

Public Document Pack

To all Members of the

PLANNING COMMITTEE

AGENDA

Notice is given that a Meeting of the above Committee
is to be held as follows:

VENUE Council Chamber - Civic Office Waterdale, Doncaster
DATE: Tuesday, 7th February, 2017
TIME: 2.00 pm

BROADCASTING NOTICE

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Items for Discussion:

- | | PageNo. |
|---|---------|
| 1. Apologies for Absence | |
| 2. To consider the extent, if any, to which the public and press are to be excluded from the meeting. | |
| 3. Declarations of Interest, if any. | |

Jo Miller
Chief Executive

Issued on: Friday, 27 January, 2017

Democratic Services Officer
for this meeting:

Amber Torrington
Tel: 01302 737462

4.	Minutes of the Planning Committee Meeting held on 10th January, 2017	1 - 6
A.	Reports where the Public and Press may not be excluded.	
	<u>For Decision</u>	
5.	Schedule of Applications	7 - 86
	<u>For Information</u>	
6.	Appeal Decisions.	87 - 92
B.	Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.	
7.	Enforcement Cases Received and Closed for the Period of 20th December 2016 to 25th January 2017 (Exclusion paragraph 6)	93 - 112

Members of the Planning Committee

Chair – Councillor Iris Beech
Vice-Chair – Councillor Dave Shaw

Councillors George Derx, Susan Durant, John Healy, Eva Hughes, Sue McGuinness, Andy Pickering, Alan Smith, Jonathan Wood and John McHale

Public Document Pack Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 10TH JANUARY, 2017

A MEETING of the PLANNING COMMITTEE was held at the CIVIC OFFICE on TUESDAY, 10TH JANUARY, 2017, at 2.00 pm.

PRESENT:

Chair - Councillor Iris Beech
Vice-Chair - Councillor Dave Shaw

Councillors George Derx, Susan Durant, John Healy, Eva Hughes, Sue McGuinness, John McHale, Andy Pickering, Alan Smith and Jonathan Wood.

55 DECLARATIONS OF INTEREST, IF ANY

No declarations of interest made at the meeting.

56 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 15TH NOVEMBER, 2016

RESOLVED that the minutes of the meeting held on 15th November, 2016, be approved as a correct record and signed by the Chair.

57 SCHEDULE OF APPLICATIONS

RESOLVED that upon consideration of a Schedule of Planning and Other Applications received, together with the recommendations in respect thereof, the recommendations be approved in accordance with the Schedule hereto and marked Appendix 'A'.

58 STEREFIBRE, HAZEL LANE QUARRY, HAMPOLE, DONCASTER - FORTHCOMING APPEALS

The Committee considered a report on the three appeals relating to the stockpiling of 'Stere fibre' and the retention of an engineered fibre storage pad for a temporary period of 6 years at Hazel Lane Quarry, Hampole, Doncaster, which had been linked together for a Public Inquiry which was to commence on the 28th March, 2017.

It was reported that on the 17th November, 2015, retrospective planning application 15/00728/TIP, for the stockpiling of 'Stere fibre' and the retention of an engineered fibre storage pad for a temporary period of 6 years, was refused by the Planning Committee. The reason for refusal was that the application was contrary to the NPPF and saved policy ENV3 of the Doncaster Unitary Development Plan. The development was inappropriate in the Green Belt and there were no very special circumstances to override the general presumption against inappropriate development in the Green Belt. The Stere fibre stockpile had a visual impact, albeit limited, and it also encroached into the Green Belt. The use of the site for the storage of Stere fibre had an impact on the openness

of the Green Belt.

Subsequently, the applicant had appealed the decision to the Planning Inspectorate and in addition to this, had also submitted a Certificate of Lawfulness application to allow Sterefibre to be spread on the land and a Condition Discharge request (Condition 29 of Planning Permission 01/0817/P) to allow Sterefibre to be imported and used for restoration purposes. Both the Certificate and the Condition Discharge request, which had been refused by the Local Planning Authority under delegated powers on 12th July 2016 and 24th August 2016 respectively, had also been appealed.

Members were informed that Catplant intended to firstly utilise Sterefibre over six of the twelve landfill cells, which have the benefit of an Environmental Permit. Should Sterefibre be spread to agricultural land; the restoration of Hazel Lane Quarry being an agricultural led scheme, as part of the Environment Agency's permitting Improvement Condition, it could never again be used for the growing of food or fodder or for the grazing of livestock. Therefore, as there was concerns that the properties of the Sterefibre could be taken up into the food chain, such a proposal would severely limit the full agricultural benefit of the restored land due to the degrading of the soil quality, which was land in full agricultural (arable) use prior to mineral extraction/landfilling taking place.

In preparation for the forthcoming Public Inquiry, Officers requested the approval of the Planning Committee to have full consideration to the wider implications of Catplant's proposal to utilise Sterefibre over the Hazel Lane Quarry site and in so, doing detailing the adverse implications that this would have on the site's agricultural/soil resource.

RESOLVED that Committee endorse Officers in the forthcoming appeals in relation to the stockpiling of Sterefibre and the retention of an engineered fibre storage pad for a temporary period of 6 years at Hazel Lane Quarry, Hampole, Doncaster, to have full consideration to the concerns over the downgrading of the agricultural land should Sterefibre be used as part of the restoration soil making materials.

59 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 30TH NOVEMBER, 2016 TO 19TH DECEMBER, 2016

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during the period 30th November to 19th December, 2016.

In response to Councillor Sue McGuinness seeking further clarification with regard Enforcement Case 16/00433/M, the Head of Planning, Richard Purcell, undertook to provide Councillor McGuinness with a written response to outlining the specific details of the case and indicating what action was going to be undertaken by the Local Authority to resolve the issue.

RESOLVED that all Planning Enforcement Cases received and closed for the period 30th November to 19th December, 2016, be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 10th January, 2017

Application	1		
Application Number:	16/02551/FUL	Application Expiry Date:	4th January, 2017
Application Type:	Full Application		
Proposal Description:	Change of use to 7 bedroom House in Multiple Occupation (Large HMO - sui generis) and associated external alterations		
At:	12 Princess Road, Mexborough, S64 0AW		
For:	Foot Forward Ltd - Mr Jeff Dunnill		
Third Party Reps:	8	Parish:	None
		Ward:	Mexborough

A proposal was made to refuse the application.

Proposed by: **Councillor Dave Shaw**

Seconded by: **Councillor Andy Pickering**

For: 5 Against: 1 Abstain: 5

Decision: Planning permission Refused for the following reasons:-

- In the opinion of the Local Planning Authority, the change of use to form a house in multiple occupation for 7 people with no provision for off-street parking will lead to such a level of on-street parking as to create a danger to highway safety and thereby be contrary to Doncaster's Core Strategy Policy CS 14: Design and Sustainable Construction, Criteria A)3, which seeks to ensure that new developments do not undermine the safety of highway users.**

Application	2
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Application Number:	16/02779/4OUT	Application Expiry Date:	3rd February, 2017
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Application Type:	Outline Planning (DMBC Reg 4)
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Proposal Description:	Outline application for the erection of a new Yorkshire Ambulance Service Hub on approx 0.93 ha of land (Approval being sought for Access) (being application under Regulation 4 Town and Country Planning (General) Regulation 1992)
At:	Land North of Middle Bank, Lakeside, Doncaster

For:	Ambulance Service Yorkshire
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Third Party Reps:	None	Parish:	N/A
		Ward:	Town

Planning Application Withdrawn.

Application	3
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Application Number:	16/02890/FUL	Application Expiry Date:	4th January, 2017
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Application Type:	Full Application
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Proposal Description:	Erection of extension to existing bungalow to create two storey dwelling and erection of two storey detached house and two detached garages
At:	8 Sprotbrough, Doncaster, DN5 7QG

For:	Mr Matthew Sylvester
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Third Party Reps:	11 objections	Parish:	Sprotbrough & Cusworth Parish Council
		Ward:	Sprotbrough

A proposal was made to grant the application.

Proposed by: **Councillor Eva Hughes**

Seconded by: **Councillor John Healy**

For: 7 Against: 2 Abstain: 2

Decision: Planning permission granted.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr. Alan Brown spoke in opposition to the application for the duration of up to 5 minutes and provided Members with a document to accompany his presentation.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr. Rob Saxton (Agent) spoke in support of the application for the duration of up to 5 minutes.

(The receipt of a street scene drawing from the Applicant and an amended representation from a correspondent, were reported at the meeting).

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DONCASTER METROPOLITAN BOROUGH COUNCIL

7th February 2017

To the Chair and Members of the PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

1. A schedule of planning applications for consideration by Members is attached.
2. Each application comprises an individual report and recommendation to assist the determination process.

Human Rights Implications

Member should take account of and protect the rights of individuals affected when making decisions on planning applications. In general Members should consider:-

1. Whether the activity for which consent is sought interferes with any Convention rights.
2. Whether the interference pursues a legitimate aim, such as economic well being or the rights of others to enjoy their property.
3. Whether restriction on one is proportionate to the benefit of the other.

Copyright Implications

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Scott Cardwell
Assistant Director of Development
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

NOTE:- Site Visited applications are marked 'SV' and Major Proposals are marked 'M'

Application	Application No	Ward	Parish
1. M	12/02053/FULM	(Historic) Armthorpe	Armthorpe Parish Council
2. M	16/02268/FULM	Finningley	
3. M	16/03012/FULM	(Historic) Central	
4.	16/02552/OUT	Sprotbrough	Hampole And Skelbrooke Parish Meeting
5.	16/03119/FUL	Armthorpe	Armthorpe Parish Council

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE -

Application	1
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Application Number:	12/02053/FULM	Application Expiry Date:	24th January 2013
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Application Type:	Planning FULL Major
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Proposal Description:	Erection 9 no. retail units and 22 no. apartments in two blocks with associated parking, servicing space, cycle storage and bin storage on approximately 0.33 ha of land following demolition of existing public house and hairdressing salon.
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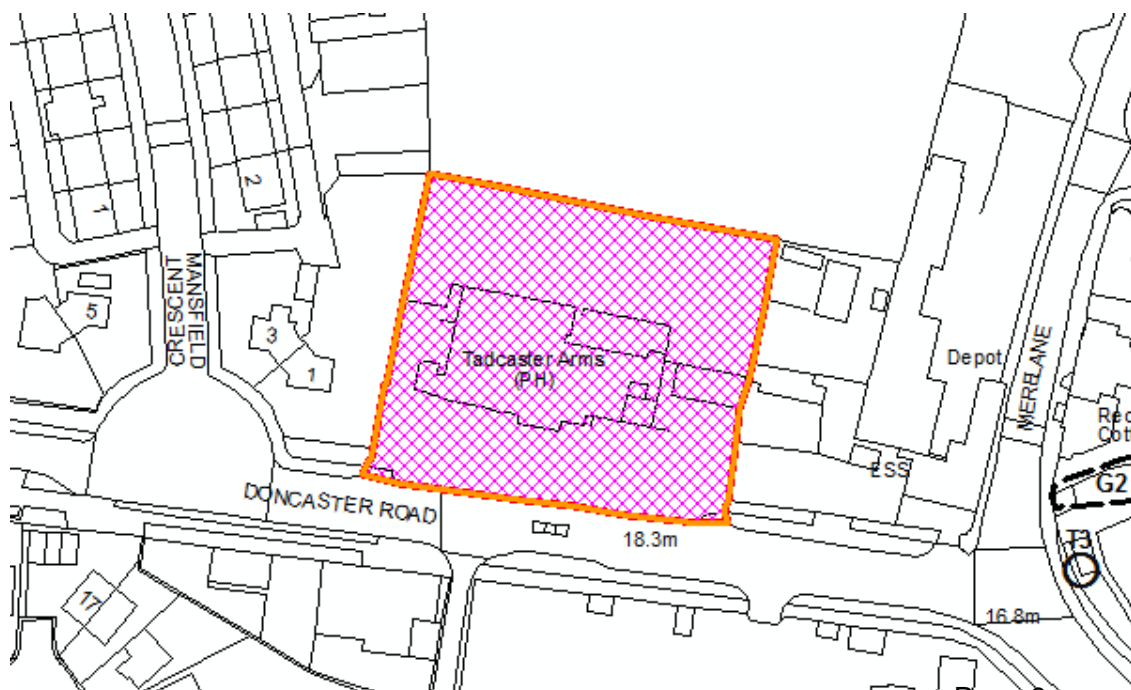
At:	Tadcaster Arms Hotel Doncaster Road Armthorpe Doncaster
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For:	Mr P Christmas And Ground Properties
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Third Party Reps:	4	Parish:	Armthorpe Parish Council
		Ward:	(Historic) Armthorpe

Author of Report	Nicola Elliott
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MAIN RECOMMENDATION:	Grant
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1.0 Reason for Report

1.1 Members are asked to reconsider this application which Planning Committee resolved to grant subject to the signing of a s106 Agreement on the 17th of September 2013. The Section 106 Agreement was never signed and therefore the decision notice has not been issued. The application remains to be determined. A revised viability appraisal has since been submitted and considered by an independent financial consultant which has concluded that the development is unable to provide on-site affordable housing and commuted sums in lieu of public open space and primary school places and remain viable. Amendments are therefore made to the original report from paragraphs 8.34 onwards. The recommended Heads of Terms of noted in Section 10 of the original report have subsequently been deleted. An amendment has also been made to the site description in section 2.3 as a new development is now under construction. Section 3 has also been updated to reflect the latest planning history. Paragraph 4.4 has also been added.

1.2 The application was originally presented to Planning Committee at the request of Councillor McGuinness due to concerns with regard to the impact of the proposed development on highway safety. Following consideration of the application by Committee, a Road Safety Audit was submitted to the satisfaction of the Council's Highways team and agreed by the Head of Planning, in accordance with the Post Committee Amendments of the 17th September 2013 Planning Committee.

2.0 Proposal and Background

2.1 Permission is sought for the erection of 9 retail units and 22 apartments in two blocks with associated parking and servicing areas and bin and cycle storage, following demolition of the existing public house and hairdressing salon.

2.2 The existing site is mostly occupied by the existing large public house, which at the time of the original site visit was vacant. The building is red brick with a hipped, slate roof. The massing of the building is broken down and there are number of off-shoots of a lower height. There is a two storey projecting gable to the front of the building in the centre. Alongside the public house is a detached, single storey building constructed of the same materials, also with a hipped roof.

2.3 To the rear (north) is a school playing field which is separated from the site by palisade fencing. To the east are allotments and to the west are residential properties. Doncaster Road is located to the south. There is a pedestrian crossing outside of the site, and a bus stop. Across the road are gardens to a residential property bound by a stone wall, which has planning permission for five dwellings to be constructed. The area is predominantly residential. A residential development is under construction to the east of the development on the corner of Mere Lane and Doncaster Road.

2.4 The proposed buildings are to be three storeys in height, with the exception of a small element which is to be two storeys to the west of the site, adjacent to No 1 Doncaster Road. The ridge height of the three storey element will be 12m, this reduces to 9m to the two storey section. The buildings will have hipped roofs.

2.5 Block A is to contain six shop units and fourteen apartments, Block B is contain three shop units and eight apartments. Twenty apartments are to have two bedrooms and the remaining two apartments will have only one bedroom. Those at the rear have small balconies, and communal amenity space is available to the rear.

3.0 Relevant Planning History

06/02681/FUL

Decision: Refused

Date Issued: 7th December 2006

Installation of decking with canopy above to front elevation of public house (approx 8.8m x 6.8m overall)

Reason;

1. It is considered that the proposed structure would have an unsympathetic impact upon both the character of the surrounding street scene and the existing building, contrary to Policies PH12 and ENV54 of the Doncaster Unitary Development Plan 1998, and national Planning Policy Statement 1(Sustainable Development).

2. The proposed development would cause a nuisance to the amenities of neighbouring properties by way of noise from customers congregating outside at unsociable hours, contrary to Policy PH12 of the Doncaster Unitary Development Plan 1998 and national Planning Policy Guidance Note 24 (Planning and Noise).

07/00057/FUL

Decision: Granted

Date Issued: 7th March 2007

Installation of decking with canopy above to front elevation of public house (approx 8.3m x 4.5m overall) (being amendment to previous permission refused under Ref 06/02681/FUL on 07.12.06)

Adjacent site to the East

14/02290/3FULM

Decision: PER

Date Issued: 10th February 2015

Erection of 12 dwellings with associated highways and infrastructure on approx 0.25ha of land following demolition of existing buildings (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)

15/00574/3FUL

Decision: PER

Date Issued: 1st May 2015

Formation of new vehicular access to classified road (C86) to facilitate electricity substation maintenance (being application under Regulation 3 Town and Country Planning (General) Regulations 1992).

15/02380/3FULM

Decision: PER

Date Issued: 19th November 2015

Erection of 12 dwellings with associated highways and infrastructure on approx 0.25ha of land following demolition of existing buildings (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992) (Removal of Condition No. 17 of application reference No. 14/02290/3FULM granted 10/02/2015 - Code for Sustainable Homes Level 3).

Land adjacent the White House:

14/02889/OUT

Decision: Granted

Date Issued: 2nd February 2015

Outline application for the erection of 5 detached dwellings on approx. 0.24ha of land (approval being sought for access and layout)

11/01583/OUT

Decision: Granted

Date Issued: 17th January 2012

Outline application for the erection of 5 detached dwellings on approx 0.24ha of land (approval being sought for access and layout)

4.0 Representations

4.1 The application was originally advertised by means of site notice and press advertisement. Amendments to the scheme were advertised by means of individual neighbour notification and site notice.

4.2 Representations from three households have been received, one interested party reaffirmed their objections following amendments. The concerns raised include;

Loss of amenity as a result of loss of pub

Highway safety - site on sharp bend, increase in traffic is a danger to schoolchildren, conflict between residents, pedestrians, shoppers, delivery vehicles, no dedicated servicing areas, proximity to funeral directors across road

Insufficient car parking - may result in accidents

If shops become fast food units, will cause disturbance from smells, litter, noise, traffic

No need for more shops or apartments

May be let as one unit

Out of centre location, therefore will harm the vitality and viability of the local centre.

Distance from the proposed site from the shopping centre will shift the retail focus away from the existing shops and reduces the likelihood of linked trips.

May result in closure of other shops in the centre.

Height and number of floors of the development is out of character with the rest of the buildings in the area

Development is an eyesore

Detrimental effect on their enjoyment of their houses and gardens

Lack of amenity space and soft landscaping

3 storeys will have a detrimental impact on the value and situation of surrounding properties

Loss of privacy due to height and number of windows

Loss of property value

Noise and disturbance from shops - types of shops and opening hours and deliveries

Traffic congestion

Requirement for a demolition and management plan

Alignment of access with residential development granted across the road

Should not be used as a hotel, hall of residence etc.

4.3 Following amendments, the following was received in addition to those made before;

Not gone far enough to resolve outstanding issues

Amenity space is still lacking

Balconies will increase overlooking of neighbours

Still a big building which will overshadow neighbours
No dedicated servicing area for delivery vehicles
A pub is needed in this area

4.4 An additional representation was received following the resolution of Members of the Planning Committee to grant planning permission, the concerns include;

Too many shops and flats to contend with
Too much traffic coming through the village
Lost heritage

5.0 Parish Council

5.1 Armthorpe Parish Council object to the proposal for the following reasons;

Three storeys in this location is incongruous
Overlooking of properties across the road
Increased traffic detrimental to road safety/pedestrian safety
Requirement for contribution towards pelican crossing for school children

6.0 Relevant Consultations

Highways Development Control - No objections subject to conditions, following amendments to the layout.

Strategic Transportation Unit - No objections following amendments to the Transport Statement.

South Yorkshire Fire and Rescue Service - No objections.

Affordable Housing - 26% affordable units to be provided (7 flats, 5 of which would be for affordable rent and 2 for intermediate tenure such as shared ownership).

Trees and Hedgerows Officer - Retention of the oak tree is welcome. Concerns over width of landscaping strip.

Ecologist Planning Officer - No objections following the receipt of a bat survey.

Environment Agency - No objections.

Doncaster East Drainage - No objections.

Internal Drainage - No objections subject to condition.

