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Application Number:	20/02137/FUL
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Application Type:	FULL Planning Application
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Proposal Description:	Change of use of agricultural land to provide continuation of temporary takeaway cafe to a permanent change of use including creation of takeaway cafe, outdoor seating area, indoor seating area, and toilets.
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At:	Loversall Farm, Rakes Lane, Loversall, Doncaster, DN11 9DA
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For:	Mr & Mrs Lee - Loversall Farm
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Third Party Reps:	21 Letters of representation received- 3 in opposition, 17 in support, and 1 stating neither objecting or supporting	Parish:	Loversall Parish Council
		Ward:	Tickhill and Wadworth

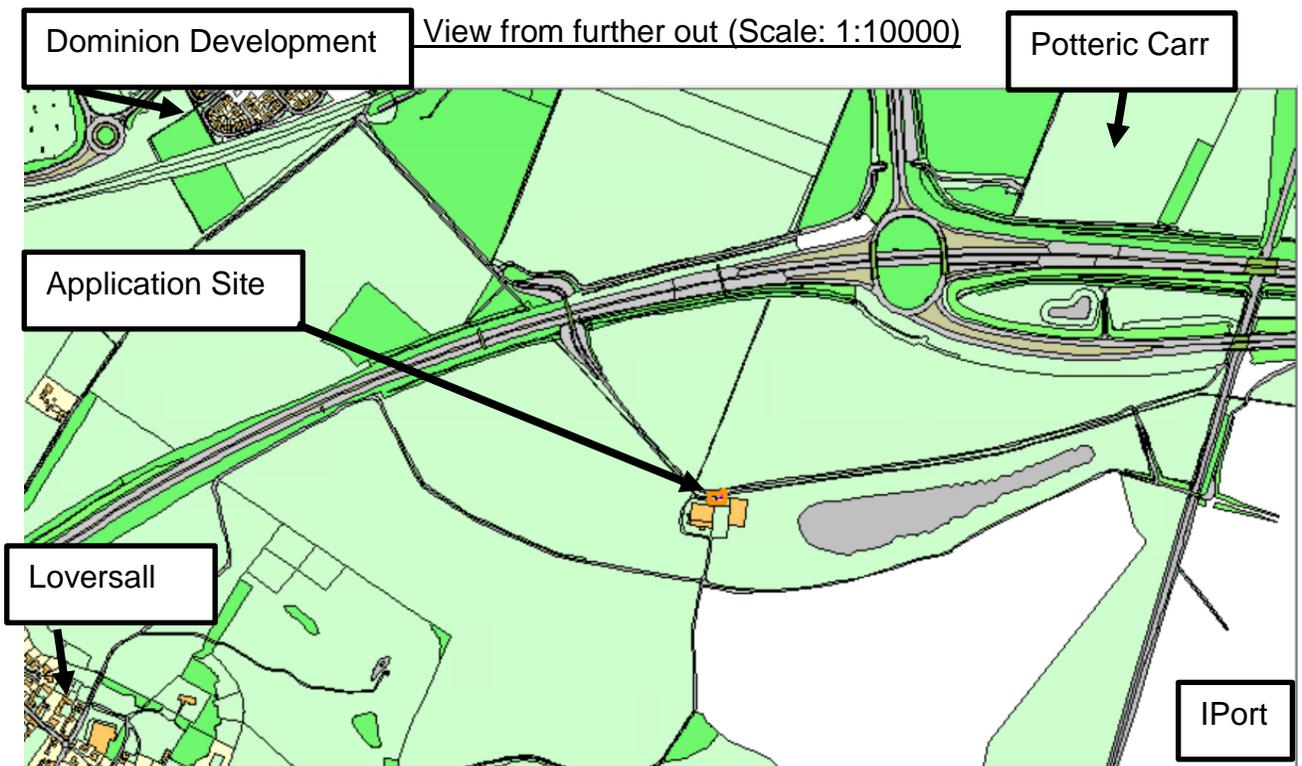
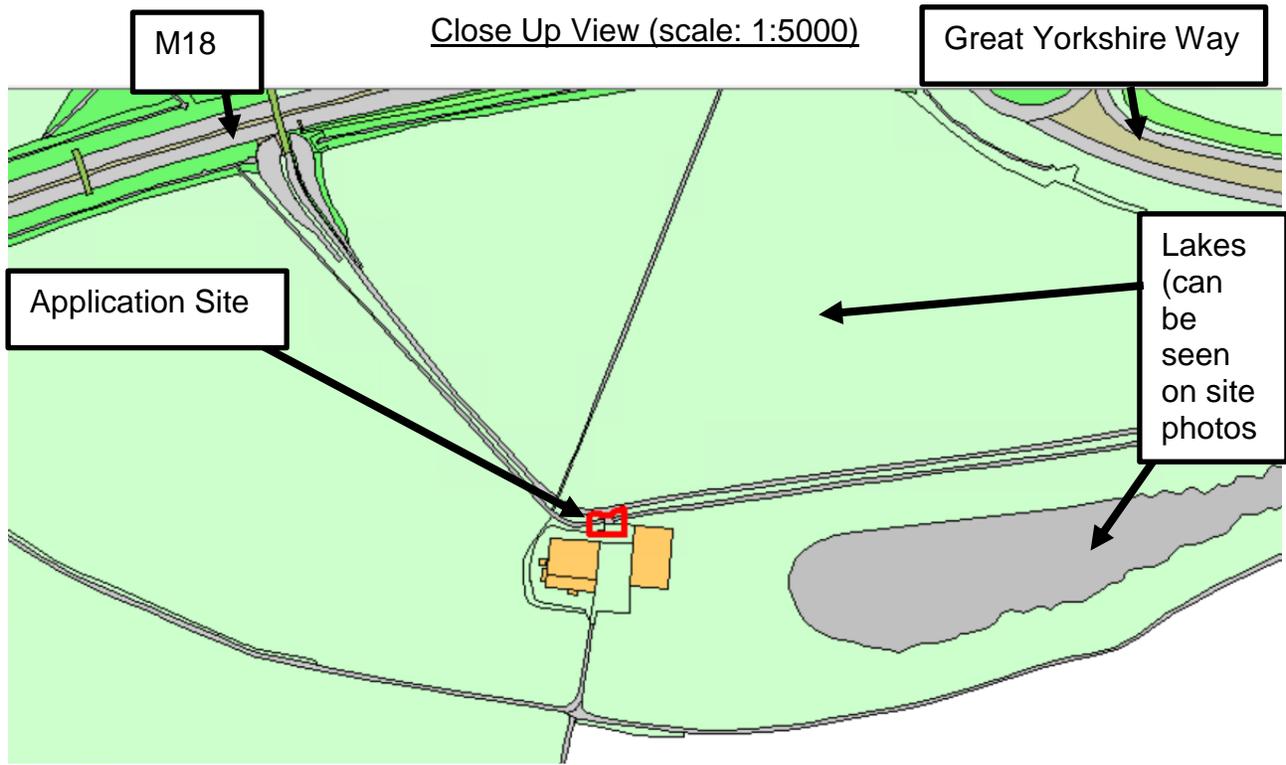
Author of Report:	Hannah Wilson
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SUMMARY

The proposal seeks permission to retain an unauthorised change of use of land for a café, toilets, prep area, indoor seating and outdoor seating area. The proposal is considered to be unacceptable in policy terms being inappropriate development in the Green Belt without very special circumstances as defined by Doncaster’s Unitary Development Plan (UDP), Core Strategy and emerging Local Plan.

In addition, concerns remain in respect to the impact to the amenity, character of the area and is lacking in information to assess the potential harm to ecology from the adjacent wetland habitats and impact on networks with Potteric Carr Reserve.

RECOMMENDATION: REFUSE planning permission



1.0 Reason for Report

1.1 This application is being presented to planning committee due to level of public interest.

2.0 Proposal

2.1 The proposal is for the change of use of agricultural land to provide continuation of temporary takeaway cafe to a permanent change of use including creation of takeaway cafe, outdoor seating area, indoor seating area, and toilets.

2.2 The applicants are applying to use the land for more than a temporary period and describe this as a 'permanent' change of use of the land.

2.3 The use includes portacabins which the applicants state are not fixed into the ground and could be easily moved and thus are not classed as 'buildings' but a change of use of land for their siting. This includes the takeaway café, indoor seating and toilets. These were placed here for the café use.

2.4 The applicants do not propose any parking or access for vehicles and state the use is solely for walkers and cyclists.

3.0 Site Description

3.1 The site lies within the Green Belt and is located within a setting of very open agricultural land and lakes. The site is adjacent to farm buildings and newly constructed lakes as part of the iPort development. The lakes are not under the ownership of the applicant and are ecological enhancements for biodiversity offsetting from the iPort permission.

3.2 The iPort development of warehousing lies to the East whilst Potteric Carr Nature Reserve is to the North East. The M18 lies between Potteric Carr and the Lakes. Loversall is to the South West and the Dominion residential development is to the North.

4.0 Relevant Planning History

4.1 There is no relevant recent history for the farm or this particular piece of land. Planning History for the land surrounding site but not in the applicant's ownership is as follows:

Application Reference	Proposal	Decision
09/00190/OUTA	Construction of an inland port (Strategic Rail Freight Interchange) together with ancillary infrastructure and operational development comprising:- (i) an intermodal terminal and rail and road served distribution units (562,000 m2) in Use Class B8 (including ancillary B1/B2 floorspace);	Granted subject to s106 19.08.2011.

	(ii) road, rail and other infrastructure facilities and works, including the Southern arm of junction 3 M18, first section of FARRRS, rail access from the South Yorkshire Joint Line to the west and from the branch colliery line from the East Coast Main Line; (iii) the re-alignment of the St Catherines Well Stream and other water courses; (iv) landscaping; (v) continued agricultural use, landscape, ecological and flood mitigation and enhancement; (vi) other ancillary works.	
16/01648/OUTA	Without compliance with conditions 6, 11, 19 and 22 of planning application 09/00190/OUTA, granted on 19/08/2011	Variation of conditions Granted 06.01.2017
17/02908/FUL	Construction of a 3.5m footway/cycleway and associated lighting between the Inland Port site and Balby.	Granted 27.03.2018

5.0 Site Allocation

5.1 The site is allocated within Green Belt, as designated in the Doncaster Unitary Development Plan (adopted 1998). The site is proposed to remain as such under the draft Doncaster Local Plan (currently given limited weight).

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 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.

5.5 Paragraph 38 states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.6 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).
- 5.7 Paragraph 83 states that planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship
- 5.8 Paragraph 84 continues this to discuss rural economy: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 5.9 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 Paragraph 124 of the NPPF states the creation of high quality 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 5.11 Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.
- 5.12 Paragraph 133 of the NPPF, states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 5.13 Paragraph 143 of the NPPF, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.14 Paragraph 144 of the NPPF, states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.15 Paragraph 145 of the NPPF, states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) Buildings for agriculture and forestry;
 - b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) Limited infilling in villages;
 - f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (**excluding temporary buildings**), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 5.16 Paragraph 146 of the NPPF, states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) Mineral extraction;
 - b) Engineering operations;
 - c) Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) The re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) Development brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 5.17 Paragraph 175 states when determining planning applications, local planning authorities should apply the following principles:

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

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

5.18 Core Strategy 2011 - 2028

5.19 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 (as amended) and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended)).

5.20 In May of 2012 the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force (for example those relating to the non-residential use in a Residential 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:

5.21 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs, protect local amenity and are well designed.

5.22 Policy CS3 of the Core Strategy applies national policy and seeks to protect the Green Belt from inappropriate development other than in very special circumstances.

