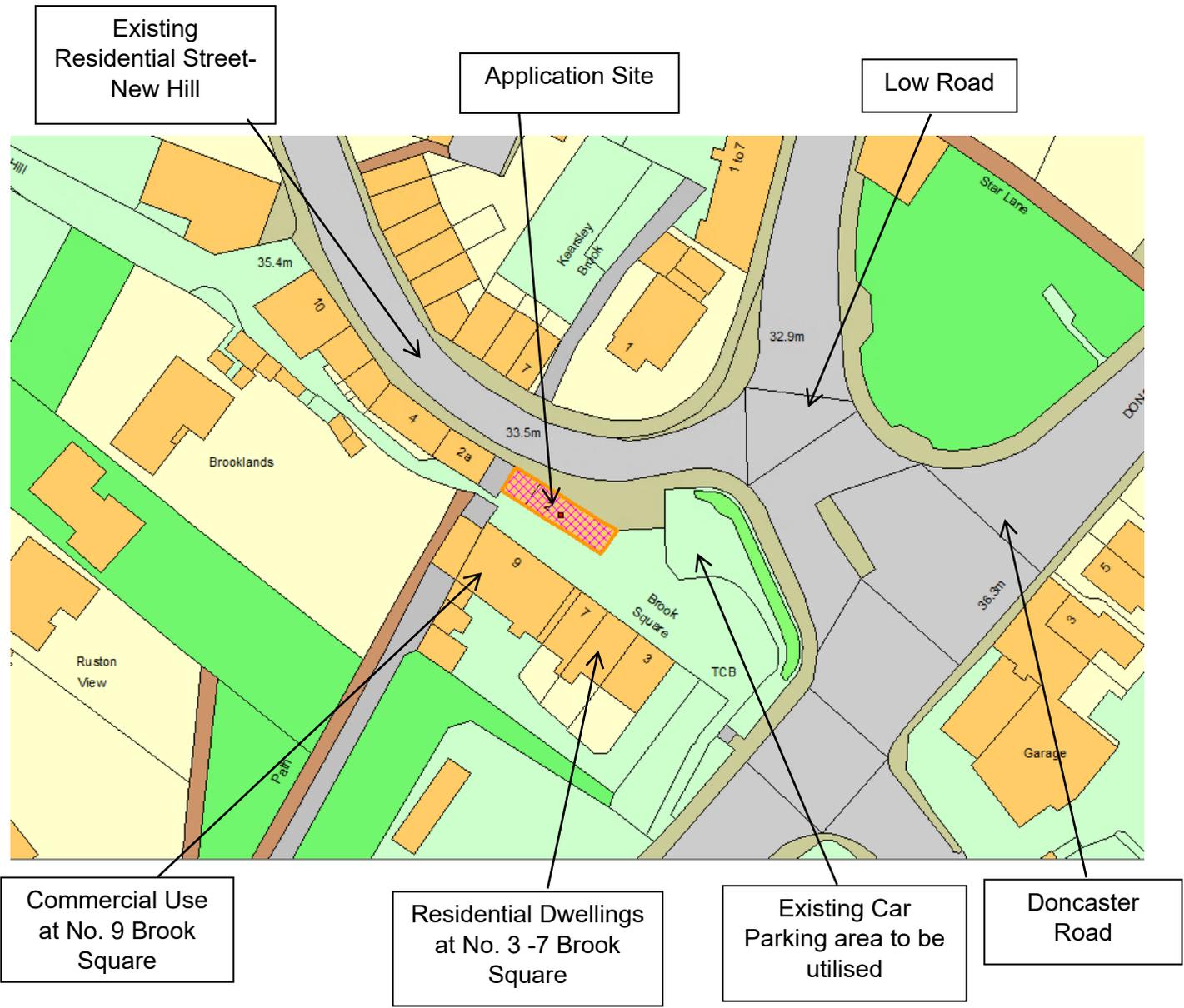
The property is located in a Residential Policy Area and is primarily surrounded by the occupied dwellings.

An application for the same proposal was submitted and refused last year (19/01896/FUL) due to concerns raised relating to residential amenity, particularly caused by noise and disturbance due to the nature of the proposals.

This re-submission application has not been amended and has not addressed the reasons for refusal of the previous application and being presented at Planning Committee with a recommended for refusal.

