

<b>Application</b>	<b>6.</b>
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<b>Application Number:</b>	20/03041/FUL
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	Erection of two dwellings to replace existing buildings
<b>At:</b>	Forest View Doncaster Road Bawtry Doncaster DN10 6DF

<b>For:</b>	Diane Holgate - DCH Consulting on behalf of Harriet Huddlestone
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<b>Third Party Reps:</b>	1 objector; 2 supporters, and 1 representation.	<b>Parish:</b>	Austerfield Parish Council
		<b>Ward:</b>	Rossington and Bawtry

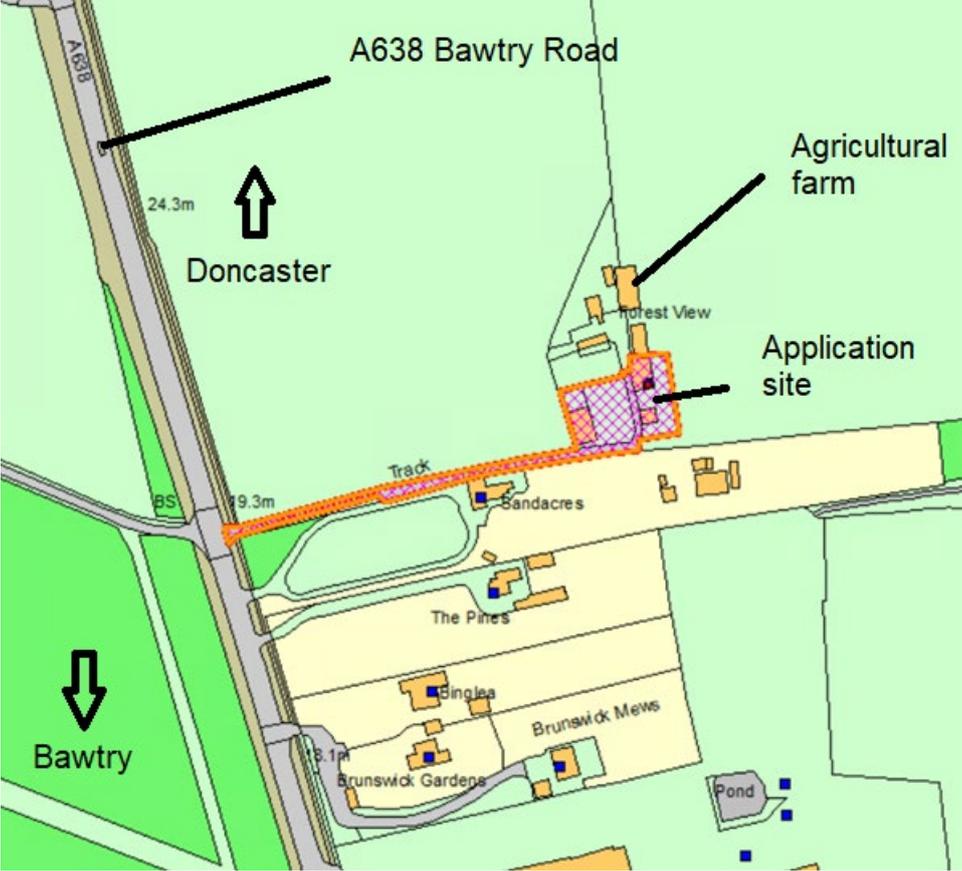
<b>Author of Report:</b>	Dave Richards
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## SUMMARY

This application seeks planning permission for the erection of two dwellings, replacing buildings which have extant consent to be converted to residential dwellings under permitted development rights.

In summary, the proposed development would not accord with the development plan in terms of the accessibility of services and facilities and its position within the countryside policy area. However, given the existence of a realistic fall-back position where the same accessibility issues apply, limited weight is given to the harm and conflict with the relevant policies. The report outlines that there are no other technical conflicts with the development plan and on balance, the specific characteristics of the site and the planning history justify a recommendation to grant planning permission.

**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 as it represents a departure from the development plan, albeit there are material considerations to indicate granting planning permission.

## **2.0 Proposal**

- 2.1 The application proposes the demolition of two existing buildings on the site and the erection of two dwellings with their associated curtilages. The existing buildings in question are a glasshouse (Plot 1) and an agricultural store (Plot 2).
- 2.2 By way of background, planning references 19/02073/PRIOR and 19/00869/PRIOR allows the conversion of the glasshouse and agricultural store respectively to form residential dwellings under permitted development rights. The plans provided to the Council are shown in Appendix 1 of this report.

