

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 March, 2017
TIME: 2.00 pm

BROADCASTING NOTICE

This meeting is being filmed for subsequent broadcast via the Council's web site.

The Council is a Data Controller under the Data Protection Act and images collected during this recording will be retained in accordance with the Council's published policy.

Please be aware that by entering the Council Chamber, you accept that you may be filmed and the images used for the purpose set out above.

Items for Discussion:

- | | Page No. |
|---|-----------------|
| 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: Monday, 27 February 2017

Governance Services Officer
for this meeting:

Amber Torrington
[Tel:01302 737462](tel:01302737462)

4.	Minutes of the Planning Committee Meeting held on 7th February, 2017.	1 - 8
A.	Reports where the Public and Press may not be excluded.	
	<u>For Decision</u>	
5.	Schedule of Applications.	9 - 114
6.	Doncaster Borough Council Tree Preservation Order (No.385) 2016 - Land On The West Side of Cusworth Lane, Cusworth.	115 - 122
	<u>For Information</u>	
7.	Appeals Decisions.	123 - 138
B.	Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.	
8.	Enforcement Cases Received and Closed for the Period of 26th January, 2017 to 21st February, 2017 (Exclusion Paragraph 6).	139 - 154

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, John McHale, Andy Pickering, Alan Smith and
Jonathan Wood

Public Document Pack Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 7TH FEBRUARY, 2017

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 7TH FEBRUARY, 2017, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

Apologies for absence were received from Councillors Sue McGuinness

60 DECLARATIONS OF INTEREST, IF ANY.

There were no declarations made at the meeting.

61 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 10TH JANUARY, 2017

RESOLVED that the minutes of the meeting held on 10th January, 2017, be approved as a correct record and signed by the Chair.

62 SCHEDULE OF APPLICATIONS

RESOLVED that upon the 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'.

63 TOWN AND COUNTY PLANNING ACT 1990, SECTION 106 AGREEMENTS

RESOLVED that prior to the issue of planning permission in respect of the following planning application, which is included in the Schedule of Planning and Other Applications marked Appendix 'A' and attached hereto, the applicant be required to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990, regulating the development:-

Application No	Description and Location
16/03012/FULM	Erection of two storey school including parking,

	play area, sub-station and playing field on land off Middlebank, Lakeside, Doncaster DN4 5JB.
--	---

64 APPEAL DECISIONS.

RESOLVED that the following decisions of the Secretary of State and/or his inspector, in respect of the under-mentioned Planning Appeals against the decision of the Council, be noted:-

Application No	Application Description & Location	Appeal Decision
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
16/01679/FUL	Erection of boundary wall to front of house (Retrospective) at Flatlands, Newington Road, Austerfield, Doncaster	Appeal Dismissed 06/01/2017

65 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 20TH DECEMBER 2016 TO 25TH JANUARY 2017 (EXCLUSION PARAGRAPH 6)

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during the period 20th December to 25th January, 2017.

In response to Members queries with regard to a number of enforcement cases on the report, the Head of Planning, undertook to provide members with an update on the specific details of each case outside of the meeting.

RESOLVED that all Planning Enforcement Cases received and closed for the period 20th December 2016 to 25th January, 2017, be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 7th February, 2017

Application	1		
Application Number:	12/02053/FULM	Application Expiry Date:	24th January, 2013
Application Type:	Planning FULL Major		
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		
At:	Tadcaster Arms Hotel, Doncaster Road, Armthorpe, Doncaster		
For:	Mr P Christmas and Ground Properties		
Third Party Reps:	4	Parish:	Armthorpe Parish Council
		Ward:	(Historic) Armthorpe

A proposal was made to grant the application.

Proposed by: **Councillor John McHale**

Seconded by: **Councillor John Healy**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted subject to the removal of the following conditions:-

- 04. No development shall take place in implementation of this permission until the applicant had 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 minimise the impact of the development on the effects of climate change.

05. 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.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Anju Joshi spoke in support of the application for the duration of up to 5 minutes.

Application	2
--------------------	----------

Application Number:	16/02268/FULM	Application Expiry Date:	22nd December, 2016
----------------------------	---------------	---------------------------------	---------------------

Application Type:	Full Major
--------------------------	------------

Proposal Description:	Erection of 75 bed care home
At:	Land off Goodison Boulevard, Cantley

For:	Runwood Homes
-------------	---------------

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

A proposal was made to grant the application.

Proposed by: **Councillor John McHale**

Seconded by: **Councillor John Healy**

For: 5 Against: 4 Abstain: 1

Upon the Chair declaring that there was an equal number of votes cast for and against the application, the Chair, Councillor Iris Beech, in accordance with Council Procedure Rule 21.2, exercised her right to use her casting vote and voted to grant the application.

Decision: Planning permission granted

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Alan Stone (resident) spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee, Roger Sinden (Runwood Homes) spoke in support to the application for the duration of up to 5 minutes.

(The receipt of an addition letter of objection and a petition of 37 signatures in support of the application were reported at the meeting).

Application	3
--------------------	----------

Application Number:	16/03012/FULM	Application Expiry Date:	2nd March, 2017
----------------------------	---------------	---------------------------------	-----------------

Application Type:	Planning FULL Major
--------------------------	---------------------

Proposal Description:	Erection of two storey school including parking, play area, sub-station and playing field
At:	Land Off Middle Bank, Lakeside, Doncaster, DN4 5JB

For:	Mr Paul Davidson – Education Funding Agency
-------------	---

Third Party Reps:	0	Parish:	
		Ward:	(Historic) Central

A proposal was made to grant the application subject to a Section 106 Legal Agreement.

Proposed by: **Councillor John McHale**

Seconded by: **Councillor Jonathan Wood**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted subject the removal of condition 19, the addition of the following condition and the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), in relation to the following matters and the Head of Planning be authorised to issue the planning permission on completion of the Agreement and the negotiation of the final wording of planning conditions:-

(A) A returnable transport bond of £4,246.00

22. A detailed travel plan shall be submitted for inspection and approval by the Councils Transportation Unit within 3 months of the first occupation of the school, and shall be updated and submitted for approval annually thereafter.

REASON

In the interests of sustainability travel.

Application	4
--------------------	----------

Application Number:	16/02552/OUT	Application Expiry Date:	5th December, 2016
----------------------------	--------------	---------------------------------	--------------------

Application Type:	Outline Application
--------------------------	---------------------

Proposal Description:	Outline application for erection of stables, toilets, equipment and hay store (Approval being sought for Access, Appearance and Landscaping)
At:	Skelbrooke Stables, Bannister Lane, Skelbrooke, Doncaster

For:	Mr George Smith
-------------	-----------------

Third Party Reps:	49 representatives and 80 name petition.	Parish:	Hampole and Skelbrooke Parish Meeting
		Ward:	Sprotbrough

A proposal was made to refuse the application.

Proposed by: **Councillor Jonathan Wood**

Seconded by: **Councillor George Derx**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission refused for the following reason:-

01. In the opinion of the Local Planning Authority, the proposal for the erection of a stables, toilets, equipment and hay store would adversely affect the amenity of neighbouring residential properties through an intensification of the site leading to excessive comings and goings contrary to Policy CS1 and CS14 of Doncaster’s Core Strategy 2011-2028.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr Nick Balliger spoke in opposition to the application for the duration of up to 5 minutes.

Application	5
--------------------	----------

Application Number:	16/03119/FUL	Application Expiry Date:	7th February, 2017
----------------------------	--------------	---------------------------------	--------------------

Application Type:	Full application
--------------------------	------------------

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
-------------	-----------------

Third Party Reps:	9 objections	Parish:	Armthorpe
		Ward:	Armthorpe

A proposal was made to grant the application

Proposed by: **Councillor Eva Hughes**

Seconded by: **Councillor John McHale**

For: 9 Against: 0 Abstain: 0

Decision: Planning permission granted

This page is intentionally left blank

DONCASTER METROPOLITAN BOROUGH COUNCIL

7th March 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

The Ordnance Survey map data and plans included within this document is protected by the Copyright Acts (Sections 47, 1988 Act). Reproduction of this material is forbidden without the written permission of the Doncaster Council.

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	12/02140/FULA	Norton and Askern	Norton Parish Council
2. M	16/03109/FULM	Hexthorpe And Balby North	
3. M	16/02527/FULM	Bentley	
4.	17/00214/FUL	Edlington And Warmsworth	Edlington Town Council
5.	16/03194/FUL	Adwick Le Street And Carcroft	
6.	16/02865/FUL	Roman Ridge	Sprotbrough And Cusworth Parish Council
7.	16/02861/FUL	Tickhill And Wadworth	Stainton Parish Council

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 7 March 2017
--

Application	1
--------------------	---

Application Number:	12/02140/FULA	Application Expiry Date:	13th December 2012
----------------------------	---------------	---------------------------------	--------------------

Application Type:	Full Application with Environmental Assessment
--------------------------	--

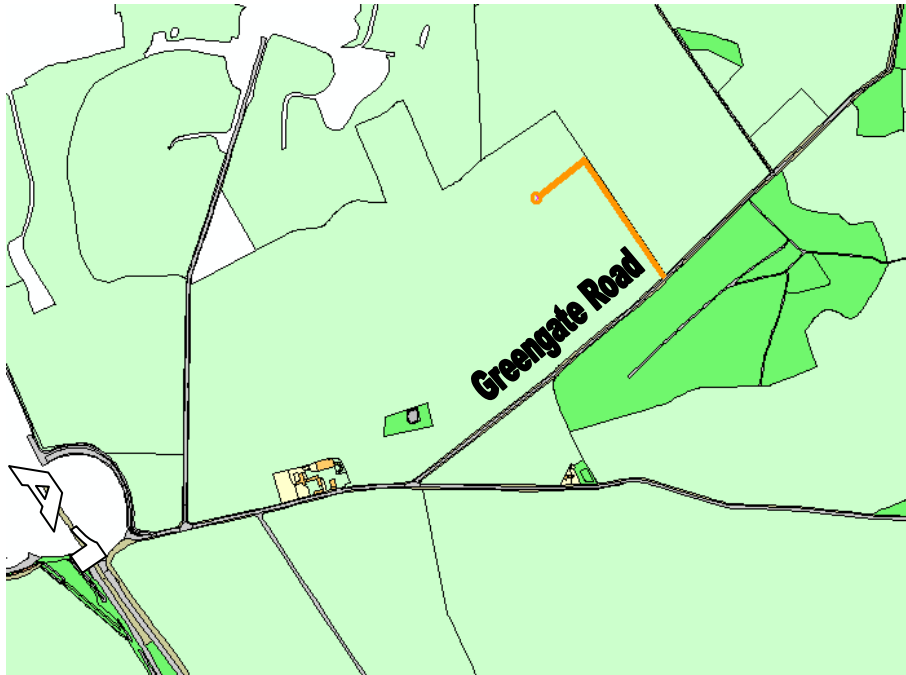
Proposal Description:	Erection of 1no. 2.5MW wind turbine (80m to hub, 120m to blade tip) and the construction of associated access tracks
At:	Norton Doncaster

For:	Origin Energy CIC
-------------	-------------------

Third Party Reps:	163 for Original submission	Parish:	Norton Parish Council
	136 to amended scheme & Petition of 65		Ward:

Author of Report	Mark Ramsay
-------------------------	-------------

MAIN RECOMMENDATION:	REFUSE
-----------------------------	--------



1.0 Reason for Report

1.1 This application was presented to the Planning Committee meeting held on 25 August 2015, and members resolved to defer the application for a site visit and technical briefing which was scheduled for Friday 18th September. The application was originally presented to committee due to the level of public interest in the application and the proposal represents a departure from the local plan, being development in the Green Belt.

1.2 The application and following report was scheduled to the 22nd September Planning Committee but deferred for officers to give consideration to the implications of a decision by the Secretary of State for a wind farm at Hemswell Cliff in Lincolnshire which referenced the Written Ministerial Statement issued by the Minister in summer 2015

1.3 In 2016 the applicants amended the scheme to remove turbine T2 and its access to the east of Greengate Road... Supporting documentation was updated following a community consultation exercise that took place in the summer of 2016.

2.0 Proposal and Background

2.1 The original application involved the erection of two wind turbines each generating 2.5 MW of power, with 80m tall tower and 40m blades. The scheme as detailed above has been reduced to a single turbine T1a and associated access to the west of Whiteley Road and is the only development for consideration by this application.

2.2 The sites lies next to Greengate Road on agricultural land. The road forms a link from the west of Norton Village to the Barnsdale Bar junction of the A1. There is a woodland to the East and a quarry to the Northwest (outside the borough boundary). The site is on land with a modest profile rising from the South. There is a scattering of rural dwellings and agricultural buildings in the surrounding area.

2.3 The application has been made on the basis that the resultant operation will be connected to a community company that local residents can be a part of and profits can be invested in the community of Norton.

3.0 Relevant Planning History

3.1 None

4.0 Representations

4.1 There were a total of 154 representations, 9 supporting to the original submission on the basis that the development is beneficial by the provision of renewable energy and consequent lower carbon emissions plus supporting the principal behind the development of investing profits in the parish and helping its regeneration

4.2 Following the initial application, a further 96 representations were received with 63 being against and 33 in support. Many of the letters in support were short standard letters. A public consultation exercise was held by Origin in Summer 2016 and they hosted displays open to the public. They elicited 77 responses which were split 50:50 in support and against with one undecided.

A petition of 65 names was raised against the proposal by the local campaign group NoNow and when the council formally opened up representations at the start of this year 42 representations were received with all but 2 objecting.

4.3 The representations making objections to the proposal raised the following issues

- Dominate skyline and cause visual harm to the landscape of the area
- Potential harm to wildlife
- Impact on neighbouring dwellings through noise and shadow flicker
- Harm to setting of the listed Norton Windmill
- Detrimental effect on nearby footpaths
- Cumulative impact of other turbines in the area
- Impact on nearby Campsmount Academy
- Highway safety at access to site and impact of construction traffic on surrounding area
- Technology not proven effective or cost effective
- Not supported by local community (referring to local vote organised by the Parish Council in 2012 and response to subsequent rounds of publicity)

5.0 Parish Council

Norton Parish Council

5.1 Objects on the basis that the development is inappropriate development in the Green Belt, Broc o dale wood lies within 3.5km, the nearest properties including Campsmount School are within 800m, concern over effect on house prices and that a hill will be destroyed to accommodate the development.

5.2 Neighbouring councils were also consulted and responses were as follows;

Askern Town Council

5.3 Objects on grounds of the visual aspect of the turbines and because of the noise pollution it will cause to surrounding residents.

Burghwallis Parish Council

5.4 Objections were raised regarding visual impact, effect on wildlife, close proximity to homes and schools and noise.

Kirk Smeaton Parish Council

5.5 Objections were raised regarding inappropriate Green Belt development, visual impact, and effect on wildlife, construction traffic and close proximity to homes and schools and noise.

6.0 Relevant Consultations

Ecologist

6.1 Concerns originally raised regarding White Lea Wood are no longer relevant since the turbine next to, and access through the wood are no longer part of the proposal.

Highways

6.3 No objections in principle subject to a construction traffic management plan which is to include dilapidation surveys along the transport route before and after construction activity.

Historic England

6.4 The application should be determined according to local and national planning policy

Ministry of Defence

6.5 No objections

Woodland Trust

6.6 The trust objected due to direct loss and damage to ancient woodland being White Ley Plantation. They consider any loss or damage to be unacceptable and due to the irreplaceable nature of ancient woodland its loss cannot be mitigated for.

Natural England

6.7 No objection regards Nature Conservation Sites. Notes the site has potential to adversely affect designated ancient woodland and refers to standing advice on the subject. Concerns originally raised regarding White Lea Wood are no longer relevant since the turbine next to, and access through, that wood are no longer part of the proposal

Robin Hood Airport

6.8 The airport notes the applicant's own statement that the turbines are likely to be detected by the Primary Surveillance Radar and that is confirmed by the airport creating clutter on the radar e.g. in the form of twinkling or the formation of tracks on the screen. This effect can cause confusion when trying to distinguish between real aircraft and false targets. Instrument flights rules aircraft from the west and southwest are vectored and receive final instructions from Air Traffic Control within this piece of airspace when making an approach for RHADS' runway 20.

6.9 Since the original consultation response the Airport has been in dialogue with the applicant regarding possible and available mitigation solutions. The Airport has identified a technical mitigation solution that can be applied (at the developers cost and risk) to mitigate this scheme within the timescale of a consent. Upon completion of a legal agreement with the developer for the implementation of this solution the Airport will be in a position to lift its objection to this scheme. This will be subject to the imposition of a radar mitigation condition to ensure the solution is implemented prior to the implementation of the wind turbines. However, from the last response from the airport the legal agreement has not been entered and the airport maintains their objection.

Environmental Health

6.10 No objections raised. The Environmental Health Officer has considered the acoustic reports submitted with the application for wind farms and the main elements of concern being the noise generated and flicker. He confirms that the report was found to be satisfactory from the readings taken at the three locations and given the remote location of the site feels that the flicker aspect is not likely to adversely affect nearby receptors.

Public Health

6.11 Referred to the Health Protection Agency (HPA) guidance 'HPA position in relation to applications for onshore and offshore wind farms (28/01/13)

Trees and Hedgerows

6.12 When this proposal was first looked at, White Ley Plantation had not been identified as ancient woodland. However this is also now moot since turbine 1 was removed from the scheme.

6.19 Whilst there are no objections on arboricultural grounds to the proposed access track to Turbine T1a it should be noted that the hedgerow to the north east (marking the boundary between the two fields) can be traced back to the 1818 Campsall, Askern and Norton Enclosure Award and is therefore considered to be 'important' under the Hedgerow Regulations 1997. This hedgerow should be retained intact through development.

Conservation

6.20 Three heritage assets were assessed as being affected by the original proposal; The Windmill, Norton (Grade II Listed building): setting affected by Turbine T2; Summer House Farm, south of Woodfield Road (Grade II): setting potentially affected by Turbine T1a in significant views from the A1; Campsmount Walled Garden, designated in the Doncaster Unitary Development Plan (1998) as a Park or Garden of Local Historic Interest: setting affected by Turbine 2.

6.21 It was noted that the Campsall Conservation Area was omitted from consideration by the applicant but the impact was considered slight by the conservation officer even though the conservation area extends beyond the built up area of the village.

6.22 The views from the Campsmount walled garden would be affected.

6.23 In conjunction with Summer House Farm, it is possible, given the location and height of Turbine 1a, that it would be seen from the northbound carriageway of the A1 in a manner which would significantly adversely affect the historic setting and design intent of the building. Although it is acknowledged that highway users, concentrating on the road, have low sensitivity to views (seeming to ignore the amenity and observations of passengers), and also that views east from the A1 are limited by roadside and adjacent vegetation, especially in summer but much less so in winter when vegetation has died away.

6.24 The concerns raised regarding turbine T2 are no longer relevant as it has been removed from the scheme.

Archaeology

6.28 South Yorkshire Archaeology Service requested further on site investigation prior to determination which has since been carried out.

Neighbourhood Manager

6.29 Concern expressed over the size of development and the access. Further it was noted there was considerable local opposition.

National Air Traffic Service

6.30 Initial objections have been rescinded as the applicant has entered into an agreement to pay for radar blanking and therefore accept the proposal subject to condition requiring its implementation.

Highways

6.31 No objections raised subject to conditions requiring prior approval of full details of the access tracks and a Construction Traffic Management Plan.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework

Core Planning Principles

The Presumption in favour of sustainable development

Section 9. Protecting Green Belt Land

Section 10. Meeting the challenge of climate change, flooding and coastal change

Section 11. Conserving and enhancing the natural environment

Section 12. Conserving and Enhancing the Historic Environment

National Planning Policy Guidance

Para 33: Renewable and Low Carbon Energy

National Policy Statement for Renewable Energy Infrastructure.

Doncaster Unitary Development Plan

ENV3 Green Belt
ENV34 Impact on Listed Building

Doncaster Council Core Strategy 2011 – 2028

CS3 Countryside
CS16 Valuing our Natural Environment
CS19 Renewable Energy

8. Planning Issues and Discussion

Written Ministerial Statement

8.1 On 18 June 2015, following a Written Ministerial Statement, the National Planning Policy Guidance was updated. It states at Paragraph 33 that,

‘Local Planning Authorities should only grant permission where the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Whether the proposal has the backing of the affected local community is a planning judgment for the local planning authority’

8.2 There is a transitional provision for assessing applications, like this one that had already been submitted which reads as follows;

‘Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.’ The ministerial statement also states that ‘Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority’

8.3 The applicant in responding to this change highlights the consultation events held in 2012 prior to the application being submitted and the survey carried out on their behalf which showed a majority of respondents in favour of the proposal and nearly 200 households registered to the Norton Energy Company. Also they point to how the application documentation covers the issues raised by the objectors and they have also amended the access to overcome the issues raised by the harm to the woodland.

8.4 Since the application was modified, there has been further significant correspondence to the Local Planning Authority, the majority of which raise objections to the application, in addition to the response from the Parish Council. The reference in the NPPG and the Written Ministerial Statement does not define what constitutes 'local communities' but it would be reasonable to look at the locality of the respondents and that of the Parish areas in relation to the immediate surrounds of the site.

8.5 The vast majority of the respondents are from within the Norton Parish and neighbouring Kirk Smeaton surrounding (110 from addresses in the Norton Parish which includes the villages of Campsall and Sutton and 15 from addresses in Kirk Smeaton which includes Little Smeaton) with most of the remainder from other parts of Doncaster and two from outside the borough. The Parish Councils of Norton, Askern, Kirk Smeaton and Burghwallis have registered objections. It is not known if the Parish Councils undertook any form of consultation within their areas prior to their responses but it is known that Norton Parish Council held a public meeting relating to the application.

8.6 It should be noted that the consultation undertaken by the applicant at the pre-application stage showed the majority of respondents were either supportive or not against the proposal. This covered the parish area of Norton and consisted of a questionnaire. However, other surveys conducted at the time of the pre application organised by local councillors and the Parish Council showed opposition.

8.7 Additionally, a local protest group known as 'NoNow' has been formed in the locality and has been campaigning against the proposal. It is therefore concluded, that the weight of the response from the local community specifically to the submitted planning application, either individually or through representations of the Parish Councils, has been against the development. It is clear that the proposal does not have the backing of the affected local community. In assessing how much weight to give to this opposition it is necessary to look at each planning issue including those identified by affected local communities and assess whether they have been satisfactorily addressed.

Wind Turbine Development in the Green Belt

8.8 Planning Law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Policy ENV 3 of the Doncaster Unitary Development Plan states that development in the Green Belt is not permitted other than for a limited number of uses that include such things as agriculture and forestry related developments unless they demonstrate very special circumstances.

8.9 The National Planning Policy Framework (NPPF) at Para 91 states that, “when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

8.10 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. In this planning application it is clear that the nature of a wind turbine as a ‘renewable energy device’ represents a development which forms part of a sustainable scheme which delivers the aim of moving to a low carbon economy.

8.11 Para 93 of the (NPPF) states that ‘Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.’ This is central to the economic, social and environmental dimensions of sustainable development that are set out earlier in the NPPF at Para 7.

8.12 The National Planning Policy Framework at Paragraph 17 also states that among the 12 core planning principles there should be support for the transition to a low carbon future in a changing climate...and encourage the use of renewable resources (for example, by the development of renewable energy).

8.13 National Policy Statement for Energy states that the UK is determined to obtain 15% of its energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent (para 3.4.5).

8.14 It is acknowledged that a number of planning applications have been approved and are generating power in the borough including Marr (8MW) , Hampole (8.2MW) and Tween Bridge (total 44MW although 3 of the turbines equating to approx. 6MW are located in East Riding) etc. Core Strategy policy CS19 sets out a target of at least 37 MW of power from renewables by the turn of the next decade. It should be noted, however, the requirement is a minimum requirement and not a maximum.

8.15 Paragraph 11 of the National Planning Policy Framework reminds us that planning permission should be determined according to the development plan and the status of the development plan is not changed by the Framework.

8.16 At Paragraph 98, Local Planning Authorities are instructed, “to not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.”

8.17 It is necessary to assess the purpose of the Green Belt in this area and to assess whether the purpose would be harmed by the proposed development. The Green Belt was first designated in the South Yorkshire Structure Plan to protect land between the Urban Centres of Wakefield, Barnsley, Rotherham and Doncaster which are particularly sensitive to urban expansion and settlement coalescence and was then adopted as part of the Doncaster Unitary Development Plan.

8.18 The proposed development is now for a single wind turbine. The plan area of the turbine tower is 4.0m diameter having a visible ground area of 12.6m² which together with two ancillary buildings the development comprises 31.2m². The development of any structures (other than those specifically defined as exceptions) in the Green Belt should be regarded as inappropriate and a loss of openness (albeit small in footprint).

8.19 In assessing the impact of the proposal on the openness of the Green Belt the turbine tower at its widest at the base is 4.0m in diameter and in rising to 80m to its hub (and 120m to blade tips) is a tall, slender structure when viewed in its rural context. Wind turbines are quite familiar structures in rural locations. Fields, field boundaries and woodlands can be seen all around the site. The harm to the openness of the Green Belt is considered to be small.

8.20 Paragraph 91 of the NPPF states that very special circumstances can include the wider environmental benefits which, in this case, is the generation of 2.5MW of renewable energy and the consequent reduction in generation of greenhouse gases which delivers the objectives of moving to a low carbon economy. No other very special circumstances are considered to exist in this case or are put forward by the applicant.

Community Benefits from Wind Turbines

8.21 In October 2014 the Department of Energy produced a document 'Community Benefits from Onshore Wind Developments: Best Practice Guidance for England', which states that community benefits should be considered, '... separate from the planning process and are not relevant to the decision as to whether the planning application for a wind farm should be approved or not – i.e. they are not 'material' to the planning process.' This means the community benefits put forward by the applicants should generally not be taken into account by the Local Planning Authority when deciding the outcome of a planning application for a wind farm development.

8.22 Further the guidance reminds the authority that the only situation in which financial arrangements are considered material to planning is under the Localism Act, as amended (2011) which allows a local planning authority to take into account financial benefits where there is a direct connection between the intended use of the funds and the development. In this case the benefits would be to residents in the wider parish and not directly linked to the development.

Setting of heritage assets

8.23 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA 1990), sets out a statutory duty that when considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this context 'preserving' means doing no harm.

