

# Public Document Pack

To all Members of the

## PLANNING COMMITTEE

### AGENDA

Notice is given that a Meeting of the above Committee is to be held as follows:

**VENUE** Council Chamber - Civic Office Waterdale, Doncaster  
**DATE:** Tuesday, 15th November, 2016  
**TIME:** 2.00 pm

#### BROADCASTING NOTICE

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#### Items for Discussion:

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

**Jo Miller**  
**Chief Executive**

Issued on: Monday, 7 November 2016

Democratic Services Officer  
for this meeting:

David Taylor  
Tel: 01302 736712

4.	Minutes of the Planning Committee Meeting held on 18 October, 2016.	1 - 14
<b>A.</b>	<b>A. Reports where the Public and Press may not be excluded.</b>	
	<b><u>For Decision</u></b>	
5.	Schedule of Applications	15 - 152
	<b><u>For Information</u></b>	
6.	Appeals Decisions	153 - 170
<b>B.</b>	<b>B. Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.</b>	
7.	Enforcement Cases Received and Closed for the Period 4th October 2016 to 2nd November 2016 (Exclusion Paragraph 6).	171 - 186

### **Members of the Planning Committee**

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

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

# Agenda Item 4.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

TUESDAY, 18TH OCTOBER, 2016

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE on TUESDAY, 18TH OCTOBER, 2016, at 2.00 pm.

#### PRESENT:

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

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

#### 40 DECLARATIONS OF INTEREST, IF ANY

All Elected Members of the Planning Committee present in the Chamber for this meeting, declared that they had been lobbied by local residents with regard to Application No. 15/01278/OUTM, Agenda Item 5(1), but had not given their opinion thereon.

#### 41 MINUTES OF THE PLANNING COMMITTEE HELD ON 20TH SEPTEMBER, 2016

RESOLVED that the minutes of the meeting held on 20th September, 2016, be approved as a correct record and signed by the Chair.

#### 42 SCHEDULE OF APPLICATIONS

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

#### 43 TOWN AND COUNTRY PLANNING ACT 1990, SECTION 106 AGREEMENTS

RESOLVED that prior to the issue of planning permission in respect of the following planning applications, which is attached 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:-

<b>Application No</b>	<b>Description and Location</b>
16/01460/FULM	Erection of food store (Use Class A1) on approx. 0.71ha of land with car parking, landscaping and associated works on land on the West Side of Doncaster Road, Kirk Sandall, Doncaster.

15/01796/FULM	1. Change of use from offices (B1) to form 16 one-bed apartments and 2 two-bed apartments (C3) including addition of first floor extension above existing offices and 2. Change of use of former library (D1) to form 7 one-bed apartments at the former Library, McConnell Crescent, New Rossington, Doncaster.
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44 DURATION OF MEETING

RESOLVED that in accordance with Council Procedure Rule 33.1, the Committee, having sat continuously for 3 hours, continue to consider the remaining items of business on the agenda.

45 ADJOURNMENT OF MEETING

RESOLVED that in accordance with Council Procedure Rule 17(l), the meeting stand adjourned at 5.00 p.m.

46 RECONVENING OF MEETING

The meeting reconvened at 5.05 p.m.

47 APPEAL DECISIONS

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

<b>Application No.</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>
15/02376/FUL	Variation of planning condition 6 (opening hours) of planning application 13/02321/FUL (Change of use of retail (A1 use) to coffee shop (A3 use) and Wine Bar (A4 use) including alterations to shop front - granted 10th January 2014) at 8 Main Street, Sprotbrough, Doncaster, DN5 7RF.	Appeal Allowed 27/09/2016
15/01251/FUL	Erection of 5 detached houses with garages on approx. 0.39 ha of land on land at Field Cottage, Main Street, Hatfield Woodhouse, Doncaster.	Appeal Dismissed 28/09/2016

48 EXCLUSION OF THE 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 Paragraph 6 of Schedule 12A to the Act, is likely to be disclosed.

49 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 6th SEPTEMBER, 2016 to 3rd OCTOBER, 2016 (EXCLUSION PARAGRAPH 6).

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during the period 6th September to 3rd October, 2016.

RESOLVED that all Planning Enforcement Cases received and closed for the period 6th September to 3rd October, 2016, be noted.

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

<b>PLANNING COMMITTEE – 18th October, 2016</b>
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<b>Application</b>	1
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<b>Application Number:</b>	15/01278/OUTM	<b>Application Expiry Date:</b>	19th August 2015
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<b>Application Type:</b>	Outline Planning Major
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<b>Proposal Description:</b>	Outline application for residential development with open space, landscaping and associated access (Approval being sought for access)
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<b>At:</b>	Land to the East Mere Lane, Edenthorpe, Doncaster
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<b>For:</b>	Hallam Land Management - FAO Mr J Collins
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<b>Third Party Reps:</b>	273	<b>Parish:</b>	Edenthorpe Parish Council
		<b>Ward:</b>	Edenthorpe & Kirk Sandall

**A proposal was made to defer consideration of the application for a Site Visit to assess the site, including the proximity to the shops and other facilities.**

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Andy Pickering**

**For: 10 Against: 0 Abstain: 0**

**Decision: Defer for a Site Visit to assess the site, including the proximity to the shops and other facilities.**

**In accordance with Planning Guidance, ‘Having Your Say at Planning Committee’, Mr. Paul Bissett 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’, Councillor Andrea Robinson (Local Ward Member), spoke in opposition to the application for the duration of up to 5 minutes.**

(The receipt of an amendment to Section 6.0 of the report, 9 further representations objecting to the application, the addition of further information relating to the assessment of an independent consultant regarding the developers Viability Appraisal and the addition of Condition 37, were reported at the meeting).

<b>Application</b>	<b>2</b>
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<b>Application Number:</b>	16/01460/FULM	<b>Application Expiry Date:</b>	5th September 2016
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of food store (Use Class A1) on approx. 0.71ha of land with car parking, landscaping and associated works
<b>At:</b>	Land on the West side of Doncaster Road, Kirk Sandall, Doncaster

<b>For:</b>	Aldi Stores Ltd & Fenwick Estates Limited
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<b>Third Party Reps:</b>	12 objections 116 letters of support	<b>Parish:</b>	Barnby Dun/Kirk Sandall Parish Council
		<b>Ward:</b>	Edenthorpe & Kirk Sandall

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

Proposed by: **Councillor Eva Hughes**

Seconded by: **Councillor Dave Shaw**

**For: 10 Against: 0 Abstain: 0**

**Decision: Planning permission granted subject to:-**

**(1) the amendment of Condition 27 to read as follows:-**

**27. No deliveries or despatches shall be made to or from the site and no delivery or despatch vehicles shall enter or leave the site (whether laden or un-laden), before the hours of 0700 or after 2300 Monday to Saturday, or before 0900 or after 1800 on Sundays and Public Holidays.**

## **REASON**

**To protect the residential amenity of nearby residents.**

- (2) a Section 106 Agreement under the Town and Country Planning Act 1990, requiring the following:-**
  - (A) Commuted sum for £5,000 as biodiversity offsetting compensation to be spent on an appropriate project to be identified by the Head of Planning;**
  - (B) £22,623.90 for the provision and maintenance of a pedestrian crossing;**
  - (C) £10,000 for the upgrade of signalised junction at Doncaster Road/Sandall Lane and Brecks Lane to MOVA/UTC; and**
  - (D) £30,000 for the provision of CCTV cameras at the signalised junction at Doncaster Road/Sandall Lane and Brecks Lane and £18,678 for ongoing maintenance.**
- (3) Officers liaising with the Applicant to reduce the visibility of the service area to houses across the development on Doncaster Road by means of an improved landscaping scheme and that the Head of Planning be authorised to approve such a scheme after consultation with Chair and Vice-Chair of the Planning Committee and those local residents across the development, and to issue the decision notice thereafter.**

**In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr. Richard Wilson 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', Councillor Andrea Robinson (Local Ward Member), spoke in support of the application for the duration of up to 5 minutes.**

**In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr. Ben Ellis on behalf of Fenwick Estates (Applicant) and Mr Mark Taylor on behalf of Aldi (Applicant), spoke in support of the application for the duration of up to 5 minutes.**

**(The receipt of an amendment to the main recommendation on page 57 and paragraph 9.1 of the agenda papers, an additional letter of objection from Tesco's, Edenthorpe and the amendment to Condition 27, were reported at the meeting).**



<b>Application</b>	<b>3</b>
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<b>Application Number:</b>	16/01864/3FULM	<b>Application Expiry Date:</b>	20th October 2016
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<b>Application Type:</b>	Planning FULL (DMBC Reg 3) Major
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<b>Proposal Description:</b>	Erection of 80 houses following demolition of existing 50 houses (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)
<b>At:</b>	4-29 Bristol Grove, 4-18 (evens) Exeter Road, 6-12 (evens) Parkway South, 4-18 & 24-30 (evens) Winchester Avenue Wheatley, Doncaster, DN2 4JG

<b>For:</b>	DMBC Technical Services - FAO Mr Matthew Clarkson
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<b>Third Party Reps:</b>	2 Objections	<b>Parish:</b>	
		<b>Ward:</b>	Wheatley Hills & Intake

**A proposal was made to defer consideration of the application for a Site Visit to assess the impact that the removal of the trees would have on the development and for Officers to request that the Applicant consider alternative layouts to reduce the number of trees lost on the site including, options being considered to plant trees elsewhere on the site and that those options be made available to Elected Members for the Site Visit meeting.**

Proposed by: **Councillor Eva Hughes**

Seconded by: **Councillor Sue McGuinness**

**For: 7 Against: 0 Abstain: 0**

**Decision: The application be deferred for a Site Visit to assess the impact that the removal of the trees would have on the development and for Officers to request that the Applicant consider alternative layouts to reduce the number of trees lost on the site including, options being considered to plant trees elsewhere on the site and that those options be made available to Elected Members for the Site Visit meeting.**

**(The receipt of an amended site plan and an additional informative note requested the Councils Highways Officer, were reported at the meeting).**

<b>Application</b>	<b>4</b>
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<b>Application Number:</b>	14/01733/FULM	<b>Application Expiry Date:</b>	31st October 2016
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of 12 apartments on approx. 0.14ha of land, following demolition of existing public house and associated outbuilding (being resubmission of application 13/02242/FULM, withdrawn on 03/01/2014)
<b>At:</b>	Station Hotel, 93 Station Road, Bawtry, Doncaster

<b>For:</b>	Zuka Ltd
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<b>Third Party Reps:</b>	110 objections and 1 petition with 152 signatures.	<b>Parish:</b>	Bawtry Town Council
		<b>Ward:</b>	Torne Valley

**A proposal was made to grant the application.**

Proposed by: **Councillor Eva Hughes**

Seconded by: **Councillor Sue McGuinness**

**For: 8 Against: 0 Abstain: 0**

**Decision: Planning permission granted.**

<b>Application</b>	<b>5</b>
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<b>Application Number:</b>	15/01796/FULM	<b>Application Expiry Date:</b>	13th November 2015
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<b>Application Type:</b>	Major application
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<b>Proposal Description:</b>	1. Change of use from offices (B1) to form 16 one-bed apartments and 2 two-bed apartments (C3) including addition of first floor extension above existing offices 2. Change of use of former library (D1) to form 7 one-bed apartments
<b>At:</b>	Former Library, McConnel Crescent, New Rossington, Doncaster

<b>For:</b>	Gr33n Homes Ltd - Mr Derrick Wilkinson
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<b>Third Party Reps:</b>	3 objections	<b>Parish:</b>	Rossington
		<b>Ward:</b>	Rossington & Bawtry

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

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Eva Hughes**

**For: 8 Against: 0 Abstain: 0**

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

- (A) Commuted sum of £37,000 to contribute towards the maintenance of existing housing stock within the Borough.**

<b>Application</b>	<b>6</b>
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<b>Application Number:</b>	16/01974/OUT	<b>Application Expiry Date:</b>	27th September 2016
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<b>Application Type:</b>	Outline Application (with some matters reserved)
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<b>Proposal Description:</b>	Outline application for the erection of one dwelling including details of access and landscaping
<b>At:</b>	Land Adjacent Acre Paddock, Brockholes Lane, Branton, Doncaster

<b>For:</b>	Mrs J M Gibbins
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<b>Third Party Reps:</b>	3 Representations, 2 in support, 1 objection	<b>Parish:</b>	Cantley with Branton Parish Council
		<b>Ward:</b>	Finningley

**A proposal was made to refuse the application.**

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Sue McGuinness**

**For: 4 Against: 0 Abstain: 3**

**Decision: Planning permission refused for the following reason:-**

- 01. The proposal is contrary to Saved Policies ENV2 and ENV4 of the Doncaster Unitary Development Plan, and Policy CS3 of the Doncaster Council Core Strategy, in that it represents inappropriate development within the countryside which would neither protect or enhance the countryside or preserve its openness. Furthermore, the proposal does not constitute quality infill within the defined settlement limits and as such, is contrary to Policy CS2 of the Doncaster Council Core Strategy.**

**In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor Steve Cox (Local Ward Member), spoke in support of the application for the duration of up to 5 minutes.**

**(The receipt of an amended site plan was reported at the meeting).**

<b>Application</b>	<b>7</b>
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<b>Application Number:</b>	16/02002/FUL	<b>Application Expiry Date:</b>	11th October 2016
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Proposed dwelling to the rear of 38 Park Lane and replacement of 36 Park Lane with a proposed dwelling
<b>At:</b>	38 Park Lane, Blaxton, Doncaster

<b>For:</b>	Mr Mike Flanagan
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<b>Third Party Reps:</b>	6 objections	<b>Parish:</b>	Blaxton Parish Council
		<b>Ward:</b>	Finningley

**A proposal was made to grant the application.**

Proposed by: **Councillor Eva Hughes**

Seconded by: **Councillor Alan Smith**

**For: 8 Against: 0 Abstain: 0**

**Decision: Planning permission granted.**

**In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr. John Scutt 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', Mr. Mike Flanagan (Applicant) spoke in support of the application, for the duration of up to 5 minutes.**

**(The receipt of an amended plan was reported at the meeting).**

<b>Application</b>	<b>8</b>
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<b>Application Number:</b>	16/01767/FUL	<b>Application Expiry Date:</b>	5th September 2016
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<b>Application Type:</b>	Minor retail
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<b>Proposal Description:</b>	Erection of 6 units (A1, A2, A3, A5 and D1 use) with associated car parking and service yard
<b>At:</b>	Centrix Business Park, Sandall Stones Road, Kirk Sandall

<b>For:</b>	Lazarus Properties
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<b>Third Party Reps:</b>	3 objections	<b>Parish:</b>	Barnby Dun/Kirk Sandall
		<b>Ward:</b>	Edenthorpe & Kirk Sandall

**A proposal was made to grant the application.**

Proposed by: **Councillor Sue McGuinness**

Seconded by: **Councillor Eva Hughes**

**For: 6 Against: 0 Abstain: 0**

**Decision: Planning permission granted.**

## DONCASTER METROPOLITAN BOROUGH COUNCIL

15th November 2016

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'

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Application	Application No	Ward	Parish
1. M SV	15/01278/OUTM	Edenthorpe And Kirk Sandall	Edenthorpe Parish Council
2. M SV	16/01864/3FULM	Wheatley Hills And Intake	
3. M	16/01386/FULM	(Historic) Edlington And Warmsworth	Edlington Town Council
4. M	16/01920/FULM	Rossington And Bawtry	Bawtry Town Council
5.	16/01730/FUL	Bessacarr	
6.	15/01308/FUL	Town	



**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 15<sup>th</sup> November 2016**

<b>Application</b>	<b>01</b>
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<b>Application Number:</b>	15/01278/OUTM	<b>Application Expiry Date:</b>	18.11.2016
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<b>Application Type:</b>	Outline Planning Major
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<b>Proposal Description:</b>	Outline application for residential development with open space, landscaping and associated access (Approval being sought for access)
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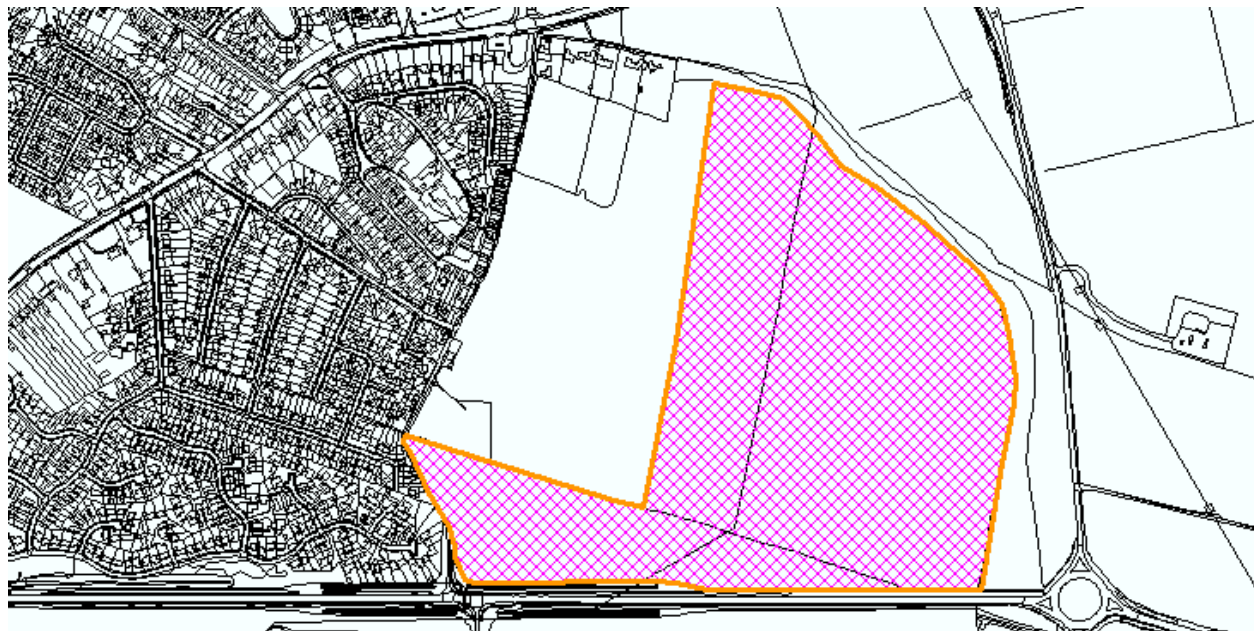
<b>At:</b>	Land To The East Mere Lane Edenthorpe Doncaster
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<b>For:</b>	Hallam Land Management - FAO Mr J Collins
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<b>Third Party Reps:</b>	293	<b>Parish:</b>	Edenthorpe Parish Council
		<b>Ward:</b>	Edenthorpe And Kirk Sandall

<b>Author of Report</b>	Nicola Elliott
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<b>MAIN RECOMMENDATION:</b>	Grant – subject to legal agreement
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## **1.0 Reason for Report**

1.1 This application is being presented to Planning Committee, following the deferral of the application from the Planning Committee of the 18<sup>th</sup> of October 2016 for a site visit. The site visit was conducted on the 11<sup>th</sup> of November 2016 to enable Members of the Planning Committee to familiarise themselves with the site and consider the proximity of the site to shops and other facilities.

1.2 This proposal represents a Departure from the Development Plan and is subject to a viability appraisal. The viability appraisal has been assessed by an independent consultant and the scheme has been found to be unable to provide the full 26% affordable housing requirement.

1.3 Amendments have been made to the original report in sections 4.0, 6.0, paragraphs 8.71 and 8.73, and section 10.0. An additional condition has also been added relating to a Biodiversity Enhancement Master Plan.

## **2.0 Proposal and Background**

2.1 Outline planning permission is sought for the erection of a residential development with open space, landscaping and associated access. All matters are reserved except for access. It is envisaged that the development could create approximately 650 homes, providing a mix of housing types and tenures, a new access into the site from the A630 via a new roundabout, and a multifunctional green infrastructure network incorporating a range of public open space and landscaping. The indicative layout also shows land that could potentially be developed for a primary school. A buffer will be provided to the south of the site to partly screen the development and to provide separation from the settlement of Armthorpe. This area will also provide an area for play and recreation and habitats. Pedestrian and cycle links will be created to provide routes into Edenthorpe and the wider surrounding area. There is also potential on the site for SuDs Detention Basins/Balancing Ponds. Whilst the final housing mix will be determined at reserved matters stage, it is expected that a variety of dwelling sizes and style will be incorporated to offer a broad range of housing, including affordable housing. The average residential density is expected to be 39 dwellings per hectare (dph).

2.2 The application site encompasses an area of approximately 31ha of agricultural land which is located to the east of the existing settlement of Edenthorpe, which forms part of the Main Urban Area of Doncaster, and is relatively flat. The site is contained to the north and east by Long Plantation, which is a continuous belt of woodland and a Local Wildlife Site. To the south of the site is the A630 West Moor Link, with the settlement of Armthorpe being further south. The A630 is a link from the M18 motorway into Doncaster.

2.3 To the west of the site are fields and a children's play area and the urban edge of Edenthorpe. There is a Public Bridleway (Mere Lane) located to the west which connects Thorne Road to the north and the settlement of Armthorpe to the south via an underpass. There is also a public footpath which crosses the site from the west and connects to the bridleway. Overhead powers lines also cross the site.

2.4 To the north west of the site are residential properties and a school playing field. There is a supermarket, public house and shops located further to the north west.

### **3.0 Relevant Planning History**

14/02754/SCRE - Request for a screening opinion for proposed residential development - EIA not required - 12th December 2014

### **4.0 Representations**

4.1 The application was advertised as both a Major Application and a Departure from the Development Plan in both the Doncaster Star and by site notice.

4.2 293 representations have been received overall, 291 in opposition, 1 in support and 1 general representation.

4.3 Main concerns include;

- \*Loss of countryside and inappropriate development
- \*Loss of a greenfield site
- \*Impact on highway network and congestion
- \*Impact on ecology
- \*Insufficient local facilities
- \*Coalescence of settlements and urban sprawl
- \*Contrary to national and local policy and no material considerations to justify a departure
- \* Unsustainable location as it is isolated and disconnected from Edenthorpe
- \* Detached relationship with Edenthorpe and no vehicular connection
- \* Open spaces do not relate well to proposed areas for development
- \* Local schools already at capacity
- \* Flooding issues
- \* Loss of agricultural land used for food production
- \* Impact on local services such as doctors, supermarkets, dentists
- \* Air and noise pollution
- \* Site frequently used by the public
- \* No need for more houses
- \* Detrimental impact on character of area
- \* Overcrowding of small village
- \* Important feature in the locality, a 'beauty spot'
- \* New access will create traffic chaos
- \* Access should be through Plantation Wood
- \* No need for housing
- \* The site is flood plain
- \* The bridleway is well used
- \* Concerns over proposed landscaping
- \* Concerns that the objections of Highways England have not been addressed
- \* Concerns that the West Moor Link dualling would not take place, road network already heavily congested

4.4 A representation has also been received from Hungerhill School who state that the School cannot accommodate the additional student population. They state that they are heavily over-subscribed and students coming from their primary schools remain higher than their planning admission number. The only way that the school could consider a larger intake would be to have some additional funds for an extension to the dining hall and look at the refurbishment of some key rooms and the PE block.

4.5 This information has been forwarded to the Education team who state that whilst the numbers are high this is partially due to the number of out of catchment area pupils being accommodated in the school, which would be displaced over time by catchment area pupils. In September 2016, 177 of the 232 pupils offered places were from the catchment area, which equates to 76%, i.e. 24% were out of catchment area children.

4.6 This has to be considered when providing a section 106 education illustration, along with the affordability criteria and other section 106 asks from the development. If the pressure increases above that projected number for catchment area children in the future we would need to review and discuss further and review other funding sources.

## **5.0 Parish Council**

5.1 Edenthorpe Parish Council object to the proposal on the following grounds;

- \* Disruption over a considerable length of time
- \* Potential for an imbalance in the housing mix
- \* Inaccessible to wider facilities increasing reliance on car usage and place the local transport network under strain
- \* Transport Assessment is inadequate and local road infrastructure not capable of handling increase, the A630/A18 roundabout is subject to considerable pressure and delay
- \* Environmental impact, the land is a flood plain and there is evidence of flooding
- \* Ecological Assessment is inadequate and the site is of greater interest ecologically than originally thought
- \* The site also contains a bridlepath, which, of course must remain in situ by law, Edenthorpe Parish Council are however concerned, not so much about its continuing existence, as to its viability as a bridlepath.
- \* The Council are further concerned that this development, in tandem with others in the area will lead to encroaching urbanisation and in particular a narrowing of the boundaries between Edenthorpe and neighbouring Armthorpe.
- \* No economic justification for the development

## **6.0 Relevant Consultations**

Local Plans Team (Policy) - It is considered that the site is capable of forming a sustainable urban extension in terms of Core Strategy policy subject to the provision of affordable homes, any necessary education facilities, and other community infrastructure.

Local Plans Team (Flooding) - The site is located in an EA FRZ1 area based on the latest EA Flood Map for Planning. Unless there are any known local drainage/other flood risk issues identified, then there is no need for the flood risk sequential/exceptions test. As the site is over 1ha, then a site specific FRA is required by NPPF and CS4 of the adopted LDF Core Strategy (May 2012), and it is noted that one has been submitted with the application.

Local Plans Team (Open Space) - Relevant policy requirements include:

- o Core Strategy Policies CS1: section C & E, CS17: Providing Green Infrastructure (A, C, D);
- o Unitary Development Plan Policies RL3 and RL4

The masterplan document identifies a proposed significant green wedge, with two LEAPs nearby the proposed housing development area. More detail is required. An overall masterplan is required identifying the areas of open space to be created and protected. This should form the backbone of the development phases.

Built and Natural Environment Team (Design) - Core Strategy Policy CS14 represents the key urban design policy which the application should be considered against. Also of relevance are the Council's adopted (and soon to be adopted) SPD's. The application is outline and therefore the amount of information in relation to design matters is relatively strategic and focuses upon key design parameters and principles. In general terms I am pleased to see an outward looking development which responds positively to the opportunities and constraints of the site, with appropriate stand-off distances from the A630 and the plantation. It is positive to see the applicants have considered the potential development of the land to the west of the site boundary (not subject to this application) as if the application site is granted it is likely this land may come under pressure for development in the future and therefore integration between the two areas becomes an important issue. There is however concern over movement and linkages to the existing settlement of Edenthorpe which needs to be addressed. A number of conditions are suggested.

Highways England - Original holding objection withdrawn.

Highways Development Control - Following submission of details relating to the proposed access, there are no objections, subject to conditions.

Transportation - No objections, subject to conditions and 106 agreement.

Pollution Control (Air Quality) - Following receipt of an amended Air Quality Assessment, there are no objections subject to a condition requiring electric vehicle charging points.

Pollution Control (Contaminated Land) - No comments received.

Built and Natural Environment Team (Ecology) - One of the issues that was discussed at length was to extent and coverage of bat surveys and there was some acceptance by the proponents that further surveys may be required.

However since that time updated guidance from the BCT (Collins. J, 2016) has been issued and this provides greater flexibility on the part of the consultant ecologists to alter survey design and we can now accept their approach. In respect of other protected species the proposal to use reasonable avoidance measures to protect any reptiles that may be encountered during site clearance works can be incorporated into working methods through condition. I consider that the proposed development could be acceptable on ecological grounds if an outline standard for the ecological mitigation and compensation areas within the site can be established through condition. This should consider the Local Biodiversity Action plan which provides more information on the priority habitats and their locations in relation to the site.

Built and Natural Environment Team (Trees) - A good level of arboricultural information has been submitted as part of this application and it is very pleasing that the design clearly takes account of Long Plantation (which is subject to W2 of DMBC Tree Preservation Order no.206 Armthorpe, Cantley, Auckley, Blaxton 1997) to the north and east of the site in that strong buffer zones in excess of 22m (minimum) of graded planting is intended. No objections, subject to condition.

Internal Drainage - No objections, subject to condition.

Education - £716,437 (21 places) Primary School Section 106 contribution required plus an allocated school site.

Health and Public Protection - The only real noise source that is likely to affect the proposed dwellings is road traffic, specifically from the A630. The noise impact assessment has adequately assessed the impact of traffic noise on residential amenity and recommended measures to ensure that amenity is of an acceptable standard. No objections, subject to condition.

NCCS (Footpaths) - I do not wish to raise any objections to the outline application and welcome the proposal to retain the existing public footpath within a broad corridor of new greenspace and create a circular route. I do, however, wish to raise concern that there is a proposal to build a school over the line of the existing public footpath with no indication of any proposed alternative route.

Armthorpe Parish Council - Armthorpe Parish Council wishes to object to this planning application for the following reasons:-

- (1) the land is situated within a Countryside Policy Area of the existing Unitary Development Plan (which the applicant has omitted to mention in its Design and Access Statement) and the proposed development is, therefore, contrary to policy;
- (2) despite the Core Strategy acknowledging the need for new extensions to the urban area, the proposed development is separate from and not integrated with existing residential properties in the urban area;
- (3) to prevent coalescence with Armthorpe;
- (4) a single access/egress road is not acceptable to serve a large development of several hundred dwellings, where provision should be made within the development for emergency escape routes;

(5) it is considered that a new roundabout on the West Moor Link Road to serve access to and egress from the proposed development would be too close to the existing roundabout at the Hatfield Lane junction and cause severe congestion at peak times on the Link Road and be to the detriment of road safety;

(6) the existing services within the community, particularly schools, doctors' surgeries, etc. would not be able to cope with the large numbers of residents generated by the proposed development.

In the circumstances, the Parish Council requests that the local planning authority takes this objection into account when determining this application.

Severn Trent Water - No objections, subject to condition.

Architectural Liaison Officer South Yorkshire Police - Security advice provided.

Armthorpe Internal Drainage Board - No comments received.

Doncaster East Internal Drainage - No comments received.

South Yorkshire Archaeology Service - This application has archaeological implications. For the reasons stated on the enclosed report, South Yorkshire Archaeology Service (SYAS) considers that the development has the potential to have a major impact on

archaeological features in the proposal area. However, it is not possible to quantify the nature of this potential without further information. For this reason, we recommend that some investigation is needed prior to a planning decision being taken. This will provide the basis for making informed recommendations regarding the need for archaeological mitigation. However, should you be minded to take the application to committee before the necessary archaeological investigation is undertaken, conditions should be attached.

National Grid - No objections.

Northern Powergrid - Comments awaited - but it is noted that there are overhead power lines, which will need to be diverted.

Environment Agency - No objections, subject to condition.

South Yorkshire Fire and Rescue - No objections, subject to condition.

Natural England - No objections subject to application of Standing Advice.

Campaign to Protect Rural England - Objects to the application on policy, sustainability and transport impact grounds. It would be impossible to consider the proposed development sustainable. It is an out-of-context, isolated housing estate paying lip service to its own vague interpretations of sustainability, while causing suburban sprawl that would damage Edenthorpe and its surrounding countryside. Therefore, even if there is deemed not to be a five-year housing supply, it would be wholly inappropriate to develop this site for housing. CPRE therefore asks that you refuse this application.

South Yorkshire Passenger Transport Executive - In its current form, the end users of the site are placed significantly outside the recommended 400m walking distance to access a high frequency bus service, therefore making public transport a less convenient travel choice. As this is a 'red' site, and given its scale, SYPTE recommend that measures are implemented to provide a sustainable travel option for site residents. As such it is recommended that the developer is condition to pump prime bus penetration into the site, funding the preferred two bus option for a period of five years. It is also recommended that bus stop provision should be funded by the developer, providing a public transport access point for site residents, with the location to align with the bus service solution.

The Coal Authority - No comments received.

Yorkshire Water - No objections subject to condition.

Yorkshire Wildlife Trust - Initially raised concerns but have since advised that they are satisfied subject to the conditions proposed by the Ecologist being attached to planning permission.