5.23 Policy CS4 of the Core Strategy requires a proactive approach towards the management of flood risk and drainage.

5.24 Policy CS14 of the Core Strategy states that all development proposals 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. New development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

5.25 Policy CS16 of the Core Strategy states that proposals will be supported which enhance the borough's landscape and trees by:

1. Being appropriate to the landscape's character, sensitivity and capacity;
2. Including measures to mitigate any negative impacts on the landscape;

3. Ensuring designs are of high quality, include appropriate hard and soft landscaping, a long-term maintenance plan and enhance landscape character while protecting its local distinctiveness; and;
4. Retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

5.26 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)

5.27 Policy ENV1 of the UDP reiterates a Green Belt in the western part of the Borough. The purposes of including land within the Green Belt are set out, in accordance with national policy.

5.28 Policy ENV3 of the UDP states that development will not be permitted, except in very special circumstances for purposes other than listed. Where development is a permitted use, development will only be acceptable in principle where they would not be visually detrimental by reason of their siting, materials or design, and would not give rise to unacceptable highway or amenity problems and would not conflict with other policies of the UDP.

5.29 Policy ENV 14 ensures that buildings should not have a visual impact which would harm the character of the countryside or significantly increase the size of the existing dwelling.

5.30 ENV53 states that the scale and appearance of new development must have regard to its wider visual impact. Development will not normally be permitted if it would have a significant adverse visual impact on:

- A) views from major transportation routes; or
- B) views across open countryside; or
- C) views of important landmarks.

5.31 Local Plan

5.32 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

5.33 The Council is aiming to adopt the Local Plan by early in 2021. 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:

- 5.34 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.
- 5.35 Policy 2 and 3 set out the Borough's focus for new housing in sustainable locations. These policies are considered to carry limited weight at this time.
- 5.36 Policy 26 sets out acceptable uses in the Countryside, for sites within the Green Belt national planning policy will be applied. This policy is considered to carry limited weight at this time.
- 5.37 Policy 31 deals with the need to value biodiversity. This policy is considered to carry limited weight at this time.
- 5.38 Policy 33 states that the design process should consider woodlands, trees and hedgerows. This policy is considered to carry substantial weight at this time.
- 5.39 Policy 43 seeks to ensure high standards of residential design. This policy is considered to carry moderate weight at this time.
- 5.40 Policy 49 (Landscaping of New Developments) states that development will be supported which protects landscape character, protects and enhances existing landscape features, and provides a high quality, comprehensive hard and soft landscape scheme. This policy is afforded limited weight as there are outstanding unresolved objections
- 5.41 Policy 55 requires the need to take into account air and noise pollution. This policy is considered to carry limited weight at this time.
- 5.42 Policy 56 deals with the need to mitigate any contamination on site. This policy is considered to carry limited weight at this time.
- 5.43 Chapter 9 states that the Local Plan will not repeat national policy and proposals should accord with the NPPF for Green Belt development.

5.44 Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SYRDG) (2015)
- National Planning Policy Guidance

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) by means of site notice, council website, and press advertisement (Departure from Development Plan).
- 6.2 21 representations have been received. 3 are in objection from local residents/business, 1 neither supports nor objects; and 17 were in support of the application coming from a wide range of locations nearby and as far as Bassetlaw and Scunthorpe. A summary of the main issues raised are as follows:

Support:

- Cultural Asset
- Support exercise and tackle obesity by providing a pitstop for food and drink along the public right of way for cyclists, walkers, dog walkers, joggers, children. Adding to the 'Get Doncaster Moving' agenda.
- Braithwell Bikers group (a local cycling group based in Doncaster) support it
- Encourages people to the area
- Enjoy local wildlife, nature and beauty of the countryside
- An asset during Covid to get out and walk to
- Help with mental health as well as physical health
- Make lakes more accessible for people coming from further afield
- Feel it blends in
- Toilets useful for enjoying going around the lakes and indoor area useful in bad weather
- Supports young people setting up a business

Objections:

- Hall Balk Lane is a small lane that is dirt in some places and deteriorating and has been encouraged by the applicants on social media to be used for vehicles parking and accessing the café. This has made one objector feel scared by the traffic and near misses of cars with walkers accessing the lakes and café.
- Feel supporters don't live nearby and are causing the problems with traffic
- Concerns with dust being churned up on Hall Balk Lane.
- Nursery in Loversall is concerned with the level of vehicles parking and traffic in Loversall. Affecting access and safety of children and parents and using their car park to access the café. They would not be concerned if there was a condition not allowing access down the private road and signage to this effect.
- One objector has concerns with the Dominion Play Area at the end of Hall Balk Lane. People have been going through on dirt bikes vehicles have been parking along the play area making it unsafe for children and parents to access and an incident has recently occurred that has smashed the fencing and churned up turf that has been reported to the police. They feel this has worsened with the café opening and them promoting social media the use of the Dominion Estate for parking to access to café. They feel all of the parking would also restrict access for emergency vehicles.

The representation neither in support or objection had no concerns with the principal of the café but does raise concerns with the traffic and litter and lack of bins along the path as people walk with products from the café.

7.0 Parish Council

7.1 The Parish Council has responded and raised concern in 4 responses with photographs.

7.2 The proposed development is located within the Parish of Loversall. Loversall Parish Council has a close knowledge of, and longstanding interest in, the ecological area adjacent to the site of the proposed takeaway cafe. Loversall Parish Council firmly opposes the planning application.

7.3 Parish Councillors have taken an active interest in the safeguarding of the ecological area adjacent to the iPort, before and since the iPort planning application was submitted. Parish councillors walk through the area on a daily basis and have detailed knowledge of the area and its access routes. Issues connected with the site are often discussed at parish council meetings and the parish council liaises with the iPort site management (CBRE Ltd, David MacFarland) police (Inspector Mark Payling), DMBC ward councillors, DMBC Ecologist Planner and Yorkshire Wildlife Trust . The Council believes that by increasing footfall to the location for the purposes of a takeaway service, the proposed cafe has the potential to (a) increase antisocial behaviour (b) cause harm to wildlife (c) cause damage to the environment (d) cause problems for local residents associated with increased traffic along single track, country roads, normally used for outdoor exercise and farm vehicles, and (e) cause parking problems in Loversall and the Carr Lodge (Dominion) development. Furthermore, if planning permission is granted it could also mark the start of further commercialisation of the location by enterprising mobile, fast food outlets because the location of the café is easily accessible by such vehicles from the main access route, Hallbalk Lane.

7.4 At the outset of the iPort planning process, the planning authority gave assurances that the ecological area would eventually come under the control of an organisation with a track record in ecological management. Communications with the DMBC Ecologist Planner, Ward Councillors, Yorkshire Wildlife Trust and the property manager acting for Verdion, have all confirmed this intention. Below is an extract from the *Green Infrastructure Management Plan* that was agreed as part of a condition of the planning permission.

8.1 A management company will be established comprising the inland port site owners Verdion and other appropriate bodies which include DMBC, Natural England and YWT. The Management Company will then oversee the management of the Countryside Area and any other areas outside the development site where the GiMP has been implemented. The Management Company will be established three months prior to the completion of the first phase of the Countryside Area.

8.2 The Management Body will appoint a suitably qualified, established and experienced local Management Body such as YWT to undertake the management of the Countryside Area. The Management Body will undertake the management regime based on the principles set out in this Management Plan. The contract will be let on a cost that matches the market rate and in order to achieve this the Management Company will tender the contract to suitably qualified, well established and experienced organisation with extensive experience in delivering high quality biodiversity management. The Management company will appoint the Management Body no later than six months after the completion of the first phase of the Countryside Area

7.5 Loversall Parish Council was advised that the Management Body would be appointed earlier this year. The delay in appointing the Management Body means that the relevant “suitably qualified , well established and experienced organisation with extensive experience in delivering high quality biodiversity management” is not available to deliver an opinion on the planning proposal for a takeaway café; a development completely at odds with the concept of the ecological area as originally put.

7.6 The lakes in the area are becoming successfully colonised by wild fowl but as public knowledge of access to the ecological area has spread beyond Loversall, the

area has already attracted activity that is both anti-social and damaging to the environment. The Parish Council has already found it necessary to report to the police and the property management company, incidents of jet-skiing on the lakes during the nesting season, in addition to quad biking around the edges of the lakes. The Parish Council has recently provided photographic evidence to the police of those involved and has been able to identify them. A café will risk attracting people to the ecological area for the wrong reasons.

- 7.7 The proposed café is on private farm land immediately adjacent to a public path which is integral to the ecological area. The location is not geographically remote - there is no physical necessity for the provision of food and beverages to local people taking exercise in the area. There is no public interest to be served by providing more fast food outlets in the local area. As well as a Covid 19 pandemic there is an obesity epidemic in this country - the public health message is for more exercise not more cake.
- 7.8 The application states that there will be no impact on residential amenity. However parking problems have been reported in Loversall, including at Loversall Hall where people visiting the cafe have been parking in the grounds, and at the Carr Lodge housing development. This is indicative of the fact that many of the people who use, and will use the café in the future, are not people enjoying a walk in the countryside and alighting upon a refreshment bar but people deliberately setting out to visit a café. This sort of tourism was not envisaged, or at least not expressed, by the planning authority when the planning application for the iPort was considered.
- 7.9 The planning application quotes National Planning Policy Framework Para 84: “ *It will be important to ensure that the development is sensitive to its surroundings, does not have an unacceptable impact on local roads....*”. The existing café is already creating problems. Vehicular access to the area is restricted to a single-track road (Hall Balk Lane). Traditionally, Hall Balk Lane, is used by farm vehicles, local cyclists and walkers. In the summer months, during the Covid 19 lockdown, the Lane became hazardous for cyclists and walkers because of the notable increase in traffic. Anything that increases the flow of traffic along Hall balk Lane, including the proposed café, will also be of detriment to the residents living along the Lane. In addition to Hall Balk Lane, vehicles unfamiliar with the area, try to reach the café via Rakes Lane, a privately maintained short length of road leading to a bridle path. An increase in abortive attempts to access the area via Rakes Lane has been reported by local residents. Ward councillors and DMBC Highways Officers will be familiar with the existing problems for residents on Rakes Lane caused by iPort traffic. Generating more traffic in pursuit of coffee and cakes can only make matters worse.
- 7.10 Notwithstanding the above comments, if in the future a suitably qualified, well established and experienced organisation with extensive experience in delivering high quality biodiversity management saw the need to provide refreshments, in a controlled way, which ensured there would be no collateral damage to the environment and which produced revenue that could be used to support the ecological area, then the Parish Council would reconsider its position.
- 7.11 The Parish Council updated their position with a more detailed response. Parish Councillors wish to assure the planning committee that there is no generalised anti-business element to the objection; four out of five of them have a business/commercial background. An earlier application made by Loversall Farm to open a wedding venue in the middle of the village was the subject of a public

meeting arranged in response to residents' concerns. At that acrimonious meeting, the applicant, by way of reassurance, gave an undertaking to residents that there would be no further commercialisation of Loversall whose character could easily be undermined by even a small amount of commercialisation. Some councillors supported the earlier application to open a wedding venue in the village. However, none of the Councillors support the current application to open a cafe.

