



Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

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, 29th May, 2018

Time: 2.00 pm

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Jo Miller
Chief Executive

Issued on: Friday 18th May, 2018

Governance Services Officer for this meeting

Amber Torrington
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Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

Items for Discussion:

Item	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.	
4. Minutes of the Planning Committee Meeting held on 1st May, 2018.	1 - 8
A. Reports where the Public and Press may not be excluded.	
<u>For Decision</u>	
5. Schedule of Applications.	9 - 136
6. Doncaster Borough Council Tree Preservation Order (No.401) 2018 - No. 2 Lichfield Road, Wheatley.	137 - 144
<u>For Information</u>	
7. Appeal Decisions.	145 - 162
B. Reports where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.	
8. Enforcement Cases Received and Closed for the Period of 18th April to 15th May, 2018 (Exclusion paragraph 6).	163 - 180

Members of the Planning Committee

Chair – Councillor Eva Hughes
Vice-Chair – Councillor Iris Beech

Councillors Duncan Anderson, Mick Cooper, Susan Durant, John Healy,
David Hughes, Sue McGuinness, Andy Pickering, Dave Shaw and Jonathan Wood

Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 1ST MAY, 2018

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE on TUESDAY, 1ST MAY, 2018, at 10.00 am.

PRESENT:

Chair - Councillor Eva Hughes

Vice-Chair - Councillor Iris Beech (in the Chair for Agenda Item No 8)

Councillors Duncan Anderson, Susan Durant, Sue McGuinness and Andy Pickering.

APOLOGIES:

Apologies for absence were received from Councillors Mick Cooper, John Healy, Tina Reid and Dave Shaw.

100 DECLARATIONS OF INTEREST, IF ANY

In accordance with the Members' Code of Conduct, the Vice-Chair Councillor Iris Beech, declared an Disclosable Pecuniary interest in Application No. 17/00095/FULM, Agenda Item 5 (1), by virtue of being a Member of Askern Miners Welfare Club and took no part in the discussion at the meeting and vacated the room during consideration thereof.

In accordance with the Members' Code of Conduct, Councillor Sue McGuinness declared an Disclosable Pecuniary interest in Application No. 18/00205/OUTM, Agenda Item 5 (2), by virtue of being involved in the various discussions in relation to the application at Armthorpe Parish Council meetings and took no part in the discussion at the meeting and vacated the room during consideration thereof.

101 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 3RD APRIL, 2018

RESOLVED that the minutes of the meeting held on 3rd April, 2018 be approved as a correct record and signed by the Chair.

102 SCHEDULE OF APPLICATIONS

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

103 TOWN AND COUNTRY PLANNING ACT 1990, SECTION 106 AGREEMENT

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

Application No.	Description and Location
18/00205/OUTM	Section 73 application to vary outline condition 25 (height limits) of planning application 15/03013/OUTM granted on 07/07/2017 (outline planning permission for an extension to West Moor Park Distribution Park comprising buildings of use within Class B1 and B8) at land South of Holme Wood Lane, Armthorpe, Doncaster, DN3 3RH.

104 RECONSIDERATION OF SECTION 106 AGREEMENT FOLLOWING VIABILITY ASSESSMENT FOR RESIDENTIAL DEVELOPMENT AT BARTON LANE, ARMTHORPE (14/01385/OUT)

The Committee considered a report seeking approval to a variation to the Section 106 Agreement for a development of 22 dwellings at the former Blacks Engineering Works, Barton Lane, Armthorpe.

It was reported that at its meeting on 4th April, 2015, Planning Committee approved outline planning permission for a residential development and the decision noticed being issued on the 12th December, 2016 following the signing of the Section 106 Agreement. It was noted that no viability assessment was undertaken and the land owner agreed to the full quota of contributions in order to gain permission and sell on the site.

Members were advised that the site had since been sold to the current applicants who applied for a reserved matters application for 22 dwellings, which was approved. The new owners are unable to borrow the money to develop the scheme due to the necessary S106 contributions. The developer had submitted a viability appraisal and supporting evidence which had been independently assessed by 2 financial viability consultants, the latter being the District Valuer (DVS).

It was reported that the DVS had considered that the price paid for the land was having a significant impact on the deliverability of the scheme and considered the current S106 makes the scheme unviable. The DVS had suggested that the agreement be reduced to include 2 (9%) affordable houses and £30,000 financial contribution, which could either be split between Education and Public Open Space or dedicated to 1 or the other.

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

RESOLVED that a Deed of Variation to vary the terms of the Section 106 Agreement dated 7th September 2016, to amend the affordable housing units from 6 to 2 units and reduce the combined Education and Public Open Space (POS) contribution from £109,165 to £30,000; the £30,000 be allocated to POS improvements and that delegated authority be given to Officers to determine where the POS improvements are to be made, but that the project be within the vicinity of the site as required by the Community Infrastructure Levy (CIL) regulations.

105 APPEAL DECISIONS

RESOLVED that the following decision 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 and Location	Appeal Decision
17/01674/FUL	Change of use of part of dwelling house to child minding business, maximum number of 10 children at any one time at 86 Crookes Broom Lane, Hatfield, Doncaster, DN7 6LD	Appeal Dismissed 27/03/2018
17/01886/FUL	Erection of 1.8m boundary wall with railings at 115 The Park, Woodlands, Doncaster, DN6 7RH	Appeal Dismissed 28/03/2018
17/02796/FUL	Erection of extension to existing bungalow and associated alterations (Being resubmission of application granted under Ref: 17/00988/FUL on 12.10.2017) at 63A Park Drive, Sprotbrough, Doncaster, DN5 7LN	Appeal Allowed 03/04/2018

106 ARTICLE 4 DIRECTION RELATING TO HOUSES IN MULTIPLE OCCUPATION

The Committee considered a report on the outcome of the recent public consultation on a proposed Article 4 Direction (A4D) and an Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) in parts of central Doncaster.

It was reported that an A4D was a local determination to restrict permitted development rights under the Town and Country Planning Act. It would mean that a property owner within the A4D area who wanted to turn their property into a small HMO of 3-6 people would be required to apply for planning permission, whereas at present, they would not need to. The A4D was proposed for the area covered by the plan at Appendix 1 of the report.

Members were advised that additional licensing gave the Council the power to require all landlords of HMOs included in the scheme, to apply for a licence and provide details of the management arrangements and the property. This would enable Officers to know where these properties were and place conditions on the licence holder to ensure minimum standards of safety, welfare and management were maintained.

It was noted that the A4D, being created under the Town and Country Planning Act, was a matter that the Committee may wish to take a view on and make such a view known to Cabinet prior to making a decision to proceed.

RESOLVED that the report on the proposed Article 4 Direction relating to Houses in Multiple Occupation be noted.

107 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that the public and press be excluded from the remaining proceedings of the meeting, in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, on the grounds that exempt information as defined in Paragraphs 5, 6 and 7 of Schedule 12A to the Act, is likely to be disclosed.

108 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 17TH MARCH TO 17TH APRIL, 2018 (EXCLUSION PARAGRAPH 6)

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during the period 17th March to 17th April, 2018.

RESOLVED that all Planning Enforcement Cases received and closed for the period 17th March to 17th April, 2018, be noted.

109 STEREFIBRE AT HAZEL LANE QUARRY, HAMPOLE - PLANNING ENFORCEMENT (EXCLUSION PARAGRAPHS 5 AND 7)

The Committee considered a report advising Members on the on-going position in relation to the long standing breach of planning control of the continued storage of Sterefibre (SF) on a purpose built storage pad at the site of Hazel Lane Quarry.

Members were advised of the recent receipt of new planning applications and a condition discharge request to address the proposed removal of part of the SF from the site and the impact that this has had on the appeals which were made in respect of the refusal of the 2015 planning application, refusal of the application for a Certificate of Lawful Use, and refusal to discharge Condition 29 of the Quarry permission.

Members were presented with background to the issue and an update on the process followed to date.

RESOLVED that the report be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 1st May, 2018

Application	1		
Application Number:	17/00095/FULM	Application Expiry Date:	14th April 2017
Application Type:	Planning FULL Major		
Proposal Description:	Erection of 50 houses and associated infrastructure, access, parking and garages (full). Outline permission for relocation of bowling green and pavillion.		
At:	Askern Miners Welfare Club and Institute, Manor Way, Askern Doncaster		
For:	Gleeson Homes Limited (Mr Brian Reynolds)		
Third Party Reps:	54	Parish:	Askern Town Council
		Ward:	Norton and Askern

A proposal was made to defer the application for a site visit.

Proposed by: **Councillor Susan Durant**

Seconded by: **Councillor Duncan Anderson**

For: 5 Against: 0 Abstain: 0

Decision: The application be deferred for a site visit to view the inside of the club, the condition of the surrounding land and character of the area to establish if any, very special circumstances exist to overcome the harm to the Green Belt.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Brian Reynolds (Agent) and Local Ward Members Councillors Austen White and John Gilliver, spoke in support of the application being granted for the duration of up to 5 minutes each.

(The receipt of an additional consultation response from the Designing Out Crime Officer SYP was reported at the meeting).

Application	2
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Application Number:	18/00205/OUTM	Application Expiry Date:	27th April 2018
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Application Type:	Outline Planning Major
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Proposal Description:	Section 73 application to vary outline condition 25 (height limits) of planning application 15/03013/OUTM granted on 07/07/2017 (outline planning permission for an extension to West Moor Park Distribution Park comprising buildings of use within Class B1 and B8)
At:	Land South Of Holme Wood Lane Armthorpe Doncaster DN3 3RH

For:	Gazeley UK Ltd C/o Savills UK Ltd
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Third Party Reps:	11	Parish:	Armthorpe Parish Council
		Ward:	Armthorpe

A proposal was made to grant the application.

Proposed by: **Councillor Iris Beech**

Seconded by: **Councillor Duncan Anderson**

For: 4 Against: 0 Abstain: 1

Decision: Planning permission granted subject to the completion of a Deed of Variation to the original Section 106 Agreement of the Town and Country Planning Act 1990 (as amended) completed as part of Planning Permission Ref 15/03013/OUTM in relation to the following matters and the Head of Planning be authorised to issue the planning permission upon completion of the Agreement:-

- A) Contribution towards future upgrading of the A630 of £160,492;**
- B) A scheme for maintenance access and public access to New Close Wood, including a tree survey to identify any works required to provide such access, any necessary public rights of way offered for dedication and the wood offered for transfer to the Council, together with the sum of £15,000 on the date of said transfer of the wood for future maintenance; and**

- C) To pay to the Council its costs of obtaining or making any traffic or highways orders that may be required as a result of the development.**

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor Frank Tyas, ward members, spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Rebecca Housam, a representative from Savills (Planning Agent) spoke in support of the application for the duration of up to 5 minutes.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 29th May 2018

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.

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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. SV	17/00095/FULM	Norton And Askern	Askern Town Council
2.	17/02756/FUL	Tickhill And Wadworth	Tickhill Parish Council
3.	18/00638/FUL	Stainforth And Barnby Dun	Barnby Dun /Kirk Sandall Parish Council
4. M	17/03156/FULM	Town	
5. M	18/00725/LBCM	Town	
6. M	15/00878/FULM	Thorne And Moorends	Thorne Town Council

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 29th May 2018

Application	1
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Application Number:	17/00095/FULM	Application Expiry Date:	14th April 2017
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of 49 houses and associated infrastructure, access, parking and garages (full). Outline permission for relocation of bowling green and pavillion.
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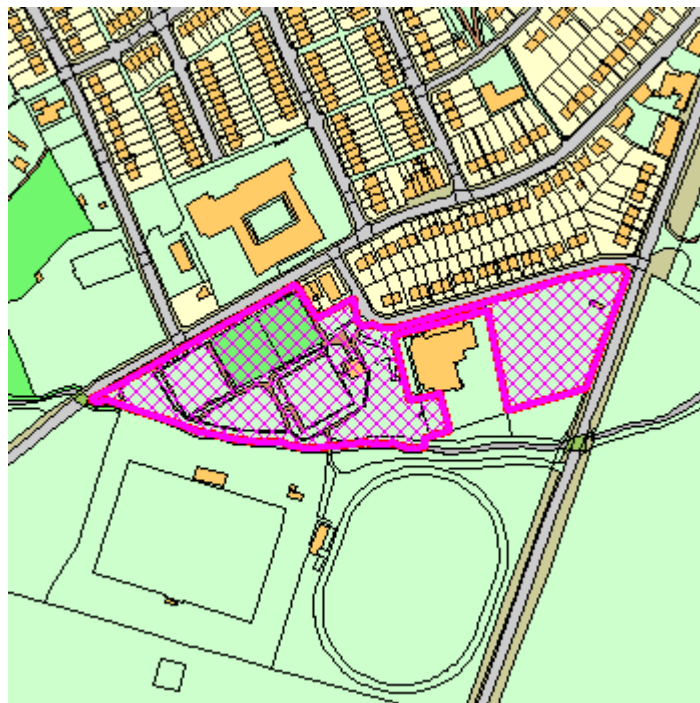
At:	Askern Miners Welfare Club And Institute Manor Way Askern Doncaster
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For:	Gleeson Homes Limited (Mr Brian Reynolds)
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Third Party Reps:	54	Parish:	Askern Town Council
		Ward:	Norton And Askern

Author of Report	Gareth Stent
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MAIN RECOMMENDATION:	Refuse
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1.0 Reason for Report

1.1 The application is presented to committee due to the amount of public representations received in support and in opposition to the application.

1.2 The application was then deferred from the 1st May 18 committee for site visit to assess the condition of the club, the condition of the surrounding land and character of the area to establish if any very special circumstances exist to overcome the harm to the Green Belt.

2.0 Proposal and Background

2.1 This is a hybrid application that seeks full permission for the erection of 50 houses and associated infrastructure, access, parking and garages and outline permission for relocation of bowling the green and pavilion.

2.2 The majority of the proposed dwellings (i.e. plots 1-40) sit to the west of the Miners Welfare Club on the current open space that current hosts a bowling green and some disused and overgrown tennis courts. This sits between Sutton Road to the north and a stream to the south that separates the site from the cricket and football pitches. To the east of the Miners Welfare Club are plots 41-49 that front Manor Way.

2.3 The proposal is a departure from the development plan as the land is allocated as Green Belt and Open Space Policy Area.

Changes since deferral

2.4 Since being deferred from the 1st May 2018 committee there have been several corrections to the report and amendments to plans. The price Gleasons are paying for the land was wrongly reported by the applicant's viability assessment at £486,500 now amended to the correct figure of £405,000.

2.5 Unimplemented dwellings (800) referenced at paragraph 8.22 in the original report at is now reduced to 700 based on the latest figures.

2.6 The scheme has been amended to 49 dwellings by the removal of Plot 50. This along with revised landscaping proposals has overcome the tree officers concerns and reason for refusal 2 (trees) has been removed. Plot 49 dwelling type has also been amended to dual aspect given its now the corner plot.

2.7 The applicants confirmed that the £334,000 deficit listed is not suggesting the scheme makes a loss but that this is the amount the development will fall short of what is considered a reasonable margin, which is generally agreed to be 20%. The viability assessment has been revised based on 49 dwellings and taking into other recent changes and shows -£288,220 deficit. This has been assessed by the council's consultant who confirms it doesn't change the viability of the scheme. The actual profit (where the scheme actually breaks even) is approximately 10% on gdv but when this is added to the overheads the figure is actually around 17%. A claw back agreement is still suggested.

3.0 Relevant site history

3.1 The site has no relevant site history.

4.0 Representations

4.1 The application has been advertised in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) Order by means of site notice, press advertisement (26.1.17) and individual neighbour notification.

4.2 6 representations in opposition have been received as a result, raising a number of concerns as set out below.

4.3 The Chair of Governors at Askern Spa Junior School and have noted 'that the intended access point for vehicles is directly opposite the bus stop for our school and as such would cause severe traffic congestion particularly at the beginning and end of the school day giving me and the school safety concerns for our pupils. Sutton Road is already problematic mainly at the end of school with parents cars awaiting collection of children and an extra junction will only make the situation worse. Whilst the proposed development is welcomed and alternative access should be sought.'

4.4 A petition objecting to the proposal has been received from the residents of Manor Way. This included 18 households, 34 signatures: The 18 households all live directly opposite the club.

- Infringement on privacy/overlooking and the development of this site will remove the ability of being able to watch family members play on the site.
- Loss of the open view our dwellings currently enjoy.
- Manor way is already oversubscribed with on street parking, this will worsen the situation
- Other non-material issues such as loss of view, loss of house value.
- Where can the children now play for free?
- Schools and doctors surgeries will be over crowded.
- Manor way will have to put up with noise traffic and inconvenience.

4.5 The representations in the objections raised similar concerns to those above:

- Does Askern really need another 50 new homes? Lots of houses already being built.
- Askern's services (schools, dentists, doctors) are already struggling, will these be improved to cope with the extra residents?
- Who is actually going to buy all these houses? Concerns re access to the new houses being built on Manor Way and Sutton Road and we will also loose the large grass play area which is used by local children in the summer months - we are losing all our green land/play areas that our children use to play safely. At this rate there will be nowhere for the children of Askern to play.
- Childhood obesity is at crisis point, removing areas where children can play and socialize will compound this.

- The facilities should be kept together and renewed and not built on...section 106 moneys from the other housing sites should be spent on this land.
- The scheme will impact on the privacy of residents on Manor Way, lead to a loss in outlook.
- Insufficient infrastructure to cope with the new houses proposed and in particular the drainage systems, which are prone to backing up in several areas located geographically higher positions in the estate.
- Putting the new bowling green in between the existing houses on Manor Way and the new ones would make more sense so both sets of owners would have a better outlook rather than looking at each other, plus the security of the green would be tenfold ,rather than pushing it in a corner out of sight and open to vandalism.
- The roads leading to the site do not have capacity for more housing. Sutton Road and Manor Way are already congested at school times. The road is narrow and used as cut through.
- The area in question has long since been in dispute regarding land ownership and residents are yet to see any evidence this is resolved. This is in terms of whether the land is a public asset or owned by the club.
- Not every home has a parking space on Manor Way leading to an already congested on street parking scenario.
- Other non-material issues were raised such as 'will Council Tax increase to pay for all the extra services needed?', loss of house prices, loss of view to residents on Manor Way.
- Concern over the layout in relation to 'The Houlsby Resource Centre' now named Marketing House, which is located on the corner of Manor Way due to it further segregates the car park and creates a micro cul-de-sac creating what will quickly become 'the place to hang out'. The yellow detailed fencing plan is 100% inadequate and will quickly be vandalised. Needs enhancing.
- Concerns the existing pathway, immediately off Manor Way, is to be maintained. This pathway is currently used by local vandals/drug users as an alleyway to the current derelict areas. This area will need large boulder style landscaping otherwise it absolutely will be victim to youth vandalism.
- Askern needs better shopping facilities not more houses.

4.6 Support:

11 letters of support were received (2 representations from the same person). A petition in favour of the scheme was also supplied (122 signatures). The representations included letters from the secretaries of both the football and cricket clubs and members of a band which uses the facility. The comments were as follows:

- The development would be beneficial to the community, raise vital funds for the club and it will stop the anti-social behaviour on the site. The development will allow the club to make much needed improvements which will benefit all the community that use the club for family gatherings and sport facility improvements. The welfare is the hub of the community in respect that it supports the community.

- There are many activities each week take part in and around the Welfare, Bowling, Cricket, Football, Snooker and Pool clubs, Darts teams, a Brass Band along with both children's and adult dancing classes, Blood Donation services take place each month. These are all provided as part of the Charitable Aim. The main room is also used frequently for charity evenings and private functions.
- The funds which would be realised from the sale of the land will allow the management committee to make much needed repairs to the main club building which is in quite a state of disrepair. There are sections of the building which are not used due to leaking roofs, these could be opened up for further use. The pavilion which houses the Cricket and Football teams is in dire need of renovation. The bowling green and clubhouse will be completely replaced in a more public part of the grounds improving the security no end.
- The land which is proposed to be sold is currently overgrown and basically wasteland. The new housing is welcomed and will provide an attractive development.
- There are no other sporting facilities within Askern like the ones at the Welfare. These are there for the use of the community.
- The welfare sports pitches are the only sporting facilities available locally and it would be a tragedy if these weren't to survive. The clubhouse is used by families young and old in association with the sporting facilities and this should continue through the generations.
- Membership of the club will increase as a result of the development leading to further improvements.
- The renovations will enable the band room to be reopened which is cold and winter, has a leaking roof, no heating and no cooling in the summer.

4.7 The application was advertised the first week of April to publicise the latest amended plans. 2 letters of objection were received which repeated the concerns stated above. 1 letter of neutral comment stated:

- “As shown on the plans access to the pedestrian entrance to the cricket/football ground (over the footbridge) will be maintained after construction, however this access must also be maintained during the construction period to enable safe entry to the facilities for those on foot.”

5.0 Askern Town Council

5.1. The council is concerned whether there will be enough infrastructure to support the development such as the road system, school capacities, water and sewerage implications and traffic management during the construction and whether the development will interfere with the view of open green space.

6.0 Consultations Responses

6.1 Public Health DMBC: Objection 'Out of the 88 communities in Doncaster, Askern is the 8th most deprived; just over a quarter of reception and year 6 children are obese; life expectancy for males and females is significantly worse than the Doncaster average, as is all age, all-cause mortality.'

6.2 This area falls within the South Askern Lower Super Output area which has high rates of inactivity in relation to the rest of Doncaster, particularly for older people. People living in the most deprived areas are less likely to live near green spaces and will therefore have fewer opportunities to experience the health benefits of green space compared with people living in less deprived areas.

6.3 There is significant and growing evidence on the health benefits of access to green spaces. The benefits include better self-rated health; lower body mass index, overweight and obesity levels; improved mental health and wellbeing; and, increased longevity. There is a broad range of types of green space including natural and semi-natural urban green spaces and informal recreation spaces which characterises this area of land. Although the developer is relocating the bowling green there is still a significant loss of natural/semi-natural green space for informal use in an area where deprivation levels are high, physical activity levels are low and health outcomes are poor. Therefore, after due consideration the Director of Public Health opposes the development.'

6.4 Highways Transportation: No objections subject to conditions covering cycle parking and Electronic Vehicle charging points.

6.5 Housing Policy: Objection. 'General housing development would normally be inappropriate development in the Green Belt. However the National Planning Policy Framework states that the redevelopment of any part of the site that is brownfield is not necessarily inappropriate development provided the redevelopment has no greater impact on the openness of the Green Belt or the purposes of including land in it.'

6.6 Its noted that the applicant describes the site as "largely brownfield". Apart from the reference to an area of hard standing which appears to cover a relatively small part of the site the assertion that the site is largely brownfield does not appear to be supported. The site does not have the appearance of a largely brownfield site.

6.7 The proposal seeks to cover most of the footprint of this currently open, and largely green in appearance, site with housing. The large miners welfare institute building is to be retained and is excluded from the proposal. It is difficult to see how this proposal would not have a greater impact on openness of the Green Belt than the current use and no such case appears to have been made. Without such a case being made and accepted the proposal constitutes inappropriate development.

6.8 If the proposal is inappropriate then it would need to be justified by very special circumstances. The case made by the applicants about the location for low cost housing does not amount to a case for very special circumstances.'

6.9 The housing team were reconsulted on the new very special circumstances report however did not change their initial view.

- 6.10 Environment Agency: Initially objected to the application based on the lack of a Flood Risk Assessment (FRA), however this was due to the FRA being submitted late. The FRA was later provided and sent to the EA who later withdrew their objection.
- 6.11 The application site lies partially within flood zone 2 (defined by the Environment Agency flood map) as having a medium probability of flooding. Paragraph 103, footnote 5 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.
- 6.12 The EA also noted that the council should satisfy itself that the flood risk Sequential Test has been undertaken in an open and transparent way, in full accordance with the National Planning Policy Framework and the National Planning Practice Guidance and the Council's adopted Flood Risk SPD, and that it has been passed. Evidence to support the Sequential Test should also be added to the planning file for the public record.
- 6.13 Air Quality: No objection based on the mitigation measures included in the amended Travel Plan.
- 6.14 Pollution Control: No objections based on the Phase 1 and Phase 2 Geotechnical and Geo environmental site investigation reports submitted by Eastwoods & Partners. The pollution control team raised no objections however required some clarification of some elements within the reports. This was provided by the Environmental consultants and satisfied the concerns raised within the consultation response.
- 6.15 Shire Group IDB: No objections subject to the surface water being satisfactorily controlled.
- 6.16 Internal Drainage: Objection to the drainage strategy, however noted that the strategy contained incorrect technical assessment and detail. This could be amended should the application be supported or conditioned.
- 6.17 Ecology: No objection to the revised ecological assessments (bat and water vole surveys), however an objection still remains given that the landscape buffer belt alongside Stream Dyke is inadequate and does not reflect the importance to the proposed development of this semi natural feature. Adequate open space and a landscaping scheme that complements the existing vegetation on site should have been included to provide some compensation for losses in biodiversity.
- 6.18 Yorkshire Water: No objections. 'Further detail required by condition regarding the surface water outflows from the site. The submitted Drainage Strategy (prepared by Shaun Tonge Engineering - dated January 2017) indicates; all surface water is to discharge to a infiltration /and or watercourse. This watercourse adjoins the site. Consent may be required to discharge into this watercourse from the Environment Agency, LA Drainage team and Internal drainage board. In terms of water supply additional off site mains reinforcements will be required to serve the development.'

6.19 Trees – Initial objection. Following the receipt of the tree survey and landscaping assessment the tree officer raised significant concerns with the proposal in that the development fails to retain and protect appropriate trees or provide replacement tree planting in accordance with the Council's adopted guidance and is therefore contrary to core strategy policy CS16: Valuing our Natural Environment. Amended plans were submitted removing plot 50, enhancing the landscaping scheme and amending tree protection areas, as such the concern was overcome.

6.20 Sport England: No objections as such as the proposal does not meet the need for statutory consultation, however consideration should be given to the following:

"If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 74 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place. If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes."

6.21 Architectural Liaison officer: No objections but 'would benefit from being built to Secure by Design standards. Other alterations which include new fencing heights, windows added to blank gables are suggested. These amendments have taken place, still concern over the quality of the windows and doors. This is conditionable in the event of an approval.

6.22 Design Officer: Initially raised concerns: 'the relationship of several plots, blank gables, the urban house range is inappropriate, lack of detail on materials, inadequate boundary treatments, lack of parking and visitor spaces, garages too small to be counted as a parking space, lack of landscaping. Through several iterations of the plan these details were amended to the satisfaction of the design officer.

6.23 Highways: Initial objection to the scheme, with concern over the access being taken from Sutton Road in relation to the congestion caused by school start and finish times. Further, it was considered that the positioning of the bus stops may hamper access and egress to and from the main access point, with the bus stop outside number 50 and 52 impeding visibility for vehicles exiting the site. The highways officer also had issue with the general layout, turning areas, visibility splays, garage sizes, lack of parking generally.

6.24 The concerns were continually addressed by the submission of amended plans which relocated the access further west. The amendments satisfied the highways officer.

6.25 Open Space: The proposal is contrary to policy in that it leads to the loss of open space. Whilst the proposed bowling green replaces the loss of the old green and provides an enhanced facility, this does not compensate to the wider informal land lost. No all open space is of value to the community and the applicants have completed a consultation exercise within 600m of the site. The consultation demonstrates limited public interest in the site with regards to Public Open Space, with just seventeen responses that were complete enough to assess, of which more people supported the proposal than opposed it (59% to 41%). This is given moderate weight in support of the loss.

7.0 Relevant Policy and strategic and context

The site is allocated as Open Space Policy areas washed over by Green Belt as defined by the Doncaster Unitary Development Plan 1998. The Open space designation encapsulates the entire site.

National Planning Policy Framework; The NPPF establishes 12 'Core Planning Principles' to underpin plan-making and decision taking.

Doncaster Council Core Strategy

The statutory development plan for Doncaster currently comprises the Local Development Framework Core Strategy (adopted May 2012), and the saved Policies of the Doncaster Unitary Development Plan (adopted 1998) (including the Proposals Map). Relevant policies:

Policy CS1 Policy CS2 'Growth and Regeneration Strategy'
Policy CS 3 'Countryside'
Policy CS4 'Flooding and Drainage'
Policy CS 9 'Travel Choice'.
Policy CS10 'Housing Requirement, Land Supply and Phasing'
Policy CS12 'Housing Mix and Affordable Housing'
Policy CS14 'Design and Sustainable Construction'
Policy CS16 'Natural Environment'
Policy CS17 'Providing Green Infrastructure'
Policy CS18 'Air, Water and Agricultural Land'

Doncaster Unitary Development Plan;

The key saved policies of the UDP relevant to the current application are considered below:

ENV 3 - Green Belt.
Policies ENV21 and ENV59
RL1 & RL 4 - Open Space.

Doncaster's Supplementary guidance - Doncaster Council's Development Guidance and Requirements.

8.0 Planning Issues

Main Issues

8.1 The main issue to consider is the principal of development within the Green Belt, if inappropriate whether they are any very special circumstances demonstrated that overcome the harm by reason of inappropriateness. In addition the impact on the character, openness and appearance of the Green Belt, the loss of Open Space, impact on surrounding land users, design and layout, flooding, planning obligation contributions/viability, impact on highways, drainage, ecology and trees.

Principal of development

8.2 The site is designated Green Belt and Open Space Policy Area in the Doncaster Unitary Development Plan and is therefore subject to national as well as local policy on both these issues:

8.3 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; safe guarding the countryside and to assisting in the urban regeneration of recycling derelict and urban land. The essential characteristics of Green Belt are their openness and their permanence. Local policy contained within Core Strategy CS3 seeks to protect and enhance Doncaster's countryside and when considering land within Green Belt, national policy will be applied.

8.4 National Policy (NPPF) paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF provides that "very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

8.5 The NPPF, paragraph 89 further states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt; then goes on to list a set of criteria as exceptions to this:

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

8.6 Paragraph 88 of the NPPF states" When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Brownfield Status of the Land

8.7 The applicant describes the site as "largely brownfield". The site is considered to be Greenfield except for a relatively small area of hard standing near the club (which in fact is not shown to be redeveloped) and the site of the small pavilion that is being demolished. The green and open nature also makes the site have the appearance of Greenfield and the site does not have the appearance of a brownfield site. The dispensation in Green Belt policy to redevelop brownfield sites therefore does not apply. The proposal is therefore regarded as inappropriate development.

Openness/encroachment

8.8 One of the key considerations in the assessment of Green Belt sites is to assess the impact of the scheme on the openness of the Green Belt and consider whether encroachment occurs. The redevelopment of 49 dwellings will significantly have a greater impact on openness simply by virtue of the amount of sq ft of development, 2 storey massing and infrastructure. The site is currently open and largely green in appearance and largely devoid of buildings and structures (except for the bowling pavilion). The proposal to redevelop the site's entire land mass with residential dwellings will have a greater impact on the openness of the Green Belt than presently exists.

8.9 The applicant states that the village's natural boundary is the stream to the south of the site, however, this isn't evident on the ground or from any views from the south. The village boundary is the extent of the existing urban form, which in this case is punctuated by the existing club, however the proposed development will extent to the south of the and to both its sides. Officer's view is that the proposed development will encroach into the Green Belt by creating an extension of the settlement and thus contrary to two of the purposes of including land within the Green Belt i.e. openness and encroachment.

Very Special Circumstances case

8.10 It is agreed by all parties that the proposal represents inappropriate development within the Green Belt. It is therefore necessary to consider if there are any very special circumstances that outweigh this harm.

8.11 The applicant maintains that it does not have the finances to maintain and safeguard the future of the club. They claim (through a planning statement) that this lack of money for such purpose constitutes a very special circumstance sufficient to outweigh the significant harm to the Green Belt.

8.12 The planning statement also questions whether site is fulfilling a Green Belt function, and discusses where the applicant considers the natural boundary of the village. These arguments are given limited weight as the land is allocated as Green Belt and must therefore be assessed as such.

8.13 The planning supporting information points out that the NPPF paragraph 69 states: “The planning system can play a role in facilitating social interaction and creating healthy, inclusive communities”. This is a wide overarching statement, and whilst the approval of this proposal might assist with the long term future of the club (there is no guarantee this would occur). Whilst the club is a registered charity, it is a private members club and not a facility open to the community at large, thus it is not considered to be inclusive to all. Further, the proposal causes other harm and is contrary to other national policies which have to be assessed in the round and in the public interest.

8.14 The NPPF also states that planning decisions should guard against the loss of such facilities to ensure they are retained for the benefit of the community. This case is slightly different as this planning decision is not to demolish the club, as it's specifically excluded from the application, and in any event the club is not considered to be facility open to all of the community, thus the public benefits are limited.

8.15 The applicant has undertaken a financial appraisal of the business and a comprehensive and costed building condition survey by an independent Quantity Surveyor, and provided accounts for the financial year March 2016 to March 2017. The survey establishes the extent of the required repairs and the likely future maintenance at the club. The report identifies ‘essential works required immediately’ and other refurbish works. This has been costed and confirms that in order to bring the Club to a reasonable basis state of repair will be £182,535 of work immediately and refurbish the building to somewhere close to its potential maximum functionality an additional £651,940 would need to be spent over the next 5 years. The council has had sight of these however has not had them independently assessed.

8.16 The submitted accounts show that the Miners Welfare Club currently makes a modest profit. The applicants state that the profits along with minimal cash reserves are inadequate to support the level of funding required for long term maintenance. The current position is said to be unsustainable in that almost all profits are required to undertake day to day ‘sticking plaster’ repairs to the building.

8.17 The club generates its income through bar takings and ancillary items /activities all of which rely completely on the premises being in a suitable condition. Over the last couple of years the club has been able to contribute approximately £30,000 to the Welfare Scheme through profits generated. The club has no tangible assets on which lending or additional income could be generated.

8.18 The c£30,000 generated by the Club provides the majority of the unrestricted income of the Welfare Scheme. The income generated by the sporting sections (cricket, bowling etc) generally appears to be covering the expenditure of those sections and is not significantly contributing to the Welfare. It can be assumed that the £30,000 per year from the Club will continue to be the main source of income, however given the need for an immediate £180,000 spend on the club this is x6 the annual contribution from the club. The only asset the Welfare Scheme has is the free hold property on which no mortgage could be obtained. There are no other assets which could be afforded as security to raise the necessary funds for the refurbishment work. The applicants claim the current hand to mouth repair work is unsustainable and failure to refurbish the building will result in the Clubs takings and contribution to the welfare scheme diminish and lead to the eventual loss of the facility.

