

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 4th April 2017**

**Application**      4

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

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

<b>Author of Report</b>	Mark Sewell
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<b>MAIN RECOMMENDATION:</b>	GRANT
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## **1.0 Reason for Report**

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

## **2.0 Proposal and Background**

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

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

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

## **3.0 Relevant Planning History**

3.1 None.

## **4.0 Representations**

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

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

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

## **5.0 Parish Council**

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

## **6.0 Relevant Consultations**

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

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

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

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

Environment Agency - not received.

DMBC Pollution Control - not received.

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

### **7.1 Saved Doncaster Unitary Development Plan (UDP)**

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

PH11: Residential Policy Area

ENV25: Conservation Areas

ENV34: Affecting the setting of a Listed Building

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

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

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

### **7.2 Doncaster Council Core Strategy**

CS14 - Design and Sustainable Development

CS15 - Valuing our Historic Environment

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

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

### **7.3 National Planning Policy Statement (NPPF)**

Section 7 - Requiring good design

Section 12 - Conserving and enhancing the historic environment

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

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

## **8.0 Planning Issues and Discussion**

The main issues are:

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

### The principle of development

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

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

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

### The impact upon the surrounding Conservation Area

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

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

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

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

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

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

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

#### Highways and parking

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

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

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

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

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

### Residential Amenity

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

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

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

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

### Other Issues

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

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

### **Summary and Conclusion**

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

### **RECOMMENDATION**

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

##### 01. STAT1

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

##### REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. MAT1A Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

##### REASON

To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.

03. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

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

REASON

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

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

REASON

In the interests of highway safety

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

REASON

In the interests of highway safety

07. DA01 The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

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

REASON

To ensure an adequate maintenance access to the play park

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

REASON

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

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



## REASON

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

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

## REASON

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

## 01. U11159 INFORMATIVE

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

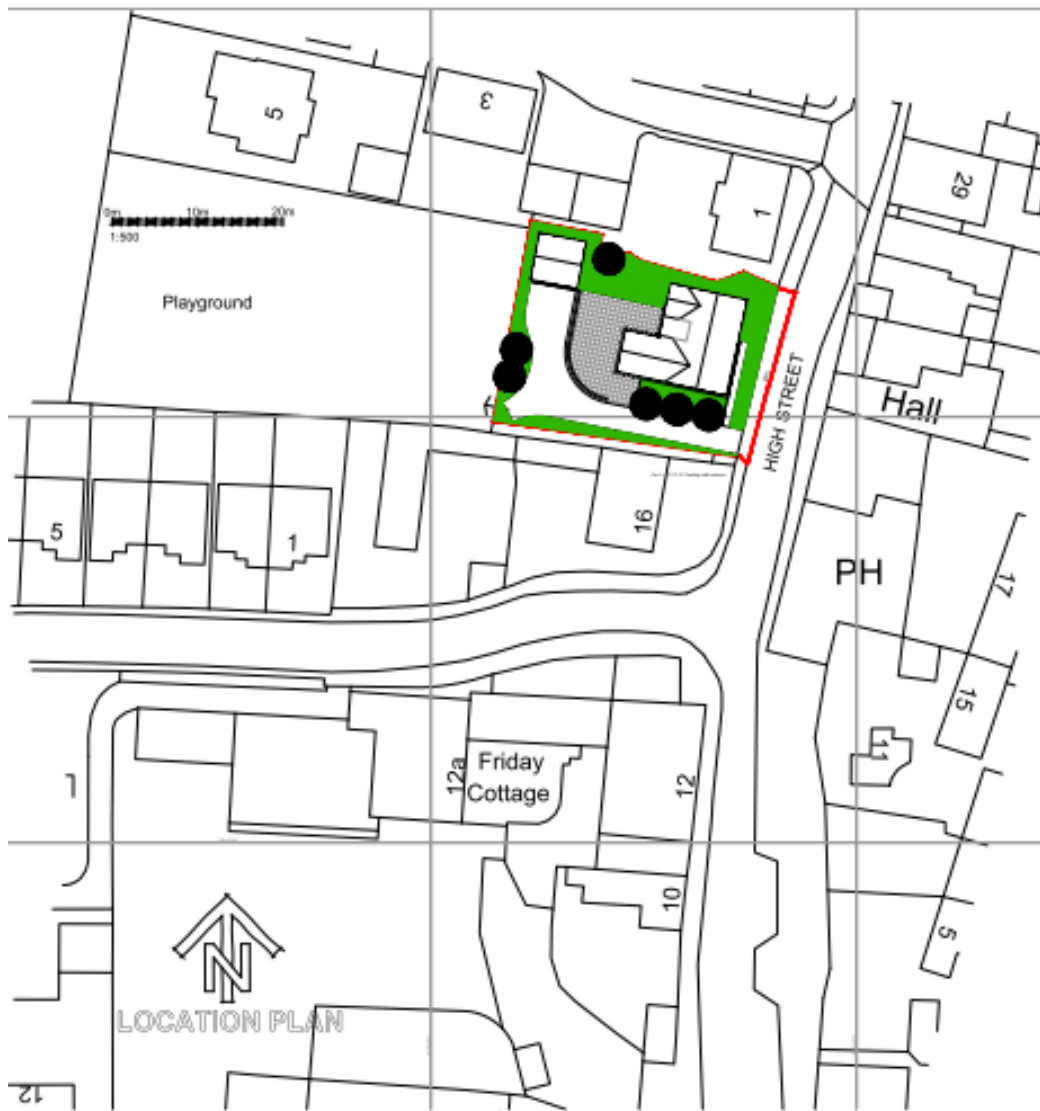
## **Reasons(s) for Granting Planning Permission:**

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

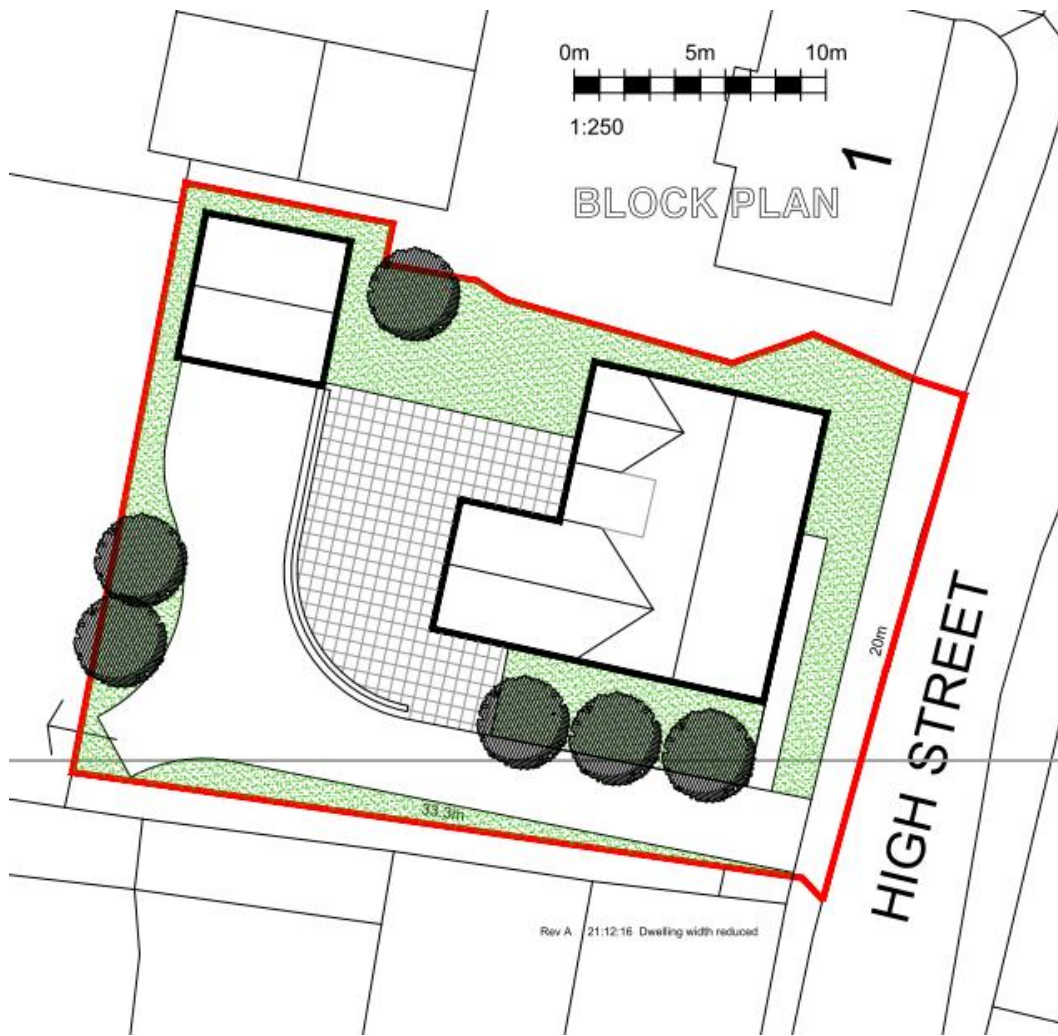
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

