

<b>Application</b>	<b>4.</b>
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<b>Application Number:</b>	20/02145/FUL
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	Change of use of ground floor from public house (Sui Generis) to retail (Class E), with hardstanding to front and side for additional parking
<b>At:</b>	Cantley Lodge Acacia Road Cantley Doncaster DN4 6NR

<b>For:</b>	Mr N Griffiths
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<b>Third Party Reps:</b>	13 objectors, 0 supporters	<b>Parish:</b>	N/A
		<b>Ward:</b>	Bessacarr

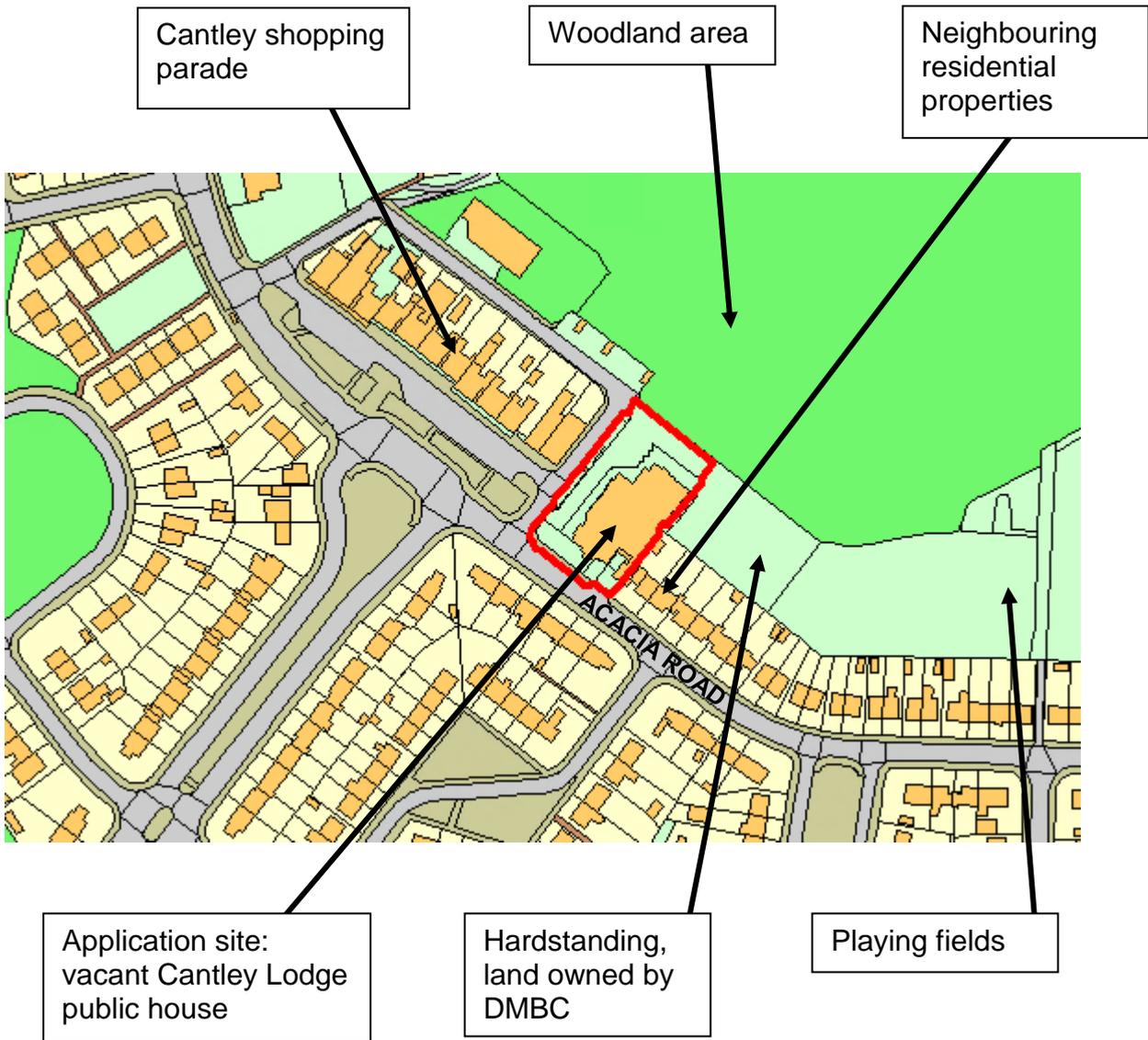
<b>Author of Report:</b>	Jacob George
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## SUMMARY

This application seeks permission to change the use of the ground floor of the vacant Cantley Lodge public house to a food retail outlet. No physical alterations to the building are proposed which would materially affect the external appearance of the building. The existing pub garden would become a car park to support the shop, with landscaping details to be secured prior to commencement of the development through a planning condition, in order to soften the appearance of the car park.

The application is presented to Planning Committee due to the high level of public interest in the application. Although few representations were received throughout the assessment process and there was also a low response rate to a community consultation exercise carried out by the applicant, a large number of objections were later submitted shortly before the extended determination deadline, mainly relating to the loss of a social gathering place for Cantley. The pub has seen a high level of crime incidents in recent years, and there are other community facilities available in Cantley. Therefore, the potential to bring a vacant building back into use and restore economic activity at the site is considered to outweigh the loss of a community facility which is currently unused. On balance of the material considerations, it is felt that a refusal would be unjustified and the proposal is recommended for approval accordingly.

**RECOMMENDATION: GRANT planning permission subject to the imposition of suitable conditions.**



## **1.0 Reason for Report**

- 1.1 This application is being presented to Planning Committee due to the level of public interest in the proposal.

## **2.0 Proposal**

- 2.1 Planning permission is sought to convert the vacant Cantley Lodge public house (formerly known as the Two Palfreys) into a food retail store, falling under Use Class E. No external alterations are proposed to the building itself. Any associated signage would be dealt with under a separate advertisement consent application. The floor plans indicate a residential apartment at first floor level, above the proposed shop. The residential accommodation is not included in this planning application, and would also require separate permission at a later date. This application addresses the change of use of the ground floor only.
- 2.2 The proposal has been revised since the original submission. In response to feedback regarding appropriate parking levels for the new use, an amended site plan was submitted to provide a car park in space of the existing 'beer garden' to the front and side. The application was re-advertised appropriately with an amended description. Further amendments have revised the layout of the car park to include space for landscaping in order to soften the appearance of the hardstanding.