The application is being presented at Planning Committee as it was called in by Cllr Lani-Mae Ball

RECOMMENDATION: REFUSAL OF PLANNING PERMISSION



Existing Residential Street-New Hill

Application Site

Low Road

Commercial Use at No. 9 Brook Square

Residential Dwellings at No. 3-7 Brook Square

Existing Car Parking area to be utilised

Doncaster Road

1.0 Reason for Report

- 1.1 This application is being presented to planning committee because it has been called in by Cllr Lani-Mae Ball
- 1.2 The same proposal was refused planning permission (ref: 19/01896/FUL) in October 2019 for the following reason:
- 1.3 *The proposed micro-pub use would likely generate external noise through the comings and goings of customers and activities such as smoking outside the premises. The noise created through such activities would create a harmful level of disturbance for adjoining and neighbouring residents. The application is therefore contrary to policies PH12 of the UDP and CS1 of the Core Strategy the National Planning Policy Framework.*

2.0 Proposal

- 2.1 Full planning permission is being sought for the change of use of the property at 2 New Hill.
- 2.2 The proposal looks to facilitate a Micro-Pub/Brewery use within the existing building. This will be on the ground floor use only. The first floor level is currently used as a flat. The flat will be retained and is within the applicant's ownership. The flat will be occupied by the Micro-Pub Manager.
- 2.3 There are no major alterations to the structure of the building. Internal works, such as removing walls, will be undertaken to facilitate the main bar area. External works include new render, replacement on existing bay window and door frontage and new signage.
- 2.4 It is unclear if works to the external of the building have been undertaken retrospectively. When questioned by the Case Officer, the applicant stated that the existing doors and existing are original/ like-for- like with the original. However, upon inspection by the Conservation Officer, it would appear that the windows have been already been replaced by UPVC. This is addressed in further detail below.
- 2.5 Customers for the Micro-Pub will utilise the existing car parking spaces adjacent to the site. This is outside of the application site boundary.
- 2.6 The proposal does not include an outdoor area for socialising/smoking. The bins are to be stored internally on the ground floor.
- 2.7 The proposed Micro-Pub will have seating for a maximum of 25 customers and will employ the equivalent of 2 full time members of staff. The number of customers may reduce dependent on the design of the bar.

2.8 The proposal has not been amended to address the reason for refusal relating to the previous submission. The proposal has not changed and therefore the previous concerns raised still stand.

3.0 Site Description

3.1 The site is located at the bottom of New Hill, close to the junction with Low Road. The property has been vacant for approximately 4 years and was previously occupied as a hairdressers.

3.2 The existing building is a two-storey detached property constructed of block and render, with concrete roof tiles. The entrance is immediately onto the street, with a communal parking area adjacent on Brook Square. The property provides an existing 'shop frontage' style principle elevation, consisting of multiple doorways and two large window frontages, in a dark coloured frame.

3.3 The applicant has confirmed that the flat at the first floor level is in the same ownership. Access to the first floor is via the proposed store room.

3.4 All the surrounding properties are two storey, although many of have been extended into the roof space. Along this section of New Hill all the properties front straight onto the footpath and have no form of front garden. The properties present a varied street scene, with the nearby dwellings being a mixture of render and red brick.

3.5 The properties to rear of the site, on Brook Square, are also rendered in various shades, although these have higher roof ridges and appear taller than the application property. These properties also front straight onto the pavement, with hardstanding wrapping around the application site

3.6 The site is primarily surrounded by existing residential development to the north, east and west. The site within the Residential Policy Area as defined in the adopted UDP 1998.

3.7 The property to the rear of the application site at No.9 Brook Square is in commercial use. Other surrounding commercial uses within the wider vicinity, include a Dance Studio; cycle repair shop; car repair garage and car sales; small restaurant; public house. Although many of these are on Doncaster Road which was originally defined as a key road in the adopted UDP (policy has since been deleted) and are not within as close proximity to residential uses in comparison to the application site.

3.8 The site is within the Conisbrough Conservation Area. The Conservation Officer has provided comments.

3.9 The site is in Flood Zone 2 and 3 as defined by the Environment Agency's Flood Maps, and is therefore at high risk of flooding. A sequential test is not required for a change of use application.

4.0 Relevant Planning History

4.1 Planning History for site as follows:

| Application Reference | Proposal | Decision |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20/00044/PRIOR | Notification to determine if prior approval is required for change of use from a hairdressing salon (Use Class A1) to a Micro-Breweries Ltd drinking establishment (Use Class A4). | Invalid on Receipt |
| 19/01896/FUL | Change of use from a hairdressing salon (Use Class A1) to a Micro-Breweries Ltd drinking establishment (Use Class A4). | Refused, 16.10.2019 <i>Reason for refusal- The proposed micro-pub use would likely generate external noise through the comings and goings of customers and activities such as smoking outside the premises. The noise created through such activities would create a harmful level of disturbance for adjoining and neighbouring residents. The application is therefore contrary to policies PH12 of the UDP and CS1 of the Core Strategy the National Planning Policy Framework.</i> |
| 19/01897/ADV | Display of signage including an illuminated hanging sign | Advertisement consent granted, 17.10.2019 |
| 20/00161/PD | Proposed raising of stone wall | Enquiry Closed |

5.0 Site Allocation

5.1 The site is allocated as Residential Policy Area as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).

5.2 National Planning Policy Framework (NPPF 2019)

5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.5 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5.6 Paragraphs 85 states that planning policies should support the role that town centres play at the heart of local communities. It builds on this further to state that policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed.

