

# 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, 17th October, 2017  
**TIME:** 2.00 pm

#### BROADCASTING NOTICE

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#### Items for Discussion:

- |   | <b>Page No.</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, 9 October 2017

Democratic Services Officer  
for this meeting:

Amber Torrington  
Tel: 01302 737462

4.	Minutes of the Planning Committee Meeting held on 19th September, 2017	1 - 6
<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	7 - 166
	<b><u>For Information</u></b>	
6.	Appeal Decisions	167 - 180
<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 of 06/09/17 to 03/10/17	181 - 194

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

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

Councillors Duncan Anderson, Mick Cooper, Susan Durant, John Healy, Sue McGuinness, Andy Pickering, Tina Reid, Dave Shaw and Jonathan Wood.

# Agenda Item 4.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

TUESDAY, 19TH SEPTEMBER, 2017

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE on TUESDAY, 19TH SEPTEMBER, 2017, at 2.00 pm.

#### PRESENT:

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

Councillors Duncan Anderson, Mick Cooper, Susan Durant, John Healy, Andy Pickering, Dave Shaw and Jonathan Wood.

#### APOLOGIES:

An apology for absence was received from Councillor Sue McGuinness.

#### 27 Declarations of Interest, if any

In accordance with the Members Code of Conduct, Councillor Dave Shaw declared an interest in Application No. 17/01577/FUL, Agenda Item 5(2) by virtue of receiving extensive consultation and contact from objectors and supporters, and subsequently expressing an opinion thereon and therefore, took no part in the discussion at the meeting and vacated the room during consideration thereof.

#### 28 Minutes of the Planning Committee Meeting held on 22nd August, 2017

RESOLVED that the minutes of the meeting held on 22nd August, 2017, be approved as a correct record and signed by the Chair.

#### 29 Schedule of Applications

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

#### 30 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:-

Application No	Application Description and Location	Appeal Decision
17/00240/FUL	Erection of single storey front, side and rear extensions, installation of dormer windows and raising of roof height in connection with formation of rooms in roof space at Crossways, Common Lane, Norton, Doncaster .	Appeal Dismissed 11/08/2017
16/02751/FUL	Erection of 5 detached houses following demolition of existing public house at land at The Talisman, Chestnut Grove, Conisbrough.	Appeal Withdrawn 21/08/2017

31 Enforcement Cases Received and Closed for the Period of 9th August to 5th September, 2017

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during the period 9th August to 5th September, 2017.

RESOLVED that all Planning Enforcement Cases received and closed for the period 9th August to 5th September, 2017, be noted.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 19th September, 2017

<b>Application</b>	1		
<b>Application Number:</b>	17/01587/FUL	<b>Application Expiry Date:</b>	18th August, 2017
<b>Application Type:</b>	Full Application		
<b>Proposal Description:</b>	Conversion of 1 <sup>st</sup> floor commercial space to form 6 apartments and alterations to rear elevation. Conversion of out-building store to form 1 apartment and associated external alterations. Use of rear courtyard for a private car park.		
<b>At:</b>	Suite Express House, 39A Skellow Road, Carcroft, Doncaster.		
<b>For:</b>	Suite Express – Mr Grant Berry		
<b>Third Party Reps:</b>	8 letters of objection	<b>Parish:</b>	
		<b>Ward:</b>	Adwick-Le-Street & Carcroft

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

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Susan Durant**

**For: 9 Against: 0 Abstain: 0**

**Decision: Planning Permission granted subject to the addition of the following Condition:-**

- 11. Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby approved shall not be occupied until there is compliance with the following Secured By Design specifications:-**

**(a) Rear shop doors shall be upgraded to Pas 24: 2016.**

- (b) A lighting plan is installed and lit to BS 5489 standard or an automatic access control gate shall be fitted to the archway.

**REASON**

In the interests of crime prevention.

(The receipt of an additional consultation response from South Yorkshire Police was reported at the meeting).

<b>Application</b>	<b>2</b>
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<b>Application Number:</b>	17/01577/FUL	<b>Application Expiry Date:</b>	15th August, 2017
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Erection of a bronze statue placed on a top of 4-sided stone plinth, together with the placing of a small dedication plinth with inscriptions (as a dedication to the Kings Own Yorkshire Light Infantry).
<b>At:</b>	Rose Garden, Elmfield House, Roman Road, Bennetthorpe.

<b>For:</b>	Major Derek Searby
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<b>Third Party Reps:</b>	5	<b>Parish:</b>	
		<b>Ward:</b>	Town

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

Proposed by: **Councillor Jonathan Wood**

Seconded by: **Councillor John Healy**

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

**Decision: Planning permission granted and the Head of Planning be authorised to issue the decision following the expiry of the renewed publicity period taking into account any issues should they arise.**

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Major Derek Searby, the Agent and Councillor John McHale, Local Ward Member and Councillor Paul Wray, the Veterans Champion, spoke in support of the application for the duration of up to 5 minutes each.

(The receipt of one additional letter of support was reported at the meeting).

<b>Application</b>	<b>3</b>
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<b>Application Number:</b>	17/01656/FUL	<b>Application Expiry Date:</b>	22nd August, 2017
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Erection of bungalow following demolition of existing building.
<b>At:</b>	Unit 3 Harlington Road, Adwick-Upon-Dearne.

<b>For:</b>	Mr Brian Hargreaves
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<b>Third Party Reps:</b>	1	<b>Parish:</b>	Adwick-on-Dearne Parish Council
		<b>Ward:</b>	Sprotbrough

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

Proposed by: **Councillor Iris Beech**

Seconded by: **Councillor Jonathan Wood**

**For: 9 Against: 0 Abstain: 0**

**Decision: Planning permission granted.**

<b>Application</b>	<b>4</b>
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<b>Application Number:</b>	17/01887/3FUL	<b>Application Expiry Date:</b>	21st September, 2017
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<b>Application Type:</b>	Planning FULL (DMBC Reg 3)
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<b>Proposal Description:</b>	Construction and laying out of a new closed circuit cycle track within the grounds of the Doncaster Dome Leisure Complex, including the re-modelling of existing car parking associated landscaping and ancillary works. (Being application under Regulation 3 Town and Country Planning (General) Regulations 1992).
<b>At:</b>	The Dome, Gliwice Way, Doncaster DN4 7PD.

<b>For:</b>	DMBC – Leisure Services
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<b>Third Party Reps:</b>	112	<b>Parish:</b>	
		<b>Ward:</b>	Bessacarr

**A proposal was made to defer the application for a Site Visit to assess the extent of the tree removal, impact on the landscape and neighbouring dwellings.**

Proposed by: **Councillor Mick Cooper**

Seconded by: **Councillor John Healy**

**For: 9 Against: 0 Abstain: 0**

**Decision: Defer the application for a Site Visit to assess the extent of the tree removal, impact on the landscape and neighbouring dwellings.**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Andrew Sinclair spoke in opposition to the application for the duration of up to 5 minutes.**

**(The receipt of a consultation response and the addition of a further four Conditions, were reported at the meeting).**



## **DONCASTER METROPOLITAN BOROUGH COUNCIL**

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. SV	17/01887/3FUL	Bessacarr	
2. M	16/02224/OUTM	Armthorpe	Armthorpe Parish Council
3. M	12/00188/OUTM	Armthorpe	Armthorpe Parish Council
4. M	17/00879/FULM	Hatfield	Hatfield Parish Council
5.	16/02589/FUL	Balby South	
6.	17/01208/FUL	Bentley	Sprotbrough And Cusworth Parish Council
7.	17/01495/FUL	Mexborough	
8.	17/01645/FUL	Tickhill And Wadworth	Tickhill Parish Council
9.	17/01300/FUL	Rossington And Bawtry	Bawtry Town Council

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 19th September 2017**

<b>Application</b>	1
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<b>Application Number:</b>	17/01887/3FUL	<b>Application Expiry Date:</b>	21st September 2017
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<b>Application Type:</b>	Planning FULL (DMBC Reg3)
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<b>Proposal Description:</b>	Construction and laying out of a new closed circuit cycle track within the grounds of the Doncaster Dome Leisure Complex, including the re-modelling of existing car parking associated landscaping and ancillary works. (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)
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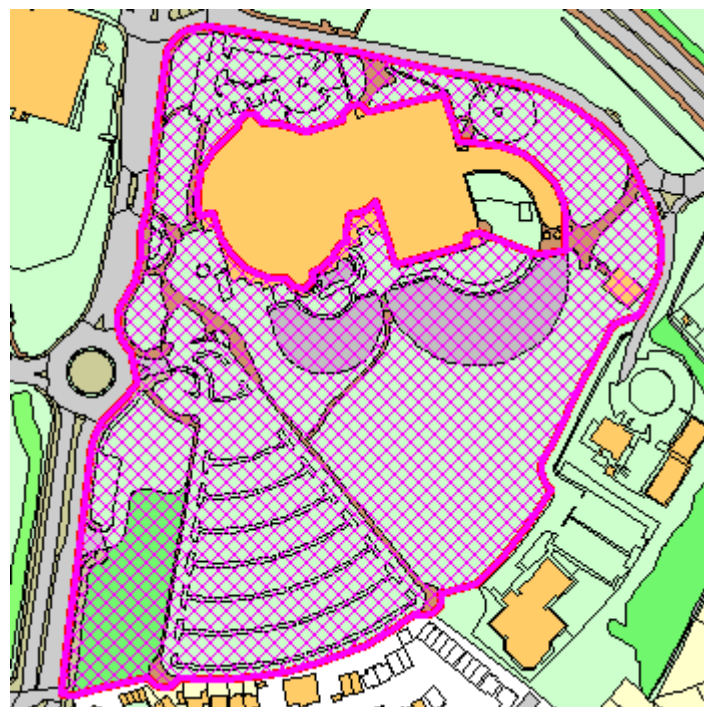
<b>At:</b>	The Dome Gliwice Way Doncaster DN4 7PD
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<b>For:</b>	Doncaster Metropolitan Borough Council - Leisure Services
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<b>Third Party Reps:</b>	112	<b>Parish:</b>	
		<b>Ward:</b>	Bessacarr

<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 presented to committee as the application is submitted by AECOM on behalf of Doncaster Council who are the land owners and developers of the proposal. The proposal is not regarded as a routine minor development and therefore needs to be considered by the Planning Committee.
- 1.2 The application was also deferred from the 19<sup>th</sup> September 2017 Planning Committee for a site visit to assess the extent of the tree removal, impact on the landscape and neighbouring dwellings.

## **2.0 Proposal and Background**

- 2.1 The proposal is to create an outdoor closed road cycling circuit within part of the Dome's car park and the surrounding unused land. The proposal involves the loss of the rear most section of the main car park to create the proposed track, which then loops around the Dome perimeter to the east and west. The lost spaces will be provided for at the front of the Dome through extensions to the two existing parking areas. The proposal will involve some significant tree loss to the eastern and western flanks of the car park, which will inevitably open up wider views, however neither of the trees groups are regarded as significant in tree quality terms. The trees to the west do however provide a visual screen for the houses to the south in terms of protecting views across and the wider area and noise from the main road. This is raised as a significant concern to residents to the south. The proposal also involves the reconfiguration of the two ponds within the Dome, into one smaller pond.
- 2.2 In terms of the general context the cycling facility is to be part funded by the British Cycling Facilities Fund. The circuit will be flexible and accommodate different types of uses, and will primarily be used by clubs, enthusiasts and will be controlled by the Dome as a bolt on facility who will manage bookings etc. The facility will host competitions, accommodate cycle clubs and have a pay and play facility. It is expected that visitor numbers would reach around 43,250 per year.
- 2.3 The track requires good lines of sight through the course, needs to be 1km in length, the track needs to be 6m wide, have a series of bends, 30m radii, have run off areas, be fenced secure (1.8m), illuminated, have start and finish straights etc. These are all components that have influenced the design and location of the facility and will in turn affect its attractiveness.
- 2.4 The initiative generally is aimed at increasing levels of physical activity in Doncaster and is part of a raft of wider measures which look to engage Doncaster's communities in becoming active. Since 2014 DMBC has developed and continues to develop a number of programmes which have provided a pathway from engagement and participation through to performance in cycling. This has included the following initiatives:
  - Town Centre Races within Doncaster which have attracted 14,000 spectators over the 4 years since the first event with over 1500 riders taking part in the races;
  - Engagement with schools has continued to grow by delivering 4156 positive experiences to pupils, their teachers and parents, through playground skills sessions;

- During the Big Pedal 3 week cycle challenge 2016, 7137 journeys to schools in Doncaster by bike and scooter were recorded and cycling levels at Bike it Schools in Doncaster increased by approximately 20%.

2.5 The DMBC is looking to increase participation and recognises that cycling area is changing dramatically with increased growth to cycle club structures particular in respect of youth cycling. This was supported by the recent hosting of the Tour de Yorkshire stage in 2016 had in excess of 50,000 people spectating across the borough, with significant associated positive benefits.

2.6 Notwithstanding the considerable growth and interest, activity is being held back by a lack of appropriate cycling facilities within the DMBC area with good accessibility to the local populations. The proposed Dome cycle track is regarded as a key cycling development within the Borough and its location was chosen to complement the well-established and successful leisure complex. Furthermore, it will enhance the 'Lakeside' as a destination location and support the 'pull' of the facility to cyclists outside of the Doncaster area.

2.7 The application is accompanied by a series of documents which include:

- Planning Supporting Statement (AECOM);
- Pre-liminary Ecological Appraisal Report (AECOM);
- An Arboricultural Assessment Report (AECOM);
- Transport Assessment (AECOM)
- A Flood Risk Assessment (FRA) (DMBC);
- Application drawings (DMBC).

2.8 Whilst it is not uncommon for landscaping details to be conditioned as part of any approval, following the deferral for a site visit, a new landscaping plan showing new tree planting has been commissioned and will be available at the forthcoming committee meeting.

### **3.0 Relevant Planning History**

3.1 Whilst the Dome has had a series of planning permissions over the years none are relevant to this particular proposal.

### **4.0 Representations**

4.1 The application was advertised by means of several site notices positioned in and around the Dome, including land to the north of the Dome where the car parks are to be extended, adverts on Gliwice Way and a notice within the new residential estate to the south known as Buttermere Crescent. The application was also advertised in the Doncaster Star and individual letters were sent to dwellings which bound the site to the south and adjoining businesses.

### Objections

4.2 The application received 5 letters of objection mainly from residents on Buttermere Crescent & Derwent Drive. The comments were as follows:

- The proposal this will spoil the wildlife, cause noise pollution and will spoil the appeal to the lakeside area and will affect the houses that are built next to the Dome car park.
- No objections with regards to the constructing of a bike track in that area per se, rather the specific plans themselves. The tree removal on Gliwice way and outside the Salvation Army church are rich in wildlife and provide natural beauty against a stark backdrop and their removal will be devastating for the overall appearance of the area, opening up views of McDonalds, The Dome, Camponile Hotel and Asda. Residents on Buttermere Crescent have first floor lounges and balconies that overlook this site.
- The trees filter disturbing sounds from the road and in particular ASDA, it is already difficult to sleep with ones windows open in summer due to the night time deliveries and the rear reverse warning on the large articulated vehicles. The same applies from the noise associated with Bawtry road.
- Will there be any precautions to stop motorcycles using the track in the same way which they currently use the land around the Keepmoat? Will the present amount of trees be replaced as they act as a noise barrier?
- The removal of the trees will mean litter blows in from Herten triangle.
- Concern that the Dome car park isn't locked at night, which exacerbates noise and rubbish for cars, meeting and eating takeaways in the car park.
- There are very few proposed trees shown on the indicative landscape plan when considering the extensive tree removal required to accommodate the track layout. A group of 5 extra heavy size trees proposed adjacent the Gliwice Way roundabout and a single tree within the island of the track is indisputably inadequate mitigation for the loss of the woodland and low-level vegetation in this area.
- Concern over light spillage from the 5.5m high lighting columns into neighbouring gardens.
- The proposed 2m high weldmesh fence alignment to the rear of our boundary wall creates a narrow passageway and would be a problematic area to maintain. We also have security concerns that people could climb between the wall and fence to access our garden.

### General letters

4.3 3 letters of general representation were received, commenting that a bespoke road circuit is a nice idea and no doubt will be enjoyed by the few who want it. My view is that money and time would be better spent on making more and safer dedicated cycle routes within the town which could be used by commuters, children, leisure cyclists. Also concern raised that the access is in a poor location where the Dome's service yard is. Also concern about the lack of public access through the site, however the plan shows the footpath access retained. Finally concerned that the traffic reports may not be entire accurate.

4.4 The application received 104 letters of support. These were from all over the borough and from persons outside the borough.

- This will be a fantastic addition to the south yorkshire sporting facilities and will be widely used by all age groups.
- This will be an amazing facility for current riders and the future riders to come.
- The track can be used for coaching sessions teaching cycle safely, awareness and cycle handling and proficiency. This would provide a safe place for juniors to learn valuable cycling skills and older children and adults to train and race. This would be a very well used and cherished facility.
- It will give a safe area to give all age groups experience on cycle riding , introduce new riders before they venture onto the roads.
- This will encourage people to start cycling to maintain a healthy lifestyle.
- Doncaster has a huge number of Cycling Clubs in the surrounding area who will benefit from such a circuit - both leisure and competitive Riders. Additionally the area boasts many professional Riders and I firmly believe that young people would and should have such a facility to enable them to investigate a career in this wonderful sport.
- A circuit such as this would bring Riders from other areas into Doncaster, allow the Sheffield leagues to extend to Doncaster and show them what we have to offer and how forward thinking Doncaster is as a town.
- A purpose built cycle racing circuit for Doncaster would be a brilliant addition to Doncaster's leisure and tourism portfolio. It will encourage growth in the sport and compliment the other facilities in the area.
- The site is sustainable, good access from Public transport. Its close to large residential areas as well as the town centre means that this proposal is in a very sustainable position.
- The scheme is low impact and will have a positive impact on the area.

## **5.0 Relevant Consultations**

5.1 Environmental Health - No objections. The proposal is unlikely to lead to adverse impact in the locality, providing issues of noise and lighting are addressed, as the course does run close to new housing. However, the trade-off of moving some car parking further away from the housing is a positive. The construction of the track will need to be controlled so as to prevent nuisance during this phase. Conditions covering noise and hours of operation are suggested.

5.2 National Grid (pipelines): No objections. Apparatus within the vicinity of the site.

5.3 Area manager: No response.

5.4 Yorkshire Water: No objections.

5.5 Shire Group Internal Drainage Board: No objection subject to conditions covering surface water run-off.

5.6 Pollution Control: No objections, informatives recommended.

5.7 Ecology: No objections subject to a condition requiring a biodiversity master plan being submitted to include off setting.

5.8 Doncaster Highways Transportation team: No objections.

5.9 Trees: No objections in principle to the loss of the tree groupings, however the trees do act as an important landscape feature. Appropriate replacement planting within the perimeter of the site needs to occur to soften the appearance of the area. This can be controlled by a suitably worded planning condition seeking a revised tree planting scheme.

5.10 Highways DM: No objections and support the request by the Councils' Environmental Health Officer for a condition to be imposed on any approval for a Construction Management Scheme to be submitted and approved in writing prior development.

5.11 Environment Agency: No response received.

5.12 Internal drainage: Response awaited.

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

### National Context

6.1 National Planning Policy Framework relevant chapters include:

Chapter 1 - Building a strong, competitive economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring good design

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

6.2 The National Planning Policy Framework (NPPF) published in March 2012 and sets out the governments objectives for the planning system at the national level. One of the core aspects is the achievement of sustainable development, which should be seen as a 'golden thread' running through decision making.

6.3 In respect of sustainable development, the NPPF sets out that there are three dimensions to sustainable development, economic, social and environmental. In respect of a social role, the need to support strong vibrant healthy communities is highlighted, along with the value of delivering accessible local services that support the community's needs and its health, social and cultural well-being.

6.4 In more general terms the NPPF promotes the importance of mixed use developments, and emphasises the value of promoting healthy communities, recognising that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of local communities.



6.5 The NPPF details the importance of good design for the long-term functionality and duration of development. Good design should consider the local character and be visually pleasing in order to create a sense of place.

6.6 Also of wider relevance to this application is flood risk. The NPPF states that new developments should consider the risks of flooding and the changes to biodiversity and water supply. Finally the NPPF champions the importance of conserving and enhancing the natural and local environment. Attention should be given in using brown-field sites, minimising pollution and developing on land with the least environmental or amenity value. The policy emphasises the importance of conserving designated sites and protected species whilst ensuring development is not adversely affected by unacceptable levels of soil, air, water or noise pollution.

#### Local Planning Policy (UDP)

Doncaster Unitary Development Plan;  
RP 2 - Mixed Use Regeneration Projects - Doncaster Leisure Park  
RL 2 - Open Space  
ENV 59 - Protection of Trees  
CF6 - CF 8 Community Facilities

6.7 Doncaster's Planning policy derives from the saved policies within the 1998 Doncaster Unitary Development Plan (UDP) 1998 and policies contained within the Core Strategy 2012.

6.8 In terms of the land allocation the site forms part of the Doncaster Leisure Park mixed use regeneration project area known as Policy RP2 - Doncaster Leisure Park. This relates to new mixed use development, including recreation, leisure and tourism. The policy states that the entire area is well connected to road and rail networks. As an existing tourist attraction the 'Dome' and Leisure Park are accessible by a large population, with leisure facilities within the vicinity.

6.9 Another policy of relevance to this proposal is Policy RL2. This relates to the change of use of Open Space not designated as formal Open Space stating new development will not be permitted on such land if it would adversely impact the use of the Open Space for the following:

- a) As a facility for casual play;
- b) As a buffer area between incompatible uses;
- c) As visual/environmental amenity;
- d) As a contribution to the setting of individual buildings or groups of buildings;
- e) As an area of existing or potential nature conservation interest;
- f) As a link between other open spaces.

6.10 Finally Policy CF6 - Community Facilities is of relevance as this proposal is creating a new facility. The policy advises that new facilities or the change of use to create new facilities will normally be permitted provided:

- a) The development would not be likely to have a significantly detrimental impact on amenity including traffic impact;
- b) The location would allow the needs of the community to be adequately served or would be suitable for community use by virtue of its environment and accessibility.

6.11 As a compliment to policy CF6, policy CF8 states that the Borough Council will promote the wider and more efficient use of all community facilities, where this can be achieved without detriment to the principal users of the facility. In this case the

proposal will increase the usage of the Dome without harming the existing facilities offered, such as swimming, skating etc particularly as the car parking is not being displaced.

6.12 Tree Protection is covered in ENV59 which seeks to retain where possible tree groupings.

### Doncaster Local Development Framework - Core Strategy

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 14 - Design and Sustainable Construction

CS 17 - Providing Green Infrastructure

CS 16 - Valuing natural environment.

6.13 The Core Strategy has a number of key policies of relevance to this application which are detailed below:

6.14 Policy CS1 - Quality of life, seeks to enhance economic prosperity and enhance quality of place and quality of life for people in the borough. This is detailed through improved access to jobs, transport, skills, good quality housing, local services, sport, leisure, religious and cultural facilities. The policy supports strengthening communities and ensuring healthy, safe places where existing amenities are protected. It also looks at enhancing the built and natural environment, providing green spaces, protecting heritage assets, trees, waterways and public spaces.

6.15 Policy CS14 - Design and Sustainable Construction advocates that all new development proposals should be of a high quality design and reflect local distinctiveness, making a positive addition to the existing character of an area.

6.16 Policy CS4 - Flooding and Drainage recognises that certain parts of Doncaster are at risk of flooding. The policy advocates a sequential approach to flood risk management seeking to direct flooding to the lowest risk areas. The policy identifies that all developments over 1ha should be supported by a Flood Risk Assessment (FRA) which should demonstrate that flood risks can be adequately managed.

6.17 Policy CS16 - Valuing our Natural Environment seeks to protect and enhance the natural environment within Doncaster. In particular, the policy gives protection to designated sites containing important habitats and species. The policy also advocates protection to the Borough's landscape and trees and (amongst other things) retaining and protecting appropriate trees and hedgerows and incorporating new hedgerow and tree planting.

6.18 Policy CS17 - Providing Green Infrastructure advises that Doncaster's Green Infrastructure will be protected, maintained and enhanced. In particular, part D of the policy explains 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, including: providing well designed and accessible, sport, recreation and open space facilities (including children's play space and parks) that meet the needs of the proposal and the wider community.

## **7.0 Planning Issues and Discussion**

7.1 The main issue for consideration of this application is the cycle tracks impact on the adjacent residents to the south of the site through noise, visual impact, lighting and tree removal. The remaining issues worthy of consideration are the highway/transportation impacts, ecology and flood risk.

### Principle of the scheme

7.2 The proposed facility lies within existing curtilage of the Dome, which is already a well-established multi-purpose leisure complex that attracts over 1million visitors per year. The use is compatible with the existing recreational use and therefore acceptable in principle in line with Policy RP 2 of the Doncaster UDP. Part a) of the policy explains that Doncaster Leisure Park will be developed as a mixed use area comprising leisure and recreation, tourism uses, employment uses amongst others. In particular, the explanatory text associated with the policy explains that:

- The 'Dome', already a tourist attraction of regional significance, is a magnet for other leisure uses.

7.3 The proposal is also supported by saved policies CF6 and CF8 of the UDP which supports the creation of community facilities.

7.4 Whilst part of the proposed cycle track will be accommodated on 'open land' that surrounds the Dome, this is not designated as Public Open Space and is therefore not offered stringent protection from new development. Policy RL2 does offer some protection from new development if it has an adverse impact on casual play, as visual/environmental amenity, contributes to the setting of a group of buildings, has nature conservation interest or forms a link between other open spaces.

7.5 When assessed against the above, this application will remove trees which act as a landscape buffer to surrounding uses and therefore consideration to this needs to be given. This however can be mitigated by some additional tree planting and this tree removal is a necessity to achieve the scheme within the restricted curtilage of the Dome and the need for good sight lines across the track. The tree removal is therefore justified and would not demonstrably harm this amenity value enjoyed by residents in terms of outlook. Also this proposal doesn't introduce 'built' development as such rather a track way, fencing and planting all of which will not be visible from the residential dwellings on Buttermere Crescent at ground floor. It is envisaged that the new planting proposed will soften the landscape and help maintain the leafy general setting of the Dome complex.

7.6 In general terms, the proposal simply intensifies the range and offer of leisure opportunities for the Dome, without having to develop outside the perimeter of the site. The proposed cycle track will naturally encourage participation in sport and recreation and cuts across a range of both local and national policies all of which support this type of initiative. There is also clear demand for this facility as detailed in the public letters of support, albeit many are from existing cycling enthusiasts. The proposal will

also undoubtedly strengthen the Dome's attractiveness and it will complement all the other leisure facilities in this part of Doncaster.

7.7 The track will be open to cycling groups, host competitions and have a pay and play facility. The scheme will promote healthy living, encourage cycling in the borough and provide a safe and ready-made off road cycling facility. The potential health benefits are obvious and the principle of this form of development is strongly reinforced by national planning policy objectives as contained within the NPPF.

7.8 The purpose built facility will be capable of hosting events will seek to build upon Doncaster's growing reputation as a cycling city, which will compliment and support the growing body of competitive cycling events that have occurred in Doncaster within recent times, including the 'Tour de Yorkshire.'

#### Residential amenity

7.9 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.

7.10 The location of the proposed cycle way and the tree removal required to implement the scheme have raised significant concerns to the residents to the south of the site on the new Serenity Housing development. Buttermere Crescent comprises of detached, semi detached and flats, the majority of which have rear elevations that face the proposed site, with some dwellings having lounges and first floor balconies currently overlooking the application site. At ground floor the car park is screened by a continuous 2m wall that stretches throughout the boundary with the Dome. The most southern part of the cycle loop passes this wall and it's important to ensure the new facility does not cause any new harm to residents.

7.11 Officers are aware of the current problems these residents experience with cars loitering in the Dome car park in an evening, therefore this scheme will lessen this as there will be a slight increase in distance between the last row of the car park and new dwellings. The Environmental Health officer concurred with this view and suggested further measures to noise and light pollution through conditions.

#### Hours of opening and noise

7.12 In terms of hours of operation the application initially suggested this being 7am-9pm Monday to Friday and between the hours of 7am-6pm Saturday and Sunday. Consideration was given to later openings on a weekend to accommodate for any races or events that may exceed 6pm. Through discussion with the Environmental Health officer it was suggested that 7am-9pm Monday to Saturdays and between the hours of 7am-6pm Sunday was not unreasonable. Any further extension of those hours would require a further variation of condition application and would have to be based on a noise impact assessment.

7.13 In general terms it is highly unlikely that that noise concerns would be generated from users of the track as the sport and cycles do not generate noise under normal circumstances. There may be some clunking of gears and the cycles hum as they pass, however this is intermittent and the smooth running surface is unlikely to generate any noise. This is also likely to be subsumed by the existing background

noise from the nearby roads and general use of the Dome car park, which often hosts events and functions in an evening.

- 7.14 Also the environmental health officer suggested a condition which prevents the use of external loud speakers at the track, except on race event days to initiate starts of races, limited to no more than 20 times per year.
- 7.15 Concern was also raised in the objections that the removal of the trees to the west of the site will open up the area and residents would experience more noise from Gilwice way. This may be the case to some degree as the vegetation will act as a buffer between the road and the rear of the new dwellings. However the trees in question are not afforded any special protection and could be removed at any time. The tree removal is a necessity to ensure the scheme goes ahead and unfortunately residents cannot rely on this buffer always remaining in place. Also the area is a busy part of the borough and some disturbance is expected particularly from nearby roads and the wider use of the Dome car park. The actual development its self does not create any undue noise concerns and therefore it would be unreasonable to refuse permission on the basis.
- 7.16 Finally the environmental health officer also suggested a series of other conditions that prevents the track being used by motorised vehicles and suggested the need for a Construction Management Plan (CMS), which controls, hours of working, dust and noise during construction.

#### Lighting

- 7.17 The application supplied details of the external lighting on a lighting site plan, showing the position and style of the lighting columns. The lighting scheme indicates that a number of properties to the south of the track will experience illumination of 1 lux from the track lighting. Whilst this is less than the Environmental Zone E3 post-curfew illumination limit, it will still cause some additional light spill to the properties. The environmental health officer states that this plan does not give any indication of how the risk of any potential glare from the 5.5m high mounted lighting will be avoided to the residential properties. On this basis a new lighting site plan is required showing a reduction in light spillage and glare to nearby dwellings and details of the lighting shields will be necessary. This is to be provided by condition. A condition is also recommend to ensure the lighting be turned off at night in line with the agreed hours of operation of the track, which will further lessen any wider impact for residents.

#### Visual impact through tree loss

- 7.18 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.
- 7.19 The proposal involves some substantial tree loss to two tree groupings. The first is the grouping along Gilwice Way and the second group that runs exists to the east of the car park. This removal is necessary to allow space for the track. Residents were concerned that the tree loss will open up views to the Dome, Asda and McDonalds. This is acknowledged, however no one has the right to a view, and the loss of a

particular view cannot be safeguarded or treated as a material consideration in planning legislation.

7.20 The proposal in itself will not harm the resident's outlook, however the tree removal will open up the site to wider views. Lots of vegetation will still be retained in the Dome's existing car park and where necessary supplemented. The application did show indicative new tree planting positions, which included new planting on the north and north-west corner of the site to help screen outward views to some degree. Members of the planning committee when considering the application on the 19<sup>th</sup> September felt this was an important issue and wished to see the proposed landscaping plan prior to the determination of the application.

7.21 As discussed in the introduction, planting within the centre of the track isn't appropriate as sight lines need to be maintained across the site for safety purposes. It may however be possible for some high stemmed planting in certain locations that allow visibility under the tree canopies. The proposed landscaping plan will detail this and show areas where the landscaping can be enhanced, detailing the size and tree species. It is acknowledged that the tree numbers of trees being removed will not be entirely compensated for, however it's envisaged that suitable species selection strategically placed could recreate this leafy boulevard feel to this part of the Dome complex and provide some screenings for residents where possible.

#### Highway, Parking and Transportation impacts

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

7.23 In order to assess the highway implications on the proposal a Transport Assessment has been submitted with the application along with detailed plans showing the reconfiguration of all 3 car parks within the Dome complex.

7.24 Part of the proposal involves the loss of part of the rear section to the main car park and as such 104 spaces will be lost. These spaces are to be regained by extensions to the 2 smaller car parks (car park 2 & 3) to the north of the Dome, which currently provide 49 bays (including seven disabled bays) in the larger car park and 25 bays in the smaller car park. The improvements will increase the capacity in the two car parks from 74 standard bays (and 7 disabled spaces) to 160 bays, twelve disabled spaces and four coach park bays.

7.25 A net total of 8 additional disabled bays and four coach bays will be created as part of this development; however there would be a net loss of eighteen standard spaces. The highway Development management officer raised no concerns over the extensions to the two car parks in terms of the layout and manoeuvrability.

7.26 In terms of the wider transportation impact, a Transport Assessment, the council's transportation officer has reviewed the Transport Assessment and it was agreed that this development does not generate significant amounts of traffic in the peak hours with a maximum of 15 vehicles proposed to arrive in any one time period (1 every 4 minutes).

7.27 The site is well connected to existing walking and cycling routes. The car parking surveys which were carried out has shown that, even with the changes to the existing

car parking, the level of demand can easily be accommodated within the available car parking capacity. On this basis the proposal represents no highway concern and sufficient parking exists within the site to accommodate the new proposed use in accordance with CS 14.

7.28 In the future, if any events were to be held which would generate extra traffic, over and above the daily operation quoted in the Transport Assessment, this will be discussed with Doncaster Council's Traffic Manager and an Event Traffic Management Plan be formulated and agreed.

### Ecology and Wildlife

7.29 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.'

7.30 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.

7.31 This proposal does involve substantial tree removal and the reduction and reconfiguration of an existing pond within the Dome complex, all of which have the ability to negatively impact on the ecological value of the site. The application has been the subject of pre application discussions and was accompanied by a detailed ecological appraisal by AECOM. The council's ecologist considers that the appraisal has been carried out using all recommended methods of survey and assessment and it provides an accurate record of the ecological receptors.

7.32 The Phase 1 habitat survey shows that the area is generally managed amenity land with mown grassland a large pond and planted ornamental trees and shrubs. There is a small area of former semi-natural grassland that has reverted to tall ruderal vegetation.

7.33 The presence of protected species has been assessed through standard desk and field survey and assessment methods and this has discounted the presence of great crested newts, badgers, reptiles, water vole, and otter. The potential for roosting bats using the site i.e. the trees on the site, is considered to be very low and using standard assessment methods there is no further need for further surveys.

7.34 The report proposes that the loss of habitats can be compensated for within the area of the proposed cycleway and the ecologist considers this feasible. The proposed use of the Council's Biodiversity Offsetting metric to accurately quantify habitats and their relative value is welcomed, and the habitats created by the grassland can be replaced by a more ecologically valuable grassland habitat.

7.35 The plantation woodland blocks are relatively poor as ecological and arboricultural features and their potential loss does not need to be compensated for on a 'like for like' basis. The planting of additional trees should be avoided to preserve sight lines hence compensation for the loss of trees should look at other types of habitat compensation. The new pond can provides an opportunity to create a smaller pond but with a higher ecological potential.

7.36 The council's ecologist supports the scheme on the basis that the LPA's biodiversity offsetting method are considered to value the existing habitats and a Biodiversity Enhancement Master Plan prepared and secured by condition to ensure that the replacement specie planting and habitat creation enhances the wider ecology of the site.

### Flooding and Drainage

7.37 The site is located within Flood Risk Zone 1 (low probability) as shown on the Environment Agency flood maps. In accordance with the NPPF, policy CS 4 of the Core Strategy and the Council's flood risk SPD, a flood risk assessment was prepared as the site area is over 1 hectare. The proposed use (water compatible) combined with the flood zone classification means no sequential test or exceptions test are required.

7.38 The Flood Risk Assessment concluded that the risk from flooding is low (less than 1/1000 (0.1%) chance of river or sea flooding according the Environmental Agencies flood risk map.) The surface water flood maps indicate a low risk of flooding and there is no evidence to suggest sewer or groundwater flooding issues affect the site. The drainage details have been assessed by the relevant authorities and no objections are raised.

## **8.0 Summary and Conclusion**

8.1 In summary the proposal will provide a much needed facility for the cyclists of Doncaster. The proposal will complement the Dome's existing attraction as well as attracting new cyclists to Doncaster and recognising Doncaster new cycling culture. The track will be open to all ages, groups and enthusiasts and will encourage participation in sport in its general sense.

8.2 The proposal will have no adverse impacts on the sites ecological value, which can be satisfactorily mitigated. The proposal will cause no highway safety or parking concerns, however will involve some significant tree loss which is necessary for the success of the scheme. This will open up the site to wider views to the residents on Buttermere Crescent. Control over hours of operation, lighting and additional tree planting will all assist in limiting any adverse impact on nearby residential dwellings and as such the proposal is recommended for approval.

## **9.0 Recommendation**

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. U54952 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows  
  
Amended site plan car park 1 29695-01-GA Rev B  
Amended site plan car park 2 29695-CP-02 Rev A  
Amended site plan car park 3 29695-CP-03 Rev A  
  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. U54333 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  
vii) measures to control the emission of dust and dirt  
viii) a scheme for recycling/disposing of waste resulting from demolition and construction works  
REASON  
In the interests of the amenity of nearby occupiers.
04. U54334 The premises shall only be used between the hours of 7am-9pm Monday to Saturdays and between the hours of 7am-6pm Sunday.  
REASON  
In the interests of the amenity of nearby occupiers.
05. U54335 All track lighting shall be turned off between the hours of 21.00hrs and 07.00hrs Mon-Saturday and 18.00hrs and 0700hrs on Sundays.  
REASON  
In the interests of the amenity of nearby occupiers.
06. U54336 Unless otherwise agreed in writing by the Local Planning Authority the track shall not be used by motorised vehicles other than for maintenance/repair and emergencies.  
REASON  
In the interests of the amenity of nearby occupiers. Page 23

07. U54337 Unless otherwise agreed in writing there shall be no external loudspeakers to be used at the site except for race events, which shall total no more than 20 days per year. The applicants shall keep a log of such events ready for inspection by the Local Planning Authority.

REASON

In the interests of the amenity of nearby occupiers.

