

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, 12th December, 2017
TIME: 2.00 pm

BROADCASTING NOTICE

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Items for Discussion:

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

Jo Miller
Chief Executive

Issued on: Monday, 4 December 2017

Governance Services Officer
for this meeting:

David Taylor
Tel: 01302 736712

4.	Minutes of the Planning Committee Meeting held on 14th November, 2017.	1 - 18
A. Reports where the Public and Press may not be excluded.		
<u>For Decision</u>		
5.	Schedule of Applications.	19 - 128
6.	Proposed Deed of Variation to Section 106 Agreement for a mixed use development at Manor Farm, Bessacarr	129-136
<u>For Information</u>		
7.	Appeal Decisions	137-150
B. Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.		
8.	Enforcement Cases Received and Closed for the Period of 2nd to 27th November, 2017. (Exclusion Paragraph 6)	151-168
9.	Outstanding Planning Appeal - Mere Lane Edenthorpe (Exclusion Paragraph 5)	169-176

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, 14TH NOVEMBER, 2017

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 14TH NOVEMBER, 2017, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

An apology for absence were received from Councillor Tina Reid.

42 DECLARATIONS OF INTEREST, IF ANY.

In accordance with the Members' Code of Conduct, Councillor Jonathan Wood declared an interest in Application No 17/00808/FUL (Agenda Item 5(2)) by virtue of being a local ward member and being lobbied on the application but had not given his opinion thereon

In accordance with the Members' Code of Conduct, Councillor Eva Hughes declared an interest in Application No 17/00808/FUL (Agenda Item 5(2)) by virtue of receiving an email in relation to the application but had not given his opinion thereon.

In accordance with the Members' Code of Conduct, Councillor Mick Cooper declared a Disclosable Pecuniary Interest in Application No. 17/00879/FULM (Agenda Item 5 (4) by virtue of that he had carried out a Tree Survey for the applicant and therefore took no part in the discussion at the meeting and vacated the room during consideration thereof.

43 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 17TH OCTOBER, 2017.

RESOLVED that the minutes of the meeting held on the 17th October, 2017 be approved as a correct record and signed by the Chair.

44 ORDER OF BUSINESS.

RESOLVED that in accordance with Council Procedure Rule 4, the order of business be varied by considering Agenda item 5(2), prior to Agenda item 5(1), before returning to the order of business as specified on the agenda.

45 SCHEDULE OF APPLICATIONS.

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

46 ADJOURNMENT OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 3.40 p.m to be reconvened on this day at 3.45 p.m.

47 RECONVENING OF MEETING.

The meeting reconvened at 3.45 p.m.

48 DURATION OF THE MEETING.

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

49 SECTION 106 AGREEMENT FOLLOWING VIABILITY ASSESSMENT FOR RESIDENTIAL DEVELOPMENT AT WHITE LANE, THORNE (15/02275/OUTM).

The Committee received a report seeking approval for the variation to the Section 106 Agreement for a development of 79 dwellings at White Lane, Thorne.

It was noted that outline planning permission was approved by Planning Committee on the 20th September 2016, and the decision notice issued on the 30th January 2017 following the signing of the Section 106 Agreement. The viability of the scheme had been assessed by the District Valuer Services (DVS) and the signed Section 106 Agreement included the following obligations:-

- 8 built units of affordable housing (10%)
- Commuted sum of £219,564 to provide 12 secondary school places at Trinity Academy
- On site Public Open Space and scheme for maintenance

Members were advised that the developer had since submitted a further viability appraisal, and supporting evidence in support of a lower Gross Development Value (GDV) than was previously concluded by the DVS. The DVS had reconsidered the proposal in light of the figures and agrees that the site is no longer able to achieve the above and remain viable. However, they do give the option of the scheme providing £100,000 towards s106 contributions, or 2 units of affordable housing.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Jo Steel on behalf of the applicant spoke in support of the proposal for the duration of up to 5 minutes.

Subsequently, it was moved by the Vice-Chair, Councillor Iris Beech and seconded by the Chair Councillor Eva Hughes to grant the deed of variation to the terms of the S106 Agreement.

A vote was taken on the proposal made by the Vice-Chair, Councillor Iris Beech, which was declared as follows:-

For – 4

Against – 3

Abstain – 2

On being put to the meeting, the Motion proposed by the Vice-Chair Councillor Iris Beech was declared CARRIED.

RESOLVED the Head of Planning be authorised to agree a Deed of Variation to vary the terms of the Section 106 Agreement dated 27th January 2017, to remove the requirement to provide a commuted sum in lieu of education and to amend the affordable housing obligation to the provision of a commuted sum of £100,000. The provisions relating to POS are unchanged.

50 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 & Location	Appeal Decision
16/01358/OUTM	Outline application for the erection of up to 400 dwellings (with means of access to be agreed). At Land off Hatfield Lane, Armthorpe, Doncaster DN3 3HA.	Appeal Withdrawn 19/10/2017
15/01364/OUT	Outline application for B1 B2 and B8 development on approx. 0.42 ha of land (Approval being sought for Access and Layout) at Land at Clay Lane West, Long Sandall, Clay Lane	Appeal Dismissed 06/10/2017

51 EXCLUSION OF PUBLIC AND PRESS.

RESOLVED that the public and press be excluded from the remaining proceedings of the meeting, in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, on the grounds that exempt

information as defined in Paragraph 6 of Schedule 12A to the Act, is likely to be disclosed.

52 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 4TH OCTOBER TO 1ST NOVEMBER, 2017. (EXCLUSION PARAGRAPH 6)

The Committee considered a report which detailed all Planning Enforcement complaints and cases received and closed during the period 4th October to 1st November, 2017.

In response to the Vice-Chair Councillor Iris Beech seeking further clarification with regard Enforcement Case 17/00475/M, the Head of Planning, Richard Purcell, undertook to provide Councillor McGuinness with a progress report on the specific details of the case following the meeting.

RESOLVED that all Planning Enforcement Cases received and closed for the period 4th October to 1st November, 2017, be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 14th November, 2017

Application	2
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Application Number:	17/00808/FUL	Application Expiry Date:	29th May 2017
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Application Type:	Full Application
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Proposal Description:	Proposed excavation and installation of biofertiliser lagoon, access area and 1.8m stock proof fence – also Underground pipe conduit under Sheep Lane.
At:	Land to the West of Hangman Stone Lane, High Melton, Doncaster

For:	Mr Stewart Woolhouse
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Third Party Reps:	626 and 100 name petition	Parish:	High Melton Parish Council
		Ward:	Sprotbrough

A proposal was made to refuse the application contrary to officer recommendation.

Proposed by: **Councillor Mick Cooper**

Seconded by: **Councillor Dave Shaw**

For: 10 Against: 0 Abstain: 0

Decision: Planning Permission refused for the following reasons:-

- 01. The proposed development would detract from the enjoyment and safety of users of the Public Right of Way through an increase in vehicle movements being contrary to Policies CS3 and CS17 of the Doncaster Council Core Strategy (2011-2018) adopted May 2012.**
- 02. The development would lead to the creation of a dangerous access on Hangman Stone Road and dangerous exit on Doncaster Road**

where there is reduced visibility. This is contrary to Policies CS3 of the Doncaster Council Core Strategy (2011-2018) adopted May 2012.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Ian Stuart (Avolca PLD) representing the residents of High Melton spoke in opposition of the application for the duration of up to 5 minutes.

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

(Additional representations and additional consultation with the South Yorkshire Archaeology Service, High Melton and Marr Parish Council along with details from the Member Technical Briefing that took place on Monday 13th November, 2017 were reported at the meeting).

Application	1
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Application Number:	17/01300/FUL	Application Expiry Date:	3rd August 2017
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Application Type:	Full Application
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Proposal Description:	Erection of a detached garage/outbuilding
At:	Land off St Martins, Bawtry, Doncaster DN10 6NJ

For:	Mr & Mrs Jackson
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Third Party Reps:	8	Parish:	Bawtry Town Council
		Ward:	Rossington and Bawtry

A proposal was made to grant the application

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Susan Durant**

For: 9 Against: 1 Abstain: 0

Decision: Planning Permission granted.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Margaret Byrne of Shieling, Martin Lane, Bawtry spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr M Jackson, applicant spoke in support of the application for the duration of up to 5 minutes.

Application	3
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Application Number:	17/02025/COU	Application Expiry Date:	9th November, 2017
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Application Type:	Change of Use
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Proposal Description:	Change of use of unit from general industrial/warehouse in use class B2 & B8 to soft play centre with café (ancilliary) in use class D2 and A3
At:	1D Island Drive, Thorne, Doncaster DN8 5UE

For:	Mrs Tracey Ebbage
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Third Party Reps:	19 letters of support were received	Parish:	Thorne Town Council
		Ward:	Thorne and Moorends

A proposal was made to grant the application contrary to officer recommendation as it was acceptable on highway safety grounds as per Core Strategy policy CS14 due to the mix of uses at the site and warranted support of the application.

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Jonathan Wood**

For: 10 Against: 0 Abstain: 0

Decision: Planning Permission granted subject to the addition of the following conditions to be agreed by the Head of Planning:-.

- 01. 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. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.

REASON

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

03. Unless otherwise agreed in writing, prior to the commencement of development, details of the proposed internal and external door barriers shall be submitted to and approved in writing by the Local Planning Authority. The barriers shall be installed and in operation prior to the commencement of the approved use and kept in use throughout the lifetime of the development.

REASON

To improve pedestrian safety in and around the site in line with Policy CS14 of the Doncaster Core Strategy.

04. The premises shall only be used for a children's soft play centre with an ancillary café and for no other purpose including any other purpose within Classes D2 and A3 of the Town and Country Planning Use Classes Order 1987 (or any subsequent order with or without provisions revoking or re-enacting that order with or without modification).

REASON

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

05. The café shall remain ancillary to the approved children's soft play centre and shall operate when the children's soft play centre is open.

To ensure the café remains ancillary to the main use of the site.

06. There shall be no tables or seating sited in the car park outside of the building.

REASON

To prevent the café operating in the car park, a location for which the use is considered to be contrary to Policy CS14 of the Core Strategy.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor Joe Blackham, Ward Member spoke in support of the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Tracey Ebbage (applicant) spoke in support of the application for the duration of up to 5 minutes.

Application	4
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Application Number:	16/02589/FUL	Application Expiry Date:	27th December 2016
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Application Type:	Full application
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Proposal Description:	Proposed conversion and extension of existing dwelling to form six apartments.
At:	63 Woodfield Road, Balby

For:	Mr Adrian Kadria
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Third Party Reps:	54	Parish:	
		Ward:	Balby South

A proposal was made to refuse the application contrary to officer recommendation.

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Dave Shaw**

For: 9 Against: 1 Abstain: 0

Decision: Planning Permission refused for the following reason:-

- 01. The application is contrary to policy CS14 of the Doncaster Core Strategy and Policy PH11 of the Doncaster Unitary Development Plan, by virtue of it being over-intensive development of the site, resulting in a building that is not in keeping with the character of the surrounding area.**

Application	5
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Application Number:	17/00879/FULM	Application Expiry Date:	7th July, 2017
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of 8 dwellings and 6 1-bed flats, parking and new access following demolition of existing building.
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At:	Land at former The Warrenne Youth Centre Broadway Dunscroft, Doncaster
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For:	Mr J Holt
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Third Party Reprs:	19	Parish:	Hatfield Parish Council
		Ward:	Hatfield

A proposal was made to grant the application

Proposed by: **Councillor Duncan Anderson**

Seconded by: **Councillor Jonathan Wood**

For: 9 Against: 0 Abstain: 0

Decision: Planning Permission granted subject to the amendment of condition 14 to read as follows:-

14. 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. The CTMP shall 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 and a commitment to the exclusion of delivery vehicles arriving and leaving during school hours opening and closing hours being 8:30-9:00 am and 3:15-3:45 pm.**
- **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.

(Receipt of additional representations were reported at the meeting)

Application	6		
Application Number:	17/02001/3FULM	Application Expiry Date:	3rd November 2017
Application Type:	Planning FULL Major		
Proposal Description:	Change of use of former sorting office site to formation of car park and replacement of existing station car park to create new area of public space		
At:	Former Royal Mail Sorting Office and Doncaster Station Forecourt West Street Doncaster DN1 3AA		
For:	Mrs Emma Middleton		
Third Party Reps:	1 letter of objection, 1 letter of support	Parish:	
		Ward:	Town

A proposal was made to grant the application.

Proposed by: **Councillor Sue McGuinness**

Seconded by: **Councillor Dave Shaw**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted subject to the amendment of condition 7 and the addition of the following condition:-

07. Prior to the construction of any areas of public realm, details of all external works shall be submitted to and approved in writing by the Local Planning Authority (LPA). Unless otherwise agreed with the LPA, this information should include the following details for all areas within the red line boundary, and highway areas adjacent to the red line boundary which are to be improved as part of the project:

- **Hard landscape – surface materials, finishes, raised lawn edge seating design;**
- **Boundaries – boundary walls materials, screen fencing details and gates to waste enclosure;**

- **Way-finding and signage-road markings, locations and designs for signs, information points and way-finding posts;**
- **Street furniture- locations and designs for lighting and/or CCTV columns and lamps, bins, benches, bollards, pedestrian guard rails, cycle stands, fountain control cabinets;**
- **Public-art details of proposed public art screen design and any other public art elements; and**
- **Management and maintenance strategy- detailed management and maintenance strategy for all elements of the public realm, including details of hard and soft landscape aftercare, strategy for replacement soft landscape, surface materials and street furniture**

Unless otherwise agreed in writing with the LPA, the development must take place in accordance with the approved details. Any part of the approved details which fail, are damaged or removed within five years of implementation shall be replaced within 4 weeks of notification to the applicants in full accordance with the approved the approved scheme, unless the LPA gives its written approval to any variation.

REASON

To ensure a satisfactory appearance and quality of development in line with policy CS14: Design and Sustainable Construction.