5.7 Paragraph 117 states that policies should promote an effective use of land. Paragraph 118 states that decisions should give substantial weight to using suitable brownfield land and support appropriate opportunities for derelict land; and under-utilised buildings.

5.8 Paragraph 124 states that 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.

5.9 Paragraph 127 states that planning decisions should create places that are safe, inclusive and accessible with a high standard of amenity.

5.10 Core Strategy 2011 – 2028

5.11 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate

otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

- 5.12 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.13 Policy CS1 relates to the quality of accommodation and development within Doncaster. It makes it clear that development must protect local amenity, as well as being well-designed; fit for purpose and capable of achieving the nationally recognised design standards
- 5.14 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.
- 5.15 Policy CS4 states that development should be directed to the areas of lowest flood risk.
- 5.16 Policy CS7 states that town centre uses will be located according to the Retail Hierarchy which sets out that Conisbrough has a district centre. It states that the vitality and viability of the borough's centres will be maintained and enhanced.
- 5.17 Policy CS15 refers to the Historic Environment stating that proposals will be supported which preserve and where appropriate enhance the heritage significance.
- 5.18 Saved Unitary Development Plan Policies (Adopted 1998)**
- 5.19 Policy ENV25 states that development will not be permitted which detracts from the character or appearance of the area by virtue of its nature, scale, form or materials. The desirability of preserving or enhancing the character or appearance of a Conservation Area will be a material consideration when dealing with proposal for development.
- 5.20 Policy ENV54 states that alteration to existing buildings should be sympathetic in scale, materials and general design to the existing building. All features which contribute to the character of the building or surrounding area should be retained.
- 5.21 Policy PH12 states that non-residential uses in Residential Policy Areas must be of an appropriate scale and would not cause unacceptable loss of residential amenity through noise; smells or sightlessness.

5.22 Local Plan

5.23 The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

5.24 The Council has now sent out the notice of examination (regulation 24 stage) and is aiming to adopt the Local Plan by winter 2020. The following policies are considered appropriate in assessing this proposal and consideration has been given to the level of outstanding objections resulting in appropriate weight attributed to each policy:

5.25 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is afforded limited weight as there are outstanding unresolved objections.

5.26 Policy 42 refers to Character and Local Distinctiveness stating that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions; are of high quality design; and respond positively to their context while respecting the character of the locality.

5.27 Policy 47 builds on this further, specially relating to the design of non-residential uses, stating that proposals should not have an unacceptable negative effect upon the amenity of neighbouring land uses or the environment. Proposals should meet the functional requirements, whilst being architecturally appropriate. This policy is afforded limited weight as there are outstanding unresolved objections.

5.28 Policy 58 relates to flood risk management states that development should be considered against the NPPF Guidance. This policy is afforded limited weight as there are outstanding unresolved objections.

5.29 Policy 11 refers to Residential Policy Areas and states that the establishment of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness. This policy is afforded substantial weight as there are no significant outstanding objections.

- 5.30 Policy 23 refers to the Location of Town Centre Uses stating that town centre uses including retail and leisure should be located according to the Network of Centres as defined in Policy 2. Policy 23 can be afforded substantial weight as there are no unresolved objections.
- 5.31 Policy 2 defines Conisbrough as a Main Town, with a District Centre. The District Centre Boundary is defined on the Emerging Local Plan Map. This policy is afforded limited weight as there outstanding unresolved objections.
- 5.32 Policy 24 builds on this further stating that shops and food and drinks outlets should be directed to main town centres so long as they comply with Policy 25. Policy 24 can be afforded substantial weight as there are no unresolved objections.
- 5.33 Policy 25 states that food and drink uses will be directed towards town, district and local centres. Food and drink uses will be supported where they do not have a negative impact upon the amenity and safety of residents through highway safety; hours of operation; control of odours; litter and waste disposal. This policy is afforded limited weight as there are outstanding unresolved objections.

5.34 Neighbourhood Plan

- 5.35 There is no Neighbourhood Plan for this area.