## **3.0 Site Description**

- 3.1 The site forms part of a small agricultural holding which consists of a range of agricultural buildings and a residential caravan. There are some natural planting to boundaries and the site is generally set back from Doncaster Road. The area more widely consists of loose-knit linear housing set on generous plots with dwellings arranged in a staggered and random pattern. There are also a number of commercial uses, including an extensive caravan sales/storage/service operation, a haulage business and a car sales outlet.
- 3.2 The surrounding landscape is predominantly rural in character, characterised by scattered farmsteads and dwellings within an agricultural landscape formed by a patchwork of fields enclosed by well-established hedgerows and substantial blocks of woodland.
- 3.3 There is one residential property neighbouring the site, known as 'Sandacres.'

## **4.0 Relevant Planning History**

- 4.1 The planning history of the site is an important material consideration. In terms of the existing agricultural operation, the most relevant planning references are shown in the table below:

Reference	Description
85/1188/P	Details of siting design and external appearance of portakabin for residential use (being matters reserved in outline granted on appeal under reference 82/06/01617 on 11/04/84)
87/0881/P	Erection of boiler house/washroom (2.44m x 1.83m)

88/1655/P	Continuation of use of land for siting of residential caravan (being temporary permission granted on appeal on 11.04.84 under ref.82/06/01617)
90/2579/P	Renewal of permission for use of temporary residential caravan (granted under ref 88/06/1655/ful on 03.10.88) and erection of barn (14.22m x 9.60m)
05/02378/CPE	Certificate of lawful use for siting of caravan (11m x 3.1m)
98/1562/P	Retention of canopy (11.0m x 3.5m) over mobile home and erection of grain store (9.14m x 12.19m)
98/3247/P	Erection of grain store (13.76m x 9.14m approx)
98/3643/P	Erection of horticultural building (14.24m x 9.59m)

## **5.0 Site Allocation**

5.1 The site is located within the Countryside Policy Area as defined by Doncaster's Unitary Development Plan. The following policies are applicable.

## **5.2 Relevant Planning Policies**

### **5.3 National Planning Policy Framework 2019 (NPPF)**

5.4 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and outlines how local planning authorities should apply these policies. 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 Paragraphs 54-56 state local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The tests are:
- a) Necessary to make the development acceptable in terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
- 5.9 Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 5.10 Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.
- 5.11 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.
- 5.12 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.
- 5.13 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 sympathetic to local character, and will establish or maintain a strong sense of place. 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.

- 5.14 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.
- 5.15 Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

### **5.16 The Development Plan**

- 5.17 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In the case of this application, the development plan consists of the Doncaster Core Strategy and the Unitary Development Plan.
- 5.18 The Core Strategy replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted.
- 5.19 Doncaster Core Strategy (Adopted 2012)
- 5.20 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 new Doncaster Local Plan is adopted. The Core Strategy policies relevant to this proposal are set out below.
- 5.21 Policy CS1 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. 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.
- 5.22 Policy CS3 relates to development in the Countryside Policy Area. CS3 part c) sets out the conditions with which new development must accord in order to be acceptable in the countryside area.

5.23 Policy CS14 requires development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate and surrounding local area. Policy CS14(A) sets out the following qualities of a successful place:

1. character – an attractive, welcoming place with its own identity appropriate to the area;
2. continuity and enclosure of streets and spaces by buildings;
3. quality, stability, safety and security of private property, public areas and the highway;
4. permeability – ease of pedestrian movement with good access to local facilities and public transport services;
5. legibility – a development that is easy to navigate;
6. adaptability – flexible buildings capable of changing over time;
7. inclusive – accessible development that meets the needs of as much of the population as possible;
8. vitality – creating vibrant, busy places with a mix of uses where appropriate; and
9. sustainability – proposals are environmentally responsible and well managed.

5.24 Policy CS18 of the Core Strategy requires that land quality and the impact of contaminated land on sensitive end uses are considered and mitigated.

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

5.26 Policy ENV2 defines a Countryside Policy Area for the Borough.

5.27 Policy ENV4 sets out exceptions for development within the countryside; and sets out conditions with which any exceptional development (falling within categories a – f of Policy ENV4) must accord.

5.28 Policy ENV13 considers applications proposing the replacement of existing habitable dwellings of permanent construction in the countryside. The policy states a number of requirements to be acceptable, including whether the proposal would:

- a) Have a visual impact, either of itself or through associated access and servicing requirements or be prejudicial to the character and amenity of the countryside; or
- b) Seek to perpetuate a use of land which would seriously conflict with countryside area policies; or
- c) Involve replacing a dwelling which is capable of rehabilitation, adaptation or extension, or
- d) Significantly exceed the size of the original dwelling.