08. U54646 Prior to development commencing a Biodiversity Enhancement Master Plan shall be submitted and approved in writing by the LPA. The content of the Plan shall include;

- o Using the LPA's Biodiversity Offsetting method, a scheme of habitat compensation should be proposed to ensure that there is a no net loss of biodiversity on the development site. This scheme should look towards the creation of acid grassland and heathland as a means of responding to DMBC Biodiversity Action Plan priorities and delivering a sustainable ecological enhancement throughout the site. Seed for such habitat creation could be harvested from the adjoining LWS Doncaster Common as a means of ensuring consistency in species content and local genetic integrity.

- o The replacement of the existing water bodies with an ecologically diverse pond that uses native species and is designed and planted to maximise opportunities for aquatic invertebrates, and other locally occurring aquatic species.

- o A lighting scheme that reduces impact of lighting on nocturnal species through type and positioning of individual lighting sources.

REASON

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

09. U55001 Prior to development commencing, a new lighting site plan shall be submitted to and approved in writing showing no light spillage or glare to the residents to the south of the site and full details of the lighting shields to be fitted to the external lighting. The development shall then be carried out in accordance with the approved details and maintained throughout the lifetime of the development.

REASON

To ensure light doesn't spill into the curtilages of neighbouring dwellings to the south of the site in accordance with CS 14.

10. U55035 No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a soft landscape plan; a schedule providing details of the species, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed

within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

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

11.

The erection of impact resistant barriers and ground protection measures for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars (Arboricultural Report project no. 60534675 dated July 2017; Appendix D – Tree Protection Plans ref. sheet numbers 60534675-ARB-003 Rev A and 60534675-ARB-004 Rev A; Appendix E – Arboricultural Method Statement) 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 retained trees are protected from damage during construction in accordance with core strategy policy CS16: Valuing our natural environment.

12.

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.

13.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels

overflow pipe outlets shall be detailed to discharge downwards into the bund.

**REASON**

To prevent pollution of the water environment.

01. U11616 THE CONTAMINATED LAND REGIME

Under the contaminated land regime Doncaster Council has the statutory duty to inspect and determine "contaminated land" within its borough, under this regime land owners/developers/occupiers of "contaminated land" could face liability for remediation at a later date.

02. U11617 DEVELOPMENTS NEAR / ON POTENTIAL CONTAMINATED SITES

Historic maps show that the above planning application is near or on a potential contaminated site, and in light of this it is recommended caution is taken during any excavation works. If any contamination is found it must be reported to the Local Planning Authority

03. U11655 The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud on the highway is an offence under provisions of The Highways Act 1980.

**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.**

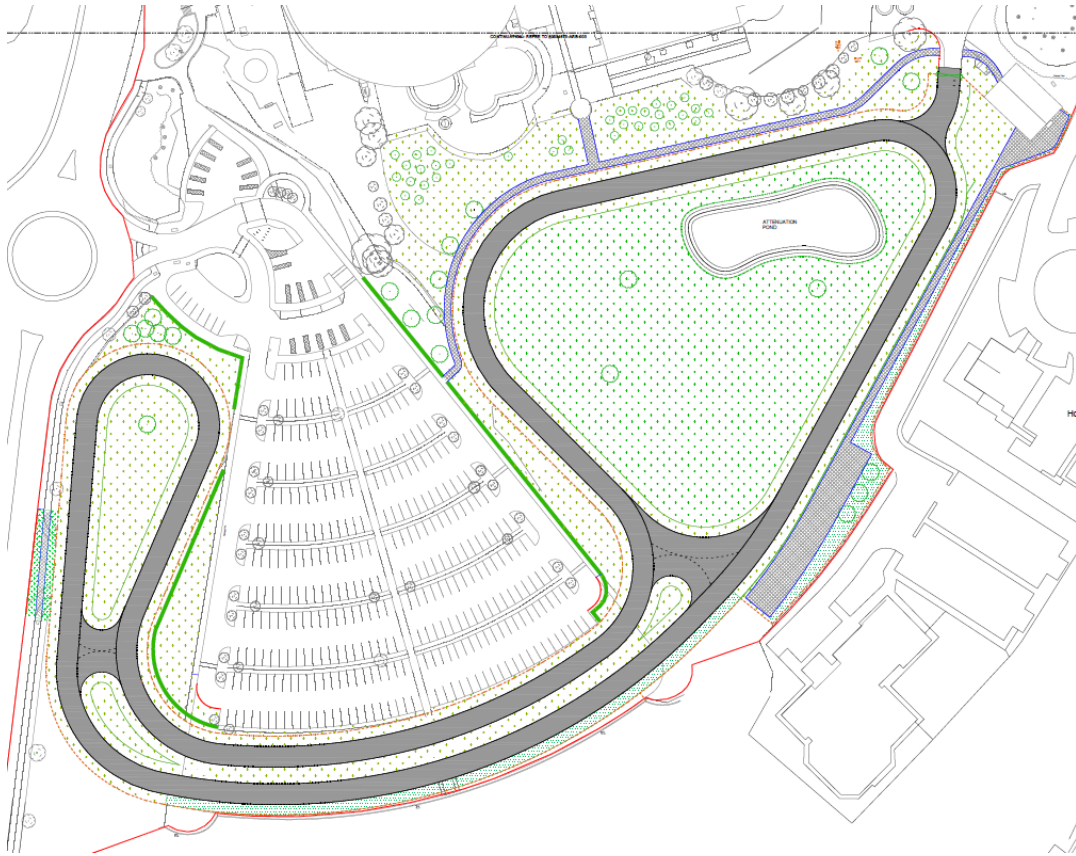
Appendix 1 - showing alterations to main car park



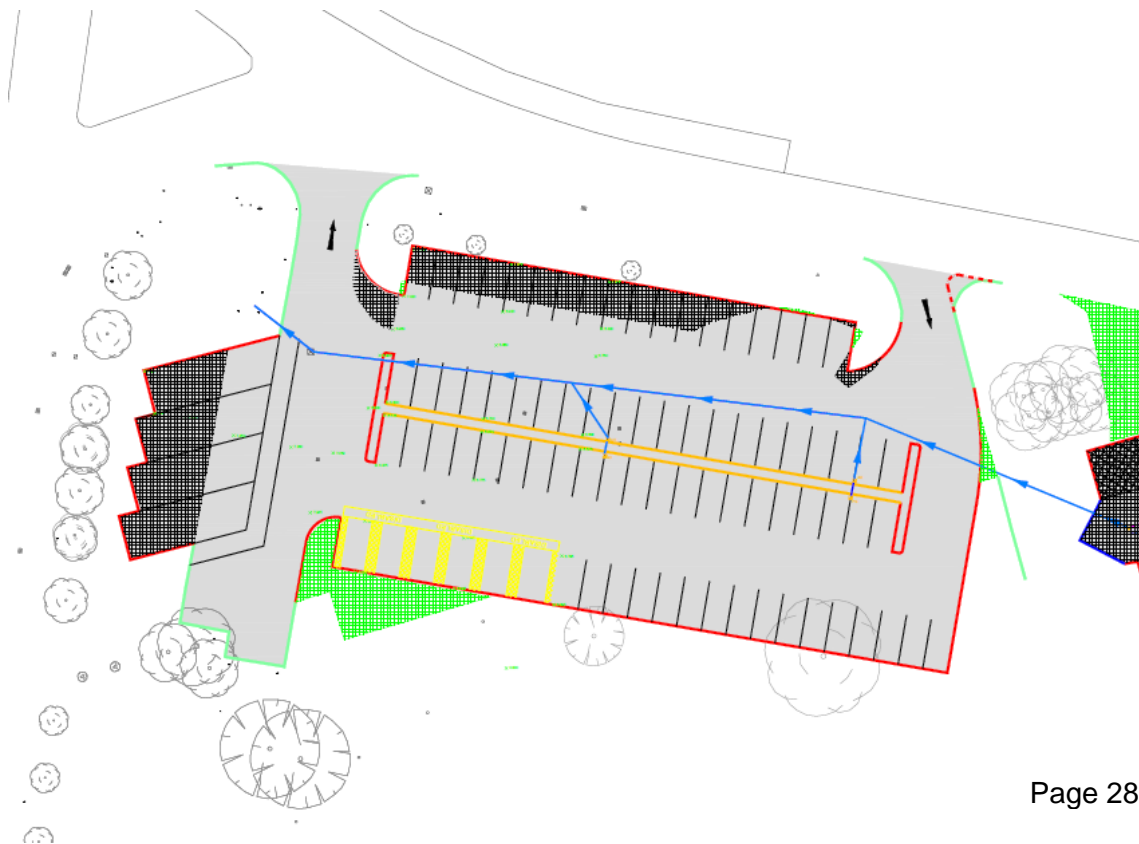
Appendix 2 - Tree Constraints plan



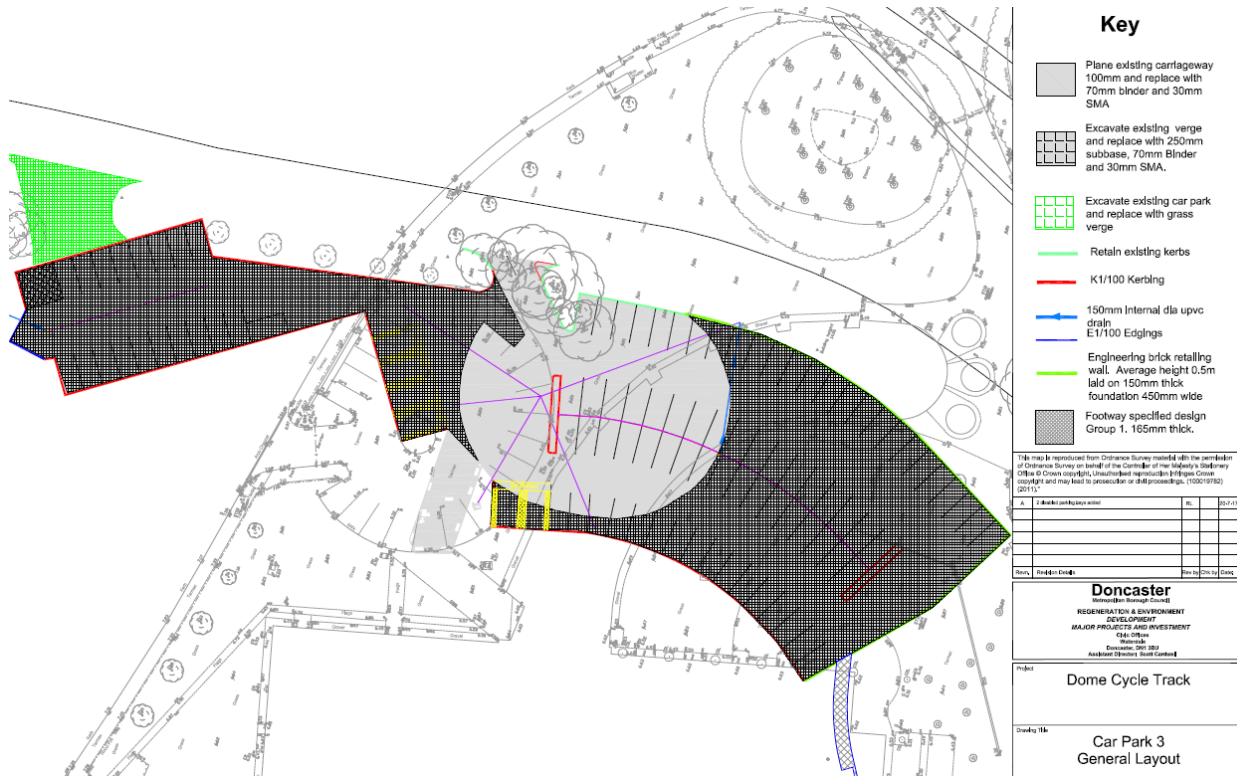
Appendix 3 - Indicative landscaping Plan: to be added to by condition.



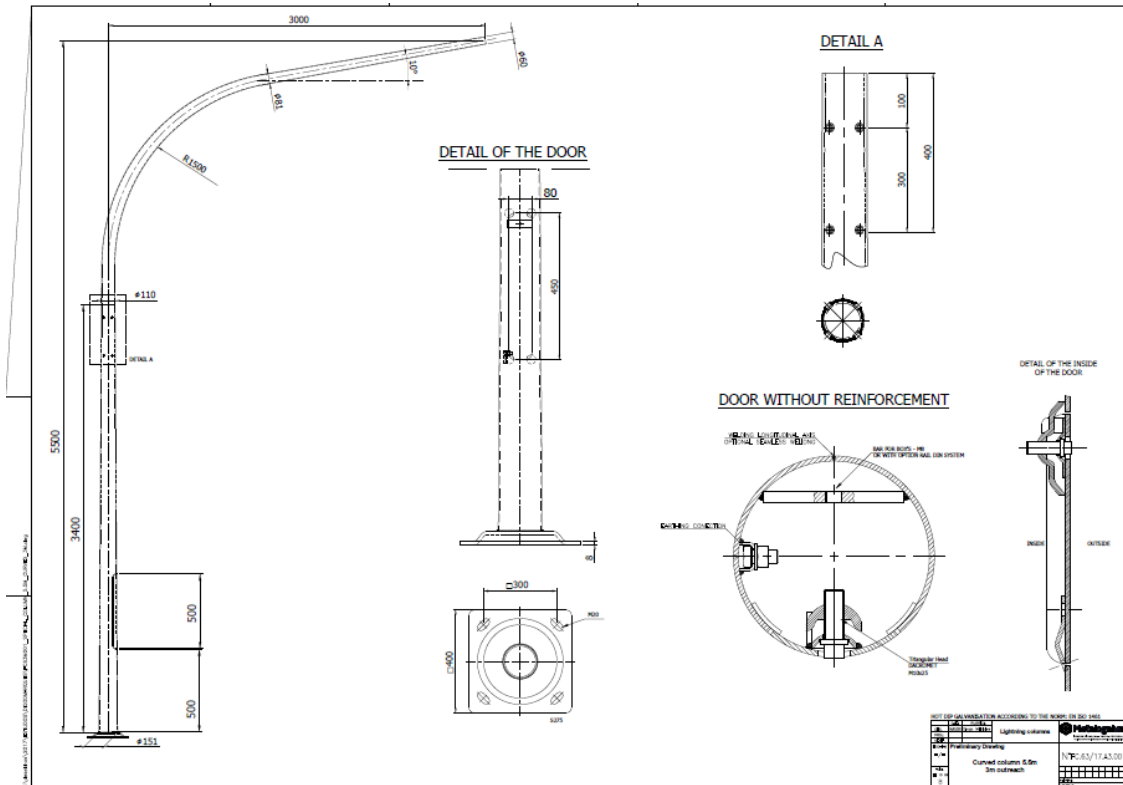
Appendix 4 - Car park 2 to the north of the Dome



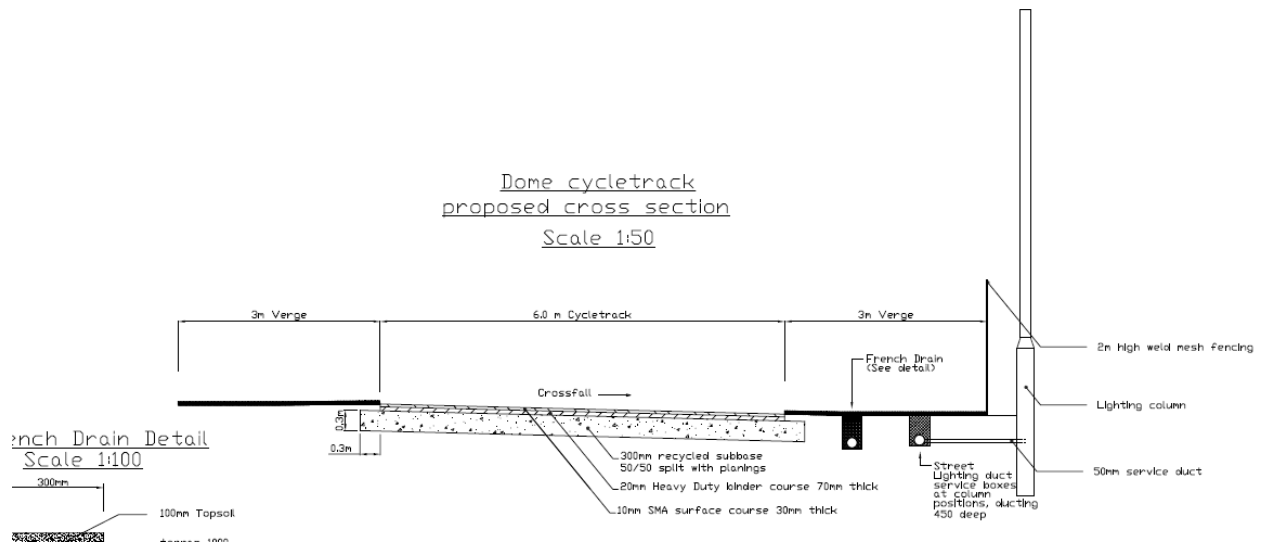
# Appendix 5 - Car park 3 north of the Dome



# Appendix 6 - Lighting detail



Appendix 7- Cross section:





**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 17th October 2017**

<b>Application</b>	<b>2</b>
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<b>Application Number:</b>	16/02224/OUTM	<b>Application Expiry Date:</b>	12th December 2016
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<b>Application Type:</b>	Outline Planning Major
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<b>Proposal Description:</b>	Outline application for the erection of residential development of up to 400 dwellings, Primary School, Open Space including green wedge, formal open space and children's play areas, landscape works including retained and new woodland planting, principle of access from Hatfield Lane, internal road network, cycle and pedestrian network, provision of utilities, drainage and necessary diversions and demolition and any engineering and ground remodelling works (All Matters Reserved).
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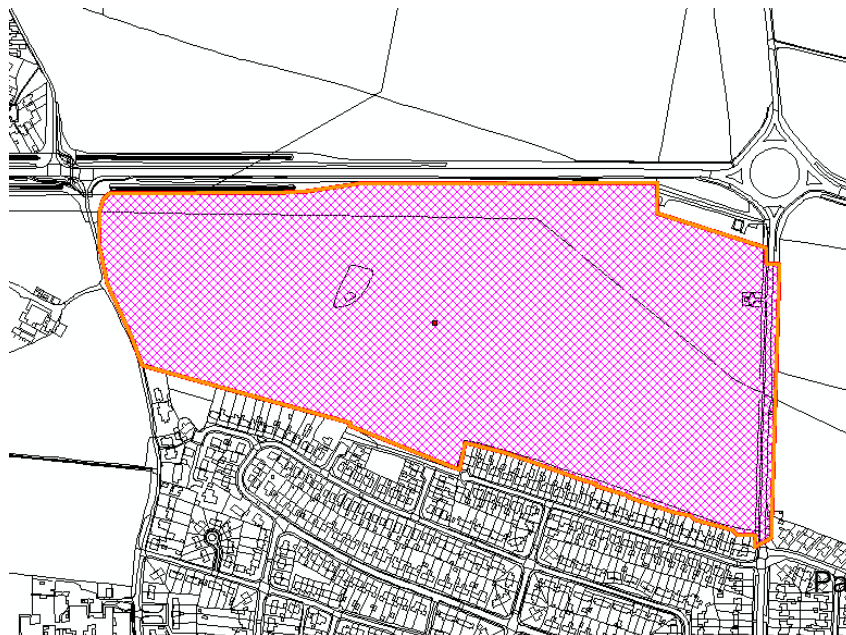
<b>At:</b>	Land North West Of Hatfield Lane Armthorpe Doncaster
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<b>For:</b>	O&H Properties Ltd
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<b>Third Party Reps:</b>	17	<b>Parish:</b>	Armthorpe Parish Council
		<b>Ward:</b>	Armthorpe

<b>Author of Report</b>	Mark Sewell
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<b>MAIN RECOMMENDATION:</b>	GRANT SUBJECT TO SECTION 106 AGREEMENT
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## **1.0 Reason for Report**

The application is being presented to the Planning Committee, as it represents a departure from the adopted Development Plan policies, as well as having attracted significant local interest.

## **2.0 Proposal and Background**

2.1 The application seeks outline planning permission with all matters reserved for a housing led scheme of up to 400 dwellings, located on land to the north west of Hatfield Lane, Armthorpe. Also included within the proposals are the site for a future primary school, public open space including the incorporation of a Green Wedge, landscaping and new woodland planting, internal roads and cycle/pedestrian network, together with associated engineering works and utilities provision.

2.2 As mentioned above, the application site to the northern edge of the settlement of Armthorpe, defined as a Principal Town within the Settlement Hierarchy under Policy CS2 of the Core Strategy. The site comprises approximately 24.8ha of land in total, and is currently a green field site in agricultural use. The site has a relatively flat topography, with vegetation limited to boundary hedging and some trees around a single pond in the centre of the site.

2.3 The main A630 road contains the site to the north and is raised above in parts on embankment, with some mature landscaping along the boundary edge. The eastern edge of the site lies adjacent to Hatfield Lane, whilst the western edge of the site is defined by Mere Lane, which functions as access from the A630 to serve Grange Farm to the west of the site and as a bridleway that connects Armthorpe and Edenthorpe. To the south of the application site are existing residential properties along Fernbank Drive and Holly Dene, which form the northern settlement boundary and urban edge of the settlement.

2.4 The main element of the proposal is residential, comprising of up to 400 dwellings. The residential uses will occupy to 12.25ha of the total site area. In addition, the application proposes the reservation of land for a primary school of up to 2.3ha. That land is shown to be located in the north eastern quadrant of the application site, including some land within the proposed Green Wedge. The Green Wedge itself is shown to occupy some 11.91ha of land, along the northern side boundary, and will accommodate formal open space in an arrangement / format to be agreed. Children's play areas and landscape works including new woodland planting is also proposed. Whilst the application has been submitted with all matters reserved, the applicants have indicatively shown the access to the site being formed from Hatfield Lane on the eastern side of the site. The Transport Assessment submitted in support of the proposal gives detailed consideration to the principle of access from Hatfield Lane, and lays out future design options to deliver this.

2.5 The Council has issued a screening opinion to confirm that although the proposal falls within Schedule 2 of the Regulations, an Environmental Impact Assessment is not required for this proposal.

## **3.0 Relevant Planning History**

3.1 No relevant history on the application site.

3.2 On an adjacent site on the other side of Hatfield Lane however, there have been various applications. An outline application for 500 dwellings was refused under planning reference 10/01725/OUTM on 18th October 2011 and was dismissed on appeal on 4th October 2012. The appeal was dismissed by the Secretary of State because the housing component of the proposal would be premature in respect of the emerging Sites and Policies DPD, especially given the size of the development and the fact that the development plan strategy did not envisage housing allocations in Armthorpe prior to 2016. The Secretary of State also acknowledged that the Council had proven a five year housing land supply.

3.3 A separate outline consent has also been granted on part of the above site for Commercial/Employment development (Class B1, B2 and B8) on approximately 12.83ha of land on 20th June 2014 under reference 13/00796/OUTM. Most recently, an outline application for 400 houses was submitted on 23rd May 2016 under reference 16/01358/OUTM. This application has been appealed on non-determination and is scheduled for a hearing in October.

#### **4.0 Representations**

4.1 The application has been advertised in the press, on site and with letters to neighbouring properties on Fernbank Drive and Holly Dene. 17 letters of objection have been submitted and these can be summarised as follows:

- Traffic
- Impact on local infrastructure (schools/doctors)
- Loss of open countryside
- Increase in noise and air pollution
- Impact upon ecology and wildlife
- Poor drainage on site
- The site is not formally allocated
- Impact upon privacy / overlooking

4.2 In addition, the applicants also established a consultation website as an information resource for local residents, setting out the application proposals, as well as engaging with the Armthorpe Neighbourhood Development Plan Steering Group, responding to formal consultation on the Armthorpe Neighbourhood Development Plan.

#### **5.0 Parish Council**

5.1 Armthorpe Parish Council have confirmed that they have no objections to the proposal given that the site is proposed to be allocated for housing within the Armthorpe Neighbourhood Development Plan.

5.2 Edenthorpe Parish Council strongly objects to the proposed residential development for 400 houses. This is in addition to the development for 400 dwellings 16/10358/FULM - land Off Hatfield Lane & 650 dwellings 15/01278/OUTM making a total of 1450 new dwellings all converging on one roundabout where Hatfield Lane meets West Moor Link Road. The area is already severely congested and these developments will cause the areas to be gridlocked.

The schools, GP's, dentists and other amenities will be unable to cope. The field has regular sightings of deer, skylarks nest here and the land is home to many other species of wildlife. The land where International Harvesters used to be situated on Heatley Hall Road would benefit from development as it is already an eyesore and no green open

space would be lost. Please think about the impact of the countryside and out open spaces. We do not want to live in a town, Edenthorpe is a village.

## 6.0 Relevant Consultations

- South Yorkshire Archaeology Service - no objections, recommend condition.
- Severn Trent - no objections, recommend condition.
- DMBC Open Space - no objections, notes that Armthorpe is deficient in formal facilities, and the proposals will help to alleviate these.
- Yorkshire Water - no objections.
- Natural England – no objections.
- DMBC Highways – no objections.
- DMBC Ecology - no objections, recommend conditions for biodiversity enhancement and lighting.
- South Yorkshire Police - recommend that the development should be built to Secured by Design.
- DMBC Trees & Hedgerows - no objections, recommend conditions around tree protection and landscaping.
- DMBC Built Environment - no objections, recommend condition to secure Design Guide.
- Highways England - no objections.
- DMBC Public Rights of Way - no objections.
- DMBC Drainage - no objections, suggested conditions.
- Environment Agency - no objections.
- DMBC Conservation - no objections.
- DMBC Env Health - no objections, suggested condition for noise mitigation, construction management.
- DMBC Pollution Control - no objections, suggested conditions.
- DMBC Air Quality - no objections.

## 7.0 Relevant Policy and Strategic Context

### National Planning Policy Framework

7.1 The National Planning Policy Framework (NPPF) confirms that planning law requires that applications must be determined in accordance with the development plan, unless materials considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date plan should be approved and proposed development that conflicts should be refused unless other materials considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development.

7.2 The NPPF states that the government is committed to ensuring that the planning system does everything it can to support sustainable growth and therefore significant weight should be placed on the need to support economic growth through the planning system.

7.3 The NPPF states that the intrinsic character and beauty of the countryside should be recognised. It states that decisions on applications that generate significant amounts of movement should take account of; whether the opportunities for sustainable transport modes have been taken up; safe and suitable access to the site can be achieved; and improvements can be undertaken within the transport network that costs effectively limit

the significant impacts of the development. Other areas are covered by the NPPF including the need for good design, flooding and ecology.

### National Planning Policy Guidance

7.4 The National Planning Policy Guidance (NPPG) states that neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next ten, fifteen, twenty years in ways that meet identified local need and make sense for local people.

7.5 The NPPG states that an emerging Neighbourhood Plan may be a material consideration. Paragraph 216 of the NPPF sets out the weight that may be given to relevant policies in emerging plans in decisions taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. 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.

7.6 The NPPG states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

7.7 Refusal of planning permission on the grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

### Doncaster Core Strategy

7.8 Policy CS2 states that outside the Main Doncaster Urban Area, the Principal Towns (including Armthorpe) will be the focus for growth and regeneration. It identifies a need for between 646 and 923 houses to be built at Armthorpe. It identifies the M18/M180 corridor at junctions close to settlements (including Armthorpe) as suitable for distribution warehousing and identifies a need for an additional 290 hectares of land.

7.9 Policy CS3 states that Doncaster's countryside will be protected and enhanced. It cites a number of examples of development that would be acceptable in the countryside and these do not include large scale housing and industrial development. Proposals which are outside of development allocations will only be supported where they would: retain and improve key green wedges; not be visually detrimental; not create or aggravate highway or amenity problems; and preserve the openness of the Countryside Protection Policy Area.

7.10 Policy CS4 seeks to direct development to areas of lowest flood risk.

7.11 Policy CS5 states that sufficient land will be allocated for employment for the creation of 36,000 jobs.

7.12 Policy CS9 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.

7.13 Policy CS10 states that new allocations will be distributed according to Policy CS2 with allocation priority afforded to well-located brownfield urban sites, followed by other well located urban sites, followed by sustainable urban extension sites. It states that new urban extensions to Principal Towns can come forward from 2016 onwards.

7.14 Policy CS12 states that sites of 15 or more houses will normally include affordable houses on-site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment, except where a developer can justify an alternative scheme in the interests of viability.

7.15 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster 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.

7.16 Policy CS16 seeks to protect Doncaster's natural environment, particularly where protected species may be affected.

7.17 Policy CS17 states that Doncaster's green infrastructure network (including green wedges) will be protected, maintained, enhanced and where possible extended. In the supporting text, the policy states that green wedges will be identified where development allocations need to be sensitive to strategic rural gaps between settlements and these will include land between Armthorpe and Edenthorpe.

7.18 Policy CS18 states that Doncaster's air, water and land resources will be conserved, protected and enhanced both in terms of quantity and quality, including the need to protect high quality agricultural land.

### Unitary Development Plan

7.19 Policy ENV2 states that the Council will maintain a Countryside Policy Area in the eastern part of the borough, covering all countryside outside the Green Belt.

7.20 Policy ENV4 establishes the purposes for which development in the Countryside Policy Area is likely to be permitted. Large mixed use employment and residential developments do not fall into any of the identified categories of development.

7.21 Policy EMP17 sets out a series of requirements which new industrial and commercial development should satisfy. These include the provision of a satisfactory access, a higher standard of design where new buildings would be directly visible from main roads and proposals for screening where sites adjoin open countryside

7.22 Policy ENV38 seeks to protect archaeological interest on a site.

7.23 Policy ENV53 states that the scale of new development must have regard to its wider visual impact. It should not have a significant adverse visual impact on views from major transport routes; or views across open countryside; or views of important landmarks.

7.24 Policy RL4 seeks the provision of local public open space and requires 15% of the total site area of new developments of over 20 dwellings to be laid out as public open space, where the site falls within an area of existing public open space deficiency.

#### Armthorpe Neighbourhood Development Plan

7.25 An Armthorpe Neighbourhood Development Plan is being prepared by the Parish Council. The Examiner has made his suggestions including the recommendation that the green wedge does not extend to this site (because in his view it is not needed given that there is open countryside to the north). The Council is likely to accept all of the modifications apart from the one which removes the green wedge from the northern part of this application site. The Council will therefore need to advertise for 6 weeks that we are not accepting the removal of the green wedge, and following this, will move the Neighbourhood Plan to a referendum. The following policies are those as recommended by the Examiner:

7.26 Policy ANP1 allocates land for a total of between 700 and 800 houses during the period 2011 and 2028. It states that permission will be given for new housing on two sites: the Lings, West Moor Link Road for between 350 and 400 dwellings and west of Hatfield Lane for between 350 and 400 dwellings.

7.27 Policy ANP2, states proposals for new housing must be well integrated with the existing village and surrounding environment and services. Subject to viability and land ownership considerations, they will need to incorporate good connections to the rest of the village and the village centre in particular, be good quality design and provide new facilities that can be shared with adjacent areas - e.g. open space.

7.28 Policy ANP5 requires all new housing to be of high quality and designed to reflect local character. They must demonstrate how they meet policy CS14 of the LDF Core Strategy. The policy sets out a number of principles which will help achieve the requirements of the policy.

7.29 Policy ANP7 states proposals for new housing of 15 units or more should provide affordable housing as required by Policy CS12 of the Doncaster Core Strategy. Such housing must visually indistinguishable from the market housing.

7.30 Policy ANP11 allocates land West of Hatfield Lane for housing and is expected to deliver between 350 and 400 dwellings, of which 26% will be affordable, subject to viability. The development is to provide education facilities or contributions to serve the future residents; open space in accordance with Doncaster Council's policy; a design and layout which protects the residential amenity of the existing residential properties to the south of the site; recognition of the role that the site plays in establishing a gateway to Armthorpe village; connections to existing local services and facilities; prioritise sustainable local connections and access for pedestrians and cyclists; a highway design which minimises traffic impact on the existing highway network; the inclusion of a landscape and open space buffer designed to protect the residential amenity of dwellings in close proximity to the employment area.

7.31 Policy ANP12 allocates sites for employment use and this includes the area shown on this application for industrial development.

7.32 Policy ANP17 states that each site allocated for employment or residential development and/or the provision of educational facilities will need to provide a full Transport Impact Assessment.

7.33 Policy ANP18 states that developers shall take account of the location and nature of electricity installations and transmission equipment, pipelines and other infrastructure owned or operated by or on behalf of statutory utility companies and ensure that any proposed buildings will comply with statutory safety clearances.

7.34 Policy ANP19 states developers will be encouraged to improve better planning of public transport. Measures to mitigate the adverse impacts of housing and employment development to promote the use of public transport will be encouraged.

7.35 Policy ANP21 states that where appropriate, necessary and subject to viability, developer contributions will be required to mitigate the impacts of any development and contribute to infrastructure where proposals require: direct provision to be made on-site (e.g. affordable housing and open space); off-site works to ensure that the development can be delivered in line with other policy objectives (including highway improvements). Where infrastructure is to be provided either on or off site, provision for its long-term maintenance will be required.

7.36 Policy ANP28 states that subject to the limits imposed by pooled contributions, developers will be expected to meet the contributions as published from time to time by Doncaster MBC, reflecting the appropriate costs of mitigating the impact of residential development having regard to the pupil yield on a per pupil cost basis in respect of appropriate contributions towards the provision of school buildings and the serviced land cost for the provision of school buildings and associated playing fields and related facilities of appropriate size. These contributions shall be calculated and made on a per pupil yield and taking into account any surplus capacities within the catchment area. These calculations shall be made for each planning application for residential development, for both primary and secondary school provision within Armthorpe.

7.37 Policy ANP32 states that developers must provide publicly accessible open space in accordance with the site-specific policies on housing allocations and windfall sites. Where feasible, open space should connect to other open spaces and provide links to new and existing pedestrian/cycle routes.

7.38 Policy ANP34 requires sustainable urban drainage to be incorporated into new development as part of the overall proposals for drainage.

7.39 Policy ANP36 states development on the edge of Armthorpe should maintain and where possible make allowances for the visual openness and connections with and to the surrounding countryside.

## **8.0 Planning Issues and Discussion**

8.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for consideration of this application is the Development Plan. All decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise.



8.2 In this case the main issues relate to the principle of the development, character and appearance, economy, highways, site layout and design, flooding, ecology, archaeology and agricultural land.

### The principle of development

8.3 The application site is located within an area of open countryside on the northern side of the settlement of Armthorpe, and is part of the Countryside Policy Area as designated under saved policy ENV2 of the UDP. In terms of the more up to date Core Strategy, Policy CS3 is concerned with the Countryside Protection Policy Area, and seeks the protection of the countryside in the eastern part of the borough.

8.4 The development proposals do not fall within any of the categories deemed to be acceptable within the Countryside Policy Area under Policy ENV4 of the UDP. Similarly, Policy CS3 sets out the types of development acceptable within the Countryside. Reference is made to new urban extensions, but by way of allocations, otherwise support is provided for a similar range of uses as set out in the UDP (ie agriculture, recreation, essential facilities etc). Given that the proposal is clearly a new urban extension to the settlement, but is not currently an allocated site, the scheme does not therefore meet the provisions of Policy CS3 of the Core Strategy currently. The site is, however, allocated for residential development in the emerging Armthorpe Neighbourhood Development Plan and weight can now be attached to this document (see 8.11 - 8.17 below).

8.5 In terms of new urban extensions, Policy CS3 makes it clear that such proposals on land previously designated as Countryside Policy Area will be required for delivering the housing needs of the Borough. Armthorpe itself is designated as a Principle Town within the settlement hierarchy set out under Policy CS2 of the Core Strategy. Outside of the main urban area, Principal Towns are to be the focus for growth and regeneration, alongside the two designated Potential Growth Towns. The 6 Principal Towns between them are expected to deliver between 21-30% of the Borough's Housing requirement over the plan period, which equates for Amthorpe to between 646 and 923 new dwellings. The policy recognises that even at the lower end of the growth range, urban extensions to the Principal Towns will be necessary to accommodate the proposed growth.

8.6 The proposal would conflict with the specific provisions of policy ENV4 of the UDP and policy CS3 of the Core Strategy for development in the Countryside Policy Area and Countryside Protection Policy Area. However, policy CS3 is more up-to-date and in recognising the importance of extensions to the growth and regeneration strategy, it is more closely aligned with the NPPF which seeks to support economic development whilst recognising the value of the countryside. Policy CS3, therefore, carries greater weight and the proposal would not be inconsistent with the objectives of this policy which seeks to minimise the extent of urban extensions. The site is relatively sustainable given that it is located on the edge of Armthorpe and within access to a range of facilities for pedestrians, cyclists and public transport users.

8.7 Policy CS10 of the Core Strategy is concerned with Housing Requirement, Land Supply and Phasing. The policy states that sufficient land will be provided to deliver a net addition of 1230 new homes each year 2011-2028 (20,910 in total) It states that new allocations will be distributed according the Growth and Regeneration Strategy set out under Policy CS2, where priority will be afforded to well located brownfield sites, followed by other well located urban sites followed by sustainable urban extension sites. The policy also sets out the phasing of housing over the plan period, establishing that new urban extension allocations to the Main Urban Area and Principal Towns would be brought

forward as part of Phase 2 of the period, that being 2016 onwards. As such, the timing of the proposal is consistent with phased delivery approach set out in CS10.

8.8 Whilst the Sites and Policies DPD which sought to allocate specific sites was not brought forward, and the Authority is currently in the process of bringing forward a new Local Plan, the Core Strategy and saved UDP policies, together with the NPPF, still guide development proposals in the Borough. As such, there is an identified need for additional housing within Armthorpe which is identified as a Principal Town under the development plan policies. In addition, the Growth and Regeneration Strategy recognises that urban extensions will be required at the Principal Towns to accommodate the growth proposed. Policy CS3, concerned with the Countryside, also recognises this point, albeit in the form of future allocated sites. Furthermore, the phased delivery of this housing under CS10 means that the proposal is in accordance with the timing envisaged.