- 7.12 Contrary to implications in comments made by one or two supporters of the application (ie customers of the café) the Parish Council has no wish to interfere with any individual's enjoyment of the countryside; quite the opposite, the Council wishes to promote such interest. In this regard it is worth remembering that adjacent to the ecological area in question, is the Potteric Carr Nature Reserve, which by car is minutes away from the site of the proposed café. Designed and located to have no impact upon the reserve, it has ample dedicated parking space, an excellent shop and café with outside seating, overlooking beautiful countryside with miles of walking routes available. Any profits from the café at Potteric Carr are ploughed back into the objective of protecting the natural environment. The Parish Council finds it difficult to make a case of need for another café nearby on economic or any other grounds.
- 7.13 The Parish Council would withdraw its objection (a) If the Yorkshire Wildlife Trust, having been given sufficient time, assesses that the café/takeaway will not impact on the ecological area and (b) if feasible mitigation is proposed to address concerns over traffic generation and parking.
- 7.14 In Loversall Parish Council's initial response to the application it was mentioned that photographic evidence of individuals using the area for jet skiing and quad biking had been forwarded to the police. The police have advised that they have acted upon the information. It has been suggested to the Parish Council that this material is relevant to its opposition to the application. The Clerk to the Council has been asked to forward, under separate cover to the Case Officer, the photographs and the email sent to the police.
- 7.15 It is apparent from correspondence that DMBC has received from YWT that they expect to be taking over the lease for the ecological area in a few months. Laura Hobbs (YWT Conservation Planning Officer) points out "clear ecological assessments and mitigation (therefore) need to be provided to demonstrate evidence that the proposal will not have any direct or indirect impacts upon the wetlands". The Parish Council is advised that such assessments will take some time to complete and presumably cannot start until YWT is legally the leaseholder. Loversall Parish Council requests that no decision about the application is taken by DMBC until Yorkshire Wildlife Trust, acknowledged experts in this field, carry out and report on their ecological assessments, having been allowed sufficient time to do so.
- 7.16 Loversall is a very small village, a hamlet really, in a conservation area. The character is that of a small open grained village of traditional limestone buildings. In addition to being in a conservation area a number of the properties do not have permitted development rights and DMBC, through its conservation officers, are assiduous about preserving the character of the village. The character of the village will not be upheld by additional traffic and parking on a narrow residential street through the village.

7.17 The planning application states that “public access to the takeaway café is by cycling or walking only. There are no public highways to allow vehicular access and this is not required for the proposal. Therefore there is no impact on traffic generation and no parking requirements in relation to the facility”. The Parish Council regards this to be a misleading statement and the supporters of the applicants themselves have provided the evidence for this. Analysis of the distance travelled by the ten supporters who responded to the initial consultation deadline, assuming they travelled from their homes to the café, shows they made an average round trip of about 20 miles. One travelled from Scunthorpe a round trip of about 60 miles. Others from near Moss, Gringley on the Hill, Stainton, Micklebring, Bircotes, Tickhill and Bessacarr. Assuming they did not all walk or cycle, the question arises where did these visitors park? There are two access routes to the café location, one being Hallbalk Lane and one being Rakes Lane. Hallbalk Lane adjoins the A60 and it is not possible to park alongside Hallbalk lane. Rakes Lane adjoins Bubup Hill, the narrow road through the village. This is where increased parking has already been observed. There will be little opportunity to provide photographic evidence in the winter months, before the Planning Committee meets, because the footfall will be low, but from what has already been observed we anticipate that parking will become problematic as weather improves and the café is actively promoted on Facebook. The problem at the junction of Rakes Lane is not only the narrowness of the road but the fact that Rakes Lane is a concealed junction with Bubup Hill. Residents from the houses at the entrance to Rakes lane, as well as businesses located at Loversall Hall, have to negotiate the blind junction to get onto Bubup Hill. Testimony to the danger of this junction is that, at the Parish Council’s request, DMBC Highways Department has recently installed a “Give Way” sign further up Bubup Hill at the junction with the private road leading from the Farm and Loversall Farm Nursery. The reason for doing this was to slow down traffic exiting the private farm road (often not stopping at the junction) and heading down Bubup Hill past the end of Rakes Lane at speed. The Parish Council anticipates the problem will be exacerbated in the Spring /Summer /Autumn months when traffic associated with the Loversall Farm wedding venue adds to the traffic passing the end of Rakes lane.

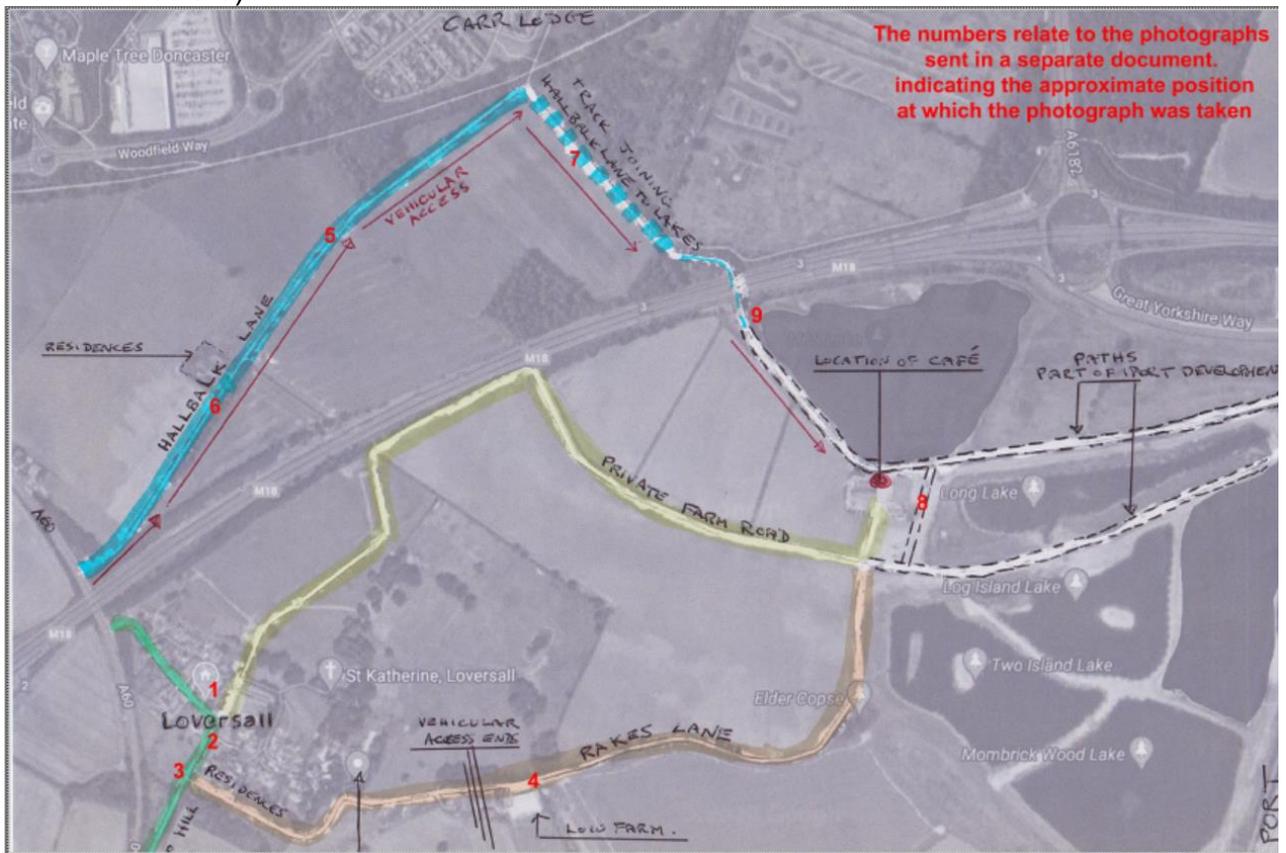
7.18 Although, at the Parish Council’s request, DMBC has erected ‘no through road’ signs at the entrance to Rakes Lane, the properties along the Lane experience problems when drivers assume that the lane continues as it first appears all the way to the iPort. This is not the case. Rakes Lane beyond Loversall Hall and Low Farm becomes a narrow bridle path joining the ecological area. Consequently vehicles have to try to turn around or reverse to get out. (The owner of the first property on Rakes lane has on several occasions had his wall knocked down by lorries). Some time ago a firework display was organised around the lakes (presumably illegally) and dozens of cars were lined up between Loversall Hall and Low Farm trying to extricate themselves. If the cafe application was successful then these problems for our local residents are very likely to be exacerbated. If it is the intention that the applicant uses their private road , the Parish Council shares the view of the owners of Loversall Nursery, who have also objected, that there will be traffic generation and road safety issues in Loversall Village

7.19 The statement in the application that “There are no public highways to allow vehicular access and this is not required for the proposal” is also misleading. Other than the private farm track there is one access route and it is a public route along Hallbalk Lane, off the A60, a track of similar dimensions to the private farm road.

Hallbalk Lane is maintained by DMBC but is nothing more than a single track . The vehicle pictured is a small one, there are many times in the year when huge agricultural vehicles trundle up and down Hallbalk Lane and the interaction of these with increased traffic on the Lane can be imagined.

- 7.20 Hallbalk Lane is used extensively by local residents in Loversall, Woodfield Plantation and Carr lodge for walking cycling and dog walking. An encounter with even a small car can only be negotiated by scrambling into the hedgerow. Additional traffic has already been experienced when the café was open in the summer months and spoils the walking experience for local residents. Additionally there are two residential properties along the Lane which open directly on to Hallbalk Lane . In the summer months the Lane is very dusty, vehicles leave clouds of dust in their wake and an increase of traffic will be very unpleasant for the residents living along, or walking along, the lane. If Hallbalk Lane is used as a route to the café then there is nowhere to park at the end of it, other than on land which is currently managed by the iPort . In any case , vehicles should not be accessing the paths built beyond the bridge over the M18, which are intended for pedestrians, cyclists and horseriders. However, vehicles are already using these paths to access the area . If food sales are allowed there is nothing to prevent mobile food outlets turning up.
- 7.21 The Parish Council remain concerned that the café is currently operating unauthorised until this application is determined and enforcement action is taken if it is refused.
- 7.22 A final response was received further to the above. This expressed further traffic and parking concerns associated with the café. There is no legal vehicular access to the cafe but Hallbalk Lane is increasingly being used illegally by vehicles to reach the site, reportedly creating inconvenience and risk to pedestrians and further damaging the already badly maintained road surface. There is no legal parking near the café. The café can be accessed on foot from Rakes Lane in Loversall. A noticeable increased level of traffic/parking was not anticipated at this time of year but it is already observable and this has led to increased traffic and increased parking in Loversall Village, especially near Rakes Lane . As the Parish Council has previously pointed out, there are already road safety issues at the Rakes lane junction with Bubup Hill. It is the middle of Winter and the Parish Council considers it reasonable to believe that the traffic and parking situation will be much worse in the Summer, especially with the re-opening of the wedding venue, also owned by the applicants at Loversall Farm. In addition to Rakes Lane, the café can be accessed on foot from the new Dominion estate (adjacent to Tesco's). The residents there are also experiencing problems with parking and litter, allegedly associated with people visiting the café . It is apparent from the applicant's own posts on Facebook that they now acknowledge that the café is generating traffic and creating parking problems - recently on Facebook the cafe asked patrons not to park in Loversall Village or the Dominion Estate. Though the Parish Council welcomed acknowledgement of a situation, which they had earlier predicted, the fact is that there is nowhere else for café clientele to park. Perhaps, to avoid further complaints from residents on the Dominion estate, who are active on Facebook, the applicants are now temporarily , directing café traffic to their wedding venue car park at Loversall Farm ; in effect now directing all of the café traffic through Loversall village. There is no indication of what the permanent solution to the parking problem is intended to be should planning permission be granted. (Ward

Councillors Cannings and Greenhalgh are familiar with the situation on the Dominion estate).