DMBC Affordable Housing - Given it is an outline application for access my response is generic insofar as we will be seeking full policy compliance with the Councils Affordable Housing requirements. This will require the developer to provide 26% of the housing as 'Affordable' through a S106 agreement.

If and when the application progresses to detailed layout stage we are happy to discuss the Affordable housing in detail.

Ward Members -

The late Cllr Tony Revill commented as follows;

With reference to the above application I wish to make the following observations:

- I am concerned that this development would effectively join Armthorpe with Edenthorpe which would in effect be contra to the boundary commission report which gave great store in identified Communities
- The infrastructure would not support this development in regards to doctors surgeries, schools and chemists
- The impact on traffic through the village which already has issues
- The environment. Will be adversely affected with the loss of farmland and grassland which will lead to a reduction in surface drainage and therefore an increased risk of surface flooding
- I have some concerns that the consultation with residents should have been wider because of the impact on the community as a whole rather than the residents adjacent to the proposed development

Cllr David Nevett opposes the application for the following reasons;

- Public Rights of Way will be encroached to create access
- Will add to urban sprawl
- Countryside Policy Area should be kept
- Roundabout unacceptable and contrary to access to town centre
- Increased congestion



- Local infrastructure and amenities are at capacity
- Increase in vehicle movements
- Development will be an island and not connected to Edenthorpe

Area Manager (East) - No comments received.

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

National Planning Policy Framework (March 2012);

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

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

Section 11 - Conserving and enhancing the natural environment

Doncaster Council Core Strategy (May 2012);

CS 1 - Quality of Life

CS 2 - Growth and Regeneration Strategy

CS 3 - Countryside

CS 4 - Flooding and Drainage

CS 9 - Providing Travel Choice

CS 10 - Housing Requirement, Land Supply and Phasing

CS 12 - Housing Mix and Affordable Housing

CS 14 - Design and Sustainable Construction

CS 16 - Valuing our Natural Environment

CS 17 - Providing Green Infrastructure

CS 18 - Air, Water and Agricultural Land

CS 20 - Minerals Safeguarding Area

Doncaster Unitary Development Plan (July 1998);

ENV 2 - Countryside Policy Area Designation

ENV 4 - Countryside Policy Area

Development Guidance and Requirements SPD (July 2015)

Landscape Character and Capacity Assessment of Doncaster Borough (March 2007)

## **8.0 Planning Issues and Discussion**

8.1 The main issues relating to this application are the principle of residential development in the Countryside Policy Area, housing growth, loss of agricultural land, ecological implications, impact on Long Plantation and the impact on highway safety and traffic generation. Other considerations include the impact on a public right of way and the archaeological value of the site.

## Development in the Countryside

8.2 The site falls within the Countryside Policy Area. Policy CS 2 of the Doncaster Unitary Development Plan (UDP) seeks to maintain the Countryside Policy Area in the eastern part of the Borough covering all countryside outside the Green Belt. Policy ENV 4 lists the uses which are considered to be acceptable within the Countryside Policy Area, of which residential development of this scale is not listed. As such, the proposal is for housing development is contrary to the UDP.

8.3 However major housing growth is required to support the delivery of the Local Development Framework (LDF) Core Strategy which forms a more up-to-date part of part of the statutory development plan than the UDP. Policy CS 2 of the Core Strategy states that the Main Urban Area of Doncaster will be the main focus for growth and regeneration; it sets a plan period housing target of between 9,225 and 11,808 homes for the Main Urban Area of Doncaster. Therefore, development of this site would contribute to meeting the housing target for the Main Urban Area of Doncaster.

8.4 Paragraph 3.18 of the Core Strategy lists Edenthorpe as a major urban development opportunity. It is further noted that there will need to be additional urban extensions with the main potential issues being Green Belt, flood risk, settlement coalescence (Armthorpe), lack of brownfield opportunities and loss of countryside.

8.5 Whilst the proposal is not in conformity with policy CS 3 of the Doncaster Council Core Strategy in that it seeks to protect Doncaster's countryside. Part B does support new urban extensions allocations within the Countryside Policy Protection Area where existing boundaries are indefensible, however the site is not an allocated housing site. In paragraph 3.39 of the sub text to policy CS 3 it does state that urban extensions on land previously designated Countryside Policy Area will be required to meet the borough's housing and employment requirement, but these will be minimised through a strategy promoting urban sites. The site sits alongside the settlement of Edenthorpe and is separated from neighbouring settlements by a landscape buffer and roads, therefore it is considered to be an urban extension to Edenthorpe.

8.6 Policy CS10 of the Core Strategy states that sufficient land will be provided to deliver the housing target and acknowledges that sustainable urban extensions will be necessary to deliver some of the target; Table 5 of the Core Strategy specifically acknowledges the

need for new urban extensions to the Main Urban Area (including land currently designated Countryside Policy Area) and that such extensions would be phased for delivery from 2016 onwards.

8.7 The Sites and Policies DPD is not now proceeding, the Core Strategy does not make allocations, and housing development to deliver the adopted Core Strategy housing targets cannot await the adoption of a new Local Plan. The application must therefore be considered against the existing statutory development plan (and other material considerations).

8.8 It is considered that the site is capable of forming a sustainable urban extension in terms of Core Strategy policy subject to the provision of affordable homes, any necessary education facilities, and other community infrastructure.

## Loss of Agricultural Land

8.9 Policy CS 18 of the Doncaster Council Core Strategy is concerned with conserving, protecting and enhancing Doncaster's air, water and land resources, both in terms of quantity and quality. Part C relates to agricultural land and states that proposals will be supported which facilitate the efficient use of Doncaster's significant agricultural land and soil resources, including proposals which protect high quality agricultural land (grades 1, 2 and 3a) in so far as this is consistent with the Growth and Regeneration Strategy (as set out in Policy CS 2). The applicant has submitted a Soil Resources and Agricultural Quality Report with the application and within this document it is stated that a soil resource and agricultural land classification survey has been carried out on the land. It is stated that the land dominantly has deep sandy soils with significant droughtiness limitations to agriculture. A small area in the south-west has loamy soils which are less droughty, including an area of slowly permeable soils with wetness limitations. At the time of the survey, the land was under a recently harvested maize crop. In total 26.4ha of sub-grade 3b and 3.7 ha of sub-grade 3a agricultural land are delineated, this equates to 12% sub-grade 3a and 88% sub-grade 3b. If planning permission is granted, the sandy and coarse loamy topsoils are good quality resources for use in landscaping.

8.10 The area of the site which is classified as 3a is the area shown indicatively to include the greenspace area which will include retained vegetation, new habitat creation, woodland, hedgerows, tree planting, open space and play areas, grassland, wetlands and SuDS detention basins and swales.

8.11 Whilst it is recognised that there will be a loss of agricultural land, 12% of this is grade 3a and whilst policy CS 18 seeks to protect high quality land, there is recognition that some of this will be lost in the delivery of the Growth and Regeneration Strategy set out in policy CS 2. Paragraph 7.7 states that where the loss of agricultural land to be built development is required to deliver the Growth of Regeneration Strategy, poorer quality land should be used in preference to higher quality land to the extent that is practicable. Therefore, it is not considered that the proposal is contrary to policy CS 18.

## Visual Amenity

8.12 As set out within policy ENV 2 of the Unitary Development Plan, the purposes of Countryside Policy Area include assisting in safeguarding countryside from encroachment and the prevention of settlements from coalescing. This is a key concern of the large number of objections that have been received in connection with the application. If the Main Urban Area is to be the main focus for growth and regeneration and the loss of countryside is recognised in supporting sustainable urban extensions, then it must also be recognised there will be some encroachment into the countryside. However, the scheme as illustrated on the indicative plan recognises the sensitivity of the location and its proximity to the neighbouring settlement of Armthorpe. Therefore, to prevent a coalescence of the two settlements, there is a wide landscape buffer incorporated to the south of the site. The final detail is to be considered at reserved matters stage and as an exact number of dwelling is not included with the description of this outline application, the scale of the buffer can be secured at the detailed stage.

8.13 A Landscape and Visual Impact Appraisal has been submitted with the application, which has regard to the Landscape Character and Capacity Assessment of Doncaster Borough and the Landscape Character and Capacity Study, concludes that the overall visual effect as a result of the proposed development would not have any major adverse effects on visual amenity and the site is not covered by any landscape quality designation at a national or local level. In the Landscape Character and Capacity Study the site is located within a proposed larger development site, with the landscape judged to be of 'medium' landscape sensitivity and value and of 'medium' capacity for housing development.

8.14 The site comprises a flat intensively arable field that is virtually devoid of landscape features. It is considered to be rather ordinary landscape and one that is neither special nor particularly distinctive. It lies within the context of the established settlement edge of Edenthorpe which is represented by post war and modern housing and the main transport route of the A630. The proposed development would be observed within that landscape context. The site is well contained within the wider landscape by a combination of mature woodland at Long Plantation to the north and east and by the built form of Edenthorpe and Armthorpe to the west and south. As a consequence, it has a very restricted visual envelope with views of the site (and proposed development upon it) limited to localised close range views.

8.15 Armthorpe Parish Council have been developing a Neighbourhood Development Plan for the Parish. The Armthorpe Neighbourhood Development Plan area boundary extends to the southern side of the A630, adjacent to the proposed development site. Whilst the Armthorpe Neighbourhood Plan Proposals Map shows proposed housing development between the north of Armthorpe and the A630, a significant green wedge is retained. Therefore, alongside the proposed landscaping buffer to the south of the proposed development site, it is not considered that there will be a coalescence of the settlements of Armthorpe and Edenthorpe. Long Plantation also ensures a buffer to the east and north of the site.

### Design Considerations

8.16 Policy CS 14 of the Core Strategy requires all proposals in Doncaster to be of a high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area. Good design is to be achieved through the design principles and quality standards set out within policy CS 14. Paragraph 56 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 should contribute positively to making places better for people. Consultation has taken place with the Council's Urban Design Officer.

8.17 The application is outline and therefore the amount of information in relation to design matters is relatively strategic and focuses upon key design parameters and principles. In general terms the Council's Design Officer is pleased to see an outward looking development which responds positively to the opportunities and constraints of the site, with appropriate stand-off distances from the A630 and the plantation.

It is positive to see the applicants have considered the potential development of the land to the west of the site boundary (not subject to this application) as if the application site is granted it is likely this land may come under pressure for development in the future and therefore integration between the two areas becomes an important issue.

8.18 With regard to movement and linkages, from a design point of view there is a concern that the application site as originally proposed could create an isolated 'island' of development not connected to the existing settlement edge. The local centre of Edenthorpe lies within walking distance of the site to the north west on the opposite side of Thorne Road.

8.19 The original masterplan submitted with the application does not show how people will be able to walk from the site to this area, as there are no pedestrian connections available. In this respect there is concern that there will be no safe / convenient and direct linkages to the local centre which could encourage car use. Whilst the masterplan identifies the PROW which runs through Long Plantation to connect to Thorne Road via the Beeches, this is probably an undesirable pedestrian connection to the local centre, particularly at night. Other informal footpaths exist around the woodland to the south of the Beeches and adjacent the secured area of open space, which link up with the existing footpath running along the eastern edge of the existing settlement in a north / south direction. This pedestrian footpath is however unlit at its northern end and would therefore require improvement works to encourage pedestrian access to local facilities and bus services to the north along Thorne Road.

8.20 The applicant has now submitted a plan which shows possible pedestrian linkages and a footpath improvement plan, which provides comfort that a safe, pedestrian access can be provided with improved surfacing and lighting. There is a desire line existing currently to the rear of the school playing field, which may have acquired public rights, although it is not recorded on the definitive map and the landowners permission would be required to surface and light the path. It does not connect to the application site, therefore a link would need to be provided. The Council is the landowner. The Council's Assets team have confirmed that there would be no objections in principle to a footpath being created over DMBC land. Any future proposal by Doncaster MBC for this parcel of Council owned land would need to have consideration to any such footpath - either in terms of design to incorporate or exclude it or to divert it.

8.21 As will be explored in the next section of this report, the applicant will also contribute to the provision of a bus service to and from the site, which will improve permeability and security. The footpath improvements and the bus service are to be included in the Section 106 Agreement.

8.22 With regards to the indicative layout the illustrative masterplan is positive in the sense it creates a permeable network of streets and spaces in a deformed grid layout of secure perimeter blocks which are outward looking at the development edges. As shown the development would result in streets and spaces with good levels of enclosure and the potential for high levels of natural surveillance. The Design and Access Statement discusses how streets will be traffic calmed and proposes a hierarchy of types consistent with the Council's SPD's.

The primary streets in the network are illustrated as tree-lined avenues which is a potentially highly attractive feature of the development as long as these trees are within verges in the public realm, as opposed to private gardens where they will be under pressure for removal. In terms of the open space strategy it would be useful to understand the role and function of the areas of proposed open space in more detail and with reference to the local open space audit. However, this is ultimately a detailed matter.

8.23 A scheme of this size is likely to be developed by a number of house-builders over a period of time. The current application is only outline, there is little detailed design guidance (as the applicants understandably do not know the end developers and will not want to commit to detail without the re-assurance of a permission). There is no requirement for design statements to be submitted with reserved matters applications. Therefore, problems can occur in terms of overall design quality without sufficient design guidance to co-ordinate the activities of a number of builders, and hence there will be a need for follow on design guidance flowing from the outline application to guide the more detailed development of land parcels and development phases. This is an approach we have adopted on other large developments (e.g. Rossington Colliery). The condition should be structured so that on submission of first reserved matters a more detailed design guide is produced for the site. This would give the design team the opportunity to work alongside potential purchasers / developers in developing a design guide which also meets their aspirations whilst providing sufficient design certainty for the Council, local communities and future developers.

8.24 Therefore, subject to a footpath improvement scheme to improve access to the north west of the site and a number of suggested conditions, the proposal meets with policy CS 14 of the Doncaster Council Core Strategy, and the NPPF.

### Highways and Parking

8.25 Policy CS 14 lists quality, stability, safety and security of private property, public areas and the highway; and permeability as qualities of a successful place. Policy CS 9 of the Doncaster Council Core Strategy states that proposals will be supported which make an overall contribution to the improvement of travel choice and the transport network. The majority of local residents who have raised objection to the proposal, comment on the impact of the proposal on road safety and congestion.

8.26 The applicant has submitted a Transport Assessment and Travel Plan with the proposal and consultation has taken place with Highways England, South Yorkshire Passenger Transport Executive and the Council's Highways and Transportation Team. The impact on the existing road network is a main concern of those that have made representations to the scheme. Some of the concern relates to the impact on Cedric Road, however there is no proposal to create a vehicular access from Cedric Road as part of this application, the access is from a new roundabout from the A630.

8.27 Highways England originally raised an objection to the scheme, the main issue raised was the traffic modelling and in particular, the impact of the proposals on the wider highway network. To address this issue further modelling work was undertaken, assuming a trip distribution based on 'Journey to Work' Census data, rather than the directional distribution, contained within the TA.

This showed any potential impact at the M18 J5 roundabout. The revised trip distribution showed that the impact of the proposals would be less than that based on the initial trip assignment and demonstrated that the assessments undertaken in the Transport Assessment were robust. Highways England accepted the revised trip distribution and withdrew their objection.

8.28 Concern was originally raised from a Transportation point of view and further modelling and analysis was requested to show the impact of this development when the Unity/DN7 development and link road is complete and also with the implementation of the A630 West Moor Link dualling SCRIF scheme. This also includes a future year analysis to 2025. Further junction assessments were also carried out. The average peak hour trip generation from this development is 392 vehicles. All these vehicles will use West Moor Link. Using the developer contribution methodology produced by AECOM, the contribution required towards the dualling of the A630 West Moor Link is £873,788. Amendments were also made to the design of the access at the request of the Highways team.

8.29 South Yorkshire Passenger Transport Executive and the Transportation team have raised concerns with regards to location of the development and its access to public transport and subsequent reliance on private car use. End users are located outside of the recommended 400m walking distance to access to a high frequency bus service, therefore making public transport a less convenient travel choice. SYPTE consider the site a 'red' site and given its scale, recommend that measures are implemented to provide a sustainable travel option for site residents.

8.30 The closest services to the site operate on Thorne Road, however accessing these services would require a convoluted and unattractive walk in excess of 1km, although footpath improvements are sought as part of this application to connect the development to the north. The 81 and 82 bus services currently operate a loop to the south of the site serving Doncaster, Wheatley, Intake and Armthorpe. The operator has indicated that the opportunity exists to modify this loop in order to penetrate the development. However this will require additional resource.

8.31 Two options were provided. A one bus option would cost £150,000 PA and would provide the site with a 20 minute service. However this would be subject to local consultation, with a high risk of rejection. A two bus option would provide a 15 minute service into the site, and could potentially be delivered for £220,000 PA. This would also be subject to consultation but with a more favourable outcome expected. It is therefore recommended that the developer is conditioned to pump prime bus penetration into the site, funding the preferred two bus option for a period of five years.

8.32 The site does not currently benefit from bus stopping infrastructure within an acceptable walking distance. Bus stop provision should be funded by the developer, providing a public transport access point for site residents, with the location to align with the bus service solution, once agreed.

8.33 As such, there are now no objections to the proposal from a transportation and highway point of view subject to a number of conditions and the bus service provision has requested by SYPT. A footpath improvement scheme is also sought at the cost of the developer to improve pedestrian linkage. This will assist the proposal in meeting with policy CS 14 and CS 9 of the Core Strategy.

### Residential Amenity

8.34 Core Strategy Policy CS 14 states that new developments should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. The application is submitted in outline with only details of access being secured. However, the indicative information submitted shows how properties could be accommodated on the site and whilst this precise layout is likely to change at reserved matters stage, it appears that minimum separation distances can be easily achieved between new properties and existing properties to the west thereby ensuring there is no significant loss of amenity due to overlooking or overshadowing.

8.35 The site whilst considered to be a sustainable urban extension to Edenthorpe, with links being formed with the existing houses to the west is also usefully located in an area that is well screened to the north and east by Long Plantation - acting as a substantial buffer from the surrounding area. This buffer is also proposed to be increased through additional landscaping as discussed in the Trees and Hedgerows section of this report. To the south is the A630 West Moor Link and the submitted noise assessment has considered the impacts for the proposed residents of this new development from the noise generated along the busy A630. To the west is the existing residential area of Edenthorpe located along Mere Lane.

8.36 As highlighted in the submitted proposed zoning layout, housing is not proposed in the area closest to Mere Lane. Instead this area will be used as a local 'Greenspace' and Children's Play Area for the enjoyment of both existing and new residents. In the agricultural fields across Hatfield Lane to the east is the relatively new Coal Mine Methane generating station. This has a temporary permission (until such time as Coal Mine Methane ceases to be produced) and Long Plantation together with the additional landscaping buffer proposed will ensure that there are no adverse noise impacts from this development. The generating station itself also has a significant visual/noise attenuation buffer in order to safeguard surrounding residential amenity.

8.37 As mentioned above, a noise assessment has been prepared as part of the application submission. The Environmental Health Team have been consulted and have commented that the noise impact assessment has adequately assessed the impact of traffic noise on residential amenity and recommended measures to ensure that amenity is of an acceptable standard. These measures include, window and ventilation units of a higher acoustic standard [than normal thermal double glazing] on all properties facing the A630 along the southern most boundary. It also recommends 2.5 metre fences between dwellings along the same boundary to protect garden areas. As the site layout is not yet known these measures cannot be referenced to specific plot numbers so a more general condition is to be applied to the approval to ensure that a suitable scheme of measures is agreed at the reserved matter stage.



8.38 The greatest impact of the development is likely to be during the construction phase on the nearby existing residential properties. As such, conditions have also been recommended to secure the production of a Construction Method Statement (CMS) and a Construction Impact Management Plan (CIMP), both of which will need to be produced prior to development commencing. The CIMP will need to consider the following:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control noise and the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

8.39 The CIMP will in addition consider:

- the limitation of noise
- the means of enclosure of the construction sites
- any proposed external security lighting installation
- the control of dust emissions
- the control of deposition of mud or debris on the highway
- the routing of contractors' vehicles.

8.40 Once developed, it is proposed that vehicles will enter the development site via a new access formed off the A630 and so will not lead to any adverse impacts in terms of additional vehicle movements within the existing residential areas of Edenthorpe.

8.41 Accordingly, it is considered that matters of residential amenity can be adequately dealt with at reserved matters stage where layout and design will be considered and through the attaching of conditions to this outline consent.

### Flooding and Drainage

8.42 As part of the application supporting information a Flood Risk Assessment and Drainage Design Strategy has been submitted. The Environment Agency, Yorkshire Water, Severn Trent Water, Policy (Flooding) and Council's Drainage Officer have been consulted as part of the application process.

8.43 The site lies within Flood Zone 1 (low risk) and lies within a Groundwater Source Protection Zone (SPZ2). Although in a low risk area, a Flood Risk Assessment (FRA) is required due to the size of the site. The residential use is classified as 'More Vulnerable' development in the National Planning Practice Guidance, and is the highest vulnerability class proposed for the site. More Vulnerable development is an appropriate development type within Flood Zone 1. As the area is classed as being at low risk of flooding there is no need for the flood risk sequential/exceptions test to be carried out.

8.44 The FRA gives detail on the potential sources of flooding for the site, the current existing drainage arrangements on and around the site, and looks at potential mitigation, management and disposal methods. The FRA concludes that the risk of flooding from rivers, groundwater, overland flow and sewers is considered to be low. The FRA details a number of precautionary measures which would ensure that the risk of flooding to neighbouring areas is not increased as a result of the development. This includes maintaining flow from existing land drains and maintaining site boundary areas free from uncontrolled surface water run-off. In addition, further measures will include adoption of suitable gradients within landscaping, highways and paved area to direct water away from properties, perimeter drainage ditches, and the use of SuDS where appropriate. Detailed drainage designs will be the subject of further approvals from the Council and Environment Agency.

8.45 The Environment Agency have raised no objections to the submitted FRA subject to an informative regarding the use of SuDS and the Council's Drainage team have likewise raised no objections subject to conditions requiring submission of details for foul and surface water drainage details to be submitted and approved and for the use of SuDS. Both Severn Trent Water and Yorkshire Water have also been consulted and have again raised no objections to the scheme on drainage grounds subject to conditions. In terms of protecting the groundwater during development, the EA have requested a planning condition to secure a Construction Environmental Management Plan in order to minimise the risk of pollution.

8.46 The proposal is therefore deemed to be in accordance with the NPPF and Core Strategy Policies CS4 and CS18.

#### Trees and Landscaping

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

8.48 The applicant has provided an arboricultural assessment as part of the planning application, which assesses the existing trees' arboricultural value, based on their current condition and quality in accordance with the British Standard 5837:2012. The survey has focused on any trees present within or bordering the site that may potentially be affected by the future proposals or will pose a constraint to any proposed development. There is a Tree Preservation Order, namely Armthorpe/Cantley/Auckley/Blaxton Tree Preservation Order 1997 (NO.206), which applies to trees present within the assessment site and Long Plantation is located to the north and east of the proposed development site.

8.49 Although at this stage the layout is indicative, it does show that the majority of the existing trees on site will be retained within the proposed development. Generous landscape buffer strips have been proposed around the residential element of the development which will not only allow for the retention of the existing tree cover but will also safeguard these trees and allow for their future growth.

A generous standoff distance has been shown between the built element of the proposed development and Long Plantation. This buffer will allow for accommodating the future growth of the trees within the woodland thereby reducing the effects of trees close to properties allowing the trees to be suitably retained and integrated into the development.

8.50 The Council's Trees and Hedgerows Officer comments that a good level of arboricultural information has been submitted as part of this application and that the design clearly takes account of Long Plantation in that strong buffer zones in excess of 22m (minimum) of graded planting is intended. The category 'C' tree to be lost to the proposed access (a 4m Apple) is considered to be of little consequence and the only tree that could have been imperilled by the development proposals is the Oak (T22). This category 'A' tree (approximately 120yrs old) is shown as being retained within the scheme as the focal point of a green space/LEAP. No objections have been raised subject to conditions that will seek to secure layout at a later stage based on the findings and recommendations of the tree survey as well as providing tree protection measures for those trees that are to be retained.

8.51 Accordingly, the proposal is deemed to be in accordance with Core Strategy Policy CS16.

### Ecology and Wildlife

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

8.53 An ecological appraisal has been submitted with the application in order to assess the site's ecological potential. Consultations have been undertaken with the Council's Ecologist, Natural England and Yorkshire Wildlife Trust. The Council's Ecologist considers the ecological appraisal to be generally sound and reflects to a large degree the site and the level of ecological constraints but did request additional information in relation of proposed ecological enhancements and raised some concern in relation to the detail of the bat surveys. The YWT echoed these concerns. Natural England raised no objections.

8.54 Additional information was subsequently submitted by the applicant to address these matters and in line with updated guidance from the Bat Conservation Trust (2016) - which now provides greater flexibility to alter survey designs - the approach proposed has been accepted by the Ecologist. In respect of other protected species the proposal to use reasonable avoidance measures to protect any reptiles that may be encountered during site clearance works can be incorporated into working methods via a planning condition.

8.55 The creation of SUDS features within this area will also be taken into account as functioning ecological features that provide useful, though seasonally fluctuating, habitats of sustainable long term value to flora and fauna. The presence of such features can provide valuable foraging habitats for bats in the absence of species rich grassland.

8.56 In summary, the Ecologist, YWT and Natural England consider that the proposed development could be acceptable on ecological grounds if an outline standard for the ecological mitigation and compensation areas within the site can be established through condition - which is being recommended. The proposal is therefore deemed, on balance, to be in accordance with the NPPF and Policy CS16 of the Core Strategy.

### Archaeology

8.57 The NPPF and Core Strategy Policy CS15 both seek to protect the borough's historic environment, which is a finite and non-renewable resource. As part of the application submission an archaeological desk-based assessment (DBA) and the results of a geophysical survey have been prepared which provides an understanding of the site's known archaeological potential.

8.58 In summary, the DBA and geophysical survey have identified a probable late Iron

Age/Romano-British 'brickwork' cropmark complex on the site. These remains are considered to be of local significance, with the site considered to have a low potential for archaeological deposits for any other periods. The cropmarks themselves form part of a much larger complex, the vast majority of which will be unaffected by the proposed development. South Yorkshire Archaeology Service (SYAS) have been consulted and have advised that the site has a high potential for archaeological remains but at this stage it is difficult to gauge the full impact of the development upon the archaeological remains. Accordingly a scheme of archaeological evaluation (trial trenching) is recommended and a condition has been recommended by SYAS to ensure that the evaluation is carried out prior to the submission of any reserved matters - the results of which will then be used to inform on the most appropriate method of mitigation i.e. in situ preservation and/or full excavation. Subject to this condition, the proposal is in accordance with the NPPF and Core Strategy Policy CS15.

### Public Rights of Way

8.59 The Public Rights of Way (PROW) Officer has raised no objections to the outline application and welcomes the proposal to retain the existing public footpath within a broad corridor of new greenspace and create a circular route. The application (as detailed in the Transport Assessment submitted with the application) proposes a multipurpose recreation route connecting into an existing Right of Way to the south of the site. This section of Right of Way will need to be upgraded in order for it to accommodate cyclists and pedestrians, which will help to improve pedestrian connectivity in the area - and PROW have confirmed that this is acceptable in principle.

8.60 Part of the land proposed for an additional footpath upgrade crosses land owned by the Council. Discussions have been held with Assets and the formation of a path and the associated works carried out on Council land is deemed to be acceptable in principle and it is worthy of note that the informal path in this area may have acquired public rights. This additional footpath once formed will create an additional link from the proposed site into Edenthorpe, which is a key planning consideration as it will ensure a much more sustainable development in terms of a further linkage to the local area and facilities.

## Public Open Space

8.61 Policy RL 4 of the Doncaster Unitary Development Plan states that the Borough Council will require the provision of local public open space, principally of benefit to the development itself, within new residential developments. 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).

Within new developments open space provision is an integral part of the master planning process. When producing a development master plan the developer should evaluate all the open spaces and facilities in the vicinity of the proposal, taking account of the quantity and access, quality and value to the local community. This will identify priorities in the area and allow for inclusion of the priorities into the development scheme.

8.62 To ensure the delivery of appropriate types of open space (outdoor sport, informal play and recreation provision) throughout the borough, master plans should:

- o identify types of open spaces, their locations and define the uses;
  - include areas of Natural Play (where appropriate)
  - identify movement patterns for pedestrians, cycles and motor vehicles;
  - identify how the streets and open space are connected; and
  - identify relationships between buildings (including indoor sports facilities) and public and private spaces.

8.63 To ensure the sustainability and longevity of open spaces how the open spaces will be protected, managed and maintained will need to be agreed. A number of options are available including:

- adoption by the council (which would be accompanied by a commuted sum for 15 times the annual maintenance cost);
- retention by the developer accompanied by the establishment of a management and maintenance company or trust, (including legal agreement and covenant) or
- gifting to an established green space / open space trust, charity or Town/Parish Council.

8.64 It is essential that facilities, such as children's play areas are safe, easily observed, accessible, provide challenges, but are not unsafe, and do not lead to further nuisance. To ensure all equipped play areas are safe, easily observed, accessible, provide challenges, but are not unsafe, and do not lead to further nuisance. A play area proposal should be accompanied by 'Risk Benefit Analysis' (HSE Children's Play and Leisure - Promoting a balanced approach). To not put undue financial burden on the council, and to ensure the council has ready access to the parts and materials to ensure equipment is maintained to an acceptable and safe standard, developers should ensure the equipment is robust and sustainable.

Equipment will not be considered for adoption by the council if it is considered to incur an excessive maintenance and management costs, or is deemed unsuitable for the community. It is therefore important for developers to liaise with officers prior to design and costings being commissioned. The developer can discuss suppliers who provide robust, sustainable and acceptable equipment with council officers.

8.65 Public Open Space is to be afforded within the development proposal and a sum of money is to be agreed (via the s106 agreement) to ensure finances are available for future maintenance. The proposal is therefore deemed to be in accordance with saved UDP Policy RL 4 and Core Strategy Policy CS17.

### Education

8.66 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.

8.67 The Council's Education Team have been consulted on the development proposal and the schools to be affected include Edenthorpe Hall Primary School and Hungerhill Academy (Secondary). In their response it is noted that Edenthorpe Hall Primary School has no spare places and will require either expansion or new school provision. The existing school site is potentially unsuitable for further expansion so this may require an additional primary school on land to be allocated. A potential site is shown indicatively within the development site to the south. The financial contribution for extra school places is detailed in the s106 section below. Hungerhill Academy has been assessed and the cohort in previous years has included children from outside of the catchment area and so the additional secondary places yielding from the development are likely to be able to be accommodated. No provision for secondary education places is deemed necessary.

8.68 Subject to the s106 agreement contributions and land being indicatively allocated within the proposed development - the proposal is deemed to be in accordance with Core Strategy Policy CS1.

### Affordable Housing

8.70 Policy CS12 of the Core Strategy requires developments of 15 or more dwellings to include affordable housing on-site equal to 26% of the total development. The type and tenure split should reflect the latest Strategic Housing Market Assessment, except where a developer can justify an alternative scheme in the interests of viability. The supporting text to Policy CS12 states that in balancing need with viability, the council will continue to consider evidence of viability on a case-by-case and up-to-date basis so that affordable housing can be phased, deferred or reduced as necessary to ensure viability. This complies with Paragraph 173 of the NPPF which addresses the issue of ensuring viability and deliverability.

It states:

*'To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'*

8.71 In this case, the applicant has indicated that they are committed to offering affordable housing on site but a fully compliant 26% affordable housing scheme along with all the other contributions being sought would render the development unviable. Instead, the applicant is seeking to provide a ratio of 10% affordable housing. A development appraisal review has been submitted by the applicant demonstrating that at this level the scheme would be fully deliverable. This has been assessed by an external consultant who has concluded that the scheme is not able to support the full policy compliant amount of affordable housing. The consultant considered that 10% affordable housing is a fair and reasonable amount of affordable housing for this scheme.