The financial results for the year ending 31.3.16 and 31.3.17 record the club investing almost £40,000 in short term repairs. Any significant event like storm damage would be a major issue as the club has no cash reserves. The council is however unaware if the building is insured (presumably is it) to cover such costs.

8.19 The very special circumstance report states the major investment in the fabric of the building would be in the roof, catellated walls and hard wiring of the building to ensure it remains useable for the next 30-50 years. The report suggests without the additional investment there is little potential for the Club to improve. With a deteriorating structure and no plans for funding the viability of the club is poor. Sections of the building could become in habitable. The lack of investment will deter users thus reducing profits meaning the clubs position will become terminal. The land sale would not meet the full cost of refurbishment, it would allegedly put the club on a sound footing with a fully functioning building. Future profits could then be directed into refurbishment to further increase usage and profitability and allow parts of the building to be reopened which are currently out of commission.

Club upgrades

8.20 The Report by Richard Fletcher (Elemental costing) sets out £834,475 of works to be done which relate solely to the refurbishment of the club and car park area. There is no costing for the new bowling green, pavilion or any other upgrades to the football or cricket facilities.

Officer's analysis of the issues raised

8.21 Having assessed the accompanying reports it is clear that a financial investment into the club could go some way to ensuring the buildings maintenance and long term retention and refurbishment, as well as possibly providing an enhanced bowling green. Officers are however not persuaded by the arguments in relation to the advantages of 49 additional dwellings, housing land supply issues and claim that given the location next to the settlement, small scale nature of the scheme means the harm to the Green Belt is mainly non-existent.

8.22 The section on purposes of the Green Belt in the planning statement would be relevant to an argument for exceptional circumstances for taking land out of the green belt through the local plan process but does not itself make a case for very special circumstances for allowing this development within the Green Belt. The Green Belt Review nevertheless finds that the Green Belt in this location is performing very well against some of the Green Belt purposes. It would not be possible for it to perform well against all the purposes.

8.23 This is not accepted by the Council that any of the applicant's listed benefits of the proposal constitute very special circumstances. Likewise officers do not that permitting an urban extension into a Green Belt site will assist urban regeneration. Askern already has many (700) dwellings in (*amended from 800 in previous report based on Residential Land Availability report 16/17*) unimplemented permissions for housing on urban brownfield and greenfield land that does not involve extending outwards into the Green Belt. This amounts to around 5 times Askern's identified housing needs over the whole of the new plan period (2015-2032) set in the context of an objectively assessed housing need.

The Core Strategy does have a much higher housing allocation for Askern in the form of a housing range and made in the context of the now out of date and non-objectively assessed RSS housing target; nevertheless the scale of the unimplemented permissions is towards the top end of that housing range figure. There is no need for new housing permissions in the Green Belt and so a very special circumstances case based around the need for housing falls.

8.24 Even if it is correct that there was a lack of money to maintain the club it is not considered that this is a factor capable of rendering inappropriate development acceptable. Substantial weight must be given to any harm to the Green Belt, as set out in the NPPF, caused by the potential development. The maintenance of the Welfare Club is not considered capable of being a factor in favour of the application that outweighs the harm to the Green Belt.

8.25 The reports touch on alternative funding streams and suggest there aren't any but doesn't investigate any grant funding options or consider what alternative less impactful options for the development of the site have been considered. It does not satisfactorily justify the scale of the incursion into the Green Belt against the scale of benefits to be generated or the scale of the monies needed to save the institute. The arguments about tired land uses and vandalism do not constitute very special circumstances as with investment all the tennis courts and bowling greens could be enhanced. If this land is developed this open area would be lost forever.

8.26 The proposal asks the council to accept that there is "an absence of other funding streams" and that "the only potential and practical way forward" is redevelopment of the whole site. No evidence has been provided to demonstrate that a partial, less impactful, redevelopment would provide insufficient funds. Could the club be reduced in scale to make it more sustainable and would less dwellings achieve this. Likewise there is no assurance provided that the money from the development would be used in the club or that the club would be open to the public at large. As such, no weight can be given to this argument.

8.27 In addition the elemental costings indicate £834,475 is required solely for the refurbishment of the club which is significantly more than the applicants are paying for the land (£405,000 corrected from the £486,500 in the original report 1st May 2018). Therefore the scheme would only go roughly half way to funding the required works and no provision is made for any improvements of the cricket or football facilities or bowling green/pavilion construction. It is unclear from the information submitted who is going to develop the bowling green and no costings have been submitted for this. This however may be funded through the club's existing funding streams and future enhanced profits. The improvements are limited to the club and many of the improvements would not be evident to non-users of the club, however the harm to the Green Belt and the approach to Askern would be for all to see.

Public Open Space:

8.28 This site is allocated in the UDP as Open Space Policy Area and is recorded as site no. 442, Askern Miners Welfare, in the 2013 Green Spaces Audit. The relevant policy RL1 in the UDP which states:

“Within open space policy areas, as defined on the proposals map, development will not be permitted, except in exceptional circumstances, for purposes other than outdoor recreation and ancillary indoor facilities; allotments; nature conservation or cemetery uses. Such development as is permitted, including ancillary built facilities, will only be acceptable where:

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

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

8.30 Core Strategy Policy CS17, Green Infrastructure states: Doncaster’s green infrastructure network (including key green wedges) will be protected, maintained, enhanced and, where possible, extended.

8.31 The proposal is therefore contrary to these policies as the proposal will involve the loss of a significant amount of open space, the amenity space will not be enhanced as it will be developed on and there will be no significant other enhancement works to the existing sports facilities. The proposal will also involve tree loss. Whilst this is part of a wider open space area, the area loss will not be compensated for by the equivalent community benefit, with the exception of the replacement bowling facility.

8.32 However Doncaster Council’s Development Guidance and Requirements: SPD (Para 7.8) acknowledges that, whilst the council resist the loss of open space, especially in deficient areas (Askern Community Profile Area, where this application is sited, is deficient in 2/5 open space typologies: informal Open Space and Woodlands and Nature Conservation Areas), there is also an acknowledgement that not all open space is of value to the local community.

8.33 NPPF paragraph 74 states that: “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location

- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

8.34 To establish the value of the open space and to understand how it's used the applicants undertook a public consultation exercise to households within a 600m buffer zone of the site to assess if the local community attached any value to this site as an area of open space. The consultation demonstrates limited public interest in the site with regards to Public Open Space, with just seventeen responses that were complete enough to assess, of which more people supported the proposal than opposed it (59% to 41%). The assessment was however relatively small given the size of Askern and the potential number of inhabitants that have access to the site. It may also be the case that the open space isn't used due to the condition and lack of facilities it has.

8.35 The council's open space policy officer stated that support could not be given to the proposal according to policies RL1 in the UDP and CS17 in the Core Strategy, however the impact of the loss and its lack of current usage are a factor. Officers suggest this is given moderate weight in support of the proposal.

8.36 Sport England did not object to the scheme providing the loss was considered, however the council's Public Health team were very much in opposition to the scheme and suggested all forms of open space be retained in order to promote and enable physical activity. On this basis whilst this part of the open space is not well used, this is because of its condition and lack of facilities. The development of this site would lead to its permanent loss which would be irreversible.

8.37 The proposal envisages a new bowling green and pavilion however, it is unclear how, when or by whom this would be provided. If this isn't replaced immediately it would lead to a further loss of the facilities and bowling club. If supported, the proposal would provide a new relocated bowling green (which would need to be secured by a legal agreement) and would require full or reserved matter planning permission. Again this is given moderate weight in favour of the scheme.

Statement of Community Involvement.

8.38 The applicants produced a statement of community involvement mid-way through the planning process in line with the Localism Act 2011 and para 188 of the NPPF. This included a leaflet drop, where direct questions were asked regarding the usage of the open space.

8.39 A series of other general questions were asked in terms of whether support was indicated for the redevelopment of the site. Many of the questions added little value to the overall discussion as they were leading questions and the applicants have no control over certain issues like tenure or controlling private rented housing. Likewise the issue of social housing isn't qualified as to the type and reference to local people is again uncontrollable. The most pertinent point was the issues of funds from the development being used to upgrade the club, however no detail of the amount was given so respondents could assess the balance of the money v's the improvements.

8.40 A community event was held on Wednesday 1st March 2017, at Askern Miners Welfare Club and was attended by approx. 25-30 local residents primarily the residents that live opposite the site and one ward councillor. In total 18 residents completed the questionnaire (2.5% response rate).

8.41 The applicants consider that the general feedback for the development as a whole was positive, particularly for the main body of the site, but with a resistance to the development on the Manor Way frontage.

8.42 The conclusions from the exercise, is that the majority of the concern is the loss of the open space in Manor Way. The recurring themes are loss of views, impact on house values and the ability of local infrastructure to cope with the demand arising from the proposed development. In terms of the open space survey, the majority of respondents live close to the site and the majority do not use the site for any open space purpose with twice as many not using the site as use it for any stated purpose. Its evident many people do not use the space due to its condition, however this could be improved if funding was available.

Flooding

8.43 Paragraph 99 of the NPPF relates to Flood Risk and the related environment stating that: 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.' Policy CS 4 of the Core Strategy requires flooding to be taken into account.

8.44 A flood risk assessment (FRA) has been submitted and the Environment Agency raised no objections to this. The FRA denotes the site is only marginally affected from flooding. The development is classed as being 'More Vulnerable' in accordance with table 2 of the Technical Guidance to the National Planning Policy Framework (NPPF). Site A (west of the welfare) is mainly in flood zone 1, with the margin adjacent to the stream being flood zone 2, with zone 3 being confined to the Stream Beck channel. Site B east of the welfare is wholly within flood zone 1 except for the margin that follows the street, however no development is proposed in this part. The Strategic Flood Risk assessment shows no history of the site flooding and was unaffected in the June 2007 floods. The site is not an active flood plain and has a 0.1 -1% probability of flooding annually. The flood maps are shown within appendices 2-3.

8.45 The FRA recommends flood risk management measures should be implemented into the design and construction of the dwellings.

8.46 In terms of the sequential test this isn't required for sites within flood zone 1, which in this case is the majority of the site. The south and western corners of the site lie within Zone 2. The applicant has provided a flood map overlay which shows 7 out of the 49 dwellings lie within zone 2, and 3 gardens, so 10 dwellings in total. On this basis it is unreasonable to make the applicant undertake a sequential test, as there would be issues concerning the area of search given the proposal are outside the settlement and particularly given the recommendation of refusal.

8.47 Likewise no exceptions test has been submitted. In accordance with paragraph 102 of the NPPF for the Exceptions Test to be passed (i) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and (ii) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Drainage

8.48 In terms of the sites drainage, the proposal will increase the impermeable area to the site and it is therefore necessary to ensure the existing surface water system has the capacity to accommodate any increase in surface water discharge from the site. The surface water will be disposed of via a soakaway. The soakaways capability would have to be assessed through percolation tests which could for a drainage condition. Surface water could also be discharged to the water course to the south of the site and consent from the IDB would be required.

8.49 In terms of foul sewerage, this will go to the 300mm combined sewer on Sutton Road, however an upgraded pumping station will be required to pump the flows uphill to the sewer. This is to be located at the rear of the Miners Welfare in the car park and will replace the clubs current facility.

8.50 The council's internal drainage officer objected to the application based on the submitted drainage strategy which was both inaccurate and failed to consider several key considerations. However given the recommendation and the fact that drainage matters could be conditioned this matter should not hold up the determination of the application.

Trees and Landscaping

8.51 Core Strategy policy CS 16 (D) states that proposals will be supported which enhance the borough's landscape and trees by ensuring that design are of high quality, include 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. Policy ENV 59 of the Doncaster Unitary Development Plan seeks to protect existing trees, hedgerows and natural landscape features.

8.52 Following the receipt of the tree survey and landscaping assessment the tree officer raised significant concerns with the proposal in that the development fails to retain and protect appropriate trees or provide replacement tree planting in accordance with the Council's adopted guidance (the Development Guidance and Requirements Supplementary Planning Document) and is therefore contrary to core strategy policy CS16: Valuing our Natural Environment (sub-section D4).

8.53 Overall, the Arboricultural Impact Assessment (AIA) submitted with the application has been rather generous in its assessment of the quality of some existing trees within the site. However, it has been undertaken with full knowledge of the site layout (section 1.2), which is contrary to the recommendations of BS5837, which states that it should be completed and made available to designers prior to and/or independently of any specific proposals for development (section 4.4.1.1).

The purpose of an AIA is to identify any material constraints arising from existing trees that merit retention and, along with any other relevant baseline data, should inform feasibility studies and site layout design options. Whilst the AIA makes a fair assessment of the potential impacts on existing trees (section 3.4) it fails to afford appropriate weight to the trees affected in its suggested mitigation (section 4.0). Specifically G3 – 6x London plane trees.

8.54 As proposed, these trees will dominate the garden of plot 50 and significantly constrain the garden of plot 49 from first occupancy, which will result in pressure for disfiguring pruning or removal, a problem that will be exacerbated by the failure to allow for future growth of the trees. These trees are a visually prominent feature in the streetscene at this main entrance into Askern and they merit the category B status afforded to them by the tree survey. The suggested mitigation of reducing the crowns of these trees to fit the proposed site layout does not afford appropriate weight to these trees as set out in adopted guidance. Consequently, amendment of this area of the site layout is required to enable retention of these trees to maturity to provide their full range of potential benefits.

8.55 Following deferral from the 1st May committee, plot 50 has been removed which pulls the development away from the London Plane trees. The applicants have also amended the landscaping plan to increase tree quality and numbers. Finally the plans have increased root protection zones to overcome initial concerns. As such reason for refusal 2 (Trees) from the 1st May committee report is omitted.

8.56 Other discussions were held with regards to the 12x rowan trees on Manor Way. Whilst these trees are clearly visible in the streetscene they are of low quality and the tree officer agreed could be removed and replaced with healthy, young specimens. Again if the scheme was to be supported, the landscape scheme could provide this replacement planting.

Design and Layout

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

8.58 The application was accompanied by several documents which sought to explain the design rational, some of which were update and amended as the application progressed. The applicants wanted a scheme which addressed all the normal design requirements should support be offered to the scheme in principle.

8.59 The site is split in two parts with plots 1-40 to the west of the club and plots 41-49 to the east fronting Manor Way. The dwellings are conventional in their style and aimed at relatively small low cost housing with 11 different house types. They are all 2 storey's in height and the density of 24 dph is not considered an over intensive development of the site. This site has no green space within the development, however is surrounded to the south by the recreational area.

8.60 The various iterations of the site layout have mainly been to address highway and design concerns with the original layout. For instance the access to the site has changed moving from Manor Way to Sutton Road. The house type range has changed from urban to rural, materials schedules were added showing the majority of the dwellings having red facing brick as their main material facing existing streets. In addition boundary treatments were upgraded, the overall layout amended to address poor relationship issues, garage sizes increased, visitor parking added and landscaping to plots 41-49 included. Discussions were also held over the retention of the frontage boundary walls to Manor Way and Sutton Road, however it was accepted that this isn't critical to the scheme and conditions could be added to retain the Sutton Road wall if the development is supported.

8.61 On the whole the design and layout of the scheme as a conventional housing site works and raises no undue concerns in terms of overlooking and functionality. The proposal is on the fringe of the settlement and would benefit from a lower density and an enhanced landscape buffer to the south, however it does sit alongside development to the north with a similar density. Full landscape details are still yet to be provided but this again could be conditioned (pre-commencement) if support is offered, which would in turn help soften the impact of the built form in this semi-rural location.

Planning Obligations and Viability

8.62 Paragraph 203 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. The NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

8.63 In paragraph 204 it is stated that planning obligations should only be sought where they meet all of the following tests;

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

The statutory test is also set out in the Community Infrastructure Levy Regulations 2010.

8.64 Paragraph 205 of the NPPF states that where obligations are being sought, local planning authorities should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

8.65 The application was supported by a HCA viability assessment which was said to generate a 'deficit' of -£315,871 thereby indicating that the provision of additional planning gain would render the site financially unviable. The applicants later clarified that the deficit listed is not suggesting the scheme makes a loss but that this is the amount the development will fall short of what is considered a reasonable margin, which is generally agreed to be 20%.

8.66 The applicants supplied a revised viability assessment which considers the 49 dwellings and certain other changes to the layout recently made. This still shows a - £288,220 loss, meaning no planning gain is possible. This has been assessed by the council's viability consultant, who indicates that this changes very little in terms of viability. The actual profit (where the scheme actually breaks even) is around 10% on gdv but when this is added to the overheads the figure is actually around 17%.

8.67 The scheme meets the triggers for affordable housing, public open space provision and education contributions. The highways transportation team does not consider the development will impact on the local highway network and therefore require no highway improvements of sustainable travel contributions. There is also no biodiversity off setting required.

Affordable Housing

8.68 New housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support mixed communities. To accord with policy CS 12 of the Core Strategy, the scheme should provide 26% on site affordable housing, as more than 15 dwellings are proposed. The proportion, type and tenure split will reflect the latest Strategic Housing Market Assessment.

Public Open Space

8.69 Core Strategy Policy CS 17 states that proposals will be supported which have regard to local standards and opportunities, and help to address deficiencies, by making an appropriate contribution to sport, recreation and related community uses by providing suitable and appropriate, on-site (or an equivalent contribution towards off-site contribution). Green space provision is identified using the 2013 Green Space Audit. This re-audit evaluates deficiencies by community profile area.

8.70 The development of this site will actually lead to the loss of an area used for recreation, albeit this is privately owned by the institute it is used informally for recreation. The ethos of the welfare is also a community based facility and access to the public has always been maintained across the site. The scheme does include the provision of a new bowling green and pavilion in outline form, however no details of how or when this would be applied for and built have been provided. This could therefore mitigate the loss of the current bowling green, however uses the informal green space off Manor way which is used on occasion for other sporting events. The old tennis courts have been overgrown for a number of years and therefore the redevelopment of this area will not lead to the loss of the current facility that is in operation. The tennis courts are however not used due to their condition and could easily be enhanced. The redevelopment of the space for housing would mean the ability for them to be renovated would be lost forever.

8.71 To conclude the proposal provides no additional bespoke contributions to Public Open Space, provides no direct enhancement of the cricket or football facilities, however does include the provision of a new bowling green and pavilion). It however remains unclear how and when this would be delivered given the extent of the works involved on the Miners Welfare building.

Education

8.72 Policy CS 1 (A) of the Core Strategy states that as a means to securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported which contribute to the Core Strategy objectives and in particular provide opportunity for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities.

8.73 The proposal meets the trigger for such a contribution as such, the Education team have been consulted and have identified that there is a deficiency in secondary school education of 8 places. It is requested that a commuted sum of £146,376 be provided to increase capacity at Campsmount Academy. The viability assessment undertaken (discussed below) suggests the scheme can make no such contribution.

Viability

8.74 The purchase price of the land has been agreed by the applicants and landowners at £405,000 (£8265 per plot based on 49 dwellings). The applicants have based this price on similar amounts paid for land within Askern i.e. Selby Road which commanded £6,500 per plot which would equate to £318,000 (based on 49 dwellings) for the Miners Welfare site.

8.75 This price has been agreed without any marketing and is considered low when assessed by the council's estates team and against other greenfield sites. The council's estate team suggested as a rough guide the land should achieve anything from £200,000 to £250,000 per acre – if it was marketed nationally. At 5.2 acres this would be over £1 million. The applicants suggest land values of £200-250k per acre may be aspirational at the moment in Askern, and that might be a reason there are a few development sites which remain undeveloped locally.

8.76 It has also been confirmed that the applicants have no overage clause with the institute to cover increased sale price profits, as this may impact on viability. The applicants suggest it's the ethos of the company to not raise values as they are a low cost provider. The Gleeson site at Hilton Park, Askern is selling well and prices are not increasing.

8.77 The viability was independently assessed by the council's consultants (Adams Integra) that concurred with the applicant's assessment. The build cost of £75 per ft² is a fair assumption. The construction costs of £718,257 which include some abnormal costs compares well with BCIS figures and is a fair and accurate reflection of the costs involved. The sales values average out at £145 per ft². Askern is a particularly low value area and the sales values accurately reflect the current market for this area at this time. However it is likely that a new build scheme, such as this, of 49 family houses will attract significant interest from investors as this is a particularly buoyant area for rented properties. It is likely that the developer will see much higher sales values than can be demonstrated at this point in time.

8.78 The council's consultant has concluded by stating "The approach taken in this study follows the well-recognised methodology of residual land valuation (RLV). Put simply the residual land value produced by a potential development is calculated by subtracting the costs of achieving that development from the revenue generated by the completed scheme. The results of the RLV are then compared to the existing use value (EUV) of the land if the RLV is more than the EUV then the scheme produces a surplus and is viable if not then there is a deficit and the scheme is not viable."

8.79 The consultant carried out an HCA DAT appraisal of the current scheme using the input values described above for the scheme with 26% affordable housing and this shows a deficit of £334,000 which demonstrates that the scheme is unable to support the full policy compliant requirement.

8.80 The consultants then carried out a further residual land valuation of the scheme with no affordable housing. This showed a deficit of £116,000 which concludes that the appraisal demonstrates that the scheme is not able to support a contribution towards affordable housing or any other S106 contributions.

8.81 The appraisal shows that the scheme is not viable even without any Section 106 contributions. This was put to the developer as to why they are pursuing this development, and willing to pay a sum of £485,500 for the site, when it appears to be "unviable". The applicant's stressed they are developers of low cost homes for local people, many moving from social rented properties into home ownership. The whole ethos of the Company is built around this premise. "Where sites work to somewhere close to our parameters or are otherwise marginal, they will take a decision at Board level as to whether a site should be developed." This is a very unusual situation as no developer would start work when values are shown as negative.

8.82 Following deferral from the 1st May committee, the applicant has since clarified that the £334,000 deficit listed in the viability report is not suggesting the scheme makes a loss but rather that this is the amount the development will fall short of what is considered a reasonable margin, which is generally agreed to be 20%. The viability report has been recently amended by the applicants to take account of the reduction in units from 50-49, amend the correct site purchase price (£406,000) and to reflect the amended layout and house type changes. The loss is now shown at -£288,220, however this is still 10% on gdv but when this is added to the overheads the figure is actually around 17% as stated by the council's viability consultant.

8.83 The consultants advised that should the Council be minded to grant planning approval then the scheme finances should be monitored in terms of build costs and sales revenue so that any increase in viability can be clawed back by the Council should the actual sales revenues increase from those proposed by M J Gleeson. For instance a 10% increase in the sales values, for example, would result in a surplus of £279,000 which would then result in the scheme being able to make a contribution towards affordable housing / S106 contributions. Given the recommendation of refusal this is not relevant, however would be if members supported the scheme. An overage clause would need negotiating in a Section 106 agreement.

Ground Conditions/Air Quality

8.84 Paragraph 120 of the NPPF states: 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.' Paragraph 121 of the NPPF states: 'Planning policies and decisions should also ensure that:

- The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990;
- Adequate site investigation information, prepared by a competent person, is presented.'

8.85 Core Strategy Policy CS18: Air, Water and Agricultural Land, seeks to ensure that Doncaster's air, water and land resources will be conserved, protected and enhanced, both in terms of quantity and quality. Specific attention is made to the risks to ground conditions arising from contamination or previous land uses. The policy confirms that proposals will need to incorporate measures to prevent, control and reduce air and water pollution and mitigate any ground instability.

8.86 The applicants produced a phase 1 desk study with the submission which was assessed by the council's pollution team and this was followed by a phase 2 assessment. The council's pollution control officer concurred with the recommendations of the above reports, however did require clarification on certain elements which were later supplied and satisfied any initial concerns. This concludes that the redevelopment of the site will be safe for new residential uses providing the mitigation measures outlined in the report are undertaken.

8.87 In terms of Air quality, the application did not contain any assessment of air quality and is regarded as a medium classification development and mitigation needs to be considered. This was requested of the developer. The medium development means no air assessment is required, however some type 2 mitigation is required. These measures were included in a revised travel plan and addressed the concerns highlighted over Air Quality/ Emissions.

Highways

8.88 With regard to highway safety and parking, this should be considered against policy CS 14 of the Doncaster Unitary Development Plan which states that new development should ensure quality, stability, safety and security of private property, public areas and the highway, permeability and legibility.

8.89 The proposal involves two separate parcels of land. The land to the east of the Welfare is a row of linked dwellings with roll on roll off parking onto Manor Way. To the west is the larger development consisting of 40 dwellings. Within the pre application layout, the applicants' initially had direct access onto Sutton Road (C223) for several properties; however this is a classified road and would require turning. This proposal now plans an estate access slightly staggered from Alfred Road. The estate shows a series of turning heads and private drives to serve plot 1-40.

8.90 The highway layout was the subject of several discussions about the location of the access as concern was raised from residents and representatives of the school, as conflict may exist at the beginning and end of the school day due to the position of the access. Sutton Road is said to be already problematic mainly at the end of school with parents cars awaiting collection of children and an extra junction will only make the situation worse.

8.91 The council's highway team acknowledged this concern and had particular issue with other elements of the early designs, which included the design of shared private drives, inadequate turning areas, visibility splays, highway geometry, garage and driveway dimensions.

8.92 The applicants suggested traffic calming and the movement of the bus stop, however these were not supported. It was instead agreed to move the access further west with a stagger to Alfred Road. Amended plans were received, which satisfied the highways officer and accorded with the councils parking and turning standards. The highway officer recommended a series of conditions should the application be supported covering the highway design, the need for road safety audits, Construction Traffic Management Plan and the need for bound driveway materials.

Highways Transportation

8.93 The Transportation team have also been consulted on the proposal and have reviewed the Transport Statement in support of the application. The transportation officer found the trip generation and modal split rates acceptable and robust. The development is not considered to have a severe impact on the surrounding highway network and no objections are raised. No additional off site highway improvements are necessary also. The officer recommends two conditions should planning permission be granted covering dedicated cycle storage to be provided within the curtilage of each dwelling and electric vehicle charging provision for the dwellings.

Ecology

8.94 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment, in regards to: valued landscapes, ecosystem services, biodiversity, pollution, and contaminated and unstable land. Paragraph 118 of the NPPF states Local Planning Authorities should aim to conserve and enhance biodiversity and outlines a number of principles which should be applied, including '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.'

8.95 Core Strategy Policy CS16: Valuing our Natural Environment, seeks to ensure that Doncaster's natural environment will be protected and enhanced. Policy CS 16 (A) of the Doncaster Council states that proposals will be supported which enhance the borough's Ecological Networks by: (1) including measures that are of an appropriate size, scale, type and have regard to both the nature of the development and its impact on existing or potential networks.

8.96 The application was supported by an ecological survey by Wildlife Discovery. The council's ecologist raised concern that the stream to the south of the site was said to be devoid of vegetation, but this had been recently dredged by the local drainage board. The stream prior to this was richly vegetated and suitable for aquatic mammals and invertebrates.

8.97 Further surveying was needed to check if water voles have colonised the areas adjacent to the proposed development. Also a further preliminary bat roost assessment was carried out and considered by the council's ecologist. The surveys did not find any further evidence of bats or water vole, however the possible presence of bats in trees T7 and T8 should be further investigated by emergence surveys if these trees are under threat from the proposed development. The applicant confirmed that these trees would be retained and no further surveys were required.

8.98 Overall it is accepted that the majority of the site is of low ecological value. That said, there should be some compensatory landscaping that provides some habitat of value to wildlife and the areas near the stream need enhancing more than just the wildflower seeding to the top of the Stream Dike bank to: nothing except a knee rail. The council's ecologist maintained his concern for the scheme given that the landscape buffer belt alongside Stream Dyke is inadequate and does not reflect the importance to the proposed development of this semi natural feature.

Balancing Exercise

8.99 The harm identified above as a consequence of the inappropriateness of the development in the Green Belt carries substantial weight against the proposals. The loss of openness to the Green Belt involved also attracts substantial weight against the scheme.

8.100 Other factors against the scheme include encroachment into the Green Belt, the loss of Public Open Space, poor landscaping, inadequate tree protection, no education, affordable housing or public open space contributions and no planning gain in the form of a new club or new enabling development. Also no proposed enhancement of the existing sport facilities and an unclear picture over the deliverability of the bowling green. The monies from the land sale would simply be used to renovate and keep the club in existence.

8.101 In its favour is the acceptable design and layout of the scheme which attracts moderate weight in favour of the proposals. Likewise the fact that the money from the land sale may well sustain the club improvement carries moderate weight. The fact that the POS isn't well used carries moderate weight in favour of the site's redevelopment.

8.102 The harm caused by reason of inappropriateness, loss of openness for 49 houses and the factors listed against the scheme clearly outweigh the benefits of the proposals. The development of Green Belt for housing should not be used to sustain the upkeep of a financially unstable club and accordingly, the very special circumstances necessary to justify the development do not exist, and the application cannot be supported.

8.103 All other matters raised in the representations have been taken into account but none are of such strength or significance as to outweigh the considerations identified above.

9.0 Summary and Conclusion

9.1 The proposal is regarded as inappropriate development within the Green Belt, which would cause a severe loss of openness which must be afforded significant weight. In addition the development would have a significant impact on the open and green character of the area and cause harm to the outlook of residents opposite the site and lead to the loss of designated open space. The harm to the areas open character must be regarded as harmful and be afforded significant weight and the harm to the area generally moderate weight due to the unkept nature of the site.

9.2 The community consultation results show that the site is not heavily used, however this is mainly due to its condition. This should be afforded moderate weight in the balancing exercise.

9.3 Whilst the financial position and overall condition of the club and surrounding buildings have the potential to benefit from the neighbouring site redevelopment, any impact as a result of this additional money, if spent on the club, would not show any real enhancement of club's facilities (other than repair renewal and renovation of the club) and not create a lasting legacy for the club to be regarded as a very special circumstance. Instead the money will go towards urgent repairs that are required and wider renovation of the building to ensure the building remains in a useable condition for the next 20-30 years. This is a relatively short term benefit, for the benefit of a private club whereas the harm to the Green Belt and loss of open space will be permanent and affect the public.

9.4 From the viability issues discussed above it seems there simply isn't sufficient value in the land to create a balanced residential scheme that provides significant advantages to the local area. The scheme provides no affordable housing, no education contributions or public open space enhancement. In fact the scheme creates the loss of open space by default and seemingly would turn no profit for the developer.

9.5 Therefore when considering the planning balance there are clearly some advantages to be gained from the development, however these are far outweighed by the policy harm, through inappropriateness and physical harm through a loss of openness, loss of open space and loss of outlook. The application is therefore recommended for refusal.

9.6 Should the application receive support from members then it would need referring to the National Planning case work unit for consideration under its powers as to whether the Secretary of State calls in the application. Members would also have to delegate the imposition of all the necessary planning conditions and mechanisms to ensure the money raised from the land sale is actually spent on the club and agree a schedule of works also a clawback agreement to consider any uplift in residential sales values which may mean section 106 contributions would be possible.

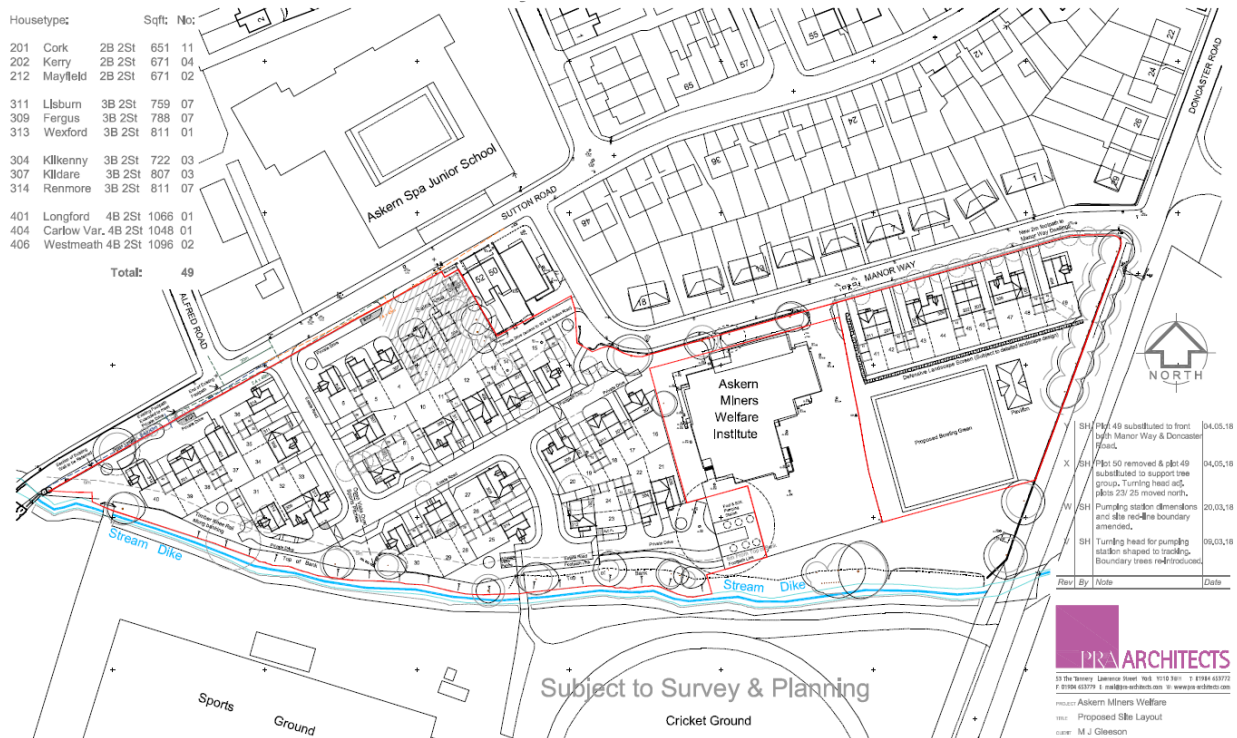
10.0 Recommendation

10.1 Planning Permission be REFUSED for the following reasons.

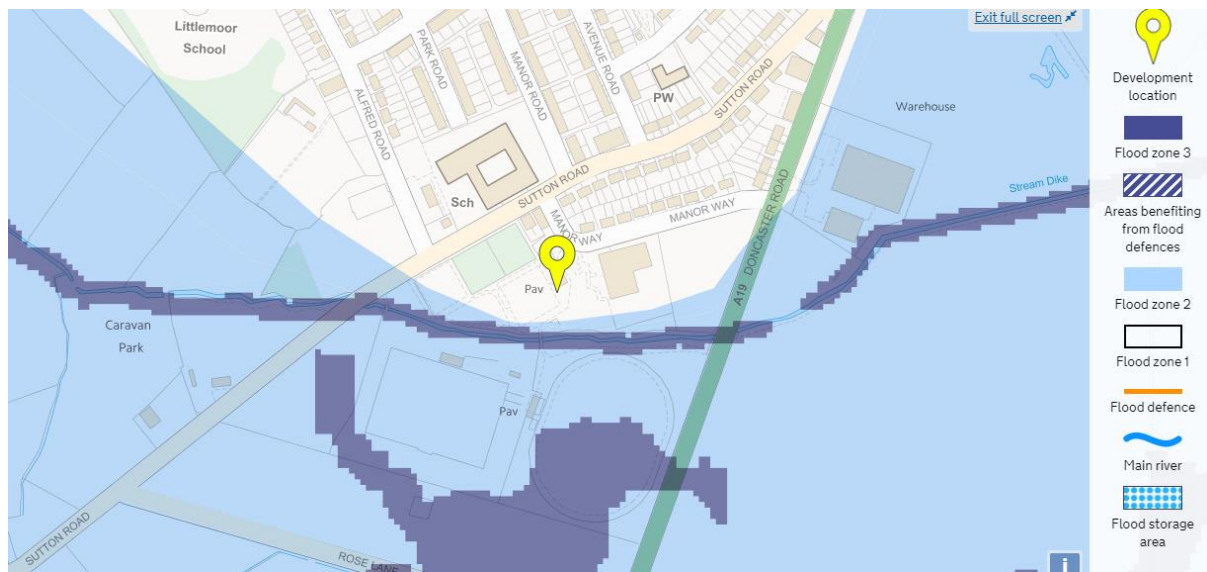
01. Green Belt The proposal represents inappropriate development within the Green Belt. The circumstances detailed in favour of the application are not considered 'very special' to outweigh the harm by reason of inappropriateness. In addition the development would lead to encroachment into the Green Belt, a loss of openness and would be harmful to the character of this sensitive entrance to Askern. The application is therefore contrary to paragraph 87-89 of the NPPF, Core Strategy CS 3 and ENV 3 of the UDP.
02. POS The planning system should where possible seek to protect and enhance open space, to encourage recreation. Development of open space will only be allowed in exceptional circumstances. This proposal leads to the direct loss of a significant part of Open Space, the amenity space will not be enhanced as it will be developed on and there will be no significant other enhancement works to the existing sports facilities. The proposal will also involve tree loss and the loss will not be compensated for by the equivalent community benefit with the exception of the replacement bowling facility. This is therefore contrary to UDP Policy RL1, Core Strategy Policy CS 17 and NPPF paragraph 74 which seeks to retain and protect such areas.