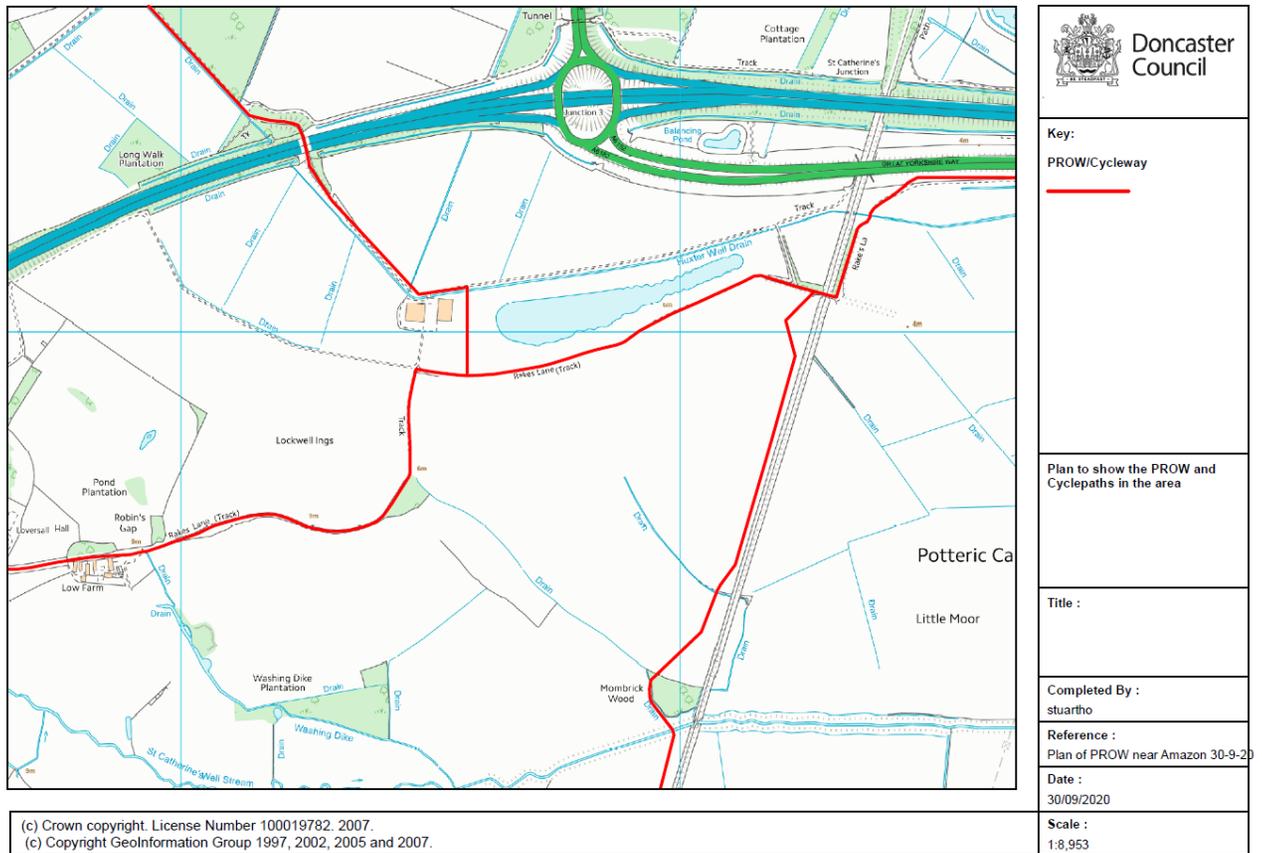
7.23 The Parish Council has concerns additional to those already expressed in earlier submissions. Firstly, the planning committee decision has been further delayed until January 2021 and seemingly this is related to the applicant's Agent wishing to supply further information. During this period of delay, the applicants continue to successfully promote the café on Facebook, against the backdrop of the ecological area. The concern of Parish Councillors is that the longer the café remains open without planning permission, actively promoting itself, the more well known and patronised it will become, and the more difficult it will be for the planning committee to deny planning permission. The second concern relates to alcohol licencing. One of the applicants already holds a premises licence to sell alcohol at their wedding venue at Loversall Farm. The Parish Council understands that if planning permission is granted there is nothing to prevent the applicant from applying for an alcohol licence for the café and that this eventuality cannot be addressed by the Planning Committee in determining the application. In the view of the Parish Council, the use of alcohol at the site can only add to the risk of anti-social behaviour in the environmental area, which the Parish Council has already flagged up as a risk.

8.0 Relevant Consultations

8.1 Police Liaison Officer: No objections or comments to make.

8.2 Highways: Are not aware of any problems with traffic/ parking. Given this development is aimed at walking & cycle users they wouldn't expect it to have a detrimental impact on highways, therefore they would have no objections from a HDC point of view.

- 8.3 **Highways England:** No objection
- 8.4 **Severn Trent :** No objection subject to informative
- 8.5 **Public Rights of Way:** The public rights of way are marked below in red. This includes the new public right of way from iPort to Balby.



- 8.6 **Environmental Health:** No objection to the proposed permanent approval of the café. A café of this type is unlikely to generate significant odour from cooking of food and we have not received any complaints relating to the use during its temporary siting.
- 8.7 **Trees:** The proposal doesn't appear to negatively impact on existing trees any more than normal agricultural activity would and providing it is temporary there is no objection to the proposal from a trees and hedgerows perspective.
- 8.8 **East Internal Drainage Board:** No objection subject to informative.
- 8.9 **Ecology:** The officer has considered the ecological implications of this proposed Change of Use from an agricultural yard to a café. The direct impacts of the location of the café would be minimal as the land currently functions as a farm yard involving constant vehicular movements with very little in the way of embedded biodiversity other than a line of mature trees to the north of the proposal site.

However the officer is aware that this café has been functioning for a number of months but is unsure about what impact it would have on the wider biodiversity and the public use of the area. The Officer believes that ultimate ownership/responsibility for the lakes has yet to be determined but when it does it

would have a bearing on the facilities in the area. The potential impacts of visitors is unknown and it would be wrong of the officer to speculate about these. The Yorkshire Wildlife Trust has a large Nature Reserve (Potteric Carr) which extends close to the northern boundary of the application site. As their focus is on promoting public access to nature in the area, in and around the Nature Reserve the officer thinks that their position on this application would be pivotal. The officer knows that reserved judgement on the ecological merits or demerits of the scheme until they have had their chance to express an opinion.

The applicant submitted more information and YWT responded. The has consulted YWT in respect of their management of the Potteric Carr Nature Reserve SSSI and the potential for the management of wider areas. The officer's initial comments took into account the Natural England Impact Risk Zone (IRZ) criteria for SSSI's and the proposed facility does not fall within these. However having spoken to the YWT about the potential indirect impact on certain species on the Reserve and on the future management plans for the area the ecology officer does now consider that a more cautious approach is required. Although the proposed café may not adversely affect the immediate area as stated in the initial comments, following further information from the YWT it is considered that an Ecological Impact Appraisal is required to assess the potential for indirect impacts. This has not been provided by the applicants.

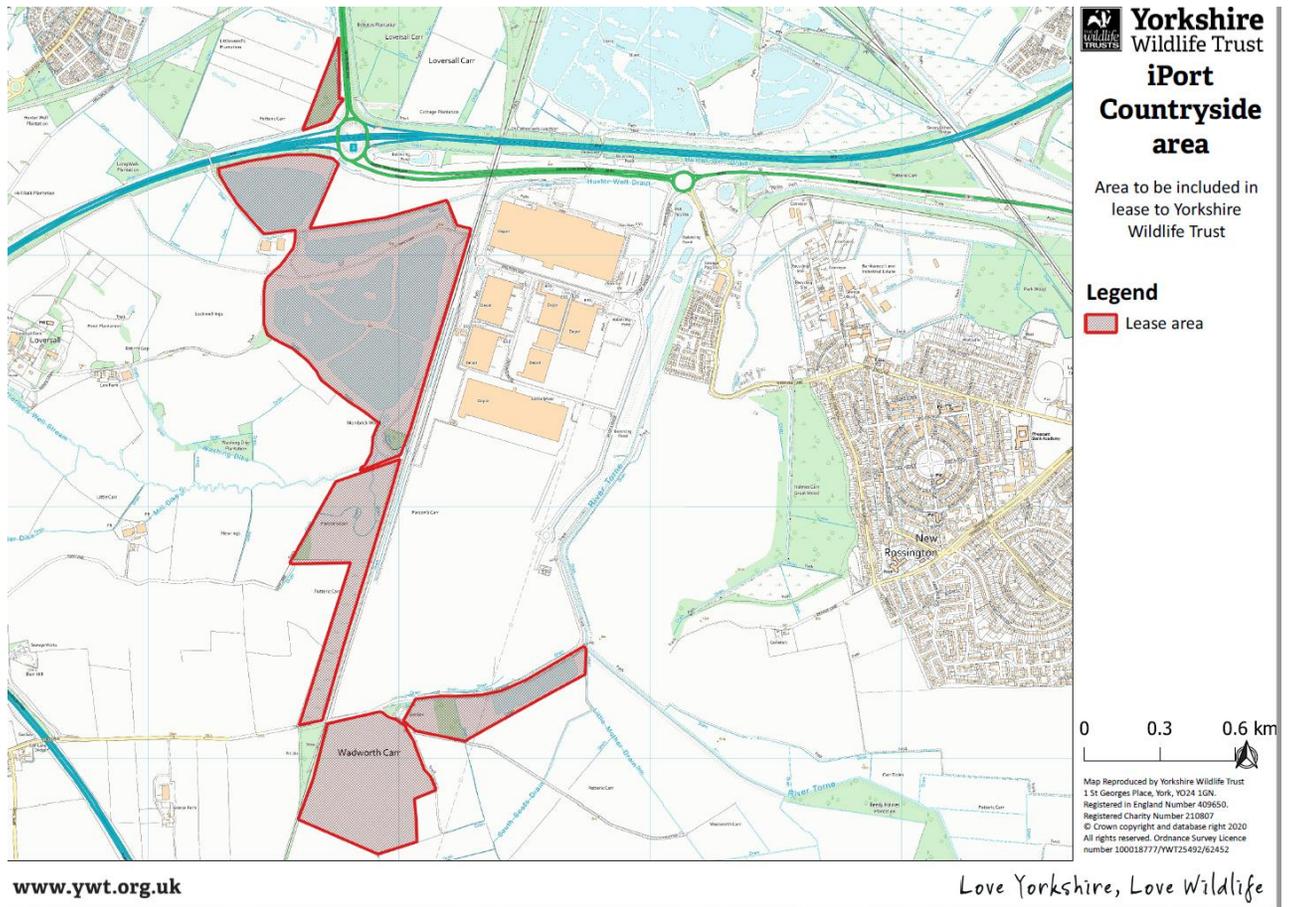
- 8.10 **Yorkshire Wildlife Trust (YWT):** The site is in close proximity to their reserve and SSSI, Potteric Carr and the significant wetland compensation project associated with the iPort development, which YWT are under tender for long term management.

The current application is not supported by any ecological information and YWT have serious concerns with regards to its potential ecological implications, should the application be approved. The proposed site lies adjacent to the north west wetland creation area which was agreed, after lengthy conversations, for compensation for the large iPort development adjacent. The proximity of the proposed café would bring additional vehicles, and persons within close proximity of the site. Whilst impacts from vehicular emissions are likely to be minimal due to the proximity of the M18, impacts from increased disturbance from closer traffic noise and diners walking around, or in close proximity to, the wetlands site, littering and walking domestic pets will have negative consequences and limit the success of the newly created wetland as it is becoming established. Concerns around antisocial behaviour were had early at the creation of the wetlands and schemes which will increase footfall in these areas should not be approved if YWT are to ensure the success of the iPort compensation scheme.

