

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, 4th April, 2017
TIME: 2.00 pm

BROADCASTING NOTICE

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Items for Discussion:

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

**Jo Miller
Chief Executive**

Issued on: Monday, 27 March 2017

Governance Officer
for this meeting:

Amber Torrington
Te. 01302 737462

4.	Minutes of the Planning Committee Meeting held on 7th March, 2017	1 - 16
A.	Reports where the Public and Press may not be excluded.	
	<u>For Decision</u>	
5.	Schedule of Applications.	17 - 86
	<u>For Information</u>	
6.	Appeal Decisions.	87 - 94
B.	Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.	
7.	Outstanding Planning Appeal - Mere Lane, Edenthorpe (Exclusion Paragraph 5)	95 - 100
8.	Enforcement Cases Received and Closed for the Period of 22 February to 22 March, 2017. (Exclusion Paragraph 6)	101 - 118

Members of the Planning Committee

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

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

Public Document Pack Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 7TH MARCH, 2017

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

PRESENT:

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

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

APOLOGIES:

No apologies for absence were received.

66 DECLARATIONS OF INTEREST, IF ANY.

In accordance with the Members Code of Conduct, Councillor John McHale declared that he had expressed in opinion in relation to Application No. 16/03109/FULM, Agenda Item 5(2), and took no part during consideration thereof.

In accordance with the Members Code of Conduct, the Vice-Chair, Councillor Dave Shaw, declared that he had been lobbied by receiving correspondence from the Agent with regard to Application No. 17/00214/FUL, Agenda Item 5(4), but had not given their opinion thereon. Subsequently, all the other Elected Members of the Planning Committee present in the Chamber for this meeting, declared that they had also been lobbied by receiving correspondence from the Agent with regard to Application No. 17/00214/FUL, Agenda Item 5(4), but had not given their opinion thereon.

67 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 7TH FEBRUARY, 2017.

RESOLVED that the minutes of the meeting held on 7th February, 2017 be approved as a correct record and signed by the Chair.

68 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 Schedule hereto and marked Appendix 'A'.

69 DONCASTER BOROUGH COUNCIL TREE PRESERVATION ORDER (NO.385) 2016 - LAND ON THE WEST SIDE OF CUSWORTH LANE, CUSWORTH.

The Committee considered a report detailing a decision made by the Council for a 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. It was noted that the TPO took provisional effect on 21st September, 2016 and must be confirmed by 21st March, 2017 to remain in force.

It was reported that one letter of objection and representations made by a Local Ward Member, Councillor Pat Haith, in opposition to making the TPO had been received and following the receipt of the objections Members were requested to give due consideration to the representations.

RESOLVED that the TPO be not confirmed due to the impact on the amenity of the cottages.

70 APPEALS 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
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
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
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
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, Doncaster DN4 7BQ	Appeal Dismissed 02/02/2017

71 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 26TH JANUARY, 2017 TO 21ST FEBRUARY, 2017 (EXCLUSION PARAGRAPH 6).

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during the period 26th January to 21st February, 2017.

In response to Members queries with regard to enforcement cases 17/00060/M, 17/00072/M, 15/000425/L and 17/00071/H, the Head of Planning, undertook to provide Members with an update on the specific details of each case following the meeting.

RESOLVED that all Planning Enforcement Cases received and closed for the period 26th January to 21st February, 2017, be noted.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 7th 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 136 to amended scheme & petition of 65	Parish:	Norton Parish Council
		Ward:	Askern Spa (Historic) Norton & Askern (Current)

A proposal was made to refuse the application.

Proposed by: **Councillor John McHale**

Seconded by: **Councillor Sudan Durant**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission refused.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor Austen White, Local Ward Member and Mrs. Bridgett Gill spoke in opposition to the application for the duration of up to 5 minutes each.

Application	2
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Application Number:	16/03109/FULM	Application Expiry Date:	16th March, 2017
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Application Type:	Planning Full Major
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Proposal Description:	Erection of 50 affordable dwellings, including associated highway works and infrastructure (AMENDED DESCRIPTION AND SITE LAYOUT)
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At:	Ivor Grove, Balby, Doncaster
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For:	Mr Justin Martin
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Third Party Reps:	22 letters and a petition within 196 signatories, in opposition	Parish:	
		Ward:	Hexthorpe & Balby North

A proposal was made to grant the application.

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Eva Hughes**

For: 6 Against: 1 Abstain: 2

Decision: Planning permission granted subject to the addition of the following Conditions:-

- 13. Notwithstanding the submitted details, the proposed turning head located adjacent to Plots 27,28 and 29 shall not be marked up to accommodate visitor parking bays.**

REASON

To ensure the site layout does not cause conflict between pedestrians and vehicles.

- 14. 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.

15. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

REASON

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

16. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

17. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall be adhered to throughout the construction period (unless otherwise approved in writing by the LPA) and shall include details of (but not limited to):-

- Routing, volumes and timing of construction vehicles
- Measures to control mud and dust from the site by construction vehicles during works.
- Details of dilapidation surveys, pre commencement and post completion construction activity (to determine any damage attributable to the construction traffic and remedial measures thereafter).

REASON

In the interests of highway safety and local amenity.

18. 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 1 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.

- 19. 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.

- 20. 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.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, the Deputy Mayor, Councillor Glyn Jones, Local Ward Member and Mrs. Susan Broughton spoke in opposition to the application for the duration of up to 5 minutes each.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr. Martin Philips, on behalf of Ongo Homes, spoke in support of the application for the duration of up to 5 minutes.

(The receipt of additional Conditions were reported at the meeting).

Application	3
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Application Number:	16/02527/FULM	Application Expiry Date:	30th January, 2017
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of warehouse and factory unit
At:	Steel Supplies Limited, Arksey Lane, Bentley, Doncaster

For:	Steel Supplies Limited (Mr H Todd)
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Third Party Reps:	None	Parish:	
		Ward:	Bentley

A proposal was made to grant the application.

Proposed by: **Councillor Iris Beech**

Seconded by: **Councillor Sue McGuinness**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted subject to the addition of the following Conditions:-

14. **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.

15. **No part of the land other than that occupied by buildings now or hereafter to be permitted shall be used for the purpose of storing unlicensed vehicles, and no parts, containers, waste materials, crates or equipment connected with any use of the premises shall be placed or stored on the said land.**

REASON

To prevent the land from becoming unsightly on account of being located within the Green Belt location.

(The receipt of an amendment to the proposed materials was reported at the meeting).

Application	4
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Application Number:	1700214/FUL	Application Expiry Date:	24th March, 2017
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Application Type:	Full Application
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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
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Third Party Reps:	A petition of 21 signatures in support of the application	Parish:	Edlington Town Council
		Ward:	Edlington & Warmsworth

A proposal was made to refuse the application.

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Sue McGuinness**

For: 4 Against: 6 Abstain: 0

Decision: The Motion to refuse the application was declared LOST.

Subsequently, a proposal was made to grant the application.

Proposed by: **Councillor Dave Shaw**

Seconded by: **Councillor Eva Hughes**

For: 6 Against: 0 Abstain: 2

Decision: Planning permission granted on the very special circumstances demonstrated by the applicant in respect of supporting sustainable communities and to enable elderly people to stay in their homes for longer in accordance with saved Policy ENV3 of the Unitary Development Plan and the National Planning Policy Framework, subject to the consultation period expiring and that the Head of Planning be authorised to determine the appropriate Planning Conditions with regard to controlling usage.

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

(The receipt of a correction to paragraph 4.1 of the report and an additional representation from the Agent, Mr. Mark Southerton, were reported at the meeting).

Application	5
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Application Number:	16/03194/FUL	Application Expiry Date:	17th February, 2017
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Application Type:	Full application
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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
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Third Party Reps:	13	Parish:	
		Ward:	Adwick-le-Street & Carcroft

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.

Application	6
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Application Number:	16/02865/FUL	Application Expiry Date:	13th January, 2017
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Application Type:	Full application
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Proposal Description:	Change of use from retail unit (class A1) to hot food takeaway (class A5) and associated ventilation system
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At:	13 St Davids Drive, Cusworth, Doncaster DN5 8NG
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For:	Mr Neville Brown
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Third Party Reps:	11 signature petition (support) 5 letters of support, 5 letters of objection	Parish:	Sprotbrough & Cusworth Parish Council
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Ward:	Roman Ridge
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A proposal was made to grant the application.

Proposed by: **Councillor John McHale**

Seconded by: **Councillor Susan Durant**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted subject to the amendment to Condition 02. to read as follows:-

- 02. The proposed hours of opening condition did not restrict takeaway deliveries. Condition 2 has been re-worded so it is more specific. Condition 2 is now worded as:**

The hours of opening and takeaway deliveries 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.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor Kevin Rodgers, Local Ward Member, spoke in opposition to the application for the duration of up to 5 minutes.

Application	7
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Application Number:	16/02861/FUL	Application Expiry Date:	11th January, 2017
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Application Type:	Full application
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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
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Third Party Reps:	0	Parish:	Stainton Parish Council
		Ward:	Tickhill & Warmsworth

A proposal was made to grant the application.

Proposed by: **Councillor Iris Beech**

Seconded by: **Councillor Sue McGuinness**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr. Glyn Turner, on behalf of the Applicant, The Hesley Group, spoke in support of the application for the duration of up to 5 minutes.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

4th April 2017

To the Chair and Members of the

PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

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

Human Rights Implications

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

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

Copyright Implications

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Scott Cardwell
Assistant Director of Development
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1. M	17/00176/3FULM	Town	
2.	16/02517/FUL	Bessacarr	
3.	16/02762/FUL	Edlington And Warmsworth	Warmsworth Parish Council
4.	17/00078/FUL	Tickhill And Wadworth	Braithwell / Micklebring Parish Council
5.	17/00422/FUL	Balby South	

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 4th April 2017

Application 01

Application Number:	17/00176/3FULM	Application Expiry Date:	25th April 2017
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Application Type:	Planning FULL (DMBC Reg 3) Major
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Proposal Description:	Erection of 5 no. restaurant/public house units (Use Classes A3/A4) and 3 no. standalone drive-thru restaurant facilities (Use Classes A3/A5), including associated access, parking, associated infrastructure and landscaping (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992).
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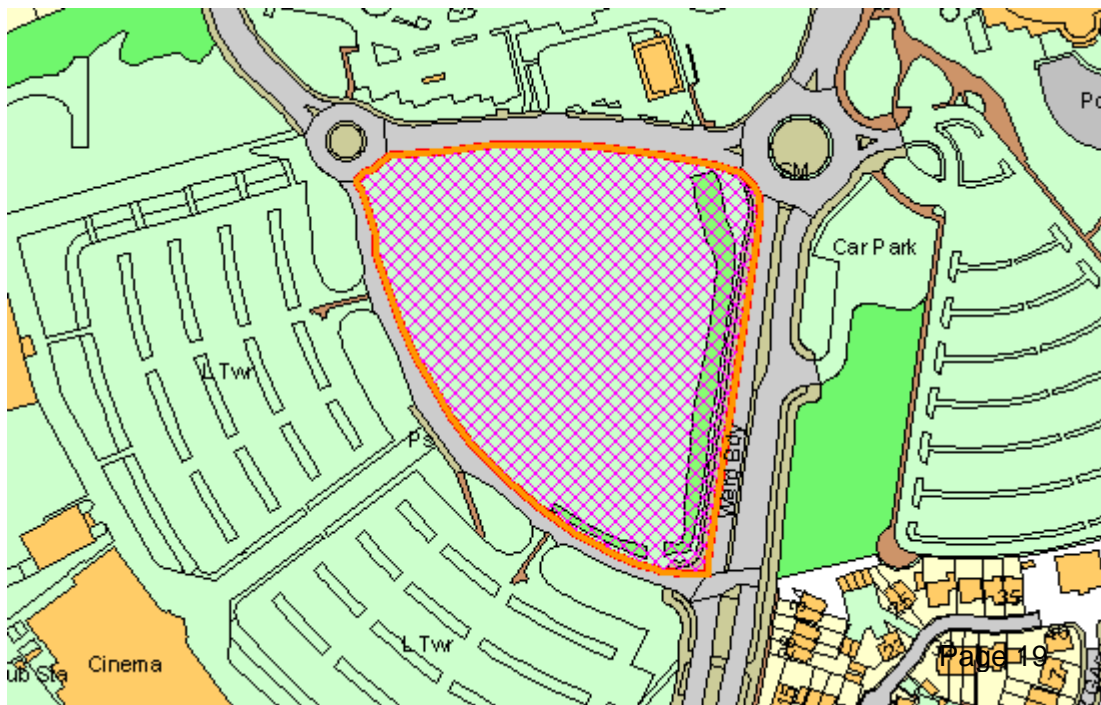
At:	Doncaster Leisure Park Bawtry Road Doncaster DN4 7PD
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For:	Doncaster MBC
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Third Party Reps:	None	Parish:	
		Ward:	Town

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

1.1 The application is presented to Planning Committee as the applicant is Doncaster MBC and the land is owned by Doncaster MBC.

2.0 Proposal and Background

2.1 Full planning permission is sought for the erection of a terrace of single storey restaurant/public house units (Use Classes A3/A4), three standalone drive-thru restaurant facilities (Use Classes A3/A5) and associated access, parking and landscaping. All units will be single storey in height and will utilise a palette of materials to complement surrounding uses. Buildings will incorporate a brick built base and high level timber cladding, with aluminium louvers. A canopy and colonnade is to be located on the south facing elevation of the restaurant terrace.

2.2 Planning permission had previously been granted for a similar development in 2012 which has now expired.

2.3 The site is located approximately 2 miles south east of Doncaster town centre within the Doncaster Leisure Park. Surrounding uses include a hotel, public house, cinema, restaurants, bowling alley, fast food restaurant, The Dome leisure centre and Asda superstore and associated petrol filling station. A housing development is currently under construction, some have been completed, to the south east. Within the wider regeneration area is housing, offices, industry, a shopping centre and a sports stadium.

2.4 The main route through the Leisure Park is Gliwice Way which joins up to the A638 (Bawtry Road) to the north, and then joins Lakeside Boulevard to the south, which in turn links to White Rose Way and further beyond links to the M18. The site is also well served by public transport and is accessible on foot from Belle Vue and Lakeside.

2.5 The site itself is bounded by Gliwice Way to the east and Herten Way to the south west and north. The site will be accessed via Herten Way, which has recently been made a two way road.

2.6 The development is to be located within an area of vacant land which has a bund surrounding the perimeter. The site is mostly grassed, with a number of trees located on the eastern boundary. There is little difference in land levels, although there is a slight fall from north east to south west. There is a strong desire line between the cinema site and the McDonalds restaurant across this area of land.

With regard to materials and building style, this is mixed, which may be due to the level of corporate advertising and design schemes within the vicinity.

3.0 Relevant Planning History

05/02264/3FULM - Remove topsoil, import fill to raise levels to same as surrounding land, compact fill, reinstate topsoil and grass over (Being application under Regulation 3 Town and Country Planning (General) Regulations 1992) - Granted - 4th August 2005

12/01445/FULM - Hybrid planning application consisting of;
PART 1 Full planning application for the erection of a public house (Use Class A3/A4) and a restaurant terrace consisting 6 no. cafe/restaurant units (Use Class A3) together with access, car parking, landscaping and public realm works.

PART 2 Outline planning application (all matters reserved) for the erection of one restaurant (Use Class A3) and 2 no. drive-thru restaurants (Use Class A3/A5) - Granted - 25th December 2012

13/00634/WCC - Hybrid planning application consisting of;
PART 1 Full planning application for the erection of a public house (Use Class A3/A4) and a restaurant terrace consisting 6 no. cafe/restaurant units (Use Class A3) together with access, car parking, landscaping and public realm works. PART 2 Outline planning application (all matters reserved) for the erection of one restaurant (Use Class A3) and 2 no. drive-thru restaurants (Use Class A3/A5). (without compliance with condition 4 of planning application 12/01445/FULM granted on 24.12.2012 (amendments)
- Finally Disposed Of - 15th September 2016

Adjacent site (McDonalds);

17/00401/FUL - Proposed refurbishment including changes to circulation of site, car park, drive thru lane and kerb lines along with proposed erection of extension, and new island - Pending consideration

4.0 Representations

4.1 The application has been advertised in accordance with Article 15 of the Development Management Procedure Order as a major application by means of site notice and press advertisement.

4.2 No representations have been received as a result.

5.0 Parish Council

5.1 There is no parish council in this area.

6.0 Relevant Consultations

Local Plans (Retail) - In conclusion, whilst it is impossible to be certain when assessing long-term impacts it is considered that this development represents an over-concentration of restaurant uses in an out-of-town location, the evidence suggests that the development will not have an unacceptable impact upon Doncaster Town Centre. Likewise the evidence also suggests that this development will not affect the viability of proposed town centre schemes, as the success of these schemes is dependent on wider factors, such as the success of CCQ and its other leisure outlets and crucially, the delivery of a mixed use scheme in the town centre which includes restaurants alongside a multiplex cinema.

Design Officer - The application follows the previous submission and a number of pre-application discussions. As you are aware I have previously raised concerns regarding the urban form of this type of development and the negative urban design consequences. In response the applicants committed to a number of design measures which would help to overcome these concerns. This included retaining and enhancing substantial landscape screening to the eastern edge, a commitment to a high quality hard and soft landscaping and lighting scheme within the body of the site, good quality sustainable architecture and a consistent character for all the buildings proposed. I am pleased to see most of these points have been addressed in the submitted scheme, however there are a few areas of inconsistency that require addressing in regard to the hard landscape, and further details required in relation to soft landscape, lighting, materials and sustainable construction.

Further information is requested in relation to a sustainable construction statement and hard and soft landscaping by condition.