8.24 It has become apparent through court cases that when considering the impact of a proposal on the significance of a designated heritage asset, "considerable importance and weight" should be given to the desirability of preserving the setting of listed buildings. This wording reflects the statutory duty in sections 66(1). The NPPF sets out in paragraphs 132-134 and the court cases have highlighted that the opening section of para 132 should be read together with the other paragraphs when applying the statutory test. The courts have also emphasised that there is a strong presumption against granting permission for a scheme which would harm a heritage asset or its setting.

8.25 Policy ENV34 states that planning permission will not normally be granted for development which would adversely affect the setting of a listed building by virtue of its nature, height, form, scale, materials or design or by the removal of trees or other important landscape features.

8.26 The revised scheme was re-assessed by the applicant and highlighted four heritage assets surrounding Turbine 1a; Campsall Conservation Area, Campsmount Walled Garden, Summer House Farm and The Windmill (Norton).

8.27 Campsmount Conservation Area includes the village of Campsall and some fields to the west. The Design and Conservation Officer considered the impact of T2 would be slight and no harm would be caused by T1a.

8.28 Campsmount Walled Garden is designated as a Park or Garden of Local Historic Interest lying just over a kilometre to the south east of T1a. The Conservation Officer did consider its setting would be adversely affected but not sufficiently to outweigh the public benefits of the development when T2 was included. The removal of T2 further denudes the impact on the Park.

8.29 The Summer House Farm, south of Woodfield Road (Grade II) sits south west of the proposed turbine site, approx. 1.5km from T1. The Conservation Officer advised that it is possible that it would be seen from the northbound carriageway of the A1 in conjunction with the turbine 1a and therefore have its setting adversely affected.

8.30 Having reviewed the Conservation Officer comments and viewed the setting from the highlighted viewpoints it is noted that there are a significant amount of trees and hedges on the side of the road as well as the central reservation which widens as the two carriageways cross different levels. The southbound carriageway also partially obscures views to the east from the northbound carriageway along parts of the road.

8.31 The setting of the farm is barely noticeable from the road behind the trees and the relief rises quite significantly. The Conservation Officer advises that it is possible that the farm and turbine would be seen together and the farm's setting affected. On further assessment the turbine would be directly in line with the farm from the available views on the A1 and there would be rolling landscape with rising relief in between.

8.32 The applicant's updated assessment does conclude that the turbines rotation would increase the degree to which it would alter the setting of the building and would distract from the planned view of Summer House Farm which is a key part of its historic significance. The available views have further been reduced by the closure of all the laybys along this stretch of road that lies between the motorway sections that finish at Redhouse and begin again at Ferrybridge and the degree of harm is limited by the relative distance between the farm and the turbine. The harm is regarded as less than substantial and would have a minor adverse effect.

8.33 The Windmill, Norton (Grade II Listed building) is the remaining 4 storey part of an 18 Century tower mill that has had 20th Century house (not significant according to the English Heritage listing) built onto the southern elevation. Since its sails were removed it has been capped in felt. On the issue of effect on listed buildings it is the setting of the Windmill that is of most concern to local objectors.

8.34 The Conservation Officer considered the impact of Turbine 2 on the setting of the Windmill was understated and not acceptable because Turbine T2 would be in direct view from all the upper-floor windows of the five-storey Windmill. Although turbine 2 has been removed, the applicant's assessment picks up that turbine 1a would still be 35m taller than the windmill although 1.8km away. The turbine will intrude on its setting and despite its distance would be visible in views from upstairs windows as well as from the footpath that runs from the Windmill towards Whiteley Plantation. The turbine would otherwise be screened from most other viewpoints of the windmill along Ryecroft Road.

8.35 The applicant's study concludes that there would be an adverse impact on the assets significance, although the degree of harm is limited, it would alter the windmills relationship with the wider agricultural landscape, being a key element of its special historic interest. This harm to the setting has not been addressed and, therefore, on this basis amongst other planning objections, the scheme does not have the backing of the community.

Visual and landscape impacts

8.36 The applicant has updated their assessment of landscape and visual impacts. The original proposed development was assessed as not having an impact on the fabric of the local landscape character or quality. Visually, due to the relatively small scale of the proposal and the distance from sensitive receptors, the turbines have mostly Medium, Medium-Low or Low Visual impacts; and Medium or Low Landscape Impacts.

8.37 Despite the removal of one of the turbines, the new assessment highlights that there is one significant impact (White Ley Road Footpath) regarded as having High to Medium Adverse impact and 5 instances of locations regarded as Medium Adverse impact. The harm from the visual impact of a wind turbine has been highlighted within representations and this harm has not been addressed. On this basis, the scheme cannot be said to have the backing of the community.

Noise

8.38 The Environmental Health Officer has reviewed the submitted acoustic report and considered the proposal acceptable in the context of the readings taken at the three locations.

Shadow flicker

8.39 There is no current guidance to assess shadow flicker but in the now deleted Companion Guide to PPS22 (2004) it states that impacts occur within 130 degrees either side of north from a turbine. This has been found to be an acceptable metric. Additionally, the '10 rotor diameter rule' (multiplying the rotor diameter length by 10 which is equivalent to 800m) has been widely accepted across different European countries, and is deemed to be an appropriate assessment area. The nearest dwellings and school buildings are at least this distance away. The applicant's own assessment states that one dwelling may be affected at certain times of the year at certain times of the day, but there are methods to restrict the use of the turbine and it is quite common to control this through planning conditions. The Environmental Health Officer has also reviewed the information supplied with the application and after talking to residents, taken the view that due to the remote location there should be no impact on nearby receptors.

Bio diversity

8.40 Since the application was first submitted the wooded area known as Ley Plantation has been re-classified as Ancient Woodland. The ecologist did not consider there was an issue regarding protected species with turbine 1a. The concerns regarding the historic woodland are not relevant as turbine 2 and its access are no longer part of the scheme.

Air Safety

8.41 National Air Traffic Service and Robin Hood Airport have raised objections to the original proposal. Since then the developer has entered into negotiations with both parties in order to make a legal agreement to provide mitigation strategies to overcome radar clutter. NATS have agreed terms of the agreement and provided planning conditions to ensure they are implemented before the turbines become operational.

9.0 Summary and Conclusion

9.1 The application is in the Green Belt and represents a departure from the Local Plan. The small loss of openness caused by the development which would otherwise represent inappropriate development is balanced against the very special circumstances that exist due to the wider environmental benefits associated with increased production of energy from renewable sources which are acknowledged in National Policy. In favour of the scheme are the public benefits arising from the production of renewable energy. No other very special circumstances have been advanced.

9.2 Harm to the setting of historic assets does not exist to the walled gardens and Conservation Area. However, there would be harm to the setting of Summer House Farm and The Windmill, Norton. This gives rise to a presumption against the proposal and must be weighed against the scheme as “other harm” when applying the Green Belt test.

9.3 Furthermore, the Government have set out that local communities should have the final say in these types of Planning Applications and judging by the response to community consultation to the planning application, the proposal is viewed unfavourably by the majority of the respondents. It is clear that the local community does not back the scheme and the planning objections raised in respect of the harm to heritage assets and visual impact remain unaddressed in the Council’s view.

9.4 The guidance and accompanying Ministerial Statement is a material consideration and in several¹ call-in decisions issued by the minister, he attached substantial weight to the statement as the most recent expression of Government planning policy for onshore wind development.

9.5 Key to these decisions are the conclusions reached that the schemes in question did not address the planning impacts identified by the local community and dismissal of the appeals. As such the proposals did not meet the transitional provisions of the Ministerial Statement and significant weight needs to be given to this non-compliance. In the present case, the same objections arise and the failure to meet the requirements of the Ministerial Statement and the PPG weighs heavily against the scheme.

9.6 In the circumstances, the scheme conflicts with the development plan and other material indications such as the WMS/NPPG further militate against the grant of permission. No other material considerations clearly outweigh these impacts that would indicate that planning permission should be granted contrary to the Development Plan.

1

2195630 SHORESWOOD FARM, ANCROFT, BERWICK-UPON-TWEED
2217829 LAND NORTH OF HEMSWELL CLIFF, LINCOLNSHIRE
2219268 25 WAKEFIELD ROAD, GRANGE MOOR, WAKEFIELD
2220136 FRENCH FARM, FRENCH DROVE, THORNEY, PETERBOROUGH
2221985 GLEASTON PARK FARM, GLEASTON, ULVERSTON

RECOMMENDATION

That Planning Permission be REFUSED for the following reason

In the opinion of the Local Planning Authority the proposal to erect a wind turbine will adversely affect the setting of the grade II Listed Buildings, known as The Windmill, Norton and Summer House Farm. Special regard has to be paid to the desirability of preserving the setting of listed structures according to paragraph 66 of the Listed Building and Conservation Area Act 1990 and “considerable importance and weight” needs to be given to the desirability of preserving their setting according to paragraphs 132-134 of the National Planning Policy Framework. The erection and operation of the wind turbine would have a harmful visual impact on the surrounding landscape and detract from the character and appearance of the area. The Local Authority is not satisfied that these planning impacts identified by local communities have been addressed and therefore do not have their backing. The proposal is contrary to Doncaster Unitary Development Policy ENV 34 (adopted July 1998 and saved by authority of the Secretary of State September 2007 and listed in Appendix 3 of the Doncaster Council Core Strategy 2011-2028 as not being replaced by the Core Strategy). It is also contrary to paragraph 33 of the National Planning Policy Guidance and the transitional provision of the Written Ministerial Statement issued on 18 June 2015 by the Secretary of State for Communities and Local Government.

Figure 1 Location Plan

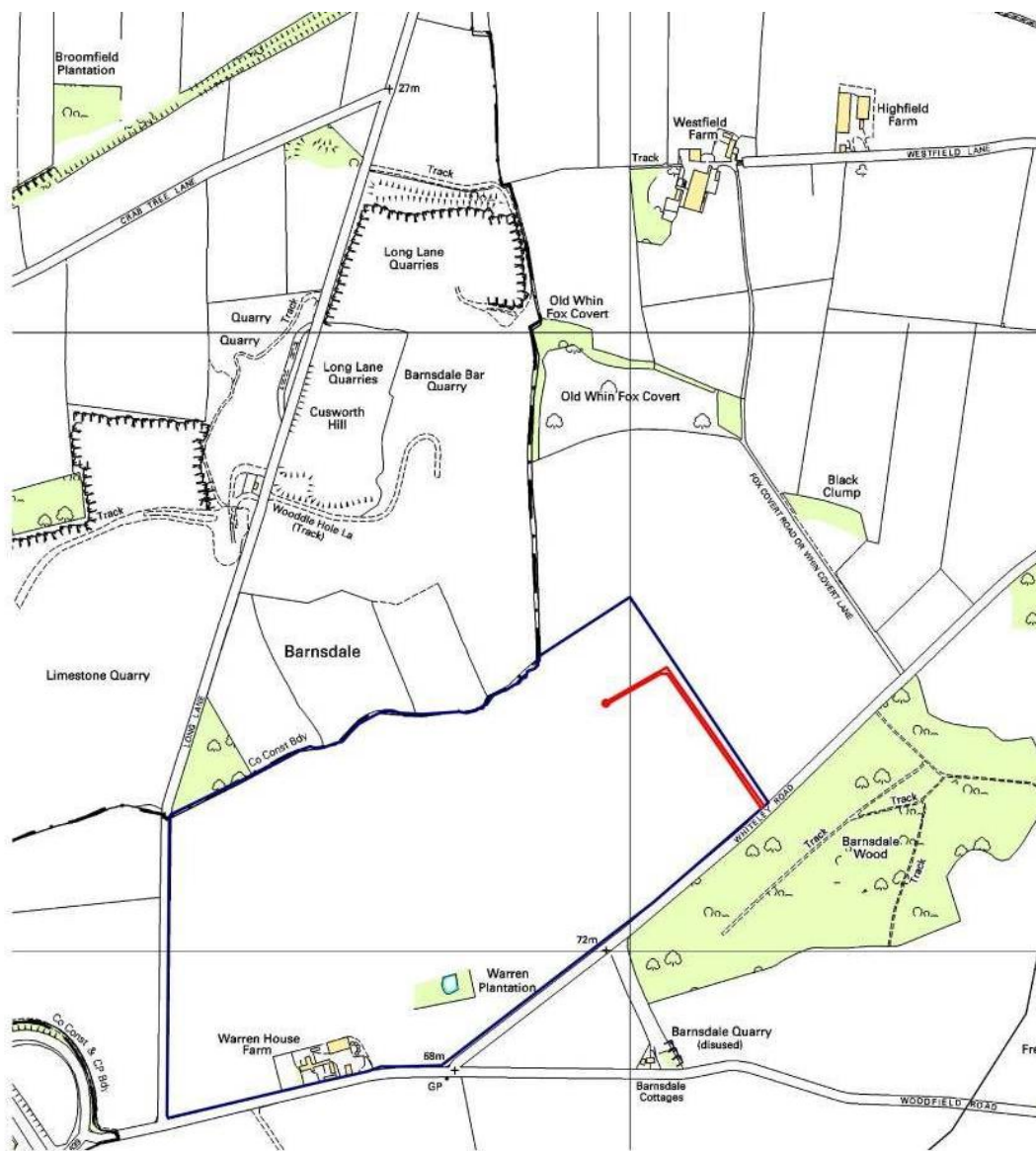


Figure 2: Site Plan

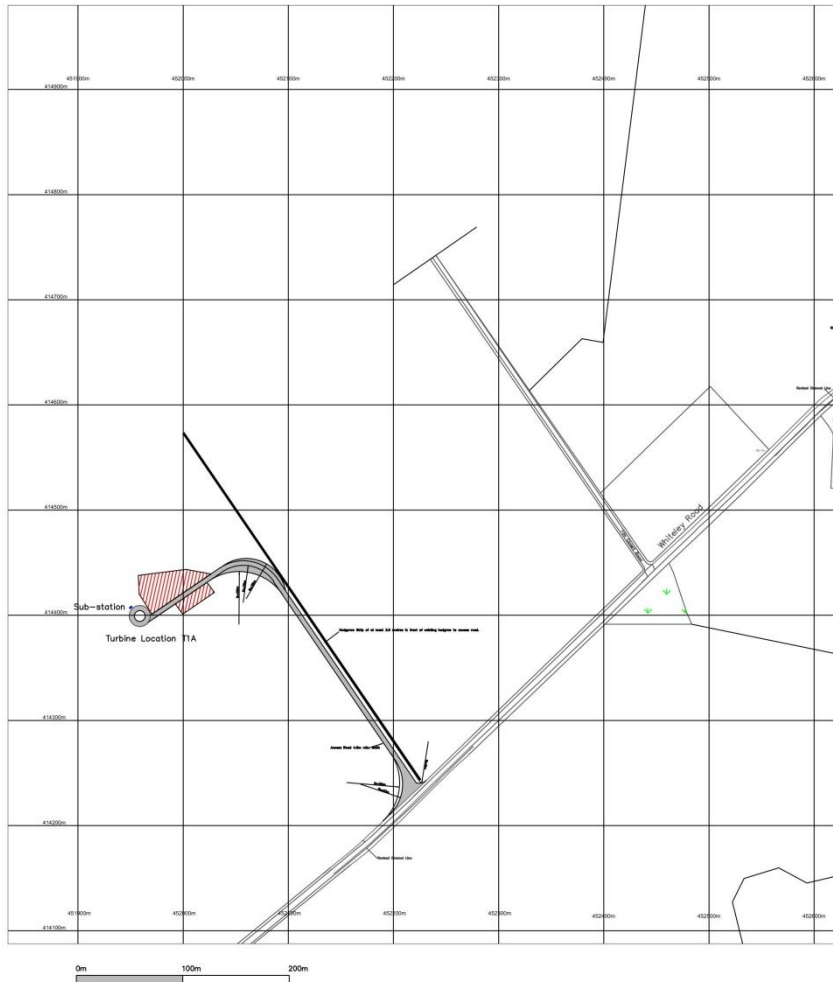
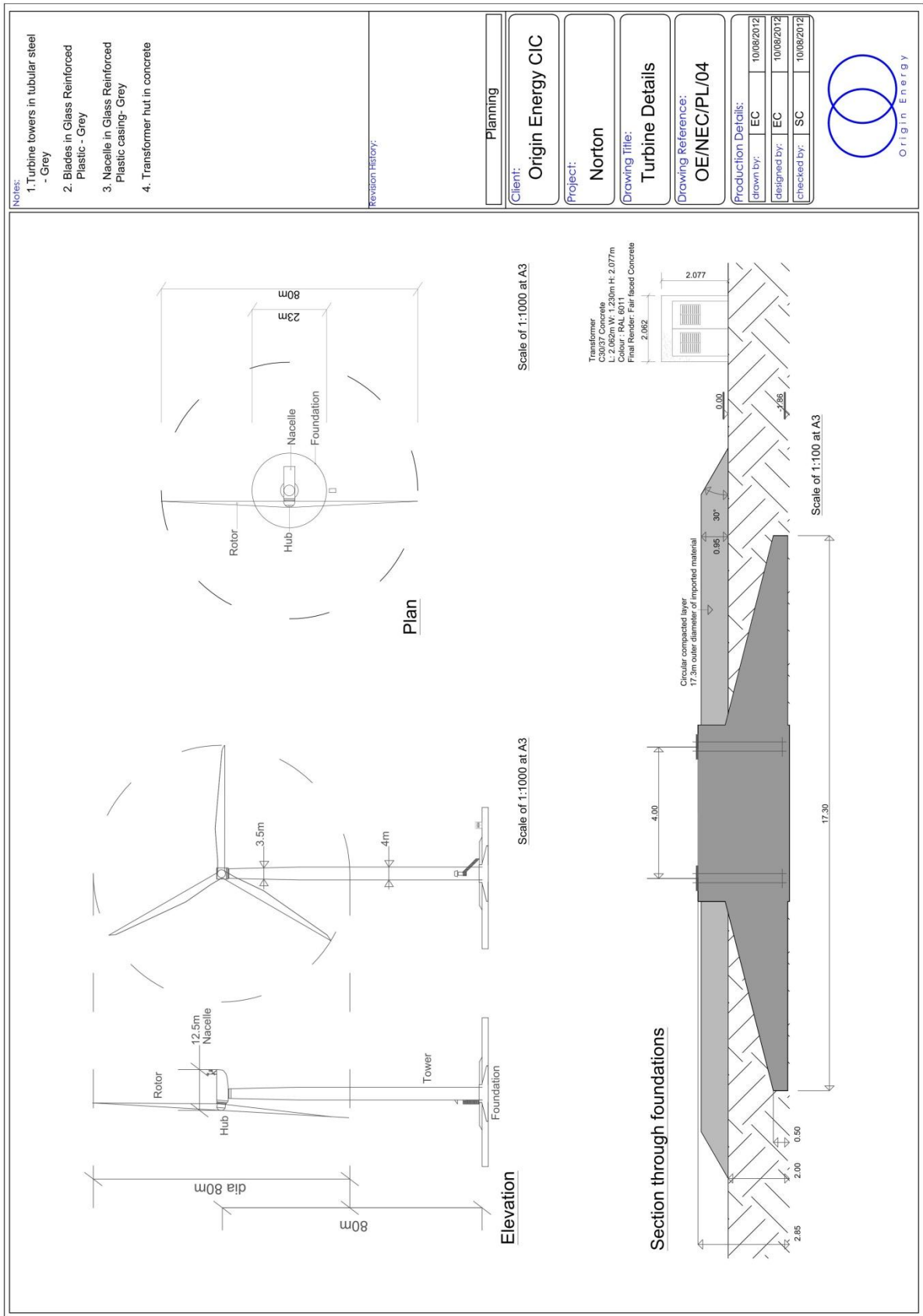


Figure 3: Turbine drawings



DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 7th March 2017

Application 2

Application Number:	16/03109/FULM	Application Expiry Date:	16th March 2017
----------------------------	---------------	---------------------------------	-----------------

Application Type:	Planning FULL Major
--------------------------	---------------------

Proposal Description:	Erection of 50 affordable dwellings, including associated highway works and infrastructure (AMENDED DESCRIPTION AND SITE LAYOUT)
------------------------------	--

At:	Ivor Grove Balby Doncaster
------------	----------------------------

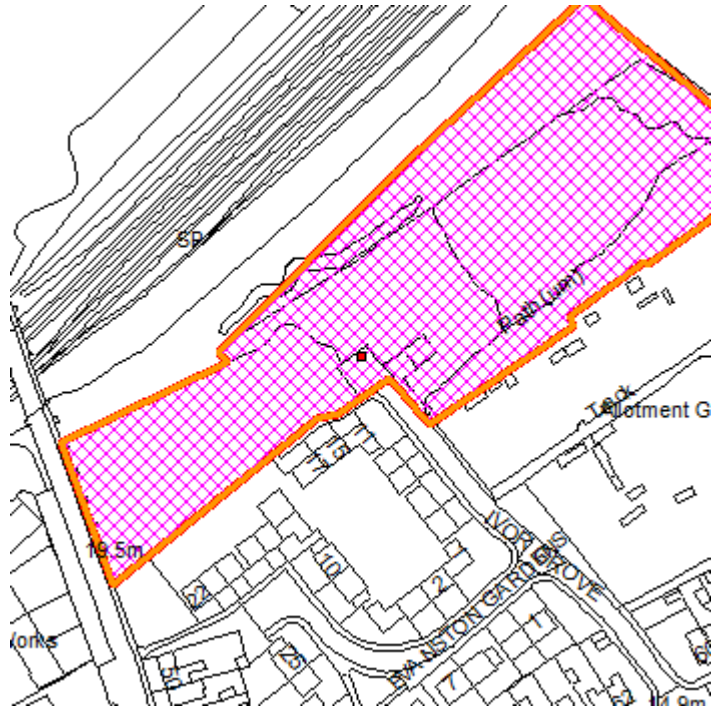
For:	Mr Justin Martin
-------------	------------------

Third Party Reps:	22 letters and a petition within 196 signatories, in opposition	Parish:	
--------------------------	---	----------------	--

Ward:	Hexthorpe And Balby North
--------------	---------------------------

Author of Report	Mark Sewell
-------------------------	-------------

MAIN RECOMMENDATION:	Grant
-----------------------------	-------



1.0 Reason for Report

1.1 The application is being presented to Planning Committee because of the high level of public interest.

2.0 Proposal and Background

2.1 The application seeks planning permission for the erection of 50 affordable dwellings on land off Ivor Grove, Balby.

2.2 The scheme as originally submitted showed 60 affordable dwellings, however the site layout has been amended to take into account 2 claimed rights of way which cross the application site.

2.3 The application site is located between Balby and Hexthorpe, on the southern side of the Trans Pennine railway line, and at the end of a cul-de-sac known as Ivor Grove. The site itself is split into 2 distinct halves. To the west is a maintained area of amenity grassland, enclosed by 1m high timber fencing, whilst the eastern part of the site is unmaintained open land, characterised by self set scrub and planting, and crossed by desire lines leading between the top of Ivor Grove and a public right of way on the eastern boundary. Residential bungalows on Ivor Grove and Evanston Gardens are located on the southern side of the maintained grassland, whilst allotments are sited to the south of scrubland area. Greenfield Lane is located to the western side of the site at an elevated level as it crosses the railway line. A cleared area of industrial land is located to the eastern side of the application site.

2.4 The proposed development shows a mixture of single storey and two storey properties. Access to the site is to be provided by extending the roadway from the end of Ivor Grove, which will turn west within the site to serve 12 bungalows, which will be located to the rear of the existing neighbouring bungalows. The remainder of the properties are two storey and located on the eastern part of the site, and will be served by an internal estate road running along the southern and turning north along the eastern side of the site, and a smaller cul-de-sac serving 4 dwellings to the northern side of the site. 2 areas of landscaped informal open space are shown within the centre of the site, the larger of which will surround an existing pumping station on the site. The site layout has been designed to accommodate two claimed rights of way that cross the eastern part of the site, leading from a public right of way on the eastern side of the site to Ivor Grove. Both claimed routes are accommodated via a landscaped cut through between dwellings on the eastern side of the site. The southernmost route is then accommodated alongside part of an internal estate road and landscaped areas, whilst a footpath route is shown between the gardens of properties to accommodate the northern route.

2.5 As mentioned previously the scheme proposes a mixture of single and two storey dwellings. The 12 single storey dwellings will be sited to the western side of the site, adjacent to existing bungalows, whilst the remaining two storey properties will be on the eastern side of the site. There are two types of two storey properties proposed, both of a relatively simple appearance using traditional materials and standing to a height of approximately 8.5m. The housetypes are also mixed in terms of being utilised as semi-detached and smaller rows of terraces, as well as showing breaks in ridge lines, in order to provide interest and variety and to break up the street scenes. The proposed bungalows are of a simple design, and shown as being two bedroom and all are paired as semi-detached units. The applicants state that the range and mix of housetypes has been

selected to suit a variety of residents both socially and economically in order to offer a variety of choice.

2.6 In terms of access, as already discussed the scheme is proposed to be served by extending the existing Ivor Grove carriageway, from which the new housing will be served by internal estate roads. The site is in a sustainable residential location, close to local bus routes and amenities. In terms of car parking, this is proposed at a ratio of 1 dedicated private space per 2 bed unit, and 2 dedicated private spaces per 3 bed unit, totalling 59 private spaces across the development. The vast majority of private spaces are shown within the frontage of the proposed dwellings, and offstreet visitor parking bays are also proposed across the site.

3.0 Relevant Planning History

3.1 None relevant.

4.0 Representations

4.1 The application has been publicised by letters to adjoining neighbours, site notice and a notice in the local press. Following the receipt of amended plans further letters and site notices were posted.

4.2 As a result of the publicity, 22 letters of objection have been received, together with a petition with 196 signatories.