- 09. Prior to the commencement of the development hereby approved full details of the scheme of landscaping shall be submitted to the Local Planning Authority. Unless as shall be specifically approved in writing by the Local Planning Authority, the landscape scheme shall be as shown on the General Arrangement Plan referenced 29667/002 Rev F and 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; 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; the routeing of utility lines; 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 2015 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 the first 3 months of completion of the development or alternative trigger to be agreed. Thereafter, the landscape shall be implemented in full accordance with the approved details and the Local Planning Authority notified prior to backfilling 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 removed or is**

found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

To ensure that a landscape scheme is implemented in the interests of environmental quality and compliance with Core Strategy policy CS16

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr Don Sorby spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Steve Shannon (Transport Planner, Transportation Unit) spoke in support to the application for the duration of up to 5 minutes.

Application	7
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Application Number:	17/02332/3FULM	Application Expiry Date:	19th December, 2017
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Application Type:	Planning FULL (DMBC Reg 3) Major
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Proposal Description:	Refurbishment of wool market with addition of a mixture of new market stalls for retail, drinking and eating facilities including new building services installed throughout, following demolition of existing market buildings within the Irish middle market (Being application under Regulation 3 Town and Country Planning (General) Regulations 1992). (AMENDED DESCRIPTION)
At:	The Wool Market, Market Place, Doncaster DN1 1NG

For:	DMBC – Mr Richard Gibbons
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Third Party Reps:	None	Parish:	
		Ward:	Town

A proposal was made to grant the application.

Proposed by: **Councillor Iris Beech**

Seconded by: **Councillor Sue McGuinness**

For: 8 Against: 0 Abstain: 0

Decision: Planning permission granted.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Peter Wilson (Programme Manager, Construction Services) spoke in support of the application for the duration of up to 5 minutes.

Application	8
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Application Number:	17/02333/LB13	Application Expiry Date:	14th November, 2017
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Application Type:	Listed Building Consent (DMBC Reg 13)
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Proposal Description:	Listed Building Consent for refurbishment of wool market with addition of a mixture of new market stalls for retail, drinking and eating facilities including new building services installed throughout, following demolition of existing market buildings within the Irish middle market (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992 (AMENDED DESCRIPTION))
At:	The Wool Market, Market Place, Doncaster DN1 1NG

For:	DMBC – Mr Richard Gibbons
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Third Party Reps:	None	Parish:	
		Ward:	Town

A proposal was made to grant the application.

Proposed by: **Councillor Iris Beech**

Seconded by: **Councillor Eva Hughes**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted

Application	9
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Application Number:	15/01306/FUL	Application Expiry Date:	22nd September, 2015
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Application Type:	Full Application
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Proposal Description:	Erection of a detached bungalow on approx. 0.16 ha of land
At:	The Park Manor Road Hatfield Doncaster

For:	Mr P Thompson
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Third Party Reps:	1 objection	Parish:	Hatfield Parish Council
		Ward:	Hatfield

A proposal was made to grant the application.

Proposed by: **Councillor Susan Durant**

Seconded by: **Councillor Duncan Anderson**

For: 10 Against: 0 Abstain: 0

Decision: Planning permission granted subject to the amendment of condition 2 and 10 and the addition of the following conditions and informative:-

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

Drg. No. 962/1 E – Amended 06.11.2017

Drg. No. 962/2 B

REASON

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

10. Unless otherwise agreed in writing by the Local Planning Authority a landscaping scheme shall be planted in accordance with the scheme described in drawing 962/1 E (dated 08.11.2017) and the accompanying schedule and outline specification and completed prior to the occupation of the new dwelling.

REASON

To preserve and/or enhance the character and appearance of the conservation area in accordance with saved policy ENV25 of UDP.

18. 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.
19. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.
REASON
To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.
20. 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.

INFORMATIVE

05. Any works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement, and for on-site inspection. The applicant should make contact with Malcolm Lucas, Tel 01302 745110 Email. Malcolm.lucas@doncaster.gov.uk as soon as possible to arrange the setting up of the agreement.
- Doncaster Borough Council Permit Scheme (12 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.
- The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are open. It should be noted that to deposit mud and debris on the highway is an offence under provisions of The Highways Act 1980.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Jim Lomas (agent) spoke in support of the application for the duration of up to 5 minutes.

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

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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.

Copyright Implications

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Scott Cardwell
Assistant Director of Development
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

NOTE:- Site Visited applications are marked 'SV' and Major Proposals are marked 'M'

Application	Application No	Ward	Parish
1. M	17/00301/FULM	Sprotbrough	Marr Parish Meeting
2. M	17/02293/3FULM	Balby South	
3. M	17/02355/3FULM	Conisbrough	
4. M	17/01087/FULM	Town	
5.	17/02334/FUL	Tickhill And Wadworth	Braithwell / Micklebring Parish Council
6.	17/02588/ADV	Various	Various
7.	17/02370/FUL	Bessacarr	

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 12th December 2017

Application	1
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Application Number:	17/00301/FULM	Application Expiry Date:	22 nd May 2017
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Application Type:	Major
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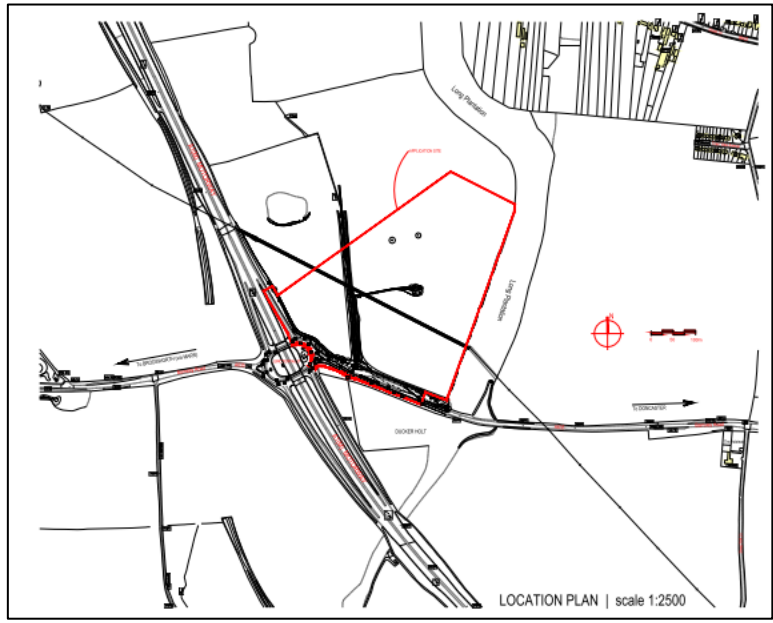
Proposal Description:	Construction of new Motorway Service Area ("MSA") to comprise: amenity building, lodge, drive thru coffee unit, associated car, coach, motorcycle, caravan, HGV and abnormal load parking and a fuel filling station with retail shop, together with alterations to the adjacent roundabout at Junction 37 of the A1(M) to form an access point and works to the local highway network. Provision of landscaping, infrastructure and ancillary works.
At:	Land North East Of J37 Of The A1(M) Motorway, Marr Roundabout, Doncaster.

For:	Mr Mark Franks, Moto Hospitality Limited.
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Third Party Reps:	62	Parish:	Marr Parish Meeting
		Ward:	Sprotbrough

Author of Report	Mel Roberts
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MAIN RECOMMENDATION:	GRANT SUBJECT TO A SECTION 106 AGREEMENT FOLLOWING DEFERRAL TO THE SECRETARY OF STATE
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1.0 Reason for Report

1.1 This application is being reported to planning committee because it is a departure to the Development Plan and because it has been subject to significant material objections.

2.0 Proposal and Background

2.1 This application seeks planning permission for a new Motorway Service Area (MSA) to provide an Amenity Building (3959 square metres), 100 bed Lodge (2865 square metres), Fuel Filling Station (261 square metres), Drive Thru Coffee Unit (205 square metres), parking for all classes of vehicles, landscape, and amenity areas (see figure 1).

2.2 The proposed MSA takes its vehicular access from a new (fifth) arm on the A1(M) Junction 37 and A635 Barnsley Road roundabout, between the exit slip road from the southbound motorway carriageway and the A635. The original scheme showed a direct access to the MSA from a dedicated slip lane for vehicles travelling southbound on the A1(M), but this was removed from the proposal on the advice of Highways England. Users of the MSA will predominantly comprise existing traffic travelling on the A1(M). Having left the motorway at Junction 37, visitors will enter the proposed site and signage will indicate where visitors should travel along the internal road network to arrive at specific service facilities. When leaving, travellers will proceed out of the car park and travel past (or into) the drive-thru coffee unit before exiting the site along a road passing eastwards around the Heavy Goods Vehicle (HGV) parking.

2.3 The Amenity Building is located in the north-east corner of the site with the main entrance west-facing and is accessible from the main car park. External seating areas will be provided, linking to and from internal seating and restaurant areas. A number of mobile retail and food kiosk units will be sited in close proximity to the main Amenity Building entrance. The units proposed within the Amenity Building include a Greggs, W H Smiths, Costa Coffee, M & S Simply Foods, Burger King and other food and retail units. The Amenity Building will provide free toilets and hand washing facilities for all drivers and showers and washing facilities for HGV drivers.

2.4 The Lodge Building is located adjacent to the main Amenity Building to the north-eastern part of the site. The internal layouts are logically laid out, with en-suite bedrooms either side of a central main circulation corridor.

2.5 A separate, stand-alone drive-thru coffee unit will be located to the west of the main Amenity Building car park and will be accessed through this car park. In addition to the drive-thru function, the unit will have a dine-in service facility with counters, guest seating area, back-of-house and toilet facilities.

2.6 The Fuel Filling Station will be positioned in the south-eastern part of the site as a final calling point prior to re-joining the public highway network. It is positioned directly off the main circulatory loop road through the site and is accessible without passing through any other facility or parking areas.

2.7 The Amenity Building and Lodge car parking requirements will be accommodated by a single main car park of 492 spaces. HGV parking (96 spaces) will be accommodated as an entirely separate and dedicated parking area in the south eastern quadrant of the site. A dedicated coach parking area of 19 spaces will be provided with an easy in/out access arrangement directly off the main site circulatory loop road. The drive-thru unit will have 36 parking spaces and a separate caravan parking area (12 spaces) will also be provided

2.8 The site is located just off the north-west urban fringe of Doncaster set in Greenfield land. The nearest urban settlement is Scawsby, which is approximately 1km to the east. The village of Marr is located approximately 1.3km to the west of Junction 37. The village of Brodsworth is located 1.8km to the north west and there are a number of small scattered settlement areas in the rural landscape surrounding the site, including the dwellings along Green Lane and Scawsby Lane 500m to the north east of the site, Scawsby Hall, and Stone Hill School 900m to the east, and Marr Grange Cottage 730m to the south west. The residential properties closest to the site are located north east along Green Lane in a small cul de sac and Town View Avenue, off Scawsby Lane, both of which are well screened by Long Plantation, which is 70m to 90m wide and dense with tree canopies rising to around 19m high (see figure 2).

2.9 The proposed site encompasses an area of 15.1 hectares and comprises two fields in agricultural use, divided by the Mellinder Dike drain running north/south through the site. An existing hedgerow runs along this drain. The dike drains from south to north and continues off-site beyond the northern boundary of the proposed MSA. Overhead cables currently cross the site in a north/south direction, following the Mellinder Dike alignment and in an east (Long Plantation) to west A1(M) direction. The eastern field slopes down from approximately 45m AOD at Long Plantation Wood to 35m AOD at the Mellinder Dike. The ground slopes more gently in the western field, with the higher ground varying from 37m AOD to 38m AOD along the A1(M) slip road boundary. There are a few free-standing trees within the site. There are no Public Rights of Way within the site.

2.10 The site has a continuous boundary with the A1(M) along its western boundary. The eastern boundary is defined by an area of woodland known as Long Plantation, a deciduous tree belt, which is the subject of a Tree Preservation Order. The southern boundary is defined by a tree and hedgerow line and beyond this the A635 Doncaster to Barnsley road and the tree belt known as Ducker Holt. There is a large lay-by located between the site's southern boundary and Barnsley Road. The northern boundary in part comprises the agricultural field and further north Stane Holes Plantation, which is also the subject of a Tree Preservation Order.

2.11 Moto is the leading UK provider of MSAs with over 45 locations and 5,000 employees. The company was founded in 1962 (as Granada) and still retains its Headquarters at Toddington Services. It became known as Moto Hospitality Limited in 2001. Over 150 million people visit a Moto MSA every year with the most popular three sites (Wetherby, Cherwell Valley, and Toddington North) attracting over 5 million visitors. The main reasons why people visit a MSA are to purchase refreshments, visit the facilities, fuel their vehicles, take a rest or hold business meetings.

2.12 An Environmental Screening and Scoping process has been undertaken with the Council and an Environmental Statement (ES) has been submitted with the application. The ES provides an overview of the environmental impact of the proposal with a summary of the mitigation measures proposed and contains a methodology for assessing the significance of the environmental effects and the cumulative impact. A series of technical papers consider the range of environmental factors.

3.0 Relevant Planning History

3.1 There is no relevant planning history.

4.0 Representations

4.1 The applicant undertook extensive discussions with the wider community and stakeholders prior to submitting the application. This activity included a newsletter sent to local residents with the opportunity to provide feedback, two public consultation events with near neighbours and wider Doncaster residents, engagement with local community, business and political stakeholders, a dedicated website and media coverage. The verbal and written feedback received by the 279 people who attended a consultation event held in the Frenchgate Shopping Centre was generally positive. The verbal and written feedback by the 81 people who attended a consultation event in Scawsby Community Centre and a session with the joint Parishes was more neutral, with some attendees being very opposed to the proposals.