South Yorkshire Police Architectural Liaison Officer - I have looked at the crime statistics for this site and the surrounding area, which are quite low. However, recommendations were made in respect of glazing, lighting, landscaping and CCTV.

Highways Development Control - Amendments were requested to overcome highway concerns. There is no objection in principle, subject to condition.

Transportation - No objections, subject to submission of a full Travel Plan.

Trees and Landscaping Officer - Despite the possibility that 3 of the established Lime Trees may be lost, subject to condition, there are no objections from an arboricultural perspective.

Ecologist Planning - I am happy with the ecology survey information that has been provided with this application. I do not require any further survey work. The main impact from an ecology point of view is the loss of the large area of semi improved neutral grassland. I have looked at the landscaping plan and agree with the Tree Officer's comments that this represents a nice scheme. It is good to see areas of wildflower grassland incorporated into the planting and having looked at the seed mixes proposed think that this will help towards compensation for the loss of the existing grassland sites. My one request is that for all grassed areas the seeding is done with the proposed 'Grass and wildflower seeding' mix rather than some being the 'General grass seeding' mix.

Yorkshire Water - No objections, subject to condition.

Severn Trent Water - No objection.

Environment Agency - No objections, subject to condition. Surface water is now the responsibility of the Council as Local Lead Flood Authority (LLFA).

Internal Drainage - No objections, subject to condition.

Doncaster East Internal Drainage Team - No objections, subject to condition.

Northern Powergrid - No objections received.

National Grid - No objections received.

South Yorkshire Archaeology Service - No comments received.

South Yorkshire Passenger Transport Executive - No comments received.

Pollution Control (Contaminated Land) - No objections, subject to condition.

Pollution Control (Air Quality) - No objection, subject to condition.

The Coal Authority - Standing Advice.

Environmental Health - No objections, subject to condition.

Public Rights of Way - There are no legally recorded public rights of way across the site; however, I am aware that there are a number of pedestrian desire lines. The plans accompanying the application show that these desire lines have been considered and accommodated within the development. I do not, therefore, wish to raise any objections to the proposals.

Investment Team - No comments received.

Licensing - No comments received.

Noise Team - No comments received.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework (NPPF);

Section 1 - Building a strong, competitive economy
Section 2 - Ensuring the vitality of town centres
Section 4 - Promoting sustainability transport
Section 7 - Requiring good design
Section 10 - Meeting the challenge of climate change

Doncaster Council Core Strategy 2011 - 2028;

Policy CS 2 - Growth and Regeneration Strategy
Policy CS 4 - Flooding and Drainage
Policy CS 8 - Doncaster Town Centre
Policy CS 9 - Providing Travel Choice
Policy CS 14 - Design and Sustainable Construction
Policy CS 16 - Valuing our Natural Environment

Doncaster Unitary Development Plan (UDP);

RP 2 - Mixed Use Regeneration Policy Area - Doncaster Leisure Park/Doncaster Carr

Doncaster Council Supplementary Planning Document - Development Guidance and Requirements.

8.0 Planning Issues and Discussion

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

Principle of Development

8.2 The application site is located within a Mixed Use Regeneration Policy Area, as such saved UDP policy RP 2 identifies the uses acceptable in this location. Within this policy it is stated that Doncaster Leisure Park will be developed as a mixed use area comprising leisure and recreation, tourism uses, employment uses, housing and appropriate specialist service and retail uses. The development proposes 5 restaurant/cafe units and 3 drive-thrus in an area designated for mixed use, it is therefore considered acceptable in principle.

8.3 This area was intended to focus on the need to achieve economic regeneration, with development being centred around leisure, retail, industrial and commercial. Much of the wider regeneration area has been developed for such uses, incorporating a cinema, which has been extended to improve its status as a multiplex cinema with two restaurant/cafe units, a bowling alley, leisure centre, fast food restaurant, superstore, a hotel, public house and restaurant. A large housing development has been constructed, with other phases currently being under construction, and further commercial, industrial, retail and leisure uses have been constructed at Lakeside, which is part of the same regeneration area.

8.4 In conclusion, it is considered that the provision of food uses would be appropriate and would further support the Borough's vision to promote this area as a tourist attraction of regional significance. This also complies with the Government's commitment in securing economic growth in order to create jobs and prosperity and supporting sustainable economic development, as set out within paragraph 19 of the NPPF.

Impact on Town Centre

8.5 Whilst the development may be acceptable in principle, the crucial aspects when considering this application are whether the development for the range of uses proposed would a) seriously damage the town centre, and b) negatively affect the viability of proposed schemes within the town centre. Previously a planning application was approved for a similar proposal with the same uses, the previous footprint was 3990sqm, this new application proposes a total footprint of 2025sqm (e.g. reduction of 1965sqm). Between the previously approved application and this, we have published new evidence in September 2015; Retail, Leisure & Town Centre Study (2015), this provides an update from the previous 2012 study, on current and future retail and leisure requirements including an overview of existing provision within town centres and out-of-centre locations.

8.6 The NPPF defines restaurants and drive-thru restaurants as 'main town centre uses'. The site is defined as an 'out of centre' location. Given the number of restaurants proposed, to comply with the NPPF and policy CS 7 of the Core Strategy, despite the site being located within a mixed-use regeneration area, a sequential test should be applied to applications for main town uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.

8.7 The applicants have submitted a Commercial Context Report and Leisure Impact study in support of their application. They state in paragraph 6.11 that the observations and overview contained in the 2012 application remain accurate. It remains the case that the leisure park market is competitive and that consumers will drive further to visit a leisure park that they perceive offers a better range of leisure activities and facilities and more choice of dining experience. Doncaster Lakeside has undergone further development and improvement over the last four of five years but it is clear that to optimise the Lakeside Leisure Park as a sub-regional destination the opportunity to bolster its offer and complete the comprehensive site must be grasped.

8.8 The Updated Commercial Context Report contains an updated letter from a retail and property consultant which concludes that in their view the satisfaction of major occupiers' requirements at Lakeside Triangle would not be at the expense of Doncaster Town Centre for a number of reasons including that drive-thru operators are only able to consider out of town or edge of town sites owing to the land-take required; it has been established that some occupiers are happy to be represented in both the town centre and out of town cinema schemes, in line with many other major towns and cities across the UK; certain occupiers will only consider units adjacent to large multiplex cinemas (of which there are 11); and that it is the specific nature and scale of the proposed Lakeside Triangle

development, along with the other major nearby leisure and retail anchors in The Dome and the Lakeside Village outlet that is attracting the occupiers to Lakeside Triangle, rather than them having a published requirement for Doncaster, which most of the occupiers do not.

8.9 As with the previous application, the work carried out makes a strong case that the impact this development would have on the town centre would be within acceptable limits. Since the previous approval other leisure developments have been approved within the town centre boundary, so it is of course still a cause a concern that this development, although reduced in floor space, reveals that this development could still take a trade loss of £3 million out of Doncaster's town centre, the study does calculate that this is 2% of the overall trade which is of such a small scale to raise no concern. As this is not a new proposal, the Retail and Leisure Study of 2015, does acknowledge this matter and confirms the concerns that this may serve to dilute demand for operator representation in the town centre.

8.10 When considering the impact upon proposed schemes, the applicant's information demonstrates that the Lakeside Triangle development is operating within a very specific set of parameters that do not currently exist within the town centre. They also demonstrate, building on information already available, that because of Doncaster town centre's reputation for being an evening drinking destination, that it does not attract families in large numbers. It is precisely this family market that the Herten Triangle operators are seeking to attract.

8.11 The previous permission has now lapsed, however all considerations and concerns on the impacts this may place upon Doncaster's town centre had previously been considered. There is no information to suggest that the Lakeside Triangle development would negatively impact upon the delivery of a cinema development in the town centre; and as this is the crucial factor to having these kinds of restaurant uses in the town centre, this is the most important consideration in this case.

8.12 Whilst it is impossible to be 100% certain when assessing long-term impacts, and whilst the development does represent an over-concentration of restaurant uses in an out-of-town location, the evidence suggests that the development will not have an unacceptable impact upon Doncaster Town Centre. Likewise the evidence also suggests that this development will not affect the viability of proposed town centre schemes, as the success of these schemes is dependent on wider factors, such as the success of CCQ and the Young Street development (adjacent to Waterdale Shopping Centre) is nearing completion which will include additional retail floorspace and leisure uses including restaurants. These town centre developments will further strengthen the attractiveness and draw of the centre.

8.13 In order to promote the Borough's vision for this site and its wider surroundings as a tourist attraction of regional significance. It is considered that this proposal will secure economic growth and support a sustainable development as set out in the NPPF.

Employment Creation

8.14 It is stated within the applicant's Impact Statement that development proposed will create a significant quantum of jobs. 122 full time equivalent jobs will be created on site. In addition to the employment created by the proposed development, many jobs will be created during the construction period. This creation of employment will be beneficial to Doncaster's economy and as such the proposal accords with the Government's

commitment to securing economic growth (paragraph 18 of the NPPF) and will support the aim of policy CS 5 of the Core Strategy in relation to employment strategy.

Design and Appearance

8.15 Section 7 of the NPPF emphasises the importance of good design. Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is further stated that it is important to plan positively for the achievement of high quality and inclusive design for all development, including buildings, public and private spaces and wider area development schemes.

8.16 Policy CS 14 of the Core Strategy requires development in Doncaster to be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and buildings traditions, responds positively to existing site features and integrates well with its immediate and surrounding area.

8.17 The design of the proposal has evolved over the application process due to involvement from officers and the commercial aspirations of the development. Initially concerns had been raised regarding the urban form of this type of development and the negative urban design consequences. In response the applicants committed to a number of design measures which would help to overcome these concerns. This included retaining and enhancing substantial landscape screening to the eastern edge, a commitment to a high quality hard and soft landscaping and lighting scheme within the body of the site, good quality sustainable architecture and a consistent character for all the buildings proposed. Most of these points are incorporated in the submitted scheme, with some being left to condition.

8.18 The scale of the buildings is appropriate to the surrounding area, and not substantially different from the 2012 permission. The layout of the buildings within the site has been determined by the key pedestrian routes through the site. Pedestrian circulation around the site consists of wide paved routes with landscaped borders. The layout also ensures that each building has ample external space for pedestrian circulation and public outdoor seating/activity areas. The external areas have been developed to pick up on the landscaping and pedestrian layout leading to the cinema to the south west, enhancing its connection.

8.19 Vehicular access to the site is gained from two access points along Herten Way to the west. A service access for the terrace of restaurant units is gained from Herten Way to the north. Service parking and access points have been placed throughout the site to allow for deliveries to each of the units. Bin stores are placed around the site adjacent to service parking bays to allow refuse collection. The site also provides cycle parking to the north and has 181 total car parking spaces, including 15 dedicated disabled and parent and child spaces.

8.20 It is considered that, subject to condition for further detail on materials, hard and soft landscaping and external works and sustainability measures the proposal is appropriate to the surrounding context and is in accordance with policy CS 14 and the NPPF.

Impact on Highways and Transportation

8.21 Policy CS 9 (G) of the Core Strategy states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice

and sustainable opportunities for travel. Policy CS 14 (A) states that permeability is a component of development which contributes to achieving high quality design. Developments should aim for (3) quality, stability, safety and security of private property, public areas and the highway; and (4) for ease of pedestrian movement with good access to local facilities and public transport services.

8.22 Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should then take account of; the opportunities for sustainable transport modes to reduce the need for major transport infrastructure, safe and suitable access to the site can be achieved for all people, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual impacts of development are severe. Paragraph 37 states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

8.23 A Transport Assessment and Framework Travel Plan have been submitted in support of the application. The development site is sustainably located having good access to public transport, as demonstrated by the Transport Assessment. The site is also accessible from the M18 and the A638. It is also within walking distance from properties around Lakeside and Belle Vue. A previous application for similar uses on this site was granted in 2012 and expired in 2015. The quantum of development for this application has decreased and trip generation has also decreased as would be expected.

8.24 A number of highway improvements have taken place in the area since the previous application was granted, a new egress from ASDA onto Gliwice Way, changes to lane markings on the exit from ASDA onto the Dome Roundabout and making Herten Way (South) 2-way. These changes have relieved some of the congestion and make the movement of vehicles around the area much easier. The opening of Great Yorkshire Way in early 2016 has led to a decrease in the flow of traffic through the Lakeside area in order to access the motorway network (M18), further aiding the free movement of vehicles in the vicinity. The decrease in trip generation and the improvements detailed above mean that this development will not have a severe impact on the surrounding highway network. To encourage travel by sustainable modes, there is adequate cycle parking provided and EV charging points have also been included within the development.

8.25 The site layout demonstrates that the existing desire line will be incorporated as closely as possible, a wide plateau has already been provided on site to provide pedestrian access between the cinema and the development site. A total of 181 car parking spaces is accommodated on site and cycle storage is requested by condition. Following the receipt of amended plans in relation to the vehicle tracking, there are no objections from a highway point of view, subject to condition. It is requested that details of offsite highway works, to include an informal pedestrian crossing over Herten Way (north) between McDonalds and the site, are also provided by condition.

Residential Amenity

8.26 Policy CS 14 of the Core Strategy states that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. With regard to the impact of the development on residential amenity, the nearest residential properties are approximately 90m away at the Serenity development at Lakeside (south east of the development). Residential properties are also located

approximately 110m to the north west on St Anne's Road and a new residential development on the Belle Vue Football Ground is under construction approximately 180m away from the site. The area already contains a 24 hour supermarket and leisure and food uses, therefore is currently in use in the evening. The noise report submitted states that the main noise emissions from the proposed development will be due to deliveries, general traffic movements, noise from air conditioning and refrigeration plant and noise from entertainment and patrons at the proposed restaurants and pub. There may also be a loss of amenity during construction due to noise and dust. Following consultation with the Environmental Team, there are no objections subject to condition. Noise impact has been assessed by the applicant and Environmental Health are satisfied that the proposals will not cause adverse impact to residents.

8.27 The proposal is therefore considered to accord with paragraph 17, core land-use planning principle 4 of the NPPF which states 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 and Core Strategy policy CS 14.

Flooding and Drainage

8.28 The site is located within Flood Zone 1. Given the site area, a Flood Risk Assessment was submitted with the application to which the Environment Agency raise no objections, subject to condition. Furthermore, Yorkshire Water and the Council's Drainage Officer raise no objections, subject to condition. Therefore, it is considered that the proposal accords with Section 10 of the NPPF in that the development proposes a low flood risk. The proposal also accords with policy CS 4 (C) of the Doncaster Council Core Strategy which states that all development over 1 hectare will be supported where the development meets a certain criteria. It is considered that by adherence to the requested conditions, the development will meet as much of this criteria as possible.

Trees and Landscaping

8.29 Policy CS 16 (D) states that proposals will be supported which enhance the borough's landscape and trees by: being appropriate to the landscape's character, sensitivity and capacity; including measures to mitigate any negative impacts on the landscape; ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness; and retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

8.30 Overall, the amended layout has had no adverse arboricultural impacts. Indeed, the removal of the link footpath has eliminated impact on trees in G2 and also allowed the landscape scheme to be shuffled to provide increased rooting areas for new trees. The most noticeable amendment from an arboricultural perspective is the identification of three trees adjacent to unit 8 for possible removal. As previously commented, these trees are young and vigorous and the area lost to encroachment can be satisfactorily compensated for elsewhere, contiguous with their RPAs so they should survive development provided that appropriate tree protection practices are implemented. In addition, the replacement of three trees in a single species avenue (acknowledging the presence of one Norway maple amongst the existing limes) would adversely affect the aesthetic of the line. Replacement should be like for like. The finalised landscape scheme will provide a strong landscape structure and includes a mixture of ultimately large, medium and small stature trees with appropriate rooting volumes for the species. Planting is predominantly at extra-heavy standard (girth 14-16cm) size with some semi-mature size (girth 25-30cm) Page 28 ~~Page 28~~ oak - a strong architectural tree. As such, there are no objections, subject to condition.

Ecology and Wildlife

8.31 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.

8.32 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 further states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

8.33 No objections have been received from the Council's Ecologist. No additional survey work is required and the main impact from an ecology point of view is the loss of the large area of semi improved neutral grassland. Following consideration of the proposed landscaping scheme, it is considered that the proposed areas of wildflower grassland incorporated into the planting and the seed mixes proposed, this will help towards compensation for the loss of the existing grassland sites. It is however requested that all grassed areas the seeding is done with the proposed 'Grass and wildflower seeding' mix rather than some being the 'General grass seeding' mix, which can be subject to condition. This overcomes the previous need for biodiversity offsetting as requested by a Section 106 Agreement attached to the previous permission.

Archaeology

8.34 Policy CS 15 (B) of the Core Strategy states that proposals will be supported which protect or enhance the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest. Whilst no comments have been received from South Yorkshire Archaeology Service following consultation on the now expired application it is considered that the archaeological potential of the site to be negligible. Extensive landscaping has been carried out in the surrounding areas which has probably had an impact on this site. Further disturbance may also have taken place during works to remove topsoil. Historically, part of the site is shown as a tip and the runway for Doncaster Airfield also went through this site. It is therefore considered that any archaeological remains are likely to have been destroyed by this land use. As such, South Yorkshire Archaeology Service recommended that no archaeological work is required.

Summary and Conclusion

9.1 In summary, it is considered that the proposed development is acceptable. The use is appropriate to the existing leisure park, and evidence suggests that the development will not have an unacceptable impact on Doncaster Town Centre, or the viability of proposed town centre schemes. The development is acceptable in design terms, using building styles appropriate to the surrounding area, which will be blended with the use of

appropriate materials. The proposed landscaping scheme is considered acceptable and will ensure the retention of the established line of trees, which was a previous concern.