8.9 As such, there is implicit support for extensions to the settlement, and it is stated such extensions will need to take place in locations even where there are protections in place under other development plan policies, namely ENV4 and CS3. This approach is consistent with the core planning principles set out in the NPPF, which recognise the character and beauty of the countryside, but also seek to proactively drive and support sustainable economic development to deliver, amongst other things, the homes that the country needs.

8.10 Whilst the Sites and Policies DPD has not been brought forward, and the Local Plan is still in the preparation stages, the Armthorpe Neighbourhood Plan does seek to allocate land in and around the settlement. The application site is located within an area proposed to be allocated under Policy ANP11 of the Plan. The policy states that land west of Hatfield Lane and situate to the rear of Fernbank Drive (this application site) is allocated to deliver between 350 and 400 dwellings.

#### Prematurity and weight to be attached to the emerging Armthorpe Neighbourhood Plan

8.11 The Secretary of State refused a similar application for dwellings on allocated Countryside Policy Area, under application reference 10/01725/OUTM, on land to the east of the application site. The appeal was dismissed on the basis that the housing element of the application was premature to the Sites and Policies DPD. Although the Inspector acknowledged that the DPD was at an early stage such that (in accordance with guidance set out in the document 'The Planning System: General Principles') it would seldom be appropriate to refuse permission on prematurity grounds, he felt that there were particular circumstances in that case to justify a refusal. Firstly, the scale of the housing proposal was such that it would account for a substantial proportion of the housing intended for Armthorpe (54 to 77%). Secondly, the Core Strategy (under policy CS10) did not envisage housing allocations in Armthorpe prior to 2016 and at the time of the planning inquiry, it was anticipated that the DPD would be in place by 2014. The Inspector also attached importance to his findings that there was no pressing need to release housing land at that time given that there was a 5 year supply and this was a further important factor allowing the Inspector to give weight to the prematurity argument. The Inspector did not consider that a prematurity argument carried any weight with respect to the Neighbourhood Plan because it was at such an early stage and there was no indication as to the scope or content of such a plan.

8.12 The issue of prematurity must now be considered against the guidance in the National Planning Policy Guidance (NPPG) rather than that in 'The Planning System: General Principles.' Although there are differences between the guidance in the previous document and that in the NPPG, in common they identify essentially two issues with

respect to prematurity (a) whether the proposal has such a significant impact upon the draft plan as to pre-determine or undermine the plan process, and (b) whether the relevant draft plan has reached a sufficiently advanced stage for it to carry sufficient weight to found a prematurity argument. In effect the first issue has to be present to give rise to any potential prematurity issue, but even if it is present then consideration has to be given to the second issue.

8.13 With respect to the first issue, the Secretary of State concluded that a development of 500 houses in Armthorpe in the context of a potential allocation of 646 to 923 new dwellings would be so substantial as to pre-determine the plan process. The proposals on this site are of a reduced scale (400 houses), but they still remain substantial. This proposal would provide between 43 to 62 per cent of the proposed dwellings in Armthorpe and it remains of such a scale as to satisfy the first issue.

8.14 With respect to the second issue, the Inspector concluded that the application was premature to the Sites and Policies DPD, because it was anticipated that allocations would be in place two years before the intended release of these sites in 2016 and there was no pressing need to release sites in advance of the allocations due to an identified 5 year housing land supply. The prematurity issue is still relevant with this application because the Armthorpe Neighbourhood Development Plan (which allocates this site for development) has not yet been formally adopted. The NPPG makes it clear that an application can be considered premature if the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

8.15 Whilst the Armthorpe Neighbourhood Development Plan has reached an advanced stage such that any decision before its adoption could be considered premature, conversely the plan is now at a stage where significant weight can be attached to it. The site is allocated for development in the Neighbourhood Plan and policy ANP11 states that permission will be given for new housing on this site of between 350 and 400 dwellings. Paragraph 216 of the NPPF offers guidance on the weight that decision-makers can give to relevant policies in emerging plans. The decision-maker must have regard to 3 issues: the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

8.16 In terms of the first issue, the Armthorpe Neighbourhood Development Plan is at an advanced stage in that it has been checked by an independent examiner and has now been published. The NPPF makes it clear that the more advanced the preparation of the Neighbourhood Plan then the greater weight that may be given. In terms of the second issue, the objections received against the Neighbourhood Plan have been considered by the examiner and he has found the plan to be sound and so the objections made can be considered to be resolved. The NPPF states that greater weight can be attached to the Neighbourhood Plan where unresolved objections are less significant. In terms of the third issue, the examiner is satisfied that the relevant policies in the Neighbourhood Plan are consistent with the policies in the Framework. The NPPF states that the closer the policies in the emerging plan to the policies in the Framework then the greater the weight that may be given.

8.17 This application site has been consistently allocated for development in the Neighbourhood Plan. Extensive consultation has been carried out with the local community through the preparation of the Neighbourhood Plan. The most recent consultation exercise involved the publication of the second draft of the Neighbourhood Plan. In addition to 10 consultation responses from developers/landowners/agents/statutory consultees, email replies were submitted by 5

local residents and a further 28 written ones (33 in total). The 17 residents who opposed the second draft raised issues such as no need for more houses, impact on traffic, countryside and local services and so on rather than any specific objection to the allocation of the site for development. The 17 residents who supported the Neighbourhood Plan agreed that the sites west and east of Hatfield Lane (this site and its neighbouring site) were the best. Guidance in the NPPG states 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.' There is evidence of support for the Neighbourhood Plan and the allocation of this site for development and there is also no suggestion that the community at large is opposed to this allocation and this adds to the argument that significant weight can now be attached to the Neighbourhood Plan.

### Character and Appearance

8.18 The establishment of new residential development in this location would extend the urban form from the existing dwellings on the northern edge of the settlement up to the West Moor Link Road, and so would inevitably result in a loss of openness and change to the existing character of the site. The development would not however be isolated from the existing settlement, and represents a natural extension to the village, with the A630 forming a clear boundary to the northern side of the village, Hatfield Lane to the east, and Mere Lane to the west. The indicative masterplan provided with the application also shows that the strategic Green Wedge, running along the northern part of the site, would not accommodate built development and would retain the gap between Armthorpe and Edenthorpe as identified by Policy CS17 of the Core Strategy,

8.19 It is considered that the proposal as shown on the indicative masterplan represents a logical urban extension to the settlement, whilst maintaining a substantial green and landscaped buffer to the northern frontage with the West Moor Link Road. This proposed Green Wedge is indicatively shown to accommodate formal and informal open space, and potentially playing fields for the proposed primary school, as well as retaining and proposing new landscape features. This landscaped area is substantial in area, amounting to 11.9ha. Play facilities and open green spaces are also indicatively shown within the proposed housing areas.

8.20 The submitted Design and Access Statement says that based upon the development area and number of dwellings, the density of the development will vary between 30 and 40 dwellings per hectare. Key design principles could be incorporated within the proposal;

- More formal and compact development in proximity to the proposed school;
- Adequately define the main primary street and other streets within a well structured street hierarchy;
  - Transition to low / medium density where the development area tapers towards Mere Lane and parkland shown within the Green Wedge;
- Ensure an appropriate relationship in the scale of development with existing residential forms at the southern edge with longer gardens that are capable of incorporating landscaping to provide a soft edge for existing properties.

The development is expected to consist of two and three storey dwellings, however allowing for some flexibility to aid the definition of key locations and legibility.

8.21 Given its location on the edge of the settlement, and the wide mix of form and appearance of dwellings within the settlement, there is no predominant character to replicate or inform the appearance of the dwelling. The detailed appearance of the

development will be established under the reserved matters applications to follow, and there will be an opportunity to provide high quality contemporary homes and broad mix in this location. A condition requiring a design guide to be agreed prior to the submission of the first reserved matters application is proposed, which will provide a design framework and establish principles for the subsequent development of the site.

8.22 The proposed primary school could provide a community focal point, and the applicants have set out how different densities could be utilised around the site to reflect different characters, be it lower densities towards edge of the site, and higher densities close to the centre, near the school, and adjacent to the proposed access from Hatfield Lane, reinforcing the gateway to the development.

8.23 The application therefore accords with the guidance set out in the NPPF, policy CS14 of the Core Strategy, policies ENV17 and ENV53 of the Doncaster UDP and policies ANP2, ANP5, ANP11, ANP32 and ANP36 of the Armthorpe Neighbourhood Development Plan.

### Highways and Transportation

8.24 The applicants have provided a Transport Assessment (TA) with the application, to assess the impacts of the proposal on the surrounding road network. The TA is based upon a development quantum of up to 400 dwellings.

8.25 The applicants have agreed with the Local Authority and Highways England the scope and methodology employed to assess the impacts of the proposals, including trip generation forecasts, traffic modelling methodology and results, as well the package of mitigation measures to enhance the highway network whilst mitigating transport impacts.

8.26 The approval of the principle of access from Hatfield Lane is sought as part of this application. The preferred option to deliver this access would be through the delivery of a fourth arm from the roundabout proposed by the applicants of the land to the east of Hatfield Lane development, and dialogue is continuing between all parties including DMBC to secure this option. As a fallback, the applicants have also considered access to be served via a new roundabout on Hatfield Lane that is independent of the proposals for the adjacent site. The submitted Transport Assessment gives consideration to the delivery of this separate roundabout access to be delivered in conjunction with the other, to ensure that there is no uncertainty that access from Hatfield Lane can be achieved. Full details of the proposed access to the site will be pursued at detailed design stage, however the information submitted provides comfort that an adequate access can be accommodated.

8.27 It is envisaged that off-site pedestrian and cycle connections to Armthorpe will be utilised to ensure that pedestrians and cyclists can access the site as easily as possible. Connecting into these routes will ensure that the development can better integrate with the already established surrounding area. In terms of public transport, the 81/82 bus routes that connect Armthorpe to Doncaster Town Centre stop near the site. A safe and lit network of footpaths will connect the site to the bus stops.

8.28 A key component of the transport mitigation measures is the implementation of a Travel Plan for the site. The submitted Travel Plan proposes a target for the site to reduce single occupancy car use by 10%.

8.29 The submitted Transport Assessment outlines the proposed transport strategy for the site, and assesses the suitability of that strategy. Details are also provided of the offsite measures considered to be required to junctions within the local area to mitigate the

cumulative impact of the proposal and that of the adjacent proposed development. The identified offsite works are:

- A630 / Hatfield Lane Roundabout: widening of all approach arms;
- A18/A630 (East) Roundabout): minor widening of east, south and west approach arms;
- A18/A630 (West) Roundabout): minor widening of east and west approach arms;
- Mill St / Nutwell Lane / Church Street Roundabout: minor widening of all approach arms;
- A18 / Armthorpe Road Roundabout: minor widening of north and west approach arms;

8.30 The Council's Transportation team have assessed the submitted information, and have raised no objections to the impact of the scheme upon the local highway network, subject to the proposed mitigation measures being implemented. Following modelling, it is noted that the impact of the proposed development negated and in some cases the operation of the junction has been improved.

8.31 The applicant has also agreed to pay a contribution of £387,855 towards the West Moor Link widening scheme. The West Moor Link widening scheme is a Sheffield City Region Investment Fund (SCRIF) to dual the West Moor Link from the M18 to the Shaw Lane Roundabout. This figure has been arrived at using an agreed formula based upon the trip generation from the development. Should the West Moor Link widening be carried out before the works to the roundabouts are required then the obligation to carry out works to the roundabout will be removed, as these works will form part of the West Moor Link widening scheme.

8.32 No objections have been received in respect of the submitted Travel Plan. A travel bond of £42,020 is required, to be secured through s106 agreement.

8.33 Highways England have been consulted and raise no objections to the scheme in terms of its impact upon the Strategic Road Network. Final comments from the South Yorkshire Passenger Transport Executive have not been received at the time of writing.

8.34 The proposed development mitigation works to the highway network will be subject to Highway Agreements, Road Safety Audits and requisite technical approvals by the Councils' Highways and Street Lighting Design team. The application therefore accords with the guidance set out in the NPPF, policy CS9 of the Core Strategy, policy ENV4 of the Doncaster UDP and policies ANP11, ANP17, ANP19 and ANP32 of the Armthorpe Neighbourhood Development Plan.

### Landscape and Ecology

8.35 Policy CS16 of the Core Strategy is concerned with the natural environment, and states that proposals will be supported where they both enhance and protect ecological networks and the borough's landscape and trees. As part of the application, the applicants have provided both ecological and arboricultural assessments.

8.36 As stated previously within the report, the site currently is agricultural in nature, arable and managed. The surveys undertaken reveal that the habitats on site consist of common and widespread species, and are in themselves of no intrinsic ecological value. As such their removal to facilitate development is not significant, and can be mitigated through the proposed landscaping scheme. It is noted that the trees and ~~pond~~ <sup>pond</sup> on site are of some interest in the context of the locality, and are recommended to be retained and

where possible incorporated into the redevelopment. Indeed, the proposed indicative masterplan does show the currently isolated woodland / copse and associated pond to be retained within the substantial landscaped green wedge along the northern edge of the site. The two Local Wildlife Sites within 1 km to the NE and SW were assessed as being unaffected by predicted negative impacts and there may be positive impacts upon Shaw Wood (misidentified in the report as 'Hags' Wood actually Hagg Wood which is a western extension of the much larger Shaw Wood) if large areas of semi natural vegetation in the northern half of the site form part of the development.

8.37 The survey work showed no evidence of protected or notable species on the site, and the report recommends that any site clearance works are carried out outside of the nesting season. . The outcome of these surveys identified that bats, great crested newts and reptiles do not pose a constraint to the proposed development though bats are probably using the site for foraging but only to a small extent due to the lack of suitable habitat. It is predicted that the proposed green space areas would have a beneficial impact on bats. Enhancements are recommended to provide bat and bird boxes to provide additional opportunities for habitat, as well as the substantial new planting to be provided within the large green wedge area, which will offer additional foraging and nesting opportunities in the future.

8.38 As such, no objections have been raised by the Council's Ecologist or Natural England. Conditions are recommended to ensure biodiversity enhancement plans and lighting schemes are agreed for each reserved matters application. In terms of its ecological impacts and proposed mitigation, the proposal is considered to be in accordance with Policy CS16 of the Core Strategy.

8.39 The Council's Trees and Hedgerows officer has also been consulted and commented on the proposals. As mentioned earlier in the report, the proposed landscaped Green Wedge element of the site forms a substantial part of the proposals, amounting to an area just under 12ha. As noted within the submitted Design and Access Statement, the proposed landscaping and green infrastructure is key for integrating the development within the existing landscape, and it is noted in the consultation response that are some very positive elements to the indicative scheme.

8.40 These include the strong landscaping buffer along the West Moor Link Road, the retained trees around the pond, strong landscaped entrance features, treed boulevards, trees defining junctions down to fruit tree planting in rear gardens. It is also noted that all existing trees have been surveyed, and as such this survey work will need to inform the detailed design process. No objections are raised, and conditions are recommended to ensure that reserved matters proposals are based upon tree surveys, details of tree protection to be provided, and full details of landscaping to be agreed.

### Drainage and Flood Risk

8.41 The applicants have provided a Flood Risk Assessment with the planning application. The application site is shown to be within Flood Zone 1, being an area of low probability of flooding in terms of fluvial and tidal flood risk. The FRA also assesses other potential flood sources, and show the land to have a low to medium probability of flooding from overland flow, ground water and sewer flooding. The assessment shows that the development is suitable in this location, and that any flood risks can be mitigated.

8.42 The assessment proposes management of storm water by way of SuDS, which will ensure that peak water discharge from the development site is not an increase over the

existing baseline rates, whilst also ensuring the quality of the water discharged from the site is maintained.

8.43 In terms of foul water disposal, means to discharge have been established that comply with the current guidance and the requirements of Severn Trent Water. Further modelling is yet to determine the capacity of the sewer network, however Severn Trent have been consulted on the proposals and raise no objections to the scheme, subject to conditions agreeing the final detailed drainage scheme.

8.44 The application therefore accords with the guidance set out in the NPPF, policy CS4 of the Core Strategy and policy ANP34 of the Armthorpe Neighbourhood Development Plan.

### Archaeology

8.45 An archaeological assessment has been provided with the application. The assessment has shown that the site does not contain any scheduled or protected heritage assets, nor does the land within the site boundary form part of the setting of any heritage assets. The assessment has established that non designated assets are present within the site, with evidence of prehistoric to Romano - British "brickwork pattern" field system. The field system has been proven through a geophysical survey on the site, which did not identify any significant evidence for extensive settlement activity.

8.46 The potential for significant archaeology from other periods, comprising the Anglo-Saxon, Medieval, post - medieval and modern periods, is considered to be low. It is likely that the site was open ground or waste, becoming enclosed within the post - medieval period and in agricultural use since.

8.47 No objections have been received from the South Yorkshire Archaeology Service, and a planning condition is recommended to ensure that further archaeological evaluation of the site is carried out. The application accords with policy ENV38 of the Doncaster Unitary Development Plan.

### Planning Obligations

8.48 Although in outline form with an indicative layout provided, the development would clearly result in more the 15 dwellings, the applicants applying for up to 400 dwellings indicatively. As such, in accordance with Policy CS12 of the Core Strategy and ANP7 and ANP10 of the Armthorpe Neighbourhood Development Plan, the development would be required to provide affordable housing to the level of 26% of units on site. This will be included within the s106 legal agreement.

8.49 There is also to be an education contribution towards the cost of the provision of primary school places in the locality required by the development as per the requirements of policies ANP10 and ANP28 of the Armthorpe Neighbourhood Development Plan. The contribution is to be based on a formula devised by the Education Department. The applicants are proposing to gift land amounting to 2.4Ha for the construction of a primary school and associated open space on the site. ). 0.29Ha of this land would be within the Development Area (ie not the landscaped Green Wedge land), and it has been agreed that the value of the developable land is discounted from the financial education contribution, recognising that the provision of land forms part of the overall education contribution. As such the overall contribution is the transfer of up to 2.4ha school site (including up to 0.29ha within the development area) and the financial contribution.



8.50 Also included within the legal agreement are a contribution towards the West Moor Link Widening Scheme of £387,855, offsite highway improvements and a Transport Bond of £42,020 to be used if targets for the number and type of trips to and from the site are not met. Travel Plan measures will include the appointment of a travel co-ordinator, the provision of information about alternative means of transport to the private car and the promotion of car-sharing schemes.

### Loss of agricultural land

8.51 Local, regional and national policies seek to protect the best and most versatile agricultural land. Consideration of the soil database for this area does not identify the site as having best and most versatile agricultural land. In addition, Natural England recognises that although a proportion of the agricultural land will be affected by the development, much will remain undeveloped (open space). The application therefore accords with policy CS18 of the Core Strategy.

### Other Matters

8.52 Local residents have expressed concern about the effect of the development on facilities and services in Armthorpe. There is an identified shortage of primary school places in Armthorpe and a contribution is to be made towards this. Apart from education, there is no evidence that the development would place undue pressure on local facilities and services.

8.53 Concerns have also been raised about the closeness of new properties to existing dwellings on the northern edge of the settlement. The indicative layout demonstrates that a layout can be achieved that respects accepted separation distances, with landscaping to be provided between. These detailed matters of layout and landscaping will be agreed as part of subsequent reserved matters application, and a design guide will also be agreed to ensure a framework of design principles is in place to inform the future proposals. That being said, it is considered that the proposed development would not lead to issues of overlooking or overshadowing of existing properties.

8.54 Other concerns have been raised over the capacity of the local road network, drainage and ecology, however these issues have been discussed previously in the report.

## **9.0 Conclusion**

9.1 The site is allocated as a Countryside Policy Area in the Doncaster UDP and a Countryside Protection Policy Area in the Doncaster Core Strategy and is not identified as a suitable proposal in policies ENV4 of the UDP and CS3 of the Core Strategy. Policy CS2 of the Core Strategy however identifies the need for between 646 and 923 dwellings in Armthorpe through urban extensions. It is acknowledged by policy CS2 that such urban expansion should take place notwithstanding the protection afforded to the surrounding countryside by policies ENV4 and CS3. Policy CS10 states that these urban extensions can come forward from 2016 onwards.

9.2 Policy CS3 of the Core Strategy allows for the development of urban extensions to Principal Towns through allocations. The proposal would not be inconsistent with the objectives of this policy which seeks to minimise the extent of urban extensions.

9.3 The site is allocated for development in the emerging Armthorpe Neighbourhood Plan and significant weight can be attached to the plan given that it is well advanced, is

consistent with the policies in the Framework and objections (mainly by competing developers) have been resolved by the examiner; there is also evidence of support for the Neighbourhood Plan by the community.

9.4 The issue of prematurity to the Neighbourhood Plan, although still relevant, is less significant now because the Neighbourhood Plan has consistently shown this site for development and we are now at a point beyond 2016 whereby policy CS10 of the Core Strategy allows for the release of land for urban extensions. The adverse impacts of granting planning permission would not outweigh the benefits and therefore the issue of prematurity in itself would not justify a refusal of planning permission.

9.5 The site is sustainable given that it is located on the edge of Armthorpe and within access to a range of facilities for pedestrians, cyclists and public transport users. The proposed development would not have an adverse effect on the character and appearance of the area, nor would it unacceptably reduce highway safety or constrain the free flow of traffic. All other planning matters have been satisfactorily resolved.

9.6 The proposed development will bring about additional housing to which significant weight should be attached. The provision of affordable housing would be a significant benefit.

9.7 In conclusion, the proposed development on an allocated site in an advanced emerging Neighbourhood Plan, and the support for urban extensions from 2016 onwards in countryside locations outweigh any argument that the application is premature to the emerging Neighbourhood Plan.

## **Recommendation**

**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) 26% affordable housing.**
- B) Education contribution based on a formula and transfer of land for primary school.**
- C) Contribution of £387,855 towards West Moor Link widening scheme.**
- D) Off-site highways improvements.**
- E) Transport Bond of £42,020.**

## **THE HEAD OF DEVELOPMENT BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE AGREEMENT**

01. U55634      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 five 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. STAT3 In the case of the reserved matters, application for approval 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. STAT4 Approval of the details of the access, layout, scale, appearance and landscaping of the site (hereinafter referred to as reserved matters) shall be obtained from the local planning authority before the commencement of any works.  
REASON  
To enable the local planning authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.
04. U55635 The first submission of Reserved Matters shall include a Design Guide to be approved by the Local Planning Authority, which shall be applied to all subsequent Reserved Matters submissions. The guide shall follow the principles established in the Design and Access Statement, dated September 2016 and provide more detailed design information. The document to be produced shall refer to and reflect the Local Planning Authority's current design guidance, and cover the following key detailed design matters:
- o 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,
  - o 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,
  - o Legibility strategy- how the scheme will be easy to navigate using gateways, views, nodes and landmarks for orientation,
  - o 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,
  - o Architectural appearance, building details and materials- informed by a local character appraisal,
  - o Open space character areas- the function, appearance and design principles for each key areas of open space,
  - o Vehicle and cycle parking- including details of allocated and visitor parking strategies in line with the Council's parking standards,
  - o Hard and soft landscape- including street surfacing, junction treatments, street furniture, management and maintenance,
  - o Boundary treatments- details of front, side, rear and plot division boundaries for each street type / character area.
  - o Building for Life (BFL) Statement- how BFL principles are to be met by the development (applicable to residential areas).

REASON:

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

05. U55636 Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with clause 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the approved details and should be substantially in accordance with the findings of the Arboricultural Baseline EDP2573\_02b dated August 2016 hereby approved. The local planning authority should be notified of the implementation 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
06. U55638 Prior to the commencement of the development hereby approved full details of the scheme of landscaping to include the green wedge, formal open space and children's play areas, and details of the future maintenance of these spaces, shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details.
- REASON:  
These details have not been provided and are required prior to commencement of development to ensure that a landscape scheme is implemented in the interests of environmental quality and compliance with Core Strategy policy CS16.
07. U55640 The landscape scheme required by condition 6 shall include a plan 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, which shall be within 3 months of completion of the development or within the first planting season thereafter. Thereafter, the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning

Authority notified prior to the backfilling of any engineered tree pits to inspect and confirm compliance and within seven days of the completion of landscape works to inspect and approve practical completion in writing. 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:

In order that the Council may be satisfied as to the details of the proposal and to ensure the maintenance of a healthy planting scheme in the interests of amenity.

08. U55641

For each Reserved Matters Application, a Biodiversity Enhancement Master Plan shall be submitted and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Master Plan shall be implemented in accordance with approved details.

The content of the Plan shall be informed by updated ecological surveys as required and will include;

- o A strategic approach to the provision and management of greenspace to identify the connectivity to other accessible green space and how through habitat enhancements these will function as ecological links.

- o 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.

- o Identification of persons responsible for implementing biodiversity mitigation and compensation on site and overseeing sensitive elements of the development.

- o Provision of bat roosting and bird 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

09. U55642

For each Reserved Matters Application, a lighting design strategy specifically responding to light sensitive biodiversity shall be submitted for approval in writing by the Local Planning Authority and implemented in accordance with approved details. 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

10. U55643 No development shall commence within a reserved matters area until a Construction Environmental Management Plan (CEMP) for that phase of development is submitted to and subsequently approved in writing by the Local Planning Authority. The development will be implemented in accordance with the approved details throughout the construction phase. The CEMP shall include:
- o Volumes and types of construction vehicles
  - o Identification of delivery routes; Identification of agreed access point(s); Contractors method for controlling construction traffic and adherence to routes;
  - o Size, route and numbers of abnormal loads;
  - o Swept path analysis (as required);
  - o Construction Period;
  - o Details of Temporary signage;
  - o Measures to control mud and dust being transferred to the public highway; and
  - o Timing of deliveries.
- REASON:  
To safeguard the living conditions of neighbouring residents and in the interests of highway safety.
11. U55644 Before each reserved matters area of 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.
12. U55645 Before each reserved matters area of the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall be retained 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.
13. U55646 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 for the purpose of limiting mud and other debris being deposited on the highway during the construction of the development.
- REASON:  
In the interests of road safety.
14. ARCH4 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.

15. U55647

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 implemented in accordance with the approved details 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.

The approved sustainable drainage shall be designed, managed and maintained in accordance with the Non-statutory technical standards and local standards.

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.

16. U55709

Development shall not begin until a scheme for protecting residents in the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. 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

17. 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.

#### 18. 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.

19. CON3

Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

**REASON**

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

01. U11727

**INFORMATIVES**

Highways

Detailed engineering drawings for the proposed access arrangements, carriageway re-alignment and proposed roundabout on Hatfield Lane 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.

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

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.

Design Guide

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

Where the development lies within SPZ 1 or 2, the applicant is advised to consult with the Environment Agency to ensure that pollution risk to aquifers is minimised.

All necessary precautions should be taken to avoid any contamination of the ground and thus groundwater. Guiding principles on the protection of groundwater are set out in Environment Agency document GP3.

#### 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 + 30% CC) will be required if the site is being redeveloped.

Allowances for climate change can be found in National Planning Policy Framework Technical Guidance Document Table 5.

#### Surface Water Discharge From Greenfield Site

The total surface water discharge from greenfield sites should be limited to green field run-off rates - up to 1 in 100 years storm + climate change. On site surface water attenuation will be required. Note -5l/s/ha can be used for all storms up to 1/100 years + 30% CC. however if the site is a known site that is subject to flooding this rate may be decreased. Further advice to the developer will be given. Allowances for climate change can be found in National Planning Policy Framework Technical Guidance Document Table 5.

#### On Site Surface Water Management

The site is required to 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 + 30% CC rainfall volumes will be controlled and accommodated.

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

Allowances for climate change can be found in National Planning Policy Framework Technical Guidance Document Table 5.

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

### Soakaways

If soakaways are to be used, volume design calculations should be undertaken to 1 in 30 year rainfall + 30% climate change standard. Ground percolation test results should be undertaken to ensure viability / correct sizing. Existing ground water levels should be noted.

Where possible, soakaways should be positioned where accessible in soft landscaping and clear of paved areas because of the risk of ground settlement. Soakaways should not be used within 5m of buildings or within highway. Soakaways should not be used where the water table is in close proximity to the soakaway base at any time of the year (1m min clearance from water table recommended).

Soakaway detailed design guidance is given in CIRIA Report 156 and BRE Digest 365. inspection points should be included, to allow visibility of the base and incoming pipes and for de-silting. To prevent siltation, a sedimentation chamber (silt trap) upstream of the inlet should be included. Where possible these points should be within accessible distance (max 15m) to a jetvac tanker parked on hard standing

### Bird Nesting

No potential bird nesting habitat should be removed from the site between the 1st March and 31st July inclusive in any year unless a check survey confirms that no nesting birds are present within that habitat

**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.**

APPENDICES



Aerial Photo of site



Indicative Layout

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 17<sup>th</sup> October 2017**

**Application**            3

<b>Application Number:</b>	12/00188/OUTM	<b>Application Expiry Date:</b>	27 <sup>th</sup> April 2012
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<b>Application Type:</b>	Outline Planning Major
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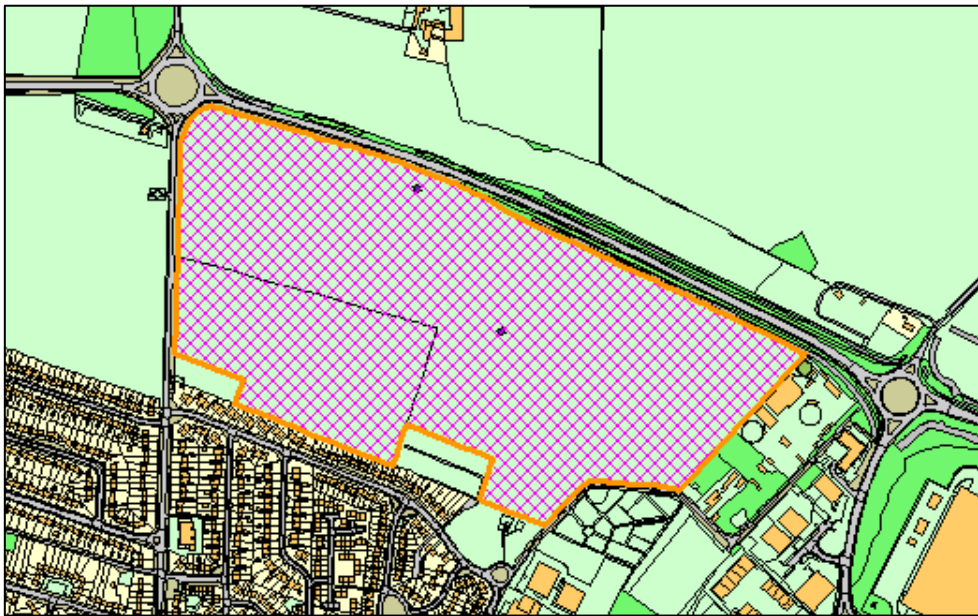
<b>Proposal Description:</b>	Proposed residential and commercial/employment (B1, B2 and B8) development (being resubmission of application 10/01725/OUTM, refused on 18/10/11)
<b>At:</b>	Land on the east side of Hatfield Lane, Armthorpe

<b>For:</b>	MPSL Planning and Design
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<b>Third Party Reps:</b>	20	<b>Parish:</b>	Armthorpe Parish Council
		<b>Ward:</b>	Armthorpe

<b>Author of Report</b>	Mel Roberts
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<b>MAIN RECOMMENDATION:</b>	GRANT SUBJECT TO A SECTION 106 AGREEMENT
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## **1.0 Reason for Report**

1.1 This application is being referred to planning committee due to the level of public interest shown.

## **2.0 Proposal and Background**

2.1 This is an outline application for a mixed use residential and commercial/employment development on a site of just over 29 hectares. All matters are reserved apart from the means of access to the site and an indicative masterplan has been submitted.

2.2 The original application indicated a scheme of 500 dwellings and 2 large industrial units. The residential part of the scheme has been amended to show 400 dwellings to fall in line with the provisions of the emerging Armthorpe Neighbourhood Development Plan. The industrial element has been amended to show 4 smaller units; the change to the industrial units came as a response to advice from the Council's Inward Investment team, who felt that there was likely to be more demand for smaller units. The industrial element would likely comprise mainly distribution uses to complement the adjoining West Moor Park employment area.

2.3 It is intended that the residential and commercial/employment components of the development would take place to the west and east respectively of a central strip of open space along the route of a major electricity transmission line. The indicative layout shows the site divided roughly in the proportion of 60:40 residential and employment development. Access to the residential development will be provided via a new roundabout off Hatfield Lane. Access will be provided via a left in/ left out junction off the West Moor Link to serve the proposed employment site. This junction will also provide a second access to the residential development. In addition, alterations are proposed to the layout of the roundabouts at the junction of West Moor Link and Hatfield Lane and the junction of West Moor Link and Thorne Road (Sainsbury's roundabout) to increase capacity. A pedestrian crossing is proposed across Hatfield Lane to the north of the junction with Mercel Avenue.

2.4 Although the proposed layout is indicative at this stage, a number of principles have been set out in the submitted masterplan that would inform any reserved matters application. There will be a landscaped buffer between the residential and employment uses along the route of the overhead power line that crosses the site. There will be a large area of open space (including play area) and landscaped buffer along the northern boundary of the site to soften the impact of the development to the wider countryside. There will also be a landscaped buffer along the southern boundary to create separation with the existing residential properties on Mercel Avenue. It is also proposed to extend the existing allotments that are situated on the southern boundary of the site. Balancing ponds are proposed to the east of the industrial units and on the open space land between the industrial units and the residential element.

2.5 The residential part of the development will comprise mostly 2 storey properties with focal buildings at 2.5/3 storeys and the industrial units will be about 12m high. It

is proposed that the dwellings on the southern boundary will be single storey to avoid any overlooking of existing properties on Mercel Avenue.

2.6 The site is an open area of land on the northern edge of Armthorpe. The M18 motorway runs to the east of Armthorpe and the site is about 1km from junction 4. Residential properties on Mercel Avenue and allotments bound the site to the south. At the south-eastern end of Mercel Avenue is an area of public open space. Part of the south-east boundary of the site follows Rands Lane, on the opposite side of which is Armthorpe Burial Ground. To the north and west, the site is bounded by the West Moor Link and Hatfield Lane, beyond which is agricultural land. To the east, the site bounds a number of small holdings, access to which is provided via West Moor Lane. Further east, beyond West Moor Lane, is West Moor Business Park.

2.7 The site comprises two fields, which are in agricultural use. The land rises gently from the north-east to the south-west. It is crossed by two electricity transmission lines. The major line is carried by pylons and crosses the site diagonally from the south-east corner by Rands Lane to the West Moor Link. A lower secondary line runs across the southern part of the site between Hatfield Lane and Rands Lane. There are hedgerows of varying height and extent on the frontages to Hatfield Lane and West Moor Link.

2.8 The Council has issued a screening opinion to confirm that although the proposal falls within Schedule 2 of the Regulations, an Environmental Impact Assessment is not required for this proposal.

### **3.0 Relevant Planning History**

3.1 An almost identical outline application (albeit for 500 houses) was refused under planning reference 10/01725/OUTM on 18th October 2011 and was dismissed on appeal on 4<sup>th</sup> October 2012. The appeal was dismissed by the Secretary of State because the housing component of the proposal would be premature in respect of the emerging Sites and Policies DPD, especially given the size of the development and the fact that the development plan strategy did not envisage housing allocations in Armthorpe prior to 2016. The Secretary of State also acknowledged that the Council had proven a five year housing land supply.

3.2 Outline planning permission was granted for Commercial/Employment development (Class B1, B2 and B8) on approximately 12.83ha of land on 20<sup>th</sup> June 2014 under reference 13/00796/OUTM. This industrial consent is in the same position as that indicated on this current outline application.

3.3 An outline application for Commercial/Employment development (Class B1, B2 and B8) on approx. 12.83ha of land being variation of condition 30 of 13/00796/OUTM (variation of maximum floorspace of units) was approved on 30<sup>th</sup> March 2017 under reference 15/02597/OUTM.

3.4 An outline application for 400 houses was submitted on 23<sup>rd</sup> May 2016 under reference 16/01358/OUTM. This application has been appealed on non-determination and is scheduled for a hearing on October 18<sup>th</sup> 2017.

3.5 Details of appearance, landscaping, layout and scale for Commercial/Employment development (Class B1, B2 and B8) on approx. 12.83ha of land (being matters reserved in outline application 15/02597/OUTM granted on 30/03/17) was approved on 29<sup>th</sup> August 2017 under reference 17/01528/REMM.

#### **4.0 Representations**

4.1 A public exhibition was held on two days at the end of April 2010 at Armthorpe Community Centre to allow members of the public to view the scheme and make comments on the proposals prior to the submission of the original application under reference 10/01725/OUTM. A total of 120 people visited the exhibition over the two days and 49 comments were made. Some of the views expressed included a desire for bungalows on the boundary with properties on Mercel Avenue, increased traffic generation, lack of provisions such as doctors and schools, need for more affordable housing and potential flood risk. Following the public consultation event, the plans were amended to provide bungalows along the Mercel Avenue boundary and to include a pedestrian crossing across Hatfield Lane.

4.2 The current application has been advertised in the press, on site and with letters to neighbouring properties on Mercel Avenue. 20 letters of objection have been submitted and these can be summarised as follows:

- i) the application does not comply with planning policy.
- ii) there will be an increase in congestion and pollution from the additional traffic generated from the development.
- iii) there will be a loss of important countryside and agricultural land.
- iv) there are a lack of facilities in Armthorpe to cope with the increase in people.
- v) there is no need for the additional industrial units, as there are some already vacant on the West Moor Park site.
- vi) the housing is too close to the electricity pylons and this will bring about health risks.
- vii) there will be a loss of wildlife.
- viii) there will be a loss of privacy to the properties on Mercel Avenue.

4.3 White Young Green (WYG) has submitted an objection to the application. WYG is acting for Miller Homes who currently have an application in for 264 houses on land at Grange Farm (south of West Moor Link and to the east of Sainsbury's) under reference 12/02133/FULM. WYG has carried out a technical review of the highways solution and in their view this raises road safety and capacity concerns at the two proposed site access junctions and two off-site junctions (West Moor Link/Hatfield Lane roundabout and West Moor Link/Thorne Road/Sainsbury's roundabout). In summary, WYG is of the view that the results of the technical review highlight the following issues:

- i) the residential layout should include restrictions to prevent HGV access through the site.
- ii) a priority junction is not appropriate on the West Moor Link due to the high volumes of traffic on the link
- iii) short sections of dual carriageway to incorporate a junction on an otherwise single carriageway should not be provided.