5.29 Doncaster Local Plan (Published) (2019)

5.30 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

- 5.31 The Local Plan has reached an advance stage of its Examination in Public, and consultation on proposed main modifications to the Plan concluded on Sunday 21 March 2021. The Council are aiming to adopt the Local Plan in Summer/Autumn 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.
- 5.32 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development (limited weight and the Council has, through the examination, proposed the policy is deleted entirely via a Main Modification to the Plan).
- 5.33 Policies 2 and 3 set out the Borough's focus for new housing in sustainable locations (limited weight).
- 5.34 Policy 14 states that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact (limited weight).
- 5.35 Policy 26 deals with development in the countryside (limited weight).
- 5.36 Policy 34 seeks to ensure appropriate landscaping in new developments (limited weight).
- 5.37 Policy 42 seeks to ensure character and local distinctiveness in new developments (limited weight).
- 5.38 Policy 45 seeks to ensure high standards of residential design (moderate weight).
- 5.39 Policy 46 sets out housing design standards (limited weight).
- 5.40 Policy 49 seeks a high standard of landscaping in new developments (limited weight).
- 5.41 Policy 56 deals with the need to mitigate any contamination on site (limited weight).
- 5.42 Policy 57 requires the need for satisfactory drainage including the use of sustainable drainage solutions (moderate weight).

#### 5.43 Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance (ongoing)
- National Planning Design Guidance (2019)

### **6.0 Representations**

6.1 The application has been advertised as a departure to the Development Plan in accordance with the Town and Country Planning (Development Management Procedure (England)) Order 2015 as follows:

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

6.2 A number of objections have been received from the occupiers of 'Sandacres,' which is the sole property adjacent to the application site. Regard has also been given to comments referring to previous applications at the site including the prior notification applications relevant to the current application.

6.3 The residents' comments are summarised as follows:

- Departure from planning policy in the area – new dwellings in the countryside
- The construction of the buildings subject to the prior approval process are false.
- Excessive noise from the driveway
- Excessive dust
- Surface water flooding
- The prior approval applications were bogus and the subsequent application admits that plans to convert the buildings were not the true intention.
- This land has been leased to another farmer.
- The farmer's actioned damaged my property from flood.
- An industrial use is operating from the address
- Personal character

6.3 The material planning consideration raised by the objector are addressed fully in section 9 ('Assessment') of this report.

6.4 Property damage would be a civil matter between the two parties. The personal character of the landowner is not a planning consideration.

6.5 The resident has pointed to allegations of unauthorised development on nearby land which would be a planning enforcement matter.

6.6 Two members of the public have written in support of the application, believing it would result in a visual improvement of the site.

6.7 A member of the public has contacted the planning department in response to an objector's claim that their farming business has leased land which is part of the applicant's family holding. The representation notes that this is not the case.

## **7.0 Parish Council**

7.1 Bawtry Parish Council have offered no comments.

## **8.0 Consultations**

### **8.1 Highway Officer**

No objections subject to the provision of a suitable bin store and upgrades to the access.

### **8.2 Yorkshire Water**

No objections.

### **8.3 Pollution Control Officer**

No objection subject to conditions.

## **9.0 Assessment**

9.1 The main issue is whether the site would provide a suitable site for development having regard to policies which seek to protect the countryside. Any other impact on local amenity will also be assessed.

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 outside of any recognised settlement boundary in the UDP and within the Countryside Policy Area (CPA). Policy ENV4 of the UDP sets out the types of development that would be permitted within the CPA, none of which are relevant to the proposal. The proposal would not comply with any

other suitable policy under the UDP. Whilst the proposal conflicts with Policy ENV4, it is not up to date when assessed against the guidance set out in the NPPF. Accordingly, only moderate weight can be applied to the conflict with this policy. Furthermore, the updating of this policy under the emerging local plan can only carry limited weight in decision making at this time.

- 9.4 The site is approximately 35 minutes walking distance from the centre of Bawtry and 55 minutes walk from the nearest amenities in Rossington. The route in either direction would involve walking along a busy main road subject to the national speed limit, with no pavement lighting or shelter from the elements. As a result, I believe travelling to or from the site by foot or cycle would be unattractive and occupants would be largely reliant on the car to travel further afield on a regular basis for healthcare, shopping/leisure and employment opportunities. The proposal would not be in a suitable location for new housing with regard to the accessibility of local services and the settlement hierarchy set out in Policy CS2 of the Core Strategy.
- 9.5 Court judgements have found that remoteness from service and facilities did not define whether or not a new dwelling would be isolated, however the new dwellings would be located within an irregular collection of dwellings and other land uses and associated buildings set in open countryside. They are physically and visually divorced from other settlements and do not form a recognisable village or hamlet. The proposal would not constitute infill development as it does not involve the filling in of a small gap in an otherwise built-up frontage. As such, the site therefore is deemed to be in an isolated location when considering Paragraph 79 of the NPPF.
- 9.6 The application site has two prior approval applications made for a proposed change of use of the buildings to dwelling houses in 2019. Although the prior approval process is separate to a planning application, the applicant is right to point out that these decisions are a material consideration and present a realistic prospect of either scheme being implemented in the event that this application is refused. This is evidenced by the extant prior approval decision and the intentions for redeveloping the site either under the existing consents or via the current application. The implementation of these consents would result in two residential dwellings on the site. Therefore, while it should not automatically guarantee planning permission for residential development, the fall back position is an important material consideration that carries significant weight in any planning decision.
- 9.7 Consideration is given to a Court of Appeal judgement (*Mansell v Tonbridge and Malling Borough Council* (2017) EWCA Civ 1314) which considered the implications of granting alternative development to Class Q development but for the same number of dwellings which were not materially larger than the existing building. In summary, the Council were not wrong to interpret the provisions of Class Q as presenting a real prospect of a fall back development being implemented and applied the “presumption in favour of sustainable development” correctly. As is the case here, the clear desire of the landowner to develop, and maximise the value of, the site (currently being marketed) is

sufficient to demonstrate there is a real prospect of the Class Q GPDO fall back position being presented as a material consideration.