### Section 106 Contributions

8.72 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. 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.

8.73 In terms of Section 106 contributions, it is recommended that the development provides the following which are all considered to meet with the above tests, as justified within this report;

- \* 10% On site affordable housing provision;
- \* 15% on site public open space with an agreed financial contribution towards future maintenance;
- \* A commuted sum of £873,788 towards the A630 West Moor Link dualling scheme
- \* A returnable Transport Bond of £68,997.50;
- \* A commuted sum of £716,437 for primary school place provision and provision of land for a primary school;
- \* Footpath improvement scheme to be funded by the developer;
- \* Provision of a bus service to and from the site and bus stops.

## Summary and Conclusion

9.1 In conclusion, the proposed development is considered to be acceptable on balance. Although the site falls within the Countryside Policy Area, new major housing growth is required to support the delivery of the Local Development Framework (LDF) Core Strategy, which forms a more up-to-date part of the statutory development plan. The Main Urban Area of Doncaster is the main focus for growth and regeneration. Therefore, development of this site would contribute to meeting the housing target for the Main Urban Area of Doncaster.

9.2 Whilst the proposal is not in conformity with policy CS3 of the Doncaster Council Core Strategy, which seeks to protect Doncaster's countryside, Part B does support new urban extension allocations within the Countryside Policy Protection Area where existing boundaries are indefensible. Although the site is not an allocated housing site the sub text to policy CS 3 goes on to state that urban extensions on land previously designated Countryside Policy Area will be required to meet the borough's housing and employment requirement, but these will be minimised through a strategy promoting urban sites.

9.3 The development aims to provide upgraded linkages into the existing urban area of Edenthorpe, whilst remaining separate by significant landscaping buffers and the existing main roads. With the proposed upgrades to the footpath network (including provision of an additional footpath link to the north, along with measures to encourage cycling) along with provision for additional bus transport access to the site, the proposal is considered to be sustainably located. The existing road network is also considered capable of accommodating the additional traffic.

9.4 Whilst, the proposal is in outline, with only access to be agreed at this stage, the site is able to accommodate the additional dwellings, subject to an appropriate layout at the reserved matters stage. The proposal aims to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, in accordance with the NPPF.

9.5 In terms of all other material planning considerations in relation to ecology, archaeology, visual impact, trees and hedgerows, residential amenity and loss of agricultural land - no objections have been raised from consultees.

9.6 It is on this basis that it is recommended that Members grant planning permission subject to a legal agreement and conditions recommended.



## 10.0 HEADS OF TERMS

**MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT, SUBJECT TO THE CONDITIONS BELOW AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 IN RELATION TO THE FOLLOWING MATTERS:**

- A) 10% ON SITE AFFORDABLE HOUSING;**
- B) 15% ON SITE PUBLIC OPEN SPACE WITH AN AGREED FINANCIAL CONTRIBUTION TOWARDS FUTURE MAINTENANCE**
- C) A COMMUTED SUM OF £873,788 TOWARDS THE A630 WEST MOOR LINK DUALLING SCHEME**
- D) A RETURNABLE TRANSPORT BOND OF £68,997.50**
- E) A COMMUTED SUM OF £716,437 FOR PRIMARY SCHOOL PLACE PROVISION AND PROVISION OF LAND FOR A PRIMARY SCHOOL**
- F) FOOTPATH IMPROVEMENT SCHEME TO BE FUNDED BY THE DEVELOPER**
- G) PROVISION OF A BUS SERVICE TO AND FROM THE SITE AND BUS STOPS**

**THE HEAD OF PLANNING BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE LEGAL AGREEMENT.**

### RECOMMENDATION

**Planning Permission GRANTED (Sec106) subject to the following conditions.**

- 01. STAT2            The development to which this permission relates must be begun not later than whichever is the later of the following dates:- i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates the final approval of the last such matter to be approved.  
REASON  
Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.
- 02. U48187            In the case of the reserved matters, application for approval of the first phase of development (as identified in the Phasing Plan approved under Condition 4) must be made not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.
- 03. U48188            Approval of the details of the appearance, landscaping, layout and scale for each phase (hereinafter referred to as reserved matters) shall be obtained from the Local Planning Authority before the commencement of any works within a phase.

## REASON

The application is in outline and no details having yet been furnished of the matters referred to in the outline they are reserved for subsequent approval by the Local Planning Authority.

04. U48189

No part of the development shall commence until a plan identifying the first phase of the development has been submitted to the Local Planning Authority. Thereafter each application for the approval of the reserved matters relating to each further phase of the development shall be accompanied by a plan identifying the extent of that further phase. For the purpose of this planning permission the extent of a 'phase' shall be determined in accordance with this condition.

## REASON

To allow for the phased delivery of the development and for the avoidance of doubt to ensure there is no ambiguity in the decision notice over the phasing of development has been approved.

05. U48190

The first submission of Reserved Matters for development shall include a Design Guide to be approved by the Local Planning Authority, which shall be applied to all subsequent Reserved Matters submissions for development. The guide shall follow the principles established in the Design and Access Statement, dated May 2015. The document to be produced shall refer to and reflect the Council's current design guidance, and cover the following key detailed design matters:

- + Movement hierarchy and street types- the network of streets and car free routes and how these integrate into existing networks, using street sections and plans to illustrate the hierarchy, including details of the verged and tree lined avenue to be created within the public highway along the principal routes,
- + Urban design principles- how the development will create a permeable and secure network of blocks and plots with well-defined, active and enclosed streets and spaces,
- + Legibility strategy- how the scheme will be easy to navigate using gateways, views, nodes and landmarks for orientation,
- + Residential character areas- the different areas of housing within the site and details of the key characteristics of each zone in terms of layout, scale, siting, appearance, and landscape,
- + Architectural appearance, building details and materials- informed by a local character appraisal,
- + Open space character areas- the function, appearance and design principles for each key areas of open space,
- + Vehicle and cycle parking- including details of allocated and visitor parking strategies in line with the Council's parking standards,
- + Hard and soft landscape- including street surfacing, junction treatments, street furniture, signage, management and maintenance,
- + Boundary treatments- details of front, side, rear and plot division boundaries for each street type / character area.
- + Building for Life Statement- how BFL principles are to be met by the development (applicable to residential areas).

It is recommended for further detailed advice, applicants speak to the Council prior to developing the design guide.

REASON

To ensure a consistent and co-ordinated design approach, in the interests of the satisfactory function and appearance of the development.

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. U48191

On the submission of reserved matters for each phase, a lighting design strategy specifically responding to light sensitive biodiversity for that phase shall be submitted for approval in writing by the Local Planning Authority. The strategy shall include:

- + likely presence and location of light sensitive ecological receptors based on survey baseline data in relation to the proposed development;
- + mitigation measures along with technical specifications to reduce /eliminate the impacts of lighting spill on ecological receptors unless otherwise agreed.

The development for that phase shall be carried out in accordance with the approved strategy.

REASON

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

08. U48192

Prior to the submission of any Reserved Matters application, a Construction Environmental Management Plan shall be submitted to the LPA for approval, and the implemented in accordance with the approved details. The plan shall include (but not be limited to):

- o A risk assessment of the potentially damaging construction activities in relation to wildlife and habitats.
- o A method statement for the protection of reptiles and other terrestrial fauna that may be encountered on site.
- o Measures to protect the adjacent Local Wildlife Site, Long Plantation
- o The use of protective fencing, exclusion barriers and wildlife safety measures.

**REASON:**

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

09. U48193

Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with section 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the approved details and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

**REASON:**

To ensure that retained trees are protected from damage during construction in the interests of environmental quality and core strategy policy CS16: Valuing our Natural Environment.

10. 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.

11. U48194 No development shall take place on a phase until details of the proposed means of disposal of foul and surface water drainage for that phase, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. All foul sewers shall be lined with an impermeable liner. There shall be no occupation of any of the dwellings on that phase until the approved drainage works for that phase have been fully constructed in accordance with the approved details and there shall be no temporary storage of foul sewage.  
REASON  
To ensure that the development can be properly drained and to protect the public water supply. The condition is required prior to the commencement of development as the detailed drainage scheme may impact upon site preparation works.
12. U48196 A pumped discharge of foul water into the public sewer shall not exceed 10 (ten) litres per second in total for the whole development.  
REASON  
To ensure that the development can be properly drained and to protect the public water supply. The condition is required prior to the commencement of development as the detailed drainage scheme may impact upon site preparation works.
13. U48197 No development shall take place in a phase until a detailed design and associated management and maintenance plan of surface water drainage for that phase, based upon sustainable drainage principles and an assessment of the hydrological and hydrogeological context of that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the South Yorkshire Interim Local Guidance for SuDS. There shall be occupation of any of the dwellings on that phase until the approved surface water drainage works for that phase have been fully constructed in accordance with the approved details.  
REASON  
To prevent the increased risk of flooding; to ensure the future maintenance of the SuDS system, to improve water quality, habitat and amenity all in accordance with NPPF. This is necessary prior to development commencing as sustainable drainage is an integral part of the build process
14. U48198 No development in a phase shall take place until details of the mode of construction and operation of the surface water drainage methodology for that phase, including any attenuation infrastructure, have been submitted to and approved in writing by the Local Planning Authority. The details shall include appropriate measures to ensure there is no risk of contamination of groundwater arising as a result of either the construction or operation of the means of attenuation. No surface water discharge from that phase shall commence until the approved scheme has been implemented in accordance with the approved details.

REASON

To ensure that the water environment and public water supply is protected. The condition is required prior to the commencement of development as the detailed drainage scheme may impact upon site preparation works.

15. U48199

Prior to the commencement of construction on a phase a Construction Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP for each phase shall include:

- + a risk assessment of the potentially damaging construction activities in relation to wildlife and habitats;
- + A method statement for the protection of reptiles and other terrestrial fauna that may be encountered on [ that phase ? ]
- + Measures to protect the adjacent Local Wildlife Site, Long Plantation;
- + The use of protective fencing, exclusion barriers and wildlife safety measures;
- + An assessment of the risks posed to groundwater quality during the construction phase, including foundation works;
- + The implementation of mitigation measures designed to protect groundwater;
- + Details of the size and design of any site compounds, including how any potentially polluting materials will be stored to minimise the risk of pollution;
- + Pollution incident management plan.

The development on that phase shall thereafter be constructed in accordance with the approved CEMP.

REASON

To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16. The development is located within a groundwater Source Protection Zone 2 (SPZ2) for a public drinking water supply. It is very important that groundwater is protected from possible pollution associated with the construction of the development.

16. 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.

17. 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.
18. HIGH8 Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved in writing by the local planning authority and shall be installed before the development hereby approved is commenced and once installed shall be used to prevent mud and other debris being deposited on the highway during the construction of the development.  
REASON  
In the interests of road safety.
19. U48202 Detailed engineering drawings for the proposed access arrangements, carriageway re-alignment and proposed roundabout on West Moor Link in accordance with design standards contained within DMRB TD 16/07 and TD9 shall be submitted for inspection and approval by the Local Highway Authority before works commence on site. The construction of the roundabout and access road shall thereafter be carried out in accordance with the approved details.  
REASON  
In the interests of highway safety
20. 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.
21. 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.

22. U48203

Prior to the submission of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ will be approved in writing with the local planning authority and then implemented.

REASON

To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters and to comply with policy ENV38 of the Doncaster Unitary Development Plan.

23. U48204

Prior to the commencement of development on a phase, full details of the layout, landscaping and any equipment to be laid out on the approved public open space for that phase (if any), together with a scheme for the long term management and maintenance of that public open space, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

To provide an appropriate area of public open space for the community

24. U48205

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

REASON

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



25. U48206 No development shall take place until a scheme for protecting residents in the proposed dwellings from road traffic noise along the A630 has been submitted to and approved in writing by the local planning authority. The scheme shall be in line with the recommendations of the noise assessment, reference 14/0085/R01, submitted with the application. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development

REASON  
In order to safeguard the amenities of the occupiers of the proposed dwellings.

26. U48207 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities
- vi) measures to control noise and the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

27. U48208 Before any construction works are started on the application site, a Construction Impact Management Plan, indicating measures to be taken to mitigate the effects of the construction activity and associated vehicle movements upon the living conditions of neighbouring residents and highway safety shall be submitted to and approved by the Local Planning Authority. The mitigation measures shall include provision for the following: the limitation of noise, the means of enclosure of the construction sites, and any proposed external security lighting installation; the control of dust emissions; the control of deposition of mud or debris on the highway, and the routing of contractors' vehicles.

The mitigation measures so approved shall be carried out at all times during the construction of the development hereby approved.

REASON

To safeguard the living conditions of neighbouring residents.

28. HIGH11

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

REASON

To avoid damage to the verge.

29. U48209

No phase of development shall commence until Construction Traffic Management Plan (CTMP) for that phase of development is submitted to and subsequently approved in writing by the Local Highway Authority. The approved plan shall be adhered to throughout the construction phase. I would expect the CTMP to contain information relating to (but not limited to):

- + Volumes and types of construction vehicles
- + identification of delivery routes;
- + identification of agreed access point
- + Contractors method for controlling construction traffic and adherence to routes
- + Size, route and numbers of abnormal loads
- + Swept path analysis (as required)
- + Construction Period
- + Temporary signage
- + Measures to control mud and dust being transferred to the public highway
- + Timing of deliveries

REASON

In the interest of highways safety and residential amenity.

30. U48211

Prior to submission of the first reserved matters application (s) for development of the site , a site wide phasing plan shall be submitted to and approved in writing by the Local Planning Authority . The phasing plan shall include details of the proposed sequence of development across the entire site, the extent of the development phases /plots, including reference to the type and extent of development envisaged and include timing information (by reference to any date, the commencement or completion of development of any phase or provision of any element or to any other applicable trigger point ) for:-

- a) Strategic foul water drainage features including the points of connection to public sewer, sewerage, pumping stations and any other necessary infrastructure . A pumped discharge of foul water into the public sewer shall not exceed 10 (ten) litres per second in total for the whole development;

b) Surface water drainage features including SuDS , sewerage and outfalls plus any other necessary infrastructure identified as part of a surface /storm water management plan . The details shall include:

- i. information about the design storm period and intensity , the method employed to delay and control the surface water discharged from the site , the point(s) and rate(s) of discharge and the measures taken to prevent pollution of the receiving groundwater and /or surface waters ;
- ii. a timetable for its implementation ; and
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime .

#### REASON

In order to ensure that provision of waste water infrastructure is provided such that the development does not adversely impact on the local aquatic environment or increase flood risk on or off site and to ensure the needs of the development with respect to drainage are properly addressed in a timely manner.

31. U48212

No development shall commence until such time as the phasing plan has been approved in writing by the Local Planning Authority . The provision of all waste water infrastructure (including any necessary off-site works and the point of connection [s] into the existing public sewer ) shall be carried out in accordance with the approved timing contained within the phasing plan, unless otherwise agreed in writing by the Local Planning Authority . Furthermore, the site shall be developed with separate systems of drainage for foul and surface water on and off site and no additional surface water shall discharge to the public sewer network . Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

#### REASON

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal and treatment.

32. U48213

Any off-site foul sewers required in the area delineated as a Source Protection Zone 1 shall be lined with an impermeable liner .

#### REASON

To ensure that the development can be properly drained and to protect the public water supply

33. U48214 The layout of the proposed development shall be based on the findings and recommendations of a tree survey commissioned in accordance with British Standards Institute 5837 (2012): Trees in relation to design, demolition and construction - Recommendations. The siting and design of the development platform, all proposed buildings, access roads, private drives and parking spaces shall be informed by the tree survey and shall give full regard to the root protection area and future growth of trees taking in to account the aspect and topography of the site.  
REASON:  
To ensure that appropriate trees are retained and given due consideration in site planning in the interests of amenity and of environmental quality and core strategy policy CS16: Valuing our natural environment.
34. U48245 Bi-annual traffic counts (or annually if Automatic Traffic Count (ATC)), shall be carried out at each vehicular entrance point of the site in a neutral month, for a period of 5 years by an independent consultant (the parameters of which are to be agreed with the local planning authority beforehand). The monitoring will establish if the actual trips on the network are in line with those agreed through the planning process. The results of the counts shall be submitted to the local planning authority for approval in writing.  
REASON  
In the interest of sustainable travel in accordance with CS 9 of Doncaster Council Core Strategy.
35. U48246 The development shall be carried out in accordance with the details and mitigation measures contained within the submitted Transport Assessment and Travel Plan (dated February 2015) prepared by Croft Transport Solutions.  
REASON  
In the interest of sustainable travel in accordance with CS 9 of Doncaster Council Core Strategy.
36. U48247 A full Travel Plan shall be submitted to the Local Planning Authority for written approval within 3 months of the full occupation of the site and the development shall thereafter be carried out in accordance with the approved details.  
REASON  
In the interest of sustainable travel in accordance with CS 9 of Doncaster Council Core Strategy.
37. Within two months of approval a Biodiversity Enhancement Master Plan shall be submitted and approved in writing by the LPA. The content of the Plan shall include;
- Identification of the mitigation and/or compensation areas within the development site, including SUDS features.

- Measures to protect and enhance the adjacent Local Wildlife Site, Long Plantation
- Baseline specifications for biodiversity creation and enhancement works and other ecological features specific to mitigation proposals for habitats, faunal groups and species. These to be based on site survey data and Local Biodiversity Action plan priorities.
- Provision of roosting and nesting opportunities in woodland and new dwellings

**REASON**

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

**INFORMATIVES**

01. INF1A

**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. 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.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

This Standing Advice is valid from 1st January 2015 until 31st December 2016

02. U10485

**INFORMATIVE**

Birds may be nesting in trees and shrubs proposed for removal. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb nesting birds, and vegetation removal should be timed therefore to avoid the nesting season (March to August inclusive).

03. U10486

**INFORMATIVE**

Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. The discharge of clean roof water to ground is acceptable provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater.

If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.  
The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

04. U10487

#### 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.

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

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

Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 11.2 - 11.5 inc. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection.

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.

Any trees to be provided in the public highway require a commuted sum for maintenance purposes of £1500 per tree (£300 pounds per annum for a period of 5 years) to be paid to the Council, prior to the issue of the Part 2 Certificate.

05. U10488

INFORMATIVE

Any highways structures (as defined within South Yorkshire Residential Design Guide 4D1.1) will require technical approval in accordance with the approval procedure based on DMRB BD2/05. The developer will be responsible for preparing and submitting the AIP, with the technical approving body being the Highway Authority. The approval procedure is to be followed for the construction or alteration of any highway structure whether to be adopted or not.

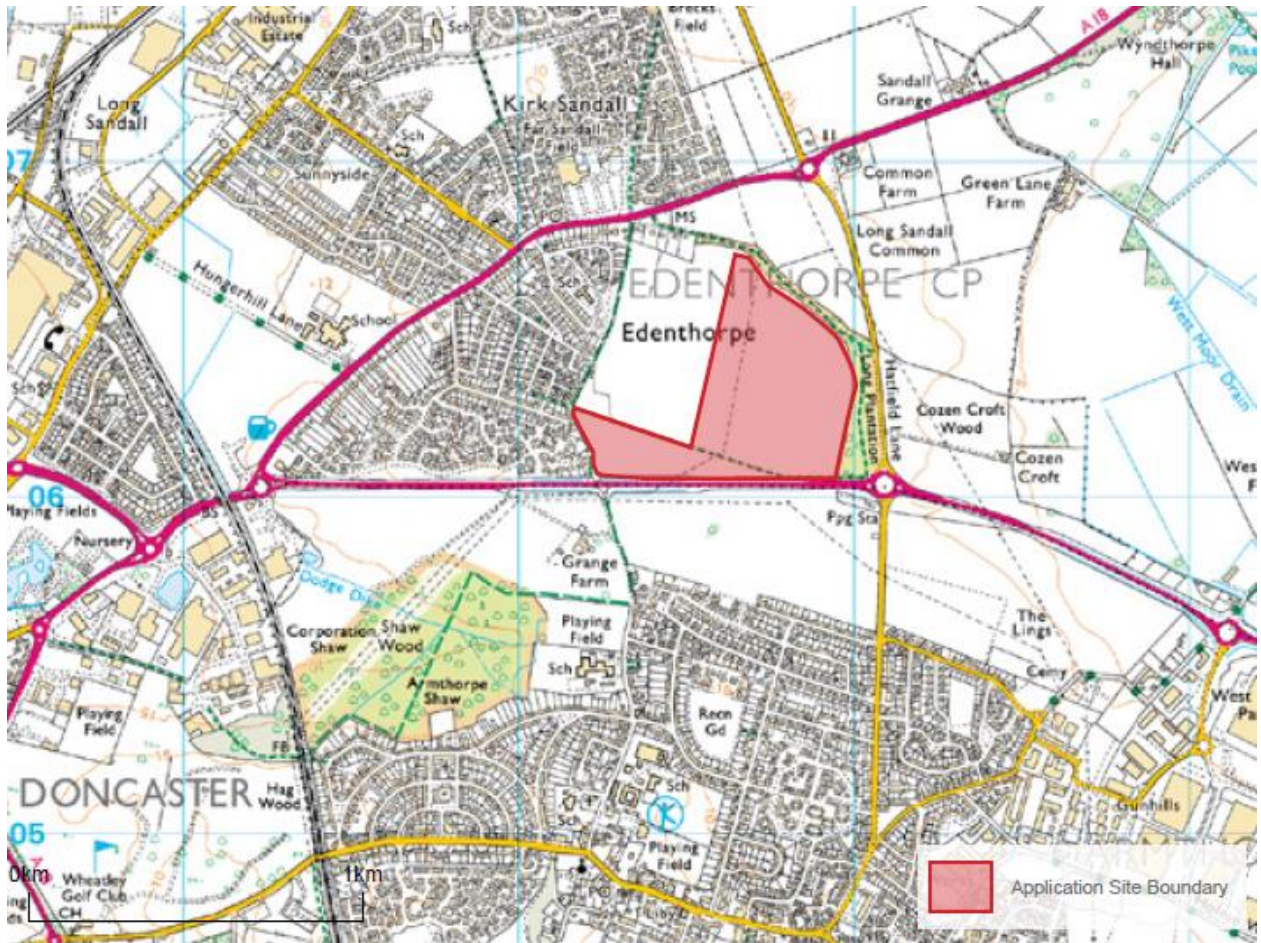
06. U10489

INFORMATIVE

The roadside ditch will require culverting beneath the main access. As such approval will be required from the relevant drainage authority.

**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.**

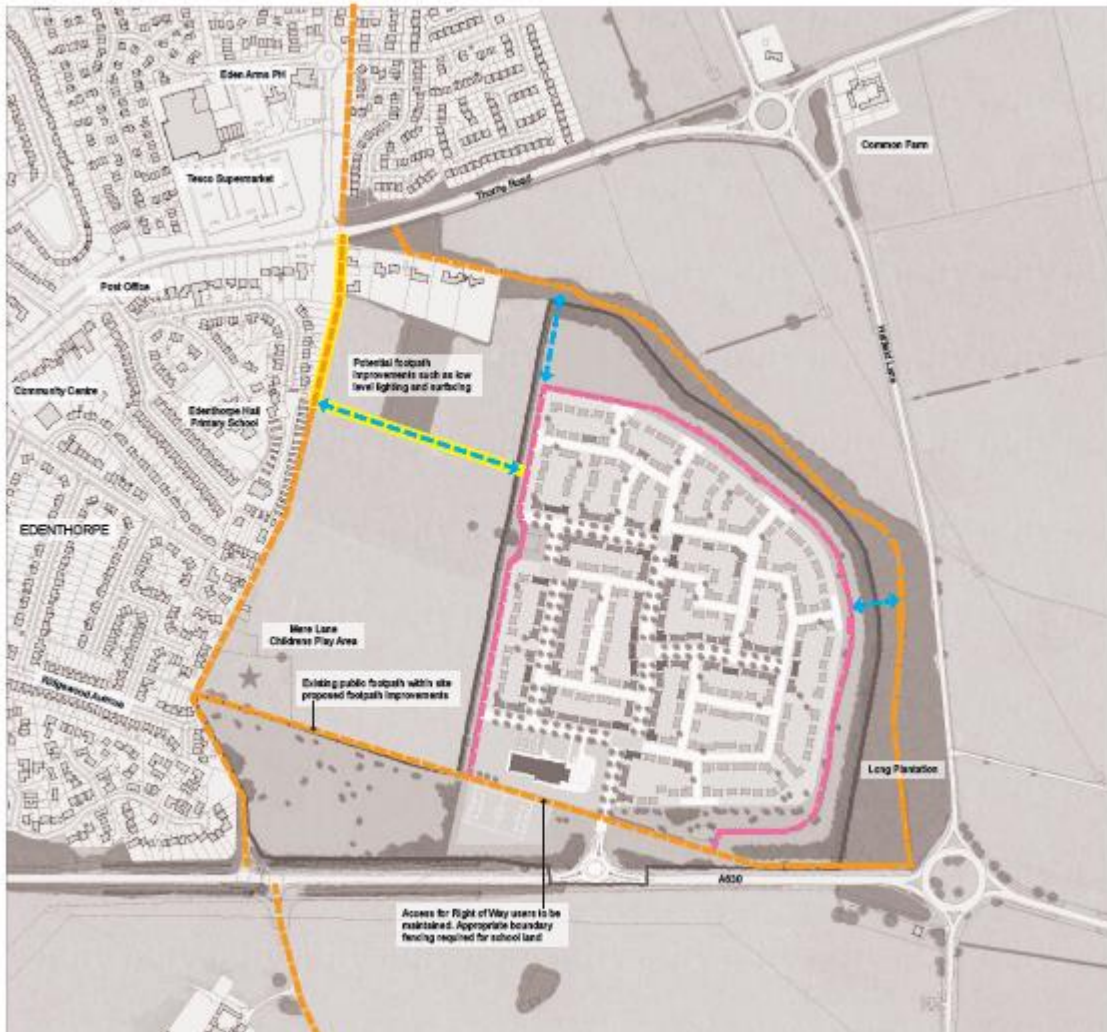
## APPENDIX 1 – Site Location Plan



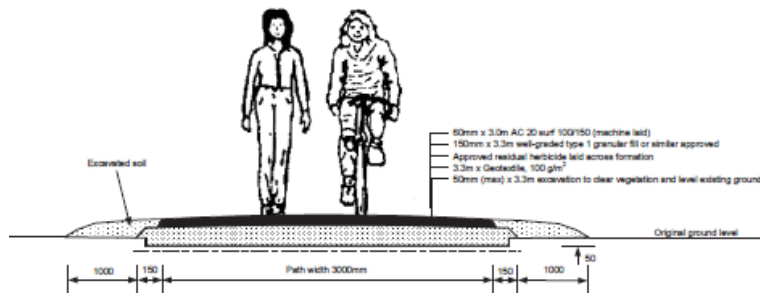




**APPENDIX 2 – Indicative Layout (with site access secured off the A630) - including footpath links and upgrades**



- Notes:**
1. Centre line of path is as indicated on General Arrangement Plans.
  2. Soft and woody vegetation to be cleared 2 metres from edges of path and 3.5 m above path surface. No works to specimen trees other than as directed by approved arboriculturalist.
  3. All cleared vegetation to be chipped and spread locally on site. Larger timber to be supplied to land owner if required or stacked into habitat piles on site.
  4. Excavation to level existing track to be kept to a minimum. Arisings to be temporarily stored for subsequent use as support to edges of path. Excess spoil to be spread locally on site.
  5. Finished surface to be laid to 2.5 % cross fall/camber, to be free draining, free of undulations and / or steps and should not pond or hold water.
  6. This drawing to be read in conjunction with all other drawings.
  7. Asphalt to BS EN 12108-1.



**Standard DBM path cross section**

File: Crown Copyright 2005. All rights reserved. Licence number 100018415  
 Registered Charity No. 205550 (England and Wales) (SC028855) (Scotland)  
 Do not scale from this drawing

**Health and Safety Information:**

B	Revised/updated	MW	22/10/10
A	First Issue	ChE	11/12/09
Rev	Description	Drawn	Date

**sustrans**  
THE NATIONAL CYCLE NETWORK

George Holt House  
 119 Holloway Road  
 Birmingham B1 1LP  
 Tel: 0121 620 5200  
 Fax: 0121 643 1214

Status:	<b>Standard detail</b>
Project:	<b>National Cycle Network</b>
Title:	<b>Standard DBM path cross section</b>
Drawn and designed by:	ChE
Checked by:	GE
Scale:	---

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 18th October 2016**

**Application**      2

<b>Application Number:</b>	16/01864/3FULM	<b>Application Expiry Date:</b>	20th October 2016
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<b>Application Type:</b>	Planning FULL (DMBC Reg 3) Major
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<b>Proposal Description:</b>	Erection of 80 houses following demolition of existing 50 houses (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)
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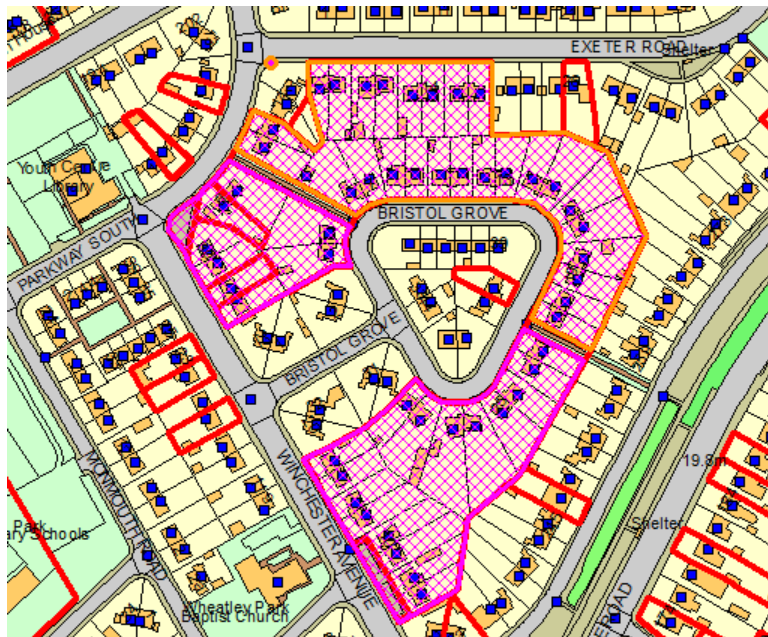
<b>At:</b>	4-29 Bristol Grove, 4-18 (evens) Exeter Road, 6-12 (evens) Parkway South, 4-18 And 24-30 (evens) Winchester Avenue Wheatley Doncaster DN2 4JG
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<b>For:</b>	DMBC Technical Services - FAO Mr Matthew Clarkson
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<b>Third Party Reps:</b>	2 Objections	<b>Parish:</b>	
		<b>Ward:</b>	Wheatley Hills And Intake

<b>Author of Report</b>	Mrs Andrea Suddes
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<b>MAIN RECOMMENDATION:</b>	Grant
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## **1.0 Reason for Report**

1.1 The application was considered by the planning committee on 18.10.2016 and deferred for site visit. the site visit was conducted on the 11th November and considered the impact on trees within the site. a verbal report on the outcome of the site visit will be presented at the meeting

1.2 The application is being presented to Planning Committee for determination on account that the application has been submitted by Doncaster Council and the site is owned by Doncaster Council.

## **2.0 Proposal and Background**

2.1 The scheme proposes a development of 100% affordable housing and the application has been subject to informal pre application advice.

2.2 The proposal is for the erection of 80 houses following the demolition of the existing 50 houses, with cycle stores/sheds and bin stores, and associated highway and infrastructure.

2.3 The site is located in Wheatley, a settlement that lies approximately 1m outside of Doncaster Town Centre and located within a well-established residential area.