4.2 The application has been advertised in the local press and with site notices posted around the site. 53 letters of objections have been received and these can be summarised as follows:

- i) Moto has 2 MSAs on the Doncaster stretch of the A1(M) which are 23 miles apart at Blyth and Ferrybridge; between these are services at Skellow north bound, Barnsdale Bar north and south, Busy Bee Diner south bound at Darrington and accommodation at Fayre & Square, Darrington north bound and so there is plenty of provision of road side services.
- ii) There are greater distances between MSAs on the M1, M62, M18 and M180 and so why is there a need for the A1(M) to have an MSA every 10 miles or so in the Doncaster area.
- iii) In the proposed area, the A1(M) is currently only two lanes, is heavily congested with long delays at peak times. Barnsley Road also suffers from heavy congestion. Providing access for a new MSA will increase congestion and delays at an already overwhelmed pinch point.
- iv) The proposals provide for hot food sales and a drive-thru. One is already located at Red House Interchange at Junction 38 of the A1(M) and there are several others.
- v) Drive-thru outlets and fast food takeaways are a significant source of litter on our roadsides and an unwelcome eyesore.

- vi) The trees and woodland are not evergreen and cannot shield the development.
- vii) A 24 hour per day service station will result in noise pollution. Residents adjacent to the site will lose the tranquillity and their rural setting.
- viii) The proposals show a loss of the lay-by, which is used by car share commuters. Moto charge for parking over 2 hours. The loss of the lay-by may encourage truckers to move to other areas around Barnsley Road, Sheep Walk and Scawsby Lane for overnight parking.
- ix) The proposed site is Green Belt and there are no exceptional circumstances to allow this.
- x) The land is Grade 2 designated farmland and deserves protection.
- xi) The proposal will impact on the wildlife on this site and also the adjacent Long Plantation and Ducker Holt woodland because of noise and lighting for 24 hours daily.
- xii) Anticipated increase in traffic delays on Barnsley Road will cause difficulty for access and egress to Marr Grange farm shop which provides a valued and popular service to the community.
- xiii) The proposed service area is too close to existing housing at Marr and will affect the conservation status of the village.
- xiv) Job creation will only be short term for the duration of construction. Operational jobs will be few with little effect on the local labour market. Similar jobs at other nearby service areas may be lost as a result of this development.
- xv) The provision of more hot food takeaways will not help with the Council's aim of improving the health of residents and also tackling obesity and this is especially important as children could be attracted to the MSA from the nearby schools.
- xvi) Additional slow moving, idling traffic, HGV diesel fumes will only exasperate an already polluted area. Increased levels of air pollution will negatively affect the health and well-being of residents and local school children at the two schools close to the site.
- xvii) Doncaster's main drinking water is supplied by an Aqua Fir which travels under the proposed site. Contamination from spillages or leakage from fuel pumps will only pollute this invaluable resource.
- xviii) The site is on a flood plain.
- xix) It is well known that service stations attract the criminal fraternity and the new MSA may lead to an influx of illegal immigration into the area with stowaways hiding in HGVs.

4.3 6 letters of support have been submitted and these can be summarised as follows:

- i) This will help with the congestion around the lay-by to the west of junction 37 and the lay-by to the east of the junction and it is unlikely to generate additional road traffic in the surrounding area.
- ii) The proposals include upgrades to the roundabout at junction 37 which will update this junction.
- iii) The proposal will create local jobs, increase choice and provide a welcome rest for long distance drivers.

- iv) There are no full facility service areas on the A1(M) between Blyth in north Nottinghamshire and Ferrybridge and it will provide services and facilities for drivers to stop and rest, improving safety on the road network.
- v) The services will mean that HGVs will no longer need to park in vulnerable lay bays in the local area where they may become victims of crime.
- vi) Its location will have little or no impact on local residents, even during construction.

4.4 Councillor Cynthia Ransome has objected to the application for the following reasons:

- i) It is a breach of National Green Belt Policy and there are no exceptional circumstances to allow this.
- ii) Fast food outlets are already oversubscribed in Doncaster.
- iii) The area that is proposed covers 30 acres of good arable land in an area of open fields and landscape and this proposal will urbanise the countryside.
- iv) DMBC ,Traffic Police and Highways are aware of the traffic problems on the A1(M) with almost daily congestion impacting on an already busy road A635, which in turn impacts on the smaller roads.
- v) The proposals show a lay by on the A635 to be removed. This is a well-used layby for car-sharing and should be retained.
- vi) Air pollution and litter are a concern with this proposal.

4.5 Councillor Jane Nightingale supports the proposal for the following reasons:

- i) The MSA will bring a much needed service to this part of the A1(M) and will also provide jobs for the local community.
- ii) It will hopefully assist the easement of the congestion that often occurs to this immediate area and also the community of Scawsby.
- iii) Although the land is classed as open green space, it is not used by the community, as it is farming arable land.
- iv) This area suffers with extensive daytime parking by commuters and lorries in the evening time.

4.6 Campaign to Protect Rural England has objected to the application for the following reasons:

- i) The proposal is inappropriate development in the Green Belt.
- ii) Moto currently have two motorway service stations on the Doncaster section of the A1(M) at Blyth and Ferrybridge, which are 23 miles apart and therefore within the 30-minute advisory time limit between stops. Also between these two service stations there are a number of other accommodation and dining facilities, including fast-food outlets.
- iii) Allowing commercial development in the Green Belt at junction 37 of the A1(M) will weaken the function of the Green Belt and risk the coalescence of Marr village into a motorway-based development zone. Marr is currently within one of the few remaining rural stretches of the A1(M) corridor and the openness of the area should not be compromised.

5.0 Parish Councils

5.1 Brodsworth Parish Council neither supports nor objects to the application. There are concerns over the traffic management on this roundabout, increased emissions, light pollution and development of another high grade agricultural site. There are concerns that Moto has a monopoly of sites on the A1(M) for over 100 miles with sites at Grantham, Blyth, Ferrybridge and Wetherby. There are also concerns about the amount of litter in the area, which this proposal will add to. The Parish Council however points out that rest stops are essential and there could be more services on the motorway and this development will bring much needed jobs.

5.2 Clayton-with-Frickley Parish Council has objected to the application. The Parish Council is concerned that not only is this development on Green belt within the conservation parish boundary of Marr, but that there are no reasonable exceptional circumstances for the proposal. The Parish Council is concerned about the safety of school children who need to cross the already busy Barnsley Road. The MSA will have a number of fast food outlets that will inevitably attract children, posing further issues to their health and school attendance. This development will drastically increase traffic flows in the area which is already overloaded. Service stations have a tendency to attract a number of undesirable situations such as prostitution, large gatherings of weekend day trippers and sports fans, which will put an added strain on the local community.

5.3 Hooton Pagnell Parish Council objects to the application. Junction 37 of the A1(M) is notorious for traffic congestion and this proposal will create even greater inconvenience and risk of harm to drivers as a direct result of traffic flowing to and from the development. The Parish Council has looked at the information submitted by Moto and can find no robust evidence to prove a genuine customer demand for the development. Drivers along the route between the M62 and Junction 37 of the A1(M) are already well served by three service stations at Ferrybridge, Darrington and Barnsdale Bar. The development will result in the loss of over 15 hectares of valuable Green Belt and productive farmland. The proposed service station brings with it an increased risk of anti-social behaviour including littering.

5.4 Marr Parish objects to the application. The site lies within the Green Belt and there are no exceptional circumstances to allow this development, which is inappropriate in this location. There is no need for another service station in this area and it will harm the openness of the Green Belt. The proposal will result in the loss of prime agricultural land. The air quality in and around the A1(M) and the A635 is poor and this will be made worse by slow moving, idling and HGV diesel fumes generated from increased vehicular traffic accessing the roundabout to and from the services. As there is no mains gas available at this site, Moto is proposing to utilise wood burning stoves and this will contribute to polluting the air even further. The development will have a detrimental effect on the local wildlife. It will impact on the groundwater if there is any seepage of contamination. The development is proposed on a flood plain and could increase flood risk in this area. Doncaster Council is fully aware of the current traffic volumes and related issues associated with the A635 and this development will increase traffic levels further. A MSA at this location will directly and negatively impede traffic flow and contribute to an already congested roundabout. The provision of bus stops within the roadway will further impede the

flow of traffic along the A635. Noise pollution generated from a 24 hour a day, 7 days per week service station can only have a negative impact on Marr residents and those adjacent to the development site. Although the development could bring some much needed employment, the majority of employment opportunities are both part time and unskilled. There are more practical, sustainable and suitable sites which could be considered for this type of development including the A1(M)/M18 junction. The proposed development will add to the litter problem in the area. The fast food outlets will attract school children and add to the obesity problems of young people. The large lorry park may lead to an influx of illegal immigration into the area leading to an escalation of criminal activity.

6.0 Relevant Consultations

6.1 Highways England supports the plans for the MSA in principle, but has stated that there are some outstanding matters to be finalised in order to ensure that the development proposals do not compromise the safety and efficiency of the Strategic Road Network. The Road Safety Audit has highlighted that the proposed mitigation relating to the Strategic Road Network still has outstanding matters that need to be resolved. Further information is needed to demonstrate that the principle of the proposals is acceptable and that a scheme can be delivered which can then be taken forward to detailed design. At this point, Highways England is optimistic that solutions can be found and that there may well be potential for some outstanding matters to be resolved through the use of planning conditions. Highways England is hopeful that these conditions can be provided before the committee meeting and added as pre committee amendments.

6.2 The Environment Agency has responded and has raised no objections.

6.3 Transportation has responded and has raised no objections, subject to the provision of bus stops on Barnsley Road and a Transport Bond that can be used by the Council for sustainable transport measures in the event that traffic numbers exceed those set out in the Transport Assessment.

6.4 Highways (Development Control) have raised no objections subject to conditions.

6.5 South Yorkshire Passenger Transport Executive (SYPTTE) has raised no objections to the proposal and welcomes the provision of pedestrian facilities and crossing points on Barnsley Road. SYPTTE has requested the provision of bus shelters on Barnsley Road in both directions; these are shown on the plans and are to be secured through a planning condition.

6.6 The Urban Design Officer has raised no objections subject to conditions.

6.7 The Conservation Officer has responded and has raised no objections, as there are no heritage implications.

6.8 The Tree Officer has responded and has raised no objections subject to a number of conditions.

6.9 The Ecology Officer has raised no objections subject to appropriate mitigation and compensation conditions.

6.10 South Yorkshire Archaeological Service has raised no objections subject to a condition requiring further archaeological investigation.

6.11 Yorkshire Wildlife Trust has commented on the application and has raised no objections.

6.12 Environmental Health has raised no objections subject to conditions to control noise during construction and operation of the facility.

6.13 The Air Quality Officer has raised no objections given the commitment to provide Electric Vehicle charging within the MSA.

6.14 The Contaminated Land Officer has responded and has raised no objections.

6.15 Yorkshire Water has responded and has raised no objections.

6.16 South Yorkshire Police has raised no objections subject to a number of general suggestions about improving security on the site including use of CCTV and appropriate lighting.

6.17 Barnsley MBC has responded and has raised no objections.

6.18 Rotherham MBC has responded and has raised no objections.

6.19 Wakefield Council has responded and has raised no objections.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework (NPPF)

7.1 The NPPF at paragraph 11 makes it clear that planning law requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan making and decision-taking. A core principle of the NPPF is that the countryside should be recognised for its intrinsic character and beauty.

7.2 Chapter 1 sets out the need to build a strong competitive economy in order to create jobs and prosperity and that the planning system should do everything it can to support sustainable economic growth.

7.3 Chapter 2 states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. When assessing applications for retail, leisure and office development outside of town centres, which are not in

accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over 2,500 square metres.

7.4 Chapter 4 of the Framework sets out policy guidance for sustainable transport by encouraging the reduction in greenhouse gases, improving public transport, cycling and walking and introduce Travel Plans should be used with the aim of reducing the number and extent of journeys. Paragraph 31 states that ‘the primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.’

7.5 Chapter 7 advises that the Government attaches great importance to the design of the built environment stating that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

7.6 Chapter 8 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

7.7 Chapter 9 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.8 Chapter 10 states that in determining planning applications, local planning authorities should expect new development to comply with adopted Local Plan policies for decentralised energy unless it is not feasible or viable and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Inappropriate development in areas at risk of flooding should be avoided.

7.9 Chapter 11 advises that the planning system should contribute to and enhance the natural and local environment and prevent unacceptable risks from pollution and land stability as well as avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

7.10 Chapter 12 of the Framework considers the impact of development upon the historic environment. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local

planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Circular 02/2013

7.11 Government policy relating to motorways and trunk roads is set out in Department for Transport (“DfT”) Circular 02/2013 entitled ‘The Strategic Road Network and the Delivery of Sustainable Development.’ At paragraph B4 it states that ‘Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey.’ Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements. It goes on to say in paragraph B5 that ‘the network of service areas on the strategic road network has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour. However, the timing is not prescriptive, as at peak hours, on congested parts of the network, travel between service areas may take longer.’ At paragraph B6 of the Circular, Highways England recommends that the maximum distance between MSAs should be no more than 28 miles but can be shorter. In respect of the determination of planning applications, local planning authorities should ‘not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits.’

Doncaster Core Strategy

7.12 Policy CS1 states that proposals will be supported which provide opportunities for people to get jobs, strengthen communities, are place specific in their design, are accessible by a range of transport modes, protect local amenity and are well-designed.

7.13 Policy CS3 states that Doncaster’s countryside will be protected and enhanced and national policy will apply for developments in the Green Belt including a presumption against inappropriate development, other than in very special circumstances.

7.14 Policy CS4 requires all development to address the issues of flooding and drainage where appropriate. Development should be in areas of lowest flood risk and drainage should make use of SuDS design.

7.15 Policy CS7 states that proposals for major town centre uses will be directed sequentially to the Primary Shopping Area, but then to the wider town centre.

7.16 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.

7.17 Policy CS14 states that the aim is to achieve high quality design which contributes to local distinctiveness and avoids unacceptable impacts on amenity and environment. Proposals should be sustainable and reflect the need to aim to use resources as efficiently as possible and adapt to climate change. New development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. All new non-domestic buildings must meet the BREEAM rating of at least 'Very Good.' All new developments must secure at least 10 per cent of their total regulated energy from decentralised and renewable or low carbon sources.