The implications of the success of the iPort compensation site is vital as functionally linked land associated with Potteric Carr SSSI and the bird assemblages recorded. The LPA must therefore take a strategic view on approving applications in sensitive areas such as this and consider the cumulative impacts upon wetland and farmland bird species from the baseline surveys supporting the iPort planning application.

Clear ecological assessments and mitigation therefore need to be provided to demonstrate evidence that the proposals will not have any direct or indirect impacts upon the wetlands. This would likely require removal of areas for dining and encouragement of walking off site. Hours may also need to be reduced to ensure there is no need for additional lighting which would have further adverse impacts.

YWT provided a plan of the land that will be leased from them and so the café has no access to and the public only have a right of access on the public right of ways.



YWT will be lease holders of the land (999 year lease), YWT are hoping the lease will be signed within the next few months. The map is roughly where YWT will lease, so it is subject to minor changes.

There will be access to the lakes on the current bridleway and a permissive path. But access will be restricted to the paths, and we will try to restrict access to the land between the lakes/lake shores. Concerns are about increased foot/bike traffic, and not staying on paths. There are schedule 1 breeding birds.

The track being used for vehicle access is from the north of the M18, which isn't a public highway (Hall balk lane, and the bridge over the M18), and isn't mentioned in the planning application. Cars are then parking on land that isn't owned by Mr Lee.

The applicants provided additional information and the YWT feel these are insufficient to discharge any of YWT concerns with the proposals and maintain their objection at this time.

In particular, YWT have major concerns with regards to section 3 of the VSC (Very Special Circumstances) Statement. The social benefits highlighted all focus on an increased and varied use of PRoWs and the nearby lakes. This is hugely inappropriate in this local area due to the sensitivity of the sites in question and the difficulties already experienced through antisocial behaviour at the site. Any café in this area should not encourage additional use of the surrounding sites.

Whilst we agree with the concept of access to nature for the local communities, this should be carefully balanced through the provision of green infrastructure for people and protection of sensitive sites for biodiversity such as this. Whilst the site itself is not designated, it is functionally linked to the success of the adjacent SSSI and as such be given the same weighting when making decisions. This is in accordance with NPPF and local policy which are outlined below.

With regards to section 6 of the VSC Statement, it is the indirect impacts of increased footfall which is concerning with regards to the proposal, as stated above. The lack of records of disturbance events is not sufficient reason for permitting the proposals as monitoring has not been undertaken to support such claims. Here, YWT would like to refer to a study undertaken by the Trust in 2017. The report looked at the impacts of development on 94 Trust reserves, finding that the closer development to a site the more impactful and frequent incidences of damage and disturbance were. This included five main categories of:

- Litter and fly-tipping
- Damage and disturbance by dogs and other domestic animals
- Anti-social behaviour
- Theft and destruction of wildlife and property
- Damage by vehicles

We have no information to give reason to believe this will not be the case for the iPort mitigation site and areas functionally linked to Potteric Carr SSSI as a result of increased use of the local area to access the cafe.

The works by Buckingham group which are referenced are to improve the habitats on site for biodiversity and are covered by method statements carefully considered to minimise all impacts. It is therefore down to the applicant to provide evidence that the proposals will not harm biodiversity, rather than for consultees to prove it will as outlined by local and national policy.

Within the response to YWT comments, the applicant states that they have no responsibility to undertake an ecological assessment for areas of land outside of their control. However, as shown within section 3 of the VSC Statement, their basis of the proposals is to serve the local community through increased use of PRowS and the surrounding areas. As such this is conflicting with other planning applications already approved and the LPA must have consideration for the functionality of conditions already agreed after lengthy discussion. As a matter of good practice and as outlined in industry guidance (CIEEM, 2016) and national policy, indirect impacts must be considered as well as direct impacts (see policy below). Thus, the applicant must undertake full ecological assessments to consider the indirect impacts upon a SSSI, nearby compensation sites of significant value to the local area and schedule 1 bird species known to be present in the locality.

The 2002 report they quote as mentioning a wealth of areas in the locality for members of the community and visitors. Whilst this report may have been included with support for Potteric Carr VC, the applicant fails to recognise that the visitor areas on site are closely controlled and designed with areas left undisturbed to allow proper function of the SSSI and schedule 1 species. Since this time there have been a number of developments which have resulted in loss of functionally linked land supporting the SSSI, iPort of which was a major one, hence the protection of these agreed mitigation and compensation areas are fundamental to

the continued success of the SSSI and thus visitor attractions in the local area. Whilst PRow are already in place, they should not be encouraged for additional use to protect the function of these areas. However, we would be happy to review this position on the basis of thorough ecological surveys which demonstrate the realistic impacts of the proposed increase use.

Ecological functions vary over short time periods and as such an 18 year old economic report cannot be taken to provide any relevant information with regards to this application.

Without an Ecological Impact Assessment undertaken to industry guidance and supported by breeding and wintering bird surveys, YWT cannot remove their objection to this application.

With regards to policy adherence, Doncaster's adopted local plan include policy CS16 which states:

B) Nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals which may impact on Local Sites and Non Designated Sites will only be supported where:

1. they protect, restore, enhance and provide appropriate buffers around wildlife and geological features;

2. harm is avoided where possible, and any unavoidable harm is appropriately mitigated and compensated;

3. they produce and deliver appropriate long term management plans for local wildlife and geological sites; and;

4. they can demonstrate that the need for a proposal outweighs the value of any features to be lost.

This is further strengthened in the publication draft (2019) which further expands on this in Policy 31 to state:

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

1. the mitigation hierarchy is applied so that firstly harm is avoided wherever possible, then appropriate mitigation is provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity;

2. they use the DEFRA biodiversity metric to demonstrate that a proposal will deliver a minimum 10% net gain for biodiversity;

3. they protect, restore, enhance and provide appropriate buffers around wildlife and geological features and aim to link these to the wider ecological network;

4. they produce and deliver appropriate long term management plans for local wildlife and geological sites as well as newly created or restored habitats;
5. they can demonstrate that the need for a proposal outweighs the value of any features to be lost;

C) *Proposals that may either directly or indirectly negatively impact Sites of Special Scientific Interest will not normally be supported. Proposals should seek to protect and enhance Sites of Special Scientific interest wherever possible.*

As there has been no application of the mitigation hierarchy through an Ecological Impact Assessment, nor consideration of any direct or indirect impacts upon a SSSI and protected/notable species and habitats, nor mitigation/compensation proposed for such impacts, we cannot agree that the above policies are adhered to with the current proposals.

With regards to NPPF (2019) paragraph 8 states that sustainable development should achieve 3 aims, one of which is:

*c) **an environmental objective**– to contribute to protecting and enhancing our 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.*

Furthermore, paragraph 175 states:

When determining planning applications, local planning authorities should apply the following principles:

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

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

This is supported by Planning Practice Guidance (PPG).

YWT believe the proposals will have a significant negative impact upon local biodiversity and functionality of a SSSI, YWT cannot agree the above has been achieved and consideration for alternative locations, mitigation for impacts and reasons of outstanding interest above those of biodiversity should be provided before the application could be considered appropriate development.

In addition to the above, YWT have some concerns with regards to the assumed definition of 'temporary structures' proposed. Temporary structures are usually taken to be a structure or building, quick to install and used for a short period of

time. Structures are considered '*permanent*' when they are proposed to be utilised for a long period of time. As such, we would disagree with the statements within the VSC Statement that the green belt policies do not apply as the structures are '*temporary*', as the proposals are for permanent use. We would suggest that the proposed structures are better described as '*mobile*' rather than temporary, and local and national green belt policies should be applied in this manner.

9.0 Assessment

9.1 The principle issues for consideration under this application are as follows:

- Principle of development - Green Belt;
- Impact on amenity;
- Impact on the character and appearance of the area;
- Natural environment
- Highway safety
- Overall planning balance.

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

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

Principle of Development

9.3 As outlined above the site is allocated as Green Belt and is outside the settlement boundary of Loversall.

9.4 The NPPF (para 133) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristic of Green Belt is its openness and permanence.

9.5 Paragraph 134 states that the purposes of the Green Belt are:
'a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

9.6 The applicants have produced a statement of Very Special Circumstances (VSC) that states that they feel the: *'...proposal does not cause any 'unrestricted sprawl of a large-built up area, merge neighbouring towns into one another, does not encroach into the countryside (as it is located within an existing developed area), and is not within a setting and special character of any historic towns.'* However the Local Planning Authority (LPA) feel that the proposal is within the countryside and does not safeguard this and does encroach into the countryside with a use that

is inappropriate development without very special circumstances being demonstrated. This land also does not fall within the definition in the NPPF of previously developed land and will be explained further below.

- 9.7 Para 143 of the NPPF states that '*inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.*' Policy CS3 also accords with the NPPF and ensures development does not cause harm to the openness of the Green Belt or purposes of including land in the Green Belt and inappropriate development should only be approved in very special circumstances.
- 9.8 Substantial weight will be given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations; this is outlined in para 144 of the NPPF.
- 9.9 Paragraph 145 of the NPPF goes on further to say that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Paragraph 145 outlines a list of exceptions to this statement, the LPA feel that the proposed development would not conform to any of these exceptions and as such the proposal is considered to be inappropriate development in the Green Belt, and very special circumstances would need to be demonstrated. However the applicants feel that the proposal does fall within part g) below:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*

- 9.10 Although the applicants have produced a 'statement of Very Special Circumstances' they do not feel very special circumstances are required as they feel that the proposal is an exception to inappropriate development (part g – see above). Firstly this part specifically excludes temporary buildings. The applicants claim these are temporary buildings as they are only applying for change of use of land for their siting thus could not fall within part g. The proposal is not classed as being located on 'previously developed land' as the definition in the NPPF states:

'Previously developed land: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*

This specifically excludes agricultural land or land with agricultural buildings on. In this case the site is farming land and adjacent to farm buildings and so would not be classed as previously developed land. Thus cannot be considered as an exception under part g of para 145 of the NPPF.