- iv) the available link lengths on the West Moor Link do not provide suitable overtaking opportunities prior to the proposed site access junction.
- v) the layout of the proposed West Moor Link site access junction does not comply with TD42/95.
- vi) the modified splitter islands at West Moor Link/Hatfield Lane Roundabout do not meet the central island tangentially.
- vii) the proposed modification at the West Moor Link/Thorne Road/Sainsbury's roundabout does not mitigate the impact of the development during the PM peak period.
- viii) the AM peak period analysis of the West Moor Link/Thorne Road/Sainsbury's roundabout shows that the junction operates significantly over capacity.
- ix) the proposed auxiliary lane at the West Moor Link/Thorne Road/Sainsbury's roundabout cannot accommodate the predicted queuing at the junction.
- x) the modified splitter island at the West Moor Link/Thorne Road/Sainsbury's roundabout does not meet the central island tangentially.

## **5.0 Parish Council**

5.1 Armthorpe Parish Council has raised no objections, because it has allocated this land for housing and employment development in the emerging Armthorpe Neighbourhood Development Plan.

5.2 Edenthorpe Parish Council has been consulted and has not responded.

## **6.0 Consultations**

6.1 Transportation has responded and has raised no objections.

6.2 Highways (Development Control) have responded and have raised no objections, subject to conditions.

6.3 The Highways Agency (now Highways England) has responded and has raised no objections.

6.4 Public Rights of Way has raised no objections, as no footpaths are affected by the development.

6.5 The Urban Design Officer has raised no objections in principle. The indicative density is appropriate to the area, the movement hierarchy is logical and legible and the scheme will be outward looking towards the proposed open space.

6.6 The Architectural Liaison Officer has raised a few suggestions that are more relevant to a detailed application.

6.7 The Open Space Officer has raised no objections, providing that an area open space equivalent to 15 per cent of the site area is provided together with a Locally Equipped Area of Play (LEAP) and arrangements for its future maintenance.

- 6.8 The Ecology Officer has raised no objections subject to conditions.
- 6.9 Natural England has responded and has raised no objections.
- 6.10 The Tree Officer has raised no objections, but has pointed out that the mature trees on the eastern half of the site have been felled.
- 6.11 South Yorkshire Archaeology Service has raised no objections subject to a condition requiring further archaeological evaluation of the site.
- 6.12 South Yorkshire Mining Advisory Service has responded and has raised no objections.
- 6.13 The Environment Agency has raised no objections subject to a condition that the development is carried out in accordance with the Flood Risk Assessment.
- 6.14 Yorkshire Water has requested further information that can be provided through the use of appropriate conditions.
- 6.15 Armthorpe Internal Drainage Board has raised no objections subject to conditions.
- 6.16 Hatfield Chase Internal Drainage Board has responded and has raised no objections.
- 6.17 The Internal Drainage Officer has raised no objections subject to conditions.
- 6.18 The Contaminated Land Officer has raised no objections subject to a condition requiring further investigation into ground conditions. A full gas risk assessment is recommended because of the presence of a former pond adjacent to the site.
- 6.19 Air pollution has responded and has raised no objections. An air quality assessment has been submitted with the application. The results indicate that the effect of the development on local air quality is negligible and all predicted values are below UK air quality objectives. A Construction Management Plan is to be required as a condition of any consent and this will ensure that any dust arising during construction is controlled.
- 6.20 Environmental Health has been consulted and has raised no objections. A Noise Assessment has been submitted and this indicates that noise levels are such that acceptable internal ambient noise levels in the development can be achieved using conventional thermal double glazing.
- 6.21 The Housing Officer has raised no objections subject to the provision of 26 per cent affordable housing.
- 6.22 The Education department has requested a contribution towards educational facilities.
- 6.23 National Grid has been consulted and has not responded.

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

### National Planning Policy Framework

7.1 The National Planning Policy Framework (NPPF) confirms that planning law requires that applications must be determined in accordance with the development plan, unless materials considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date plan should be approved and proposed development that conflicts should be refused unless other materials considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development.

7.2 The NPPF states that the government is committed to ensuring that the planning system does everything it can to support sustainable growth and therefore significant weight should be placed on the need to support economic growth through the planning system.

7.3 The NPPF states that the intrinsic character and beauty of the countryside should be recognised. It states that decisions on applications that generate significant amounts of movement should take account of; whether the opportunities for sustainable transport modes have been taken up; safe and suitable access to the site can be achieved; and improvements can be undertaken within the transport network that costs effectively limit the significant impacts of the development. Other areas are covered by the NPPF including the need for good design, flooding and ecology.

7.4 One of the core planning principles is that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. It states that neighbourhood plans will be able to shape and direct sustainable development in their area.

7.5 Paragraph 216 states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to:

- i) the stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given);
- ii) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
- iii) the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

### National Planning Policy Guidance

7.6 The National Planning Policy Guidance (NPPG) states that neighbourhood planning provides the opportunity for communities to set out a positive vision for how

they want their community to develop over the next ten, fifteen, twenty years in ways that meet identified local need and make sense for local people.

7.7 The NPPG states that an emerging Neighbourhood Plan may be a material consideration. Paragraph 216 of the NPPF sets out the weight that may be given to relevant policies in emerging plans in decisions taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. 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.

7.8 The NPPG states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

7.9 Refusal of planning permission on the grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

### Doncaster Core Strategy

7.10 Policy CS2 states that outside the Main Doncaster Urban Area, the Principal Towns (including Armthorpe) will be the focus for growth and regeneration. It identifies a need for between 646 and 923 houses to be built at Armthorpe. It identifies the M18/M180 corridor at junctions close to settlements (including Armthorpe) as suitable for distribution warehousing and identifies a need for an additional 290 hectares of land.

7.11 Policy CS3 states that Doncaster's countryside will be protected and enhanced. It cites a number of examples of development that would be acceptable in the countryside and these do not include large scale housing and industrial development. Proposals which are outside of development allocations will only be supported where they would: retain and improve key green wedges; not be visually

detrimental; not create or aggravate highway or amenity problems; and preserve the openness of the Countryside Protection Policy Area.

7.12 Policy CS4 seeks to direct development to areas of lowest flood risk.

7.13 Policy CS5 states that sufficient land will be allocated for employment for the creation of 36,000 jobs.

7.14 Policy CS9 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.

7.15 Policy CS10 states that new allocations will be distributed according to policy CS2 with allocation priority afforded to well-located brownfield urban sites, followed by other well located urban sites, followed by sustainable urban extension sites. It states that new urban extensions to Principal Towns can come forward from 2016 onwards.

7.16 Policy CS12 states that sites of 15 or more houses will normally include affordable houses on-site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment, except where a developer can justify an alternative scheme in the interests of viability.

7.17 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster 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.

7.18 Policy CS16 seeks to protect Doncaster's natural environment, particularly where protected species may be affected.

7.19 Policy CS17 states that Doncaster's green infrastructure network (including green wedges) will be protected, maintained, enhanced and where possible extended. In the supporting text, the policy states that green wedges will be identified where development allocations need to be sensitive to strategic rural gaps between settlements and these will include land between Armthorpe and Edenthorpe.

7.20 Policy CS18 states that Doncaster's air, water and land resources will be conserved, protected and enhanced both in terms of quantity and quality, including the need to protect high quality agricultural land.

#### Unitary Development Plan

7.21 Policy ENV2 states that the Council will maintain a Countryside Policy Area in the eastern part of the borough, covering all countryside outside the Green Belt.

7.22 Policy ENV4 establishes the purposes for which development in the Countryside Policy Area is likely to be permitted. Large mixed use employment and

residential developments do not fall into any of the identified categories of development.

7.23 Policy EMP17 sets out a series of requirements which new industrial and commercial development should satisfy. These include the provision of a satisfactory access, a higher standard of design where new buildings would be directly visible from main roads and proposals for screening where sites adjoin open countryside.

7.24 Policy ENV38 seeks to protect archaeological interest on a site.

7.25 Policy ENV53 states that the scale of new development must have regard to its wider visual impact. It should not have a significant adverse visual impact on views from major transport routes; or views across open countryside; or views of important landmarks.

7.26 Policy RL4 seeks the provision of local public open space and requires 15% of the total site area of new developments of over 20 dwellings to be laid out as public open space, where the site falls within an area of existing public open space deficiency.

#### Armthorpe Neighbourhood Development Plan

7.27 An Armthorpe Neighbourhood Development Plan is being prepared by the Parish Council. The Examiner has made his suggestions including the recommendation that the green wedge does not extend to this site (because in his view it is not needed given that there is open countryside to the north). The Council is likely to accept all of the modifications apart from the one which removes the green wedge from the northern part of this application site. The Council will therefore need to advertise for 6 weeks that we are not accepting the removal of the green wedge, and following this, will move the Neighbourhood Plan to a referendum. The following policies are those as recommended by the Examiner:

7.28 Policy ANP1 allocates land for a total of between 700 and 800 houses during the period 2011 and 2028. It states that permission will be given for new housing on two sites: the Lings, West Moor Link Road for between 350 and 400 dwellings (this application site) and west of Hatfield Lane for between 350 and 400 dwellings.

7.29 Policy ANP2, states proposals for new housing must be well integrated with the existing village and surrounding environment and services. Subject to viability and land ownership considerations, they will need to incorporate good connections to the rest of the village and the village centre in particular, be good quality design and provide new facilities that can be shared with adjacent areas – e.g. open space.

7.30 Policy ANP5 requires all new housing to be of high quality and designed to reflect local character. They must demonstrate how they meet policy CS14 of the LDF Core Strategy. The policy sets out a number of principles which will help achieve the requirements of the policy.

7.31 Policy ANP7 states proposals for new housing of 15 units or more should provide affordable housing as required by Policy CS12 of the Doncaster Core Strategy. Such housing must visually indistinguishable from the market housing.

7.32 Policy ANP10 allocates land at 'The Lings, West Moor Link Road' (the application site) for housing and is expected to deliver between 350 and 400 dwellings, of which 26% will be affordable, subject to viability. The development is to provide education facilities or contributions to serve the future residents; open space in accordance with Doncaster Council's policy; a design and layout which protects the residential amenity of the existing residential properties to the south of the site; recognition of the role that the site plays in establishing a gateway to Armthorpe village; connections to existing local services and facilities; prioritise sustainable local connections and access for pedestrians and cyclists; a highway design which minimises traffic impact on the existing highway network; the inclusion of a landscape and open space buffer designed to protect the residential amenity of dwellings in close proximity to the employment area.

7.33 Policy ANP12 allocates sites for employment use and this includes the area shown on this application for industrial development.

7.34 Policy ANP17 states that each site allocated for employment or residential development and/or the provision of educational facilities will need to provide a full Transport Impact Assessment.

7.35 Policy ANP18 states that developers shall take account of the location and nature of electricity installations and transmission equipment, pipelines and other infrastructure owned or operated by or on behalf of statutory utility companies and ensure that any proposed buildings will comply with statutory safety clearances.

7.36 Policy ANP19 states developers will be encouraged to improve better planning of public transport. Measures to mitigate the adverse impacts of housing and employment development to promote the use of public transport will be encouraged.

7.37 Policy ANP21 states that where appropriate, necessary and subject to viability, developer contributions will be required to mitigate the impacts of any development and contribute to infrastructure where proposals require: direct provision to be made on-site (e.g. affordable housing and open space); off-site works to ensure that the development can be delivered in line with other policy objectives (including highway improvements). Where infrastructure is to be provided either on or off site, provision for its long-term maintenance will be required.

7.38 Policy ANP28 states that subject to the limits imposed by pooled contributions, developers will be expected to meet the contributions as published from time to time by Doncaster MBC, reflecting the appropriate costs of mitigating the impact of residential development having regard to the pupil yield on a per pupil cost basis in respect of appropriate contributions towards the provision of school buildings and the serviced land cost for the provision of school buildings and associated playing fields and related facilities of appropriate size. These contributions shall be calculated and made on a per pupil yield and taking into account any surplus capacities within the catchment area. These calculations shall be made for each planning application for

residential development, for both primary and secondary school provision within Armthorpe.

7.39 Policy ANP32 states that developers must provide publicly accessible open space in accordance with the site-specific policies on housing allocations and windfall sites. Where feasible, open space should connect to other open spaces and provide links to new and existing pedestrian/cycle routes.

7.40 Policy ANP34 requires sustainable urban drainage to be incorporated into new development as part of the overall proposals for drainage.

7.41 Policy ANP36 states development on the edge of Armthorpe should maintain and where possible make allowances for the visual openness and connections with and to the surrounding countryside.

## **8.0 Planning Issues and Discussion**

8.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for consideration of this application is the development plan. All decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case, the main issues relate to the principle of the development, prematurity and weight to be attached to the emerging Neighbourhood Plan, character and appearance, economy, highways, site layout and design, flooding, ecology, archaeology and agricultural land.

### Principle of the Development

8.3 The proposal falls into two distinct elements, namely the commercial/employment part and also the residential element. The principle of developing the eastern part of the site for commercial/employment uses is acceptable on the basis that there is an extant reserved matters approval under reference 17/01528/REMM. The eastern part of the site is also allocated for employment in the emerging Armthorpe Neighbourhood Development Plan and is therefore in accordance with policy ANP12. The issue at stake therefore is whether the housing element of the proposal is acceptable, having regard to the development plan and all other material considerations.

8.4 An area of open countryside extends to the north of Armthorpe and includes the application site. This tract of open land is part of the Countryside Policy Area designated under policy ENV2 of the UDP. Protection of the countryside in the east of the borough is taken forward in the Core Strategy by policy CS3, which is concerned with the Countryside Protection Policy Area.

8.5 The proposal does not fall within any of the categories which may be acceptable in the Countryside Policy Area under policy ENV4. Policy CS3 does make reference to new urban extensions, but only by way of allocations. Otherwise it provides support for proposals which would be appropriate to a countryside location or which have particular locational requirements. The proposal would represent a significant



extension to the urban area of Armthorpe, but it is not yet a formal allocation, and it does not, therefore arguably meet the specific provisions of policy CS3 of the Core Strategy. The site is however allocated for residential development in the emerging Armthorpe Neighbourhood Development Plan and significant weight can now be attached to this document given that it has passed its independent examination stage (and this is further discussed in paragraphs 8.13 and 8.14 of the report).

8.6 Armthorpe is designated in the Core Strategy as a Principal Town. In accordance with policy CS2 of the Core Strategy, Principal Towns should be the main local focus for housing and other development. Policy CS2 acknowledges that urban extensions will be required to accommodate the proposed growth at Armthorpe of between 646 and 923 dwellings. Policy CS10 states that new urban extensions to Principal Towns can come forward from 2016 onwards.

8.7 The explanation to policy CS3 of the Core Strategy makes it clear that urban extensions onto land previously designated as Countryside Policy Area will be required for housing purposes in Doncaster. The explanation to policy CS2 of the Core Strategy points out that urban extensions will be needed at several principal towns, including Armthorpe to accommodate the growth proposed there. Not only is there clear support in the Core Strategy for extending Armthorpe, but it is acknowledged that such expansion should take place notwithstanding the protection afforded to the surrounding countryside by policies ENV4 and CS3. This approach is consistent with the core planning principles set out in the NPPF, which recognise the character and beauty of the countryside, but also seek to proactively drive and support sustainable economic development to deliver, amongst other things, the homes that the country needs.

8.8 The proposal would conflict with the specific provisions of policy ENV4 of the UDP and policy CS3 of the Core Strategy in terms of development in the Countryside Policy Area and Countryside Protection Policy Area. However, policy CS3 is more up-to-date in recognising the importance of extensions to the growth and regeneration strategy and it is more closely aligned with the NPPF which seeks to support economic development whilst recognising the value of the countryside. Policy CS3, therefore, carries greater weight and the proposal would not be inconsistent with the objectives of this policy which seeks to minimise the extent of urban extensions. The site is relatively sustainable given that it is located on the edge of Armthorpe and within access to a range of facilities for pedestrians, cyclists and public transport users. There are two bus services operating in close proximity to the site that runs between Armthorpe and Doncaster town centre. The nearest bus stops are located on Hatfield Lane and Mercel Avenue and are within walking distance of the site.

#### Prematurity and weight to be attached to the emerging Armthorpe Neighbourhood Plan

8.9 The Secretary of State refused a similar application under application reference 10/01725/OUTM. The appeal was dismissed on the basis that the housing element of the application was premature to the Sites and Policies DPD. Although the Inspector acknowledged that the DPD was at an early stage such that (in accordance with guidance set out in the document 'The Planning System: General

Principles') it would seldom be appropriate to refuse permission on prematurity grounds, he felt that there were particular circumstances in that case to justify a refusal. Firstly, the scale of the housing proposal was such that it would account for a substantial proportion of the housing intended for Armthorpe (54 to 77%). Secondly, the Core Strategy (under policy CS10) did not envisage housing allocations in Armthorpe prior to 2016 and at the time of the planning inquiry, it was anticipated that the DPD would be in place by 2014. The Inspector also attached importance to his findings that there was no pressing need to release housing land at that time given that there was a 5 year supply and this was a further important factor allowing the Inspector to give weight to the prematurity argument. The Inspector did not consider that a prematurity argument carried any weight with respect to the Neighbourhood Plan because it was at such an early stage and there was no indication as to the scope or content of such a plan.

8.10 The issue of prematurity must now be considered against the guidance in the National Planning Policy Guidance (NPPG) rather than that in 'The Planning System: General Principles.' Although there are differences between the guidance in the previous document and that in the NPPG, in common they identify essentially two issues with respect to prematurity (a) whether the proposal has such a significant impact upon the draft plan as to pre-determine or undermine the plan process, and (b) whether the relevant draft plan has reached a sufficiently advanced stage for it to carry sufficient weight to found a prematurity argument. In effect the first issue has to be present to give rise to any potential prematurity issue, but even if it is present then consideration has to be given to the second issue.

8.11 With respect to the first issue, the Secretary of State concluded that a development of 500 houses in Armthorpe in the context of a potential allocation of 646 to 923 new dwellings would be so substantial as to pre-determine the plan process. The current proposals are of a reduced scale (400 houses), but they still remain substantial. This proposal would provide between 43 to 62 per cent of the proposed dwellings in Armthorpe and it remains of such a scale as to satisfy the first issue.

8.12 With respect to the second issue, the Inspector concluded that the application was premature to the Sites and Policies DPD, because it was anticipated that allocations would be in place two years before the intended release of these sites in 2016 and there was no pressing need to release sites in advance of the allocations due to an identified 5 year housing land supply. The prematurity issue is still relevant with this application because the Armthorpe Neighbourhood Development Plan (which allocates this site for development) has not yet been formally adopted. The NPPG makes it clear that an application can be considered premature if the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

8.13 Whilst the Armthorpe Neighbourhood Development Plan has reached an advanced stage such that any decision before its adoption could be considered premature, conversely the plan is now at a stage where significant weight can be attached to it. The site is allocated for development in the Neighbourhood Plan and policy ANP10 states that permission will be given for new housing on this site of between 350 and 400 dwellings. Paragraph 216 of the NPPF offers guidance on the

weight that decision-makers can give to relevant policies in emerging plans. The decision-maker must have regard to 3 issues: the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

8.14 In terms of the first issue, the Armthorpe Neighbourhood Development Plan is at an advanced stage in that it has been checked by an independent examiner. The NPPF makes it clear that the more advanced the preparation of the Neighbourhood Plan then the greater weight that may be given. In terms of the second issue, the objections received against the Neighbourhood Plan have been considered by the examiner and he has found the plan to be sound and so the objections made can arguably be considered to be resolved. The NPPF states that greater weight can be attached to the Neighbourhood Plan where unresolved objections are less significant. In terms of the third issue, the examiner is satisfied that the relevant policies in the Neighbourhood Plan are consistent with the policies in the Framework. The NPPF states that the closer the policies in the emerging plan to the policies in the Framework then the greater the weight that may be given.

8.15 This application site has consistently been allocated for development in the Neighbourhood Plan. Extensive consultation has been carried out with the local community through the preparation of the Neighbourhood Plan. The most recent consultation exercise involved the publication of the second draft of the Neighbourhood Plan. In addition to 10 consultation responses from developers/landowners/agents/statutory consultees, email replies were submitted by 5 local residents and a further 28 written ones (33 in total). The 17 residents who opposed the second draft raised issues such as no need for more houses, impact on traffic, countryside and local services and so on rather than any specific objection to the allocation of the site for development. The 17 residents who supported the Neighbourhood Plan agreed that the sites west and east of Hatfield Lane (this application site) were the best. Guidance in the NPPG states 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.' There is evidence of support for the Neighbourhood Plan and the allocation of this site for development and there is also no suggestion that the community at large is opposed to this allocation and this adds to the argument that significant weight can now be attached to the Neighbourhood Plan.

### Character and appearance

8.16 The introduction of the proposed housing and warehouse units would extend urban development onto the site, change its character and result in a reduction in openness on this part of the northern edge of town. The development as a whole would however relate well to the existing urban form, given the spread of the built-up area on two sides of the site. Development would extend up to the West Moor Link Road, which marks the limit of the built-up area to the south-east and which is a distinct physical feature close to Armthorpe. The proposal would represent a natural extension of the settlement and it would not fundamentally alter the pattern of built development and open land in the locality. Significantly it does not form part of the

green wedge in the strategic gap between Armthorpe and Edenthorpe as identified in policy CS17 of the Core Strategy.

8.17 The intended approach to open space and landscaping has been set out in this application. A green wedge (incorporating a play area and football pitch) runs along the northern part of the site and this carries on to form a strip of open space that separates the residential and employment areas in accordance with the plan provided in the Armthorpe Neighbourhood Plan. If the Council decides to retain the need for a green wedge on this site in the Neighbourhood Plan, despite the Examiner's recommendation that it be removed, then this proposal would still conform to the Neighbourhood Plan by providing this green wedge as part of the layout. Other areas of open space are shown on the masterplan that would assist in breaking up the extent of the built form. A landscape buffer, incorporating a mound and tree cover, is proposed along the West Moor Link frontage in accordance with policy EMP17 of the UDP and tree planting would also form part of the landscaping proposed along Hatfield Lane and to the rear of the existing dwellings on Mercel Avenue. The extent and nature of the landscaping proposed would assist in assimilating the development into its surroundings.

8.18 Other key design themes have been included in the masterplan including adequate separation between the residential and industrial uses and a density that reflects the site's location on the edge of a settlement.

8.19 The access into the site from Hatfield Lane has been designed to ensure that the dwellings adjacent to the roundabout are used to frame the access, fronting onto Hatfield Lane and thereby creating a gateway into the site. The second access from the West Moor Link is well landscaped with public open space either side of the entrance. Within this open space there is a focal area of public art which then leads onto the tree lined entrance road. The indicative masterplan indicates that dwellings will front onto the areas of open space to ensure that there is overlooking.

8.20 The application therefore accords with the guidance set out in the NPPF, policy CS14 of the Core Strategy, policies ENV17 and ENV53 of the Doncaster UDP and policies ANP2, ANP5, ANP10, ANP32 and ANP36 of the Armthorpe Neighbourhood Development Plan.

## Transport

8.21 The applicant has submitted a Transport Assessment (TA) to consider the transportation impacts of the proposed development. The TA is based on a development of up to 500 dwellings (as originally proposed) and 22,297 square metres of employment use.

8.22 The TA concludes that with the addition of the development traffic, Junction 4 of the M18 is predicted to continue to be operating within capacity. The TA highlights the need for mitigation works to accommodate the extra traffic generated by the development. Mitigation measures are therefore proposed for the West Moor Link/Hatfield Lane and Sainsbury's roundabouts. The works to the roundabouts are to be secured through a planning obligation and are to be completed prior to the occupation of the second industrial unit or the 176<sup>th</sup> dwelling, whichever is the earlier.

8.23 The applicant has also agreed to pay a contribution of £349,961 towards the West Moor Link improvement scheme, given that this development will increase the amount of traffic along this route. The West Moor Link improvement scheme is a Sheffield City Region Investment Fund (SCRIF) to dual the West Moor Link from the M18 to the Shaw Lane Roundabout. The applicant has submitted a draft Unilateral Undertaking which states that the West Moor Link contribution will be made at various stages of the development. Should the West Moor Link improvements be carried out before the works to the roundabouts are required then the obligation to carry out works to the roundabout will be removed, as these works will form part of the West Moor Link improvement scheme.

8.24 The applicant has also submitted Travel Plans for both the residential and employment developments to reduce the impact of single occupancy car trips and whilst they are acceptable in principle, further detailed work would be required. The development site is well located to encourage trips by public transport with the nearest bus stops located on Hatfield Lane and Mercel Avenue. It has been demonstrated that 40 per cent of the residential development is within 400 metres of a bus stop and that 80 per cent is within 500 metres. It is therefore not necessary to divert bus routes into the site. To enhance pedestrian safety, a pedestrian crossing is proposed across Hatfield Lane to the north of the junction with Mercel Avenue. This will link the development to the footway on the western side of Hatfield Lane and form part of a safe pedestrian route to the schools on Mere Lane. The three bus stops on Mercel Avenue and Hatfield Lane are to be upgraded or replaced.

8.25 The highway network has been designed to reduce traffic speeds and incorporates a primary route with footpaths each side and secondary shared surface roads linking primary routes. The road network ensures ease of access for all plots to areas of public open space and footpath routes. Footpaths are provided within the areas of open space with a footpath link through to Mercel Avenue, ensuring ease of access to local bus routes and the existing public open space.

8.26 In terms of the highway objections raised by WYG, there is no requirement to design the residential layout to include restrictions to prevent Heavy Goods Vehicle (HGV) access through the site. HGV traffic is expected to predominately approach the site from the M18, with roughly 10 per cent along the West Moor Link from the direction of Doncaster. The proposed masterplan does not show a direct route through the residential part of the site and this together with the relatively narrow carriageway and the presence of parked cars is likely to dissuade HGV drivers from driving through the residential part to access the industrial units.

8.27 The “left in left out” priority controlled junction onto the West Moor Link (including the introduction of a kerbed central reserve and associated modifications to existing lining and signing) has been the subject of Stage 1 / 2 Road Safety Audits in accordance with HD 19/03 “Road Safety Audit” that forms part of volume 5 of the Design Manual for Roads and Bridges. The subsequent design has received technical approval from the Council’s Highways and Street Lighting Design team and construction works on site will be subject to a Section 278 Legal Agreement. It should also be noted that the same access arrangements have previously been

granted planning permission as part of the consent for the commercial element of the proposal under reference 17/01528/REMM.

8.28 The Sainsbury's roundabout is already over capacity without the development traffic and the additional development traffic will make the operation of the junction worse, but not severe. The increase in queue of 2 vehicles in the PM peak hour on Thorne Road West is not considered severe. The proposed development mitigation works to the A630 West Moor Link/Hatfield Lane and A630 West Moor Link / A18 Thorne Road roundabouts will be subject to Section 278 Agreements, Road Safety Audits and requisite technical approvals by the Councils' Highways and Street Lighting Design team. The application therefore accords with the guidance set out in the NPPF, policy CS9 of the Core Strategy, policy EMP17 of the Doncaster UDP and policies ANP10, ANP17, ANP19 and ANP32 of the Armthorpe Neighbourhood Development Plan.

### Flooding

8.29 The employment part of the site (which benefits from an extant permission) falls within Flood Zone 3. The residential part of the site lies within Flood Zone 1, which is the least likely to flood. A full Flood Risk Assessment has been submitted with the application. This shows that the development is suitable for this location and can be safely developed to mitigate all identified long term flood risks in this area. Furthermore, it is demonstrated that the layout may be developed to incorporate elements of drainage incorporating SuDS that will not only provide adequate runoff protection, but will also provide an improvement in the runoff quality. The application therefore accords with the guidance set out in the NPPF, policy CS4 of the Core Strategy and policy ANP34 of the Armthorpe Neighbourhood Development Plan.

### Ecology

8.30 An ecological survey has been submitted with the application. The survey shows that the site is intensively managed, predominantly arable and improved grassland crop. No records of any amphibians came to light during the survey. A bat survey has also been submitted and this shows that none of the trees on site have any cracks, raise bark or broken limbs that would provide bat roost potential and no bats were recorded within the body of the site during the survey. Biodiversity enhancement measures could be incorporated into the scheme to include wildflower grassland and amphibian wildlife ponds (this is to be secured by a planning condition). The application accords with the guidance set out in the NPPF and policy CS16 of the Core Strategy.

### Archaeology

8.31 An archaeological assessment has been submitted with the application. The assessment identifies that while no heritage assets are recorded within the site boundary itself, crop mark evidence does indicate the presence of possible field systems within the proposed development site and there is extensive evidence for Iron Age and Romano-British activity in the immediate vicinity, as well as more limited evidence of Neolithic, Bronze Age, Medieval and Post-Medieval archaeological deposits. A review of historic mapping indicates that the site has

remained largely unchanged for the last 150 years and therefore there is a high potential for archaeological deposits to exist on the site, especially as archaeological remains having been found to the west and east of the site. A planning condition will ensure that further archaeological evaluation of the site is carried out. The application accords with policy ENV38 of the Doncaster Unitary Development Plan.

#### Loss of agricultural land

8.32 Local, regional and national policies seek to protect the best and most versatile agricultural land. In the UDP inquiry on this site, the Ministry of Agriculture, Food and Fisheries (MAFF) considered that the site was not the best and most versatile agricultural land due to the grading of the site and the fact that it was contained by roads. The circumstances have not changed since the UDP inquiry and so the site need not be retained for agricultural purposes. The application therefore accords with policy CS18 of the Core Strategy.

#### Economic impacts

8.33 The provision of 240,000 square feet of industrial and commercial floorspace will provide significant employment benefits to Armthorpe and Doncaster, creating approximately 700 direct jobs. The proposal will also deliver a significant number of construction jobs that will be suited to local people. Opportunities for indirect job creation will be provided for the relevant service and spin off industries which will serve the proposed development when complete e.g. waste collection, maintenance, caterers and so on. The proposal will also deliver new workers and expenditure into the local economy to support nearby shops and facilities. The application therefore accords with the need to support economic development as set out in the NPPF.

#### Other issues

8.34 Local residents have expressed concern about the effect of the development on facilities and services in Armthorpe. There is an identified shortage of primary school places in Armthorpe and a contribution is to be made towards this. Apart from education, there is no evidence that the development would place undue pressure on local facilities and services.

8.35 There are also concerns from local residents that development adjacent to the existing properties on Mercel Avenue would result in a loss of privacy and sunlight for their occupiers. The indicative masterplan shows that a layout can be devised with adequate separation distances between existing and proposed dwellings and with an intervening landscaped buffer. Some of the dwellings on this part of Mercel Avenue are bungalows and it is the intention that the adjacent dwellings to these properties which would be built on the application site would also be bungalows. These matters of layout and landscaping would be addressed in detail at reserved matters stage and a condition would require their preparation in accordance with the illustrative masterplan considered with the outline proposal. The proposed development would not unacceptably worsen the living conditions of nearby residents.

8.36 The proposal includes an extension to the existing area of allotments to the north of Mercel Avenue. This part of the proposal would respond to the need

identified by the Parish Council for additional allotment space and is to be secured by a suitably worded condition.

8.37 Some concern has been expressed about health risks from the major electricity transmission line which runs across the site. The site would be laid out so that the line would not pass over housing or through the employment area, but would be within a linear area of open space. No specific evidence has been submitted to indicate that future residents, employees and visitors would be adversely affected by the presence of the electricity transmission line and generalised concerns do not carry weight against the proposal. The application therefore accords with policy ANP18 of the Armthorpe Neighbourhood Development Plan.

### Planning Obligations

8.38 The applicant has submitted a draft Unilateral Undertaking. This includes a contribution to the West Moor Link improvement scheme of £349,961, works to the West Moor Link/Hatfield Lane and Sainsbury's roundabouts, 3 bus stops and a Transport Bond of £43,296 to be used if targets for the number and type of trips to and from the site are not met. Travel Plan measures will include the appointment of a travel co-ordinator, the provision of information about alternative means of transport to the private car and the promotion of car-sharing schemes. Additionally, under the residential travel plan each new dwelling would receive a travel pass for discounted travel by public transport for one year and a voucher towards a bicycle and/or bicycle equipment.

8.39 It also includes a contribution of 26 per cent affordable housing as per the requirements of policy CS12 of the Core Strategy and policies ANP7 and ANP10 of the Armthorpe Neighbourhood Development Plan. The delivery of a sizeable amount of affordable housing would be a significant benefit of the proposed development.

8.40 There is also to be an education contribution towards the cost of the provision of primary school places in the locality required by the development as per the requirements of policies ANP10 and ANP28 of the Armthorpe Neighbourhood Development Plan. The contribution is to be based on a formula devised by the Education Department.

## **9.0 Overall conclusions**

9.1 The commercial/employment element of the application is acceptable given that there is an extant permission in place for a similar proposal.

9.2 In terms of the housing element of the proposal, the site is allocated as a Countryside Policy Area in the Doncaster UDP and a Countryside Protection Policy Area in the Doncaster Core Strategy and is not identified as a suitable proposal in policies ENV4 of the UDP and CS3 of the Core Strategy.

9.3 Policy CS2 of the Core Strategy however identifies the need for between 646 and 923 dwellings in Armthorpe through urban extensions. It is acknowledged by policy CS2 that such urban expansion should take place notwithstanding the



protection afforded to the surrounding countryside by policies ENV4 and CS3. Policy CS10 states that these urban extensions can come forward from 2016 onwards.

9.4 Policy CS3 of the Core Strategy allows for the development of urban extensions to Principal Towns through allocations. The proposal would not be inconsistent with the objectives of this policy which seeks to minimise the extent of urban extensions. The site is allocated for development in the emerging Armthorpe Neighbourhood Plan and significant weight can be attached to the plan given that it is well advanced, is consistent with the policies in the Framework and objections (mainly by competing developers) have been resolved by the examiner; there is also evidence of support for the Neighbourhood Plan by the community.

9.5 The issue of prematurity to the Neighbourhood Plan, although still relevant, is less significant now because the Neighbourhood Plan has consistently shown this site for development and we are now at a point beyond 2016 whereby policy CS10 of the Core Strategy allows for the release of land for urban extensions. The consistency of the application with the Armthorpe Neighbourhood Plan at this advanced stage of its preparation means that the adverse impacts of granting planning permission would not outweigh the benefits and therefore the issue of prematurity in itself would not justify a refusal of planning permission. The site has consistently been allocated for development in the Armthorpe Neighbourhood Development Plan and so it is considered that the granting of planning permission would not prejudice the outcome of the plan-making process.

9.6 The site is sustainable given that it is located on the edge of Armthorpe and within access to a range of facilities for pedestrians, cyclists and public transport users. The proposed development would not have an adverse effect on the character and appearance of the area, nor would it unacceptably reduce highway safety or constrain the free flow of traffic. All other planning matters have been satisfactorily resolved.

9.7 The proposed development will bring about jobs and housing to which significant weight should be attached. The provision of affordable housing would be a significant benefit and some weight should also be given to the extension of the allotments.

9.8 In conclusion, the proposed development on an allocated site in an advanced emerging Neighbourhood Plan, together with an extant permission for employment and the support for urban extensions from 2016 onwards in countryside locations outweigh any argument that the application is premature to the emerging Neighbourhood Plan.

Recommendation

**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) 26% affordable housing.
- B) Education contribution based on a formula.
- C) Contribution of £349,961 towards West Moor Link improvement scheme.
- D) Works to West Moor Link/Hatfield Lane and Sainsbury's roundabouts prior to the occupation of the 174<sup>th</sup> dwelling.
- E) Transport Bond of £43,296 and monitoring.
- F) The three bus stops on Mercel Avenue and Hatfield Lane to be upgraded or replaced.
- G) Travel Plan measures to include the appointment of a travel co-ordinator, the provision of information about alternative means of transport to the private car, the promotion of car-sharing schemes and a travel pass for discounted travel by public transport for one year and a voucher towards a bicycle and/or bicycle equipment.

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

- 1) 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.

- 2) In the case of the reserved matters, application for approval 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.

- 3) Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter referred to as reserved matters) shall be obtained from the Local Planning Authority before the commencement of any works.

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.

- 4) The reserved matters shall be prepared in accordance with the proposed indicative master plan.

REASON

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

- 5) Access to the site shall be in accordance with the details shown on the approved plans referenced 9118:01 C dated February 2010 and 49325065/P/001 REV C.

REASON

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

- 6) No residential development shall take place until a scheme for the mitigation of traffic noise has been submitted to and approved in writing by the local planning authority. The residential development shall be carried out in accordance with the approved scheme.

REASON

To ensure that residential properties are not affected by noise.

- 7) No development shall take place, 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) - measures to be taken within the curtilage of the site to prevent the deposition of mud or debris on the public highway.
- 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.

- 8) 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 in an alternative timescale to be approved in writing with the local planning authority:
- Roosting features for Pipistrelle bat species to be incorporated into buildings adjacent to the landscaped buffers.
  - The wildlife friendly design principles that will be used within the balancing ponds.
  - The inclusion of two bee and wasp banks.
  - A species rich hedgerow to be planted along the eastern boundary of the site and a species rich hedgerow and/or tree line along the western boundary.
  - The native species mix to be used within all buffer planting.
  - The wildflower species mix to be included within the design.

REASON

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

- 9) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
- i) Residential development to be located on land greater than 5mAOD as demonstrated by the site layout plans and the topographic survey.

**REASON**

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

- 10) No development shall take place until a scheme for the provision of drainage works has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to control the infiltration and discharge of surface water to the ground. None of the dwellings shall be occupied until the drainage scheme has been implemented in respect of the residential part of the development. None of the employment units shall be occupied until the drainage scheme has been implemented in respect of the employment part of the development.

**REASON**

To ensure that the water environment and the public water supply are protected.

- 11) 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 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.

b) 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.

c) 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.

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

**REASON**

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

- 12) The development shall not begin until a scheme for the provision of public open space on site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for at least 15 per cent of the site area as public open space. The public open space shall be provided in accordance with the approved scheme and this shall include:
- i details showing the location and type of public open space and how the open space is to be landscaped;
  - ii details of the provision of a Locally Equipped Area of Play and children's football pitch on site.
  - iii the timing of the provision of the public open space and arrangements for its future maintenance.