9.2 The site is easily accessible with excellent access to public transport and increased opportunities for linked trips to neighbouring uses. It is further considered that given the number of potential jobs to be created and the benefit to the local and wider economy, a recommendation of approval, subject to adherence to conditions, is justified.

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. U51243 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
4142-PL-002A PROPOSED SITE PLAN Rev A
4142-PL-003A PROPOSED ROOF PLAN Rev A
4142-PL-004 PROPOSED ELEVATIONS STREET SCENE VIEWS
4142-PL-005 PROPOSED TERRACE GROUND FLOOR UNITS 1-5
4142-PL-006 PROPOSED TERRACE ELEVATIONS UNITS 1-5
4142-PL-007 UNIT GROUND FLOOR PLAN
4142-PL-008 UNIT 6 PROPOSED ELEVATIONS
4142-PL-009 UNIT 7 GROUND FLOOR PLAN
4142-PL-010 PROPOSED ELEVATIONS UNIT 7 ELEVATIONS
4142-PL-011 UNIT 8 GROUND FLOOR PLAN
4142-PL-012 UNIT 8 PROPOSED ELEVATIONS
4142-PL-014 PROPOSED 3D AERIALS
4142-PL-014 PROPOSED VIEWS 3D IMAGES
SF 2624 LL01 LANDSCAPE PROPOSAL - SOFTWORKS Rev E
SF 2624 LL05 LANDSCAPE SECTIONS Rev -
16020_DR0001-B DRAINAGE STRATEGY LAYOUT Rev B
SF 2624 LL01 Rev E
SF 2624 LL05
170204 Herten Triangle Doncaster CO2 Reduction Report
HL1135-LTG PLOT External Lighting Plot Rev B
REASON
To ensure that the development is carried out in accordance with the application as approved.
03. U51246 Before construction of the proposed buildings commences, details of the proposed external building materials including the architectural lighting strategy and proposed fixtures, shall be submitted to and

approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved materials.

REASON

To ensure the satisfactory appearance of the development.

04. U51247

Before the development commences, full details of the proposed external works hard landscape and surfacing material palette, public art, street furniture and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved materials and details.

REASON

To ensure the satisfactory appearance of the development.

05. U51248

Before the development commences, a statement should be submitted for approval explaining what sustainability measures will be incorporated to aim to achieve a level of sustainability equivalent to BREEAM very good. Unless otherwise agreed, the development must take place in accordance with the approved statement. Prior to the occupation of any building, a post construction review should be carried out and evidence of the implemented measures submitted. This will enable the planning condition to be fully discharged.

REASON

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

06. U51249

The development shall take place in accordance with the approved CO2 reduction report (dated 8th March 2017), unless otherwise agreed in writing by the local planning authority. Before any building is occupied the local planning authority shall be satisfied that the measures have been installed. This will enable the planning condition to be fully discharged.

REASON

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

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. HIGH3

Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

09. HIGH4 The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and/or visitors to the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
- REASON
To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CS9 of the Doncaster Core Strategy.
10. 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.
11. U51250 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan 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) - measures to prevent the egress of mud, water and other detrius onto the public highway
 - vi) - measures to control noise and the emission of dust and dirt during construction and the management of Heavy Goods Vehcile (HGV) access to the site
- REASON
To safeguard the living conditions of neighbouring residents and in the interests of highway safety.
12. U51251 No development shall commence until details of offsite highway works. including an informal pedestrian crossing facility on Herten Way (North), has been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.
- REASON
In the interests of highway and pedestrian safety.
13. U51252 Detailed layout, engineering and drainage details for the proposed access arrangements shall be submitted for inspection and approval by the Local highway authority before works commenced on site. The

development shall be carried out in accordance with the approved details.

REASON

In the interests of highway safety.

14. U51255

The scheme of protection for all retained trees shall be implemented in full accordance with the approved Arboricultural Method Statement (Ref: RT-MME-123977-03 Rev C) and Arboricultural Impact Assessment (Ref: RT-MME-123977-02 Rev C) before any equipment, machinery or materials have been brought on to site for the purposes of the development. The local planning authority shall be notified of implementation and shall visit site to approve the setting out of the site and location of protective barriers prior to the commencement of 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 core strategy policy CS16: Valuing our natural environment and saved UDP policies ENV21 and ENV59

15. U51254

Notwithstanding the details hereby approved the lime trees identified as trees 3, 4 and 5 within G2 on the Tree Protection Plan (Ref: C123977-03-01_RevB) shall not be removed without the prior written approval of the Local Planning Authority.

REASON

To preserve the integrity of the line of lime trees in the interests of environmental quality and compliance with core strategy policy CS16: Valuing our Natural Environment.

16. U51282

Should the Local Planning Authority subsequently approve the removal of the lime trees identified in condition 15 they shall be replaced on a one for one basis and at the same position by a lime (*Tilia* spp.) species to be approved in writing by the Local Planning Authority and shall be of minimum extra-heavy standard size in compliance with British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs. Any tree planted as 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

To ensure that replacement trees are planted and maintain the integrity of the lime avenue in the interests of environmental quality and compliance with core strategy policy CS16: Valuing our Natural Environment.

17. U51283 Unless as shall be specifically approved in writing by the Local Planning Authority, the scheme of landscaping shown on the Landscape Proposals Softworks plan (Ref: SF2624 / LL01 / Revision E) and Landscape Sections plan (Ref: SF2624 / LL05) shall be implemented in full accordance with the approved details during the first available planting season following the completion of the development hereby granted and the local planning authority notified in writing within 7 working days of the completion of the landscape works to inspect and approve practical completion in writing. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.
Reason:
In the interests of environmental quality and core strategy policy CS16: Valuing our Natural Environment
18. U51256 Before any construction works are started on the application site, a Construction Impact Management Plan, indicating measures to be taken to mitigate the effects of the construction activity and associated vehicle movements upon the living conditions of neighbouring residents and highway safety shall be submitted to and approved by the Local Planning Authority. The mitigation measures shall include provision for the following: the limitation of noise, the means of enclosure of the construction sites, and any proposed external security lighting installation; the control of dust emissions; the control of deposition of mud or debris on the highway, and the routeing of contractors' vehicles. The mitigation measures so approved shall be carried out at all times during the construction of the development hereby approved.
REASON
To safeguard the living conditions of neighbouring residents.
19. U51257 Prior to the commencement of the development, details of an extraction/ventilation system to control the emission of cooking smells and fumes so as to prevent any odour disamenity to nearby residents shall be submitted for each unit to and approved by the local planning authority in writing. The approved scheme shall be installed and be fully operational when the use commences. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. The system shall be so designed as to ensure that noise from its operation does not cause noise disamenity to nearby residents.
REASON
To safeguard the amenities of the occupiers of adjacent properties.
20. U51258 Each business within the development shall include adequate provision for the storage of all waste (including provision for storing separate waste for recycling) that will be produced prior to its collection and disposal, and suitable means by which to place all waste receptacles for collection.
REASON
In the interests of the amenity of the locality.

21. U51259

The application site has extensive made ground, and a preliminary risk assessment has identified the need for gas protection measures, therefore the risk of ground gas migration shall be fully investigated prior to the commencement of development on site.

a) The site investigation, including relevant ground gas monitoring shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice.

b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy, including a diagram of the installation and installation method statement shall be submitted in writing and approved by the LPA prior to any remediation commencing on site.

c) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

d) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the LPA. The verification report shall include quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. The site shall not be brought into use until such time as all verification data has been approved by the LPA

REASON

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

22. U51260

Prior to the occupation of the development hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. Installation shall comply with current guidance/advice. The first unit shall not be occupied until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

REASON

To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with policies CS9 and CS18 of the Doncaster Council Core Strategy.

23. U51262

Within 3 months of full occupation of each individual unit, a Full Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON

In the interests of sustainable travel in accordance with policy CS 9 of the Doncaster Council Core Strategy.

24. U51263 No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the 300mm surface water sewer & 300mm diameter overflow i.e. protected strip widths of (6) metres, and no building or other obstruction including landscape features shall be located over or within 3.5 (three point five) metres either side of the centre line of the 675mm, and no building or other obstruction including landscape features shall be located over or within 4.0 (four) metres either side of the centre line of the 750mm diameter sewer, that traverse the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

REASON

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

25. U51264 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.

26. U51265 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.

27. U51266 No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in NPPF (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, it shall be designed in accordance with the Non-statutory technical standards for SuDS and local standards

REASON

To comply with current planning legislation - National Planning Policy Framework

28. U51267 No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be designed, managed and maintained in accordance with the Non-statutory technical standards and local standards

REASON

To comply with current planning legislation - National Planning Policy Framework.

29. U51268 All surface water run off from the site, excepting roof water, shall be discharged to the public surface water sewer/land drainage system or Highway Drain via a suitable oil/petrol/grit interceptor. Details of these arrangements shall be approved by the Local Planning Authority prior to the commencement of the development and they shall be fully operational before the site is brought into use.

REASON

To avoid pollution of the public sewer and land drainage system.

30. U51270 A Service Delivery Management Plan shall be submitted to and approved in writing by the local planning authority before the development is brought into use. The agreed SDMP shall thereafter be adhered to unless otherwise agreed by the Local Planning Authority.

REASON

In the interests of highway safety.

01. INF1B INFORMATIVE

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

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

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

02. U11160 INFORMATIVE

Adequate measures shall be designed within the proposed access and egress to avoid the discharge of surface water from the site onto the public highway.

The proposed arrangement shall be subject to Road Safety Audits in accordance with DMRB Volume 5 Section 2 Part 2 Road Safety Audit (HD 19/15).

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

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

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

Should it be necessary to alter the position of any street furniture to accommodate the approved layout, all necessary agreements shall be obtained from the owners / undertakers prior to the works being undertaken. Associated costs shall be borne by the developer.

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.

03. U11161

INFORMATIVE

Conditions 16 and 17 refer 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.

04. U11162

INFORMATIVE

Groundwater and Contaminated Land

Advice to applicant

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the contaminated land pages on GOV.UK for more information.

See the CL: AIRE website <http://www.claire.co.uk/>

Foul Drainage

A mains connection has been proposed for foul drainage disposal. You are strongly advised to satisfy yourself, prior to determination, that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. Please contact the sewerage undertaker, to attain this information. If capacity is not available, an alternative means of foul drainage disposal may need to be explored or improvement works to resolve the capacity issue secured as part of the planning permission. If a non-mains solution is to be considered we should be re-consulted, prior to determination, and given the opportunity to comment further.

05. U11164

INFORMATIVE

1. Surface water drainage plans should include the following:

- * Rainwater pipes, gullies and drainage channels including cover levels.
- * Inspection chambers, manholes and silt traps including cover and invert levels.
- * Pipe sizes, pipe materials, gradients and flow directions.
- * Soakaways, including size and material.
- * Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- * Site ground levels and finished floor levels.

2. Surface Water Discharge From Greenfield Site

The total surface water discharge from greenfield sites should be limited to green field run-off rates - up to 1 in 100 years storm plus climate change. On site surface water attenuation will be required.

Note - 2l/s/ha can be used for all storms up to 1/100 years plus 30% CC. However if the site is a known site that is subject to flooding this rate may be decreased. Further advice to the developer will be given.

Allowances for climate change can be found in National Planning Policy Framework Technical Guidance Document Table 5. Please refer to CIRIA C753

3. On Site Surface Water Management

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land. This can be achieved by providing additional space for water below or above ground. The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc to demonstrate how the 100 year plus 30% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

Allowances for climate change can be found in National Planning Policy Framework

If attenuation is to be put forward for adoption by the Sewerage Undertaker, it should be noted that they may only accept volumes up to a 1 in 30 year event by means of oversized pipes or underground tanks. Additional volumes up to 1 in 100 year + 30% CC may therefore have to be provided elsewhere. The applicant should make early consultation with the sewerage undertaker where this applies. Written evidence is required from the sewerage undertaker or Internal Drainage Board to confirm any adoption agreements and discharge rates.

4. Surface water drainage exceedance (flood route flow paths) or additional storage should be shown to demonstrate how surface water will be "controlled" on site without detriment to buildings and adjacent land when the capacity of the proposed surface water drainage system is exceeded by severe storms (up to 1 in 100 year + 30% climate change). Guidance on flood pathways can be found in BS EN 752.

Overflow paths should be indicated by arrows on plan to demonstrate that flood escapes will flow away from buildings and neighbouring properties.

5. A Flood Risk Assessment (FRA) should be provided for the proposed development site, in accordance with the NPPF (including Technical guidance and DMBC Supplementary Planning Guidance Document). Where the site is at risk of flooding (Fluvial and Pluvial), details of place of refuge/evacuation should be considered and also sign up to the Environment Agency Flood Warning Service.

6. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable)

06. U11165

INFORMATIVE

ACCESS FOR FIRE APPLIANCES

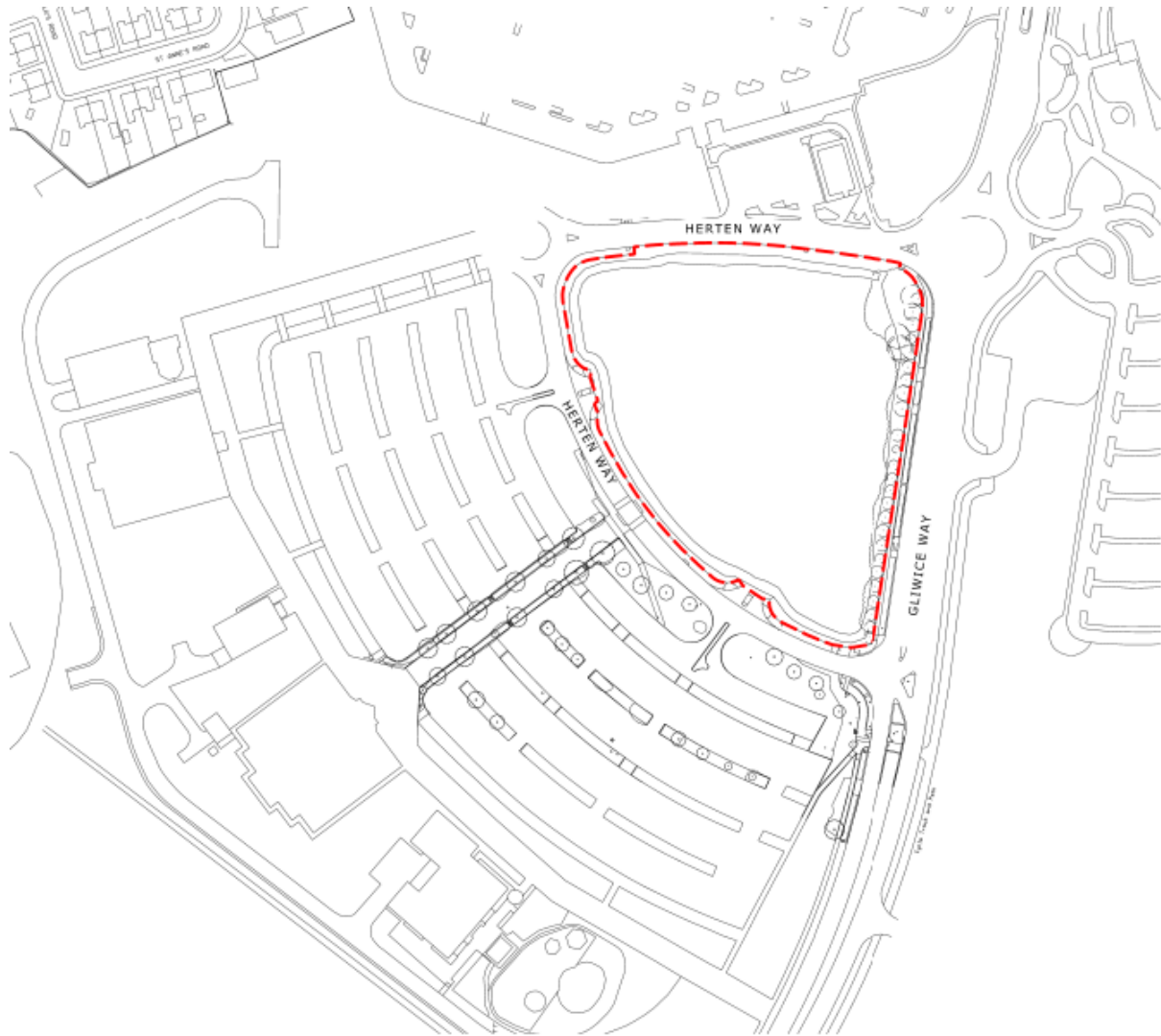
Access is to be in accordance with Approved Document B Volume 2 Part B5 Section 16.2, 16.3, 16.11 and Table 20.