Severn Trent Water - No objections subject to condition.

South Yorkshire Police Architectural Liaison Officer - Concerns with regard to security of doors and windows, access to communal doors, cctv, symbolic barrier required to differentiate between public and private.

Pollution Control - No objection, subject to condition.

Coal Authority - Comments not required.

Urban Design Officer - Initially raised concerns with regard to scale, design and massing and access to amenity space. Overshadowing of adjacent properties, impact outlook, location of bin stores, residential entrances at the rear are not very legible, lack of cycle storage, minor architectural details.

Following amendments, and the receipt of shadowing studies, the Urban Design Officer was satisfied by the shadowing studies in that there will be little impact on the adjacent property and other changes made. It was however requested that further visualisations were provided.

Environmental Planning Group - Based on the 2012 / 2013 re-audit of green space by community profile area Armthorpe is deficient in both informal and formal provision so 15% is required.

The only way to alleviate a deficiency is to provide onsite provision. Ward members and Parish councillors are aware of the POS deficiencies in Armthorpe.

National Grid - No comments received.

South Yorkshire Passenger Transport Executive - No comments received.

Environmental Health - No comments received.

Education Team - 2 primary school places required, therefore commuted sum of £24,286 required.

Policy - Passed the Sequential Test and satisfied with the justification for the development. Whilst in an ideal world this development would have been closer to the centre of Armthorpe, the applicant has adequately demonstrated why this wasn't possible. Whilst it is a shame to lose the pub as it is a characterful building in an area largely devoid of standout buildings. However, the commercial realities make it hard to continue its operation.

7.0 Relevant Policy and Strategic Context

7.1 The site is located within the Residential Policy Area, as defined by the Doncaster Unitary Development Plan.

Doncaster Unitary Development Plan

PH 11 - Residential Development in Residential Policy Areas

PH 12 - Non Residential Development in Residential Policy Areas

ENV 59 - Protection of Trees

SH 16 - New Retail Development

RL 4 - Local Open Space Provision

CF 2 - Loss of Community Facilities

Doncaster Council Core Strategy

CS 2 - Growth and Regeneration Strategy

CS 7 - Retail and Town Centres

CS 12 - Housing Mix and Affordable Housing

CS 14 - Design and Sustainable Construction

National Planning Policy Framework

Planning Policy Principle 2 - Ensuring the Vitality of Town Centres

Planning Policy Principle 4 - Promoting Sustainable Transport

Planning Policy Principle 6 - Delivering a Wide Choice of High Quality Homes

Planning Policy Principle 7 - Requiring Good Design

8.0 Planning Issues and Discussion

The Principle of the Development

8.1 The site is located within the Residential Policy Area as defined by the Doncaster Unitary Development Plan. Therefore, the proposal must adhere to saved policies PH 11 and PH 12 of the Doncaster Unitary Development Plan as it constitutes both residential and non-residential development. The site is also designated as residential policy area in the Draft Armthorpe Neighbourhood Plan. As the site is in an out of centre location, the NPPF (paragraph 24) and the Core Strategy (CS 7) require applications for main town centre uses in out of centre locations to pass a Sequential Test to ensure that the development will not detract from the viability and vitality of town/district centres.

8.2 Policy PH 11 states that residential development is acceptable within Residential Policy Areas provided that it would not result in a development that is harmful to residential amenity or the character of the surrounding area. Policy PH 12 allows for non-residential use of appropriate scale within residential areas provided that the use would not cause unacceptable loss of residential amenity through for example, excessive traffic, noise, fumes, smells or unsightliness.

Demolition and Loss of Community Facility

8.3 The site is not located within a Conservation Area and the buildings to be demolished are not listed. It is therefore not considered that the loss of either of these buildings will be detrimental to the character of this part of Armthorpe. The loss of the public house does however constitute a loss of a community facility and policy CF 2 of the Doncaster Unitary Development Plan 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 of community facilities.

8.4 Whilst representations have indicated that a public house is needed in this location, the Neighbourhood Manager for Armthorpe has not raised any objections, and whilst the Parish Council do object, it is not as a result of the loss of a community facility. At the time of the site visit, the public house was vacant, however in later months a small part has been reopened. The applicant states that public houses are closing on a daily basis due to the economic climate, running cost and loss of trade. The Tadcaster Arms has recently been re-opened on a temporary basis with no long term lease in place as no tenant was prepared to make a long term commitment. Only part the establishment is being used and the remaining left vacant. The reason for the pub's demise is due to the loss of the mining community that had an effect on the trade. The building is no longer sustainable due to its age and size, heating and lighting costs have a detrimental impact on the running costs and profitability and for these reasons it is no longer financial viable and hence the seeking of an alternative use.

8.5 It is therefore considered that, in the absence of any objections to the loss from the Neighbourhood Manager and the Parish Council, the loss of the public house is justified. From a policy point of view, whilst it is a shame to lose the pub as it is a characterful

building in an area largely devoid of standout buildings, the commercial realities make it hard to continue its operation.

Implications of Development in Out of Centre Location

8.6 In accordance with the NPPF and the Core Strategy, a Sequential Test has been submitted to demonstrate that the retail floor space cannot be accommodated in a sequentially preferable location given that the proposal is for a main town centre use in an out of centre location. The site is approximately 500m from the closest district/local centre at Armthorpe. The combined retail floor space is approximately 835 metres squared, therefore, this application does not meet the threshold for requiring a Retail Impact Assessment.

8.7 It was agreed with the Local Planning Authority that the area of search for the Sequential Test should be based on the district and local centres at Armthorpe, Edenthorpe and Intake. Whilst the site is in an out of centre location, it is in walking distance of Armthorpe district centre and is adjacent to a bus stop. It is 500m from the main shopping area of the centre and has good pedestrian access via Doncaster Road and Church Street.

8.8 The Sequential Test illustrates that no sequentially preferable sites have been identified which could accommodate the development. The applicant states that although there are a small number of vacant units within the centres, they do not offer sufficient floor space to accommodate the proposed development.

8.9 It is considered that this justification is adequate and the application has passed the Sequential Test. Whilst it would be more appropriate for the development to be closer to the centre of Armthorpe, it has been demonstrated that this is not possible. The proposal is within walking distance of a large residential catchment and is also within close proximity to public transport. Furthermore, it is not anticipated that, as a result of the scale of the retail development, the development will have a detrimental impact on the size and function of Armthorpe District Centre. The proposal therefore meets with paragraph 24 of the NPPF and policy CS 7 of the Core Strategy and the retail element of the proposal is acceptable in principle.

Design, Scale and Massing

8.10 Planning Policy Principle 7 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and contributes positively to making places better for people. Policy CS 14 of the Doncaster Council Core Strategy sets out the local policy in relation to design and sustainable construction.

8.11 The retail units and apartments are to be built in two blocks and are predominantly three storeys in height. The exception to this is the western section of block A, which is two storeys in part adjacent to No 1 Doncaster Road, a residential property. This is the result of negotiation with the applicant to ensure that the proposal does not adversely impact on occupiers of the adjacent property, but it also partially mirrors the style of the existing building which is broken down into sections of differing height.

8.12 The proposal will maintain the existing frontage in the sense that the buildings will be replaced by two other large structures, thus preventing a gap in the street scene. The buildings will maintain a hipped roof formation, reducing the massing of the roof and thus complementing surrounding buildings. Other features which add interest to the building

include a three storey front projecting gable to the centre of block A, similar to the existing building, balconies and projecting upper storey flat roof bay windows on both blocks. These features help to break up the large buildings and add architectural interest. Details of materials are requested by condition, although red brick is the predominant material.

8.13 It is noted that the site is within close proximity of St Leonard and St Mary's Church (Grade 1 Listed) and characterful buildings, such as The White House and The Old Rectory Nursing Home, but these building front Church Street and Mere Lane and are not read in conjunction with the site of the Tadcaster Arms as Doncaster Road itself also separates to two sites. It is therefore not considered that the proposal will harm the wider character of the area in accordance with policy CS 14 and the NPPF.

Residential Amenity

8.14 Policy PH 11 of the Doncaster Unitary Development Plan relates to residential development and states that within residential policy areas development for housing will normally be permitted except where; (a) the development would be at a density or of a form which would be detrimental to the character of the surrounding area or would result in an over-intensive development of the site, (b) the effect of the development on the amenities of occupiers of nearby properties would be unacceptable and (d) the development would result in the loss of social, community and recreational or other local facilities for which there is a demonstrated need.

8.15 With regard to the retail element, policy PH 12 states that residential policy areas the establishment or extension of non-residential uses of appropriate scale will be permitted provided the use would not cause unacceptable loss of residential amenity through for example, excessive traffic, noise, fumes, smells or unsightliness.

8.16 Policy CS 14 of the Core Strategy also states that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

8.17 In terms of the impact of the flats on the occupiers of neighbouring properties it is not considered that the proposal will result in an unacceptable level of overlooking. Whilst the buildings are to be three storeys in height, there is to be no direct overlooking from the rear as the development will overlook a school playing field. There are no residential properties to the east of the development, and due to the siting of the blocks, the rear elevation can overlook No 1 Doncaster Road. Given the siting of the balconies at the rear, it should not lead to overlooking. There is one bedroom window on the side elevation of block A, adjacent to No 1 Doncaster Road. Given the location window, there will be a separation distance of approximately 12m, which is not considered to significantly compromise residential amenity by virtue of overlooking.

8.18 It is not considered that properties opposite from the development site will be unreasonably overlooked by the apartments as there is approximately 34m to the edge of The White House's curtilage. If the dwellings which are to be built in this location are constructed, this will leave approximately 37m. There is approximately 60m of separation between the apartment scheme and the existing building The White House. This is therefore considered sufficient to prevent a significant loss of amenity by virtue of overlooking.

8.19 Consideration has been given to the impact of overshadowing of apartment block A on the residents at No 1 Doncaster Road to mitigate against this, the western part of the building has been reduced to two storeys, and shadowing studies have been submitted to

illustrate that there will be very little overshadowing to this property at various times of the day. This therefore meets with policy PH 11 of the Doncaster Unitary Development Plan.

8.20 With regard to the impact of the commercial element of the development on residential amenity, it is not considered that A1 uses will pose a significant level of disturbance subject to appropriate opening hours conditions. Should hot food takeaways be sought, this will require the benefit of a separate planning permission, as will extensions to opening times. Any associated extraction flues would also require separate consent and details of lighting are required by condition.

8.21 A noise assessment was submitted with the application which stated that mitigation measures will be incorporated to the retail units to ensure that emission levels are within the standards as set out in BS 8233. No objections were received from Environmental Health. Given the location of the site on an arterial route, it is not considered that traffic noise will be significantly increased as a result of the development.

8.22 On balance, the proposal is not considered to be significantly harmful to residential amenity for the reasons stated above. As such the proposal accords with policies PH11 and PH 12 of the Doncaster Unitary Development Plan and policy CS 14 of the Doncaster Council Core Strategy.

Highways and Parking

8.23 Concern has been raised by local residents, a Ward Member and the Parish Council with regard to the impact of this proposal on highway and pedestrian safety, traffic congestion and parking. No objections have however been raised by Highways Development Control or the Strategic Transportation Unit.

8.24 Given the scale of the development, a Transport Statement was submitted. The development is at the threshold of requiring a full Transport Assessment, however given the location and satisfactory access by non-car modes, a Transport Statement is adequate, as confirmed by the Strategic Transportation Unit. The Transport Statement considers the accessibility of the site by all modes of transport.

8.25 It is stated that the main proportion of visits on foot will be to the retail units and the site is well connected by footways on the surrounding routes. There is a pedestrian refuge point directly outside the site frontage. Pedestrian access has also been considered with this site with designated pedestrian areas. Cycle parking is also accommodated within the development for both customers and residents, with designated cycle storage and access areas, away from the internal road. There is also a bus stop directly outside the site which provides another sustainable travel mode. This provides access to the town centre and other surrounding areas and runs frequently 7 days per week.

8.26 With regard to access by car, the site is within close proximity to the A18, A630 and M18. 18 retail car parking spaces are provided to the front of the site which will have a maximum stay limit. 32 spaces are provided at the rear for the 22 apartments, this allows for a parking ratio of 1:1.45, which is considered sufficient as the ideal parking ratio is 1.5 for units of 2 bedrooms or more and 1 space for 1 bedroom, and only 20 of these apartments have 2 bedrooms, thus meeting car parking standards. The retail units will be serviced via the shared access and turning will be possible at the rear.

8.27 It is therefore considered that the parking ratio and access to sustainable transport methods is acceptable and will not create a significant issue to the highway network.

Whilst the concerns with regard to traffic congestion are noted, not all vehicles will arrive and depart from the site at the same time. Access to a frequently run bus service within close proximity to the site may also prove attractive to residents. It is also expected that given the extent of the surrounding residential area, a large proportion of visitors to the retail units will be on foot.

8.28 With regard to the perceived safety issue of the close proximity of the development to the existing pedestrian refuge and the bus stop, further to clarification from the Highways and Road Safety teams, both pose no current problems. There is adequate room for vehicles to pass a stationary bus stop without crossing the pedestrian refuge on the opposite side of the carriageway. The location of the bus stop was deemed to be the best possible when it was erected and to position it further along Doncaster Road would pose conflict with the junction with Mere Lane. The Road Safety Officer is comfortable with the bus stop remaining in situ.

8.29 It is therefore considered that the proposal meets with Planning Policy Principle 4 of the NPPF and policies CS 9 and CS 14.

Drainage and Land Contamination

8.30 The site is located within Flood Zone 1 and does not meet the 1ha threshold for requiring a Flood Risk Assessment. It is therefore not considered that the development represents a flood risk to surrounding areas. The Environment Agency consider that the controlled waters at this site are of low environmental sensitivity, detailed site-specific advice or comments with regards to land contamination issues for this site.

8.31 Severn Trent Water raise no objections subject to details of the disposal of surface water and foul sewage being submitted to the Local Planning Authority by condition. The Council's Drainage Officer also has no objections, subject to condition.

Trees and Landscaping

8.32 There is one tree within the development which is to be retained. With regards to landscaping 900mm metal railings will be installed along the front boundary, however detail of further landscaping has not been provided so this is requested by condition. With regard to the reinstatement of the grass highway verge and footpath, as this is outside of the application site and outside of the applicant's ownership, the works will need to be secured by means of a Grampian condition.

Ecology and Wildlife

8.33 The Ecology Survey submitted with the application identified the need for a further bat survey as the public house was considered to have medium potential for use by roosting bats. This was carried out in May and showed no evidence of bats. Therefore, there are no objections to the proposal from an ecology point of view and the proposal therefore meets with policy CS 16 of the Core Strategy which states that nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with relevant legislation and policy.

Section 106 Requirements

8.34 There are three main areas which trigger the requirement for S106 contributions. These are affordable housing, public open space and education.

8.35 The application triggers the threshold for the provision of 26% affordable housing to be provided on site in accordance with policy CS 12 of the Doncaster Core Strategy. Within policy CS 12 it is also states that housing sites of 15 or more houses will normally include affordable houses on-site, except where a developer can justify an alternative scheme in the interests of viability.

8.36 Based on the 2012 / 2013 re-audit of green space by community profile area Armthorpe is deficient in both informal and formal provision so 15% is required. The only way to alleviate a deficiency is to provide onsite provision. However, in accordance with UDP policy RL 4, as overall site area is 0.33ha and less than the 0.4 ha threshold, a commuted sum is required in lieu of public open space. This is because the size of the open space area at 15% of the site area would not lead to a versatile, useable area of open space.

8.37 A further contribution is required to fund 2 school places at Shaw Wood Primary School as, further to consultation with the Education team, it was confirmed that the school will be full in 2017/18 and would not be able to accommodate any additional places as a result of this development. This would be at a cost of £24,286.

8.38 Following the Planning Committee's resolution in September 2013 a draft s106 Agreement was prepared to accommodate the above. The developer submitted a viability appraisal which was considered by the council's independent financial consultant and found to remain viable. However, on consideration of the consultant's report, the applicant asked for this to be reconsidered due to discrepancies between end value, site value and profit. The report was updated by the applicant and recently submitted to support the application. It was sent to one of the council's independent viability consultants who concluded that the scheme would only be viable with a reduced profit level which would not generate sufficient interest in redeveloping the site. The consultant accepted that the report demonstrated that the development was unable to support any affordable housing or the s106 financial contributions for open space and education.

8.39 Paragraph 205 of the NPPF states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planning development being stalled. As such, approval of the proposal without on-site affordable housing and contributions to public open space and education, is compliant with national and local planning policy.

Housing need and Employment Creation

8.40 With regard to housing need, Core Strategy policy CS 2 identifies that in Armthorpe, 646-923 homes are required over the plan period, as Armthorpe is a Principal Town. This therefore identifies a need for housing development in this location. Whilst the number of jobs to be created is no yet know, the erection of 9 retail units will undoubtedly support the aim of policy CS 2 with regards to growth and regeneration.

Summary and Conclusion

9.1 In summary, it is considered that the proposed development is an acceptable use of the site which is of a scale, siting and design appropriate to the character of the surrounding area. Furthermore it is not considered that the proposal will unduly compromise the amenities of occupiers of neighbouring residential properties, by virtue of overshadowing, dominance and overlooking. The concerns raised in relation to highway and pedestrian safety have been fully taken into account, and Highways Development

Control and the Strategic Transportation Unit are satisfied that the proposal will not significantly impact upon safety or traffic generation. It is therefore considered that the proposal is acceptable and is recommended for approval accordingly, subject to the attached conditions.

The above objections, considerations 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.

RECOMMENDATION

Planning Permission GRANTED subject to the following conditions.

01. STAT1 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. U35727 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
Proposed Site Plan - 012/24/04 Rev B - Amended 26.07.2013
Proposed Elevations Block A - 012/24/03 Rev B - Amended 26.07.2013
Proposed Plans Block A - 012/24/02 Rev B - Amended 26.07.2013
Block B Plans and Elevations - 012/23/01 Rev B - Amended 26.07.2013
REASON
To ensure that the development is carried out in accordance with the application as approved.
03. MAT1 Before the development commences, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
REASON
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.
04. GR18 No development shall take place in implementation of this permission until the applicant has submitted to and received approval thereto in writing from the local planning authority a report identifying how the predicted CO2 emissions from the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings, which result from this, will be above and beyond what is required to comply with Part L Building Regulations. Unless otherwise agreed in writing by the local planning authority, the development shall then proceed in accordance with the approved

report. Before any dwelling is occupied or sold, the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that the day-to-day operation of the equipment will provide energy for the development as long as the development remains in existence.

REASON

In the interests of sustainability and to minimize the impact of the development on the effects of climate change.

05. GR19

The dwelling(s) shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON

In the interests of sustainability and to minimise the impact of the development on the effects of climate change.

06. U35716

Notwithstanding the approved plans, full elevational details of the proposed bin stores 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

In the interests of visual amenity in accordance with policy CS 14 of the Doncaster Council Core Strategy.

07. VQ17

No development shall take place on the site until details of a landscaping/planting scheme have been agreed in writing with the Local Planning Authority. This scheme shall indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those which are to be retained, those proposed for removal and those requiring surgery. The scheme should also indicate, where appropriate, full details of new or replacement planting. All planting material included in the scheme shall comply with Local Planning Authority's 'Landscape Specifications in Relation to Development Sites'. Planting shall take place in the first suitable planting season, following the commencement of the development. Any tree or shrub planted in accordance with the scheme and becoming damaged, diseased, dying or removed within five years of planting shall be replaced in accordance with the above document.

REASON

To ensure that replacement trees are of a suitable type and standard in the interests of amenity.

08. U35717

No development shall commence until details of the reinstatement of the grass verge and footpath have been 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 the works carried out are satisfactory.