5.36 Other Material Planning Considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance
- Doncaster Development and Flood Risk SPD

6.0 Representations

- 6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 by way of site notice, advertisement in the Doncaster Star and direct neighbour notification letters.
- 6.2 13 representations have been received in response to the application publicity, 2 in objection and 11 in support. A summary of the objections and supporting comments is provided below:

6.3 Objections:

- Insufficient parking
- Closed public house within the vicinity of the application site
- The change of use will not benefit the local area
- Properties on Brook Square to be devalued by adjacent public house use
- Anti-social behaviour and disturbance will spill out onto Brook Square
- Disturbance caused by noise
- Additional litter; rubbish; loitering and violence to be caused

6.4 Supporting:

- The Micro-Pub will provide social opportunities, particularly for those living within walking distance;
- The use will increase the facilities already on offer in Conisbrough and help to further develop the village;
- Conisbrough needs investment, too many empty buildings. The Micro-Pub is a welcomed idea;
- The use will offer a great service to the local area and will provide a meeting place to socialise;
- The addition to the community is welcomed, the use will provide a positive place to meet;
- Micro-Pubs are small and friendly. Welcome the chance to meet new people so close to own property;
- The proposed use will bring additional trade to the area;
- Similar Micro-Pubs operate limited opening hours so any concerns regarding late night noise would be mitigated;
- Proposal would be an asset to Brook Square;
- Can only have a positive effect;
- The social interaction the proposal would generate is beneficial to the area;
- The proposal is aimed at the older clientele, in which there is limited offerings for this age group;
- Re-use of the building should be supported;

7.0 **Parish Council**

7.1 The site is no in a Parish Council area.

8.0 **Relevant Consultations**

8.1 **Footpaths** – No response

8.2 **Rambles Association** - No response

8.3 **Conservation**– Objection to the proposed development. Upon inspecting the site it appears that windows at the first floor level have already been replaced in UPVC which are poorly detailed. The retrospective alterations cannot be supported.

Further concerns raised regarding several vacant public houses within Conisbrough Commercial Area of the Conservation Area, some of which are key unlisted buildings. The proposed use could be more appropriately located within these buildings. Application does not clearly address why this is not a possibility. However ensuring that the application building is utilised is an important consideration if other uses have not been forthcoming.

- 8.4 **Highways-** No objection, small car park nearby.
- 8.5 **Public Health-** Health Impact Assessment provided by applicant, no further comments received.
- 8.6 **Environmental Health-** No objection, if granted opening hours proposed to be restricted to 10:00- 23:00 Monday – Sunday, given proximity of residential dwellings. Other measures to ensure that the establishment does not impact neighbours will be dealt with by licensing.
- 8.7 **South Yorkshire Police-** The Police Licensing Officer has visited the premises. Upon inspection and seeing the size of the premises, no objection in regards to potential issues for local residents. Recommended that the premises open later no than 10pm. Other recommendations include:
- Signage requesting customers leaving premises to respect local residents;
 - No alcohol outside;
 - Leaflet drop to local residents;
 - CCTV internal /external;
 - Challenge 21;
 - Refusals/ incident book;
 - Staff training for alcohol sales;
 - A member of the local Pubwatch Group
- 8.8 **Pollution Control-** No comments, informative attached
- 8.9 **Local Plan (Retail)-** Conisbrough has a Retail/Commercial centre at the top of New Hill towards the Church. This Commercial Area is designated as a District Centre in the retail hierarchy of the adopted Core Strategy Policy CS7 with the current boundary being shown on UDP Maps. Services and facilities should be centrally and conveniently located for communities to access and reduce trip generations brought about by unsustainable shopping patterns and solidify a town centre first approach. Although the previous use was retail, with limited impact upon neighbours, the proposed change of use would require further considerations such as unacceptable loss of residential amenity. The proposed use would be supported in the Conisbrough District Centre. Although Micro-Pubs are generally small in nature in terms of property size, there are small units currently available in the centre.
- 9.0 **Assessment**
- 9.1 The principal issues for consideration under this application are as follows:

- Principle of Development
- Sustainability
- Impact upon Residential Amenity
- Location
- Impact Upon Conservation Area
- Highways
- Flooding
- Design and Appearance
- Extraction
- Waste Storage

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

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

Principle of Development

9.3 The application site is washed over by Residential Policy Area (RPA). Therefore the most relevant policy is PH12 of the Doncaster UDP.

9.4 Policy PH12 states that development of non-residential uses in the RPA will be supported where they do not harmfully impact residential amenity, through noise; disturbance; smells etc.

9.5 The principle of non-residential uses such as the proposed Micro-Pub use is appropriate in the residential area subject to the issues as outlined in Policy PH12 as well as other considerations including highways and conservation.