## **3.0 Site Description**

- 3.1 The application site is a substantial vacant public house, mainly on a single storey with steep pitched roofs and with some first floor accommodation within part of the roof space. The site is bounded by a metal railing which is painted green, and areas of lawn and patio within the boundary form a 'beer garden' which was previously used for outdoor seating by customers at the pub. The building is constructed of brick with a tiled roof.
- 3.2 The pub is located on Acacia Road in the neighbourhood of Cantley. The street is mainly residential in character, lined by pairs of semi-detached dwellings. To the north-east of the pub is a local shopping parade providing local services such as a post office, pharmacy, butchers shop and takeaways. The entrance to the pub faces the shops to the north-east, rather than fronting onto Acacia Road to the south. Open space and trees lie to the north-east of the site, and there is an area of hardstanding to the east which is owned by Doncaster Council and has been previously used to provide parking for pub customers.

## **4.0 Relevant Planning History**

<b>Application Reference</b>	<b>Proposal</b>	<b>Decision</b>
04/0060/P	Erection of two storey bay window extension, canopies and disabled	Granted 02.03.2004

	access and formation of beer garden	
07/03448/FUL	Erection of smoking shelter (4.2m x 3.0m)	Granted 21.12.2007
08/00649/OUT	Outline application for erection of extension to public house to create 13 guest bedrooms and additional family facilities including swimming pool, sauna, gymnasium, games room, mini cinema and multi function room on approx 0.36ha of land	Refused 23.07.2009

## 5.0 **Site Allocation**

- 5.1 The site falls within a Residential Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).
- 5.2 The site is in Flood Zone 1 and is not, therefore, considered to be at high risk of flooding.
- 5.3 **National Planning Policy Framework (NPPF 2019)**
- 5.4 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:
- 5.5 Paragraphs 7-11 establish that all decisions should be based on the principle of a presumption in favour of sustainable development (considering the social, environmental and economic pillars of sustainability).
- 5.6 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.7 Paragraph 48 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 the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 5.8 Paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.9 Paragraph 91(b) outlines that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction and are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 5.10 Paragraph 92(a) states that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- 5.11 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.
- 5.12 Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.13 Paragraph 118(d) states that planning policies and decisions should promote and support the development of under-utilised land and buildings.
- 5.14 Paragraph 124 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. 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.

- 5.15 Paragraph 127 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site. Paragraph 127(f) sets out that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.16 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.17 Core Strategy 2011 - 2028
- 5.18 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).
- 5.19 In May 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 and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. The Core Strategy policies relevant to this proposal are set out below.
- 5.20 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. Developments should provide opportunities for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities. Proposals should strengthen communities and enhance their well-being by providing a benefit to the area in which they are located, and ensuring healthy, safe places where existing amenities are protected. Developments should be place-specific in their design and work with their surroundings, protecting and enhancing the built and natural environment. Proposals should also protect local amenity and be well-designed.
- 5.21 Policy CS14 of the Core Strategy requires development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.

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

5.23 Policy PH9 designates Residential Policy Areas as shown on the Proposals Map.

5.24 Policy PH12 states that, within the Residential Policy Areas, the establishment or extension of non-residential uses of appropriate scale will be permitted provided that the use would not cause an unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

5.25 Policy CF2 states that the loss of community facilities not defined on the proposals maps will be resisted, especially where that facility lies within an area deficient in community facilities.

5.26 Local Plan

5.27 Paragraph 48 of the NPPF states that the local planning authority 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). Taking into account the remaining stages of the local plan process, it is considered that the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

5.28 The Council sent out the notice of examination (regulation 24 stage) in August 2020 and the Local Plan is currently in examination, aiming to adopt as soon as practicable once the Inspectors report is published. 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.

5.29 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.

5.30 Policy 11 states that within Residential Policy Areas as defined on the Policies Map, the establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness. This policy is afforded substantial weight.

5.31 Policy 14 (Promoting Sustainable Transport in New Developments) is afforded limited weight. This policy states that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. The Council will work with developers

to ensure that appropriate levels of parking provision are made in accordance with the standards contained within Appendix 6 of the Local Plan. Development should not result in unacceptable impacts on highway safety, or the severe residual cumulative impacts on the road network. Developers must consider the impact of new development on the existing highway and transport infrastructure.

5.32 Policy 25 is afforded limited weight, and states that food and drink uses will be supported so long as they:

- A) satisfy the requirements of the sequential approach set out in Policy 23;
- B) do not have a negative impact upon the amenity and safety of residents and other businesses in the area; to include highway safety and parking, hours of operation, control of odours and cooking smells and litter and waste disposal; and
- C) do not lead to clustering or proliferation of such uses where they undermine objectives to promote healthy living and the vitality and viability of the centre.

5.33 Policy 47 sets out design standards for non-residential, commercial and employment developments. This includes requirements to appear sympathetic to local character; have no unacceptable effects on amenity; and reduce the visual impact of parking through landscaping. This policy has substantial weight based on the level of objections.

5.34 Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Practice Guidance
- National Design Guide (2019)

## **6.0 Representations**

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

- Advertised on the Council website
- All neighbours with an adjoining boundary notified by letter
- Notice displayed at the site

6.2 The application was re-advertised on 9 November 2020 following the addition of new hardstanding in place of the beer garden to provide parking spaces for customers.

- 6.3 One objection was received on 16 October 2020, alleging that the application had been incorrectly submitted. Doncaster Council planning officers are satisfied that the application has met all necessary validation requirements.
- 6.4 No further public comments were received until 3 December 2020, one day before the public response deadline for the second consultation period following the addition of the car park. A further 12 objections were received on this date, summarised as follows:
- Cantley has enough shops
  - The neighbourhood is lacking in places to socialise
  - With the right ownership, the pub could be successful again
  - 'Big retail' would harm existing businesses
  - The premises could be used for other services more beneficial for local people
  - Cantley needs a family pub
  - Commercial competition with existing shops
- 6.5 The principle of the loss of the public house, which is considered as a community facility, is addressed in the assessment section of this report. Commercial rivalry and any threat to the success of other businesses are not material planning considerations. Similarly, the specific end operator of the site is not a material planning consideration, only the principle of the site being used for food retail.
- 6.6 In addition to the statutory public consultation carried out by Doncaster Council, the applicant was requested by the case officer to carry out their own public consultation exercise, leafleting all properties within a 200-metre radius of the site and inviting responses to a questionnaire. This is discussed in greater detail in the assessment section of this report, but to summarise, only seven responses were received, of which five were generally in favour of the proposal and only one clearly opposed the change of use.
- 6.7 It is noted that of the objections submitted directly to Doncaster Council, not all provided an address. Of those who did provide an address, only one of the addresses was within a 200-metre radius of the application site, and only two of the addresses provided were within Cantley itself.