09. HIGH1 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.
10. HIGH2 The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.
REASON
To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.
11. HIGH3 Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.
REASON
To ensure that adequate parking provision is retained on site.
12. U35729 The access road serving the development shall be constructed in such a manner as to withstand a 26 tonne axle load without deflection.
REASON
To ensure that the access can accommodate the types of vehicles accessing the site.
13. U35730 When the proposed (replacement) access has been constructed the existing access shall be permanently closed in a manner to be approved by the local planning authority.
REASON
In the interest of road safety.
14. U35731 Prior to the commencement of the development hereby approved, detailed layout and engineering drawings for the proposed new access arrangements shall be submitted for inspection and approval by the Local Planning Authority. The visibility splays of 2.4m x 43m are to be shown on the plans.
REASON
In the interests of road safety.
15. U35732 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
REASON
To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

16. U35734 Prior to the commencement of the development hereby approved, the risk of gas migration shall fully investigated.
- a) A site investigation, including relevant ground gas monitoring 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.
- b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy, including a diagram of the installation and installation method statement shall be submitted in writing and approved by the LPA prior to any remediation commencing on site.
- c) The approved 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.
- d) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the LPA. The verification report shall include quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. 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 and pursuant to the National Planning Policy framework.

17. U35714 Prior to the commencement of the development hereby approved, full details of the lighting proposals shall be submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of residential amenity.

18. U35735 The hours of operation shall be limited to Monday - Sunday 09:00 - 18:00 and not at all at any other time.

REASON

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

19. U35736 The premises shall only be used for A1 (Retail) and for no other purpose including any other purpose within Class A of the Town and Country Planning Use Classes (Amendment) Order 2005 (or any subsequent order or statutory provision revoking or re-enacting that order with or without modification).

REASON

The local planning authority wishes to retain control over any subsequent change of use of these premises, in the interests of safeguarding the amenities of the area.

01. INF1

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 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

This Standing Advice is valid from 1st January 2013 until 31st December 2014

02. U07042

INFORMATIVE

Tie in to / any works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas – Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

03. U07043

INFORMATIVE

Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans – Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

04. U07044

INFORMATIVE

ACCESS FOR FIRE APPLIANCES

Commercial Buildings

Access should be in accordance with Approved Document B Volume 2 Part B5 Section 16.2 16.11 and Table 20.

Flats

Access should be in accordance with Approved Document B Volume 2 Part B5 Section 16.3 16.11 and Table 20.

Pumping Appliances in South Yorkshire will weigh 26 tonnes. Table 20 references to pumping appliances should be read as 26 tonnes.

WATER SUPPLIES FOR FIREFIGHTING

Water supplies should be provided in accordance with Approved Document B Volume 2 Part B5 Section 15.

05. U07045

INFORMATIVE

Where Soakaway Drainage Systems are proposed it is advised that percolation tests in accordance with BS:6297 (or the latest version) are undertaken, this will ensure the ground is capable of percolating water throughout the year without causing any detrimental effect to the Drainage District.

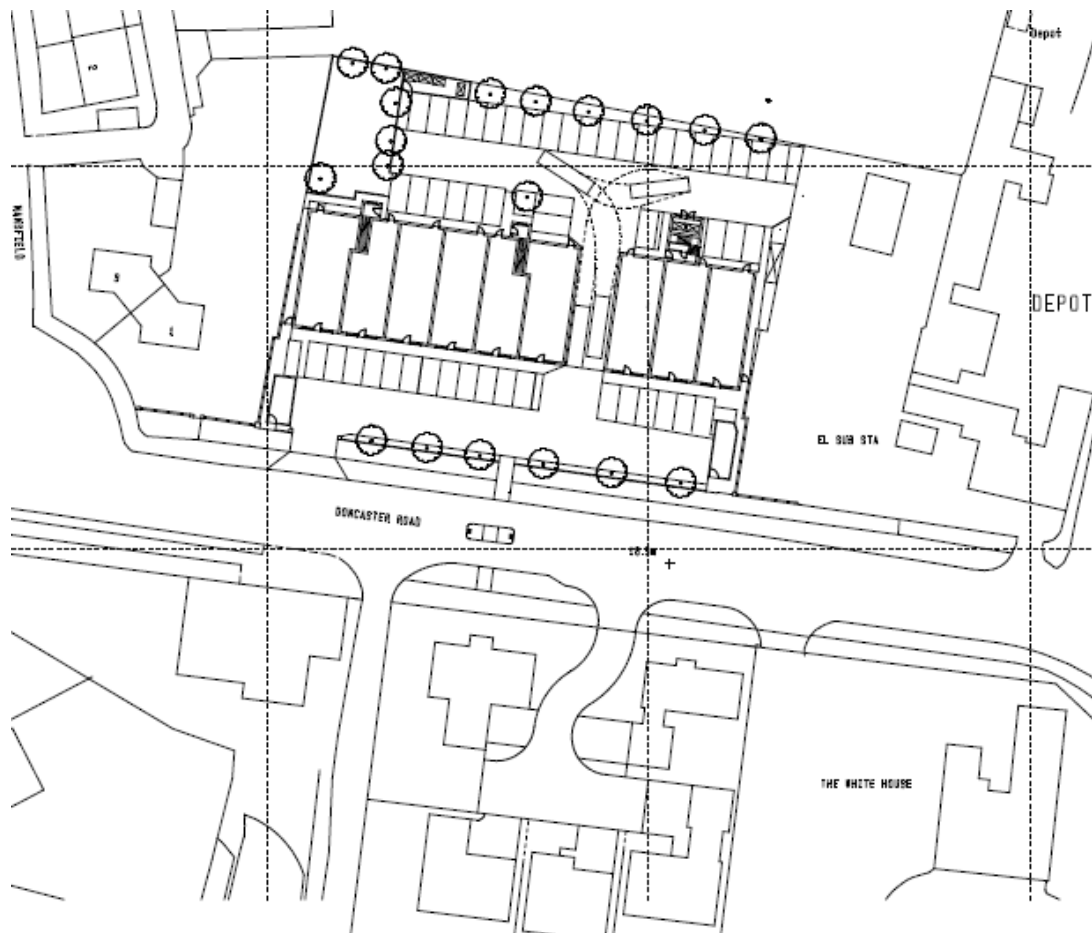
06. U07046

INFORMATIVE

For development sites which meet the criteria set out in the Environment Agency's Pollution Prevention Guidelines (PPG) 3, "Use and Design of Oil Separators in Surface Water Drainage Systems", the developer needs to consider the use of an Oil Separator.

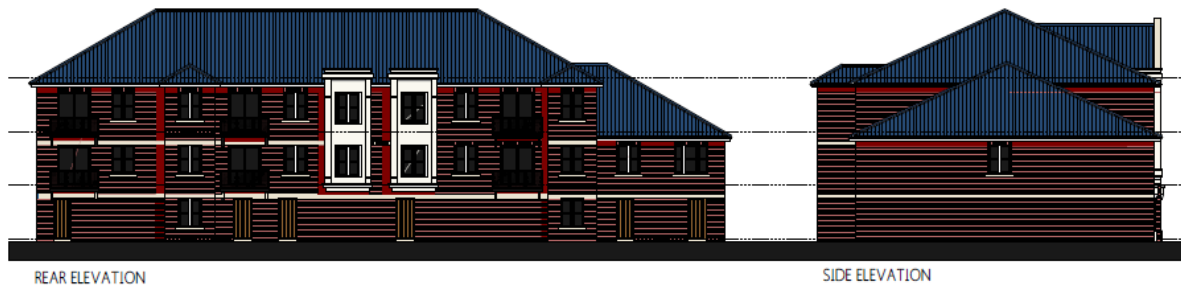
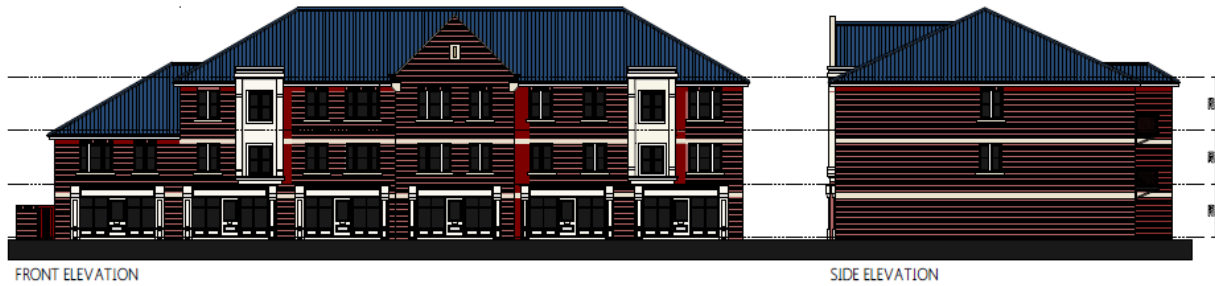
N.B. The foregoing Statement is a summary of the main considerations leading to the decision to grant permission. More detailed information may be obtained from the Planning Officer's Report and the application case file and associated documents, which may be viewed on the Council's Website www.doncaster.gov.uk/planningapplicationsonline.

APPENDIX 1 – Site Plans

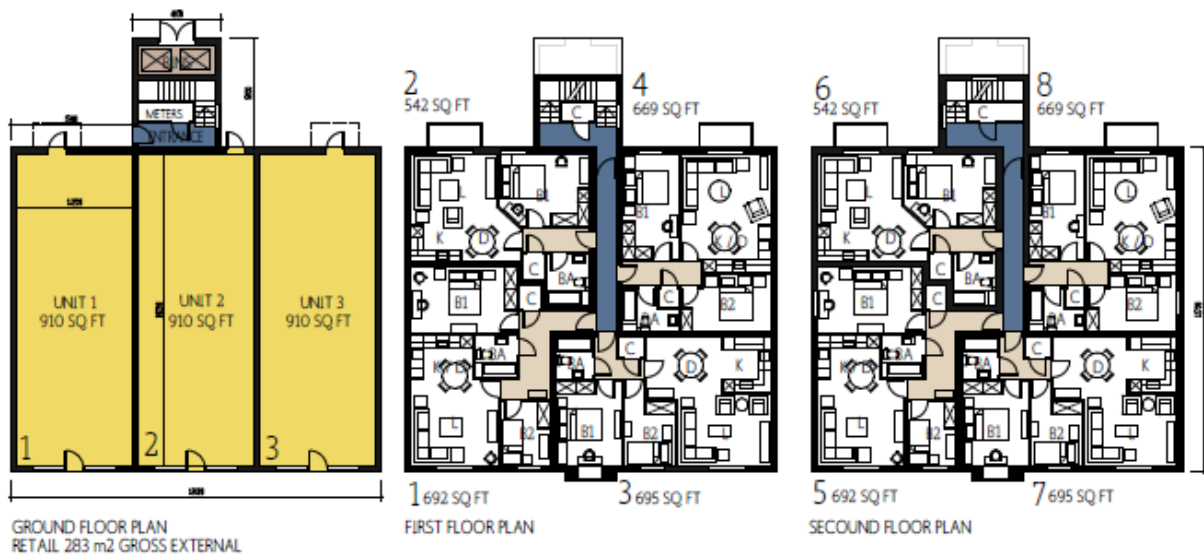
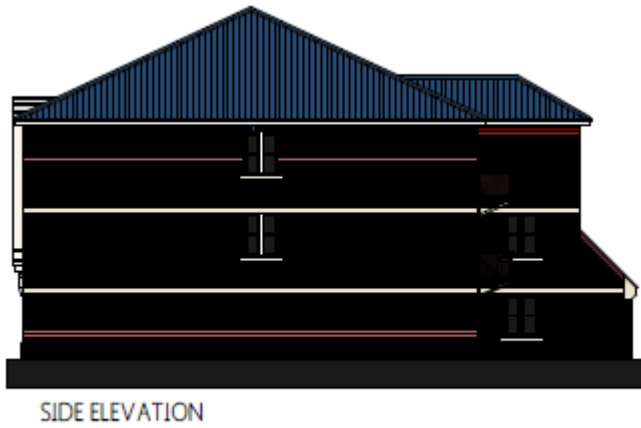
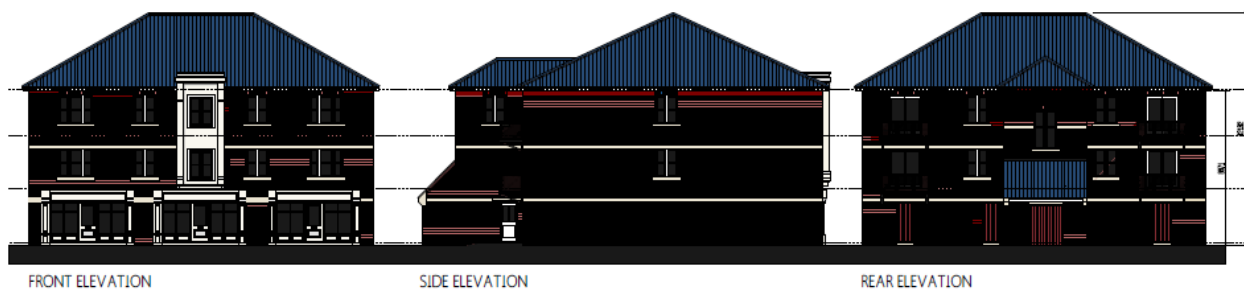


Wider context plan showing approved residential development to south (not commenced)

APPENDIX 2 – Block A Elevations and Floor Plans



APPENDIX 3 – Block B Elevations and Floor Plans



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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 7th February 2017

Application	2
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Application Number:	16/02268/FULM	Application Expiry Date:	22 nd December 2016
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Application Type:	Full Major
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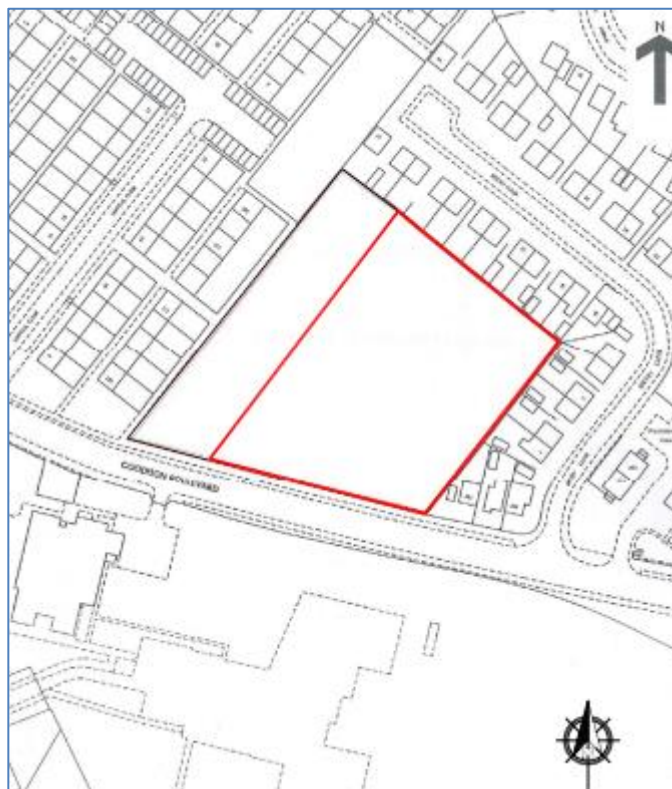
Proposal Description:	Erection of 75 bed care home
At:	Land off Goodison Boulevard, Cantley

For:	Runwood Homes
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Third Party Reps:	8 against/ 7 in favour	Parish:	N/A
		Ward:	Finningley

Author of Report	Mel Roberts
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 This application is being reported to Planning Committee because it is on council owned land and a departure from the development plan.

2.0 Proposal and Background

2.1 This application seeks planning permission for a 75 bedroom care home on an area of informal open space off Goodison Boulevard, Cantley (see Plan 1). The proposed care home is two storeys and includes ancillary facilities for the residents including a café and hairdressers (see plans 2, 3 and 4). A secure courtyard within the confines of the building and separate landscaped gardens to the rear and side are proposed. Access to the site will be from Goodison Boulevard with parking provided at the front of the premises. A separate pedestrian access to the building is provided from the existing footpath on Goodison Boulevard. The proposed care home takes up approximately 1.5 acres of the 2 acres of open space. The remaining 0.5 acres is to be kept as open space and the indicative plan for this part of the site shows that it could be enhanced with planting and a new pathway.

2.2 The application site is a flat area of open space, which does not have any play equipment or play pitches on it. There is an informal path that runs diagonally through the site created by a desire line from the northern most corner to the south eastern corner and appears to be used as a route from the residential area to the Co-op off Goodison Boulevard. The site is surrounded by residential properties to the north, east and west of the site. On the opposite side of Goodison Boulevard lies another smaller area of open space which has play facilities. Immediately to the west of this play area is a community centre and to the east is the Co-op.

2.3 It is intended that this new care home will accommodate the residents currently living at the nearby Plantation View and those living at Gattison House, Rossington, which are considered outdated. It will provide additional beds and specialist care for residents living with dementia, those that have challenging behaviour or require end of life care. Limitations in the layout and design of the existing buildings does not meet best practice standards for residents and poses health and safety challenges to staff working in this environment. The aim of the proposal is to deliver modern care facilities that are more attractive to residents, will meet care needs and expected accommodation standards in the future and ensure the home is financially sustainable moving forward. When residents and staff have moved to this new home, the existing sites at Plantation View and Gattison House will be demolished and expected to be the subject of future applications for development.

3.0 Relevant Planning History

3.1 There is no relevant planning history on this site.

4.0 Representations

4.1 The applicant undertook extensive pre-application consultation with the public and interested parties before the application was submitted. The applicant sent out over 1200 questionnaires and invited over 600 households to a consultation day. 15% (180) of those consulted returned a questionnaire. 72% of the respondents were in favour of the proposal. 46% of the respondents said that the open space has some value and 54% said it has no value.

4.2 The current application has been advertised in the local press, on site and letters have been sent to existing residents that back onto the open space.

4.3 Eight letters have been received in opposition to the application and these can be summarised as follows:

- i) the green space is a valuable area for the community and provides a sense of tranquillity.
- ii) the open space is a valuable area for children to be able to play away from the road. Children wanting to engage in ball games such as football would have to travel about three quarters of a mile to Cantley Park to engage in their play.
- iii) the Green Space is always in use by dog walkers and people walking to local facilities.
- iv) vehicular access to the only off road parking area, at the rear of the houses, is via this land.
- v) the surrounding houses currently look on to an area of open space and this proposal will detrimentally affect the value of these properties.
- vi) concerns with the additional traffic that will be generated, especially as this is near a school.
- vii) the care home functions perfectly well at a site further down the road and this move would be disruptive, confusing and stressful for the current, long-term residents.
- viii) the building would overlook the surrounding residential dwellings and block the light.
- ix) there will be a lot of disruption to residents when building works start.
- x) the open space is a natural soakaway for rain water and this development will lead to flooding.
- xi) Town Moor open space would be a better place for this facility and is close to DRI if medical care were needed.
- xii) the land was left in a will to be used as green open space.

4.4 Seven letters have been received in support of the application and these can be summarised as follows:

- i) this purpose built care home will provide a much needed up-to-date facility for the elderly residents of Doncaster and those suffering with dementia. The current provisions for elderly care are dated and require improvement.
- ii) the open space is currently only used for dog walkers and anti-social younger people.
- iii) the open space is wasteland and could be put to good use for a modern home care centre, to benefit Cantley and the wider Doncaster areas vulnerable people.
- iv) there are plenty of open spaces in the area where youngsters can play.

5.0 Relevant Consultations

5.1 The Local Plans team object to the application but note that during pre-application consultation, it appears the majority of the general public who live within the area are unconcerned about the loss of the open space. If permission is to be granted then consideration needs to be given to landscaping and lighting of the remaining adjacent area of open space which will not be large enough to accommodate a children's play area. Consideration should be given to providing a pedestrian crossing to allow safe access for children to the play area on the opposite side of Goodison Boulevard.

5.2 Transportation has raised no objections to the application because the impact on the network will be negligible with 7 and 13 trips in the AM and PM peak hours respectively.

5.3 Highways have responded and have raised no objections to the application.

5.4 Public Rights of Way has raised no objections to the application. There is currently an unrecorded path that runs through the site and although this is going to be lost, the plans show an alternative footpath on the land to the west of the site.

5.5 The Design Officer has responded and has raised no objections to the application, subject to conditions requiring details of landscaping, boundary treatments and materials to be agreed.