9.6 The proposal relates to a re-submission for the same proposal, which was refused planning permission (ref: 19/01896/FUL) for the following reason:

- *The proposed micro-pub use would likely generate external noise through the comings and goings of customers and activities such as smoking outside the premises. The noise created through such activities would create a harmful level of disturbance for adjoining and neighbouring residents. The application is therefore contrary to policies PH12 of the UDP and CS1 of the Core Strategy the National Planning Policy Framework.*

- 9.7 It is considered practical to assess the principle of the development in two parts: the assessment against the policy and material considerations; and against the previous reason for refusal.

Sustainability

- 9.8 The National Planning Policy Framework (NPPF, 2019) sets out at Paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- 9.9 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

9.10 **SOCIAL SUSTAINABILITY**

9.11 Impact Upon Residential Amenity

- 9.12 Policy CS 14 (A) of the Core Strategy states *that 'new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment'* and paragraph 127 (f) of the National Planning Policy Framework states that planning decision should create places that have a high standards of amenity for existing and future users. Page 19 of the SPD Development Guidance and Requirements states that *'new development should consider the adjoining land uses and ensure the design of the development addresses any potential land use conflicts. The development should not significantly impact on the living conditions, privacy and amenity of neighbours.'*

- 9.13 Due the nature of the proposed development and the premise of the proposal, the development is likely to cause harm upon the existing residential amenity.

- 9.14 Residential development is the primary surrounding use, wrapping around the application site in all directions. It is recognised that the property immediately to the rear of the application site is in commercial use, though the remaining properties on New Hill and Brook Square are all in residential use.

- 9.15 The proposal relates to a Micro-Pub use. Whilst it is recognised that the proposal will only cater for circa 25 customers, which is significantly less than larger scale public houses, given the proximity of neighbouring residential uses and the form of the existing property, the use is still considered to be harmful.

- 9.16 The impact particularly by virtue of noise and disturbance, resulting from the proposal is a major concern. Although the property has been in non-residential use previously, the noise; disturbance; operating hours; and general nature of the previous use is considered to be much less harmful. The

site was previously used a hairdressing salon which generally have day-time opening hours only and are unlikely to cause harm upon residential amenity past its hours of operation.

- 9.17 The main source of noise caused by the proposal will be the comings and goings of customers, particularly when accessing the site.
- 9.18 The South Yorkshire Police Licensing Officer has visited the site and reviewed the application. He suggested that the applicant display signs to request that customers leave the premises quietly to help minimise impact upon residential amenity. However, the display of signs internally is not enforceable from a planning perspective and a planning condition would not meet the planning tests. There is little control over external activities and the display of signs is not considered to adequately address this.
- 9.19 Outdoor areas/patios are regularly proposed with other similar proposals across the Borough. However, the proposal does not include any kind of private outdoor area for customers. The form of the existing property means that this cannot be facilitated, with the rear of the property being immediately opposite residential properties. This is likely to result in customers spilling out/loitering/congregating on the street and on to Brook Square. The concerns also extend to customers smoking outside the premises, given that it is a two storey property which fronts straight onto the footpath. This was raised as a concern in the previous application but there has been no material amendment to the proposal to address this.
- 9.20 The Environmental Health Officer proposed that should the application be granted then the opening hours are to be restricted to an 11pm closing time. However, the South Yorkshire Police Officer suggested that this was restricted further to 10pm, to address concerns raised by nearby residents.
- 9.21 Even with the proposed opening hour's restriction, concerns are still raised relating to customers congregating outside the premise following the closing time; or causing further disturbance when leaving the site. The existing car park, which is to be used by customers, is within very close proximity of the residential dwellings on Brook Square. As customers leave the site, at late hours, this is likely to cause harmful disturbance, even more so during summer months when windows of the residential properties may be open in the evening.
- 9.22 Given the above, the proposal is considered to be contrary to PH12 of the adopted UDP and CS1 of the Core Strategy and therefore is being recommended for refusal at Planning Committee.
- 9.23 Location
- 9.24 The application site is located on the junction between New Hill; Doncaster Road and Low Road. Whilst this is a sustainable location in terms of connectivity and access to public transport routes, in terms of the nature of the

application proposal, it is considered that there are better suited locations within the locality.