## **7.0 Parish Council**

- 7.1 The site is not located in an area served by a Parish Council.

## **8.0 Consultations**

### **8.1 Campaign for Real Ale**

No comments received.

**8.2 Ramblers Association**

No comments received.

**8.3 Area Manager**

No comments received.

**8.4 Public Rights of Way Team**

No comments received.

**8.5 Highways Development Control (HDC)**

HDC initially objected to the development due to a lack of parking, as 28 spaces would be required for the site to operate as food retail. On receipt of the final amended site plan, HDC have withdrawn the objection, as sufficient parking is provided and the access arrangements are already in position. A condition requiring the submission of details of site surfacing is recommended.

**8.6 Planning Policy (Retail)**

No comments received.

**8.8 Councillor Nick Allen (Bessacarr ward)**

Supports the application. Cantley would benefit from retail, and the proposal could be successful for Cantley as it would avoid some of the upsetting issues seen historically.

**8.9 Councillor Neil Gethin (Bessacarr ward)**

There is currently much interest and differences of opinion locally for the best use of the building. As a public house, the business has struggled since about 2017. Given the current Covid conditions, there is uncertainty over whether a public house is viable in this location.

**8.10 Councillor Majid Khan (Bessacarr ward)**

No comments received.

**8.11 Environmental Health**

The proposal is not incompatible with the area. Conditions are requested to limit business hours and to secure approval of details of any fixed plant and/or machinery associated with the development prior to its installation.

## 8.12 South Yorkshire Police

Support the change of use. The premises, when used as a public house, were subject to the attendance of the Police on a number of occasions. These included offences of violence towards staff and between customers. Cooperation from staff towards the attending officers was lacking on most occasions. The incidents of crime and disorder were one of the factors in the pub closing. Further information in relation to building security is provided and could be included as an informative on the decision if members resolve to grant permission.

## 8.13 Trees and Hedgerows Officer

Although there are no arboricultural constraints on the site, the Trees and Hedgerows Officer was consulted following the addition of a car park to the proposal, in order to consider landscaping plans to soften the appearance of the hardstanding. The Officer welcomed the indicative tree planting plans, highlighting their importance as much of the former pub garden would be given to car parking. However, no specification of planting was provided. A pre-commencement condition requiring the submission of landscaping details is therefore requested.

## 9.0 Assessment

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

- The Principle of the Development
- Local Facilities and Community Involvement
- Residential Amenity
- Safety and Crime
- Employment Opportunities
- Design, Landscaping and Impact on Local Character
- Highway Safety and Parking
- Economy

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

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

## The Principle of the Development

- 9.3 The site is located within a Residential Policy Area as designated in the UDP. As such, non-residential development is only acceptable as long as the proposal does not unacceptably impact upon the amenity of neighbouring residents, as set out in Policy PH12. The site's previous use was non-residential, and so the principle of non-residential use of the site is well established. Amenity is assessed thoroughly in the relevant section below, but in summary, it is considered that the use of the site for retail purposes would create no more harm to nearby residents than the use as a public house, and could actually be less impactful in terms of noise. The proposal would therefore accord with Policy PH12.
- 9.4 A public house can be a valuable community facility and social gathering place in many cases. Saved Policy CF2 resists the loss of non-designated community facilities, especially in areas deficient in such facilities. The application site is not included on Doncaster Council's list of Assets of Community Value and, as discussed in detail below, this particular pub has attracted crime in recent years and is currently vacant. Its current status as a valued community facility is therefore questionable. Little interest in the retention of the pub was expressed until the very end of this application's public consultation period. There are other social gathering places nearby, so the area is not considered to be seriously deficient in local facilities. Consequently, the change of use is not considered to be contrary to Policy CF2.
- 9.5 Paragraph 118(d) of the NPPF supports the development of under-utilised buildings. The application building is currently vacant, and its reuse for retail purposes would revitalise the site, create economic activity, and end the visual and social blight caused by the vacant public house.
- 9.6 In summary, the principle of the development can be supported by local and national policies.

## **9.7 SOCIAL SUSTAINABILITY**

### Local Facilities and Community Involvement

- 9.8 As alluded to above, the key consideration in this application is the question of whether or not the loss of a community facility and gathering place can be justified in this case. Paragraphs 91 and 92 of the NPPF clearly support the provision and retention of community facilities and opportunities for social interaction. The conversion of public houses is often resisted for this reason, in line with Policy CF2. However, in this case, it is not considered that the public house can make a particularly positive contribution to the local area.
- 9.9 Multiple incidents of crime have been recorded at the application site in recent years, as reported in the consultation response from South Yorkshire Police. In June 2017, a drive-by shooting sadly occurred outside the Cantley Lodge. More recently, police officers raided the now disused pub in November 2020 after

discovering an illicit operation cultivating illegal drugs within the site. Both incidents have received coverage in local press articles.

- 9.10 Whilst the site's unfortunate recent history alone does suggest that prospects of future success as a pub may be limited, the applicant was additionally requested to provide further details of the amount of time for which the pub has been vacant, and how long it has been marketed to potential tenants or buyers to revitalise the pub. This information could provide further justification for the loss of the public house.
- 9.11 According to the information provided, the applicant purchased the pub with vacant possession, after the police had removed an unauthorised sitting tenant. Four different managers have since run the pub, during which time the premises were temporarily shut by the police for approximately two months in 2017 for firearms-related incidents. The pub has been vacant since March 2020, when the first UK-wide lockdown related to the coronavirus pandemic was announced. The property has since been advertised to potential new tenants, but no interest was expressed in operating the site as a public house. The property listing was taken down on 1 September 2020, following an expression of interest by a prospective tenant who wished to operate a food retail store from the building.
- 9.12 The history of the pub and the information provided by the applicant indicate that the pub may be unlikely to enjoy significant future success. However, it was considered by the local planning authority that the information provided did not substantially demonstrate that the pub was incapable of rehabilitation as a valuable facility for the community, as the property had not been marketed for a prolonged period of time. Since there had also been little interest expressed by the public at this point, the applicant was requested to carry out a community consultation exercise to more thoroughly support the justification that the pub was, in effect, redundant. It was requested that flyers be delivered to all properties within a 200-metre radius of the application site, seeking responses to a questionnaire.
- 9.13 The applicant carried out the consultation as requested, with a questionnaire asking residents the following:
- When was the last time you visited Cantley Lodge?
  - Do you consider the pub to be a valuable community facility?
  - Would you miss the pub if it were to be converted to an alternative use?
  - Would you support the delivery of a retail unit in the former Cantley Lodge?
  - What do you think would be the best use for the former Cantley Lodge?
  - Do you feel that Cantley would benefit more from a public house or a convenience store in the former Cantley Lodge?
  - How could the loss of the public house be compensated, and what public benefit would be provided?
- 9.14 The applicant's public consultation exercise lasted two weeks. The response rate was very low, with only seven written responses received. The low