- 9.8 Through prior approval it has been demonstrated that the buildings due to be replaced are capable of being converted to residential use in accordance with the available permitted development rights. The submission of the Class Q notification is considered to demonstrate a realistic prospect that residential development on the site would be pursued, by implementation of the Class Q approvals, even if this planning application were refused.
- 9.9 An objector has raised concerns with a structural survey of the buildings submitted with the prior notification applications and believes it is unsound. At the time, the report was reviewed by a member of the Council's Building Control team and found it to be acceptable. A further follow up survey was conducted in January 2021 as a precautionary measure to demonstrate the buildings are still of permanent construction, and capable of conversion without substantial reconstruction or extension. The follow up survey acknowledges that deterioration to the glass house has occurred but the works required still fit within the remit of what can be replaced under permitted development rights.
- 9.10 An objector believes that land subject to the farm holding has been leased to another farmer and that this would be contrary to the conditions of the prior approval applications. However, the farmer concerned has contacted the Council and advised that they have no interest or involvement in land which is owned by the owner of Forest View.
- 9.11 In summary, it would be contrary to the approach to the location and supply of housing under Policy CS2 and the protection of the countryside set out in Policies ENV2 and ENV4 of the UDP. Therefore, there would be conflict with the development plan. However, these accessibility issues would apply equally to occupants of the buildings to be converted under permitted development rights and so would result in the same level of harm.
- 9.12 Although an objector believes that such permitted development rights are bogus and the current application proves that plans to convert the buildings were not the true intention, the applicant is able to submit any type of application they wish and the Council will determine on a case by case basis. It is accepted that permitted development rights are available to convert agricultural buildings to residential units and that such scenarios can be perceived by some to 'play the system,' but these options are available under the current planning system.
- 9.13 In circumstances where there is wholly conflict with the development plan, the NPPF indicates that planning permission should not be granted unless material considerations indicate otherwise. In this case, the extant permitted development rights are a material consideration which carry significant weight in recommending that permission can be granted in principle.

## **9.14 SOCIAL SUSTAINABILITY**

### Residential Amenity

- 9.15 The occupiers of the new dwellings would be likely to use private vehicles to reach the services and facilities in Bawtry. They would also be heavily dependent upon this mode of transport to access larger settlements such as Doncaster, where there are employment opportunities and a far greater range of services and facilities. However, as noted above, this would also apply to the occupiers of any conversion scheme implemented under permitted development rights. As such, limited weight is given to the harm and conflict solely based on accessibility alone.
- 9.16 The requisite separation distances to adjacent properties, as set out in the South Yorkshire Residential Design Guide, have been met. The property to the west of the proposed dwelling (Foxgloves) is a substantial 2-storey dwelling with a number of windows in the front elevation. Although the neighbour will notice the appearance of the dwelling, it would be sited at such an angle as to avoid any significantly overbearing impact. Other neighbours are sufficiently distanced to avoid any impact.
- 9.17 The development would have little impact on the privacy, outlook or light enjoyed by the adjacent residential neighbour. Each dwelling would be sufficiently distanced and there would not be any significant overlooking from any new windows. The orientation of development to the north of the neighbour would mean there would be no overshadowing.
- 9.18 Internally, the gross internal floor area of each dwelling would comfortably exceed the minimum requirements for internal floor space in a 3-bedroom two-storey dwelling set out in both the South Yorkshire Residential Design Guide and the Nationally Described Space Standard. Bedrooms also meet minimum standards, and built-in storage is provided. Occupiers would have access to usable, external amenity space. Accordingly, the proposed dwellings are considered to provide a high quality living environment overall.
- 9.19 An objector has noted that there has been excessive noise and dust from the driveway in the past. The access to each dwelling would be upgraded and resurfaced as part of the development. It is not considered that the trip generations resulting from two dwellings would be overly noisy.
- 9.20 It has been noted that there have been flooding to the neighbouring property, allegedly as part of surface water run-off from the adjacent agricultural fields. The surface water run off from the roofs of the development would be directed to soakaway in a suitable location or an alternative approach will be conditioned as part of any approval.