**REASON**

To ensure the satisfactory provision of public open space in accordance with policy RL4 of the Doncaster Unitary Development Plan and the Council's Supplementary Planning Guidance on Adoption and Maintenance of Public Open Space in New Developments.

- 13) No development shall take place until a scheme for the extension of the allotments has been submitted to and approved in writing by the local planning authority. The scheme shall include the timescale for provision and arrangements for management. The extension to the allotments shall be provided in accordance with the approved scheme.

**REASON**

There is a need for allotments in the area and this development will create additional demand.

- 14) Development shall not commence until a detailed scheme for the realigned carriageway between Mercel Avenue and the West Moor Link roundabout has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the design of the new roundabout to ensure

capacity of a 4th arm to serve land to the west of Hatfield Lane, a new footway, a pedestrian crossing across Hatfield Lane and details of the new highway verge. The approved scheme shall be implemented prior to the occupation of any dwellings on site.

**REASON**

To ensure that details of the realigned carriageway are acceptable in accordance with policy 9 of the Doncaster Core Strategy.

15) The first submission of Reserved Matters for housing shall include a Design Guide to be approved by the Local Planning Authority, which shall be applied to all subsequent Reserved Matters submissions for all other units within the site. The guide shall follow the principles established in the Design and Access Statement Ref 9118 dated December 2011. The Design Guide shall refer to and reflect the Council's existing design guidance, and cover the following key detailed design matters:

- 1) 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,
- 2) 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,
- 3) Legibility strategy- how the scheme will be easy to navigate using gateways, views, nodes and landmarks for orientation,
- 4) 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,
- 5) Architectural appearance, building details and materials- informed by a local character appraisal,
- 6) Open space character areas- the function, appearance and design principles for each key areas of open space,
- 7) Vehicle and cycle parking- including details of allocated and visitor parking strategies in line with the Council's parking standards,
- 8) Hard and soft landscape- including street surfacing, junction treatments, street furniture, signage, management and maintenance,
- 9) Boundary treatments- details of front, side, rear and plot division boundaries for each street type / character area.
- 10) Building for Life Statement- how BFL principles are to be met by the development.

**REASON**

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

16) Before the development is brought into use, sight lines shall be rendered effective by removing or reducing the height of anything which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the public highway. The visibility thus provided shall thereafter be maintained as such, unless otherwise approved in writing by the Highways Authority.

**REASON**

In the interest of road safety.

- 17) The development hereby approved shall not exceed 400 dwellings.

REASON

To ensure that the development accords with policies ANP1 and ANP10 of the Armthorpe Neighbourhood Plan.

- 18) The proposed development shall not include any B1(a) uses within the final layout.

REASON

To control office uses outside of town centre locations, in accordance with the provisions of Policy CS2 of the Core Strategy.

- 19) Before the development commences, a BREEAM pre-assessment, or equivalent assessment, shall be submitted for approval demonstrating how BREEAM 'Very Good' will be met for the employment element of the application. Unless otherwise agreed in writing with the local planning authority, the development will take place in accordance with the approved assessment. Prior to the occupation of any of the industrial buildings, a post construction review shall be carried out by a licensed assessor and submitted for approval.

REASON

To accord with policy CS14 of the Core Strategy and in the interests of sustainability and to minimise the impact of the development on the effects of climate change.

- 20) 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.





**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 17th October 2017**

<b>Application</b>	<b>4</b>
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<b>Application Number:</b>	17/00879/FULM	<b>Application Expiry Date:</b>	7th July 2017
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of 8 dwellings and 6 1-bed flats, parking and new access following demolition of existing building.
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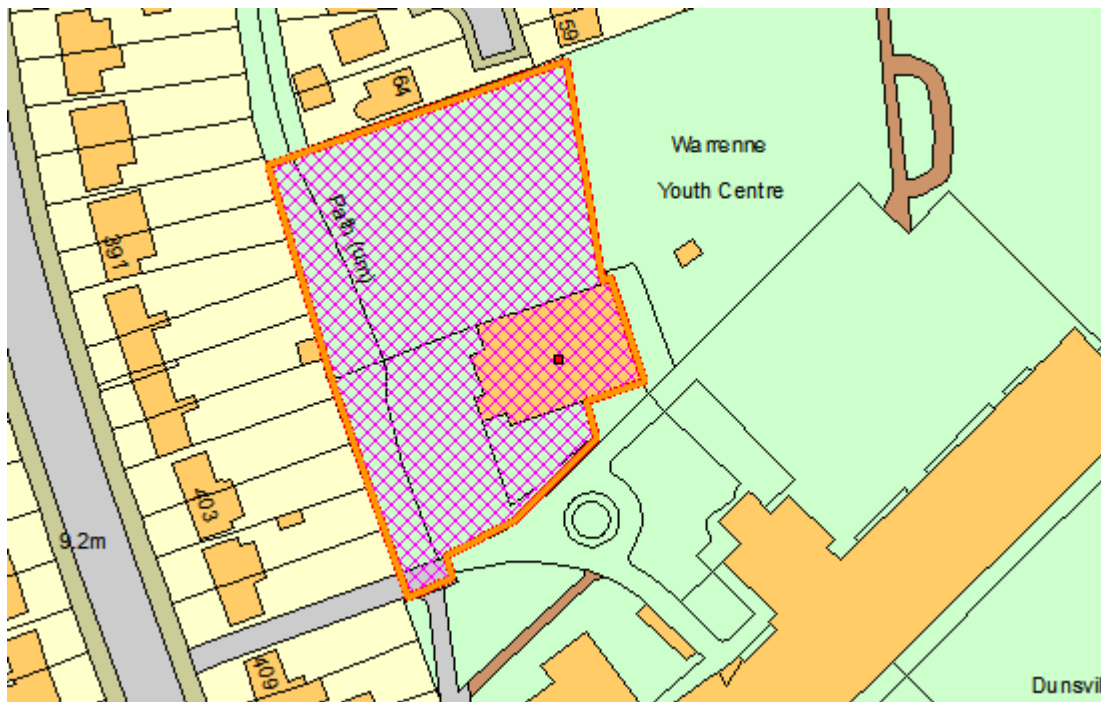
<b>At:</b>	Land At Former The Warrenne Youth Centre Broadway Dunscroft Doncaster
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<b>For:</b>	Mr J Holt
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<b>Third Party Reps:</b>	19	<b>Parish:</b>	Hatfield Parish Council
		<b>Ward:</b>	Hatfield

<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 presented to committee due to the amount of public representations received in objection to the application.

## **2.0 Proposal and Background**

2.1 This application is for the erection of 14 dwellings on the former Warrenne Youth Centre at Broadway Dunscroft. The building and land is currently owned by Doncaster MBC and the applicant has an agreement to purchase the site subject to planning approval being obtained.

2.2 The scheme has been amended several times since the initial submission being reduced from 14 family dwellings to 8 dwellings and x6 1-bed flats to ensure the scheme does not meet the necessary triggers for education, affordable housing or public open space contributions. Amendments to the layout and house type designs have also been necessary to overcome the objections raised in the consultation responses.

2.3 The red line site boundary has also been amended during the course of the application as part of the site was a tarmac area in the southern corner of the site, which provides access to the school from the pedestrian access leading from Broadway. Some confusion existed as the applicant thought this land was to be included in the sale from the council. Its sale would prohibit access for the school and has since been excluded from the application and full pedestrian access to the school from Broadway remains.

2.4 The proposal has raised several concerns with nearby residents which primarily stemmed from the amount and principle of redeveloping the site and the disturbance cause by the construction traffic, additional vehicle movements in an area already congested by cars lining the proposed access routes at school drop off and pick up times. No actual concerns were registered over the design or layout of the scheme, however this is explored further in the report.

## **3.0 Relevant Site Characteristics**

3.1 The site lies in the village of Dunscroft and is sandwiched between the Dunsville Primary School to the south of the site, several residential dwellings on Broadway to the west of the site and the Hoddesdon Crescent to the north of the site where access is proposed. The site forms part of the land known as the Warrenne youth centre and contains a two storey hall on the site.

3.2 The site is otherwise grassed and contains a number of mature trees. To the north west of the site is the school playing field of the primary school. Pedestrian access to the site is served from Broadway.

3.3 The building has been closed for a number of years and is currently in a poor state of repair and contains no amenities.

## **4.0 Relevant Site History**

4.1 None relevant.

## 5.0 Representations

5.1 This application has been advertised in accordance with Article 15 of the Town & Country Planning (Development Management Procedure) Order 2015. This was by press notice (Doncaster star 11th May 17), site notice and neighbour notification.

5.2 The proposal received 7 objections and a petition with 4 signatures:

- No objection in principle but concerns over the construction traffic, disruption, noise disturbance.
- The street is very narrow and already busy at peak school pick up and drop periods. Also refuse vehicles struggle to service this street. Children play in the street this will turn a cul-de-sac into a road serving 14 more households. The double parking on the street would already prohibit access for emergency vehicles.
- Concern over notification of the application (site notices were posted after the initial neighbour letters were sent out).
- Concern over the hazard materials in the building and need assurances that this will be taken care of.
- Hoddesdon Crescent is used to access Dunsville Primary School so conflict would exist between the children and traffic.
- Lack of parking in the street generally. This would be lost as a result of the new access and residents' fear of damage to vehicles that are parked on street and increased wear to the road surface.
- The proposed plan shows the access behind Broadway, which is used by tenants and home owners on Broadway and Hoddesdon Crescent to gain access to the rear of their properties. The plans look like they will hinder egress and access to this.
- Residents are not inherently opposed to the building of these properties, however we do have concerns over the access to the site and the traffic which would be using the road both long and short term. If alternative access/egress would be granted avoiding Hoddesdon/Harpenden Crescent for construction traffic, we believe it would make a better alternative solution to the problem.
- If extra school places are needed then wouldn't it be better to use this land to extend the school.

### Amended plan - reconsultation

5.3 Reconsultation was undertaken based on the amended plans and 6 further letters of objection were received. These reiterated the concerns above and suggested the amended plans/house types do nothing to overcome the original concerns regarding the disturbance and extra traffic during construction. Also the objections state the redevelopment of the site would lose a valuable habitat for bats.

5.4 2 further representations were received from Councillor Linda Curran and Councillor Derek Smith over lack of parking, disturbance to existing residents through delivery of materials and the work force parking and the impact on parking around the school. 14 additional dwellings will exacerbate an already difficult situation. The dwelling numbers should be reduced and increase the level of off street parking.

## **6.0 Town Council**

6.1. A Hatfield town councillor made 1 representation: The derelict youth club was reopened some years ago and the building was full of hazardous materials. Allegedly due to the cost of safely disposing of the waste, the project was abandoned. Residents need assurances that if the building is demolished the hazardous materials are disposed of in a safe manner.

6.2 The site is over developed with little consideration of access for refuse lorries. Access to the site is poor. Hoddesdon Crescent has major parking issues particularly at school times and DMBC have failed to address this issue over the years. The site also includes land which was formerly used for access to the rear of properties on Broadway.

6.3 14 dwellings on this site is over intensive development. The increase traffic flow of most probably 28 homeowner vehicles, visitors, delivery vehicles along the already congested Hoddesdon Crescent on a daily basis would have a significant impact on the area. The proposed access along Hoddesdon Crescent for construction vehicles is unsuitable for this type of vehicle with additional issue of increased parking in the area at school times making safe vehicle movement impossible. There is also a concern in respect of Plot 1 & 2 facing the access point for light infringement when vehicles entering the development.

## **7.0 Relevant Consultations**

Pollution Control - While there is no indication from the information derived from the historic maps that the site in question has had a former contaminative use, as the application is for a sensitive end use, as such, in line with current guidance (NPPF) a contaminated land risk assessment will be required. The former Youth club is "alleged" to be full of hazardous material so this will also need to be considered and risk assessed in appropriate manner through a contamination assessment of the site. This can all be conditioned.

Local Plans Team (Public Open Space) - The site is recorded as 'Education Facilities' in the UDP, and is not identified in the 2013 Green Spaces Audit. UDP Policy RL4 is relevant which states that:

"The borough council will seek to remedy local public open space deficiencies within existing residential areas and will require the provision of local public open space, principally of benefit to the development itself, within new residential developments in accordance with the following standards:

C) Where the size of the development site is such that 10 - 15% of the site area would result in an area of local public open space of less than 0.4 ha (1 acre) the borough council may require the applicant to provide a commuted sum, in lieu of an area of open space, to be used for the creation of a suitable area of open space elsewhere or for the

enhancement of an area of existing public open space in the vicinity of the development site.

D) Developers of schemes comprising 10-20 family dwellings will normally be expected to provide a commuted sum to the borough council for the enhancement of existing local public open space."

NPPF paragraph 74 states that:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- o An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements
- o The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
- o The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

Additionally, according to the Green Spaces Audit, the Duncroft community profile area where this site is located is deficient in 4 out of 5 open space typologies (informal, public parks, woodlands and nature conservation areas and allotments). Therefore, if the decision is for approval of more than 9 family dwellings, then a commuted sum of 15% is requested in line with UDP Policy RL4. Decisions on potential receptor sites would need to be subject to discussions between the neighbourhood manager and ward members.

Public Rights of Way - The PROW officer is not aware of any claims across this site. A claim could arise from the route from Broadway to the rear gardens of the properties on Broadway which crosses the site. For a footpath claim the public would have to prove that they have used it for a continuous period of 20 years or more unchallenged. THE PROW officer noticed a few years ago it was blocked off and there were some signs up stating no public thoroughfare so the claims would have to predate this period.

Education - Schools affected are Dunsville Primary and Hungerhill secondary school: Both are currently over capacity and therefore the primary school contribution is calculated at £36,429 and a secondary contribution £54,891 meaning a total contribution of £91,320.00. Due to the sites location this was questioned by the applicant. Given the access will not receive a new road from Broadway as first thought, but will be added to the existing road known as Hoddesden Crescent, this has resulted in the housing still falling under Dunsville catchment area but this section of the Secondary catchment students would attend Ashhill Academy not Hungerhill as previously thought, therefore in light of these changes there is no Secondary Contribution required. The requirement is therefore £36,429.

Officers Note - The amendment to the scheme to 8 family dwellings now takes it under the threshold for any contributions as less than 10 family homes are created.

Internal Drainage Board - No objections, subject to conditions however these duplicate the normal drainage conditions suggested by internal drainage.

Ecology - The site is dominated by the large youth centre building which is over 5m to the roof. This has the potential for roosting bats. A preliminary bat roost assessment should be carried out and the results submitted. If further emergence surveys are proposed then these should also be carried out prior to any determination of this application.

The vegetation on the site is generally overgrown amenity area which has limited ecological value that does not need to be surveyed but there will be some loss of greenspace that should be compensated for by minor ecological enhancements if the site is developed.

Internal Drainage - No objections subject to condition.

Highways - Initial concerns that the land included within the application site includes an area which forms part of the pedestrian access directly into Dunsville Primary School from Broadway. There were also highway design issues, concerning footpaths, hard margins, boundary treatments, vehicle tracking, parking space widths, visitor parking provision, garage sizes, driveway lengths. These were eventually overcome by a series of amended plans.

The highway officer also noted the concern registered in the objections with regard to the construction traffic. Access for construction traffic will be taken from the existing turning area at the end of Hoddesdon Crescent. There is a pedestrian access into the school from Hoddesdon Crescent and at school start and finish times this area is very heavily parked which will cause significant problems for construction traffic using this route, and also impact on residential amenity for existing residents during the build period. As such there would need to be an extremely robust construction traffic management plan agreed subject to planning approval, prior to works commencing on site.

Overall no objections based on the amended plans subject to conditions.

Strategic Transport - No concerns with 14 dwellings from a trip generation perspective. Highways DM will look at the impact on the local highway network and may suggest a Construction Traffic Management plan to deal with the construction traffic is managed in relation to the school.

Design officer - Whilst the scale and type of housing proposed will generally suit this suburban location, the design officer had several concerns regarding divergences from the Council's policy and SPD in terms of residential layout. These included inadequate garden sizes, lack of visitor parking, the location of dwellings in relation to No.64 Hoddesdon Crescent, house type style through loss of outlook, lack of dedicated internal storage space, the lack of design quality in the house type style, and a lack of landscaping/boundary treatments.

A series of amended plans have gradually overcome these concerns, subject to series of conditions covering materials, boundary treatments and landscaping.

Severn Trent - No response.

Environmental Health - No objections, noted the development is next to a primary school and surrounded by nearby residential dwellings as such suggested conditions covering piling, no burning, delivery times, dust transmission and the need for an acoustic barrier on the southern boundary.

Trees - No objections: The site will involve the loss of trees however these can be suitably replaced by condition.

Yorkshire Water - No objections subject to conditions. (covered by internal drainage conditions).

## 8.0 Relevant Policy and Strategic Context

The site is allocated as an education facility (CF 3) as defined by the Doncaster Unitary Development Plan 1998. The allocation also includes the Dunsville Primary School to the south of the site.

### 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 8 - Promoting healthy communities;  
Chapter 7 - Requiring good design  
Chapter 11- Conserving and enhancing the natural environment;

Doncaster Council Core Strategy; 2011-2028 (CS

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 17 - Providing Green Infrastructure

Doncaster Unitary Development Plan; 1998

Saved policy: CF3 Educational Facility.  
CS 4 Surplus facilities.  
RL 4 - Local Public Open Space Provision  
ENV 59 - Protection of Trees

## 9.0 Planning Issues and Discussion

### Main Issues

9.1 The main issues to consider are the principle of developing a former educational site, the detailed design and layout of the proposed dwellings, their relationship with adjoining residents, trees, the impact on the local highway network and the manoeuvrability within the site and parking levels.

### Principle

9.2 In terms of the wider principle of the site, the allocation is that of an education facility. This allocation carries on from the allocation of the school to the south of the site, even though the particular site is self-contained and was formally a youth centre, which has now closed. The allocation is linked to the school as the site was formally within the school grounds and was therefore washed over as an allocation in the 1998 UDP. Whilst the

policy designation is CF3 - Educational facilities, this is not in educational use and now separated from the school.

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

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

9.4 This exercise has been fully examined in 2002 where 2 adverts were placed in the Free Press calling for all former users and potential new users to attend a meeting arranged on the 22.10.2002. This was organised by the landowners (The council's estates team) when the council were considering selling the site. The building has been empty for around 15 years and is merely a hall with no kitchen and toilets. The building is also in a poor condition with asbestos in the external materials and a very old heating system. This put many potential community groups off the building, despite being interested in the good space. The costs of bringing the building up to a standard where it could be successfully reused were simply too great. There has been no further interest in the building over recent years.

9.5 The option was therefore to sell the site and the applicant was approached by the council as he owns a ransom strip at the end of Hoddesden Crescent, which was the natural entrance to the site.

9.6 Officers are therefore content that the building is now surplus to requirement and a genuine attempt has been made to dispose of the building to community groups but the costs of upgrading the building were too great. The school has no interest in acquiring the building for future expansion and therefore the site's redevelopment for housing accords with CF 4.

### Design and Layout

9.7 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.

9.8 The initial 14 family dwelling scheme provided for a relatively high density being 14 dwellings on 0.33 hectares of land being 42 dwellings per hectare. The initial scheme had a host of design and layout concerns, for instance a lack of rear garden space, lack of visitor parking, insufficient garage spaces and parking space widths.

9.9 Also the layout caused concern for the outlook and aspect currently enjoyed by No .64 Hoddesden Crescent. In addition some of the house types had poor aspects and outlooks. The internal design of the dwellings lacked storage space, which is not good for family homes. Also in design terms, whilst the surrounding architectural context is unremarkable, so too were the proposed dwellings. Their design lacked architectural character and distinctiveness.



9.10 The layout was amended several times, resulting in the reduction of family dwellings from 14 to 8 and the provision of 6 1-bed flats to the east of the site. This maintained the density of the site, however it reduced the dwelling sizes and overall parking requirements. This created a better mix of house types and styles and a more varied housing offer. The relationship between plot 14 and 64 Hoddesden Crescent was also improved with the plot 14 being offset from the boundary and pulled forward.

9.11 In terms of parking provision 27 spaces are being proposed, with the family dwellings having x2 spaces each (plot 4 x3 spaces), the flats x1 space and 4 visitor spaces.

9.12 The amended scheme represents no outlook and privacy concerns with all window to window distances being maintained over and above current standards to the dwellings facing Broadway. The remaining dwellings face the school playing fields. The amended scheme is considered to accord with CS14 subject to conditions controlling boundary treatments, facing materials and landscaping.

### Highways and Parking

9.13 With regard to highway safety and parking, this should be considered against policy CS 14 of the Doncaster Unitary Development Plan which states that new development should ensure quality, stability, safety and security of private property, public areas and the highway, permeability and legibility. In this proposal it's necessary to ensure the new layout of the estate and parking provision meets current standards and that the site can be appropriately accessed and serviced during construction without causing highway safety concerns. It is inevitable that the construction traffic will cause some temporary disturbance.

9.14 The site is to be accessed from the estate road Hoddensden Crescent. Hoddesden Crescent is a relatively quiet cul-de-sac and the access will punch through the existing fence in the turning area. There has been significant representation from local residents on Hoddesden Crescent that raise concern over a loss of parking at the head of the cul-de-sac, the narrowness of the road and the disturbance caused by the development. Also the cul-de-sac will become an estate road serving 14 other dwellings. In addition, Hoddesden Crescent has a pedestrian access to Dunsville Primary School and problems exist within the estate at school drop off and pick up times. The residents supplied photographs of this occurring with cars lining both sides of the road reducing the carriage way to a single width.

9.15 The Transportation team have also been consulted and raise no concerns from a trip generation perspective. The highways DM officer has noted the problems that exist with parking on Hoddesden Crescent, which is generated by parents double parking to use the pedestrian access to the school. This is likely to cause significant problems for construction traffic during school start and finish times. The only way to overcome this is to have an extremely robust construction traffic management plan that regulates delivery times which need to be agreed prior to construction occurring. Also whilst this is an existing problem, permission cannot be refused on account of this. It is accepted that some disturbance will be caused by the construction of the proposed development, however this is not uncommon within existing residential areas and is a temporary occurrence. The additional vehicle movements are not considered to cause harm to highway safety or significantly increase vehicle usage across the estate.

9.16 In terms of the wider layout of the estate, this has had several iterations to ensure that parking standards are achieved which included residential and visitor space numbers

and widths. The amended plans have also redesigned the geometry of the turning areas, footpaths and hard margins. The amended scheme now functions as it should with appropriate levels of parking for visitors and residents and will ensure refuse vehicles can adequately access the site. The southern part of the site that provides access to the school has also now been omitted from the proposal. The proposal is therefore in compliance with CS 14.

### Residential Amenity

9.17 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.

9.18 In terms of the general amenity from the construction of the development, the site is surrounded by existing residential development and the primary school. It is therefore appropriate to control matters such as delivery times, dust suppression, burning, noise from any piling activities all to ensure the living conditions of nearby residents and the welfare of members of the school remain protected. These are controlled by suitably worded planning conditions.

9.19 In addition it is necessary to ensure that any future occupants of the dwellings are safeguarded from noise from the school and as such a condition requiring a 2m acoustic fence along the southern boundary of the site is proposed by condition.

### Ecology

9.20 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.

9.21 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.

9.22 The site is dominated by the large youth centre building which is over 5m to the roof. This has the potential for roosting bats. The council's ecologist requested that a preliminary bat roost assessment should be carried out and the results submitted. If further emergence surveys are proposed then these should also be carried out prior to any determination of this application.

9.23 Also the vegetation on the site is generally overgrown amenity area which has limited ecological value that does not need to be surveyed but there will be some loss of greenspace that should be compensated for by minor ecological enhancements if the site is developed.

9.24 The preliminary surveys were commissioned by the agent, the details of which will be reported to planning committee and conditioned as necessary.

### Trees

9.25 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.

9.26 There are a number of trees and hedgerows on the site. Following the receipt of the tree survey the tree officer conceded that whilst the trees within the site are prominent and numerous, tree quality throughout the site is poor. The tree officer agrees with the findings of the tree survey and notes regrettably that to allow the site to be redeveloped the trees would have to be lost and suitably replaced. It is noted that in none of the numerous objections express concern with the loss of trees.

9.27 In terms of replacing the tree stock there is opportunity for impact landscaping at the entrance to the site, including structural elements (i.e. medium/large trees). Other opportunities exist for small specimens of which can be suitably secured by a planning condition and will provide compliance with CS 16.

### Planning Obligations and Viability

9.28 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.

9.29 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.

9.30 The initial scheme for 14 family dwellings met the trigger for both a public open space contribution and education contribution being x10 or more 2-bed dwellings. Considerable discussion was held with the agent over these triggers and the likely contributions. No affordable housing contributions are necessary as the scheme does not meet the 15 dwelling trigger point.

9.31 The applicant took the decision to amend the scheme in order to avoid the need for such contributions. The amended scheme now proposes 8 family dwellings and the remaining 6 1-bed flats are not liable for any contributions, as the public open space and education contributions are 10 or more family dwelling i.e. 2-bed. On this basis no contributions are necessary.

### Contamination

9.32 Paragraph 120 of the NPPF states: 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the

developer and/or landowner.' Paragraph 121 of the NPPF states: 'Planning policies and decisions should also ensure that:

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

9.33 Core Strategy Policy CS18: Air, Water and Agricultural Land, seeks to ensure that Doncaster's air, water and land resources will be conserved, protected and enhanced, both in terms of quantity and quality.

9.34 Within the representations there have been allegations that the building on the site is full of hazardous materials, mainly asbestos. The application was not supported by a contamination assessment and given the sensitive end use a full contamination assessment of the site and buildings will need undertaking. If asbestos is found then this will have to be dealt with appropriately and this will be demonstrated in any such assessment. Conditions requiring a contamination assessment will form part of any approval.

#### Public Rights of Way

9.35 The site appears informally used by pedestrians walking on the lane to the rear of the dwellings on Broadway and then out through the access between No.409-407 Broadway. The council's Public Rights of Way team have been consulted and have confirmed that whilst the land might be used informally, no claims for public right of way have been made and no new claims exist. The officer has suggested that a claim could arise from this route however, for a footpath claim the public would have to prove that they have used it for a continuous period of 20 years or more unchallenged. The officer notes that the route was blocked off some years ago and there were some signs up stating no public thoroughfare so the claims would have to predate this period.

9.36 Therefore to conclude that whilst the land is informally used, no new footpath claims have been made and this should therefore not delay the determination of the planning application.

### **10.0 Summary and Conclusion**

10.1 The amended scheme provides a low density, purposeful layout that has good garden sizes. The design and layout maintains the privacy and outlook of neighbouring residential dwellings. The scheme has been designed to provide acceptable parking standards for residents and visitors parking. On the whole, the scheme accords with the terms of the outline and provides a sustainable small well connected residential development and is therefore recommended for approval.

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

REASON

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

03. U52519 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

Amended site plan 112/14/1F  
112/14/5A one bedroom flats  
House type A 112/14/2E  
House type B and C 112/14/3E

REASON

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

04. U52520 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 that provides replacement tree planting in accordance with the Council's Development Guidance and Requirements Supplementary Planning Document; 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 (if elements of the planting scheme fall outside of domestic curtilage). Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

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

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. U54246 Details of intended piling activities (including time frames) are submitted to and approved by the Local Planning Authority prior to the development commencing.  
REASON  
In the interests of preserving the living conditions of surrounding residential dwellings.
07. U54248 Before the development commences a scheme shall be submitted to and approved in writing by the LPA detailing the measures to be taken to minimise dust and fumes from the site. The scheme shall specify the mitigation measures to be taken during site preparation, material import and export, the temporary stock piling of materials, the construction of the relief road and associated vehicle movements to/from and on site including vehicles awaiting entry to site. The development shall then be carried out in accordance with the approved scheme.  
REASON  
To protect amenities of nearby neighbours from adverse effects due to noise, dust and fume pollution.
08. U54249 No open burning of any waste material shall be permitted within the site. Any inadvertent fire should be treated as an emergency and extinguished immediately.  
REASON  
In the interests of preserving the living conditions of surrounding residential dwellings and school.
09. U54250 Deliveries to and from the site, the loading or unloading of raw materials and operation hours during the construction phase of the development shall be restricted to the hours of 07:30 and 18:00 Monday to Friday and 08:00 to 13:00 on a Saturday, except as may otherwise be agreed in writing with the Local Planning Authority. No deliveries or operation hours shall take place on Sundays or Bank Holidays.  
REASON  
In the interests of preserving the living conditions of surrounding residential dwellings.

10. U54251 An acoustic barrier comprising of at least 2m high acoustic fence shall be erected along the southern boundary (plots 4 and flats 5-12) of the site. Such fence constructed shall be imperforate (no gaps) with a minimum density of 10kg/m<sup>2</sup>. Any acoustic fence installed shall be maintained during the life of the development.  
REASON  
To safeguard the future residents from noise from the adjacent school in accordance with CS 14.
11. MAT4 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. Unless otherwise approved in writing by the local planning authority, the details as approved shall be completed before the occupation of any buildings on site.  
REASON  
To ensure the satisfactory appearance of the development.
12. HIGH 1 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. HIGH 11 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.
14. CMT 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 plan.
  - Parking of construction / contractors vehicles
  - 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
- Before and after dilapidation survey to be carried out on the existing highway.

#### REASON

To ensure the development doesn't cause harm and nuisance to the living conditions of neighbouring occupiers. In addition to ensure no damage is caused to the existing carriageway.

#### Informatives:

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 and adoption of the new access road shall be carried out under Section 38 of the Highways Act. The S38 and S278 agreements 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](mailto:p.evans@doncaster.gov.uk) or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.**

Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with **Malc Lucas – Tel 01302 735110** 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.

A commuted sum of £5000 to be used towards the future maintenance costs of each highway drain soakaway, shall be paid to the Council, prior to the issue of the Part 2 Certificate.

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

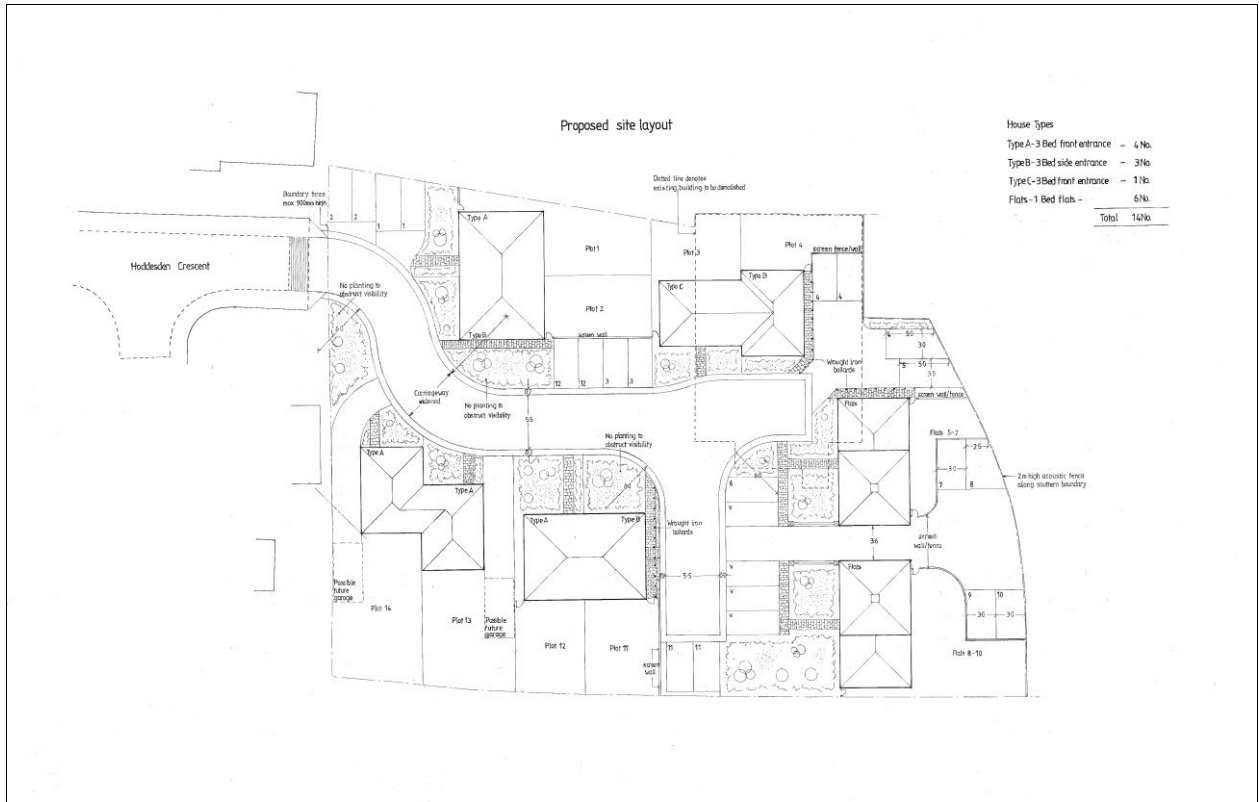
**The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and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



Appendix 1 – Site Plan



# Appendix 2 – Site Layout



# Appendix 3 - House type A



# House type B&C



# 1-bed flats



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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 17<sup>th</sup> October 2017**

**Application**      5

<b>Application Number:</b>	16/02589/FUL	<b>Application Expiry Date:</b>	27 <sup>th</sup> December 2016
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<b>Application Type:</b>	Full application
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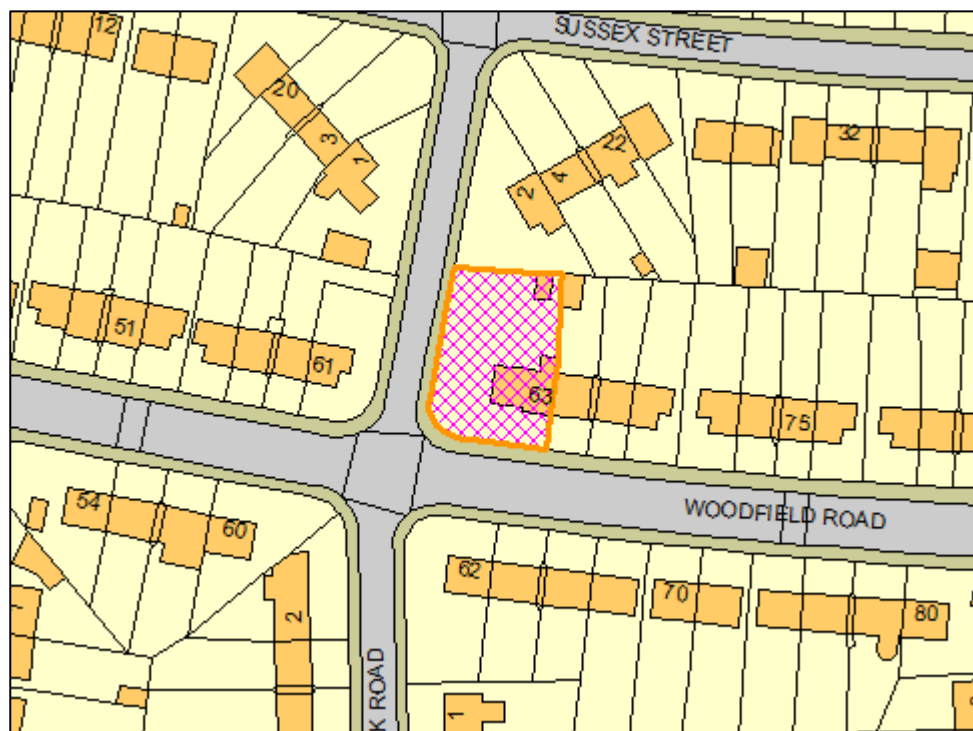
<b>Proposal Description:</b>	Proposed conversion and extension of existing dwelling to form six apartments.
<b>At:</b>	63 Woodfield Road, Balby

<b>For:</b>	Mr Adrian Kadria
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<b>Third Party Reps:</b>	54	<b>Parish:</b>	
		<b>Ward:</b>	Balby South

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

1.1 This application is being reported to planning committee because of the public interest shown in the proposal.

## **2.0 Proposal and Background**

2.1 This application seeks planning permission for the proposed conversion and extension of an existing dwelling to form six apartments. The proposal is to convert number 63 Woodfield Road from a single dwelling to 2 one bedroom flats and this includes a first floor extension over the existing single storey extension at the rear of the property. The application also includes the extension of the existing property to the side to create another 4 two bed roomed flats; the existing single storey garage at the side of the property is to be demolished. There are 2 parking spaces proposed at the front of the proposed flats off Woodfield Road and a further 4 spaces at the rear of the flats accessed off Kent Road. There is also an amenity area proposed at the rear of the flats.

2.2 The proposal has been amended since it was originally submitted. The original proposal was for conversion of the existing dwelling to 2 one bedroomed flats and an extension to create an additional 6 one bedroomed flats (8 flats in total). This scheme was considered over-intensive development of the site with overlooking of number 2 Kent Road and dominant frontage parking to the detriment of the street scene and so was amended to the scheme as currently proposed.

## **3.0 Relevant Site characteristics**

3.1 Number 63 Woodfield Road sits at the end of a terrace of similar 2 storey properties. The property has garden area to the side, which is to be used for the extension and is currently covered in hard standing. The area to the rear of the property is currently used as a garden to serve the existing dwelling.

3.2 The application site slopes down from number 62 Woodfield Road towards the properties to the north on Kent Road. There is an existing low wall surrounding the site on both Woodfield Road and Kent Road with vehicle access to the property currently gained from Woodfield Road. The surrounding area is residential in nature with 2 storey houses comprising a mixture of terrace and semi-detached properties.

## **4.0 Relevant Planning History**

4.1 There is no relevant planning history to this site.

## **5.0 Representations**

5.1 A petition with 52 signatures was submitted in opposition to the application as originally proposed. No reasons for opposing the development were given in the petition.

2 letters of objection were also received against the original proposal, which can be summarised as follows:

- i) The size of the proposed new building is not in keeping with area.
- ii) The junction onto Woodfield Road from Kent Road is already a slightly blind corner on the right and the proposed changes will compound the problem on the left side.
- iii) Parking would result in pollution and traffic congestion.

- iv) Loss of privacy from overlooking.
- v) Disruption from building works.
- vi) Loss of value to surrounding properties.
- vii) Loss of light to neighbouring properties.
- viii) Noise from potential tenants.
- ix) Danger to children walking to school from additional traffic.