5.6 Pollution Control has requested that a condition is imposed requiring further investigation of possible contamination on the land, given the sensitive end use of the site. The proposed use is no more sensitive than open space used by the community and there is no evidence to suggest that there might be contamination on site and so no such condition is necessary.

5.7 Yorkshire Water has raised no objections subject to conditions.

5.8 The Environment Agency has been consulted and has not responded. The site falls within Flood Zone 1 and so there are no issues of flooding with the site.

6.0 Relevant Policy and Strategic Context

National Planning Policy Framework

6.1 The National Planning Policy Framework (NPPF) has as its central theme a presumption in favour of sustainable development. It does not change the statutory status of the Development Plan as the starting point for decision making set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (Paragraph 12). The NPPF confirms that planning law requires that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. It states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- i) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- ii) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- iii) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Doncaster Core Strategy

6.3 Policy CS9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.

6.4 Policy CS12 states that proposals for sheltered accommodation and other specialist need accommodation will be supported where they are:

- i) consistent and commensurate with identified need.
- ii) on sites suitable for other housing: and
- iii) have good access to local services by means other than the car.

6.5 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

6.6 Policy CS17 states that Doncaster's green infrastructure network will be protected, maintained, enhanced and where possible extended. Proposals will be supported which make an overall contribution to the green infrastructure network by avoiding damage to or loss of green infrastructure assets or where loss is unavoidable and the benefits of the development outweigh the loss, including appropriate compensation measures.

Doncaster UDP

6.7 The site is allocated as open space within the Doncaster UDP. Saved policy RL1 states that within open space policy areas, as defined on the proposals map, development will not be permitted, except in exceptional circumstances, for purposes other than outdoor recreation and ancillary indoor facilities; allotments; nature conservation or cemetery uses. Such development as is permitted, including ancillary built facilities, will only be acceptable where:

- i) There is no significant loss of outdoor playspace,
- ii) The visual amenity of the space is retained and where possible enhanced through the protection of important areas, vistas and frontages and careful attention to detailed design and layout, and
- iii) The environmental/ecological value of the open space is retained and where possible enhanced through the retention of existing trees and other important habitats and through appropriate landscaping.

6.8 Development for other purposes will only be permitted in exceptional circumstances or where sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site and provided that an alternative provision is made which is of at least the equivalent community benefit and which meets the requirements of the borough council in terms of quantity, quality, nature, location and implementation mechanism/timescale.

Green Space Audit 2013

6.9 The 2013 Green Space Audit identifies the application site as an informal open space (site no. 255 Goodison Blvd 4) located partly in Bessacarr community profile area and partly in Cantley community profile area. The Green Space Audit shows that Bessacarr is deficient in informal open space by 0.12ha and that Cantley is sufficient by 0.16 ha.

7.0 Planning Issues and Discussion

Development plan

7.1 The NPPF confirms that planning law requires that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The site is allocated as open space within the Doncaster UDP. Both national and local planning policies seek to protect open space from development. Policy CS17 of the Core Strategy seeks to protect and enhance Doncaster's green infrastructure network. The NPPF supports policy CS17 of the Core Strategy by stating that existing open space, sports and recreational buildings and land, including playing fields, should not normally be built on. Saved policy RL1 of the Doncaster UDP states that development within open space policy areas will not be permitted for the type of use proposed, except in exceptional circumstances. Open space is an essential part of the urban heritage. It provides important opportunities for formal and informal recreation, fulfils important social, cultural and ecological roles and enhances the quality and image of the urban environment. The overwhelming thrust of planning policy is that the development of open space for uses such as a care home is not allowed and significant weight must be attached to the fact that the proposal is contrary to both the development plan and national policy.

Open Space

7.2 The NPPF sets out 3 circumstances in which development on open space could be supported – that the open space is surplus to requirements, the loss is replaced by equivalent or better provision elsewhere or that the development is in itself for sports or recreational provision.

7.3 The first circumstance is where an assessment has been undertaken which shows that the open space is surplus to requirements. No formal assessment has been submitted to indicate whether the open space is surplus to requirements. Information that is available to inform this assessment includes the Council's Green Space Audit (GSA) 2013 which shows the application site located partly in Bessacarr community profile area and Cantley community profile area. The audit shows that Bessacarr is deficient in informal open space by 0.12 ha and that Cantley exceeds the informal open space requirement by 0.16 ha. All of the part of the site that lies within the Bessacarr community profile area will be developed, leaving Bessacarr with an informal open space deficit of approximately 0.52 ha. The GSA identifies the priority in Bessacarr as increasing the amount of informal and formal open space and children's play equipment provision. The development will lead to an informal open space deficit within the Cantley community profile area of approximately 0.04ha. The GSA refers to Cantley being the only community in Doncaster that meets the standard for all types of green space.

7.4 The proposal does not seek to support the loss of open space by providing equivalent or better provision elsewhere and does not include alternative sport or recreational facilities. The requirement for compensatory open space provision is supported by policies CS17 of the Core Strategy and RL1 of the UDP.

7.5 The application is contrary to the NPPF and policies CS17 and RL1 on the basis that the loss of open space has not been justified under the circumstances they set out. Before drawing a conclusion to this assessment that permission should be refused, it is necessary to consider whether there are any other material considerations that indicate otherwise.

Sheltered Accommodation

7.6 Core Strategy Policy CS12 states that proposals for sheltered accommodation and other specialist need accommodation will be supported where they are:

- i) consistent and commensurate with identified need.
- ii) on sites suitable for other housing: and
- iii) have good access to local services by means other than the car.

The proposal will deliver a specialist type of accommodation for which there is an identified need. The site is also well located to local services and close to bus routes. Open space however would not ordinarily be suitable for other types of housing and the proposal is therefore contrary to policy CS12. The proposal therefore needs to be assessed against whether it will deliver greater community benefits than are offered by retaining the site in its existing use and thereby creates other material considerations sufficient to determine the application contrary to the provisions of the development plan.

Other material considerations

7.7 The applicant carried out pre-application consultation with residents. The feedback suggests that the open space is not often used for recreation other than by dog walkers. When asked what the open space is used for, 61% of residents said it was used as a cut through and 37% identified dog walking. Children's play was identified by 21% of the respondents. There is no children's play equipment and no formal laying out of the land for sport or organised recreation. The proposal will result in 1.5 acres of this open space being built on and 0.5 acres being retained for the pedestrian cut through and dog walkers. This area will be enhanced with planting and a defined footpath and is to be secured by planning condition number 4. It is too small to incorporate a children's play area and provide the expected stand-off distances from nearby homes.

7.8 Extensive public consultation was undertaken by the applicant before submitting an application and of those residents that responded, 72% were in favour of the proposed care home and 54% said that the open space has no value. Eight residents have objected to the planning application and seven are in support. There is a well-equipped play area on the opposite the site on Goodison Boulevard.

7.9 The proposed care home will provide a new purpose built care facility that will meet the needs of residents with dementia and those that have challenging behaviour or require end of life care and will replace facilities, which do not meet these needs. The number of beds in the proposed new development will exceed the combined capacity of the current homes by 12 beds. It is understood that there is a considerable shortage of such facilities to care for the borough's residents needing of them. These points may combine to provide greater community benefit than those experienced using this area of open space. The need for this accommodation can therefore provide the other material circumstances necessary to justify making a decision contrary to the development plan.

Design and residential amenity

7.10 The architectural style of the elevations has been reduced by sub-division to reflect the scale and nature of street development in Bessacarr and Cantley whilst being of domestic scale. The detailing reflects that of the local area with contrasting brick banding and smooth white render. The location of the building within the site and the position of windows ensure that privacy is maintained to surrounding residential properties. The

layout of the building locates many of the bedrooms such that they face away from, or are a sufficient distance from existing windows of nearby existing houses (there is generally a distance of 25m from the care home to the rear of the surrounding houses). A Construction Method Statement can be secured by a planning condition (number 6) to minimise any disruption to residents during construction of the care home. The proposals allow space for trees and new planting within the development and allow for their future growth and a detailed landscaping scheme is secured by condition 7. Proposed lighting for the site is intended to be low level and further details of this are secured by condition 8. The proposal is therefore in accordance with policy CS14 of the Core Strategy.

Highways

7.11 A Transport Statement has been submitted with the application. The location of the site is such that trips for staff and visitors can be by viable alternatives to the car with the site being centrally placed to the surrounding residential area and cycle links towards the town centre being close by. The site is also served by a regular bus service, with bus stops on either side of Goodison Boulevard close to the site. During the peak hours, the proposal will result in only 7 additional trips in the AM peak and 13 in the PM peak. This will not have a detrimental impact on the neighbouring highway network.

7.12 The proposed access into the site from Goodison Boulevard has been positioned to provide adequate separation from the opposing junction and there is adequate visibility in both directions. The access and site layout have been designed to accommodate the largest service vehicle expected to visit the site, ensuring that vehicles are able to enter and leave the site in a forward gear. Parking has been provided at a level that can accommodate peak parking demand on site during staff changeover periods. There is provision for vehicles in a discrete format to provide safe access for pedestrians and vehicles into the site. Provision is to be made within the site for cycle parking. A new zebra crossing is to be provided on Goodison Boulevard to allow safe access for residents of the care home and allow a safe crossing to the existing play area (this is secured by condition number 5).

Other matters

7.13 A number of issues have been raised by residents who object to the application. One of the concerns is that some people living on Limpool Close use the edge of the open space at the rear of their properties to park their car, because these properties have no parking. Residents who are parking on the open space are doing so illegally, as there is no dropped kerb to allow such access and it is not their land. The enhancement of the area of open space should help to stop this situation. Any impact on the value of residential properties is not a material planning consideration and is afforded no weight. The Council is the land owner and there is no suggestion that the land was left in a will to be used as green open space, but even if it were, this is not a material planning consideration.

8.0 Summary and Conclusion

8.1 The proposed care home is to be sited on land that is allocated as open space as defined by the Doncaster Unitary Development Plan. Policies RL1 of the UDP and CS17 of the Core Strategy seek to protect areas of open space from developments such as this. Open space provides important opportunities for formal and informal recreation, fulfils important social, cultural and ecological roles and enhances the quality and image of the urban environment. The NPPF also seeks to protect areas of open space from development and cites 3 circumstances in which development on open space could be

supported which are not met by this proposal. The Greenspace Audit indicates that there is no surplus of open space in the area. The proposal also does not seek to support the loss of open space by providing equivalent or better provision elsewhere and does not include alternative sport or recreational facilities. The application is also contrary to policy CS12 of the Core Strategy because the site is not suitable for any other type of housing by virtue of the fact that it is allocated as open space in the development plan.

8.2 The NPPF confirms that planning law requires that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The application is contrary to the development plan and so consideration must be given as to whether material considerations can override this.

8.3 Public consultation carried out both before and after submission of the application indicates that the open space is not often used for recreation other than by dog walkers and as a cut through for residents to the Co-op. The proposal includes an enhancement of the remaining 0.5 acres of open space with planting and a defined footpath. There is a well-equipped play area on the opposite site on Goodison Boulevard and access to this is to be improved with the provision of a pedestrian crossing. The proposed care home will provide a new purpose built care facility that will meet the needs of residents with dementia and those that have challenging behaviour or require end of life care and will replace facilities, which do not meet these needs.

8.4 On balance, the need for the care home together with the fact that the remaining area of open space is to be enhanced to meet the main identified uses of dog walking and a cut through outweigh the fact that the proposal is contrary to the development plan. All other issues such as design, residential amenity and highways have been satisfactorily resolved.

RECOMMENDATION

Planning Permission GRANTED subject to the following conditions.

- | | |
|------------|--|
| 01. STAT1 | 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. U49939 | 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:
Drawing number 05 Rev C dated Feb 2016 (Site Plan)
Drawing number 03 dated 11th November 2015 (Elevations)
Drawing number 01 dated Feb 2016 (Ground floor plan)
Drawing number 02 dated Feb 2016 (First floor plan)
Drawing number 923 dated 20th October 2015 (Railing details)
REASON
To ensure that the development is carried out in accordance with the application as approved. |

03. MAT1A Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
REASON
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.
04. U49941 The care home shall not be occupied until the remaining area of open space to the west of the site has been enhanced (to include landscaping and a footpath) in accordance with a scheme previously approved in writing by the local planning authority.
REASON
An enhanced area of open space is required to help offset the loss of open space as a result of the care home.
05. U49940 The care home shall not be occupied until a zebra crossing has been provided on Goodison Boulevard in accordance with a scheme previously approved in writing by the local planning authority.
REASON
To provide a safe crossing for occupants on the care home and for people wanting to access the area of open space on the opposite side of Goodison Boulevard.
06. ENVH4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i) - the parking of vehicles of site operatives and visitors
 - ii) - loading and unloading of plant and materials
 - iii) - storage of plant and materials used in constructing the development
 - iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) - wheel washing facilities
 - vi) - measures to control noise and the emission of dust and dirt during construction
 - vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works
- REASON
These details have not been provided and they are required before development commences to safeguard the living conditions of neighbouring residents and in the interests of highway safety.
07. VR18 Trees and shrubs shall be planted on the site in accordance with a scheme to be approved in writing by the Local Planning Authority prior to commencement of development. This scheme is to provide details of species, siting, planting distances and programme of planting. Planting is to be carried out during the first available season after commencement of development and shall thereafter be maintained to the satisfaction of the Local Planning Authority and in accordance with the Local Planning Authority's document 'Landscape Specification in

Relation to Development sites'. Any tree or shrub planted as part of the scheme which is removed or severely damaged or is found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with a tree or shrub of a similar size and species to the satisfaction of the Local Planning Authority.

REASON

These details have not been provided and they are required before development commences to ensure that a landscape/planting scheme is submitted and implemented in the interests of amenity.

08. ENVH14

No development shall take place until details of external lighting have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the local planning authority.

REASON

To ensure that the proposed lighting scheme safeguards the character of the area and/or the living conditions of neighbouring residents, having regard to the effects of the proposed illumination.

01. U10847

INFORMATIVE

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas on Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans on Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

Any alteration to the existing street lighting as a result of the new access arrangements will be subject to a costs which are to be borne by the applicant. Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan on Tel 01302 735097 or e-mail Fiona.Horgan@doncaster.gov.uk regarding this as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the highway is an offence under provisions of The Highways Act 1980.

That part of the site to be used by vehicles should be designed to withstand a minimum carrying capacity of 26 Tonnes without deflection in accordance with Buildings Regulations Approved Document B (Fire Safety).

The proposed arrangement shall be subject to Road Safety Audits in accordance with DMRB Volume 5 Section 2 Part 2 Road Safety Audit (HD 19/03).

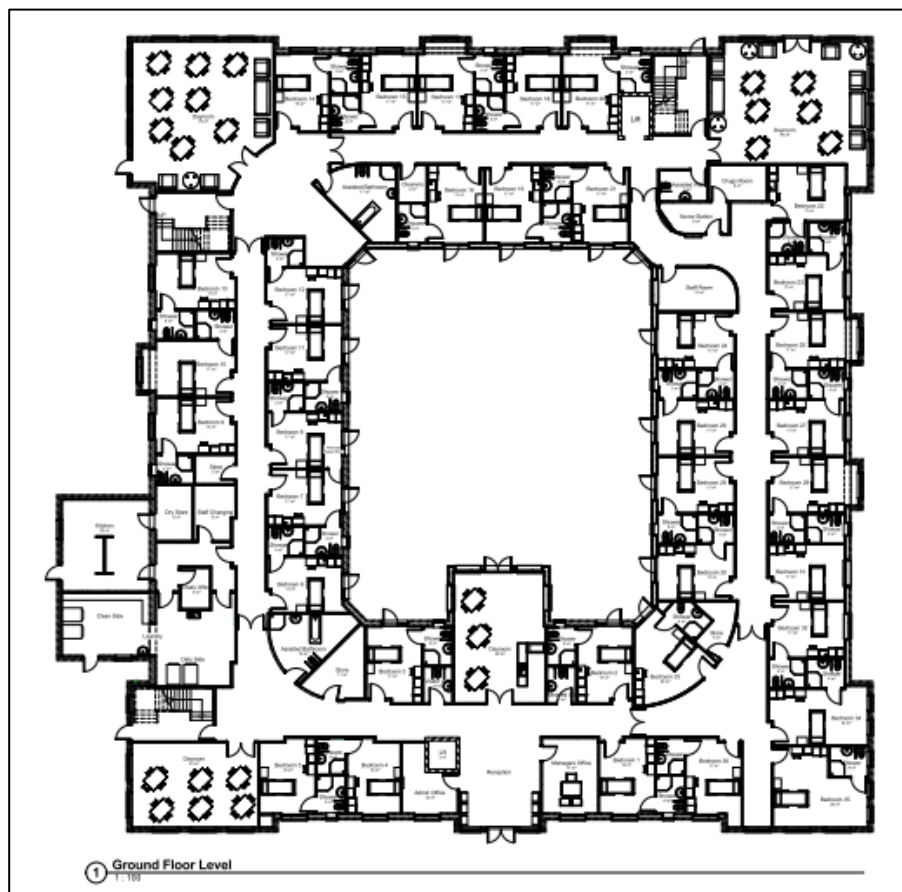
Appendix 1



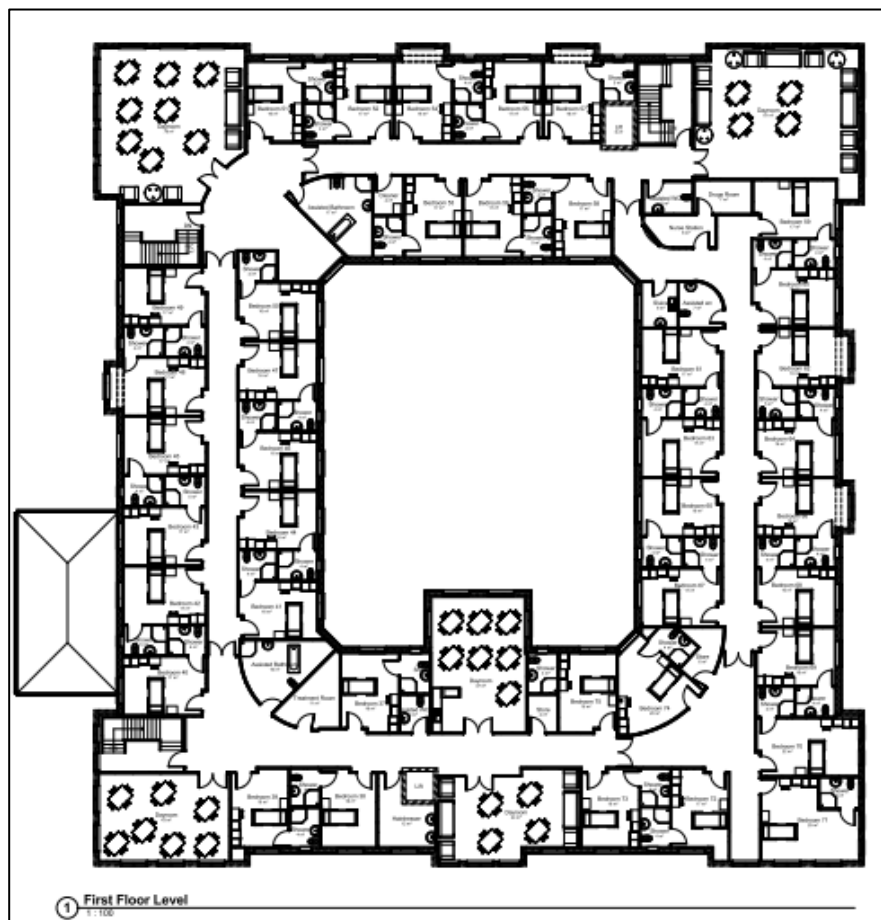
Plan 1: Proposed site plan



Plan 2: Proposed elevations



Plan 3: Proposed ground floor plan



Plan 4: Proposed first floor plan

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 7th February 2017

Application	3
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Application Number:	16/03012/FULM	Application Expiry Date:	2nd March 2017
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of two storey school including parking, play area, sub-station and playing field
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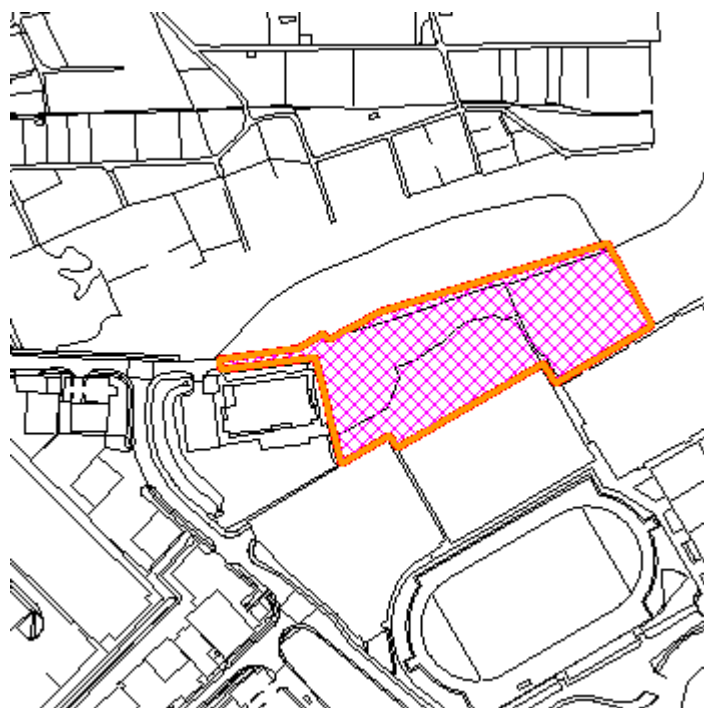
At:	Land Off Middle Bank Lakeside Doncaster DN4 5JB
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For:	Mr Paul Davidson - Education Funding Agency
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Third Party Reps:	0	Parish:	
		Ward:	(Historic) Central

Author of Report	Mark Sewell
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MAIN RECOMMENDATION:	Grant – subject to legal agreement
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1.0 Reason for Report

1.1 This application is being presented to Planning Committee as it represents a departure from the Development Plan.

2.0 Proposal and Background

2.1 Planning permission is sought for the erection of a new two storey school building off Middle Bank, Doncaster. The proposal will result in a second school building (known as XP East) at the XP site, the original school building (XP West) having received planning permission in November 2014 and opened in September 2015. The school started operating the year before from the Keepmoat Stadium, with year 7 having two classes of 25 students each, rolling through each year to 2020 when it is intended to reach full capacity of 350 students. It is intended that XP East will follow the same strategy, creating a new 450 place secondary school. The proposal will feature a multifunctional Sports Hall and Conferencing facility, Public Arts space and gallery in addition to hard and soft landscaping.