7.18 Policy CS15 states that Doncaster's historic environment will be preserved or enhanced.

7.19 Policy CS16 states that nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals will be supported which enhance the borough's landscape and trees by including measures to mitigate any negative impacts on the landscape, include appropriate hard and soft landscaping, retain and protect appropriate trees and hedgerows and incorporate new tree and hedgerow planting.

7.20 Policy CS18 states that proposals will be supported which reduce air pollution and promote more sustainable transport options and where relevant incorporate low emission technologies and cleaner transport fuels. Where any risks to ground conditions arising from contamination or previous land uses are identified, proposals will need to incorporate measures to prevent, control and reduce air and water pollution. Proposals will be supported which facilitate the efficient use of Doncaster's significant agricultural land and soil resources including proposals which protect high quality agricultural land.

Doncaster UDP (saved policies)

7.21 The site falls within the Green Belt as allocated in the Doncaster UDP. Policy ENV3 reinforces the need to protect the Green Belt from inappropriate development except in very special circumstances.

8.0 Planning Issues and discussion

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("2004 Act") amends the Town and Country Planning Act 1990 ("1990 Act") and sets out the requirement that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

Green Belt

8.2 The NPPF makes it clear that the Government attaches great importance to Green Belts and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (and this is reinforced by Core Strategy Policy CS3 and saved UDP policy ENV3). The

NPPF (at paragraph 89) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Certain forms of development are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. One of these types of development that is not inappropriate is local transport infrastructure, which can demonstrate a requirement for a Green Belt location (paragraph 90).

8.3 The applicant contends in their supporting statement that a MSA is appropriate development as per paragraph 90 of the NPPF in that it is local transport infrastructure, which can demonstrate a requirement for a Green Belt location. The applicant argues that MSAs are part of the local transport infrastructure because although located on the motorway network, which itself is national infrastructure, they are specific to their location and are therefore part of the local transport infrastructure.

8.4 A MSA cannot however realistically be considered to be a local transport infrastructure, as it serves drivers that are mostly travelling on a regional or national basis. Although there is no definition in the NPPF of what constitutes local transport infrastructure, it is highly unlikely that it is meant to include large MSAs that take up a large amount of Green Belt land and serve more than a local need. Although no longer part of planning policy, it is worth noting that the old national guidance dealing with Green Belts PPG2 identifies MSAs as being inappropriate development in the Green Belt and there is no reason to think that the Government's stance on this has changed through the NPPF.

8.5 Even if the argument were accepted that a MSA is local transport infrastructure and even if the applicant could demonstrate the need for a Green Belt location (which the report goes on to consider) then according to the NPPF, it can only be appropriate if it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. This report goes on to consider the visual impact of the proposal, but even if the development were well screened then this does not mean that it will not impact on the openness of the Green Belt. Clearly, a development of this size with the buildings and large expanse of car park and associated facilities is going to impact on the openness of the Green Belt. Case law has shown that even where buildings are hidden from view, this does not mean that they do not have an impact on the openness of the Green Belt; openness is generally defined as the absence of built form and does not depend on visibility. Paragraph 79 of the NPPF tells us that openness is an essential characteristic of the Green Belt.

8.6 In summary, the provision of a MSA is therefore considered to be inappropriate development by virtue of the fact that even if it could be demonstrated that there is a requirement for a Green Belt location, it is not local transport infrastructure and even if it were, it would not preserve the openness of the Green Belt. As a man-made imposition on the landscape, the proposal would reduce openness and this would add to the harm to the Green Belt by reason of being inappropriate. One of the core principles of the NPPF is that the intrinsic character and beauty of the countryside should be recognised. Having concluded that a MSA is inappropriate development in the Green Belt and therefore by definition harmful to the Green Belt, and will also

impact on the openness of the Green Belt, consideration must be given as to whether very special circumstances exist such that the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The need for a MSA

8.7 Guidance on the provision of roadside facilities for road users on motorways and all-purpose trunk roads in England is set out in the Department for Transport (DfT) Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development.' On the matter of spacing, the document states at para B4 that 'Government advice is that motorists should stop and take a break of at least 15 minutes every two hours.' Paragraph B5 goes on to state that 'The Network of service areas on the strategic road network has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour. However the timing is not prescriptive, as at peak hours, on congested parts of the network, travel between service areas may take longer.'

8.8 As such, as stated at paragraph B6 'The Highways Agency therefore recommends that the maximum distance between motorway service areas should be no more than 28 miles.' Paragraph B7 advises that 'Speed limits on the strategic road network vary and therefore applying the same principles, the maximum distance between signed services on trunk roads should be the equivalent of 30 minutes driving time. The Circular concludes at paragraph B8 that 'In determining applications for new or improved sites, local planning authorities should not need to consider the merits of spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits.'

8.9 There are a number of existing MSAs along the relevant motorway section and these include both Blyth and Wetherby on the A1(M), Ferrybridge on the A1(M)/M62, Doncaster North on the M18 and Woodall on the M1. Whilst the distance between the Ferrybridge and Blyth MSAs falls within the maximum 28 mile distance set out in Circular 02/2013, the distance between Ferrybridge and Woodall is 31 miles and it is 29 miles between Ferrybridge and Doncaster North (when travelling via the M62) and therefore slightly exceeds this distance. Ferrybridge is signed from the A1(M) at 1 mile and half mile signs and this requires extra travel to leave and re-join the A1(M). As such, the distances between Wetherby and Blyth (43 miles) Wetherby and Woodall (50 miles) and Wetherby and Doncaster North (38 miles via the A1(M) and 48 miles via the M62) exceed the maximum 28 mile distance set out in Circular 02/2013. Based on the DfT guidance on maximum distances, there is a therefore need for an additional MSA along the relevant section of the A1(M).

8.10 Notwithstanding the above, as stated within Circular 02/2013, whilst the network of MSAs has been developed on the premise that opportunities to stop are provided at intervals of approximately half an hour, timing is not prescriptive, as at peak hours on congested parts of the network, travel between service areas may take longer. Reference to the DfT Statistical Release 'Travel time measures for the Strategic Road Network, England: October 2015 to September 2016' for the year ending

September 2016, the average speed on the Strategic Road Network was 59.3mph. Applying this national average speed to the existing MSAs suggests that a travel time slightly exceeding the 30 minutes driving time would be required between Ferrybridge and Woodall Services. Similarly, a travel time exceeding the 30 minutes driving time would be required between Wetherby and Blyth, Wetherby and Woodall and Wetherby and Doncaster North MSAs.

8.11 The applicant commissioned an independent traffic survey company to undertake questionnaire surveys at the Blyth, Ferrybridge and Wetherby MSAs in July 2016. The survey consisted of a number of questions to find out where the person had come from, where they were going, had they already stopped at services on their journey and whether they intended to stop at other services on their journey. There were a total of 1,582 interviews. The survey shows that the average distance between stops for those questioned is 77 miles and the average travel time is 1 hour 24 minutes. The results of the survey show that drivers are taking breaks more frequently than the Government advice (of 15 minutes every 2 hours) currently suggests and this might support the need for more MSAs.

8.12 In summary, Circular 02/2013 provides a policy basis to increase the provision of MSAs on the strategic motorway network where there are safety and welfare reasons. There is no policy requirement to prove 'need.' Notwithstanding that there is no requirement to prove a need for a MSA, there is a specific strategic gap in the motorway network which indicates that an infill facility would be appropriate. There is justification for the new MSA on the safety and welfare needs of motorists.

Alternative sites assessment

8.13 DfT Circular 02/2013 Annex B sets out the process for identifying an appropriate location for a new MSA. Paragraph B13 states that on-line (between junctions) service areas are considered to be more accessible to road users and as a result are more attractive and conducive to encouraging drivers to stop and take a break. They also avoid the creation of any increase in traffic demand at existing junctions. Paragraph B14 goes on to say that 'therefore, in circumstances where competing sites are under consideration, on the assumption that all other factors are equal, the Highways Agency has a preference for new facilities at on-line locations.' Paragraph B15 goes on to say that 'however, in circumstances where an on-line service area cannot be delivered due to planning, safety, operational or environmental constraints, a site sharing a common boundary with the highway at a junction with the strategic road network is to be preferred to the continued absence of facilities.'

8.14 The Design Manual for Roads and Bridges (DMRB) at paragraph 2.54 of TD22/06 advises that 'the merge and diverge layout design and junction spacing parameters in this standard apply to MSAs.' On the basis of the design standards and practical considerations concerning signage, new slip roads off the motorway are unlikely to be acceptable within 3km and impractical within 2km of an existing junction. Although the Government does not seek to prescribe a minimum distance between MSAs, the closer to an existing MSA then the greater the propensity for duplication rather than meeting the needs of the motorist on that section of the motorway. It is difficult to state what the minimum separation should be in

commercial terms, but the applicant has suggested that it is unlikely to be less than 10 miles.

8.15 The process of site selection follows from the commercial judgement to include the size of the site required to meet the signing requirements of DfT, the availability of a site whether at 'on-line' or junction location and the characteristics of the land in terms of topography and suitability, the commercial viability of the development assuming a willing seller and other considerations such as planning policy, land designations and other material considerations. The area of search is based initially on commercial viability where no new MSA should generally be within 10 miles of another, with the focus toward a mid-point between MSAs. The distance between Ferrybridge and Blyth MSAs is 24 miles. This leaves a central section of around 4 miles for a new service area, with the search for an on-line site therefore between junctions 36 to 38.

8.16 Any design needs to allow for a minimum of 3km from the ends of the slip road tapers. The distance between the end of the taper of the motorway maintenance compound to the start of the taper of Junction 37 is just 2.45km. A minimum of 6.5km is required to insert a new junction between existing junctions and accordingly this section of the A1(M) between junctions 36 and 37 does not have sufficient distance to accommodate an online MSA on either side of the motorway. The distance between junctions 37 and 38 of the A1(M) is just 4.1km. The minimum distance gap between existing junctions needs to be 6.5km and so an on-line junction would also not be possible between these junctions.

8.17 Having ruled out the possibility of a new on-line junction, the next best option is to look at existing junctions on the motorway. Apart from Junction 37, there are 2 other possible junction locations for an MSA and these are junctions 36 and 38. Junction 36 of the A1(M) lies within the urban area of Warmsworth and all four quadrants of the roundabout have been developed meaning that there are no opportunities for a new MSA. Junction 38 'Redhouse Interchange' of the A1(M) lies just 7.5 miles from Ferrybridge MSA and is too close commercially for operators (Ferrybridge MSA is also operated by Moto). Notwithstanding this junction's location within the minimum commercial operational distance between MSAs, an analysis has been undertaken to ascertain whether a MSA could be accommodated at this junction. This junction offers two possible sites (north-east and south-west quadrants) for a MSA. The traffic movements are complex and the junction would require significant infrastructure alterations to minimise disruption to existing traffic flows on the A638 and aid ease of access to the new MSA. For those travelling on the A1(M) there would be a need to navigate 6 junctions to visit a MSA which is impractical and likely to reduce highway safety.

8.18 Junction 37 is therefore the most appropriate location for a new MSA and the north east quadrant is deemed to be the most suitable. The south west and north west quadrants have been ruled out as they would have a greater visual impact on the Green Belt. The south east quadrant has been ruled out because the Ducker Holt woodland would prevent a MSA in this location.

8.19 In summary, the Alternative Sites Assessment has considered the opportunities for a new MSA at an online location and found that there are no such opportunities

and therefore junction sites were considered. Of these, only Junction 38 offered two potential locations and Junction 37 four locations for a new MSA. Junction 38 was rejected because of significant highway factors. At Junction 37, the south-west and north-west quadrants were found to perform poorly compared to the north-east quadrant. The south-east quadrant performed poorly compared to the north-east quadrant and therefore, the north-east quadrant is the preferred location for a new MSA.

Landscape and visual impact

8.20 A Landscape and Visual Impact Assessment (LVIA) has been carried out as part of the ES. The LIVA shows that the site is located within an area of largely open rolling arable farmland. To the east and south of the site are areas of deciduous woodland (Long Plantation and Ducker Holt) which visually merge to provide significant screening of views of the site from the east and south. It also identifies that the A1(M) is a major feature of the local landscape and dominates many views of the site.

8.21 Given that the site cannot be seen from the south and east due to the heavy woodland, the LVIA assesses the impact that the development will have on the landscape from 6 different viewpoints around the site to the north and west. The six different locations are Sprotbrough Lane (to the south west), Church Lane (to the west), Brodsworth Community Woodland (to the north), the public right of way on Green Lane (to the north), the A1(M) south bound off slip to junction 37 (to the west) and the north bound carriageway around junction 37 (to the north west).

8.22 The land rises to the north of the site and there are opportunities for some open views across the site from Green Lane through hedgerows and elevated land at Brodsworth Community Woodland, albeit these are severely interrupted by Stane Hill and Stane Hole Plantations and by the motorway, as the dominant visual features from this direction. The A1(M) which runs to the west of the site is generally tree lined, restricting views over the site. However, as the slip road from the A1(M) approaches the site, gaps in the trees allow open views (from the slip road and motorway flyover) into the site. Overall, the location of the site and the screening afforded by existing woodland limits the extent of the landscape and visual effects, with only three viewpoints experiencing moderate adverse effects at Year 1 (including Brodsworth Community Woodland, Green Lane and A1(M) slip road).

8.23 The proposed MSA will result in the removal of two individual field trees, a group of trees in the middle of the site and a section of the existing trees and scrub at the roundabout to allow the construction of the access road; these trees have been categorised as 'in decline.' Around 5000 new trees will be planted, strongly contributing to boundary screening and therefore screening the development further as these trees grow.

8.24 Each operational area within the development is separated from the next with generous landscaped borders to soften the appearance of the buildings. The HGV parking area benefits from internal landscape screening around its perimeter and the main Amenity Building car park is extensively planted throughout its parking aisles. These parking aisles coupled with the intermediate bands of planting rising towards

Long Plantation offer screening to the main car park from the east and visual containment in more distant views from the west. Perimeter tree planting will be provided to create landscaped buffer zones to all site boundaries, particularly to the north of the Amenity Building where woodland will cover an area larger than the size of a football pitch. The central areas of the site will contain over 400 semi-mature trees with more than 5,000 trees being planted throughout the site and its boundaries.