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

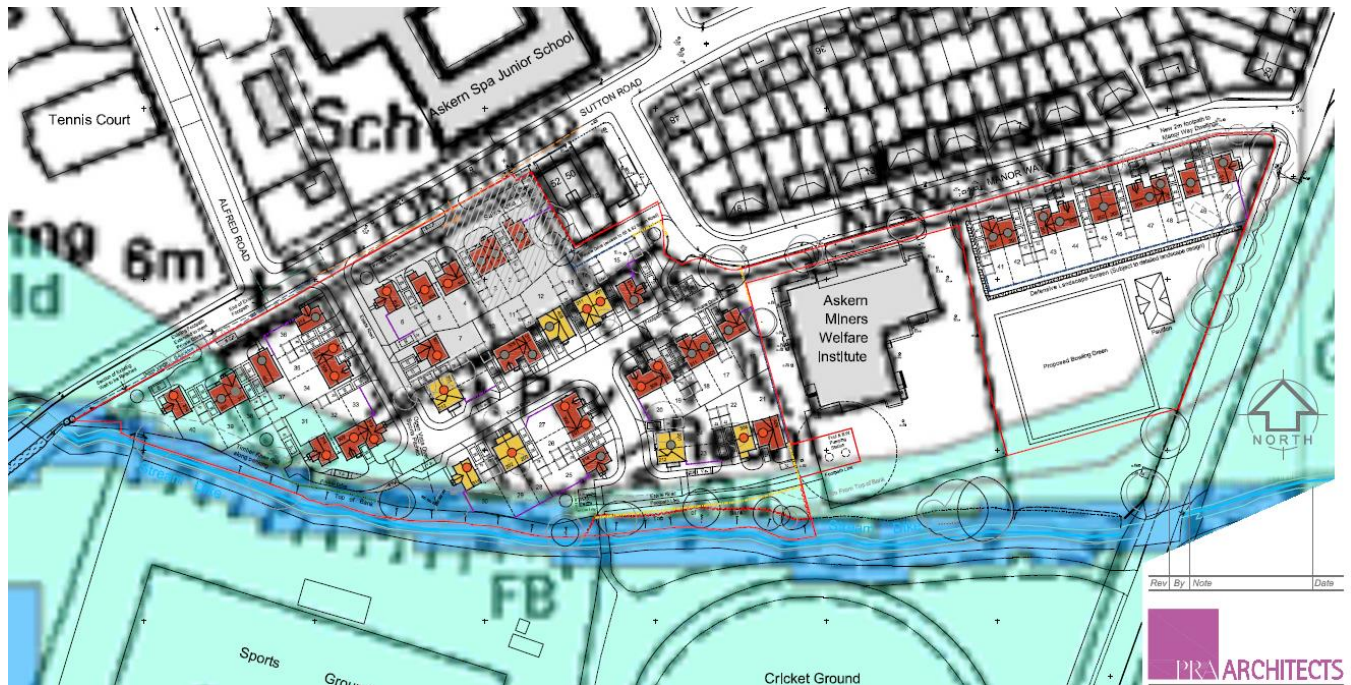
Appendix 1- Proposed site plan 49 dwellings.



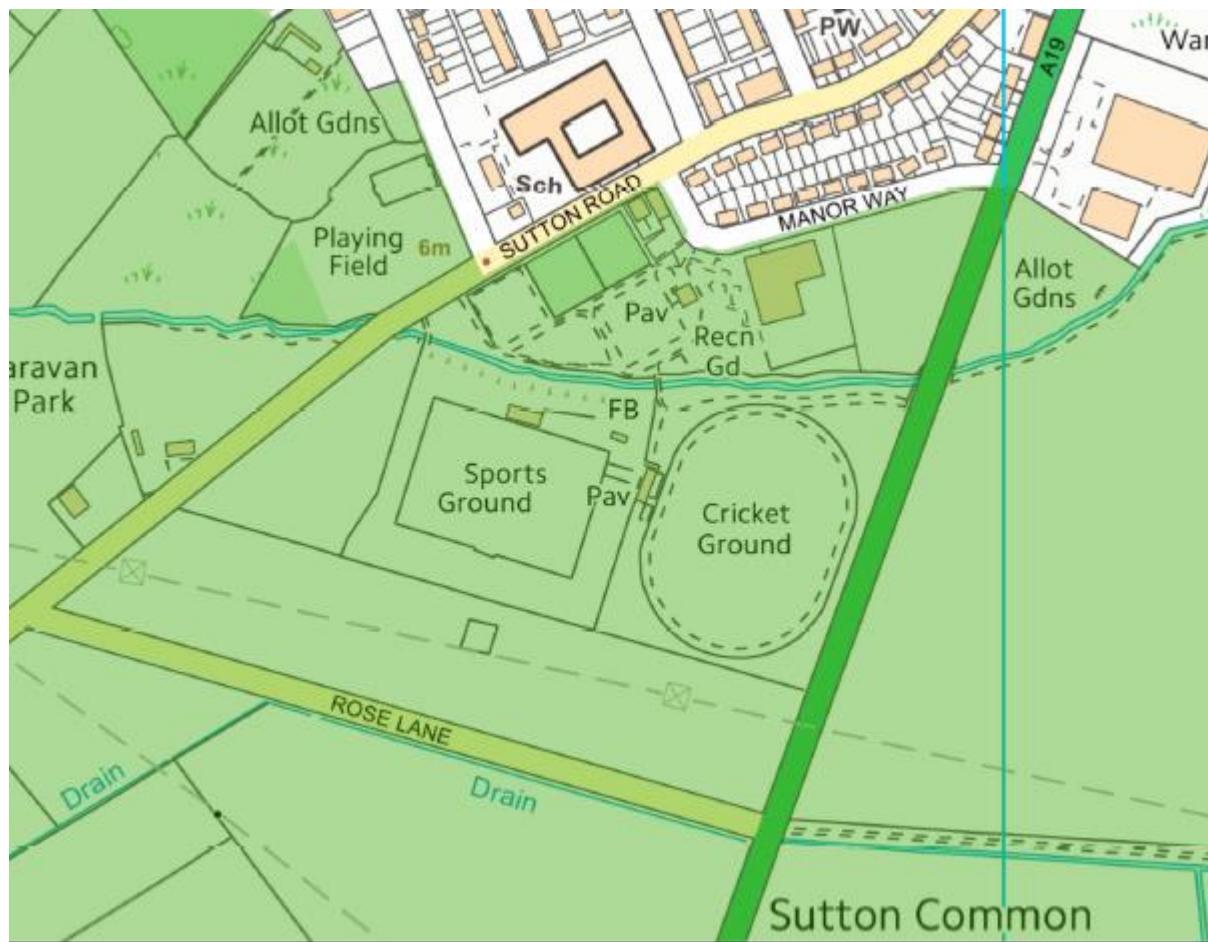
Appendix 2 –Flood zone



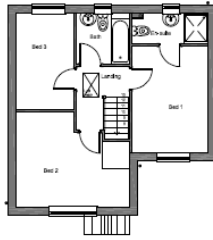
Appendix 3 – Shows the layout in respect of the flood zone.



Appendix 4 – Showing the extent of the Green Belt boundary



Appendix 5 – Typical House type and Manor way section/streetscene

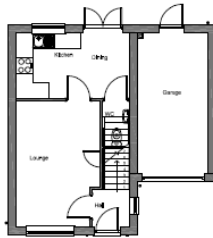


307
FIRST FLOOR PLAN



FRONT ELEVATION

SIDE ELEVATION



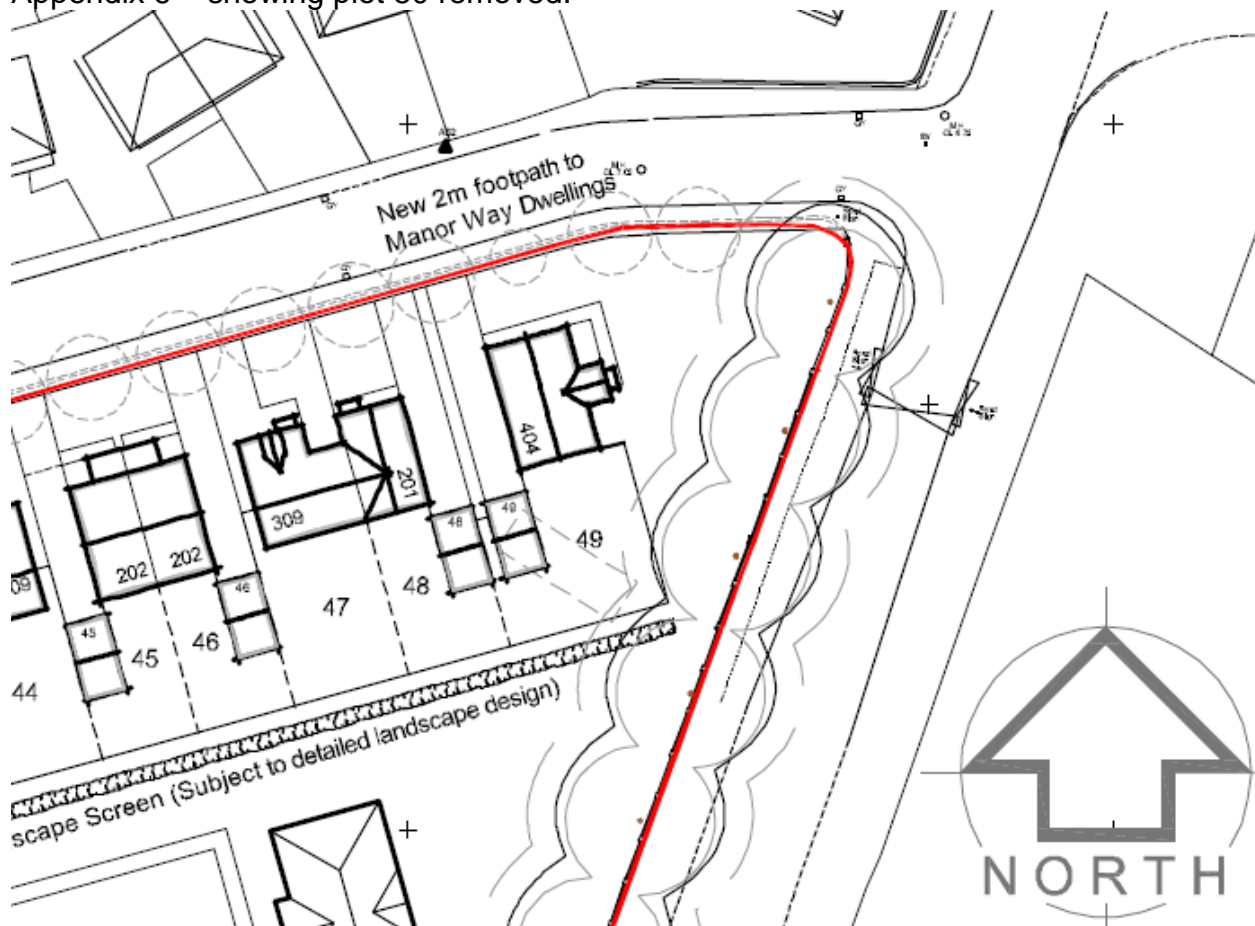
307
GROUND FLOOR PLAN



REAR ELEVATION

SIDE ELEVATION

Appendix 6 – showing plot 50 removed.



DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 29th May 2018

Application	2
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Application Number:	17/02756/FUL	Application Expiry Date:	3rd January 2018
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Application Type:	Full Application
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Proposal Description:	Redevelopment of Castle Cottage and conversion of the stables with single storey extension to form new dwelling.
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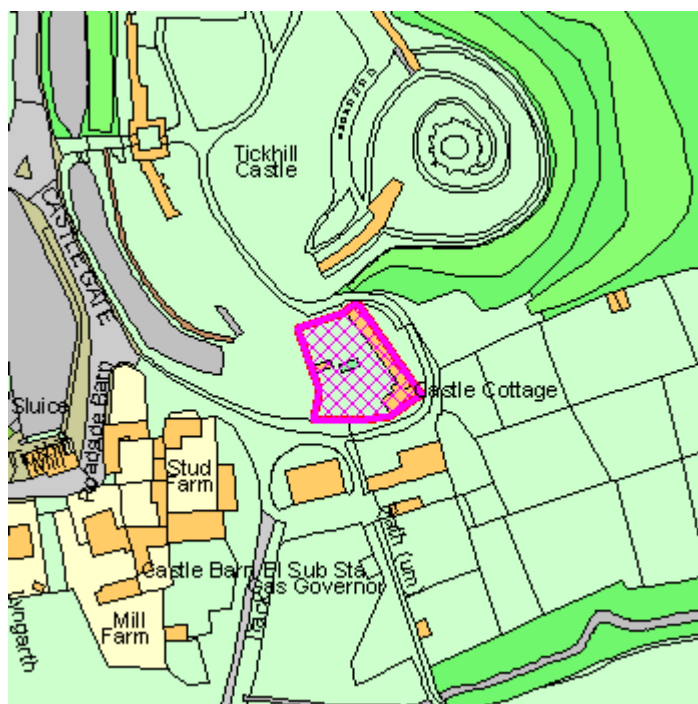
At:	Castle Cottage Lindrick Tickhill Doncaster
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For:	Duchy of Lancaster c/o Savills
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Third Party Reps:	61	Parish:	Tickhill Parish Council
		Ward:	Tickhill And Wadworth

Author of Report	Gareth Stent
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MAIN RECOMMENDATION:	Grant
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1.0 Reason for Report

1.1 This application needs to be presented to Planning Committee for determination due to the significant amount of representations received in opposition to the application.

2.0 Proposal and Background

2.1 This proposal involves the renovation and extension of Castle Cottage and the conversion and extension of the redundant stables into a single dwelling. The proposal to erect a detached double garage has been omitted from the scheme.

2.2 Castle Cottage is an unlisted 2 storey farmhouse with attached single storey stables and outbuildings in a good sized plot at the foot of Tickhill Castle. The building is located along the line of the historic ditch surrounding the motte.

2.3 The site lies in the Tickhill Conservation Area and is firmly within the setting of Tickhill Castle which is a scheduled monument. The brick retaining wall forming the boundary and the adjacent gable section of the farm building is understood to be part of the scheduling. The farm building straddles the presumed line of the castle ditch although the exact extent is not clear. The site is bounded by the historic motte to the north and by the castle access road to the east. To the west there is an open area bounded by a limestone wall.

2.4 There are 4 grade 2 listed buildings in the vicinity to the south and west consisting of agricultural barns, residential buildings and Tickhill Mill. The grade 2* listed Castle House is to the north of the top of the motte.

3.0 Relevant Planning History

3.1 The application has been the subject of pre application discussions reference 16/03127/PREAPP.

4.0 Representations

4.1 This application has been advertised in the press 30.11.12 and on site 1.12.17 via 2 notices. The application has received 58 objection letters:

- This development is within the Green Belt and this isn't a very special circumstance, part of our protected countryside and on the bed of the Ancient Moat of Tickhill Castle and within the curtilage of the Castle. The proposal will cause harm and affect the importance of the Castle and reduce its significance and standing.
- The conversion would transfer from a rural scene to an urban scene. The new development would be overlooked from the Castle and would spoil views from the Castle.

- The Castle is of great interest to visitors to Tickhill and should be preserved in its current state for the public and for the village of Tickhill as well as for the county of South Yorkshire.
- Castle Cottage was built before the people/nation created policies and laws to protect our heritage. Our current policies would not allow these buildings within the environs of Tickhill Castle, an Ancient Monument. Extending and creating new residences is detrimental to the protection of the ancient site.
- There is no need for the application, the castle should be preserved not added to. This is mis-management of the Duchy's affairs.
- If approved this would set a precedent for every other barn in the immediate area (currently used for agricultural purposes) to become residences, and have additional ancillary buildings built to support the new residences.
- There are currently old stables used as garaging for Castle Cottage, there is no need to building new structures.
- Tickhill Castle is one of the two most important C11th Norman Castles within the North of England and should be protected from invasive development for enjoyment today and the future generations.
- The extension to the stables is unnecessary if converted to a 2 bed dwelling. The building lies within the curtilage of an LBC and therefore Listed Building Consent should be obtained.
- Wildlife will be endangered. The great crested newt is still flourishing within the walls, grounds and moat of the Castle, increased urbanization will reduce their habitat. Bats were plentiful 2 decades ago, but now numbers are far less and by changing barns and agricultural structures to residences, their habitat is destroyed as well.
- Astonished that the Duchy of Lancaster is proposing to damage the moat.
- The house is large enough to accommodate a family and needs no extension.
- There is insufficient infrastructure to support existing houses in this area - most being on cess pool and not mains drains, and the roads and parking are also a problem- being a well visited beauty spot.
- Historic England are taking far too narrow an approach by stressing about the outlook from the Grade ii* listed house; every part of the castle site is important in its own right, including this part of the old moat which is of both historic and archaeological importance.

- The cottage is nothing special and has been spoiled by inappropriate alteration. If it is to be "developed", that should be restricted to a careful restoration back to its original design with original window and door openings, original glazing bars etc using traditional materials. Otherwise it might be better left to become a picturesque ruin.
- The stables should ideally be left in agricultural use. If they have to be converted into residential use, it should be confined to the envelope of the original building. The proposed extension is even more tasteless than the C20th alterations to the cottage. It is just the type of suburbanisation which will ruin the rural and historic ambience of the site. If the stables are to be converted to residential use, the residential use should be as discreet within the old building as possible with original door and window openings preserved and only traditional materials and paint colours etc used.

4.2 1 letter from ward member Graham Smith.

- If the castle was in any City in the south, this would never happen. The castle and its environment must be preserved for future generations.

4.3 1 neutral letter:

- The Castle doesn't attract visitors in any great number due to its limited opening and therefore doesn't bring about the benefits it could to the town. The response points out that an objection leaflet had been circulated and this raised considerable disquiet about the lack of access to the Castle and its lack of significance to the people of Tickhill. The restored buildings would be better than derelict ones.
- The application is that it lacks any analysis of the viability of alternative uses for the stables that might be more readily associated with a castle e.g. visitors centre (with more access to the monument), stables, smithy, farrier, workshops or studios, each of which would be assessed on its impact from traffic, parking etc.

Re advertisement

The application was readvertised on the 31.1.18 via neighbour letters and readvertised on site: until the 02.03.2018. Readvertised in the press 8th February. 1 further letter was received.

- "Whilst I welcome the decision to omit the double garage from the original proposal, I still object to the revised plan. The proposed extension to the stables is tasteless, unnecessary and destructive to the historic setting of the castle. The proposed removal of trees is similarly destructive. The construction of a large driveway and consequent removal of grassland would also be unacceptable suburbanisation of this fragile historic and rural corner of Tickhill. This whole scheme seems to lack any sensitivity to the location."

5.0 Tickhill Town Council

5.1 Tickhill Town Council: “Castle Cottage is within the Green Belt, where reuse of buildings is acceptable with safeguards, including strict control over extensions, and the Tickhill Conservation Area, where development should preserve and enhance. It is also immediately adjacent to Tickhill Castle, an Ancient Monument, whose setting is protected by legislation.”

5.2 “Castle Cottage is on the side of Castle farmyard, where there is some dereliction. The farmyard contains also a listed barn and is crossed by a well-used public footpath, from which any development will be visible. The location has a distinctive atmosphere worthy of careful treatment.”

5.3 “It is in this context that the application should be approached. We are particularly concerned that any development should not 'suburbanise' the area. Clearly Castle Cottage, occupied until c.2 years ago, could be refurbished without planning permission and likewise the adjoining stables could regain their original function in an area where riding is popular. It is, however, difficult to argue against these buildings, with only modest extensions, (which the proposed lounge seems to exceed) being approved as 2 dwellings, provided the design and materials used enhance the area.”

5.4 “However, we are totally opposed to the construction of a modern garage block, which neither preserves nor enhances the ambience of the Conservation Area, nor is it necessary. Opposite Castle Cottage is the Castle's Coach House, used for a number of years by the tenant of Castle Cottage as garages. This building, dating from the early 19th century, should be refurbished to provide ample garaging for the dwellings.”

5.5 “We urge the Planning Committee to secure amendment to the application to delete the new garages so that the existing garages can be restored and also to consider whether the extensions to the existing buildings are excessive in size. This is to ensure that the resulting development genuinely preserves and enhances the Conservation Area.”

5.6 Revised response following omission of garages: -

“Tickhill Town Council welcome the removal of the garages. Tickhill Town Council also have regard to the fact the proposal is in the conservation area and in the Green Belt. They question the need for such a large parking area and the council await the report on the issues raised by Historic England.”

6.0 Relevant Consultations

6.1 Conservation - No objections subject to conditions.

6.2 Trees - No objections subject to a replacement planting condition.

6.3 Ecology - No objections, further detail required and conditions suggested covering ecological enhancement.

6.4 Public Rights of Way (PROW) - no objections.

6.5 Historic England - Historic England welcomes the proposal to redevelop the existing cottage and the conversion of the barn into a new dwelling. Historic England suggests Doncaster MBC needs to be satisfied that the new extension will not harm the setting of Tickhill Castle and Tickhill Castle House by being visible from within the outer walls of the castle.

6.6 In addition the extension may also have the potential to harm the outer moat of the castle defences. This needs to be discussed with South Yorkshire Archaeological Service (SYAS) to evaluate the impact of the extension. Historic England is not opposed to the conversion of the existing dwelling or the new extension subject to any archaeological considerations SYAS have and a clear demonstration that it will not cause any greater harm to the setting of the heritage assets.

6.7 Following reconsultation Historic England welcomes the revised layout of the access and removal of the free standing garage block. Historic England remains supportive of the application to bring the farmhouse back into use.

6.8 South Yorkshire Archaeological Service (SYAS) - No objection. SYAS considered the initial heritage statement and building appraisal, prepared by CFA Archaeology which satisfied officers with regards to the archaeological assessment. Further work was required to address outstanding concerns. The first was the impact on the setting of Tickhill Castle House, a designated heritage asset. The second issue is the impact of the proposed extension upon the castle moat. SYAS requested trial trenching on the site, the results of which were written into an Archaeological Evaluation which was agreed by SYAS, and is subject to condition.

6.9 National Grid – No response.

6.10 Internal Drainage - No objections.

6.11 Severn Trent – No response.

6.12 Highways - No objections. Given that details re driveway and width of access are on the plan, there is no need for condition other than in accordance with approved plan.

6.13 Environmental Health - No objection.

6.14 Pollution Control - No objection, a YALPAG screening form was submitted and results accepted.

7.0 Relevant Policy and Strategic Context

7.1 Whilst being within the geographical settlement of Tickhill, the site lies beyond the village settlement boundary and within Green Belt. The proposal involves development within a Conservation Area, is within the setting of a Listed Building and adjacent to a Schedule Ancient monument. The proposal also has highway, tree and ecological implications.

7.2 The relevant sections of the National Planning Policy Framework include:

- Section 6 - Delivering a wide choice of high quality homes
- Section 7 – Requiring Good Design.
- Section 9 - Protecting Green Belt Land.
- Section 11- Conserving and enhancing the natural environment
- Section 12 - Conserving and enhancing the historic environment

7.3 The statutory development plan for Doncaster currently comprises the Local Development Framework Core Strategy (adopted May 2012), and the saved Policies of the Doncaster Unitary Development Plan (adopted 1998) (including the Proposals Map).

7.4 Doncaster Core Strategy relevant policies include:

Policy CS2 'Growth and Regeneration Strategy'

Policy CS 3 'Countryside'

Policy CS4 'Flooding and Drainage'

Policy CS14 'Design and Sustainable Construction'

Policy CS 15 'Valuing our historic Environment'

Policy CS16 'Natural Environment'

Policy CS18 'Air, Water and Agricultural Land'

7.5 Doncaster Unitary Development Plan 1998;

The key saved policies of the UDP relevant to the current application are considered below:

ENV 3 - Green Belt.

ENV10 - Conversion of rural buildings.

ENV 14 - Extensions to dwellings in the Green Belt.

ENV 25 - Conservation Areas.

ENV 34 - Development affecting the setting of a Listed Building.

ENV 37 & 38 – Archaeology.

ENV 53 - Design of New buildings.

ENV 59 - Protection of Trees.

7.6 Tickhill also has a neighbourhood plan, which is part of the Development Plan for Doncaster following its referendum in July 2015.

Tickhill Neighbourhood Plan relevant policies include:

DE1 - New building

DE3 - Protection of limestone walls

DE4 - Sustainability in building

DE6 - Extensions and alteration

H3- Conservation Area: The Castle, Mill Dam and Lindrick

HE1 Heritage assets.

F1 - Building development

8.0 Planning Issues and Discussion

Main Issues

8.1 The main issues to consider are the principle of changing the use of a redundant rural building to a dwelling and secondly the principal of extending and renovating the existing dwelling. Both of which involve significant historical considerations, whereby the impact on the character of the Conservation Area, setting of the nearby listed buildings, the impact on the scheduled ancient monument and the impact on archaeology needs assessment. In addition it is necessary to consider the highway implications, the impact on trees, ecology and drainage. Given the lack of immediate neighbours there is no direct harm to the living conditions of neighbouring occupiers apart from considerations of setting of the historical buildings and intensification in the use of the lane.

Principle.

8.2 The site is designated Green Belt in the Doncaster Unitary Development Plan and is therefore subject to national as well as local policy on both these issues.

8.3 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; safe guarding the countryside and assisting in the urban regeneration of recycling derelict and urban land. The essential characteristics of Green Belt are their openness and their permanence. Local policy contained within Core Strategy CS3 seeks to protect and enhance Doncaster's countryside and when considering land within Green Belt, national policy will be applied.

8.4 National Policy (NPPF) paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF provides that "very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

8.6 Paragraph 88 of the NPPF states" When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

8.7 The proposal consists of two elements; the first being the alterations and extensions to Castle Cottage. The second being the principle of converting a redundant rural building to a residential use. Both national and local policies allow for both as detailed in the following text.

Alterations to Castle Cottage

8.8 The NPPF, paragraph 89 states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt; then goes on to list a set of criteria as exceptions to this which include:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

8.9 Policy ENV 14 allows for extensions to dwellings within the Green Belt providing they would not have a visual impact prejudicial to the character of the building or amenity of the countryside or significantly increase the size of the existing dwelling. This policy is of relevance when considering the alterations to the cottage, which include new windows and doors, reduction in openings and a new lean to extension. The lean too extension is on the northern elevation, is single storey and is not regarded as a significant extension in scale, volume or massing. The extension by virtue of its insignificance is not considered to have any harm to the character of the Green Belt and is compliant with ENV 14.

8.10 The proposed double garage which was originally showed to serve Castle Cottage and the newly converted dwelling has since been removed from the scheme. This significantly lessens the amount of new build and overcomes the issues raised concerning the need for the garage.

Stable conversion

8.11 Paragraph 90 of the NPPF states 'Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include:

- the re-use of buildings provided that the buildings are of permanent and substantial construction

8.12 This is echoed in UDP policy ENV 10, which allows for the conversion of existing buildings to other uses appropriate to the rural area provided that they are buildings of a permanent and substantial construction and capable of conversion without major or complete reconstruction. ENV 10 also suggests conversions will be acceptable where the form, bulk and design of the buildings are in keeping with their surroundings. Green Belt conversions should not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it.

8.13 Finally one of the key criteria is that the building is capable of conversion without the need for significant extension to the existing structure and has sufficient land attached to it to provide the functional needs for the dwelling in terms of parking and garden space without adversely affecting the character of the surrounding landscape. The remaining criteria in ENV10 seeks compliance with other policies such as nature conservation.

8.14 The stable conversion is policy compliant in that it converts a redundant building into a new appropriate residential use. The extension is relatively large, however this has been reduced as a result of pre application discussion and is not regarded as being significant given its position and need in the overall balance of considerations. The building is self-contained and the rear curtilage will be screened from the wider public areas thus maintaining the openness of the Green Belt. The domestication will cause some loss of openness through increased usage, however this is not considered to cause significant harm to the Green Belt or wider historical setting. Significant local concern has been raised over this proposal as many residents wanted the building left untouched and were concerned over the new build elements and domestication of the building. The new build garage element has since been removed and the proposal is also welcomed by Historic England in that it will bring new life to the building and ensure its long term retention. Such conversions are common place within the rural Doncaster and help retain historic rural buildings and provide attractive new residential dwellings.

Careful attention has been made to ensure parking provision is within the site, which helps reduce the overall impact.

8.15 No structural assessment has been made of the stable building, however whilst elements are in disrepair, the building appears generally in good order and certainly capable of conversion without any significant rebuilding. On this basis it is not deemed necessary to commission a structural report.

The historical implications.

8.16 Given the nature of the proposal and its position in relation to the various historical buildings of significance, the heritage impact is a key consideration in the success of this scheme. This can be assessed in terms of several distinct issues:

8.17 In terms of the adjacent heritage asset chapter 12 of the NPPF is of relevance, in particular paragraphs 129, 132 and 134. Paragraph 129 states "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

8.18 Paragraph 132 states "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

8.19 Paragraph 134 states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Archaeology

8.20 The location of the site on the line of the ditch surrounding the Motte and Scheduled Ancient Monument suggests that there is a high likelihood of archaeological potential from any groundwork necessary to facilitate redevelopment of the existing buildings, which is confirmed by the heritage assessment. The initial a heritage statement and building appraisal, prepared by CFA Archaeology satisfied officers with regards to the archaeological assessment. Further work was required to address outstanding concerns with regards to the setting of Tickhill Castle House, a designated heritage asset.

8.21 South Yorkshire Archaeology Service requested trial trenching occurs prior to the decision being reached on the application. This is in line with National Planning Policy Framework para 128 which states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

8.22 This has now been undertaken, the results of which have been recorded in the revised Archaeological Evaluation (Y342/18). This trenching evaluated the potential for surviving remains within the development site. The location of the Moat, implied by earth works was confirmed. Rubble deposits at the base of the excavation implied that the southern part of the moat had been infilled with material from the curtain wall. The conclusion was that given the depth of the surviving deposits within the moat and the proposed plans, it is assumed that the development will have a minimal impact on significant below-ground remains relating to the moat.

8.23 South Yorkshire Archaeological service were content with the findings of the report and will provide mitigation through conditions, which will be available as pre committee amendments as these were not drafted by SYAS at the time of the report being written. In addition, any works to a scheduled monument requires Scheduled Monument Consent from Historic England, which the applicants will have to seek permission for.

Heritage significance of the buildings

8.24 The representations have questioned whether Castle Cottage is a curtilage listed structure to the grade 2* listed Castle House. This was considered by the Conservation officer and depended on a number of questions and its status at the time of the listing of Castle House (22/01/81).

- (1) the physical 'layout' of the listed building and the structure,
- (2) their ownership, past and present,
- (3) their use or function, past and present.

8.25 This information was supplied by the agent and the applicant and shows the castle and the cottage were ran as separate leases with different leaseholders at the time of listing in 1981. The conclusion was that there has been a close association between the stables and the castle lasting around 180 years and that this association is likely to be ancillary with the cottage keeper overseeing the stables on behalf of Castle House. However, since 1955 the cottage has been operated independently and this link severed. As at the date of listing the two buildings were organised as separate entities the cottage cannot be considered as a curtilage listed structure associated with Castle House.

8.26 Given the above conclusion, whilst the buildings are not Listed from a conservation viewpoint, the rehabilitation of the stables building and the farmhouse is desirable as these are historic buildings which form an element of the setting of the castle as well as contributing to the agricultural character of this part of the conservation area. The heritage statement points to a historic association with Castle House (probably former stables) and that the stables have heritage interest in their own right. The proposal will save the buildings from further dilapidation and is welcomed.