4.3 The main points raised include;

- the loss of a well used area of open space within a residential area
- the impact upon ecology
- noise and disturbance
- the site should be formally recognised as open space, rather than a housing site
- no provision for play
- impact upon local schools and amenities
- additional traffic generated
- development not in keeping with the local character

Parish Council

5.1 None

6.0 Relevant Consultations

DMBC Transportation - no objections

DMBC Highways - amendments requested in respect of layout

DMBC Built Environment - raise concerns over proposed layout in respect of security

DMBC Internal Drainage - no objections, suggested conditions

DMBC Trees & Hedgerows - no objections, suggested condition

DMBC Ecology - no objections to scheme, suggest ecological enhancement scheme to be agreed

DMBC Environmental Health - no objections, suggested conditions

DMBC PROW - no objections following amended layout

DMBC Open Space - recommends commuted sum in lieu of onsite provision

Environment Agency - raises no objections, defers to Council Environmental Health advice

Yorkshire Wildlife Trust - echoes DMBC Ecology advice
S.Y. Police Architectural Liaison - raises concerns over layout and security.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework (NPPF):

Principle 6 Delivering a wide choice of high quality homes

Principle 7 Requiring Good Design

Principle 10 Meeting the challenge of climate change, flooding and coastal change

Doncaster Core Strategy (CS):

Policy CS1 - Quality of Life

Policy CS2 - Growth and Regeneration Strategy

Policy CS12 - Housing Mix and Affordable Housing

Policy CS14 - Design and sustainable construction

Policy CS16 - Valuing our Natural Environment

Doncaster Unitary Development Plan (Adopted July 1998):

PH11 - Development in Residential Policy Areas

PH1 - Allocated Housing Sites

8.0 Planning Issues and Discussion

The Principle of Development

8.1 The application site is located within an allocated Residential Policy Area, and furthermore is allocated specifically for housing under saved Policy PH1 of the Doncaster Unitary Development Plan 1998. PH1 lists sites that are capable of accommodating 10 dwellings and over and identified on the Proposals Map will be delivered for housing purposes.

8.2 The settlement of Balby is identified as being within the Doncaster Main Urban Area. Within Policy CS2 (Growth and Regeneration Strategy) of the Core Strategy, the Main Urban Area is stated to be the main focus for growth and regeneration and will deliver between 9225 and 11808 new dwellings over the plan period 2011-2028. The majority of housing growth (80-85%) will be directed to the Main Urban Area and Principal Towns.

8.3 The National Planning Policy Framework states a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Housing applications should be considered in the context of the presumption in favour of sustainable development, and local authorities should plan for a mix of housing based on current and future demographic needs, reflect local demand, and to ensure the identified need for affordable housing is met on site.

8.4 On the basis that the application site is located within an allocated Residential Policy Area, and is specifically allocated to deliver housing under Saved Policy PH1, it is considered that the principle of development is acceptable in this location. Balby is within the Main Urban Area, which is expected to deliver the majority of the Borough's housing growth as set out under Policy CS2 of the Core Strategy. Furthermore, the scheme involves the delivery of entirely affordable housing, rather than the 26% normally required, to meet an identified need and is in what is considered to be a sustainable location. As such, there are no objections to the principle of the development.

Residential Amenity

8.5 Saved Policy PH11 of the UDP states that new housing within Residential Policy Areas will normally be permitted, except where it would be at a density or form which would be detrimental to the character of the surrounding area, or where the effect on the amenities of neighbouring occupiers would be unacceptable, or where the development would result in the loss of social, community and recreational or other local facilities for which there is a demonstrated need.

8.6 Policy CS14 of the Core Strategy is concerned with Design and Sustainable Construction, and states that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

8.7 As stated in an earlier part of the report, the closest residential properties to the development site are the bungalows located on at the end of Evanston Gardens and Ivor Grove. 11, 15 and 17 Ivor Grove are the closest to the development site, with their front elevations some 7m from the application site boundary. The closest properties to these will be the proposed Plots 3 and 4, also bungalows, whose rear elevations face towards them, maintaining a separation distance of between 20 and 21m. Further to the west within the site, the proposed bungalows on Plots 6 and 7 have their side elevations some 18m from the rear elevations of bungalows on Ivor Groove, which is in excess of the normal requirements. The levels within the development site are proposed to be raised for drainage reasons, however the applicants have provided site sections showing the relative levels between the new and existing bungalows, and this is not considered to cause any harm by way of overlooking or overshadowing.

8.8 Objections have been received from neighbours in terms of the disturbance from additional vehicles accessing the development site from Ivor Grove. A later section will deal with the highways implications of the proposal, however the applicants have provided a Transport Statement with the application which sets out the anticipated vehicle movements associated with the proposal. The assessment shows that in the peak hours of the day, the scheme would generate 25 2-way trips per hour. It is appreciated that Ivor Grove currently is a cul-de-sac, however it is not considered that the additional traffic generated by the proposal would cause such harm to the living conditions of neighbouring occupiers as to recommend refusal of the proposal.

8.9 As described within an earlier section of the report, the development site lies on the southern side of a main railway line. On this basis, the applicants have provided a noise assessment to demonstrate the impact of the existing noise sources on future residents of the proposal. The noise impact assessment demonstrated that standard double glazed windows were adequate for the proposed development, except for the potential exception of those with bedrooms adjacent the railway line whereby acoustic vents would be utilised.

8.10 In terms of the residential amenity of the occupiers of the development, the proposed layout meets the normally required separation distances between properties, as well as providing adequate garden spaces.

8.11 On the basis of the above, the scheme is considered to be acceptable in terms of its impact upon residential amenity, and in accordance with the relevant parts of Policies PH11 and CS14.

Design and Layout

8.12 Policy CS14 of the Core Strategy is concerned with Design and Sustainable Construction, and seeks to ensure that proposals are of a high quality design that contribute 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.

8.13 As stated previously, the application site is within residential area of Balby, located at the end of cul-de-sac comprising mainly of semi-detached bungalows. Further to the south is Florence Avenue, a busier road characterised by mainly two storey semi-detached dwellings. Lower order streets comprising of two storey terraced properties lead from this.

8.14. The scheme has been amended from 60 dwellings to 50, and the layout altered, the reason being to accommodate two claimed rights of way that cross the eastern part of the site. The proposed layout has already been described within Section 2 of the report above.

8.15 In terms of the design of the proposed dwellings, as already mentioned, the approach is simple but modern two storey semi-detached and terraced properties and bungalows. It has been raised in representations that the properties are not in keeping with the existing housing stock in the area. Whilst this is not disputed, the development site is to be located at the end of a cul-de-sac where the main property type is a more modern bungalow as opposed to the older semi-detached and terraced properties further to the south. As such the scheme will not sit within the more traditional development in Balby, and therefore whilst being more modern, will not cause harm to the character of the area in terms of the prevailing architecture.

8.16 The revised layout allows for adequate private amenity space for the proposed dwellings, as well as maintaining adequate separation distances between. The loss of 10 dwellings has also provided more space within the site for landscaping and a larger area of informal open space in the centre of the site.

8.17 The main concern with the layout as currently proposed is around the proposed northernmost footpath which has been accommodated within the development. The route of this path is shown to run behind the proposed plots 19-28 and at the side of plots 16 and 29. The footpath will essentially be between gardens, and although boundary treatment has not been confirmed, it is reasonable to assume that this would be 1.8m fencing, limiting surveillance. It is felt that this part of the site would have the potential for anti-social behaviour, such as loitering or littering. This point has been raised by the South Yorkshire Police Architectural Liaison Officer.

8.18 It is recognised that this design element represents a weakness of the scheme, however has been accommodated due to the existing claimed right of way which crosses the site. Should planning permission be granted, it would be prudent to have conditions requiring full details of the boundary treatment in this area, any lighting and future maintenance requirements.

8.19 On a more positive note, the proposed layout now allows for more informal open space than was previously shown. This is predominantly located in the central part of the site, around the pumping station and to the north of it. The application site is located in an area which is deficient in public open space, and the normal requirements for a site of this

scale would be to provide a commuted sum equivalent to 15% of the site value to be used for the provision of open space in the locality. In this case, given that the scheme is relying on grant funding for delivery, and will be purely for affordable housing, the argument is made that the development cannot bear the cost of a commuted sum in lieu. As such, the only open space delivered as a result of the development will be the informal areas mentioned, which although do not deliver formal play equipment, represent a relatively generous amount of site area and add to the layout of the proposal.

8.20 Overall, there are no objections to the proposed design and layout of the scheme. The loss of 10 dwellings has enabled the scheme to have a more interesting street pattern than previously proposed, and also resulted in larger areas of informal open space and landscaping. The dwellings meet the normally required standards in terms of separation distances and garden areas, and whilst the properties themselves do not replicate the prevailing housing characteristics of this part of Balby, their position at the end of a cul-de-sac and simple modern appearance means that they will not cause harm to the architectural character of the surroundings.

Drainage

8.21 Whilst the application site is within Flood Zone 1, a Flood Risk Assessment has been provided as the site area is greater than 1ha.

8.22 The assessment has reviewed the relevant information from the Environment Agency maps and the Council's Strategic Flood Risk Assessment, and concludes that the site is at a low risk from fluvial or groundwater flooding, and that there is no evidence it is at risk from coastal or canal flooding sources. The assessment does show that there is a risk to the site from surface water generated on site, and surface water flows generated off site.

8.23 In terms of onsite surface water, the assessment showed that the surface water accumulations on the site are due to ponding within depressions in the landscape, rather than flow path entering the site. As the site will be served by a positive drainage system, is not considered that the completed development would be at risk from on site surface water. In terms of surface water flows generated offsite, it is inevitable that given the proposal will result in an increase in impermeable area, surface water runoff rates will be higher than green field runoff rates without the inclusion of Sustainable Drainage Systems (SuDS). On this basis, the assessment calculates the required surface water storage volume requirements, and states that it will be necessary to develop SuDS design to limit runoff rates.

8.24 Both Yorkshire Water and the Council's Internal Drainage team have been consulted and raise no objections in principle to the development, having viewed the FRA and information regarding surface water flows. Conditions are recommended to ensure that full details of both surface and foul drainage disposal are approved by the relevant bodies.

Highways and Transportation

8.25 As discussed previously, it is proposed that the site is accessed by extending the carriageway from the existing Ivor Grove cul-de-sac, which currently terminates at the application site boundary. Policy CS14 of the Core Strategy includes within it the requirement to ensure that new developments will not have a detrimental impact upon the highway network. As part of the application, a Transport Statement has been provided, whilst the proposed site layout indicates the detailed internal road layout with parking and footways shown.

8.26 The submitted Transport Statement assess the existing traffic flows at the closest junctions to the application site to demonstrate how the existing highway network operates, as well as deriving trip generation rates for the proposed 50 dwellings. The assessment shows that there are no issues with the current highway network at the closest junctions, and that the proposal would add 25 2 way trips on to the network per hour at peak hours.

8.27 The assessment concludes that these movements represent a modest increase, and that the increase in traffic resulting from the proposed development is not expected to have a material impact on the operation of the local junctions. The Council's Transportation team have provided comments on the original Transport Statement which showed flows deriving from 60 dwellings, and did not consider that the scheme would have a significant impact on the local network. Updated comments have not been received in terms of the lower number of dwellings now proposed, however the predicted trip generation is accordingly lower than originally shown. As such, there are no objections in terms of the impact of the scheme on the local highway network.

8.28 The Council's Development Control Highways team have also been consulted on the application in terms of the proposed layout and parking arrangements shown. As previously mentioned, in terms of car parking, the development proposes a ratio of 1 dedicated private space per 2 bed unit, and 2 dedicated private spaces per 3 bed unit, totalling 59 private spaces across the development. The vast majority of private spaces are shown within the frontage of the proposed dwellings, and 23 offstreet visitor parking bays are also proposed across the site.

8.29 Initial comments received from the Highways Development Control team did not raise any objections in principle to the proposed layout, however amendments were requested in respect of a number of technical elements such as carriageway width, length of visitor parking bays, turning area for service / emergency vehicles and loss of existing on street parking at the top of Ivor Grove. An amended plan has been provided by the applicants in response to the points raised.

Trees and Landscaping and Ecology

8.30 Policy CS16 of the Core Strategy is concerned with the Natural Environment and sets out requirements in respect of the impact of developments upon ecology and trees and hedgerows. Proposals will be supported which enhance ecological networks, as well as retaining and protecting appropriate trees and hedgerows, incorporating new tree, woodland and hedgerow planting.

8.31 As part of the application, the applicants have provided a Tree Survey report, and the Council's Trees and Hedgerows officer has commented on the submitted information. Many of the objections received from neighbouring properties relate to the removal of the natural vegetation which has established on the eastern half of the site, in terms of both the impact upon ecology as well as the established character of this piece of land.

8.32 The report states that the proposed development would result in seven trees, thirteen tree groups and parts of two tree groups having to be removed to accommodate the new buildings, roads and hard landscaping. A further three trees are recommended to be removed due to their poor form. None of the trees on the site are statutorily protected, and the survey also shows that there are no Category A specimens, the vast majority being Category C.

8.33 It is recognised that the scheme will result in a complete change to the existing character of the application site by way of the removal of the trees. On the basis of their current condition, the Council's Tree officer states that whilst the proposed development will still result in a significant loss of existing tree canopy, it would be difficult to substantiate an arboricultural argument against it based on the quality and value of trees to be lost and the revised density and layout provides scope for appropriate replacement tree planting. Consequently, there is no objection to this proposal on arboricultural grounds. In terms of providing mitigation for the loss of trees, the amended layout incorporates more un-built areas, and should be able to accommodate tree planting close to the required level of 64 trees within open space areas and front and rear gardens. A condition is recommended that a detailed landscaping scheme is agreed prior to the commencement of development.

8.34 The application has been submitted with an Ecological Appraisal. Again, many of the objections received from neighbouring properties relate to the fact that the site has been naturally established, and has ecological interest which is valued in a mainly urban area.

8.35 The ecological appraisal assesses the potential for protected species to be using the site. The appraisal concludes that there is no need for further protected species issues to be considered given that the habitats present on the site were relatively common and of value at the site level only, rather than having a wider importance. These findings are not contested by the Ecologist, however whilst the habitats are common, they will still be lost as a result of the development and hence the development as proposed would result in a significant net loss in biodiversity. National and local planning policy looks for these losses to be compensated for.

8.36 It is appreciated that the application site is relatively small, and that providing an adequate portion to accommodate suitable compensation would be difficult. It is therefore suggested that biodiversity offsetting is used to agree an appropriate amount of off site compensation. The ecologist has confirmed that there is a nearby receptor site in the ownership of the Council where it would be possible to mitigate for the amount of biodiversity lost as a result of this proposal. A condition is also recommended in respect of avoiding impacts on bats and nesting birds.

8.37 As mentioned above, one of the main points of objection raised by neighbours has been the loss of the ecology as a result of this proposal, and how this area is valued by local residents for that reason. It is recognised that although compensation can be delivered, it will not be on this site. However, given that the ecological value is of a site value only and that the habitats on site are relatively common, it is difficult to sustain a reason to refuse the planning application where an adequate level of compensation can be provided via a recognised mechanism. The proposal would not involve licensable impacts upon protected species, the loss of ancient woodland, or have a direct or indirect impact on Sites of Special Scientific Interest, Special Areas of Conservation or Special Protection Areas. As such, on the basis that suitable offsite compensation is provided, there are no objections on ecological grounds.

Other Issues

8.38 No objections have been raised by other consultees to the proposal. Further information was requested by the Council's Pollution Control team in respect of the site investigation, which the applicants have provided. Final comments and any conditions will be reported to the Planning Committee.

8.39 The Council's Education team have requested a contribution towards additional places at local primary and secondary schools. In this case, given that the scheme is relying on grant funding for delivery, and will be purely for affordable housing, the argument is made that the development cannot bear the cost of a commuted sum requested.

Summary and Conclusion

9.1 Overall, although the proposed development is considered to be acceptable, the scheme is finely balanced. The application site itself is within the Residential Policy Area, in a sustainable location, and furthermore is specifically allocated for housing development within saved Policy PH1 of the UDP. As such, the principle of development is acceptable. On the other hand, the proposal has attracted opposition from local residents, and the revised site layout to accommodate claimed public rights of way have raised concerns from the Council's Built Environment team and the South Yorks Police Architectural Liaison Officer. Furthermore, given that the scheme is to be supported by grant funding, commuted sums in respect of public open space and education cannot be borne.

9.2 The scheme does however deliver 50 much needed affordable housing units, which is a significant benefit. The site is allocated for housing, and can be accommodated in terms of its impact upon the local highway network, and meets the normally required standards in terms of separation distances, car parking and private garden areas. No objections have been received subject to conditions in respect of drainage, ecological, noise and arboricultural issues. On this basis, the scheme is accordingly recommended for approval.

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. 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. U50726 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
REASON
In the interest of satisfactory and sustainable drainage

04. U50727 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, 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.
REASON
To ensure that no surface water discharges take place until proper provision has been made for its disposal
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. U50729 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 tree numbers and details of the species, which shall comply with section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements Supplementary Planning Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. 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
07. MAT4 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. Unless otherwise approved in writing by the local planning authority, the details as approved shall be completed before the occupation of any buildings on site.

REASON

To ensure the satisfactory appearance of the development.

08. V30D

Prior to the commencement of the development hereby granted full details of the proposed landscaping and natural ground treatments shall be submitted to and approved by the Local Planning Authority. These details should include plans and specifications of layout, drainage, soils, grass seed mixes, turfing, tree and/or shrub planting together with proposals for maintenance and other horticultural operations necessary to implement the development and in particular of any area to be retained for indigenous ecological conservation purposes.

REASON

In order that the Council may be satisfied as to the details of the proposal.

09. U50731

Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays
nor at any time on Sundays or Bank Holidays.

REASON

To safeguard the amenities of the occupiers of the adjoining properties.

10. U50732

The internal design and building specification of the proposed development shall be such that the typical external noise level shall not result in the internal noise level within any dwelling, with windows closed and alternative ventilation provided, to exceed:

35 dB(A) Leq (8 hour, 23.00 - 07.00) in bedrooms and

40 dB(A) Leq (16 hour 07.00 - 23.00) in living areas.

45dB LAFMax (2300-0700) not be exceeded more than 10 times.

To be achieved by:

- Standard double glazing units to achieve 27dB(A) sound reduction from external to internal. Standard trickle vents to be provided for whole dwelling ventilation.

- Standard double glazing units (4mm glass -(6-20mm gap)-4mm glass) to achieve $_429Rw + C$ with acoustic vents to achieve $_439dB Dn,e,w +C$ per 2500mm² open.

REASON

To protect residential amenity

11. 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.

12. U50734
- No development shall take place until an ecological enhancement plan has been submitted to the Local Planning Authority for approval in writing. This plan shall include details of proposed mitigation and enhancement measures to be delivered on or offsite, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:
- REASON
- To ensure the ecological interests of the site are maintained in accordance with policy CS16 of the Doncaster Core Strategy.

01. U11051
- Informative

Condition 3 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. U11052
- Informative

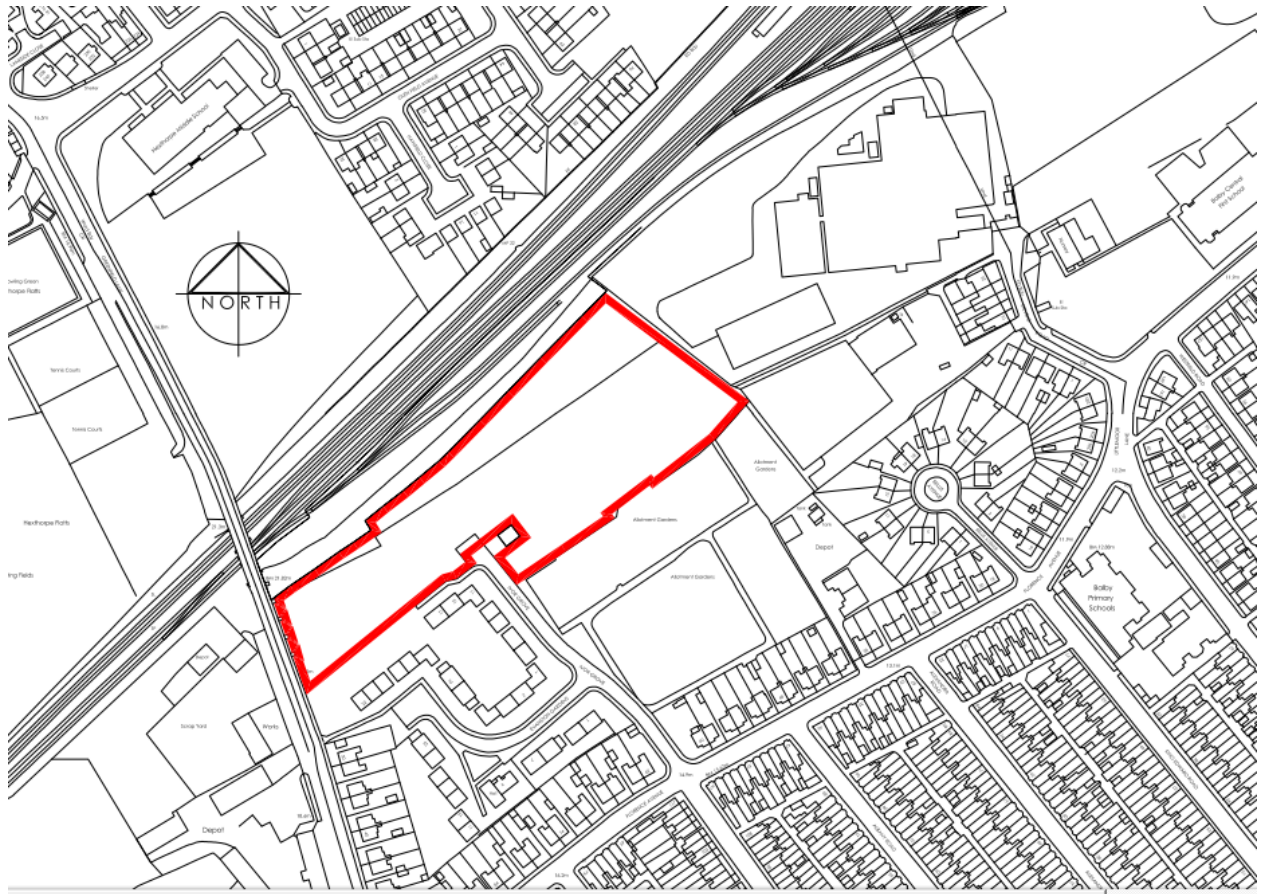
The applicants attention is drawn to the consultation response from Network Rail dated the 6 January 2017.

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.

APPENDICES



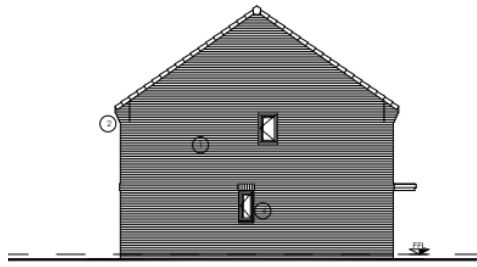
Site Aerial Plan



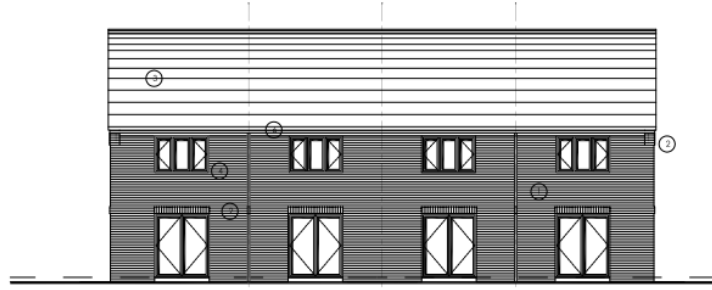
Site Location



Site Layout



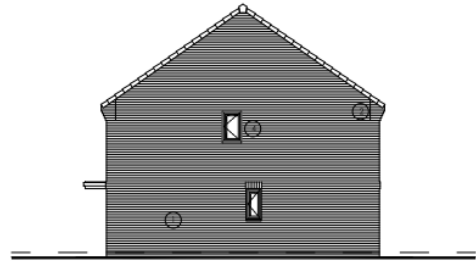
Side Elevation



Rear Elevation

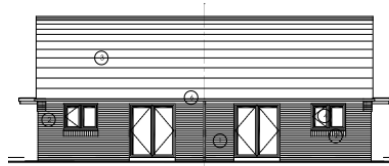


Front Elevation



Side Elevation

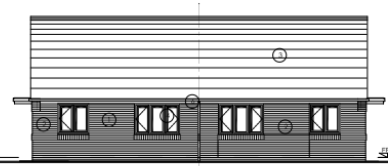
Housetypes



Rear Elevation



Side Elevation



Front Elevation
1:100

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 7th March 2017

Application 3

Application Number:	16/02527/FULM	Application Expiry Date:	30th January 2017
----------------------------	---------------	---------------------------------	-------------------

Application Type:	Planning FULL Major
--------------------------	---------------------

Proposal Description:	Erection of warehouse and factory unit
------------------------------	--

At:	Steel Supplies Limited Arksey Lane Bentley Doncaster
------------	--

For:	Steel Supplies Limited (Mr H Todd)
-------------	------------------------------------

Third Party Reps:	None	Parish:	
		Ward:	Bentley

Author of Report	Mrs Andrea Suddes
-------------------------	-------------------

MAIN RECOMMENDATION:	GRANT
-----------------------------	-------



1.0 Reason for Report

1.1 The application is being presented to Planning Committee for determination as it represents a departure from the adopted Doncaster Unitary Development Plan 1998 and Doncaster Core Strategy 2012.

2.0 Proposal and Background

2.1 The application is seeking full planning consent for the erection of a warehouse and factory unit measuring 30m x 61m x 8.1m to ridge.

2.2 Informal pre application advice has been sought with regards to the proposal, and the advice given was that an application to intensify the use on site would be supported.

2.3 The site lies between the Bentley and Arksey village on Arksey Lane, immediately to the west of the East Coast railway line.

2.4 The site is approximately 1.2ha in size and currently occupied by a building used for steel stockholding and manufacturing, ancillary offices, car park and a large expanse of yard. There are 2 access points, the one to the west mainly used by HGV's entering the site, the access to the east is used by cars, vans and HGV's exiting the site. Alongside the site frontage and to the north of the industrial building is a car park for staff and visitors. The site is immediately surrounded by grazing land to the south and west and the railway line to the east. Opposite the site to the north is Stockbridge Lane giving access to a gypsy and traveller site. To the west on the northern side is a car dealers and tiling and roof business and on the opposite side of the road a building comprising two and single storey flats.

2.5 The area between the site and the Bentley settlement is generally in residential use with a small number of business and shops. To the east on the far side of the railway line is the edge of Arksey village.

3.0 Relevant Planning History

3.1 01/2284/P: Erection of warehouse (69.7M X 31.6M) Granted 07.08.2001

3.2 09/03010/PREAPP: Proposed change of use of land to residential use Closed 03.02.2010

3.3 14/00641/OUTM: Outline application for residential development on approx. 1.17ha of land, following demolition of existing warehouse and ancillary offices (All matters reserved). Withdrawn 06.10.2014 on account that the proposed residential use over the entire site area proposed would not be supported.