2.4 The 50 existing houses built around Bristol Grove, Winchester Avenue, Exeter Road, and Parkway South are Howard Type Prefabricated Houses built in the early 1950's. In the early 1980's defects in design and construction were discovered in a number of non-traditional houses designed and built before 1960. These were subsequently designated as inherently defective under the Housing Defects legislation. Doncaster Council still maintains and owns 34 of the 50 Howard Houses, and the decision was made to buy back those not owned by the Authority and demolish them to make way for new council houses due to the extensive costs to the Authority to complete an improvement and modernisation program for these houses.

2.5 Whilst all properties are not yet vacated and some are still privately owned this application is for permission to demolish the existing dwellings and build new houses on the land.

2.6 There are two existing public footpath links that link Bristol Grove to Parkway South, and Bristol Grove to Thorne Road that will be retained. There is an electric substation is located along the Western footpath link serving access to Parkway South that will be also be retained.

2.7 Bristol Grove is a central 'triangular' shaped square in the middle of (but outside of) the application site. These properties will remain and the residents will remain in habitation during the construction period.

2.8 There are a number of mature trees currently in the rear gardens of houses.

### **3.0 Relevant Planning History**

3.1 There is no planning history of relevance to this application.

### **4.0 Representations**

4.1 This application has been advertised in accordance with Article 13 of the Development Management Procedure Order (DMPO), and includes 3 site notices, press and Public Access. 2 letters of representation have been received regarding the following;

- o Loss of trees and hedges
- o Increased traffic

4.2 The Applicant has also carried out a public consultation event which was held on Monday 20th June. The event was held in the Wheatley Park Baptist Church and was attended by over 60 residents.

### **5.0 Relevant Consultations**

5.1 Highways: The Highway Officer has raised no objections subject to conditions. Amendments have been requested to include 2 visitor parking bays on Exeter Road. Plot 60 site has an access of 4.80m and Highways recommend 5m as a minimum. At the time of preparing this report this has still to be incorporated into the design.

5.2 Transportation: No objections raised as the development will not have a significant impact on the highway network.

5.4 Built Environment (Design): Has raised no objections. The Building for Life assessment scores 9 out of 12

5.8 Trees and Hedgerows Officer: The high density nature of this proposal creates a conflict with most of the existing trees in this site in terms of both direct (i.e. proximity to tree roots/canopies; contractors haul road) along with indirect impacts. The Tree Officer is unable to support the application due to these impacts but acknowledges, that there is an urgent need for social housing.

5.9 Ecologist Planner: Bat surveys have been carried out on 49 of the properties identified in the submitted Ecological report. There will be a requirement for a European Protected Species (EPS) licence to deal with the identified from the surveys.

5.10 Coal Authority: Standing advice for development within a coal mining area.

5.11 Pollution Control: No objections raised however recommend conditions for a contaminated land assessment and remedial strategy, and a condition for any unexpected contamination and material brought on to site.

5.12 Strategic Housing Team: This development will provide new housing for the Council all of which will be 'affordable' rented tenure. The scheme therefore complies (and exceeds) with the Council's policy for 25% Affordable housing on residential developments above 14 dwellings.

5.13 Environment Agency: Site is FZ1 - no observations made.

5.14 Drainage Officer: No objections subject to conditions

5.15 Yorkshire Water: No objections subject for condition for details of foul and surface water to be agreed.

5.16 National Grid: No response received.

## **6.0 Relevant Policy and Strategic Context**

Planning policy relevant to the consideration of this application includes:

### 6.1 National Planning Policy Framework:

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 6: Delivering a wide choice of high quality homes

Section 11 (paragraph 109): Conserving and enhancing the natural environment

### 6.2 Doncaster Council's Core Strategy:

Policy CS 1: Quality of Life

Policy CS2: Growth and Regeneration Strategy

Policy CS 9: Providing Travel Choice

Policy CS12: Housing Mix and Affordable Housing

Policy CS 14: Design and Sustainable Construction

Policy CS 16: Valuing our Natural Environment

Policy CS 17: Providing Green Infrastructure

### 6.3 Doncaster Unitary Development Plan (UDP) Policies:

PH11 Development in Residential Policy Areas

RL 4 Provision of Public Open Space

### 6.4 Other Policy Considerations:

South Yorkshire Residential Design Guide

## **7.0 Planning Issues and Discussion**

7.1 The main planning issues concerning this application include;

- Principle of development,
- Design and Appearance,
- Residential Amenity,
- Public Open Space Contribution,



- Trees and Ecology, and
- Highways

### Principle of Development

7.2. As defined by the Doncaster Unitary Development Plan (1998) the site is designated as a Residential Policy Area so residential developments within this area are permitted in principle.

7.3 The National Planning Policy Framework (NPPF) advises that there should be a presumption in favour of sustainable development and that new housing should enhance and maintain the quality of life in neighbourhoods by being well designed, sustainably located and meet the needs of the local population. Section 6 further states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

7.4 The proposal is for residential development in accordance with its land allocation in the saved UDP maps as a Residential Policy Area. The site is currently occupied by a Council and privately owned houses. However, the Howard style of housing was found to be inherently defective under the Housing Defects legislation, and the decision was made to buy back those not owned by the Authority and demolish them to make way for new council houses due to the extensive costs to the Authority to complete an improvement and modernisation program for these houses. The proposal is for 80 houses to deliver new council housing, and once built the site and the houses will be transferred to St Leger Homes, Doncaster Council's arm's length organisation that handle all housing for the Authority.

7.5 Policy CS 12 of the Council's Core Strategy relates to housing mix and affordable housing, stating that new housing developments will be required to include a mix of house size, type, price and tenure to address the identified needs and market demand to support mixed communities. It further states that in terms of delivering affordable housing this can be delivered under various measures listed as criteria 1-5, with criteria 5 being most pertinent. This states that the council will work with partners to deliver affordable housing and a mix of houses to meet local needs through use of its own land and other initiatives.

7.6 With regard to the need; The housing needs study carried out by the client identified the size of the council housing accommodation requirements in the ward, and the 80 proposed dwellings are approximately divided as 72% two bedroom houses, 20% three bedroom houses, and 8% four bedroom houses. This scheme would contribute to the much needed type of housing required in the area in line with NPPF requirements and would also be in accordance with Policy CS 12.

### Design and Appearance

7.7 80 units are proposed on this site comprising of predominantly 2 bed roomed houses along with some 3 and 4 bed roomed houses.

7.8 In terms of the design and appearance of the dwellings; Policy CS 14 of the Core Strategy is applicable. This policy requires that the components of development, including use mix, layout, density and form, will be assessed to ensure that the development proposed is robustly designed, works functionally, is attractive, and will make a positive contribution to achieving a successful place.

7.9 The design attempts to mimic the strong symmetrical lines of the existing estate by introducing smaller crescents and courts with landscaping. Many of the houses are semi-detached and on all main roads the original building lines are observed. All houses are two storeys in height to match those surrounding the site.

7.10 Overall, the scheme allows sufficient garden/private amenity space per dwelling and overall circulation space within the development.

7.11 The houses are designed to be read as a whole and the roofs are designed to link together avoiding awkward little mono roofs that need their own downpipes. The overall design of the development is more contemporary than traditional and therefore is not entirely in keeping with the character of the surrounding area. However, National Policy promotes originality of design and not to stifle initiative by conforming to certain development forms or styles. It does however, seek to promote or reinforce local distinctiveness. The scheme is generally in-keeping with the existing area in terms of size and scale, and whilst the architectural character is contemporary, this will make a positive contribution to the varied house-types in the area. The scheme will meet the Council's aspirations for good quality homes as defined in Core Strategy CS 14.

7.12 In terms of materials, for maintenance reasons, the choice of materials has been an important consideration as the houses will remain in the authority's ownership and therefore need to be resilient. The proposed materials are red facing brick and ebony coloured cladding with concrete slate roof tiles. Windows will be anthracite upvc. A condition has also been included for final materials to be agreed.

### Residential amenity

7.13 Policy PH 11 (b) of the Doncaster Unitary Development Plan and policy CS 14 (A) of the Core Strategy seek to ensure that development does not have a detrimental impact upon the amenities of occupiers of neighbouring properties. The South Yorkshire Residential Design Guide Supplementary Planning Document (SYRDG SPD) sets out urban design and detailed highway design guidance and is used by the Council in the appraisal of residential schemes.

7.14 21m is the accepted minimum separation distance between the main rear/front elevations of two storey properties containing habitable room windows to prevent overlooking between properties, and creating a negative outlook. This 21m distance is maintained between the proposed and existing properties, and between new properties. However, plots 21 and 22 do not meet the separation distance between main bedroom windows, this is 16.7m which is less than the 21m accepted separation distance as previously mentioned.



Therefore, Members are recommended to allow the Head of Planning to negotiate suitable amendments and to be able to issue the decision upon the submission of a satisfactory scheme. The purpose of this is to enable a decision to be made without compromising HCA funding, whilst seeking to ensure a scheme that provides sufficient amenity to occupiers of the proposed development.

7.15 The distance between plots 22 and 77 is also less than the policy requirements of 11m where a main habitable window is sited opposite from a blank elevation. This distance is 8.8m however, this is not the only window serving the first floor twin bedroom, there is another window on the side elevation, therefore it is considered that this distance can be accepted in this instance and will ensure that this bedroom has a satisfactory outlook. It is noted that the new, more intensive, layout creates a number of changes in outlook for occupiers of existing properties as noted by the Council's Design Officer, however whilst it is noted that the outlook of the retained properties will change, the result of this will not be so negative to warrant refusal of the application.

7.16 Of the three representations that have been received, there has been no objection on residential amenity grounds in relation to overlooking, poor outlook or over dominance. As such, with the exception of the relationship between plots 21 and 22 which, with Members agreement, to be resolved by the Head of Planning, on balance, the proposal meets with policy PH 11 and CS 14.

#### Public Open Space Contribution

7.17 Criteria C) of UDP Policy RL4 states that where a development site would result in an area of open space less than 0.4ha it would normally be expected to provide a commuted sum to the value of 10% of the value of the site for the delivery of off-site Public Open Space improvements. The terms of the Policy are that the 'Council may require the applicant to provide a commuted sum'. So the Committee must decide where the greater community benefit lies - in asking for this contribution or not. The site is delivering 100% affordable housing (80 units). There is significant community benefit in providing this type of housing. If 10% of the land value were to be taken from the budget of the project which is funded by public grants, it is likely that it will lead to the reduction of units, affect the terms of the grant offer or result in non-delivery of the scheme to its current tight timeline. There is currently no open space provision within the site, therefore it is Officers considered view that given these factors there is greater community benefit in assisting the delivery of these affordable homes by granting permission without a commuted sum.

#### Trees and Ecology

7.18 There are many trees, shrubs and hedgerows on and adjacent to the application site, many of them of a mature age and with good amenity value as skyline trees and as layered depths of mature shrubbery and hedges throughout the site. A significant number of these will be directly lost to development. Some of the skyline trees are shown for retention but due to the pronounced reduction in stand off distances from these trees as a result of the increased density of this scheme their relationship with the some of the proposed plots is problematic in terms of proximity. Some trees will be unaffected. There is also a new tree planting scheme planned.

A considerable amount of time has been spent assessing and reviewing the impact of the development on the trees. Plans will be shown at the Planning Committee to show these four categories of retained, removed, affected and new planted trees.

7.19 Forty nine homes to be demolished have been identified as having potential to support bats. The results of the bat activity surveys indicate that the Common Pipistrelle uses a minimum of fourteen properties for roosting/shelter. Two properties host a small Common Pipistrelle roost and, whilst this is likely to be the same colony of bats using both properties, demolition of the properties is likely to have a moderate/high impact on the local population of Common Pipistrelle bats based on the species and size of roost.

7.20 The applicants will need to obtain a Natural England European Protected Species Licence to remove bats before any work to commence demolition. No works should commence on properties until a method statement has been compiled by a suitably qualified ecologist and approved by the Local Authority and the method statement should be adhered to during all works at the site.

### Highways

7.21 Policy CS14 of the Core Strategy states that one of the components of good design is to ensure that developments take into consideration highway safety. The proposal retains the existing site access off Winchester Avenue and directly onto Bristol Grove. The Highway Officer has raised no objection to the principle of the development but did raise issues with regard to the initial layout in relation to visitor parking spaces provided off Exeter Road (needing to be omitted); increasing the width of gateposts from 2.5m to 2.75m; and location of bin-stores. The visitor spaces have subsequently been removed from Exeter Road, gateposts widened and bin stores relocated. Plot 60 has twin drives and currently these measure a width of 4.8m. The minimum required is 5m.

7.22 Policy CS9 of the Core Strategy - 'Providing Travel Choice' ensures the delivery of travel choice and sustainable opportunities for travel through transport assessments and travel plans as appropriate. The Applicant has submitted a Transport Assessment as part of the application. The trip rates have been checked and the Transportation Officer who notes the trips associated with this development in the AM and PM peak hours are 15 and 16 respectively. Accordingly, the development is unlikely to have a severe impact on the local highway network.

## **8.0 Summary and Conclusion**

8.1 In summary, the application site represents a practical option to support the on-going aspirations of the Council to achieve additional residential development in Doncaster. The application site offers a design that in most part contributes towards a successful place and is capable of accommodating a form of residential development that would reflect its setting and surroundings with a suitable means of access. The density of the proposed housing scheme does, however, mean that there will be an impact on some existing trees in this area. The implications of this have been balanced with the aspirations to deliver a high number of affordable homes with a scheme that will provide compensatory planting.

The development would ensure the living conditions of future occupants of the properties and those of neighbouring residents are not significantly jeopardised having regard to light and privacy, in so far as such matters can be regarded as material planning considerations and subject to mitigation by the attached planning conditions.

8.2 On this basis, it is considered that on balance the application be recommended for approval subject to conditions and for the Planning Committee to delegate their authority to allow the Head of Planning to continue negotiations for minor re-designs of Plots 21 and 22 in terms of their relationship with each other.

## 9.0 Recommendation

GRANT Full planning permission subject to the conditions below;

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
  
02. ACC1            The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
  
03. GR20            No development shall take place in implementation of this permission until a report (the initial SAP report carried out as part of Building Regulations will be sufficient information in many cases) has been submitted to the local planning authority and approved in writing from them, explaining how CO2 emissions from the development will be reduced by providing at least 10 Percent of the development's energy through on-site renewable energy equipment or improvements to the fabric efficiency of the building. The carbon savings, which result from proposed measures, will be above and beyond what is required to comply with Part L of 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 building is occupied or sold, the local planning authority shall be satisfied that the measures have been installed, which will enable the planning condition to be fully discharged.  
REASON  
In the interests of sustainability and to minimize the impact of the development on the effects of climate change. This condition is required to be discharged prior to commencement as the approved detail may have an impact on the design and fabric of the building during construction or the appearance of the development.

04. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.  
REASON  
To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.
05. 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.
06. HIGH11 The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.  
REASON  
To avoid damage to the verge.
07. CON1 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.
- a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.
- b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.

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

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

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

**REASON**

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework. This is required prior to commencement to ensure that the necessary mitigation measures can be put in place should any contamination be found.

**08. CON2**

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

**REASON**

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

09. CON3 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, 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.
10. VK11A Before the development commences, samples 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 the satisfactory appearance of the development.
11. U48335 Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with clause 6.2 ('Barriers and ground protection') of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the approved details and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.  
REASON  
To ensure that all trees are protected from damage during construction in accordance with core strategy policy CS16: Valuing our natural environment.
12. U48336 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 establish 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.

13. U48338 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

**REASON**

To ensure that no surface water discharges take place until proper provision has been made for its disposal.

14. SUDS1 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, based upon sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted in accordance with the approved detailed design, prior to the use of the development commencing.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the South Yorkshire Interim Local Guidance for SuDS.

**REASON**

To prevent the increased risk of flooding; to ensure the future maintenance of the SuDS system, to improve water quality, habitat and amenity all in accordance with NPPF.

00. 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 2 – Indicative Street Scene and House Types



FIGURE 1: Artists Impression of the formal court of proposed houses off Bristol Grove

### HOUSE TYPE N722

2 bedroom 3 person semi or 'back to b



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### HOUSE TYPE N812

2 bedroom 4 person semi or terrace G1



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### HOUSE TYPE N790

2 bedroom 4 person semi or terrace G1



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# HOUSE TYPE N797

2 bedroom 4 person semi or terrace Gi



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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 15th November 2016**

<b>Application</b>	<b>03</b>
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<b>Application Number:</b>	16/01386/FULM	<b>Application Expiry Date:</b>	30th August 2016
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of a convenience retail unit (Use Class A1) 1,394sqm , customer car park, and service yard
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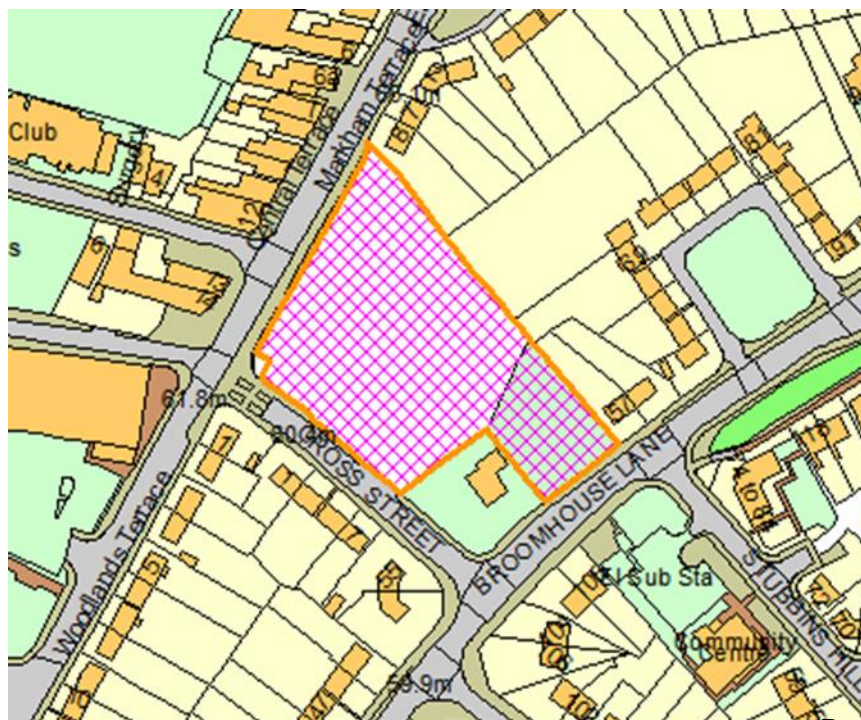
<b>At:</b>	The Ridings Cross Street Edlington Doncaster
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<b>For:</b>	UK & Maine Ltd - Mr Roger Ahmed
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<b>Third Party Reps:</b>		<b>Parish:</b>	Edlington Town Council
		<b>Ward:</b>	(Historic) Edlington And Warmsworth

<b>Author of Report</b>	Mrs Andrea Suddes
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<b>MAIN RECOMMENDATION:</b>	GRANT
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## **1.0 Reason for Report**

1.1 The application is being presented to Planning Committee for determination on account of the significant amount of public interest shown in the proposal.

## **2.0 Proposal and Background**

2.1 The application is seeking full planning consent for the erection of a convenience retail store (Use Class A1) with associated car parking, landscaping and service yard.

2.2 The total development site extends to 5451sqm (1.31 acres) and is located on Edlington Lane, Edlington, with Bungalow Road and Market Place opposite. To the south west boundary of the site is Cross Street and to the south east boundary is Broomhouse Lane.

2.3 The site itself is currently lying vacant having previously been occupied by Edlington Health Centre and 'The Ridings' nursing home.

2.4 The land levels of the site fall by 2.7m between Edlington Lane and Broomhouse Lane at the South Eastern side of the site. The main difference in land levels change by 2.3m within 10m of the back edge of the pavement. There is also a fall from West to East of approximately 1m.

2.5 The South and West of the site is bound by residential streets and to the North West of the site across Edlington Lane there is a cluster of retail and takeaway shops.

2.6 The retail unit will be of a contemporary modern style, with a simple palette of materials and will be positioned to front Markham Terrace. Vehicular access is proposed from Markham Terrace, with servicing from the rear on Broomhouse Lane. The servicing yard will also incorporate 4 staff parking spaces. There are 72 customer parking spaces proposed at the front and site of the store. The main entrance

## **3.0 Relevant Planning History**

10/00956/FULM

Decision: PER106

Date Issued: 11th January 2011

Erection of 14no. dwellings including means of access

11/01358/FUL

Decision: FDISP

Date Issued: 15th June 2012

Erection of a block of 3 terraced houses with detached garage to each end unit following demolition of existing health centre

## **4.0 Representations**

4.1 This application has been advertised in accordance with Article 13 of the Development Management Procedure Order (DMPO), and includes 3 site notices, press advertisement, Public Access and neighbour notification.

Objections have been received from 5 interested parties. The concerns include;

- Proximity of service yard to properties – noise and lorries
- Car park too close to properties, noise and disturbance implications
- Surface water drainage issues
- Residential properties would be surrounded by retail development
- Impact on road safety, insufficient visibility and concerns regarding manoeuvrability and insufficient turning area
- Increased traffic generation and congestion
- Impact on road safety
- Concerns regarding the advertisement of the application and the timing for responses
- Building will block sunlight to back garden
- Possibility of antisocial behaviour when the store closes

## **5.0 Town Council**

5.1 Edlington Town Council supports the application and welcomes employment opportunities that the development may bring for local residents.

5.2 Further comments have also been received from the Town Council relating to the publicity of the application, in particular the timing of site notices and letters of notification to neighbours in that they did not correspond with the timing of the town council meeting resulting in residents not attending the meeting as they would have wished.

5.3 Most parish/town councils hold their meeting every 4 weeks or once a month, and so to co-ordinate the publicity of applications to accord with this would cause an unreasonable delay in the processing of planning applications. Planning applications have a consideration period and determination of either 8 or 13 weeks depending on the type of application. The Government has also placed great emphasis on the validation and processing of planning applications in a timely manner; Therefore site notices and neighbour notification letters are not dated or posted to take into account parish or town council meetings.

## **6.0 Relevant Consultations**

6.1 Highways DC - During the planning process for this development proposal, concerns were raised regarding a number of highways related issues which over the course of the application have been responded to by the applicant's Highways and Transportation consultants.

Most recently, information relating to vehicle speeds and traffic volumes on Broomhouse Lane have been received, the contents of which have been assessed and the highways officer can confirm that due to the changes made and information obtained during the planning process, there are no objections to the development proposal from a highways development control perspective, subject to condition.

6.2 Transportation - Following consideration of the Transport Statement submitted with the application, there are no objections from a transportation point of view, subject to cycle parking being provided.

6.3 Built Environment (Design) – No objection subject to agreement by condition of a suitable landscaping scheme and boundary treatments.

6.4 Pollution Control – No objections subject to conditions for addressing unexpected contamination during development and importation of topsoil.

6.5 Pollution (Air Quality) – No objections subject to the provision of electric vehicle charging points.

6.6 Internal Drainage – No objections, subject to conditions.

6.7 Severn Trent Water - No objections have been raised subject to condition for details of foul and surface water to be agreed with the Local Planning Authority.

6.8 Environmental Health (Noise) – Following consideration of the noise impact assessment, there no objections in principle to the proposed retail development from a noise point of view. The site is located adjacent to existing residential properties so there is some potential for a negative impact on amenity due to the operations of the store so it is recommended that conditions are included on any approval in order to protect residential amenity:

6.9 National Grid – Advice received with regard to equipment within the vicinity of the site.

6.10 Investment Team – No comments received.

6.11 Local Plans Team (Retail) – No objections raised to the principle of retail use in this location.

6.12 Coal Authority – Standing Advice.

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

Planning policy relevant to the consideration of this application includes:



## 7.1 National Planning Policy Framework:

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

Section 2 (paragraph 23) of the NPPF seeks to promote competitive town centre environments that sets out policies for their management and growth.

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

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

## 7.2 Doncaster Council's Core Strategy:

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

Policy CS7 of the Core Strategy is concerned with Retail and Town Centres. The policy states that retail and other commercial uses will normally be directed towards existing centres.

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

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

## 7.3 Saved Doncaster Unitary Development Plan:

PH 11 - Residential Development in Residential Policy Area  
PH 12 – Non-residential Development in Residential Policy Area  
SH 16 – Retail Development

## 7.4 Emerging Edlington Neighbourhood Plan:

An emerging neighbourhood plan may be a material consideration. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies.

The Planning Practice Guidance advises that whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan.

Edlington Town Council has submitted a Neighbourhood Plan Area, and a boundary has been designated, however at this stage there are currently no policies for consideration. Therefore the emerging plan is of limited weight.

## **8.0 Planning Issues and Discussion**

8.1 The main considerations are the principle of retail development in this location, the design, scale and layout of the proposal and its impact on the character of the surrounding area, the impact on residential amenity and the highway implications of the development.

### Principle of Retail Development

8.2 The application site is located on land defined as residential policy area by the Doncaster Unitary Development Plan. Policy PH 11 of the Doncaster Unitary Development Plan states that within the residential policy area, development for housing will normally be permitted where it meets the set criteria. However, policy PH 12 states that with the 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. The impact on residential amenity will be assessed in a later section of this report.

8.3 Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

8.4 Paragraph 23 of the NPPF seeks to ensure the vitality of town centres and states that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. In paragraph 24, the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of town centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

8.5 Policy CS 7 of the Core Strategy lists Edlington as a Local Centre in retail hierarchy terms. Town centre uses should be located according to the Retail Hierarchy, and retail uses that would support the vitality and viability of centres in the hierarchy below Doncaster town centre will be directed sequentially to these centres providing that they are of a scale and nature that is appropriate to the size and function of the centre, and would not lead to unsustainable trip generation from outside their catchments.

8.6 In accordance with paragraph 24, and CS 7 a sequential test has been submitted by the applicant, a retail impact assessment has also been provided. The development site is not located within an existing centre, although it is located adjacent to the area boundary and is considered to be an edge of centre site. For the purposes of the Sequential Test, the applicant considers that a suitable site would need to provide around 1400sqm of floorspace on the level with level access to adjacent off street parking on a site of around 0.45ha to accommodate the store, parking and servicing. The applicant also requires the site to provide main road frontage and presence to attract trade. Development of the site would also need to be visible. In applying this criterion, the applicant identifies five alternative sites and concludes that there are no available sites which are suitable in a sequentially preferable location to provide a retail unit in a format that would be suitable for the proposed discount retail store.

8.7 According to the applicant, the proposed development would enhance the retail offering within Edlington, complementing the existing retail offering along Edlington Lane and catering for the increasing population in the town. They consider that in providing a discount retailer, this would also assist in retaining shoppers that would normally travel further afield. It could therefore be argued that the development would be of an appropriate size and scale for the function of the centre. Furthermore, the site is sustainably located being within walking distance to a large residential catchment and having access to public transport which offer regular services to Doncaster Town Centre, Warmsworth, Rotherham and Dinnington.

8.8 Generally, the vitality of local centres is diminishing given the high number of services closing or amalgamating with other stores or local services e.g. Post Offices and their services inside general stores and pharmacies and libraries within health centres etc. There is also the advanced online services available these days such as banks and food/grocery shopping and the scope to enhance the existing offers to address local shopping and leisure needs which must be considered for the future of the new Local Plan. In accordance with the NPPF and the spirit of the new Local Plan it is to recognise that town centres are the heart of communities and policies will support their viability and vitality.

8.9 Having said this, a local centres study for each centre within the borough has recently been carried out to inform the evidence for the new Local Plan, this will help define boundaries in town, district and local centres (yet to be published). For Edlington, specifically, there is evidence to suggest that the existing boundary identified in the UDP (adopted July 1998) could see change, Edlington seems to have seen development over the last few years e.g. health centre, retail (Asda), but has also seen closure of some larger stores Co-op/Netto etc on sites within the town centre and edge of centre sites.

Therefore, the boundaries may change to include the application site to encourage new and other town centre uses to support the existing viability and vitality of the town centre and provide services for Edlington.

8.10 Paragraph 18 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity. Paragraph 23 states that local planning authorities should promote competitive town centres that provide consumer choice and a diverse retail offer and which reflect the individuality of town centres. This accords with policy CS 1 of the Doncaster Council Core Strategy which seeks to secure economic prosperity and enhance the quality of life in Doncaster by the provision of opportunity for people to get jobs.

8.11 Therefore, on balance, the development of the site for retail purposes is considered acceptable in that there are no sequentially preferable sites within Edlington and the proposal will enhance the vitality and viability of the local centre by providing greater consumer choice, offer the opportunity for linked shopping trips to existing retail facilities, bring back into use a vacant brownfield site which is situated in an edge of centre location which is highly sustainable and provide approximately 40-50 jobs.

### Design, Scale and Layout

8.12 Paragraph 58 of the NPPF states that developments should function and add to the overall quality of the area, establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places. They should also respond to local character and history and reflect the identity of local surroundings and materials.

8.13 Policy CS 14 of the Doncaster Council Core Strategy states that all proposals must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area. In order to achieve this, a number of design principles and quality standards should be considered. Components such as layout and townscape ensure that a development makes a positive contribution to achieving a number of qualities of a successful place, including character, continuity and enclosure of streets and spaces by buildings.

8.14 In addition to the above, policy SH 16 of the Doncaster Unitary Development Plan sets out a number of design requirements for new retail development to ensure that there is adequate space for necessary car parking requirements, pedestrian access and public transport facilities; adequate space for the parking and unloading of service vehicles; and that the development is of a satisfactory siting, scale, design and external appearance, in harmony with neighbouring development.

8.15 The buildings in the immediate vicinity of the site vary dramatically in quality and materials used ranging from red facing brickwork and render on the residential properties, to light grey cladding panels and curtain walling on the Asda Supermarket.

8.16 The design and materials has taken into account of the surrounding character and proposes a single storey modern, functional structure located along the north eastern boundary of the site.

The siting is dictated by the change in levels within the site. An assessment of other options for siting has been submitted as requested by officers as part of the consideration, and to justify the proposed siting of the store. Car parking is provided to the North West and south of the site with servicing to the east of the site. The building although single storey will effectively be 2 storey in height overall, achieving a total overall height of approx. 9.2m. The design of the building includes a flat roof with a material palette proposing large elements of shop front glazing with a cantilevered canopy at the entrance of the store.

8.17 In terms of the proposed materials, a simple palette of materials has been used, to take into account the contrasting materials and adjacent properties. The main element of the store will be finished in light grey composite cladding with a contrasting low level red brick plinth. Grey brick piers will be introduced to break up the elevations and soften the horizontality of the form. A condition is included for materials to be agreed with officers.

8.18 The entrance to the store is further highlighted by glazing, which ensures an active frontage visible from the car park and Edlington Lane. The site is enclosed at the frontage along Edlington Lane by a timber knee rail fence with a 2.4m high close board timber fence along the northern, southern and south eastern perimeter boundaries.

8.19 Nominal landscape planting is indicated on plan therefore a landscaping condition is included for a scheme of soft landscaping. This should include provision of a minimum of 7 trees as shown positioned on the amended site plan, and shrub and hedge planting provision to the Cross Street and Edlington Lane edges of the site. These edges should also feature a 0.9m timber knee rail boundary treatment. Boundary treatment to Broomhouse Lane should be a low wall 0.9m topped with paladin or weldmesh type fencing.

8.20 The siting, design, scale and form of the new building is appropriate and acceptable in this location given the surrounding uses, and therefore accords with Policy CS 14 of Doncaster's Core Strategy and policy SH 16 of the Adopted Unitary Development Plan.

### Impact on Residential Amenity

8.21 Policy PH 12 of the Doncaster Unitary Development Plan states that within 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. Policy CS 14 of the Doncaster Council Core Strategy states that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. The application site has residential neighbours along

8.22 The application site has residential neighbours along the eastern boundary, south western boundary, and although separated by a road, there are residential properties to the west fronting Cross Street. It has already been mentioned within this report that the site is allocated as residential policy area, and whilst non-residential uses can be acceptable, this is dependent upon their impact on residential amenity. Concerns have been raised within the objections received from local residents that the development will be harmful to amenity by virtue of noise and disturbance from the store and the servicing arrangements.

8.23 The properties which are most likely to be affected are No 57 Broomhouse Lane and The Vicarage, which are either side of the proposed servicing yard and service vehicle access. The plans also show a plant zone to the rear of the store, adjacent to the boundary of The Vicarage. A 2.4m high close boarded fence is shown around the shared boundaries with residential properties which will mitigate a significant loss of amenity from the car parking and servicing areas, and the plant zone. The height of the fence also provides screening to account for the difference in levels as the site falls away towards Broomhouse Lane.

8.24 The customer entrance is located on the north western corner of the building which is not directly adjacent to residential properties; however there are car parking spaces directly adjacent to The Vicarage and No 8 Markham Terrace. The proposed opening hours of the store are Monday to Saturday 9am to 8pm, and Sundays and Bank Holidays 10:30 am to 4:30pm. As such, it is not considered that the proposed opening hours are unreasonably early or late to a level that would create undue noise or disturbance. Furthermore, deliveries to the site will not occur constantly throughout the day, as it is anticipated that 1 to 2 deliveries will be made per day. Therefore, at this limited level, it is not considered that this would be harmful to residential amenity of the properties to the rear on Broomhouse Lane.

8.25 There are also 4 car parking spaces located within the servicing area which are to be for staff car parking spaces also to the rear. The applicant states that these spaces will be used for management only who will work a normal working day and not a shift pattern, therefore it is unlikely that there would be a large number of comings and goings to these spaces throughout the day. A condition is also included to ensure that the number of cars parked is limited to 4.

8.26 A noise report has been submitted with the application and the Council's Environmental Health has been consulted. Environmental Health has no objection in principle to the proposed retail development, but notes the potential for a negative impact on amenity due to the operations of the store. As such, a number of conditions are recommended including limiting the level of acceptable background noise from plant and machinery, limiting the hours of deliveries and the provision of a 2.4m high acoustic barrier. A Construction Method Statement is also requested to ensure that loss of amenity is minimised during the construction period.

8.27 Concerns noting a loss of residential amenity by virtue of antisocial behaviour when the store is closed are noted, however secure boundary treatment is proposed around the perimeter of the site, with gates, therefore the store and its car park will be securely closed.

8.28 With regard to overshadowing, the store is considered to be sited at a sufficient distance away from the neighbouring properties to prevent a significant loss of amenity as a result of overshadowing. The store is sited approximately 20m to the north west of No 57 Broomhouse Lane, therefore there may be some overshadowing of the rear part of the garden during the afternoon/evening. The store is sited approximately 7.7m to the north of The Vicarage, therefore overshadowing should not occur. The main aspects of the Vicarage fronts Cross Street and Broomhouse Lane, therefore the store sited to the north will not be overly dominant. Furthermore, the closest part of the dwelling to the site is a garage, there is however a window on the eastern side elevation.

8.29 On balance, whilst it is noted that there will be some loss of residential amenity as a result of the erection of a large retail unit within a residential area, it is considered that this can be effectively controlled by the conditions recommended by Environmental Health. The proposal therefore accords with policies PH 12 and CS 14.

#### Transportation and Highway Safety

8.30 Paragraph 34 of the NPPF states that decisions should ensure that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Policy CS 9 of the Doncaster Council Core Strategy relates to the provision of travel choice and 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.

8.31 The development will be accessed from a new single vehicular access proposed off Edlington lane and will also incorporate 2 pedestrian links from Edlington Lane and a further link from Cross Street to connect the site to existing footways. Access to the service yard for goods vehicles will be provided from Broomhouse Lane.

8.32 Concerned residents have raised issues regarding the increased volume of traffic and road safety as a result of the development and also the proposed service access regarding its proximity to nearby houses and ability for vehicle manoeuvres turning into and out of the site. With regards to proximity of the access to houses; this is assessed as part of residential amenity issues in paragraph 8.23.

8.33 In terms of other concerns regarding road safety, visibility and vehicle manoeuvring; these are all matters given full consideration by the highway officer who did raise visibility and the ability for delivery manoeuvres as part of the initial consultation response. The Applicant therefore provided swept path analysis that satisfactorily demonstrates the ability of delivery vehicles turning into the site and turning within the service yard. It is noted as mentioned previously that 4 staff car parking spaces are included within the service yard. The Highway Officer has taken these parking spaces into account as part of the highway considerations but advises that this number should not be increased. Therefore a condition is included to restrict the number of parking spaces within the service yard.

8.34 No objections have been raised in terms of traffic frequency and volume as the applicant has provided further information relating to vehicle speeds and traffic volumes on Broomhouse Lane to demonstrate that the highway network infrastructure can adequately accommodate traffic generation. As such no objections have been raised subject to a number of conditions requiring details for cycle parking to be provided at a ratio of 1:10 car parking spaces; a Construction Traffic Management Plan to be submitted and agreed, Service Delivery Management Plan, off site highway works, and measures to avoid discharge of surface water from the site onto the public highway.

8.35 The proposal is thereby deemed to accord with the provision of Core Strategy policies CS 9 and CS 14.

## **9.0 Summary and Conclusion**

9.1 Regeneration of a vacant, brownfield site in an edge of centre location, generating significant investment and create approximately 40-50 new jobs, provide and increased retail offering within Edlington which complements the existing small shops and supermarket by offering linked trip opportunities, highly sustainable location within walking distance to a large area of residential properties, and public transport opportunities.

## **10.0 Recommendation**

GRANT Planning Permission subject to the following conditions:-

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



02. U48600 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:  
Proposed Elevations Dwg No 1270-300 Rev F  
Proposed Floor Plan Dwg No 1270-200 Rev C  
Roof Plan Dwg No 1270-201 Rev B  
Amended Site Plan Dwg No 1270-110 Rev J  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. U48591 Adequate measures shall be so designed within the proposed access to avoid the discharge of surface water from the site onto the public highway.  
REASON  
In the interests of road safety.
04. U48590 Detailed layout and engineering drawings for the proposed access arrangements shall be submitted for inspection and approval by the Highway Authority before works commence on site.  
REASON  
In the interests of road safety
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. U47183 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 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 reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

07. SUDS1

No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, based upon sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted in accordance with the approved detailed design, prior to the use of the development commencing.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the South Yorkshire Interim Local Guidance for SuDS.

**REASON**

To prevent the increased risk of flooding; to ensure the future maintenance of the SuDS system, to improve water quality, habitat and amenity all in accordance with NPPF.

08. U48599

Prior to the commencement of the development hereby approved details of the scheme of soft landscaping and boundary treatments shall be submitted to the Local Planning Authority. The soft landscape scheme shall include provision for a minimum of 7 trees with positions indicated on the approved site plan and shrub and hedge planting provision to the Cross Street and Edlington Lane edges of the site, these edges should also feature a 0.9m timber knee rail boundary treatment. Boundary treatment to Broomhouse Lane should be a low wall 0.9m topped with paladin or weldmesh type fencing. The submission shall include details indicating the planting location of all trees and shrubs; a schedule including the nursery stock specification for all shrubs and trees in compliance with British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs and planting density/numbers; a detailed specification for tree pit construction that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements supplementary planning document and a load-bearing capacity equivalent to BS EN 124 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a maintenance specification and a timescale of implementation. Thereafter, the landscape scheme shall be implemented in full accordance with the approved details. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

**REASON**

To ensure that a landscape scheme is implemented in the interests of environmental quality and compliance with Core Strategy policy CS16: Valuing our Natural Environment.

09. HIGH11 The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.  
REASON  
To avoid damage to the verge.
10. HIGH8 Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved in writing by the local planning authority and shall be installed before the development hereby approved is commenced and once installed shall be used to prevent mud and other debris being deposited on the highway during the construction of the development.  
REASON  
In the interests of road safety.
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. 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.
13. U48598 A Service Delivery Management Plan shall be submitted to the LPA for written approval before the development is brought into use. The agreed SDMP shall thereafter be adhered to unless otherwise agreed by the Local Planning Authority.  
REASON  
In the interests of road safety.
14. U48597 When the proposed 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 road safety.  
REASON  
In the interests of road safety.

15. U48596 No development shall take place until detailed layout and engineering drawings for the offsite highway works have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details and completed prior to the opening of the store.  
REASON  
In the interests of road safety.
16. U48595 Any onsite lighting proposals shall be adequately shielded to ensure that no light is directly transmitted toward the highway to prevent a distraction to drivers.  
REASON  
In the interests of road safety
17. U48594 A construction traffic management plan shall be submitted for approval in writing by the Local Planning Authority prior to commencement on site.  
REASON  
In the interests of road safety.
18. U48593 Visibility splays as shown on plans EDL-BWB-GEN-XX-DR-TR-001 Rev 2 and EDL-BWB-GEN-XX-DR-TR-101 Rev P4 shall be rendered effective before the development is brought into use. The splays provided shall thereafter be effective, unless otherwise approved in writing by the local planning authority. REASON  
In the interests of road safety.
19. U48592 Whilst it is acknowledged that a Stage 1 RSA has been undertaken for the proposal, detailed design of the proposed accesses and offsite highway works will be subject to further Road Safety Audits in accordance with DMRB Volume 5 Section 2 Part 2 Road Safety Audit (HD 19/15).  
REASON  
In the interests of road safety.
20. 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.

21. 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.
22. U48632 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.
23. U48638 Prior to the occupation of the development hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. Installation shall comply with current guidance/advice. The development shall not be occupied until the approved connection has been installed and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.  
REASON  
To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with policies CS9 and CS18 of the Doncaster Council Core Strategy.
24. U48639 The premises shall not be open to the public before the hours of 0900 or after 2000 Monday to Saturday, or before 1000 or after 1700 on Sundays.  
REASON  
To protect the amenities of nearby residents and comply with Saved UDP policy PH12
25. U48640 No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0700 or after 2100 Monday to Saturday, or before 0900 or after 1800 on Sundays and Public Holidays.

REASON

To protect the amenities of nearby residents in accordance with UDP Policy PH12.

26. U48642

The rating level of sound, expressed as LAeq,1hour emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound level of LA90 47dB between the hours of 0700-2300 at the boundary of the nearest sound sensitive premises

The rating level of sound (expressed as LAeq, 15mins) emitted from any fixed plant and/or machinery associated with the development shall not exceed the background sound level of LA90 32dB between 2300-0700 at the boundary of the nearest sound sensitive premises.

All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments).

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

REASON

To protect the amenities of nearby residents.

27. U48643

Prior to commencement of the permitted use, a scheme for a continuous acoustic barrier constructed in the locations indicated on drawing number 1270-110 Rev G submitted with the application, of minimum height of 2.4 metres and minimum surface density of 10 kg/m<sup>2</sup> shall be submitted to and approved in writing by, the Local Planning Authority

All works which form part of the approved scheme shall be completed the approved use commences.

The barrier shall be retained throughout the life of the development.

REASON

To protect the amenities of residents.

28. U48644

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities

vi) measures to control noise and the emission of dust and dirt during construction

vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

29. U48645

Prior to commencement of the development, a Construction Impact Management Plan, indicating measures to be taken to mitigate the effects of the construction activity and associated vehicle movements upon the living conditions of neighbouring residents and highway safety shall be submitted to and approved by the Local Planning Authority. The mitigation measures shall include provision for the following: the limitation of noise, the means of enclosure of the construction sites, and any proposed external security lighting installation; the control of dust emissions; the control of deposition of mud or debris on the highway, and the routing of contractors' vehicles. The mitigation measures so approved shall be carried out at all times during the construction of the development hereby approved.

REASON

To safeguard the living conditions of neighbouring residents.

30. U48648

The number of staff car parking spaces within the service yard shall be limited to 4 in total at any time.

REASON

In the interests of highway safety in accordance with policy CS9 and CS14.

01. U10247

INFORMATIVE: SUD's

The Developer should be aware that a Sustainable Drainage System (SuDS) is the Local Planning Authority's preferred drainage option. A detailed explanation of any alternative option and reasons for rejecting a SuDS solution will be required.

Suitable treatment must be provided to deliver the water quality improved as detailed in the South Yorkshire interim guidance for SuDS.

02. U10246

INFORMATIVE: HISTORIC SEWERS

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

03. U10563

INFORMATIVE: HIGHWAY WORKS

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

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

o Street lighting design and installation is generally undertaken by the Local Highway Authority. 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. The applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail

Fiona.Horgan@doncaster.gov.uk regarding this as soon as possible.

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

**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 3 Visual



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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 15th November 2016**

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<b>Application Number:</b>	16/01920/FULM	<b>Application Expiry Date:</b>	27th October 2016
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Demolition of existing buildings and erection of 34-bed retirement living (Category II type accommodation), provision of communal facilities, landscaping and car parking
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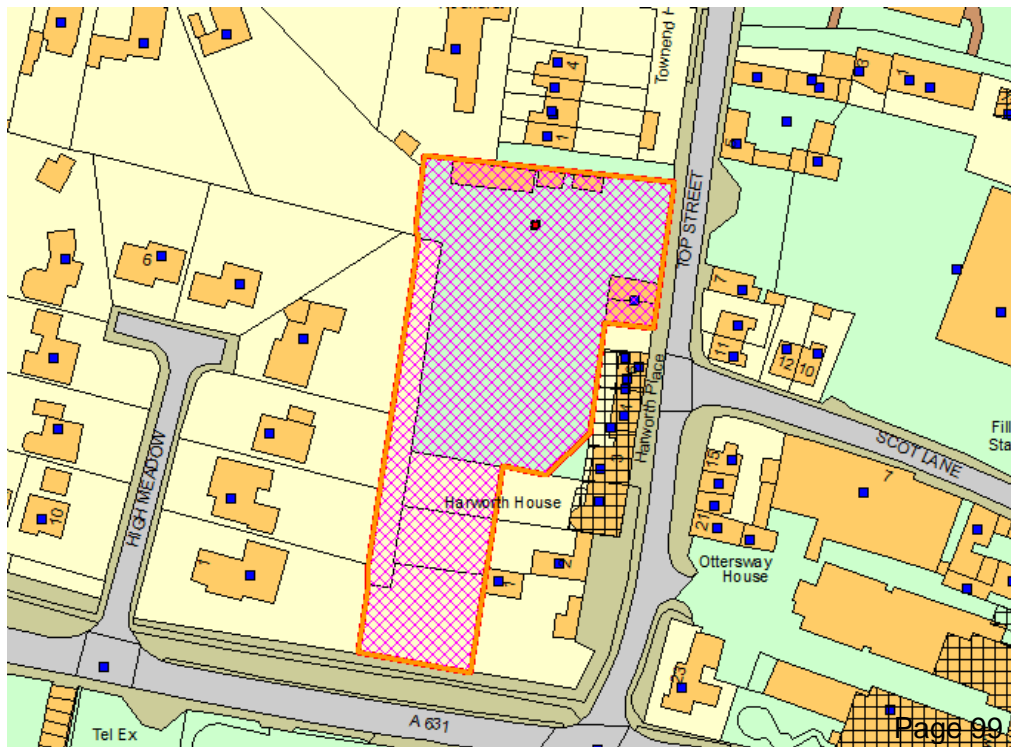
<b>At:</b>	Land And Buildings On The West Side Of Top Street Bawtry Doncaster
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<b>For:</b>	McCarthy _ Stone Retirement Lifestyles Ltd
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<b>Third Party Reps:</b>	14	<b>Parish:</b>	Bawtry Town Council
		<b>Ward:</b>	Rossington And Bawtry

<b>Author of Report</b>	Gareth Stent
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<b>MAIN RECOMMENDATION:</b>	Grant
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## **1.0 Reason for Report**

1.1 The application is being presented to Planning Committee due to the level of public interest shown in the application.

## **2.0 Proposal and Background**

2.1 This proposal is for the demolition of the existing buildings on the site and the erection of 34-bed retirement living complex, and associated communal facilities, landscaping, and car parking.

2.2 The application is supported by a series of documents which includes a detailed heritage statement, which considers the heritage significance of the adjacent listed buildings and conservation area and explains how the proposed development will retain and enhances the important elements.

2.3 In addition the application contains a Phase 2 Ground Assessment, Coal Mining Report, Ecological Survey, Transport Assessment, Design and Access Statement, Archaeological Desk based assessment, a Written Scheme of Investigation for Trial Trenching, Statement of Community Involvement, Social Need Report and Viability assessment. The application also includes plans showing landscaping, drainage and tree protection.

2.4 The application has been amended since the initial submission, mainly as a result of the consultee comments with regard to drainage, tree protection and heritage, along with some alterations to the elevations and layouts to take account of officers concerns over privacy. The proposals were also the subject of extensive pre application discussions.

### Site Characteristics

2.5 The development site lies to the west of Top Street within the heart of Bawtry. Set within the settlement development limits and on the fringes of the town centre, the site is regarded as being highly sustainable, being close to shops, health care, recreational opportunities and the other essential village services such as post offices, public houses and other community meeting points. The site is currently vacant as was historically used in connection with the motor auctions that lie opposite to the east of the site. The site is fenced from Top Street where its current vehicle access is gained. An access does exist to the south onto Tickhill Road, however this is not currently used.

2.6 The site is a mixture of hard surfaces and vegetated areas. To the north the land is hard surfaced owing to its previous use as car storage. To the south the land is overgrown and vegetated and provides the open green setting for the Conservation Area. To the west are the 4 large residential dwellings that sit on the eastern side of the High Meadow cul-de-sac, the boundary of which is screened by large mature trees. To the north are a series of residential dwellings known as 1-4 Top Street and a further dwelling behind these known as Redhurst. Access to the dwellings is gained from an access which aligns with the northern boundary of the site. A palisade fence runs around the perimeter of the site.

## Historical Setting

2.7 The site is located within the Bawtry Conservation Area. The character of the Bawtry Conservation Area is of a linear town with 2 and 3 storey Georgian and Victorian buildings fronting the principal streets. Top Street runs parallel to the High Street and itself marks the original alignment of the Roman road. The historic buildings date from the C19th and their rear gardens fronting Top Street formerly marked the limits of the historic town with fields beyond which were only recently developed (post WW2).

2.8 Fronting the street are the buildings of Harworth Place. Harworth House is grade 2 listed and Nos 1 and 2 are considered curtilage buildings to it. Nos 3-6 as a group are grade 2 listed. The proposal site excludes these buildings but takes in the open area to the rear which may have formerly been associated gardens or orchards. The line of trees to the western boundary of the site marks a natural edge to the conservation area.

2.9 To the right of No6 Harworth Place there is a 2 storey hipped roof brick building which judging by the form and English Garden Wall brickwork appears historic and possibly agricultural in origin. The window openings show signs of alteration and the single storey garage to the building is unsympathetic. It is within the site and its form and materials complement the conservation area. It is described in the appraisal as a 'positive building'.

2.10 There are small single storey buildings on the northern boundary which have no particular heritage significance and are described as having a negative impact on the conservation area. This part of the site is described in the conservation area appraisal as a 'site where change is encouraged' and where a 'strong street frontage is to be encouraged'. The appraisal identifies the section of Tickhill Road to the south of the site as a 'positive gateway' and the southern end of the site as a 'key green space' with 'tree cover'. This area also contributes to the setting of the listed buildings although the timber fence detracts from the overall character mentioned above.

2.11 With the exception of Harworth House the buildings of Top Street are 2 storeys high and mostly brick with some render and mostly pantile roofs.

## **3.0 Relevant Site History**

3.1 The site has been the subject of a number of applications, none of which directly relate to this proposal, however the two applications below are the permissions which relate to the last use of the site as car storage in connection with the motor auctions:

- 05/0281/P - Use of land as car park for temporary two year period. Granted.
- 03/4750/P - Change of use of land to form vehicle storage area ancillary to the motor auctions.

The remaining applications relate to the wider site and the adjacent listed buildings:

- Change of use of former dwelling to restaurant, including porch, formation of car park and demolition of outbuilding, Harworth House. Ref. No: 01/3264/P Status: Approved.
- Listed building consent for change of use of dwelling to restaurant and including porch, formation of car park and demolition of outbuilding, Harworth House. Ref. No: 01/3264/PL | Status: Approved.
- Listed building consent for demolition of outbuildings, Harworth House. Ref. No: 99/2088/P | Status: Approved.
- Conversion of Harworth House into 2 flats, conversion of coach house into dwelling and erection of two detached garage blocks. Ref. No: 99/0587/P | Status: Approved.
- Listed building consent for conversion of Harworth House into 2 flats and conversion of coach house into one dwelling. Ref. No: 99/0587/PL | Status: Approved.
- Outline application for the erection of 6 dwellings to the rear of Harworth House on approximately 0.3 ha of land. Ref. No: 99/0583/P | Status: Approved.
- Listed building consent for demolition of garage/boundary wall in connection with the erection of 6 dwellings, Harworth House, Top Street. Ref. No: 99/0583/PC | Status: Approved.

## 4.0 Representation

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 and individual neighbour notification. The application has also been advertised following the receipt of amended plans.

4.2 14 representations were received as a result. The majority of the representations were in support of the scheme, however some letters of support did also indicate some concerns which are listed below and 1 letter of objection was received.

Support:

- There is a great need for independent living properties for older people in the area.
- The scheme is to be of a high standard.
- Much needed development on a brownfield site
- Good location near to local facilities
- Good asset for Bawtry and the local area
- Attractively design with adequate parking



## Concerns:

- Concern has been raised over the level of parking provision and where visitors will park
- The proposed access off Tickhill Road is too near to a dangerous junction
- Concern over the proposed access and its relationship with parked cars on Tickhill Road. Will parking here be controlled? If not problems will be exacerbated. Parking may spill into High Meadow.
  
- Loss of parking opportunities on Top Street
- A crossing is required on Tickhill Road
- Issues with the control of the access during the construction period

## Objection from the occupant of 1 Top Street:

- Significant difference in ground levels between the planning application site and the residential property of 1 Top Street to the north of the site. The site significantly higher and therefore the impacts upon adjacent properties will be exaggerated.
- Loss of direct sunlight to gardens, overlooking/total loss of privacy of private rear garden area and summerhouse located to the north of the site, particularly 1 Top Road from the proposed ground floor and first floor bedrooms.
- Loss of privacy/overlooking into the bedroom window of 1 Top Street.
- The heritage statement is inadequate.
- The layout plan submitted is inaccurate as there are more trees that would have to be removed to provide the vehicle access.
- Excessive height of building would be very imposing particularly considering also the difference in ground levels.
- Overdevelopment of the site
- Loss/demolition of a building within the conservation area requires special justification for loss of a heritage asset. This building to be demolished is classed as making a positive contribution to the conservation area and its loss has not been justified.
- A question has been raised regarding the prices of the apartments, but this is not a planning issue.

## **5.0 Town Council**

5.1 The Town Council has no adverse comments regarding this application.

## **6.0 Relevant Consultations**

6.1 Open Space: No objections.

6.2 Environmental Health: No objection in principle to the proposed development of retirement living accommodation. The development would be in a predominantly residential area so is in keeping with the character.

This type of development is unlikely to give rise to noise that would be detrimental to the amenity of existing residents and future occupiers of the development are unlikely to be exposed to unacceptable noise. Conditions are recommended to cover the construction phase of the development so as not lead to undue disturbance:

6.3 Pollution Control: The applicants have provided a Phase 1 Desktop Study which concludes the land is low risk and the Pollution control officer agrees with this. The report recommends a site investigation is carried out to determine IF any made ground is

present. This is welcomed and under the circumstances would advise CON 2 & 3 is attached to any favourable permission. CON 2 will ensure any unexpected contamination is dealt with in an appropriate manner, while CON 3 will ensure any imported material is doesn't pose a health risk to future site users.

6.4 Ecology: The ecologist is satisfied that the bat survey carried out by Innovation Group Environmental Services 30th June 2016 was carried out according to established best practice guidelines. The survey concluded that the buildings to be demolished are not being used by roosting bats and therefore their demolition would not cause any offence to be committed. The level of compensation and mitigation that has been recommended is also agreed in terms of an enhancement plan.

6.5 Internal Drainage: No objections

6.6 Conservation: No objections.

6.7 Historic England: It was necessary to consult Historic England as the '...development may would affect the character and appearance of a conservation area where the development involves the erection of a new building or the extension of an existing building, and the area of land in respect of which the application is made is more than 1,000 square metres'. Historic England raised no objections and deferred the decision to the council's specialist conservation advice.

6.8 RHA Safeguarding - No objection, however wished for the airport to be contacted by the developer prior to construction to ensure the cranes used in the development do not cause conflict with aircraft particularly as this development is in a critical flight path area. The applicants have since produced a crane report showing sizes and locations and this was consulted upon. The response is still awaited and will hopefully be available at the committee meeting. If not it can remain as a planning condition to be agreed.

6.9 Highways -Transportation: A Transport Statement has been submitted with this application, this has been assessed. This development will generate minimal traffic in the peak hours and will not have an impact on the surrounding highway network. No objections.

6.10 Highways DM - No objections, welcomes the Construction Method Statement and Construction Impact Management Plan already requested. Whilst the provision of 27 parking spaces for 34 apartments appears low, parking demand at other retirement living developments has been assessed and the provision of 0.794 spaces per apartment at this site is greater than at any of the surveyed sites and therefore considered to be sufficient.

6.11 Trees: No objections: the proposed site layout has clearly been informed by the tree survey and tree constraints plan and has dealt with the constraints imposed on the site by existing trees well on the whole. The tree officer indicated that it would be beneficial to increase the distance of the western façade from the tree crowns to reduce the constraint that they have on residential amenity. The tree officer also requested an amended tree protection plan to show a construction exclusion zone adjacent to T10, details of the construction of the parking surface that will be used within the RPA of T10 and a detail showing its installation relative to existing ground level, and to see the drainage scheme on a current site layout plan to assess the impact that it will have on the RPAs of existing trees.

6.12 These amendments to the tree protection plan and drainage plan were undertaken and resolved the initial concerns. Conditions were suggested detailing the specification for construction of the parking spaces within the root protection areas. The tree officer also accepted the building could not be moved to improve the western aspect adjacent to the trees and still maintained concern over this. Also the removal of tree G9 is now shown on the plans and some replacement tree planting indicated on the landscape plan. Conditions were added to cover replacement planting.

6.13 Archaeology: No objections, evaluation and trial trenching agreed and controlled by condition.

6.14 Yorkshire Water: No objections.

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

7.1 The site is allocated as Residential Policy Area and within the Bawtry Conservation Area as defined by the Doncaster Unitary Development Plan 1998.

### **Relevant, Local, National Policies**

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 7 - Requiring good design  
Chapter 12 – Conserving and enhancing the historic environment

Doncaster Council Core Strategy;  
CS 1 - Quality of Life  
CS 2 - Growth and Regeneration Strategy  
CS 4 - Flooding and Drainage  
CS 9 - Providing Travel Choice  
CS 12 - Housing Mix and Affordable Housing  
CS 14 - Design and Sustainable Construction  
CS 15 – Valuing Our Historic Environment.  
CS16: Valuing our natural environment  
CS 17 - Providing Green Infrastructure

Doncaster Unitary Development Plan;  
RL 4 - Local Public Open Space Provision  
ENV 59 - Protection of Trees

Community policies:

Bawtry Neighbourhood Plan.

## **8.0 Planning Issues and Discussion**

### Main Issues

8.1 The main considerations are the principle of residential development in this location, the impact on local residents, consideration of the design and layout, the impact on the Conservation Area and surrounding Listed Buildings, impact on the trees within the site, the ecological impact of the proposal, highway implications, affordable housing and public open space contributions and the archaeology within the site.

### Principal

8.2 The site lies within the Residential Policy Area of Bawtry and involves the provision of C3 housing (restricted to over 60's). The use is therefore appropriate to the land use allocation and contributes towards Doncaster's housing need as demographic data clearly shows a significant Borough wide shortfall in older persons housing. The Council has an aspiration to develop a number of extra care and other older persons housing schemes in the future and this scheme will provide such a facility within the open market. The site is also highly sustainable being located within the settlement of Bawtry and is therefore acceptable in principle.

### Residential Amenity

8.3 Policy CS 14 of the Core Strategy requires that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. The site is surrounded dwellings therefore it is necessary to consider the impact of the building on the living conditions of its surrounding residents.

8.4 In terms of the dwellings on Top Street Harworth Place, the building is positioned 21m away to the west where the first floor windows provide intervisibility. This accords with the council's normal standards and the ground floor windows are screened by an existing boundary retaining wall. Where the window distances are reduced, the plans have been amended to provide either blank elevations or the internals of the apartments have been reorganised to remove any overlooking. For instance apartment No.31 has rotated its kitchen window to remove overlooking and apartment No.25 has obscured the secondary window and repositioned the kitchen window to remove overlooking of the rear gardens of the dwellings on Harworth Place.

8.5 In terms of the northern elevation the windows in apartments 20 and 21 have been amended to have obscure glazing. This safeguards the privacy of the 5 dwellings to the north of the site. An objection has been received from No.1 Top Street, who's garden adjoins the site, and the concern is that the first floor windows and elevated building will provide overlooking of the occupants rear garden and No.1 Top Street. This is noted, however the rear garden is not the main circulation space and the actual dwelling (No.1 Top Street) is of a sufficient distance away so as not to be overlooked to a significant degree.

8.6 In terms of the remaining elevations, the proposed building causes no overlooking to the dwellings on High Meadow (to the west), as the existing tree canopy provides screening and building distances are acceptable being over 25m away. The Top Street frontage provides no overlooking concerns. Overall the building does take account of its tight setting and whilst being a new 2 storey structure does not create overlooking or over dominance concerns to a degree that could lead to the refusal of the application. Also with the exception of the resident of No.1 Top Street, no further concerns have been raised in the third party responses with regards to overlooking.

### Design and Layout

8.7 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.

8.8 The building is arranged to take full account of its setting and maximise the sites shape and constraints. Arranged in an L formation the building has its main pedestrian entrance onto Top Street, which has been carefully designed to recreate the conservation interest formed by the buildings on Harworth Place. The scale, massing and detailing of this frontage maintains the historic setting, with views into the wider site to the rear. The building then projects to the rear and flows south along its longest wing. The southern end of the building is where the home management activities occur and includes a homeowners lounge, scooter store, bin storage and guest room. Beyond this a 27 space car park for staff and visitors and a turning area for vehicles. All the main deliveries will use the entrance from Tickhill Road. To the east of the building is a landscaped private amenity area for the residents that will be managed by the applicants. To the west is a shallower amenity area, however as discussed in the tree section this is likely to be more shaded and used to a lesser degree. A small amenity area also exists beyond the north elevation.

8.9 The site has a mixture of boundary treatments with close boarded fencing to the west/north where it adjoins a small boundary wall on Top Street. To the east is the existing retaining wall which is to be kept and trellis added. To the south is a dwarf brick wall and railings to form the attractive vehicular entrance. Overall the design and layout of the building is considered satisfactory and in accordance with CS 14.

### Conservation

8.10 Core Strategy Policy CS 15 ensures that new development respects the boroughs heritage assets. Top Street is located within the Bawtry Conservation Area. The published conservation area appraisal supports suitable development on the gap site fronting Top Street and as the development fits into the street scene and contributes to the enclosure of the street it is considered to be acceptable in principle. Most of the buildings on the site to be demolished have no heritage value apart from the altered rectilinear historic building. The heritage assessment submitted with the application considers this to be at the lower end of the positive scale due to alterations and makes the case that its loss would be minor harm outweighed by a more suitable replacement scheme in keeping with the aims mentioned in the appraisal. The Conservation officer agrees with this assessment.

8.11 The southern end of the site makes a contribution to green character marking the entrance to the conservation area. In principle officers advised the applicants at pre application that support would not be given to buildings on this part of the site. Therefore the scheme proposal utilises this area for car parking on grasscrete bays interspersed with landscaping and the replacement of the timber fence by a low wall and railing backed with green planting. This is considered to maintain this as an open, partially green area.

8.12 The proposal addresses how to adapt a large building with level floor requirement to the small scale building character of Top Street by breaking up the materials and units so they appear as a run of terraces. The scale of this large footprint building is somewhat masked by the double narrow span ranges which keeps the roof form in proportion to the roofs on Top Street.

8.13 The main design requirement in addressing the conservation area is a traditional appearance to the Top Street frontage to complement the adjacent listed buildings. This is achieved by detailing the frontage as a terrace of 3 around a central arch with subdivisions relating to the traditional buildings. The streetscene shows that the ridge height of the frontage building marginally higher than the listed buildings but lower than Harworth House and those to the rear lower than all. The form of the buildings here will be in keeping with the traditional character of the street and will close the existing unsightly view of the yard.

8.14 Overall the scheme is well considered and no objections have been raised by the Conservation officer. A suite of materials have already been agreed in principle and are included in the suggested planning conditions.

### Trees and Landscaping

8.15 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.

8.16 The application contained a tree survey, and the tree officer was pleased that the site layout has clearly been informed by the tree survey and as a result, the development layout has largely managed to avoid conflict with the root protection areas of retained trees. The initial scheme did show some encroachment into the root protection areas of trees T4 and T10 and as such the plans have been amended to change the shape of the plant bed on the western boundary and the area of 'Bodcrete' (soft surfaced car parking area) has been increased.

8.17 Secondly the building's location caused concern to the tree officer as the building was only around 4.5m from the existing tree canopy extent on the western boundary. This will result in overshadowing of windows in the west elevation and leaves little space for future tree growth.

Whilst the tree officer encouraged the applicants to amend this, the constraints of the site meant that this was impractical as the building could not be shifted further east due to the need to maintain privacy distances between the eastern elevation and the dwellings on Harworth Place. The tree officer accepted this however maintained his concern.

8.18 Finally inaccuracies were detected on the drainage plan have since been amended, and tree G9 is now shown for removal and replacement planting is shown on the landscape plan. The tree officer raised no objections to the amended scheme subject to conditions controlling no dig construction, tree protection and landscaping details ensuring compliance with CS 16.

### Ecology

8.19 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.'

8.20 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.

8.21 A bat survey was submitted with the application given the proposal involved the demolition of historical buildings. The survey was carried out according to established best practice guidelines. The survey concluded that the buildings to be demolished are not being used by roosting bats and therefore their demolition would not cause any offence to be committed. The survey suggested some compensation and mitigation which was agreed by the council's Ecologist and as such conditions are suggested regarding an enhancement plan and wildlife sensitive lighting. This will ensure compliance with Core Strategy Policy 16.

### Highways and Parking

8.22 With regard to highway safety and parking, this should be considered against Policy CS 14 of the Core Strategy, 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 plans to utilise an old access off Tickhill Road and increase its width to form a two way access. The highway officer has assessed the turning area within the site and this is regarded as satisfactory. The visibility slays and sight line distances are also considered satisfactory onto Tickhill Road.

8.23 The level of parking is low at 27 parking spaces for 34 apartments, however the applicants have provided evidence of the parking demand at other retirement living developments and the provision of 0.794 spaces per apartment at this site is greater than at any of the surveyed sites and therefore considered to be sufficient. The site is also very sustainable and most trips by residents will be made on foot. Provision is made within the building for mobility scooter parking, therefore the main useage of the car park will be for staff and visitors. Parking is also available in Bawtry town centre on a pay and display basis immediately next to the site. Conditions are requested by the council's highway officer detailing the requirement for specific access engineering details and site surfacing.

8.24 There has been some concern from local residents that the redevelopment of the site will reduce the amount of parking on Top Street. The frontage onto Top Street is particularly narrow and space only exists for around 3-4 cars to be parked outside the site (partially off street), however this parking provision has only occurred as a result of the car storage facility closing. When it was in use, no parking was allowed outside the site entrance and therefore this concern cannot be substantiated.

8.25 In addition residents considered a crossing be necessary on Tickhill Road, however this is regarded as unreasonable especially given that the pedestrian entrance is onto Top Street where the town centre can be easily accessed from. Finally concern was expressed that the proposal could lead to parking within the High Meadow estate, however this already occurs to some degree and there is no evidence to suggest this will occur especially when car use of the residents will be very low.

8.26 Finally a Transport Statement has been submitted with this application, and this concludes that the development will generate minimal traffic in the peak hours and will not have an impact on the surrounding highway network. Therefore no objections were raised by strategic transport.

#### Planning Obligations and Viability

8.27 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.

8.28 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.

8.29 These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010. It is therefore important to consider what contributions would ordinarily be necessary for a scheme of this nature. The scheme is somewhat unusual in that it provides for C3 dwellings, however these are to be restricted to over 60's controlled by condition. No education contributions will be necessary as the scheme will not be occupied by young families which will increase the pressure on the existing educational needs of the catchment area.



## Public Open Space

8.30 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.

8.31 The proposal in its widest sense provides 21 x 1-bed and 13 x 2-bed units. CS 17 and RL 4 of the UDP require public open space provision where family dwellings are created. The trigger is 10 or more 2-bed dwellings. In this case whilst the dwellings are not regarded as family units, in the absence of any policy exclusion, the 13 x 2-bed units make the scheme potentially liable for a contribution. On site provision or children's play equipment clearly would not work on this type of scheme and therefore an off-site contribution could be considered if it meets the CIL tests. The public open space officer has been consulted and ordinarily the officer would have asked for a commuted sum to improve green infrastructure (GI) in the area specifically to benefit older people. Current

research however, shows that people aged 65 and over are most likely to suffer from poor health, yet this group may be the least likely to benefit from GI because they may be more susceptible to environmental stressors.

8.32 Therefore in this instance the aim should be to ensure that good quality amenity space is provided within the development proposal and ensure the units are only sold to people of (or nearing) retirement age maybe through the use of a legal covenant. The development boundary of the site shows the development proposal area as approximately 4,500sqm. The proposal includes a detailed landscape garden as well as a residents' lounge which opens onto the garden area, for the enjoyment of the residents. In total there will be over 1,700sqm of amenity green space provided which is well planned and generous for the proposal area and will positively benefit the residents. The 'amenity green space' will be maintained by the applicants and therefore no further commuted sums will be necessary on this occasion. The proposal meets with the spirit of RL 4 and CS 17.

## Affordable Housing

8.33 Mainstream new housing developments are required to make an affordable housing contribution in line with policy CS 12 of the Core Strategy. Policy CS 12 includes no dispensation for elderly persons accommodation. Such contributions normally include a mix of house size, type, price and tenure to address identified needs and market demand and to support mixed communities. The provision is ordinarily 26% (subject to viability) on site affordable housing, if more than 15 dwellings are proposed. The proportion, type and tenure split will reflect the latest Strategic Housing Market Assessment.

8.34 However this is not a main stream housing scheme, as it is intended to be occupied by over 60's therefore it would not be prudent to have on site provision as this has the potential to undermine the ethos of the scheme. Therefore at best a commuted sum may be necessary under the current policy.

8.35 With this in mind the applicants produced a viability report which demonstrates that the development cannot provide any contributions towards affordable housing and remain viable as it generates a negative figure. This assessment has been verified and coupled with the applicant's examples of other authorities where affordable housing has not been required providing a condition has been added to control occupancy to over 60's, then no further affordable housing contributions are necessary.

### Archaeology

8.36 Policy CS 15 seeks to ensure Doncaster's heritage is protected in particular its archaeological remains. The site does have some archaeological interest as Top Street follows the alignment of the old Roman Road and the archaeological potential on particularly undeveloped land either side has to be considered. The proposal is accompanied by a desk based assessment and a written scheme of investigation for trial trenching. The report identifies cropmark evidence indicating an extensive Iron Age and Romano-British landscape of field systems, enclosures and interconnecting trackways in the area around Bawtry. Top Street, bordering the site to the east, is thought to follow the line of the alternative course of Ermine Street-an early Roman Road from Lincoln to York.

8.37 Immediately to the south of the site lay the medieval hospital of St Mary Magdalene (now the Masonic Hall). Excavations between 2006-2010 located the hospital cemetery containing burials dating to the 14th century. The full extent of the cemetery is unknown. There is, therefore, potential for previously unrecorded buried archaeological remains to exist within the application area and important archaeological features may be disturbed or destroyed by groundworks associated with the scheme.

8.38 South Yorkshire Archaeological has agreed the extent of the evaluation works with WSI (archaeological consultants for the applicants) and trial trenching has commenced on the 24<sup>th</sup> October, therefore dependant on the results of the trenching the suggested planning condition may need to be amended. This can be amended as a pre committee update and will ensure compliance with CS 15.

### Bawtry Neighbourhood Plan

8.39 A Neighbourhood Plan for Bawtry is being prepared and the Neighbourhood Plan Area was formally designated by the Council on 31<sup>st</sup> August 2016. The site is located within the designated Neighbourhood Plan Boundary. At present the emerging plan has not yet reached the appropriate stage to be regarded as a material planning consideration and as such can be afforded no weight. Having said the above the site lies within the village boundary, causes no encroachment into Green belt and provides for new housing. The siting, Conservation and historical interests which will form part of the future plan have all been addressed in the above report.

### Other Matters

8.40 Internal drainage raised no objections to the scheme subject to planning conditions being imposed. Also the safeguarding authority for the airport is currently in the process of examining the applicants Crane report due to the implications of the build and crane heights in the flight path for the nearby Robin Hood Airport. In the absence of this still to be agreed, a condition is imposed, however this is likely to be deleted/amended subject to the response being received from the relevant authority.

## 9.0 Summary and Conclusion

9.1 In summary, the proposed development would help deliver much need elderly accommodation within the borough. The proposal is ideally placed within the Bawtry town centre, sustainable with a wide access to all essential village services.

9.2 With regards to design and layout, careful consideration has been given to privacy and dominance in its siting, and whilst the site is tight, the layout and form maximises the use of the space available whilst still maintaining the areas green character to the south of the site. The building will undoubtedly have some residual impact on privacy and dominance in the area, however this is not to a degree to warrant the proposal as being regarded as unacceptable.

9.3 The heritage assets which include the conservation area, listed buildings and archaeology have all been satisfactorily addressed through careful design and suitably worded planning conditions, as have the highway and tree implications. No affordable housing, education or public open space contributions are necessary. It is therefore recommended that planning permission be granted subject to adherence to conditions.

## 10.0 RECOMMENDATION

### 10.1 Grant planning permission subject to the following conditions.

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U47525            No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i)            the parking of vehicles of site operatives and visitors
  - ii)          loading and unloading of plant and materials
  - iii)         storage of plant and materials used in constructing the development
  - iv)         the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v)          wheel washing facilities
  - vi)         measures to control noise and the emission of dust and dirt during construction
  - vii)        a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON:

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

03. U47526

Before any construction works are started on the application site, a Construction Impact Management Plan, indicating measures to be taken to mitigate the effects of the construction activity and associated vehicle movements upon the living conditions of neighbouring residents and highway safety shall be submitted to and approved by the Local Planning Authority. The mitigation measures shall include provision for the following: the limitation of noise, the means of enclosure of the construction sites, and any proposed external security lighting installation; the control of dust emissions; the control of deposition of mud or debris on the highway, and the routing of contractors' vehicles. The mitigation measures so approved shall be carried out at all times during the construction of the development hereby approved.

REASON

To safeguard the living conditions of neighbouring residents.

04. CON2

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

REASON

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

05. CON3

Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, 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.

06. U47719 Prior to the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:
- o 5 x artificial bat roost features will be sited within the new development integrated within the new building as bat bricks and in retained trees as suitable bat boxes.
  - o 5 x bird boxes of varying type to accommodate a range of species will be sited the new development integrated within the new building and in retained trees.
- REASON  
To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16.
07. U47720 Prior to the commencement of development a lighting design plan, specifically responding to light sensitive biodiversity, shall be submitted for approval in writing by the LPA. Such schemes shall include:
- o likely presence and location of light sensitive ecological receptors based on survey baseline data in relation to the proposed developments within each zone.
  - o Mitigation measures along with technical specifications to reduce /eliminate the impacts of lighting spill on ecological receptors unless otherwise agreed.
- REASON:  
To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16
08. DA01 The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.
- REASON  
To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.
09. U48026 Prior to development commencing, the applicant shall provide a scheme which details any mobile and permanent crane that is to be positioned on site to facilitate the build and a scheme to control dust management during demolition, details of which shall be submitted to and approved in writing with consultations with RHA Safeguarding at Doncaster Sheffield Airport. The scheme shall then be implemented in accordance with the approved details.

REASON

The condition is necessary due to the site being within close proximity to the airport which could provide an obstacle for take-off and approach surfaces.

10. U48180 Prior to works commencing on site the applicant shall provide layout, engineering and drainage details for the proposed access arrangements. The details shall include measures to avoid the discharge of surface water from the site onto the public highway. These shall be agreed in writing and thereafter implemented as agreed.  
REASON  
In the interests of highway safety
11. U48182 No development shall take place until a scheme for the offsite highways works (footway) along the site frontage to Top Street has been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details and completed prior to first occupation.  
REASON  
In the interests of highway safety.
12. U48183 A thin area of land on Top Street between the existing site boundary and proposed low level brick wall is to be dedicated to the Council to enable subsequent adoption as public highway under Section 228 of the Highways Act 1980.  
REASON  
In the interests of highway safety.
13. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.  
REASON  
To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.
14. HIGH2 The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.  
REASON  
To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

15. 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.
16. HIGH8 Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved in writing by the local planning authority and shall be installed before the development hereby approved is commenced and once installed shall be used to prevent mud and other debris being deposited on the highway during the construction of the development.  
REASON  
In the interests of road safety.
17. HIGH11 The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.  
REASON  
To avoid damage to the verge.
18. U48184 When the replacement access / egress 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.
19. The premises shall be used for Later Living Retirement Housing (Category 2) for those aged 60 years and over, other than a spouse or partner of such persons being over the age of 55, and for no other purpose including any other purpose in Class C3 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.  
REASON  
The nature of the development as Later Living Retirement Housing means that lower standard of parking than ordinarily required for residential development and it has been accepted without the requirement for open space and education contributions.
20. U48373 Part A (pre-commencement)  
  
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 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 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 created.
- o Nomination of a competent person/persons or organisation to undertake the works.
- o The timetable for completion 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

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

21. U48457

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

Site Plan Rev A dated 5.10.16 Drwg NE-2256-03-01-AC-002

Floor Plan - Amended 5.10.16 Rev A Drwg NE-2256-03-01-AC-005

Elevations 1-of-2 Rev A Amended 5.10.16

Elevations 2-of-2 Rev A Amended 5.10.16

Artists Impression Drwg NE-2256-03-01-AC-006 Rev B dated 13.10.16

Tree Protection Plan 9045-02 Rev A 5.10.16

Landscape Proposals NE-2256-03-LA-01 Rev G dated 13.10.16

Drainage Plan 5.10.16 Rev D Ne -2256-03-DE-001 Rev D

Crane detail plan submitted 14th Oct 2016



REASON

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

22. U48581

The scheme of protection for all retained trees shall be implemented in full accordance with the approved Tree Survey Of Land At Top Street, Bawtry, Doncaster (ref: JTK/9045/WDC) and Tree Protection Plan (ref: 9045/02 Revision A) before any equipment, machinery or materials have been brought on to site for the purposes of the development. The local planning authority shall be notified of implementation and shall visit site to approve the setting out of the site and location of protective barriers prior to the commencement of development. Thereafter tree protection practices shall be implemented and monitored in full accordance with the approved scheme until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON:

To ensure that all trees are protected from damage during construction in accordance with core strategy policy CS16: Valuing our natural environment

23. U48582

All hard surfacing within the area identified as “minimum extent of no-dig construction” on the Tree Protection Plan (ref: 9045/02 Revision A) shall be installed in full accordance with the approved details utilising a no-dig installation method and a professionally recognised 3-dimensional load-bearing construction technique before the new access is used by any vehicle.

REASON:

To prevent the loss of and damage to roots from retained trees as a result of the installation of the new access.

24. U48583

The development hereby granted shall not be commenced nor materials or machinery brought onto the site until full details of a landscape scheme have been submitted to and approved in writing by the local planning authority. Unless specifically approved otherwise in writing by the local planning authority the landscape scheme shall be as shown on the Landscape Proposals plan ref: NE-2256-03-LA-01 revision G and shall include a mix of large and medium tree species with smaller ornamental species used to add seasonal interest with appropriate rooting volume to the mature tree stature provided for each tree.

The scheme shall comprise a plan indicating the planting location of all trees and shrubs and the dimensions of all tree pits in hard surface areas; a schedule including the nursery stock specification for all shrubs and trees that complies with British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs and planting density/numbers; a specification for planting and staking; a maintenance specification and a timescale of implementation. Thereafter the landscape scheme shall be implemented and maintained in full accordance with the approved scheme. 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 Landscape

25. RES10

Before the first occupation of the building/extension hereby permitted, the windows as indicated on the approved plans shall be permanently obscure to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall be permanently retained in that condition thereafter, unless otherwise approved in writing by the local planning authority.

REASON

To ensure that the development does not impact on the privacy of the adjoining premises.

26. U48619

Notwithstanding the details contained within the materials schedule in drawings NE-2256-03-01-AC-003 RevA, NE-2256-03-01-AC-004 RevA and site plan NE-2256-03-01-AC-002 the external surfaces of the development shall, unless otherwise agreed by the local planning authority, be constructed using;

- a) Brick: Wienerberger Terca Ashington Red Multi brick,
- b) Render: Cream through coloured render by K-Rend
- c) Artstone details: Millstone Light Artstone by Proctor
- d) Roof: Natural clay Sandtoft Neo pantile in Flanders colour

REASON

To preserve the setting of listed building and the character and appearance of the conservation area in accordance with saved policies ENV34 and ENV25 respectively of the Doncaster Unitary Development Plan.

27. U48620

All windows and external doors to be used in the construction of apartments 10/11/24 and 25 shall be constructed in timber. Before the commencement of the installation of the windows and doors full details of the design, construction and finish of all windows and doors shall be submitted to and approved in writing by the local planning authority.

(Such details will include details of any integral cills, the means of opening, the glazing proportions and pattern, the design and materials of any Juliet balconies, and the relationship of the windows to the reveal). 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 setting of listed building and the character and appearance of the conservation area in accordance with saved policies ENV34 and ENV25 respectively of the Doncaster Unitary Development Plan.

28. U48621

Unless otherwise agreed in writing by the local planning authority;

- a) Verges to the two entrance gables shall be mortared verges,
- b) Rainwater goods shall be half round gutters and round downpipes in black upvc
- c) Extraction grilles shall be terracotta to brick elevations and white to rendered elevations.
- d) Stacks to the building facing Top Street shall be constructed of the same brick as the rest of the building

REASON

To preserve the setting of listed building and the character and appearance of the conservation area in accordance with saved policies ENV34 and ENV25 respectively of the Doncaster Unitary Development Plan.

29. U48622

Prior to the construction of the canopy details of the facia and materials of the flat roof to the single storey entrance foyer and office shall be submitted to and agreed in writing by the local planning authority.

REASON

To preserve the setting of listed building and the character and appearance of the conservation area in accordance with saved policies ENV34 and ENV25 respectively of the Doncaster Unitary Development Plan.

30. U48623

Unless otherwise agreed by the local planning authority the boundary treatment to the new development shall be in complete accordance with the treatment as described in the site plan drawings NE-2256-03-01-AC-002 and the elevation details in drawing NE-2256-03-01-AC-003 RevA and any walls or dwarf walls shall be constructed of the same brick as approved for the main building. Prior to the implementation of the boundary treatment details of the height, design, and materials of the dwarf wall and railing to the boundary wall facing Tickhill Road shall be submitted to and agreed in writing by the local planning authority.

REASON

To preserve the setting of listed building and the character and appearance of the conservation area in accordance with saved policies ENV34 and ENV25 respectively of the Doncaster Unitary Development Plan.

31. U48624

Prior to the implementation of the approved hard landscaping layout for the development details or samples of the hard landscaping materials for the unbuilt areas shall be submitted to and agreed in writing by the local planning authority.

REASON

To preserve the setting of listed building and the character and appearance of the conservation area in accordance with saved policies ENV34 and ENV25 respectively of the Doncaster Unitary Development Plan.

01. U10375

In order to satisfy the drainage condition 8 the following information will be needed:

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 Brownfield Site

There should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required if drained areas to existing sewers / watercourses are to be increased. A 30% net reduction to existing peak discharge (up to a 1/100 yr storm CC) will be required if the site is being re-developed. Allowances for climate change can be found in National Planning Policy Framework Technical Guidance Document Table 5.

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

02. U10482

Highway Informatives:

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

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

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

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

o That part of the site to be used by vehicles should be designed to withstand a minimum carrying capacity of 26 Tonnes without deflection in accordance with Buildings Regulations Approved Document B (Fire Safety).

03.

Oversailing of the public highway is controlled by provision of the Highways Act 1980 and will require a licence to be issued by the Highways Authority.

There are fees associated with the issuing of a licence and the developer should make contact with Adam Machin, Assistant Engineer, Highways Network Management, Tel 01302 735263 e-mail [AdamMark.Machin@doncaster.gov.uk](mailto:AdamMark.Machin@doncaster.gov.uk) as soon as possible regarding this matter.

# Annex 1 Site Plan



# Annex 2 - Artists impression & elevations



View towards main entrance



View from Top Street



West Elevation



South Elevation



East Elevation



North Elevation







**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 15<sup>th</sup> November 2016**

<b>Application</b>	<b>05</b>
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<b>Application Number:</b>	16/01730/FUL	<b>Application Expiry Date:</b>	30 <sup>th</sup> August 2016
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<b>Application Type:</b>	Full application
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<b>Proposal Description:</b>	Alteration and extension of car parking to existing health centre including relocation of turning area for Middleham Road
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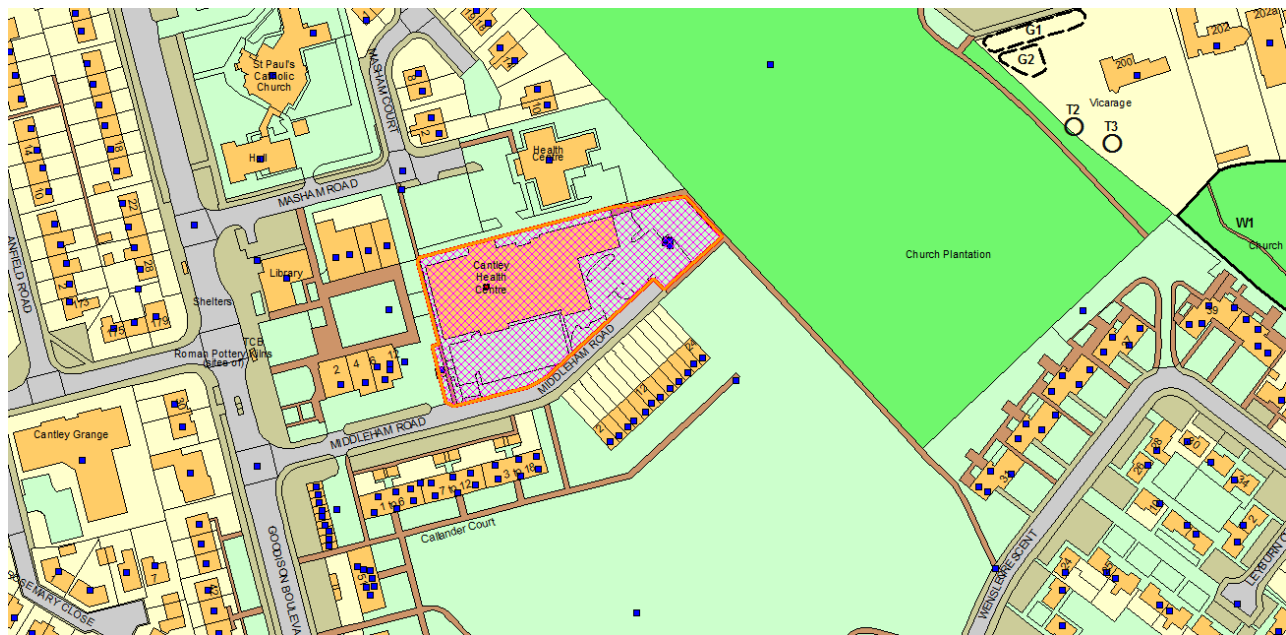
<b>At:</b>	Doncaster Primary Care Trust (Pct), Cantley Health Centre, Middleham Road, Cantley, Doncaster, DN4 6ED
------------	--

<b>For:</b>	RDASH NHS Trust - Mr Andy Stringer, Meadowview (Estates And Facilities), Tickhill Road Hospital, Balby, Doncaster, DN4 8QN
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<b>Third Party Reps:</b>	1 petition containing 15 signatures	<b>Parish:</b>	N/A
		<b>Ward:</b>	Bessacarr

<b>Author of Report</b>	Dave Richards
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<b>MAIN RECOMMENDATION:</b>	Grant
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## **1.0 Reason for Report**

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

## **2.0 Proposal and Background**

2.1 The application proposes the alteration and extension of an existing car parking to a health centre. Ten parking spaces were originally proposed to be added.

2.2 Amended plans were received following opposition from local residents and Doncaster's Highway's Officer. The amended plans reduced the number of new spaces originally proposed for the centre to nine and retains and relocates a turning area for use on Middleham Road.

2.3 Despite the retention of the turning area as requested, a further petition was received from concerned residents.

## **3.0 Relevant Planning History**

3.1 Planning Permission 05/03443/FUL proposed the erection of a two storey pitched roof extension to the existing Health Centre including car parking/fencing and gates. The site layout included the provision of a turning area for Middleham Road. The application was granted in January 2006.

## **4.0 Representations**

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

4.2 A single petition was originally received containing the signatures from 17 people. The concerns raised can be summarised as:

- The proposal would remove the only turning area for Middleham Road
- There is very restricted parking, visibility and manoeuvrability on Middleham Road

4.3 Amended plans were received by the LPA and the author of the petition was re-consulted. A further petition was received containing 15 signatures against the amended plans with the comments summarised below:

- There is no need for NHS traffic to be rerouted as proposed
- There would be constant traffic during the daytime
- Children live and visit residents on the road
- There is very restricted parking, visibility and manoeuvrability on Middleham Road and the problems have been created by the applicant

4.4 No individual representations have been received from other members of the public.

## **5.0 Relevant Consultations**

### **5.1 Highway Officer**

#### **Comments on submitted proposal:**

Whilst I have no objections in principle to the extension to the car park, I am unable to agree to the proposal as currently submitted as it removes the existing turning facility on Middleham Road and does not include a replacement facility of a sufficient size.

The turning area, whilst not adopted highway, was included on a previous application for a substantial extension to the health centre and was assessed at the time and deemed necessary to allow vehicular turning on Middleham Road.

The applicant should ensure that a turning area identical in size or larger is retained either in its current position, or if necessary given the changes to the car park, in an alternative location.

#### **Comments on amended plans:**

Further to earlier highway consultation response, I have now had the opportunity to assess the revised drawing recently presented (Drawing No. SK – 02A).

The layout is acceptable from a highway point of view subject to conditions HIGH 1 and HIGH 11.

It is also imperative that the applicant be made aware that the amended turning head position will require works tying into the adopted highway on Middleham Road and therefore, an informative should be included should the application be recommended for approval.

5.2 No other consultation responses were received

## **6.0 Relevant Policy and Strategic Context**

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

6.2 In the case of this application, the Development Plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policy is CS14 of the Core Strategy which seeks to maintain public safety with regard to the highway.

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

## **7.0 Planning Issues and Discussion**

7.1 The main planning consideration with this proposal is whether the alterations to the existing car park and the access provision amounts to an increased risk to highway safety.

### Local Amenity and Highway Safety

7.2 Policy CS14 of the Core Strategy seeks to ensure that development does not have an unacceptable effect on the amenity of occupiers of nearby properties or give rise to a danger to highway safety. There are concerns that the proposal would increase the amount of traffic which uses the full length of Middleham Road to the detriment of nearby residents whose gardens and access points are being served by Middleham Road.

7.3 The existing car park arrangement consists of two contained areas of parking, served by Middleham Road. The proposals would join the two areas together and alter the parking layout to form a one way system, entering in to the grounds using the west access and leaving the site using the east access. Originally, 10 additional parking spaces were provided within the site.

7.4 Whilst the Highway Officer had no objections in principle to the proposals, the submitted layout was deemed unsatisfactory due to the removal of the existing turning facility on Middleham Road. The turning area, whilst not adopted highway, was included on a previous application for a substantial extension to the health centre and was assessed at the time and deemed necessary to allow vehicular turning on Middleham Road. This objection was reiterated by local residents who were of the same opinion.

7.5 Amended plans were received which reduced the number of new spaces proposed to 9 and maintained the intended circulation through the car park. The Highway Officer has technically assessed the amended layout and concluded that it is acceptable from a highway point of view subject to conditions. The turning area proposed was also considered acceptable, allowing vehicles to turn in the road. Currently, it appears that the turning area can be used for additional off street parking, exacerbating the narrowness of Middleham Road if vehicles are trying to turn in the street. The proposals should ensure that the turning area remains unobstructed during daytime hours, given it would double as an access point for the health centre.

7.6 The petition author suggests that the gates would be located in the wrong position and that there are existing issues with the narrowness of Middleham Road. It is acknowledged that the road is narrow and manoeuvring is restricted. However, with due care and attention, the movement of cars through the centre and egress on to Middleham Road would not cause any significantly detrimental impact to highway safety.

7.7 Neighbouring properties would be separated sufficiently from the access to avoid any issue with from noise or disturbance from the health centre.

7.8 The application therefore accords with Policy CS14 of the Core Strategy which recognises that a component of good design is to ensure that local amenity and highway safety is not affected.

## Other issues

7.9 There are no concerns that the proposals would impact the character of the area given the alterations would maintain the existing institutional appearance of the site. No impact would occur to the footpath to the east of the site which connects with nearby open space.

## **8.0 Summary and Conclusions**

8.1 The proposal would provide additional off street parking for the health centre without negatively impacting highway safety or local amenity. Under the provisions of the NPPF, the application is considered to be a sustainable form of development.

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

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

### **Conditions / Reasons**

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
  
02. U48257            The development hereby permitted shall be carried out in accordance with the submitted details as amended by revised plans:  
  
Dwg No. SK-02A Proposed Car Park Layout dated May 2016 revised 27.9.16 received 27.9.16  
  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
  
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. HIGH11 The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.

**REASON**

To avoid damage to the verge.

05. U48561 Before the development hereby permitted is brought into use, the parking and revised fencing as shown on the approved plans shall be provided and retained in perpetuity. The parking areas and shall not be used otherwise than for the parking of private motor vehicles belonging to the employees of and visitors to the development hereby approved. The access points to and from the site shall remain gated and otherwise unobstructed at all times.

**REASON**

To ensure that adequate parking provision and circulation is retained on site as required by Policy CS14 of the Core Strategy.

**Informatives**

01. INF1A **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. 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.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

This Standing Advice is valid from 1st January 2015 until 31st December 2016

02. U10495 **INFORMATIVE**

Any works carried out on the public highway by a developer or any one 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 Malcolm Lucas, Tel. (01302) 745110. Email. [Malcolm.lucas@doncaster.gov.uk](mailto:Malcolm.lucas@doncaster.gov.uk) as soon as possible to arrange the setting up of the agreement.