### **Conclusion on Social Impacts**

- 9.21 The proposed dwellings would provide a good standard of internal space for future residents, causing no loss of light, outlook or privacy to the residential

neighbour nearby. It is considered that there would be no harmful impact on residential amenity, and the proposal is in accordance with Policies CS1 and CS14 of the Core Strategy, as well as paragraph 127(f) of the NPPF.

## **9.22 ENVIRONMENTAL SUSTAINABILITY**

### Design and Visual Impact

- 9.23 The site is located outside of any recognised settlement boundary in the UDP and within the Countryside Policy Area (CPA). Policy ENV4 of the UDP sets out the types of development that would be permitted within the CPA, none of which are relevant to the proposal. The proposal would not comply with any other suitable policy under the UDP. Whilst the proposal conflicts with Policy ENV4, it is not up to date when assessed against the guidance set out in the NPPF. Accordingly, only moderate weight can be applied to the conflict with this policy. Furthermore, the updating of this policy under the Emerging Local Plan can only carry limited weight in decision making at this time.
- 9.24 Policy CS3 B) of the Core Strategy indicates that the countryside will continue to be protected through a Countryside Protection Policy Area (CPPA) as indicated on the Key Diagram. The proposal would not form a minor amendment to a recognised settlement boundary, nor would be appropriate to a countryside location according to the settlement hierarchy in Policy CS2. The provision of housing would not be a proposal which is seen as generally acceptable under Policy CS3 B).
- 9.25 The most applicable policy is Policy CS3 D) which states that proposals which are outside development allocations will only be supported where they would:
1. protect and enhance the countryside, including the retention and improvement of key green wedges where areas of countryside fulfil a variety of key functions;
  2. not be visually detrimental by reason of siting, materials or design;
  3. not create or aggravate highway or amenity problems; and;
  4. preserve the openness of the Green Belt and Countryside Protection Policy Area and not conflict with the purposes of including land within them
- 9.26 Although outside the settlement boundary, in this particular case, the proposal would make use of a site with existing buildings on it. Although 'tidying up' a site is not a planning consideration, the two plots would have well-defined boundaries and would be in keeping in terms of the scale and position of the buildings in situ. The proposed dwellings would have a similar massing to the existing buildings and any increase in perceived bulk to the properties would not be readily appreciated given they would be set back from the public road by a significant distance.
- 9.27 The design and materials would reflect modern attempts of barn conversion in keeping with prior approved designs extant on the site and would not look out of place adjacent to other properties of varied character in a rural area. Areas of hardstanding and garden areas would introduce more formalised plots in this

location but again they would not be conspicuous and they would be screened and set back from the road.

- 9.28 Overall, there would be little perceptible increase in harmful visual impact compared to the conversion scheme to residential dwellings or as a result of the alterations to the access arrangement. The conflict with the approach to the location and supply of housing is noted above, however the countryside would not be visually harmed by reason of siting, materials or design nor would it significantly increase the size of the building. In summary, in the context of the fall back position, the proposed development would offer a neutral impact which would preserve, if not, enhance the openness of the area according to Policy CS3 D) of the Core Strategy.

#### Highway Safety and Parking

- 9.29 The proposal would provide in-curtilage car parking spaces for two vehicles per dwelling, in line with the parking guidelines set out in Appendix 1 of the Development Guidance and Requirements SPD. Each parking space can exceed the minimum requirement of 5 metres in length and 2.5 metres in width.
- 9.30 The access to the site would be upgraded and a passing place provided to allow cars to pass one another off the public highway. The proposal is acceptable in terms of protecting highway safety and accords with Policy CS14 (A).

#### Flooding and Drainage

- 9.31 The site lies within a low flood risk area and there is not a known risk of surface water flooding although allegedly there have been instances of run off after heavy rain fall as a result of inadequate drainage in the area. Surface water will be directed to soakaway in accordance with the drainage hierarchy and there are no objections in terms of accepting waste to the main sewer. No objections were received from the Water Authority.

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

- 9.32 The amended proposal would not have a harmful visual impact, and the amended design would be appropriate to the surrounding local environment. The parking provision is acceptable, and suitable visibility splays are provided to ensure there are no negative impacts on highway safety. Sustainable drainage can be utilised on site. Overall, the development is considered to be in accordance with policies CS14 and CS16 of the Core Strategy.

#### **9.33 ECONOMIC SUSTAINABILITY**

- 9.34 The proposal would have some limited economic benefits in terms of providing temporary employment opportunities for local tradespeople during construction. The provision of houses would help address housing need and would provide housing for employment opportunities nearby. In terms of the economy, new development would create employment and support growth during construction. Any financial receipts would also contribute money that could be

spent on local services and facilities, and the increase in population would boost the spending power of the local economy.

### **Conclusion on Economy Issues**

- 9.35 The development would have a limited economic impact, and as such the proposal would not be contrary to the economic pillar of sustainable development. Moderate weight can be applied in favour.