4.0 Representations

4.1 This application has been advertised in accordance with Article 13 of the Development Management Procedure Order (DMPO), and includes site notices, press and Planning Applications Online. No letters of representation have been received.

5.0 Relevant Consultations

5.1 Employment Policy: The Policy Officer notes national policy criterion for development in Green Belt with given criteria as exceptions, noting that the circumstances of the site will determine which criterion is relevant. The development would be a partial redevelopment of an existing site with an additional building that has previously had consent in the past. No objections are therefore raised subject to officer consideration against relevant criteria.

5.2 Highways: Following clarification of the proposed access and slight amendment the Council's Highways Officer raises no objection subject to conditions; restricting the site not to be brought into use until a crossing over the footpath/verge has been constructed and highway to be used by vehicles to be surfaced and sealed. An informative note is also included of works being carried out on the highway.

5.3 Pollution Control: Historic maps show the site is located on land of previous industrial use. Therefore concern exists that potential contamination may impact the development. As such conditions are included for a phase 1 desk based assessment, site investigation report and remediation strategy.

5.4 Drainage Engineers: No objections raised subject to conditions for details of foul and surface water drainage.

5.5 Yorkshire Water: No objection raised subject to mitigation by conditions for details of foul and surface water drainage to be agreed and no building within 3m or 4m from the centre line of the sewers on site.

5.6 Trees/Landscaping: Insufficient information has been submitted in which to assess the proposed landscaping therefore a condition is included for submission of a landscape scheme prior to commencement of the development.

5.7 Environment Agency: No objections raised on flood risk grounds subject to condition for floor levels to be set no lower than 6m above AOD, flood warning and evacuation advisory note, groundwater protection conditions and a condition in the event of piling works.

5.8 Ecology: The Council's Ecologist has commented that the proposed development would occupy land that is virtually devoid of any biodiversity interest. The Officer has also commented that he would not imagine any living thing being able to survive on it as it seems to be constantly travelled on by vehicles and where this is not the case then there are stockpiles of steel in a variety of shapes and forms. Any wildlife on the Local Wildlife Site would certainly not venture on the development site hence no impacts on biodiversity from the proposal.

5.9 Network Rail: Advisory comments in relation to various aspects relating to the construction of the development.

5.10 Environmental Health: The Council's EHO has confirmed with the applicant the types of activity that takes place at the site to assess the impact of any noise that may be generated on site, due to the proposed opening hours until 21:00hrs. The applicant advised that the site currently operates from 07:00 to 21:00hrs, and that the new warehouse build will relocate the fabrication works to the furthest point on site from the

nearby noise sensitive receptors. As such no objections are raised subject to condition for external lighting not to spill illumination beyond the boundary of the site.

5.11 Public Rights of Way: No objections are raised.

5.12 No responses received from the National Grid or the Council's Flooding Policy Officer.

6.0 Relevant Policy and Strategic Context

6.1 The site is allocated as a Green Belt as designated within the Doncaster Unitary Development Plan (Adopted July 1998) and saved by the Secretary of State September 2007. Planning policy relevant to the consideration of this application includes:

6.2 National Planning Policy Framework:

Section 1 (paragraph 19) sets out the Government's commitment to securing economic growth in order to create jobs and prosperity.

Section 4 (paragraph 35) of the NPPF encourages sustainable development through transport policies that can contribute to wider sustainability and health objectives, giving people choice about how they travel.

Section 7 of the NPPF attaches great importance to the design of the built environment, to plan positively for the achievement of high quality and inclusive design for all development.

Section 9 of the NPPF is concerned with Protecting Green Belt land.

Section 10 of the NPPF is concerned with meeting the challenge of climate change, flooding and coastal change.

Section 11 (paragraph 109) of the NPPF is concerned with conserving and enhancing the natural environment.

6.3 Doncaster Council's Core Strategy:

Policy CS1 of the Core Strategy is concerned with Quality of Life, covering a range of issues and criteria. Related to this application, the policy seeks to ensure that proposals are place specific in their design and protect and enhance the built and natural environment, are accessible by a range of transport modes, protect amenity and are well designed.

Policy CS 2 of the Core Strategy sets out the Council's principles for growth and regeneration in the Borough.

Policy CS 3 of the Core Strategy sets out the overarching policy for development in the Green Belt and within the countryside.

Policy CS 4 of the Core Strategy is concerned with Flooding and Drainage and seeks to manage areas at risk of flooding and to steer new developments to areas at a lower risk of flooding.

Policy CS 9 of the Core Strategy ensures the delivery of travel choice and sustainable opportunities for travel through transport assessments and travel plans as appropriate.

Policy CS14 of the Core Strategy is concerned with Design and Sustainable Construction. It seeks to ensure that proposals are robustly designed, works functionally and is attractive.

Policy CS16 of the Core Strategy is concerned with valuing our natural environment. Part D of the policy states that proposals will be supported which enhance the boroughs landscape.

6.4 Saved Doncaster Unitary Development Plan:

Saved Policy ENV 3 of the UDP: Is the general development control policy for development within the Green Belt and states that development will not be permitted, except for purposes as set out in criteria a-f.

6.5 Other Policy Considerations:

Supplementary Planning Document Planning for Trees and Hedgerows on Development Sites in Doncaster

Supplementary Planning Document: Development and Flood Risk, Adopted Sept 2010

7.0 Planning Issues and Discussion

7.1 The main issues for consideration are;

- * The principle of development in the Green Belt,
- * Design,
- * Impact on adjacent land
- * Flooding,
- * Trees, and
- * Highway issues

Principle of development

7.2 The site lies within the Green Belt so regard should be given to the appropriateness of industrial development and the impact on the openness of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence. Local policy contained within core strategy CS 3 seeks to protect and enhance Doncaster's countryside and when considering land within Green Belt, national policy will be applied.

7.3 National Policy (NPPF) advises of appropriate developments in the Green Belt and paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF, paragraph 89 further states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt; then goes on to list a set of criteria as exceptions to this. One such exception criteria is the 'partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continued use,

which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

7.4 The site is currently occupied by a large distribution/fabrication building with a surrounding yard area that clearly demarcates the extent of the 'operational land'. The history of the site shows that the extent of built form originally exceeded its current layout and in the 1980's stock work sheds and workers cottages were demolished that had been accommodated within the wider site. As such, the proposal is to develop on a previously developed site, or 'brownfield land' and the proposal would expand upon the existing use. In this regard the application is deemed appropriate and acceptable in principle, subject to further consideration that the development has no greater impact on openness than currently exists.

7.5 In consideration of whether the development will have a greater impact on openness than currently exists; the application proposes an industrial building with an area of 1,858sq m that would measure 30m x 61m x 8.1m to ridge. Construction materials would be brick base with steel framed cladding in Ice Blue. A second industrial building will undoubtedly impact on openness; however a further consideration that should be taken into account is that the building is sited within the same location as a unit that was granted consent in 2001 under reference 01/2284/P. The size of the unit was similar to this current proposal (69m x 31m). The applicant also considers that this building was commenced as footings were dug and the council's Building Inspector visited the site. However historic planning records cannot confirm this and as such this current application has been submitted.

7.6 Nevertheless, planning consent has previously been granted for a second industrial building on this site that is a comparative size and scale to this now currently being considered. No fundamental policy changes have taken place with regards to Green Belt developments since the 2001 permission; therefore it would seem unreasonable to now refuse the application due to the adverse impact on openness of the Green Belt. It is also worthy of note that although the landscape officer has commented that the landscape scheme is insufficient, a landscaping condition has been included for details to be submitted and agreed with officers. Given these considerations, and the fact that this would be an expansion of an existing industrial use on a Brownfield site the application is deemed acceptable.

7.7 In summary of Green Belt considerations, the partial redevelopment of the site is appropriate development in principle, providing there is no greater impact on openness than currently exists. The development will have a greater impact on openness than currently exists, however the site is currently already highly visible and an additional building, especially in consideration of the previous consent, will not result in any further significant harm to openness than currently exists. With regards to the consideration of the effect on the landscape in terms of visual amenity; the site lacks any real landscape screening when viewed from Arksey Lane, therefore suitable landscape screening will be agreed via suggested condition. The proposed development is thereby deemed to satisfy local and national Green Belt policy.

7.8 In terms of the economic benefits; the majority of the existing industrial building is used for the storage and distribution of steel products. A smaller part of the building is used by Yates Steel Fabrications (owned by Steel Supplies) who manufacture steel products.

7.9 The recent economic upturn has seen the demand for steel products dramatically increased and both areas of the Steel Supplies business are in a position to expand if additional floor space is available. Steel Supplies currently employs 35 people and it is anticipated that at least a further 5 people can be employed if the proposal industrial building is completed and the business expands. It would be unrealistic and uneconomical for the company to relocate to another site or have a satellite building elsewhere within the borough. Core Strategy policy CS 2 sets out the growth and regeneration strategy for the borough which supports an efficient use of well-located brownfield land and where it would do most good in in terms of supporting prosperous and sustainable communities by improving the economic performance of towns. The proposal would help meet this aspiration and therefore fulfils Policy CS 2.

Design, Appearance and Layout

7.10 The application proposes a warehouse/industrial unit located to the south of the existing building on an area of disused land alongside the railway embankment with additional car parking between the 2 buildings. The dimensions reflect this type of use in that the building will have an area of 1,858sq m that would measure 30m x 61m x 8.1m to ridge. Construction materials would be brick base with steel framed cladding in Colorcoat HPS200 Ultra cladding in Ice Blue (Ral 230 80 10I). Roofing materials will comprise of Colorcoat HPS 200 in white with Fibron rooflights.

Impact on adjacent land

7.11 The nearest adjacent neighbours are residents living to the west of the site at Comrades House, which is a development of flats. The Council's Environmental Health Officer has contacted the applicant with regards to the current use in reference to the use of any externally mounted/located equipment, and was informed that none was proposed. The Officer also discussed with the applicant to establish what types of activities take place at the site to assess the impact of any noise that may be generated, due to the proposed opening hours until 21:00hrs. The applicant advised that the site currently operates from 07:00 to 21:00hrs and that the new warehouse building will relocate the fabrication works, to the furthest point on site from the nearby noise sensitive receptors. The Officer therefore raises no objections to the proposal but recommends a condition for external lighting not to spill illumination beyond the boundary of the site. As such a condition is included. The proposal therefore satisfies Policy CS 14 of the development plan in that it will not negatively affect the amenity of neighbouring uses.

Flooding Issues

7.12 The site lies within Flood Risk Zone 3a as defined by the Environment Agency's Flood Maps. A Flood Risk Assessment has been submitted and the Environment Agency has been consulted raising no objection on flood risk grounds subject to mitigation by a number of conditions for finished floor levels to be no lower than 6m Above Ordnance Datum (AOD), flood warning and evacuation plan and a number of groundwater protection conditions. However these conditions are essentially the same as those recommended by the council's Pollution Officer, therefore will be a repetition and so are omitted.

7.13 National planning policy, and Policy CS4 of the LDF Core Strategy, normally requires proposals in Flood Risk Zone 2 & 3 areas to pass a flood risk Sequential and Exception Test. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding.

7.14 The Doncaster Development & Flood Risk SPD (adopted October 2010) sets out how flood risk policy should be applied in respect to the Doncaster borough. Table 2; page 23 of the SPD lists the forms of development that do not require a Sequential Test. Page 26 specifically refers to 'Extensions to existing industrial, leisure and commercial (including retail) sites' This states that proposals to expand existing sites over 250sqm in extent will require the ST unless it can be demonstrated that they will be operationally linked and will incorporate adequate flood mitigation measures (including flood resilience). The new building creates a total floor space of 1,858sq m and therefore exceeds the 250sqm threshold, so the application of the Sequential Test is required.

7.15 The site is an existing commercial site being a steel fabrication and distribution business. The new building is required as part of an expansion of the existing business. This satisfactorily demonstrates that the proposal is operationally linked to the existing site. The entire site is located within a flood zone 3 therefore it is not possible to locate the building to an area within a lower flood zone.

7.16 The submitted FRA identifies 3 main risks of flooding at the site;

- (i) Inundation by floodwaters from watercourses or rivers associated with the exceedance of the water channel. This can include the effects on culverted watercourses where the risk of blockages can occur.
- (ii) Overland flows from groundwater and surcharged sewerage systems adjacent to the site.
- (iii) Internal flooding of private on-site sewerage as a consequence of blockages or floodlocked outfalls associated with (ii), above.

7.17 The new building will be constructed with a minimum internal floor level of 6.0metres AOD which also places the finished floor level above the 1:100 yr climate change flood event. The finished floor level is also as per the condition imposed by the Environment Agency, and should be constructed to flood resilient specifications and fitted with permanent flood resilience products such as; emergency flood kits, storable flood sacks, door flood barriers and air brick protection to provide a flood resilience level of 6.0metres AOD. The submitted FRA does state that although there is no site specific topographical survey available for assessment; it would appear from the location plans and block plans provided by the agent that the carriageway level of Arksey Lane varies between 5.6m AOD and 6.5m AOD at the existing building entrance and the access to the rear of the application site respectively. The site should also be registered for the flood warning system currently operated by the EA, and as such a suitable advisory note is included.

7.18 In consideration of the flood mitigation measures that will be incorporated in to the design and given that the finished floor level of the new building of 6.0m AOD, it is considered that the future impact from overland flow or sewerage surcharge will not be detrimental to the proposed development in this case. The application is thereby deemed to satisfy and pass the ST.

7.19 The proposal is for a less vulnerable use, and as such, there is no requirement to carry out the Exception Test. The proposal is thereby deemed to satisfy Policy CS4: Flooding and Drainage.

Trees/Landscaping

7.20 The application proposes a scheme of landscaping for the site and the Council's Trees and hedgerows Officer has commented that there is insufficient detail in the submission to assess the landscape scheme. Overall there are no objections on arboricultural grounds subject to a condition for a detailed landscape scheme to be submitted and agreed prior to the development commencing. The application therefore accords with core strategy policy CS16: Valuing our natural environment.

Highways

7.21 Policy 14 of the Core Strategy states that one of the components of good design is to ensure that developments take into consideration highway safety, and also considers new developments and its impact on the wider highway network.

7.22 The application site currently has 2 access points, the one to the west mainly used by HGV's entering the site, whilst the access to the east is used by cars, vans and HGV's exiting the site. 12 additional car parking spaces are proposed along the eastern boundary of the site. Access to the building and the new car park will be from the existing access on the western side of the site.

7.23 The Highways Development Control Officer initially raised a query relating to the notation on plan that referred to the proposed access for the new building as being an existing access that was not in use. A swept path analysis was also undertaken that demonstrated that the left in manoeuvre cannot be made without significant alteration to the geometry of the eastern radius. Amended plans have consequently been requested and received and the use of the access has been clarified in that it is currently in use. As such the Highway Officer is satisfied with the proposal subject to mitigation to conditions which include restricting the site so as not to be brought into use until a crossing over the footpath/verge has been constructed and the highway to be used by vehicles to be surfaced and sealed. An informative note is also included of works being carried out on the highway.

7.24 It is considered that the proposal complies with Policy CS 14 (parts 3, 5 and 9) of the Core Strategy.

8.0 Summary and Conclusion

8.1 In summary, the proposed industrial building and car parking, represents appropriate development in the Green Belt that given the historic consent and that there is no change in Green Belt policy; will not have any greater impact on openness. The proposal is an expansion of an existing use, and the size and scale of the building is appropriate for its use and is in keeping with the existing building on site. The application is therefore recommended for approval.

9.0 Recommendation

9.1 GRANT Full planning permission subject to the conditions below;

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. U50561 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows;
Site Plan Dwg No 16-3-2 Rev B
Proposed Floor Plan Dwg No 16-3-3
Proposed Elevations Dwg No 16-3-4
REASON
To ensure that the development is carried out in accordance with the application as approved.
03. CON1 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.
- a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.
- b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.
- c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment 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.

04. CON2

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

REASON

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

05. CON3

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

REASON

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

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. 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.

08. HIGH11

The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.

REASON

To avoid damage to the verge.

09. U50157

The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) dated 24-11-2016, reference TRP/FRA/958/01B by L.D.A Ltd., and the following mitigation measure as detailed within the FRA:

o Finished floor levels should be set no lower than 6m above Ordnance Datum (AOD), if this is not practicable then flood resilience should be incorporated into the building to a level of 6mAOD as detailed in the FRA.

The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON

To reduce the risk of flooding to the proposed development and future occupants.

10. U50368 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

REASON

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

11. U50366 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 (three) metres of the 350mm and the 100mm public sewer centre-line, and 4 (four) metres at each side of the 800mm sewer centre line, which cross the site.

REASON

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

12. U50158 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON

To protect groundwater because the site is located on a principal aquifer and within a source protection zone 3.

13. U50649 External lighting serving the site shall not spill illumination beyond the boundary of the site.

REASON

In the interests of preserving the residential amenity of nearby neighbours in accordance with Policy CS 14: Design and Sustainable Construction

01. U10935 **INFORMATIVE: LAND CONTAMINATION**

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

The document can be found at the following web address:

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

A brief description of what is required in a land contamination report is as follows:

Phase I Desk Study Report - typically consists of a desk top study, site walkover, conceptual model and an qualitative/quantitative risk assessment and 'conceptual model' must be included within this report outlining actual and potential risks. The information obtained should be of sufficient detail to enable recommendations to be made and further investigation to be undertaken (including design of intrusive investigation), where necessary.

Phase II Intrusive Site Investigation Report - typically consists of an intrusive site investigation and qualitative and/or quantitative risk assessment. These studies aim to characterise the ground conditions, identify any contamination present and assess whether it will potentially result in harm. A more detailed conceptual model should be constructed based on the further information available and supported by quantitative risk assessments, where necessary. Recommendations for further investigation and remedial, protective and/or monitoring works should also be included.

Remediation Strategy Report - contains details on required remedial, protective and/or monitoring measures demonstrating how the works will render the site 'suitable for use' describing the works in relation to the development hereby permitted. A range of remedial options should be reviewed/ considered and the preferred option(s) should be justified by cost-benefit analysis. The report should include full details of any works to be undertaken including proposed site clean-up criteria, site management and contingency procedures, validation/protection/monitoring measures, timetable for carrying out the works. (This may comprise a Technical Specification Report prepared for the tendering process to procure a specialist remediation contractor).

Validation Report - includes evidence with discussion on substantiating data to confirm that the works agreed in the approved Remediation Strategy Report have been implemented. Information to be submitted at the agreed timescales as outlined in the agreed Remediation Strategy Report. Any significant deviations from the approved Remediation Strategy Report (e.g., due to unexpected contamination) must also be included in this report.

If you wish to discuss this matter further please contact a member of the pollution control team on 01302 862601.

02. IFWI

INFORMATIVE

At the time of this decision, the site has been identified as being within an area of medium or high flood risk, based on the Environment Agency's flood maps. Therefore, the applicant/occupants should consider registering for the Environment Agency's Floodline Warning Direct, by phoning Floodline on 0345 988 1188 . This is a free service that provides flood warnings direct by telephone, mobile, fax or paper. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.

03. U10978

INFORMATIVE: NETWORK RAIL

The applicant/developer is advised to note the following comments by Network Rail.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at the proposed car parking area along the boundary with the railway.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and in particular in this instance, the railway level crossing on Arksey Lane). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, access over the nearby Arksey Lane level crossing must remain clear and unobstructed by site traffic both during and after construction.

Heaping, Dust and Litter

It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

04. U10979

INFORMATIVE: HIGHWAY WORKS

o 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.

o 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.

o 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.

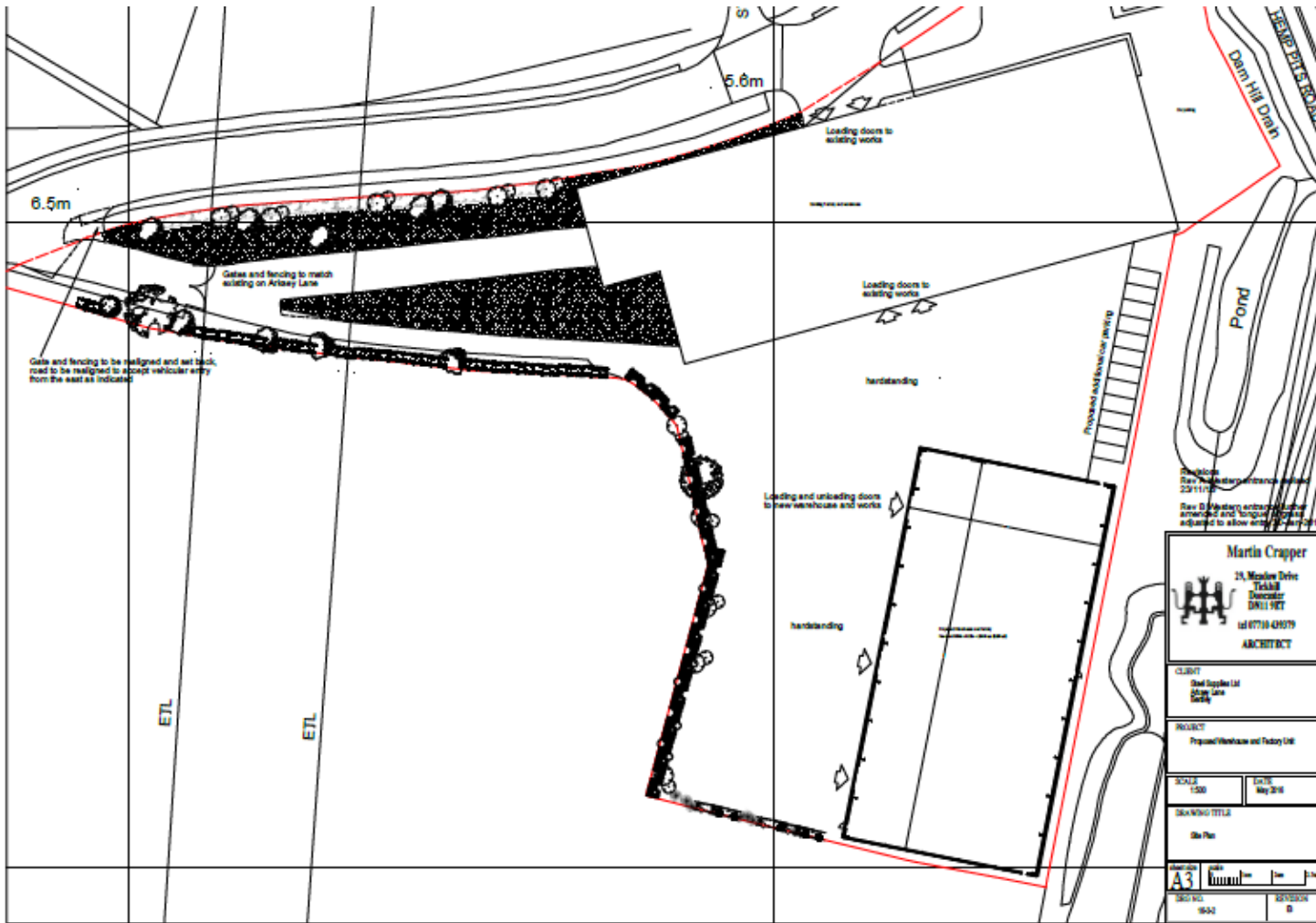
05. U10983

INFORMATIVE: INDEPENDENCE IN THE LANDSCAPE

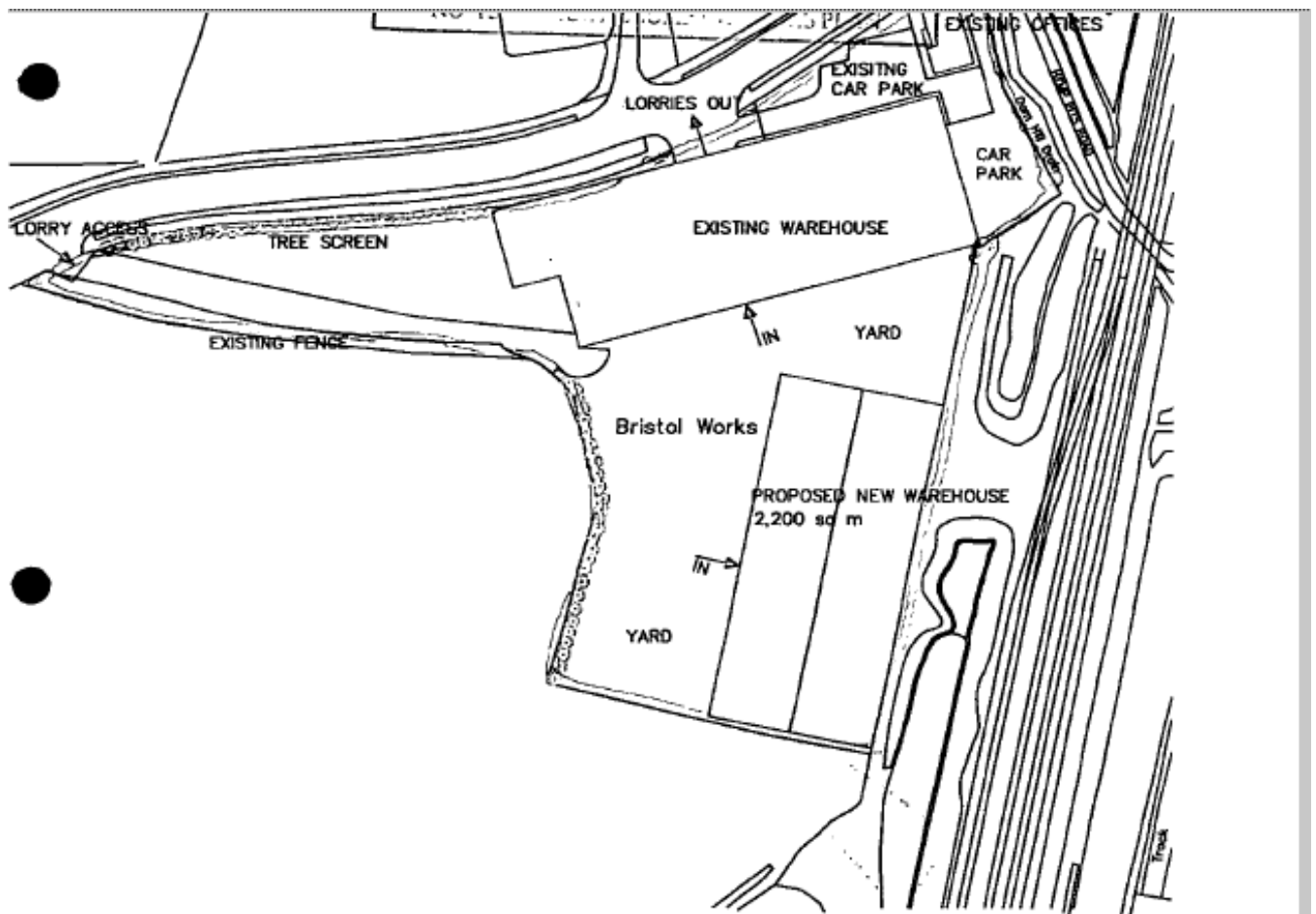
Condition XX refers to independence in the landscape, which is defined in British Standard 8545:2014 Trees: from nursery to independence in the landscape - Recommendations as the point at which a newly planted tree is no longer reliant on excessive or abnormal management intervention in order to grow and flourish with realistic prospects of achieving its full potential to contribute to the landscape.