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

# APPENDICES – APPENDIX 1 – Location Plan

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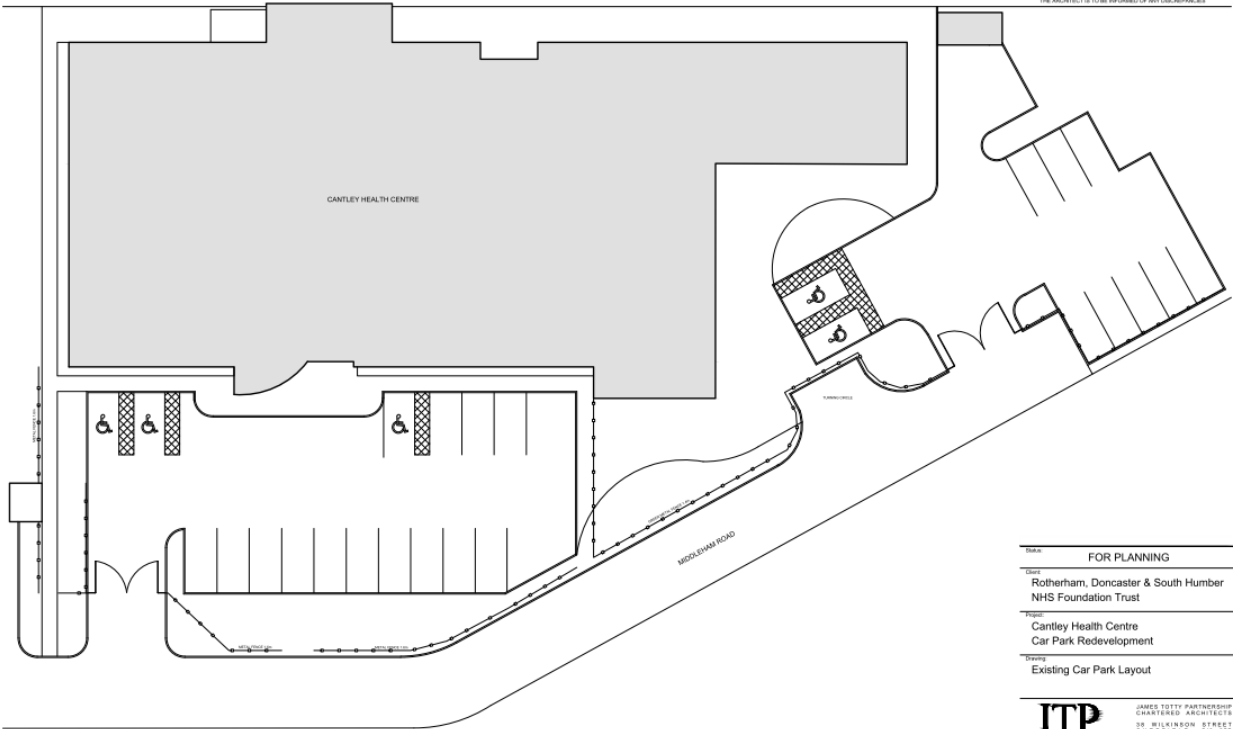
DO NOT SCALE - CONTRACTOR / SPECIALISTS TO WORK TO FIGURED DIMENSIONS ONLY ALL DIMENSIONS AND SIZES TO BE CHECKED ON SITE AND THE ARCHITECT IS TO BE INFORMED OF ANY DISCREPANCIES



Project:		Client:		Drawing:	
Cantley Health Centre Car Park Redevelopment		Rotherham, Doncaster & South Humber NHS Foundation Trust		OS Plan	
Date:	Scale (E&M):	Drawn:	Checked:	Status:	Project No:
Jun 2016	1:1250	NL	LB	FOR PLANNING	15/1113
				Drawing No:	SK-03
					
JAMES TOTTY PARTNERSHIP CHARTERED ARCHITECTS 38 WILKINSON STREET SHEFFIELD S10 2QR Telephone : (0114) 2700200 Email : mail@jtp-architects.co.uk Web : www.jtp-architects.co.uk					

# APPENDIX 2 – Existing Layout

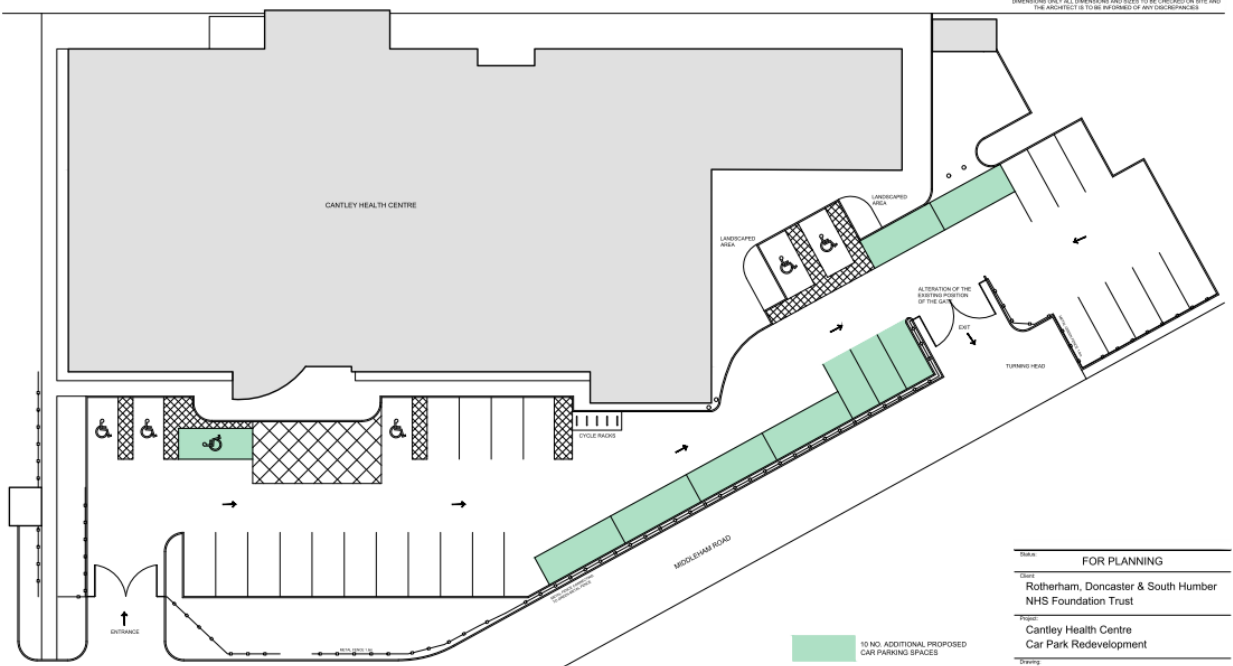
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Title			
FOR PLANNING			
Client			
Rotherham, Doncaster & South Humber NHS Foundation Trust			
Project			
Cantley Health Centre Car Park Redevelopment			
Drawing			
Existing Car Park Layout			
<b>JTP ARCHITECTS</b>			
JAMES TOTTYPARTNERSHIP CHARTERED ARCHITECTS 38 WILKINSON STREET SHEFFIELD S10 3SB Telephone: (0114) 2760200 Email: info@jtp-architects.co.uk Web: www.jtp-architects.co.uk			
Date	Drawn	Project No.	15-1113
May 2016	NL		
Scale	Checked	Drawing No.	SK-01
1:250	LB		

# APPENDIX 3 – Submitted Layout (superseded)

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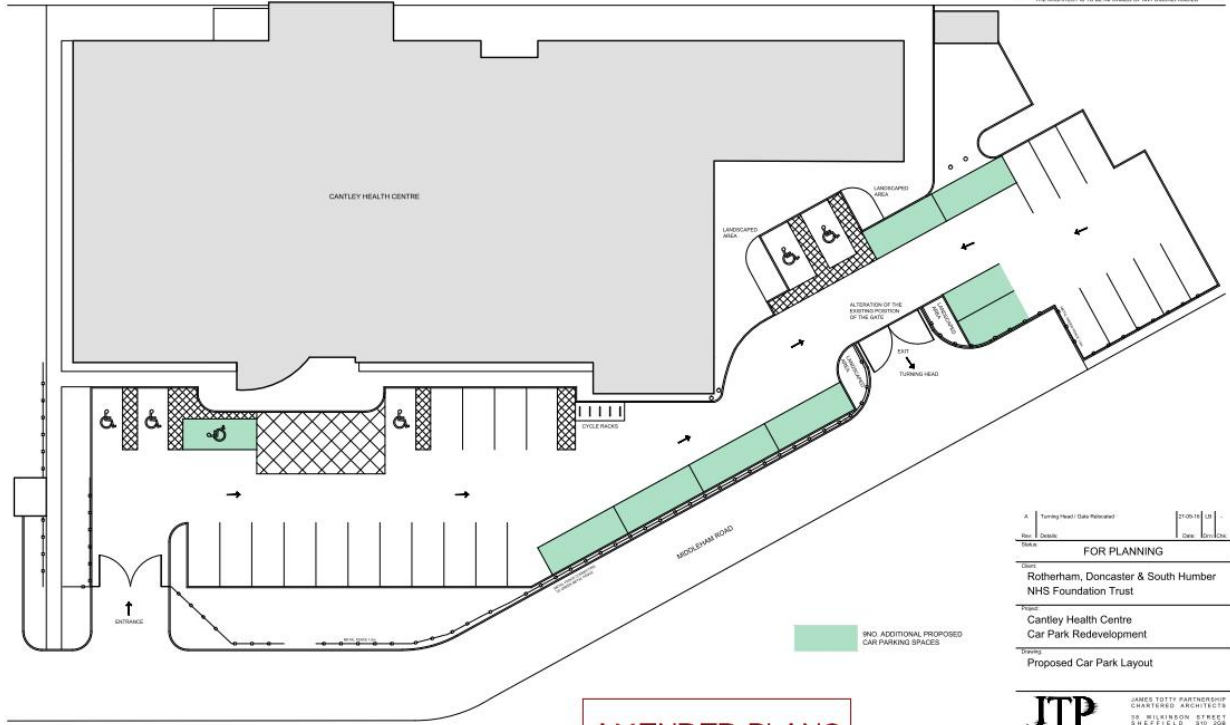
**SUPERSEDED PLANS**

Title			
FOR PLANNING			
Client			
Rotherham, Doncaster & South Humber NHS Foundation Trust			
Project			
Cantley Health Centre Car Park Redevelopment			
Drawing			
Proposed Car Park Layout			
<b>JTP ARCHITECTS</b>			
JAMES TOTTYPARTNERSHIP CHARTERED ARCHITECTS 38 WILKINSON STREET SHEFFIELD S10 3SB Telephone: (0114) 2760200 Email: info@jtp-architects.co.uk Web: www.jtp-architects.co.uk			
Date	Drawn	Project No.	15-1113
May 2016	NL		
Scale	Checked	Drawing No.	SK-02
1:250	LB		

27.09.16

# APPENDIX 4 – Proposed Layout (as amended)

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 BRINGING THE FULL DIMENSIONS AND SIZES TO BE CHECKED ON SITE AND THE ARCHITECT IS TO BE INFORMED OF ANY DISCREPANCIES



**AMENDED PLANS**

27.09.16

A   Turning Head   Gate Relocated		1:250	1:250
Rev	Desc	Drawn	Check
<b>FOR PLANNING</b>			
Client: Rotherham, Doncaster & South Humber NHS Foundation Trust			
Project: Cantley Health Centre Car Park Redevelopment			
Drawing: Proposed Car Park Layout			
<b>JTP ARCHITECTS</b>			
JAMES TOTTIE PARTNERSHIP CHARTERED ARCHITECTS 28 WILKINSON STREET SHEFFIELD S1 2JG Telephone: 0114 2760208 Email: info@jtparchitects.co.uk Web: www.jtparchitects.co.uk			
Date: May 2016	Client: NL	Project No: 15-1113	
Scale: 1:250	Checked: LB	Drawing No: SK-02A	

## APPENDIX 5 – Petition received to amended plans

Doncaster Council  
Development Management  
Civic Office  
Waterdale  
Doncaster  
DN1 3BU



22 Middleham Rd  
Cantley  
Doncaster  
DN4 6BZ  
Tel. 07880026803

Saturday, 08 October 2016

### **OBJECTION TO REVISED PLANNING APPLICATION**

**REVISED PLANNING PROPOSAL MADE BY DONCASTER PRIMARY CARE TRUST (PCT) CANTLEY HEALTH CENTRE MIDDLEHAM ROAD CANTLEY**

After careful consideration of the revised plans for Middleham Road we the undersigned feel that this proposal really has not changed in concept at all. The NHS idea of running all traffic past the whole of Middleham Road seems quite absurd unless they intend to widen the road!

The NHS says this is what they want and the rest of the community is left reeling from there pointless exercise and waste of public money. Is there really any need to have the traffic re-routed through the NHS grounds then back up along the entire length of Middleham Road, we think not! There are a number of children that live and visit residents along this road which you now want to change to constant traffic between the hours of 8am to 5pm. What consideration has been given to the residents with vehicles?

Yet again it seems very apparent that neither Doncaster Council nor Doncaster Primary Care Trust gives a damn about the community. There are currently four parking areas within Middleham Road and Masham Road not including all the space along both roads, the NHS car parks are very poorly laid out with refuse areas built and not used or could be put to better use. How much of tax-payers money are the NHS and planning prepared to waste on this sham!

There is currently very restricted parking and manoeuvrability on this road and that was created by the NHS fencing everything in, which in itself has created problems by creating an area where oncoming traffic cannot be seen due to the obstruction of the fence and shrubs. All the current problems with parking and manoeuvrability have all been created by the NHS but it's the residents that have to put up or shut up!

Even the gates to the NHS centre are positioned wrongly (bottom of the road) and if moved would create better/easier parking and more spaces without the need to remove the one and only turn around access point on this road!

Members of the community that object and don't have access to your online links are as follows:

			Signatures
Simon Hinds	22 Middlem Rd	9 <sup>th</sup> Oct 16	
Jeanne Hinds	22 Middlem Rd.	9 <sup>th</sup> Oct 16	
CHRISTINE SWIFT	25 SYCAMORE GROVE	9 <sup>th</sup> Oct 16	
SHARRAD HOLLAND	24 MIDDLEHAM ROAD	10/10/16	
SOCK HOLLAND	24 MIDDLEHAM ROAD	10/10/16	
Wendy Gregory	16, Middleham Rd	10/10/16	
GLORIA MASON	18 MIDDLEHAM RD	10/10/16	
Christine Hall	8 MIDDLEHAM RD	10/10/16	
Kevin Branley	20 Middleham Rd	10/10/16	
Charlene Davies	10 Middleham Road	10/10/16	
Christian Cuppitt			
Aaron Davies			
Sharon Davies	52 Ingham Road	10/10/16	
Ronald Davies			
	Bawtry		
Patrica Kerigan	Goodison BVD	10/10/16	

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 15th November 2016**

<b>Application</b>	<b>06</b>
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<b>Application Number:</b>	15/01308/FUL	<b>Application Expiry Date:</b>	16th July 2015
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Erection of single storey extension to rear and use of property as a 8 bedroom house in multiple occupation (suis generis)
<b>At:</b>	17 Lawn Road Doncaster DN1 2JF

<b>For:</b>	Mr David Whitcroft
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<b>Third Party Reps:</b>	13	<b>Parish:</b>	
		<b>Ward:</b>	Town

<b>Author of Report</b>	Elizabeth Maw
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<b>MAIN RECOMMENDATION:</b>	Grant
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## **1.0 Reason for Report**

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

## **2.0 Proposal and Background**

2.1 The application is made up of two items:

- a) Proposed single storey rear extension following demolition of the existing garage and;
- b) Change the use of the property to an 8 person house in multiple occupation (HMO).

2.2 The application site is 17 Lawn Road, Doncaster. It is a mid terrace on a residential street and close to the centre of Doncaster. Neighbouring residents advise the houses along Lawn Road are mainly occupied by families. HMO's are less characteristic on the road. The property is currently being let as a house in multiple occupation.

2.3 In the rear garden is a garage, which takes up most of the rear curtilage. This garage would be demolished and a single storey extension would be constructed in substitute.

2.4 At the rear is a narrow access road to serve the tenants and locked by alley gates at each end.

2.5 The property lies within the Doncaster – Christ Church Conservation Area and the land allocation is Residential Policy Area.

2.6 The planning application was submitted in May 2015 and 13 objections were received at that time.

## **3.0 Relevant Planning History**

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

15/00636/FUL

Conversion of existing domestic garage to form studio flat, including alterations to roof, doors, frame and windows and installation of new window to side of dwelling. The application was refused on 11.05.2015 because it was over intensive, has a restricted alley way access and would create an unacceptable standard of amenity for its occupiers.

## **4.0 Representations**

4.1 The application has been publicised by sending letters to adjoining neighbours, site notice and press advert.

4.2 Thirteen objection letters have been received. Most of the objection letters are from surrounding residents, all individually written. Comments from the objection letters are noted underneath:



\* There is already an over burden with HMO's in the area. This puts a strain on the limited parking, litter and an increased likelihood of anti-social behaviour.

\* Although it is acknowledged the property can be converted into a 6 person HMO without planning permission, this is not a reason to accept an 8 person property.

\* Residents describe Lawn Road as a pleasant place to live. Most of the properties are in single occupancy with established residents who have lived in the same property for many years. Over the years, residents, with cooperation from the Council have worked hard to improve the road including alleygates, fight against prostitution, a one way system and the renovation of the Christchurch graveyard. The property is within a conservation area. Residents have seen the deterioration of nearby streets from multi occupancy homes and do not want to see the same happening to Lawn Road, particularly as they have worked hard to keep the street pleasant.

\* The proposal as a multi occupancy home is over intensive. The size of the extension is also large and limits the outdoor space.

\* Residents have experienced numerous problems with the previous occupiers of this property. The objection letters mention numerous problems including anti social behaviour, needles left around, noise through the night and problems with bins. The owner agrees there were problems when the application was first submitted in May 2015 but now says he has a new agent and tenants, which has stopped all these problems.

\* Neighbours have sent in photos dated May 2015 to show the bin problems, which were experienced when the house was being used by previous problematic occupants. The photos show the bin of this property being stored in the rear alley and it is overflowing. Residents say this was a regular occurrence. Rats have been seen in neighbouring gardens and residents think it was the overflowing bin that encouraged them. The permanent storage of the bin in the alley (rather than the garage or garden) also causes difficulties with neighbours trying to manoeuvre their cars along the alley as it is already narrow.

## **5.0 Relevant Consultations**

5.1 Environmental Health: No objections in principle. The room sizes are acceptable in terms of licensing standards for a HMO. The premises currently suffers from poor waste storage facilities, and the proposed development addresses this by providing storage space within the curtilage of the dwelling.

5.2 The extension to the rear for additional accommodation is unlikely to result in loss of amenity to the locality, despite intensification of use. The other internal alterations are unlikely to result in significant adverse impact on the locality, and as most rooms remain as existing but with en-suite facilities and structural insulation to limit noise transmission in this type of development is addressed by the Building Regulations.

5.3 Design and Conservation Officer: Whilst the alterations do not appear to impact on the general appearance of the conservation area, as there is limited private amenity to the rear there are concerns that the proposal could have a knock on impact in terms of parking and bin storage.

## **6.0 Relevant Policy and Strategic Context**

National Planning Policy Framework

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 12: Conserving and enhancing the historic environment

Doncaster Core Strategy

CS1: Quality of Life

CS2: Growth and Regeneration Strategy

CS1: Design and Sustainable Construction

Doncaster Unitary Development Plan 1998 (saved policies)

PH11: Residential Uses and Residential Policy Areas

ENV25: Conservation Areas

## **7.0 Planning Issues and Discussion**

### Principle

7.1 There are no issues in principle with the use of the property as a HMO. The property will remain as a residential use. The land allocation is Residential Policy Area.

7.2 Residents would like to see the houses on Lawn Road for family occupancy but there is no policy grounds to insist on this. A property can be used as a 6 person HMO without planning permission. The owner has the intention to use the property for multiple occupancy so if planning permission was to be refused we would still see the loss of this family home because the owner would just limit occupants to 6 persons.

### Character and Appearance

7.3 Nearby streets in the Christchurch area have deteriorated. The problems seen on these streets include overflowing bins in the front gardens, poor maintenance and regular 'TO LET' boards.

7.4 Residents describe Lawn Road as a pleasant place to live and they feel it has been kept like this due to established residents and predominantly single occupancy dwellings. It is also part of the Doncaster Christchurch Conservation Area.

7.5 The application was submitted in May 2015 and the objectors have stated there were problems at that time. The alleged problems included an overflowing bin which encouraged rats and blocked the alley at the rear, needles left outside and noise from tenants. The applicant states he did not realise the problems. He does not live locally and had left the care of the property with an agent.

He has recently appointed a new agent who has only accepted tenants with a good character. He advises the previous problems are a thing of past and concludes the HMO will now blend in peacefully with the street.

7.6 The property was last visited by the Planning Officer on 15.06.2016. The visit was unannounced and the officer noted the front garden was tidy; bins were stored at the front but not overflowing. There was a TO LET sign however. But overall, in the officer opinion, the HMO did not detract from the character of the street or conservation area.

7.7 The proposed extension is single storey and at the back of the property and therefore has limited impact to the conservation area.

### Residential Amenity

7.8 In terms of impact upon neighbouring properties local policies CS14 of the Core Strategy seeks to ensure there are no unacceptable negative effects upon the amenity of neighbouring land uses. Also, local policy PH11 (b) of the UDP relates to residential amenity stating that development will not be permitted where the effect of the development on the amenities of occupiers of nearby properties would be unacceptable.

7.9 During summer 2015 the property was being let as a multiple occupancy dwelling but the owner was unaware of this. The owner is not local and therefore asked a local letting agent to manage the house. Upon further investigation it was discovered the property was being let to one person but he had sub let the rooms to problematic tenants. This caused many problems including noise and waste disposal. The owner has now changed agents and the old tenants have vacated.

7.10 It is difficult to make a case at the planning stage that a proposed HMO will be a problematic one. The success of a HMO depends on the management of the property and the standard of the internal conversion. Case law also shows that when local planning authorities have tried to forecast the tenants and tenant problems and refused an application they have been unsuccessful at appeal because the objection was based on presumptions rather than actual evidence. This case is different because residents have advised this HMO has caused problems. However, the owner claims he was unaware of the problems and intends to ensure this does not happen again through better management of the property.

7.11 On 31.10.2016, the Planning Officer spoke with a neighbour to ask if the problems of summer 2015 have now gone. The neighbour said the overflowing bin in the rear alley has disappeared. They have seen builders at the property and can see some external improvements. They have had no problems from the current tenants but they don't think the property has been let to a settled set of tenants yet.

7.12 This application has highlighted problems that can occur with HMO's but based on the evidence available, the problems have now gone and the owner has shown a clear intention to prevent these problems from happening again.

7.13 Other factors to consider: The property can be used as a 6 person HMO without planning consent. The applicant confirmed there is a clear intention to occupy the property as a HMO in the long term. It is difficult to substantiate an argument that increasing the occupancy by a further 2 persons would significantly change any noise or comings and goings from the premises.

7.14 There are benefits to increasing the occupancy above the 6 person permitted development threshold, noted as follows:

- a) The garage would be demolished, which would provide a space for bins/ hanging clothes outside.
- b) The approval would give the owner an incentive to renovate the property.
- c) Increasing occupancy above the 6 person gives us the opportunity to improve and control some aspects. For instance, we can add conditions which request the side kitchen window to be obscure glazed (to protect residential amenity). If the property was to be 6 persons only, the LPA would not be able to impose these conditions.

7.15 Finally, the new extension does not cause an overshadowing issue because it is single storey and it will be smaller than the garage it replaces.

### Residential Standards

7.16 The National Planning Policy Framework states that to achieve sustainable development one of the core planning principles is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" (Para 17). Doncaster planning policy detailed in the Core Strategy and the saved Unitary Development Plan echoes this core planning policy. CS14 of the Core Strategy discusses the components of good design (form, layout, density) and PH11 states that residential developments should be rejected if "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".

7.17 A planning approval would increase the intensity of the property. Officers have considered whether the house is a large enough to accommodate 8 tenants.

7.18 The property is a mid terrace over 3 floors. The current layout has one bathroom. There is no outdoor amenity area because of the garage in the back garden. The new proposal would have 8 bedrooms, six bathrooms and slightly more space in the back garden because the extension is 5sqm smaller than the garage it replaces. So although a planning approval would accommodate more tenants the new layout is more efficient.

## **8.0 Summary and Conclusion**

8.1 The proposed use of the property as an 8 person house in multiple occupation is acceptable in principle. Based on the material planning considerations and evidence available there would be no significant adverse impact to the character of the street, conservation area or effect to residential amenity.

8.2 The proposed single storey extension is suitably designed and allows the property to gain useable external space for the residents.

## 9.0 RECOMMENDATION

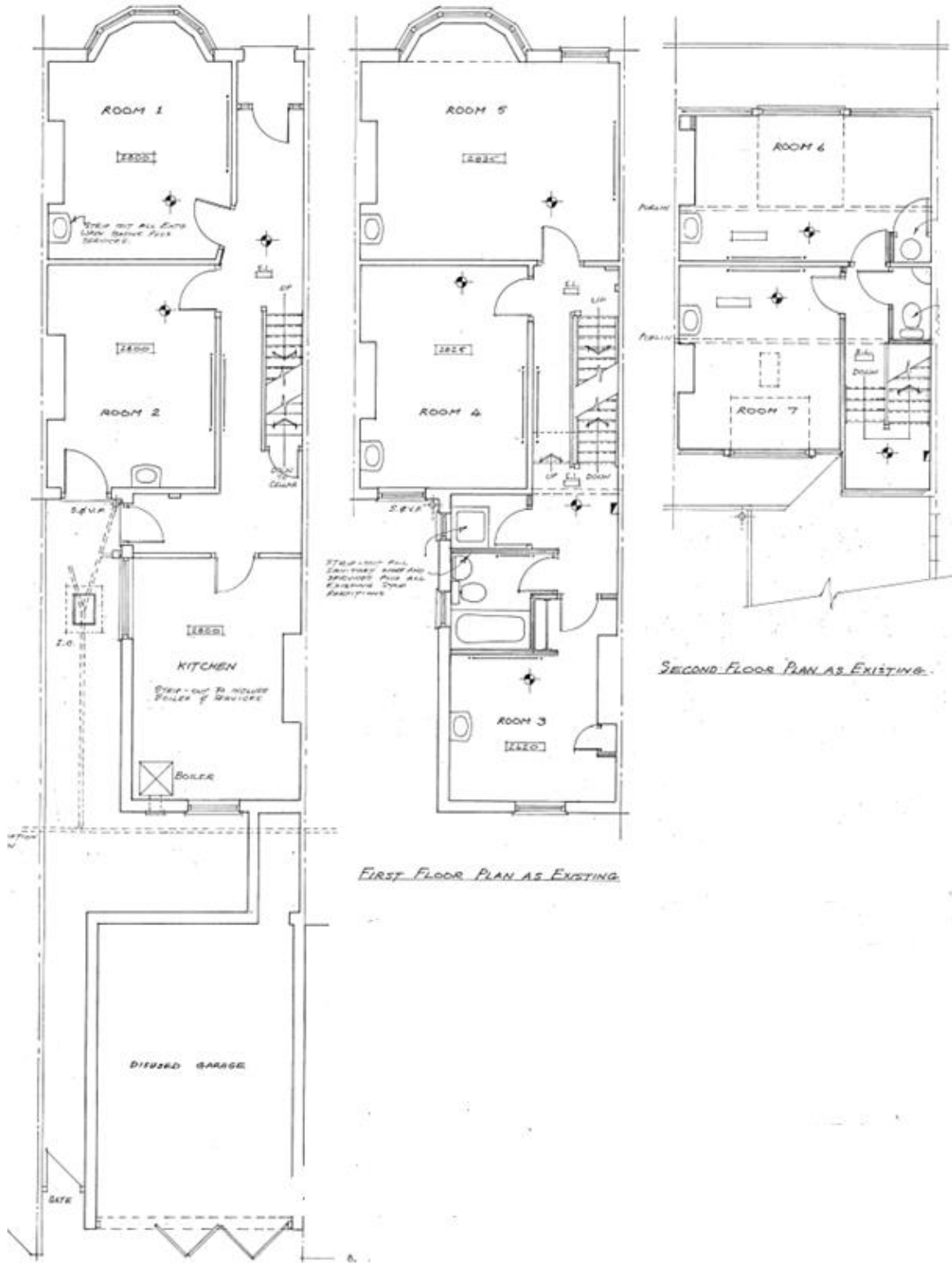
### 9.1 GRANT Full Planning Permission subject to the following conditions:

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. U48616           The external materials and finishes shall match the existing property.  
REASON  
To ensure the satisfactory appearance of the development
03. U48221           Before the occupation of the house in multiple occupation increases to 7 persons, the kitchen window on the side elevation at first floor shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.  
REASON  
To ensure that the development does not impact on the privacy of the adjoining premises.
04. U48617           The development hereby permitted shall be carried out in complete accordance with the details shown on the amended floor plans and elevations stamped 'AMENDED PLANS 15.07.2016'  
REASON  
To ensure that the development is carried out in accordance with the application as approved.

