



Appeal Decision

Site Visit made on 27 May 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2021

Appeal Ref: APP/F4410/W/21/3269298

Hexthorpe Youth Centre, Shady Side, Hexthorpe, Doncaster, DN4 0DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss D Mayil against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/01384/FUL, dated 22 April 2016, was refused by notice dated 16 December 2020.
 - The development proposed is the erection of 4 ground floor retail (A1) units and 11 flats at 1st/2nd floor with amended parking and new vehicle access (amended plans).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this is a more accurate description of the proposed development.
3. In accordance with paragraph 4 of the Regulations¹ I have determined the appeal with reference to the Use Classes Order 1987 as the application was submitted prior to 1 September 2020.

Main Issues

4. The main issues are the effect of the proposed development on 1) highway safety with specific regard to parking, and 2) the character and appearance of the area with specific regard to landscaping.

Reasons

Highway Safety

5. The appeal site is located in Hexthorpe and is accessed from Shady Side. It is situated in a predominantly residential part of Hexthorpe, with commercial activity focused on nearby Urban Road. The site is currently vacant with overgrown vegetation. There is a disused access located close to where Shady Side makes an almost 90-degree turn.
6. During my mid-morning site visit, I observed relatively low traffic levels on this section of Shady Side. There were relatively few vehicles parked on the road adjacent to the appeal site, with a greater concentration of vehicles parked on the road at Eden Grove that sits opposite the appeal site.

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

7. Of the vehicles that I saw that were parked on the street, none of them were causing an unsafe obstruction to the flow of traffic, including the local bus service which I observed.
8. The proposed development comprising 4 retail units and 11 residential flats includes the provision of 18 parking spaces. The Council refused planning permission on the basis that the proposed development has insufficient parking. The Doncaster Council Development Guidance and Requirements Supplementary Planning Document (the SPD) (2015) sets maximum parking standards, which the Council have outlined for the proposed development would equate to 25 spaces.
9. The Council's evidence refers to the consideration of the proposed development by the Highways Officer. They considered that in view of the site being located close to the town centre, and the size of the commercial units being aimed at a local level and thus geared towards walking and cycling, it would be acceptable to provide one parking space per residential unit and 7 spaces for the commercial units. Although the Council consider that the proposed development would still be deficient by one space, from my calculation the amount considered acceptable by the Highways Officer would appear to be the same as the number of spaces that are proposed.
10. Either way, the SPD is clear that the parking standards which it contains are maximum amounts. They are not a set requirement to be rigidly applied, suggesting there may be situations where parking numbers less than the maximum amount would be acceptable.
11. The appeal site is located close to the town centre, and there is a bus stop located on the opposite side of the road. Combined with the size of the retail units, which appear to be aimed at a local level, including my observations on my site visit, I find that the amount of parking that is proposed would not result in a level of on-street parking that would have an unacceptable impact on highway safety. For these same reasons, it would also not result in cumulative impacts on the road network that would be severe.
12. Although the appeal site is located close to a bend in the road, its proposed access is at the end of the site furthest from the bend. Given the 30mph speed limit of the road when combined with the position of the proposed access, I do not consider that it is located in an unsafe position, particularly when considering the historic access to the site that is closer to the bend in the road. Satisfactory levels of visibility would also exist. For these same reasons, I do not consider that were any on-street parking to occur on this section of Shady Side as a result of the development, it would not be to the extent that it would have an unacceptable impact on highway safety.
13. The proposed development would therefore comply with Policy CS14 of the Doncaster Core Strategy (2012) and emerging Policy 43 of the Doncaster Local Plan (Publication Version) (2019) which require, amongst other things, that developments ensure the safety of the highway.
14. The proposed development would also comply with the National Planning Policy Framework (the Framework) (2019) which outlines, amongst other things, that development should have safe and suitable access for all users; 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; and should minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Character and appearance

15. The proposed development comprises a part two, part three storey building with parking area to the side. Almost the entire site area is given over to either the building itself or the associated car park. There is a diminutive area of landscaping shown adjacent to the site entrance that appears largely tokenistic and would do little to relieve the dominance of hard surfaces or soften the building and its associated car park.
16. The SPD outlines that as a guideline, at least 20% of the curtilage of non-residential developments should be devoted to soft landscape treatment, subject to individual site considerations. The appellant has alluded to trees being initially proposed along the site frontage which were subsequently removed following an objection from Yorkshire Water. The objection to the trees was said to have been given verbally, and thus limiting the amount of weight I can attach to this issue. There is also no specific reason given why trees were not able to be accommodated on the site frontage, or indeed elsewhere within the site.
17. Although the 20% figure in the SPD is a guideline, and I am not presented with a figure for the proposed development that is devoted to soft landscaping, it is clear to me that it is significantly less than the 20% given in the SPD and I am not provided with sufficient justification as to why suitable landscaping cannot be provided.
18. Although the appellant refers to the fact that landscaping details can be secured by condition, I find that based on the evidence before me, the proposed development would be unable to accommodate any meaningful landscaping regardless of the imposition of a suitably worded planning condition to secure further detail.
19. The proposed development would therefore have an unacceptable impact on the character and appearance of the area. It would be contrary to Policy CS14 of the Doncaster Core Strategy (2012) and emerging Policies 43 and 49 of the Doncaster Local Plan (Publication Version) (2019) which require, amongst other things, that developments are attractive and make a positive contribution, including by having regard to landscape, incorporating generous tree, shrub and hedgerow planting.
20. The proposed development would also be contrary to the guidance contained in the SPD which outlines that at least 20% of the curtilage should be devoted to soft landscape treatment, subject to individual site considerations.
21. It would also be contrary to the Framework which requires, amongst other things, that developments are visually attractive as a result of appropriate and effective landscaping. The Framework also outlines 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.

Other Matters

22. The proposed development would involve the development of a vacant site with commercial and residential units. The provision of additional dwellings and the economic benefits of the scheme are factors of significant weight in favour of the appeal, as is that the proposal would lead to the development of a vacant site, although I am not presented with evidence that the scheme before me is the sole means of achieving development of the vacant site.
23. I appreciate that Council officers recommended approval of the application to the planning committee. However, it was within the committee's gift to make a decision on the application contrary to the officer recommendation, thus this consideration has had no bearing on my decision.

Planning Balance and Conclusion

24. Despite factors weighing strongly in favour of the proposal, and that I have found there would be no harm to highway safety, these factors do not outweigh the significant harm that would be caused to the character and appearance of the area and the requirement that development is of high quality design, incorporating an appropriate level of landscaping.
25. Therefore, for the reasons set out above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR