

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE -

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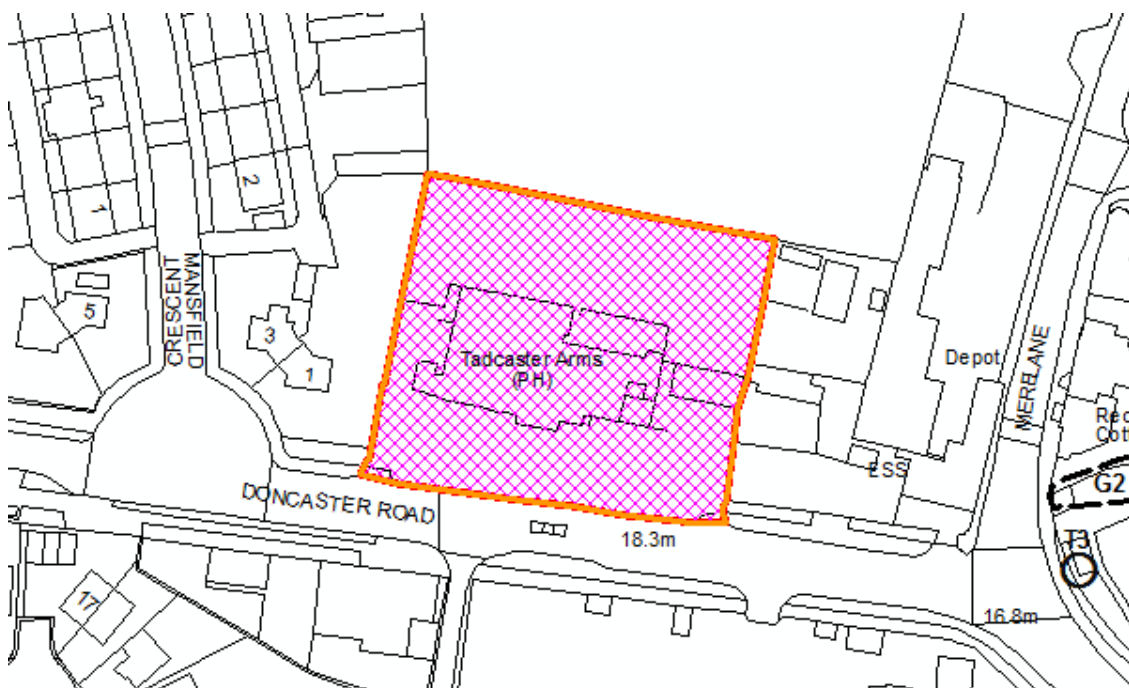
At:	Tadcaster Arms Hotel Doncaster Road Armthorpe Doncaster
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For:	Mr P Christmas And Ground Properties
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Third Party Reps:	4	Parish:	Armthorpe Parish Council
		Ward:	(Historic) Armthorpe

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

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

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

## **2.0 Proposal and Background**

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

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

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

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

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

### 3.0 Relevant Planning History

06/02681/FUL

Decision: Refused

Date Issued: 7th December 2006

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

Reason;

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

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

07/00057/FUL

Decision: Granted

Date Issued: 7th March 2007

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

#### Adjacent site to the East

14/02290/3FULM

Decision: PER

Date Issued: 10th February 2015

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

15/00574/3FUL

Decision: PER

Date Issued: 1st May 2015

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

15/02380/3FULM

Decision: PER

Date Issued: 19th November 2015

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

Land adjacent the White House:

14/02889/OUT

Decision: Granted

Date Issued: 2nd February 2015

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

11/01583/OUT

Decision: Granted

Date Issued: 17th January 2012

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

## **4.0 Representations**

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

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

Loss of amenity as a result of loss of pub

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

Insufficient car parking - may result in accidents

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

No need for more shops or apartments

May be let as one unit

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

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

May result in closure of other shops in the centre.

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

Development is an eyesore

Detrimental effect on their enjoyment of their houses and gardens

Lack of amenity space and soft landscaping

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

Loss of privacy due to height and number of windows

Loss of property value

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

Traffic congestion

Requirement for a demolition and management plan

Alignment of access with residential development granted across the road

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

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

Not gone far enough to resolve outstanding issues

Amenity space is still lacking

Balconies will increase overlooking of neighbours

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

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

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

## **5.0 Parish Council**

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

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

## **6.0 Relevant Consultations**

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

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

South Yorkshire Fire and Rescue Service - No objections.

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

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

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

Environment Agency - No objections.

Doncaster East Drainage - No objections.

Internal Drainage - No objections subject to condition.

Severn Trent Water - No objections subject to condition.

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

Pollution Control - No objection, subject to condition.

Coal Authority - Comments not required.

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

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

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

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

National Grid - No comments received.

South Yorkshire Passenger Transport Executive - No comments received.

Environmental Health - No comments received.