8.27 Prior to alteration, a scheme of historic building recording would be needed for the barns as there would be significant alteration to particularly their internal character. This is included as a planning condition.

Setting

8.28 A critical consideration is the impact on the setting of other heritage assets. The proposal for conversion of the existing buildings would not harm the setting of the listed and unlisted agricultural buildings nearby and would be in keeping with the general character of the conservation area. The extension is limited in size, subsidiary to the stables, and follows the span of the existing building.

8.29 The conservation officer agrees with the heritage statement that it would not be intrusive from the area around the farm. The informal appearance of the front of the stable building is critical in the approach to the castle motte. Currently, this is an unverged lane set in a green area and bounded by a timber post and rail fence and part by a limestone wall. This is not proposed to change as all the parking is to the rear. This will help maintain the lanes rural character.

Layout and site

8.30 The subdivision of the existing buildings into 2 dwellings is logical and the curtilage subdivision is along existing features with the new extension forming the boundary and separating and giving privacy to the 2 amenity areas. With the majority of the barn having north facing openings the amount of extension and its orientation can be justified in design terms. It would improve the design of the barn conversion in terms of the use of the garden area and would forestall future applications for garden rooms/conservatory in this area. The removal of the garaging is welcomed and the inclusion of on-site parking prevents parking being necessary at the front of the building.

8.31 The proposal retains the existing limestone wall (with some widening required) adjacent to the original farmhouse which is acceptable in line with national policy and within the Tickhill Neighbourhood Plan. A 5 bar agricultural styled gate is shown which is in keeping with the agricultural character of the area. The layout shows new limestone boundary walling to the west of the site at 1.2m in height, which is again appropriate to its setting. The remainder of the site is bound in graded material to provide the hardstanding.

8.32 Splitting the curtilage between the barn and the cottage will still leave the cottage with a good sized amenity area. The changes to the cottage present no overlooking or privacy concerns and doesn't overbear adjoining landowners.

Windows, doors, materials and features

8.33 The proposed alterations to the window proportions and heads on the house are an improvement on the unsympathetic wide ground floor openings and would enhance the building and therefore the surrounding setting. The replacement of the double doors with the narrow proportioned full length windows would similarly restore character; with the existing heads still evident on the building. The stable windows are shown as 2 over 2 sliding sash or similar replacing the slatted windows which appear a little domestic for retaining the barn character although this reflects the existing windows to the right hand side of the building.

There are 3 new openings to the back of the stable building, which are also shown as 2 over 2 sliding sash windows. The detailed window and door designs can be subject to condition.

8.34 The new materials for the extension are brick and slate which are acceptable and can be conditioned to match. The buildings as a whole require some repairs and the specifications for these can be the subject of a repairs condition. Chimney stacks are not usually a barn feature but are found on workshops, boiler houses, and other usually single storey ancillary buildings in agricultural locations so are deemed acceptable.

Ecology

8.35 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment, in regards to: valued landscapes, ecosystem services and biodiversity. Paragraph 118 of the NPPF states Local Planning Authorities should aim to conserve and enhance biodiversity and outlines a number of principles which should be applied. This is echoed in Core Strategy Policy CS16: Valuing our Natural Environment, seeks to ensure that Doncaster's natural environment will be protected and enhanced.

8.36 The application was accompanied by an ecological appraisal which looked at the building for the presence of bats and a great crested newt survey. The council's ecologist agreed with the content of ecology surveys. The bat surveys have identified small roosts used by two different species of bats using the barn and cottage buildings. This means a license will be required from Natural England before the development can proceed. In order to satisfy the local authority's obligations in respect of this the applicants were asked how they will satisfy the three derogation tests that Natural England will consider before agreeing to grant a license.

8.37 In addition the ecologist requested some compensation for the habitat losses that are going to arise as a result of the development. This could be achieved through a good landscaping scheme and the addition of some bird boxes in suitable locations. This request was detailed by condition for an ecological enhancement scheme.

Highways

8.38 With regard to highway safety and parking, this should be considered against policy CS 14 of the Doncaster Unitary Development Plan which states that new development should ensure quality, stability, safety and security of private property, public areas and the highway, permeability and legibility. The proposal originally showed a large double garage with a turning area capable of parking 4 cars off street.

8.39 The garage was removed from the application and replaced by hardstanding. Amended plans showed the gateway widened to 3.1m, the access crossing of the verge to the new driveway and two parking spaces for the existing and proposed dwellings. A gateway was added in the dividing wall to allow access through to the stable conversion to encourage usage of the parking as opposed to pulling up on the track in front of the stables. This satisfied the highway officer in terms of parking provision and turning.

Trees

8.40 Core Strategy policy CS 16 (D) states that proposals will be supported which enhance the borough's landscape and trees by: ensuring that design are of high quality, include 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. Policy ENV 59 of the Doncaster Unitary Development Plan seeks to protect existing trees, hedgerows and natural landscape features.

8.41 The site contains nothing of arboricultural value or quality to merit significant amendment of the proposed layout. The site plan shows the Leyland cypress on the southern boundary as the most valuable tree on site. Whilst this tree was originally shown for retention, the garages position would have an adverse impact on the tree as it would breach its root protection area. The garages were later removed, however the hardstanding would equally still be within the root protection zone (RPA). The applicants were given the option of producing a none dig driveway scheme to retain the tree but instead opted to remove the tree. The tree officer regarded this as having a moderate adverse arboricultural impact and agreed to replacing it with a more appropriate (locally characteristic heavy standard size) species as part of a landscaping condition. The opportunity also exists for further soft landscaping enhancement which is also shown on the amended site plan to some degree. Overall, there is no objection to this proposal on arboricultural grounds.

Other matters Pollution, Public Rights of way, Drainage

8.41 Although on the historic maps there is no indication of any previous potentially contaminative use at the site, as the application is for a sensitive end use, an appropriate contaminated land risk assessment should be carried out. A YALPAG screening assessment form was completed by the applicant and can be accepted as a preliminary risk assessment. This showed the building has largely been in residential use as stables and the only area of concern was the infilled moat, presumably with rubble however given the length of time it has been filled the pollution control officer didn't raise issue any objection.

8.42 A Public right of way runs adjacent to the site, however the Public Right Of Way team have confirmed no objections exists as no PROW will be affected. Finally a drainage condition is suggested as it's unclear at this stage if the cottage drains to mains or if a septic tank exists.

9.0 Summary and Conclusion

9.1 In conclusion the proposed alteration to Castle Cottage and the conversion of the stables will bring a redundant building back to life and cause no significant harm to the living conditions of surrounding occupiers, no significant harm to the character and openness of the Green Belt and no significant harm to the heritage asset. The scheme raises no concerns from consultees, is policy compliant and is supported.

10.0 Recommendation

10.1 Planning permission be 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. U58825 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

Amended site plan 16/056/07C Rev C
Amended Location Plan 16/056/09

REASON
To ensure that the development is carried out in accordance with the application as approved.
03. 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.
04. CON3 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.
REASON
To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

05. U57449 No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority the landscape scheme shall include: a planting plan and schedule including replacement tree/s along the site frontage (behind the wall); hard landscape; a landscape and establishment specification.
REASON
In the interests of environmental quality and enhancing/preserving the appearance of the Tickhill Conservation area.
06. DA01 The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.
REASON
To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.
07. 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.
08. NOPD2A 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 additional windows shall be created or other alterations made to the dwelling and/or extension hereby permitted without the prior permission of the local planning authority.
REASON
The local planning authority considers that further alterations could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future alterations to comply with policy PH11 of the Doncaster Unitary Development Plan.

09. NOPD3A 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 development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority.
REASON
The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.
10. NOPD5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 14 (or any subsequent order or statutory provision revoking or re-enacting that order) no solar equipment shall be installed without prior permission of the local planning authority.
REASON
To preserve and enhance the character and appearance of the conservation area
11. U57262 Within 3 months of the start of construction an ecological enhancement scheme shall be submitted to the local planning authority for approval in writing. This shall include details of the following:
- A landscaping scheme designed to enhance biodiversity including native species planting.
- 4 fruit trees to be planted on site.
- 4 bird boxes to be installed at appropriate locations on the site.
The agreed scheme shall be implemented prior to the first occupation of the site or in an alternative timescale to be agreed in writing with the local planning authority.
REASON
To ensure the ongoing ecological interests of the site are maintained in line with Core Strategy Policy 16.
12. Prior to the implementation of the relevant site works a scheme of repairs to the external fabric of the dwelling and the converted barn building shall be submitted to and agreed in writing by the local planning authority. Such a scheme shall include, any structural work that may be necessary, the method of repointing, the treatment of any altered openings, treatment of heads and cills, and details or samples of any new or replacement materials (brick/slate) which may be required for the repairs.
REASON
To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.

13. Prior to the implementation of the relevant site works details or samples of the external materials (brick and natural slate) to be used in the construction of the external surfaces of the barn extension and the extension to the dwelling shall be submitted to and agreed in writing by the local planning authority.
REASON
To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.
14. All windows and external doors to be used in the construction of the building shall be constructed in timber. Full details of their design, construction and finish shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. Unless otherwise agreed in writing, the details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details.
REASON
To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.
15. Rainwater goods and pipework used in the construction of the building shall be round/half round in black finish, and any fascias to be shall be black unless otherwise agreed in writing by the local planning authority.
REASON
To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.
16. Any external grilles or vents against the external brickwork shall be terracotta or similar colour unless otherwise agreed in writing by the local planning authority.
REASON
To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.
17. Unless otherwise agreed in writing by the local planning authority character and height of the boundary treatment shall be as specified in site plan 16/056/07C. Prior to the implementation of the relevant site works samples or details of the materials to be used in its construction and details of the design of the vehicle and pedestrian gates shall be submitted to and agreed in writing by the local planning authority.

The construction of the wall shall only take place after a one-metre-square sample panel of stonework showing the pointing and coursing to be used in its construction has been erected on site and the details approved in writing by the local planning authority.

REASON

To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.

18. Prior to the implementation of the relevant site works details or samples of the hard surface materials for the unbuilt areas within the site boundary shall be submitted to and agreed in writing by the local planning authority.

REASON

To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.

19. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation of the site including a permanent historic record of the cottage and barn to be converted and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- o The programme and method of site investigation and recording.
- o The recording specification for the historic buildings.
- o The requirement to seek preservation in situ of identified features of importance.
- o The programme for post-investigation assessment.
- o The provision to be made for analysis and reporting.
- o The provision to be made for publication and dissemination of the results.
- o The provision to be made for deposition of the archive include the historic building record created.
- o Nomination of a competent person/persons or organisation to undertake the works.
- o The timetable for completion and submission of the historic building record and of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed."

REASON

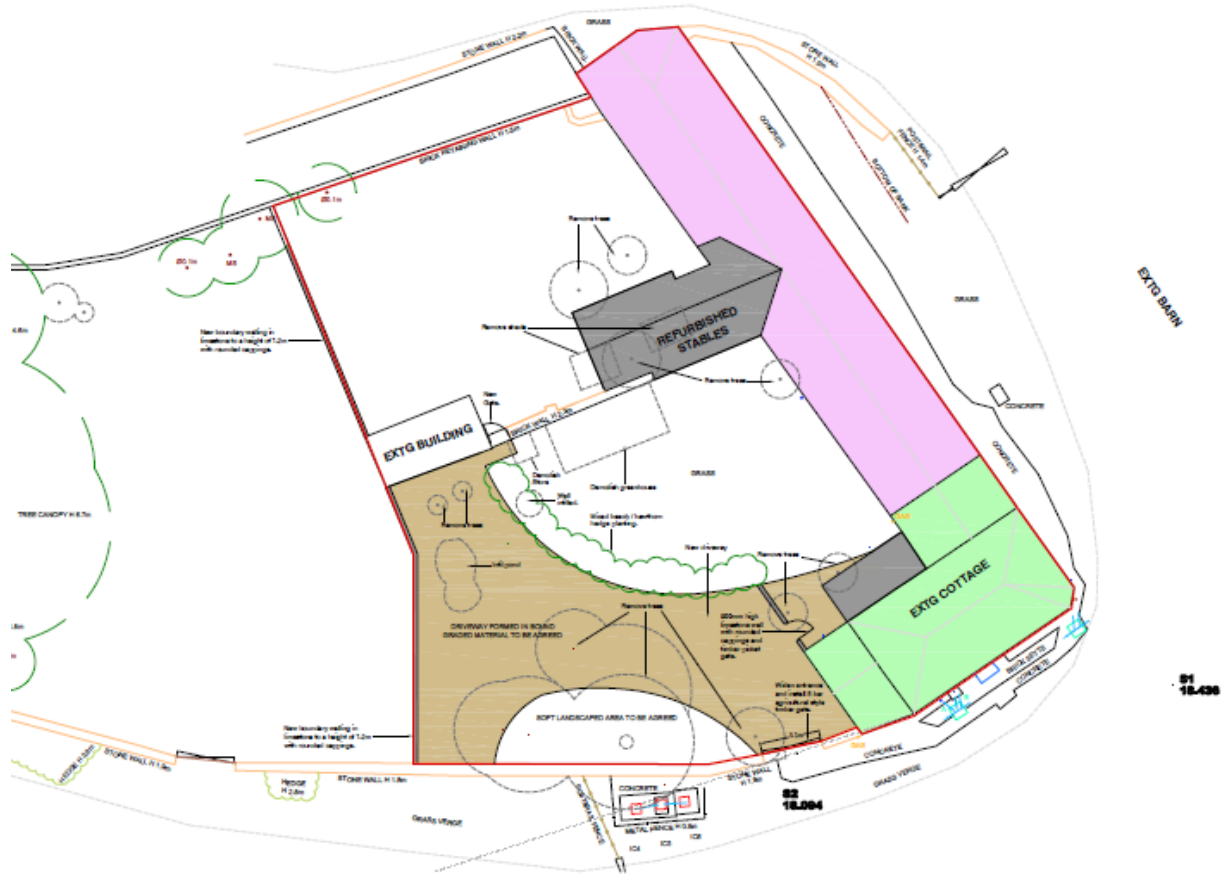
In accordance with paragraphs 128, 129, and 141 of the NPPF to identify, assess, and record the significance of the heritage asset, and make publically available the results of this.

Informatives

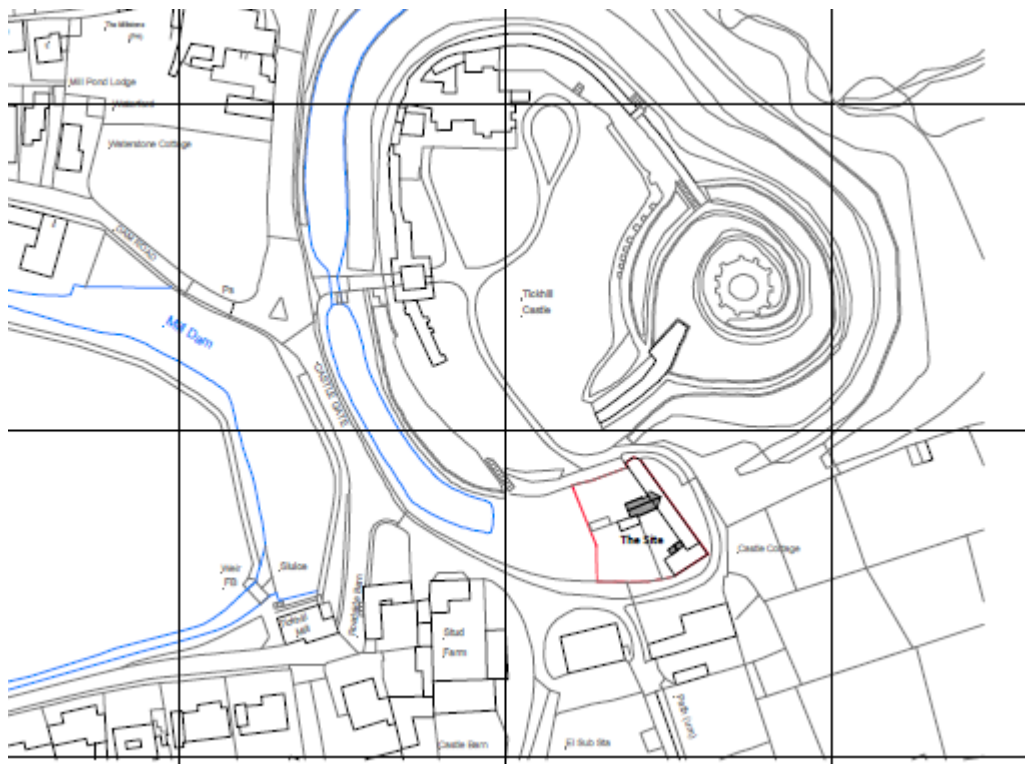
01. U12164 The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud on the highway is an offence under provisions of The Highways Act 1980.
02. The applicant is reminded that schedule ancient monument consent will be required for the proposed works. Historic England is the relevant contact.

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

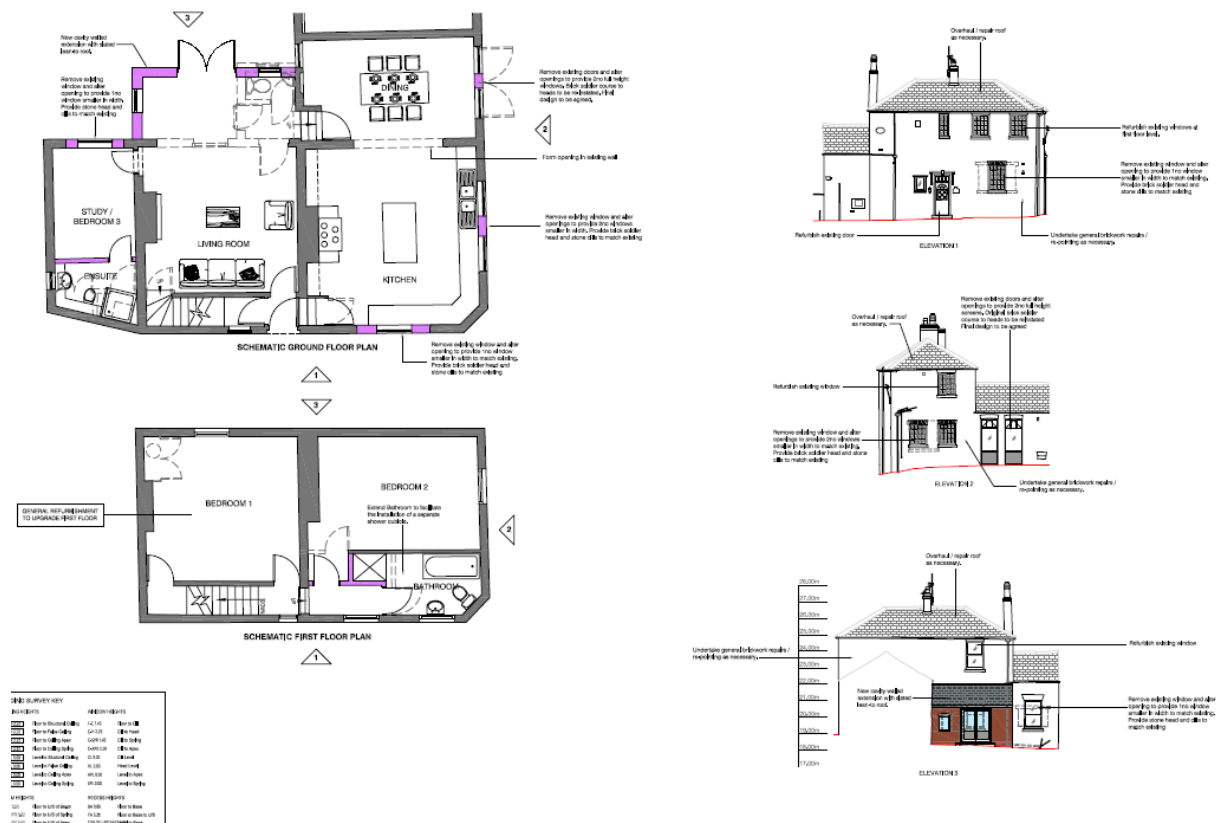
Appendix 1- Proposed site plan



Appendix 2 – Location Plan



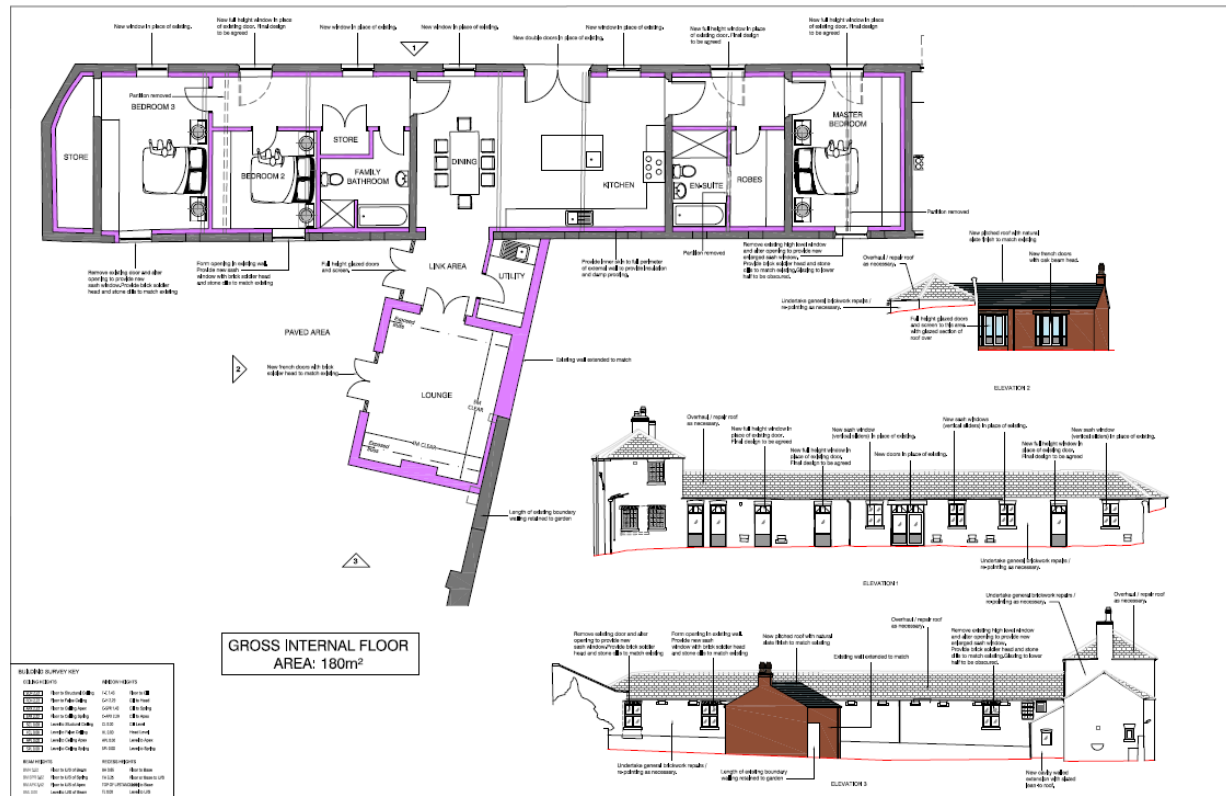
Appendix 3 –Alterations to Castle Cottage



Appendix 4 - Existing plans of castle cottage



Appendix 5- Stable conversion



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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 29th May 2019

Application	3
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Application Number:	18/00638/FUL	Application Expiry Date:	7th May 2018
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Application Type:	Full Application
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Proposal Description:	Proposed Detached 4 Bed Dwelling With Detached Garage (Being a re-submission of 17/01202/FUL).
At:	San Lorenzo Armthorpe Lane Barnby Dun Doncaster

For:	Mr Jason Taylor
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Third Party Reps:	6	Parish:	Barnby Dun /Kirk Sandall Parish Council
		Ward:	Stainforth And Barnby Dun

Author of Report	Alicia Murray
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MAIN RECOMMENDATION:	Refusal
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1.0 Reason for Report

1.1 This application is presented to Planning Committee given the number of representations received supporting the application.

2.0 Proposal and Background

2.1 The applicant is seeking consent for the erection of a single dwelling on part of the curtilage of San Lorenzo on the south eastern edge of Barnby Dun.

2.2 The site lies within the countryside and beyond the settlement limits, and critically the ability to infill in the countryside has now been abolished in the Councils Core Strategy and has recently been confirmed in several other similar appeals.

2.3 The site forms part of the curtilage of the existing house known as San Lorenzo on the edge of Barnby Dun. San Lorenzo is a detached dwelling located next to the Golf Range. To the west of the site are a series of dwellings located on Parkwood Rise and this plot would run along the boundary of no. 8; opposite the site is a series of paddocks utilised for equestrian purposes with stables. The access to the site is down the private road which leads to the Golf Range. The site is heavily dense with trees, along the western boundary and high hedges conceal the site.

2.4 Barnby Dun is considered to be part of the main urban area within the Core Strategy and the boundary limit of the residential policy area as outlined in the UDP is the boundary lines of no.8 Parkwood Rise and the rear elevation of the row of dwellings on Armthorpe Lane.

3.0 Relevant Planning History

1.1 17/01202/FUL: Erection of Detached 4 Bed Dwelling With Detached Garage. Application Refused 01.08.2017.

4.0 Representations

4.1 This application has been advertised by site notice and neighbour notification letters; in accordance with the Development Management Procedure Order 2015.

4.2 5 local residents have provided comments in support of this application and 1 resident has provided neutral comments; the comments outlined the following:

- Increase security in the area
- It could introduce new customers to the golf range
- Eco element would enhance the area and not harm the amenity
- The proposal is clearly infill
- Site is 10.3m AOD and would not flood, similar to the properties on Parkwood Rise which were approved 7 years ago.
- Whilst the siting of a dwelling in this location could raise factors that relate to development in the Countryside Policy Area it is apparent in this instance there is an accumulation of material considerations that could influence the Local Authority to allow the application.
- There are no obvious restraints on why a dwelling in this localised settlement area could not be erected on this site.

5.0 Relevant Consultations

5.1 Drainage - No objections but have requested that if approved a condition is placed on the decision for full details of on-site drainage to be provided.

5.2 Policy (flooding) -Both the latest EA Flood Map for Planning and Council's SFRA Level 1 (2015) identify the site to be in FRZ3 - high risk. In accordance with NPPF/CS4 of the adopted Core Strategy (2012) a flood risk sequential test is required. Although the applicant questions the accuracy of the flood map, due to the time involved in challenging this with the EA, they have opted to conduct a "rudimentary sequential test to assess whether there is any other suitable land within the local area". Reference is then made to a search of the market (using RightMove) but that no plots have been identified elsewhere in the settlement of Barnby Dun. The search area should be the whole borough given Barnby Dun is a no growth settlement in the Core Strategy. If the sequential test requirements can be met first and foremost, then as residential development is classed by national policy as being 'more vulnerable' both parts of the exception test must also be met.

5.3 Contaminated Land - No objection subject to a condition and informative.

5.4 Natural England - No objections.

5.5 Policy (Open Space) - There is a lack of history attached to this site. The site is designated as Open Space in the UDP but it has subsequently come to have a bungalow sited on it which also has a garden, so its designation as Open Space is no longer accurate.

5.6 Policy (Housing) - The site is clearly outside the main built up area of Barnby Dun and is separated by the significant woodland and treed areas to the west and north. It is not an area where housing should be promoted. The existing dwelling does not support a further dwelling on land within its curtilage. The site is not infill in the sense of infilling a small gap in an otherwise built up frontage and exacerbating the erosion of countryside beyond the defensible boundary set by woodland. The security barrier on the approach road, and the nature of the two way road system to and from the leisure use, serves to further differentiate the character of the land from the main built up area of Barnby Dun.

5.7 Environment Agency - No objections subject to conditions relating to adherence to the flood risk assessment.

5.8 Highways - No objection.

5.9 Design - It is desirable to retain as much of the frontage hedgerow as possible. The sustainability report is commendable.

6.0 Relevant Policy and Strategic Context

6.1 The site is allocated as Countryside Policy Area as defined by the Doncaster Unitary Development Plan 1998. The site is also located with Flood Zone 2 and 3. Planning policy relevant to the consideration of this application includes:

6.2 National Planning Policy Framework

6.3 Doncaster Council's Core Strategy:

CS3 - Countryside

CS 4 – Flooding and Drainage

CS 14 – Design and Sustainable Flood Risk

CS16 - Valuing our Natural Environment

6.4 Saved Doncaster Unitary Development Plan:

Policy ENV2 - Countryside Policy Area Designation

Policy ENV4 - Development within Countryside Policy Area

Policy ENV59 - Protection of Trees

Supplementary Planning Document - Development Guidance and Requirements

Supplementary Planning Document - Residential Backland and Infill Development
(adopted 2010)

7.0 Planning Issues and Discussion

The appropriateness of the proposal

7.1 The application site lies within Countryside Policy Area as defined by Doncaster's Unitary Development Plan, adopted in 1998. As such consideration should be had for Policy ENV4.

7.2 Saved Policy ENV 4 is one of the key local policies which set down the Borough Council's overall policy for control over development in the Countryside. It states that development will not normally be permitted for purposes other than, in brief:

- a) Agriculture, forestry, outdoor recreation and leisure, cemeteries and essential service provision by undertakers or other uses appropriate to a rural area.
- b) Infill development within settlements subject to policy ENV9.
- c) The re-use of existing buildings.
- d) Small scale extension or expansion of existing sources of employment.
- e) Minor retail development appropriate to the rural real.
- f) Replacement of, or alteration or extension to, an existing dwelling.

7.3 In May 2012 Doncaster Council adopted the Core Strategy 2011 - 2028 which replaced all unsaved policies. Point (b) of Policy ENV4 refers to policy ENV9 (Infill) which has subsequently been revoked. Although policy ENV4 cross references policy ENV9, this part of ENV4 ceases to be relevant and consideration should be given to Core Strategy Policy CS3.

7.4 Policy CS3 states that the countryside in the east of the borough will continue to be protected through a Countryside Protection Policy Area (as indicated on the Key Diagram). The key considerations for land within this area are:

1. new urban extension development allocations will be confined to those necessary to deliver the Growth and Regeneration Strategy;
2. minor amendments to settlement boundaries will be supported where existing boundaries are indefensible;
3. proposals will be supported where they would be appropriate to a countryside location and would protect and enhance the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all; and;

4. proposals that would generally be acceptable include agriculture, forestry, outdoor sport and recreation, habitat creation, flood storage and management, essential infrastructure, mineral extraction, some forms of stand-alone renewable energy, suitable farm diversification schemes, limited extension, alteration or replacement of existing dwellings and re-use of suitable buildings for uses appropriate in the countryside.

7.5 Although the proposal would close the gap between the existing bungalow and the dwellings on Parkwood Rise, the site is not within the settlement boundary. It is also noted that there are additional buildings to the opposite side of San Lorenzo, but as these are for not utilised for a residential purpose they cannot justify an infill argument. Therefore the proposal would not be infill development as described by UDP Policy ENV4. Consequently the proposal does not meet the criteria set out in either CS Policy CS3, or UDP Policy ENV4.

7.6 This argument has been tested under the following appeal; Appeal Ref: APP/F4410/A/12/2184110 Firth Hills Farm, Old Thorne Road, Hatfield, Doncaster DN7 6EQ. The inspector comments as follows "From my visit the locality is physically separate from the built-up area of Hatfield, the limit of which is marked by recent development at Mallard Chase, some 200m to the south. It is clearly open countryside where the Council's Core Strategy Policy CS3 provides protection through a Countryside Protection Policy Area (CPPA). The proposal would not meet the criteria under para C of the Policy, specifically, in that it would not preserve the openness of the CPPA and would conflict with the purposes of including the land within it. The Policy is in accord with the National Planning Policy Framework (the Framework), which recognises the importance of open land and the intrinsic character of the countryside.

7.7 Firth Hills Farm comprises a dwelling and a collection of buildings, apparently the former farmstead. The appeal site is a rectangular plot of land within a larger parcel of flat open grassland, separated from the main group of buildings, but having a common boundary with the first of the residential properties, a bungalow. It is argued that the development comprises infilling. However, this appears to rely on a previous policy within the Unitary Development Plan (ENV9) which has been revoked. There is no policy within the Core Strategy which would allow infill development in a CPPA. In any event, the site cannot be properly described as infill development since there would be an open gap between Firth Hills Farm and the proposed dwelling. In this circumstance it cannot be argued that the Framework requires councils to consider granting planning permission in the absence of a development plan policy. For all of these reasons I consider the proposal would comprise an unacceptable development in the open countryside contrary to the protection afforded by Policy CS3."

7.8 The prospect of infill within the countryside has been tested in several appeals over recent years which again supports this refusal.

- APP/F4410/W/16/3159789 - Land South of Hushells Lane, Fosterhouses, Nr Fishlake, Doncaster, Yorkshire DN7 5LE,
- APP/F4410/A/12/2179796 - Site of the former Severn Trent pumping station at the rear of 40 St Vincent Avenue, Branton, Doncaster, DN3 3QR

7.9 The planning statement submitted outlines a decision recently made by the planning committee at The Park, Manor Road, Hatfield (15/01306/FUL). This application similarly was in Countryside Policy Area and a Flood Zone; however this application was considered to be acceptable as it had material considerations which outweighed the impact on the Countryside; as it was closely aligned with the village context rather than in the countryside, it is the first zero emission house to be approved in the borough, it passed the sequential test as it is within a growth town, finally the design and position of the dwelling results in a minimal impact on the countryside.

7.10 It is considered that this proposal differs from the application approved in Hatfield for the following reasons: the site is not as well connected as The Park to the main village; whilst it is commendable that this dwelling would be eco-friendly it is not a consideration strong enough to warrant a house in the countryside and its design is not outstanding to accord with Para 7 of the NPPF; the site is within a no growth village therefore the sequential test area is the whole borough (to be discussed further in the report); the dwelling would also be located on land within an existing residential curtilage but this land is clearly defined by the dense tree line and the type of access arrangements as countryside, unlike Manor Road which is very close to the village settlement.

7.11 The agent has presented a case which suggests this proposal is infill development; Policy CS3 does not state infill development as an acceptable form of development within the countryside. As such residential infill development within Countryside Policy Areas is not considered acceptable. Notwithstanding the above, infill as defined in the abolished ENV 9 required 3 dwellings either side of the site within a continuous built up frontage, which again this proposal fails; as discussed previously within the report.