response rate, in itself, would indicate a lack of local interest in the retention of the pub. One respondent stated that they would miss the pub, had used it a week before it closed, and that the pub should be retained instead of creating more retail which was not needed in the area. Amongst the remaining six completed questionnaires, responses ranged from apathetic to outwardly supportive of the conversion of the pub. Four answered 'yes' when asked if they would support the conversion of the pub to retail, and the other two said 'possibly'. Some of the strongest comments in favour of converting the pub were as follows:

- The best use of the site would be “anything other than a pub”
- “Never been in” to the pub
- The conversion of the pub “wouldn't be a loss, less anti-social behaviour”
- “We have had enough loud music from it over the years”
- “At last we have some peace after numerous complaints over the years to the Council or police due to violence, criminal damage, noise until 2am, culminating in shootings a few years ago. [...] People who don't live adjacent to it don't experience the problems.”

- 9.15 Despite a low response rate, it appeared from the consultation exercise that the pub would not be greatly missed by the community overall. In addition to this exercise, the case officer has also engaged with local councillors, neither of whom oppose the development. Councillor Allen, in particular, has stated his support for the application, and considers that the change of use would be beneficial to Cantley. The pub is not listed as an Asset of Community Value, and neither the Area Manager nor the Campaign for Real Ale have made contact to express concern when notified of the application.
- 9.16 Overall, from the information submitted and the consultations undertaken, it had become apparent that there was a lack of public interest in the retention of the pub, and its conversion to a retail unit could therefore be justified. However, a sudden influx of 12 objections to the proposal was received on 3 December 2020, as summarised in paragraph 6.4 of this report. This high level of objection has resulted in the application being presented to committee.
- 9.17 Ordinarily, objections are only fully taken into account if they relate to material considerations, but in this case, the volume of objection itself could be taken as material, since it is indicative of whether or not the public house is viewed as a worthwhile community facility which should be retained. However, it is important to note that the objections were only received at the last minute, one day before the re-consultation deadline, whereas the application had first been publicised back in September. It is also notable that not all objectors have provided their addresses, and of those addresses provided, only two are located close to the pub.
- 9.18 Comments relating to commercial competition with nearby shops, and relating to hypothetical scenarios of different owners operating the pub more successfully in future, are not material planning considerations. The planning system cannot play a role in competitiveness, and the application can only be determined based on the proposal immediately presented to the local planning

authority. However, concerns raised about a lack of community facilities in Cantley are critical to this application, and it has been prudent to carefully consider which other social opportunities are present for the use and wellbeing of Cantley residents.

9.19 An analysis of nearby community facilities reveals that Cantley is not seriously deficient in social gathering places. The following facilities are located nearby:

- The Bechers Brook pub: 0.6 miles from Cantley Lodge (approximately 12 minutes' walk)
- The Flying Childers pub: 1.1 miles from Cantley Lodge (approximately 23 minutes' walk)
- Cantley Community Centre: 0.8 miles from Cantley Lodge (approximately 17 minutes' walk)
- The Hawthorn Club: 0.3 miles from Cantley Lodge (approximately 7 minutes' walk)
- Four churches in the neighbourhood (church halls can often provide social gathering spaces for even non-Christian residents)
- Scout Group building behind the shops
- Cantley Hall Park (suitable for informal outdoor social gatherings in good weather conditions)

9.20 It is also relevant to note that, if converted to food retail, the use of the ground floor of the building would fall under Use Class E and could therefore be changed again to various other uses, including a restaurant or café, without planning permission. Accordingly, it could be considered that, although the specific use of the site proposed in this case is food retail, a grant of planning permission would not prevent the site from being later used for a different function more inclined to social gatherings in future.

9.21 Overall, it is not considered that the existing public house is a valuable community facility which should be retained, due to the incidents of crime, the periods of vacancy, and the existence of other nearby facilities which adequately serve the community. Local Councillors do not object to the conversion of the pub, and until very recently, members of the community had appeared not to be invested in its retention. The more recent opposition to the proposal has been taken into account, but on balance, it is considered that the benefits of bringing the building back into use in line with paragraph 118 of the NPPF would outweigh the loss of the potential for rehabilitating the pub. The development would not be contrary to Policy CF2 and, whilst the premises would no longer be used for social gatherings, a shop would still provide a local service to residents and would accord with paragraph 92 of the NPPF.

#### Residential Amenity

9.22 Policies CS1 and CS14 of the Core Strategy place a requirement on developments to provide a good standard of amenity for existing and future users. Policy PH12 of the UDP also focuses on ensuring that non-residential developments do not cause harm to neighbouring residents.

- 9.23 No physical alterations would be made to the building itself, so there would be no impact on the light, outlook or privacy enjoyed by the adjacent semi-detached house.
- 9.24 In terms of noise disturbance, it is considered that a retail store would have a lesser impact on neighbouring residents than a public house, as the use of the site would not similarly result in the loud, disorderly behaviour seen to be induced by alcohol consumption. The current outdoor seating would be removed, so there would be no outdoor social gatherings which would be easily audible from surrounding properties.
- 9.25 Environmental Health have no objections to the proposal, subject to a reasonable condition restricting the business hours of the site, and a condition requiring the local planning authority's approval of details of any fixed plant or machinery (such as that associated with air conditioning or refrigeration) prior to its installation.
- 9.26 Overall, the proposal would not be harmful to residential amenity and would accord with Policies CS1, CS14 and PH12.