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

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

## **7.0 Relevant Policy and Strategic Context**

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

### Doncaster Unitary Development Plan

PH 11 - Residential Development in Residential Policy Areas

PH 12 - Non Residential Development in Residential Policy Areas

ENV 59 - Protection of Trees

SH 16 - New Retail Development

RL 4 - Local Open Space Provision

CF 2 - Loss of Community Facilities

### Doncaster Council Core Strategy

CS 2 - Growth and Regeneration Strategy

CS 7 - Retail and Town Centres

CS 12 - Housing Mix and Affordable Housing

CS 14 - Design and Sustainable Construction

## National Planning Policy Framework

Planning Policy Principle 2 - Ensuring the Vitality of Town Centres

Planning Policy Principle 4 - Promoting Sustainable Transport

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

Planning Policy Principle 7 - Requiring Good Design

## **8.0 Planning Issues and Discussion**

### The Principle of the Development

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

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

### Demolition and Loss of Community Facility

8.3 The site is not located within a Conservation Area and the buildings to be demolished are not listed. It is therefore not considered that the loss of either of these buildings will be detrimental to the character of this part of Armthorpe. The loss of the public house does however constitute a loss of a community facility and policy CF 2 of the Doncaster Unitary Development Plan states that the loss of community facilities not defined on the proposals maps will be resisted, especially where that facility lies within an area deficient of community facilities.

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

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

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

#### Implications of Development in Out of Centre Location

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

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

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

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

#### Design, Scale and Massing

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

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

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



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

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

### Residential Amenity

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

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

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

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

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

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

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

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

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

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

#### Highways and Parking

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

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

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

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

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

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

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

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

#### Drainage and Land Contamination

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

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

#### Trees and Landscaping

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

#### Ecology and Wildlife

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

#### Section 106 Requirements

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

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

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

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

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

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

#### Housing need and Employment Creation

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

#### **Summary and Conclusion**

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

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

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

## **RECOMMENDATION**

**Planning Permission GRANTED subject to the following conditions.**

- |            |  |
|------------|--|
| 01. STAT1  | The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.<br>REASON<br>Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.   |
| 02. U35727 | The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:<br>Proposed Site Plan - 012/24/04 Rev B - Amended 26.07.2013<br>Proposed Elevations Block A - 012/24/03 Rev B - Amended 26.07.2013<br>Proposed Plans Block A - 012/24/02 Rev B - Amended 26.07.2013<br>Block B Plans and Elevations - 012/23/01 Rev B - Amended 26.07.2013<br>REASON<br>To ensure that the development is carried out in accordance with the application as approved.  |
| 03. MAT1   | Before the development commences, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.<br>REASON<br>To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.   |
| 04. GR18   | No development shall take place in implementation of this permission until the applicant has submitted to and received approval thereto in writing from the local planning authority a report identifying how the predicted CO2 emissions from the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings, which result from this, will be above and beyond what is required to comply with Part L Building Regulations. Unless otherwise agreed in writing by the local planning authority, the development shall then proceed in accordance with the approved |

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

**REASON**

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

05. GR19

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

**REASON**

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

06. U35716

Notwithstanding the approved plans, full elevational details of the proposed bin stores shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON**

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

07. VQ17

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

**REASON**

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

08. U35717

No development shall commence until details of the reinstatement of the grass verge and footpath have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON**

To ensure that the works carried out are satisfactory.

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

16. U35734 Prior to the commencement of the development hereby approved, the risk of gas migration shall fully investigated.
- a) A site investigation, including relevant ground gas monitoring shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice.
- b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy, including a diagram of the installation and installation method statement shall be submitted in writing and approved by the LPA prior to any remediation commencing on site.
- c) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
- d) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the LPA. The verification report shall include quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. The site shall not be brought into use until such time as all verification data has been approved by the LPA

REASON

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

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

REASON

In the interests of residential amenity.