5.2 Following receipt of the above objections, the scheme was amended to reduce the number of flats and therefore the impact of the development on the character of the area and on neighbours. Letters were sent out to all original objectors stating that amended plans had been received. No further objections have been received to the amended scheme.

## **6.0 Relevant Consultations**

6.1 Highways have raised no objections to the application because each flat will have a parking space and there is adequate visitor parking space on the existing road network.

6.2 Pollution Control has responded and has raised no objections.

6.3 The Shire Group of Internal Drainage Boards has responded and has raised no objections.

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

### National Planning Policy Framework

7.1 The National Planning Policy Framework (NPPF) has as its central theme a presumption in favour of sustainable development. It does not change the statutory status of the Development Plan as the starting point for decision making set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (Paragraph 12). It confirms that planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

### Doncaster Core Strategy

7.2 Policy CS2 states that the main urban area (including Balby) will be the main focus for growth and regeneration.

7.3 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster 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.

### Doncaster UDP

7.4 Policy PH11 states that within Residential Policy Areas, development for housing will normally be permitted except where the development would be at a density or of a form which would be out of character with the area or would result in an over-intensive development of the site, or the effect on the amenities of nearby properties would be unacceptable.

## **8.0 Planning Issues and Discussion**

### Principle

8.1 The site lies within a Residential Policy Area as allocated in the Doncaster UDP, where policies allow for additional housing. The site also lies within the main urban area and policy CS2 of the Core Strategy states that this should be the focus for growth. The site lies within Flood Zone 1 and so is not at risk from flooding. The site is in a sustainable location being located close to local amenities and bus stops. The proposal will provide additional housing and add to the mix of accommodation in this area. The proposal is therefore acceptable in principle.

### Design and Residential amenity

8.2 The proposal has been designed to ensure that the extension follows the scale and design of the existing dwellings along Woodfield Road. The proposal will extend the existing terrace and will replicate the larger terraces on the opposite side of Woodfield Road and so will not appear out of character with the area. The roof is to be hipped to match the other properties in the area. The proposed materials are to be secured by a condition, but it is envisaged that the materials will match those of the adjacent dwelling. The proposal is not an over-intensive development of the site and retains a useable amenity area at the rear.

8.3 The proposal has been amended to ensure that there is no longer any loss of amenity to number 2 Kent Road through either overlooking or overshadowing. Although the land is raised above that of number 2 Kent Road, the separation distance of 21 metres will ensure that overlooking is not harmful. There are adequate separation distances to the properties on the other side of Woodfield Road and no windows on the side elevation that face towards 61 Kent Road. The application therefore accords with policies CS14 of the Core Strategy and policy PH11 of the Doncaster UDP.

### Highways

8.4 There are no highways issues in terms of the impact that the development will have on highway safety. There is 1 car parking space per flat and adequate room on the wide roads to provide for visitor parking.

### Other issues

8.5 In terms of the other issues raised by residents, there is always likely to be some disruption during construction of the development, but there are powers available to Environmental Health to ensure that this does not become problematic. The potential loss of value to surrounding properties is not a material planning consideration and so no weight can be given to this. There is no reason to suggest that noise from tenants will create such a disturbance that planning permission should be refused. The additional traffic that this development will create will be minimal and will not create danger to children walking to school.

## **9.0 Summary and recommendation**

9.1 The proposal will add to the housing mix in a sustainable location. The design is in keeping with the area and will avoid any loss of amenity to surrounding properties. There will be no impact on highway safety and the amount of parking provided is adequate for the type of accommodation proposed in this location.



9.2 It is therefore recommended that planning permission be granted subject to the following conditions:

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

REASON

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

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

Drawing number 016/057/PD/REV C.

REASON

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

3. The external materials and finishes shall match the existing property.

REASON

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

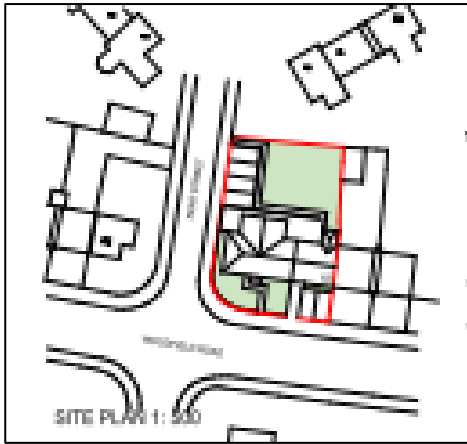
4. The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.

REASON

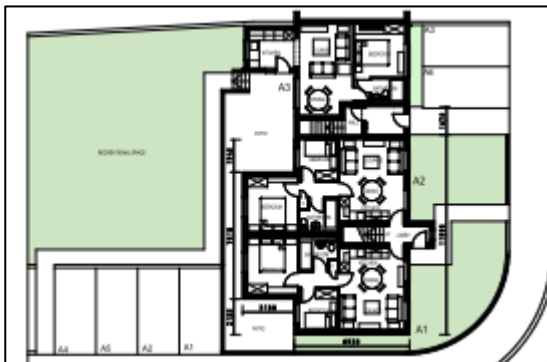
To avoid damage to the verge.

**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.**

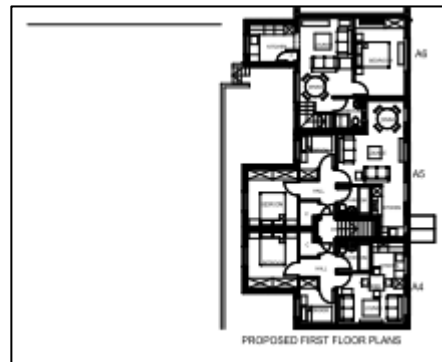
Appendix



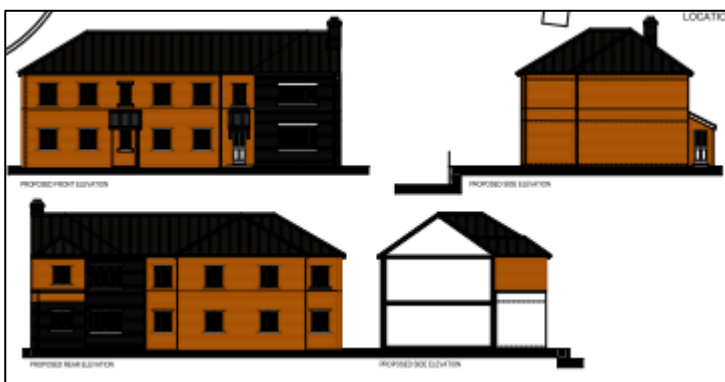
Plan 1 Site layout plan.



Proposed ground floor plan



Proposed first floor plan



Proposed elevations

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 17th October 2017**

**Application**      6

<b>Application Number:</b>	17/01208/FUL	<b>Application Expiry Date:</b>	10th October 2017
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<b>Application Type:</b>	Full Application
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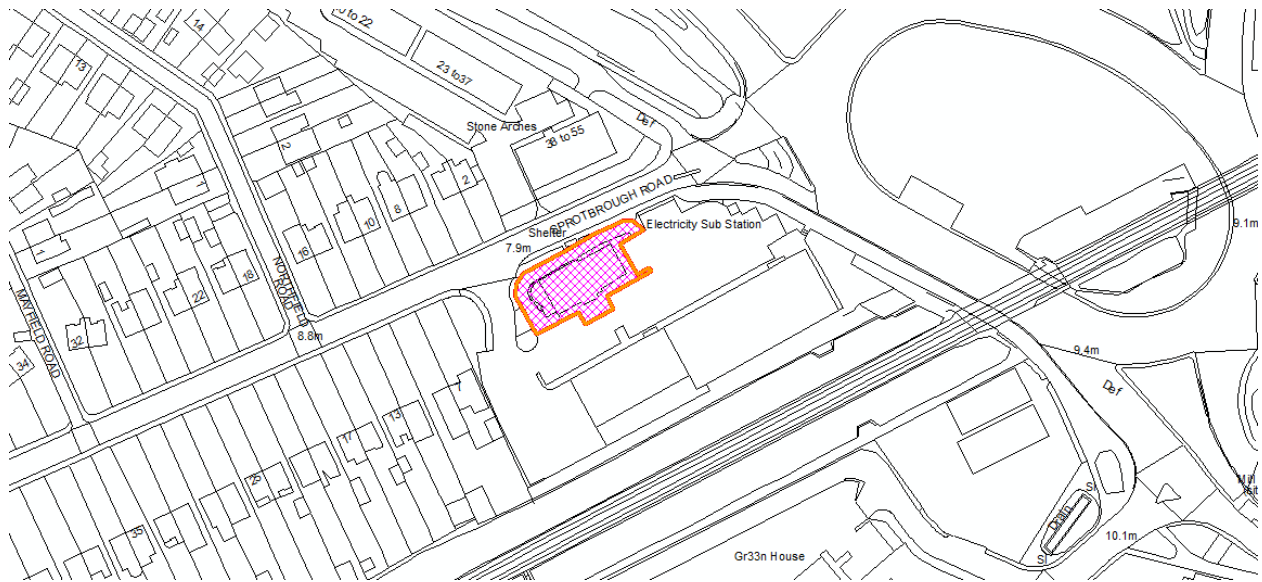
<b>Proposal Description:</b>	Single storey extension
<b>At:</b>	KFC Unit 3 Sprotbrough Road Sprotbrough

<b>For:</b>	QFM
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<b>Third Party Reps:</b>	81 objections 18 in support	<b>Parish:</b>	Sprotbrough And Cusworth Parish Council
		<b>Ward:</b>	Bentley

<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 in the application.

## **2.0 Proposal and Background**

2.1 The proposal is for a single storey extension to the KFC restaurant at Sprotbrough.

2.2 The size of the extension is 2 x 4 metres. The KFC restaurant is undergoing a full refurbishment and requires slightly more space to make the layout of the kitchen more efficient.

2.3 81 objections and 18 letters of support have been received.

## **3.0 Relevant Planning History**

3.1 No relevant planning history.

## **4.0 Representations**

4.1 The application has been publicised by site notice. 81 objections and 18 letters of support have been received.

4.2 The main reasons for objection are due to the existing restaurant causing traffic, noise, litter and rat problems. The objectors do not want an expansion of the restaurant, which could worsen current issues.

4.3. Letters of support comment the extension would help speed up the 'drive thru' and therefore reduce traffic issues, the restaurant is always busy, good for the community and it could create extra jobs.

## **5.0 Parish Council**

5.1 Sprotbrough and Cusworth Parish Council commented as follows: "The PC have no objections provided this application will improve traffic ingress/egress onto Sprotbrough Road & reduce queuing - we anticipate that this issue is addressed in considering the application".

## **6.0 Relevant Consultations**

6.1 Environment Agency: No objections, subject to floor levels being no lower than existing floor levels.

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

National Planning Policy Framework

Doncaster Core Strategy  
CS14: Design and Sustainable Construction

Saved Unitary Development Plan Policies

ENV54: Alterations and Extensions

## 8.0 Planning Issues and Discussion

8.1 The proposal is for a single storey extension. The size of the extension is 2m x 4m, which would add an additional 8m<sup>2</sup> of floor space to the building.

8.2 The restaurant is undergoing a full refurbishment. The refurbishment is expected to improve internal standards, increase efficiency and improve the speed of 'drive thru' customer orders.

8.3 The proposed single storey extension would join onto the kitchen and assist with the refurbishment. The number of parking spaces and the dining area is unaffected by this application.

8.4 A significant number of objections have been received for such a minor application. The reasons for objecting are because the restaurant has alleged litter, rat, noise and traffic issues. The main reason for objections is due to traffic. It is understood 'drive thru' customers queue back onto Sprotbrough Road. Residents would like to see the drive thru relocated to prevent queuing onto Sprotbrough Road.

8.5 The existing issues are outside the scope of being resolved by this planning application, which is only for a small single storey extension. However, the approval of this application will assist with the refurbishment of this building, which may help to process orders quicker and therefore reduce traffic issues.

8.6 Given the small scale nature of this extension, there is no material impact to the character and appearance of the area. A condition will be imposed for matching materials. The proposal conforms to design policies CS14 and ENV54.

8.7 The site is within flood zone 3 (highly vulnerable to flooding). The extension will have no material effect to surface water runoff. The Environment Agency raises no objections. A condition will be imposed which requests floor levels of the extension are no lower than the existing building.

## 9.0 Summary and Conclusion

9.1 The extension will help refurbish the building to the owners preferred layout, which may then improve efficiency and customer experience. The extension has no material impact to flooding or the character of the area.

## 10.0 Recommendation

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.<br>REASON<br>Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990. |
| 02. MAT2  | The external materials and finishes shall match the existing property.<br>REASON   |

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

03. FA01

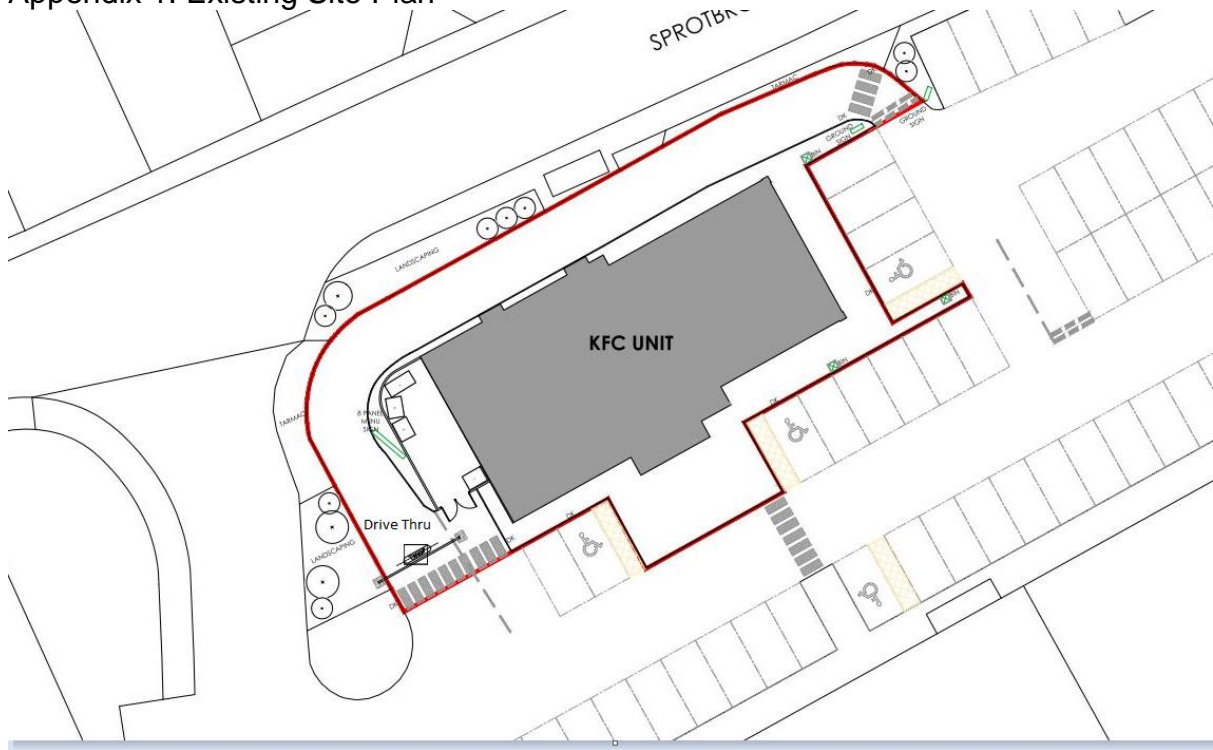
Floor levels within the proposed development will be set no lower than existing floor levels

REASON

To ensure that any new development complies with Environment Agency standing advice

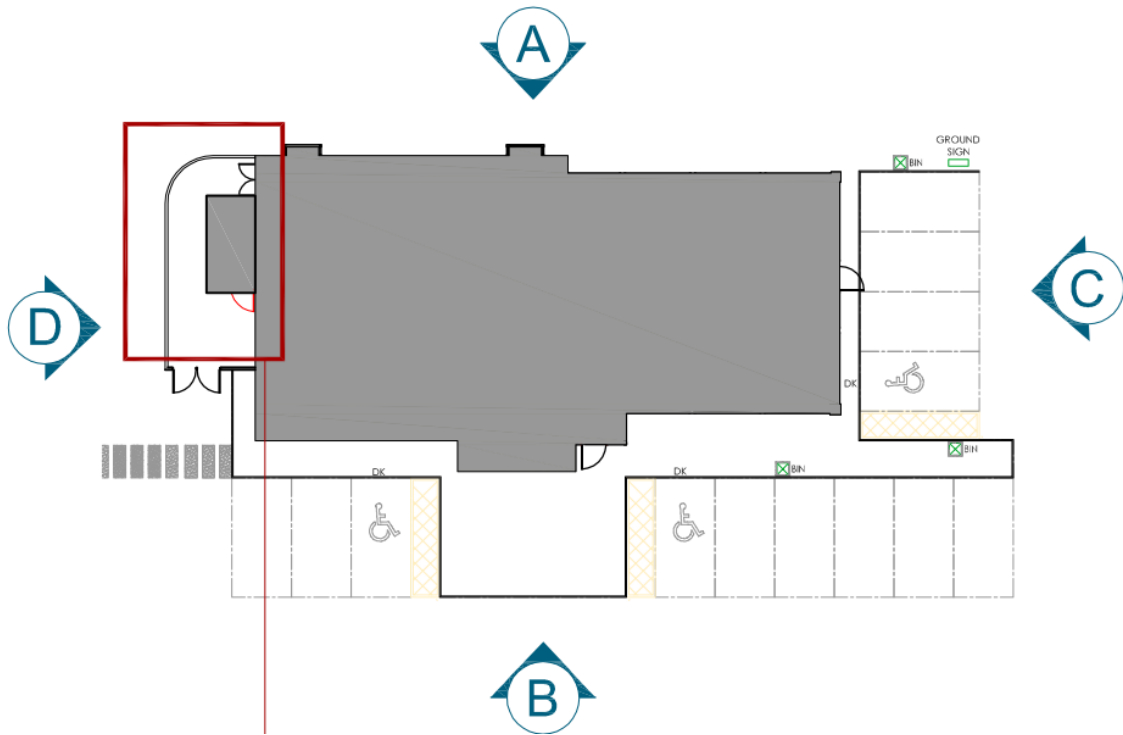
**The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and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

Appendix 1: Existing Site Plan

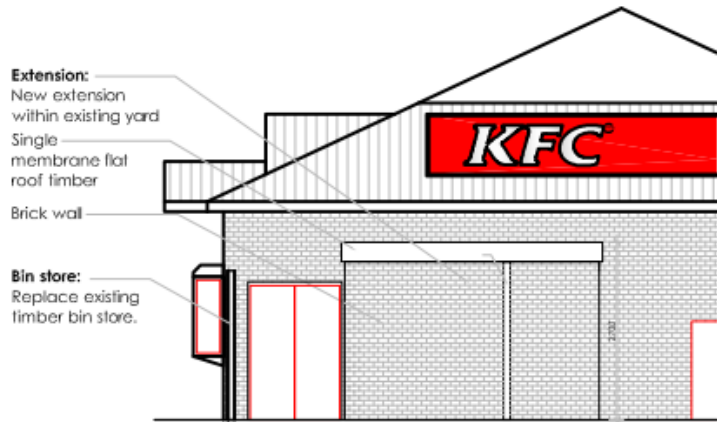
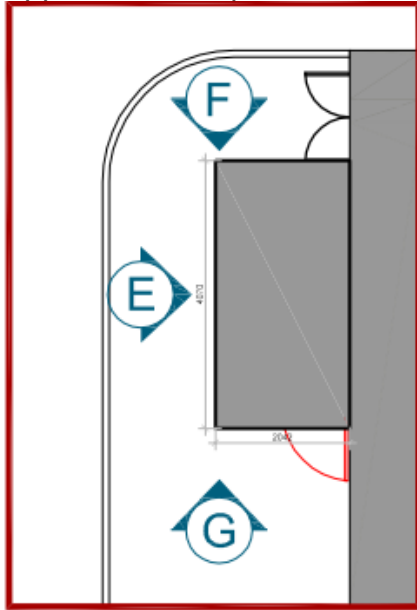


Appendix 2: Proposed Site Plan

**SIGNAGE SCHEDULE ON B121**

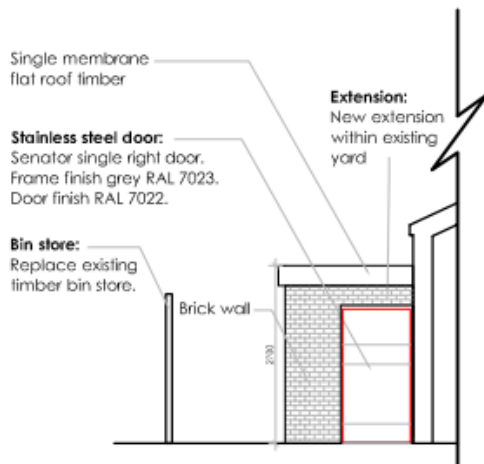


Appendix 3: Proposed Elevations

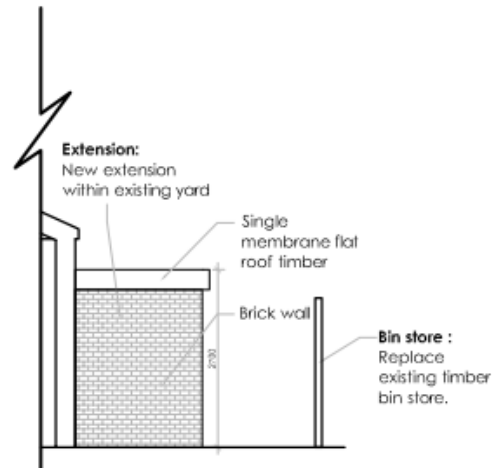


**Key Yard Plan**

**Elevation E**



**Elevation F**



**Elevation G**





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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 17th October 2017**

**Application**      7

<b>Application Number:</b>	17/01495/FUL	<b>Application Expiry Date:</b>	4th August 2017
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<b>Application Type:</b>	Full Application
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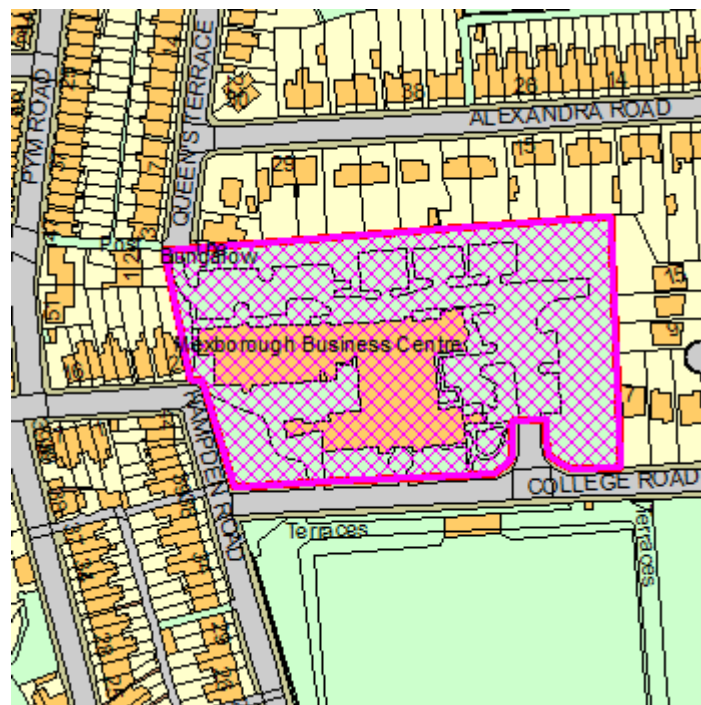
<b>Proposal Description:</b>	Erection of building for use as childrens nursery.
<b>At:</b>	Mexborough Business Centre College Road Mexborough S64 9JP

<b>For:</b>	Mr Peter Newman
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<b>Third Party Reps:</b>	13	<b>Parish:</b>	N/A
		<b>Ward:</b>	Mexborough

<b>Author of Report</b>	Mark Ramsay
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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 committee due to the level of interest shown in the application.

## **2.0 Proposal and Background**

2.1 The application is for a single storey building in the curtilage of the Business Centre. It would be located on the east side of the car park area and is currently grassed with a line of mature trees next to the boundary with College Road.

2.2 The site is adjacent to a relatively modern estate of houses known as College Court. The houses in the court front the estate road, so the garden of No 7 backs on to College Road and No 9 backs onto the Centre.

2.3 The Business Centre building is a former grammar school building which has been subdivided and converted to provide small commercial units to businesses. There is a large area of parking to the side and rear of the business centre. To the south of the site are the sports grounds of the Miners Welfare and Athletics Club.

2.4 The application has been amended since original submission so the outdoor play area is to the rear of the nursery building, rather than adjacent to the boundary with the road. The site has also been reduced so it no longer overlaps the rear of adjacent gardens.

2.5 Clarification has been given that vehicle pick up/drop off will be within the parking area of the Business Centre and that no more than 20 children will be accommodated at any one time.

## **3.0 Relevant Planning History**

3.1 The site was historically a school and granted permission to accommodate office, light industrial and business uses within the building and latterly retains tall pylons accommodating security cameras.

89/1830/P

Change of use from education to class B1 business including associated access car parking and servicing facilities (being application under regulation 5(2) Town And Country Planning General Regulation 1976)

Granted 27.10.1989

91/3073/P

Conversion of former grammar school to office, light industrial and business use including associated servicing car parking and landscaping on approx. 1.45 ha of land (being application under regulation 4(1) Town And Country Planning (General) Regulations 1976)

Granted 26.10.1992

94/1758/P

Retention of 2 x 8.00m high metal pylons fitted with security cameras (being application under Reg 3 Town And Country Planning (General) Regulations 1992)

Granted 12.09.1994

## **4.0 Representations**

There have been 13 representations from 11 individuals objecting to the proposed development.

The issues raised include the harm to the character of the surroundings caused by the development, the difference in land levels between the application site and neighbouring houses, increased traffic, increase in flood risk, light pollution, overshadowing, the development would attract anti-social behaviour and question the need for additional provision.

## **5.0 Relevant Consultations**

### **HIGHWAYS**

5.1 No objections on the basis that pick up and drop off for the nursery will be accommodated within the existing parking area

### **ENVIRONMENTAL HEALTH**

5.2 No objections subject to the fencing around the outdoor play area being 1.8m and close boarded.

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

6.1 Doncaster's Local Development Framework consists of a suite of documents, both old and new which include saved policies from the Unitary Development Plan and the Core Strategy.

6.2 The site is allocated as an Employment Policy Area in the Unitary Development Plan proposals map. Saved Policy EMP6 states that B1 B2 or B8 uses will normally be granted and other business, industrial and commercial uses will be granted on their own merits.

6.3 The Business Centre has consent covering office and light industry. The remaining space does not lend itself to large scale development but small scale commercial development can be considered.

6.4 A material consideration includes the policies in the National Planning Policy Framework (NPPF, March 2012). The NPPF includes a presumption in favour of sustainable development and to build a strong competitive economy.

## **7.0 Planning Issues and Discussion**

7.1 The proposal seeks to create a small scale nursery on the grounds of Mexborough Business Centre. The applicant has confirmed that they do not intend to cater for more than 20 children at any one time and are agreeable to conditions controlling this as well as limiting the opening hours from 07:30 to 18:00 on weekdays. There have been changes to the rules for funded provision of pre-school child care increasing, which inevitably means there will be an increased demand for a service of this kind.

### **CHARACTER AND APPEARANCE**

7.2 The building will be a single storey flat roof modular building which is set back from the road level with the housing that forms the southern extent of the adjacent housing development. There is a line of mature trees on the frontage that will also break up the appearance of the development. The proposal sits between a traditional style education

building and modern development of housing and with a setting of traditional terrace housing behind the site. The building while set on land that is higher than the nearby dwellings, is only single storey, flat roof and sufficiently far away from other buildings not to introduce any overshadowing.

7.3 Its modest scale does not interfere or take away from any of this mix of settings and is, therefore, not considered harmful to the character and appearance of its surroundings.

### AMENITIES

7.4 The proposed building sits 7 metres from the side boundary of the nearest house. The house does not have any windows on the side elevation that overlook the site and there are no windows proposed on the eastern elevation of the nursery building. The outdoor play area will sit alongside the stub of the roadway that ends in front of No 7 College Court.

7.5 While the play area is visible from the front of this property and the rear of No 9, the extent of the play area was reduced so it does not overlap the rear garden of No 9. It still allows sufficient play space to service a nursery. There is no current requirement by Ofsted in England for outdoor play space, but the remaining space does exceed the previous national standard of 9m<sup>2</sup> per child.

7.6 The Environmental Health Officer has been consulted and does not raise objections as they consider close boarded fencing to be sufficient to attenuate noise from the play area. While the total number of children is set at 20, not all children will play in the outdoor area at the same time and a proportion will inevitably be too small to go outside themselves.

7.7 The hours of operation will be limited to the normal operation of this type of use being from 7.30 in the morning and no later than 6 at night. The applicant indicates the peak time for pick up and drop off would be 8.30-9am and around 3.30pm and this would coincide with parents taking/collecting older children from nearby schools.

### HIGHWAYS

7.8 The Highways officer has not raised any objections. The parking spaces closest to the proposed building are shown as allocated for the use of staff and pick-ups/drop off area for customers. It would, therefore, not result in parking on the adjacent streets.

### OTHER MATTERS

7.9 The building is not in a flood risk area and the connection of drainage services will be overseen by Building Control.

7.10 The building has no windows facing towards adjacent houses so there will be no illumination shining towards other properties. Any additional external illumination that is required, for instance for the play area, will need to be agreed with the Local Planning Authority prior to installation and this can be controlled by condition.

7.11 The area in front of the nursery will be open, as it is now, and visible from passers-by in the street and the western boundary visible to visitors to and from the Business Centre. The Business Centre already has extensive CCTV and it would be up to the operators of the nursery to provide sufficient security measures in order to protect the building. The

design of the layout does not lend itself to afford places of refuge to potential intruders either to the nursery or adjacent properties.

## 8.0 Summary and Conclusion

GRANT Full planning permission subject to the following conditions:

### RECOMMENDATION

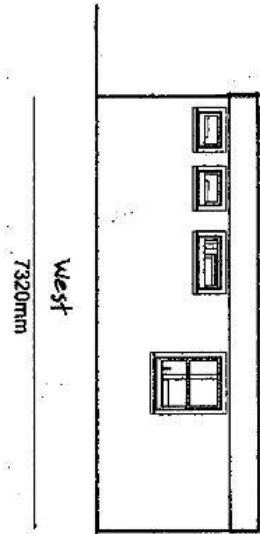
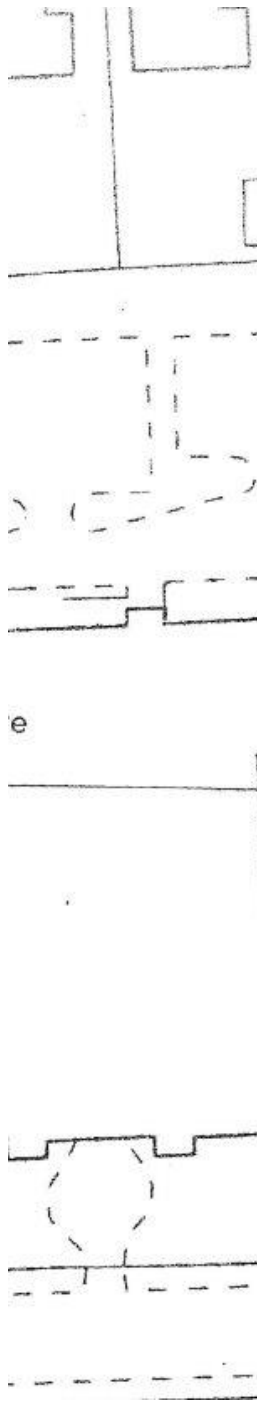
#### Planning Permission GRANTED subject to the following conditions.

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
  
02. U55711           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 2017:027-03  
Floor Layout DWG No 2017:027-02  
Plan labelled SITE PLAN - AMENDED 26 SEPTEMBER 2017  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
  
03. U55712           The maximum number of children present at any one time shall be no more than 20.  
REASON  
In the interests of the amenity of occupiers of adjacent dwellings.
  
04. U55713           The hours of operation shall be limited to  
Monday - Friday 07:30 - 18:00 and not at all at any other time.  
REASON  
To ensure that the development does not prejudice the local amenity.
  
05. U55714           Unless otherwise agreed in writing with the Local Planning Authority, the external elevations shall be applied with Birch Ply Cream Render.  
REASON  
In the interests of visual amenity.
  
06. U55715           No external lighting shall be erected on the building or in the curtilage of the building unless a scheme detailing the positioning, specification and luminance of such lighting has been submitted to and agreed by the Local Planning Authority. Only the agreed scheme shall be implemented and once installed shall be maintained to the satisfaction of the Local Planning Authority.  
REASON  
In the interests of protecting local amenity.

**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.**

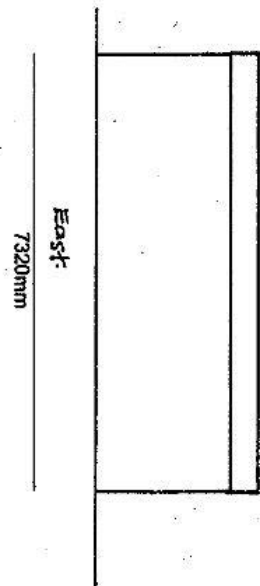


Appendix

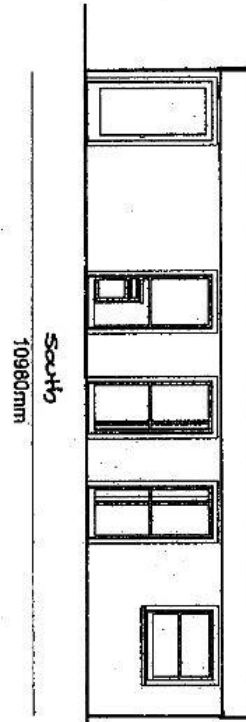


West  
7320mm

1233mm  
1933mm  
2333mm  
2720mm

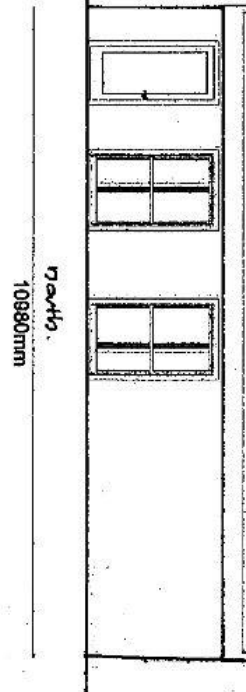


East  
7320mm



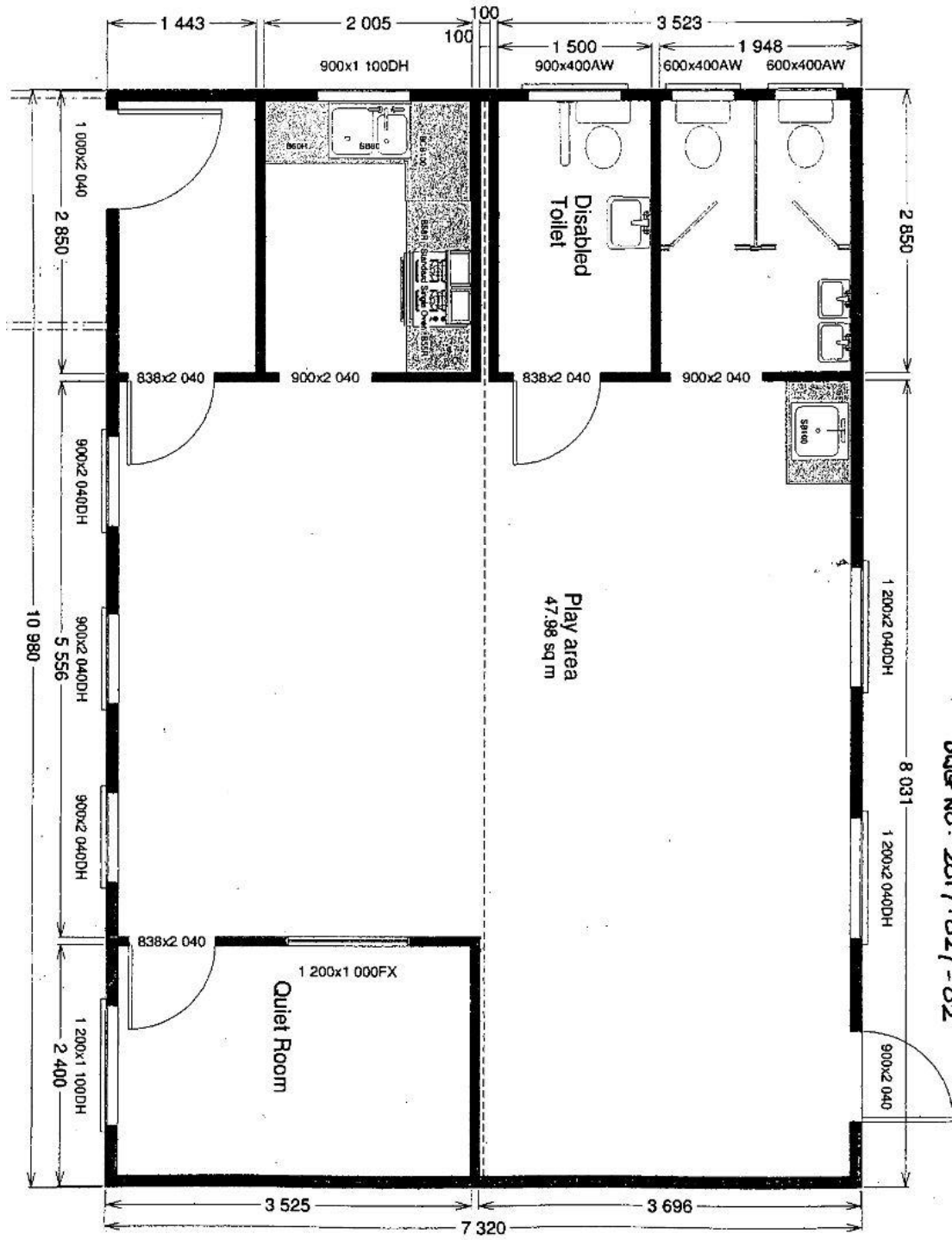
South  
10980mm

1233mm  
2333mm  
2720mm



North  
10980mm





UNIT NO. 2011-041-02

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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 17th October 2017**

<b>Application</b>	<b>8</b>
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<b>Application Number:</b>	17/01645/FUL	<b>Application Expiry Date:</b>	22nd August 2017
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Erection of a single storey detached dwelling on approx 0.08ha of land following demolition of side extension and garage to The Croft.
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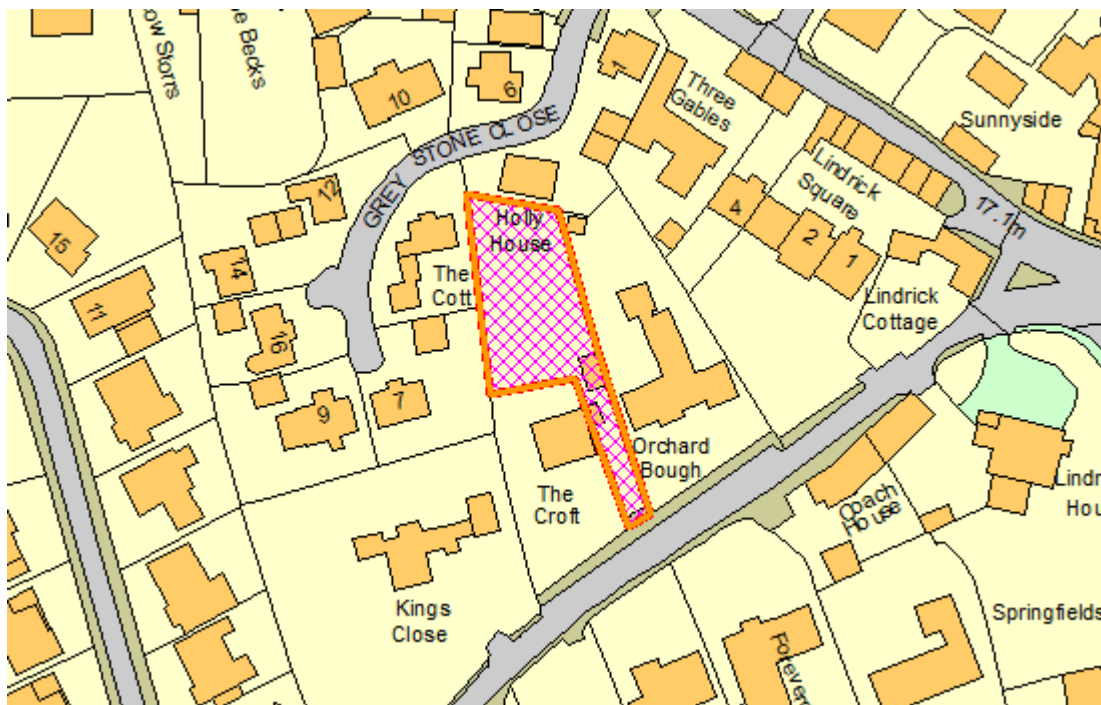
<b>At:</b>	The Croft Lindrick Lane Tickhill Doncaster
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<b>For:</b>	Mr & Mrs Duncan Donald
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<b>Third Party Reps:</b>	5	<b>Parish:</b>	Tickhill Parish Council
		<b>Ward:</b>	Tickhill And Wadworth

<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 presented to planning committee at the request of Councillor Nigel Cannings in light of the recent planning history for this site including appeals and strong local opposition.