WATER SUPPLIES FOR FIREFIGHTING

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

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 Location Plan



----- APPLICATION SITE BOUNDARY

APPENDIX 2 – Proposed Site Plan



APPENDIX 3 – 3D Illustration



DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 4th April 2017

Application	2
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Application Number:	16/02517/FUL	Application Expiry Date:	Extended until 14 th May 2017
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Application Type:	Full application
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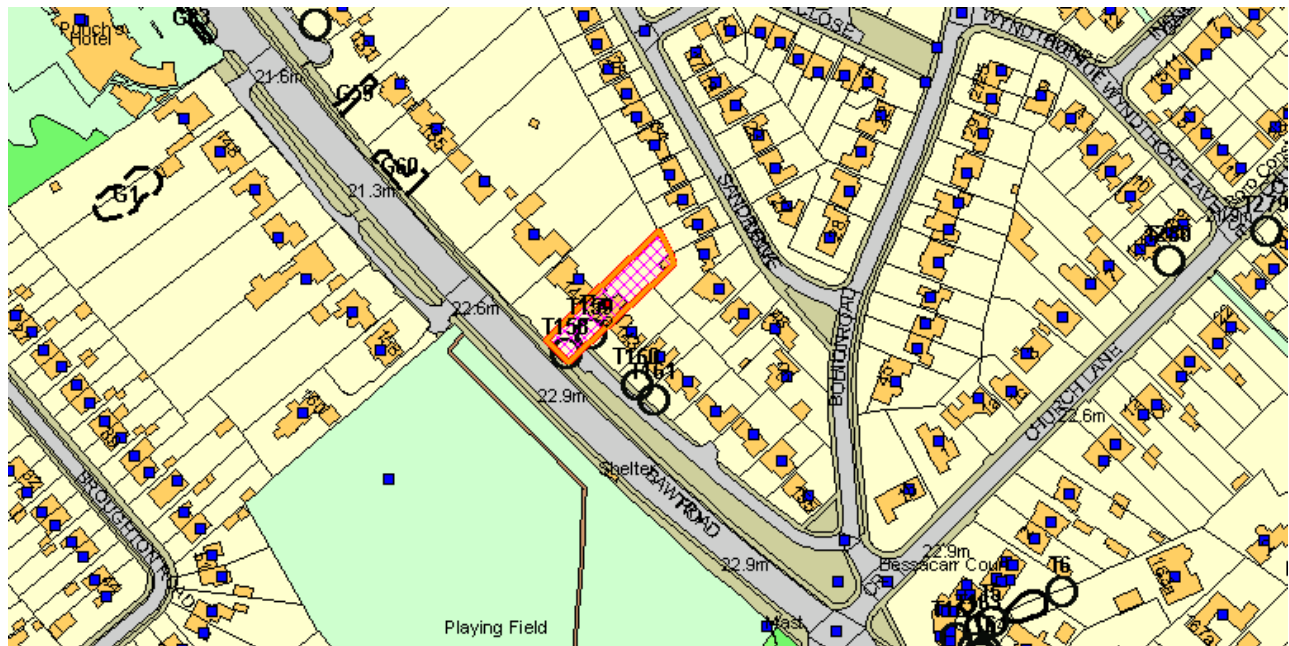
Proposal Description:	Proposed erection of 5 apartments including dedicated parking following demolition of existing detached dwelling
At:	141A Bawtry Road, Bessacarr, DN4 7AH

For:	Mr Vishwas Kayarkar
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Third Party Reps:	5 objections	Parish:	
		Ward:	Bessacarr

Author of Report	Dave Richards
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MAIN RECOMMENDATION:	GRANT Planning Permission subject to conditions
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1.0 Reason for Report

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

2.0 Proposal and Background

2.1 The application proposes the demolition of an existing dwelling and a replacement apartment building consisting of 5 units.

2.2 5 objections were originally received to the submitted plans, together with concerns expressed by the Council's Conservation, Highway and Tree Officers respectively. Officers have worked with the applicant to overcome the concerns expressed and the application has been re-advertised. 4 of the original objectors have objected to the amended plans at the time of writing.

3.0 Relevant Planning History

3.1 Planning Permission has been previously granted (09/02824/OUT) for the erection of 4 apartments following the demolition of the existing dwelling. The development was not deemed to be harmful to the character and appearance of the conservation area. This included the provision of a replacement building with hard standing to the front and rear of the property. Copies of the plans for the original approval are included within the appendices of this report.

4.0 Representations

4.1 The application has been advertised in accordance with the requirements of the Planning Practice Guidance as follows:

Any neighbour sharing a boundary with the site has received written notification

Site notice

Advertised in the local press

Advertised on the Council website

4.2 A total of 5 representations were received from individuals commenting on the submitted plans raising the following issues:

- Harm to the conservation area
- Bad design
- Anti-social behaviour
- Noise, disturbance, fumes
- Loss of visual amenity
- Lack of parking
- Access on to Bawtry Road
- Drainage
- Access for fire service
- Overdevelopment
- Concern over boundary treatments

4 original objectors commented on the amendments when re-consulted. The comments can be summarised as:

- Some improvements noted by two objectors
- The proposal still increases the intensity of development and should be reduced
- The building line is breached
- Drainage
- Bin storage provision
- Tree planting
- The design and access statement has not been updated
- Still over-intensive
- Loss of residential amenity
- Potential for anti-social behaviour

5.0 Relevant Consultations

5.1 Conservation Officer

Submitted plans:

I would not support this proposal as the development as described would be harmful to the character and appearance of this green and open conservation area with regard to its relative massing, proximity to the boundaries, and general design. In particular, the proposed building, which will be prominent on Bawtry Road, fills the width of the plot which goes against the character of the conservation area.

Amended plans:

The amended building seems to be much closer to the approved plan. In particular it is similar in terms of distances to the side boundary which is important in this conservation area. I don't think there is a significant difference in impact from the approved plan as shown by the street scene. There is a flat roof which I have no objection to provided the lantern cannot be perceived from the ground which can be written into a condition. I don't have any objection to rear facing roof lights. In some respects the frontage elevation with the through bays suits the area better than the approved. The full length window behind a solid door is slightly discordant and would be better if the middle band of the window were solid (now removed). There is an additional parking bay to the rear although critically there is no material change to the front. The 2 elongated stacks are characteristic of the older buildings of the area so I am happy with this. Breaking up the full length glazing gives proportions similar to the right hand side and the front elevation now has an appearance characteristic of the conservation area.

In summary there's no conservation objection to the amended scheme

5.2 Tree Officer

Submitted plans:

The development comes to within 2.3m of the BS5837 category B TPO'd Sycamore (T1). The tree survey crown spreads of this tree are 3.3m (N) and 4.2m (E). As such, the tree would require pruning just to clear the footprint. In fact, including construction room the whole of the NE canopy of this tree would require removal in order to facilitate this development. Additionally, the path around the proposed footprint comes a metre closer to the stem (at 1.3m) with car parking to the W of stem coming to within 2.3m. Even the tree's existing location, with significantly more room, has not saved it from being authorised)

'pruning' as recorded in the survey. As such, in reality the tree will not survive this development and I am unable to support the following assertion from the DAS.

Amended plans:

Having revisited this issue and undertaken a structured amenity assessment of the Sycamore tree, for the above reasons and in the light of the findings of the amenity assessment, I do not consider the tree to be of such value as to influence this development. This being the case, then in view of its protected status a replacement tree will be required, as discussed.

5.3 Highway Officer

Submitted plans:

Whilst there are no objections in principle from a highway aspect to this application the following amendments/conditions are applicable.

- Amendments are required to the layout to enable the increase in the dimensions of all the car parking spaces to ensure the minimum dimensions of 5 m x 2.5 m are achieved.
- The layout proposed does not strictly comply with Building Regulations 2000, in that it does not allow access for fire appliances. To satisfy the requirements of Building Regulations 2000 Approved Document B Part B5 Section 17.11 and Table 2.1, I would advise that the applicant contact the fire officer for views on this matter.
- The provision of a conveniently placed bin store to assist in the collection of refuse.
- Adequate measure shall be designed into the proposed access so as to avoid the discharge of surface water from the site onto the highway, in the interests of highway safety.
- Conditions HIGH 1 and HIGH 2.

Amended plans:

No comments have been received on the amended plans, however amendments have been made in line with the Highway Officer's recommendations and suggestion of conditions.

5.4 Fire Officer

No objections subject to Building Regulation requirements.

5.5 Drainage Officer

No objections subject to conditions and informatives

5.6 Pollution Control Officer

Historic maps show the above application is located near a sand pit. It is therefore strongly recommended that an assessment is undertaken to ensure there is no risk to human health.

6.0 Relevant Policy and Strategic Context

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 In the case of this application, the Development Plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policies are Policies CS1, CS14, CS15 and CS16 of the Core Strategy and Policies PH11, ENV25 and ENV59 of the UDP. These policies concern new residential development in a built up location and within an area of historic/natural quality.

6.3 A material consideration in the determination of this application is the granting of Planning Permission 09/02824/OUT which granted outline planning permission for the erection of 4 apartments following demolition of the existing dwelling.

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

7.0 Planning Issues and Discussion

7.1 The main planning issues relevant to this proposal are whether the development would have a negative impact upon the character of the area of the Bessacarr Conservation Area, local amenity, highway safety, local drainage capacity or any risks identified as a result of land contamination.

Principle of Development

7.2 Policy PH11 (a) of the UDP accepts the principle of residential development in a residential policy area providing the character of the area or local facilities are maintained and neighbour amenity is protected. Subject to site specific issues identified below, the application is acceptable in principle.

Character and Appearance of the Area

7.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on local planning authorities to pay special attention to preserving or enhancing the character or appearance of Conservation Areas. That duty is reflected in Policy CS15 of the Core Strategy and Policies PH11 and ENV25 of the UDP. There have been concerns with the impact of the proposal on the conservation area raised within the representations received on the application.

7.4 The special interest of the Bessacarr Conservation Area is that of a residential suburb of early twentieth century origin and its open character arises from the individual and paired buildings on large, typically long thin plots. Lawns, verges, trees and hedges, give the area its verdant character.

7.5 Members should note there is an approval (09/02824/OUT) for the erection of 4 apartments which was deemed not to be harmful to the character and appearance of the

conservation area. This included the provision of a replacement building with hard standing to the front and rear of the property. Whilst this permission has lapsed, it remains a material planning consideration. There have been no material changes to the characteristics of the site and although there have been changes to policy including the publication of the NPPF and the Core Strategy, these changes do not result in the proposal becoming unacceptable in policy terms.

7.6 As submitted, the current proposal was deemed harmful to the character and appearance of the Conservation Area with regard to the relative massing of the building, the proximity to the boundaries and general design. Furthermore, the Tree Officer expressed concern with the pressure of development in proximity to the TPO'd Sycamore (T1). Amendments were also required from a highway safety perspective which impacted the green character of the plot.

7.7 The amendments made to the application sought to replicate the original arrangement layout of Planning Permission 09/02824/OUT. The design, massing and form of the proposed building are markedly improved compared to the submitted design and the existing dwelling. The building would be inset from the side boundaries and the green character to the front garden is largely retained and would be reinforced by additional planting.

7.8 It is noted that objections have been received relating to a section of the rear garden been taken over to off street parking. However, this largely replicates the previous permission apart from an additional parking space. In terms of the impact on the conservation area this area would not be widely visible other than the access down the side of the property which is not an uncommon feature in the street scene. Furthermore, permitted development rights would be in place for similar works to take place for the existing dwelling. The amenity impact of the rear parking area is discussed below, however there is limited harm in terms of its impact upon the conservation area.

7.9 In summary, the appearance of the building would be seen in visual terms as an improvement and would be sympathetic to the Conservation Area in terms of design and its appearance. There retains a decent amount of space between the building and the road, despite the encroachment by the front projection to the property. Furthermore, the parking area shown would not result in a loss of openness and is generally hidden in the street scene. Although the intensity of the site would increase, a similar layout has been previously agreed and the density of the site is not unduly high.

7.10 Having undertaken a structured amenity assessment of the Sycamore tree, the Tree Officer believes that the remaining tree threatened by the development is not of such value as to influence this development but a good quality replacement should be secured in addition to extra planting which would reinforce remaining green character.

7.11 The proposal would therefore maintain the character of the Bessacarr Conservation Area in the context of the previous planning permission on the site and in accordance with Policies CS1, CS14 and CS15 of the Core Strategy and Policies PH11 and ENV25 of the UDP.

Local amenity

7.12 Policy CS14 of the Core Strategy recognises that a component of good design is to ensure that new development does not have a negative effect on residential amenity. Policy PH11 of the UDP also states that residential developments should not be accepted if 'the effect of the development on the amenities of occupiers of nearby properties would

be unacceptable'. There are local concerns relating to the impact on local amenity including highway safety, noise, general disturbance, anti-social behaviour, fumes, litter and concerns over boundary treatments.

7.13 A material consideration in this application is the granting of Planning Permission 09/02824/OUT which allowed a similar layout to what is now proposed. Although the intensity of the development has increase to 5 apartments with an additional parking space proposed, the resulting increase in noise and disturbance to the rear garden is difficult to quantify. Another consideration is the appeal decision for planning reference 14/02590/FUL relating to residential development to the rear of 44-46 Bawtry Road recently concluded that the noise and disturbance from two separate properties in a backland location with suitable boundary treatments would not unduly affect neighbours in terms of disturbance.

7.14 In summary therefore, the introduction of parking to the rear of the building would involve vehicle movements into a private, presently peaceful area and as such may introduce noise and disturbance to the private rear gardens of adjacent neighbours. This has been noted by objectors. However, the disturbance is likely to be infrequent and predominantly during daytime hours. A suitable boundary treatment would ensure that traffic noise and pedestrian movements would be screened from adjacent gardens. A certain amount of disturbance is already evident from noise traffic on Bawtry Road. The Environmental Health Officer (noise) agrees with this assessment and has no objection.

7.15 It is not considered that the intensity of traffic proposed would lead to issues of air quality, a point raised by objectors.

7.16 In terms of window placement, the provision of windows other than front and rear are directed towards the blank elevation of 141 Bawtry Road. Windows associated with Bedroom 2 would be faced at an acute angle to the neighbour to avoid a significant loss of privacy and would overlook the rear garden in line with other two storey properties in the area.

7.17 The building, as amended, would be sited broadly within the existing building line of the adjacent properties. Due to the siting and orientation of the proposed building, it would not unduly affect the levels of light or visual amenity compared to the existing arrangement. The residents of 141 Bawtry Road may experience an increase in shading to the rear of their property however due to the orientation of the properties there would not be an unreasonable loss of natural sunlight available to windows.

7.18 Local objectors raise the issue of the potential for anti-social behaviour from the proposed flats. However, there is no evidence that this use would generate unreasonable behaviour and this can be controlled by other legislation. The South Yorkshire Police Design Officer has been consulted on the application and no objections were raised.

7.19 In summary, it is not considered that the proposal would unduly affect the residential amenity of adjacent neighbours. The application therefore complies with Policy CS14 of the Core Strategy and Policy PH11 of the UDP.

Highway Safety

7.20 The NPPF states that development proposals should only be refused on highway safety grounds if it amounts to a severe impact. Policy CS14 of the Core Strategy requires development to consider highway safety.

7.21 Despite concerns raised in relation to traffic and the vehicular access on to Bawtry Road, the Highway Officer has been consulted and has no objections to the application. The access arrangement would be sufficient for vehicles to enter and leave the site safely and a turning provision within the site would allow vehicles to leave in forward gear.

7.22 Amendments to the original submission include the provision of bin storage and the correct dimensions to car parking spaces. The Highway Officer has noted that a fire engine may find it difficult to access the site but the South Yorkshire Fire Officer has not objected to the application. Provision can be made for other methods under the Building Regulations.

7.23 The application therefore protects highway safety in accordance with Policy CS14 of the Core Strategy.

Other matters

7.24 An objector raised a question about the type of boundary treatments being proposed. Full details of the proposed boundary treatments will be dealt with via a condition. Indicatively, the provision of 1.8m timber boarded fencing would be proposed to the rear garden boundaries in addition to further planting.

7.25 Concerns relating to drainage of the site would be covered by a condition detailing how surface water drainage is to be discharged in to the ground.

7.26 A land contamination assessment has been recommended and will be secured via planning condition.

8.0 Summary and Conclusions

8.1 Balancing all of the material planning considerations including, the objections received, consultation advice, policy considerations and a previous approval on the site, the proposal overall complies with the relevant policies of the Development Plan. Under the provisions of the NPPF, the application is considered to be a sustainable form of development.

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

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

Conditions / Reasons

01. 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. U50635 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Application form received 07.10.2016
Location plan received 07.10.2016
Schematic Plans and Elevations and Site Plan Rev C received
01.03.2017

REASON

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

03. 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.

04. U50636

Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with clause 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the approved details 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, all tree protection shall be maintained in full accordance with the approved details 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 Policy CS16 of the Core Strategy.

05. U50637

Following the removal of the Sycamore tree authorised by this consent and upon completion of development, a replacement tree shall be planted on the site. The replacement tree shall be container grown Himalayan Birch (*Betula utilis* var. *jacquemontii* or *Betula ermanii*) unless as may be specifically approved otherwise by the Local Planning Authority, and of minimum selected standard (10-12cm) size in accordance with British Standard 3936: 1992 Nursery Stock Part One. The replacement trees shall be planted in the front garden during the first planting season following completion of

development. The Local Planning Authority shall be notified in writing within 7 days of the planting of the trees.

REASON

To ensure that a good quality tree is planted as a replacement in the interests of amenity and in accordance with the principles and actions set out in Theme 2: Trees & Woodlands of the adopted Doncaster Green Infrastructure Strategy 2014-2028.

06. U50638 No development shall take place on the site until details of a landscaping/planting scheme have been agreed in writing with the Local Planning Authority. This scheme shall indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those which are to be retained, those proposed for removal and those requiring surgery. The scheme should also indicate, where appropriate, full details of new or replacement planting. All planting material included in the scheme shall comply with Local Planning Authority's 'Landscape Specifications in Relation to Development Sites'. Planting shall take place in the first suitable planting season, following the commencement of the development. Any tree or shrub planted in accordance with the scheme and becoming damaged, diseased, dying or removed within five years of planting shall be replaced in accordance with the above document.

REASON

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

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. U50639 No part of the residential development shall be occupied until details of external lighting have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the local planning authority.

REASON

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

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. U50640

The development hereby permitted shall not be commenced until details of bin storage facilities for the occupants of the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

REASON

To ensure that satisfactory facilities for residents to comply with Policy CS14 of the Core Strategy.

11. 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.

12. 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.

13. 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.

14. HIGH2

The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

REASON

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

15. U50642

Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. Notwithstanding the designated parking bays, the access otherwise shall remain clear from obstruction at all times.