8.25 The LVIA concludes that although there will be some visual impact of the development at the early stages, the MSA site is generally well screened and that the mitigating effects of the proposed landscape scheme result in no significant residual landscape or visual effects over time.

Design and sustainable construction

8.26 The detailed MSA design and its design evolution are set out in the Design & Access Statement (DAS). The architectural design theme, including materials selection is consistently carried through to each of the buildings on the site. All of the buildings will be lower than the surrounding tree belts and are embedded into a new and well landscaped setting. The arrangement of buildings along the eastern boundary of the site enables clear control of built form in alignment north to south parallel with the Long Plantation tree belt.

8.27 The DAS explains how an analysis of the site's constraints and opportunities informed the design and layout of the scheme. For instance, in terms of the constraints, no buildings are proposed in the south west corner of the site (close to Junction 37) which is prone to flooding. In terms of the opportunities that the site offers, Long Plantation and Ducker Holt Wood will help to contain and screen the MSA. The wider visual setting of the site and its local context have influenced the design of the MSA, with the larger Amenity and Lodge Buildings being purposely located against the strong visual backdrop of Long Plantation. The positioning of the Amenity Building to the east of the site, with its car park to the west allows for the south westerly facing façade to be designed with a long glazed elevation opening up into an external plaza area. The Lodge and the Amenity Building have also been designed to work with the topography of the land, which gently rises to the east towards Long Plantation. The Amenity Building and Lodge are aligned north/south and thereby working with and not fighting against the existing slope. The HGV parking area is located to the south-eastern corner of the site to be further away from residential properties to the north along Green Lane.

8.28 The scale of the buildings have taken into account the land topography, cut and fill solutions and surveyed measurements of Long Plantation wood. The Amenity Building is largely single storey with an element of two storey accommodation to the rear. The Lodge is proposed as two storey accommodation. Other buildings such as the drive thru and Fuel Filling Station are single storey.

8.29 In response to both the site master planning and required operational arrangements, the proposed Amenity Building has been designed as an L-shaped building with a wide, glazed, west facing frontage (see figure 3). The main entrance façade is highly articulated on plan in a faceted arrangement with fin walls defining

directional change between large glazed screens. Roof lines over-sail the principal glazed façade to provide shading with V-shaped columns supporting the roof in a colonnade-like arrangement. The external walling materials will be made up of glazed curtain walling, a rainscreen colour coated metal cladding system and facing blockwork to lower walling elements. Upper flat roof areas will be in a single ply membrane and the large gently pitched roof plane will be metal. The plaza around the Amenity Building will provide seating, landscaped areas, a curved water feature and high quality paving materials.

8.30 The Lodge Building takes on a simple L-shaped floor plan, which creates a semi-contained garden area to the rear (see figure 4). The Lodge is designed externally to have a degree of visual synergy with the main Amenity Building. Roof forms are a mix of flat and monopitch profiles and the main entrance incorporates glazed features and a projecting canopy supported on V-shaped columns. The external materials used on the main Amenity Building are utilised on the lodge, albeit in a restrained manner with the addition of through-colour render to less prominent elevations.

8.31 The drive-thru coffee unit is single storey and is designed largely in line with Costa brand identity criteria (see figure 5). The building does however exhibit some degree of synergy with the main Amenity Building design with a gently sloping monopitch metal roof and colour coated aluminium fascia profiles (dark grey). Walls are a combination of through-colour render (white) and feature fin walls punctuating the roof line.

8.32 The Fuel Filling Station Kiosk is single storey and is simply designed with a single ply membrane flat roof and external walling materials comprising facing blockwork with colour coated cladding panels (matching the Amenity Building) and glazed window screens above. Canopy cover is provided over all pump stands with an eaves profile matching the main Amenity Building (see figure 6).

8.33 The scheme has been designed with a generous and well defined pedestrian avenue through the principal car park, connecting all parking aisles, together with a wide pedestrian plaza in front of the main Amenity Building connecting routes from all parts of the site and extending north to the Lodge main entrance.

8.34 Site-wide CCTV will be utilised covering all areas. A parking management regime will be utilised to impose parking arrangements, which will comprise a system of number plate recognition (ANPR) cameras to record vehicles on arrival and departure. An intruder detection system will be provided throughout the main buildings. A number of separate security systems will be employed and, where required, the intruder alarm system will be linked with the CCTV installation to provide visual identification of any intrusion. CCTV systems will be installed to monitor queues at tills and the use of gaming machines in the Amenity Building and for general security or as advised by the security specialist.

8.35 Modern energy-efficient building services have been integrated into the overall design of the buildings, to reduce the environmental impact of the service area's operations and to minimise fuel and water inputs. For the MSA, heating will be provided by a biomass-fuelled system using wood pellets from certified sustainable

forestry sources. Water consumption will be minimised by installation of supply systems that incorporate leak detection and efficiency measures. In addition, rain-water harvesting will be built into the building fabric to supply toilet flushing requirements in the Amenity Building.

8.36 A natural ventilation strategy using fresh air from external sources will be operated at the main Amenity Building to allow the mechanical ventilation plant to be switched off for as long as possible during each day. The Amenity Building has been designed to maximise natural daylight with the long glazed façade and inclusion of roof lights. Energy efficient LED luminaires will be used wherever possible in order to minimise lighting energy consumption. The Fuel Filling Station and drive-thru unit will employ high efficiency heat recovery ventilation in combination with low energy air source heat pump technology to create low emission facilities.

8.37 The Sustainability Statement identifies that apart from the Biomass, the use of photovoltaics is a viable option on this site. Conditions have been imposed to ensure that the scheme achieves BREAAAM very good and 10 per cent energy saving/production over and above Building Regulations.

Transport

8.38 The applicant has submitted a Transport Assessment (TA) with the application. The TA has considered the policy background, examined the existing conditions and described the highway network in the vicinity of the site, including the traffic volumes using it. The TA has also taken into account any committed development in the vicinity of the site.

8.39 The TA forecasts that 95 per cent of vehicle trips to the site will be via the A1(M) and 5 per cent will be to/from the local highway network. With regard to the impact of traffic on the local road network, in terms of vehicle numbers, this is considered to be negligible. The level of increase in delay at the Marr roundabout is not considered to be excessive. Initially concerns were raised regarding the effect of traffic from Marr and if the development would cause unacceptable delays. The modelling results show little impact on the delays to traffic travelling from Marr towards Doncaster. The 2027 with development modelling scenario shows an increase in delay in the AM peak of a maximum of 7 seconds. This level of increase is not considered to be excessive.

8.40 The design of the new arm off the roundabout has been agreed with Highways Development Control following submission of a Road Safety Audit. The amount of parking provided within the site is considered to be acceptable for the needs of a MSA and has been agreed with Highways England.

8.41 It is considered that trips to the site by foot or bike will be negligible based on the type of development and location of the site. There are likely to be some pedestrian trips to the site as part of a multimodal journey i.e. bus/walk and that the majority of these trips are likely to be undertaken by employees of the site. The edge of the built environment of Scawsby is around 1.6km from the southern boundary of the site and there will therefore be a limited population that would fall within a reasonable walking distance of the site. As such, the provision of a footway east of

the site would not provide a cost-effective means of minimising reliance on single occupancy car journeys. There is also the possibility that the provision of footways to the site may encourage more vulnerable road users to travel to the site, e.g. pupils of Ridgewood School.

8.42 The original proposal showed the removal of the layby to the south of the site off Barnsley Road. Surveys have shown that this layby is well used, particularly as a facility for car sharing, where people will park up for the day and car share for their ongoing journey. The layby is therefore performing a sustainable function in reducing the number of cars on the road by people car sharing. The applicant was asked to consider providing car sharing parking within the site of the MSA, but the applicant stated that the maximum duration of stay that will be enforced within the main car park (of 2 hours) means that it would not be practicable to provide park and share facilities. Given the important role that the layby provides for car sharing and considering the lack of an alternative provision within the MSA, the plans have been amended to show retention of the layby.

8.43 The applicant has also submitted a Travel Plan which attempts to look at ways in which staff can travel to the MSA sustainably. A Travel Plan co-ordinator will be appointed to implement, manage and monitor the Travel Plan. The Travel Plan measures include ensuring staff have access to travel information and are encouraged to car share.

8.44 To encourage staff to travel to the MSA by bus, the applicant is to provide 2 bus stops on Barnsley Road (A635) close to the site adjacent to the layby (to be secured by a planning condition). Bus service X19 which runs between Doncaster and Barnsley passes the site on Barnsley Road and operates 7 days a week, with half hourly services Monday to Saturday and hourly services provided on a Sunday. The plans show the provision of footways and a 2 metre wide pedestrian refuge linking the bus stops to the internal pedestrian link to the proposed MSA (see figure 7).

8.45 Secure cycle parking will be provided within the scheme to encourage staff to travel by bicycle and this will be located within the service yard compound to the rear of the Amenity Building and comprises 20 spaces.

8.46 There will be a requirement for monitoring of traffic numbers carried out by an independent consultant for a period of 5 years to ensure that trip generation does not exceed the numbers set out in the TA. A Transport Bond is to be provided which can be used by the Council towards sustainable travel measures in the event that traffic number targets are not met. The Transport Bond sum is £22,080 and is to be secured through a S106 Agreement.

Economic and social benefits

8.47 It is estimated that during the construction phase, there will be an estimated 94 new jobs created in the local area. During operation of the MSA, it is estimated by the applicant using the floor areas that approximately 215 new full-time positions will be created.

Main town centre uses

8.48 The NPPF at paragraph 24 confirms that a sequential test should be carried out for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. A sequential test only applies to retail, leisure, and office development. MSAs are not in any particular use class. They have been classified as *sui generis* in that they are outside any use class. They are a composite of uses of which none fall within any particular use class and do not form individual planning units.

8.49 The local planning authority has discretion under paragraph 24 of the NPPF not to require a sequential test. This is logical because a sequential test would have no meaning where the MSA is serving only the motorway. The MSA must be located on the motorway and its services are for those travelling on the motorway network. This is a specific market segment that can only be served by MSAs. Town Centres are not appropriate to serve motorway users and so there would be no benefit in the applicant carrying out a sequential test.

8.50 The NPPF also states at paragraph 26 that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over 2,500 square metres. Clearly, the development exceeds this threshold, but as is the case with the sequential test, the MSA is to serve those travelling on the motorway network and is not intending to compete with Doncaster town centre. An impact assessment is therefore not required in this case.

Air quality

8.51 The ES includes a detailed assessment of the existing air quality and likely emissions associated with the proposed MSA. The assessment considers both construction and operational phases of the MSA. As part of the survey work, sensitive receptors were identified and concentrations of pollution were modelled for the combined impact of any additional traffic and biomass boiler emission sources. The results show that all predicted concentrations will be well below the UK objectives and the effect of the proposed site is therefore not significant. There are no sensitive receptors located on the site as defined within Defra's Local Air Quality Management Technical Guidance 2016. The proposed development has made provision within the site for 6 electrical charging points with the potential for a further 6 in the future as demand requires.

8.52 Construction of the MSA will result in the generation of dust due to construction activities and the movement of construction vehicles. Dust will be minimised and continuously controlled through mitigation measures including the recording of all dust and air quality complaints, undertaking daily on-site and off-site inspection of air quality conditions and only using cutting, grinding or sawing equipment fitted in conjunction with suitable dust suppression techniques (e.g. water sprays).

Land contamination

8.53 A geotechnical site investigation has been undertaken for the site and is included within the ES. Historical records show that the site has comprised agricultural land throughout its recent history with the exception of the centre of the eastern field, which was once occupied by a plaster works and pit and has since been infilled. The ground investigation did not encounter contamination in this vicinity.

Noise and vibration

8.54 A Noise and Vibration Assessment has been carried out as part of the ES. The survey shows that the noise climate in the area is dominated by road traffic from the A1(M) and A635.

8.55 The assessment indicates that Marr Grange Farm is the worst affected receptor with regards to construction noise effects, due to the relative proximity to the site boundary. These effects are however considered to be insignificant and will be temporary effects for the duration of the construction. The assessment concludes that, with the implementation of best practical means, there will be no significant residual noise and vibration effects at the receptors outside the application boundary as a result of the construction activity. The applicant has submitted a draft Construction Environmental Management Plan. This document sets out a number of measures to ensure that the impact on residential amenity is not unduly affected during the construction of the MSA. There are a number of measures set out in the document to help reduce the amount of noise during construction and these include switching off equipment when not in use and the starting up of plant and vehicles sequentially rather than all together.

8.56 Properties along Town View Avenue are the worst affected receptors with regards to operational noise effects, due to the combination of baseline noise levels and the relative proximity to the site boundary. Other receptors which are a similar distance away from the proposed MSA are less affected. The assessment concludes that all effects are likely to be insignificant. The operational noise effects of vehicle-related noise, including vehicles moving within the MSA, is also unlikely to be significant, since vehicle speeds will be low and traffic will be carefully managed and controlled.

8.57 Conditions are to be imposed to ensure that noise levels both during construction and operation are appropriate at the relevant receptors. By complying with clearly defined thresholds, the noise effects of the buildings and activities both during construction and operation are not likely to be significant.

Flood risk and drainage

8.58 The ES includes a chapter on flood risk and drainage. The assessment shows that the proposed site and surrounding land is primarily situated within Flood Zone 1, with only part of the western area of the site lying in Flood Zone 3 and at risk of flooding (from a ditch connected to Langthwaite Dike). As a result of these local considerations, a detailed flood risk modelling and appropriate mitigation was produced.

8.59 The proposed buildings are all located on higher ground to the eastern sector of the site (within Flood Zone 1) and the site access road is set above levels that are subject to flood risk. The Flood Risk Assessment concludes that the proposed MSA will not be at risk of flooding and will not increase flood risk elsewhere.