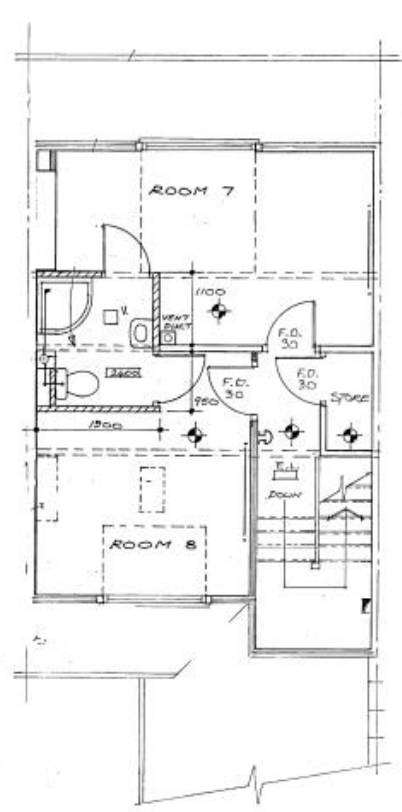
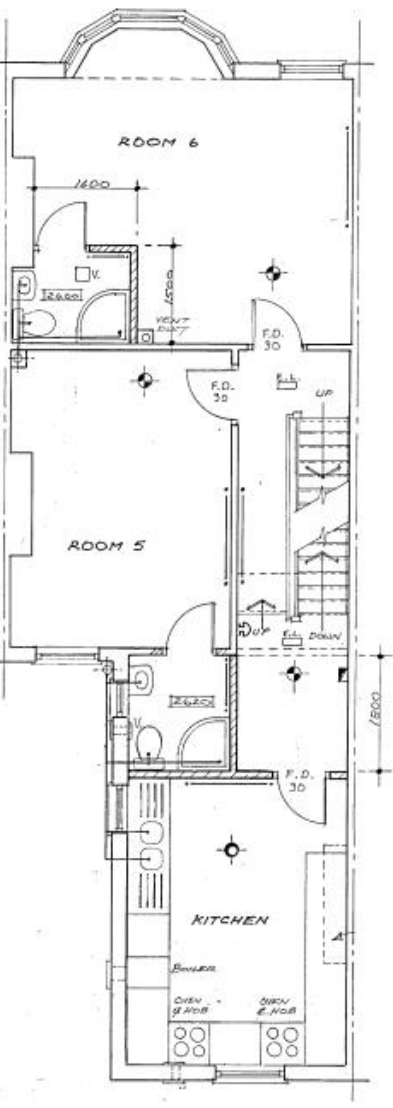
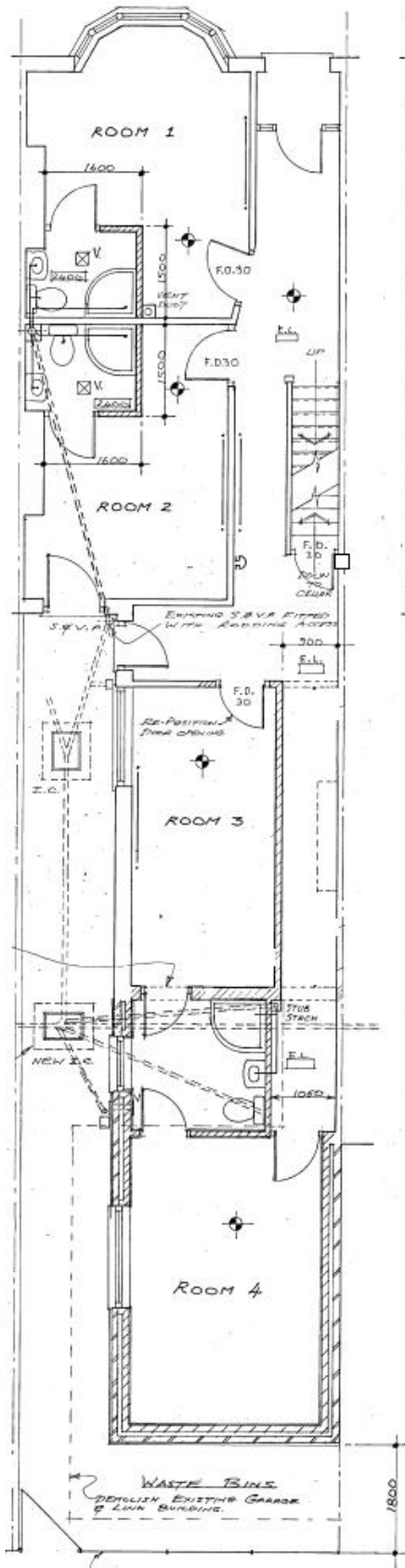
**The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and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

# Appendix 1: Existing and Proposed Floor Plans

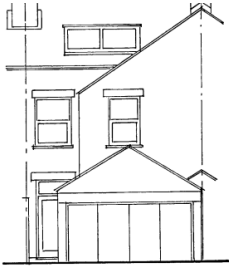
## Existing



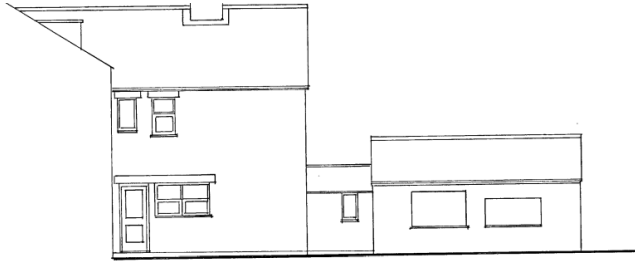
**Proposed**



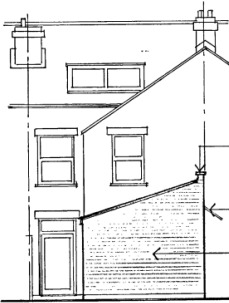
## Appendix 2: Existing and Proposed Elevations



REAR ELEVATION AS EXISTING



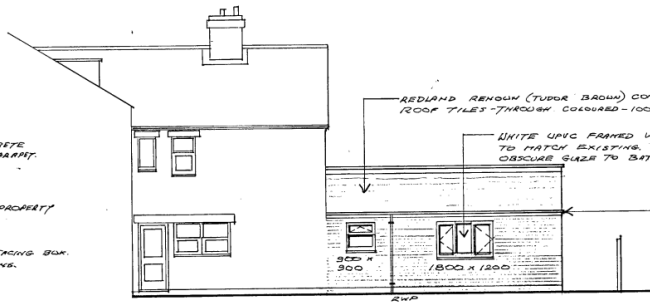
SIDE ELEVATION AS EXISTING



PRE-CAST CONCRETE  
CORNICES TO MATCH

NEIGHBOURING PROPERTY  
MADE GOOD

SMOOTH RED BRICK BOX  
ALL ELEVATIONS



REDLAND RENOV (TUDOR BROWN) CONCRETE  
ROOF TILES - THROUGH COLOURED - 100MM HEADLAP

WHITE UPVC FRAMED WINDOWS  
TO MATCH EXISTING.  
OBSCURE GLAZZ TO BATHROOM

ALL RAINWATER GOODS - 2  
100MM N/A BRANCHES, 13  
DIA. DOWNPIPES AND 75A  
BACK - INLET GULLY





15 November, 2016

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.

	<b>Outcomes</b>	<b>Implications</b>
	Working with our partners we will provide strong leadership and governance.	Demonstrating good governance.

### RISKS AND ASSUMPTIONS

8. N/A

## **LEGAL IMPLICATIONS**

9. Sections 288 and 289 of the Town and Country Planning Act 1990, provides that a decision of the Secretary of State or his Inspector may be challenged in the High Court. Broadly, a decision can only be challenged on one or more of the following grounds:
- a) a material breach of the Inquiries Procedure Rules;
  - b) a breach of principles of natural justice;
  - c) the Secretary of State or his Inspector in coming to his decision took into account matters which were irrelevant to that decision;
  - d) the Secretary of State or his Inspector in coming to his decision failed to take into account matters relevant to that decision;
  - e) the Secretary of State or his Inspector acted perversely in that no reasonable person in their position properly directing themselves on the relevant material, could have reached the conclusion he did;  
a material error of law.

## **FINANCIAL IMPLICATIONS**

10. The Director of Financial Services has advised that there are no financial implications arising from the above decision.

## **HUMAN RESOURCES IMPLICATIONS**

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

## **TECHNOLOGY IMPLICATIONS**

12. There are no Technology implications arising from the report

## **EQUALITY IMPLICATIONS**

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

## **CONSULTATION**

14. N/A

## **BACKGROUND PAPERS**

15. N/A

## **CONCLUSIONS**

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

<b>Application No.</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>	<b>Ward</b>
14/00252/M	Appeal against enforcement action for alleged unauthorised car sales from residential property under ground (a). at Keepers Lodge, Barnsley Road, Marr, Doncaster	ENF-App Dis/Upheld Sub to Correction/Var 27/10/2016	Sprotbrough
14/02936/FULM	Creation of multiplex cinema and 4 units (Class A3, A4 and A5 use) at Frenchgate Centre, St Sepulchre Gate, Doncaster, DN1 1LJ	Appeal Dismissed 19/10/2016	Town
15/02253/FUL	Installation of two rooflights, erection of first floor rear extension and conversion of first floor of doctor surgery to two flats. at Shelton House, 4 Bennetthorpe, Bennetthorpe, Doncaster	Appeal Dismissed 24/10/2016	Town

## **REPORT AUTHOR & CONTRIBUTORS**

Jenny Lister  
01302 734853

TSI Officer  
jenny.lister@doncaster.gov.uk

**PETER DALE**  
**Director of Regeneration and Environment**

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## Appeal Decision

Site visit made on 28 September 2016

by **Susan Wraith DipURP MRTPI**

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

Decision date: 27 October 2016

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**Appeal Ref: APP/F4410/C/15/3139355**

**Keepers Lodge, Barnsley Road, Marr, Doncaster, South Yorkshire DN5 7BQ**

- The appeal is made under s174 of the Town and Country Planning Act 1990 [hereafter "the Act"] as amended by the Planning and Compensation Act 1991.
  - The appeal is made by David Joslin against an enforcement notice issued by Doncaster Borough Council.
  - The notice was issued on 20 October 2015.
  - The breach of planning control as alleged in the notice is: Without planning permission, the change of use of the premises from a residential use to a mixed use of residential and a use for the storage, display of motor vehicles for sale and the unauthorised use of the domestic garage for vehicle repairs in connection with motor vehicle sales.
  - The requirements of the notice are:
    - (i) Cease the use of the land for the storage and sale of motor vehicles.
    - (ii) Cease the use of the domestic garage for the repair/service of motor vehicles.
    - (iii) Remove from the land all motor vehicles, motor vehicle parts and equipment associated with the use.
  - The period for compliance with the requirements is two months.
  - The appeal is proceeding on the ground set out in s174(2)(a) and of the Act. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under s177(5) of the Act.
- 

### Decision

1. It is directed that the enforcement notice be corrected as follows:
  - a. In paragraph 5.(i), by deletion of "sale of motor vehicles" and substitution of "display of motor vehicles for sale".
  - b. In paragraph 5.(ii), by deletion of "the repair/service of motor vehicles" and substitution of "vehicle repairs in connection with motor vehicle sales".

Subject to these corrections the appeal is dismissed and the enforcement notice is upheld.

### Matters concerning the enforcement notice

2. The steps of an enforcement notice should flow directly from the breach. There is a requirement at 5.(i) to cease the "sale of motor vehicles" whereas the allegation is the "display of motor vehicles for sale". At 5.(ii) there is a requirement to cease the "repair/service of motor vehicles" whereas the allegation is "vehicle repairs in connection with motor vehicle sales". To add clarity to the notice, and to ensure that the requirements cannot be construed as going further than necessary to regularise the breach, I shall correct the

wording so that it follows more closely that of the allegation. I shall make these corrections under the available powers of s176(1)(a). No injustice to either of the main parties will arise in me so doing.

### **The appeal on ground (a) and the deemed application**

#### *Planning policies and statutory requirement*

3. I have been referred to policies ENV3 and ENV10 of the Doncaster Unitary Development Plan and policy CS3 of the Doncaster Council Core Strategy<sup>1</sup>. Read together these policies seek to protect the openness of the Green Belt, to limit conversions to uses appropriate to a rural area and to ensure development is not visually harmful or likely to result in unacceptable highway problems.
4. Planning law requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise<sup>2</sup>.
5. National planning policy for protecting Green Belt land is set out in section 9 of the National Planning Policy Framework [hereafter "the Framework"]. The Framework states (amongst other things) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. One of the core planning principles set out in the Framework is to take account of the different roles and character of different areas, including by (amongst other things) protecting the Green Belts and recognising the intrinsic character and beauty of the countryside. The Framework is a material consideration for this appeal.
6. The Unitary Development Plan policies referred to above pre date publication of the Framework although are in general conformity with it insofar as the issues in this appeal are concerned.

#### *Main issues*

7. Having regard to the above development plan policies, the statutory requirement, the Framework and the submissions made by the parties I consider the main issues in the appeal on ground (a) and for the consideration of the deemed application to be:
  - a. Whether the development is inappropriate development in the Green Belt;
  - b. The effect of the proposal on the visual amenity of the countryside and the efficient use of the highway;
  - c. Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

#### *Whether development is inappropriate in the Green Belt*

8. The Framework, at paragraphs 89 and 90, lists various types of development that are not inappropriate development in the Green Belt. This is a closed list. In other words, if the development is not within the list it will be inappropriate.
9. The material change of use of land is not within the list although the re-use of buildings including any associated uses of land is not inappropriate in the Green

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<sup>1</sup> The Doncaster Council Core Strategy 2011-2028 was adopted by the Council in May 2012 which was after publication of the Framework in March 2012.

<sup>2</sup> S38(1) and (6) of the Planning and Compulsory Purchase Act 2004 and s70(2) of the Town and Country Planning Act 1990.

Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. However, for the following reasons I do not consider the development to fall within this exception to Green Belt policy.

10. Firstly, there is only a small office within the building associated with the car sales business with the building remaining primarily a dwellinghouse. As a matter of fact and degree this does not amount to the "re-use" of a building. Secondly the use results in the storage and display of vehicles on the open part of the site to the front of the dwelling. Such use, taking place on a prolonged and continuing basis, erodes the openness of the Green Belt and, thus, fails to meet the first proviso of this exception. Thirdly, the use is of urban character and fails to serve the purpose of the Green Belt to assist in safeguarding the countryside from encroachment. Thus it fails to meet the second proviso of the exception.
11. On this first main issue I find the development is inappropriate development in the Green Belt and, thus, harmful by definition.

*The effect of the proposal on the visual amenity of the countryside and the efficient use of the highway*

12. The storage and display for sale of vehicles to the front of the property appears out of place within this generally open, arable landscape. Whilst partially screened by the timber fence across the property frontage, the vehicles can still be clearly seen through the gateway opening, above the fence and through its vertical slats. I find the development harmful to the visual amenity of the countryside.
13. The adjacent highway is a busy main road upon which vehicles travel at speed. The comings and goings of customers vehicles, which will slow down whilst their drivers are looking for the property and accessing the site, is likely to have some detrimental effect upon the efficient use of the highway. The parking of vehicles on the narrow highway verge (as evidenced in photographs taken by the Council) is also detrimental to the interests of highway efficiency.

*Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal*

14. The harm by reason of inappropriateness and other Green Belt harm, together with the harm to the visual amenity of the countryside and highway efficiency, is substantial.
15. Weighing in favour of the development is that the business provides employment for the appellant, his son and a number of employees. Whilst the economic benefits of this small business are acknowledged they do not outweigh the substantial harm which I have identified. Neither can I see why meeting the welfare needs of the appellant's wife would be dependant upon the continuity of the business at this location.
16. There are no considerations that have been advanced that would clearly outweigh the harm and that could amount to very special circumstances.

*Conclusions on ground (a) and the deemed application*

17. On ground (a) I find that the development is contrary to the cited policies of the development plan and national guidance for protecting Green Belt land as set out in the Framework.

**Conclusion**

18. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the deemed application.

*Susan Wraith*

Inspector



## Appeal Decision

Site visit made on 12 September 2016

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

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

Decision date: 19 October 2016

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**Appeal Ref: APP/F4410/W/16/3146851**

**Frenchgate Centre, St Sepulchre Gate, Doncaster DN1 1SZ**

- 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 J Byrne against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 14/02936/FULM, dated 15 December 2014, was refused by notice dated 22 September 2015.
  - The development proposed is the creation of multiplex cinema and Class A3/A4/A5 units.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The decision that is the subject of this appeal was based on a design known as 'Scheme D'. As part of the appeal the appellant has submitted a revision to the proposal, 'Scheme E'. The Council have had chance to comment on this variation in the design, and the appellant has written to relevant third parties. Scheme E reduces the height of one element of the cinema block by around 2m, and amends some external materials, including those on the existing road bridge. These changes have been incorporated in an attempt to overcome some objections of the Council.
3. I have considered this matter carefully. I consider that the changes proposed are not so substantial that it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. In coming to this view I have also taken into account the fact that the Council and other parties have been made aware in good time of Scheme E, and that the Council are content for the revisions to be accepted. The appellant has requested that I treat Scheme E as forming part of the appeal submission as an alternative to Scheme D, and this I have done.

### Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the area and on the setting of adjacent listed buildings.

## Reasons

5. The Frenchgate Centre (the Centre) is a large shopping centre located on the western edge of Doncaster town centre. The Centre is integrated with the town's bus station, being directly above it and linked through to it. The bus station is in turn directly adjacent and linked to the town's train station. The south western aspect of the Centre is built over Trafford Way, a major road linking Doncaster to the M18 to the south, and to the A1(M) to the west. When approaching the Centre from this direction, the glazed façade of the Centre over the road is noticeable, together with a red brick curved tower on the left hand side, with further glazing angled to the side. A larger building to the rear of the Centre, described as the Trade & Labour Club, is also noticeable. However, this building is set considerably further back from the Centre façade and tower. Closer to the Centre the station, and then the Grand Theatre, come into view.
6. The train station booking hall and offices is a Grade II listed building. The listing notes that the hall was constructed in 1933, in red brick with stone dressings and clay tile roofs. Visually the building has three main parts, with a central block taller than two flanking two storey structures. The central block has a five bay window set in the middle of the façade, with a round clock face set above. On either side is set a three bay window, with single windows in the flanking wings. The outer two storey structures have four bays. Roofs are hipped/pyramidal in design. The building as a whole has a pleasing symmetry and harmony, clearly showing the importance of the central block and the subsidiarity of the two flanking structures. The red brickwork of the whole building is set off and enlivened by white decorative bands.
7. On the opposite side of the road to the station lies the Grand Theatre. This painted stucco building dates from 1899. The side of the building lies adjacent to Trafford Way, with the detailed and elaborate façade facing towards the south east. This façade includes an ornate iron railed projecting balcony at first floor level, with the upper stories articulated with paired ionic pilasters. The whole façade is topped by a deep entablature with balustraded parapet. Evidence submitted indicates that the façade has been altered during the lifetime of the building and that certain elements may not be original.
8. The proposal seeks to construct a multiplex cinema and restaurant/public house/café units in a two storey formation on top of an existing irregular shaped area at roof level on the south western part of the centre. Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
9. Paragraph 132 of the National Planning Policy Framework (the Framework) says 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. Significance can be harmed by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.

10. Policies ENV34, ENV53 & ENV54 of the saved Doncaster Unitary Development Plan, 1998 (the UDP), together state that permission will not normally be granted for development which would adversely affect the setting of a listed building, that the scale and appearance of new development must have regard to its wider visual impact, and extensions to existing buildings should be sympathetic in scale, materials and general design. The appellant considers that ENV34 should be given reduced weight as it is not consistent with the Framework. However, I note the wording within the policy that permission "will not normally be granted". To my mind this allows the decision taker to apply the provisions of paragraphs 128-134 of the Framework, and consider harm versus public benefit when considering proposals against the policy. I therefore continue to place material weight to this policy.
11. Policies CS14 and CS15(A) of the Doncaster Core Strategy 2011-2028, 2012 (the CS) together state that all proposals must be of high quality design that contribute to local distinctiveness, reinforce the character of local building traditions and respond positively to existing site features, integrating well with their immediate and surrounding area, and that proposals will be supported which preserve their heritage significance and setting of the Borough's heritage assets. In the case of policy CS15(A) in this instance I agree with the appellant, that the policy does not reflect the criteria embodied in the Framework concerning the assessment of impacts upon heritage assets, and in accordance with paragraph 215 of the Framework, this reduces the weight I can provide to this specific policy.
12. The setting of the station booking hall is affected by the prominence and width of Trafford Way, as well as an array of street furniture and signage around and on the concourse set in front of the building, including car parking and taxi drop off areas and so on. The angle of the buildings to the road allows clear views of the attractive structures from the busy Trafford Way. The existing Centre serves to effectively cut off the setting of the train station to the north. However, the Centre in this respect is reasonably well designed; the tower in red brick with banding clearly references the station buildings and the intervening glazed area, and the angle of its construction, allows the dominance of the station to remain.
13. A key design feature of the booking hall and offices is its symmetry and graduated heights. The two flanking buildings are both lower than the main building, with the banding, tops of windows and the parapet design of the main building all taking prominence over the flanking buildings, as well as the roof eaves and ridge height. The height of the existing Centre, whilst substantial, pays heed to this symmetry and graduated height, by also stepping up via the glazed section adjacent to the station to the circulation tower prior to the over road bridge element. Whilst there are negative aspects to the setting of the booking hall therefore, the whole contains various elements of visual harmony, and these contribute to the significance of the heritage asset.
14. The setting of the Grand Theatre has been denuded significantly in the years since the building was constructed. The location of the road to the side flank of the building and the proximity of the 1960s red brick Sainsbury's building in front of the façade dramatically affects the setting of the theatre. Views of the façade are difficult and only really available from close up. In such a way the significance of the theatre has been compromised.

15. The design of the proposal has been altered several times through the application stage and, in Scheme E, at the appeal stage. The proposal is a significantly sized development. From Trafford Way, Scheme D aims to break down the overall bulk of the design by varying materials, designed to subdivide the building into three smaller sections. A large glazed area, with trespa panelling around the top would be located on the station side of the building. This would then step down to a 'green' wall above the centre of the bridge and down again to the restaurant level across the bridge and behind the Grand Theatre. The top of this level would be below the top of the theatre parapet.
16. In summary, Scheme E appears to have a significantly higher proportion of glazing, including the replacement of the existing bridge glazing and an area of grey cladding above with mirror glass, and the alteration from the green wall to graduated cladding to match the colours of the sky. The trespa paneling is also removed from the top of the cinema element, thereby reducing the height of this section. The replacement of the existing glazing would be secured via a Unilateral Undertaking, which has been submitted with the appeal.
17. Whilst I note that the proposal would only add 7% of floorspace to the Centre, the overall height and bulk of Scheme D would be set high above the booking hall and offices, eroding the current stepped nature of the design of this building and its careful consideration of scale and symmetry. The proposal would also, in this sense, erode the laudable design of the current Centre in its approach to the station buildings. Whilst not significant in views from the platforms, the sheer height of the cinema block and its banded top would dominate the setting of the handsome booking hall.
18. The lowered height of Scheme E would reduce this effect somewhat, although the bulk and massing would still be significantly noticeable in views from Trafford Way, and the proposal would still appear to tower above the station, despite the small set back from the edge of the Centre façade. The introduction of the sky coloured cladding and larger expanses of glass would also to my mind reduce the effect that Scheme D has in breaking down the overall design, creating a wall and expanse of glass and similarly coloured cladding in views from Trafford Way.
19. The design of Scheme D includes various material and fenestration changes close to the edge of the Grand Theatre. Despite a gap between the rear of the Theatre and the edge of the Centre, this would have the potential to somewhat confuse the limited views of the Theatre available from close by. Scheme E in this respect provides a more coherent backdrop to the setting of the Theatre, and the mirrored glass presents an opportunity to reflect some views of the Theatre back into the public realm, potentially having a positive effect on the setting of the building. However, this positive effect would be slightly nullified in my view by the increased height of the Centre in such proximity to the Theatre.
20. Both proposals would remove views of various parts of rooftop plant and car parking from Trafford Way. However, such views are not prominent in the streetscene at present, where the eye is drawn when travelling along Trafford Way to the façade of the Centre, and when closer to the building, by the station buildings on the left hand side.
21. This is a key site within the town; the site is highly visible to drivers and pedestrians along Trafford Way, and to many exiting from the station, albeit

that this angle is more oblique. The design of a development affecting the setting of heritage assets plays an important part in determining its impact. The contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting. In my opinion the appeal schemes fail to achieve these objectives. For the same reasons, I consider that the design of the proposals would harm the character and appearance of the area.

22. The Framework considers harm to the significance of heritage assets in terms of substantial, or less than substantial harm. I consider that, for the reasons given above, both Schemes D and E would have adverse effects on the setting of the station booking hall and offices. In relation to the Grand Theatre, I am of the view that Scheme D would have an adverse effect on the setting of this building, but that Scheme E would have a broadly neutral effect. When combined, and having regard to the advice in planning practice guidance, I consider that both schemes would not reach the high hurdle of substantial harm (as defined in the Framework) to the significance of the heritage assets. However, though less than substantial, there would, nevertheless, be real and serious harm caused by both schemes which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal.
23. The public benefits of the scheme include a substantial investment into the local economy of between 10-15 million pounds, generating economic benefits both in construction, the utilisation of the proposal, and via employment, estimated at some 200 jobs including 44 full time posts. The proposal would specifically support the local evening economy, bringing life into the town centre after hours. I also note the very sustainable location of the proposal.
24. Furthermore, I note the details submitted concerning other proposed cinema development nearby, and the under provision of food and drink outlets within Doncaster, specifically family orientated restaurants, and the evidence regarding the strong need for the proposal. However, whilst I note the other cinema development as being smaller and in a less sustainable location than the proposal, cinema provision does still appear to be improving in the Borough. Fundamentally, I also note that the Council have no objections in principal to the proposal, and it therefore seems to me that it would be entirely possible for a scheme to be brought forward that would secure similar benefits, without causing the same degree of harm.
25. Consequently, whilst there are some public benefits, these are limited, and insufficient to outweigh the considerable weight that I give to the less than substantial harm that Scheme D would cause to the significance of the adjacent listed buildings or the harm that Scheme E would cause to the significance of the station booking hall and offices.

#### *Other Matters*

26. I note that the appellant has revised their designs several times and has fully engaged with the local Design Panel and Civic Trust. However, for the reasons given above I consider that both schemes put forward to me would harm the character and appearance of the area.

27. The appellant raises a recent court case<sup>1</sup> in support of their view that if consideration of heritage policies of the Framework is in favour of the development, then the presumption in favour of sustainable development in paragraph 14 of the Framework should apply. In this case however I have found that the proposal would be contrary to Chapter 12 of the Framework.
28. I note the comments of English Heritage [now Historic England], and the fact that they raised no objections to the scheme. However, these comments appear to relate solely to the effect of the proposal on the Grade I listed St George's Church, as opposed to the grade II listed buildings closer to the appeal site.
29. There is dispute between the parties over the veracity of various computer generated images (CGI) produced by the appellant to demonstrate the impact of the schemes. Whilst I have noted some occasional imperfections these have been acknowledged by the appellant. In any case, I have had the opportunity to view the existing street scene and buildings from various angles whilst on site, and compare them with the proposed plans and CGIs.
30. The appellant considers that the Council have acknowledged that they do not object to Scheme E. In response they have clarified that, whilst they consider Scheme E an improvement, they still have objections over the proposal. I note in this respect paragraphs 6.31 and 6.43 of their initial evidence.

### **Conclusion**

31. To summarise, I conclude that the proposal would fail to preserve the setting, and therefore the significance of the Grade II listed Station booking hall and offices and Grand Theatre and the character and appearance of the area. The revised Scheme E would fail to preserve the setting and significance of the booking hall and offices. Although I have concluded that the proposals would cause less than substantial harm to these heritage assets, I do not consider that the public benefits of the proposal would outweigh the clear harm caused in either scheme. Harm would also be caused to the character and appearance of the area. As such the proposal would conflict with the Framework and policy CS14 of the CS, as well as to policies ENV34, ENV53 and ENV54 of the UDP.
32. Therefore, for the reasons given above, and having regard to all other matters raised, including the letters received in support of the proposal, I conclude that the appeal should be dismissed.

*Jon Hockley*

INSPECTOR

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<sup>1</sup> Forest of Dean v Secretary of State [2016] EWHC 421 (Admin)

## Appeal Decision

Site visit made on 4 October 2016

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

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

Decision date: 24 October 2016

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**Appeal Ref: APP/F4410/W/16/3153956**

**Shelton House, 4 Bennetthorpe, Bennetthorpe, Doncaster DN2 6AD**

- 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 Dr M M Hattab against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 15/02253/FUL, dated 16 September 2015, was refused by notice dated 2 June 2016.
  - The development proposed is to convert the existing first floor of the doctor's surgery and extend the first floor at the rear to form two one bedroom flats with new windows to the side elevation.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - i. whether the proposal is acceptable having regard to the effect of noise and disturbance arising from a nearby source, the Earl of Doncaster Hotel (the Hotel), on the living conditions of future occupants; and
  - ii. whether the proposal would be an impediment to the economic viability of the Hotel.

### Reasons

3. The appeal site is a two storey property located on Bennetthorpe and within the Doncaster Bennetthorpe Conservation Area. The property has most recently been used for medical consultation and is currently being redecorated at ground floor level to accommodate a retail use.
4. Bennetthorpe is a busy road with heavy traffic and is a key route leading to the nearby town centre. There is a range of land uses in the immediate vicinity of the site, including the adjacent large hotel and a three storey block of residential flats. The Hotel office is situated in a single storey building immediately to the rear of the appeal site. A side door entrance into the Hotel's first floor ballroom and its associated external metal fire escape is situated immediately adjacent to the appeal site. There is an outdoor patio / smoking area close to the appeal site to the rear of the hotel.

5. The proposal is to alter, extend and convert the first floor accommodation to create two flats.

*Noise*

6. Policy CS1 of the Doncaster Council Core Strategy 2011-2018 Adopted 2012 (the CS) states that proposals will only be supported which contribute to a set of objectives, including being well-designed and fit for purpose.
7. The relationship between the appeal proposal and the Hotel is fundamental in assessing whether the proposed development would be fit for purpose with respect to achieving adequate living conditions for future occupants. The residential accommodation would be located extremely close to the flank wall of the hotel and immediately adjacent to the hotel's very large first floor ball room. The external doors serving the ballroom, which are used to take and remove musical and sound equipment from the building and the external metal access and fire escape staircase are also very close to the proposed flats and Flat No 2, in particular.
8. The proposed layout shows living accommodation, including a kitchen/living space window facing directly towards and very close to the door and the staircase. Consequently, there is a very clear conflict between the proposed residential use and the noise sources at the hotel.
9. I understand that the ballroom is used mainly at weekends and around Christmas for a range of events, including parties, weddings and live music performances. Evidence before me suggests that the external doors are often opened during events, allowing people to leave the venue to smoke outside, sometimes on the external staircase. Even if the door remained closed during events it appears to me likely that noise would be clearly audible at the appeal site. In addition, the side door and stair would be used late at night for moving equipment from the ballroom, generating noise and disturbance to neighbouring residential properties.
10. I understand the appellant's comments with respect to the management of the hotel and ballroom, including ways in which noise levels could be managed in order to protect the living conditions of neighbours. However, the hotel is an existing business and the introduction of such noise sensitive residential use so close presents clear conflict and is therefore inappropriate.
11. I am not aware of any previous noise complaints from other residential accommodation close to the hotel. However, there are none quite as immediately close as the appeal site. Also, I have taken account of the evidence before me that the appeal site was previously used for audiology testing, but on that matter conclude that the likely times of testing are unlikely to be late in the evenings at weekends when noise from the ballroom is most likely. As such, I give this little weight.
12. There are other sources of noise affecting the property, most notably from the street outside. However, it appears to me that there would be much better prospects of addressing such noise through some kind of mitigation such as improvements to glazing, for example. As such, the noise environment is potentially acceptable when the ball room is not being used.
13. The Council's Nuisance Team considers that there will be no effective sound attenuation between the source (the Hotel) and the subject (the proposed



residential flats) due to there being significant noise emissions and the relationship between the Hotel's ballroom. I have taken account of the appellant's suggestion that appropriate and advanced sound attenuation measures could be used to safeguard the amenity of adjacent residents and that an appropriate outcome could be negotiated between relevant parties. However, I have no clear evidence that this would be effective. Moreover, it would require the cooperation of the hotel, which leads me to the view that it could not be part of any requirement imposed by a planning condition.

14. The appellant also suggests that conditions could deal with any concerns with respect to the position of the windows on the eastern elevation of the proposed extension. However, I am required to consider the appeal on the basis of the scheme and plans which were before the local planning authority when it made its decision. The appeal process should not be used to evolve a proposal and changes to the proposed window arrangements or other material revisions to the scheme should be the subject of a fresh planning application.
15. In support of the appeal, my attention has been drawn to other cases elsewhere. However, I do not have the full details of the circumstances of those schemes and so cannot be sure that they represent a direct parallel to this appeal proposal, including with respect to location and noise conditions. Furthermore, they have been determined under different development plan policies. In any case, I have determined the appeal on its own merits.
16. On this issue I therefore conclude that the proposal would not be acceptable having regard to the effect of noise and disturbance arising from a nearby source, the Hotel, on the living conditions of future occupants. Therefore, the proposal is in conflict with the quality of life and amenity requirements of Policy CS1 of the CS and the National Planning Policy Framework (the Framework).

*Viability of the adjacent business*

17. The adjacent hotel is a large business, part of which is its large ballroom which is used for a range of events. Given the noise and disturbance conflict I have identified above, the relationship between the hotel and the proposed residential development would be highly likely to give rise to noise complaints over a period of time.
18. The hotel provides employment and contributes to the local economy. Those jobs and the economic benefits of the hotel business may be prejudiced if planning permission is granted for the current proposal. The Framework emphasises throughout the importance of economic considerations and jobs. Accordingly, I attach weight to this consideration.
19. On this issue I conclude that the conflict with respect to noise and disturbance could be an impediment to the economic viability of the adjacent business, the Earl of Doncaster Hotel. Therefore there is conflict with the economic growth objectives of the Framework.

**Other matters**

20. I have noted the appellant's comments with respect to the principle of the proposal, effect on the character and appearance of the Doncaster Bennetthorpe Conservation Area and the quality of the accommodation that would be provided. These are not referred to in the Council's reasons for refusal and are not matters of dispute with respect to the current appeal.

## **Conclusion**

21. Although there is no conflict with the development plan with respect to the principle of converting the upper floor to residential use, the effect on the character and appearance of the conservation area and the quality of accommodation that would be provided, I have found harm with respect to the effect of noise and disturbance from a nearby source on the living conditions of future occupants and the development would be an impediment to the economic viability of the adjacent business. These are the prevailing considerations. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Alastair Phillips*

INSPECTOR

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

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