7.12 In addition the allowance of a further dwelling would set an undesirable precedent for other 'one off' dwellings to be placed in the wider countryside further eroding its open and spacious character. Whilst officers accept these would be considered on a case by case basis, in this case the residential policy area is a clear and defensible boundary created by the woodland and any further development beyond this boundary will harm the open character of the countryside.

7.13 Also, although the site is currently used as a domestic garden, the proposal would introduce into this area a dwelling as well as an additional domestic curtilage, boundary treatments and a hardstanding. As such, the proposal would have an adverse effect on the character and appearance of the surrounding area and conflict with UDP policy ENV4 and the objectives of CS 3 and the Framework.

The impact on the character of the surrounding area

7.14 The submitted site plan shows the dwelling slightly forward of the build line of the host dwelling San Lorenzo. The dwelling would be located approximately 5m away from the side elevation of San Lorenzo and 24m away from the side elevation of no.8 Parkwood Rise; the boundary to the west would be a dense line of trees to be retained and a 1.8m high timber fence to the east. This proposal would result in an additional dwelling on this private road leading the Golf Range; the surrounding dwellings are located within the Residential Policy Area (minus San Lorenzo) and are accessed of Parkwood Drive and Armthorpe Lane.

7.15 The design of the proposed dwelling is considered to be unacceptable, but could be acceptable with amendments; the neighbouring San Lorenzo is a red brick bungalow, with red concrete roof tiles. The proposed dwelling is proposed to be rendered, which is considered to be out of character with the existing dwellings close to the site; if this application was to be approved a brick material choice would have been requested and the render be partially or fully removed from the scheme.

7.16 There would be a large amount of windows on the side elevation facing towards San Lorenzo, within 5m. This is not considered to be in accordance with the Residential Backland and Infill SPD which suggests high occupancy and low occupancy windows or blank gables should have an 11m separation distance; but this can be mitigated by a fence at ground floor and the first floor windows are to bathrooms and therefore would not have an impact in terms of overlooking, as these would be obscurely glazed.

7.17 The proposal is not considered to raise any issues in terms of overshadowing, given the orientation and separation distances of the neighbouring residential properties. Although it is noted that the proposed dwelling would not have a significant impact in terms of neighbour amenity, it is considered that the principle of residential use is unacceptable as detailed above.

Tree Issues

7.18 CS16 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 and retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting."

7.19 ENV21 of the UDP states that the LPA will seek to protect and conserve existing trees and woodlands, by steering development away from trees and woodlands.

7.20 ENV59 of the UDP states that the LPA will attach considerable importance to the need to protect existing trees, hedgerows, wetland habitats, watercourses and other natural landscape features and will require that new developments so not cause unnecessary loss of trees, nor imperil trees by building works.

7.21 Having consulted with the tree officer it has been commented that the woodland edge has been inaccurately plotted on the site plan and on site measurements show the 5m marker from the woodland edge to the western elevation of the proposed dwelling a lot closer than what is shown on plan; resulting in the openings on the western elevation staring into the woodland trees which will get larger of time. Moreover, the garage and associated hardstanding would negatively alter the open 'parkland' feel of the site and immediate area. As well as this woodland edge being closer to the dwelling than plotted, it is also considered that the two cedars on site would be closer to the new access than shown on plan; which may result in those being compromised also.

7.22 Since the original submission in 2017 the applicant has provided a tree report as part of this submission; it is noted that the report offers good advice regarding silvicultural management (management of woodland). However this does not obscure the fact that the development is steered towards trees.

7.23 It is considered that the proposal would result in un-necessary tree loss and could result in future tree loss by virtue of the unsatisfactory relationship with the woodland trees within the western area of the site. The loss would be contrary to policy ENV21 and ENV59 of the UDP and Policy CS16 of the Core Strategy.

Flooding Issues

7.24 It is noted that the application site is 10.3m AOD, however the site is still designated within a high flood risk (FRZ3) based on the latest EA Flood Map for Planning (July 2017).

7.25 In line with both NPPF/CS4 (adopted 2012) and the Development & Flood Risk SPD (October 2010) 'more vulnerable' housing proposals normally require a flood risk Sequential Test to be passed and, if this can be demonstrated first, both parts of the Exception Test. The SPD states (Table 3) that proposals on land designated as CPA (with the exception of agricultural workers dwellings etc) are normally contrary to other policies and a bespoke area of search should be agreed with the LPA.

7.26 The proposal would form a very small urban extension to the settlement of Barnby Dun, a Defined Village in the Core Strategy where the policy only supports infilling within existing settlement limits rather than expansion. The wider policy considerations of this proposal have been considered above, but in respect to flood risk it is suggested that there is a case for the proposal to look at all potential development plots reasonably available elsewhere in the borough rather than restricting the search to just Barnby Dun. The search need only look for plots capable of accommodating a single dwelling and can discount anything that has planning permission, and/or sequentially no better in flood risk terms, and/or, any other justified reasons for discounting as not being reasonably available.

7.27 The applicant/agent has suggested inaccuracies within the flood map, thus the site may not be FRZ3; and should be seen as similar to Top Rd in Barnby Dun which is FRZ1, but that challenging the Flood Map may be time consuming process and has therefore conducted a Sequential Test of the local area anyway. The applicant has done a review of Right Move and has stated that no suitable sites are available. Whilst this may be the case, no evidence has been provided to support this and a review of Right Move is in itself not considered to be a robust search. Also, the area of search could be seen as being far too small based on the Development and Flood Risk SPD; where it states that the proposals outside the settlement boundary should have a search area of the whole borough. Although it may be possible to pass the Sequential Test, it is considered that insufficient evidence has been provided that accords with the SPD to come to this conclusion.

7.28 If the Sequential Test can be passed, then both elements of the Exception Test must also be met. The submitted FRA may provide some of the basis for part 2 of the test but part 1 requires demonstration of wider sustainability benefits that outweigh residual risk. The Case Officer and Local Plans Officer for flooding are not satisfied that the applicant has provided sufficient evidence to transparently conclude both elements of the Exceptions Test have been met.

7.29 Although a Flood Risk Assessment has been supplied, sufficient and robust Sequential Test and Exceptions Test information has not been supplied. As such it is considered that insufficient information has been submitted to demonstrate that the application site is sequentially preferable and consequently the proposal is considered to be contrary to the National Planning Policy Framework, specifically section 'Meeting the challenge of climate change, flooding and coastal change.'

8.0 Summary

8.1 In summary it is considered that principle of the development is inappropriate and would result in a form of development that is not supported by the Core Strategy.

8.2 Additionally the proposal would result in a dwelling within close proximity of a dense tree line which would result in direct tree loss and expected future loss by virtue of its relationship with the western area of the site; which may also be detrimental to the character of the area

8.3 It is further considered that insufficient information has been supplied to adequately demonstrate that the proposal has passed the Sequential Test for flooding in line with National Planning Policy Framework - Meeting the challenge of climate, flooding and coastal change, and Doncaster's SPD for flooding and development.

8.4 It is for these reasons that the proposal is considered unacceptable and recommended accordingly.

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

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

RECOMMENDATION

Planning Permission REFUSED subject to the following conditions.

- | | |
|------------|---|
| 01. U61216 | The proposal would represent an unacceptable form of development within the countryside. The application fails to comply with the appropriate uses of Policy ENV 4 of the Unitary Development Plan (adopted July 1998, saved by authority of the Secretary of State September 2007 and listed at Appendix 3 of the Doncaster Council Core Strategy 2011-2028) and Core Strategy Policy CS3: Countryside, adopted in May 2012. The applicant has not demonstrated that there are any circumstances that would outweigh this policy and as such the proposal is unacceptable. |
|------------|---|

02. U61217 The submission has provided insufficient information to apply the sequential test and exception test as set out in National Planning Policy Framework (NPPF) - Meeting the challenge of climate change, flooding and coastal change and therefore fails the sequential test. The proposal is therefore contrary to the National Planning Policy Framework, Core Strategy Policy CS 4 Flooding and Drainage and Doncaster's Flood Risk and Drainage SPD .
03. U61218 The proposal would adversely affect the existing trees by direct tree loss and by expected future tree loss by virtue of the unsatisfactory relationship with the woodland trees within the western area of the site. This loss would be contrary to Policies ENV 21, ENV25 and ENV 59 of Doncaster's Unitary Development Plan, adopted in 1998, Policy CS16 of Doncaster's Core Strategy and Planning Policy Principle 11 of the NPPF; and the Development Requirements and Guidance SPD.

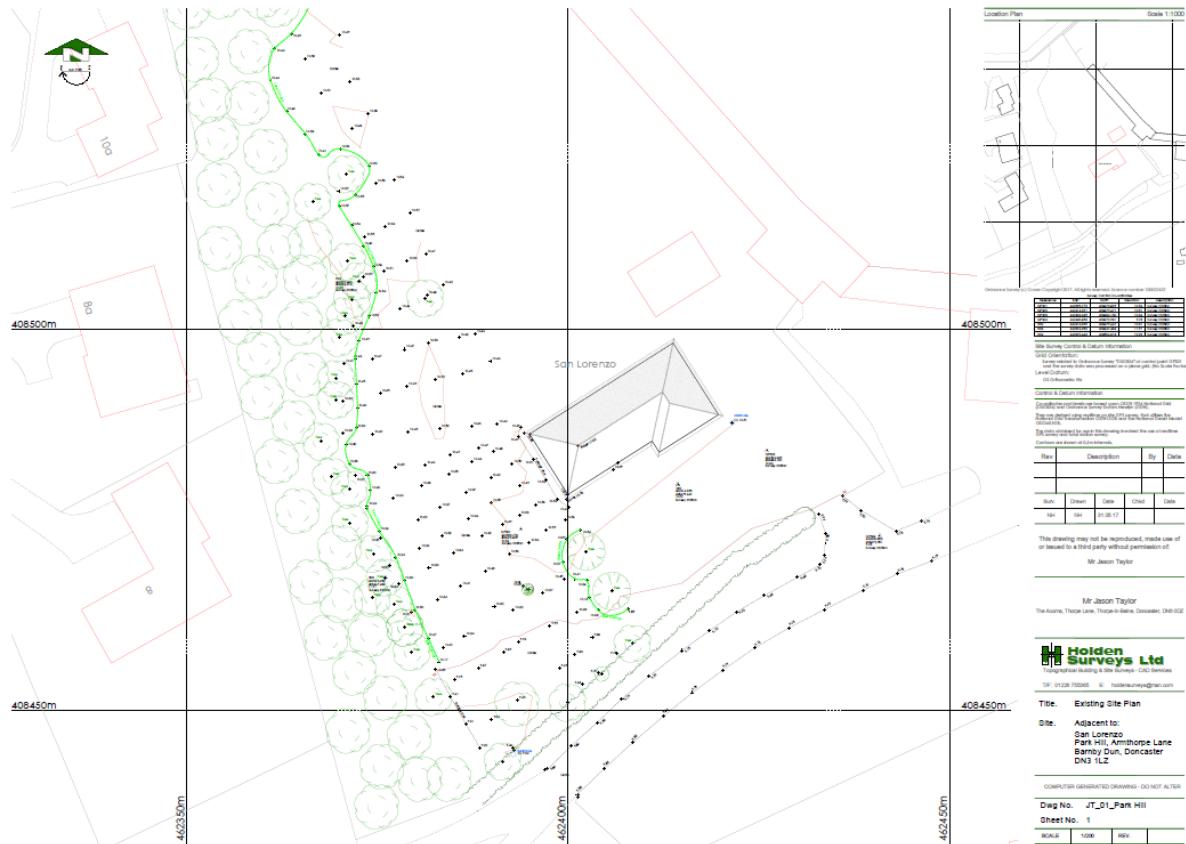
Appendices

Appendix 1: Location Plan

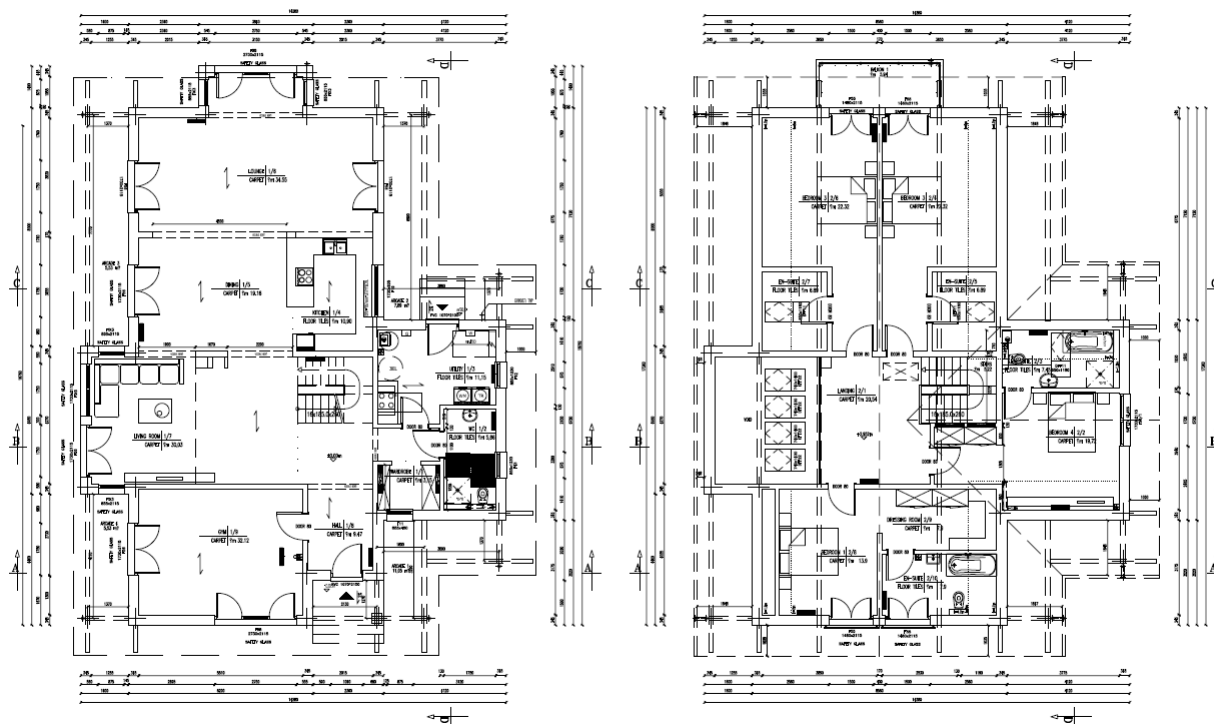


LOCATION PLAN
1:1250

Appendix 2: Existing Site Plan



Appendix 4: Proposed Floor Plans



Appendix 5: Proposed Elevation Plans



DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 29th May 2018

Application	4
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Application Number:	17/03156/FULM	Application Expiry Date:	11th April 2018
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Application Type:	Planning FULL Major
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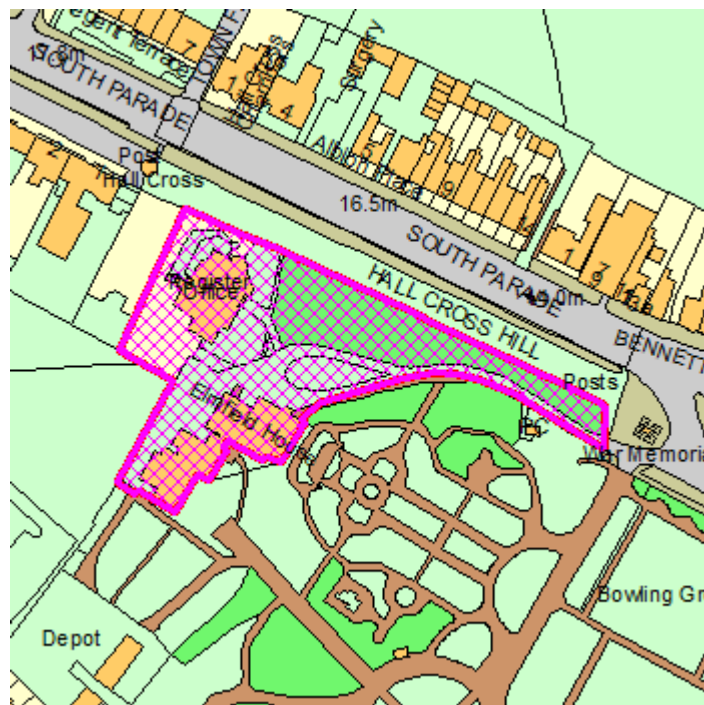
Proposal Description:	Change of use of B1 offices/registrars to 30 apartments (Elmfield House x22 & Registrar x8).
At:	Elmfield House South Parade Doncaster DN1 2EH

For:	Davis
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Third Party Reps:	7	Parish:	
		Ward:	Town

Author of Report	Gareth Stent
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MAIN RECOMMENDATION:	Grant
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1.0 Reason for Report

1.1 The application was previously requested to be presented to committee by former Cllr John McHale. Given Cllr McHale could no longer address the committee in his capacity as a councillor, the two remaining town ward members were asked if they still required it to go to committee. Cllr Dave Shaw suggested it still be determined by planning committee.

2.0 Proposal and Background

2.1 The application seeks the conversion of Elmfield House to 22 apartments and the conversion of the former Registrar to 8 apartments. The scheme has been amended on several occasions to address concerns from consultees and removed the 15 bed HiMO element from the Registrar, in favour of flats to appease local concerns. The proposal has also reduced the amount of flats in Elmfield House (from 24-22) to create more spacious apartments and overcome concerns raised by consultees.

2.2 The site straddles both Doncaster the South Parade and Doncaster - Bennetthorpe Conservation Areas. Elmfield House is a Grade II listed building that lies within a parkland setting and is considered to be a park and garden of local historic interest. The building is now in private ownership having been sold by Doncaster Council.

3.0 Relevant Site History

3.1 The site has had a series of planning permissions however only the accompanying Listed building consent is directly relevant.

- 18/00725/LBCM -Listed building consent in connection with conversion of Elmfield House to apartments.

4.0 Representations

4.1 This application has been advertised by site notice, press notice and via direct neighbour letters. 4 letters of representation were received signed by 7 signatures in total, including a letter and call to committee request from former councillor John McHale. The concerns are as follows:

- The conversion of the registry office to a HiMO and the intensity of conversion of Elmfield House is likely to have a detrimental impact on the character of the area given South Parade is the most prestigious street in Doncaster Town Centre.
- Lack of private amenity space for residents, no areas for storage, bicycles, refuse, external laundry drying etc contrary to Policy CS 14.
- The scheme is too intensive. The overall internal floor-space is insufficient and the size of individual rooms are large enough for the intended purpose, the size of amenity space is sufficient for the number of occupiers.

- This property is in the grounds of Elmfield Park and if this is correct how can it be converted into multiple flats surely the park belongs to the people of Doncaster.
- Concern over the lack of parking and overspill onto the already congested Roman Road. Concerns over waste collection, where are they to be stored etc. Concern over the likely occupants of the flats/HMO.
- Concern over the impact of the use on the adjacent public park, deterring use of the park.
- Elmfield House is a Grade 2 Listed Building along with many other properties in South Parade and is recognised by English Heritage as an important building. The proposed use as a high capacity residential property will be detrimental the long term future to the building and may threaten that future.
- Conversion of the property for residential use is contrary to Doncaster's heritage strategy which seeks to place heritage firmly in people's sense of place, pride and learning, increasing interest, awareness and participation in Doncaster's heritage, and improving community cohesion and wellbeing through fostering a positive sense of place. This aim seeks to get more people interested and involved but this proposal is likely to drive people away.
- Another Strategic Aim of the Strategy is: To preserve, protect and respect our heritage in order to create a better environment to live, study, work and visit. It is most unlikely that using the buildings for the proposed use will support this aim. Transferring assets to private owners should only be carried out if it is judged to be in the best interests of the heritage (page 14 of the Heritage Strategy).
- The proposed use of the buildings may possibly bring local residents using the park into conflict with the people housed in the buildings. Parks and open spaces are one of the most important things residents consider when thinking about the place they live, and nothing should be done close or within parks and open spaces which is detrimental to the use and enjoyment of them.
- The proposal fails to accord with Policy CS15: Valuing Our Historic Environment and Policy CS17 Green Infrastructure.
- The area in which Elmfield House and Elmfield Park is located is a mix of high quality offices and good privately owned residential property, an area frequented by business people, families, and many schoolchildren. Locating this proposal in Elmfield House will certainly have an affect on the area, but it will not enhance it.

5.0 Relevant Consultations

5.1 Yorkshire Water - No objection.

5.2 Education - Less than 10 2-bed units (family homes) therefore no contribution required.

5.3 Civic Trust - Doncaster Civic Trust objects to part of this application. The conversion of the listed building to small apartments could create a sustainable future for the building, and is considered satisfactory. This is subject to the protection of any surviving historic fabric, and careful scrutiny of any proposed changes to windows and doors needed to effect the change of use. However, it is felt that the former Registry Office building would be better also developed as apartments. This would reduce the number of residents and vehicles, and create a higher quality of development. The Trust is particularly concerned about the future of the trees and the impact on them of the car parking.

5.4 Conservation- Initial concerns relating to the accuracy of the plans, information and intensiveness of the proposal, all of which have been addressed by the submission of amended plans.

5.5 Trees – No objections based on the revised plans.

5.6 Ecology – No objection given it's an internal conversion so the roof and loft spaces should not be affected. Provided there is also no plan for new external lighting on the buildings then no objections.

5.7 Environmental Health: Original concerns over size of apartments and outlook as some units have no windows: This has been overcome by the submission of amended plans.

5.8 Design: Objected to the initial plans as some of the rooms had no windows creating an unacceptable living environment. The apartments were also too small with no storage. The amended plans create a much better scheme and whilst a metre or two short in some areas for floor area on the whole acceptable.

5.9 Pollution Control - Historic maps show the above application is located adjacent to a former depot and is for a sensitive end use (multiple apartments and HMO). A contaminated land assessment was originally required, however given no new building is occurring such an assessment is not required. A YALPAG form was instead completed which satisfied officers.

5.10 Highways DM -The highway officer noted the parking isn't satisfactory, however is existing and sufficient space exists for 1 allocated space per unit exists. Whilst one space per unit doesn't strictly comply with the parking standards adopted by Doncaster, given that the units are predominantly 1 bedroomed and it is in a town centre location, 1 space in this instance is acceptable. The access is constrained and concern exists over servicing of the units both by delivery vehicles and refuse collection vehicles.

6.0 Relevant Policy and Strategic Context

6.1 The site is allocated as CF1 community facility as defined by the Doncaster Unitary Development Plan 1998.

6.2 National Planning Policy Framework;

Chapter 1 - Building a strong, competitive economy

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 8 - Promoting healthy communities;

Chapter 7 - Requiring good design

Chapter 11- Conserving and enhancing the natural environment; especially heritage policies contained in sections 128, 129, 131 and 132.

6.3 Doncaster Council Core Strategy; 2011-2028

CS 1 - Quality of Life

CS 2 - Growth and Regeneration Strategy

CS8 - Doncaster Town Centre

CS 9 - Providing Travel Choice

CS 12 - Housing Mix and Affordable Housing

CS 14 - Design and Sustainable Construction

CS 15 - Conservation of the Historic Environment

6.4 Doncaster Unitary Development Plan; 1998 ; Saved policies:

CF1 - Community Facility.

CS 4 - Surplus facilities.

RL 4 - Local Public Open Space Provision

ENV 25 - Conservation Areas

ENV 32 - Listed Buildings

ENV 59 - Protection of Trees

7.0 Planning Issues and Discussion

Main Issues

7.0 The main issue to consider are the principal of converting the buildings, the impact of the changes on the heritage asset, the impact on the Conservation Area, the impact on neighbouring land users, impact on the trees within the site, ecology and parking.

Principle

7.1 The site designated as a Community facility under Policy CF 1 of the UDP, owing to his last use by DMBC. Elmfield House was last used by Youth Services and vacated in 2013. The Registrars was vacated May 2017. Doncaster Council deemed the building surplus to requirements for the councils needs with the registrar functions now being hosted by the new Civic Office. The ground work depot which is outside the application site was vacated June 2017. The buildings are regarded as falling within use class (B1) business/office use.

7.2 CF1 states that community facilities will normally be retained for community uses. CF2 states that the loss of community facilities will be resisted where that facility is within an area of deficiency.

7.3 Policy CF 4 requires justification for the loss of such a facility to ensure they are not unnecessarily closed . If they are declared surplus to requirements proposals for their future alternative use will be acceptable where;

- a) No suitable alternative community use could be provided through the reuse of the building,
- b) No other community facilities provider wishes to acquire it for their own community use
- c) It does not lie within an area deficient in community facilities,

7.4 In terms of advertisement this was a public building and an asset of Doncaster Council. Such assets need to obtain the best price possible when being disposed of. Such buildings cannot be gifted to community groups. The listed building status and condition of Elmfield House is also a major consideration in attracting any future new use along with its upkeep. The building was only likely to attract office and residential uses due to the high conversion costs and upkeep requirements.

7.5 In terms of marketing the property was advertised for 2 months with closing date of 29th January 2016 (there was an option for the depot) (tender). 3 offers were received:

- use as offices (successful tender and current owners)
- use house as business centre for start-up business, wanted to demolish the register office for a residential dwelling and depot as café or residential.
- (register office only for use as community training centre and office base for charity

7.6 Officers are therefore content that the building is now surplus to requirement and given it's a council asset there is no requirement to dispose the building to a community group. The building had to be sold on the open market and to the highest tender.

7.7 Given the building was deemed surplus to requirements, the site was sold in order that the building could acquire a new use and attract some much needed investment. It was originally envisaged the building may be used as private offices, however no such application was forthcoming. A building of this stature struggles to remain empty for a lengthy period and it's without doubt conversion costs would be high given the age and condition of the building. The applicants are having current difficulties securing the building and it has suffered several bouts vandalism over recent months. It's therefore imperative that a timely decision is made and that conversion can commence in order that a presence exists on site and the listed building is not further damaged beyond repair.

7.8 The proposal before committee is for a residential use of the site. This originally was a mixture of apartments and a 15 person HMO. This attracted several letters of concern particularly over the transient nature of the likely occupants of such a facility. The applicants tried to dispel this concern and gave examples of the quality of other conversions that they had done in Doncaster and invited members to view these conversions (namely 3 Union Street) to appreciate and understand the level and quality of finish and service proposed.

7.9 The client had identified a need for a high quality serviced HMO facility to provide accommodation for professionals. However in order to expedite the progress of the application the registrar was amended, to remove the HMO element in favour of 8 x1-bed flats. The residential use of the site is an appropriate use and will provide the necessary investment for the conversion to take place.

Impact on surrounding uses and character

7.10 In terms of character, South Parade is prestigious main road running out of the town centre and has a real combination of offices, retail, restaurants, hotels and residential which is typical of a fringe town centre location. The use of this relatively self-contained site is not considered to be harmful to the areas character and may well support other small businesses in the area. The new use will give a permanent onsite presence and help retain what is an iconic part of Doncaster's Heritage. The use is unlikely to impact on the attractiveness of the adjoining park and the removal of the HMO element has not received any further objections to the plans. The proposal due to its self contained nature raises no issues of loss of privacy to surrounding residents. The proposal involves no new build and therefore no scale or massing concerns exist.

Impact on the Listed Building and Conservation Area

7.11 In assessing this proposal it is important to consider what impact the proposed use will have on the character and appearance of the South Parade and Bennetthorpe Conservation Area. The aim is to preserve and enhance the Conservation Area as advocated in National policy, Core Strategy Policy CS 15 and ENV 25 of the UDP.

7.12 This particular area of Doncaster is characterised by Georgian and Victorian properties which form a distinctive part of the townscape on the approach to the town centre. This proposal does not interrupt this character as the building is nestled behind the screen wall, heavily treed and had a relatively intensive former use with a constant flow of cars and pedestrians using the building. The changes proposed to both buildings are relatively minor external works. The works will bring both buildings back to life and bring much needed investment into the site. Through a series of amendments the conservation officer was content with the changes being proposed in that the scheme is considered to preserve and enhance the Conservation Area.

7.13 The accompanying listed building consent deals with the internal and external changes to Elmfield House, however again through a series of carefully worded conditions will ensure the special and architectural interest of the building is preserved in accordance with Core Strategy CS 15 and UDP Policy ENV 32. The proposal is still yet to receive building regulation approval which may mean alterations may be required, however this will have to be assessed once this process is undertaken.

7.14 Finally there is no question that subdividing the building can be destructive of historic fabric and presents many difficulties, however some form of subdivision is always required in order for a new use to be acquired. Offices tend to favour open plan and new residential uses clearly need new partitions. The applicant has worked closely with officers to reduce the number of apartments and make the necessary internal changes to satisfy the conservation officer. The proposal does have some positive in the form of creating a split between the main building and the former coach house and the modern extension.

7.15 In summary the conversion is considered to preserve and enhance the Conservation area and have no detrimental impact on the heritage asset.

Highways Parking.

7.16 With regard to highway safety and parking, this should be considered against policy CS 14 of the Doncaster Unitary Development Plan which states that new development should ensure quality, stability, safety and security of private property, public areas and the highway, permeability and legibility.

7.17 The highway officer commented that much of the parking already exists owing to its former use and the access is satisfactory posing no highway safety concerns. The parking is at least 30 spaces, so 1 per unit and more informal parking could occur to cater for visitors or increased demand. This means parking is unlikely to spill out of the site and aggravate local residents. Whilst one space per unit doesn't strictly comply with the parking standards adopted by Doncaster, given that the units are predominately 1 bedroomed and it is in a town centre location, 1 space in this instance is acceptable. The site is also very sustainable and parking does exist on street within the vicinity if this becomes a concern.

7.18 The access to the site is narrow, however the site would have historically been serviced by a refuse vehicle and two way passing can occur on the verges under the tree canopy. The prospect of widening the access was considered, however no space exists to the south of the access due to the fence and site ownership boundaries. To the north would involve disturbing the root protection areas of several mature trees near the access. Therefore it has been concluded that the access should remain 'as is'. It poses no threat to highway safety and vehicles will continually to informally use the verges if necessary.

Trees

7.19 The site hosts lots of vegetation and a number of key trees of which form- Doncaster Borough Council Tree Preservation Order (No.391) 2017 Elmfield House. The overriding majority were deemed suitable for long-term protection by virtue of their historic association with Elmfield House prior to the setting out of its grounds as a public park in the 1920s. The trees also make a significant contribution to the visual and recreational amenity of this part of Doncaster and are an integral part of the Bennetthorpe Conservation Area, providing significant ecosystem benefits. It is therefore imperative that the scheme causes no harm or loss of these trees in accordance with Paragraph 109 of the NPPF that states 'the planning system should contribute to and enhance the natural and local environment, in regards to: valued landscapes, ecosystem services, and biodiversity'. The spirit of this is also reflected in Core Strategy Policy CS16: Valuing our Natural Environment and ENV 59 Tree Protection.

7.20 The application was originally submitted with no tree survey, however this was later provided along with the necessary shading plans. The applicants also produced a plan showing the car parking spaces overlaid of the Root Protection Plan.

7.21 The tree officer had initial concerns particularly with regards to the layout of the registrar apartments in terms of shading, which will increase the pressure on these trees. This was however addressed by the introduction of sun pipes and roof lights to apartments 5, 6 & 7, which will allow more light to flood these rooms and make them less oppressive in terms of shading. These will need to be kept clean in order to be effective as part of the site maintenance.

7.22 The majority of the parking areas within the site are existing, so there is no concern about the need to create new parking spaces. The concern was that overflow parking could occur under the trees however a planning condition suggesting the introduction of a knee rail under tree canopies is suggested to preclude this occurring.

7.23 Overall the initial tree concerns have been satisfactorily negotiated away, which should ensure the new residential use does not create increased pressure to prune and remove protected trees. Suitable tree protection conditions are added to cover the conversion and future protection of the trees from car parking. Also sufficient protection is afforded to the trees by the Tree Preservation Order to ensure their retention from future pruning and removal due to the residential use.

Layout/apartment size

7.24 The initial scheme proposed 24 apartments in Elmfield House. This was intensive and had a number of inner rooms with no outlook. These were inadequate for fire regulation, had poor outlook and no natural ventilation. Some of the rooms were also substandard in terms of size and layout with no storage. The scheme also lacked bin stores. The layout was changed on a number of occasions to overcome these concerns which now results in the final plans for 22 flats which are a combination 4 2– bed unit and 18 1-bed units.

7.25 The environmental health officer was content with the layout as was the design officer who commented that whilst many of the flats are a metre or few short of the standards they do now all have decent outlook and storage space, the sizes are constrained to a degree by the historic fabric so on balance this is acceptable. Many of the bathrooms and kitchens are located internally without windows so these will need adequate ventilation so as not to cause problems. Overall this will make good the historic building and allow its continued use.

7.26 With regards to the Registrar, this building was originally submitted to be used as a 15 person House in Multiple Occupation (HIMO). This was amended in favour of its conversion to 8 x1-bed flats. Again the design and internal arrangement of the flats needed amendment to ensure the living conditions of the future residents was acceptable in terms of apartment size and outlook and the amended plans finally achieved a satisfactory scheme.

7.27 The final scheme will have to comply with Building Regulation requirements in terms of fire risk, escape windows, noise insulation and will be inspected once complete with regard to the Housing Act requirements.

Viability and contributions

7.28 The final consideration is viability and contributions. Given this scheme proposes less than x10 2-bed family units, no contributions are required towards public open space or education as the triggers are not met.

7.29 Under normal circumstances the creation of 30 apartments under policy CS 12 would require contributions to affordable housing (trigger more than x15 units at 26%). The amount of contributions is often deliberated and assessed through the production of viability reports and in some circumstances claw back agreements can be put in place if the market is uncertain. However this case is unique in that the buildings could have ordinarily been converted to residential use under Class O (Conversion of B1 offices and registrar to residential) through a prior approval and no contributions would have been made, as only certain limitations are considered.

7.30 However the listed status of Elmfield House and the fact that the registrar lies within the curtilage of a Listed Building means that class O cannot apply and full planning permission is needed. Therefore technically it would be susceptible to such contributions but only due to its listed status. The key planning aim is to find a suitable new use for the building, whilst ensuring the conversion respects the listed status. The amended plans have successfully achieved this. The applicants have submitted a viability report to exemplify this issue. Whilst the report has not been independently assessed it does show that the combination of the purchase price £580,000 and the conversion costs results in a profit margin of 4.2% GDV which is considerably lower than a typical developer (15%).