REASON

To ensure that adequate parking provision is retained and to allow free movement within the site as required by Policy CS14 of the Core Strategy.

Informatives

01. INF1B

INFORMATIVE

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

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

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

02. IA011

INFORMATIVE

The permission hereby granted shall not relate to the display of any advertisement for which express consent is required. Separate consent under the Town & Country Planning (Control of Advertisements) Regulations 1992 (as amended) is required.

03. U11021

INFORMATIVE

The developer's attention is drawn to the information provided by the Council's Drainage Officer. The information may be found by viewing the consultation reply which is attached to the planning application on the Council's website. Please use the following link

04. 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.

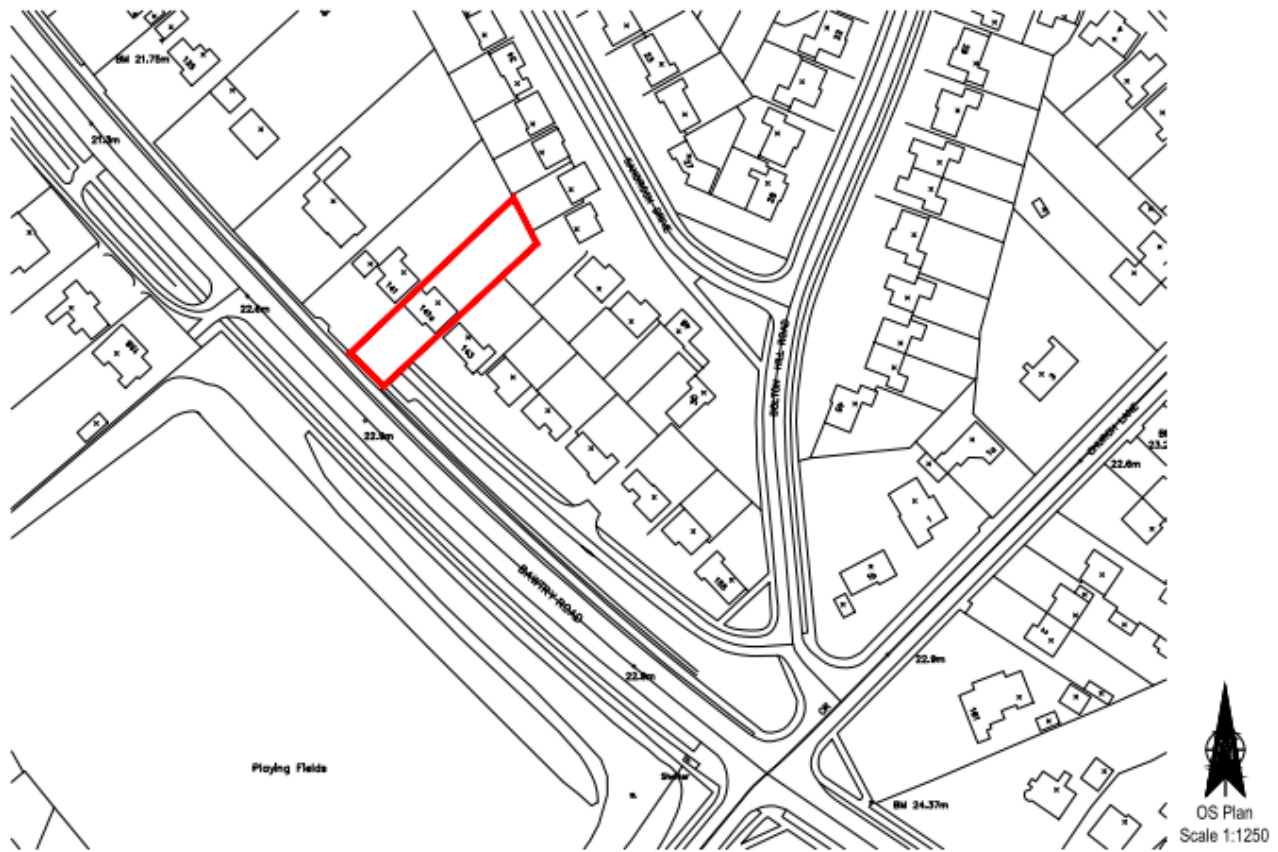
The document can be found at the following web address:

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

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

Appendices

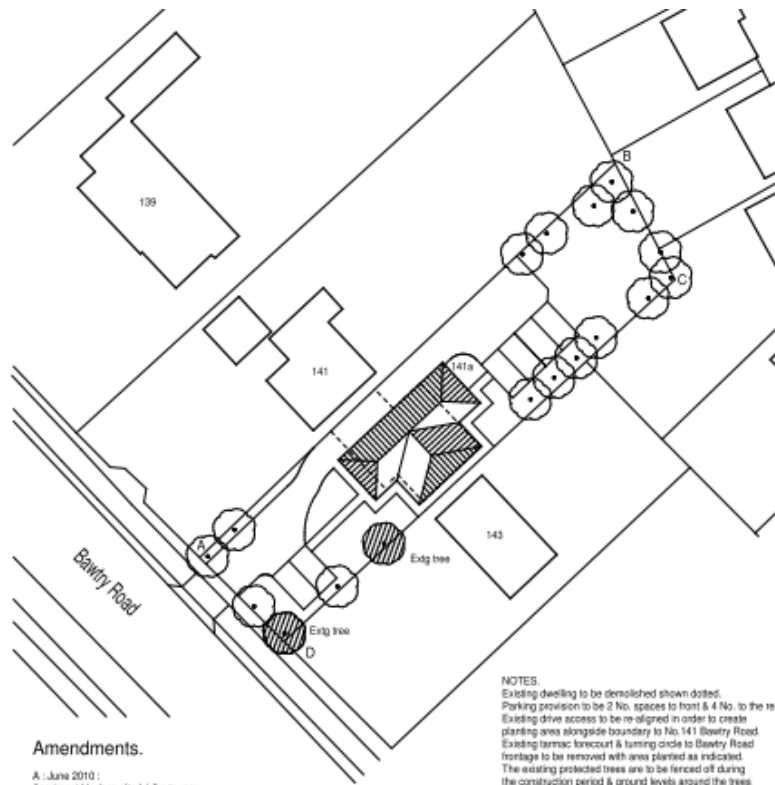
Appendix 1 – Location Plan



Appendix 2 – Proposed Site Plan



Appendix 3 – Approved Site, Floor and Elevation plans (09/02824/OUT)

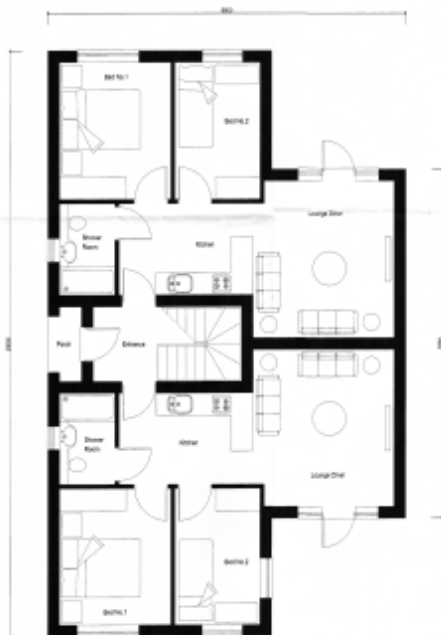


Amendments.

A - June 2010:
 Apartment block re-sized 1.0m to rear.
 Private drive increased in width to 5.0m for the first 10.0m then reduced to 3.16m thereafter.
 Boundary treatments added to plan.

NOTES
 Existing dwelling to be demolished shown dotted.
 Existing provision to be 2 No. spaces to front & 4 No. to the rear.
 Existing drive access to be re-aligned in order to create planting area alongside boundary to No. 141 Bawtry Road.
 Existing tarmac forecourt & tarmac circle to Bawtry Road frontage to be removed with areas planted as indicated.
 The existing protected trees are to be fenced off during the construction period & ground levels around the trees are not to be altered.

Boundary Treatments
 A - B - C & D - existing timber fences to remain
 D - A : 1.20m high cast iron railings



Ground Floor Plan

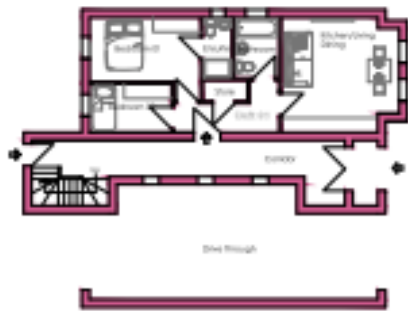


First Floor Plan

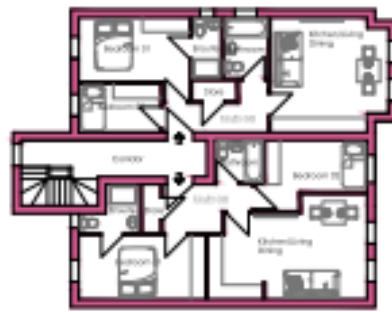
Appendix 4 – Submitted, Site, Floor and Elevation Plans (16/02517/FUL)



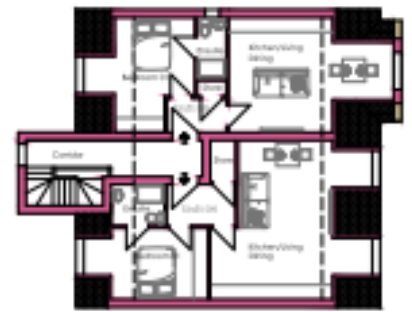
Proposed Site Plan 1:200



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



Proposed Rear Elevation 1:100

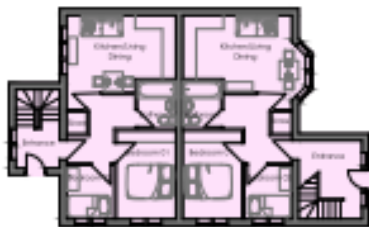


Proposed Side Elevation 1:100

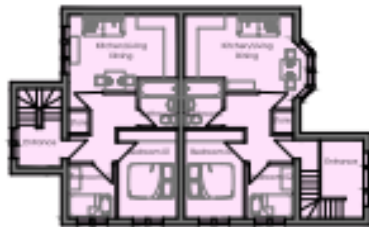
**Appendix 5 – Proposed (as amended) Site, Floor and Elevation Plans
(16/02517/FUL)**



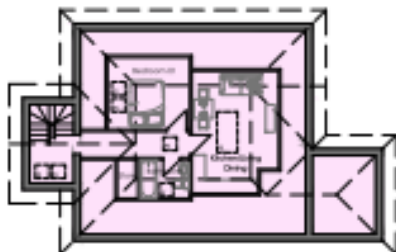
Proposed Site Plan 1:200



Proposed Ground Floor Plan
1:100



Proposed First Floor Plan
1:100



Proposed Second Floor Plan
1:100



Proposed Front Elevation
1:100

Proposed Side Elevation
1:100



Proposed Rear Elevation
1:100

Proposed Side Elevation
1:100



Proposed Street Scene to Bawtry Road
1:100

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 4th April 2017

Application **3**

Application Number:	16/02762/FUL	Application Expiry Date:	20th January 2017
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Application Type:	Full Application
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Proposal Description:	Variation of condition 2 of granted application 16/02144/FUL (Retrospective application for the change of use from Retail (Class 1) to Cafe (Class A3)) - Change opening hours condition to Monday to Friday 0700 to 1500, Saturdays 0800 to 1500 and Sundays 0900 to 1500)
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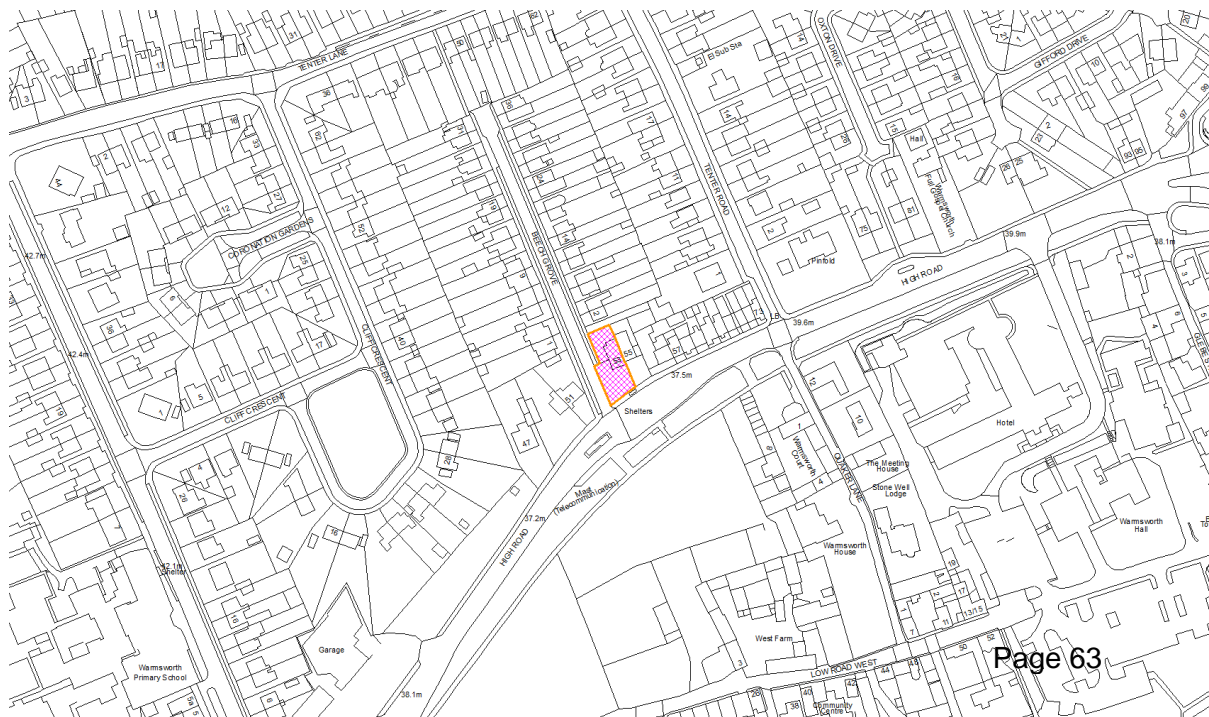
At:	53 High Road Warmsworth Doncaster DN4 9LX
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For:	Miss D Hall
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Third Party Reps:	14 objections 6 support	Parish:	Warmsworth Parish Council
		Ward:	Edlington And Warmsworth

Author of Report	Elizabeth Maw
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MAIN RECOMMENDATION:	GRANT
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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 a café at 53 High Road, Warmsworth. The property has historically been a retail unit with previous businesses including a carpet shop and florist. The unit was granted consent to change to a café on 21.10.16. The granted consent restricted opening hours to:

Monday to Friday 0700 to 1430
Saturday 0800 to 1430
And not at all on Sundays and bank holidays

2.2 The café is now open but the applicant would like to change the opening hours. The proposed opening hours are:

Monday to Friday 0700 to 1500
Saturday 0800 to 1500
Sundays 0900 to 1500

2.3 The proposed opening hours add an additional 30 minutes to the end of each day plus Sunday opening. These hours are a reduction on the initial submission. The proposal has been reduced because the applicant would like to try and reduce the opposition from neighbours.

2.3 A 12 month temporary consent is recommended so we can monitor any issues before a permanent change is granted.

3.0 Relevant Planning History

3.1 Planning history relevant to the consideration of the application includes:

3.2 16/02144/FUL: Retrospective application for the change of use from Retail (Class 1) to Cafe (Class A3). Granted 21.10.16

4.0 Representations

4.1 The application has been publicised by site notice and neighbour notification letters. 14 objections and 6 letters of support have been received. This includes 3 objections from ward councillors.

4.2 The supporters want the longer opening hours because it will suit families and shift workers and it can be a place to visit for Sunday lunch. One supporter states the business is an asset to Warmsworth.

4.3 The objections predominantly relate to traffic and parking. The objectors describe the business as a transport café attracting mainly workers with lorries and vans. Complaints from residents include:

* Customer vehicles will worsen the condition of Beech Grove, which is an unadopted road.

* Customers park on Beech Grove and the A630 which obstructs the road and affects visibility.

* It is bad enough having to put up with the café being open 6 days a week. The new opening hours would mean the café is open every day, which is unfair.

* Numerous photos have been provided showing commercial vehicles causing obstructions and visibility problems.

*Other complaints include HGV vehicles parking outside cottages and blocking their light.

5.0 Parish Council

5.1 The Parish Council have objected to the application. They are of the view that the new hours give no respite to residents especially at weekend and bank holidays. They also have concerns that larger vehicles are attempting to park whilst using the facility.

6.0 Relevant Consultations

6.1 Environmental Health: Concerns that Sunday opening would impact negatively on amenity by introducing noise at time when it did not exist previously. The actual impact is difficult to quantify at this stage so they recommend a 12 month temporary consent. This will allow any impact to be monitored prior to a permanent change being allowed.

6.2 Highways Development Management: No objections.

7.0 Relevant Policy and Strategic Context

7.1 The site is allocated as Residential Policy Area as defined by the Doncaster Unitary Development Plan 1998 saved by the Secretary of State September 2007.

7.2 Relevant policies are:

National Planning Policy Framework

Planning Policy Principal 1 Building a strong, competitive economy

Doncaster Council's Core Strategy

CS14 - Design and Sustainable Construction

Saved Doncaster Unitary Development Plan

PH12 - Non Residential Use within a Residential Policy Area

8.0 Planning Issues and Discussion

Main Issues

8.1 The main issues to consider are:

Economic development
Parking, highway and traffic

Economic Development

8.2 Planning policy supports the expansion of existing businesses. The additional opening hours will support the viability of the business. The owner states the additional hours will result in two additional staff being employed.