- 9.11 Consideration must also be given to whether the application falls under any other Green Belt exception. The proposal could not accord with parts a,c,d,e,f but the applicants have claimed that the use is associated with a leisure use and thus not inappropriate in the Green Belt and could accord with part b. The lakes that they claim are a leisure use, and which the applicant states the café provides facilities for, are not intended for this. The lakes were approved as biodiversity offsetting to provide ecological enhancements as mitigation for the loss on the iPort development. It is not a leisure destination. YWT have confirmed this and that they are in the process of taking over the lease of the land to manage these important wetland habitats. Although people are walking around the lakes they will be looking at managing this in the future as this is private land around the lakes and there is no public right of way thus the current use is trespassing on private land and there has been no assessment of the impact of this on these habitats. There has also been some antisocial behaviour of using the lakes for recreational uses such as jet skis and quad biking that the YWT will be looking to restrict and control as this will disturb these habitats and is not the intended use of the Lakes. YWT feels the café encourages this unauthorised use by promoting walking around these habitats and creating a destination for people to come to from far and wide. Most importantly the Lakes are not owned by the applicant and thus they cannot provide a guaranteed leisure use associated with their proposal. The YWT or iPort could, if they wished, enclose the lakes to protect them for the wildlife and again there would be no associated leisure use for the café as these are private ecologically important lakes.
- 9.12 There are also claims that the café is associated with the public right of way used by walkers, runners and cyclists. This is an adopted public right of way and has had permission to allow a link between the iPort and Balby and there is a public right of way that also runs down towards Loversall. This can be seen in Para 8.5 of this report on the map provided by Public Rights of Way. These again run outside the Lakes and not around them all, to protect the habitats. However the provision of public rights of way across the countryside is not a reason to provide a café in the open Green Belt. If every public right of way used this justification the green belt would be littered with cafes and restaurants harming its openness. The public rights of way do not **need** a café to function and the sequentially right location for this type of facility is within urban areas. There are villages/towns in close proximity with facilities at the ends of the public rights of way and a café at the Potteric Carr Reserve that provides a managed facility that does not harm wildlife and was carefully planned with due consideration of the impact on ecology.
- 9.13 Furthermore part b of Paragraph 145 of the NPPF states that the proposals should preserve the openness. Although this is a change of use of land for siting of mobile units, we must consider that by changing the use of the land it would be allowing this permanent commercialisation of the agricultural land and there will be mobile units there that will have an impact on the openness as they won't be removed after a period of time, they will essentially be permanent as the applicant describes them. This has a detrimental impact on the openness of the Green Belt and will create harm to this from these permeant structures and use of land. Although within a farm yard, farming and agriculture is an appropriate use in the Green Belt.

This would add a commercialised area to the site and would add structures and seating that would not be there otherwise thus impacting on openness.

- 9.14 Thus with no associated leisure destination under the applicant's control it is not felt that the proposal complies with part b and would not preserve openness. Furthermore the proposal does not comply with part g) as it is not on previously developed land. Thus the proposal is not an exception and is inappropriate development that needs to prove very special circumstances to be there.
- 9.15 The applicants also claim that the application does have very special circumstances. They feel that an accumulation of the circumstances to support the application amount to very special circumstances in combination (cumulative approach). There is also a consideration of a fall back scenario associated with agricultural permitted development, outlined later in this statement.
- 9.16 There is no specific list as to what constitutes **very** special circumstances (VSC) but is instead the consideration of material considerations that when weighed together, outweigh the substantial definitional harm identified by the NPPF by virtue of its inappropriateness and actual harm generated by its siting and impact on the openness of the Green Belt. .
- 9.17 Part of the VSC justification the applicants state that the proposed café provides facilities during Covid and for users of the lakes and public rights of way and encourages recreation and exercise. As explained above the Lakes are private and the public right of way does not **need** a café facility for it to be used. The proposal says it is for walkers and cyclists yet the Parish Council have raised the concern that the business is promoting parking around the site on social media, which is causing problems for local residents and amenity. Thus it is not felt that the social/community benefits amount to very special circumstances that outweigh the harm to the Green Belt and cannot be accumulated with other benefits to amount cumulative very special circumstances.
- 9.18 The applicants state that the economic benefits include diversification of the agricultural farm as it is not viable. No accounts or justification to evidence this have been provided and some diversification has been approved in the village by the applicants, in an appropriate location, for a wedding venue. It is not felt that the economic benefits of this small scale of business outweigh the harm to the Green Belt and do not amount to very special circumstances. Paragraphs 83/84 of the NPPF look to support the rural economy. However this support does not outweigh the harm generated to the Green Belt.. Developments should be sensitive to their surroundings and not having unacceptable impacts on local roads. This is assessed further below but it is not felt that this proposal is sensitive to its surroundings and is already causing pressure on the surrounding highway network. This is not previously developed land and as discussed above there is not a need to have a facility here as a public right of way does not need a café and there is no leisure facility that the applicants make reference to.
- 9.19 The environmental claims are that the proposal will allow enjoyment of nature and wildlife, which would be social benefits not environmental. However the applicants have not undertaken any impact assessments of their proposals on the wetland habitats as requested by Yorkshire Wildlife Trust (YWT) and the Local planning Authority's (LPA) ecologist. It is felt that the proposal could attract more people to the area and cause greater prolonged disturbance to these wetlands and are currently encouraging trespassing through these newly created habitats on private

land. It is not felt that there are environmental benefits that outweigh the harm to the Green Belt and do not amount to very special circumstances.

- 9.20 Cumulatively it is not felt that there are economic, social and environmental benefits that together outweigh the harm. Although there would be some limited benefit to walkers and cyclists and some very limited benefit to the creation of a small amount of jobs, there are no environmental benefits and the economic and social impacts cumulatively viewed together do not amount to very special circumstances.
- 9.21 The applicants also claim VSC due to a fallback position relating to the conversion of agricultural buildings for flexible commercial uses under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part 3, Class R. Although this is may be possible it would be a very different situation to this application as it would be the conversion of an existing agricultural building that had been there for some time causing no greater impact on the openness of the Green Belt and would be subject to conditions and restrictions on for example the size of this under class R. There would also be consideration of certain impacts under this Class such as highways etc. This is not felt to be justification for very special circumstances and could be considered separately if the applicants applied for this but is not part of this application for consideration.
- 9.22 The above assessment of principle is felt to show the development is inappropriate development, not an exception and does not have very special circumstances thus this is given substantial weight in the determination of the proposal and will be recommended for refusal on this basis.

9.23 SOCIAL SUSTAINABILITY

Impact on amenity in the locality

- 9.24 Policies CS1, CS14 of the Core Strategy and Policy ENV53 of the UDP recognise that a component of good design is to ensure that new development does not have a negative effect on residential amenity.
- 9.25 The proposal would have some limited benefit by providing facilities for walkers, runners and cyclists along the public right of way. It would not be associated with a leisure destination under their control and thus cannot be linked to any social benefit related to this.
- 9.26 The proposal is a significant distance from residential dwellings to not cause harm to neighbouring amenity from noise or smells. However there is an incidental impact that is harming local residents and this is from there being no parking associated with the business. The café is attracting people from further away which can be seen from the letters of support. The Parish council and objectors have made reference to these knock on effects on amenity from people parking and using the surrounding roads around the site. These state that there has been problems within Loversall village with parking and an impact on a local business there. Also problems with cars and people interacting on small dirt lanes, dust churned up to residents and negative impacts on a play area next to a footpath and private lane to the site. The lack of parking is meaning that people are parking around the site to access it and this is having a detrimental impact on neighbouring amenity.

9.27 The development would have some limited social benefit by providing facilities but the resultant harm to neighbouring amenity from the parking and traffic created around the site would weigh significantly against the application and not be in accordance with CS1, CS14 of the Core Strategy and ENV53 of the UDP.

9.28 Conclusion on Social Impacts

9.29 It is considered that, despite the positive impact of providing facilities, this would not be outweighed by the detrimental impact on the neighbouring amenity. This weighs significantly against the proposal and forms one of the reasons for refusal.

9.30 ENVIRONMENTAL SUSTAINABILITY

Impact on the character and appearance of the area

9.31 Policies CS1 and CS14 of the Core Strategy and Policy ENV53 of the UDP require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings. These policies also look at design components including the mix, layout, density and form of development to ensure they look attractive and will make a positive contribution to the character of the area.

9.32 Paragraph 124 of the NPPF states that the creation of high quality 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.

9.33 The permission is for the change of use of land for siting of temporary/mobile units for a café, toilets and indoor seating. As these are mobile the permission is for their siting and their appearance could change over time if the units are changed. But the consideration of having some kind of mobile unit and seating area there must be carefully considered. It is felt that this will have a negative impact on the character of the area as this is currently agricultural in nature and this commercialisation will appear incongruous and out of character with the surroundings. The proposal is therefore considered to be contrary to Policy ENV53 of the UDP, Policies CS1 and CS14 of the Core Strategy, and Section 12 of the NPPF.

9.34 The above assessment is given substantial weight in the determination of the application and will be recommended for refusal on this basis.

Natural Environment

9.35 The site is a piece of land which is agricultural land and as such does not fall within the definition of previously developed land (Brownfield Land) and thus is considered as Greenfield.

9.36 An Ecological Impact Assessment has been requested however the applicants do not wish to undertake this. Instead they have produced a document called 'Ecology Response'. In this they state that the development in on the farmyard, within their ownership and has no ecological impact to this land. They do not feel that the land or ecological impact on the land not under their ownership should be considered. They provide litter bins to mitigate harm and are only intending to be open during

daytime hours. They state there is no evidence to show that there is an increased footfall due to the café and the management of the Lakes will be YWT responsibility.

- 9.37 Although the development is on the applicants land, the impact of the development may be felt on a sensitive area adjacent to the site that has wetland habitats. This may impact on the network of habitats, including Potteric Carr Reserve. This impact needs to be carefully considered, the wetlands are there and will remain there, and with no ecological assessment this is not felt to be carefully considered by the applicants and could potentially cause harm to these habitats from noise and disturbance. Although the litter bins are welcomed again the full impact of the proposal has not been considered by the applicants. Although they state that there is no evidence that the café has created increased footfall they do not provide this evidence. Also the ecological impact of the people sitting and using the business and the noise and smells from the uses has not been assessed. There is no landscaping or planting proposed with the scheme.
- 9.38 The proposal is therefore contrary to policy CS16 which ensures that proposals that impact in local and non-designated sites should protect wildlife and avoid harm to habitats. Furthermore, paragraph 175 of the NPPF ensures the impact of development on ecology is considered and it should be proven that harm should not be created. Given the above, this is weighed substantially against this proposal.

Highway safety and traffic

- 9.39 Policies CS1 and CS14 of the Core Strategy seek, amongst other things, to achieve ease of pedestrian movement, the protection of public safety and securing a functional highway network. Furthermore, the Council's SPD guidance set out good design principles concerning the protection of highway safety.
- 9.40 Although the applicants state that the proposal has no direct access by vehicles and is just for walkers and cyclists thus will have no harm to highway safety, it is already causing local concern as it is attracting visitors from further afield and this associated parking is causing amenity issues in neighbouring areas. The applicants have stated that they would agree to a condition to restrict access down their private road from Loversall to stop any harm being created in Loversall. However this would be difficult to control or enforce outside of the redline boundary and it is felt it would not meet the tests of a condition. Furthermore even if this is restricted people could still park in Loversall beyond the private lane. The applicants have also stated that the visitors are using the wedding venue parking at the moment whilst it is not in use but this would be a problem when it is back open as there would not be sufficient parking for both uses. They have suggested creating a parking area on a field that has previously been used for farming but this is not in the redline and again would need to provide very special circumstances for the harm this would create to the openness of the Green Belt which it is not felt could be provided. This has not been applied for in this application. Furthermore people are using Hall Balk Lane and the Dominion Estate which is causing problems from parking, to access, and dust and deterioration of a poor standard lanes. This linked impact would not be able to be controlled through conditions to mitigate the harm created outside the applicant's ownership but is an effect of the development that weighs against it.

9.41 Conclusion on Environmental Issues

- 9.42 The proposal is considered to have not considered the potential impact on ecology, causes harm to the character and appearance of the area and would have a

detrimental associated impact on parking that harms neighbouring amenity. Given this the application is considered to have a detrimental environmental impact and is recommended for refusal on that basis.

9.43 ECONOMIC SUSTAINABILITY

9.44 It is anticipated that there would be some short term economic benefit to the development of the site through employment of staff connected with the café, however this would be small scale and therefore carries limited weight in favour of the application

9.45 Conclusion on Economy Issues

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

10.0 PLANNING BALANCE & CONCLUSION

10.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified adverse environmental and social harm that is considered to significantly outweigh the benefits identified when considered against the policies in the NPPF taken as a whole.