2.2 The ethos of the school is to have a greater focus on 'active learning' and 'connecting with the world' through presentation and working with the local community. As such the building has a higher proportion of flexible learning spaces along with open learning areas and performance spaces. The new school will be used primarily for education during the day between 8am and 430pm, whilst the multi-function sports hall and changing facilities will be available to the local community after hours.

2.3 Overall the new building will deliver 4479sqm of accommodation over two storeys. This amount has been derived from the funding allocation secured from the Education Funding Agency to open a new secondary school on the site. Class sizes are slightly smaller than at a typical school due to teaching practices, and as such the classrooms have been sized to suit these smaller sizes, as well as to be multi-use and flexible. The sports provision has been designed to accommodate use by both the new and existing students, as well as by the local community out of hours. The hall and support spaces have also been designed to function as an out of hours conference facility and performance space. The sporting provision is supported by the external sporting facilities at the neighbouring Doncaster Rovers Stadium. The XP school currently have an agreement in place with Doncaster Rovers and the local athletics club to allow students to use their facilities.

2.4 The application site is located within the Lakeside development, to the south east of Doncaster Town Centre, on land at the junction of Stadium Way and Middle Bank, behind (to the east) of the existing XP West site. The site is currently open consisting of roughly grassed scrubland.

2.5 To the north of the site is rough grassland and allotments, with housing further beyond. The Keepmoat Stadium and astro turf pitches are located to the south, and further rough land to the east. An existing culvert runs along the southern site boundary. The application site is relatively flat. Further to the west are a variety of commercial/industrial uses with large scale buildings clad in grey metal sheeting. The predominant land uses in the surrounding area consist largely of recreation and employment.

3.0 Relevant Planning History

91/0125/P - Removal of top soil raising the level of the land and realignment of drainage in preparation for industrial development on approx 4.4 ha of land (being application under regulation 4(2) Town and Country Planning (General) Regulations 1976 - Granted 22.03.1991

93/1489/P - Construction of roads, roundabouts and associated works on approx 8.78 ha of land (being application under regulation 3 Town and Country Planning (general) Regulations 1992) - Granted 28.06.1993

01/4749/P - Construction of highway infrastructure to adoptable standards (being approved under Regulation 3 Town & Country Planning (General) Regulations (1992) - Granted 18.01.2002

14/01854/4FULM - Erection of new school with new access from Middle Bank Road together with car parking, attenuation pond, recreation space and landscaping (Being application under Regulation 4 Town & Country Planning (General) Regulations 1992) - Granted 28.11.2014

4.0 Representations

4.1 The application has been advertised by means of site and press advertisement. There have been no representations received as a result.

5.0 Parish Council

5.1 There is no Parish Council.

6.0 Relevant Consultations

Environment Agency - No objections to the proposal.

Area Manager - No comments received.

National Grid - No objections to the proposal.

Doncaster East Internal Drainage Board - No objections, recommend conditions relating to drainage design.

Pollution Control - No objections to the scheme following updated information, suggested condition.

Local Plans Team (Open Space) - No objections, state that it is vital that the dual use agreement as per the previous application for XP West is maintained to ensure access to sports opportunities to meet with the requirements of paragraph 73 of the NPPF.

Built and Natural Environment Team (Trees) - There is nothing of particular arboricultural merit within the site so there are no objections to the scheme. The applicants are complimented on providing an excellent landscaping scheme with future maintenance, and a condition is recommended that the proposal is carried out in accordance with those details.

Built and Natural Environment (Ecology) - No objections subject to conditions relating to a Construction Environmental Management Plan and a Biodiversity Enhancement Plan.

Yorkshire Water - No objections subject to a condition ensuring stand off from a sewer which crosses the site, and for no piped discharge to take place until drainage is in place.

Architectural Liaison Officer - No objections, recommend measures to enhance security / safety.

South Yorkshire Fire and Rescue Service - No objections.

South Yorkshire Passenger Transport Executive - No comments received.

Sport England - No objections, suggested conditions.
Air Quality Team - No objections, require details of mitigation.
Education Team - No comments received.
Environmental Health - No objections.
Highways Development Control - No objections
Investment Team - No comments received.
Built and Natural Environment Team (Design) - No major issues with the design of the proposals, although requires information relating to energy efficiency and BREEAM.
Transportation - No objections to scheme, request further details in respect of trip generation
Ward Members - No comments received.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework;

Section 7 - Requiring good design
Section 8 - Promoting healthy communities

Doncaster Unitary Development Plan;

RP 2 - Doncaster Leisure Park Doncaster Carr

Doncaster Council Core Strategy;

CS 1 - Quality of Life
CS 14 - Design and Sustainable Construction
CS 17 - Providing Green Infrastructure

8.0 Planning Issues and Discussion

Principle of Development

8.1 The site is located within an area which is allocated within the Doncaster Unitary Development Plan (RP 2) as a site which will promote the co-ordinated, large scale development of Doncaster Carr and Leisure Park for employment uses (B1, B2 and B8 and other appropriate industrial/business/commercial uses (in accordance with relevant plan policies) and a retail warehouse park. Therefore, the development of a school on this land represents a departure from the development plan as it does not coincide with such a use.

8.2 Paragraph 14 of the National Planning Policy Framework states at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The three dimensions of sustainable development are economic, social and environmental.

8.3 The applicant states that the proposed school will provide a new and innovative environment for learning creating opportunities both within and without the classroom. It is argued that the location of the school is critical to the success of delivering the vision for the free school and as such the site a Lakeside given its proximity to existing community, recreation, leisure, employment and ecological facilities is important in delivering this vision. The location, being 1.5 miles from the Town Centre, on a main bus route from the railway station, and close to the junction of the M18, provide easy access to a range of facilities and businesses such as the Keepmoat Stadium, the Dome Leisure Centre, Doncaster Lawn Tennis Club, The Point, Cast, Doncaster Museum and Gallery and businesses located in and around the town centre. It is considered that this will meet with the community-led aspiration of the school.

8.4 In principle there are no objections from an employment policy perspective. As stated by the applicant, the site is within the Lakeside Mixed Use Policy Area (RP2), as set out in the Unitary Development Plan, although it is located on an employment site. However as this is part of a large allocation of mixed use land, it does allow more flexibility for different uses.

8.5 The relevant Core Strategy policy is CS5: Employment Strategy. Criteria C of this policy states that alternative uses (to employment) will be supported if they do not adversely affect the efficient operation of the adjacent employment land and that it meets one of 3 additional criteria. The relevant criterion in this case is "3. Has a mix of community uses that provides clear additional benefits". It is considered that the provision of a school on this site, will provide clear additional benefits.

8.6 There is clearly also a great deal of support from National Government regarding the provision of Free Schools which overrides the loss of employment land in this case. Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. The plot of land is also on the edge of the mixed use area and therefore it is considered that the loss of land, in this case, would have minimal impact. This is further mitigated by the fact that the School will be using the adjacent stadium and other community facilities as part of the school curriculum and therefore there is justification for being located in that area.

8.7 The applicant's planning statement clearly sets out the support and guidance given to the presumption in favour of sustainable development and that local planning authorities should take a proactive, positive and collaborative approach to meeting the school place requirement (paragraph 72 of the NPPF). It is therefore considered that the proposed development is acceptable on this site.

Design, scale and massing

8.8 Paragraph 57 of the NPPF states it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. There are a number of key concepts which have informed the design of the proposed school such as a defined main entrance point for visitors and pupils, facing the public approach, provision of a number of individual pupil entrances to each school zone to maximise flexibility, arrangement of key specialist facilities (dining and performance space), a clear definition of the public and private areas to maximise levels of privacy and provision of external learning areas.

8.9 With regard to the external appearance, the proposed school building sits on a rectangular footprint and comprises a simple two storey block of teaching accommodation and a slightly higher two storey element containing the double height sports hall. The lower teaching block is located on the northern side facing the adjacent allotments and residential areas, whilst the higher sports block is on the southern side facing the neighbouring sports pitches. The building will utilise metal wall cladding at the upper levels of the two longer elevations, and will feature a simple pitched roof over knitting the two blocks together. The intention of gradually sloping up in scale to the south is to allow the school to be visible to visitors and the local community from Stadium Way, whilst the northern view of the building will relate to the height of the existing XP School.

8.10 The proposed palette of materials has been chosen to reflect the contemporary and forward looking ethos of XP School, whilst also defining the building from the existing XP West School. Both of the shorter elevations face onto student play areas and as such have a requirement to be as robust as possible. Both of these facades are shown to be dark brick, contrasting with the existing school and providing a strong visual identity. The brick box is proposed to be wrapped with a profiled metal cladding that forms the long elevation walls and wraps over to form the roof. The neutral colour of the cladding will contrast with the dark brickwork and provide a backdrop for large signage on the southern elevation, highlighting the school from Stadium Way. Where the roof wraps over to form a wall finish, the cladding stops approximately 3m above ground revealing the brickwork behind, creating a more robust façade at ground level. The central spine of the building is proposed to be rendered blue externally to reflect the branding of XP East. This colour returns through the building defining the central heart spaces contained within. The colour is intended to make a bold statement, highlighting the two main entrances and creating a strong visual identity for the school. Smaller windows at ground floor level along the northern elevation serve the support spaces behind, whilst the long ribbon window above serve the main teaching accommodation, and provide further interest along the public frontage. Large feature curtain walls are located at the ends of the circulation zones at either side of the central spine, which further highlight the main entrances.

8.11 In terms of the site layout, as already described, the new school building will be positioned to the eastern side of the existing building, and similarly sits on a rectangular footprint on an east - west axis. The 10m wide road leading off Middle Bank that is used to provide access to the existing school building will be extended to provide the main access into the new school building, leading to a small 14 space car parking area on the western (front)side of the school building. Also to the front of the building, but to the southern side of the car park, is a grassed amphitheatre / social space, and an active sports zone with seating and goals for play.

8.12 The main pedestrian access is to the south of the site, being kept separate from the main vehicular access. The school has an arrangement with Doncaster Rovers allowing them to use the adjacent football car park for staff parking and student drop off. The students currently access the existing school via an access gate in the southern boundary fence. This access however would be unsuitable to provide a joint access for both sets of pupils, and as such the proposal will create a new shared access along this boundary to be used by both school buildings. Cycle parking for up to 40 cycles is to be provided on the southern side of the building, adjacent to the schools changing rooms.

8.13 Overall, it is considered that the building has been designed in such a way as to minimise its impacts upon the surrounding area, whilst at the same time being a structure of architectural interest which compliments the existing XP West school building. As such, the proposal will add a positive contribution to the character of the surrounding area,

which is mainly commercial and industrial in nature. No objections have been received from the Council's Built Environment Team in terms of the design of the building.

8.14 The layout of the proposal ensures that the school is well connected with its surroundings with access being provided at the north and south of the site utilising links with the Keepmoat Stadium and other uses within the vicinity of the Lakeside development.

8.15 The proposal is therefore considered to accord with section 7 of the NPPF and Core Strategy policy CS 14 in that integrates well with its surroundings and has no negative effects upon the amenity of neighbouring land uses and the environment.

8.16 With regard to sustainable construction, the applicants have provided a BREEAM pre-assessment report, showing that the scheme is targeting a Very Good standard, in line with the requirements of Policy CS14.

Highways

8.17 As previously mentioned, vehicular access is to be provided from Middle Bank, which will lead to a car park containing 14 car parking spaces. Parking for 40 cycles is also provided to the front of the school. The main pedestrian access will be from the south which will enable access to the Keepmoat Stadium car park, which is largely underused at school start and finish times, and this is intended to provide a pick up and drop off point for students away from Middle Bank which also provides access for large scale vehicles serving the surrounding industrial uses. The amended travel point has reaffirmed this aspect, and as such there are no objections to the proposal from a highways point of view. As this car park is located off site, and if not provided would result in an objection from Highways Development Control, it is recommended that access to the car park be secured via a section 106 agreement.

8.18 The site is well connected to the existing bus network which serves Lakeside and provides links to the town centre. Bus stops are present on Stadium Way. Core Strategy policy CS 14 lists permeability as a quality of a successful place, and given the links with the surrounding public transport network and neighbouring uses, the proposal will allow ease of pedestrian movement with good access to local facilities and public transport services.

8.19 The application is supported by a Transport Statement which demonstrates that the site can be suitably and safely accessed. The Council's Transportation team have raised no objection to the submitted information in principle, however have requested further information relating to trip generation results and car parking spaces at the Keepmoat stadium. A Framework Travel Plan has also been provided with the application, which sets out how students currently access the XP West site, and identifies issues and broad targets moving forward i.e. encouraging more students to cycle and use public transport. The Transportation team have recommended a condition to ensure that a detailed, robust Travel Plan is produced within 3 months of the opening of the school, and updated annually as pupil numbers increase. A transport bond will also be secured via a s106 agreement, which will be used should sustainable transport targets not be met. As such, it is considered that the proposed development will have no detrimental impact upon the highway network and therefore accords with the NPPF and Core Strategy policy CS 14.

Sports Provision

8.20 The provision of school sports throughout the UK is a key priority for the government. School sport is crucial in tackling rising levels of obesity, physical inactivity and securing a sporting legacy for the future. With one in three children leaving primary school obese, increasing levels of physical activity in primary schools, secondary schools and beyond must remain a key focus.

8.21 The Department of Culture Media and Sport in their document 'Creating a Sporting Strategy for Life', encourage connecting sports clubs with schools and bringing sporting opportunities to people's doorsteps.

8.22 Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being. Core Strategy policy CS 17 (D) states that proposals will be supported which have regard to local standards and opportunities, and help to address deficiencies, by making an appropriate contribution to sport, recreation and related community uses. Core Strategy CS 1 states that as a means to securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported which contribute to the Core Strategy objectives, and in particular provide opportunity for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities.

8.23 As previously discussed, the proposed school includes within it a double height four court sports hall and associated changing facilities. It is intended that the sports hall will also be used by the local community out of hours. Apart from a smaller grassed activity area to the western side of the building, the proposal does not show any other sporting provision on site. However, as stated by the applicant, the location has been chosen as it accords with the school's vision for creating learning opportunities inside and outside of the classroom given its proximity to community, recreation, leisure, employment and ecological facilities. Within walking distance to the site are football pitches, an athletics track, football stadium with conference, gym and other facilities, leisure centre and tennis courts. The school has an existing agreement in place with Doncaster Rovers and the local athletics club enabling students to use their facilities in order to support the indoor sporting provision. This arrangement was secured via a Dual User Agreement on the permission for XP West and subject to a planning condition to give security that this will mutual agreement will continue, as without this the proposal would not accord with the above mentioned policies. It is intended to impose this condition on this planning permission also.

8.24 Sport England have been consulted and raise no objections to the scheme. Conditions are recommended concerning the standards of sports facilities to be constructed, and for a community use agreement to be in place. The applicants have confirmed that the facilities will be available for use by the local community out of school hours, and there is no objection to this request.

Flooding and Drainage

8.25 Whilst the application site is located within Flood Risk Zone 1, in accordance with policy CS 4 of the Doncaster Council Core Strategy, as the development occupies a site of greater than 1 hectare a site specific flood risk and drainage assessment has been submitted. The scheme proposes that the foul water system is designed to fall into the adopted sewer to the north of the XP West building. The applicants have had confirmation

from Yorkshire Water that this is a suitable discharge point. Yorkshire Water have raised no objections to the proposed foul water proposals. They have noted that a 350mm public foul sewer pipe does cross through the redline boundary, and as such have requested that a condition is imposed to ensure a 3 metre stand off from the pipe.

8.26 In terms of surface water strategy, the site has been assessed for surface water discharge based on greenfield runoff, which has been agreed with the Council's Internal Drainage team. The discharge rate for the site has been set at 5 litres per second, and the scheme has been permitted to discharge into a watercourse via an existing culvert located to the south of the site. The total storage for the site is required to be 385m³, however to allow for the use of storage crates and connections and future climate change impacts, an attenuation tank is proposed and has been designed to have a capacity of 450m³. The tank will be located underneath the proposed MUGA. The site will be drained using a combination of filter drainage and linear drains, and catchpit manholes have also been incorporated into the design. Due to there being three stages of treatment of surface water (linear / filter drains, catchpit manholes and attenuation tank), and less than 15 car parking spaces, it is not proposed that an oil interceptor will be required for the car park areas.

8.27 The Council's Internal Drainage team have been consulted and raise no objections, subject to conditions to agree the final details of the drainage scheme. The Doncaster East Internal Drainage Board have stated that any surface water discharge into any watercourses in, on, under or near the site requires the consent of the drainage board. The Environment Agency have raised no objections on flood risk / drainage grounds. On this basis, the scheme is considered to be acceptable in terms of flood risk / drainage and compliant with Policy CS4 of the Core Strategy.

Trees and Landscaping

8.28 Policy CS 16 states that proposals will be supported which enhance the borough's landscape and trees by ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness and retaining and retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

8.29 The Trees and Hedgerows Officer raises no objection to the proposal, noting that there is nothing of any arboricultural interest on the site. It is also noted that the submitted landscaping scheme is of a high quality with all of the supporting information provided. As such, a condition is requested to ensure that the development is carried out in accordance with the submitted details. Subject to an appropriate landscaping scheme, as there is nothing of particular arboricultural merit

Ecology

8.30 Following receipt of an Ecological Appraisal, there are no objections to the proposal from an ecology perspective subject to the submission of an ecological management plan to describe how invasive plant species present on the site will be removed and to provide details of how the site will be cleared in a manner that will ensure no impact on reptiles or nesting birds. A Biodiversity Enhancement Master Plan is also requested, in line with the recommendations contained within the submitted BREEAM assessment. As such it is considered that the proposal accords with policy CS 16 of the Doncaster Council Core Strategy and paragraph 118 of the NPPF.