#### Safety and Crime

- 9.27 As mentioned above, the Cantley Lodge public house has seen multiple incidents of crime in recent years, with South Yorkshire Police reporting previous calls to the site to deal with violent behaviour and the growth of illegal drugs. Comments received from residents contacted as part of the applicant's consultation exercise also indicate that anti-social behaviour at the site has negatively impacted upon the community.
- 9.28 Paragraph 91(b) of the NPPF discusses creating places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Policy CS1(B) also mentions the importance of ensuring healthy, safe places.
- 9.29 The conversion of the site to a retail unit is likely to reduce incidents of crime at the site, and the change of use would create a safer environment than that provided by a vacant pub with a history of violence. Accordingly, South Yorkshire Police have expressed their support for the application. The proposal would therefore be supported by paragraph 91(b) of the NPPF and Policy CS1(B) of the Core Strategy.

#### Employment Opportunities

- 9.30 Policy CS1(A) states that proposals will be supported which provide opportunities for people to get jobs and learn new skills, as well as providing local services.
- 9.31 Bringing the building back into commercial use will create jobs to support the livelihoods of those who are in need of employment, and will also help future employees to learn and develop their workplace skills. With unemployment

rising nationally due to impacts on businesses from the coronavirus pandemic, the creation of jobs is a key social benefit which would be provided by the development, and would accord with Policy CS1(A).

### **Conclusion on Social Impacts**

- 9.32 The proposal would result in the loss of a public house which, although currently vacant, some residents have argued could be brought back into use as a valuable community facility. However, due to the site's history of crime, the existence of other facilities in the area, and the relative lack of community interest in retaining the pub, it is considered that on balance, the conversion of the premises can be justified and the development would accord with Policy CF2. It is not considered that the proposal would detract from the residential amenity of any neighbouring residential properties, so the development would accord with Policies CS1, CS14 and PH12. The development would create employment opportunities and could potentially improve the safety of the area, thus according with Policy CS1 and paragraph 91 of the NPPF. The development would therefore be acceptable in terms of social sustainability.

### **9.33 ENVIRONMENTAL SUSTAINABILITY**

#### Design, Landscaping and Impact on Local Character

- 9.34 Policy CS14 of the Core Strategy and paragraph 127 of the NPPF require developments to display a high quality of design, integrating well into the local context. Paragraph 118 of the NPPF supports the re-use of redundant buildings.
- 9.35 Bringing the former public house back into use would, in itself, visually improve the local area as it would remove the blight caused by a vacant building and its un-maintained curtilage. There would be no extensions or alterations to the existing building, and the existing railings would be retained. Any new signage may require a separate advertisement consent.
- 9.36 During the assessment process, it became apparent that additional car parking would be required to support the incoming retail business, thus necessitating the conversion of the existing beer garden to a car park. However, it was considered that an extensive area of hardstanding would appear unsightly, creating a stark appearance dominated by vehicles. Policy 47 of the draft Local Plan has significant weight, and encourages the use of landscaping to reduce the visual impact of car parking.
- 9.37 In amendments received 10 November 2020, landscaping has been shown on the site plan, including strategic tree planting to soften the appearance of the car park. The Trees and Hedgerows Officer has reviewed the site plan and welcomes the inclusion of soft landscaping, although this is shown indicatively only. A pre-commencement condition would require the submission of a detailed landscaping plan, including specifications of all trees and shrubs, to be approved by the local planning authority prior to development. Planting would not only improve the appearance of the site, but would also improve air quality.

- 9.38 Subject to the approval and implementation of an appropriate landscaping scheme, the visual impact of the development would be acceptable and would accord with Policy CS14 of the Core Strategy, paragraphs 118 and 127 of the NPPF, and Policy 47 of the draft Local Plan.

#### Highway Safety and Parking

- 9.39 Highways Development Control (HDC) have been consulted on this application. It was identified that 28 spaces would be required to support the food retail business, in accordance with the guidelines in the Development Guidance and Requirements SPD.
- 9.40 The proposal, as originally submitted, included only 14 parking spaces, and these were not included within the application site boundary. A revised site plan, received 9 November 2020, extended the red line boundary to encompass the curtilage of the pub as well as the building, and provided 34 parking spaces including two disabled.
- 9.41 The hardstanding to the south-east was shown as an overspill car park, as it is understood that this land is in the Council's ownership and has previously been used as car parking for the pub. Without this site's inclusion within the red line site boundary, it cannot be considered to contribute towards the overall parking requirement. However, the parking layout within the site boundary was considered to provide adequate space for customers and staff, so the use of the overspill car park would not be required to make the application acceptable in terms of highways.
- 9.42 The site plan was amended again on 10 November 2020 to include landscaping, in response to concerns about the visual impact of the hardstanding (see previous section of this report). Despite the loss of four car parking spaces to allow for planting, 30 spaces are still shown, exceeding the amount requested by HDC.
- 9.43 HDC now have no objections based on the parking shown, and the use of the existing access arrangements. A pre-commencement condition can ensure that the site is surfaced and marked out to the satisfaction of the local planning authority. The proposal would accord with point 3 of Policy CS14(A).

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

- 9.44 The amended proposal would not have a harmful visual impact, and would integrate well with the surrounding local environment. The parking provision is acceptable and the visual impact of car parking can be mitigated by appropriate landscaping, as secured in the amended plans. There are no ecological constraints, and the site is not in a flood risk area. The development would accord with Policy CS14 and the relevant sections of the NPPF. Overall, the environmental impact of the development is considered to be acceptable.

## **9.45 ECONOMIC SUSTAINABILITY**

- 9.46 Paragraph 80 of the NPPF places significant weight on the need to support economic growth and productivity. At present, the vacant public house represents a wasted opportunity to create economic activity, and any operation that would bring it back into use would improve economic productivity compared to the present situation.
- 9.47 Policy CS1 of the Core Strategy sets out the plan's objectives "as a means to securing and improving economic prosperity", and it is considered that the creation of a retail unit in this vacant building would improve economic prosperity. The creation of jobs would support future employees' livelihoods and could, by extension, increase their individual spending power so that they are able to pay for other services and participate more in the local economy overall. Bringing a new business into the area would increase local and national tax revenues through business rates and corporation tax, contributing to the Council's and the Government's abilities to support communities in Doncaster and nationwide.

### **Conclusion on Economy Issues**

- 9.48 The development would bring a vacant building back into use as a commercial enterprise, and as such, the proposal would be in accordance with the NPPF and Policy CS1 of the Core Strategy.