7.31 The viability report is logical and the principal aim is getting the listed building back into use and preserving its key features as it is current susceptible to vandalism and erosion. On this basis in order to ensure a deliverable scheme in a timely manner no commuted sum is deemed necessary.

7.32 Also the conversion of Elmfield house could have been reduced from the current 22 predominantly 1 bed units to 14 units (mixture of 1-2 bed). This would have been under the affordable housing, POS and education (providing no more than 9 were 2-bed) and the Registrar left as a HIMO. However in order to appease concern the HIMO was altered to flats which increased the number of flats, therefore this therefore supports the case further for no contributions.

8.0 Summary and Conclusion

8.1 The proposal is felt to be acceptable as the proposal would bring a vacant listed building back into use. The use will not cause significant harm to neighbouring uses, and will provide a sustainable town centre fringe residential complex. The proposal would cause no significant impact on the protected trees within the site and no significant harm to the heritage asset. The proposal is considered to be acceptable and in accordance with the relevant planning policies.

9.0 Recommendation

9.1 GRANT Full planning permission subject to the following conditions.

01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. ACC3 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

Registrar

Proposed floor plan - Rev D 27.4.18

Proposed elevations - Rev B 27.4.18

Elmfield

Ground floor existing Rev A 16.4.18

First floor existing Drwg 003

Second floor existing Drwg 004

Existing elevations Rev B 24.4.18

Proposed ground and first floor Rev H 3.5.18

Proposed attic and cellar Rev F 9.5.18

Proposed elevations Rev F 15.5.18

Site Plan Rev C 30.4.18

REASON

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

03. 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.

04. The development hereby granted shall not commence until a scheme for the protection of all retained trees that complies with British Standard 5837: 2012 Trees in Relation to Design, Demolition and construction shall be submitted to the Local Planning Authority for approval. The Tree protection scheme shall be implemented on site before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. 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 retained trees are protected from damage during construction.
05. The alignment of all service trenches and overhead services shall be approved by the Local Planning authority prior to the commencement of development
REASON
To prevent damage being caused to trees which it has been agreed shall be retained.
06. No development or other operations shall commence on site in connection with the development hereby approved (including tree pruning, demolition works, soil moving, access formation or alteration, or any operations involving the use of construction machinery) until a detailed Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full detail of the following:
- o Installation of a tree protection scheme
 - o Treatment of the access points in to the site
 - o Siting of materials storage areas, parking areas and site cabins
- REASON
To prevent damage to trees shown for retention on the Approved Plan

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

Appendix 1- site plan



Appendix 2 – Existing elevations



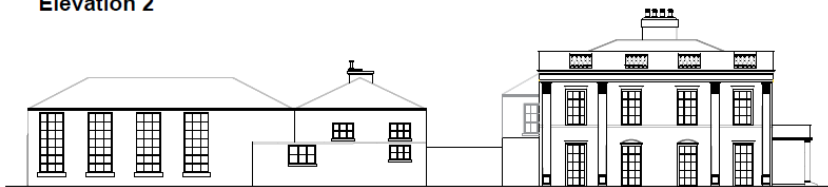
Elevation 4



Elevation 3



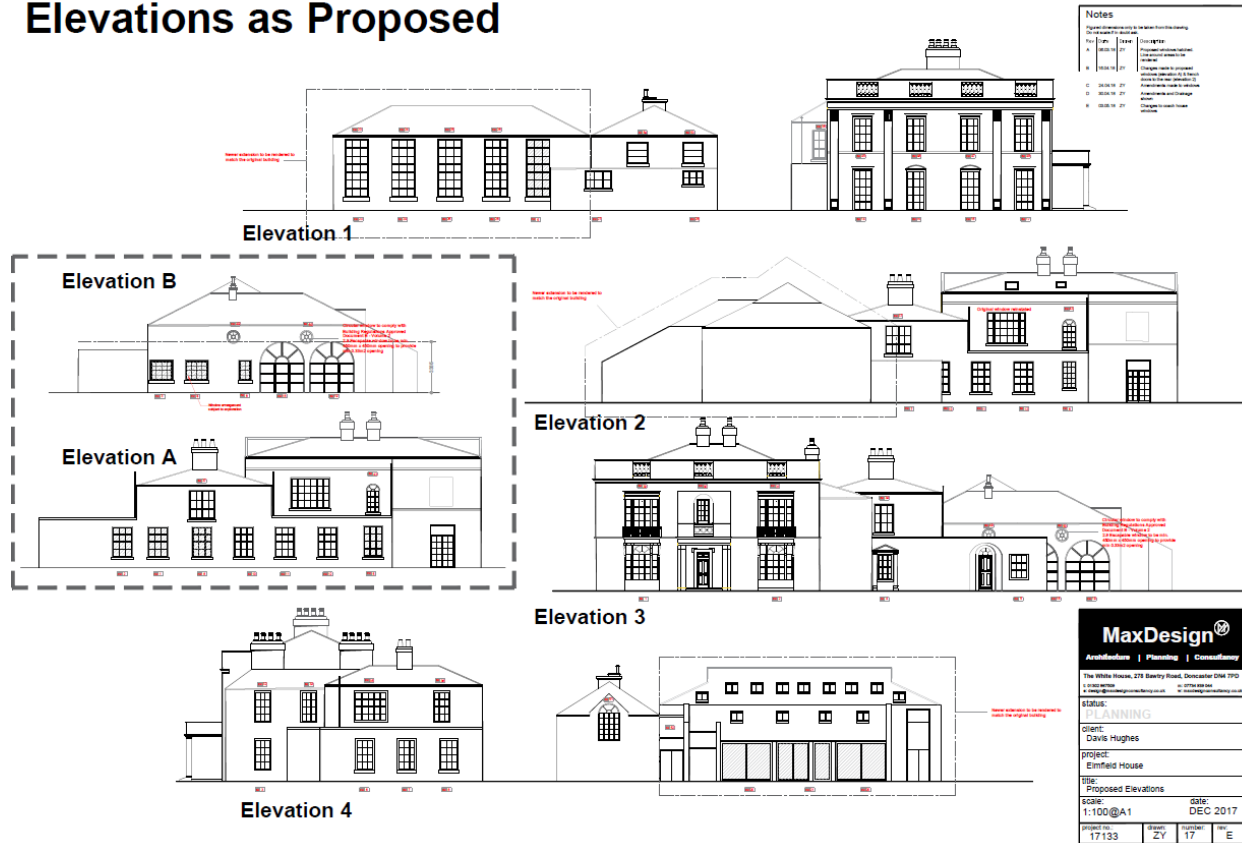
Elevation 2



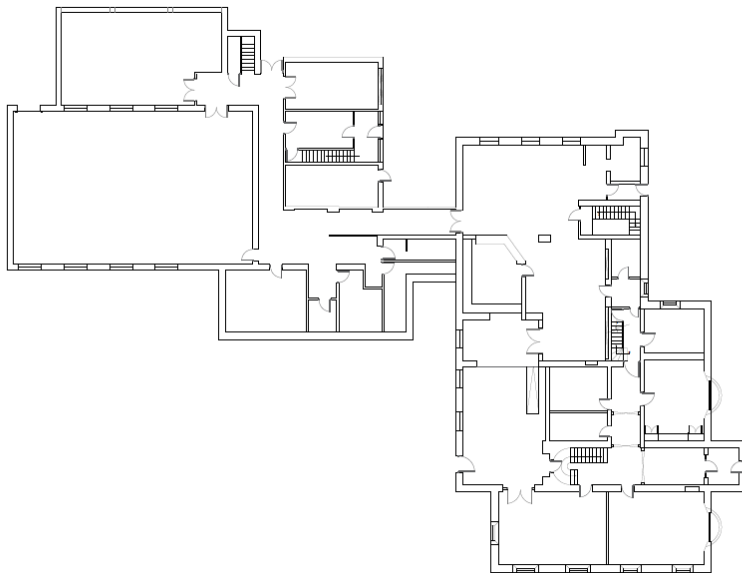
Elevation 1

Appendix 3 - Proposed elevations

Elevations as Proposed



Appendix 4 – Existing floor plans.



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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 29th May 2018

Application	5
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Application Number:	18/00725/LBCM	Application Expiry Date:	19th June 2018
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Application Type:	Listed Building Consent Major
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Proposal Description:	Listed building consent in connection with conversion of Elmfield House to 22 apartments.
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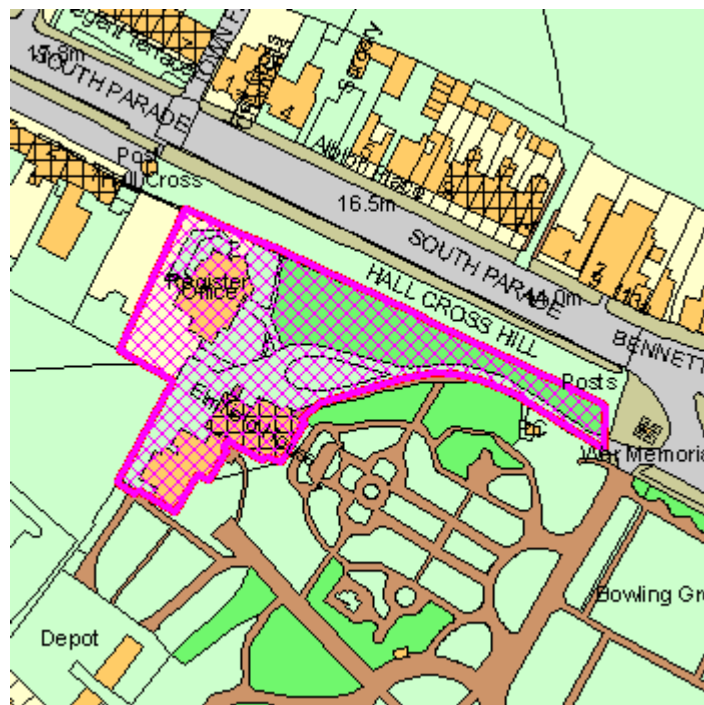
At:	Elmfield House South Parade Doncaster DN1 2EH
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For:	Hughes
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Third Party Reps:	0	Parish:	
		Ward:	Town

Author of Report	Gareth Stent
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MAIN RECOMMENDATION:	Grant
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1.0 Reason for Report

1.1 The application is presented to committee as the accompanying full application (17/03156/FULM) is required to be presented to committee.

2.0 Proposal and Background

2.1. The application seeks Listed Building consent to convert Elmfield house into 22 apartments. The scheme has been amended on several occasions to address concerns from the Conservation Officer over the impact of the changes on the historical fabric of the building. The application is supported by a Heritage Statement that justifies the conversion.

2.2 The site straddles both Doncaster the South Parade and Doncaster - Bennetthorpe Conservation Areas. Elmfield House is a Grade II listed building that lies within a parkland setting and is considered to be a park and garden of local historic interest.

2.3 The plans are in the final stages of being amended at the time of writing this report. A full list of plans and conditions will be provided via pre committee amendments.

3.0 Relevant Planning History

3.1 The site has had a series of planning permissions, however only the accompanying full application is directly relevant.

- 17/003156/FULM – Change of use of B1 offices/registrars to 30 apartments (Elmfield House x22 & Registrar x8).

4.0 Representations

4.1 No representations received.

5.0 Relevant Consultations

5.1 Civic Trust - Doncaster Civic Trust is heartened to see the Conservation Officer's rigorous approach to protecting the historic character of this important listed building. The Trust is also concerned about: the need to avoid the installation of new soil and waste pipes on the principal elevations of the listed building; moving historic doors from their original positions; and the need to avoid damage to historic fabric in the course of bringing the building in line with current technical standards. The high number of apartments proposed could be at the root of the problem, and it may well be that the finally approved acceptable scheme could have fewer apartments.

5.2 Conservation Officer - The Conservation officer raised initial concerns over the intensity of the conversion and the impact of the changes on the fabric of the historical building. Through negotiation and the submission of amended plans this concern has been overcome.

6.0 Relevant Policy and Strategic Context

National Planning Policy Framework (NPPF)

6.1 The National Planning Policy Framework (NPPF) (2012) is the national tier of planning guidance and is a material planning consideration in the determination of planning applications.

6.2 Section 12 of the NPPF has the most relevance to this application entitled 'Conserving and enhancing the historic environment'. More specifically paragraphs 128 & 129 which requires applicants to describe the significance of the heritage asset. Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It further states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification; and that substantial harm to or loss of a grade II listed building should be exceptional.

6.3 It is a core planning principle that heritage assets are conserved "in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations".

6.4 Paragraph 131 of the NPPF states that local planning authorities should take account of the "desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". It highlights also the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality. Paragraph 132 stresses that "great weight" should be given to the preservation of heritage assets. It further states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification; and that substantial harm to or loss of a grade II listed building should be exceptional.

Doncaster Core Strategy 2012

6.5 Policy CS 15 – Valuing our historic environment.

Doncaster Unitary Development Plan 1998

6.6 Policy ENV 32 – Alterations to Listed Buildings

6.7 Also of relevance to this application is the 1990 The Planning (Listed Buildings and Conservation Areas) Act 1990. Also the act requires that in the exercise of planning functions and in considering works to Listed Buildings (s.16 & 66) decision makers are required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.0 Planning Issues

7.1 The main issue to consider is the impact of the proposed changes on the Listed Building. This relates solely to Elmfield House as the former Registrar is not listed. The accompanying full application details the wider planning considerations and therefore this permission is only for the internal and external changes necessary. The use will subdivide the building into 22 apartments; however the overall fabric and integrity of the building will remain. Most importantly this proposal will provide a new use for the building, new investment and safeguard it for future generations. The applicant is keen to undertake the conversion particularly due to the amounts of vandalism the property is currently experiencing.

Impact on the Listed Building

7.2 Elmfield House is attributed to William Lindley. It was built in 1803 and is stucco with painted ashlar dressings and hipped slate roof. The principal elevation of the house faces north east towards the great north road with a secondary garden front overlooking Elmfield Park. The principal elevation is of three bays. Features include a central enclosed pilastered porch, full height Venetian style windows and first floor bay windows with ironwork balconies. The main elevation is topped with a large cornice and parapets with blind balustraded panels on plinth with moulded coping.

7.3 The garden front has four bays, with giant pilasters flanking the outer bays. The internals include an original cantilevered stone staircase with wreathed hand rail. The entrance hall also has a moulded cornice, black and white marble-paving and semi-circular headed stair window. There are reeded cornices and original panelled doors throughout.

7.4 The original significance of the park as forming the setting of Elmfield House has been augmented by its significance as a municipal park from the interwar period. The park remains in the control of Doncaster Council and does not form part of the proposals. Railings have recently been added to physically separate the immediate grounds of Elmfield House from Elmfield Park.

7.5 Subdividing the listed building is destructive of historic fabric and presents many challenges therefore the best use for the building would be a single use not requiring subdivision such as office use or residential use as one dwelling. It does appear that the traditional office use for the historic buildings of the area is declining in attractiveness and where such uses remain there is pressure for more open plan spaces and increased signage. In addition it is unlikely that single residential use without some subdivision is unviable in this area unless it is in the form of a house of multiple occupation but this brings with it other concerns.

7.6 Getting the building back into use is supported as long as it was not at the detriment of the significance of the building and/or the character of the area. The initial proposal represented a series of concerns. The conservation officer suggested fewer apartments within the main building would be welcomed and suggested the demolition of the registry and its redevelopment to be more in keeping with the predominant Georgian character of the area would be promoted. The applicants however, chose to retain the registrar building and convert it to 8 apartments.

7.7 A Heritage Statement has been provided with the application which did contain some errors and oversights, which was later corrected. Likewise the submitted plans have been continually changed in both the full and Listed Building Consents to overcome concerns and inaccuracies. The issues were principally a lack of detail about fire separation, plumbing, heating, and how this may impact on the building in terms of internal damage and covering up of the decorative plasterworks. Other concerns include the unnecessary loss of walls and the blocking up of historic doorways.

7.8 The proposal does have some positives in the form of creating a split between the main building and the former coach house and the modern extension and is now less intense than initially proposed. Likewise further detail has been provided to overcome the concerns of the conversation officer.

8.0 Summary and Conclusion

8.1. The proposal whilst causing some harm to the Listed Building will enable the building to be brought back into use which is of public benefit. The changes enable more of the historic fabric to be retained and minimise the conflict between the heritage asset. On this basis the proposal complies with paragraphs 129, 132 and 134 of the NPPF, advice within Core Strategy Policy CS15 and Policy ENV 32 of the UDP.

10.0 Recommendation

9.1 GRANT Listed Building Consent subject to the following conditions.

01. STAT1 The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

REASON

To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

Ground floor existing Rev A 16.4.18

First floor existing Drwg 003

Second floor existing Drwg 004

Existing elevations Rev B 24.4.18

Proposed ground floor Rev H 3.5.18

Proposed attic and cellar Rev F 9.5.18

Proposed elevations Rev F 15.5.18

Site Plan Rev C 30.4.18

REASON

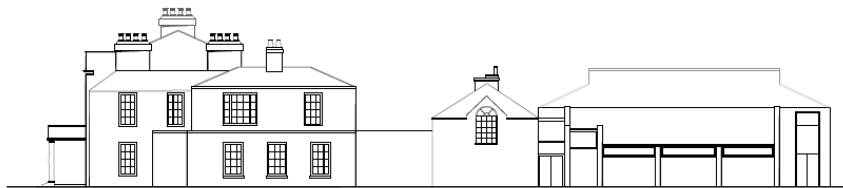
To ensure that the development is carried out in accordance with the application as approved.

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

Appendix 1- site plan



Appendix 2 – Existing elevations



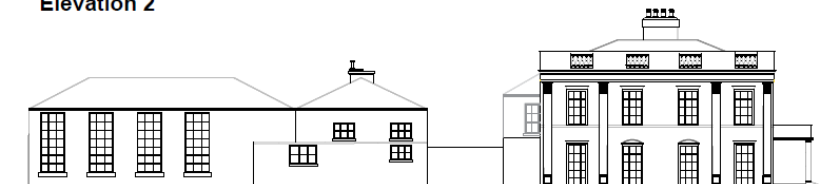
Elevation 4



Elevation 3



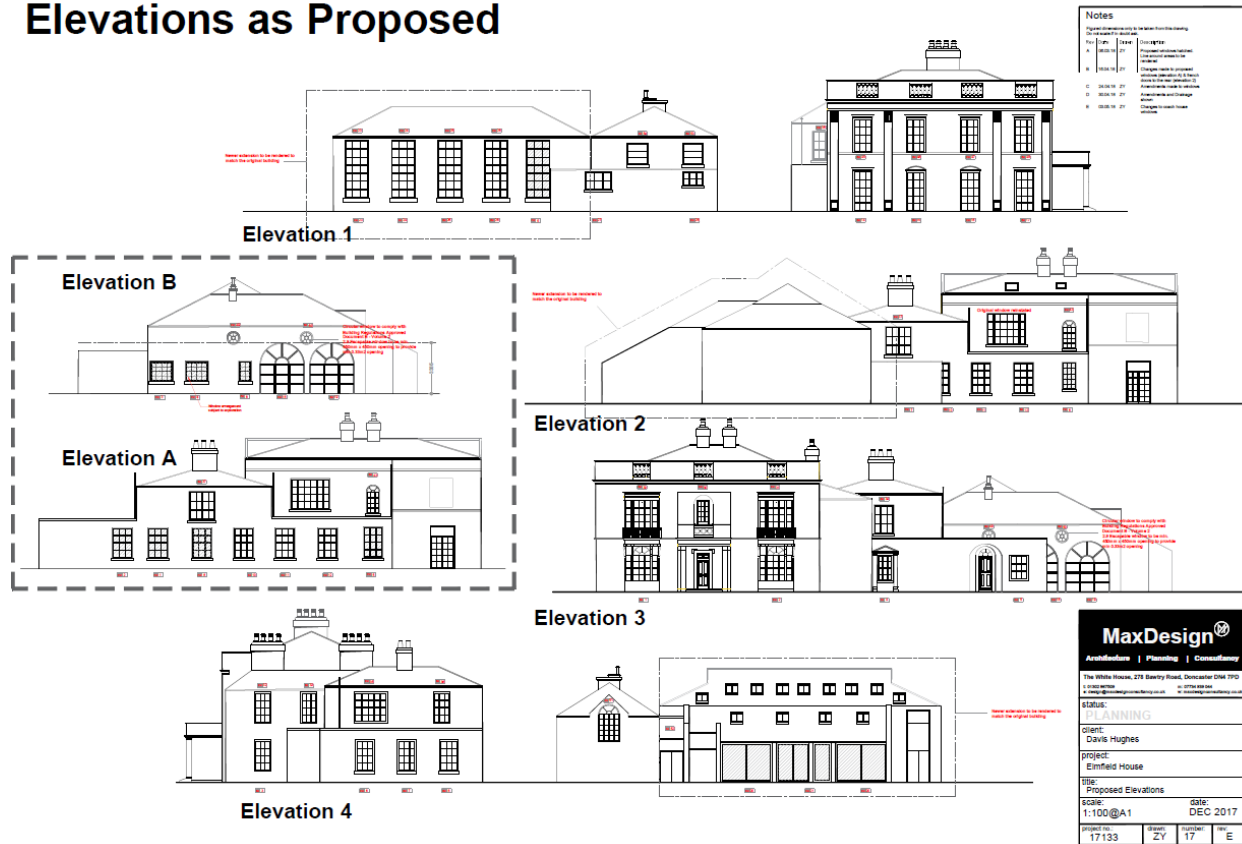
Elevation 2



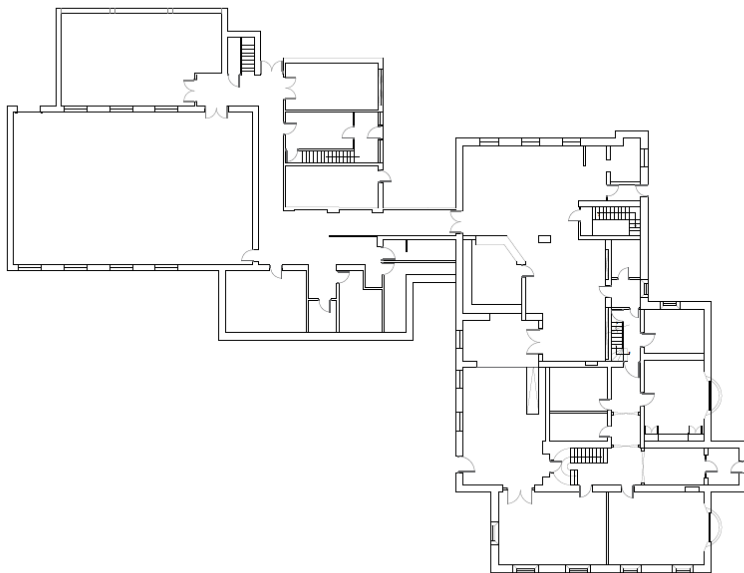
Elevation 1

Appendix 3 - Proposed elevations

Elevations as Proposed



Appendix 4 – Existing floor plans.



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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 29th May 2018

Application	06
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Application Number:	15/00878/FULM	Application Expiry Date:	16th July 2015
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of 23 dwellings on approx 0.53ha of land with associated garages and car parking
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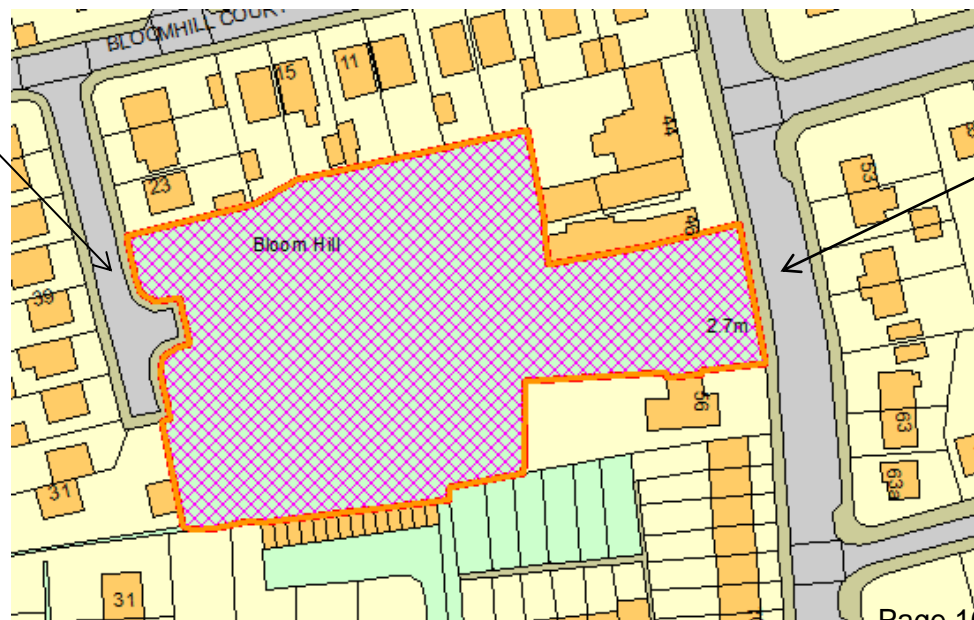
At:	Land Off Marshland Road Moorends Doncaster DN8 4TP
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For:	D Noble Limited
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Third Party Reps:	31 objections overall, 1 representation and 4 support. 2 petitions in opposition.	Parish:	Thorne Town Council
		Ward:	(Historic) Stainforth And Moorends

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

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

2.0 Proposal and Background

2.1 Planning permission is sought for the erection of 23 dwellings, with associated garages and car parking. The dwellings are mainly 2 storeys in height, five of the properties are two and a half storeys, two of the dwellings are flats above garages (plots 15 and 19), and two of the dwellings are dormer bungalows (plots 9 and 10). There is a mixture of detached, semi-detached and terraced properties.

2.2 Three properties are proposed to front Marshland Road, and vehicular access for these properties will be served from Marshland Road. The main access for the development is from the rear at Bloomhill Court. Plots 1 and 2 have vehicular access from direct from Bloomhill Court, and the remaining properties will all have access onto the new estate road.

2.3 With the exception of the dormer bungalows which have hipped roofs, all other properties have a pitched roof form. Proposed construction materials include facing brick work with contrasting brick string course, cills, heads and quoin details and concrete interlocking roof tiles. Windows are to be white uPVC.

2.4 The site is located within the town of Moorends, it is approximately 13 miles North East of Doncaster and 1.6 miles North of Thorne. The site itself is located between Marshland Road and Bloomhill Court. Although there is a convenience store to the front of the site, the surrounding area is predominantly residential.

2.5 The site is currently open land with trees and vegetation. To the north and west is Bloomhill Court, to the east is Marshland Road, to the south is Darlington Grove.

2.6 The houses on Bloomhill Court are a mix of bungalows and two-storey dwellings of buff and red brick with pitched, tiled roofs. The houses on Marshland Road are predominantly two storey dwellings of brick with pitched roofs. The properties on Darlington Grove are predominantly semi detached bungalows with pebble dashed walls and grey tiled roofs, there are also some two storey terraced properties which are a mixture of red brick and render.

2.4 The application site is located within Flood Risk Zone 3 (high level of flood risk) and has been subject to lengthy negotiation with the Environment Agency in relation to proposed finished floor levels. As a result of the raised floor level, many of the properties have a stepped access to doors.

2.5 The site forms part of a UDP housing allocation and therefore the proposed development is acceptable in principle, subject to other policy requirements and material planning considerations.

3.0 Relevant Planning History

04/7942/P

Decision: Refused

Date Issued: 20th January 2005

Erection of 2 dwellings on approx 0.09Ha of land

Reason for Refusal;

1. The application site is Greenfield and its release for housing at this time would be contrary to the Council's Greenfield Housing Moratorium that was adopted September 2002 in response to national and regional planning guidance and the residential land availability situation in Doncaster.

Planning Policy Guidance Note 3 (Housing) introduced a Plan, Monitor and Manage approach to the release of land for housing and advises that priority should be given to re-using previously developed (Brownfield) sites in preference to Greenfield sites.

The Moratorium is a temporary policy the need for which will be superseded by the Local Development Framework (LDF). Release of Greenfield sites now would undermine the Greenfield Moratorium, the plan, monitor and manage approach to housing delivery and the options for consideration through the LDF and would undermine the achievement of Brownfield targets.

03/6038/P

Decision: Refused

Date Issued: 8th December 2003

Erection of 2 dwellings and construction of access road on approx 0.09Ha of land

Reasons for Refusal;

1. The application is contrary to the advice set out in PPG3 (Housing) as the site is Greenfield. The Council has adopted a Greenfield Moratorium, which presumes against the granting of planning permission for housing development on Greenfield sites. The Moratorium has been adopted in the context of national and regional planning guidance and the current supply of housing land in Doncaster. Planning Policy Guidance Note 3 (Housing) introduced a Plan, Monitor and Manage approach to the release of land for housing and advises that priority should be given to re-using previously developed (or brownfield) sites in preference to Greenfield sites. A national target of 60% of all units has been set for brownfield housing development. Regional Planning Guidance (RPG) has set a provisional brownfield target of 70% for Doncaster for the period up to 2016. Brownfield completions in Doncaster over the last 5 years have averaged 44%. The overall availability of brownfield land in the Borough will be established by the Urban Potential Study, which is currently being carried out. The Study will establish the extent to which the 70% brownfield target is achievable through the development plan review and thereby provide the basis for new brownfield allocations and the possible de-allocation of greenfield sites. The Greenfield Moratorium will be reviewed following completion of the Urban Potential Study. At the current time however there is an adequate supply of housing land still available on sites with planning permission (including substantial brownfield windfall sites) and brownfield allocations to meet the RPG requirement of 735 dwellings per annum.

To release greenfield sites (including the application site) at this time would conflict with Plan, Monitor and Manage and brownfield/Greenfield objectives and would undermine the achievement of the 70% brownfield target.

2. The application is contrary to the advice set out in PPG1 (General Policy and Principles) as no supporting statement setting out the design principles has been submitted. The proposal is piecemeal and could prejudice the comprehensive development of this site contrary to good design and sustainability principles.

3. The proposal is contrary to the advice set out in Planning Policy Guidance Note 25 (Development and Flood Risk). The site is within an indicative flood risk area and no technical information or flood risk assessment has been provided with the application. As submitted, the proposed development may increase the flood risk to people and property on the site.

93/1025/P

Decision: Granted

Date Issued: 24.05.1993

Erection of 28 dwellings on approx 0.57 ha of land (as per amended plans dated 10/05/93)

89/2846/P - Erection of 40 bedroom residential/nursing home for the elderly on approx 0.53 ha of land - Granted 16.02.1990

86/0523/P - Erection of detached house on approx. 0.06 ha of land - Granted 08.08.1986

79/2393/P - Outline application for residential development on approx. 9.46 acres of land - Granted 11.07.1980

4.0 Representations

The application is a major development and has been advertised by means of neighbour notification, press advertisement and site notice. This is in accordance with Article 15 of the DMPO.

The application has been subject to re-advertisement as a result of the amendments made to the application since its original submission in 2015.

Initially 11 objections and a petition of 65 signatures in opposition were received. Comments include;

- * significant increase in traffic problems
- * invasion of privacy
- * overlooking of bungalows
- * traffic congestion on Bloomhill Court
- * access for emergency vehicles already restricted due to parked cars
- * danger to children playing on the street
- * congestion due to construction traffic
- * increased surface water flooding
- * access should be from Marshland Road
- * no reasons given as to why site can not be accessed from Marshland Road
- * residents of Bloomhill Court need to use the turning head which is the point access

- * reduction of quality of life
- * Increase flood risk to neighbouring properties
- * Increase in noise
- * Pollution
- * Dust and debris from construction
- * Site is greenfield land
- * Concerns that the houses will all be for rent

Amended plans were re-advertised in November 2017, 14 objections were then received, 4 letters of support and a petition of 33 signatures in opposition. The amendments were to the site boundary, visitor parking and road layout, ridge and eaves height added to the site plan, provision of street scene elevations and an amended Sequential Test and Exceptions Test in respect of flooding was also received.

The following comments were received;

- * seeking assurance that previous comments would be taken into account, as amendment to not address main concerns
- * routing of traffic
- * removal of turning point
- * impact on school places and play facilities
- * Dangerous to have driveways onto Marshland Road
- * Concerns that bats may be present
- * flooding
- * safety of existing residents
- * presence of existing underground infrastructure
- * too high density
- * overlooking
- * impact on nearby nature reserve
- * restricts neighbours from building
- * site and surrounding land already floods
- * loss of light
- * gardens too small
- * anti-social behaviour
- * not enough housing for the elderly, bungalows should be provided
- * very little anti-social behaviour currently on the site so should not be seen as a reason to approve housing
- * amendments do not address previous objections
- * good opportunity for first time buyers
- * new housing will create extra security for the site
- * good asset to the street and will make it safer as will be lighter

Following an increase to the proposed finished floor level, and resultant increase to overall height of dwellings, the application was re-advertised a final time in March 2018. 6 further objections and 1 representation was received, comments as follows;

- * ground is made of clay, hence flooding issues
- * there is no anti-social behaviour
- * will create a rat-run
- * developer ignores residents requests to access from Marshland Road

- * developer already using the cul de sac to provide access for construction vehicles
- * previous comments still relevant and have not been addressed
- * increased raised land will only increase the flood risk to existing properties
- * restrictions should be imposed on construction vehicles in relation to times of entry

5.0 Parish Council

No comments received.

6.0 Relevant Consultations

South Yorkshire Police Architectural Liaison Officer - No objections raised, incorporating a mix of dwellings enables greater potential for homes to be occupied throughout the day. This gives greater opportunity for natural surveillance and community interaction. Specific design guidance in respect of boundary treatment, lighting, doors provided.

South Yorkshire Archaeology Service - No comments received.

Black Drain Drainage Board - No objections subject to informatives.

National Grid - No comments received.

Doncaster East Drainage Board - No comments received.

Environment Agency - Remove outstanding objection subject to conditions.

South Yorkshire Fire and Rescue Service - Access is to conform to Approved Document B Volume 1 Part B5 Sect. 11.2-11.5 inclusive. South Yorkshire Fire and Rescue is keen to promote the benefits of sprinkler systems to protect lives, property and the environment. As such it is recommended that this is allowed for when determining the water supply requirements for the site.