## **2.0 Proposal and Background**

2.1 The proposal seeks permission for a single storey modernist styled, detached dwelling in the rear garden of the residential dwelling known as The Croft, Lindrick Lane, Tickhill. The rear garden is to be accessed by demolishing the existing garage and side extension, to create a driveway to serve the proposed dwelling. The existing access will also be widened to allow two way passage of vehicles, which will also continue to serve the host dwelling.

2.2 The application follows a series of planning applications since 2013, including an appeal that was dismissed in June 2016 for a 1.5 storey dwelling and more recently an application for an amended smaller 1.5 storey dwelling that aimed at addressing the planning inspectors concerns. This was applied for in 2016 under reference 16/02640/FUL and refused in March 2017. The application was refused as the reorientation of the dwelling still brought the development closer to residential dwellings to a degree that would be unduly dominant and overbearing resulting in harm to the living conditions of neighbouring dwellings.

2.3 The 2016 application and appeal both considered part 1.5 storey dwellings; however this revised proposal is for a flat green roofed, pavilion styled dwelling. Whilst it will still develop the open and green character of this rear garden and still bring development closer to that of its neighbours, the flat roofed nature and the minimalist scale is not considered to lead to a reduction in living conditions of neighbouring occupiers. This is the main difference between the two recent refusals and support being given to this proposal.

2.4 The application has been amended since the original submission with a new site plan being submitted, showing Orchard Bough, measurements indicated on the plan and the amount of cladding being reduced in favour of the introduction of limestone as opposed to render.

## **3.0 Site characteristics**

3.1 The proposed development is located within the Residential Policy Area of the settlement and within the Lindrick area of Tickhill. The area also falls within the Tickhill Conservation Area. This area has its own distinct character of mainly modern developments, sometimes bungalows, set back from the road mixed with a number of more traditional houses and former agricultural buildings. Random coursed limestone is the traditional building material often seen on modern buildings but also in surviving boundary treatments though brick and render treatments are common for modern buildings. The limestone walls, unverged lanes and the trees and lawns contribute to the green and open character of the area.

3.2 Buildings in the immediate vicinity of the site are detached modern infill in good sized gardens. Described in detail, to the immediate east of the site and running parallel to the driveway is the dwelling known as Orchard Bough (built 2013). The expansive dwelling maintains the street frontage position, however extends backwards to the north as show on the site location plan. This dwelling was purposely designed to take advantage of the

sun setting in the west in its ground floor kitchen and sun room. The western elevation has a number of windows which directly face the application site. The garden of Orchard Bough has similar proportions to that of The Croft ending where it meets the more modern Grey Stone Close development to the north.

3.3 Immediately to the north of the site is the dwelling known as Holly House No.3 Grey Stone Close. Holly House is on elevated land and its rear elevation directly overlooks the proposed site. Its southern elevation has 2 bedroom dormer windows, two en suite first floor windows and a ground floor door. The ground floor is screened by a timber and trellis fence however due to the change in land levels the occupants of Holly House can see into the application site from the ground floor rooms.

3.4 To the north west is the dwelling known as Lapstone House No. 5 Grey Stone Close and to the immediate west, No.7 Grey Stone Close. No 5 has a blank gable facing the site, however it has a series of windows on its rear southern facing elevation. These windows have an outlook to the application site.

3.5 No.7 Grey Stone Close is inset from the boundary and has a blank gable facing the site. Again a close board timber fence with concrete gravel boards and posts separates the dwellings on the western boundary.

3.6 The application site itself is a landscaped garden with a series of mature trees at the northern end. It is set in a hollow compared with the elevated dwellings to the north and west.

#### **4.0 Relevant Planning History**

4.1 The site has had a very detailed planning history since 2013, with several applications for new dwellings being withdraw and more recently dismissed at appeal in 2016 and refused in March 2017.

10/02907/TCON Notice to fell one Holly tree (being situated within Tickhill Conservation Area). TPO Not Served.

13/01805/FUL Erection of single dwelling on 0.08ha of land following demolition of existing garage. Withdrawn.

13/01806/CAC Conservation area consent for the demolition of detached garage. Withdrawn.

13/01877/FUL Demolition of existing single storey extension to side, and erection of ground floor pitched roof extension to rear and detached double garage to side of detached house. Withdrawn.

14/00221/FUL Erection of single dwelling on 0.08ha of land including the installation of foul sewage package treatment plant and new vehicular access (being resubmission of planning application 13/01805/FUL, withdrawn on 10/12/13). Withdrawn.

15/02166/FUL - Erection of a detached dwelling. The council failed to determine the application within 8 weeks and an appeal was lodged reference 16/0004/NONDET. The appeal (APP/F4410/W/16/3143299) was dismissed on the 1st June 2016 where the inspector found the proposal would preserve the character and appearance of the Conservation Area, however dismissed the appeal due to the harm to the living conditions of neighbouring occupiers.

16/02640/FUL - Erection of detached dwelling on approx 0.08ha of land following demolition of existing lean to side extension and garage to existing property, including formation of a new access to serve The Croft. Refused 3rd March 2017.

*REASON - The proposal by virtue of its siting, scale and massing will develop this open and green residential setting and bring the built development closer to the surrounding residential dwellings. The result will be a development that causes harm to the occupants living conditions, by virtue of the development being over bearing, causing a loss of outlook and one that appears unduly dominant.*

*The proposal will also result in a development that is heavily constrained, which is exemplified by the lack of private amenity area and a first floor that is devoid of a significant degree of natural light owing to the inability of the dwelling to accommodate first floor windows due to overlooking.*

*The proposal is therefore contrary to Core Strategy Policy CS14 - Design and Sustainable Construction, UDP Policy PH 11, NPPF Principle 7: Requiring good design.*

## **5.0 Representations**

5.1 The application has been advertised in accordance with Article 15 of the Town & Country Planning (Development Management Procedure) Order 2015. This was by press notice (Doncaster star), site notice and neighbour notification.

5 objections have been received:

- o Privacy and Overlooking-The proposed new property would be within a few yards of high occupancy rooms including the kitchen, dining, living and sun room and the most used rear garden areas of Orchard Bough.
- o The removal of the garage from the donor property would create considerable overlooking which does not exist at the moment. The garage currently obscures a large proportion of the views from the donor property into our kitchen, dining, living and sun room which are our main living area.
- o Access, Parking and Pollution-The current application, with shared access for the donor and new proposed property, would mean vehicles accessing, parking and turning around from both the donor property and the new property, only a few metres from the kitchen/ dining/ living room and sun room of Orchard Bough with very harmful levels of pollution entering neighbouring dwellings.
- o This proposal would harm living conditions and impact on our health and well-being with noise and disturbance from the main turning area of the proposed new house.
- o Drainage-as with the previous application we cannot see how effective drainage can be achieved when taking into consideration the footprint required for the proposed new property, required footpaths and hard standing areas.
- o The site lies within a Conservation Area the character of which is this part of detached properties set in good sized gardens. This proposal will interrupt this character and set an undesirable precedent and conflict with adopted Core Strategy Policy CS15, Policy CS14, Policy CS16 and adopted Saved UDP Policy PH11.



- o The proposal is at odds with CS 14 seeks to ensure that new development integrates well with the immediate and surrounding local area. The new dwelling would be at odds with the character of the immediate locality and would not integrate well into the local environment.
- o The proposal will develop a large undeveloped garden that hosts lots of wildlife and habitats.
- o The modernist design will significantly change the character of this part of the Conservation Area and be contrary to the Neighbourhood Plan in Policy H3 which requires dwellings to be constructed of stone or brick in keeping with existing properties, have a pantile or slate roof, align and set back with existing buildings to form a coherent building line.

## **6.0 Parish Council**

6.1 Objection: The Inspector at the previous appeal found conflict with the scheme at paragraphs:

- **Clause 15**  
Overall I find that the proposal would harm living conditions at Holly House and Orchard Bough and as such conflict with one of the planning principles of the National Planning Policy Framework which is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building,
- **Clause 16**  
While I have found that the proposal would preserve the character and appearance of Tickhill Conservation Area, this is far outweighed by the harm to living conditions that I have identified.
- **Clause 17**  
I am aware that local residents have raised other concerns, in addition to those I have considered above. However, nothing turns on them and so there is no need for me to consider them in my decision.
- **Clause 18**  
For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

6.2 In the view of Tickhill Town Council, nothing has changed other than this present planning application is for a single storey detached dwelling not a house. The application still affects the amenity of adjoining residents precisely as the Inspector described. Additionally other issues such as drainage have not been addressed.

## **7.0 Relevant Consultations**

Pollution Control - Although on the historic maps there is no indication of any previous potentially contaminative use at the site, as the application is for a sensitive end use, an appropriate contaminated land risk assessment should be carried out. A YAHPAC

screening assessment form was submitted with application 16/02640/FUL and no objections were raised. The same therefore applies.

Internal Drainage - No objection subject to conditions covering drainage.

Trees - No objections subject to conditions.

Highways: No objections to the proposal subject to the shared access should be a minimum of 4.5m in width, and due to the lack of turning for a fire appliance the fire safety officer should be contacted. The highway officer also suggested condition covering the site to be surfaced and sealed, and crossing over the footpath.

Conservation - No objections subject to conditions.

## **8.0 Relevant Policy and Strategic Context**

Doncaster's Local Development Framework consists of a suite of documents, both old and new which include saved policies from the Unitary Development Plan, the Core Strategy and the emerging Local Plan. The Local Plan is still in its infancy and is afforded no weight.

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

Tickhill Neighbourhood Plan relevant policies include:

HT1 - Safety and traffic improvements

DE1 - New building

DE3 - Protection of limestone walls

DE4 - Sustainability in building

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

NE1 - Energy economy

F1 - Building development

National Planning Policy Framework (NPPF) (2012) & National Planning Policy Guidance (2014):

A key material consideration includes the National Planning Policy Framework (NPPF, March 2012). The NPPF includes a presumption in favour of sustainable development. Core planning principles are set out at paragraph 17 and include, amongst other things, the need to:

- o Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and
- o Conserve heritage assets in a manner appropriate to their significance.

The NPPF identifies a number of aspects to delivering sustainable development, including:

- o NPPF Principle 6: Delivering a wide choice of high quality homes
- o NPPF Principle 7: Requiring good design. Paragraph 55 requires that developments should add to the overall quality of the area and respond to local character/history and reflect the identity of local surroundings
- o NPPF Principle 11: Conserving and enhancing the natural environment
- o NPPF Principle 12: Conserving and enhancing the historic environment

Doncaster Council's Core Strategy (CS) (2012):  
Policy CS 4 - Flooding and Drainage.  
Policy CS14 - Design and Sustainable Construction  
Policy CS15 - Protecting our Natural Environment  
Policy CS16 - Protecting our Historic Environment

Doncaster UDP (Saved Policies) (1998)

Policy PH11 - Development of Housing in Residential Policy Area  
Policy ENV21- Trees and Woodland  
Policy ENV59 - Protection of Trees  
ENV 25 - Conservation Areas

New supplementary planning guidance, the Doncaster Development Guidance and Requirements Supplementary Planning Guidance, amalgamated a number of guides into a single document and was adopted on 2nd July 2015.

The Doncaster Residential Backland and Infill Development SPD and South Yorkshire Residential Design Guide are retained as Supplementary Planning Guidance and remain material considerations.

## **9.0 Planning Issues and Discussion**

9.1 Applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan documents have been clearly identified above. This includes the Neighbourhood Plan, which formed the Development Plan from July 2015 and therefore was in force when the inspector made her decision in June 2016 and is explicitly referenced in paragraph 9.

9.2 Also material to the consideration of this application is the weight to be afforded to the 2016 Inspector's report. In determining the appeal the inspector considered that the two main issues were whether the proposal would preserve or enhance the character or appearance of the Tickhill Conservation Area and secondly the effect of the proposal on the living conditions at neighbouring properties, particularly Orchard Bough and Holly House.

9.3 The inspector found no harm to the character and appearance of the Conservation Area, however dismissed the appeal due to the harm to living conditions of neighbouring occupiers caused by bringing the development closer to Holy House and Orchard Bough and be unduly dominant and remove green open outlook the aspect of views over landscaped gardens.

9.4 Given the above, whilst matters such as highway safety, trees and drainage were not discussed in the appeal, these are still material considerations which are effected by the revisions and are addressed below.

### Principle:

9.5 The proposal is located within the settlement boundary and within the Residential Policy Area and is therefore supported by 'in principle'. In terms of the area's wider character, whilst backland development isn't common place in the immediate locality, the area is a varied mix of development characterised by large detached dwellings, historical small grouping of dwellings and more modern cul-de-sac type development.

9.6 The development of this rear garden is therefore not wholly out of character and would have a neutral impact on the area's general character. This was the view exercised and reinforced by the inspector who found that the principle of rear dwelling on this plot would preserve the character of the Conservation Area. The proposal is therefore acceptable in principle.

### Design and Layout

9.7 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.

9.8 The revised proposal seeks to address the harm previously identified in recent decisions, which primarily stemmed from the position and scale of the 1.5 storey structure. The previous submissions were deemed unduly dominant and over bearing to neighbouring dwellings resulting in a material reduction in living conditions. This proposal seeks to address this harm by proposing a flat roofed, modern contemporary designed structure, with a ridge height of 2.93m to enable it to sit more comfortably within the site and minimise the harm to neighbouring dwellings on account of the visual impact created by the scheme.

9.9 The proposal is a small L-shaped 2-bed dwelling, positioned in the rear garden of The Croft. The dwelling uses the design influences of a minimalist garden pavilion. The external finish is a mixture of limestone, full length glazing and cedar cladding. The roof is to be covered in sedum to help maintain the green character of the existing garden and minimise any outlook concerns from the elevated neighbouring dwellings.

9.10 The dwelling is open plan with the kitchen/dinner and lounge on the southern elevation with full height glazing. The dwelling also hosts a master bedroom with en suite and a second study/bedroom. All windows are positioned on the ground floor and raise no overlooking concerns. The site sits in a hollow compared with the elevated dwellings to the north and west. Orchard Bough to the east is at a similar level, however boundary screening in the form of a laurel hedge exists to the east to safeguard any indivisibility view between ground floor windows. Whilst this hedgerow isn't protected, appropriate boundary treatment could safeguard any overlooking should this vegetation be removed. This vegetation will also act as a visual screen when the proposed dwelling is viewed from Orchard Bough.

9.11 In terms of general layout the proposed scheme still retains a good sized 15m garden to the host dwelling, which is more than equal to its footprint and the proposed dwelling has a good sized garden to the north and east of the dwelling. The recessed area around the entrance provides for a secluded patio area and tree planting has been shown to give extra privacy for the new occupants, when viewed from No 3 Grey Stone Close. The proposal creates parking for two cars off street.

9.12 Finally in terms of scale and massing, the 2015 General Permitted Development Order allows for detached outbuildings to be built in the rear garden of dwellings subject to a series of limitations within Schedule 2 class E. The main limitations are the height of the building, which permits pitched roof buildings up to 4m and 3m in other cases. The legislation also allows up to 50% of the garden to be developed. The point being that this building could be built under permitted development rights if used ancillary to the host

dwelling. This gives a good measure of the likely acceptability of the scale of the structure, however it is recognised that this is for a self-contained dwelling thus the intensity of the use through noise, access, parking and general household use would increase over that of an ancillary building.

9.13 The minimalist design will sit neatly within the site, causing no overlooking and no dominance issues to that of its surrounding dwellings. The proposal is a significant improvement on the previous 1.5 storey schemes and still maintains a good level of garden to both the proposed and host dwelling. On balance the proposal is therefore considered compliant with CS 14 of the Core Strategy.

#### Impact on the living conditions of neighbouring properties

9.14 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. This was the main issue in the consideration of the 2016 appeal. The inspector concluded that the proposal in particular the 1.5 storey parts caused the harm to the living conditions of surrounding occupiers namely Orchard Bough and Holly House. It is therefore necessary to reconsider the impact on these dwellings and any new dwellings affected by the resubmission.

9.15 The proposal maintains all of the normal window to window distances as denoted in the SPD, however the principle of redeveloping this plot will still inevitably bring the built development closer to that of neighbouring occupiers than as currently exists. It is important however to assess what harm this creates. By their very nature, single storey buildings create no overlooking as all proposed windows can be adequately mitigated by boundary screening and scale and outlook issues naturally diminish due to the low level nature of the scheme, in particular its flat roof.

#### Orchard Bough:

9.16 To the east of the proposed dwelling is Orchard Bough. This is a recently constructed large dwelling that occupies a similar street frontage position as The Croft, however has a large single storey wing projecting to the rear. The rear most western elevation has a substantial amount of glazing facing the application site. The inspector previously stated that the dwelling had "clearly been designed as a sun room' to sit and enjoy the garden and the current green outlook from. "The land levels between Orchard Bough and the appeal site are similar and so despite the dwelling being set down the green open outlook would be replaced by views of the side of the dwelling and in particular the slope of the pitched roof." "The lower section would be screened to some degree by landscaping, but given the scale and proximity of the dwelling this would result in it appearing unduly dominant and overbearing from the neighbour's sun room and indeed the garden." The revised dwelling has shifted this massing further to the west of the plot and created a flat roofed dwelling that will barely be visible over the existing boundary treatment. Therefore whilst the dwelling will still inevitably bring the built development closer to Orchard Bough the harm created by its visual impact would be very minimal. Likewise the single storey nature of the proposal creates no overlooking.

#### No 3 Grey Stone Close - Holly House:

9.17 To the north of the proposal site is Holly House whose main rear elevation is close to the site. Holly House sits on a higher level than the proposal site and directly overlooks the site from its first floor bedroom windows and to some extent from its rear ground floor windows. The ground floor is to some degree screened by the fence that divides the two curtilages. The revised proposal again removes the more bulky 1.5 storey gable and replaces it with a minimalist flat roof structure. Again whilst the built form will naturally come closer to Holly House and will change its outlook from a landscaped garden to that of built development, the actual harm this creates is significantly reduced. This reduction in harm is as a result of the flat roof nature of the proposal and the sunken nature of the site. Added to this the sedum roof goes some way to improving Holy house's outlook by introducing a green feature which goes some way to replacing the current open landscape garden. Also some screening will still remain in the garden and a landscaping plan is included and controlled by condition to further lessen this harm.

9.18 On this basis officers do not feel that refusal could be substantiated on account solely of the fact that the development will bring the built development closer to Holly House. This is because, the design will not be unduly dominant will cause no significant material reduction in living conditions.

#### No.5 Grey Stone Close:

9.19 As described above, No 5 Grey Stone Close is to the north west of the proposed site. Its principle view faces to the south from its rear elevation. This dwelling again sits on higher ground than the proposed site. The proposed dwelling straddles this boundary throughout half its length. The western elevation has a single ground floor window meaning no overlooking will occur due to the screening and levels difference.

9.20 The issue is therefore solely to do with outlook. On previous schemes the side elevation and gable of the proposed dwelling would have been fully visible from all the windows on the rear of No.5. Again this would have replaced views of an open landscaped garden with one of built development. Now due to the low level nature of the proposal and levels difference this is no longer the case. The green roof will be barely visible over and above the existing boundary screening and therefore outlook is not thought to be compromised.

#### Drainage

9.21 Drainage matters were heavily debated during the consideration of the 2015 and 2016 application, particularly as the area does not have mains foul drainage; however the issue was not discussed by the planning inspector nor used as a reason for refusal previously. This is because drainage matters can be adequately controlled by building regulations (Part H).

9.22 Within this current submission the application forms indicate that the applicants intend to use a septic tank for the foul sewerage and a soakaway for the surface water. This is normally capable of being controlled by condition or through building regulations.

9.23 However the representations do raise several concerns with regards to the apparent lack of space available for the soakaway to be positioned within the site and be the required 15m away from buildings as per (Part H) of building regulations. The plans provided show the position of the septic tank and an irrigation system. These are shown to

be within 15m of neighbouring buildings as such wouldn't necessarily comply with building regulations.

9.24 The drainage officer however raised no objections to the scheme and has previously stated that if the positioning of the soakaway is not feasible within the constraints of the site, the applicant still has other options, i.e. discharge to either; a package treatment works (not likely feasible due to distance to watercourse) or use a cesspool. Whilst not common place in today's construction industry, cesspools require only a 7m stand-off distance which could be achieved in this case, however aren't favoured. The increased flows from the site would simply mean the cess pool would have to be emptied more regularly.

9.25 The drainage officer rightly clarifies that this is more of a foul discharge issue (governed by Building regulations) rather than a flood risk or land drainage issue. It may also be the case that a bespoke system or an enhance soakaway could be constructed to take any flows from a septic tank or package treatment plant.

9.26 On this basis notwithstanding the drainage details shown within the submission, a drainage condition is added to ensure this can be satisfactorily dealt with prior to development commencing to ensure compliance with part H. This will ensure the stability of neighbouring dwellings is not undermined and will ensure the site is appropriately drained.

#### Trees and Landscaping.

9.27 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.

9.28 Trees were not previously identified by the inspector as a significant constraint on this site nor did trees form an area of concern in the recent planning refusal, particularly given that any lost trees could be replaced on site. It is acknowledged that some of this vegetation would be lost in favour of built development. The trees do add to the green character of the Conservation Area, however none are covered by or worthy of a Tree Preservation Order.

9.29 The tree officer accepted that several trees would be lost and some would be retained. Those trees to be lost didn't achieve a category rating in accordance with the criteria outlined in British Standard Institute Specification 5837:2012, Trees in Relation to Design, Demolition and Construction, 2012, that could result in the proposal needing to be redesigned etc. in order to accommodate the more valuable trees as identified in the tree survey.

9.30 Measures to safeguard root protection zones could be conditioned and any trees lost could be compensated for through replacement planting on a one-for one basis. These matters could be controlled through suitably worded planning conditions and do not warrant refusal of the application.

9.31 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. The site is not overly sensitive or afforded any special designation and no buildings are being demolished that house any protected species. On this basis no ecological surveys or mitigation is required.

### Highways and Parking

9.32 Policy CS14 states that the proposal should not harm highway safety and the South Yorkshire Residential Design Guide offers guidance on the size and levels of parking provision. The host and proposed dwelling require two off street car parking spaces with adequate turning within the site. The proposal retains the existing access which is to be widened to 4.5m to allow two cars to pass with ease. Parking to the donor property and turning is shown in the front garden.

9.33 The new rear dwelling shows two off street parking spaces with clearance at the rear of the spaces for turning. The Highways officer raises no objections to the scheme. The turning area at the rear doesn't allow a fire appliance to turn within the site and as such the highway officer suggested the fire officer be consulted. This was undertaken on application 16/02640/FUL and no response was received, however the standard response is that the access has to be buildings regulations complaint. This is then dependant on the distance from the highway and in extreme cases where a fire appliance cannot access the site, a sprinkler system can be used. Again this is a matter governed by building regulations and would not be a reason to withhold planning permission.

### Conservation

9.34 In conservation terms, the critical test is whether the proposal would preserve or enhance the character or appearance of the Tickhill Conservation Area as supported by policies CS 16 of the Core strategy and ENV 25. The inspector in her previous decision had regard for the modest plot scales in the area, the constrained views into the site and the use of materials in reaching her decision for the 1.5 storey structure. The inspector states "given the design of the proposal, set down into the site, the inclusion of a sedum roof and the use predominantly of materials found in the vicinity of the site I am satisfied that the proposal would, on balance, preserve the character and appearance of the conservation area. As such, it would accord with adopted Tickhill Neighbourhood Plan policy DE1 which seeks to ensure that new development is designed to fit into the character of Tickhill and policy HE1 which aims to maintain, conserve and improve, where and when appropriate, Tickhill's heritage assets."

9.35 The conservation officer had regard for this previous assessment and comments that the proposed footprint to plot ratio across the site (over 1:8) is not out of keeping with plot sizes in the area. The design of the proposed dwelling is based on a courtyard bungalow and the flat roof of 2.93m height keeps the massing of the building low. This departs from the previous courtyard form of early applications and gives a larger, more usable, though possibly less private amenity area to the new dwelling. With the removal of the existing garage views into the plot would be more open than otherwise.

9.36 The form of the building is a further departure from traditional backland buildings in the area such as barns and coach houses however the building would be subsidiary to the frontage building and given its form and location would have a minimal impact on the character and appearance of the conservation area.



9.37 The boundary wall is shown as 1.8m in the site plan. Although sitting directly behind the bungalow there would be long views around it from the front from where the form of the building would be seen peeking above the wall by about 1m or so. A suggestion was made to integrate this wall into the building, however this was later discounted as it would increase the size of the building and bring it closer to the original dwelling.

9.38 The Conservation officer raised no objection to the modern fenestration and glazing which is appropriate to the character of the building and does not impact on the conservation area. The materials shown on the initial submission consisted of glazing, timber panelling and white render with sedum green roof. The white render was later replaced by random coursed limestone which better complemented the conservation area by adding to local character as opposed to the modern white/black contrast. Also the amount of cedar cladding was reduced in favour of more limestone on the east and southern elevations which better accorded with policies H3 of the Neighbourhood plan which specifically requires new development to be constructed of brick or stone.

9.39 Conditions were suggested covering landscaping, window, fascia details, floor levels and external finish materials.

### Neighbourhood Plan

9.40 In relation to other material considerations the Tickhill Neighbourhood Plan has formed part of the development Plan since July 2015. Many of the objections state that the proposal is contrary to the Neighbourhood Plan and should therefore be refused. As the plan forms part of the development plan, decisions should be taken in accordance with the plan, however the policies within it are open policies that require interpretation and opinion. The policies are not closed policies that for instance fundamentally rule out backland development.

9.41 The Neighbourhood Plan was a material consideration in the June 2016 planning appeal where the Inspector made references to policies DE1 and HE1. She found no conflict with these policies on a matter of character and no further conflict with any of the remaining relevant policies listed above. On this basis the proposal for the reasons identified above is in general compliance with the Neighbourhood Plan.

## **10.0 Summary and Conclusion**

10.1 In conclusion the significantly reduced scheme still develops this open and green rear garden and still brings the built development closer to its neighbours, however its single storey nature, flat roof design, reduced footprint and green roof mean that the harm through overlooking, loss of outlook and dominance can no longer be substantiated. The proposal is therefore recommended for approval.

## **11.0 Recommendation**

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. 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 including the site plan and elevations revision D dated 29.9.17.  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. CON2            Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.  
REASON  
To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.
04. CON3            Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.  
REASON  
To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.
05. 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.
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.

08. U55038      The shared access shall be a minimum of 4.5m in width.  
REASON  
To allow 2 cars to pass in the interests of highway safety.
09. 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.
10. U55549      Prior to development commencing full details of the proposed floor levels of the dwelling hereby approved shall be submitted to and agreed in writing by the Local Planning Authority.  
REASON  
To ensure the new dwelling is not elevated and causes overlooking and harm to the outlook of surrounding residential dwellings in accordance with CS 14.
11. 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.
12. U55561      Prior to the implementation of the relevant site works details or samples of the external materials (cladding and limestone) shall be submitted to and agreed in writing by the local planning authority.  
REASON  
To preserve the character of the Conservation Area in accordance with CS 15.
13. U55562      Prior to the implementation of the relevant site works details of the  
facia shall be submitted to and agreed in writing by the local planning

authority. Such details shall include the dimensions of the fascia, extent of overhang and details of colour and finish.

REASON

To preserve the character of the Conservation Area in accordance with CS 15.

14. U55563 Prior to the implementation of the relevant site works details of the frame profile, colour, and means of opening of the new windows and doors shall be submitted to and agreed in writing by the local planning authority.

REASON

To preserve the character of the Conservation Area in accordance with CS 15.

15. U55564 Prior to the implementation of the relevant site works details of the new brick boundary treatment shall be submitted to and agreed in writing by the local planning authority. Such details shall include details of the design, and coping (if any) and details or samples of the brick to be used in its construction.

REASON

To preserve the character of the Conservation Area in accordance with CS 15.

### Informatives

01. U11667 1. 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 as soon as possible to arrange the setting up of the agreement.

2. 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 Tel. 01302 735162. Email. P.Evans@doncaster.gov.uk as soon as possible to arrange the setting up of the permit agreement.

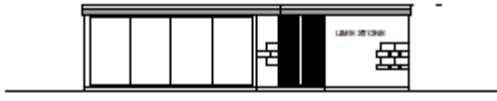
3. The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the highway is an offence under provisions of The Highways Act 1980.

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



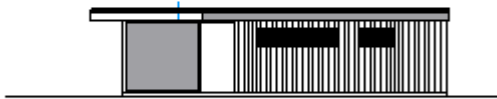
Appendix 2 - Elevations



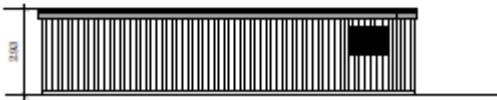
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

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# Appeal Decision

Site visit made on 4 May 2016

by **Louise Crosby MA MRTPI**

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

Decision date: 1 June 2016

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**Appeal Ref: APP/F4410/W/16/3143299**

**Land to the rear of The Croft, Lindrick Lane, Tickhill, Doncaster, DN11 9RA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr and Mrs Duncan Donald against Doncaster Metropolitan Borough Council.
  - The application Ref: 15/02166/FUL, is dated 4 September 2015.
  - The development proposed is demolition of existing garage to donor property and construction of dwelling.
- 

## Decision

1. The appeal is dismissed and planning permission for the demolition of existing garage to donor property and construction of dwelling is refused.

## Procedural matters

2. The Council failed to determine the planning application within the prescribed period and so there is no decision notice. On the basis of the Council's appeal statement it is clear that they would have refused the planning application had they had the opportunity. My main issues reflect the concerns set out in the Council's appeal statement.

## Main Issues

3. The main issues are:
  - i) whether the proposal would preserve or enhance the character or appearance of Tickhill Conservation Area; and
  - ii) the effect of the proposal on living conditions at neighbouring properties, particularly Orchard Bough and Holly House.

## Reasons

Whether the proposal would preserve or enhance the character or appearance of Tickhill Conservation Area

4. The appeal site currently forms part of the rear garden of The Croft; a dwelling located towards the edge of the village, within the conservation area. The conservation area, near to the appeal site, on Lindrick Lane, contains large individual dwellings in substantial plots. The Croft appears to have one of the larger gardens in the area. However, also nearby are dwellings and gardens that are more modest in scale. The Council accept that the dwelling to plot
-

ratio of the proposal would be similar to that in this area and while it would be more akin to the more modest dwellings nearby I agree that this would be acceptable.

5. This mature, good sized garden contains a variety of trees and shrubs. Following the demolition of the existing garage the appeal site would be accessed via the current driveway, alongside The Croft and close to the side boundary of the adjacent dwelling known as Orchard Bough. The contemporarily designed dwelling would be set down into the site in order to reduce its impact. It would be part two storey, with a pitched roof, and part single storey with a flat sedum roof. The main amenity space would be within a partially enclosed courtyard.
6. The present view from Lindrick Lane, between and beyond The Croft and Orchard Bough is constrained because of the narrow angle of view between these existing dwellings, combined with landscaping in the front garden of Orchard Bough. This view would be opened up at ground floor level to some degree by the removal of the garage, but it would still be very limited. While currently the view contains built development, which is further away than the proposal would be, it is taller, and so equally as noticeable as the lower appeal dwelling would be likely to be.
7. Moreover the glimpsed view from Lindrick Lane would be mainly of the first floor gable end which would contain a large window. While this window would appear dominant because of its size it would be a lightweight element of the scheme and so this would reduce its impact significantly. Only a small amount of the timber boarding would be visible and the detailing of this could be controlled by a planning condition to ensure it did not create a shed like appearance, which is a concern of the Council. The new limestone boundary walling would be noticeable from the street, but given the use of natural materials that occur locally it would not appear unduly harmful.
8. Clearer views of the proposal would be gained from neighbouring dwellings and their gardens; some of which are at a higher level than the appeal site. From most nearby gardens and ground floor windows it would be mainly the first floor element of the dwelling that would be seen. So from the sides it would be the roof slopes that would be most prominent and from the ends the timber cladding materials and in the southern elevation the large window. From neighbouring first floor windows, views would be over the dwelling and these would include the sedum roof that would help soften the development.
9. The character of development in this conservation area tends to be that of traditional style dwellings, built from traditional materials. While the proposed dwelling would contain some timber cladding, this would be limited and its finish could be controlled. Given the design of the proposal, set down into the site, the inclusion of a sedum roof and the use predominantly of materials found in the vicinity of the site I am satisfied that the proposal would, on balance, preserve the character and appearance of the conservation area. As such, it would accord with adopted Tickhill Neighbourhood Plan policy DE1 which seeks to ensure that new development is designed to fit into the character of Tickhill and policy HE1 which aims to maintain, conserve and improve, where and when appropriate, Tickhill's heritage assets.



### Living conditions

10. There are a number of dwellings close to the western (side) boundary of the appeal site and one on the northern (rear) boundary. Those at the side have gable ends, with limited fenestration facing the site. The main rear elevation of the 2 storey dwelling at the rear (Holly House) is very close to the boundary with the appeal site. All of these dwellings are at a higher level than the appeal site. To the east is Orchard Bough, a recently constructed large dwelling that is built on a similar line to The Croft, but it has a large single storey projecting wing at the rear. The rear most section of this, which would be closest to the proposed dwelling, contains a substantial amount of glazing.
11. Holly House currently overlooks the appeal site at close quarters from first floor windows. Ground floor views of the appeal site are largely blocked by fencing and landscaping along the shared boundary. Given that the proposed dwelling would be sited at a much lower level and the distance between Holly House and the proposed first floor obscure glazed gable end window, no harmful levels of overlooking would occur.
12. Also, in most views from Holly House it would be the green sedum roof of the closest single storey part of the proposed dwelling that would be seen. Nevertheless, because of the close proximity of Holly House to the shared boundary the outlook from the rear of this dwelling would change from one of landscaped gardens to that of built development. Bringing built development closer to Holly House, to the degree proposed, would result in it being an unduly dominant and overbearing feature and result in a material reduction in living conditions there.
13. Regarding Orchard Bough, the glazed part of the dwelling, located within the garden area, has clearly been designed as a 'sunroom' to sit and enjoy the garden and current green outlook from. The land levels between Orchard Bough and the appeal site are similar and so despite the dwelling being set down the green open outlook would be replaced by views of the side of the dwelling and in particular the slope of the pitched roof.
14. The lower section would be screened to some degree by landscaping, but given the scale and proximity of the proposed dwelling this would result in it appearing unduly dominant and overbearing from the neighbouring sunroom and indeed the garden. Again any harmful levels of overlooking would be avoided by the proposed installation of obscure glazing in the first floor gable end windows and this could be secured by a planning condition.
15. Overall I find that the proposal would harm living conditions at Holly House and Orchard Bough and as such conflict with one of the core planning principles of the National Planning Policy Framework which 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'*.
16. While I have found that the proposal would preserve the character and appearance of Tickhill Conservation Area, this is far outweighed by the harm to living conditions that I have identified.
17. I am aware that local residents have raised other concerns, in addition to those I have considered above. However, nothing turns on them and so there is no need for me to consider them in my decision.