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF, it is important to assess the proposal in the context of the need for planning to perform economic, social and environmental roles as described in the NPPF. The proposal would make a modest contribution to the local economy during the construction phase, and afterwards through the use of services and facilities in Bawtry and further afield by the occupiers of the new properties. The proposal would not be in a suitable location for new housing with regard to the accessibility of local services and the settlement hierarchy. However, these accessibility issues would apply equally to occupants of the buildings to be converted under permitted development rights and so would result in the same level of harm. In environmental terms, the use of sustainable construction methods and technologies for new housing are common place but importantly, the development would not have an adverse impact on the character and appearance of the area over and above a recognised fall back position.
- 10.2 Taking all matters into consideration, a proposal for new residential development in this location would not ordinarily be acceptable in principle. Moreover, usually in such circumstances there would also be a residual impact in terms of the impact on the character of the area and the environment. In this case however, the site benefits from a planning history which cannot be replicated easily or relied on elsewhere. The same accessibility issues would apply for an agreed conversion scheme and overall, there would be no other adverse impacts arising from the proposed development other than the accessibility of the site which would be apparent in any case.
- 10.3 In conclusion, while not fully in accordance with Policy CS2 of the Core Strategy and Policy ENV4 of the UDP, applying the existence of the fall back position and the general compliance with other policies indicate that planning permission should be granted.

## **11.0 RECOMMENDATION**

### **11.1 Planning Permission GRANTED subject to the following conditions:**

#### **Conditions / Reasons**

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 listed below:

Dwg. No. 2020 ID 22 LOC Location Plan

Dwg. No 2020 ID 22 PL013a Site Plan

Dwg. No 2020 ID 22 PL001A Proposed Elevations and General Arrangements Replacement dwelling No 1

Dwg. No. 2020 ID 22 PL002A Proposed Elevations and General Arrangements Replacement dwelling No 2

REASON

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

03. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

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

04. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.

c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

d) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which has not previously been identified, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

#### REASON

To secure the satisfactory development of the site in terms of human health and the wider environment pursuant to the National Planning Policy Framework.

This has to be prior to commencement so that any risks are assessed before works begin to the ground whether this be

demolition works or construction works and remediation in place before works begin.

05. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. Unless otherwise approved in writing by the Local Planning Authority, the details as approved shall be completed before the occupation of any buildings on site.

REASON

To ensure the satisfactory appearance of the development.

06. 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.

07. Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

08. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additions, extensions or other alterations other than that expressly authorised by this permission shall be carried out without prior permission of the local planning authority.

**REASON**

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.

10. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON**

To ensure that all new housing and commercial developments provide connectivity to the fastest technically available Broadband network in line with the NPPF (para. 112) and Policy 22 of the Doncaster Local Plan.

11. Prior to the commencement of development, details of the proposed bin store for the site shall be submitted to and approved in writing by the local planning authority. The bin store shall be installed in accordance with the approved details prior to the first occupation of any dwelling on the site and retained for the lifetime of the development.

**REASON**

In the interests of providing sufficient refuse storage near the public highway as required by Policy CS14 of the Core Strategy. The condition is required to be discharged prior to the commencement of development to ensure that it can be provided prior to the occupation of any dwelling on the site.

**Informatives**

01. **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)

Standing Advice valid from 1st January 2021 until 31st December 2022

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

03.                   INFORMATIVE  
Prior to preparing any reports in support of conditions relating to land contamination, the applicant is strongly advised to refer to the document entitled Development on land affected by contamination. Technical Guidance for Developers, Landowners and Consultants. Yorkshire and Humberside Pollution Advisory Council.

The document can be found at the following web address:

<http://www.doncaster.gov.uk/services/environmental/developing-on-contaminated-land>