Natural England - No objection.

South Yorkshire Passenger Transport Executive - No comments received.

Northern Powergrid - No comments received.

Yorkshire Water - No objections raised.

DMBC Affordable Housing - This development of new homes in Moorends is to be welcomed and will provide much needed new homes which meet the needs of those struggling to buy or rent a decent affordable home. The area has significant demand for affordable homes and should the homes be sold to the Housing Association the scheme will be supported with grant funding from Homes England

Pollution Control (Air Quality) - No comments received.

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

Ecology -No objections, subject to condition. Would like to see landscaping scheme which uses native species to compensate for loss of tree, shrub and grassland.

Trees and Hedgerows Officer - No objection subject to landscaping scheme by condition.

Internal Drainage - No objections, subject to condition.

Education - Commuted sum of £54,891 to provide 3 secondary school places.

Environmental Health - Recommends conditions to protect residential amenity.

Footpaths - No recorded public rights of way affected by the proposed development.

Local Plans Team (Open Space) - Given accessibility issues and a variety of open spaces deficiencies, 15% commuted sum (in line with policy RL4) would be required for this development proposal.

Design - No objections although raises concern with regard to the proximity of plot 9 to existing property on Marshland Road.

Local Plans Team (Flooding) - Proposal passes Sequential Test

Transportation - The size of the development does not require any further assessment, no objections from a Transportation perspective.

Highways Development Control – No objections following receipt of amended plans.

Local Plans Team (Housing) - The site forms part of a UDP Housing Allocation and therefore the proposed development is acceptable in principle in terms of development plan policy provided the proposal can pass a flood sequential test

Ward Members - Cllr Blackham is in support of the application. Cllr Durant requested that the application be brought to Planning Committee, although no material planning reason was provided.

7.0 Relevant Policy and Strategic Context

Doncaster Unitary Development Plan;
PH 1 9/22 - Housing Site (Adj 46 Marshlands Road, Moorends)
RL 4 – Local Public Open Space Provision

Doncaster Council Core Strategy;
CS 1 - Quality of Life
CS 4 - Flooding and Drainage
CS 12 - Housing Mix and Affordable Housing
CS 14 - Design and Sustainable Construction
CS 16 - Valuing our Natural Environment
CS 17 – Providing Green Infrastructure

National Planning Policy Framework;
Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Documents;
Development Guidance and Requirements
Development and Flood Risk
South Yorkshire Residential Design Guide

8.0 Planning Issues and Discussion

8.1 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. In the case of this application, the Development Plan consists of the Doncaster Core Strategy and the saved policies of the Unitary Development Plan 1998.

8.2 The main issues for consideration are the principle of the development proposed, flood risk, impact on residential amenity, appearance of the development and the character of the surrounding area, and highways and traffic generation.

Principle of Development

8.3 The application site forms part of a housing allocation in the Unitary Development Plan, and therefore residential development is acceptable in principle. Policy PH 1 of the UDP sets out the sites in the Borough which have been identified as being capable of accommodating 10 dwellings and over, and which are identified on the Proposals Map will be developed for housing purposes. With regard to this particular site, it is stated in the UDP that it is capable of accommodating approximately 28 dwellings.

8.4 Applications for residential development on this site have been made previously, as per the planning history set out above, however at the time of the consideration of those proposals the Council had adopted a Greenfield Moratorium, which presumed against the granting of planning permission for housing development on Greenfield sites. The Moratorium was adopted in the context of national and regional planning guidance and the supply of housing land in Doncaster at that time. This ensured that development was steered towards brownfield sites. The Moratorium was removed in February 2008. Therefore, residential development is acceptable in principle, subject to other constraints.

8.5 The Doncaster Council Core Strategy sets out the Borough Strategy, and in doing so summarises what the borough wide vision means for each area. Paragraph 2.19 of the Core Strategy states that in Moorends, regeneration will have involved creating sustainable communities with priority given to housing renewal and associated urban remodelling, redevelopment of cleared sites and an improved district centre. The quality of Moorends' housing, environment and local amenities will have been improved. The development of the site for housing is considered to accord with this vision.

Housing Mix

8.6 Policy CS 12 of the Doncaster Council states that new housing developments will be required to include a mix of house size, type, price and tenure to address identified housing needs and market demand and to support mixed communities, based on a number of principles. Part A states that affordable housing will be delivered through a number of measures, including housing sites of 15 or more houses will normally include affordable houses on-site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment except where a developer can justify an alternative scheme in the interests of viability.

8.7 Whilst the proposal originally sought to provide 23 properties which would be sold on the open market, during the course of the application process, the developer has stated that they are committed to enter into a contract with 'Together Housing' which is a Registered Provider and all units are likely to be affordable and would be part funded by Homes England. Whilst this is the intention of the applicant, there can be no assurances at this stage due to third party involvement (i.e. the Registered Provider and Homes England), therefore whilst it would be beneficial to have a Section 106 Agreement to secure this, there may be a possibility that the site is sold on the open market as private housing. It should be noted that the possibility of the scheme being for an affordable housing was not a request from the local planning authority, but an offer from the developer.

8.8 Viability Appraisals have been submitted for both a wholly affordable housing scheme and an open market housing (OMH) scheme with both being shown that to deliver any of the normal S106 asks such as education contributions and affordable housing (for the OMH scheme) would render the development unviable. The layout provides for no onsite public open space. This has been verified by an independent consultant (the 2018 update on the private market scheme was assessed by our Strategic Housing team to ensure that the figures remained the same as the initial viability appraisal was submitted in 2016). However, both policy CS 12 and the NPPF state that this is subject to viability.

8.8 The development would see a mix of housing across the site including one bedroom dormer bungalows, two bedroom flats and three and four bedroom properties. As such, there is a range of accommodation across the site that would be support a mixed community. The Council's Strategic Housing team have been consulted on the proposal and welcomed it. The area has significant demand for affordable homes and should the homes be sold to the Housing Association the scheme will be supported with grant funding from Homes England

Flooding and Drainage

8.9 The application site lies within flood zone 3a defined by Table 1 of the National Planning Practice Guidance as having a high probability of flooding and shown on the Environment Agency's flood map and in Doncaster's Strategic Flood Risk Assessment. Policy CS 4 sets out the Council's policy in relation to flood risk. It states that large areas of Doncaster are at risk from flooding, however many of these areas already benefit from defences and are otherwise sustainable locations for growth. Part A of policy CS 4 states that development will be directed to areas of lowest flood risk (from all sources) within the overall framework of the Growth and Regeneration Strategy and its emphasis on deliverable urban brownfield sites.

Where this results in development within flood zones 2 and 3, priority will be given to sites which: (i) already benefit from an acceptable standard and condition of defences; or (ii) have existing defences which will be improved as a result of the proposal to an acceptable standard and condition or (iii) do not have existing defences, if it can be shown that there are no appropriate sites already benefitting from defences, and the development can be made safe through the creation of new defences which would also benefit existing communities.

8.10 The site is located within an area protected by flood defences from the Rivers Trent and Don. As stated by the Environment Agency, 'the low lying land in this area is also locally managed by Doncaster East Internal Drainage Board. If either the flood defences and/or the pumps which drain the low lying land were to fail or were no longer sufficiently maintained, then this area would be at risk of experiencing significant depths of flooding (>1m deep). The proposed development will therefore be highly reliant upon future maintenance of flood defences and pumps and is thus at a high risk of flooding.'

8.11 The low lying nature of the land in question means flood waters are likely to preferentially gather in this area compared to adjacent higher land. It also means that in the event of significant flooding, flood waters are likely to persist for a prolonged period, given they will be largely unable to gravitate away and instead rely almost wholly on being pumped away.

8.12 The original proposal proposed floor levels of 2.82mAOD. This was not acceptable to the Environment Agency who objected to this floor level stating that they would accept 3.5mAOD with 600m flood resilience for a development of this scale. The topic of floor levels has been debated at length with the Environment Agency and the applicant. The applicant did not wish to raise floor levels from 2.82mAOD. It was considered by the Council that raising floor levels by this amount would have a detrimental impact on the character of the surrounding area, as the application site is surrounded on all four sides by existing housing, all of which at a lower floor level than required by the Environment Agency. This would have resulted in ridge heights of dwellings being approximately 1.5m - 2m higher in some places than adjacent properties given the low scale of No 56 Marshland Road and No 23 Bloomhill Court. No 46 Marshland Road is a higher property, although has constraints in that main habitable room windows to flats are located in the side elevation facing the site. The existing properties to the north on Bloomhill Court are bungalows, therefore raising floor levels a further 700mm would have design implications, and potentially overlooking issues.

8.13 As stated above, and as can be seen from the site's application history, the application site has been an allocated site since 1998 and has not been developed due to the fact that the Greenfield Moratorium had been put in the place. During this time, the flooding policy and flood zones had changed, therefore restricting development once again on this allocated site, which is surrounded by housing development.

8.13 Given the fact that the EA maintained their objection to the proposal with floor levels set at 2.82mAOD, and given that they are a statutory consultee, the local planning authority were minded to recommend refusal of the application on flood risk grounds. However, noting the local planning authority's design concerns, the EA stated that they may consider lower floor levels if the applicant considered the topography of the site and raised levels above 2.82m wherever possible, and ground floor sleeping accommodation was removed on the dormer bungalows.

8.14 The applicant has been able to raise all but three of the properties to 3.0 and 3.1mAOD, proposing resilience to 3.5m AOD.

8.15 In commenting on the amended plans the Environment Agency has stated that 'the DMBC SFRA acknowledges that this site falls within the boundary of the wider Isle of Axholme area and as such has a critical flood level (CFL) of 4.1mAOD. This critical flood level is based upon the loss of the pumped regime in conjunction with an extreme flood event. While the risk is residual in nature, it none the less remains a risk, and both the LPA and the developer should be aware of and accept the risk that flooding to these depths, is still possible on this site.'

8.16 In discussing the original requirement for floor levels to be at 3.5mAOD with resilience to 4.1m AOD, they stated that whilst they would ultimately like to see these FFLs achieved, they do recognise that the topography of the site, coupled with other planning constraints, has made this unachievable.

8.17 The EA comment that the developer has made significant changes to the development to raise FFL, however plots 15, 19 and 23 remain at 2.82mAOD. In relation to plot 23, whilst this is not an ideal situation, they do understand that this is due to planning constraints with regard to overlooking issues on neighbouring properties and therefore the floor level cannot be raised any higher. With regards to plots 15 and 19, it is noted that these are apartments located above garages and that there are no habitable rooms located on the ground floor, therefore all living and sleeping accommodation is located above the CFL, and is therefore not considered to be as significant an issue. Considering the significant betterment achieved across the wider of this allocated site, the EA do not wish to pursue any further objection to the development on the basis of these three properties, as they are aware that the developer's intention was to raise the FFL if possible. With this in mind they request a number of conditions be included on the decision notice if planning permission is granted. Without these conditions to address the flood risk issues on site, their objection would have to remain.

Sequential and Exceptions Tests

8.18 Policy CS 4 part (B) goes on to state that developments within flood risk areas will be supported where they pass the Sequential Test and/or Exceptions Test. Paragraph 101 of the NPPF states that 'the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

8.19 With regard to the Sequential Test, the Council's Development & Flood Risk SPD (October 2010) sets out how the sequential test should be applied in Doncaster to reflect our relatively unique flood risk constraints.

8.20 The SPD pre-dates the adoption of the LDF Core Strategy and states that the area of search would normally be the whole borough. The adopted Core Strategy has since identified Moorends as one of 4 Renewal Towns which have been identified as suitable for providing up to 9% of the housing growth for the plan period.

It does not prescribe how this requirement should be distributed between the 4 Towns, and the Sites & Policies DPD which would have identified the exact sites to deliver this growth was withdrawn following Examination in summer 2014. As all of the settlement of Moorends is in a high flood risk (FRZ2/3) area it is not possible to provide any housing in this settlement without using sites constrained by flood risk and no up-to-date development allocations have been made.

8.21 The applicant's sequential test sets out all of this in comprehensive detail and has justified why therefore the adopted SPD constrains the delivery of the Core Strategy's housing requirement if it is to be followed to the letter. Instead a pragmatic approach has been applied which identifies all potential sites (based on number of sources e.g. SHLAA/Withdrawn S&P DPD Allocations) across the 4 Renewal Towns and has discounted them as either not being sequentially preferable, or not reasonably available etc. Accordingly, the Ipa considers the ST to be passed. As residential is classed as 'more vulnerable' development in FRZ3, then the requirements of the Exceptions Test must also be met and a separate statement, coupled with a site specific FRA, has been provided.

8.22 As the Sequential Test is passed, it is necessary to apply the flood risk Exception Test. Paragraph 102 of the National Planning Policy Framework (NPPF) makes clear that both elements of the Test must be passed for development to be permitted. Part 1 of the Exceptions Test requires that it be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared. Part 2 of the Test requires the applicant to demonstrate in a site specific flood risk assessment that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk elsewhere.

8.23 With regard to part 1, in order to demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, the applicant has carried out an assessment of the sustainability benefits of the proposed development, this has been made against the relevant criteria contained within the Council's Local Plan Sustainability Appraisal document in order to demonstrate how the development contributes to the sustainability objectives of the Local Plan. The proposal would see the development of a vacant site, allocated for housing development which is within the settlement limits and will be an efficient use of land. The range of house types will improve the housing mix in the area and if the site does become 100% affordable housing then this will provide greater benefit to the wider community in terms of housing choice. However, the development will not provide the requested education contribution or onsite public open space or a commuted sum in lieu of it.

8.24 The site is sustainably located with close access (100m) to bus stops providing a service approximately every 20mins during the day to Thorne and Doncaster. There are also cycle opportunities. The site is also within an acceptable walking distance to primary schools, GP surgery, shops and open spaces.

8.25 With regard to part 2, a SFRA has been provided and following amendments to the proposed finished floor levels, the Environment Agency has removed its objection subject to the development maintaining those levels.

The applicant's revised FRA concludes that the proposed development will be safe, by virtue of the proposed floor levels and design. Furthermore attenuation SuDs will be introduced to the site to reduce surface water run-off to prevent an increase of the risk of flooding elsewhere. Resilient design provisions will be made to the design flood level with additional freeboard allowance. The hazard of floodwater to residents to be mitigated by an advanced warning evacuation plan, however there is refuge at first floor level on all properties.

8.26 The features of flood resilient design include first floor refuge, suspended slab or block and beam concrete floor in conjunction with a Damp Proof Membrane to minimise the passage of water through the ground floor, high quality durable floor finishes, clear cavity wall design, electrical sockets installed at the highest achievable level, sealed PVC external framed doors and windows should also be used.

8.27 A flood evacuation plan is requested by condition which will be assessed by the Council's Drainage team.

Design and Appearance

8.28 Policy CS 14 of the Doncaster Council Core Strategy sets out the Council's policy on design and sustainable construction. It states that all proposals in Doncaster must be of a 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 local area. New development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. This will be achieved through a set of design principles and quality standards. The Council's SPD Development Guidance and Requirements and the South Yorkshire Residential Design Guide are also used to inform developments.

8.29 The Council's Design Officer has been consulted throughout the application and raises no objection to the development, taking account of increased floor levels to address the concerns of the Environment Agency, the character of the surrounding area and the proximity of existing residential properties. The fundamental concern of the raising of levels to accord to the Environment Agency's original stance was that the resultant ridge heights would be out of character with surrounding development, as stated in the above section of the this report.

8.30 The existing housing along Bloomhill Court is predominantly red brick with pitched tiled roofs, this is similar to the properties along Marshland Road which are older. As such, the applicant has sought to follow this character through the design of the house types with facing brickwork with contrasting band course, quoin headers and cill details. As such, the proposal is considered to meet with policy CS 14 in that the development reinforces the character of the local landscape and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding area.

Residential Amenity

8.31 Policy CS 14 states that new development should have no unacceptable negative effects the upon the amenity of neighbouring land uses or the environment. Neighbouring residents have raised concerns regarding overlooking, overshadowing and noise and disturbance, all of which are material planning considerations.

8.32 Due to existing constraints with regard to the proximity of the side elevation of No 46 Marshland Road which contains main habitable room windows to flats, and the rear elevation of No 44 Marshland Road which contains main habitable room windows, plots 9 and 10 have been designed as dormer bungalows. This is to prevent significant over shadowing and to retain some outlook for these properties. No objections have been received from these properties. The applicant provided a letter from the owner of No 44 stating no objections, and no separate letter was received following the publicity carried out for the planning application. There are no windows at ground floor to No 46, and whilst there is a window at ground floor in the rear of no 44, a 2m high wall could be built along the boundary without planning permission.

8.33 There is approximately between 23 and 24m separation distance from plots 3 - 9 from rear elevations of the bungalows on Bloomhill Court. There is less to the rear extension of No 15 which has approximately 20m of separation. Whilst it is appreciated that there is little overlooking currently to these properties as the land is vacant, this level of separation is considered acceptable. The Council's SPD recommends a minimum of 21m between rear elevations of two storey properties. As such, given the positioning of the proposed boundary fence, it is not considered that there will be an unacceptable level of overlooking into the bungalows. The rear gardens of the proposed dwellings for plots 3 - 9 achieve the 10m distance to the rear garden boundary as set out in the SPD in the interests of protecting amenity.

8.34 There is approximately 20m separation distance to No 56 Marshland Road, a two storey property set back from the road, however this is also at a slight angle and as such will not directly overlook the property or garden. Plot 15 may overlook the rear of the long gardens to the terraced properties to Darlington Grove, however these gardens are separated from the remaining amenity space directly serving the rears of these properties by an access. Plot 15 is also a flat above a row of garages and the rear windows at first floor will serve a bathroom, landing and dining room, the main aspect is from the front. Therefore it is not considered that this will result in a significant degree of overlooking. Plot 19 is also a flat above garage of the same design, although this backs onto a row of garages.

8.35 Plot 20 has a rear elevation facing the front of No 31 Bloomhill Court at a distance of 24.3m, as such, this meets recommended separation distance guidelines and is not considered to be harmful to the amenities of occupiers of this property. No 31 Darlington Grove is a bungalow and is 18m away from the corner of the proposed plot 20, this is at an oblique angle and is not considered to directly overlook this property.

8.36 The increased floor levels, which do not exceed 300mm higher than the originally proposed level in the worst case, are not considered to contribute to an unacceptable level of overshadowing or loss of light given the separation distances between the proposed development and existing properties.

8.37 Given that the site is surrounded by residential properties, it is considered appropriate to impose a condition requiring the provision of a Construction Method Statement providing details relating to hours of construction, measures to control noise, dirt and dust and operative parking.

Highways and Parking

8.38 In relation to highway design and layout policy CS 14 requires developments to achieve the following qualities of a successful place; quality, stability, safety and security of private property, public areas and the highway and permeability (ease of pedestrian movement with good access to local facilities and public transport services).

8.39 The majority of objections raised comment on the increased traffic congestion as a result of this development. However, a development of this scale (below 50 dwellings) does not require any further traffic or transport assessment, and the Transportation team have confirmed that there are no objections from a transportation team who take into consideration the impact of the development on the existing network. It is not considered that a further 23 dwellings in a residential area would significantly increase the level of traffic generated to this site.

8.40 It is noted that residents do not consider the access from Bloomhill Court to be appropriate and that access would be better served from Marshland Road. Whilst this has been discussed with Highways Development Control, they have no objections to the access from Bloomhill Court, therefore there is no highways reason to insist that the developer takes access from Marshland Road. Residents concerns regarding parking of existing vehicles on Bloomhill Court is noted and restricted access, however this local planning authority can not control or restrict how and where existing residents park their cars.

8.41 A series of amendments have been made to the layout to address the concerns raised by the Highways Officer in relation to the internal road layout and parking arrangements over the course of the application. Whilst the final layout is not entirely to the highways officer's satisfaction in that the development provides one less parking space than the minimum requirements set out in Doncaster's' parking standards, the longitudinal space to the front of plot 18 is a metre shorter than the length dimension defined within the technical requirements section of the South Yorkshire Residential Design Guide, and the existing boundary treatment between 23 Bloomhill Court, and plot 1 means that the 2m x 2m visibility splay to the back of footway has not been provided (although a 1m metre splay from plot 1 has). It is not considered that these matters combined would lead to a severe impact on highway safety. Paragraph 32 of the NPPF sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. As such, the layout is on balance, considered to be acceptable.

8.42 Policy CS 9 relates to the provision of travel choice. Whilst this is a more strategic policy, part G 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. The need for a transport assessment/travel plans has already been discussed, however whilst not part of the proposal, there is travel choice available within Moorends. The site is within close proximity to public transport with regular services to Doncaster and Thorne. The combined settlement of Thorne and Moorends scores 10 out of 12 in the Settlement Hierarchy in terms of its provision of key services.

Trees and Landscaping

8.43 Policy CS 16 of the Doncaster Council Core Strategy states that Doncaster's natural environment will be protected and enhanced in accordance with a number of principles. Part D states that proposals will be supported which enhance the borough's landscape and trees by ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness, and retaining and protecting trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

8.44 A Tree Survey was submitted with the application and the Trees and Hedgerows Officer has been consulted over the course of the application process and raises no objection to the proposal, subject to a landscaping condition.

Ecology and Wildlife

8.45 A Phase 1 Habitat Survey was submitted with the application and the Council's Ecologist raised no objections commenting that while there are no high value habitats on this site, its development will have a significant impact on the local wildlife due to the loss of trees, scrub and grassland. As such a landscaping scheme that uses native species to try and compensate for some of these losses should be subject to condition, alongside a condition for bird nesting boxes and bat boxes or bricks. Natural England raise no objections.

Planning Obligations

8.46 Paragraph 203 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

8.47 In paragraph 204 it is stated that planning obligations should only be sought where they meet all of the following tests;

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

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

Affordable Housing

8.48 To accord with policy CS 12 of the Core Strategy, the scheme should provide 26% on site affordable housing, as more than 15 dwellings are proposed.

Public Open Space

8.49 Core Strategy Policy CS 17 states that proposals will be supported which have regard to local standards and opportunities, and help to address deficiencies, by making an appropriate contribution to sport, recreation and related community uses by providing suitable and appropriate, on-site (or an equivalent contribution towards off-site contribution).

Policy RL 4 states that the Borough Council will seek to remedy local public open space deficiencies within existing residential areas and will require the provision of local public open space, principally of benefit to the development itself, however part (c) states that where the size of the development is such that 10-15% of the site area would result in an area of local public open space of less than 0.4ha the Borough Council may require the applicant to provide a commuted sum in lieu an area of open space to be used for the creation of a suitable area of open space elsewhere or for the enhancement of an area of existing public open space in the vicinity of the development site.

8.50 The 2013 Green Space Audit shows the Moorends community profile area is deficient in informal open space and public parks. As the Green Space Audit shows both accessibility issues and a variety of open spaces deficiencies, 15% commuted sum (in line with policy RL4) would be required for this development proposal. The external viability consultant considers a fair and reasonable land value to be £145,000. Therefore 15% of this would be £21,750.

Education

8.51 Policy CS 1 (A) of the Core Strategy states that as a means to securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported which contribute to the Core Strategy objectives and in particular provide opportunity for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities. As such, the Education team have been consulted and have stated that 3 secondary school places would be required to accommodate the development, as such based on £18,297 per place, a commuted sum of £54,891 would be required in lieu of the provision of school places.

Viability

8.52 Viability Appraisals have been submitted for both a wholly affordable housing scheme and an open market housing (OMH) scheme with both being shown that to deliver any of the normal S106 asks such as education contributions, a commuted sum in lieu of on-site public open space and (for the OMH scheme) affordable housing would render the developments unviable.

8.53 The NPPF, paragraph 205 states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. As such it is considered that the viability appraisal should be accepted.

8.54 The applicant has confirmed that a wholly 100% affordable scheme would be more viable than an open market scheme. This is because many risk and costs associated with an open market scheme will be avoided, such as sales costs, extended preliminaries, borrowing costs, marketing costs. With a 100% affordable scheme built for a known Housing Association (HA) there would be some payments from the HA up front, a simple build contract with a confirmed end buyer, no sales costs, minimal preliminaries and nil or very low borrowing requirements and costs. There would also be no need for marketing.

8.55 With regard to the policy required affordable housing (usually 26%), units are sold at a discount to OMV and effectively cross subsidised by the open market units when and after the usual developer risk margins are applied. This explains why a 100% affordable housing development would be viable for the developer (although not generating enough profit for other s106 requirements) and is achievable whereas the policy required 26% is not. As both schemes show the development is unable to provide the s106 requirements and remain viable, it is not considered that a Section 106 Agreement can be imposed in these circumstances.

Summary and Conclusion

9.1 In summary, the proposed development will ensure the efficient use of an allocated site within a sustainable location, without significantly compromising the amenities of occupiers of neighbouring properties. Whilst the site is within Flood Risk Zone 3, it is considered that matters of flood risk have been fully considered with the removal of the Environment Agency's objection based on the fact that higher floor levels cannot be achieved on the site on design grounds. Whilst it is noted that additional traffic will be generated on Bloomhill Court, this is not to the detriment of road safety.

9.2 A viability appraisal has shown that the site is unable to provide the policy requirements in terms of affordable housing, public open space and education. However, there is a strong possibility that the development may be sold to an affordable housing provider, although the developer cannot commit at this point. As such, it is recommended that planning permission be granted on the basis of an open market development, as the viability assessments have shown that Section 106 requirements cannot be met on either scheme and planning policy does not require 100% affordable housing, this is an offer of the developer.

RECOMMENDATION

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. U61354 | The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows;
Site Location Plan Drawing No. 3996-00 Rev B - Dated March 15
Site Layout Plan Drawing No. 3996-01 Rev N - Amended 02.05.2018
Plots 1 and 2 - Wetherby Housetype Plans and Elevations Drawing No. 3996-12 Rev B - Amended 14.03.2018
Plots 3-5 Block Plans and Elevations Drawing No. 3996-16 Rev D - Amended 14.03.2018 |

Plots 6-9 Block Plans and Sections Drawing No. 3996-13 Rev E - Amended 12.04.2018

Plots 6-9 Block Elevations Drawing No 3996-14 Rev C - Amended 14.03.2018

Plots 10-12 Block Plans and Elevations Drawing No. 3996-15 Rev E - Amended 11.04.2018

Plots 13, 14 and 23 - Earl Housetype Plans and Elevations Drawing No 3996-09 Rev A - Amended 14.03.2018

Plots 15 and 19 - Housetype B Plans and Elevations Drawing 3996-17 Rev B - Amended 30.10.2017

Plot 16 - Skipton Housetype Plans and Elevations Drawing 3996-07 Rev B - Amended 14.03.2018

Plots 17 and 18 - Lincoln and Wetherby Housetype Plans and Elevations Drawing No 3996-03 Rev B - Amended 14.03.2018

Plot 20 - Wetherby Housetype Plans and Elevations Drawing No 3996-05 Rev B - 14.03.2018

Plots 21 and 22 - Skipton Housetype Plans and Elevations Drawing No 3996-06 Rev C - Amended 13.03.2018

Detached Single Garage Plans and Elevations Drawing 3996-18 Rev A - Amended 30.10.2017

Detached Double Garage Plans and Elevations Drawing 3996-10 Rev C - Amended 30.10.2017

REASON

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

03. U61366

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by AAH Planning Consultants (Ref: AAH/0805/14FRA) dated February 2015 (amended March 2018), to be read in conjunction with updated site layout plan (Drawing number 3996-01 Rev N) and amended elevation drawings (Refs: 3996-03, 3996-05, 3996-06C, 3996-07, 3996-09, 3996-12, 2996-13E, 3996-14, 3996-15E and 3996-16D), and the following mitigation measures detailed within the FRA, amended site layout plan and amended elevation drawings:

* Finished floor levels (FFL) for plots 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 16, 17, 18, 20, 21 and 22 to be set no lower than 3mAOD, as indicated on site layout plan 3996-01 Rev N and section 7.3 of the FRA.

* FFL for plots 15,19 and 23 to be set no lower than 2.82mAOD as indicated on site layout plan 3996-01 Rev N and section 7.3 of the FRA.

* FFL for plots 10,11,and 12 to be set no lower than 3.1mAOD as indicated on site layout plan 3996-01 Rev N and section 7.3 of the FRA.

* Ground floor for plots 15 & 19 to incorporate garages/undercroft parking with all habitable living accommodation to be set on the first floor.

* All sleeping accommodation will be provided at first floor level or within dormer roof space as stipulated within section 7.4 of the FRA.

* Flood resilient design measures to be incorporated into the final development as stipulated within sections 7.6, 7.7, 7.8, 7.9, 7.10 and 7.11 of the FRA.

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

REASON

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

04. U61367

Prior to the occupation of the development hereby approved, a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Flood Evacuation Plan shall include the following information;

- * the flood warning procedure
- * a safe point of extraction
- * how users can safely evacuate the site upon receipt of a flood warning
- * the areas of responsibility for those participating in the plan
- * the procedures for implementing the Plan
- * how users will be made aware of the flood risk
- * how users will be made aware of flood resilience
- * who will update the flood evacuation plan

The Flood Evacuation Plan shall be adhered to thereafter.

REASON

To ensure the safety of residents in times of flood.

05. 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.

06. 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.
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. U61368 No development shall take place, including any works of demolition, until a Construction Method Statement and scheme of mitigation measures has been submitted to and approved in writing by the local planning authority. The approved statement and measures shall be adhered to throughout the construction period. The statement shall provide for:
- i) - the parking of vehicles of site operatives and visitors
 - ii) - loading and unloading of plant and materials
 - iii) - storage of plant and materials used in constructing the development
 - iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) - wheel washing facilities
 - vi) - measures to control noise and the emission of dust and dirt during construction
 - vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) - the hours of construction/site works, including loading and unloading and deliveries
 - ix) - details of any proposed external security lighting installation
 - x) - the routing of contractors vehicles
- REASON
To safeguard the living conditions of neighbouring residents and in the interests of highway safety.
09. U61369 No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a soft landscape plan; a schedule providing details of the species, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works.

Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

In the interests of environmental quality and core strategy policy CS16: Valuing our natural environment

10. U61370 Prior to the first occupation of the site, plans detailing the following measures will be submitted to the local planning authority for approval in writing.

- 5 bird nesting boxes
- 3 bat boxes or bat bricks

Once agreed these features will be installed as described in the submitted plans prior to the first occupation of the site.

REASON

In line with Core Strategy Policy 16 to ensure the ongoing ecological interests of the site.

11. 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.

12. 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.

13. 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.

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. IFWI INFORMATIVE

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

03. U12497 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 + climate change. On site surface water attenuation will be required.

If the greenfield run-off for a site is calculated at less than 2 l/s then a minimum of 2 l/s can be used (subject to approval from the LPA)

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.

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 + 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.

Guidance on flood pathways can be found in BS EN 752.

4. Written evidence is required from the sewerage undertaker / Internal Drainage Board / Environment Agency to confirm any adoption agreements and discharge rates.

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

6. The design of flow control devices should, wherever practicable, include the following features:

a) Flow controls may be static (such as vortex flow controls or fixed orifice plates) or variable (such as pistons or slide valves);

b) Controls should have a minimum opening size of 100 mm chamber, or equivalent;

c) A bypass should be included with a surface operated penstock or valve; and

d) Access should be provided to the upstream and downstream sections of a flow control device to allow maintenance.

04. U12498

INFORMATIVE

If the surface water were to be disposed of via a soakaway system, the Interl Drainage Board (IDB) would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

05. U12499

INFORMATIVE

Works tying into or 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 Malc Lucas - Tel 01302 735110 regarding this as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

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

06. U12500

INFORMATIVE

The development would benefit from being constructed to Secure by Design. The development will have to comply with Approved Document Q and the easiest way for any development to comply with this is to achieve Secure by Design. Which will lead to the creation of a safer and more enduring community in line with the NPPF.

- * Front and back entrances should be well lit, with each being fitted with a bulk head type light above the door. These should be situated sufficiently high as to prevent tampering, and working on a dusk to dawn sensor and fitted with an LED bulb or similar

- * All doors and windows should be to PAS 24:2016 the required standards for Secured by Design and Approved Document Q

- * All ground floor and vulnerable glazing must be laminated.

- * Any Garage Doors should be to Loss Prevention Standards 1175 SR 1.

07. U12501

INFORMATIVE

Access for Appliances - Residential Dwellings

Access is to conform to Approved Document B Volume 1 Part B5 Sect. 11.2-11.5 inclusive.

South Yorkshire Fire and Rescue is keen to promote the benefits of sprinkler systems to protect lives, property and the environment. As such it is recommended that this is allowed for when determining the water supply requirements for the site.

08. ICON1

INFORMATIVE

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

The document can be found at the following web address:

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

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

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

Appendix 1 – Site Location Plan



Appendix 2 – Proposed Site Layout



Appendix 3 – Streetscene Elevations



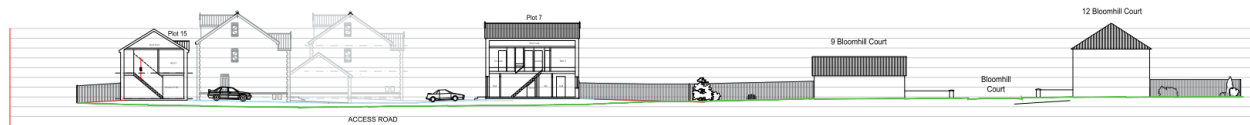
Line B - Elevation from BloomHill Court



Line C - Elevation from Marshland Road



Site Section DD
Residential Development at Marshlands Road, Moorends Doncaster



Section A-A

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Doncaster Council

Report

Date: 29.05.2018

To the Chair and Members of the
PLANNING COMMITTEE

Doncaster Borough Council Tree Preservation Order (No.401) 2018
No. 2 Lichfield Road, Wheatley

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr C McGuinness	Wheatley Hills And Intake	No

EXECUTIVE SUMMARY

1. The Council made the above Tree Preservation Order (TPO), covering a single mature Oak tree, on 19.02.2018. This followed a meeting on 15.02.2018 with the tree owner at his recently acquired property where efforts to retain the tree by agreement failed. The Council made the TPO on the grounds that the removal of the tree was unnecessary and would be detrimental to the character and appearance of the local area.
2. The TPO took provisional effect on 19.02.2018 and must be confirmed by 19.08.2018 to remain in force.
3. The owner has instructed a firm of solicitors to act on his behalf and the solicitors have enclosed with their letter of objection, a further seven objections to the TPO.
4. The decision whether to confirm the TPO is put before Members due to these objections. Members are required to give due consideration to the representations made when reaching their decision.