10.2 The principle of the proposal would result inappropriate development in the Green Belt which results in significant harm to the openness of Green Belt and very special circumstances have not been proven which outweigh that harm.

10.3 Furthermore, the development is considered to cause harm to the character and appearance of the area, harm to neighbouring amenity and have potential to harm ecology that has not been fully assessed by the applicants and is lacking information. These harms are also not outweighed by other considerations. The application is therefore recommended for refusal.

11.0 RECOMMENDATION

11.1 MEMBERS RESOLVE TO REFUSE PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT FOR THE REASONS OUTLINED BELOW:

Reasons

01. The proposal is inappropriate development in the Green Belt and very special circumstances have not been demonstrated and thus the benefit of the proposal does not outweigh the harm to the openness of the Green Belt. The proposal will create a harmful impact on the openness of this Green Belt by virtue of its siting, scale, form and commercialisation of the site. The development is considered to be contrary to saved policies ENV1, ENV3 of the UDP (adopted in 1998), CS3 of Doncaster's Core Strategy (2011 – 2028), and Section 13 of the NPPF (2019).

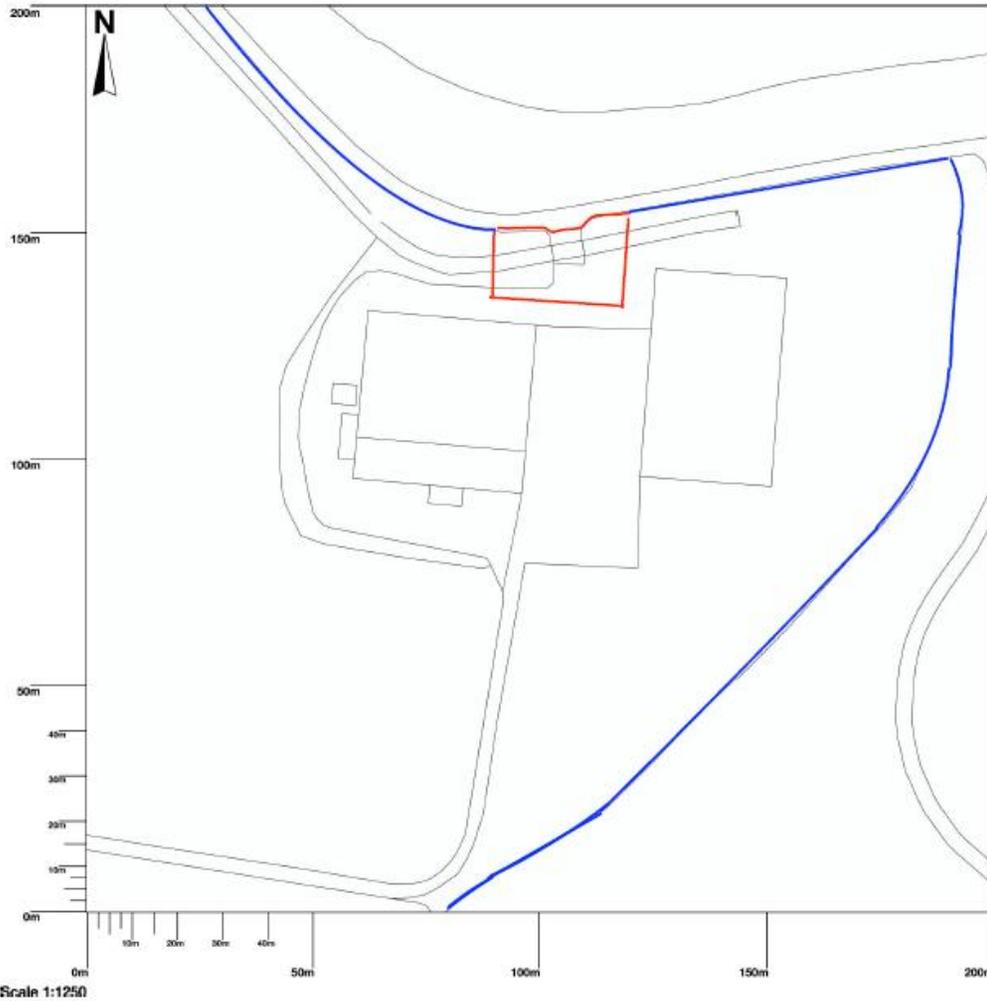
02. The proposal will not be in-keeping with the appearance and character of the area and will harm neighbouring amenity. The proposal is therefore considered to be contrary to saved policy ENV53 of the UDP (adopted in 1998), Policies CS1 and CS14 of Doncaster's Core Strategy (2011 – 2028), and Section 12 of the NPPF (2019)
03. There is a lack of information on ecology as no ecological impact assessment has been undertaken. Therefore the development is considered to be contrary to Policy CS16 of the Core Strategy (2011 – 2028) and paragraph 170 of the NPPF (2019).

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

Appendix 1: Location Plan and aerial images

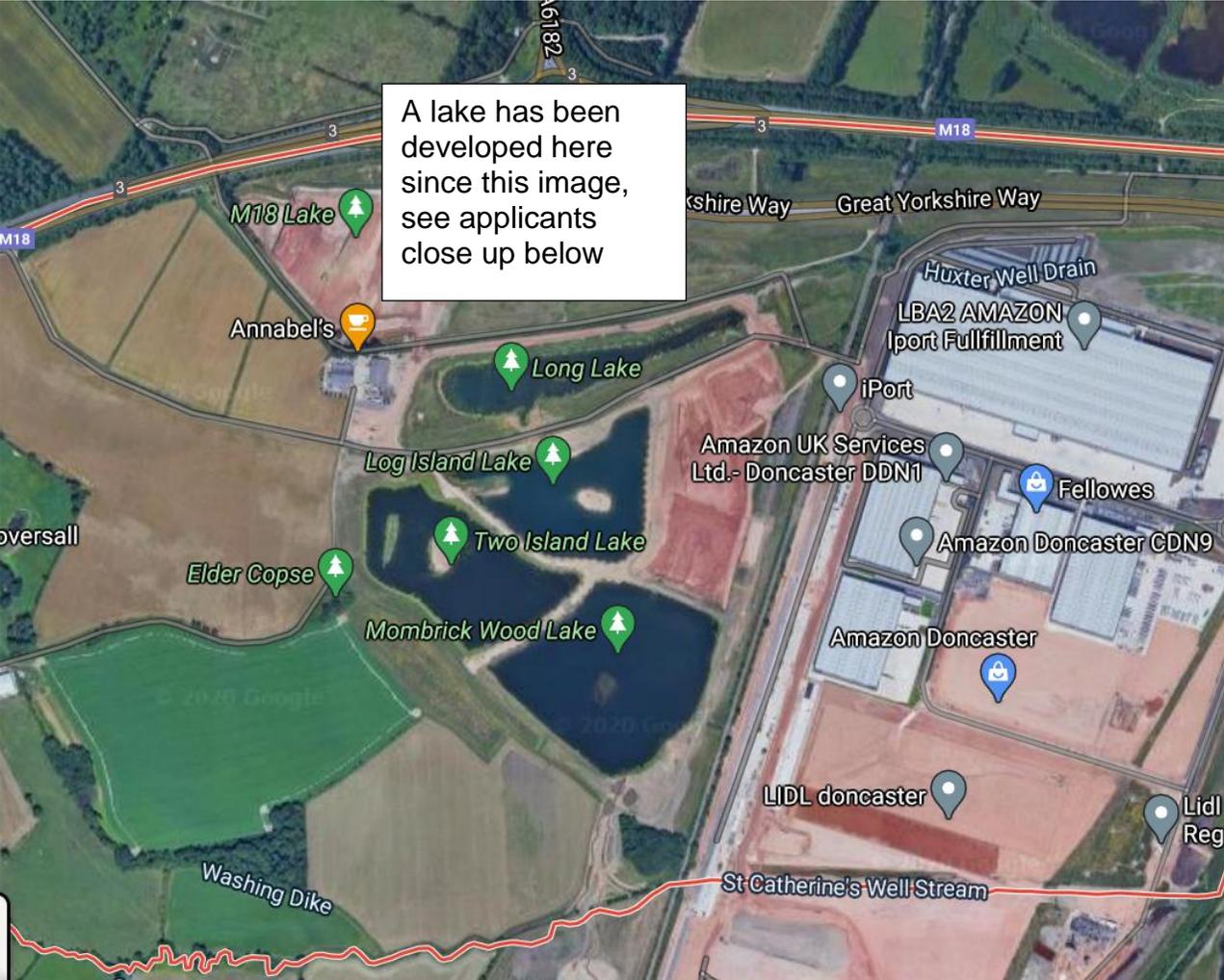


Loversall Farm

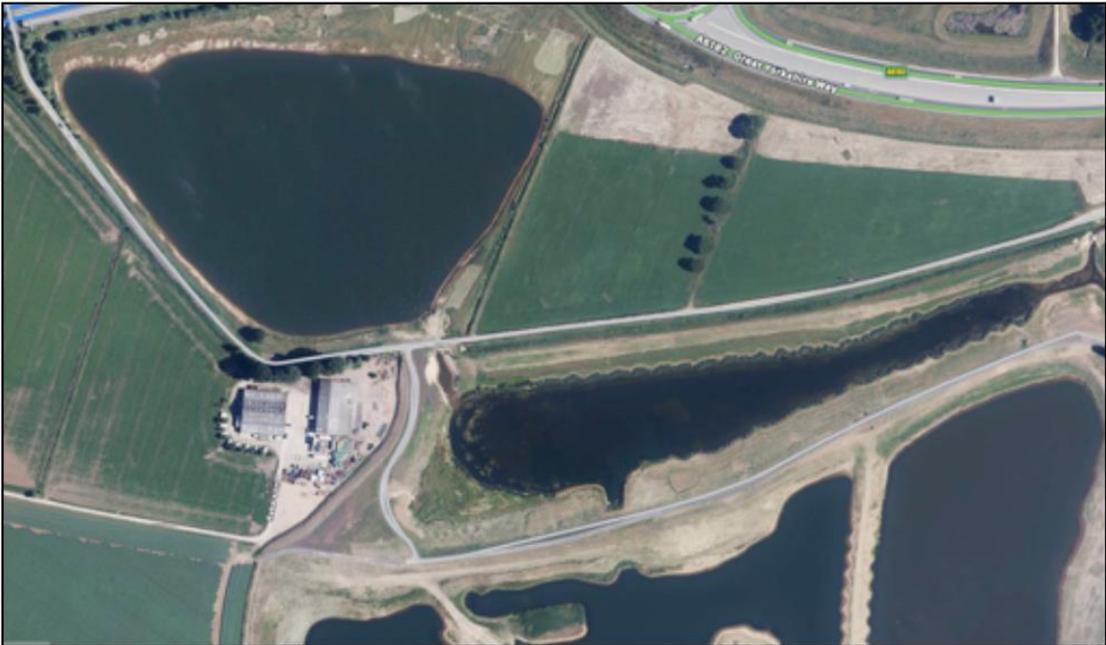


Map area bounded by: 458391,398925 458591,399125. Produced on 28 July 2020 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2020. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p4buk/486528/659895

agm	Client	Mr & Mrs Lee
	Project	Loversall Farm Cafe
	Title	Location Plan
	Scale	1:1250 @ A4
	Date	July 2020
Drawing Ref	AGM LF 04	