8.60 After a number of design iterations, it was decided that mitigation in the form of Sustainable Urban Drainage System (SuDS) should be implemented across the site. The SuDS scheme collects water at source via bio-retention planters, swales and filter drains before moving along further swales and entering systems of basins before discharging from the site. These different SuDS levels will treat the water from the hard surfaces removing the need for interceptors. The SuDS components adjacent to the Fuel Filling Station are designed as a separate system with the basin being lined and able to be sealed off from the wider SuDS system and thereby containing any major spills that may occur. The SuDS system is designed to ensure that surface water run-off is attenuated to natural greenfield rates, with an explicit allowance for the potential impacts of climate change on peak rainfall intensities over the lifetime of the development.

8.61 In terms of water quality, the Humber River Basin Management Plan identifies an objective to achieve good ecological potential within the heavily modified water body to which this site drains. The proposed construction mitigation techniques and operational drainage strategy for the site aim to ensure that the scheme will not result in deterioration in water quality. The proposed site layout and drainage systems design will also avoid increasing the pollution risk to any groundwater resources.

8.62 Whilst foul drain services run along the A635 Barnsley Road, the site does not benefit from a nearby foul drainage system with the capacity to serve the proposed MSA. A package treatment plant is proposed to service the MSA development.

Ecology

8.63 The ecological impacts of the MSA have been considered as part of the ES. The site was surveyed in January to September 2016 in order to inform the development proposals. This work included habitat surveys based on a recognised methodology. In addition, a general appraisal of species was undertaken to record the potential presence of any protected, rare, or notable species, with specific surveys conducted in respect of bats and badgers.

8.64 The site itself is not subject to any statutory or non-statutory ecological designations. All statutory ecological designations are well removed and separated from the site. The site is located immediately adjacent to Long Plantation Local Wildlife Site, which therefore provides some considerable local ecological value, albeit within offsite areas.

8.65 The site is dominated by intensively managed arable land forming parts of two separate fields, with other habitats centred on the field boundaries. Habitats of raised ecological value are therefore composed of the field boundary hedgerows and ditches and a very small number of individual mature trees contained within the arable fields. The site generally offers limited opportunities for protected or other

faunal species and no evidence of any such species was recorded during the survey work. Nonetheless, it is likely that the habitats present (predominantly the boundary habitats) are used by common nesting birds, whilst very limited use by commuting/foraging bats was recorded.

8.66 A small number of trees with potential for roosting bats (although not actually supporting any based on the survey work undertaken) will be affected by the proposed development. As such, in accordance with standard guidelines (e.g. Bat Conservation Trust 2016), the trees will be felled using the 'soft-felling' technique, whereby sections of the tree will be cut and lowered to the ground, followed by leaving the felled sections on the ground for a period of at least 24 hours to allow any bats, should these be present to escape. In addition, should any considerable time elapse between the existing surveys and commencement (i.e. over 1 year), updated surveys will be undertaken at the appropriate stage prior to works, to confirm that no additional bat roosting features, or use by roosting bats has developed. Clearance of potential bird nesting habitat will be carried out outside of the bird nesting season (March to August inclusive), or if necessary, preceding any clearance with an inspection by a suitably qualified ecologist. Any nests identified will be cordoned off and protected until they cease to be active.

8.67 The incorporation of open space and additional landscape planting will provide compensation for any minor losses of vegetation. All newly landscaped areas will be planted with native species including trees and shrubs of wildlife value along with wildflower grassland to increase the provision of ecologically valuable wildlife habitat provision. SuDS for the site have been designed to create varied habitats that improve biodiversity. Swales and attenuation or storage basins will be designed and implemented to direct and attenuate water flows with the aim of encouraging the growth of marginal and ephemeral plant species to create breeding and sheltering habitats. These habitat areas will provide shelter, food, foraging and breeding opportunities for a variety of wildlife species including plants, amphibians, invertebrates, birds, bats and other mammals. Grassed areas towards the boundary will be cut less frequently and therefore allowed to grow slightly longer and may include wild flowers and bulbs that could offer favourable habitat to pollinators.

8.68 Mitigation proposals have been put in place to minimise any impact to the wildlife adjacent to the Long Plantation. A 10m wide buffer of native trees and shrubs is proposed adjacent to the boundary with roads and service yard a minimum of 25m from the edge of the plantation.

Archaeology and cultural heritage

8.69 Archaeology and cultural heritage issues are included in the ES. There are no scheduled monuments, listed buildings, local listed buildings, battlefields, conservation areas, world heritage sites or registered parks and gardens within the site boundary. The ES considers the development effects on heritage assets during construction, in operation and any wider cumulative effects and concludes that no direct or indirect effects to designated heritage assets occur as a result of the proposed MSA development.

8.70 Specialist surveys reveal that the site has archaeological potential. The results of the survey indicate the presence of a number of field boundaries of probable late Iron Age to Romano-British date. The features uncovered are characteristic of the archaeological record from this period in the South Yorkshire region. The most complex area of features is located west of Mellinder Dike. The majority of the proposed development will occur within the eastern portion of the site in areas previously disturbed or lacking in archaeological deposits, although activities related to a 19th century gypsum quarry are likely to be encountered near the centre of the site.

8.71 The report concludes that further archaeological investigations should be undertaken, timed with site preparation works. This will include a targeted 'strip, map and record' excavation to a designated area to the western part of the site and a watching brief over a smaller designated area in the northwest corner of the eastern part of the site. Mitigation will be detailed in a separate Written Scheme of Investigation which is to be secured by a planning condition.

Agricultural land

8.72 An assessment of the agricultural land quality has taken place for the project. The land is classed as Grade 2 agricultural land according to Natural England Land Classification Map. Grade 2 is described in the 1988 MAFF Guidance as 'very good agricultural land with minor limitations which affects crop yield, cultivations or harvesting.'

8.73 The detailed study suggests however that the land may be poorer than Grade 2, given the degree of water saturation found in the south west part of the site and that the land consistently produces yields which are lower than the rest of the farm (according to the farmer). This suggests that the agricultural value of the site may be lower than the map suggests.

8.74 The site area will be permanently removed from agricultural production as a result of the development. Where possible, topsoil from the site will be stripped and stockpiled (appropriately, so as not to damage its properties) for reuse in landscape works on the site. The applicant has shown through the Alternative Sites Assessment that there are no similar sites that would provide a more suitable location based on agricultural land classification.

Lighting

8.75 The ES includes a chapter on lighting. An overnight baseline survey was undertaken to assess the likely effects of lighting at the site from key local viewpoints. It showed that the site is intrinsically dark, as there is no source of light emanating from the site. The existing A1(M) motorway Junction 37 is the most significant source of artificial lighting in the area immediately around the site. The A1(M) is not illuminated in the vicinity of the proposed MSA and very low illuminance levels were recorded around the site perimeter and at the edge of the surrounding woodland. The local topography and woodlands screen much of the site from neighbouring dwellings. Light spill and glare were noted at some viewpoints, principally due to the street lighting systems at Junction 37 of the A1(M). Skyglow

from nearby towns and large conurbations (Rotherham, Brodsworth, and Wakefield) was clearly visible from all viewpoints.

8.76 Detailed modelling of the proposed lighting scheme was undertaken. The assessment of the proposed MSA's lighting scheme has predicted that the correct illumination standards have been applied to the site. The effect of the lighting scheme on any sensitive receptors nearby can be determined as neutral and the proposed lighting installation is not predicted to have a significant impact on the environment. Illumination levels have been kept within British standard guidelines to ensure that the site is not over-illuminated and typical values for parking areas and roadways are in the order of 10 to 20 lux. The column mounted light fittings are specified as the 'dark sky' type with less than 1 per cent upwards light. Lamps will be appropriately specified with effective beam control, spill shields and baffles and will employ the latest LED technology. In-ground lighting features are low wattage luminaires with low output with little impact on environmental conditions. Combined daylight control, time switches and movement sensors will also be used to control external lighting to appropriate levels at all times of the day. Although a fairly detailed plan has been submitted showing indicative lighting levels, a condition has been added to ensure that the final lighting scheme is agreed.

Other issues

8.77 In terms of the other issues raised by members of the public that have not already been discussed, one of those is that the MSA would create litter to the detriment of the area. Moto will control litter through the management of the MSA. Another is that the provision of more hot food takeaways will not help with the Council's aim of improving the health of residents and also tackling obesity and this is especially important as children could be attracted to the MSA from the nearby school. The MSA will not be very accessible to children from schools given the lack of footpath from Ridgewood Academy and the MSA will have units that offer healthy food as well as those offering less healthy food. There is no evidence to suggest that the MSA will attract criminal activity or result in an influx of illegal immigration into the area.

Referral to Secretary of State

8.78 The Town and Country Planning (Consultation) (England) Direction 2009 requires local planning authorities to consult the Secretary of State before granting planning permission for certain types of development. These include developments that by reason of their scale or nature or location would have a significant impact on the openness of the Green Belt. The report has shown that although the visual impact of the development will be limited, its impact on the openness of the Green Belt remains. The scale and nature of the proposal is such that the impact on the openness will be significant and should Members resolve to support the application then it will be referred to the Secretary of State for his consideration.

9.0 Summary and conclusions

9.1 Planning law requires that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application is not in accordance with the Development Plan, because the site lies

within the Green Belt as defined by the UDP and is contrary to policies ENV3 of the UDP and CS3 of the Core Strategy which seek to protect the Green Belt from development such as this.

9.2 The proposed MSA is also inappropriate development within the Green Belt as defined by the NPPF. Inappropriate development is by definition harmful to the Green Belt. Added to the harm by reason of being inappropriate is that the proposed development will have an impact on the openness of the Green Belt, which is an essential characteristic of the Green Belt and will also result in the loss of Grade 2 agricultural land (albeit the applicant questions this grading). The Government attaches great importance to Green Belts and substantial weight needs to be given to the harm to the Green Belt. Inappropriate development should not be approved except in very special circumstances.

9.3 The applicant has demonstrated in line with the guidance set out in Circular 02/2013 that there is a gap in the provision of MSAs along this part of the Strategic Road Network. The distance and estimated driving times between certain MSAs exceed that which is recommended in Government guidance. This lack of provision can have an impact on the safety and welfare of road users. The provisions of MSAs assist in achieving sustainable transport and travel objectives by keeping vehicles on the motorway. This avoids motorists leaving the motorway in search of places to stop for rest and refreshment which can involve substantial additional mileage and add to local traffic congestion. The applicant has shown that the north-eastern quadrant of Junction 37 will have the least impact on the Green Belt and is the most appropriate location for a MSA, having ruled out an on-line facility (on account of the lack of room between junctions) and Junction 38 (on account of it being too close to Ferrybridge MSA and highway concerns). Significant weight must be attached to the benefits of a MSA in this location given that it can impact on driver safety and can therefore constitute a very special circumstance.

9.4 Added to the safety benefits of a MSA and weighing in favour of the application is that the site will have a limited visual impact on the Green Belt on account of existing screening (in particular by Long Plantation and Ducker Holt) around the site and given the significant planting that will take place, which will over time further help to screen the development. The scheme has been designed sensitively and incorporates a number of sustainability measures (including a comprehensive SuDS scheme) to minimise the impact on the environment.

9.5 On top of that, is the economic benefits that the MSA will provide in creating over 200 jobs, which also weighs in its favour and is in line with the aims of the NPPF, which seeks to encourage economic growth.

9.6 The proposed development will have a limited impact on the highway network given that roughly 95 per cent of the traffic is direct from the motorway. The new access arrangements have been thoroughly assessed and are considered acceptable. The scheme aims to encourage sustainable modes of travel to the site for employees by providing bus stops and a pedestrian link into the MSA from Barnsley Road and through a Travel Plan backed up by the provision of a Transport Bond.

9.7 The ES submitted with the application demonstrates that all environmental issues are acceptable. In terms of air quality, all predicted concentrations will be well below the UK objectives and any impact arising during construction will be mitigated through the Construction Impact Management Plan. No ground contamination was found and noise (both during construction and operation of the MSA) is to be controlled through appropriate planning conditions. There is little ecological interest on the site and biodiversity will be enhanced with significant planting and new habitats created. There is some archaeological interest on the site and further investigation is to be secured by a planning condition. The lighting scheme proposed for the site is appropriate and will limit the amount of light pollution in this countryside location.

9.8 There is clearly a need to carry out a balancing exercise act of the benefits that the scheme will bring against any harm that it would cause. On the one hand, it has been shown that the proposal is inappropriate development in the Green Belt and is therefore by definition harmful, to which significant weight must be attached. The MSA will have an impact on the openness of the Green Belt and although there are questions over the accuracy of the maps, it will still result in the loss of Grade 2 agricultural land. Against this, the fundamental nature of a MSA as an appropriate provision for the safety and welfare of road users on the motorway network is given significant weight. The lack of alternative locations along the A1(M) to accommodate this demand also works in its favour. The scheme will have a limited visual impact on the countryside and will provide much needed jobs. It is therefore considered, on balance, that the benefits of the MSA in terms of driver safety and the jobs created and its limited visual impact on the countryside are the very special circumstances that are sufficient to outweigh the harm to the Green Belt by reason of it being inappropriate development and the other harm identified.

10.0 Recommendation

MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT FOLLOWING DEFERRAL TO THE SECRETARY OF STATE, 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) Monitoring of trip rates and provision of bond of £22,080 to be used by the Council towards sustainable travel measures in the event that traffic number targets are not met.