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

APPENDICES



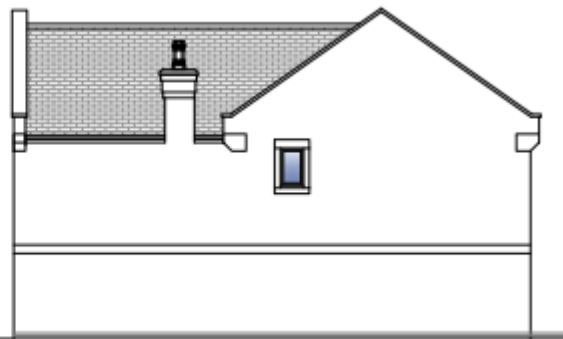
Location Plan



Site Layout Plan



Front Elevation



Side Elevation

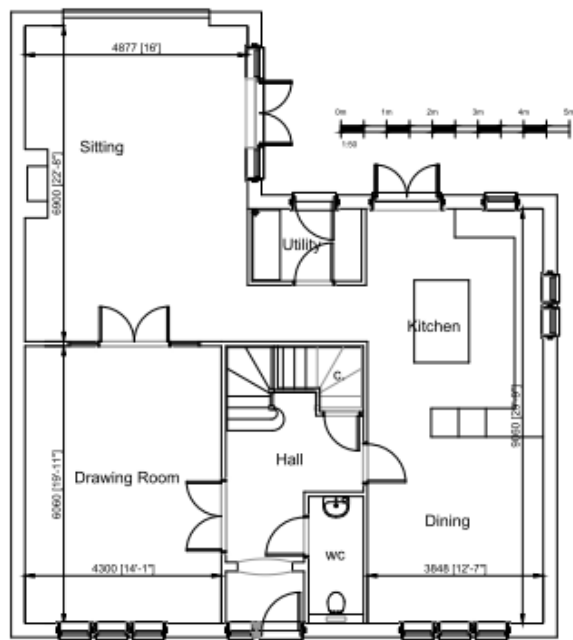


Rear Elevation



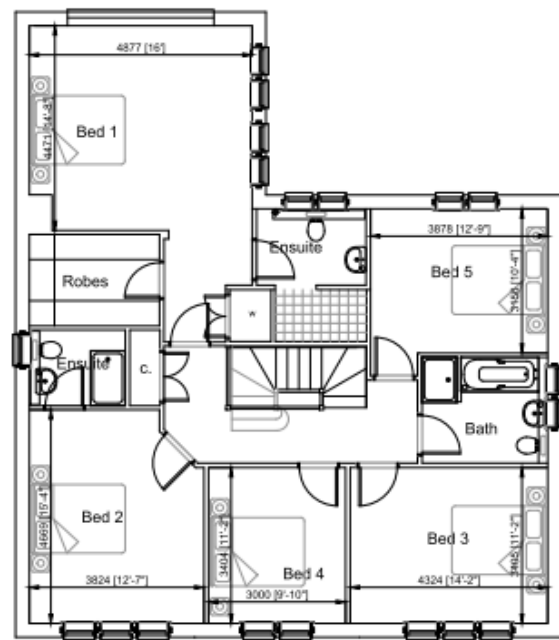
Side Elevation

Proposed Elevations



Ground Floor Plan

Area = 122.32m<sup>2</sup>



First Floor Plan

Area = 122.32m<sup>2</sup>

Proposed floor plans