- 9.25 Typically commercial/leisure uses such as the proposal should be directed to local/district centres. Conisbrough has a District Centre approximately 0.2miles away in a western direction. The district centre provides a variety of uses including small shops; takeaways and a supermarket.
- 9.26 In the Conservation Officer's comments he has highlighted that within the commercial area there are key unlisted buildings which are vacant, in which the proposal could occupy and help retain/enhance.
- 9.27 When questioned by the Case Officer why a property within the Commercial Centre was not proposed for the Micro-Pub use, the applicant confirmed that the application site had been in ownership by his family for a long period and that he did not have funds to purchase/rent an alternative property within the commercial area. This is not considered to be a material consideration. The ownership of properties does not allow inappropriate uses in the location of that property. Such uses should be directed to where they effectively serve the local community, which in most cases should be the district centre.
- 9.28 Therefore the proposed use is not considered to be in the most effective or appropriate location.
- 9.29 Conclusion on Social Impacts.**
- 9.30 Paragraph 8 of the NPPF (2019) 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.
- 9.31 In conclusion the application proposal is considered to harmfully impact residential amenity by virtue of noise and disturbance caused by the comings and goings of customers, particularly late at night and when using the adjacent car park. The proposal does not include a private outdoor area. Whilst this is not compulsory, it is likely to result in customers congregating on the street and Brook Square causing further disruption to neighbouring occupiers.
- 9.32 The location of the proposed development is not considered to be appropriate. Such uses should ideally be located within commercial areas, whereby there are more neighbouring 'late- night' businesses and the impact upon residential amenity is reduced. Based on the above the proposal has limited weight in terms of social impacts.

9.33 ENVIRONMENTAL SUSTAINABILITY

9.34 Impact Upon Conservation Area

9.35 The site lies within the Conisbrough Conservation Area boundary. The Conservation Officer has objected to the proposed development based on the fact that external alterations at first floor level have already been undertaken which are considered to be harmful on the Conservation Area.

9.36 Previously the property has four timber vertically sliding sash windows. However, upon inspection, these have since been replaced with poorly detailed UPVC, top- hung casement windows. This is considered to detract from the building appearance.

9.37 The Conservation Officer considers that the proposed works to replace the existing shop frontage to timber, as shown on the proposed elevations, is acceptable. He has stated that subject to the quality of the proposed shopfront and the rectification of the unauthorised replacement of the first floor windows back to their previous appearance of vertically sliding sash windows, the objection could be removed. However, further details of this would be required. If members are minded to approve planning permission, a draft set of conditions are included within appendix 3.

9.38 Based on the current proposals there is a standing objection from the Conservation Officer and therefore the proposed development is not acceptable.

9.39 Highways

9.40 The Highways Development Control Officer has reviewed the proposals. Customers for proposed Micro-Pub use will utilise the existing parking spaces adjacent to the site within Brook Square. These are not within the application red line boundary and are outside of the applicant's ownership.

9.41 The applicant has confirmed that they will maintain the car park in terms of general tidiness.

9.42 The Highways Officer has raised no objection to the proposed development based on the proximity to available parking facilities.

9.43 Flooding

9.44 Policy CS4 states that development should be directed to areas in the lowest flood zone. The proposal falls within Flood 2 and 3. The hardstanding area surrounding the site is also at high risk from surface water flooding. A flood risk assessment has been provided.

9.45 The Planning Practice Guidance website provides detailed advice on developments in flood zones. The Guidance website firstly places uses into a vulnerability classification. Both Drinking Establishments and the former

hairdressers use fall within the 'less vulnerable' category. Nevertheless a flood warning informative note is included which advises the applicant to sign up to the EA's flood warning initiative.

- 9.46 The Doncaster Development & Flood Risk SPD (adopted October 2010) sets out how flood risk policy should be applied in respect to the Doncaster borough. Table 2; page 23 of the SPD lists the forms of development that do not require a Sequential Test.
- 9.47 Page 23 states that Changes of Use do not require a Sequential Test so long as the proposal does not involve operational development or additional floorspace.
- 9.48 The proposed development does not include an extensions or major alterations. Therefore it is not qualify for requiring a Sequential Test. The impact of flood risk is therefore considered to be negligible.
- 9.49 Design and Appearance
- 9.50 Adopted policies CS14 and ENV54 both refer to design and impact upon the character of the area. The applicant has proposed some minor alterations to the exterior of the building to facilitate the proposed use.
- 9.51 The Conservation Officer has assessed the proposed external changes in terms of the impact upon the character of the Conservation Area. As detailed above the retrospective works which appear to have undertaken are not acceptable. In terms of the impact upon the street scene and surrounding character, this will be addressed below.
- 9.52 Currently the application site is vacant and is therefore is not being well maintained. The property is in a prominent position at the bottom of New Hill but is visible from other routes/directions. Therefore the proposed works, particularly those which protect and enhance the appearance of the property are welcomed.
- 9.53 The proposal looks to re-render the property in a cream colour. This is appropriate as the property is already rendered in a light colour, and therefore the existing character is retained.
- 9.54 The two window frontages are to be retained, but will be replaced/renewed with double glazed windows. As mentioned in Paragraph 9.37 this is considered to be acceptable subject to it being of high quality design. The existing door will also be replaced and will used as the main doorway to serve the pub use.
- 9.55 The existing doorway on the right side of the principle frontage will be built up and closed.
- 9.56 The applicant has showed where new signage will be displayed. This will consist of painted signage on the principle elevation at first floor level and a projecting blade/hanging sign.