Parking, highway and traffic considerations

8.3 The site stands on the corner of Beech Grove and A630 High Road. It is set back from the A630 with hard standing to the front, which is used for parking. To access the parking, drivers turn off the A630 and onto Beech Grove, which is an unadopted residential road. At the front of the property is a bus stop.

8.4 Objections have been received from many residents of Beech Grove. The café is very popular with workers arriving in commercial vehicles. Residents state lorries and vans are turning onto Beech Grove and significantly contributing to the wear and tear of this unadopted road. Residents also complain the reversing manoeuvres, parking on the road and comings and goings from the commercial vehicles is causing an obstruction and affecting visibility. Overall, the traffic to the café is having a detrimental impact to highway and pedestrian safety.

8.5 The owner has responded to the complaints and said she feels she is being victimised. She states photos have been sent from neighbours showing commercial vehicles which are not her customers. For instance, on the planning file is a lorry parked on the main road blocking the bus stop but she advises this was a driver who had pulled over to look at a map.

8.6 Although the applicant disputes the validity of some objections, the number of objections is significant for such a minor application. In the experience of the planning officer, this café must be causing an issue to nearby residents to generate such strong opposition.

8.7 The planning officer has visited the site twice. The officer visited on weekdays at 12:20pm and 12:40pm. On both visits, there were no parking or obstruction issues. The highway officer has also carried out visits and did not note any problems either.

8.8 The current issues are caused by commercial vehicles visiting weekday mornings and lunchtimes. The additional opening hours would not attract this trade. The trade is more likely to be from local residents who will walk to the café or travel by car. The café is quite small - it only has 4 tables but the number of available car parking spaces is 8. These 8 spaces are likely to be sufficient for the later afternoon and Sunday trade.

8.9 With regards to the wear and tear of the road, this is a private matter which needs to be addressed between the residents and the café.

8.10 Highways comments are:

8.11 "The variation of condition to the recently approved café business relates to the extension in hours of business only and I can confirm that from a highway point of view there are no objections to the increase in opening hours.

I note that representations have been made regarding the parking of vehicles visiting the premises since it opened for business as a cafe, in particular, the use of Beech Grove which is an unadopted road, and to the parking of vehicles on the High Road frontage.

8.12 There have been a number of site visits made recently and no parked vehicles were noted on either road frontage. On all occasions, the car park was not being used to capacity and car parking spaces were available for the use of customers. I also note that improvements to the running surface of Beech Grove have been made up to the access into the café car park and therefore, it is assumed that rights of access over this length of roadway are available to No. 53 High Road.

8.13 Having liaised with the Safer Roads Team on this matter I would add that both the junction and the frontage of the premises to High Road are protected by a traffic regulation order and therefore, no parking is permitted at this location. Any breaches of this can be enforced by the DMBC enforcement team. They have also advised me that bollards have recently been installed after consultation with the Parish Council to remove the possibility of any cars driving directly over the footway to leave the premises and access High Road".

9.0 Summary and Conclusion

9.1 The principle objection is for highway and parking reasons. The objections were received because of existing problems with the café. This application is to consider additional opening hours only. An additional 30 minutes opening in the week and Sunday opening is unlikely to cause a highway issue because it will miss the trade with workers. The proposal is not deemed to cause a residential amenity issue either. However, a 12 month temporary consent is recommended to allow any impact to be monitored prior to a permanent change being allowed.

RECOMMENDATION

GRANT Full planning permission subject to the condition below;

01. U51209 Until 04.04.2018 the hours of opening shall be limited to:
 Mondays to Friday inclusive 0700 hours to 1500 hours
 Saturdays 0800 hours to 1500 hours
 Sundays 0900 to 1500.

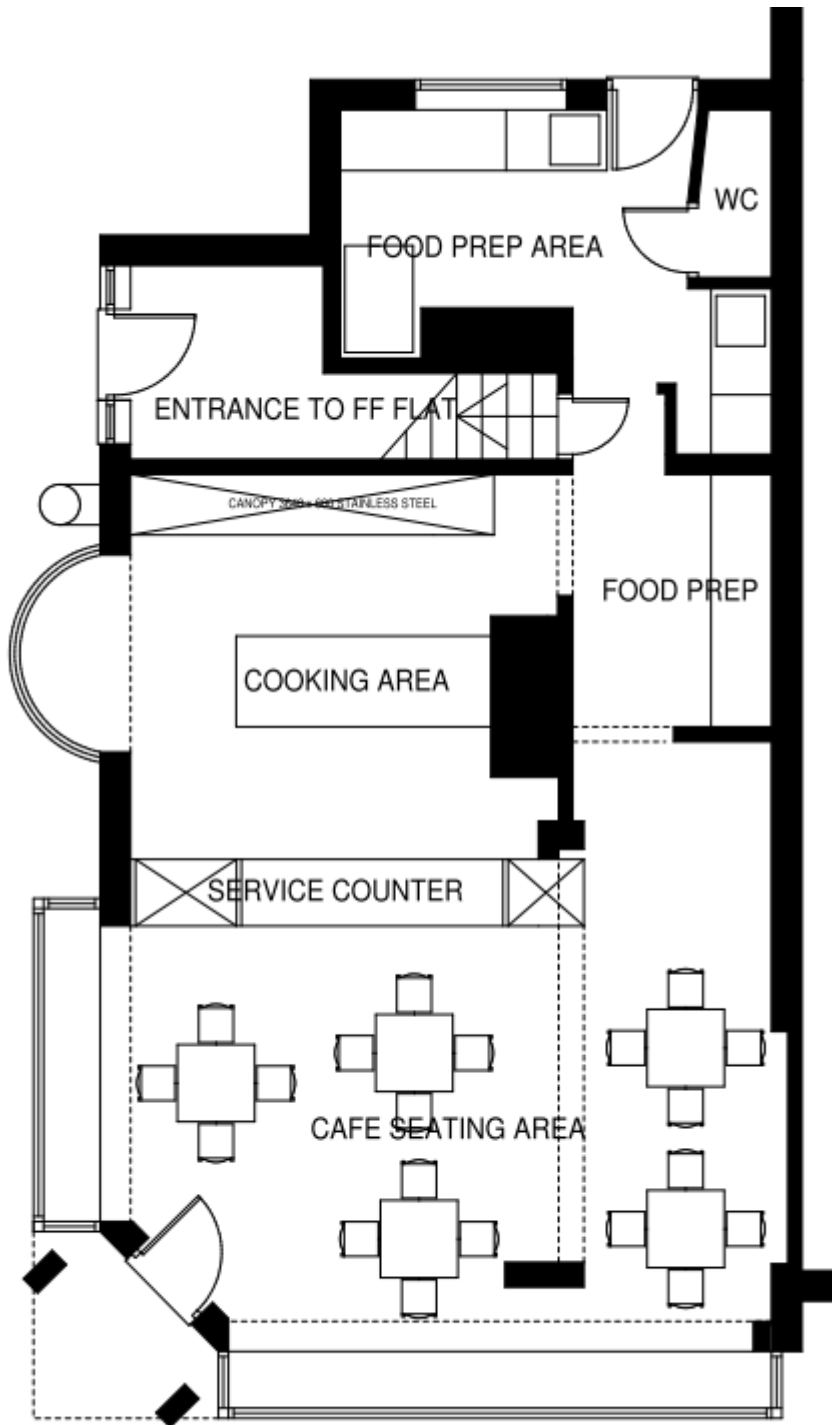
 After 04.04.2018 the hours shall revert to
 Monday to Friday 0700 to 1430
 Saturday 0800 to 1430
 And not at all on Sundays and bank holidays

REASON

To allow the Local Planning Authority to monitor any highway or residential amenity issues before a permanent change is allowed.

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 Floor Plan



GROUND FLOOR PLAN

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 4th April 2017

Application 4

Application Number:	17/00078/FUL	Application Expiry Date:	10th March 2017
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Application Type:	Full Application
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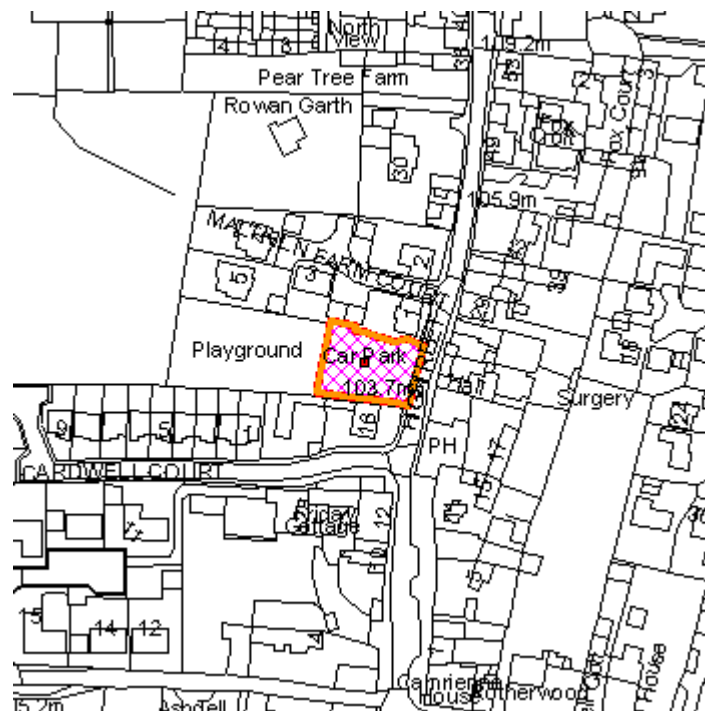
Proposal Description:	Erection of a detached dwelling with associated garaging
At:	Land At High Street Braithwell Rotherham

For:	Mr Wadsley
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Third Party Reps:	24	Parish:	Braithwell / Micklebring Parish Council
		Ward:	Tickhill And Wadworth

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

1.1 The submitted application seeks planning permission for the erection of a detached dwelling and associated garaging, on land at High Street, Braithwell. The application is being presented to the Committee due to amount of public interest.

2.0 Proposal and Background

2.1 The application site is currently a privately owned car park, associated with the Butchers Arm public house located on the opposite side of the High Street. The site is located on the western side of the High Street, which is the main road through the village, and is within the very centre of the settlement. The site is also located within the Braithwell Conservation Area, and sits adjacent to the former School House, which is a Grade II Listed Building.

2.2 The site is rectangular in shape and level, consisting of hard standing forming a car park, with access served from the High Street. A low metal fence runs along the front boundary of the site, whilst to the south a footpath bound by paladin fencing provides access to the play area to the rear of the application site. A detached dwelling, 18 High Street, is located on the other side of the path and sits on the corner with Cardwell Court. A more modern cul-de-sac development is located on the northern side of the application site, separated by limestone walling. The Butchers Arms public house and the former School House are located on the opposite side of the High Street.

2.3 The application proposes a two storey detached dwelling which will be located to the front of the site, in line with the neighbouring property 1 Maltkiln Farm Court, a similarly designed modern property. Vehicular access is proposed along the southern side of the dwelling, with a detached double garage and amenity area to the rear. The applicants have indicated that an existing right of access to maintain the play area to the rear of the site will be retained. This is currently accommodated by a gate within the existing fencing on this boundary.

3.0 Relevant Planning History

3.1 None.

4.0 Representations

4.1 The application has been advertised in accordance with Article 13 of the Development Management Procedure Order (DMPO), by way of site notice, neighbour letters and a notice in the local press.

4.2 As a result of the publicity, 24 letters of objection have been received. The main points raised by local residents concern;

- the loss of car parking as a result of the proposal
- the scale of the proposed dwelling
- blocking surveillance of the children's playground to the rear
- maintenance access to the playground

5.0 Parish Council

5.1 Braithwell with Micklebring Parish Council object to the proposal. The impact the development will have on the adjacent park, in terms of the resulting lack of surveillance and potential for anti-social behaviour, and secondly the loss of the use of the pub car park, and the fact that there is inadequate car parking for the existing facilities in the village. It is also questioned whether prescriptive rights may have been acquired over the years for use of the car park other than visiting the public house.

6.0 Relevant Consultations

DMBC Highways - no objections following amendments to accommodate turning area and garage size. Recommend conditions.

DMBC Internal Drainage - recommend condition requiring drainage details to be agreed.

DMBC Conservation - no objections following amendments to reduce the bulk and massing of the proposed dwelling.

Severn Trent Water - no objections, recommend condition requiring drainage details to be agreed.

Environment Agency - not received.

DMBC Pollution Control - not received.

7.0 Relevant Policy and Strategic Context

7.1 Saved Doncaster Unitary Development Plan (UDP)

The land is allocated as Residential Policy Area in the Braithwell Conservation Area. The site is adjacent to a listed building.

PH11: Residential Policy Area

ENV25: Conservation Areas

ENV34: Affecting the setting of a Listed Building

Policy PH11 indicates that dwellings will appropriate in principle in these areas. The development should not be of a density or form detrimental to the area, or result in an over intensive development. The development should not detrimentally harm neighbouring amenity. Finally the proposal should not result in the loss of social, community and recreational or other local facilities for which there is a demonstrated need.

Policy ENV 25 ensures that development will preserve or enhance the character and appearance of the area. Development would not be permitted if it would detract from this area by virtue of its nature, height, density, form, scale, materials or design or by the removal of trees or other important landscape features.

Policy ENV34 indicates that permission will not be granted for development that would adversely affect the setting of a Listed Building.

7.2 Doncaster Council Core Strategy

CS14 - Design and Sustainable Development

CS15 - Valuing our Historic Environment

Policy CS14 sets out that development should be in keeping with the character of the area and not harm highway safety or the highway network.

Policy CS15 ensures that the historic assets are protected and enhanced.

7.3 National Planning Policy Statement (NPPF)

Section 7 - Requiring good design

Section 12 - Conserving and enhancing the historic environment

National Policy is now in the form of the National Planning Policy Framework (NPPF). This came into effect on the 27th of March 2012. The NPPF sets out the Governments

planning policies and are a material consideration in planning decisions. The NPPF replaces all PPS's/PPG's and constitutes guidance for local planning authorities and decision takers. The NPPF does not change the statutory status of the development plan as the starting point in decision making, however, at the heart of the NPPF is a 'presumption in favour of sustainable development'.

8.0 Planning Issues and Discussion

The main issues are:

- o The principle of development
- o The impact upon the surrounding Conservation Area
- o Highways and parking
- o Local amenity

The principle of development

8.1 As mentioned previously, the application site is located within an allocated Residential Policy Area, within the settlement boundaries of the village of Braithwell.

8.2 Saved Policy PH11 of the UDP states that within Residential Policy Area development for housing will normally be permitted, except where development is of a density or form detrimental to the area, or result in an over intensive development. The development should not detrimentally harm neighbouring amenity. Finally the proposal should not result in the loss of social, community and recreational or other local facilities for which there is a demonstrated need. These issues will be considered in further detail within the report.

8.3 On this basis, it is accepted that the principle of new residential development in this location is consistent with saved Policy PH11.

The impact upon the surrounding Conservation Area

8.4 The proposal site lies within the Braithwell Conservation Area. The character of the conservation area derives from the traditional coursed random rubble limestone agricultural and residential buildings and the narrow lanes bounded with random coursed rubble limestone walls at the core of the village and this has influenced new development within the conservation area. Buildings are generally 2 storeys, narrow span, tight to the pavement, sometimes with the gable at the back of the pavement or with small front gardens bounded by limestone walls with half round copings. Roofs are generally clay pantile on these buildings.

8.5 The Butcher's Arms like the nearby but less ornate Red Lion is atypical of the conservation area being brick built with cream half render to the upper floors and dates from the early C20th probably replacing an earlier inn building. The car park opposite detracts from the appearance of the village being an incongruous concrete surfaced space bounded to the rear and side by modern playground fencing. However, it does allow local parking and access to the playground beyond and gives views through to the countryside. It also allows open views of the adjacent Cardwell House. Historically OS maps show some buildings to the back and RHS of the site in the C19th which were probably agricultural in character and possibly linked to the activities of the inn.

8.6 As mentioned above, saved Policy ENV25 of the UDP is concerned with development within conservation areas, and seeks to ensure that proposals preserve or enhance the character or appearance of the area. Developments that would detract from the character or appearance of the area by virtue of their nature height, density, form, scale, materials or design or by the removal of trees or other landscape features will be resisted. Similarly, Policy CS15 (Valuing Our Historic Environment) also seeks to ensure that new proposals preserve, and where appropriate, enhance the heritage significance and setting of the Borough's heritage assets.

8.7 The Council's Conservation Officer has been consulted and provided comments on the proposal, which have resulted in amendments to the proposed development. In principle, there are not considered to be any conservation reasons for objecting to the redevelopment of the car park site. Whilst the site does currently provide a function of allowing local parking and views of the playground and countryside beyond, as mentioned above the site detracts from the appearance of the street scene by being a concrete surfaced space bounded by modern fencing. There is map evidence of previous historic buildings in this location, and the gap within the street scene is not characteristic of the Conservation Area which has buildings relatively tight to the frontage with the High Street. However, given the site's location within the centre of the village and heart of the Conservation Area, any development on this site would need to reflect the traditional character of the village as described within section 8.4 above.

8.8 The proposal originally showed a fairly substantial two storey dwelling of a simple form set back road frontage slightly further than the adjacent 1 Maltkiln with 2.7m to the street. Normally it would be preferable to have the building situated in line with the neighbouring property, however in this case setback helps the building sit better in relation to the adjacent Cardwell House, which is set much further back from the road frontage. The submitted information describes the materials as timber doors/windows, clay pantile roofs and natural stone or brick for walls. Brick in this location would not be characteristic however the other materials mentioned are acceptable. Aside from the public houses, all of the buildings on the High Street are limestone and any buildings would need to follow in this material to maintain the local distinctiveness.