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.

APPENDIX 1 – Proposed Site Layout



APPENDIX 2 – Siting of historic building granted consent in 2001



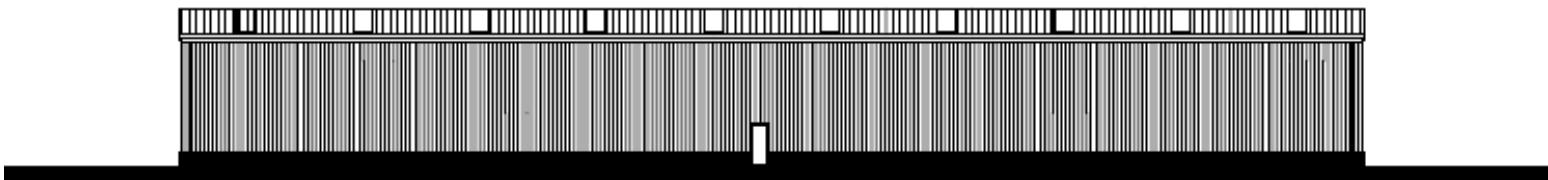
APPENDIX 3 – Proposed Building Elevations



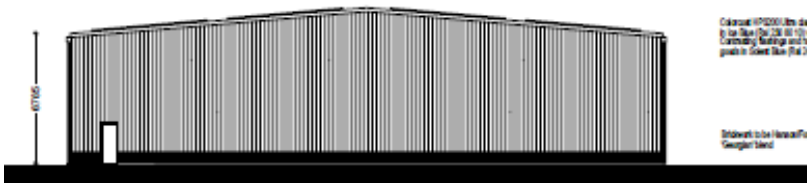
West elevation

Roller shutters and personnel doors to be left blue (Supplies P14 500)

Colourcoat (P2000) roofing in white (P14 400) with 70mm insulation



East elevation



North elevation
look north to road

Colourcoat (P2000) fibre cladding in blue (P14 200) with 70mm insulation and horizontal joints in silver blue (P14 240-40-40)

Doors to be brown/cream Georgian lined

<p>Martin Crapper 29, Meadow Drive Tukalo Dunedin DN1 1 9ET tel 07730 43979 ARCHITECT</p>	
<p>CLIENT Steel Supplies Ltd 10 May Lane Dunedin</p>	
<p>PROJECT Proposed Warehouse and Factory Unit</p>	
SCALE 1:200	DATE May 2016
<p>DRAWING TITLE Elevations</p>	
<p>DATE: 15/04</p>	

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 7th March 2017

Application 4

Application Number:	17/00214/FUL	Application Expiry Date:	24th March 2017
----------------------------	--------------	---------------------------------	-----------------

Application Type:	Full Application
--------------------------	------------------

Proposal Description:	Change of use of existing paddock with 5 touring pitches to a maximum 10 pitch touring caravan site including amenity block (11.5m x 6.5m) (without compliance with condition 5 of planning application 11/03438/FUL, granted on 13.02.2012 - to allow for an increase in touring caravans allowed to use the site to a maximum of 20) (Without compliance of conditions 2-3 of application granted under Ref: 16/00867/FUL) - to include siting of warden accommodation and alterations to the approved layout
------------------------------	---

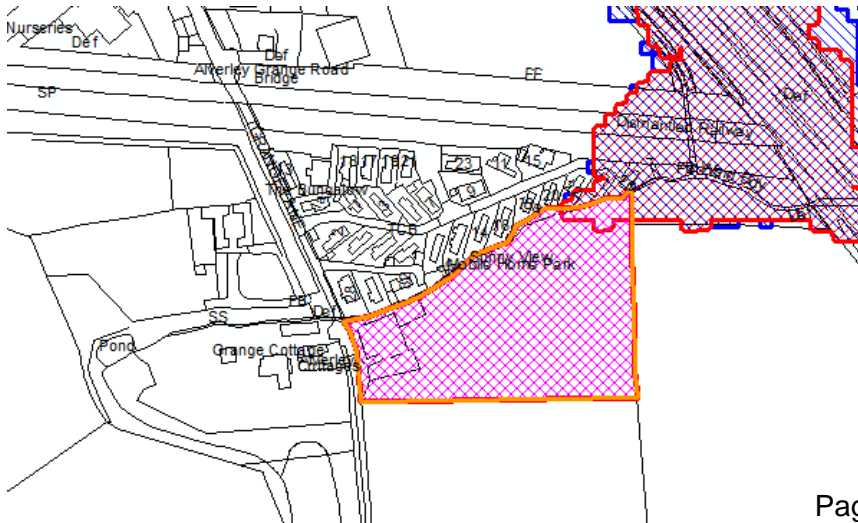
At:	Sunnyview Park Grange Lane Alverley Doncaster
------------	---

For:	Mr P Simmons
-------------	--------------

Third Party Reps:	A petition of 21 signatures in support of the application.	Parish:	Edlington Town Council
		Ward:	Edlington And Warmsworth

Author of Report	Tim Goodall
-------------------------	-------------

MAIN RECOMMENDATION:	Refuse
-----------------------------	--------



1.0 Reason for Report

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

2.0 Proposal and Background

2.1 The application site is currently a small field with planning permission for the siting of touring caravans. There is a single storey brick built amenity block towards the western end of the site. The site is roughly level with what appears as a mixed species hedge as the boundary treatment.

2.2 Vehicular access is from the north west via Grange Lane which leads to Broomhouse Lane. Directly to the north of the site is the existing park home development. There are open fields to the south west, south and east of the site, with the A1 (M) motorway further to the east.

2.3 The application seeks to vary conditions 02 and 03 of planning permission ref: 16/00867/FUL. This planning application was itself a variation of the original planning permission at the site ref: 11/03438/FUL.

2.4 The full planning history of the site, including the descriptions of the applications is detailed in section 3.

2.5 This current application seeks the siting of permanent residential accommodation for a warden at the site known as Sunnyview Park. Planning permission already exists for touring accommodation at this site.

2.6 The conditions to be varied are:

2. *The site shall be occupied by a maximum of 20 touring caravans at any one time.*

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.

3. *The development hereby permitted shall not be used or occupied other than for the provision of short let holiday accommodation and shall not at any time be used, let, sold or otherwise occupied as a separate dwelling. No person, couple, family or group shall occupy or use the accommodation hereby permitted for a single period or cumulative periods exceeding 28 days in any calendar year.*

REASON

To ensure that the development is only used and occupied as short let holiday accommodation and to prevent the creation of an unjustified separate dwelling in the countryside, in accordance with policy ENV3 of the Doncaster Unitary Development Plan.

2.7 It was noted that in the original description of the application that condition 01 of the planning permission is to be varied. This condition refers to the three year period post decision in that development must commence for the planning permission to remain extant. Given development has already commenced at this site, this condition will be removed rather than varied and the description has been amended accordingly.

3.0 Relevant Planning History

11/03438/FUL Change of use of existing paddock with 5 touring pitches to a maximum 10 pitch touring caravan site including amenity block (11.5m x 6.5m). Granted 13/02/2012

16/00867/FUL Change of use of existing paddock with 5 touring pitches to a maximum 10 pitch touring caravan site including amenity block (11.5m x 6.5m) (without compliance with condition 5 of planning application 11/03438/FUL, granted on 13.02.2012 - to allow for an increase in touring caravans allowed to use the site to a maximum of 20. Granted 02/06/2016

16/02795/FUL Change of use of existing paddock with 5 touring pitches to a maximum 10 pitch touring caravan site including amenity block (11.5m x 6.5m) (without compliance with condition 5 of planning application 11/03438/FUL, granted on 13.02.2012 - to allow for an increase in touring caravans allowed to use the site to a maximum of 20 (without compliance with conditions 2 - 3 of planning application 16/00867/FUL, granted on 02.02.2016 - in accordance with plans and specifications, max number of caravans and occupancy (28 days) to include siting of a warden's caravan - Application withdrawn

4.0 Representations

4.1 The application was advertised by means of neighbour notification in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) Order.

4.2 A petition was signed by 21 of the residents of the existing park requesting the application be approved for the following reasons:

- A warden will help the business and provide a better service to touring visitors
- The residents' main wish is to stay living in their homes as long as possible, not going into residential care and a warden will help achieve this
- A warden will help with the growing touring business so visitors follow the rules and sort things out

5.0 Parish Council

5.1 Edlington Town Council have no objection to the application.

6.0 Relevant Consultations

6.1 Environment Agency - No objection as the site lies within Flood Zone 1.

6.2 Coal Authority - No objection. The site lies within the low risk area and only standing advice is required.

6.3 Severn Trent Water - No objection. An informative is suggested if permission is to be granted.

6.4 Public Rights of Way - The applicant is advised that the proposed development lies in close proximity to an existing right of way.

6.5 Tree Officer - The Council's Tree Officer has not yet responded to this consultation. However, the response to the previous withdrawn application advised that there was no objection subject to a landscaping condition.

6.6 Highways - The Council's Highways Section have not yet responded to this consultation, but had no objection to the previous withdrawn application.

7.0 Relevant Policy and Strategic Context

7.1 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.

7.2 In the case of this application, the Development Plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policies are:

Doncaster Core Strategy Policy CS3: Countryside

Doncaster Unitary Development Plan (UDP) Saved Policies

ENV1: Green Belt Designation

ENV3: Green Belt General Development Control Policies

ENV7: Recreation and Leisure Developments

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

7.4 Edlington Town Council have published their draft Neighbourhood Plan. A 7 week period of consultation commenced on Friday 16 December 2016. Paragraph 216 of the NPPF indicates that ... "From the day of publication, decision takers 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.

7.5 While the existing park home development directly to the north of the application site is located within the defined area of the proposed Edlington Neighbourhood Plan, the current application sites falls outside of it.

8.0 Planning Issues and Discussion

8.1 The site is allocated as Green Belt as defined by the Doncaster Unitary Development Plan 1998 saved by the Secretary of State September 2007

Development in Green Belt

8.2 While the NPPF carries a presumption in favour of sustainable development, this policy is essentially reversed within the statutory green belt (Section 9 of the NPPF) and it is for an applicant to argue otherwise. The siting of a caravan for permanent residential occupation in the Green Belt is contrary to national and local planning policy unless very special circumstances can be demonstrated.

8.3 These very special circumstances are:

- buildings for agriculture and forestry

- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development

8.4 Policy CS3 states that national policy will be applied, including a presumption against inappropriate development other than in very special circumstances. Proposals which are outside development allocations will only be supported where, amongst other material planning considerations, they preserve the openness of the Green Belt.

8.5 Policy ENV1 advises that the purposes of including land in the Green Belt is to regulate the size and shape of urban areas in order to prevent unrestricted sprawl and to assist in safeguarding the countryside from encroachment. Saved policy ENV3 of the UDP advises that development in the Green Belt will not be permitted, except in very special circumstances for purposes other than those listed in the policy, which broadly accord with the purposes set out in national policy. Saved Policy ENV7 advised that small ancillary buildings and other essential facilities will be permitted in the Green Belt for recreation and leisure uses if they are genuinely required.

8.6 While it is recognised that there are the residential lodges to the north of the site and that the proposed warden accommodation would be located at the northern end of the site towards the amenity block, it is within a separate parcel of land that is clearly defined. The boundary treatment separating the application site from the residential lodges consists of mature hedgerow planting. Planning permission exists on this land only for touring caravans on a temporary basis restricted by planning conditions. The applicant has offered to mitigate the impact of the development by removing one of the approved touring pitches. The siting of a static caravan, all year round is not considered to preserve the openness of the Green Belt due to the degree of permanence which will differ from that of the temporary occupation of plots by touring caravans. This will not occur on the remainder of the site given its use for touring caravans, which can each only be sited for up to 28 days per calendar year, as per the existing planning condition. The proposed development would therefore be contrary to the NPPF, Policy CS3 of the Core Strategy and saved Policies ENV1 and ENV3 of the UDP. The proposed mitigation of the removal of a touring plot is not considered sufficient to overcome the harm caused to the openness of the green belt by the proposed development.

Justification for Permanent Accommodation

8.7 Section 6 of the NPPF states that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Section 9 of the NPPF refers to Green Belt policies and as the agent for the application acknowledges in his accompanying statement, Annex A of the now revoked

Planning Policy Statement 7 remains a useful guide for indicating how the justification for new isolated dwellings associated with rural-based enterprises can be measured. There should be a clearly established existing functional need and that the need relates to a full time worker. Furthermore, the activity should have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.

8.8 In an attempt to meet the financial requirements the applicant has submitted accounts for the tax years of 2014/15, 2015/16 and for 2016/17. The accounts show a continuing annual profit through rental income with additional income generated in certain years from the sale of mobile homes.

8.9 It is necessary also to establish whether there is a functional need for permanent accommodation on the site. The applicant has argued that due to the nature of the site, with elderly residents on site and also touring caravans arriving at irregular hours, there is a justification for the on-site accommodation.

8.10 While outside of the residential policy area, the application site is approximately 500 metres from the residential edge of Doncaster itself. Given this proximity, it is not considered the applicant has justified the need for what would essentially be a new dwelling in the green belt. The justification, as set out in the applicant's supporting statement, relates to the arrival of visitors at antisocial hours, security concerns and general customer service matters such as the provision of towels. These issues could be reasonably dealt with through alternative means such as CCTV or the contact details for an off-site manager in the case of late arrivals. Given the proximity to the residential area of Doncaster itself, it is clearly possible for an off-site manager to be very close to the site to deal with any issues such as those raised by the applicant in their statement. Furthermore, it is noted Policy ENV7 of the UDP only refers to small buildings with regarding to recreation and leisure development. The use of a static caravan for permanent residential accommodation to support a permanent residential community in the existing park homes clearly falls outside of the remit of ENV7 and therefore cannot be used in support of it. As such the applicant's justification for a permanent dwelling is not accepted, and it is recommended that planning permission is refused.

Summary and Conclusion

9.1 The proposed development is considered to constitute inappropriate development in the designated Green Belt and furthermore the permanent residential accommodation outside of the Residential Policy Area has not been justified. The proposal is contrary to national and local planning policies and is recommended for refusal.

RECOMMENDATION

Planning Permission REFUSED for the following reasons.

01. U50676 The proposed development would, due to its siting and the degree of permanence, fail to preserve the openness of the Green Belt, contrary to Policy CS3 of the Doncaster Core Strategy, Saved Policies ENV1 and ENV3 of Doncaster Unitary Development Plan and Section 9 of the National Planning Policy Framework,

02. U50677 The applicant has failed to demonstrate the essential need for a permanent residential accommodation outside of the designated Residential Policy Area and as such the proposal is contrary to Policy CS3 of the Core Strategy, Saved Policies ENV1, ENV3 and ENV7 of the Doncaster Unitary Development Plan and Sections 6 and 9 of the National Planning Policy Framework.

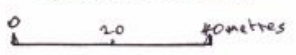
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Appendix 1 Location Plan

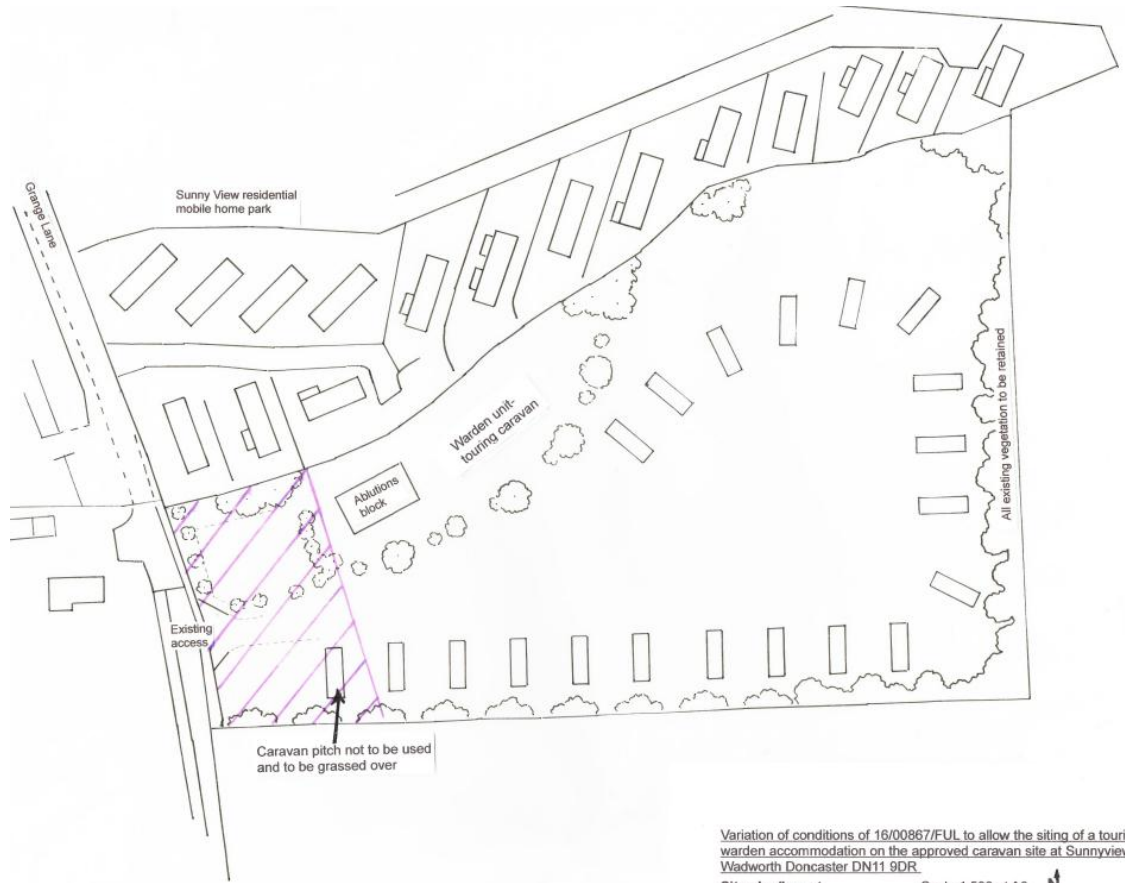



Location plan

Scale 1:1250 at A4



Appendix 2 Site Plan



Variation of conditions of 16/00867/FUL to allow the siting of a touring caravan as site warden accommodation on the approved caravan site at Sunnyview Park Grange Lane Wadworth Doncaster DN11 9DR.
Site plan/layout Scale 1:500 at A3 

This page is intentionally left blank

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 7th March 2017

Application 5

Application Number:	16/03194/FUL	Application Expiry Date:	17th February 2017
----------------------------	--------------	---------------------------------	--------------------

Application Type:	Full Application
--------------------------	------------------

Proposal Description:	Residential development to provide 6 dwellings (2 semi detached houses and 4 maisonettes)
------------------------------	---

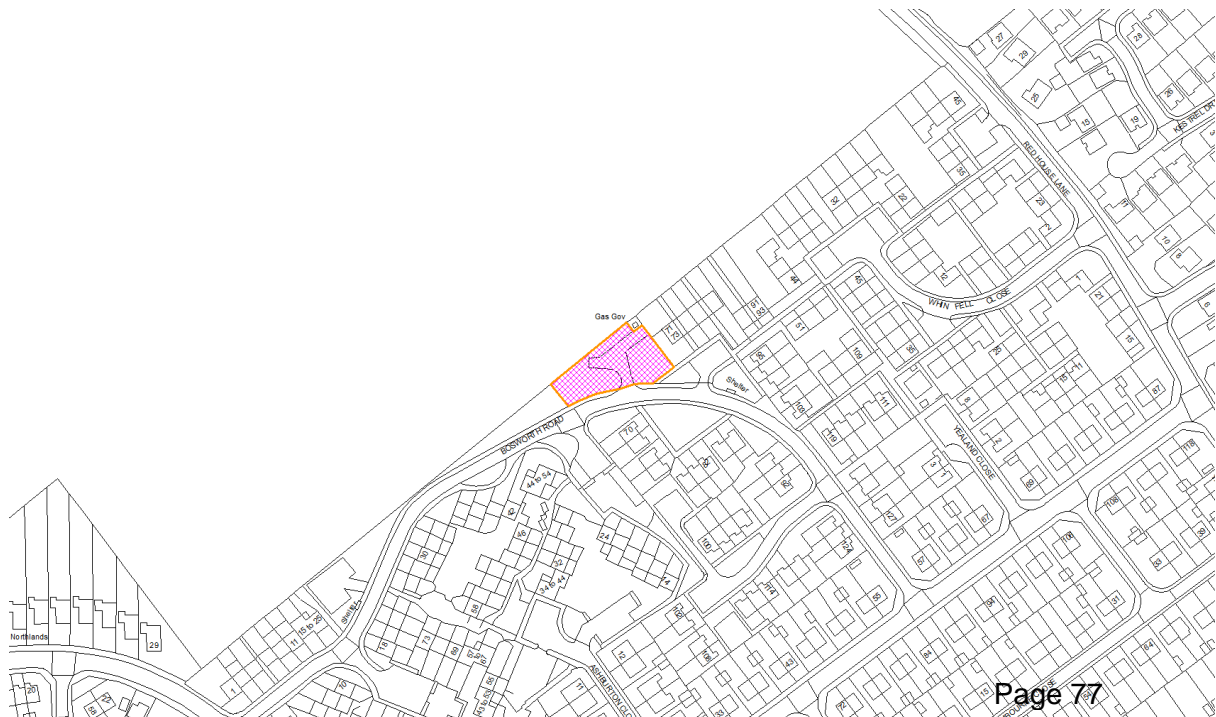
At:	Land Adjoining 71/73 Bosworth Road Adwick Le Street Doncaster DN6 7BJ
------------	---

For:	Mr Stuart Kirk
-------------	----------------

Third Party Reps:	13	Parish:	
		Ward:	Adwick Le Street And Carcroft

Author of Report	Elizabeth Maw
-------------------------	---------------

MAIN RECOMMENDATION:	GRANT
-----------------------------	-------



1.0 Reason for Report

1.1 The application is being presented to committee due to the significant public interest shown in the application.

2.0 Proposal and Background

2.1 The application site is land adjoining 71/73 Bosworth Road, Adwick Le Street. It is a piece of vacant brownfield land in a residential area. The land was formerly occupied by a single storey building which was a plant room for the district heating system.

2.2 The proposal is to construct 6 dwellings consisting of a pair of semi-detached houses and a detached building containing four maisonettes.

2.3 The land allocation is Residential Policy Area.

3.0 Relevant Planning History

3.1 None

4.0 Representations

4.1 The application has been publicised by sending letters of notification to adjoining neighbours. A petition in opposition has been received from 13 households.

4.2 There are two reasons for objecting. The first reason for objection is regarding parking and highway issues. Objectors advise that there is currently a parking problem in the locality. Cars park on both sides of Bosworth Road. A bus driver has mentioned they may have to re-route the buses and overall the road is becoming hazardous.

4.3 The second objection is regarding bin access. Residents of 71-85 have bins collected at the side of the building (on the application site). The land was formerly owned by DMBC but the land is now private. The LPA is unsure whether a covenant exists for access across the land. But contact was made with the applicant and he advises that he would allow residents to continue having access for bins. If this access was taken away at a later date, there is enough room at the side of 71-73 to create a new pedestrian access.

5.0 Relevant Consultations

5.1 Highways Development Management: No objections: The scheme provides 2 spaces each for the two houses and 1.5 spaces each for the maisonettes, which are in accordance with parking standards. Highways were made aware of resident's objections but they still concluded to raise no objections for the reasons discussed in the report below.

5.2 DMBC Trees: No objections, subject to conditions.

5.3 DMBC Internal Drainage Team: No objections, subject to conditions.

5.4 DMBC Pollution Control: No objections, subject to conditions.

5.5 Yorkshire Water: No response received.

6.0 Relevant Policy and Strategic Context

The site is allocated as Residential Policy Area.

National Planning Policy Framework

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Doncaster Council's Core Strategy:

CS1: Quality of Life

CS2: Growth and Regeneration Strategy

CS14: Design and Sustainable Construction

Saved Doncaster Unitary Development Plan:

PH11: Residential Uses and Residential Policy Areas

7.0 Planning Issues and Discussion

Principle of the Development

7.1 The National Planning Policy Framework (NPPF) (2012) advises that new housing should be considered in the context of the presumption in favour of sustainable development. New housing should enhance and maintain the quality of life in neighbourhoods by being well designed, sustainably located and meet the needs of the local population.

7.2 The local planning policy for new housing is set out in the Doncaster Core Strategy, in particular policy CS2. Policy CS2 advises Adwick is a principal town. Outside the main Doncaster Urban Area principal towns will be the focus for growth so new housing within the established residential area are permitted in principle.

7.3 The Doncaster Unitary Development Plan (1998) has designated the site as a Residential Policy Area so residential developments are also suitable in these areas 'in principle'.

Character and Appearance

7.4 Surrounding properties are two storeys with pitched roofs, brick built and simple fenestration. The proposal is to construct a pair of semi-detached houses and a detached building containing four maisonettes.

7.5 The pair of semi-detached houses would be two storeys, brick built and simple fenestration. The siting and density is acceptable. The pair of semi-detached houses is overall well designed.

7.6 The proposed detached maisonette building would be positioned further forward than the adjacent flats. It has a square footprint and a hipped roof. This design is different to nearby houses. The reason for this is because the architects have used the same footprint as the demolished building. Whilst the footprint and roof of the proposed maisonettes is

slightly different to nearby houses, it is still two storeys and a simple design and on balance it would not look out of character.

Impact to Residential Amenity

7.7 There is no adverse impact to surrounding property. The proposed dwellings overlook onto Bosworth Road, which does not cause an overlooking issue. At the rear is a field.