9.57 The proposed alterations as shown on the proposed elevations plan are considered to be in-keeping with the character of the area and retains the appearance of the property. However, as referred to above, due to concerns raised by the Conservation Officer, the proposed works cannot be supported.

9.58 Extraction

9.59 No extraction/ventilation is proposed as part of the proposed Micro-Pub use and therefore no food is to be prepared on-site. The only food to be served is bar snacks such as crisps and nuts. The proposal does not include any kitchen facilities and therefore there will be no harm caused by smells or fumes.

9.60 If the applicant were to amend the proposal to serve food, then further planning permission must be sought.

9.61 Waste Storage

9.62 The Environmental Health Officer has raised no concern regarding the volume of proposed bin storage, nor the location of internal storage. However Building Control may be able to provide further details regarding any fire risk this may cause.

9.63 Conclusion on Environmental Issues

9.64 Paragraph 8 (c) of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9.65 The application proposal is considered to harmfully impact the environment, in terms of its impact upon the Conservation Area. The Conservation Officer has objected to the proposed development based on the retrospective installation of poorly design UPVC windows at first floor level. These are not in-keeping with the character of the Conservation Area.

9.66 Whilst the principle of restoring and occupying an otherwise vacant building is acceptable, the concerns raised by the Conservation Area have not been addressed. This weights in limited. in favour of the application.

9.67 ECONOMIC SUSTAINABILITY

9.68 The proposal relates to a non-residential use and therefore will provide an investment into the local economy. However, in terms of job creation and wider economic activity this is limited.

9.69 The development looks to employ the equivalent of 2 full time members of staff.

9.70 Conclusion on Economy Issues

9.71 Paragraph 8 (a) of the NPPF (2019) 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.

9.72 Whilst the economic benefit of the proposal is of limited benefit, it does not harm the wider economy of the Borough and for the reason weighs in favour of the development.

10.0 PLANNING BALANCE & CONCLUSION

10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic harm. However the social impact and in particular the impact upon adjacent residential amenity is considered to be significantly detrimental. There is also an outstanding objection from the Conservation Officer. These concerns will outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is not compliant with the adopted development plan and adopted policies and there are material considerations which indicate the application should be refused.

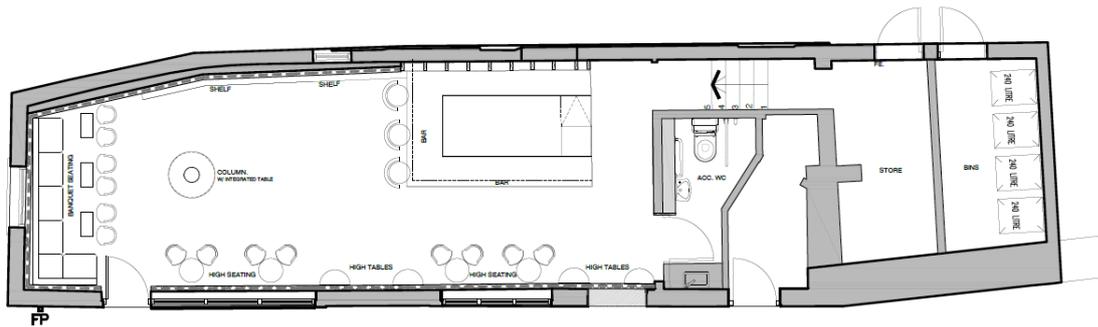
11.0 RECOMMENDATION - REFUSE planning permission.

11.1 Reasons for Refusal as following:

- 1. The proposed micro-pub use would likely generate external noise through the comings and goings of customers and activities such as smoking outside the premises. The noise created through such activities would create a harmful level of disturbance for adjoining and neighbouring residents. The application is therefore contrary to policies PH12 of the UDP and CS1 of the Core Strategy the National Planning Policy Framework.*
- 2. The proposed use is inappropriately located outside of the town centre and should be directed to Conisbrough District Centre, where food and drink uses are supported, in accordance with the retail hierarchy. The application is therefore contrary to adopted Policy CS7 of the Core Strategy (May 2012) and Emerging Local Plan Policy 23 and Policy 24.*