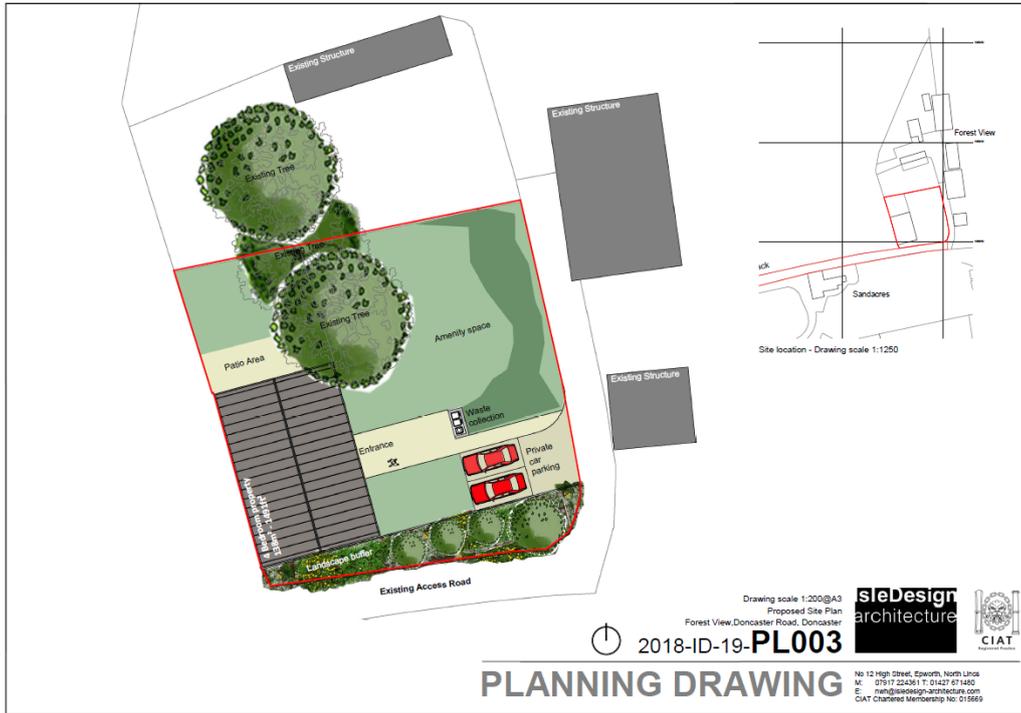
Or alternatively you can request a paper copy from the LPA.

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

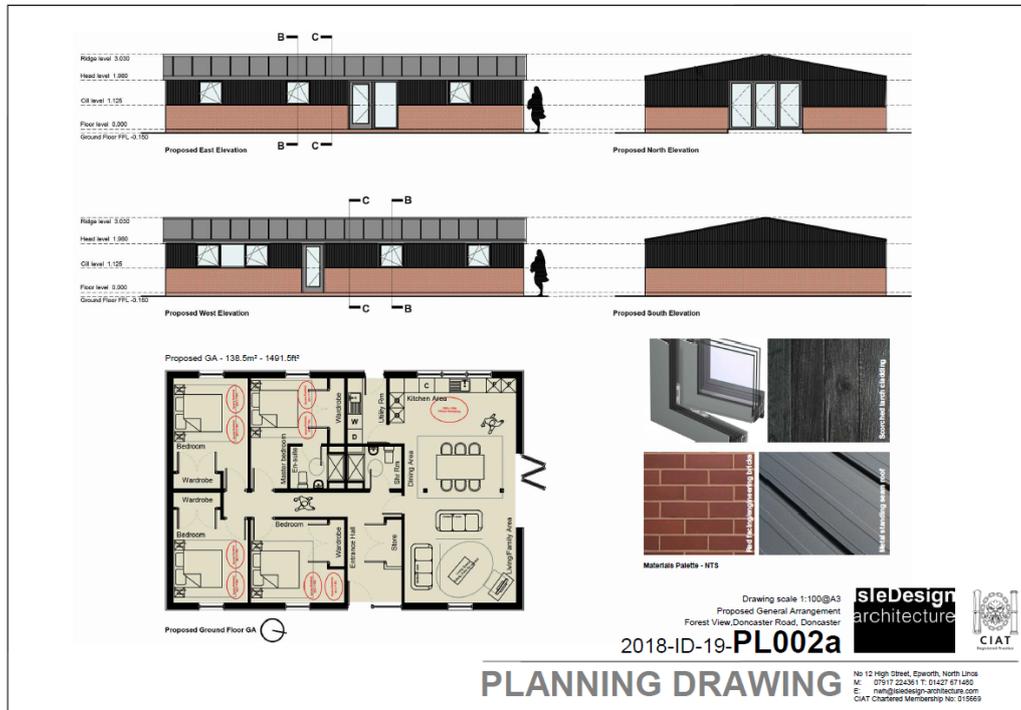
**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