8.31 Paragraph 203 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. In paragraph 204 it is stated that planning obligations should only be sought where they meet all of the following tests;

- 1.necessary to make the development acceptable in planning terms
- 2.directly related to the development; and
- 3.fairly and reasonably related in scale and kind to the development.

These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010.

8.32 In terms of Section 106 contributions, it is recommended that the development provides the following which are all considered to meet with the above tests, as justified within this report;

* A returnable Transport Bond of £4,246.00

9.0 Summary and Conclusion

9.1 In summary, it is considered that the new school building is acceptable in principle, representing an extension to the existing XP school on the site, which will provide a new and innovative environment for learning opportunities within and outside of the classroom. Key to this vision is the proposed location of the school which provides access to a wealth of facilities and business links. The support from the Government for the provision of Free Schools is considered to override the loss of employment land, which given that it is to be sited in a mixed use area is considered to have minimal impact. The site is sustainably located having good access to public transport facilities.

9.2 The building itself is appropriate to its surroundings and will enhance the area, also providing opportunities for landscaping and ecological improvements.

9.3 It is therefore considered that the proposed new school accords with the relevant national and local planning policies and as such is accordingly recommended for approval, subject to adherence to the attached conditions.

9.4 It is on this basis that it is recommended that Members grant planning permission subject to a legal agreement and conditions recommended

10.0 HEADS OF TERMS

MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT, SUBJECT TO THE CONDITIONS BELOW AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 IN RELATION TO THE FOLLOWING MATTERS:

A) A RETURNABLE TRANSPORT BOND OF £4,246.00

THE HEAD OF PLANNING BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE LEGAL AGREEMENT.

RECOMMENDATION

Planning Permission GRANTED (Sec106) subject to the following conditions.

01. STAT1 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. ACC1 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.
REASON
To ensure that the development is carried out in accordance with the application as approved.
03. MAT1A Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
REASON
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.
04. U50151 The scheme of landscaping shown on plan ref: Drawing No. 1045.03 dated Nov/16 shall be implemented in full accordance with the approved details during the first available planting season following the completion of the development hereby granted and the local planning authority notified in writing within 7 working days of the completion of the landscape works to inspect and approve practical completion in writing. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation. 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
In the interests of environmental quality and core strategy policy CS16: Valuing our Natural Environment

05. U50152 Prior to commencement a Construction Environmental Management Plan shall be submitted to the LPA for approval, and the implemented in accordance with the approved details.
- A risk assessment of the potentially damaging construction activities in relation to wildlife and habitats.
 - A reasonable avoidance measures method statement for the protection of reptiles and other terrestrial fauna that may be encountered on site.
- REASON:
To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16
06. U50153 Prior to commencement Biodiversity Enhancement Master Plan shall be submitted and approved in writing by the LPA. The content of the Plan shall include;
- Detailed specifications for biodiversity creation and enhancement works based on the recommendations of the BREEAM assessment ECUS December 2016 and the landscape drawing No. 1054.03 (Nov' 16)
 - The use of native species of tree and shrubs in planting and landscape schemes to protect the green infrastructure networks.
- REASON:
To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16
07. U50154 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.
- REASON
To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16
08. D54B Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
- REASON
To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal.
09. U50244 Detailed layout, engineering and drainage details for the proposed extension to Middle Bank and access arrangements shall be submitted for inspection and approval by the Local highway authority before the highway works commence on site.
- REASON:
In the interests of road safety
10. U50245 The development hereby permitted shall not be commenced until details of measures to prevent the deposition of mud or debris on the

public highway, has been submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interests of road safety.

11. HIGH1 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.
12. HIGH2 The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.
REASON
To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.
13. U50246 Sufficient space for sport and recreation shall be made available at all times for use by the school in accordance with the Department for Education and Education Funding Agency, Area guidelines for mainstream schools, Building Bulletin 103, dated April 2014 or any superseding guidelines.
REASON
To ensure the proposal meets with the requirements of Policy CS1 of the Doncaster Borough Core Strategy and NPPF paragraphs 72 and 73
14. U50247 Before the development commences confirmation shall be submitted to the Local Planning Authority that an agreement is in place that meets the requirements of condition 14 on the opening of the school.
REASON
To ensure the proposal meets with the requirements of Policy CS 1 of the Doncaster Council Core Strategy and NPPF paragraphs 72 and 73.
15. DA01 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.
16. GR20 No development shall take place in implementation of this permission until a report (the initial SAP report carried out as part of Building Regulations will be sufficient information in many cases) has been

submitted to the local planning authority and approved in writing from them, explaining how CO2 emissions from the development will be reduced by providing at least 10 Percent of the development's energy through on-site renewable energy equipment or improvements to the fabric efficiency of the building. The carbon savings, which result from proposed measures, will be above and beyond what is required to comply with Part L of Building Regulations. Unless otherwise agreed in writing by the Local Planning Authority, the development shall then proceed in accordance with the approved report. Before any building is occupied or sold, the local planning authority shall be satisfied that the measures have been installed, which will enable the planning condition to be fully discharged.

REASON

In the interests of sustainability and to minimize the impact of the development on the effects of climate change. This condition is required to be discharged prior to commencement as the approved detail may have an impact on the design and fabric of the building during construction or the appearance of the development.

17. GR24

Before the development commences, a BREEAM pre-assessment, or equivalent assessment, shall be submitted for approval demonstrating how BREEAM 'Very Good' will be met. Unless otherwise agreed, the development must take place in accordance with the approved assessment. Prior to the occupation of any building, a post construction review should be carried out by a licensed assessor and submitted for approval. This will enable the planning condition to be fully discharged.

Advice should be sought from a licensed BREEAM assessor at an early stage to ensure that the required performance rating can be achieved. A list of licensed assessors can be found at www.breeam.org.

REASON

In the interests of sustainability and to minimise the impact of the development on the effects of climate change.

18. U50334

No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the sewer i.e. a protected strip width of 6 metres, that traverses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

REASON

In order to allow sufficient access for maintenance and repair work at all times

19. D54B

Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

REASON

To ensure that no foul or surface water discharge takes place until proper provision has been made for their disposal.

20. ENVH4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) - the parking of vehicles of site operatives and visitors
- ii) - loading and unloading of plant and materials
- iii) - storage of plant and materials used in constructing the development
- iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) - wheel washing facilities
- vi) - measures to control noise and the emission of dust and dirt during construction
- vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

21. U50336 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.

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

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. This is required prior to commencement to ensure that the necessary mitigation measures can be put in place should any contamination be found.

01. U10934 **Informatives**

Informatives:

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of

Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

Street lighting design and installation is generally undertaken by the Local Highway Authority. Any alteration to the existing street lighting as a result of the new access arrangements will be subject to a costs which are to be borne by the applicant. The applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail Fiona.Horgan@doncaster.gov.uk regarding this as soon as possible.

The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the highway is an offence under provisions of The Highways Act 1980.

That part of the site to be used by vehicles should be designed to withstand a minimum carrying capacity of 26 Tonnes without deflection in accordance with Buildings Regulations Approved Document B (Fire Safety).

The above objections, considerations 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.

The site plan shows the proposed development at 1000 West 10th Street. The building footprint is outlined in red, and the parking areas are outlined in blue. The plan includes a north arrow and a scale bar. The surrounding streets are labeled: 10th Street to the north, 11th Street to the south, and West 10th Street to the west. The plan also shows the existing building footprint and the proposed parking areas. The scale bar indicates a distance of 100 feet. The north arrow points towards the top of the page.

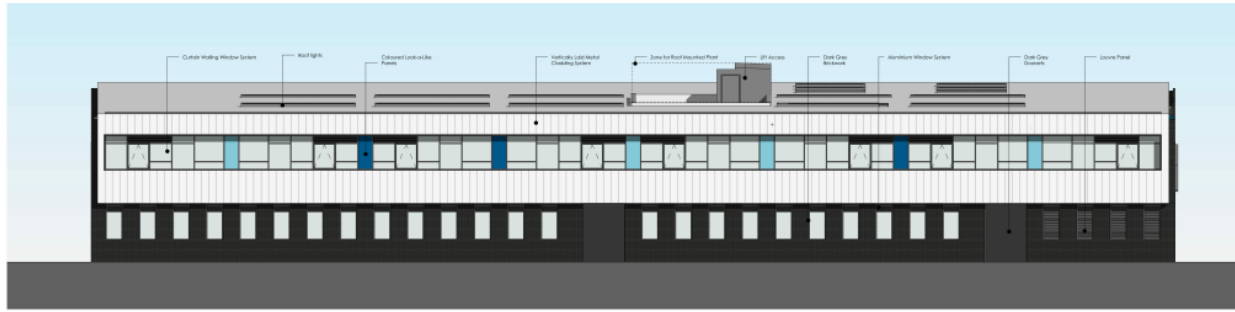
APPENDIX 2 – AERIAL VIEW



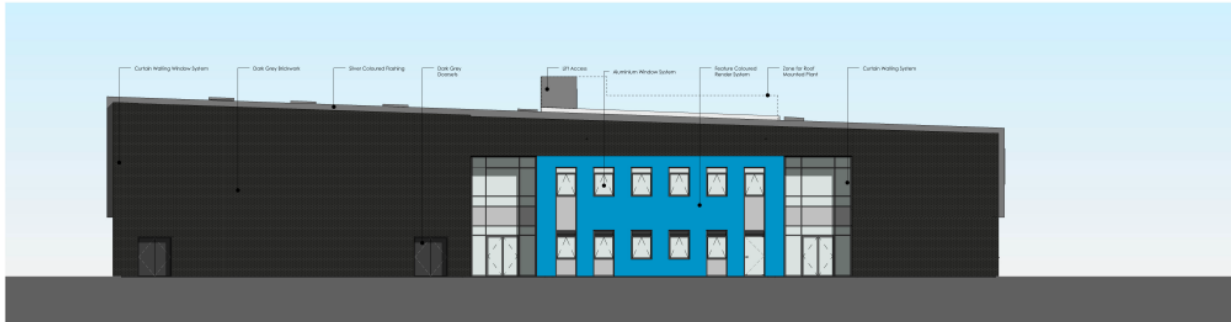
APPENDIX 3 – SITE LAYOUT



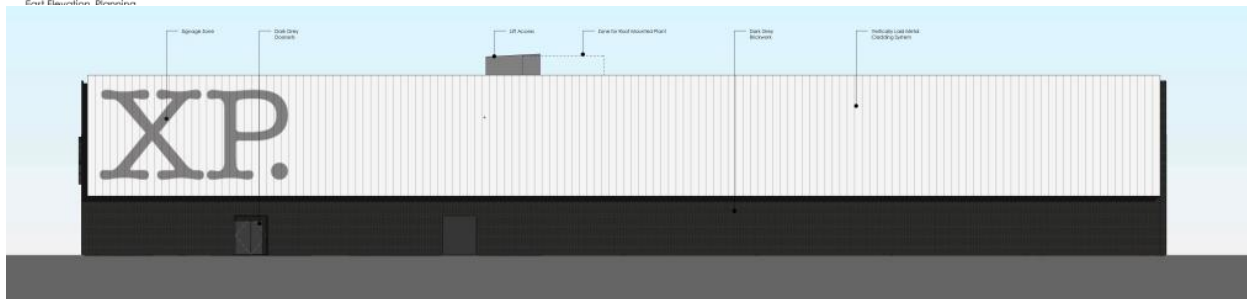
APPENDIX 4 – PROPOSED ELEVATIONS



North Elevation_Planning
1:100



East Elevation_Elevation



South Elevation_Planning
1:100



West Elevation_Planning
1:100

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 7th February 2017

Application	4
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Application Number:	16/02552/OUT	Application Expiry Date:	5th December 2016
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Application Type:	Outline Application
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Proposal Description:	Outline application for erection of stables, toilets, equipment and hay store (Approval being sought for Access, Appearance and Landscaping)
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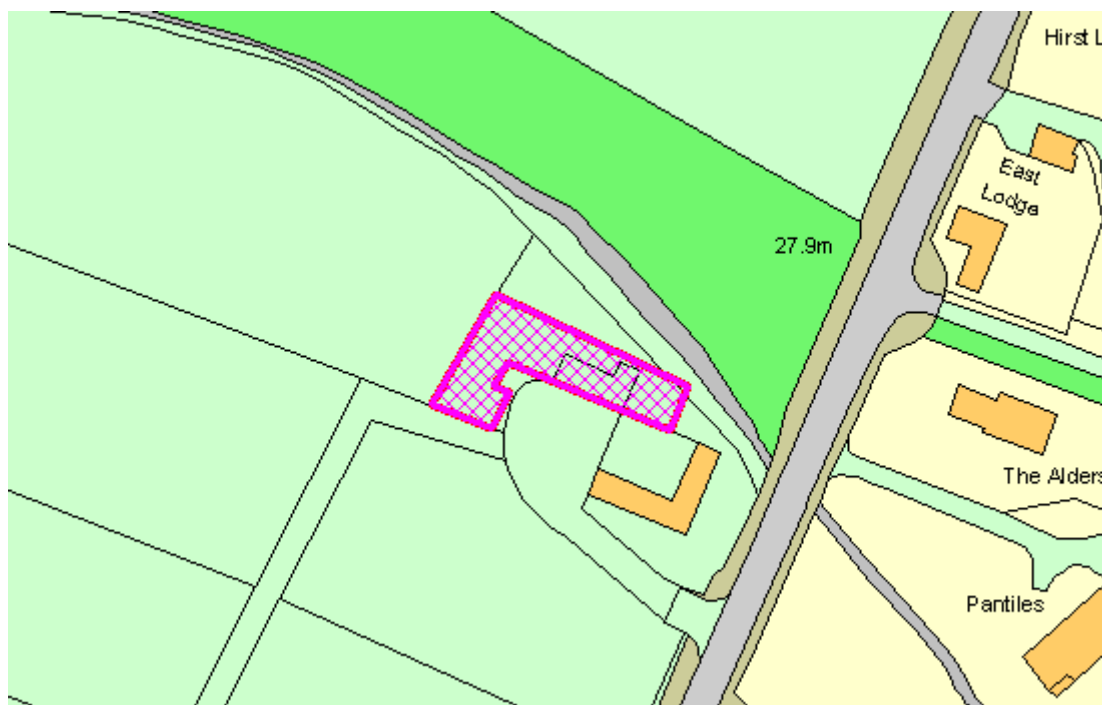
At:	Skelbrooke Stables Bannister Lane Skelbrooke Doncaster
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For:	Mr George Smith
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Third Party Reps:	49 representations and a 80 name petition	Parish:	Hampole And Skelbrooke Parish Meeting
		Ward:	Sprotbrough

Author of Report	Mark Ramsay
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

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

2.0 Proposal and Background

2.1 The proposal is in Outline only with matters of access appearance and landscaping to be agreed but scale and layout reserved for further consideration in a future application. The proposal has been amended since it was first submitted, reducing the scale of the hay store and toilet facility and reducing the number of stables. Additionally reference to a riding school and a ménage (which was outside the redline of the application) have also been omitted.

2.2 The site is on the opposite side of the road from the residential area of the hamlet of Skelbrooke and located in the South Yorkshire Green Belt. There is an existing metalled access running into the middle of the land owned by the applicant with an existing L shaped timber stable block in the north east corner of the site.

2.3 The site is located next to a beck which runs between the stables and the copse wood. The application shows the woodland next to the stables in his control along with another paddock to the north of the wood.

3.0 Relevant Planning History

08/01744/FUL

Erection of 'L' shaped timber stable block (24.2m x 4.5m and 8.1m x 4.5m) with new access track, provision for parking, hedgerow restoration to field boundaries, tree planting and fencing

Granted 15th September 2008

15/00662/AGR

Erection of agricultural storage barn (25.6m x 15.6m)

Prior approval refused 9th April 2015

15/00795/FUL

Siting of mobile building for use as an agricultural workers dwelling for a temporary period

Refused 8th June 2015 and appeal dismissed

4.0 Representations

4.1 There have been 49 representations in total received to the proposal although many have repeated their objections after the amendments were publicised. 4 of the representations were in favour of the proposal.

4.2 There has also been a petition of 80 signatures objecting to the proposal.

The issues raised have included;

- The overdevelopment of the site

- Harm to the amenity of a residential area

- Harm to the character and appearance through visual clutter and the paraphernalia that goes with it and loss of openness in the Green Belt

Lead to pressure for a dwelling at the site.

4.3 The reasons in favour of the proposal include providing a useful exercise facility for ponies kept at the site.

5.0 Parish Council

The Parish forwarded the petition which they state represents the vast majority of the residents of the village. The Parish Meeting wishes its objection to be registered and notes that the issues raised include the protection of the Green Belt and be a detrimental impact on the amenity of the village.

6.0 Relevant Consultations

Tree Officer

6.1 After clarification of elements of the development it is established that the new building will be wholly on the existing concrete pad that exists to serve the existing stables and as such no objections are raised. It is noted that the site is next to woodland that is subject to a protection order and an informative can be attached to the decision advising that any works without consent to trees would be illegal.

Environmental Health

6.2 No objections

Environment Agency

6.3 No objections

Land Drainage

6.4 Requested prior approval on details of the drainage proposals

Conservation Officer

6.5 The site lies in the green belt in the hamlet of Skelbrooke. There are listed gate posts in the vicinity but due to the distance and the intervening building and trees in between they would not be considered to be affected by the proposal. The proposal has no impact on any heritage asset.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework

- 3. Supporting a prosperous rural economy
- 9. Protecting Green Belt Land

Local Development Framework: Core Strategy

Unitary Development Plan

ENV 3 Green Belt
ENV 7 Leisure and Recreation
ENV21 Tree Protection
ENV59 Protection of Trees and landscape features

Supplementary Planning Document Development Guidance and Requirements

8.0 Planning Issues and Discussion

8.1 The proposal adds to the existing stable block in order to house additional livestock which would be kept on the applicant's land, which has also expanded to include an additional paddock. The main issues to consider with this application are how the application affects amenities of nearby occupiers, the appearance of the development, the openness of the Green Belt, Environmental concerns, protected trees and capacity for livestock.

Residential amenity and appearance

8.2 The objectors have highlighted the impact on amenities of neighbouring dwellings. However the new building will be largely screened by the existing stable block. The buildings have been designed to be of wood construction and low profile so their appearance will have little impact on the overall appearance of the existing buildings and follow local plan policy to group buildings together to limit the loss of openness in the Countryside. It is proposed they will be of timber construction with felt roof which will give a rural appearance and be in keeping with the existing buildings.

8.3 The buildings are a considerable distance from the nearest dwelling so will not impact in terms of noise or disturbance and the comings and goings from looking after a small number of additional animals will also be very limited. The site has its own access road which runs well into the paddock area and provides sufficient off-road parking so that vehicles should not need to be parked on Bannister Lane.

8.4 It is concluded that the proposed appearance of the buildings and their situation will not directly harm the amenities of nearby dwellings through appearance, disturbance or impact on the local highway network.

Green Belt

8.3 While the site is in Green Belt and development is often strictly controlled, local plan policy does allow for development that supports recreation and leisure uses. This is an existing established site with a large paddock directly next to the stables. The additional land that the applicant has secured since the original stables were built is a short distance directly along Bannister Lane from the stables and the additional stables directly support the additional paddock without a separate development being created which might be more harmful to openness.

8.4 The incremental increase in buildings are all grouped together on the existing hard standing area. This is compliant with local plan policy which is set out to limit the loss of openness of the green belt and also the National Planning Policy that it asks local planning authorities to promote development of land based rural businesses and support

rural leisure development and is specifically listed as an exception to the requirement for very special circumstances to be demonstrated for development in the Green Belt.

Environmental Issues

8.5 The site lies next to a beck. The Environmental Health officer has had previous dealings with this site and is satisfied with its current operation and the response to this application is that they have no objections. The Environment Agency have also not raised objections either because of flood risk or from pollution concerns. They note that their own licensing regime may apply to any run off or water disposal and informatives have been added to the decision. Further, the Councils land drainage team have also asked for prior approval of the methods of disposal and this will subject to written agreement required by condition. There is no reason therefore to consider that the proposal cannot go forward due to the implications of drainage from the site.