8.9 The main issue with the plans as originally submitted was the massing of the building and specifically the 9.7m span which is too wide for the area and which gives a 9.4m high ridge line, resulting in the building sitting taller than its neighbours and appearing overly dominant. The proposed gable copings exacerbate this issue, giving an imposing appearance. Following receipt of the comments, the applicants have amended the design of the dwelling, narrowing the main span of the roof which has resulted in a lower ridge line of 8.3m. This reduction in roof height and massing means that it will be slightly larger than the adjacent dwelling but not unduly so and with a drop in ground level the ridge should sit down from it.

8.10 On this basis, there are no objections to the scheme in terms of its impact upon the surrounding Conservation Area. Boundary treatment will be an important consideration, particularly on the site frontage, however this can be secured by way of condition. Similarly, a condition will be imposed to secure the details of the external building materials.

Highways and parking

8.11 As described previously within the report, access to the new dwelling will be served from the High Street, with a driveway to be situated on the southern side of the property.

The driveway is shown to lead round to the rear of the property, providing a turning facility and serving a proposed double garage which is to be sited on the northern side boundary.

8.12 Initial comments from the Council's Highways required a vehicle turning area, as well as increasing the access width to 3.3m, and for the internal dimensions of the double garage to be increased to 6m x 6m. The applicants provided these amendments, and subsequently no objections are raised on highways grounds, subject to standard conditions including ensuring that any boundary treatment on the site frontage

8.13 The majority of the objections received raise the issue that the site at the moment, whilst in the private ownership of the public house opposite, is currently used by local residents for parking. Residents state that there is currently a lack of parking within the village, and the facility is used by people using the play park, doctor's surgery and the Masters House (which is used by a number of local groups and bodies). It is argued that the removal of this parking facility would have a detrimental impact upon the ability of these local facilities to function as they currently do, and would affect their longer term viability.

8.14 It is appreciated that the car park currently provides a service allowing parking during the day for people using facilities other than the public house. However, the land is in private ownership, and is not a public car park. Parking is currently allowed with the permission of the land owner. Should this permission be revoked and the car park closed for general use, the authority would have no means of formally opposing this. The point raised by residents is taken, and this off street parking within the village has become a facility which has become relied upon. However, it is not something which the Authority can insist on being retained. Some on street car parking is available, with parking bays further to the south of the site along the High Street.

Residential Amenity

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

8.16 In terms of neighbouring properties, the closest dwellings to the proposed are located to either side at 16 High Street and 1 Maltkiln. Neither property has primary windows within the side facing elevations, and there are no concerns in terms of loss of privacy. Parts of the rear gardens of these properties will be visible from the rear first floor windows of the proposed dwelling, however this is not an unusual situation in a residential street. The properties on the opposite side of the road are not residential, and as such not impacted by the proposal in terms of overlooking or privacy. On this basis, it is considered that the proposal is acceptable in term of its impact upon the living conditions of neighbouring occupiers.

8.17 Objections have also been received from residents concerning the obscuring of views from the High Street to the play park. The interruption of this view would result in less surveillance of the play park, and with it an increased opportunity for anti-social behaviour. It is accepted that a building in this location would mean that the play park would not be visible from the main road, however the park would be overlooked by the new dwelling, as it is by other dwellings on the northern and southern boundaries. Generally, when considering proposals for play areas, an important consideration is that they are provided with adequate surveillance preferably with residential properties an appropriate distance away and able to overlook. In this case the park would now be

overlooked on 3 sides by dwellings, and so it is not considered that there would be such a lack of surveillance as to render the proposal unacceptable.

Other Issues

8.18 Another issue raised by the consultation process is that there is currently a gate within the existing fencing at the rear of the car park to allow for maintenance access to the park. Access across the site is allowed with the agreement of the land owner. The planning system cannot enforce or establish rights of access to third parties across private land, however the submitted plans and Design and Access statement show that maintenance access will be retained across the site, with the opportunity to provide a point of access for such purposes on the rear boundary. On this basis, a condition will be imposed requiring details of how this access point will be formed.

8.19 No objections have been raised by other consultees as part of the application process. Conditions relating to drainage and ground contamination will be imposed.

Summary and Conclusion

9.1 Overall, the application is considered to be in accordance with the applicable local and national planning policies, and accordingly recommended for approval. The proposed dwelling would not cause harm to the character of the surrounding Conservation Area, nor would it impact upon the amenities of neighbouring occupiers. The objections relating to the loss of the existing car park are noted, however as discussed within the report, the land is within private ownership and parking is currently allowed with the permission of the site owner. The public play park will still be overlooked on three sides by residential development, and it is not considered that the loss of surveillance from the High Street is such an issue to warrant refusal. The applicants have also shown that maintenance access can be retained through the application site to the play park. On balance, the proposal is considered to be acceptable and so 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. 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. 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.

04. HIGH2 The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

REASON

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

05. U51214 Any boundary treatment on the site frontage should be of no greater height than 900mm to ensure adequate visibility.

REASON

In the interests of highway safety

06. U51215 When the approved replacement access has been constructed the existing access shall be permanently closed in a manner to be approved by the local planning authority.

REASON

In the interests of highway safety

07. 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.

08. U51216 Prior to the commencement of development, details of a maintenance access on the rear (western) site to serve the adjacent play park shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To ensure an adequate maintenance access to the play park

09. U51217 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows 1702.P01 Rev B dated 26.02.2017

REASON

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

10. MAT3 The materials for the base of the conservatory hereby approved shall match those used in the existing dwelling.

REASON

To ensure the satisfactory appearance of the development in accordance with policy ENV54 of the Doncaster Unitary Development Plan.

11. NOPD1A Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additions, extensions or other alterations other than that expressly authorised by this permission shall be carried out without prior permission of the local planning authority.

REASON

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

01. U11159 INFORMATIVE

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

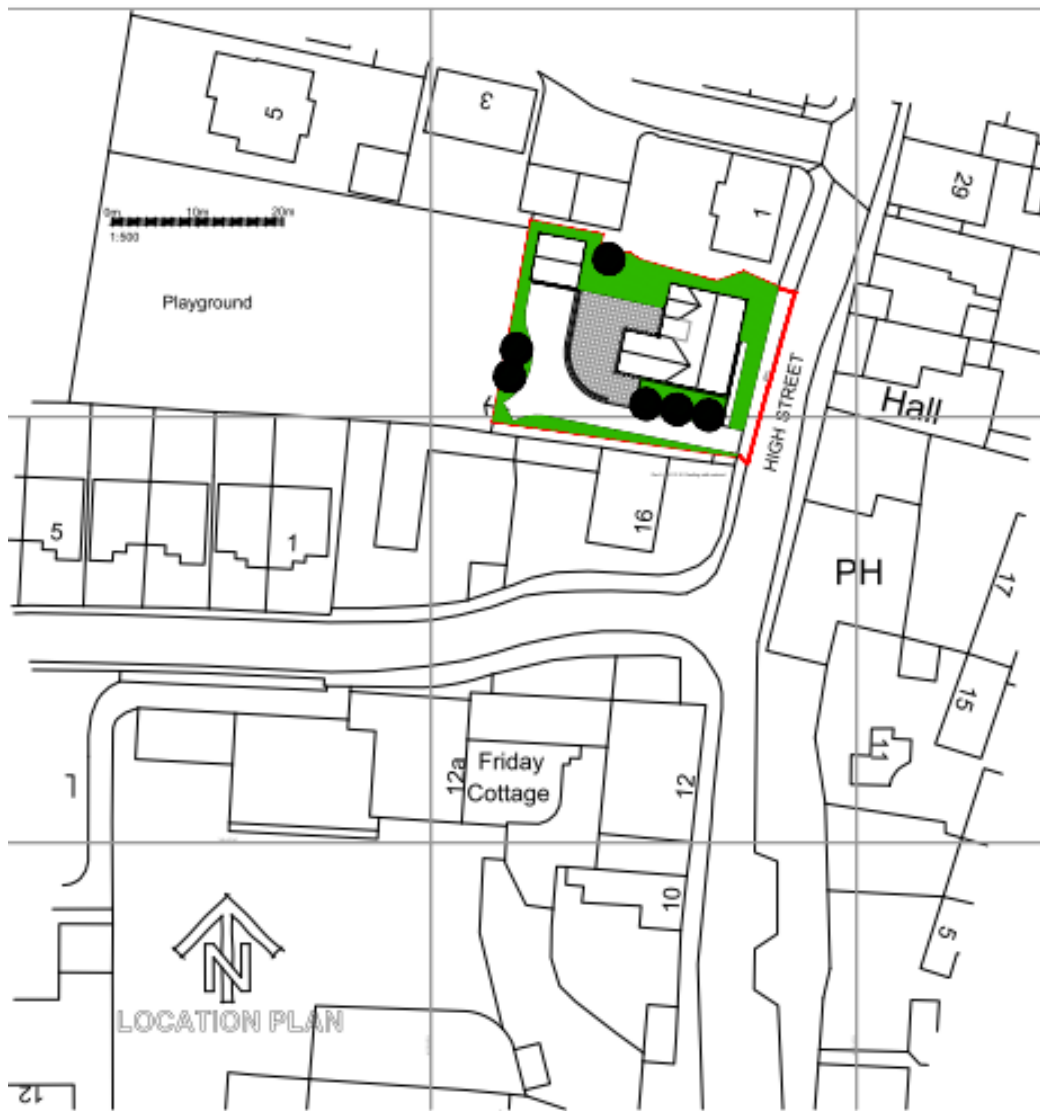
Reasons(s) for Granting Planning Permission:

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

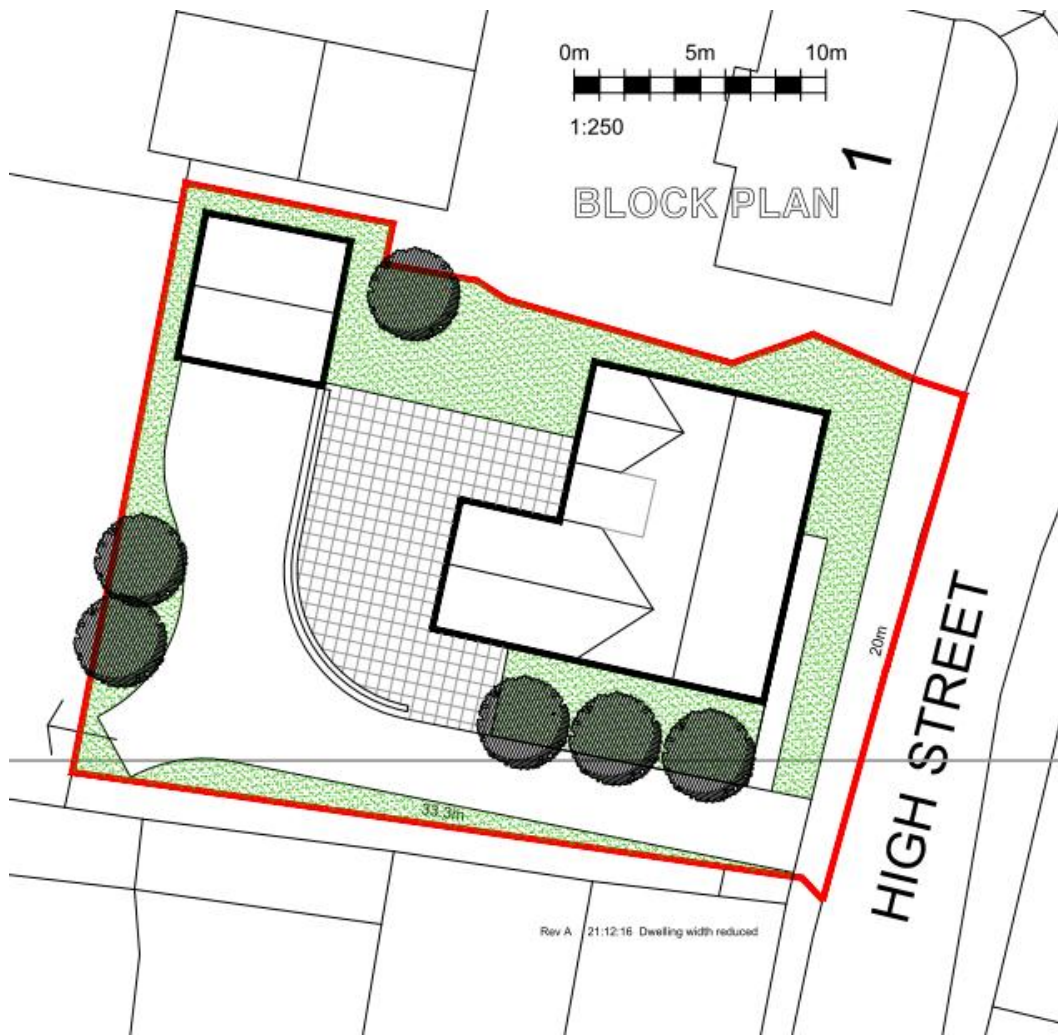
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

The scale and appearance of the proposed dwelling, and highways matters.

APPENDICES



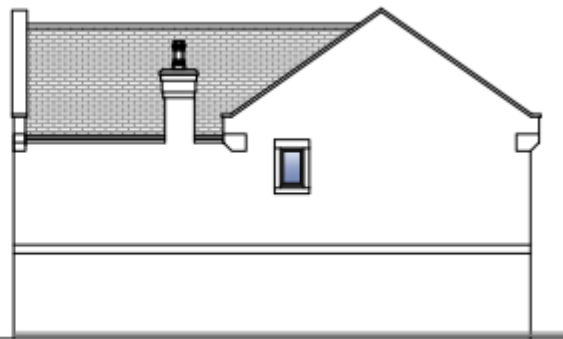
Location Plan



Site Layout Plan



Front Elevation



Side Elevation

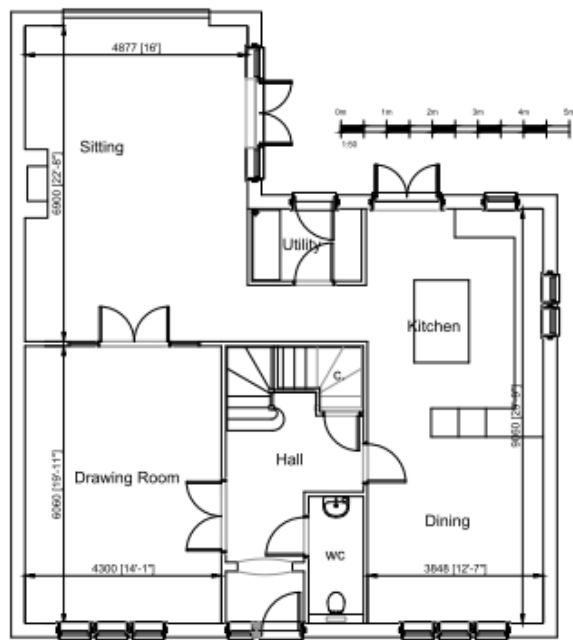


Rear Elevation



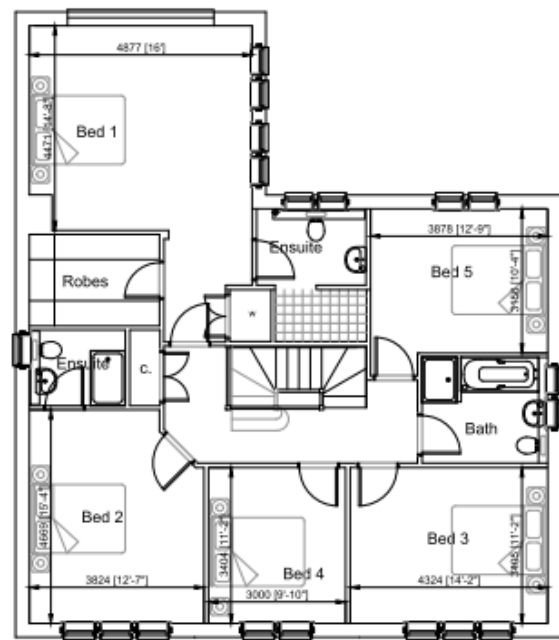
Side Elevation

Proposed Elevations



Ground Floor Plan

Area = 122.32m²



First Floor Plan

Area = 122.32m²

Proposed floor plans

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 4th April 2017

Application	5
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Application Number:	17/00422/FUL	Application Expiry Date:	17 th April 2017
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Application Type:	Full application
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Proposal Description:	Proposed part change of use of ground floor office (B1) to personal fitness studio (D2)
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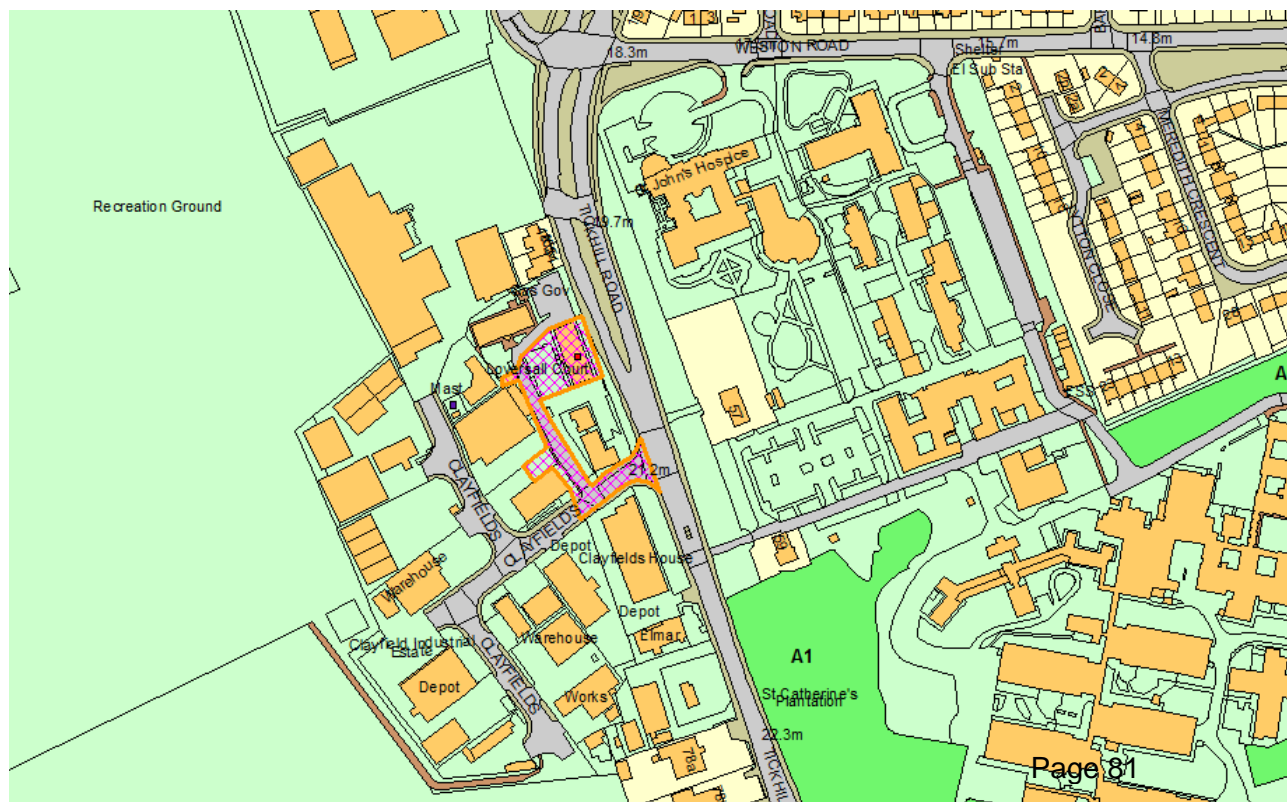
At:	Block A, Loversall Court, Clayfields, Tickhill Road
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For:	Mr John Sedgwick, C/O Diane Holgate - DCH Consulting
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Third Party Reps:	1 objection	Parish:	N/A
		Ward:	Balby South