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 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:

Overall site

Drawing number 21603-01 Revision F (Site plan)

Drawing number 21603/03 Revision H dated May 2016 (Landscape masterplan)

Drawing number 21603/04 Revision B dated June 2016 (Entrance Plaza)

Drawing number 21603/005 Revision F dated Apr 2016 (Parking numbers)

Drawing number 21603/08 Revision C dated Jan 2017 (Boundary treatment plan)

Drawing number 21603/09 Revision D dated Aug 2016 (Suds schematic)

Drawing number 21603/11 Revision D dated Jan 2017 (Proposed flood route alignment)

Drawing number 1186-F09 Revision E dated Oct 2017 (Site access arrangements)

Drawing number 4576-SK-004 Revision P2 dated January 2017 (Storm drainage)

Drawing number 4576-SK-005 Revision P2 dated January 2017 (Foul drainage)

Amenity building

Drawing number 8231/PL020 Rev A (Ground Floor Plan)

Drawing number 8231/PL021 Rev A (First Floor Plan)

Drawing number 8231/PL030 Rev A (Elevations)

The Lodge

Drawing number 8231/PL040 Rev A (Ground floor plan)

Drawing number 8231/PL041 Rev A (First Floor and roof plan)

Drawing number 8231/PL046 Rev A (Elevations)

Costa Drive Thru

Drawing number 8231/PL055 Rev A (Elevations)

Drawing number 8231/PL050 Rev A (round Floor, Roof Plan and Sections)

Fuel filling station

Drawing number 8231/PL060 Rev A (Ground floor plan)

Drawing number 8231/PL066 Rev A (Elevations)

Ancillary buildings

Drawing number 8231/PL070 Rev A (Biomass and Energy Centre)

Drawing number 8231/PL071 Rev A (Aircooled chiller, Water tank and Substation)

Drawing number 8231/PL072 Rev A (LPG Compound)

REASON

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

3. The retail floor space as shown on plan reference PL099 revision B shall not exceed the following:

Amenity building: 1223 square metres with no individual unit more than 143 square metres.

Costa Drive Thru: 125 square metres.

Fuel Filling Station: 147 Square metres.

REASON

To ensure the proposal is in compliance with the approved plans and policy CS7 of the Core Strategy.

4. During the construction phase, operations shall be restricted to the hours of 07:00 to 18:00hrs Monday to Friday and 08:00 to 16:00hrs on Saturday. No operation on Sundays or Bank Holidays (other than special works subject to prior agreement with the local planning authority).

REASON

To safeguard the amenities of the occupiers of the adjoining properties in accordance with guidance set out in the NPPF.

5. Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (based on the draft document BD12 by Arup dated January 2017) shall be submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in strict accordance with the measures identified in the approved Construction Environmental Management Plan.

REASON

The document is only in draft form and is required prior to the commencement of development to safeguard the environment and living conditions of neighbouring residents in accordance with guidance set out in the NPPF.

6. The development shall not exceed the following noise levels during construction of the development:

Noise sensitive receptor	Description	Daytime limit (dBL _{Aeq,T})
1	North of site; Green Lane	65
2	North-east of site; Town View Avenue	65
3	South-east of site; Sheep Walk Lane	70
4	South-west of site; Marr Grange Lane	65
5	South-west of site; Barnsley Road	75

REASON

To safeguard the amenities of the occupiers of the adjoining properties in accordance with guidance set out in the NPPF.

7. The development shall not exceed the following noise levels during operation of the development:

Building service noise limits

Noise sensitive receptor	Description	Noise limit values in decibels (dB), $L_{Ar,Tr}$	
		Day (07:00 – 19:00)	Night (23:00 – 07:00)
1	North of site; Green Lane	27	26
2	North-east of site; Town View Avenue	25	23
3	South-east of site; Sheep Walk Lane	33	28
4	South-west of site; Marr Grange Lane	43	40
5	South-west of site; Barnsley Road	42	38

REASON

To safeguard the amenities of the occupiers of the adjoining properties in accordance with guidance set out in the NPPF.

8. During the operational phase of the site, 3 yearly noise monitoring for compliance of the building service noise limits (to start 12 months after the development commences) or due to a request from the local planning authority following a complaint, a noise report shall be submitted to the local planning authority. The noise report shall be conducted by a competent noise consultant whilst the site is in operation during night-time periods. The data shall provide the measured levels at source and predicted levels at the identified monitoring positions at:

Location 1 positioned north of site - Green Lane

Location 2 positioned north-east of site -Town View Avenue

Location 3 positioned south-east of site -Sheep Walk Lane

Location 4 positioned south-west of site -Marr Grange Lane

Location 5 positioned south-west of site -Barnsley Road

REASON

To safeguard the amenities of the occupiers of the adjoining properties in accordance with guidance set out in the NPPF.

9. 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.

10. Before the development commences, a BREEAM pre-assessment, or equivalent assessment, shall be submitted for approval demonstrating how BREEAM 'Very Good' will be met. Unless otherwise agreed, the development must take place in accordance with the approved assessment. Prior to the occupation of any building, a post construction review should be carried out by a licensed assessor and submitted for approval. This will enable the planning condition to be fully discharged. Advice should be sought from a licensed BREEAM assessor at an early stage to ensure that the required performance rating can be achieved. A list of licensed assessors can be found at www.breeam.org.

REASON

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

11. No development shall take place in implementation of this permission until a report (the initial SAP report carried out as part of Building Regulations will be sufficient information in many cases) has been submitted to the local planning authority and approved in writing from them, explaining how CO2 emissions from the development will be reduced by providing at least 10 Percent of the development's energy through on-site renewable energy equipment or improvements to the fabric efficiency of the building. The carbon savings, which result from proposed measures, will be above and beyond what is required to comply with Part L of Building Regulations. Unless otherwise agreed in writing by the Local Planning Authority, the development shall then proceed in accordance with the approved report. Before any building is occupied or sold, the local planning authority shall be satisfied that the measures have been installed, which will enable the planning condition to be fully discharged.

REASON

In the interests of sustainability and to minimize the impact of the development on the effects of climate change in accordance with policy CS14 of the Core Strategy. This condition is required to be discharged prior to commencement as the approved detail may have an impact on the design and fabric of the building during construction or the appearance of the development.

12. Prior to the occupation of the development hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. Installation shall comply with current guidance/advice. No buildings shall be occupied until the approved connection has been installed and is operational in accordance with the approved details and shall be retained for the lifetime of the development.

REASON

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

13. The MSA hereby approved shall not be opened to the general public until bus stops have been provided on Barnsley Road in accordance with a scheme previously approved in writing by the local planning authority.

REASON

To encourage sustainable modes of travel to the site in accordance with policy CS9 of the Core Strategy.

14. The erection of impact resistant barriers for the protection of any retained tree shall be undertaken in accordance with the approved Arboricultural Impact Assessment (reference 9277_AIA.001 dated January 2017) and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON

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

15. Unless as shall be approved otherwise in writing by the local planning authority, the scheme of landscaping shown on the Planting Strategy plan (ref: 21603/10 Revision C dated Jan 2017) and the Tree Pit Details plan (ref: 21603/14 dated March 2017) shall be implemented in full accordance with the approved details during the first available planting season following the completion of the development hereby granted and the local planning authority notified prior to backfilling 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 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.

16. Within two months of approval a Biodiversity Enhancement Master Plan shall be submitted and approved in writing by the LPA. The content of the Plan shall include:

- i) A clear Identification of the mitigation and/or compensation areas within the development site, including SUDS features.
- ii) Measures to protect and enhance the adjacent Local Wildlife Site, Long Plantation
- iii) 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.

iv) Provision of roosting and nesting opportunities in woodland and new built structures

v) Incorporate the outline measures as shown on the Landscape Masterplan drawing 21603/03.

REASON

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

17. Part A (pre-commencement)

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

- i) The programme and method of site investigation and recording.
- ii) The requirement to seek preservation in situ of identified features of importance.
- iii) The programme for post-investigation assessment.
- iv) The provision to be made for analysis and reporting.
- v) The provision to be made for publication and dissemination of the results.
- vi) The provision to be made for deposition of the archive created.
- vii) Nomination of a competent person/persons or organisation to undertake the works.
- viii) The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

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

REASON

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in accordance with policy CS15 of the Core Strategy.

18. A full Travel Plan shall be submitted to the local planning authority within 3 months of full occupation of the site. The development shall thereafter be carried out in accordance with the approved Travel Plan.

REASON

To encourage sustainable modes of travel to the site in accordance with policy CS9 of the Core Strategy.

19. No lighting shall be installed on site until the details have first been approved in writing by the local planning authority. The lighting scheme shall be based largely on the details shown on drawing number LS13754-1-3 dated July 2016. The lighting shall thereafter be carried out in accordance with the approved scheme and retained as such.

REASON

To minimise light pollution in this countryside location in accordance with guidance set out in the NPPF.

20. No part of the development hereby approved shall be used by the public until all parking areas, internal access roads, turning and manoeuvring areas and footpaths have been constructed and laid out in accordance with the proposed site plan drawing number 21603-01 Revision F.

REASON

In the interests of highway safety.

21. The development hereby permitted shall not be commenced until a 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. The CTMP shall contain information relating to (but not limited to):

- i) Volumes and types of construction vehicles
- ii) Parking of contractors vehicles
- iii) identification of delivery routes;
- iv) Contractors method for controlling construction traffic and adherence to routes
- v) Size, route and numbers of abnormal loads
- vi) Swept path analysis (as required)
- vii) Construction Period
- viii) Temporary signage
- ix) Measures to be taken within the curtilage of the site to prevent the deposition of mud and debris on the public highway.

REASON

This information has not been provided and is required prior to the commencement of development to ensure highway safety.

INFORMATIVE

Although plans have been submitted showing signage for the site, this permission does not allow for signs and a separate advertisement consent application will need to be made.

INFORMATIVE

During the construction phase, broadband (i.e. white noise) reversing alarms should be used rather than tonal alarms.

INFORMATIVE

Clearance of potential bird nesting habitat should be carried out of the bird nesting season (March to August inclusive) or if necessary preceding any clearance with an inspection by a suitably qualified ecologist.

INFORMATIVE

Condition 15 refers to independence in the landscape, which is defined in British Standard 8545:2014 Trees: from nursery to independence in the landscape - Recommendations as the point at which a newly planted tree is no longer reliant on excessive or abnormal management intervention in order to grow and flourish with realistic prospects of achieving its full potential to contribute to the landscape.

INFORMATIVE

Where development commences more than two years from the date of the original protected species surveys, additional/updating surveys should be carried out to ensure that approved mitigation is appropriate for the current situation.

INFORMATIVE

It should be noted that to facilitate the proposed layout, a section of public highway (privately maintained) is to be stopped up under Section 247 of the Town and Country Planning Act 1990.

The detailed access arrangement / alterations to the public highway as a result of this development proposal shall be subject to Road Safety Audits in accordance with DMRB Volume 5 Section 2 Part 2 (HD 19/15).

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 proposed footway and bus stop layby on the South side of Barnsley 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 or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

Amendments to the existing street lighting as a result of the proposals is likely. 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.

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.

Appendix



Fig 1: Site layout plan showing amenity building (largest building at bottom right) lodge (I shaped building just to the north of amenity building), drive thru (central), fuel filling station (nearest the roundabout), HGV parking (bottom left) and parking layout.



Fig 2: Aerial photo of the site.

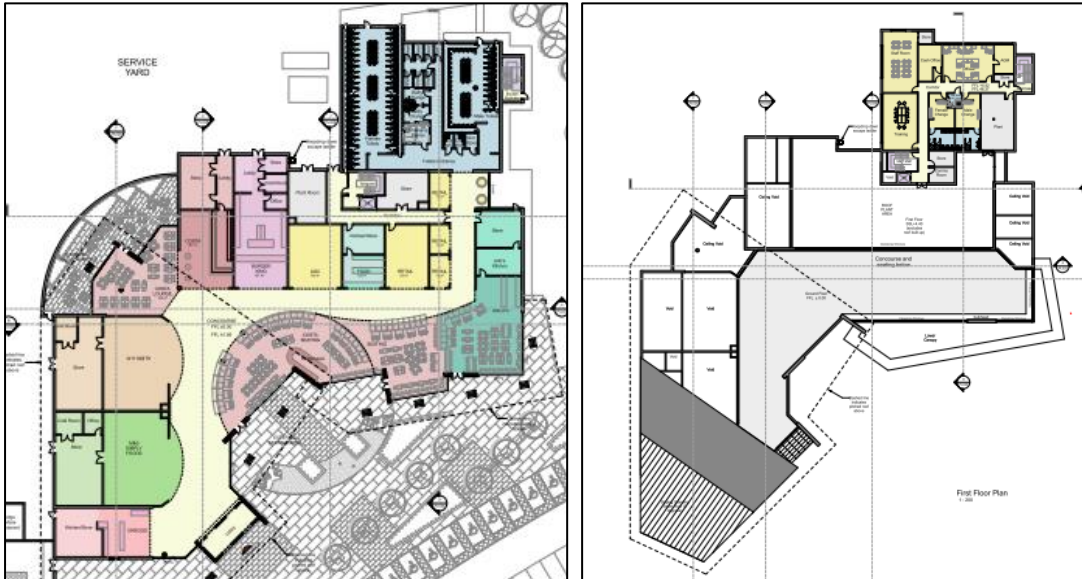


Fig 3: Front elevation and floor plans of amenity building.



Fig 4: Front elevation of lodge and ground floor plan (first floor plan is very similar).

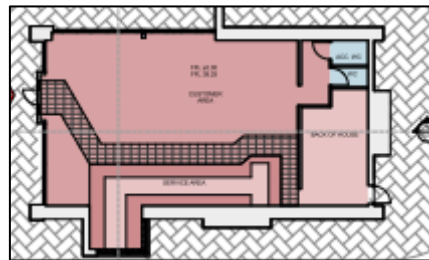


Fig 5: South and west elevations and ground floor plans for the drive-thru coffee unit.



Fig 6: South elevation and floor plan of the Fuel Filling Station.