EXEMPT REPORT

5. Not applicable.

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

7. There is growing recognition of the role that trees play in improving urban environments. As well as being pleasing to look at, trees provide numerous

other benefits to the population and the environment as a whole. These benefits are known as 'ecosystem services' and include reduction of temperature extremes, intercepting heavy rain to reduce storm-water run-off, recycling carbon-dioxide, producing oxygen, filtering dust and airborne pollutants, providing shade from harmful ultra-violet radiation and supporting wildlife.

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

BACKGROUND

9. In January 2018 the Council received an enquiry from the owner of the tree as to its protected status. The Council offers a free inspection and advisory service for privately owned trees irrespective of their protected status. The case officer met with the tree owner at his property on 15.02.2018 to discuss the tree. Also present was a tree work contractor engaged by the tree owner. The owner was informed that the tree was not subject to a TPO or any other statutory instrument and that there was, therefore, nothing to prevent the tree from being removed.
10. The mature Oak tree is fine amenity specimen, estimated at 20m in height being prominent in the street scene of Lichfield Road and the surrounding streets, but not outgrowing its location in the relatively spacious and open garden of no.2 Lichfield Road; the tree being 17m from the rear elevation of no.2 Lichfield Road and 20.5m from the side elevation of no.40 Liverpool Road. The stature of the tree would suggest that it is in the region of 100 years old.
11. The fact that there was nothing to prevent this tree from being removed, does not, in the Council's opinion, mean that the tree should necessarily be removed and four days after the above meeting the TPO was served.
12. The TPO, which confers statutory protection on one mature Oak tree was made by Legal Services and served on 19.02.2018 on the tree owner and neighbouring properties. The TPO takes provisional effect for six months and will lapse and be of no further effect if it is not confirmed by 19.08.2018.
13. The decision on confirming the TPO is put before members due to objections to the making of the order. The owner has instructed a firm of solicitors to act on his behalf and the solicitors have enclosed with their letter of objection, a further seven objections to the TPO. Members are required to give due consideration to the representations made in respect of this order when reaching their decision. These are set out under consultation (sections 28-41 of the report).

OPTIONS CONSIDERED

14. Option 1 (Preferred Option): That after due consideration of the representations made, the TPO be confirmed without modification, and the interested parties be notified of the decision. This is the recommended option.
15. Option 2: That after due consideration of the representations made that the TPO is not confirmed, and the interested parties are notified of the decision. This option is not recommended.

REASONS FOR RECOMMENDED OPTION

16. The Council's Trees & Woodlands Strategy (Theme 2 of the Doncaster Green Infrastructure Strategy 2014-2028; adopted April 2014) states that powers under planning legislation will be used to protect existing trees as appropriate
17. The tree subject to the TPO is a ~20m tall mature oak situated in the rear garden of no.2 Lichfield Road 17m from the rear elevation of the property and 20.5m from the side elevation of no.40 Liverpool Road.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

18.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>There is a strong causal link between greenery and lower crime rates and an enhanced sense of community. Research shows that even modest amounts of greenery are associated with lower crime rates by helping people to relax and by reducing levels of aggression. High quality green spaces increase the tendency to bring people together outdoors, increasing surveillance, discouraging crime and fostering a sense of pride and 'ownership'. There is also strong evidence that the presence of green</p>

		<p>infrastructure improves people's health and well-being, through improved air quality and providing an environment to encourage activity.</p> <p>The protection of mature trees is a key component of maintaining the quality of our green infrastructure and will help to protect the environment for current and future generations. This also forms a key part of our response to climate change (including addressing the risk of flooding and improving air quality and other 'ecosystem services').</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting 	

	community assets and strengths <ul style="list-style-type: none"> • Working with our partners and residents to provide effective leadership and governance 	
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RISKS AND ASSUMPTIONS

19. Not applicable

LEGAL IMPLICATIONS [Officer Initials: HL; Date: 24.04.2018]

20. Regulation 7(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states that “the authority shall not confirm an order which they have made unless they have first considered objections and representations duly made in respect of it and not withdrawn”. Members are required to give due consideration to the representations made in respect of this order. These are set out under Consultation (sections 27-44 of the report) along with the case officer’s responses.

FINANCIAL IMPLICATIONS [Officer Initials: BC; Date: 24.04.2018]

21. There are no financial implications to the recommendation of this report.

HUMAN RESOURCES IMPLICATIONS [Officer Initials: CR; Date: 01.05.2018]

22. There are no human resources implications in relation to this Planning Committee report and proposed preservation order.

TECHNOLOGY IMPLICATIONS [Officer Initials: PW; Date: 26.04.2018]

23. There are no direct technology implications in relation to this decision. TPOs are created using the existing Uniform system, which would need to be updated to reflect the outcome of Planning Committee.

HEALTH IMPLICATIONS [Officer Initials: CH; Date: 24.04.2018]

24. There is a plethora of evidence to support the health benefits of trees and tree cover including those that are located in urban areas. There are positive health effects of viewing natural landscapes (including trees) on stress levels and speed of recovery from stress or mental fatigue, faster physical recovery from illness and long term overall improvement on people’s health and well-being are reported. The wider benefits of trees on health include the positive measureable impact on air quality, the reduction in the impact of the ‘urban heat island effect’, reduction in the likelihood of surface water flooding and the potential to reduce noise pollution. These benefits for the wider community could be affected if trees are to be removed completely from an urban area.

EQUALITY IMPLICATIONS [Officer Initials: JT; Date: 24.04.2018]

25. There are no equality implications.

CONSULTATION

26. The persons on whom the TPO was served were duly notified of the reasons for making the order along with the period allowed for objections and the form that any objections or representations should take.
27. The period for objections closed on 19.03.2018. The owner has instructed a firm of solicitors to act on his behalf and the solicitors have enclosed with their letter of objection, a further seven objections to the TPO from residents who live close to the tree.
28. The following is a summary of the issues raised in the letters of objections and the case officer's responses below each point in italics.
29. The tree is big and becomes unstable in adverse weather conditions whereby falling leaves and twigs pose a potential danger to young children who live at the property.
30. *Whilst the Council understands the relationship of tree size to perceptions of safety, the risk trees pose to human safety is very low and the Health and Safety Executive formally recognises this risk as "extremely low" and firmly within its "broadly acceptable" category of risk. It needs to be remembered that the tree will have acclimatised to around 100 years of weathering since it grew from an acorn or was planted as a sapling within the then parkland grounds of Wheatley Hall. Additionally, adverse weather conditions tend to keep people, including young children, indoors. There is no evidence of movement of the root plate in the ground rendering the tree unstable.*
31. The tree interferes with satellite signal reception.
32. *The Council's Green Infrastructure Strategy adopted on 30.04.2014 recognises that in many cases it is possible to resolve issues of poor reception involving trees by finding an engineering solution, which may include the use of boosters or relocating the satellite dish. To the Council's knowledge these avenues have not been explored.*
33. The tree owner has concerns that the tree is undermining the property foundations.
34. *At the present time this is purely speculative. If, however, evidence of this is supplied to the Council, then this matter will be given serious attention. The components of the interacting system of trees/soils/buildings/water availability are each so variable that their interaction is totally unpredictable. Instead, one must realise that in the vast majority of cases trees and the built environment exist in harmony whilst accepting that trees will, very occasionally, cause damage. If this occurs, provided that prompt action is taken to investigate and deal with the offending tree(s), the property will restabilise with a need for only minor cosmetic repairs. This approach is preferable on both environmental and economic grounds.*
35. The branches overhang and pruning is not adequate or appropriate.
36. *In attempting to secure the retention of the tree through agreement, the Council suggested that management, rather than felling, could be*

considered. However, no attempt has been made to consider management. The Council does not agree with the assertion that pruning of the tree is inappropriate. Indeed, the regulation 5 notice (the notice stating the grounds for the serving of the TPO) includes wording to the effect that it is acknowledged that periodic pruning of the tree may be needed in the future and works would be permitted (subject to an application for consent) that are considered to be necessary and in accordance with good arboricultural practice.

37. The debris produced by the tree and which blocks the drains.

38. *The Council's Green Infrastructure Strategy recognises that trees are living growing organisms which follow a yearly cycle, of which the production of leaves, fruits and seeds are a natural consequence. Whilst the Council accepts that this consequence does have implications for garden and other maintenance, to fell the tree for this reason would, in the Council's view, be a disproportionate response to the problem faced.*

39. The tree canopy obstructs the street lighting column.

40. *This can be addressed by pruning (subject to an application for consent).*

41. The tree is causing patches of dead grass at no.4 Lichfield Road.

42. *Whilst it is accepted that trees may cause patches where grass may struggle to grow and that this may be considered to be unsightly to the applicant, it is the tree that confers amenity to the wider locality (in terms of greenery and the numerous 'eco-system' benefits) rather than the grass at no.4 Lichfield Road. As such, the Council considers that would be disproportionate to remove the tree to regenerate a small area of grass.*

43. The tree is a danger which precludes reasonable use of the property.

44. *For the reasons in sections 28-42, above, the Council does not agree with this statement.*

BACKGROUND PAPERS

Site plan with tree plotted (Appendix 1)

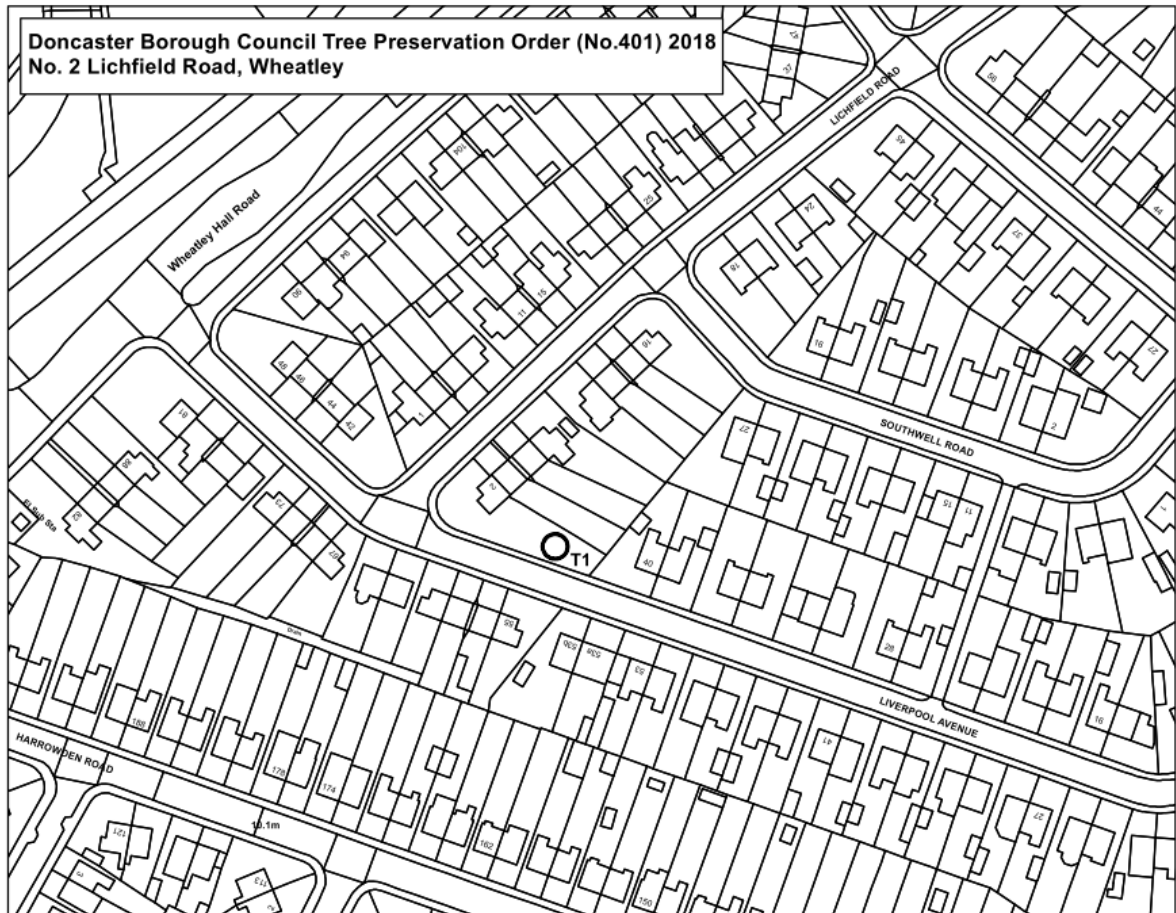
Doncaster Borough Council Tree Preservation Order (No.401) 2018
No. 2 Lichfield Road, Wheatley

The Doncaster Green Infrastructure Strategy 2014 - 2028: Creating a Greener, Healthier and more Attractive Borough
<http://www.doncaster.gov.uk/services/planning/green-infrastructure-strategy>

REPORT AUTHOR & CONTRIBUTORS

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Peter Dale
Director of Regeneration and Environment





Date: 29 May, 2018

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 [Officer Initials HL Date 15/05/18]

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 [Officer Initials BC Date 15/05/18]

10. There are no direct financial implications as a result of the recommendation of this report, however Financial Management should be consulted should financial implications arise as a result of an individual appeal.

HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 15/05/18]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 15/05/18]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 15/05/18]

13. It is considered that there are no direct health implications although health should be considered on all decisions.

EQUALITY IMPLICATIONS [Officer Initials JML Date 15/05/18]

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

CONSULTATION

15. N/A

BACKGROUND PAPERS

16. N/A

CONCLUSIONS

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

Application No.	Application Description & Location	Appeal Decision	Ward
17/01520/FUL	Erection of first floor extension to a detached dwelling house. at 12 Fairford Close, Cantley, Doncaster, DN4 6PW	Appeal Dismissed 24/04/2018	Finningley
17/01420/FUL	Erection of 2 semi detached houses with vehicular access at Land Rear Of 23, Oak Crescent, Thorne, Doncaster	Appeal Dismissed 04/05/2018	Thorne And Moorends
17/02903/ADV	Display of 1x Freestanding 48 sheet internally illuminated advertising hoarding measuring 6069mm x 3048mm at Grove Inn , York Road, Bentley, Doncaster	Appeal Dismissed 02/05/2018	Bentley
17/02436/FUL	Erection of two detached dormer bungalows on approximately 0.09ha of land; following the demolition of the existing buildings. at Unit 3, Harlington Road,	Appeal Allowed 10/05/2018	Sprotbrough

	Adwick Upon Dearne, Mexborough		
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REPORT AUTHOR & CONTRIBUTORS

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PETER DALE
Director of Regeneration and Environment

Appeal Decision

Site visit made on 10 April 2018

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 24th April 2018

Appeal Ref: APP/F4410/D/17/3190296

12 Fairford Close, Cantley, Doncaster, DN4 6PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Linda Maguire against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 17/01520/FUL, dated 13 June 2017, was refused by notice dated 5 September 2017.
 - The development proposed is first floor extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of No 238 Goodison Boulevard with regard to loss of outlook and overshadowing.

Reasons

3. The appeal property is a detached house set within a modern estate. It is part 1 storey and part 2 storeys in height, and its north eastern elevation runs along the boundary with No 238 Goodison Boulevard.
4. At present, the southernmost part of the dwelling is single storey in height and has a pitched roof that slopes away from the boundary. This design limits its impact on the rear of No 238, which has a relatively compact rear garden. The proposed extension would raise the height of this part of the dwelling to 2 storeys. This would create a tall expanse of brickwork in close proximity to the boundary that would effectively enclose the garden to No 238 along one side. It would dominate views from the rear of that property and would have a harmful overbearing effect to users of the garden area. Whilst the current occupier of No 238 has not objected to the proposal, I must take into account the lifetime of the extension and its effect on both current and future occupiers.
5. A series of overshadowing projections have been submitted by the appellant. However, these do not provide details of the extension's effect between 14:00 (when some overshadowing would occur) and 19:00 (when the garden would be entirely overshadowed). It is therefore unclear at what time more than 50% of the garden would be overshadowed. In any case, even if I were to find

that the development would not have a significant effect with regard to overshadowing, that would not alter my concerns in relation to loss of outlook.

6. For the above reasons, I conclude that the development would significantly harm the living conditions of the occupiers of No 238 Goodison Boulevard with regard to loss of outlook. It would therefore be contrary to saved Policy ENV 54 of the Doncaster Unitary Development Plan (1998), and guidance contained in the Development Guidance and Requirements Supplementary Planning Document (2015). This policy and guidance seek to ensure, amongst other things, that new house extensions respect the living conditions of neighbours. The development would also be at odds with the National Planning Policy Framework, which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

7. The appeal site is in a relatively accessible location. However, the proposal is for an extension to an existing property that would not increase the number of bedrooms. Its accessibility therefore does not carry significant weight.
8. The extension would be appropriately designed and would be subservient to the host property. However, that is an ordinary requirement for new house extensions and it does not represent a positive benefit.

Conclusion

9. For the reasons given above, I conclude that the development would significantly harm the living conditions of the occupiers of No 238 Goodison Boulevard with regard to loss of outlook. Whilst the extension would provide additional living space for the occupiers of the host property, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

Appeal Decision

Site visit made on 17 April 2018

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2018

Appeal Ref: APP/F4410/W/18/3193478

**23 (Land to the rear of) Oak Crescent, Thorne, Doncaster, S. Yorks
DN8 4HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Laurance Cunningham against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 17/01420/FUL, dated 22 May 2017, was refused by notice dated 10 November 2017.
 - The development proposed is pair of semi-detached houses.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council refers to an inaccuracy with regard to the scale of the block plan on submitted drawing JBA.3553.102 . I note this, but also that the proposed site layout is accurately shown elsewhere on the submitted plans, and I consider the proposal on the basis of those correct details. I note that the address on the same drawing also refers to a different site, however it is clear from my visit that the details on the drawing refer to the site of the appeal before me.

Main Issues

3. The main issues are the effect of the proposed development on: (i) the character and appearance of the appeal site and its surroundings, with particular regard to the siting, height and design of the proposed dwellings; and (ii) the free and safe movement of vehicles and pedestrians within the site and its vicinity.

Reasons

Character and appearance

4. The site is a small, vacant area of land to the rear of houses on Oak Crescent and Oak Road. Oak Crescent forms a loop around an area of open space, with houses on all sides looking onto this central area. The houses on Oak Crescent are two-storey terraced and semi-detached properties of a relatively uniform flat-roofed design, finished in buff brick with tile hanging to their front elevations. All have individual vehicular access points directly from Oak

Crescent, with drives and garages to the front. Houses around the corner on the section of Oak Road adjacent to the site are of the same design as those on Oak Crescent. However, the wider area has a more varied character, and houses on Corona Drive, to the rear of Oak Crescent and beyond the appeal site, are finished in red brick and render, with hipped or gable-ended roofs.

5. The Doncaster Council Residential Backland and Infill Development: Supplementary Planning Document (the Backland and Infill SPD) advises that, by its nature, backland development such as the current proposal should be largely out of view and not dominate the frontage property, but still be partly visible so that people can find it. It thus advises that backland development should be subservient (i.e. smaller in size, massing and scale) to the frontage property.
6. The proposed semi-detached houses would be two-storey with a hipped roof. As a necessary flood protection measure arising as a result of the site's location in a Flood Zone, their internal floor level would be elevated above the adjacent external ground levels to some degree. The proposed houses would therefore be significantly higher than the existing properties on Oak Crescent in close proximity, and their roofs would be clearly evident from public viewpoints around Oak Crescent and along the section of Oak Road closest to the site.
7. The roofscape of this side of Oak Crescent is characterised by its relatively low, flat-roofed houses in the foreground, with the tops of the hipped roofs of the houses on Corona Drive only just visible from some public vantage points. The proposed houses would be closer to the rear of houses on Oak Crescent than the existing properties on Corona Drive are at present. As a result of this, and their greater height compared to the existing properties on Oak Crescent, their roofs would have a significantly greater prominence in the street scene and the roofscape of Oak Crescent and Oak Road, both at close range and in more distant views.
8. The proposal would therefore result in an incongruous form of development which would dominate the existing frontage development along Oak Crescent and Oak Road to an unacceptable degree, and which would appear as an unduly prominent and discordant feature in this otherwise relatively regular and uninterrupted roofscape. I therefore consider that the proposed development would be of significant detriment to the character and appearance of the site and its wider surroundings as a result of its height and siting.
9. Whilst the proposed houses would differ from properties on Oak Crescent in their architectural detailing, roof design and materials, these characteristics of their design would nonetheless be reflective of housing within the site's wider context and I consider their design to be acceptable in this respect. However, for the reasons above I consider that, due to their height and siting, the proposed houses would appear unduly prominent and fail to integrate effectively with the distinctiveness of their immediate surroundings.
10. I note that permission has recently been granted for residential development on an area of open space on Corona Drive, part of which adjoins the site. I have been referred to comparisons between the appeal proposal and this recently-approved development. However, whilst I have been provided with a limited amount of information regarding this neighbouring scheme, I do not have full details of the proposals and the particular circumstances in which permission was granted. Furthermore, at the time of my visit, works did not

appear to have commenced on this approved development. Consequently, I can attach little weight to this permission. I have considered the appeal on its own planning merits and on the basis of the information before me, and find the proposal unacceptable for the reasons above.

11. For the reasons above, I consider that the development would be of significant detriment to the character and appearance of the appeal site and its surroundings with regard to its height and siting. The proposal would therefore conflict with Policy CS14 of the Doncaster Council Core Strategy 2011-2028, adopted May 2012 (the Core Strategy), and with the aims of the Backland and Infill SPD. Amongst other things these require that development contributes to local distinctiveness and integrates well with its immediate and surrounding area.

Highway safety

12. The proposed development would be served from the site's existing access from Oak Crescent. As confirmed by the Council and the appellant, at some points the proposed access drive would be narrower than the 3.1m minimum access width for a shared private drive referred to in the South Yorkshire Residential Design Guide Supplementary Planning Document 2011 (the SYRDG).
13. The proposed access drive would be relatively straight for much of its length, before curving around the back of 23 Oak Crescent as it enters the site. Whilst the side wall of No 23 and the boundary treatment to the rear of this property would obscure visibility to some degree, the curve in the access drive around the rear of this property would be relatively gradual, and I do not consider that these existing structures would represent a significant obstruction to visibility at this point. Furthermore, due to the open plan, unenclosed nature of the front gardens of houses on Oak Crescent to either side of the access drive, visibility is good at the site entrance. As such, I consider that visibility along the length of the drive for vehicles and pedestrians using it would be satisfactory overall.
14. As the drive would serve only 2 properties, the number of vehicle movements along it, and the likelihood of vehicles and pedestrians seeking to pass along its length would be very low. I also consider that the limited length and width of the drive would serve to restrict vehicle speeds along it to a significant degree. As a result, and due to the extent of visibility along the drive, I do not consider that the shortfall in the width of the drive at particular points would present a significant hazard to the safety of those using the drive.
15. Whilst the access drive would not be wide enough to allow the two-way passing of vehicles on it, in view of the relatively small scale of the development I consider that the presence of passing vehicles would occur relatively infrequently. Oak Crescent is a quiet side road which serves a limited number of properties, and visibility from the site along Oak Crescent is good as described above. Therefore even in the event that a vehicle had to wait on the Oak Crescent carriageway for a short period for another vehicle to leave the appeal site, from the specific evidence before me, I do not consider that this would create an undue obstruction or have significant implications for the safety of vehicles and pedestrians on Oak Crescent, or for the operation of the wider highway network.

16. I note that the dimensions of the parking spaces proposed within the site are below the minimum dimensions set out in the SYRDG. On the basis of the information before me it appears that there would be possible scope within the site to enlarge the spaces, and the appellant has suggested a condition to cover this matter. However, as I have found the development to be unacceptable for other reasons, I have not considered this matter further in this instance.
17. I note the references relating to access to the site for fire vehicles. However, the evidence before me is not clear in relation to any perceived shortcomings in this respect and as I have found the development to be unacceptable for other reasons, I do not consider this matter further.
18. For the reasons above I do not consider that the development would be of significant detriment to the free and safe movement of vehicles and pedestrians within the site and its vicinity. As such the proposal does not conflict with Policy CS14 of the Core Strategy, which amongst other things requires that development makes a positive contribution to the safety of the highway. Nor does the proposal conflict with the aims of the SYRDG as a whole, whose technical requirements are, amongst other things, designed to provide appropriate layouts which achieve high levels of vehicle and pedestrian safety.

Other matters

19. Matters relating to private access rights across the site, as referred to by a neighbouring resident, would be a civil matter between the parties involved, and do not affect my findings on the main issues in this case.

Conclusion

20. For the reasons given above, and taking into account all other matters raised, the appeal is dismissed.

Jillian Rann

INSPECTOR

Appeal Decision

Site visit made on 24 April 2018

by A Jordan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 May 2018

Appeal Ref: APP/F4410/Z/18/3194043

Grove Inn, York Road, Bentley, Doncaster, DN5 8HL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Space Outdoor Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 17/02903/ADV, dated 23 November 2017, was refused by notice dated 15 January 2018.
 - The advertisement proposed is 1 x Freestanding 48 Sheet internally illuminated advertising hoarding measuring 6069mm x 3048mm.
-

Decision

1. The appeal is dismissed.

Main Issues

- The main issues for the appeal are the effects of the proposal on highway safety and the effects of the proposal on visual amenity.

Reasons

Highway Safety

2. The appeal site comprises part of a car park to a public house, which sits on a main arterial road within the urban area of Doncaster. The area around the appeal site is in mixed use, with residential properties making up a large proportion of the properties closest to the appeal site. A large retail park sits on the opposite side of the main road.
3. The hoarding would be of substantial size. The Council have expressed concerns that the sign, which would face oncoming traffic in a southbound direction would cause a distraction to road users close to 2 signal controlled traffic junctions. I noted during my site visit that the road was straight and although traffic was free moving, it was subject to a 40mph speed restriction. Drivers would therefore have a reasonable distance and timeframe to observe the advertisement for some time whilst approaching and so would be unlikely to become distracted on the approach to the junctions. I have also been provided with no accident data in relation to the operation of the junctions in question, and so have no reason to consider that drivers would be required to exercise extra caution.

4. Furthermore, although I note the Council's concerns in relation to precedent, each case is determined on its own merits and it does not follow that consent in this location would lead to other similar consents in other locations. On the first matter I therefore find no conflict with policy ENV58 of the *Unitary Development Plan* (UDP) with regard to public safety.

Visual Amenity

5. The hoarding would sit alongside the main road within the pub car park. There are examples of large illuminated signs close to the site within the retail park, and in this wider context, to users of the highway passing through the area, the sign would not appear particularly out of place. However, I take into account the fact that the immediate vicinity of the appeal site has a predominantly residential character. The property to the rear of the site is a day-nursery, and the outdoor play area for the use lies immediately adjacent to the appeal site, on the other side of the boundary. The total height of the sign would measure around 5.85 metres from ground level and would occupy a large proportion of the common boundary. I observed on site that the adjoining space occupied the only secure outdoor space for the nursery and so it is reasonable to assume that it forms an important part of the use. When viewed at close quarters immediately behind the sign, due to its height and the extent to which it occupies the boundary, the structure would be likely to be perceived as an omnipresent and invasive presence which would fail to enhance the visual amenity of the area.
6. On the second matter I therefore conclude that although the hoarding would not appear incongruous when seen in its wider context, in closer views the structure would nonetheless be perceived as a visually intrusive and overly prominent feature, particularly to users of the day nursery. As such I concur with the Council, that the proposal would have a negative impact on the adjacent buildings. It follows that the proposal would conflict with policies ENV53 and ENV58 of the UDP and CS14 of the Core Strategy which together seek development, including advertisements, which does not detract from the visual amenity of the area.

Conclusion

7. The proposal would not be harmful to highway safety but would have a significantly harmful effect on visual amenity. Accordingly, for the reasons given above, I dismiss the appeal.

Anne Jordan

INSPECTOR

Appeal Decision

Site visit made on 24 April 2018

by A Jordan BA(Hons) MRTPI

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

Decision date: 9 May 2018

Appeal Ref: APP/F4410/W/18/3194280

Unit 3, Harlington Road, Adwick Upon Dearne, Mexborough, S64 0NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bryan Hargreaves of IMH Recruitment Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 17/02436/FUL, dated 28 September 2017 was refused by notice dated 27 November 2017.
 - The development proposed is two detached dormer bungalows.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dormer bungalows on approximately 0.09ha of land following the demolition of existing buildings at Unit 3, Harlington Road, Adwick Upon Dearne, Mexborough, S64 0NL in accordance with application Ref 17/02436/FUL, dated 28 September 2017 and the plans submitted with it and subject to the conditions in the attached schedule.

Procedural Matters

2. The Council altered the site address to better reflect the site location. As this appears more accurate, I have also adopted this description.
3. The application was accompanied by plan ref 2027 showing 2 access points to the site. This was amended during the course of the application to a single access point, a matter which is referred to in the Officer Report. Following refusal of the scheme the appellant clarified the scale on the submitted plans. I have considered whether this clarification constitutes a revised scheme, and have concluded that it would not. The clarification does not alter the scheme from the one applied for, and does not therefore run contrary to the principles outlined in Wheatcroft¹.

Main Issues

4. The main issues for the appeal are:
 - Whether the proposal is inappropriate development for the purposes of the *National Planning Policy Framework* (the Framework) and Development Plan policy, and
 - The effect of the proposal on the character and appearance of the area.

¹ Bernard Wheatcroft Ltd v SSE

Reasons

Inappropriate Development in the Green Belt

5. The *Doncaster Unitary Development Plan* (UDP) was adopted in 1998. Policy ENV3 of the plan allows for limited infilling in villages subject to the development complying with the limitations of Policy ENV9, which has now been replaced with policy CS3 of the *Doncaster Council Core Strategy* (CS) which was adopted in 2012. This later policy requires that development in Green Belt will have regard to national policy. The Framework states in paragraph 89 that the construction of new buildings is inappropriate development in the Green Belt, other than a number of stated exceptions which include limited infilling in villages. The Framework does not define "limited infilling in villages". The now deleted policy ENV9 of the UDP does contain guidance as to what infill development may comprise. The supporting text defines infilling as 1 or 2 houses within a substantial built frontage, which should have a least 3 houses either side of the gap. The site would fail to meet the requirements of policy ENV9 as there is a large gap in the frontage to the west of Rowenda.
6. However, policy ENV9 has not been saved. Furthermore, the site is clearly already developed and lies within the built extent of the village. Despite having open land opposite to the south and further along the road to the west, it forms part of a continuous, relatively dense frontage which extends through the village. Therefore, although I note the proposal would not fall within the definition within the now defunct policy, I see no convincing reason why the development site, which comprises infilling of 2 houses, within an existing settlement, would not reasonably be considered to comprise limited infilling within a village.
7. Development which comprises limited infilling in villages falls within the exceptions listed in paragraph 89 of the Framework which do not require any consideration of the effect on openness. I therefore find that the proposal to be not inappropriate development in the Green Belt.

Character and Appearance

8. The proposal would comprise 2 bungalows which would roughly occupy a built area equivalent to the size of the existing industrial unit. The Council consider that the extent of development proposed on site would appear cramped, and that this would impact on the open character of the area. Having regard to the proposed layout, it appears to me that the spacing between buildings would be similar to that on the adjoining cul de sac. Although the Council refers to a building height of 9 metres, this is incorrect. Having assessed the dimensions on the submitted plans, and viewed the height of the adjoining properties, I consider that the bungalows would be of an acceptable height, at around 7.5 metres to the apex. This appears to be broadly similar to the existing dwellings in the vicinity of the site and so would not appear overly large or out of character with the prevailing mixed palette of architectural styles along Harlington Road.
9. I therefore find no conflict with policies CS3 of the CS or Policy ENV3 of the UDP which together seek to resist visually detrimental development within the Green Belt, or with guidance within the Framework, which has similar aims.

Other Matters

10. The adjoining occupier has raised concerns in relation to whether the proposed development would comprise an intensification of activity on site, which would result in an unneighbourly impact due to vehicular activity and parking. I take into account the amended highway layout shown on plan ref 254/101/Rev B, which shows that each plot could accommodate 2 parking spaces, which I consider to provide sufficient parking for the dwellings proposed. I also note that the Highways Authority are satisfied with the amended scheme, which shows a single point of access. Accordingly, I have no basis for concluding that the proposal would be harmful to either highway safety or residential amenity.

Conclusion and Conditions

11. The proposal would not conflict with policies CD3 and ENV3 of the development plan. Accordingly, having regard to all other matters raised, including highway safety and the effects of parking provision on adjoining occupiers, I allow the appeal. In addition to conditions relating to the period of implementation and the approved plans, conditions relating to appropriate materials and landscaping are reasonable to ensure a satisfactory appearance for the scheme. Taking into account the current use of the site, a condition relating to potential contamination and remediation is also reasonable and necessary. In order to ensure the site is adequately drained, and does not increase the risk of flooding elsewhere, a drainage condition is also appropriate and reasonable. A condition requiring the laying out and retention of parking is necessary in the interests of highway safety. Furthermore a restriction on the height of boundary walls is necessary to ensure access visibility is maintained.
12. Lastly, I have considered whether a condition restricting permitted development rights is necessary in the interests of maintaining openness in the Green Belt. As the site is an infill plot within a village, the effect on wider openness was not relevant to considering whether the proposal was inappropriate development. Furthermore, taking into account the configuration of the plots, it is unlikely that the extent of development permissible under permitted development rights would have a significant effect on openness in any case. I therefore consider such a condition to be unnecessary.

Anne Jordan

INSPECTOR

Schedule of Conditions

1. 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.
2. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications: Dwg No. 2027/OS Location Plan, Dwg No. 2027/1 Rev B Proposed Floor Plans & Elevations, Site Plan as shown on 254/101 Rev B.
3. 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.
4. Prior to the commencement of the development hereby granted full details of the proposed landscaping and natural ground treatments shall be submitted to and approved by the Local Planning Authority. These details should include plans and specifications of layout, drainage, soils, grass seed mixes, turfing, tree and/or shrub planting together with proposals for maintenance and other horticultural operations necessary to implement the development and in particular of any area to be retained for indigenous ecological conservation purposes.
5. 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.

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. 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.

6. 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.
7. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 as amended, all walls, fences, gates and enclosures forward of the principal elevation of the house towards the highway shall be no higher than 900mm above ground level.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
9. 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.

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

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