Highway and Parking Considerations

7.8 A petition has been received for parking and traffic reasons. Many of the houses along Bosworth Road do not have allocated parking so they park on the street. Residents advise the road is becoming hazardous and they heard the bus driver mention the buses may have to be re-routed. The bus service is a well-used facility for senior citizens living on the street.

7.9 A Planning Officer visited the site at 3:30pm in the week. Cars were parked on Bosworth Road. The application site was also being used as overspill parking. So the resident's description of the parking and road issues is not disputed.

7.10 Whilst the traffic and parking is a current issue, officers do not feel this should prejudice this planning application. The proposal has allocated two spaces each for the houses and 1.5 spaces each for the maisonettes. The parking is in accordance with parking standards and as such this is a good quality development which accords with planning policy.

7.11 Cars have been parking on the application site so the redevelopment of the site would slightly increase on street parking but this is private land which the owner could fence off.

7.12 In conclusion, there is a current parking problem that is caused by the lack of parking for existing housing. This new housing scheme has its own off street parking and it accords with parking standards for new developments. Therefore, officers consider the development should be approved and existing parking issues need to be addressed separately.

8.0 Summary and Conclusion

8.1 In summary, the proposed housing development is acceptable. It is a well-designed scheme with sufficient off street parking. The proposal accords with the above relevant policies of the Development Plan and National Policy.

9.0 Recommendation

GRANT Full planning permission subject to the conditions below;

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. 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.
03. U50680 The development hereby permitted shall be carried out in complete accordance with the details shown on the plans referenced and dated as follows:
Site Plan P16-1373 001 Rev A stamped AMENDED PLANS
18.01.2017
Plot 1-2 P16-1373-004 Rev A
Plots 3-6 P16-1373-003 Rev A
REASON
To ensure that the development is carried out in accordance with the application as approved.
04. 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.
05. HIGH11 The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.
REASON
To avoid damage to the verge.
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. CON1 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

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

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

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

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

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

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment 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.

08. CON2

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

REASON

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

09. CON3

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

REASON

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

10. U50704

No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. Any boundary adjoining an access should be of no greater height than 900mm. Unless otherwise approved in writing by the local planning authority, the details as approved shall be completed before the occupation of any buildings on site.

REASON

To ensure the satisfactory appearance of the development.

11. U50705

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; a timescale of implementation, and details of aftercare for a minimum of 5 years following practical

completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. 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. U11035

INFORMATIVE

Independence in the Landscape

Condition 11 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. ICON1

INFORMATIVE

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

The document can be found at the following web address:

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

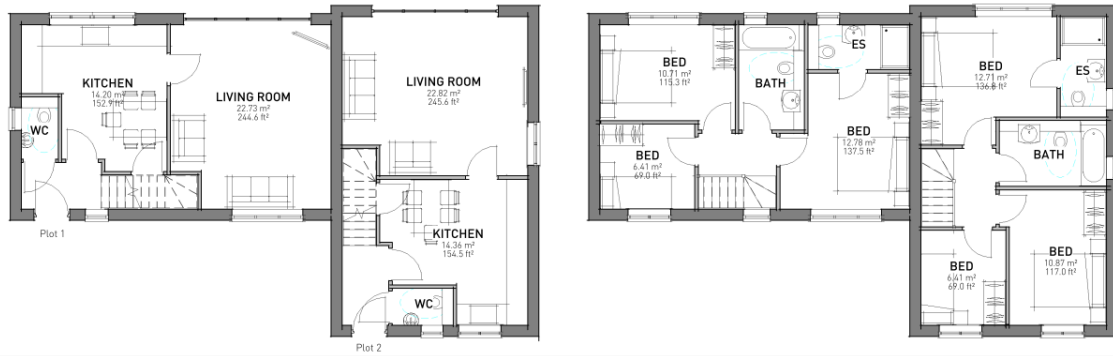
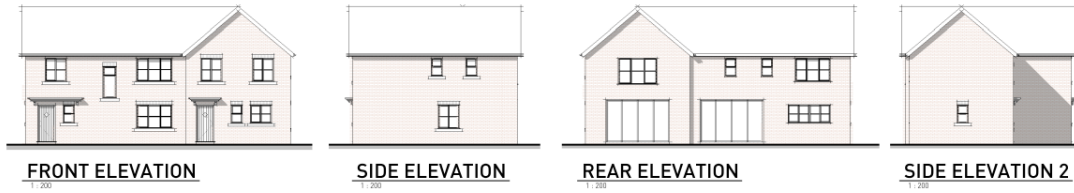
Or alternatively you can request a paper copy from the LPA.

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.

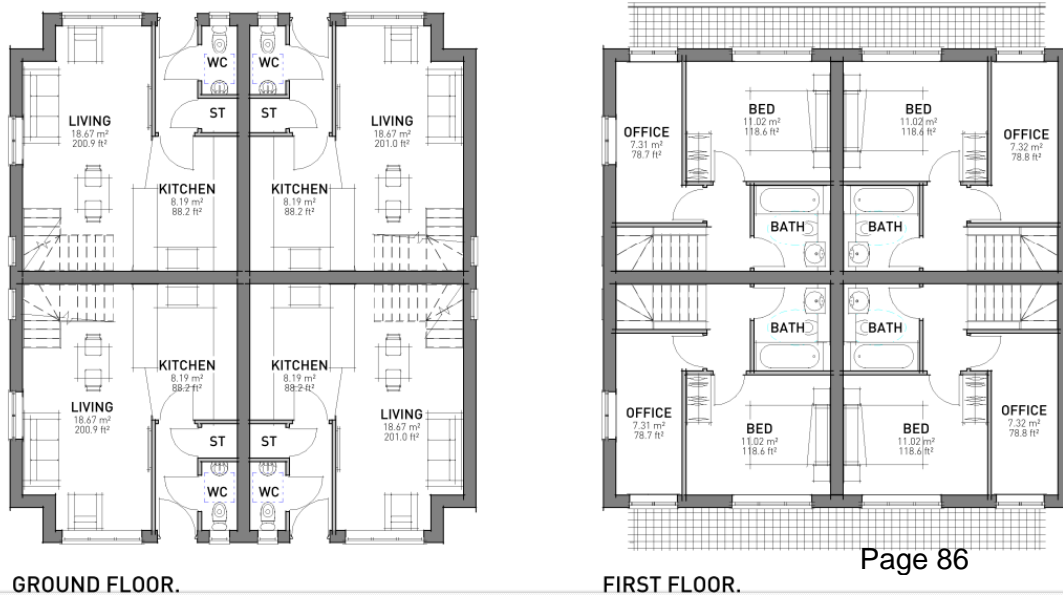
Appendix 1: Site Plan



Appendix 2: Proposed Houses



Appendix 3: Proposed Maisonettes



DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 7th March 2017

Application 6

Application Number:	16/02865/FUL	Application Expiry Date:	13th January 2017
----------------------------	--------------	---------------------------------	-------------------

Application Type:	Full Application
--------------------------	------------------

Proposal Description:	Change of use from retail unit (class A1) to hot food takeaway (class A5) and associated ventilation system
At:	13 St Davids Drive Cusworth Doncaster DN5 8NG

For:	Mr Neville Brown
-------------	------------------

Third Party Reps:	111 signature petition (support) 5 letters of support 5 letters of objection	Parish:	Sprotbrough And Cusworth Parish Council
		Ward:	Roman Ridge

Author of Report	Elizabeth Maw
-------------------------	---------------

MAIN RECOMMENDATION:	GRANT
-----------------------------	-------



1.0 Reason for Report

1.1 The application is being presented to committee due to the significant public interest shown and at the request of Cllr Pam Machin.

2.0 Proposal and Background

2.1 The address is 13 St Davids Drive, Scawsby. It is a commercial property, formerly a Cooplands Bakery (Class A1). The proposal is to change its use to a hot food takeaway (Class A5) and install an extraction system onto the side elevation. The extraction system is already installed but the takeaway has not opened.

2.2 The property is on a small shopping parade. Other units on the shopping parade are a shop, café and hairdressers. The shopping parade is in the middle of a residential estate.

3.0 Relevant Planning History

3.1 No planning history.

4.0 Representations

4.1 The application has been publicised by sending letters of notification to neighbours.

4.2 A petition containing 111 signatures and 5 individual letters in support of the application has been received. Supporters are mostly from the Scawsby/Cusworth/Scawthorpe area, including 11 households of St Davids Drive.

4.3 The reasons for support are because the new business owner has a good reputation. He has a well-known restaurant in the town centre. It would be a good addition to the area.

4.3 A total of five objection letters has been received. Four of these objections were from residents living close to the application site. The reasons for objecting are because of potential increased noise, traffic, anti-social behaviour, litter and odour. There are other takeaways nearby and fast food is against healthy eating. Overall it will have a negative change to a residential street and quiet residential estate. One letter comments that this takeaway could mean a repeat of problems with leftover food being dumped in front gardens. There was also discussion that late night opening would make all the issues worse but the applicant has reduced his opening hours to mitigate neighbours' concerns and improve the likelihood of a planning approval.

5.0 Parish Council

5.1 Sprotbrough and Cusworth Parish Council have lodged an objection to the application. The reasons for objecting are the impact of the additional opening hours on residents above the shop & in the immediate area. Secondly, there are already a high number of `takeaway` outlets serving this area.

6.0 Relevant Consultations

Environmental Health: No objections.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework (NPPF);
Chapter 8 - Promoting Healthy Communities

Doncaster Council Core Strategy (CS)
Policy CS1 - Quality of life

Doncaster Unitary Development Plan (UDP);
PH12 - Non Residential Use within a Residential Policy Area
SH14 - Hot Food Takeaways

8.0 Planning Issues and Discussion

Main Issues

8.1 The main issues are the impact to the amenities of local residents in allowing a hot food takeaway in this area.

Principle

8.2 The site lies within a designated residential policy area according to the UDP. The premises is already commercial and within a row of shops. There are no issues in principle with a hot food takeaway because the unit is already in commercial use and saved policy PH12 supports non-residential uses subject to consideration for local amenity.

8.3 Saved policy SH14 states that hot food takeaways should not be permitted if it would result in a proliferation of uses. Letters of objection consider there are already sufficient takeaways in the area. Whilst the wider area may have numerous takeaways, there are none within this parade of shops. As such, there is not a proliferation of use and therefore no conflict with policy SH14.

Comings and Goings/ Noise/ Anti-Social Behaviour

8.4 This is a ground floor unit in a small shopping parade, with flat accommodation at first floor level. It is on a residential street of family homes. All the other shops in this row are daytime opening. The off license next door closes at 9pm every day.

8.5 When compared to the previous bakery use daytime comings and goings would lessen as the applicant is seeking tea time/evening opening hours. The potential harm to residents will therefore be in the evening.

8.6 The applicant applied for a 12am closing. The case officer expressed concerns to such a late opening and this view was supported by Environmental Health, Parish Council and local opposition. To improve the chances of an approval the applicant has agreed to the following opening hours:

Monday to Thursday 4pm to 9pm
Fridays 4pm to 9:30pm
Saturdays 3pm to 9:30pm
Sundays 3pm to 9pm

8.7 In officer opinion, these opening hours would prevent night time disturbance. In addition, the hot food takeaway will close at the same time as the off license next door and only half an hour later on Fridays and Saturdays. Environmental Health is content with the agreed opening hours.

Odour

8.8 The flats above the unit are most susceptible to odour of the hot food takeaway but the extraction system can prevent any problems. None of the flats have objected.

8.9 The applicant has installed an extraction system onto the side of the building. The extraction system passes close to flat windows on the side elevation and projects higher than the roof. The extraction system has been inspected by the Council's Environmental Health Officer and information has been submitted detailing noise output. The Environmental Health Officer advises the extraction system is acceptable and it will prevent an odour problem.

Parking

8.10 The unit is unlikely to cause a parking problem for the following reasons:

- a) The parade of shops has a café, hairdressers and off license. Most of the trade for takeaway will occur when the hairdressers and café has closed.
- b) The applicant will operate a delivery service so not all customers will visit the shop. The applicant advises he has space to park one car at the back of the property.
- c) The applicant advises he will do his own deliveries in his own car.

Character and Appearance

8.11 The applicant has already installed an extraction system to the side of the building. It is a silver duct which runs up the side of the building. It is taller than the eaves of the building. The applicant advises it has to be higher than the building to maximise its efficiency. Also, the larger the system the better quality it is.

8.12 In officer opinion, the extraction system has an impact to the street scene due to its size and siting because it is in full view from St David's Drive. However, an extraction system is not out of character for a commercial unit and on balance is considered acceptable.

9.0 Summary and Conclusion

9.0 In summary, the proposal to change of use from bakery to hot food takeaway (Class A5) is considered acceptable, subject to a restriction of opening hours as detailed above.

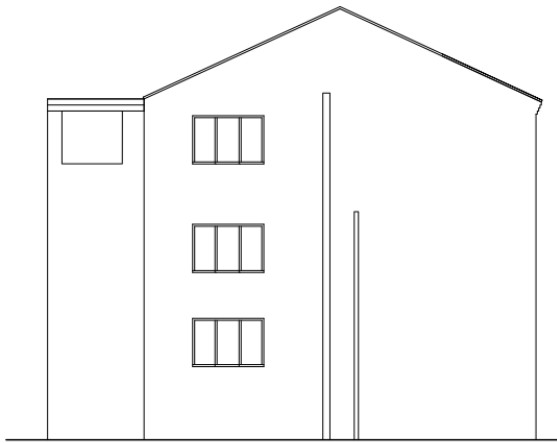
10.0 Recommendation

10.1 GRANT Full Planning Permission subject to the following conditions:

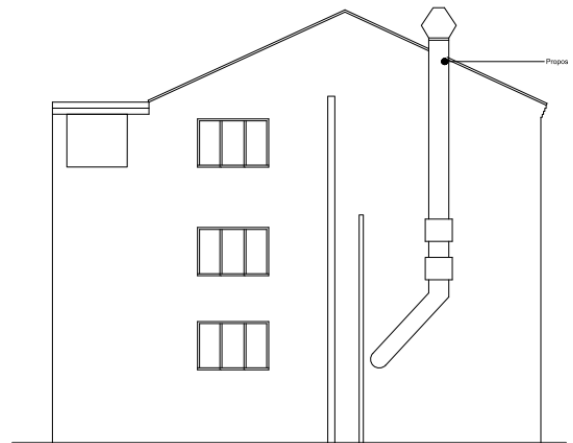
01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U50647 The hours of opening shall be limited to:
Monday to Thursday 4pm to 9pm
Fridays 4pm to 9:30pm
Saturdays 3pm to 9:30pm
Sundays 3pm to 9pm
REASON
To ensure that the development does not prejudice the local amenity and to ensure the takeaway is not open during school hours.
03. U50648 The extraction/ventilation equipment shall be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority.
REASON
To ensure odours from the unit do not cause a residential amenity issue.
04. U50670 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated 01 Rev C stamped AMENDED PLANS 21.01.2017
REASON
To ensure that the development is carried out in accordance with the application as approved.
01. U11026 INFORMATIVE
Suitable closed storage facilities shall be provided for the accommodation of all waste food generated by the business whilst awaiting collection for disposal.

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.

Appendix 1: Existing and Proposed Elevations

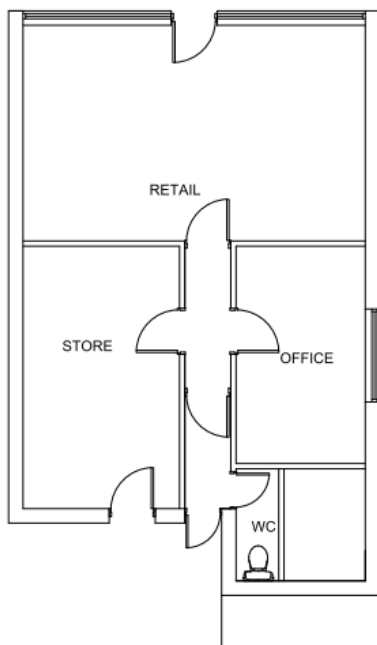


Side Elevation as Existing 1:50

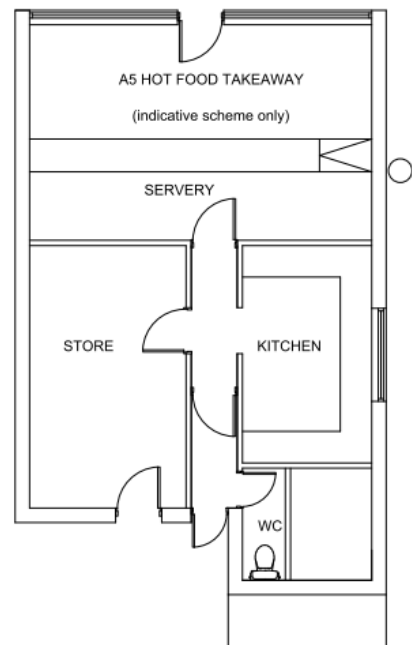


Side Elevation as Proposed 1:50

Appendix 2: Existing and Proposed Floor Plan



Ground Floor Plan as Existing 1:50



Ground Floor Plan as Proposed 1:50

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 7th March 2017

Application **7**

Application Number:	16/02861/FUL	Application Expiry Date:	11th January 2017
----------------------------	--------------	---------------------------------	-------------------

Application Type:	Full Application
--------------------------	------------------

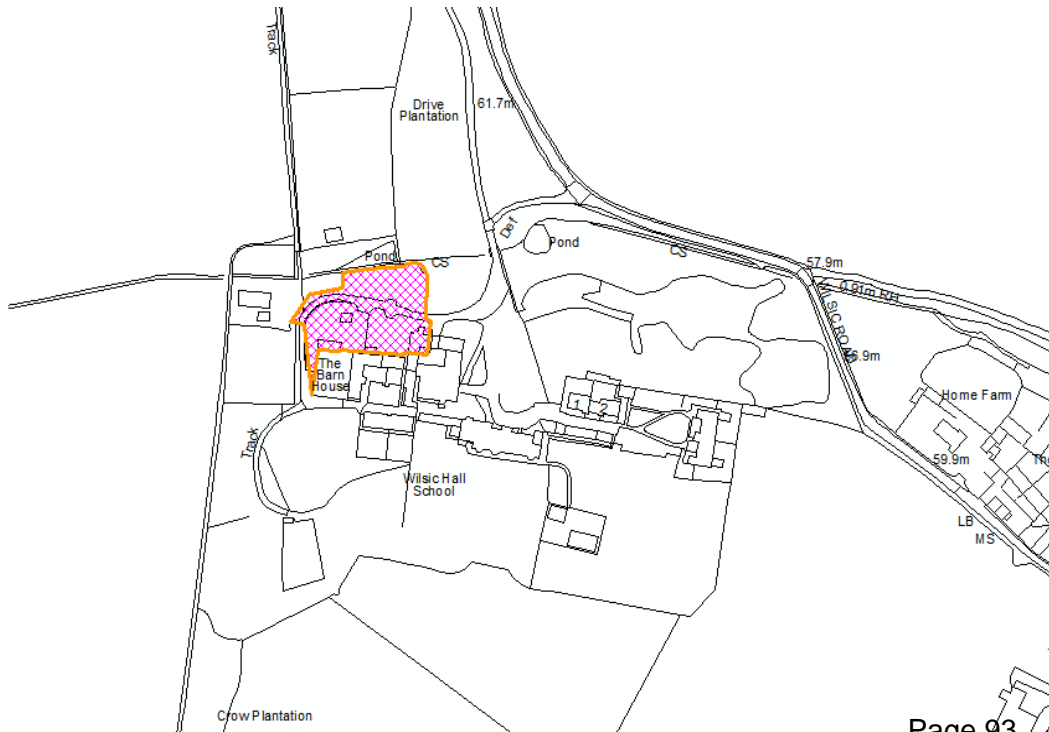
Proposal Description:	Erection of 4 new C2 units to provide student accommodation, with associated access, parking and amenity space, together with a change of use of Old Cottage from C3 to C2, to form ancillary staff facilities to support the new student units including partial demolition of the existing porch and erection of a new extension to form a reception.
------------------------------	---

At:	The Old Cottage Wilsic Road Wilsic Doncaster
------------	--

For:	The Hesley Group - Mr Glyn Turner
-------------	-----------------------------------

Third Party Reps:	0	Parish:	Stainton Parish Council
		Ward:	Tickhill And Wadworth

Author of Report	Garry Hildersley
MAIN RECOMMENDATION:	APPROVE



1.0 Reason for Report

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

1.2 The Town and Country Planning (Consultation)(England) Direction 2009 gives the Secretary of State the opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. The proposal falls outside the necessary thresholds and as such in the event that planning permission is granted will not need to be referred to the Secretary of State.

2.0 Proposal and Background

2.1 Planning permission is sought for the erection of 4 new residential units (use class C2) to provide student accommodation, with associated access, parking and amenity space, together with a change of use of Old Cottage from C3 (dwelling house) to C2 (residential institutions), to form ancillary staff facilities to support the new student units including partial demolition of the existing porch and erection of a new extension to form a reception.

2.2 The site is within the grounds of Wilsic Hall, a Grade II Listed Building within the Green Belt and a site of local/regional importance for nature conservation.

2.3 Wilsic hall school is a specialist residential school, offering flexible education and care for up to 52 weeks per year, for young people aged 11 to 19.

2.4 The planning application seeks permission for the following:

- The demolition of 2No. existing garages and 1No. external WC block.
- 4 no. new, single storey, 1 bed student residences plus plant room and outdoor space, to provide accommodation for students who attend Wilsic Hall and Hesley Village schools. The conversion and extension of an existing residential dwelling to provide ancillary accommodation to relocate existing office and reception staff, plus staff facilities for staff providing care for the 4 new units.
- The provision of a 12No. car parking spaces, to provide 3No. spaces per new unit, to provide parking for staff and visitors for the new units only.

2.5 The proposed single storey student accommodation has a building footprint of 257sqm and will provide 4 number 1 bed student houses and some ancillary plant and storage space.

2.6 Wilsic Hall School is set within its own 14-acre site and is located approximately 1 mile south of the village of Wadworth and five miles south of Doncaster. Its central location provides easy access by road, rail or air and connection to the A1(M) and M18 only 5 miles away in nearby Warmsworth.

2.7 Wilsic Hall is currently under the ownership of the Hesley Group and the building/wider site operate as a residential school facility for children with autism and other complex needs. The Hall itself is primarily used for offices with teaching and residential facilities intermingled. In recent years 3 no. Listed building applications have been granted consent, for internal alteration works to the main hall (application no. 07/03988/LBC &

12/00435/LBC) and for refurbishment of the original Oaks building (application no. 15/02988/FUL & 15/02989/LBC). The proposed site area located to the east of the main school hall. It is 2'700 sqm (0.27 Hectares) in area. The site is surrounded by trees and open land to the north and west and existing school and residential buildings to the east and south. Further beyond the sites boundary lies a mix of the schools gardens and farmland.

3.0 Relevant Planning History

3.1 There are numerous previous planning application related to this site some of which share the constraints of the current proposal. That said significant pre application discussion has been held with Doncaster's planning department in order to address the concerns previously raised.

03/6230/P - Erection of two storey 6 bedroom sheltered accommodation following demolition of existing store (19.5m x 9.0m overall) - Refused - 31.03.2005

REASONS:

The proposal to erect a two storey 6 bedroom structure following the demolition of an existing dilapidated portal framed structure would further extend the built form of the residential school into the Green Belt. This encroachment is considered detrimental to the visual amenity of the Green Belt and is therefore contrary to Policy ENV3 and ENV53 of the Doncaster Unitary Development Plan.

The proposal is considered to intensify the pedestrian movements of students and staff close to an existing residential property within the complex. This intensification is considered to detrimentally affect the amenities of the occupants of 'The Old Cottage' and is therefore contrary to Policy ENV3 of the Doncaster Unitary Development Plan.

05/02727/FUL - Erection of 3 No three bedroom single storey accommodation units on approximately 0.19 ha of land - Refused - 18.10.2005

REASONS:

The proposal is considered to intensify the pedestrian movements of students and staff close to an existing residential property within the complex. This intensification is considered to detrimentally affect the amenities of the occupants of 'The Old Cottage' and is therefore contrary to Doncaster Unitary Development Plan Policy ENV3.

The proposal to erect 3 No. three bedroom single storey accommodation units would further extend the built form of the residential school into the Green Belt. This encroachment is considered to be detrimental to the character of the Green Belt and will compromise the views from the adjacent footpath.

The development as proposed has no context with the historical surroundings of the site and would be seen within the setting of an important Grade 2 listed building, the proposal is therefore contrary to Doncaster Unitary Development Plan Policy ENV34.

The site for the proposed development forms part of a Site of Scientific Interest the impacts on which have not been assessed nor any compensatory measures been submitted as part of this application, the proposal is therefore contrary to Policy ENV41 of the Doncaster Unitary Development Plan.

05/02730/FUL - Erection of of 2 No 3 bedroom accommodation units on approximately 0.10ha of land - Granted - 22.11.2005.

06/01589/FUL - Erection of 3 No 3 bedroom two storey sheltered accommodation units on approx 6.43ha of land - Withdrawn - 16.08.2006.

07/02467/FUL - Retention of storage containers (7.0m x 5.0m) (being renewal of permission 06/01909/FUL granted on 14.09.06 for a temporary period. until 31.08.2007) - Application granted 24.09.2007.

12/00435/LBC - Listed Building Consent for internal and external alterations to school. Application granted 04.04.2012

14/02875/PREAPP - Proposed ISC Unit. Pre application closed.