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh any benefits identified when considered against the policies in the NPPF taken as a whole. Whilst the proposal would represent the loss of a public house which could, if re-opened, provide a social gathering place for the community, it is not considered that this particular pub could make a strong contribution to the local neighbourhood. The benefits of re-using the building for retail, particularly in terms of reducing the visual blight of vacancy and in creating economic activity and jobs, are considered to outweigh the loss of this vacant community facility. Subject to the recommended conditions, there are no material considerations which indicate the application should be refused.

## **11.0 RECOMMENDATION**

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

## Conditions

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

### REASON

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

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

- Proposed Plans (received 6 August 2020)
- Location Plan and Site Plan (amended 10 November 2020)

### REASON

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

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

### REASON

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

04. Prior to the commencement of the development hereby approved, full details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. Unless as shall be specifically approved by the Local Planning Authority, the landscape scheme shall include a plan indicating the planting location of all trees and shrubs; a schedule including the nursery stock specification for all shrubs and trees in compliance with British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs and planting density/numbers; a detailed specification for engineered tree pit construction that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements SPD and a load-bearing capacity equivalent to BS EN 124 Class

C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a maintenance specification and a timescale of implementation, which shall be within 3 months of completion of the development or alternative trigger to be agreed. Thereafter, the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified prior to backfilling any engineered tree pits to inspect and confirm compliance and within seven days of the completion of landscape works to inspect and approve practical completion in writing. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works 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

These details have not been provided and are required prior to commencement of development to ensure that a landscape scheme is implemented in the interests of environmental quality and visual amenity, in accordance with Policies CS14 and CS16 of the Core Strategy.

05. Prior to any fixed plant and/or machinery associated with the development being installed, a report shall be prepared and submitted to the Local Planning Authority for approval of an acoustic assessment to demonstrate that the rating level of sound emitted from any such fixed plant and/or machinery shall not exceed background sound level between the hours of 0700-2300 (taken as a 60 minute LA90 at the boundary of nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the boundary of nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments and all requirements to achieve the noise standards shall be implemented prior to first operation of the plant and/or machinery.

#### REASON

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

06. The premises shall only be open, and deliveries/collections permitted, between the hours of 07.00 and 22.00 from Mondays to Saturdays, and between 09.00 and 17.00 on Sundays.

## REASON

In the interests of the amenity of the locality.

## Informatives

### 01. INFORMATIVE

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

Additionally, planning permission would be required to convert the first floor into a residential property, as the residential use is not included in this permission.

### 02. INFORMATIVE

The following advice is provided by South Yorkshire Police in relation to building security.

- All external doors and windows should meet one of the following:  
PAS 24:2016  
LPS 1175 SR 2  
STS 201 or STS 202 BR2
- The glazing units should consist of a minimum of one pane of glass that achieves compliance under the BS EN356 P1A attack resistance standard.
- CCTV should be installed.
- Lighting design should be co-ordinated with a CCTV installation and the landscape design to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system. Vulnerable light fittings should be protected to prevent vandalism.
- PAS 68 bollards should be installed to prevent vehicle migration, to protect glazing and prevent ram raiding.
- There should be no access from the retail premises to any separate apartment on the first floor.

This advice is provided to ensure the physical protection elements of the development are to current minimum standards. This advice should be acted upon as the minimum requirement and should be enforced, irrespective of any additional correspondence (or not) received by other departments within South Yorkshire Police.

03. INFORMATIVE

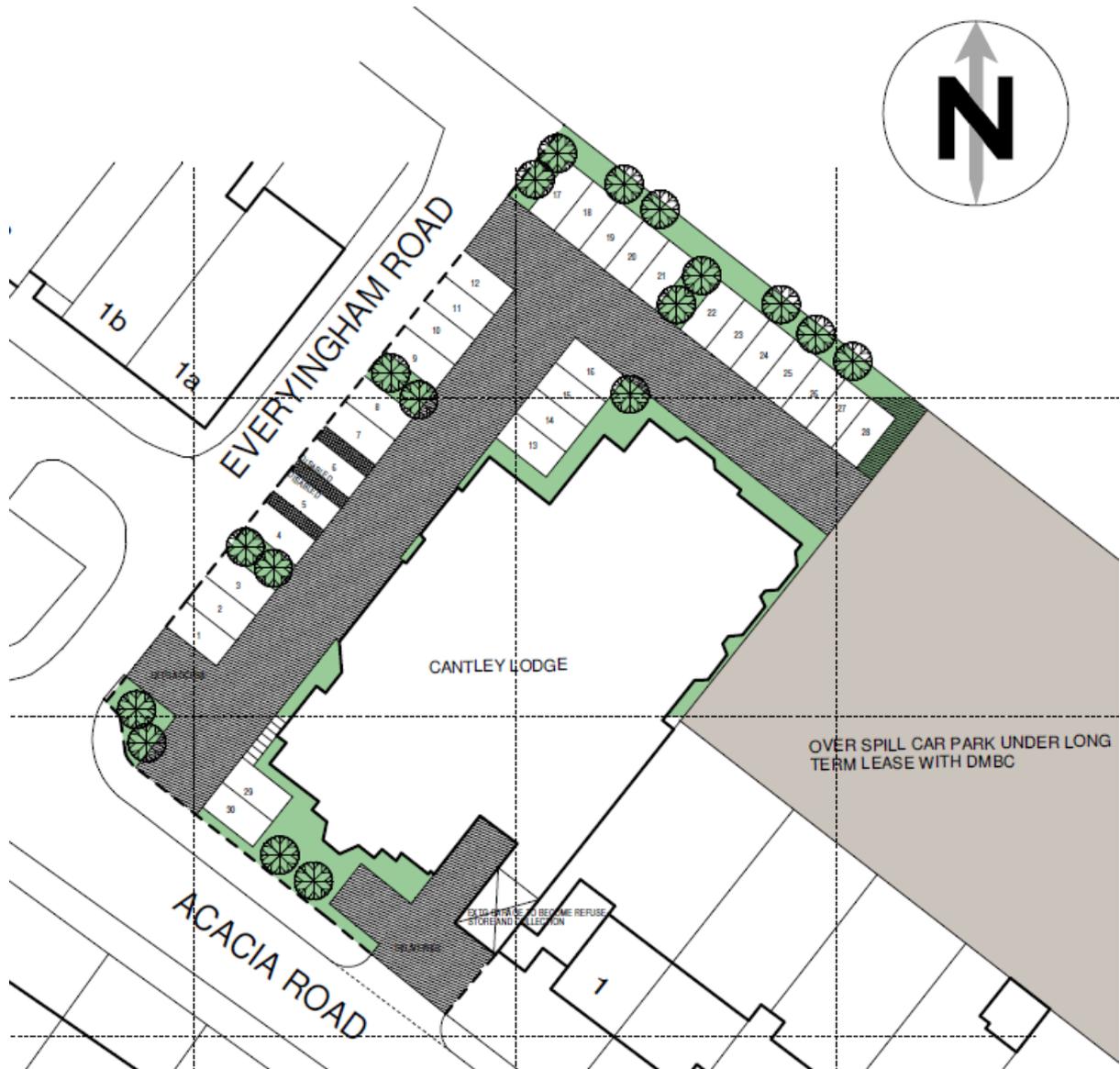
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