Trees and Hedgerows.

8.6 The Tree Officer notes that the application site is next to a protected copse and informatives are included in the decision noting that damage must not be caused to protected trees within the copse.

8.7 Limited landscaping information has been included in the proposal so a condition requiring submission of a scheme including details of the specimens proposed to be used and a schedule for its implementation is included as a condition of the decision.

8.8 The Tree Officer has sought confirmation on the siting of the buildings and as they are proposed to be on the existing concrete pad that sits next to the existing stable, there would be no impact on the root protection areas of adjacent trees and the stables are low profile so would not interfere with their crown spreads.

Other matters

8.9 The Development Guidance and Requirements Document requires that sufficient grazing space should be provided per animal and this in line with the British Horse Society guidance that equates to 1 hectare per animal. The revised scheme provides paddock area of 9.3 hectares which can therefore provide for 9 animals and therefore the proposal meets this standard.

8.10 There is an open sided shelter type building constructed towards the back of the adjacent paddock which does not have consent. This is not within the red line and is not part of this application. Colleagues in our enforcement section are pursuing its removal with the applicant.

8.11 While this represents a modest intensification of the site in terms of the number of animals proposed to be looked after and providing facilities for those doing the work, any application for residential accommodation would need its own separate planning application and be judged on its own merits in line with local and national planning policy that applies to development in the Green Belt.

9.0 Summary and Conclusion

9.1 The proposal is considered to be modest in scale and in context to the development already implemented. The site does sit in the Green Belt but there are policy exceptions for recreation and leisure uses and is a modest expansion of an existing development.

9.2 The materials proposed will be in keeping with the existing building and rural in appearance sitting on the edge of the rural hamlet of Skelbrooke. It is possible for the scheme to be implemented without any Environmental Impact and without harming protected trees in the adjacent copse. It is not considered that the proposal is therefore out of character and its situation would not adversely affect the amenities of nearby residences.

The above objections, considerations 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.

RECOMMENDATION

Planning Permission GRANTED subject to the following conditions.

- | | |
|------------|---|
| 01. STAT2 | The development to which this permission relates must be begun not later than whichever is the later of the following dates:- i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates the final approval of the last such matter to be approved.
REASON
Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990. |
| 02. U50312 | Approval of the details of the Layout and Scale (hereinafter referred to as reserved matters) shall be obtained from the Local Planning Authority before the commencement of any works.
REASON
The application is in outline and no details having yet been furnished of the matters referred to in the outline they are reserved for subsequent approval by the Local Planning Authority. |
| 03. STAT3 | In the case of the reserved matters, application for approval must be made not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 92(as amended) of the Town and Country Planning Act 1990. |
| 04. U50313 | 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:
Drawing No 620.03A Plans Elevations Proposed Nov 2016
REASON
To ensure that the development is carried out in accordance with the application as approved. |

05. MAT1A Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
REASON
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.
06. DA01 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.
07. U50311 No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a soft landscape plan; a schedule providing details of the species, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; and a timescale of implementation. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.
Reason:
In the interests of environmental quality and core strategy policy CS16: Valuing our natural environment
01. U10931 INFORMATIVE
Condition 07 refers to independence in the landscape, which is defined in British Standard 8545:2014 Trees: from nursery to independence in the landscape - Recommendations as the point at which a newly planted tree is no longer reliant on excessive or abnormal management intervention in order to grow and flourish with realistic prospects of achieving its full potential to contribute to the landscape.
02. U10930 INFORMATIVE
The site abuts an area of protected trees (being subject to the Doncaster Borough Council Tree Preservation Order (No.77) 1991

Skelbrooke) and it should be noted that the tree protection covers both sides of the stream right up to the existing boundary with the application site. It is a criminal offence to cut down, top or lop any protected tree without the Council's permission.

03. U10929

INFORMATIVE

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Septic tanks and treatment plants: permits and general binding rules
<https://www.gov.uk/permits-you-need-for-septic-tanks/you-have-a-septic-tank-or-small-sewage-treatment-plant>

04. U10928

INFORMATIVE

Introduction of Environmental Permitting Regulations (EPR) for Flood Risk Activities (replaces FD Consenting under WRA):

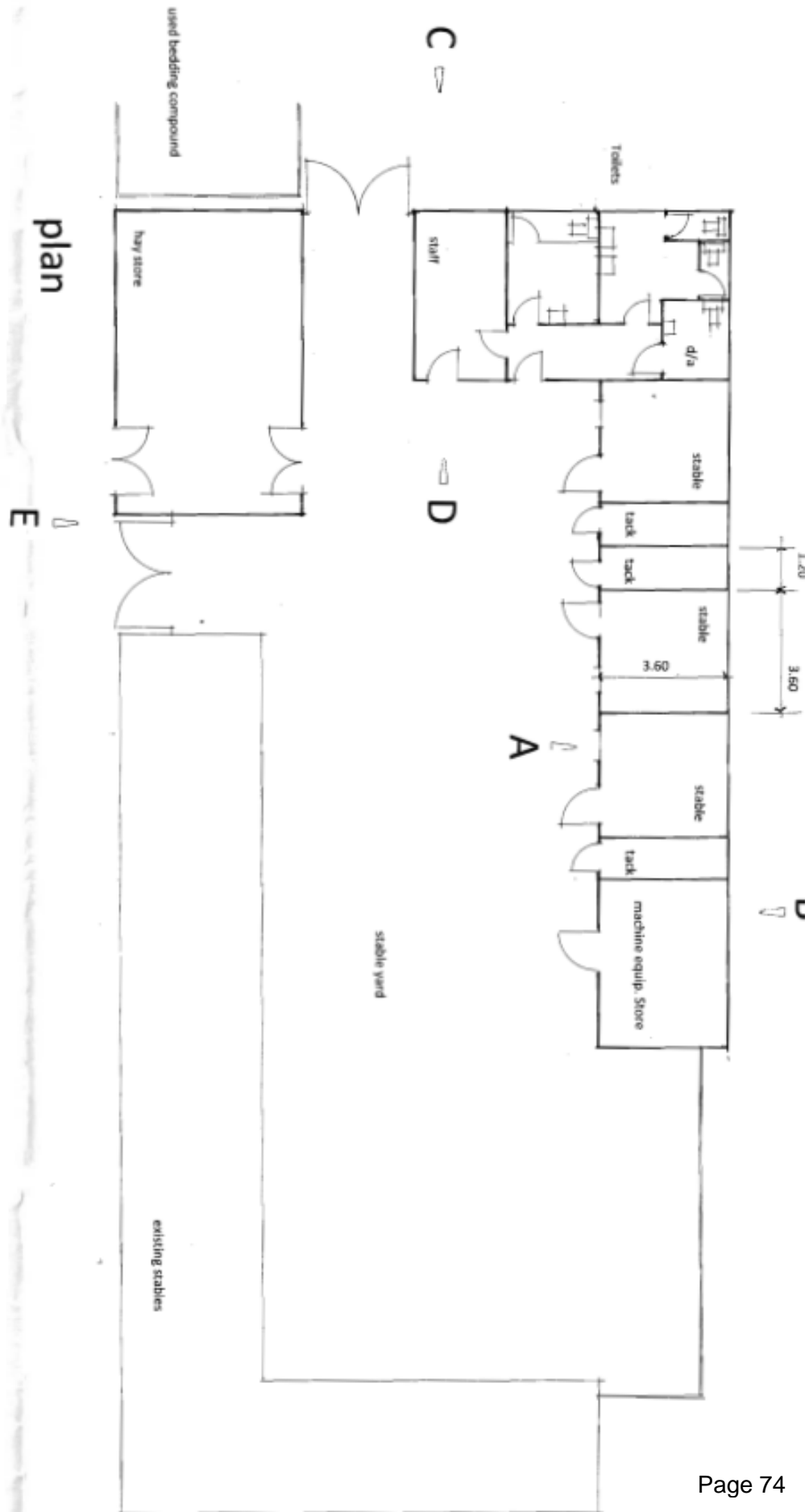
This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of The Skell, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

It can take up to two months to determine the application from being duly made. Every effort will be made to process it as quickly as possible, but you are reminded that works should not commence until the permit is granted.

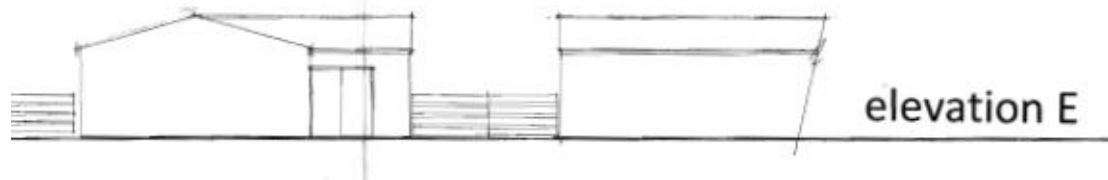
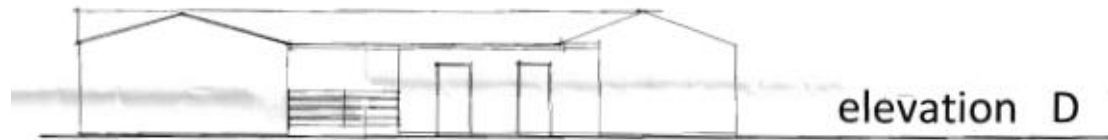
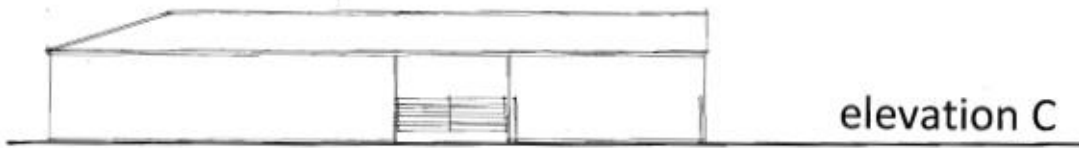
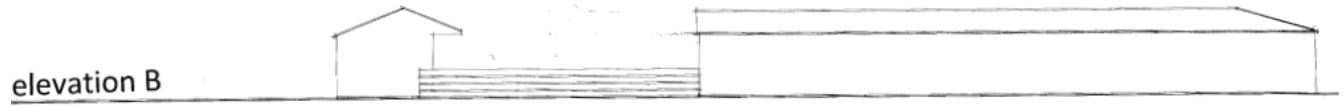
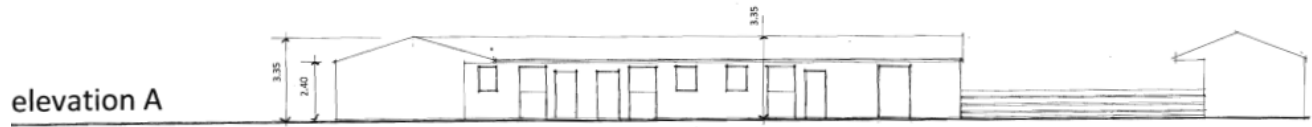
Appendix A Location Plan



Appendix B Site Plan



APPENDIX C: ELEVATION DRAWINGS



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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 7th February 2017

Application	5
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Application Number:	16/03119/FUL	Application Expiry Date:	7 th February 2017
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Application Type:	Full application
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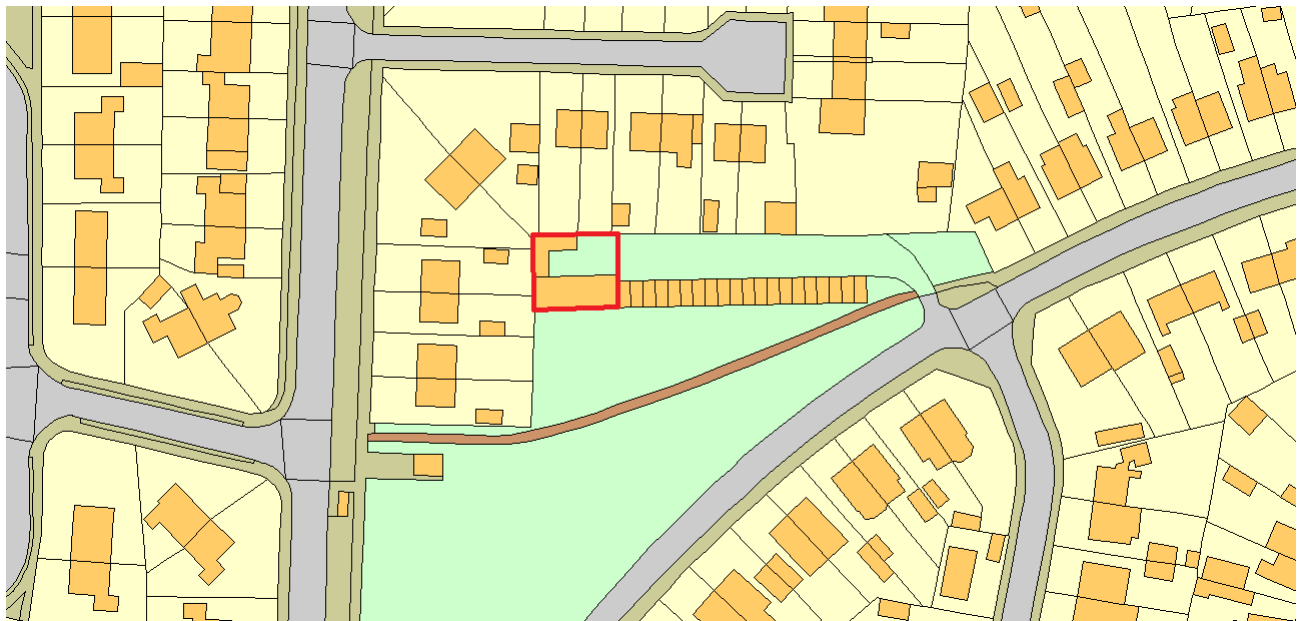
Proposal Description:	Proposed erection of steel frame building to form covered builders yard, office & storage area, following demolition of existing external & internal walls. (Retrospective) (Re-submission of Planning Permission 15/02952/FUL - erection of roof to cover existing builder's yard, store and office.)
At:	Danum Developments Limited, Rands Lane, Armthorpe, DN3 3DZ

For:	Mr Steven Mosby
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Third Party Reps:	9 objections	Parish:	Armthorpe
		Ward:	Armthorpe

Author of Report	Dave Richards
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MAIN RECOMMENDATION:	Grant
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1.0 Reason for Report

1.1 This application is being presented to Members due to the public interest shown in the application.

1.2 The application is retrospective and can be seen in situ.

2.0 Proposal and Background

2.1 The application seeks retrospective planning permission for the erection of a steel frame building to form a covered builder's yard and storage area.

2.2 The builder's yard is an established use at the site. Prior to the demolition of the buildings within the site, the yard previously comprised of a series of workshop areas, office space and a modular building. Part of the compound was enclosed via a shallow mono-pitched roof. The working areas were sub-divided by internal partitions and blockwork walls.

2.3 In January 2016, Planning Permission 15/02952/FUL granted the 'erection of roof to cover existing builder's yard, store and office.' The enclosed structure would have measured approximately 14m in width, 16m in depth and 5.85m in height. No objections were received from surrounding residents or Armthorpe Parish Council.

2.4 During the construction phase, the applicant claims that some of the existing walls were not able to support the approved roof structure safely and instead replaced the existing buildings with a standalone steel frame structure. The replacement structure measures internally 13.6m in width, 14.5m in depth and 5.95m in height. The materials are similar to the approved permission.

2.5 The replacement steel framed building is therefore generally similar in appearance and its overall height and massing to the approved layout. The building is actually smaller in volume terms compared to the approved permission.

3.0 Relevant Planning History

3.1 The historical planning history to the site is that of a former Council maintenance yard which was converted to a garage block for the storage of taxis and minibuses. In 1996, the site was granted planning permission under reference 96/1795/P for the current use of the site as a builder's yard. As stated above, in January 2016, Planning Permission 15/02952/FUL allowed the site to be contained within a roof structure.

4.0 Representations

4.1 In accordance with the requirements set out in the Planning Practice Guidance, statutory and local publicity stakeholders have been consulted and their comments are documented on Doncaster's Public Access website. The application was advertised by means of written notification to neighbours nearby as well as displaying two public notices near the application site.

4.2 A total of nine objections have been received which can be summarised as follows:

This is a housing estate not an industrial area
The building is an eye sore
Traffic will be heavier on Rands Lane

Not in keeping with the residential area that surrounds it
The building is too big/high
The entrance is not fit for purpose
Access to the existing garages will be blocked
Lack of parking
Noise pollution
Lack of consultation

5.0 Relevant Consultations

5.1 Highway Officer

There are no objections to this application from a highway point of view.

5.2 Environmental Health Officer

This section has no objection in principle to the proposed development. However, given that the location is surrounded by residential properties it is recommended that hours restrictions are placed on the use of the building to avoid noise disturbance at unreasonable times.

6.0 Relevant Policy and Strategic Context

6.1 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.

6.2 In the case of this application, the Development Plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policies are Policies CS1 and CS14 of the Core Strategy and Policy PH12 of the UDP. These policies seek to ensure that new non-residential development does not have a negative effect on residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

6.3 Other material considerations include the National Planning Policy Framework (NPPF) and the subsequent planning guidance; as well as the Council's supplementary planning guidance.

6.4 A Neighbourhood Plan is in preparation for Armthorpe and, following an initial stage of consultation and examination, is now paused whilst additional work is being undertaken. Paragraph 216 of the NPPF indicates that ...*"From the day of publication, decision makers may also give weight to the relevant policies in emerging plans according to, amongst other factors, the plan's stage of preparation (the more advanced the preparation the greater the weight may be given)."* Given that the examination of the plan has not been completed, the policies of the neighbourhood plan at this stage have limited weight within the Development Plan for Doncaster.

6.5 A material planning consideration is the granting of Planning Permission 15/02952/FUL which allowed a roof to be added to the existing compound.

7.0 Planning Issues and Discussion

7.1 The main considerations are the implications of the approved permission and whether the appearance of the building now proposed is acceptable, including in relation to surrounding neighbours and whether it affects the character of the area or highway safety.

Principle of Development

7.2 A number of representations have been made stating that the area is residential in nature and that an industrial building should not be allowed. However, the principle of an industrial use has long been established at the application site. Policy PH12 of the UDP allows commercial buildings in residential areas provided they are appropriate in scale and local amenity is maintained.

Character and Appearance of the Area

7.3 Policy CS14 of the Doncaster Core Strategy requires proposals to be of a high quality of design that contributes to local distinctiveness, responds positively to site features, and integrates well with the immediate and surrounding local area. Policy PH12 of the UDP accepts non-residential buildings in residential areas provided the use would not be unsightly. Objections received regard the building as an eye sore which is detrimental to the character of the area.

7.4 In terms of the application site, the yard was previously laid to general industrial storage. The site was generally a particularly poor aesthetic environment with open storage of materials and machinery. The materials were generally unpainted blockwork and concrete. The approved permission under reference 15/02952/FUL enclosed this compound within a structure.

7.5 It is acknowledged that the building increases the bulk and massing of the previous compound, but is helped by the shallow nature of the roof. The materials proposed are typical of an industrial building. Furthermore, the applicant has a fall-back position of a constructing a building of similar bulk, massing and materials under Planning Permission 15/02952/FUL.

7.6 Whilst the appearance of the building does jar with the nearest residential neighbours, it is not considered that the area is solely residential in nature, as proposed by objectors. There are local examples of the juxtaposition of industrial units and residential properties on Rands Lane and Gunshill Lane as the area merges to become the Armthorpe industrial estate.

7.7 Having regard to the fallback position of the applicant, and the appearance of the development on its own merits, the building is not judged to have a significantly detrimental impact upon the character of the area and complies with Policy CS14 of the Core Strategy.

Local Amenity and Highway Safety

7.8 Policy CS14 of the Core Strategy seeks to ensure that development does not have an unacceptable effect on the amenity of occupiers of nearby properties or give rise to a danger to highway safety. Policy PH12 of the UDP requires non-residential development to respect neighbouring properties including restricting any detrimental noise pollution or harm to visual amenity. Local objectors raise these concerns in representations.