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

REASON

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

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

REASON

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



01. INF1

INFORMATIVE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

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

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

02. U07042

INFORMATIVE

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

03. U07043

INFORMATIVE

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

04. U07044

INFORMATIVE

ACCESS FOR FIRE APPLIANCES

Commercial Buildings

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

Flats

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

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

#### WATER SUPPLIES FOR FIREFIGHTING

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

05. U07045

#### INFORMATIVE

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

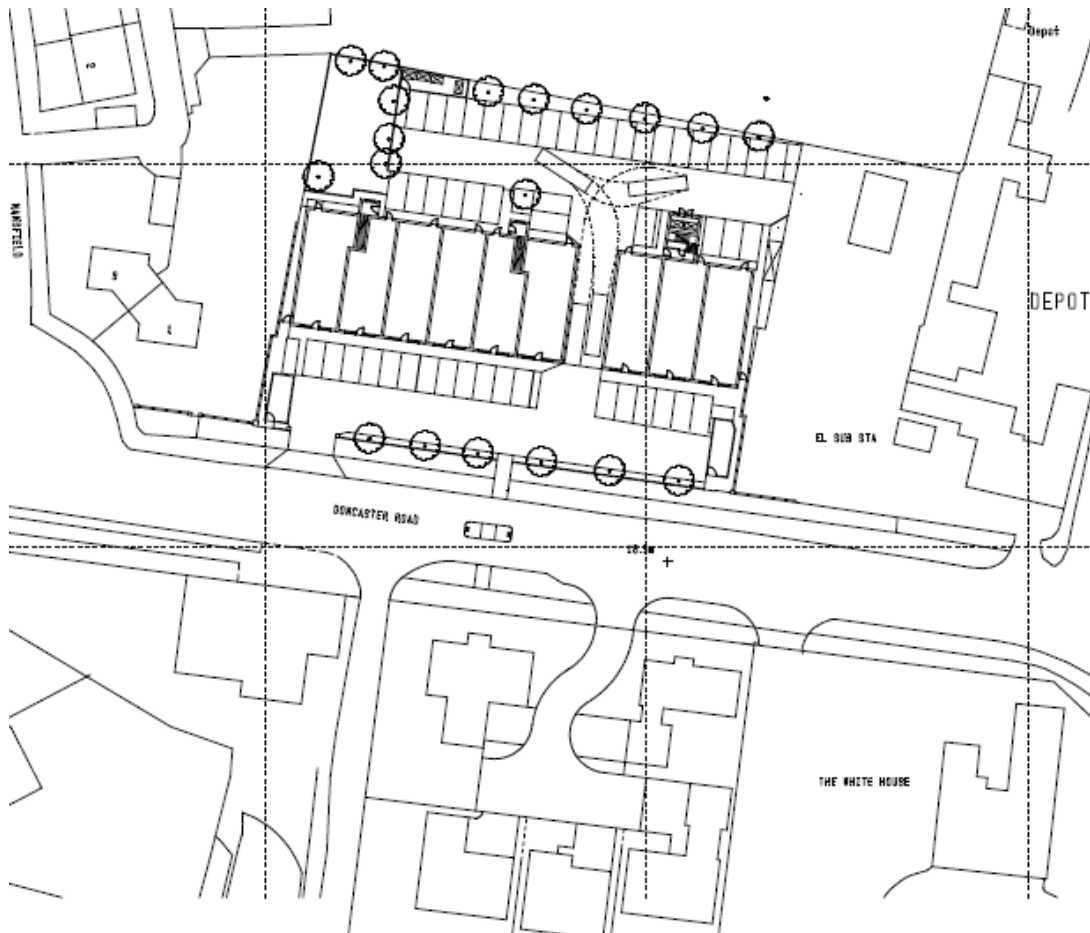
06. U07046

#### INFORMATIVE

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

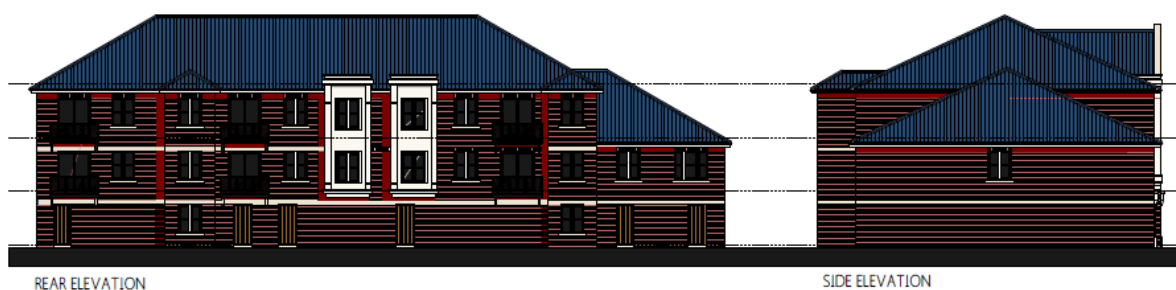
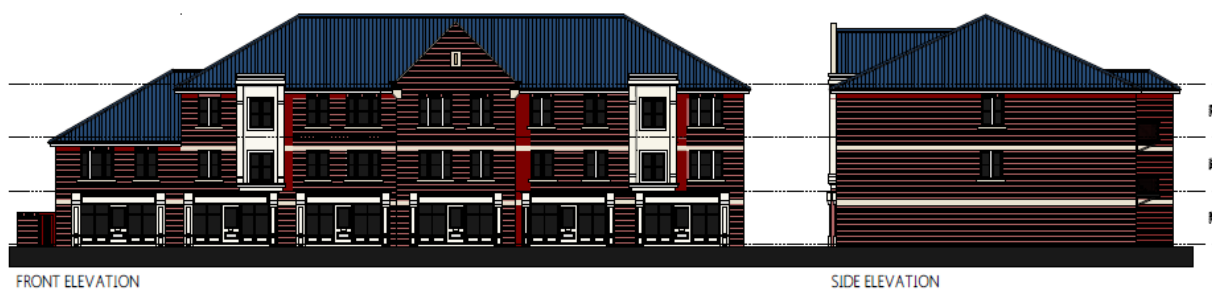
**N.B. The foregoing Statement is a summary of the main considerations leading to the decision to grant permission. More detailed information may be obtained from the Planning Officer's Report and the application case file and associated documents, which may be viewed on the Council's Website [www.doncaster.gov.uk/planningapplicationsonline](http://www.doncaster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

## APPENDIX 1 – Site Plans



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

## APPENDIX 2 – Block A Elevations and Floor Plans



## APPENDIX 3 – Block B Elevations and Floor Plans