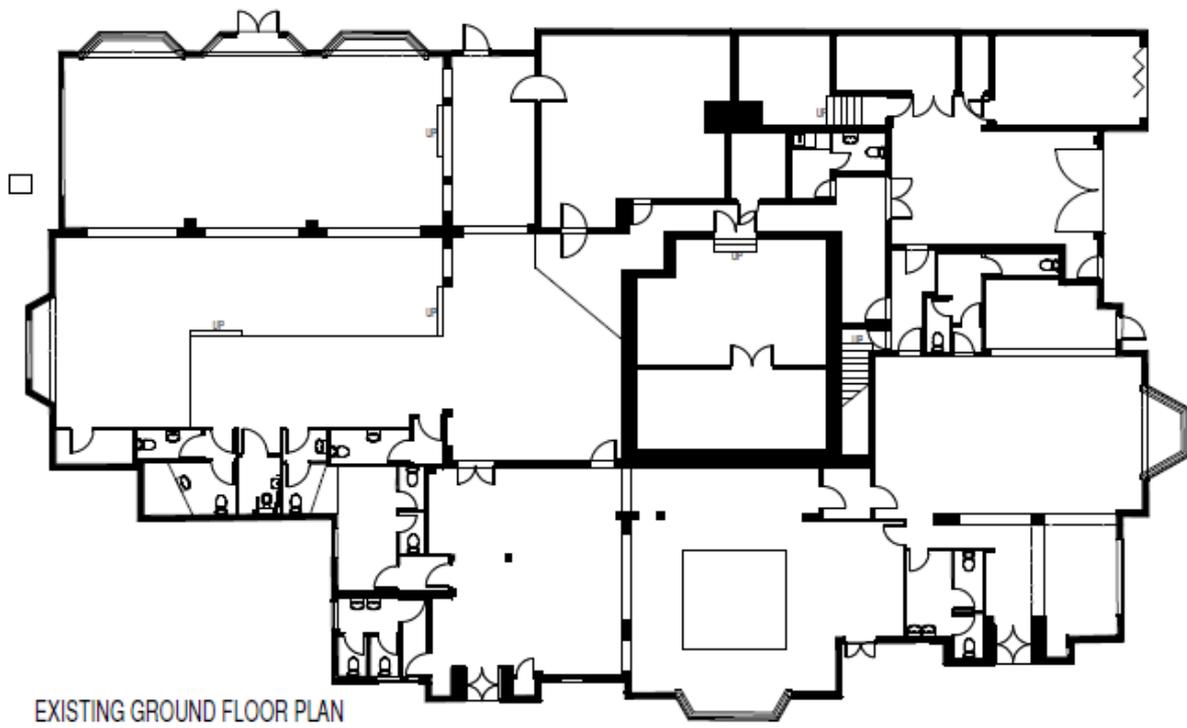
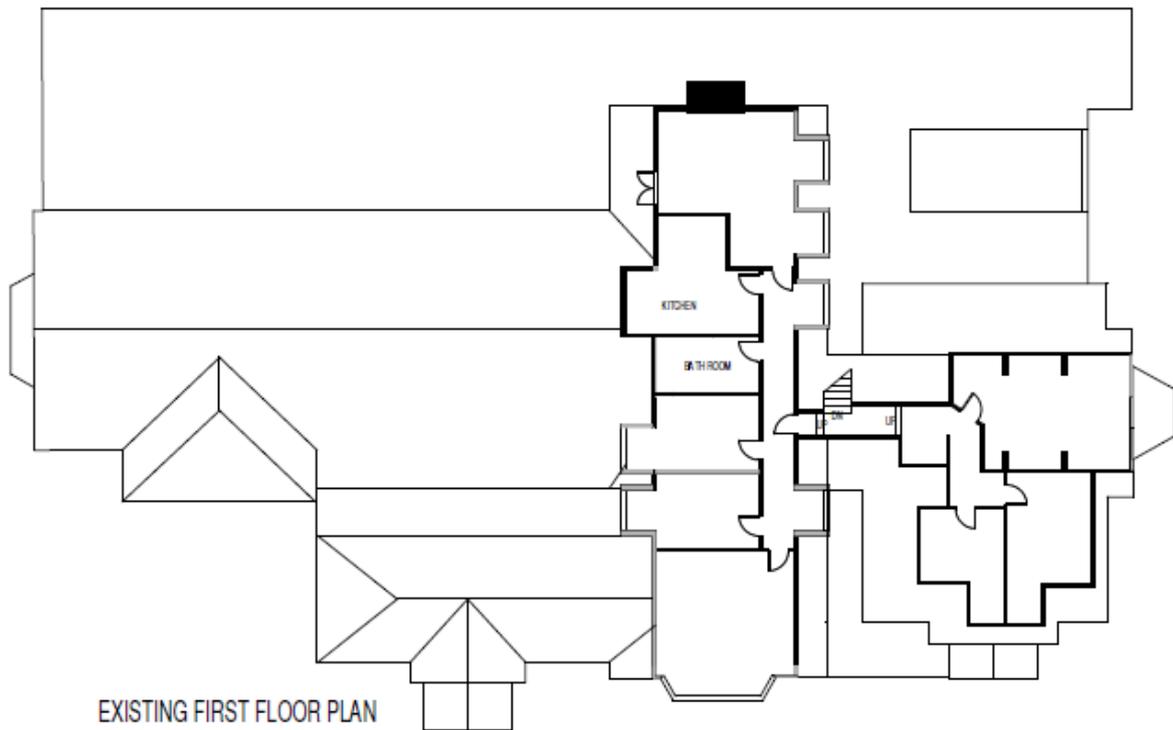
This Standing Advice is valid from 1st January 2019 until 31st December 2020