A lake has been developed here since this image, see applicants close up below



Appendix 2: Site Plan



Block Plan Loversall Farm

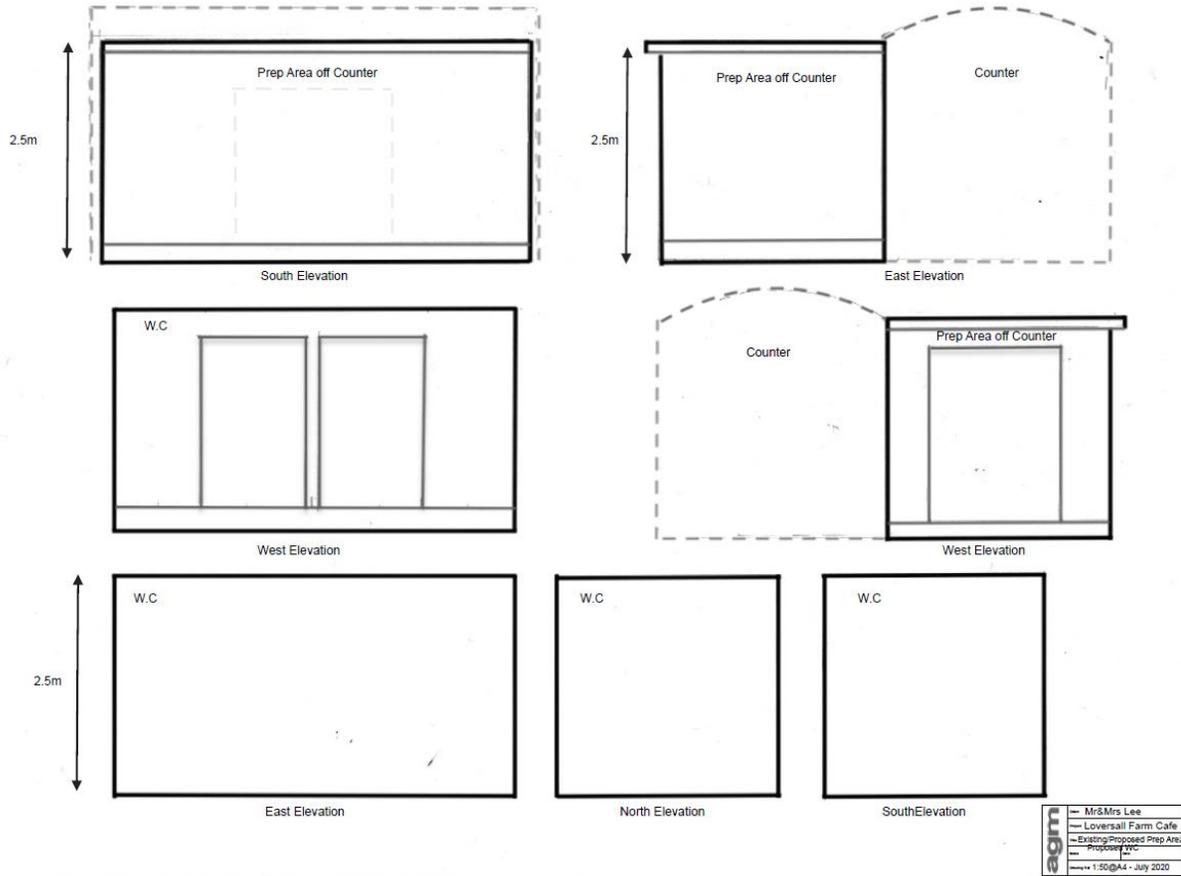


Map area bounded by: 458455,399008 458545,399098. Produced on 28 July 2020 from the OS Nation whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2020, licensed OS partner (100054135). Unique plan reference: b90buk/486528/659901

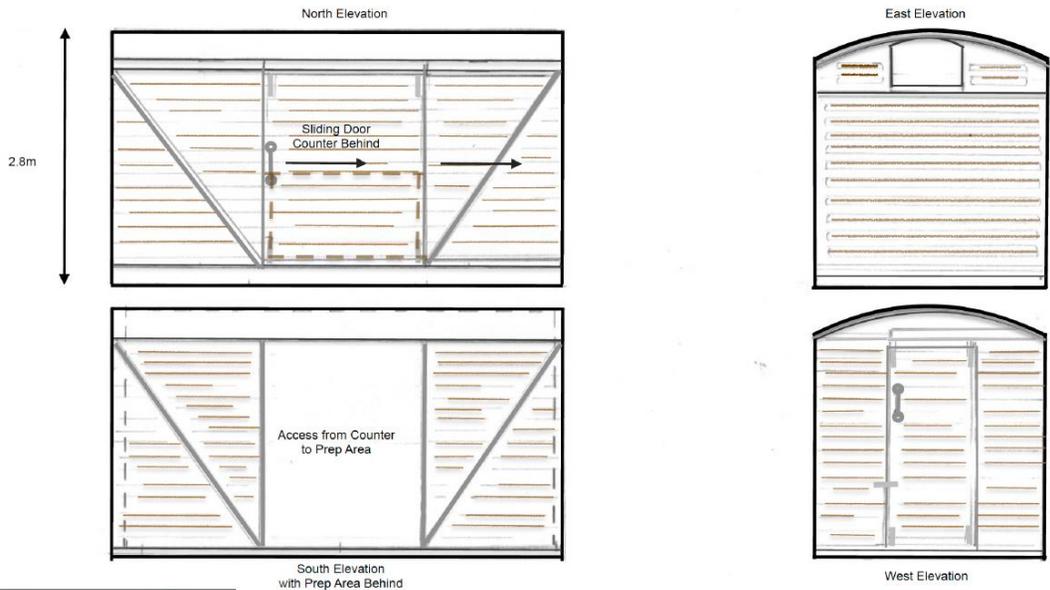
agm	Client Mr & Mrs Lee	
	Project Loversall Farm Cafe	
	Title Revised Existing/Proposed Block Plan	
	Scale 1:500 @ A4	Date Aug 2020
	Drawing Ref AGM LF1 Rev A	

Appendix 3: Elevations and images

Prep unit and WC

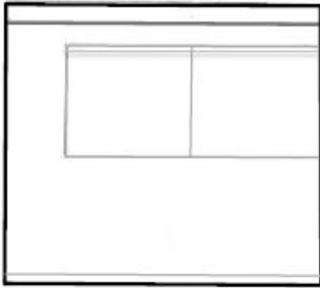


Café Counter

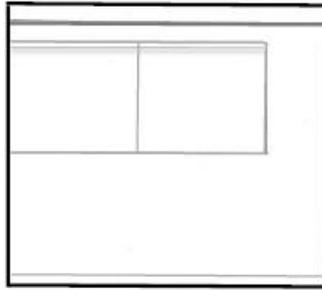


agm	Client	Mr & Mrs Lee
	Project	Lovesall Farm - Cafe
	Title	Existing/Proposed Cafe Counter
	Scale	1:50 @A4
	Date	July 2020
Drawings Ref	AGM - LF2	

Indoor Seating

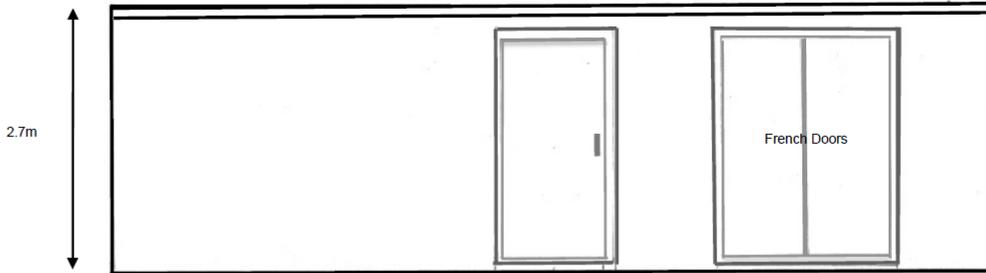


North Elevation

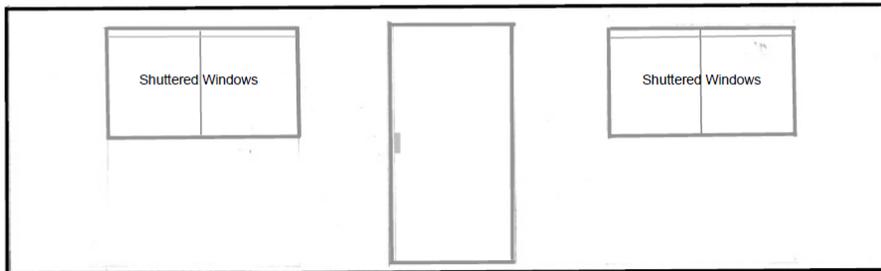


South Elevation

agm	Client Mr & Mrs Lee	
	Project Loversall Farm Cafe	
	Title Existing/Proposed Elevations Indoor Seating	
	Scale 1:50@A4	Date July 2020
	Drawing Ref AGM LF 05	



North Elevation



South Elevation

agm	Client Mr & Mrs Lee	
	Project Loversall Farm Cafe	
	Title Proposed Indoor Seating Cabin	
	Scale 1:50@A4	Date July 2020
	Drawing Ref AGM LF3	



Bike Park Area to left of serving counter



Serving Counter



Looking across the site towards the indoor seating structure (brown building, not in use)



Toilets not yet in use



Area in front of proposed indoor seating with spaced tables

Appendix 4 – List of Conditions should committee be minded to approve the application:

A time condition for implementation is not required as the use is already operating unauthorised.

1. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications:
 - Statement of Very Special Circumstances (VSC) dated November 2020 by AGM
 - Response to Parish Council dated November 2020 by AGM
 - Ecology Response received dated November 2020
 - Design and Access Statement dated July 2020 by AGM
 - Location Plan ref: AGM LF 04 dated July 2020
 - Existing and proposed prep area and WC plans dated July 2020
 - Existing and proposed café counter: Ref AGM- LF2 dated July 2020
 - Existing and proposed elevations of indoor seating area: Ref AGM LF 05 dated July 2020
 - Proposed indoor seating cabin : Ref AGM LF3 dated July 2020
 - Revised existing and proposed block plan/Site plan: Ref AGM LF1 Rev A dated Aug 2020 and amended 7.9.2020

REASON

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

2. Within 1 month of the decision a detailed hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials including footpath treatments and carriageway finishes and boundary treatments. 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 section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements Supplementary Planning Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; 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 any planting within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme, prior to occupation of the home, which will be monitored by the Local Planning Authority. Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

Reason:

In the interests of environmental quality and core strategy policy CS16: Valuing our natural environment.

3. Within 1 month of the decision details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to to the Local Planning Authority for approval. The approved works shall be carried out concurrently with the development and the drainage system shall be complete and operational within 6 months of this decision.

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.

4. The hours of opening shall be limited to:
Tuesdays to Sundays inclusive 1000 hours to 1700 hours
and not at all on Mondays

REASON

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

INFORMATIVE

1. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact

Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Asset Protection Build Team (Tel: 0345 2667930 / email: net.dev.east@severntrent.co.uk).

2. INFORMATIVE

The East Internal Drainage Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's written consent will be required prior to construction of any discharge point from any biotechnical unit / package treatment plant / septic tank into any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority. A permanent undeveloped strip of sufficient width should be made available adjacent to the bank top of all watercourses on site to allow future maintenance works to be undertaken. For access strips alongside Board maintained watercourses the access width must be at least 9 metres wide, unless otherwise agreed in writing by the Board. Where the watercourse is under riparian control suitable access arrangements to the access strip should also be agreed between

the Local Planning Authority, Lead Local Flood Authority and the third party that will be responsible for the maintenance.