15/02988/FUL - Installation of 3 windows to rear elevation, lower the existing external ground floor level to rear elevation, creating of new pathway with a retaining wall structure to form a self contained student apartment. Application granted 16.02.2016

15/02989/LBC - Listed Building Consent for the installation of 3 windows to rear elevation, alterations to roof, front elevation door and windows and internal alterations to form a self contained student apartment. Application granted 03.02.2016

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

No comments received

6.0 Relevant Consultations

Highways Development Control - No objections
DMBC Ecology - No objections subject to condition
Internal Drainage - No objections subject to condition
DMBC Conservation - No objections subject to conditions
DMBC Tree Officer - No objections subject to conditions
Public Rights of Way - No objections
National Grid - No objections
Severn Trent - No objection
Yorkshire Wildlife Trust - No objections
South Yorkshire Archaeological Service (SYAS) - No objections
DMBC Pollution Control - No objections subject to conditions

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework

Section 1 - Building a strong competitive economy
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 9 - Protecting Green Belt Land
Section 11 - Conserving and enhancing the natural environment
Section 12 - Conserving and enhancing the historic environment

Doncaster Core Strategy

CS1 - Quality of life
CS3 - Countryside and Green Belt
CS14 - Design and sustainable construction
CS15 - Valuing our historic environment
CS16 - Valuing our natural environment

Doncaster Unitary Development Plan

ENV3 - Green Belt
ENV20 – Development within parks and gardens of local historic interest
ENV34 - Listed buildings
ENV41 - Sites of regional/local importance for nature conservation

8.0 Planning Issues and Discussion

Principle of Development

8.1 Planning permission is sought for the erection of a new single storey accommodation block adjacent to the existing Wilsic Hall School. The site is washed over by Green Belt as allocated by Doncaster's Unitary Development Plan maps. The principle consideration for members is therefore whether there are very special circumstances that would outweigh the harm to the Green Belt

The Effect on the Green Belt

8.2 Policy CS3 of Doncaster's Core Strategy and saved policy ENV3 set out the Councils approach to development in the Green Belt. Both Policies set out that new development will be restricted to agriculture, forestry, outdoor sport and recreation, cemeteries and other uses of land which preserve the openness of the Green Belt. It is clear that the proposal would not fall within any of the aforementioned uses and as such forms a departure from the development plan. The Local Planning Authority must determine whether there are any very special circumstances that outweigh this harm.

8.3 The National Planning Policy Framework sets out that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence and set out that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.4 The NPPF makes clear that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

8.5 The applicant has set out that The Hesley Group has been operating as a specialist provider of care to people with severe mental impairment since 1975 and has operated services to young people from Wilsic for over 20 years.

8.6 Wilsic is a successful special school, with separate residential accommodation. The young people are cared for within the whole complex, having a structured environment to move safely from one service to another without the need to go off site. This sustainable model has proven successful and is reflected by the outstanding score in the last OFSTED report.

8.7 Due to this success there has in turn been a high demand for these services, which isn't always available due to the numbers of residential beds available. Whilst there is still capacity within the school for growth in numbers, the school has reached a limit in the residential accommodation. Therefore, this development forms part of a strategy to sensitively increase the capacity, without affecting the nature and balance of the site and services. Furthermore, the reclamation of the area subject to the development, will enhance the overall aspect of the site and link this area to the school. The school is currently experiencing occupancy levels in the low 90%, which gives some flexibility for emergency referrals and decanting existing residents to vacant rooms for major refurbishment works, however it is felt that the proposed expansion would provide a long term strategic plan to accommodate residents.

8.8 The proposal has been designed to ensure that the new student units are set close to existing buildings already within the site, referencing the existing established building line of the stable block, Old Cottage itself and the existing tall rendered boundary wall that currently provides a hard edge to the site. The school have explored whether the building could have been extended in any other way to achieve the accommodation needed and have confirmed that they do not have an existing properties that fit the housing model they require in order to move forward forward with, which is a single storey front door 1-bed unit. All existing stock is shared entrance and some accommodation; over two floors. In addition to this the school has confirmed that the profile of the students has changed over the last five years, resulting in more challenging students and as such the proposed scheme has been designed to accommodate these changes.

8.9 It is acknowledged that no built form extends beyond the established boundary wall, with the proposed buildings being retained wholly within this existing boundary. The applicant contends that this would ensure that no buildings will encroach into the Green Belt beyond any built form that already exists. It also ensures that the proposals retain the existing characteristics already evident at Old Cottage and Wilsic Hall School.

8.10 The proposed new student units are low level and single storey in height. This has been done to reflect the height of the existing wall and its existing character. The proposed façade treatments are again reflective of materials that are evident in and around Old Cottage, ensuring that existing massing and visual principles are retained and the new units give the appearance of an ancillary outbuilding, subservient to Wilsic Hall School beyond.

8.11 The redevelopment of Old Cottage would ensure that the visual amenity of the adjacent listed hall is not harmed by the property and its associated amenity from potentially falling into disrepair in the future. The redevelopment of the site would also bring Wilsic Hall School and Old Cottage into one use.

8.12 Careful consideration has been given to ensure that that the proposed development would minimise the potential impact on the openness of the Green Belt by virtue of the proposal's design, form, scale and massing. The new residential unit has been sited in close proximity to the existing building and given its size and scale would be subservient to the existing built form. Moreover it is considered in this instance that very special circumstances have been demonstrated in order to allow the construction of a new residential accommodation block to cater for children with significant learning and educational difficulties.

Effect on the setting of the Listed building

8.13 The Old Cottage site consists of a 2 storey building forming the corner of and attached to the former stable block of the grade 2 listed Wilsic Hall together with its garden area. Until recently the building was in private residential use and separated from the hall although it and its grounds forms an intrinsic part of the halls setting and was for most of its time part of the estate. The proposal is to convert the dwelling and associated extensions to staff use associated with the hall as a residential school and to erect a block of residential units.

8.14 Wilsic Hall is a small country house originally dating from c1750 in roughcast render with stone slate roof and is listed Grade 2. The principal elevation of the building faces south away from the application site. Beyond the lawn there is a concealed ha-ha which is separately listed as grade 2. The historic extensions and ancillary buildings have been converted to the school use and these have been supplemented by ranges of modern buildings to the east and west of the hall.

8.15 The rear of the Hall is approached by a narrow road from Wilsic Road through the separately grade 2 listed entrance gateway and through a treed area to the hall. The rear elevation of the hall has significance as the principal elevation seen on accessing the building from the drive and the entrance is denoted by a single storey canted porch. Presently, a car park dominates the area in front of the hall rear elevation. To the right, a drive leads past the former stable block to the site and the building.

8.16 The building to be converted is historically significant as part of a group of service buildings which illustrates how a country hall would function. The former historic character though diminished is recognisable in the form of the buildings on entering the site and contributes to the setting of the listed hall. As part of the setting the 2 storey building and its adjacent buildings holds the view on entering the site.

8.17 The grounds of the hall and its landscape setting are considered to be of sufficient interest to be put forward for designation as a park and garden of local historic interest. The grounds make up the setting of Wilsic Hall and incorporate important garden features including the entrance gates, drive, ha-ha and woodlands.

8.18 The conservation aim for any development here would be to retain the presence and layout of the historic 2 storey buildings and stable block and that any subsequent additions are subsidiary and take on the character of ancillary buildings to the hall without detracting from the surrounding landscape character.

8.19 In principle the proposal is welcomed as it consolidates the site under one ownership and in one usage. The proposal has been subject to a number of pre-application discussions and the present proposals though slightly different reflect these in the conversion of the buildings. The massing and location of the new block is a more modest reflection of previous proposals.

Alterations to the existing building

8.20 The conversion of the building is welcomed. The works proposed seem to be a renovation of the existing buildings but does not include any replacement or alteration of windows or roof material to forms or materials more in keeping with the historic character of the site but refers to these features being 'made good'.

8.21 The works of interior alteration do not impact on the setting of the listed building or character of the historic park.

8.22 The main external alteration is the addition of a glazed reception area in the angle north of the stable block and the single storey projection and which replaces a small lean to porch. This is described as structural glass with a shallow 12 degree pitched roof.

New development

8.23 The location, orientation and linear form of the proposed new development are acceptable from a conservation perspective. This aligns at right angles to the stable block so will appear related to it and is connected by a high wall. The building forms one side of a long courtyard which is in keeping with the historic character of ancillary buildings on the site and this is further defined by the rendered walls which unites the development.

8.24 There is no issue with the external materials of render and timber boarded cladding or the form, colour and materials of the windows and doors as shown on the elevations. The roof is described as red pantile roof which is fine provided this is red clay tile or similar.

8.25 Given the location, there's no objection to the plant room and air source pumps or the bike stores.

Conservation - Green Character and Landscaping.

8.26 The conservation officer has commented that to be in keeping with the setting of the listed building and the character of the park and garden of local historic interest the new surrounding landscaping particularly outside the high rendered walls should have a rural character and not appear too manicured or engineered. Within the walls and in the internal courtyard this is less of an issue.

8.27 The boundary treatment for the various boundary elements is considered to be acceptable. The stone walls will read as a continuation of the existing walls on site and the boundary treatment in the external areas seem suitably low key.

8.28 There are 9 trees identified for removal to facilitate the development. I don't think these are critical to the historic character of the site although I would defer to the tree officer on their arboricultural value.

8.29 No objections have been raised by Doncaster Conservation Officer subject to suitably worded conditions.

Design, Scale and Massing

8.30 As previously set out the proposal is most easily described in three parts:

1. The construction of the new student accommodation;
2. Refurbishment and Extension to Existing Cottage and;
3. The construction of the new car park

New Student accommodation:

8.31 The new build, student accommodation has a simple rectangular floor plan, with the main living area to each unit being located off an entrance lobby at the front of the property, with a kitchen and bedroom overlooking a landscaped courtyard garden area and existing outbuildings. The proposed building measures 31m in length, 8.40m in width and 5.16m in height. The proposal is sited 11m from the existing building located to the south.

8.32 Although the proposal is located to the north of the existing cluster of buildings, it is located in close proximity to the existing buildings and given its form, scale and design would remain subservient to the overall massing of the building. As previously set out views into the site are restricted given the established vegetation and as such its impact on character of the wider area would be limited.

8.33 Shared plant space is located at one end of the property with a smaller service cupboard with external access located at the front of each unit. The service cupboard has external access to ensure services to each unit can be shut off if required, for the safety of students and staff. The main entrance to each unit is via a designated front door which will again be controlled by staff to ensure student safety. A copy of the plans can be seen within appendix 2.

Refurbishment and Extension to Existing Cottage

8.34 The proposed work to the existing cottage aims mainly to retain the existing buildings fabric and layout. Small elements of demolition and the introduction of some new stud walling in sympathetic locations are proposed as the aim of work to this building is to bring it back into use and support existing admin / ancillary functions across the site. A new, modern extension is proposed, of a design that highlights that it is both a new, modern addition to the existing rendered cottage as well as being the new school entrance and relocated reception area.

8.35 The ground floor of the development will be accessible to all and will be used by school staff, visitors to the site and accompanied students. The first floor will only be used by staff who work with the students who will live in the new build accommodation. It is considered that the minor alterations to the fabric of the building would not unduly affect the character of the area or detrimentally affect the openness of the Green Belt. A copy of the proposed plans can be seen within Appendix 3 of this report.

Impact on neighbouring properties

8.36 The nearest residential property to the proposed development would be situated 278m to the east of the site. As result of this distance it is not considered that the proposed development including alterations to the existing buildings would adversely affect neighbouring properties in terms of over shadowing, over dominance, loss of privacy or overlooking.

8.37 The proposed new accommodation would largely be screened from neighbouring properties by existing built development and vegetation and as such it is considered that the potential impact on neighbouring properties would be minimal.

Highways

8.38 An extensive car park is currently laid out in front of the school building. This being said the proposed car parking will form an area of land in front of the properties will be used to provide further parking for new staff and visitors to the students who will occupy the new build properties. The students themselves will not require parking as the challenges they have prevent them from being able to drive safely.

8.39 12 additional parking spaces are therefore proposed, based on 3 spaces per student. Each student needs 24 hours care, with direct support staff and a wider multi-disciplinary team meaning that more staff will be employed following the completion of the development. This level of parking also allows for visitor parking without any impact on the existing car park.

8.40 Further cycle storage facilities will be provided for staff, visitors and the students themselves, to supplement the required parking provision and encourage the use of sustainable transport.

8.41 Initial consultation advice received from the Councils Highways Development Control team raised concerns with regard to the size of the parking spaces, the width of the gated access and manoeuvrability within the site. Amended plans have been received during the course of the application to deal with these matters.

8.42 The Councils highways development control team have been consulted and have raised no objections to the proposal based upon the amended information.

Trees and Landscaping

8.43 It is noted that there are a number of trees within the site potentially affected by the proposed development. As a result the application has been accompanied by a tree survey which has been fully assessed by Doncaster's arboriculturalist.

8.44 The wider site of Wilsic Hall contains numerous protected trees (being subject to the Doncaster Borough Council Tree Preservation Order (No.213) 1998 Wilsic Hall). Whilst there are no protected trees within the application site boundary it does abut the south western corner of woodland W1 of the above order. Any adverse impact on protected trees is a material consideration in the determination of this application.

8.45 The proposed development will result in the direct loss of nine trees; eight of which are assigned to BS5837 retention category C and one, the walnut T1, to retention category B. Section 8.5 Incorporating Trees Into Development (Assessing Trees for Retention) of the Development Guidance and Requirements SPD states that trees of moderate quality and value (i.e. BS5837 retention category B) should normally be retained. Whilst the tree merits its category B status its retention would sterilise the site and it is considered not to be of sufficient quality or value to outweigh the proposed development.

8.46 Section 8.5 of the SPD goes on to state that where approval is given for the removal of trees identified as being of high or moderate quality, substantial replacement planting will be required in line with table 5. Currently, no replacement tree planting is proposed in the landscape scheme. Based on the stem diameter of T1 given in the Arboricultural Method Statement (590mm diameter), five replacement trees at heavy standard size (as defined by British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs) are required, but this number could be reduced proportionally if semi-mature nursery stock is specified.

8.47 The proposed access drive and car parking will result in encroachment into the root protection areas (RPAs; as calculated in accordance with section 4.6 of BS5837) of trees T10, T11 (both assigned to retention category B) and T17 (retention category C). The default position of BS5837 is that structures (defined by the Standard as any manufactured object, such as a building, carriageway, path, wall, service run, and built or excavated earthwork) should be located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s).

8.48 In this case, a no-dig method of construction is recommended in section 4.2 Construction of Hard Surfaces of the Arboricultural Method Statement to mitigate adverse impact on the future health or condition of the trees. The locations and construction of tree protection barriers are also specified in the report.

8.49 Whilst no objections have been raised in principle to the proposed development, conditions have been suggested which require landscaping information, no dig construction and tree protection.

Ecology

8.50 Doncaster's Ecologist is satisfied that there are no risks to potentially roosting bats in the Old Cottage as the applicant has assured the Council that works will be restricted to areas away from potential roost sites.

8.51 As a result, no objections have been raised subject to the inclusion of a condition relating to a biodiversity enhancement master plan (condition 7).

Drainage and Flooding

8.52 The application site lies within Flood Risk Zone 1 as defined by the Environment Agency's flooding maps. This is considered to be an area at the lowest possible risk of flooding. With this in mind there is no requirement for a Flood Risk Assessment (FRA) or to consult with the Environment Agency on flooding matters.

8.53 During the course of the application, Doncaster's Internal Drainage board and Severn Trent have been consulted and raised no objections to the proposal subject to suitably worded conditions and informatives.

9.0 Summary and Conclusion

9.1 In balancing the application careful consideration has been given to the impact of the development on the openness and character of the Green Belt. Weighed against this harm is the applicants requirement to provide additional specialist care. Careful consideration has been given to the design of the new accommodation building, the construction of a car park extension as well as the alterations to the existing buildings in order to fulfil the necessary functions of the school. The subservient nature of the proposal together with its siting in close proximity to existing buildings would limit the harm to openness. The alterations to the existing building are welcomed and it is considered that the proposal would not adversely affect the setting of the listed building (Wilsic Hall). No objections have been raised by relevant consultees and no objections have been raised by neighbouring residential properties. Whilst the proposal represents a departure from the development plan, it is considered that the planning benefits in this case outweigh the planning harm and the application is recommended for approval subject to suitably worded 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.

10.0 RECOMMENDATION

To Grant planning permission 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. U50569 | The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows |

Proposed Site Plan - Drawing number A10-SP-02 Amended
15.12.2016

Student Accommodation - Proposed Floor Plans - Drawing number
A20-FP-01 - Amended 15.12.2016

Student Accommodation - Elevations and Section Proposed - Drawing
number A30-EL-001 Amended 15.12.2016

Cottage Refurbishment - Proposed Elevations - Drawing number A30-
EL-015 Amended 15.12.2016

Cottage Refurbishment - Existing and Proposed Floor Plans - Drawing
number A20-FP-010 - Amended 15.12.2016

Boundary Treatment Strategy - Drawing number A10-SP-05
Amended Plan 15.12.2016

Proposed hard and soft Landscaping - Drawing number A10-SP-04
Amended plan 15.12.2016

Amended Lighting Scheme - Drawing number 2016-026/SK/01 Rev C

REASON

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

04. U50570

The scheme of protection for all retained trees shall be implemented
in full accordance with the approved Arboricultural Method Statement
To BS 5837:2012 at Wilsic Hall School (Reference: AWA1585) and
the local planning authority notified of implementation to approve the
setting out of the tree protection scheme before any equipment,
machinery or materials have been brought on to site for the purposes
of the development. Thereafter tree protection practices shall be
implemented and monitored in full accordance with the approved
scheme until all equipment, machinery and surplus materials have
been removed from the site, unless the local planning authority gives
its written approval to any variation. Nothing shall be stored or placed
in any area fenced in accordance with this condition and the ground
levels within those areas shall not be altered, nor shall any excavation
be made, without the written consent of the local planning authority.

REASON:

To ensure that all trees are protected from damage during
construction in accordance with saved UDP policies ENV21 and
ENV59

05. U50571

The development hereby granted shall not be commenced nor
materials or machinery brought onto the site until a detailed
specification for the construction and installation of the hard surface
within the area identified as "exposed RPA supervised hand-dig" on
the Tree Protection Plan (ref: AWA1585; Appendix 4) utilising a no-dig
installation method and a professionally recognised 3-dimensional
load-bearing construction technique has been submitted to and
approved in writing by the Local Planning Authority. Thereafter,
installation of the hard surface shall be implemented in full accordance
with the approved scheme before the new access or parking is used
by any vehicle.

REASON:

To ensure that all trees are protected from damage during
construction in accordance with saved UDP policies ENV21 and
ENV59

06. U50572 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 that provides replacement tree planting in accordance with table 5 of the Council's Development Guidance and Requirements Supplementary Planning Document; 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; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. 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

07. U50573 Within two months of approval a Biodiversity Enhancement Master Plan shall be submitted and approved in writing by the LPA and the development carried out in complete accordance with the approved details. The content of the Plan shall include;

- Identification of the mitigation and/or compensation areas within the development site.
- Measures to protect and enhance the Local Wildlife Site, Wilsic Hall in accordance with baseline habitat surveys and LBAP priorities.
- Provision of roosting and nesting opportunities in woodland and new buildings

REASON:
To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16

08. 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.

09. CON1

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

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

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

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

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

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste

materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment 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.

10. CON2 Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

REASON

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

11. CON3 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

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

12. U50659 The materials to be used in the construction of the new student accommodation hereby approved shall be in accordance with the materials described in the elevation and materials schedule of drawing A30-EL-001 RevG. Unless otherwise agreed to in writing by the local planning authority, the roof of the new building shall be constructed of red clay tile pantile.

REASON

To preserve the setting of a listed building in accordance with saved UDP policy ENV34

13. U50661 The materials, design, and finish of the windows and doors to be used in the construction of the new student accommodation hereby approved shall be in accordance with the materials, design and finish described in the elevations and materials schedule of drawing A30-EL-001 RevG.

REASON

To preserve the setting of a listed building in accordance with saved UDP policy ENV34

14. U50662 The rooflights to the new student accommodation shall be dark grey/black framed low profile rooflights as described in drawing A30-EL-001 RevG. Prior to the implementation of the relevant site works details of the final location and of the size and design of the new rooflights shall be submitted to and agreed in writing by the local planning authority.
REASON
To preserve the setting of a listed building in accordance with saved UDP policy ENV34
15. U50663 Where any doors or windows on the cottage building are to be replaced details of their design, materials and finish shall be submitted to and shall be submitted to and agreed in writing by the local planning authority.
REASON
To preserve the setting of a listed building in accordance with saved UDP policy ENV34
16. U50664 Prior to the implementation of the relevant site works details of the design and glazing of the new foyer structure shall be submitted to and agreed in writing by the local planning authority. Such details shall include details of the profile of the wall and roof glass including details of the glazing joint, details of the extent of any manifestation required on the glass, details of the means of securing to the existing building, and of any dwarf walls if required.
REASON
To preserve the setting of a listed building in accordance with saved UDP policy ENV34
17. U50665 Unless otherwise agreed by the local planning authority the height, location and design of the boundary treatments approved as part of the new development shall be in accordance with drawing A10-SP-05 RevB. Prior to the implementation of the relevant site works details of the design and materials of the coping to the boundary walls shall be submitted to and agreed in writing by the local planning authority.
REASON
To preserve the setting of a listed building in accordance with saved UDP policy ENV34
18. U50666 Unless otherwise agreed by the local planning authority the hard landscaping surrounding the new development including the details of the materials to be used for the hard surfaces shall be in accordance with the hard and soft landscaping scheme in drawing A10-SP-04 RevB.
REASON
To preserve the setting of a listed building in accordance with saved UDP policy ENV34

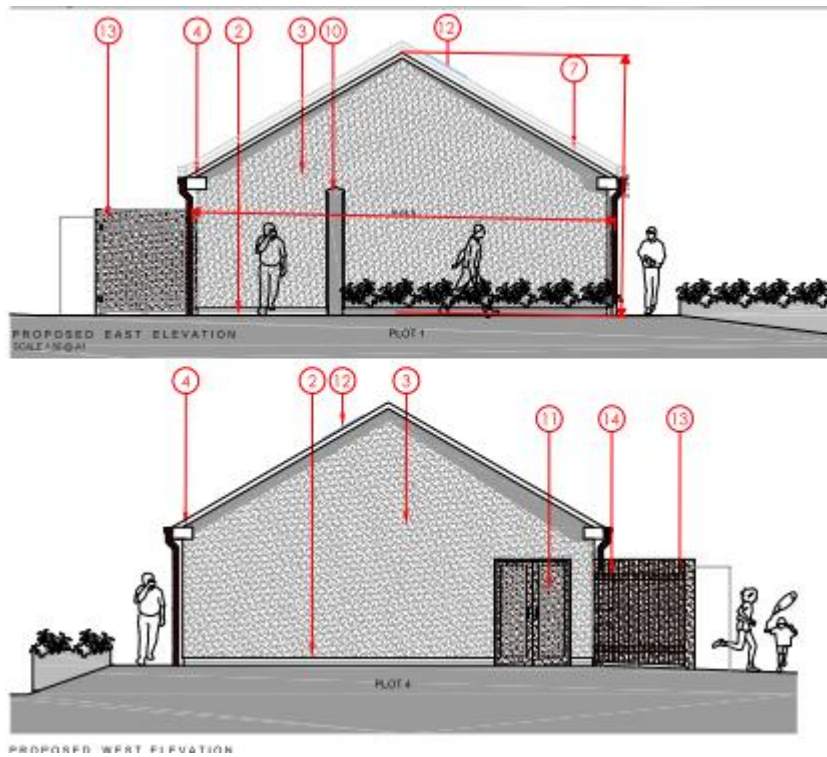
19. U50667 Prior to the implementation of the relevant site works details of the design, height and materials of the new bollards shown in front of the foyer in drawing A10-SP-04 RevB shall be submitted to and agreed in writing by the local planning authority.
REASON
To preserve the setting of a listed building in accordance with saved UDP policy ENV34
20. U50668 Unless otherwise agreed by the local planning authority the location and design of the lighting units shall be in accordance with drawing 2016-026/SK/01 RevC.
REASON
To preserve the setting of a listed building in accordance with saved UDP policy ENV34
01. IQ171 INFORMATIVE
The developer shall consider incorporating all possible sustainability features into the design of the proposed development.
02. U10993 INFORMATIVE

Condition 06 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.
03. U10995 INFORMATIVE
Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Appendix 1 – Proposed Site Layout



Appendix 2 - New Student Accommodation



Appendix 3 - Refurbishment and extension plans

Existing



A



ELEVATION - B

Proposed



A



ELEVATION - B

Existing



ELEVATION - C

Proposed



- C

**To the Chair and Members of the
PLANNING COMMITTEE**

**Doncaster Borough Council Tree Preservation Order (No.385) 2016 - Land on the
West Side of Cusworth Lane, Cusworth**

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Joe Blackham	Roman Ridge	No

EXECUTIVE SUMMARY

1. The Council made the above Tree Preservation Order (TPO) following consideration of a section 211 conservation area notification to fell and remove one sycamore tree, which, in the opinion of officers, would be detrimental to the character and appearance of the local area.
2. The TPO took provisional effect on 21st September 2016 and must be confirmed by 21st March 2017 to remain in force.
3. One letter of objection to the making of the TPO has been received.
4. The decision on confirming the TPO is put before Members due to this objection. Members are required to give due consideration to the representations made when reaching their decision.

EXEMPT REPORT

5. Not applicable.

RECOMMENDATIONS

6. It is recommended that Members confirm the TPO without modification.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

7. There is growing recognition of the role that trees play in improving urban environments. As well as being pleasing to look at, trees provide numerous other benefits to the population and the environment as a whole. These benefits are known as 'ecosystem services' and include reduction of temperature extremes; intercepting heavy rain to reduce storm-water run-off; recycling carbon-dioxide; producing oxygen; filtering dust and airborne pollutants; providing shade from harmful ultra-violet radiation and supporting wildlife.

8. By its very nature, a TPO is an imposition on the property and the adjacent land. However, it is a method of control of land in much the same way as any planning permission. The ethos of the Town and Country Planning Acts since 1947 has been to safeguard the wider amenity of environs for the benefit of all residents. This control is, however, balanced by a right of application to carry out work on a protected tree and a right of independent appeal should the Council refuse proposed work. There is no charge for this process.

BACKGROUND

9. The Council registered a section 211 conservation area notification (ref: 16/01881/TCON) to fell and remove one sycamore tree, which stands in a paddock on the north west side of Cusworth Lane Cusworth on 12th August 2016. The land is within the Cusworth conservation area.
10. The proposal was considered in accordance with Government Planning Practice Guidance (Tree Preservation Orders and Trees in Conservation Areas: Protecting trees in conservation areas) - the impact that the proposed work will have upon the character and appearance of the Cusworth conservation area was considered in the light of an amenity evaluation of the tree.
11. The tree has an attractive form and is clearly visible from the adjacent streets of Back Lane and Cusworth Lane as well as from the grounds of Cusworth Hall as an individually identifiable skyline tree. A structured amenity assessment of the tree indicates that its removal would have an adverse impact on the character and appearance of the conservation area and that the making of a TPO would be defensible.
12. One objection to the removal of the tree was received in response to publicity for the notification, citing that the tree enhances the setting of the buildings and adds to the character of the village and that the trees have been here longer than the residents and hopefully will be here for a lot longer.
13. The Council's Design and Conservation Officer resolved that the tree is considered to make a positive contribution to the conservation area and the Parks and Gardens (both local and nationally designated) and on these grounds the felling would be considered unacceptable.
14. As such a TPO, which confers statutory protection on one mature sycamore tree was made by Legal Services and served on 21st September 2016 on the tree owner and the applicant. The TPO takes provisional effect for six months and will lapse and be of no further effect if it is not confirmed by 21st March 2017.
15. The decision on confirming the TPO is put before members due to an objection to the making of the order. Members are required to give due consideration to the representations made in respect of this order when reaching their decision. These are set out under consultation (sections 29-47 of the report).