# Appendix 1 – Planning reference 19/02073/PRIOR plans (plot 1)

## Site plan

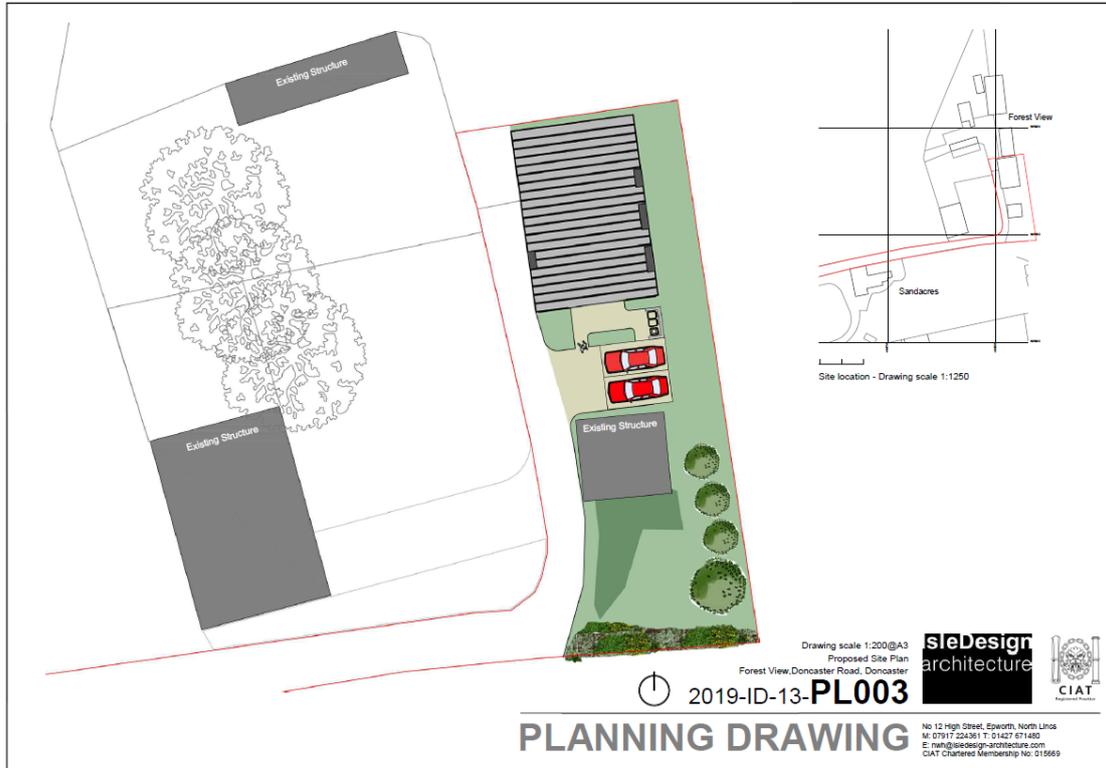


## Proposed plans

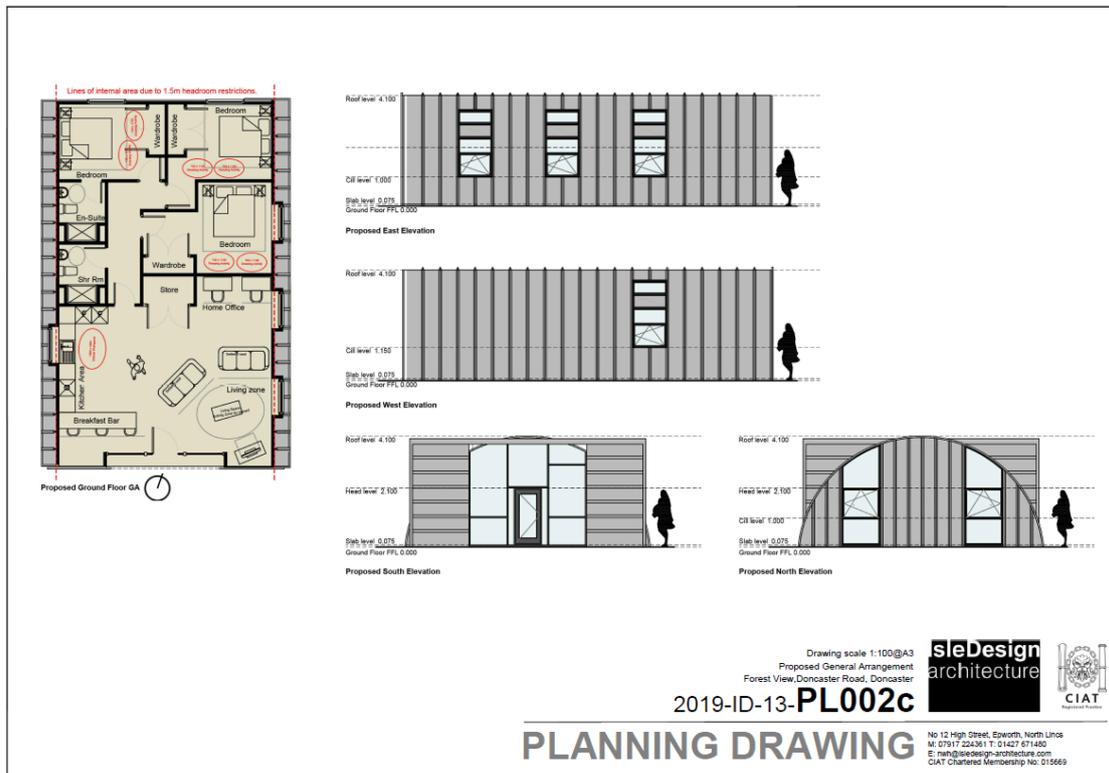


# Appendix 2 – Planning reference 19/00869/PRIOR plans (plot 2)

## Site plan



## Proposed plans



### Appendix 3 – Proposed Location Plan (not to scale)



Appendix 4 – Proposed Site Plan (not to scale)