7.9 The building is sited in close proximity to the boundary shared with the residential properties 12-18 Ash Grove and 2-10 Hatfield Lane. The residents most likely to be impacted by the proposal reside at 8-10 Hatfield Lane and 15 - 18 Ash Grove.

7.10 The building slightly increases the separation distances to these properties compared to the building approved under reference 15/02952/FUL. It is accepted that some of the visual skyline to the affected properties would be lost but overall, an acceptable level of daylighting and visual amenity would remain. The development would continue to meet the recommended separation distances set out in the Council's SPD guidance.

7.11 With regard to highway safety, the nature and intensity of the use would not significantly increase in terms of traffic movements to and from the application site. The increased floor space at first floor level would be used predominantly as office space. The access to the site is narrow, as noted by objectors, however the Highway Officer has reviewed the application and no objections have been raised from a highway safety perspective.

7.12 There are local concerns that the development would increase the levels of noise and disturbance emanating from the site. However, the containment of activities within a standalone building could potentially reduce noise and disturbance compared to the previous arrangement. The use of the site as a builder's yard has been established for 20 years with no formal complaints being recorded. The Environmental Health Officer has been consulted and has no objection subject to a condition restricting deliveries to and from the site during unsociable hours.

7.13 The application therefore accords with Policy CS14 of the Core Strategy which recognises that a component of good design is to ensure that local amenity and highway safety is not affected.

Other issues

7.14 There are concerns that there was no consultation on the development. The proposal in this respect was retrospective and the applicant was encouraged to submit a planning application to regularise the development. The statutory consultation required has taken place as part of this planning application.

7.15 Outside the application site, the blocking of the garage court or any access points would be a civil matter.

8.0 Summary and Conclusions

8.1 For the reasons given above, and taking all other matters into consideration including the extant permission at the site and the representations received, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions set out below.

RECOMMENDATION: Planning Permission **GRANTED** subject to following conditions:

Conditions / Reasons

01. ACC1 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.

REASON

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

02. U50160 No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0700 or after 1800 Monday to Saturday, or at all on Sundays and Public Holidays.

REASON

To protect the amenities of nearby residents as required by Policy PH12 of the UDP.

03. U50161 No windows or other openings shall be inserted above ground floor level in the west (side) or north (rear) elevations of the building without the prior written agreement of the local planning authority.

REASON

To protect the privacy of adjacent neighbours as required by Policy PH12 of the UDP.

Informatives

01. INF1B INFORMATIVE

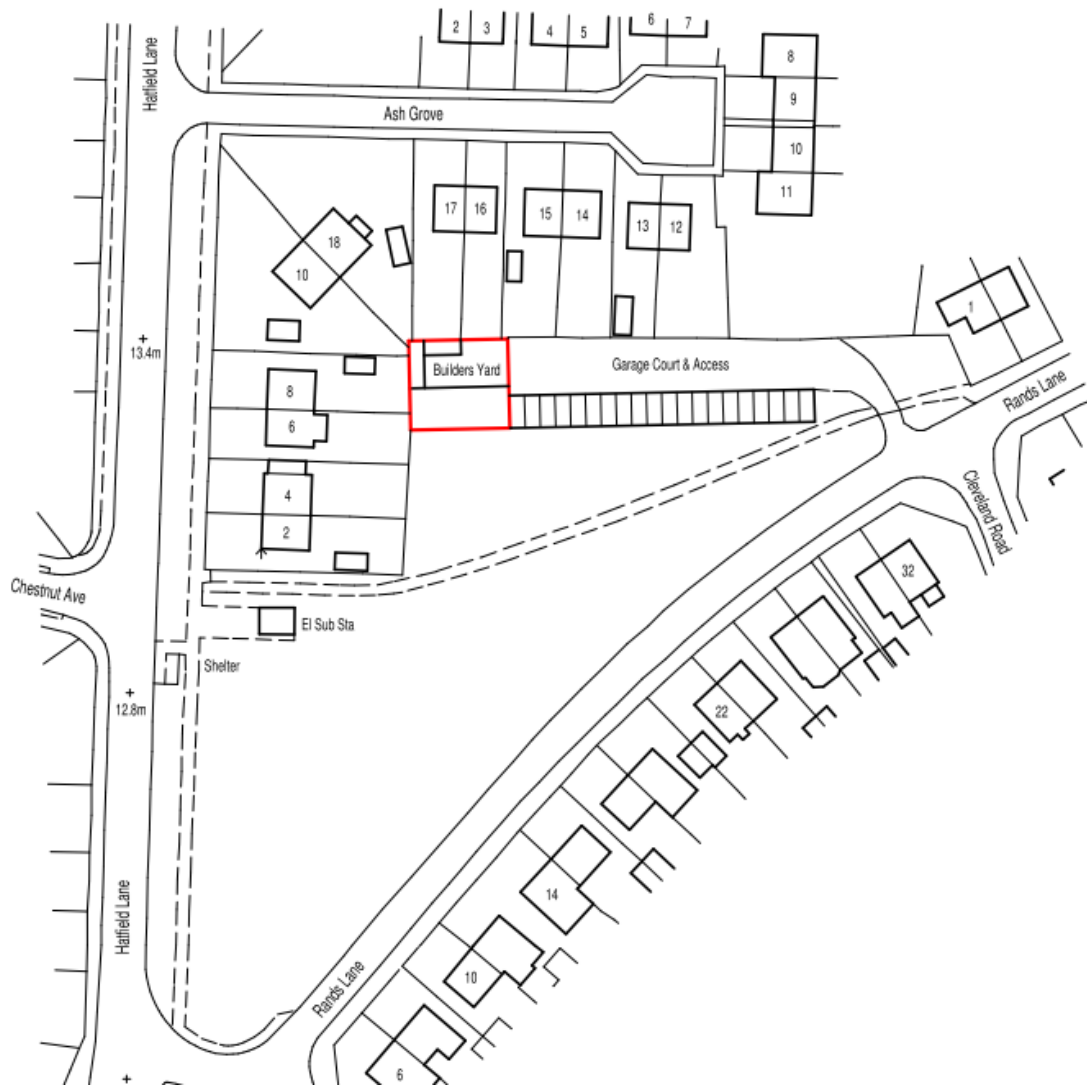
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

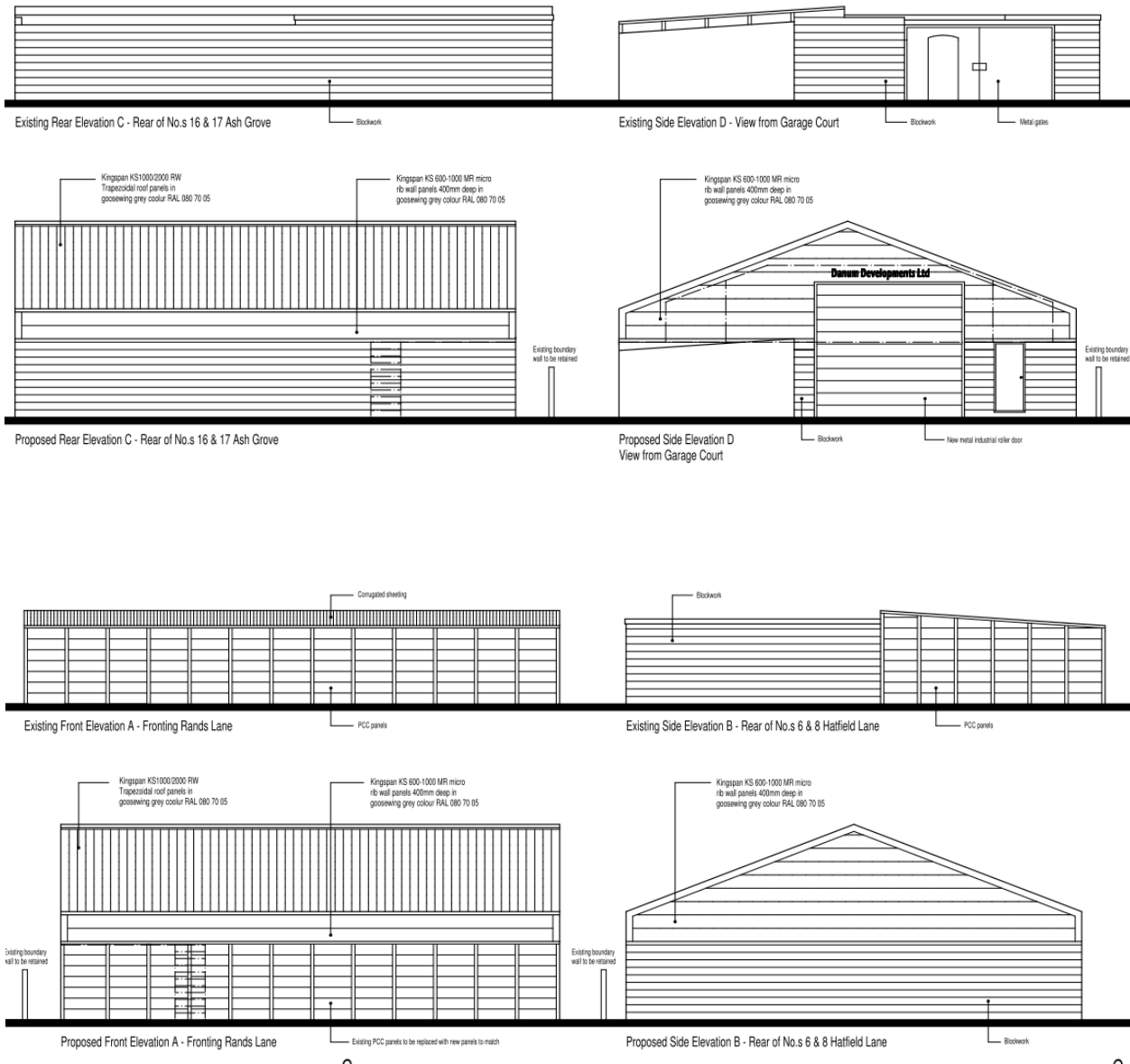
This Standing Advice is valid from 1st January 2017 until 31st December 2018

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

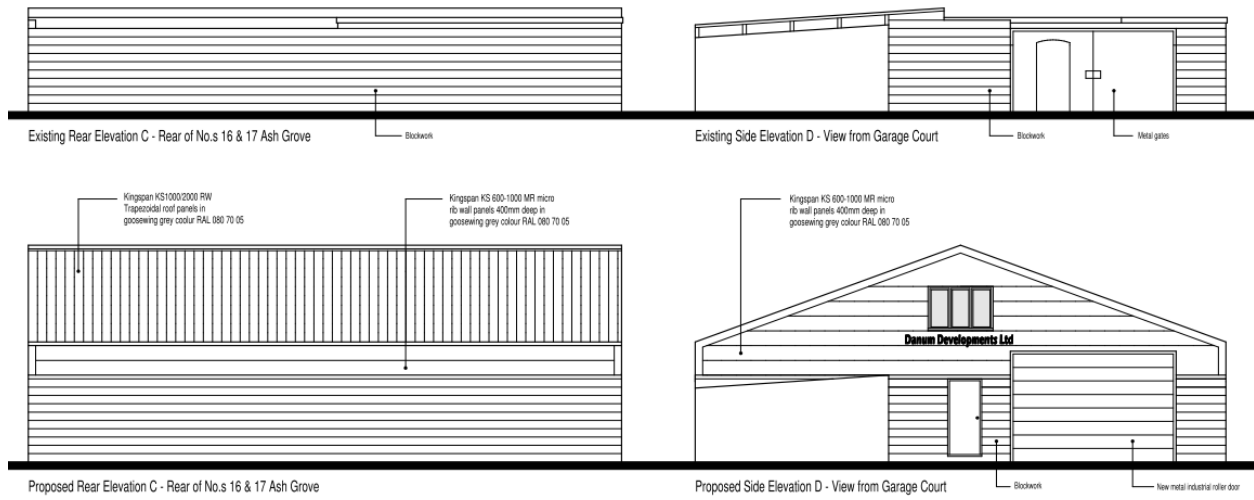
Appendix A – Site Plan



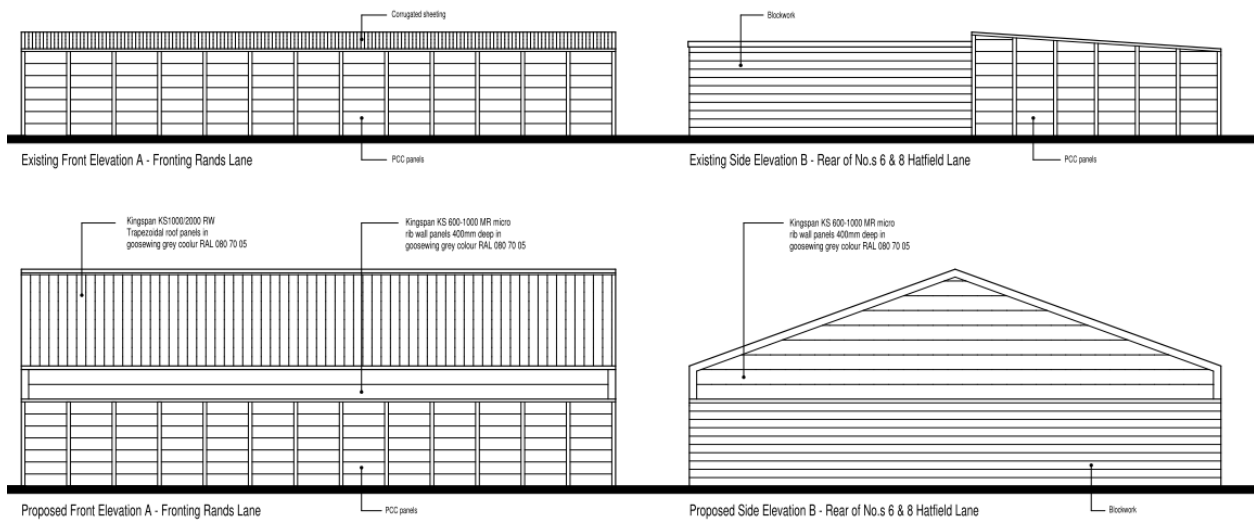
Appendix B – Existing & Proposed Elevations



Appendix C – Previously approved scheme 15/02952/FUL



C



C

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7 February, 2017

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

1. The purpose of this report is to inform members of appeal decisions received from the planning inspectorate. Copies of the relevant decision letters are attached for information.

RECOMMENDATIONS

2. That the report together with the appeal decisions be noted.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. It demonstrates the ability applicants have to appeal against decisions of the Local Planning Authority and how those appeals have been assessed by the planning inspectorate.

BACKGROUND

4. Each decision has arisen from appeals made to the Planning Inspectorate.

OPTIONS CONSIDERED

5. It is helpful for the Planning Committee to be made aware of decisions made on appeals lodged against its decisions.

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

7.

	Outcomes	Implications
	Working with our partners we will provide strong leadership and governance.	Demonstrating good governance.

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS

9. Sections 288 and 289 of the Town and Country Planning Act 1990, provides that a decision of the Secretary of State or his Inspector may be challenged in the High Court. Broadly, a decision can only be challenged on one or more of the following grounds:
- a) a material breach of the Inquiries Procedure Rules;
 - b) a breach of principles of natural justice;
 - c) the Secretary of State or his Inspector in coming to his decision took into account matters which were irrelevant to that decision;
 - d) the Secretary of State or his Inspector in coming to his decision failed to take into account matters relevant to that decision;
 - e) the Secretary of State or his Inspector acted perversely in that no reasonable person in their position properly directing themselves on the relevant material, could have reached the conclusion he did;
a material error of law.

FINANCIAL IMPLICATIONS

10. The Director of Financial Services has advised that there are no financial implications arising from the above decision.

HUMAN RESOURCES IMPLICATIONS

11. There are no Human Resource implications arising from the report.

TECHNOLOGY IMPLICATIONS

12. There are no Technology implications arising from the report

EQUALITY IMPLICATIONS

13. There are no Equalities implications arising from the report.

CONSULTATION

14. N/A

BACKGROUND PAPERS

15. N/A

CONCLUSIONS

16. Decisions on the under-mentioned applications have been notified as follows:-

Application No.	Application Description & Location	Appeal Decision	Ward
15/01762/OUT	Outline application for erection of 9 detached dwellings and garages including new access on approx 0.91 ha of land (All matters reserved) (being resubmission of application refused under ref:14/02823/OUT on 07.04.2015) at Land On The East Side Of, New Mill Field Road, Hatfield, Doncaster	Appeal Dismissed 13/01/2017	Hatfield
16/01679/FUL	Erection of boundary wall to front of house (Retrospective) at Flatlands, Newington Road, Austerfield, Doncaster	Appeal Dismissed 06/01/2017	Rossington And Bawtry

REPORT AUTHOR & CONTRIBUTORS

Ms J Lister
01302 734853

TSI Officer
jenny.lister@doncaster.gov.uk

PETER DALE
Director of Regeneration and Environment

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Appeal Decision

Site visit made on 4 January 2017

by Siân Worden BA MCD DipLH MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 January 2017

Appeal Ref: APP/F4410/D/3161605

Flatlands, Newington Road, Austerfield, Doncaster DN10 6DH

- 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 Mr J Rothwell against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/01679/FUL, dated 28 June 2016, was refused by notice dated 21 September 2016.
 - The development is a boundary wall to the front of the house.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was retrospective and the boundary wall was in place at the time of my visit.

Main Issue

3. I consider that the main issue in this case is the effect of the development on the character and appearance of the street scene and surrounding area.

Reasons

4. The appeal property is a bungalow in a row of dwellings at the junction of Newington Road on the edge of the village. The row connects with and is a part of the village. The general nature of the immediate area, however, is flat, open countryside with the row being almost surrounded by fields. The dwellings themselves are of various types and ages and fairly suburban in character. The appeal development is a brick wall approximately 1.8m in height which encloses the front garden of Flatlands.
5. Several of the gardens in the row are enclosed by hedges of varying heights although those immediately to the east of Flatlands have quite open frontages. The appeal wall is separated from the carriageway of Newington Road by the pavement and the drainage ditch and its verges in front of the properties. It is constructed in an orange brick, with prominent white flecks, topped with a row of grey engineering bricks. Located on three sides of the front garden it is a tall, bulky and uncharacteristic structure. Despite being well set back from the highway, the openness of neighbouring gardens means that it is clearly visible in Newington Road. All in all it is harmfully conspicuous in the street scene.

6. The wall does not, therefore, contribute to local distinctiveness, reinforce the character of the local landscape, or integrate well with the immediate local area. It is thus contrary to Policy CS14 of the Doncaster Council Core Strategy 2011-2028, adopted 2012.
7. During my visit I noted several other garden walls in the surrounding area. It did not appear to me, however, that any in the immediate area of the appeal property were as high and extensive as that at Flatlands. There are hedges of similar height and more but these do not have the same solid, engineered, and over-dominant character as the wall. The timber fence at Thorn Lea is of comparable height but has less mass, a less permanent appearance and does not completely enclose the front garden. Where there are walls to the sides of the bridges across the ditch these are no more than about a metre in height and, although positioned further forward than the garden walls and hedges, considerably less obtrusive.
8. I also saw the walls in Austerfield and elsewhere in Newington Road which have been drawn to my attention by the appellant. Whilst I appreciate that they include white-flecked bricks and pillars they are not in close proximity to Flatlands. In my view, therefore, they do not contribute to the salient character of the street scene or of the area immediately surrounding the appeal property. In addition, the presence of such features is not a compelling reason to permit a development which is detrimental to the street scene.
9. A reduction in the height of the wall of four courses of brickwork would not be sufficient to negate the harm it causes. The drainage ditch could pose a threat to small children, as would the busy road in front of the property. As long as it included secure gates, however, a wall of lower height would provide a satisfactory level of security. It did not seem to me that the highway is at a significantly higher level such that passers-by, either on foot or in vehicles, would gain extensive views into the dwelling or its garden. I have taken all the matters raised into consideration but not found any which are sufficient to outweigh the harm caused to the street scene and surrounding area.
10. For the reasons given above I conclude that the appeal should be dismissed.

Sian Worden

Inspector

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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