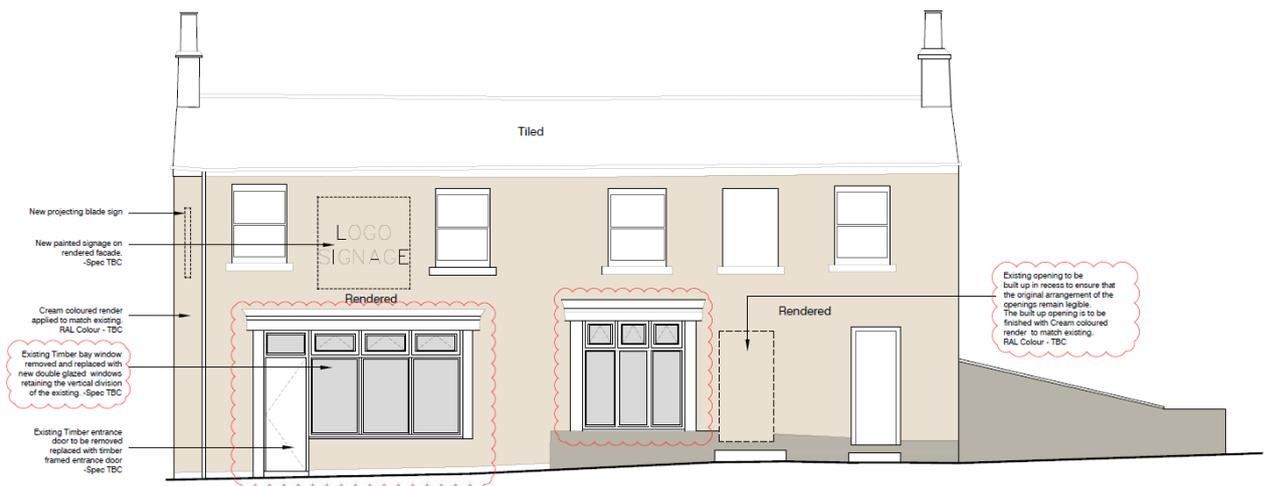
The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

APPENDIX 1- Proposed Layout



PROPOSED GROUND FLOOR PLAN - SCALE 1:50

APPENDIX 2- Proposed Elevations



PROPOSED ELEVATION 1 - SCALE 1:50

APPENDIX 3 – Draft Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
2. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
Proposed Plans, Floorplans and Site Plan, Drawing No: 27428-(02)-01, Received 1st April 2020
Proposed Elevations, Drawing No: 27428-(04)-02, Rev A, Received 9th July 2020
REASON
To ensure that the development is carried out in accordance with the application as approved.
3. The hours of operation shall be limited to
Monday - Sunday 10:00 - 22:00 and not at all at any other time.
REASON
To ensure that the development does not prejudice the local amenity.
4. Prior to commencement of the development details of the proposed replacement first floor windows shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be installed prior to operation of the proposed use.
REASON
To preserve and enhance the character and appearance of the Conservation Area in accordance with policy ENV 25 of the Doncaster UDP.
5. The sale of food shall be limited to cold only, being considered ancillary only to the main use as a micro pub/gin bar.
REASON
To safeguard the amenities of the occupiers of adjacent properties.

INFORMATIVE

The applicant is advised that planning permission is granted on the basis that only cold food will be sold on site. Should other types of food wish to be prepared and sold, a planning application for the extraction/ventilation system to control the emission of cooking smells and fumes will need to be submitted and approved by the local planning authority.

INFORMATIVE

Adequate provision for the storage and collection of waste and recycling is essential for both domestic and commercial premises, lawful arrangements should be in place prior to the occupation of any property. The applicant should contact waste&recycling@doncaster.gov.uk prior to occupation to discuss the provision and siting of suitable bins and setting up a collection service.

INFORMATIVE

The relevant license will need to be obtained to serve alcohol on the premises.

INFORMATIVE

The guidance provided by the South Yorkshire Police Licensing Officer should be strictly adhered to.

INFORMATIVE

Surface water drainage plans should include the following:

- *Rainwater pipes, gullies and drainage channels including cover levels.*
- *Inspection chambers, manholes and silt traps including cover and invert levels.*
- *Pipe sizes, pipe materials, gradients and flow directions.*
- *Soakaways, including size and material.*
- *Typical inspection chamber / soakaway / silt trap and SW attenuation details.*
- *Site ground levels and finished floor levels.*

Surface Water Discharge From Brownfield Site

There should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required if drained areas to existing

sewers / watercourses are to be increased. A 30% net reduction to existing peak discharge (up to a 1/100 yr storm + 30% CC) will be required if the site is being re-developed. A full justification will be required where the development cannot achieve the 30% betterment on the existing run-off rate.

Written evidence is required from the LLFA / sewerage undertaker to confirm any adoption agreements and discharge rates.