Author of Report	Dave Richards
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MAIN RECOMMENDATION:	GRANT Planning Permission subject to conditions
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1.0 Reason for Report

1.1 This application is being presented to Members as the planning agent is the spouse of a member of staff working in the Development and Regeneration Directorate.

2.0 Proposal and Background

2.1 The application proposes the part change of use of a section of ground floor office space to a personal fitness studio (D2).

2.2 The activities would mainly promote the use of cross-circuit training equipment with one-to-one training sessions. There would be no amplified music.

3.0 Relevant Planning History

3.1 03/3681/P - Erection of 2 No. two storey office blocks (each one 28.0m x 10.0m overall). Approved 06.08.2003.

4.0 Representations

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

4.2 One representation has been received from a nearby neighbour concerned with the potential for noise and potential blocking of their access driveway.

4.3 A nearby office tenant wanted clarification of the application details; however no planning related issues were raised.

5.0 Relevant Consultations

5.1 Highway Officer

Having viewed all the associated information with this application, the applicant intends to train on a 1-1 appointment only basis and the office comes with adequate parking allocation. As such I have no objections to this application.

5.2 Environmental Health Officer (Noise)

No objection subject to conditions restricting amplified sound and limits on numbers

6.0 Relevant Policy and Strategic Context

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 In the case of this application, the Development Plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policies are Policies CS1 and CS5 of the Core Strategy and Policy EMP6 of the UDP.

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

6.4 Planning Permission 03/3681/P granted the erection of the office block subject to this application.

7.0 Planning Issues and Discussion

7.1 The main issues are:

- Whether the use is appropriate in principle
- Whether there is any negative impact to local amenity including noise/disturbance to surrounding land uses and highway safety

Principle of Development

7.2 Loversall Court is a designated local employment area according to the UDP. Policy EMP6 of the UDP states a preference for retaining local employment sites but does allow other uses on their own merits in accordance with other Development Plan policies.

7.3 Policy CS5 of the Core Strategy states that alternative uses can be supported at local employment sites where the use is appropriate in terms of scale, design and location or will not adversely affect the efficient operation of adjacent employment land or uses provided that:

1. it supports the employment uses located on the employment allocation;
2. is a specialist use which is appropriate to an employment site and cannot be located elsewhere; or;
3. has a mix of commercial and/or community uses that provides clear additional benefits

7.4 In light of the small scale use proposed, it is considered to be a specialist use which is appropriate to an employment area. Although the use would take away office space, the alterations and permission necessary to revert back to the prior use would be minimal. The planning agent confirmed that the office space is being marketed and has currently been without a tenant for 1 year, indicating a lack of interest. The site is within the main urban area and well located in terms of public transport provision. The use would be appropriate in terms of scale, would not adversely affect the efficient operation of adjacent office units and is appropriate to an employment area.

Local Amenity and Highway Safety

7.5 Policy CS1 of the Core Strategy seeks to provide, amongst other things, access to new skills, jobs and good quality sport and leisure facilities. Policy CS5 of the Core Strategy and Policy EMP6 of the UDP accepts that sport and leisure uses can co-exist on employment sites provided it protects local amenity.

7.6 The proposal seeks a change of use to Class D2 to enable it to be used as a fitness studio. The use would likely involve a movable range of fitness equipment. The proposal would be a small scale operation, being appointment based and with a tutor giving one on

one tuition. Existing ancillary facilities exist in the office space to provide washing and changing rooms.

7.7 Although a nearby neighbour is concerned that the activity would be noisy and would lead to on-street parking, there would be no amplified sound and the existing employment parking available is more than sufficient to accommodate a conditioned number of visitors.

7.8 The Environmental Health Officer and Highway Officer have been consulted and no objections have been raised.

7.9 In light of the above, the proposal complies with Policy CS5 of the Core Strategy and Policy EMP6 of the UDP.

7.10 No other material issues have been raised.

8.0 Summary and Conclusions

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

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

Conditions / Reasons

01. 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. U50891 Notwithstanding any shared facilities, the use hereby permitted shall be limited to the areas 2 and 3 as defined on the approved drawing Dwg No. NGLB0015. The use must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

- Dwg No. NGLB0015 Ground Floor as existing received 20th February 2017
- Amended Planning Statement received 3rd March 2017
- Location Plan received 20th February 2017
- Further information received 20th February 2017
- Application Form received 1st March 2017

REASON

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

03. U50686 The application site shall only be used as a personal fitness studio and for no other purpose within Class D2 of the Town and Country Planning Use Classes (Amendment) Order 2005 (or any subsequent

order or statutory provision revoking or re-enacting that order with or without modification). Should the use cease, the use shall revert to a B1 use unless otherwise agreed in writing by the Local Planning Authority.

REASON

The local planning authority wishes to retain control over the approved use any subsequent change of use of these premises within the D2 Use Class, in the interests of safeguarding the amenities of the area as required by Policy EMP6 of the UDP.

04. U50687

The classes provided shall be pre-arranged and limited to a maximum of 5 participants and 1 instructor with no amplified sound permitted.

REASON

To protect the residential amenity of the area as required by Policy EMP6 of the UDP.

05. U50893

The hours of opening shall be limited to between 0800 and 2000 on any given day.

REASON

To ensure that the development does not prejudice the local amenity in accordance with Policy EMP6 of the UDP.

Informatives

01. U11028

INFORMATIVE

The permission hereby granted shall not relate to the display of any advertisement for which express consent is required. Separate consent under the Town & Country Planning (Control of Advertisements) Regulations 1992 (as amended) is required.

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2010 (as amended)

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

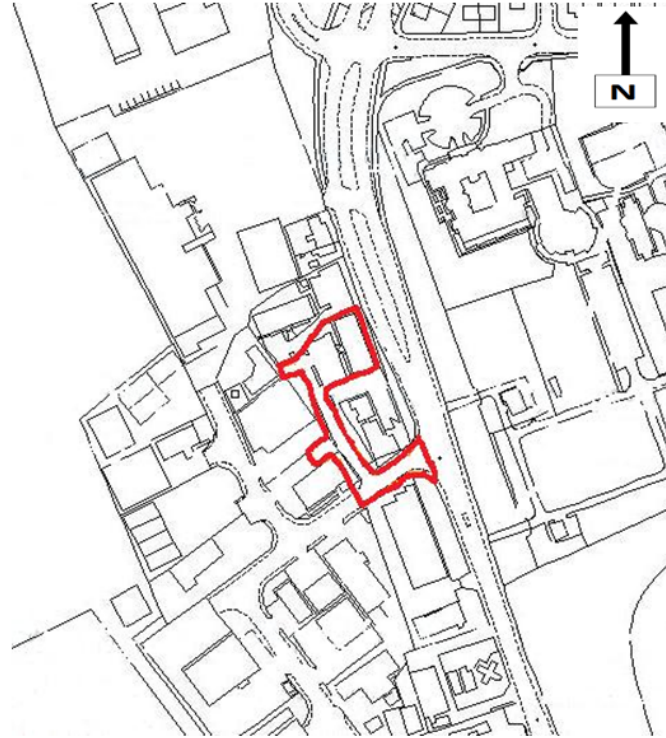
The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

APPENDICES

APPENDIX 1 – LOCATION PLAN

SITE LOCATION PLAN

LOVERSALL COURT, TICKHILL ROAD, DONCASTER



SCALE 1:2500

APPENDIX 2- PART CHANGE OF USE OF OFFICE SPACE

Drawing Showing Service Points

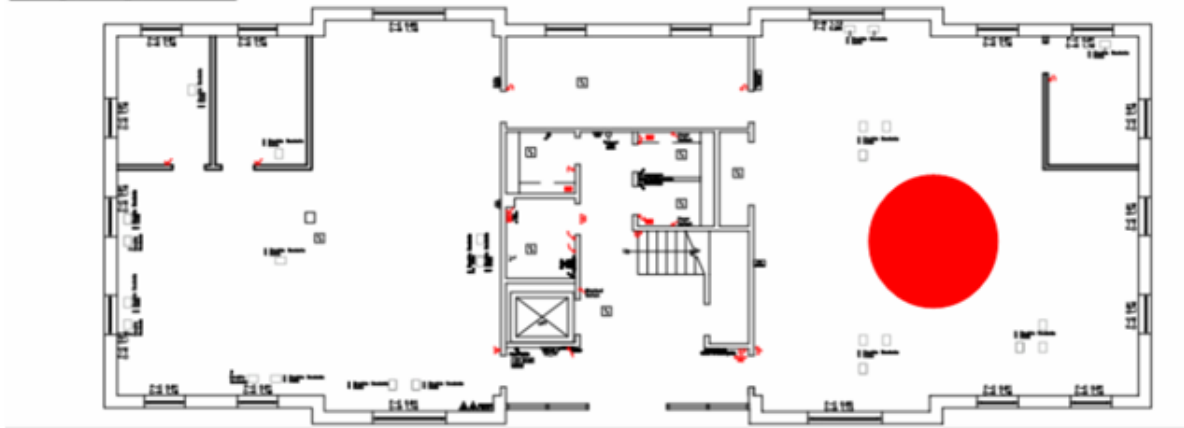


Fig 4 – Red circle shows change of use from office to fitness training centre.

4th April 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
16/00308/M	Appeal against enforcement action for unauthorised material change of use from a site permitted for agricultural purposes to the siting of a static mobile home and 3 touring caravans used for residential purposes under grounds (b) and (g). at Field House Farm, Sticking Lane, Adwick Upon Dearne, Mexborough	ENF-App Dis/Upheld Sub to Correction/Var 22/02/2017	Mexborough

REPORT AUTHOR & CONTRIBUTORS

Ms J M Lister
01302 734853

TSI Officer
jenny.lister@doncaster.gov.uk

PETER DALE
Director of Regeneration and Environment

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Appeal Decision

Site visit made on 6 February 2017

by Thomas Shields MA DipURP MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/F4410/C/16/3158109

Land at Field House Farm, Sticking Lane, Adwick upon Dearne, Doncaster, South Yorkshire, S60 0NH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Jason Hughes against an enforcement notice issued by Doncaster Metropolitan Borough Council.
 - The enforcement notice was issued on 5 August 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use from use for agricultural purposes to mixed agricultural use and the siting of three touring caravans for residential use as indicated on the attached plan.
 - The requirements of the notice are:
 - (i) Remove the three touring caravans being used for residential purposes from the site.
 - (ii) Cease the use of the site for residential use excluding the area cross hatched black on the attached plan.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
-

Decision

1. It is directed that the enforcement notice is varied by deleting the words "3 months" in sections 5(i) and 5(ii), and substituting instead the words "6 months".
2. Subject to the variation the appeal is dismissed and the enforcement notice is upheld.

Procedural matters

3. An appeal on ground (b) of section 174(2) of the Act is "that those matters have not occurred". The "matters" referred to are the matters stated in the notice which may give rise to, or constitute, the breach of planning control. In this regard, there is no dispute that the caravans subject of the notice were placed on site, and indeed were still there at the time of my visit to the appeal site. Therefore the matters stated in the notice which may give rise to the breach of planning control have clearly occurred and an appeal on this ground has no prospect of success.

4. However, it is clear from the appellant's comments on the submitted appeal form that he considers the stationing of the caravans on the land are ancillary to the use of a lawful dwelling and do not involve a material change of use of the land. That argument is an appeal on ground (c); that those matters (if they occurred) do not constitute a breach of planning control.
5. However, the Council's submitted evidence relates to the appellant's arguments as though they had been made on ground (c). As such, there would be no injustice to either party in my determining the appeal by treating the ground (b) appeal as an appeal on ground (c). I have therefore done so.
6. An earlier enforcement notice issued in October 2014 alleged a material change of use in respect of a static mobile home and four touring caravans used for residential purposes. The static mobile home was referred to as a 'chalet' and I shall do the same. That notice was corrected and quashed on appeal¹ by decision made on 18 May 2016. In so far as it relates to the appeal before me it is material consideration to which I attach due weight. I shall refer to it as the 'first appeal'.

The appeal on ground (c)

7. As stated previously, the ground of appeal is that the matters alleged to have occurred in the notice (if they occurred) do not constitute a breach of planning control. In legal grounds such as these, the burden of proof is on the appellant and the test of the evidence is on the balance of probability.
8. Present on the land subject of the enforcement notice are the chalet and, in close proximity to it, four touring caravans. The chalet, and its use for residential purposes, was held to be immune from enforcement action in the first appeal. It is not subject of the notice in this appeal. One of the touring caravans is for storage of medicines and other miscellaneous items used for agricultural purposes on the farm. Its use as such was found in the first appeal to be ancillary to agriculture and does not amount to development. It also is not subject of the notice.
9. The alleged material change of use and the requirements in the notice therefore relate only to the remaining three touring caravans.
10. The appellant's evidence is that the chalet is a lawful dwelling on his working farm for the accommodation of him and his family. It has only two bedrooms, and the appellant has eight young children. Of the three small touring caravans enforced against, two are used as extra sleeping accommodation, and the other is used for the storage of children's clothes and toys. As such, they provide essential accommodation, ancillary to use of the lawful dwelling. In these circumstances, it is argued, the farm is in mixed use for agriculture and as a dwelling house. On this basis the appellant argues that the stationing of the three touring caravans on the land does not involve development, and so does not constitute a material change of use of the land or a breach of planning control.
11. However, this (appellant's) argument was advanced in the first appeal and was considered in detail by the Inspector in her reasoning. Significantly, no further evidence, or change in circumstances has been submitted by the appellant in respect of the three residential caravans in this appeal.

¹ APP/F4410/C/14/3001253

12. Given these factors, and having regard to the layout of the farmyard, agricultural buildings, chalet, and touring caravans which I saw during my visit to the appeal site, I come to the same conclusion as the Inspector in the first appeal. Hence, the three touring caravans subject of this appeal would only be lawful if the lawful use of the land on which they are sited was residential or a mixed agricultural and residential use, or if they were within the curtilage of the chalet.
13. For the same reasons as detailed by the Inspector in her decision² on the first appeal, I find that the three caravans are not on land which is in lawful residential use, mixed agricultural and residential use, or within the curtilage of the chalet. Their siting for residential purposes therefore results in a material change of use of the land from agriculture and amounts to development within the meaning of section 55 of the Act.
14. Since the development does not benefit from planning permission it constitutes a breach of planning control.
15. The appeal on ground (c) therefore fails.

The appeal on ground (g)

16. The ground of appeal is that the period for compliance with the notice's requirements fall short of what should reasonably be allowed. The notice requires compliance within three months.
17. The appellant seeks a period of twelve months on the basis that the caravans form part of his family's home, and that three months is insufficient to make alternative living arrangements whilst maintaining his livelihood. It is also stated on his appeal form that the needs of the children are central issues. However, no detailed evidence in respect of such needs has been submitted.
18. I see no reason why the notice could not be physically complied with within three months. However, I also recognise that finding alternative and suitable accommodation for an eight child family, while also working the farm, could be difficult. Additionally, I cannot be sure from the evidence before me that the house in Darfield, referred to by the Council, is still available and suitable.
19. Taking account of all the above factors I consider that a period of six months would be more reasonable. To this limited extent the appeal succeeds and I have varied the notice accordingly.

Thomas Shields

INSPECTOR

² APP/F4410/C/14/3001253, ground (c), paragraphs 62 to 72

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Agenda Item 7.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 8.

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

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