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

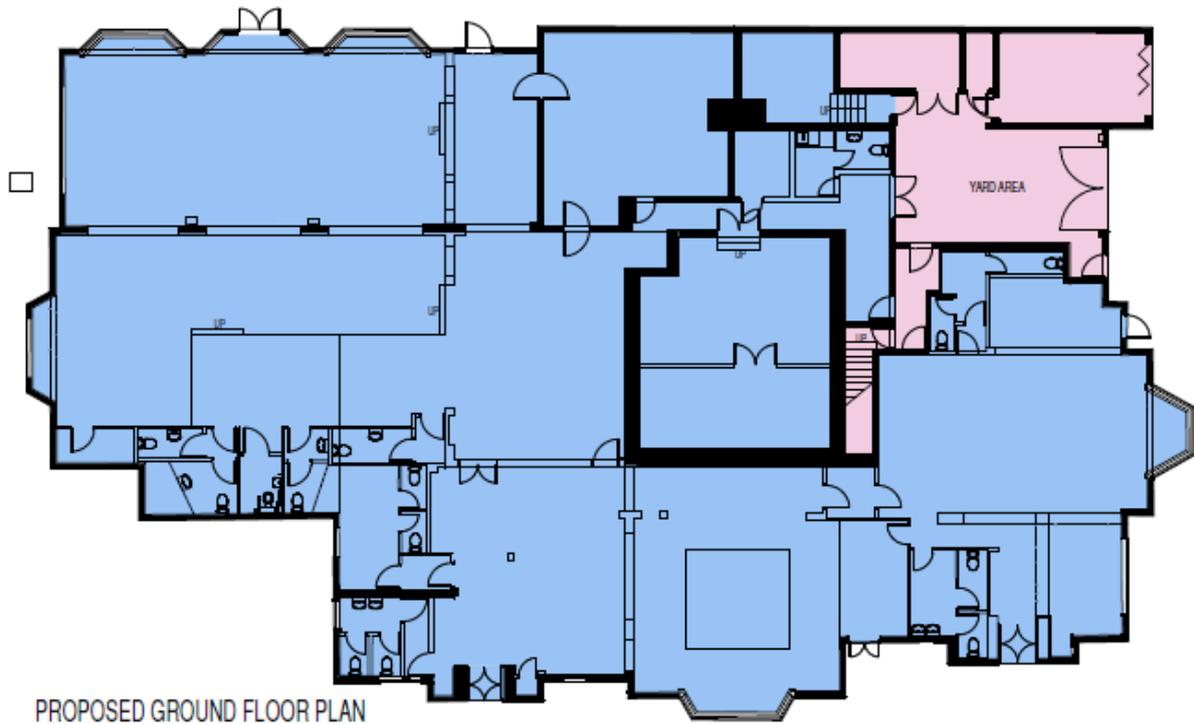
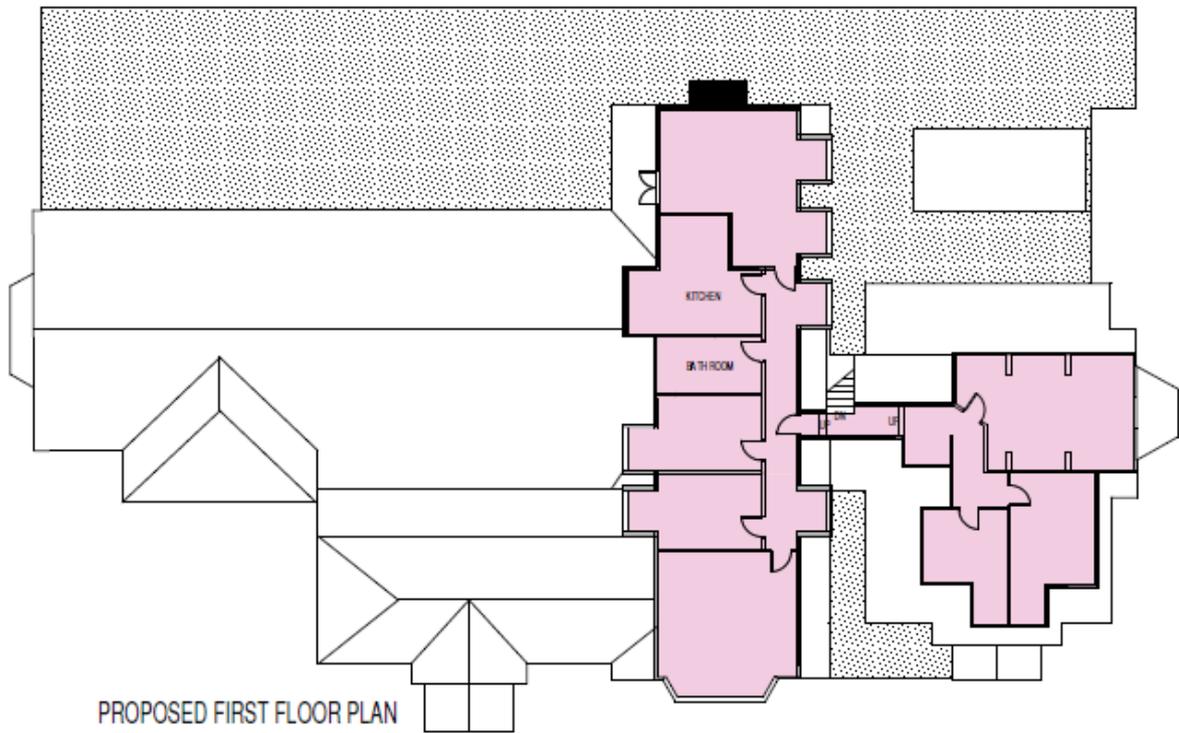
Appendix 1: Proposed Site Plan (amended 10 November 2020)

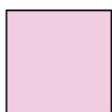
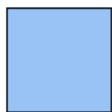


## Appendix 2: Existing Floor Plans



### Appendix 3: Proposed Floor Plans



	NEW APARTMENTS 181 SQ M / 1950 SQ FT FIRST FLOOR GROUND FLOOR 77 SQ M / 828 SQ FT		NEW A1 RETAIL SPACE
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## Appendix 4: Existing Elevations (no alterations proposed)



NORTH WEST ELEVATION



SOUTH WEST ELEVATION



NORTH EAST ELEVATION



SOUTH EAST ELEVATION