OPTIONS CONSIDERED

16. Option 1 (Preferred Option): That after due consideration of the representations made, the TPO be confirmed without modification, and the interested parties be notified of the decision. This is the recommended option.

17. Option 2: That after due consideration of the representations made that the TPO is not confirmed, and the interested parties are notified of the decision. This option is not recommended.

REASONS FOR RECOMMENDED OPTION

18. The Council's Trees & Woodlands Strategy (Theme 2 of the Doncaster Green Infrastructure Strategy 2014-2028; adopted April 2014) states that powers under planning legislation will be used to protect existing trees as appropriate.

19. The tree subject to the TPO is a 14m tall early-mature sycamore situated in a paddock on the north west side of Cusworth Lane Cusworth, standing to the north west of New Cottage, Cusworth Lane, Cusworth. The reasons for the recommended option are based upon the good health and visibility of the tree.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

20.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>As acknowledged in Doncaster's Economic Growth plan, the environment and wider 'place' agenda are vital ingredients in a successful economy. As set out in the report trees provide many benefits and provide a setting for investment.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>There is a strong causal link between greenery and lower crime rates and an enhanced sense of community. Research shows that even modest amounts of greenery are associated with lower crime rates by helping people to relax and by reducing levels of aggression. High quality green spaces increase the tendency to bring people together outdoors, increasing surveillance, discouraging crime and fostering a sense of pride and 'ownership'. There is also strong evidence that the presence of green infrastructure improves people's health and well-being, through improved air quality and providing an environment to encourage activity</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating</i> 	<p>The protection of mature trees is a key component of maintaining the quality of our green infrastructure and will help to protect the environment for current and future</p>

	<p><i>Jobs and Housing</i></p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	generations. This also forms a key part of our response to climate change (including addressing the risk of flooding and improving air quality and other 'ecosystem services').
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	
	Council services are modern and value for money.	
	Working with our partners we will provide strong leadership and governance.	

RISKS AND ASSUMPTIONS

21. Not applicable.

LEGAL IMPLICATIONS

22. Regulation 7(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states that "the authority shall not confirm an order which they have made unless they have first considered objections and representations duly made in respect of it and not withdrawn". Members are required to give due consideration to the representations made in respect of this order. These are set out under Consultation (sections 27-42 of the report) along with the case officer's responses.

FINANCIAL IMPLICATIONS

23. There are no specific financial implications to the recommendations of this report.

HUMAN RESOURCES IMPLICATIONS

24. Not applicable.

TECHNOLOGY IMPLICATIONS

25. Not applicable.

EQUALITY IMPLICATIONS

26. Not applicable.

CONSULTATION

27. The persons on whom the TPO was served were duly notified of the reasons for

making the order along with the period allowed for objections and the form that any objections or representations should take.

28. The period for objections closed on 21st October 2016. One letter of objection to the making of the TPO has been received.
29. The following is a summary of the issues cited with the Officer's responses below each point in italics.
30. The Council gave consent to fell an adjacent tree around 8 years ago.
31. *Each case is dealt with individually and a decision based on an amenity assessment of each tree. There is no record of consent being granted to fell another tree on this land. The nearest tree with a record of notification was a mature weeping willow tree in the garden of the adjacent Grasmere House, which was initially made subject to a TPO but felling was later allowed following the failure of a large limb in high winds.*
32. The tree is within the 18m set down by the Council as how close a tree can be to a property.
33. *The Council has no guidance stating how close trees should be to a property. The amenity evaluation takes account of proximity by a ratio of tree height / distance from the property, with 1:1 or greater scoring higher. This tree is within the 0.5-0.75 band indicating it is between half and three-quarters of its height from the dwelling.*
34. *Table A.1 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations informs that the recommended minimum tree / building distance required to avoid direct damage to a heavily-loaded structure (i.e. a dwelling) through incremental root and stem growth is 1.2m. Damage by indirect action (subsidence) can occur in shrinkable soils such as clay when vegetation takes moisture from the ground, causing a significant volume change resulting in ground movement, which may result in differential movement of the foundations. However, this is a complex issue and the components of the interacting system of trees/soils/buildings/climate are each so variable that their interaction is totally unpredictable. Thus, it is not practical to make predictions of the risk of damage and section 3.47: Reasons for works - Subsidence of the Trees & Woodlands Strategy (Theme 2 of the Doncaster Green Infrastructure Strategy 2014-2028) sets out a presumption against tree removal based on an unquantified and speculative possibility of damage occurring at some unspecified point in the future.*
35. The tree is in a field and is of a size that obstructs sunlight. How can an assessment of light be made without access to the properties, which has not been done.
36. *The position of the sun in the sky at different times of year is predictable and therefore makes desktop assessment of light availability possible with a site plan and calculations. Whilst it is not suggested that such assessments are accurate they provide a reasonable indication of the likely degree of overshadowing. In this case, the tree will cast a shadow over the garden between 3pm and 7pm in mid-summer, the area in shade progressively increasing then diminishing. The period of shading taken in the context of a*

whole day is considered not to be an unreasonable constraint on residential amenity.

37. The tree cannot be seen from Cusworth Hall and only from distance above surrounding properties and cannot be seen in its entirety.
38. *The tree can be seen from the grounds of Cusworth Hall from the entrance to the shrubbery walk adjacent to the bottom of the paddock in which it stands. It is not necessary to see the whole of a tree for it to provide amenity value and it was scored as an individually identifiable skyline tree on the landscape assessment.*
39. It is a sycamore and can easily be replaced and we are willing to plant 2 to make up for its loss.
40. *Sycamore gets a bad press but is a valuable, naturalised landscape tree with far better ecological value than it is given credit. Sycamore also constitutes a large proportion of the tree resource of Cusworth making it one of the character species of this part of Doncaster. Whilst the planting of new trees is always welcomed this in itself is not justification to fell a healthy amenity tree.*
41. Do not understand why a TPO was made at this stage and tree not considered worthy at time the blanket order for the park was made.
42. *The TPO was made at this stage in response to the notification to fell the tree. In considering a conservation area notification the Council must decide two things; whether the proposed work will have an adverse impact on the character or appearance of the conservation area and, if it would, whether the tree is of a quality that merits a TPO. A structured amenity assessment of the tree indicates that its removal would have an adverse impact on the character and appearance of the conservation area and it has a pleasant form and is of a stature that makes it individually identifiable in the landscape, meriting its TPO status.*
43. *The land on which the tree stands was not included within the 'blanket order' boundary for Cusworth Park – A8 of the Doncaster Rural District Council Tree Preservation Order (No.3) 1961 Warmsworth / Sprotbrough / Marr / Brodsworth. This order was made over 50 years ago when this tree may not have possessed sufficient landscape value to merit extension of the boundary to include it.*
44. The land owner has no objection to tree removal.
45. *No correspondence citing dissatisfaction with the making of the TPO has been received from the land owner. By its very nature, a TPO is an imposition on the land with the aim of safeguarding the wider amenity of environs for the benefit of all residents. The Council's consideration of the tree is likely to be from a very different point of view to that of a land owner.*
46. If topped, the tree root system – would only increase at a greater rate into New Cottage. Only solution is to fell.
47. *There has been no suggestion of 'topping' the tree, which would be a worse solution than felling from an arboricultural point of view. The suggestion made*

was for crown lifting the tree (i.e. removing the lowest lateral branches), which can usefully increase clearance between the crown and ground level and allow evening sunlight (when the sun is lower in the sky) to pass unobstructed beneath the crown.

48. Members are required to give due consideration to the representations made in respect of this TPO when reaching their decision on whether, or not, the Doncaster Borough Council Tree Preservation Order (No.385) 2016 Land On The West Side Of Cusworth Lane Cusworth should be confirmed.

BACKGROUND PAPERS

Doncaster Borough Council Tree Preservation Order (No.385) 2016 Land On The West Side Of Cusworth Lane Cusworth

16/01881/TCON - Notice to fell one sycamore (being situated within the Cusworth conservation area)

Trees & Woodlands Strategy (Theme 2 of the Doncaster Green Infrastructure Strategy 2014-2028); adopted April 2014

British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations (British Standards Institute, 2012)

REPORT AUTHOR & CONTRIBUTORS

Tim Bryant, Trees and Hedgerows Officer

01302 735077 timothy.bryant@doncaster.gov.uk

Peter Dale
Director of Regeneration and Environment



© Crown copyright. All rights reserved. Doncaster Council, 100019782, 2012

This page is intentionally left blank

7th March, 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
16/00902/FUL	Erection of detached house and garage on approx 0.15 ha of land at Land South Of Hushells Lane, Fosterhouses, Nr. Fishlake, Doncaster	Appeal Dismissed 03/02/2017	Norton And Askern
16/01779/FUL	Erection of detached house following demolition of existing garages at 20 Sandringham Road, Intake, Doncaster, DN2 5HT	Appeal Dismissed 14/02/2017	Town
16/01572/FUL	Erection of detached house and garage (Re-submission of 15/02387/FUL refused 18.12.2015) at 7 The Crescent, Edenthorpe, Doncaster, DN3 2HY	Appeal Dismissed 14/02/2017	Edenthorpe And Kirk Sandall
16/02034/FUL	1. Sub-division of garden and erection of two dwellings following part demolition of existing garage 2. Erection of new detached garage and associated access and landscape works at 60 Bawtry Road, Bessacarr,	Appeal Dismissed 02/02/2017	Bessacarr

	Doncaster, DN4 7BQ		
--	-----------------------	--	--

REPORT AUTHOR & CONTRIBUTORS

Mr I Harris
01302 734926

TSI Officer
ian.harris@doncaster.gov.uk

PETER DALE
Director of Regeneration and Environment

Appeal Decision

Site visit made on 10 January 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 03 February 2017

Appeal Ref: APP/F4410/W/16/3159789

Land South of Hushells Lane, Fosterhouses, Nr Fishlake, Doncaster, Yorkshire DN7 5LE

- 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 G Rowley against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref: 16/00902/FUL, dated 23 March 2016, was refused by notice dated 24 May 2016.
 - The development proposed is the construction of detached two storey dwelling and garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The spelling of the appellant's name on the application form is not consistent with its spelling in subsequent documents, including the appeal form. I have used the most consistently spelt form of the name for the purpose of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the local area.

Reasons

4. The appeal site is located in the loosely-arranged hamlet of Fosterhouses that comprises a small number of residential dwellings and farmsteads. The hamlet is in a remote rural location in the open countryside. The appeal site comprises a rectangular plot of land that is part of a larger agricultural land parcel to the west. The eastern boundary of the appeal site abuts Hushells Lane whilst its northern and southern boundaries abut the curtilages of residential dwellings. Panoramic views of the open countryside are present across the site when viewed from the adjacent road.
5. I observed from my site visit that the dwelling to the north of the appeal site is set back from the road to a significant extent and is situated on a considerably larger plot in comparison to the diminutive bungalow to the south. As a consequence it appears as a more isolated dwelling, clearly set apart from the dwellings to the south. The proposal would lead to a significant visual

coalescence of the built form along the western side of the road to the detriment of the isolated, rural character of the hamlet. This would lead to a more extensive and incongruent, suburbanised frontage. I also note from the plans that the substantial massing of this five bedroom property would introduce a further incongruity when compared to the smaller neighbouring dwellings, in particular the bungalow to the south.

6. The appellant contends that the appeal site is within an established settlement that has a clear beginning and end and that the proposed dwelling should therefore be considered acceptable as infill development. Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. I acknowledge that saved policy ENV4 of the Doncaster Unitary Development Plan 1998 (UDP) states that infilling development within settlements, such as Fosterhouses, may be permitted subject to the limitations set out in policy ENV9 of the UDP. However, policy ENV9 was not saved which means that policy ENV4 only carries limited weight.
7. Policy CS2 of the Doncaster Core Strategy, 2011-2028 (2012) (CS) defines a settlement hierarchy and associated indicative housing allocations. It clearly states that undefined villages, such as Fosterhouses, do not have a housing allocation and that any development should be restricted. The policy explanation states that undefined villages are not considered sustainable locations for new housing and that any such development will therefore be confined to agricultural dwellings, replacement dwellings and the conversion of rural buildings or otherwise related to rural diversification schemes. The restrictions and limitations are clearly set out in policy CS3 of the CS and carry full weight in relation to individual development schemes. As the scheme does not conform to any of the exceptions and would be visually detrimental it is consequently not supported.
8. Given the above, I conclude that the proposal would cause significant harm to the character and appearance of the local area and would not conform to any of the exceptions that justify new housing in undefined settlements. As a consequence it would be contrary to policies CS2 and CS3 of the CS and saved policies ENV2, ENV4 and ENV17 of the UDP that seek, among other things, to ensure that the countryside is safeguarded from encroachment, development is restricted to specific purposes and that areas of landscape value are protected.

Other Matters

9. I note the fact that none of the Councils' own consultees have objected to the proposal and that only one local resident has concerns over the positioning of the garage. However, an absence of objection does not indicate an absence of harm, merely that it has not been identified. Consequently, a lack of objection cannot be relied upon to imply that development is acceptable.
10. The appellant has suggested that agricultural operations on the area of land encompassed by the appeal site have become 'irksome' to the owner and that it is likely to become abandoned. Whilst I acknowledge that this may be a possibility the harm caused by the proposed development would be greater and of a permanent nature.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended)

11. The appellant is of the opinion that the proposal would assist regeneration and help to maintain a sustainable rural community. However, paragraph 55 of the National Planning Policy Framework 2012 advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As no public services are present in Fosterhouses, nor readily accessible by any means other than the use of a private motor vehicle, I am not satisfied that this would be the case. In any event, I have no substantiated evidence before me that Fosterhouses is in decline or that new families would not become established over time through a natural turnover in house occupancy.
12. The appellant claims that a poor service has been provided by the Council. However, this is not relevant to the planning merits of the case and is consequently not a matter for consideration in an appeal made under S78 of the Town and Country Planning Act 1990 (as amended).

Conclusion

13. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR

This page is intentionally left blank

Appeal Decision

Site visit made on 3 February 2017

by **Helen Heward BSc (Hons) MRTPI**

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

Decision date: 14 February 2017

Appeal Ref: APP/F4410/W/16/3161744

En Vogue, 20 Sandringham Road, Intake, Doncaster DN2 5HT

- 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 Nick Davies against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/01779/FUL, dated 11 July 2016, was refused by notice dated 2 September 2016.
 - The development proposed is described as "Demolition of existing garage and erection of a small one bedroom house".
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal upon the character and appearance of the locality.

Reasons

3. The locality is characterised by wide spacious roads with development to either side set back behind short frontages. Buildings are laid out along relatively uniform building lines. Save for some dormer windows and decorative roof features, dwellings are predominantly two-storey in height with large pitched roofs over and eaves lines above the first floor level, parallel to the road. Notwithstanding a mixture of terraced and semi-detached buildings they all appear to have a consistency of depth and scale. Overall these features combine to give a strong sense of pattern and regularity to the character and appearance of the locality.
4. The site is at the rear of a plot at the junction of Sandringham Road and Strathmore Road. In the available views it is seen to be closely adjacent to a tall gable end of a short terrace of two-storey dwellings which, together with another similar terrace, extend along this side of Strathmore Road.
5. The proposed dwelling would be mainly seen adjacent to this gable where it would be set back behind the building line. The dwelling would be smaller in scale, having a noticeably narrower depth and lower ridge than is typical of surrounding dwellings. The combination of these characteristics would make the overall scale and mass of the dwelling appear quite incongruous, particularly when seen juxtaposed against the outline of the large two-storey gable adjacent.

6. With this apparent mass, together with a rather high eaves line, a relatively tall front wall and a projecting hipped roof feature to the front, I am not persuaded that the dwelling would appear like a subservient outbuilding. Rather I find that the scale and design would appear awkward and at odds with the characteristics of the locality.
7. The proposed dwelling would replace two flat roof garages and provide some enclosure to an existing gap in the street scene and a set-back would maintain the open views along the front of Strathmore Road and a sense of openness, but these aspects would not mitigate the harm I have found.
8. I conclude that the proposal would be of a detrimental form, harmful to the character and appearance of the locality. It would fail to satisfy the requirement of Policy CS14 of the Doncaster Council Core Strategy 2011-2028, 2012, (CS) that new development achieves a 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, and would be contrary to Saved Policy PH11 of the Doncaster Unitary Development Plan, 1998, (UDP), which, amongst other things, seeks to ensure that development is compatible with the character and appearance of the area.

Other Matters

9. There is nothing to say the dwelling would not have adequate amenity space, would adversely impact upon living conditions, or that it would not have good access to local facilities and public transport, a sustainable design and construction, and legible, adaptable and accessible accommodation suitable to the needs of the population. I am not persuaded that these matters mitigate the harm or amount to weight in favour. These and other aspects such as parking provision and separation distances may satisfy various criteria in Policies CS14 and PH11 of the UDP, but this does not mitigate or outweigh the conflict I have otherwise found.
10. I am informed that the owner is seeking to bring the site into economic use but there is scant evidence in this regard. The proposal would add one small house to the mix of accommodation in the locality and make a very small contribution to the aim of CS Policy CS12 to create mixed communities. However there is no evidence about housing need or market demand. The weight I attach to these matters is limited.

Conclusions

11. The proposal would make a very modest contribution to economic development, the supply of housing and creation of mixed communities. These benefits do not outweigh the significant adverse impact upon the character and appearance of the locality. Therefore, and having taken all other matters raised into consideration, I conclude that the appeal should be dismissed.

Helen Heward

PLANNING INSPECTOR

Appeal Decision

Site visit made on 3 February 2017

by **Helen Heward BSc (Hons) MRTPI**

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

Decision date: 14 February 2017

Appeal Ref: APP/F4410/W/16/3161945

7 The Crescent, Edenthorpe, Doncaster, DN3 2HY

- 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 Ian Ball against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/01572/FUL, dated 15 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed is a detached house and garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal upon the character and appearance of the locality, the effect upon the living conditions of occupiers of adjacent dwellings, and the effect upon highway safety.

Reasons

Character and appearance

3. A generally linear layout of dwellings facing roads characterises the wider locality. A public footpath creates a wider than average gap adjacent to 7 The Crescent and affords close views of the appeal site. In the available views the appeal site is seen behind existing dwellings. From the footpath this rear area appears to be composed of relatively long linear back gardens. Save for the footpath it is largely enclosed by the backs of surrounding dwellings. The space feels private and has a verdant spacious character and appearance.
4. Set within this space and behind the existing dwellings the proposed dwelling would be unrelated to the main layout of built form in the locality. Garden sizes vary, but in comparison to those nearby, the plot would appear generally small and the dwelling would appear to occupy a large part of it. In these ways the proposal would appear overly intense and at odds with the immediate surroundings.
5. From the public footpath the dwelling would be seen to physically intrude into the area of rear gardens. The backs of the closest dwellings on The Crescent and Eden Grove Road would be seen close by to either side. The separation between built form and views across the area of gardens would be reduced.

6. As the proposal would be to the rear of dwellings I attach limited weight to distances relating to separation and spacing of houses located side to side. That the dwelling would be positioned almost equidistant from its boundaries and that the Council's requirements for provision of amenity space would be met do not mitigate the adverse impacts I have found.
7. I conclude that the proposal would significantly detract from the character and appearance of the locality and would fail to satisfy the requirement of Policy CS14 of the Doncaster Council Core Strategy 2011-2028, 2012, (CS) that new development achieves a 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. It would also fail to comply with Saved Doncaster Unitary Development Plan, 1998, (UDP) Policy PH11, which requires, amongst other things, that development is not of a form which would be detrimental to the character of the surrounding area and, in the case of backland development would result in an over intense development.

Living conditions

8. A first floor window to Bedroom 1 would be approximately 17.5m from rear first floor windows at 28 and 30 Eden Grove Road. Notwithstanding a single storey garage, direct and close overlooking would be possible which would be detrimental to the existing living conditions of the occupiers of these dwellings. Bedroom 2 would be 6.5m from a boundary with 8 The Crescent and offer views of the back garden. Whilst it would not face the dwelling it would offer a very close view of the garden and significantly detract from the living conditions of the occupiers when in their garden.
9. The overlooking of windows and garden which would be possible would be significantly greater than presently exists between the dwellings on Eden Grove Road and The Crescent which are positioned rear to rear and have greater separation distances. Similar situations may exist elsewhere but I am assessing this proposal on its own merits.
10. I conclude that the proposal would be detrimental to the living conditions of occupiers of adjacent dwellings. The proposal would fail to comply with a requirement of CS Policy CS14 that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment and would also fail to comply with Saved UDP Policy PH11, which requires, amongst other things, that development is not of a form of backland development which would result in overlooking.

Highway safety

11. Vehicular access to the plot would be by way of an access route over which there is a public right of way. At the time of my visit I noted that this path was well used, including by school children. The proposal includes a widening to the access road and construction of the first 15 metres to adoptable standards. However the proposal does not include a vehicular turning area within the site. From my studying of the plans it appears that to access and egress the site, it would at times be necessary for vehicles to reverse across the public path. I conclude that this would be to the detriment of safety of the residents of the proposed dwelling, visitors to it and pedestrians.

12. A planning permission (LPA ref 12/01586/FUL) which includes proposals to upgrade the access road to an adoptable standard had not been implemented when I made my visit. I have no way of knowing if, or when, it would be. I have therefore confined my assessment to the proposal before me.
13. The access may be used by residents or persons accessing the existing garage on the application site. However I am assessing the construction of access and parking for a new additional dwelling. The application includes widening part of the road and the formation of visibility splays at its junction with The Crescent which I am informed is to the Council's highway design standards. However, these factors would not mitigate the harm I have identified.
14. I conclude that the proposal would be detrimental to highway safety. As such the proposal fails to satisfy requirements of CS Policy CS14 and Saved UDP Policy PH11, which require, amongst other things, that development is not of a form of backland development which would result in an unsatisfactory access.

Conclusions

15. The proposal would significantly detract from the character and appearance of the locality, adversely affect the living conditions of occupiers of adjacent dwellings and would be detrimental to highway safety. Advice in the National Planning Policy Framework includes, amongst other things, that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). Therefore, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Helen Heward

PLANNING INSPECTOR

This page is intentionally left blank

Appeal Decision

Site visit made on 17 January 2017

by **Siobhan Watson BA(Hons) MCD MRTPI**

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

Decision date: 2nd February 2017

Appeal Ref: APP/F4410/W/16/3162978

60 Bawtry Road, Bessacarr, Doncaster, DN4 7BQ

- 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 A Hall against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/02034/FUL, dated 10 August 2016, was refused by notice dated 27 October 2016.
 - The development proposed is 2 dwellings following part demolition of existing garage and erection of a new detached garage and associated access and landscape works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposed dwellings would preserve or enhance the character or appearance of the Bessacarr Conservation Area; and (i) the effect of the proposed dwellings upon the living conditions of the occupiers of adjoining properties.

Reasons

Conservation Area

3. The Bessacarr Conservation Area Appraisal describes the area as being characterised by residential development with large plot sizes and long rear gardens with trees. No 60 is set behind Nos 62 and 58a which both front onto Bawtry Road. No 60 therefore already has the characteristics of being a backland development but it retains a large and mature landscaped garden which is typical of the open and well-landscaped nature of the conservation area.
4. The proposed dwellings, being large, very wide, close to their boundaries and necessitating a significant amount of hardstanding to provide access, would result in a substantial mass of development and a loss of landscaping. This would include the loss of some birch trees which have public amenity value as they can be seen from the street. The large oak trees, which are also seen from public view, would be under pressure for pruning because the proposed dwellings would be very close to them.
5. Overall, the result would be less greenery within the street-scene. I appreciate that the dwellings themselves would not be viewed from Bawtry Road but they would be apparent from the adjoining school on Ellers Avenue and from numerous surrounding houses. In essence, the sub-division of the plot would

form a pocket of large dwellings with much smaller gardens and soft landscaping than the typical low density development pattern of the conservation area as a whole. The existence of surrounding backland development does not justify the further erosion of the special character of the conservation area.

6. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The dwellings would reduce greenery and the spaciousness of the area but as the development would be relatively small scale in comparison to the total size of the conservation area, it would cause less than substantial harm to the special interest and significance of it.
7. In these circumstances paragraph 134 of the National Planning Policy Framework says that the harm should be weighed against the public benefits of the proposal. The dwellings would add to the supply of housing in a sustainable location. However, this benefit would not sufficiently offset the erosion of the garden and greenery. In consequence, I do not consider that there are any public benefits of the proposal sufficient to outweigh the harm I have found.
8. I therefore conclude that the proposed dwellings would fail to preserve or enhance the character or appearance of the Bessacarr Conservation Area. I therefore find conflict with Doncaster Council Core Strategy (CS) Policies CS1, CS14 and CS15 and Doncaster Unitary Development Plan (UDP) Policies PH11 and ENV25. In combination, these policies seek to ensure that development protects heritage assets, including conservation areas; and respects local distinctiveness and character.

Living Conditions

9. The side facing windows of bedroom 1 on both plots would be close to the site boundaries but these bedrooms both have an additional window, the side windows could be obscure glazed to prevent overlooking of the adjoining gardens.
10. The window to bedroom 2 of Plot 1 would be to the rear of No 56. The house at Plot 1 would be off-set to No 56 but due to the short distance between the windows, and the proximity of the proposed window to the boundary with No 56's rear garden, I consider that the window of bedroom 2 would cause unacceptable overlooking of the garden and windows of No 56.
11. I therefore conclude that the house at Plot 1 would have a harmful effect upon the living conditions of the occupiers of No 56. The development would therefore conflict with CS Policy 14 and UDP Policy PH11 which, together, seek to protect the amenity of neighbours. It would also be contrary to Doncaster Council Residential Backland and Infill Development: Supplementary Planning Document which seeks to protect privacy.

Conclusion

12. For the reasons above, the appeal is dismissed.

Siobhan Watson

INSPECTOR

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

Document is Restricted

This page is intentionally left blank