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

*Louise Crosby*

INSPECTOR

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 19th September 2017**

**Application**      **9**

<b>Application Number:</b>	17/01300/FUL	<b>Application Expiry Date:</b>	3rd August 2017
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<b>Application Type:</b>	Full Application
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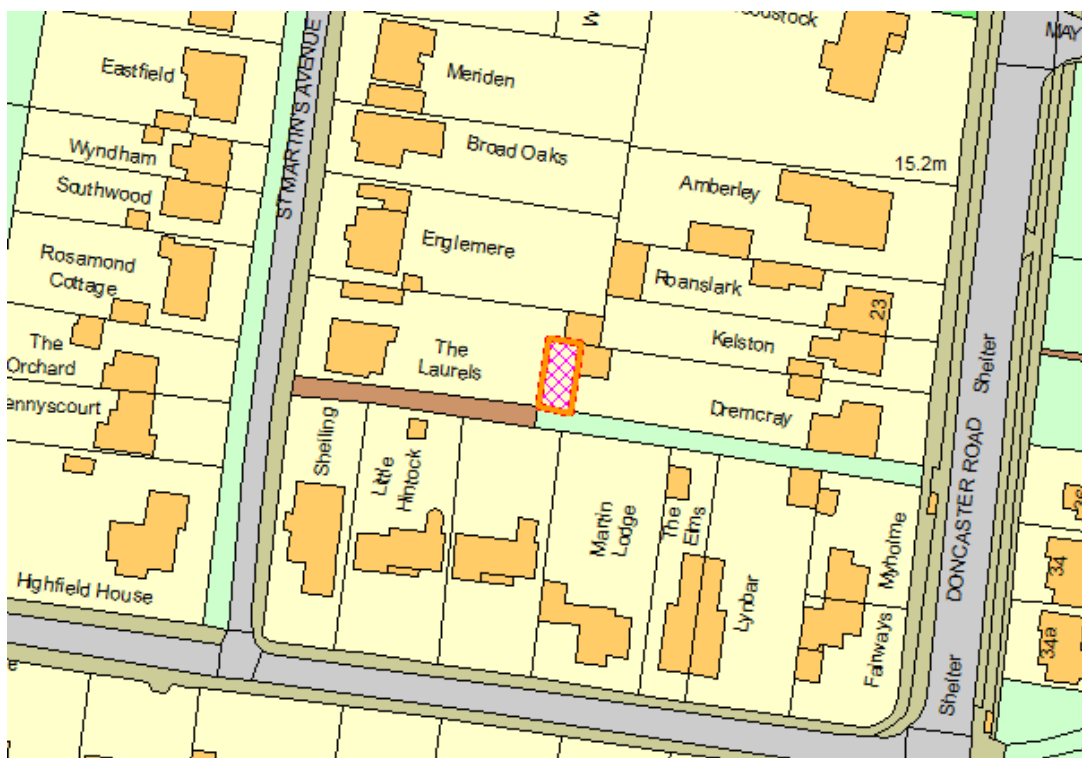
<b>Proposal Description:</b>	Erection of a detached garage/outbuilding.
<b>At:</b>	Land Off St Martins Bawtry Doncaster DN10 6NJ

<b>For:</b>	Mr & Mrs Jackson
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<b>Third Party Reps:</b>	8	<b>Parish:</b>	Bawtry Town Council
		<b>Ward:</b>	Rossington And Bawtry

<b>Author of Report</b>	Sara Dodds
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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 Committee at the request of Councillor Rachael Blake on the grounds of residential amenity, and as a result of the level of objection received.

## **2.0 Proposal and Background**

2.1 The application seeks planning permission for the erection of a detached garage/outbuilding.

2.2 The application site is an area of land located off St Martins Avenue, Bawtry and is separate from the remainder of the residential property of The Elms, Martin Lane. The application site is, however, in the ownership of the applicant.

2.3 This site is an area of land which is served by an access track/lane. The track/lane has boundary treatment to both sides in the form of timber fencing, and as you progress further down the track/lane the area becomes more over grown by tress and greenery from the surrounding area. Other residential garden areas and outbuildings surround the proposed garage site.

## **3.0 Relevant Planning History**

No relevant history on the application site.

*The Elms;*

14/01071/FUL - Erection of pitched roof study/utility/wc extension to rear, bricking up of doorway and erection of new glazed canopy supported on cast iron columns to side of semi-detached house following demolition of existing outbuilding - Granted 01/09/2014.

15/01775/PD - 1. New side dormer window - Permitted Development 10/08/2015.

*The Laurels;*

15/00521/FUL – Erection of pitched roof single storey extension to rear of detached dwelling – Granted 31.03.2015

## **4.0 Representations**

4.1 This application has been advertised in accordance with Article 15 of the Development Management Procedure Order (DMPO), and includes neighbour notification and Planning Applications Online. Seven letters of objection have been received in connection with this application on the following grounds:

- Description of the location of the site.
- Access from Doncaster Road, but not St Martins Avenue.
- The size of the proposal/solar panels being part of the proposal.
- Is the structure to house a weekend fun car.
- Possible damage to drains in Backlane.
- The sheet describing the site refers to "access from St Martins Avenue".

- The implication of unlimited access to the Avenue by non-residents. It is a private road maintained as necessary by residents as circumstances dictate.
- The Avenue already suffers from the impact of motor vehicles and should not be subject to any more.
- It should be noted that vehicular access to Highfield House is, and always has been, via the Avenue.
- St Martins Avenue is a private road, and as such is maintained and paid for by the householders who access their property from this road.
- The site is not accessed from St Martins Avenue, but from a track that is accessible from the applicants own property directly through his drive or Doncaster Road. The fact that this track is not overgrown to the extent of the Doncaster Road end is due to the diligence of the three properties that abut this track.
- The track is narrow and to be used on a regular basis will have an impact on the quality of life on these three properties, also on the two properties on St Martins Avenue which face the entrance to the track with an increase in traffic and Light pollution.
- The only building which has been on the site is a small greenhouse, as the plot has always been used as an allotment.
- The main drain for the properties abutting the track runs underneath, which is just a path.
- St Martins Avenue is a privately owned and unadopted road and no rights of access to the land (site) is accessible.
- The fold down bollard to ensure only controlled access onto the track, this is located at St Martins Avenue end of the track.
- Access to the track should be available from Doncaster Road.
- The land (site) was sold for use as an allotment only and with pedestrian only access rights from the track via a narrow gate. This status remains unchanged.
- Possible damage to sewer pipe.
- Other vehicles of a non-domestic nature may use the track
- Lack of action by others could lead to allowing access to a private road which residents maintain. The solution is to clear the track from Doncaster Road.

A further representation was then received following the receipt of an amendment to reduce the footprint of the garage. The comments received are as follows;

- The plans do not accurately show the proximity of the Laurels as a result of an extension
- The width of the access road is different to that shown on the deeds
- Height of the proposed garage above ground level

## **5.0 Parish Council**

5.1 No response/comments have been received.

## **6.0 Relevant Consultations**

6.1 The Coal Authority standing advice in the form of an advisory informative note in the event of any coal mining feature is encountered during development.

## 6.2 Highways Development Control - the following comments have been received;

The lane adjacent to the application site is unadopted and does not currently appear to be used for vehicular access, being grassed and overgrown in parts from images. The applicant should ensure that they have a right to use this lane for vehicular access in the first instance and if in private ownership, it may be shared by neighbouring properties who may have interest in the proposal. As presented Highways initially had concerns with the application as proposed. The positioning of the garage leaves, what appears to be, insufficient space for a car to manoeuvre in or out however the plan does not measure to scale and the Highways Officer has been unable to assess this fully. It may also be difficult to drive out of the access given the width of the lane.

The need for the proposed new access is questioned as it is apparent that the site already benefits from an access and driveway to the front of the property and Highways would have concerns over the use and adequacy of the side lane for vehicular use, particularly if the intention was to exit directly on to Bawtry Road.

The application was then amended to reduce the footprint of the garage to improve manoeuvrability. Further Highways comments were subsequently received;

Whilst the amendments have made the manoeuvrability within the site better, Highways still have concerns over promoting this lane for use by vehicles. There is no way of preventing vehicles from accessing or exiting the lane from and onto Doncaster Road which raises serious road safety concerns. Doncaster Road is a well-used classified route, there is a bus stop located immediately adjacent to the access and visibility is extremely poor. Notwithstanding the above, there is still the issue over rights of access. Taking all of these factors into consideration Highways Development Control view this proposal unfavourably.

## 6.3 Built and Natural Environment Section (Trees and Hedgerows Officer ) - the following comments have been received:

With the further information on the fabrication of the building Mr Jenkinson is correct in that damage to the tree roots through direct loss/damage is reduced and there is no issue with the construction method. The comparison to the fencing isn't quite accurate in the Tree Officer's opinion in that although it is correct that the fencing required excavation and is near to the tree that this proposal would be, the total surface area of the root plate affected is tiny compared to root plate area potentially affected by the garage, which could cause compaction and change the air and moisture exchange with the soil.

Overall, knowing that the garage will be implemented without the need for significant excavation and the surrounding area likely to allow the trees to compensate for the potential root plate loss although it isn't ideal because as per BS5837:2012 section 5.3. As such a tree survey is no longer required and there are no objections to the proposal on arboriculture grounds.

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

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

Planning policy relevant to the consideration of this application includes:

Doncaster Council's Core Strategy:  
Policy CS14: Design and Sustainable Construction.

National Planning Policy Framework  
Chapter 7 - Requiring Good Design

Supplementary Planning Document: Development Guidance and Requirements, Adopted July 2015.

## **8.0 Planning Issues and Discussion**

8.1 The main issues relating to this application are the impact of the development on the character of the area, highway safety and any impact on residential amenity.

### *Principle of development*

8.2 The proposal is for a garage and the applicant has confirmed that the building is intended for domestic use and not for business use, which is a concern of local residents. The applicant also states that access would only be occasional and for a domestic vehicle. Whilst the site is separated from the main residential curtilage of The Elms, the application site is owned by the applicant. Interested parties comment that the land was previously used as an allotment. It is currently overgrown and is bound by timber fencing. As such, the proposal for a domestic garage on the site is acceptable in principle.

### *Highway safety*

8.3 Policy CS 14 of the Doncaster Council Core Strategy sets out the design criteria for all proposals. Included within this is a requirement to ensure quality, stability, safety and security of private property, public areas and the highway. The proposal will be accessed from a track which has access from St Martins Avenue, and also leads to Doncaster Road, where there is a dropped kerb onto the A638.

8.4 The applicant intends to access the site via the track from St Martins Avenue, and given that, neither the track or St Martins Avenue are classified roads, planning permission would not be required for the formation of an access. The access onto St Martins Avenue and Doncaster Road is also already in existence. The applicant is not seeking to form an access onto Doncaster Road, however, given that there is already access and other properties have access gates, the local planning authority have no control should residents wish to utilise this. The applicant confirms that the lane is overgrown towards Doncaster Road and is currently not used as an access, and he has no intention of doing this.

8.5 Highways Development Control raise concern that whilst this application is for the erection of a detached garage to the rear of the property, which by its very nature will

require vehicle access. It is implied that the applicant currently has vehicular access to the rear of his property and similarly the neighbouring property "Dremcray" also, however from the site photos and photographic evidence provided by the applicant there is no evidence that vehicle access has been taken across this stretch of the adjoining lane in recent times.

8.6 St Martin's Avenue and the access lane forming part of this application are un-adopted and whilst technically outside of the Highways Officer's remit for consideration, they feel it would be remiss of them not to raise their concerns at this stage. Should this application be granted it could set a precedent for the other properties along this lane to apply for vehicular access also and with that, clear any overgrowth that is currently in place and create a vehicular link between St Martin's Avenue and Doncaster Road which raises very serious road safety concerns. Furthermore, having read the associated representations, it is clear that there are ownership and right of access issues and it begs the question that if the applicants neighbouring land owners are refusing access over their land, how is this being used currently.

8.7 It is noted that the Highways Officer initially raised concerns with regards to manoeuvrability within the site and the garage has now been reduced to 6.75 m in length from 10.5m which is a reduction of over 3.5m. In addition the garage door height has been reduced which has brought down the eaves height slightly and the roof pitch has been reduced from 15 degrees to 12.5 degrees which has lowered the ridge line from 2.85m to 2.65m. The reduction in the length of the garage means that there is now an increased area to manoeuvre a vehicle in and out of the garage. Whilst Highways Development Control agree that this has improved manoeuvrability, their concerns relating to the promotion of this lane by vehicles remains.

8.8 Whilst the concerns of the Highways Officer are noted, the fundamental point here is that given that the formation of an access would not require planning permission, the local planning authority has no control over its use. The lane and access is already in existence and should the applicant wish to merely utilise the access, without constructing a garage, planning permission would not be required.

8.9 The matters raised by local residents in relation to rights of access are civil matters and not material planning considerations. The applicant maintains that they have a right of access stated within their deeds, however this is not a consideration for the Planning Committee.

#### *Impact on character of the area*

8.10 The Council's SPD states that residential extensions and alterations (which includes outbuildings) will be supported which complement and enhance existing buildings and their settings, avoiding negative impacts on neighbours and the quality of the local environment in line with the in line with a number of design principles. Policy CS 14 of the Core Strategy requires proposals to respond positively to existing site features and integrates well with its immediate and surrounding local area.

8.11 The proposed garage is 5m in width and 6.75m in length. A double garage is normally 6m by 6m, as set out in the SPD when advising developers of parking requirements to enable parking for 2 cars. The footprint is therefore of reasonable proportions for the intended use. The height is 2m to eaves level and 2.7m to ridge



height. It is therefore considered that a development of this limited scale will have little impact on the character of the surrounding area, especially when sat behind a boundary fence.

8.12 The garage will be constructed from pebble dashed precast concrete panels, with profiled roofing sheets. The development is to be located down an access road and will not be in a highly prominent location, as such it is not considered to detract from the character of the surrounding area, in accordance with policy CS 14 and the SPD.

#### *Impact on residential amenity*

8.13 It is not considered that the proposal will detrimentally affect residential amenity given the scale of the development and its intended use. Whilst the comments of occupiers of The Laurels, situated to the west of the application site, are noted in that the site plan does not accurately show the proximity of the garage from this property as a result of a large rear extension, considering the approved development, there still remains 20.5m from the rear terrace shown on the approved plans for The Laurels to the application site. Therefore, given this limited scale of the proposal, this is a sufficient distance away from The Laurels. It is also located alongside an outbuilding/garage to Demcray to the east of the site.

#### *Other matters*

8.14 Matters relating to rights of access and the maintenance of St Martins Avenue and the track, and any legal covenant restricting the use of the site to an allotment are civil matters and are not material planning considerations.

### **9.0 Summary and Conclusion**

9.1 In summary, the proposed erection of a garage in this location is acceptable. The garage is of a use, scale and design which is appropriate to the residential area and will not compromise residential amenity or the character of the surrounding area. Whilst the concerns of the Highways team are noted, the formation of the access is outside of the local planning authority's control.

### **10.0 RECOMMENDATION**

Planning Permission GRANTED subject to the following conditions.

- |           |  |
|-----------|--|
| 01. STAT1 | The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.<br>REASON<br>Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.                             |
| 02. 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.<br>REASON<br>To ensure that the development is carried out in accordance with the application as approved. |

03. U55708           The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows;  
PP1092 - (90)003 Rev A - Amended 24.07.2017  
PP1092 - (20)004 Rev A - Amended 24.07.2017  
PP1092 - (90)003 Rev B - Amended 05.10.2017.  
REASON  
To ensure that the development is carried out in accordance with the application as approved.

01. U11444           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)

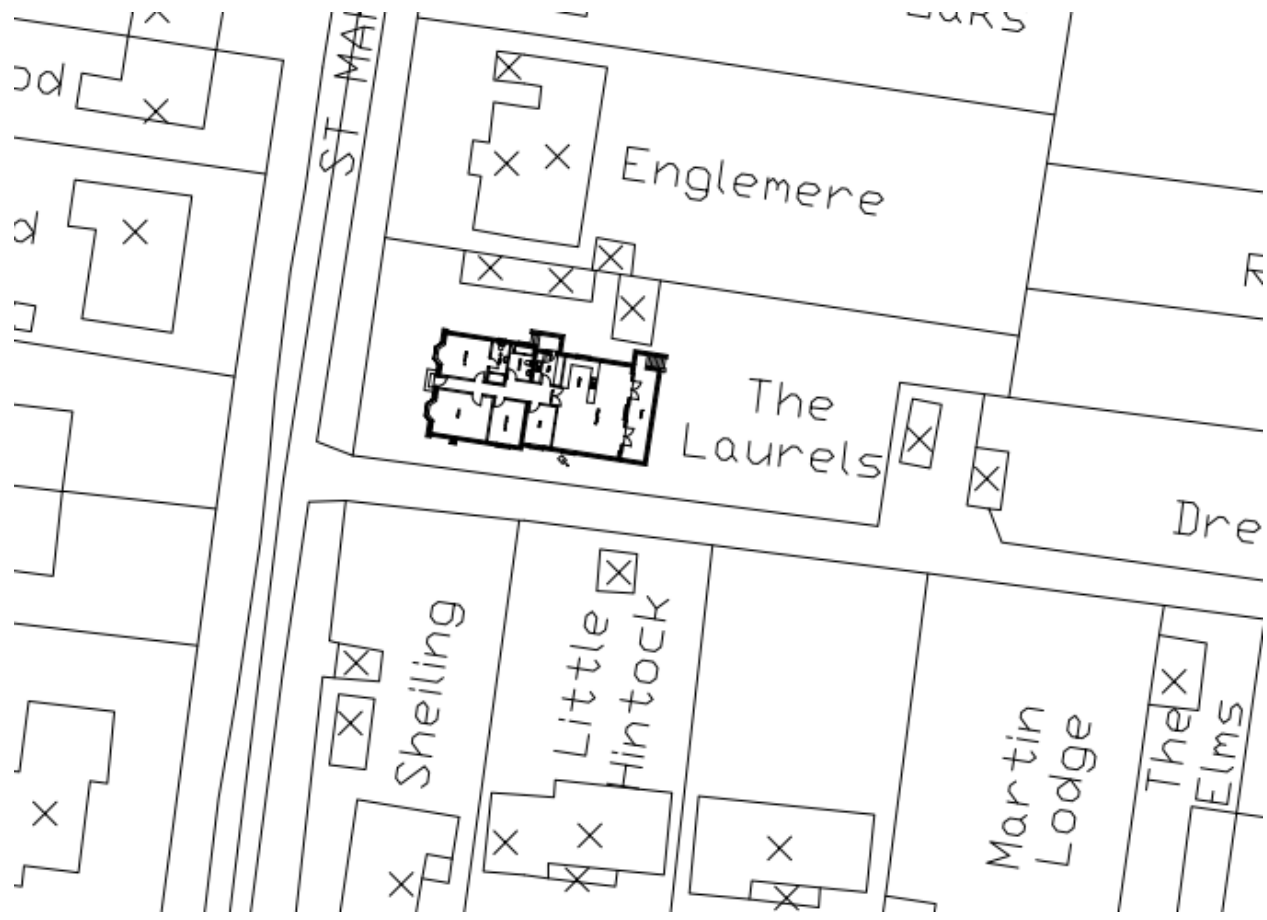
**The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and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

# APPENDIX 1 - Location Plan

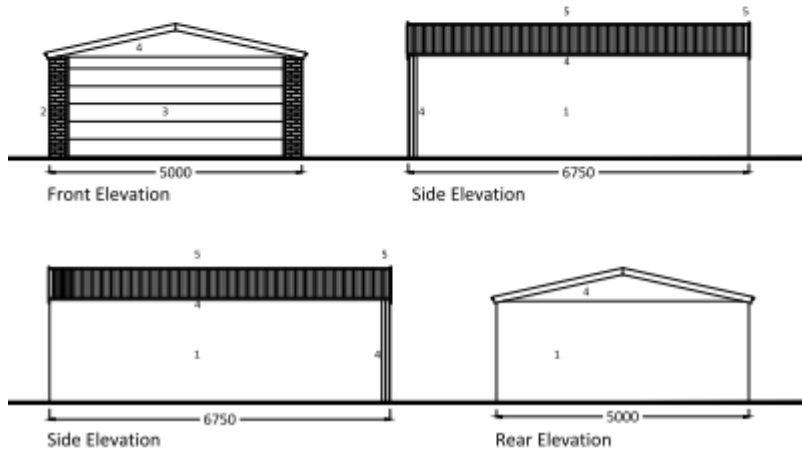
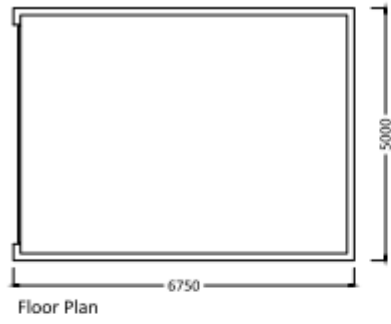


**APPENDIX 2 - Proposed Site Plan**

**APPENDIX 3 - Approved extension to The Laurels**



**APPENDIX 4 - Proposed Floor and proposed elevation plans**



## 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</b>	<b>Appeal</b>	<b>Ward</b>
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	<b>Description &amp; Location</b>	<b>Decision</b>	
16/02552/OUT	Outline application for erection of stables, toilets and hay store (Approval being sought for Access, Appearance and Landscaping) at Skelbrooke Stables, Bannister Lane, Skelbrooke, Doncaster	Appeal Dismissed 12/09/2017	Sprotbrough
16/02977/FUL	Change of use from retail (Class A1) to betting shop (Sui Generis) and alterations to shop frontage at 1 St Sepulchre Gate, Doncaster, DN1 1TD,	Appeal Allowed 20/09/2017	Town

## **REPORT AUTHOR & CONTRIBUTORS**

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

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## Appeal Decision

Site visit made on 25 July 2017

**by Susan Ashworth BA (Hons) BPL MRTPI**

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

**Decision date: 12<sup>th</sup> September 2017**

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**Appeal Ref: APP/F4410/W/17/3171704**

**Skelbrooke Stables, Bannister Lane, Skelbrooke DN6 8LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr George Smith against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 16/02552/OUT, dated 3 September 2016, was refused by notice dated 15 February 2017.
  - The development proposed is stables, toilets and hay store.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The application is made in outline with layout and scale being reserved for subsequent approval. The proposal is accompanied by a detailed layout and plans which are referred to in the appellant's statement of case and taken into account by the Council in the determination of the application. I have dealt with the plans on the basis that they are for illustrative purpose as far as the layout and scale are concerned.
3. The proposal seeks permission for an L shaped stable block, separate hay store and parking space on land immediately adjacent to existing stables. The original proposal to use the facility as a riding school was withdrawn at the application stage and a previously indicated manège has been removed from the plans. I have dealt with the appeal on the basis of the amended proposals.

### Main Issues

4. The site lies within the Green Belt. Accordingly, the main issues in this case are:
  1. Whether or not the proposal would be inappropriate development in the Green Belt, for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
  2. The effect of the proposal on the living conditions of adjoining residents having particular regard to any increase in activity associated with the development;
  3. If the development is inappropriate, whether the harm by reason of inappropriateness, or any other harm is clearly outweighed by other

considerations so as to amount to the very special circumstances necessary to justify it.

## **Reasons**

### *Whether Inappropriate Development*

5. The appeal site lies within the open countryside, outside of any settlement boundary, and is within the Green Belt.
6. The government continues to attach great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The construction of new buildings is inappropriate in the Green Belt, although exceptions are set out at paragraph 89. The 'provision of appropriate facilities for outdoor sport and outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it' is one of those exceptions and is relevant to this appeal.
7. Policy CS3 of the Council's Core Strategy 2012 (Core Strategy), which pre-dates the Framework, seeks to retain the extent of the Green Belt and states that within such areas national policy will be applied. Policy ENV3 of the Council's Unitary Development Plan 1998 sets out exceptions for development relating to outdoor sports and recreation provided it complies with Policy ENV7. In turn Policy ENV7 advises that within the Green Belt the development of essential facilities for sports and recreation including small ancillary buildings will be permitted provided that the development is genuinely required and preserves the openness of the Green Belt, subject to certain criteria. The wording of this policy is not entirely consistent with the wording of the appropriate bullet point of paragraph 89 and as such carries reduced weight.
8. There is no dispute between the main parties that the stables constitute a facility for outdoor recreation. I have no reason to disagree. However, the issue of whether they cause harm to the openness of the Green Belt has been raised by the local residents and is a matter I must consider in the determination as to whether the proposal constitutes inappropriate development.
9. Openness, in the context of the Green Belt, can be taken to mean an absence of visible development. The proposed stables and hay store would be seen in the context of the existing development which is screened by a group of trees protected by a Tree Preservation Order and by a wall. Nevertheless, from what I saw on site, the development including the car parking area would extend beyond the confines of the stable yard. Moreover, the new buildings would be sizeable and would approximately double the amount of built form on the site. The buildings would be clearly visible from public vantage points including the lane and from the nearby public footpath. The increase in built form would result in a limited loss of openness to the Green Belt.
10. I note that it is proposed to plant additional trees to screen the development further. However, there is no detailed landscaping scheme before me despite it being a matter for which permission is sought. Moreover, such planting would take time to become established and in itself cannot be a reason to justify the proposal.

11. Such a loss of openness would mean that, in the context of paragraph 89 of the Framework, the proposal would constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and, the Framework states, should not be approved except in very special circumstances. I will turn to those circumstances later.

#### *Living Conditions*

12. The proposal seeks to increase the number of loose boxes by three to a total of nine. The stables would be used primarily to accommodate horses belonging to the appellant and I understand some would be rented privately. There is grazing land immediately adjacent to the stables and additional land is also available to the appellant further along Bannister Lane.
13. The proposal would clearly result in an increase in the capacity of the stables. As such there is likely to be an increase in activity in terms of the movement of horses and potentially an increase in the number of vehicles visiting the site. Bannister Lane is a rural lane with a relatively low volume of traffic. Nevertheless, it serves a number of residential properties and in my judgement, on the basis of the evidence before me, the increase in traffic as a result of the proposal would not result in a significant increase in noise or disturbance. The stable buildings themselves would be sited some distance back from the road and I am unconvinced that noise as a result of additional activity around the yard would result in any significant disturbance to residents living nearby.
14. I conclude on this issue therefore that the proposal would not be detrimental to the living conditions of neighbouring residents. As such, the proposal would be consistent with Policy CS14 of the Core Strategy which seeks to ensure that new development has no unacceptable negative effects upon the amenity of neighbouring land uses.
15. I have taken into account the residents' concerns about the impact of the development in terms of surface water and foul water drainage. The site lies in close proximity to a watercourse and I understand the surrounding area has been the subject of flooding in the past, but nevertheless no objections have been raised by the Council or Environment Agency either on the grounds of flood risk or in relation to pollution. Moreover, there is no technical evidence before me to demonstrate that the proposal would increase flood risk or pollution. It is proposed that foul water drainage is dealt with by means of a septic tank and soakaway in the neighbouring field. These are matters that I am satisfied could be dealt with by condition.

#### *Other Considerations*

16. Paragraph 88 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations weighing in favour of the development must clearly outweigh that harm.
17. The appellant is seeking the additional development solely to support the existing facilities. However, there is very limited information before me as to the precise nature of the existing facilities, whether they are used for business or private recreational purposes. Nor is it entirely clear, now that the proposal to establish a riding school has been abandoned, what the intentions for the

site are. This is the subject of much speculation in third party representations, not least because of the recent construction of a large shed on the neighbouring field, and the disproportionate number of toilets still proposed. It is also unclear how the appellant's donkey business relates to the current proposal.

18. There is a disagreement between the parties about the precise amount of grazing land available. However, I understand that the Council considers there is sufficient land to support nine horses. Be that as it may, without further information regarding the context of the proposal, this is a matter that can carry only limited weight in support of the scheme.
19. On the basis of the limited information available, there is therefore only a very limited range of considerations which can weigh in favour of the proposal and be brought to bear in the balancing exercise. In light of this, I conclude that those considerations put forward in favour of the proposal fail to clearly outweigh the harm which I have identified. The very special circumstances needed to justify it do not therefore arise.
20. Accordingly, taking into account all other matters raised, I conclude that the appeal should be dismissed.

*S Ashworth*

INSPECTOR



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## Appeal Decision

Site visit made on 4 September 2017

**by Zoe Raygen Dip URP MRTPI**

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

**Decision date: 20<sup>th</sup> September 2017**

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**Appeal Ref: APP/F4410/W/17/3177052**

**1 St. Sepulchre Gate, Doncaster DN1 1TD**

- 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 R Holmes against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 16/02977/FUL, dated 23 November 2016, was refused by notice dated 22 May 2017.
  - The development proposed is change of use from A1 to betting office including alterations to shop frontage.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the change of use from A1 to betting office including alterations to shop frontage at 1 St. Sepulchre Gate, Doncaster DN1 1TD in accordance with the terms of the application, Ref 16/02977/FUL, dated 23 November 2016 subject to the conditions set out in the schedule attached to this decision notice.

### Main Issues

2. The main issues are:
  - The effect of the proposal on the vitality and viability of the town centre retail area and primary shopping frontage
  - The effect of the proposal on the health and wellbeing of residents living within the Town Ward of Doncaster

### Reasons

#### *Vitality and viability*

3. Saved Policy TC6 of the Doncaster Unitary Development Plan 1998 (UDP) seeks to protect the predominant retail function of identified primary shopping frontages. Limited changes to non- retail uses may be allowed provided they contribute to vitality and viability and do not seriously interrupt the continuity of the frontage. Although the UDP was adopted and saved prior to the publication of the National Planning Policy Framework (the Framework), I find Policy TC6 to have broad accordance with the requirements of paragraph 23 of the Framework. I therefore give the Policy full weight.
4. When the Policy was adopted betting shops were classified as an A2 use. I acknowledge that following changes to the Town and Country Planning (Use

Classes) Order 1987 in 2015 betting shops were removed from the A2 use class and became Sui Generis. I have therefore considered this appeal on the basis of its specific, individual circumstances and the potential effects of the particular use put forward. However, as a non-retail use I consider that Policy TC6 is directly relevant to the appeal.

5. The appeal premises sits within a pedestrianised area of the town centre and within a primary shopping frontage. It spans the corner of St Sepulchre Gate and the High Street which the Council identify as being the “crossroads” of the retail core and a location key to any retail strategy for increasing retail footfall. I also note the comments of the Council’s Investment Officer (CIO) that the Council is working to increase families visiting the town centre for retail use. I saw that the appeal site, due to its corner location has a prominence when viewed from most directions within the centre.
6. At the time of my site visit at late morning on a weekday the centre was busy and footfall was apparent in all directions from the appeal site. The CIO confirms that the street maintains a low vacancy rate and I saw very few empty properties at the time of my site visit. I appreciate that this was just a snap shot in time but, from these observations the character of the town centre as a whole and of the area around the appeal site is that of a successful and vibrant shopping area.
7. The Council refer to a masterplan that has been prepared for the town centre. The masterplan acknowledges retail changes and patterns of change and responds to this by focusing the needs on the quality of the offer in a dedicated area to maintain and encourage new footfall.
8. The appellant has submitted details of a footfall survey based on an existing betting shop in the centre. The survey demonstrates that a betting shop is capable of generating a significant level of foot fall which would exceed some retail units. Furthermore, information from the Association of British Bookmakers Ltd (ABB) shows that a high percentage of customers to betting shops make linked trips. These figures have not been disputed by the Council.
9. I note that the unit has been vacant since November 2014 and despite comprehensive marketing undertaken by two separate agents the property has received no particular interest from retail operators predominantly due to the size and layout of the unit. The Council do not dispute the specifics of the marketing and from the evidence before me, I have no reason to doubt that a thorough and extensive marketing exercise was undertaken. While the Council considers that, given the resilience of the shopping area over the past years, there will be demand for retail in the near future, it offers no substantive evidence to support this claim.
10. The marketing was unsuccessful and importantly, the ground floor of the appeal site has not been used for either retail purposes or a conventional ‘town centre’ use since 2014. While the appeal site is in a prominent position the appellant has confirmed that a shop window display would be provided and the existing external roller shutter door would be removed. Such provision and alterations together with the potential level of footfall, linked trips and employment creation leads me to conclude that the proposal would contribute to the retail function of the shopping frontage and the aims of the masterplan.



11. The Council state that within a 100m stretch along St Sepulchre Gate there are a total of 6 units, 3 of which are retail, one of the units currently stands empty and the other two are banks (RBS and Yorkshire Bank). At my site visit I observed that there are a number of non- retail uses on the east side of St Sepulchre Gate. Nevertheless, the majority of the premises within the vicinity of the appeal site are in shop use, including those on the opposite side of St Sepulchre Gate and on Baxter Gate and French Gate. I acknowledge that the majority of the south side of the High Street is in non-retail use but this is designated as secondary retail frontage within the UDP. As a result, I do not consider that the appeal proposal would seriously interrupt the continuity of the primary shopping frontage.
12. The Council state that Doncaster has approximately 700 units in the town centre. From its licensing records there are a total of 14 betting offices and five gaming/ casino units which equates to around 1 in 36 units in the town centre which are licensed premises or less than 3%. Within this context, I do not consider the addition of one unit to be significant and note that there is no specific local policy regarding the number of betting shop uses.
13. The Framework states that policies should promote competitive town centres. I have seen no evidence to suggest that the current level of betting shops in the town centre provides sufficient choice and competition for town centre visitors, or that an additional betting shop would impact on the competitiveness of existing units.
14. I observed at my site visit that there was a betting shop within view of the appeal site on the High Street with an amusement centre next to it. In addition there is a further betting shop to the south of the appeal site on St Sepulchre Gate. I recognise that change to the character and feel of a local area can result incrementally from small-scale decisions consistently taken over time. However, there are a number of units in between the appeal site and the surrounding betting shops and I am satisfied that this, together with such low numbers of betting shops would not constitute a cluster that would detract from the vitality and viability of the town centre or be material harmful to the retail function of the town centre.
15. For the reasons above I conclude that the proposal would not be harmful to the vitality and viability of the town centre retail area and primary shopping frontage. There would therefore be no conflict with saved' policies TC5 and TC6 of the UDP, Policy CS7 of the Doncaster Core Strategy 2012 and the Framework. These require, amongst other things that the vitality and viability of centres is maintained and enhanced.

#### *Health and wellbeing*

16. The appeal site lies within the Town Ward of the Borough. The Council produces evidence from the publication Cards on the Table 2016 to suggest that the community living within the Ward demonstrate higher than average levels of groups of people most at risk of becoming problem gamblers. Consequently, it considers that the proposed betting shop, would encourage a rise in problem gambling thus resulting in a negative effect to the health and wellbeing of residents living within the Town Ward of Doncaster.
17. The appellant refers to evidence within the Health Survey for England 2012 (HSE) which appears to contradict some of the information provided by the

Council. However, the information in the HSE appears to relate to gambling in totality rather than problem gambling, with which the Council is concerned.

18. The Framework suggests that the planning system can play an important role in creating healthy communities. While I acknowledge that there may be a link between the make-up of the community of Town Ward and the characteristics of problem gamblers, both publications referred to by the appellant and the Council state that the number of problem gamblers is a very low percentage of the total population<sup>1</sup>. Furthermore, while the Council state that 97.7% of the population of the Ward already live within 1km of a betting shop, it provides no evidence to suggest that problem gambling is already an issue within the Ward and if so at what level.
19. There is no substantive evidence before me to suggest that the number of residents in the Ward within 1km of a betting shop would increase through the addition of one further betting shop within the town centre, where such uses may reasonably be located. Furthermore, it has not been demonstrated that the appeal proposal would necessarily lead to an increase in problem gambling within the Ward. Moreover, the appellant refers to the Responsible Gambling Code which sets out a range of measures to make gambling more responsible.
20. I note that the premises received a Gambling Licence from the Council in January 2017. The Council states that the Licensing Authority does not have a duty to consider planning policies but does consider objectives regarding the management of an establishment i.e. crime and disorder, conducted in a fair and open way and that establishments protect children and other vulnerable persons from being harmed or exploited by gambling. While therefore not a planning consideration, and therefore not determinative, the issuing of the licence reinforces the protection for vulnerable persons.
21. For the reasons above, on the basis of the evidence in front of me, I conclude that the proposal would not have a materially harmful effect on the health and wellbeing of residents living within the town ward of Doncaster. There would therefore be no conflict with the requirements of part 8 of the Framework.

### **Other matters**

22. Both parties refer to appeal decision APP/F4410/A/14/2219734 regarding the change of use of 5-7 St Sepulchre Gate from A1 to A2 which was allowed. However, at the time of her consideration of the appeal the Inspector did not have details of the end user and she was considering the change of use to an A2 use. Furthermore, No 5-7 although within the primary retail frontage does not occupy as prominent position as the appeal site. The appellant also refers to appeal decision APP/P4415/W/16/3155713 regarding the change of use of a property in Rotherham from an A3 use to a betting shop which was allowed. Given that the appeal was determined with respect to a different policy background and circumstances can vary from one location to another, without full details of this case it is difficult to draw any meaningful conclusions for this appeal. These decisions do not, therefore, lend significant weight in support of the appellant's case. In any event, each proposal should be considered on its individual merits, which I have done in this instance.

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<sup>1</sup> Between 0.4 and 1.1% of the adult population Cards on the Table 2016

0.8% of men and 0.2% of women were identified as problem gamblers Public Health Survey 2012

23. The appeal site is located within the Doncaster – High Street Conservation Area. The Council found that the new shop front would preserve the character and appearance of the Conservation Area. Furthermore the removal of the external roller shutter would enhance the character and appearance of the Conservation Area. From my observations on site I saw nothing which would lead me to disagree with this view.

### **Conditions**

24. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. To provide certainty a condition is necessary requiring that the development is carried out in accordance with the approved plans.

25. I have imposed a condition requiring the implementation and retention of a shop window display in the interests of the vitality and viability of the unit.

### **Conclusion**

26. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Zoe Raygen*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: A/AJB/2309/15/02
- 3) A shop window display in all windows at ground floor level shall be installed before the use commences and retained for the lifetime of the use.

---END OF CONDITIONS---

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# Agenda Item 7.

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

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