Fig 7: Showing bus stops either side of Barnsley Road near the layby (to be retained) with footpaths, refuge island and pedestrian link into the MSA site.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 12th December 2017

Application 2

Application Number:	17/02293/3FULM	Application Expiry Date:	13 th December 2017
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Application Type:	Major
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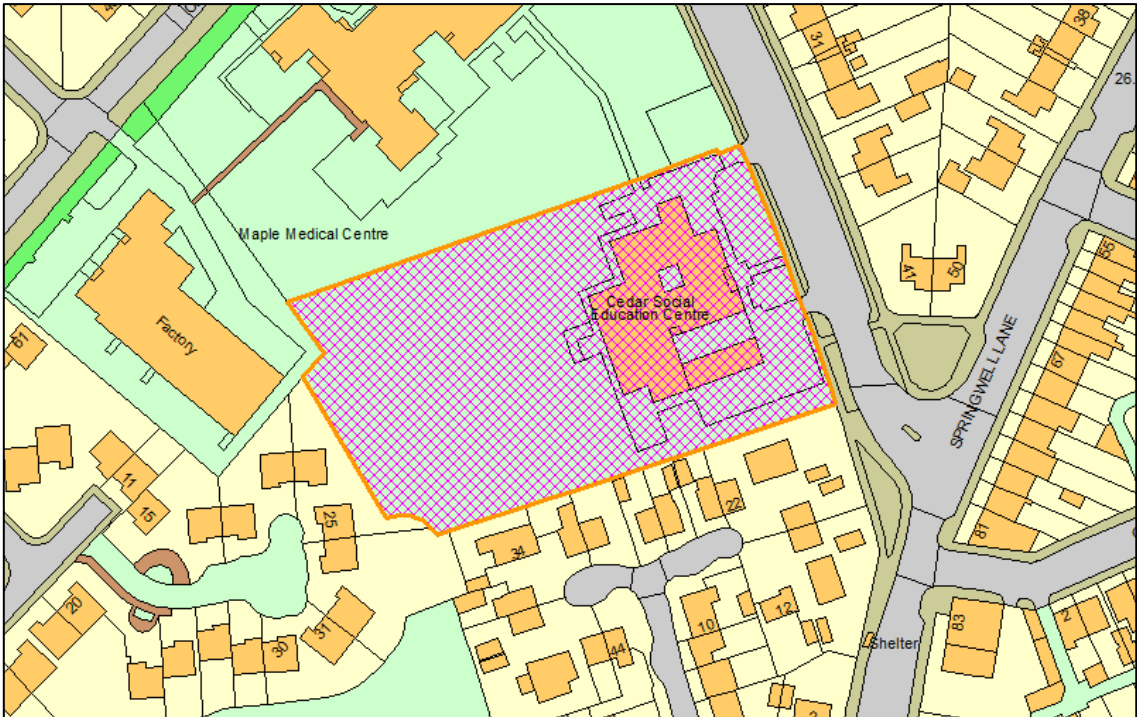
Proposal Description:	Erection of 25 affordable dwellings (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)
At:	Cedar Adult Centre, Warde Avenue, Balby

For:	DMBC
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Third Party Reps:	0	Parish:	
		Ward:	Balby South

Author of Report	Mel Roberts
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 This application is being presented to planning committee because the application is submitted by the Council for its own development and is not considered to be a routine minor development such that it could be determined under delegated powers.

2.0 Proposal and Background

2.1 This application seeks planning permission for the erection of 25 affordable dwellings (100 per cent affordable housing) comprising 14 two bedroomed houses, 4 three bedroom houses, 1 four bedroomed detached house and 4 two bedroomed bungalows (all of the houses are two storeys). Access is to be taken from Warde Avenue in the same position as the existing access into the site. The proposal includes a green area of open space at the rear of the site that incorporates an existing mature oak tree that overhangs the site (see Fig 1 in the appendix).

2.2 The site is rectangular in shape and covers an area of approximately 0.73 hectares. The site was formerly occupied by the Cedar Road Education Centre, which closed in 2016 and was recently demolished. The western half of the site is covered in vegetation and the eastern area is covered in demolition rubble and a harstanding base where the former building used to stand. The site is generally flat. The adjacent land uses are residential to the east, south and west with Cedar Special School and its grounds to the north.

3.0 Relevant Planning History

3.1 Planning approval for the demolition of the Social Education Centre was given on the 22nd September 2016 under reference 16/02253/3DEM.

4.0 Representations

4.1 A public consultation invitation was sent out to residents in the immediate area during August 2017 and the Information day took place at Westbourne Gardens Communal Hall on Wednesday 6th September. The day was attended by over 20 residents and feedback in the main was positive.

4.2 The application has been advertised in the local press, with notices posted close to the site and with letters sent to all properties adjoining the site and no representations have been made.

5.0 Parish Council

5.1 There is no Town Council for Balby.

6.0 Consultations

6.1 The Urban Design Officer has responded and has raised no objections.

6.2 Highways have raised no objections subject to conditions; these conditions have been added where relevant.

6.3 The Tree Officer has raised no objections subject to conditions; these conditions have been added.

6.4 The Ecology Officer has raised no objections subject to conditions; these conditions have been added.

6.5 South Yorkshire Archaeological Service has raised no objections and has stated that there is little to be gained from any archaeological investigation given the disturbance to part of the site from the adult centre constructed in the 1970s.

6.6 Pollution Control has raised no objections subject to a condition requiring further investigation of possible contamination on site; this condition has been added.

6.7 Yorkshire Water has raised no objections subject to conditions; these conditions have been added.

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 material 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 material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development.

Doncaster Core Strategy

7.2 Policy CS1 states that proposals will be supported which strengthen communities, are place specific in their design, are accessible by a range of transport modes, protect local amenity and are well-designed.

7.3 Policy CS2 states that the Main Urban Area (including Balby) will be the main focus for growth and regeneration.

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

7.5 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.

7.6 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.

7.7 Policy CS16 seeks to protect Doncaster's natural environment, particularly where protected species may be affected. Proposals will be supported which enhance the borough's landscape and trees by including measures to mitigate any negative impacts on the landscape, include appropriate hard and soft landscaping, retain and protect appropriate trees and hedgerows and incorporate new tree and hedgerow planting.

Unitary Development Plan

7.8 Policy PH11 states that within Residential Policy Areas, development for housing will normally be permitted except where the development would be over-intensive and out of character with the area or would impact on residential amenity

7.9 Policy RL4 requires on site open space or a commuted sum in lieu on sites of 10 or more family dwellings.

8.0 Planning Issues and Discussion

Principle

8.1 The site falls within the Residential Policy Area as allocated in the Doncaster Unitary Development Plan and is therefore an acceptable use in principle according to policy PH11 of the Doncaster UDP. The site also falls within the Main Urban Area, which should be the focus for growth and regeneration as set out in policy CS2 of the Core Strategy. The site falls within Flood Zone 1 which is the lowest risk of flooding and the use of the site for residential development is appropriate without the need to apply the Sequential and Exceptions Test and is therefore in accordance with policy CS4 of the Core Strategy. The proposal is a suitable re-use of previously developed land and is in a sustainable location.

Design and residential amenity

8.2 The density of the scheme at 34 dwellings per hectare is acceptable and in keeping with the character of the surrounding area. The scheme is not considered to be over-intensive and has been designed to ensure that all healthy trees on site are retained. One of the most impressive trees is a large oak at the rear of the site in the south west corner. The proposal includes an attractive area of open space around this tree and the houses have been designed to overlook this green. The trees along the site frontage on Warde Avenue have also mostly been retained and will form a nice landscaped frontage to the development. The dwellings proposed along the frontage to Warde Avenue are all two storeys and set well back from the road mimicking those on the opposite side of the street (see Fig 2 in the appendix).

8.3 The southern boundary of the site has a number of existing dwellings along it which vary between one and two storeys. This side of the site layout has been designed to respect the privacy of all of these existing houses by maintaining the minimum standoff distances required. All appropriate separation distances are

maintained to ensure that there will be no unacceptable overlooking or overshadowing of existing properties surrounding the site or within the scheme itself.

8.4 The applicant has submitted a materials plan, which shows the different types of materials to be used on site. The philosophy used for the materials is to make a feature of the small square at the rear of the site with rendered houses. The remainder of the properties are to be red brick and slate grey roofs with the bungalows having a rendered front gable and red brick with slate grey roofs. The application is therefore in accordance with policies CS1 and CS14 of the Doncaster Core Strategy and policy PH11 of the Doncaster UDP.

Highways

8.5 The scheme has been designed to adhere to highway standards, with suitable turning areas to accommodate refuse vehicles. All two bedroomed houses have one plot parking space and three bedroomed and above have two spaces per plot. A total of 4 on site visitor parking bays are provided, which are supplemented by a further two immediately outside the site along Warde Avenue. The site is well located for access to public transport with bus stops nearby on Springwell Lane, providing alternative sustainable means of travel to the site and is therefore in accordance with policy CS9 of the Core Strategy.

Ecology and Trees

8.6 An Ecological Survey has been submitted with the application. The survey concludes that the site has low ecological value for flora. The site is considered hostile for use by amphibians and common reptile species. Scattered trees on the periphery of the site recorded negligible potential to support features which bats could utilise for roosting, or as a place of shelter. The nature of the fencing that encircles the site largely impedes access for larger, terrestrial mammal species. A planning condition will secure ecological enhancement of the site in the form of bird boxes on some of the houses.

8.7 A Tree Survey has been submitted with the application. The trees along the front of the site on Warde Avenue contribute towards an avenue effect. These trees are set between the public footpath and the road within a green planting margin. The houses planned to front Warde Avenue are set back behind the root protection areas (as identified in the tree report). One of the street trees on Warde Avenue is required to be felled to accommodate a widened access into the site and an adjacent tree is required to be felled on the advice of the tree report.

8.8 Further details of landscaping are to be secured by condition. The plans give an indication of where landscaping could be introduced to enhance the scheme including additional planting in the green where the large oak tree is situated. Hedges will also be planted within the site to obscure the views of parked cars at the front of houses. The application is therefore in accordance with policy CS16 of the Doncaster Core Strategy.

Planning Obligations

8.9 Policy RL4 of the UDP requires on site open space or a commuted sum in lieu on sites of 10 or more family dwellings. The site is in the Balby Community Profile Area, which is deficient in 3 out of 5 open Space typologies and there would therefore normally be a requirement for 15 per cent of the site to be laid out as useable onsite public open space, or a commuted sum in lieu of this. The site does include informal areas of open space within the scheme and these equate to just over 8 per cent of the total site area. The applicant has confirmed that the cost of the construction is met through the Housing Capital Programme and Homes and Communities Agency Grant and any further contribution towards open space would affect the viability of the scheme and could jeopardise the provision of 100 per cent affordable housing. It should also be noted that there is a large area of open space within 200m of the site to the south east (off Springwell Lane).

9.0 Summary and conclusions

9.1 The site lies within an area that is promoted for housing both in the Core Strategy and the UDP. The site is in a sustainable location and represents a suitable re-use of previously developed land. The scheme will deliver much needed affordable housing and has received no objections from consultees or members of the public.

9.2 The proposal has been designed to ensure that it is in keeping with the character of the area and retains the best trees on site. The proposal is not over-intensive and ensures that there is no loss of amenity to surrounding residential properties through overlooking or overshadowing. The scheme includes areas of informal open space, including an attractive green area that retains a mature oak tree.

9.3 Although the amount of open space provided on site is just over half of what would normally be required under policy RL4, in this case, the overriding need for affordable housing and the provision of open space nearby outweighs any under provision of open space.

9.4 The proposal has been designed to meet all highway requirements and all other issues including ecology have been satisfactorily resolved. The application is therefore recommended for approval subject to the conditions outlined below.

10.0 Recommendation

GRANT planning permission subject to the conditions below;

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 PQ1761 /AD/10 Rev C dated Aug 2017 (Site plan)

Drawing number PQ1761 /AD/PD01 Rev A dated May 2015 (House type N790)

Drawing number PQ1761 /AD/PD02 Rev A dated June 2015 (House type N930)

Drawing number PQ1761 /AD/PD03 dated June 2015 (House type N797)

Drawing number PQ1761 /AD/PD05 Rev A dated June 2015 (House type N812)

Drawing number PQ1761 /AD/PD09 Rev A dated July 2015 (House type N1210)

Drawing number PQ1761 /AD/PD14 Rev B dated March 2016 (House type N630A)

Drawing number PQ1761 /AD/PD15 dated March 2016 (House type N630B)

Drawing number PQ1761 /AD/99 dated Aug 2017 (Materials plan)

REASON

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

3. The development hereby permitted shall not be commenced until details of measures to be taken within the curtilage of the site to prevent the deposition of mud or debris on the public highway, has been submitted to and approved in writing by the Local Planning Authority.

REASON

No such details have been provided and this is required before the development commences in the interests of road safety.

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

REASON

In the interest of satisfactory and sustainable drainage.

5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the local planning authority.

REASON

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

6. 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) As a result of the findings of the Phase 1 Desk Study Report (Rev A) for Warde Avenue, Balby, Ref P17 -00535, dated 23 August 2017, by MET Consultancy Group, a Phase 2 site investigation and risk assessment shall be

undertaken. The Phase 2 site investigation and risk assessment, 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 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 Environmental 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

The details are required prior to the commencement of development to secure the satisfactory development of the site in terms of human health and the wider environment pursuant to the National Planning Policy Framework.

7. 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

No landscaping details have been provided and these are required prior to the commencement of development in the interests of environmental quality and core strategy policy CS16: Valuing our natural environment.

8. 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 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

No such details have been provided and these are required prior to the commencement of development to ensure that all trees are protected from damage during construction in accordance with core strategy policy CS16: Valuing our natural environment.

9. Within six weeks of the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:

5 No. swift boxes of wooden or 'woodcrete' construction are attached to suitable locations on 5 separate dwellings.

REASON

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

INFORMATIVE

Any works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement, and for on site inspection. The applicant should make contact with Malcolm Lucas, Tel. 01302 745110. Email. Malcolm.lucas@doncaster.gov.uk 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 Tel. 01302 735162. Email. P.Evans@doncaster.gov.uk 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 Malcolm Lucas, Tel. 01302 745110. Email. Malcolm.lucas@doncaster.gov.uk 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.

Roads other than shared private drives shall be constructed to an adoptable standard and offered for adoption on completion under (the provisions) Section 38 of The Highways Act (1980). Engineering and surface water drainage details shall be submitted for inspection and approval in writing by the (Local Planning Authority) Highways Authority before works commence on site.

Whilst no information is given at this stage about the method of disposal of highway drainage, I am mindful of restrictions on surface water disposal and the emphasis on the use of sustainable solutions. I make this point as the use of a soakaway system has to be located outside the carriageway and at least 6m from any building may further affect the layout shown. It should be noted that 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.

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

INFORMATIVE

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

The document can be found at the following web address:

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

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

INFORMATIVE

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

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

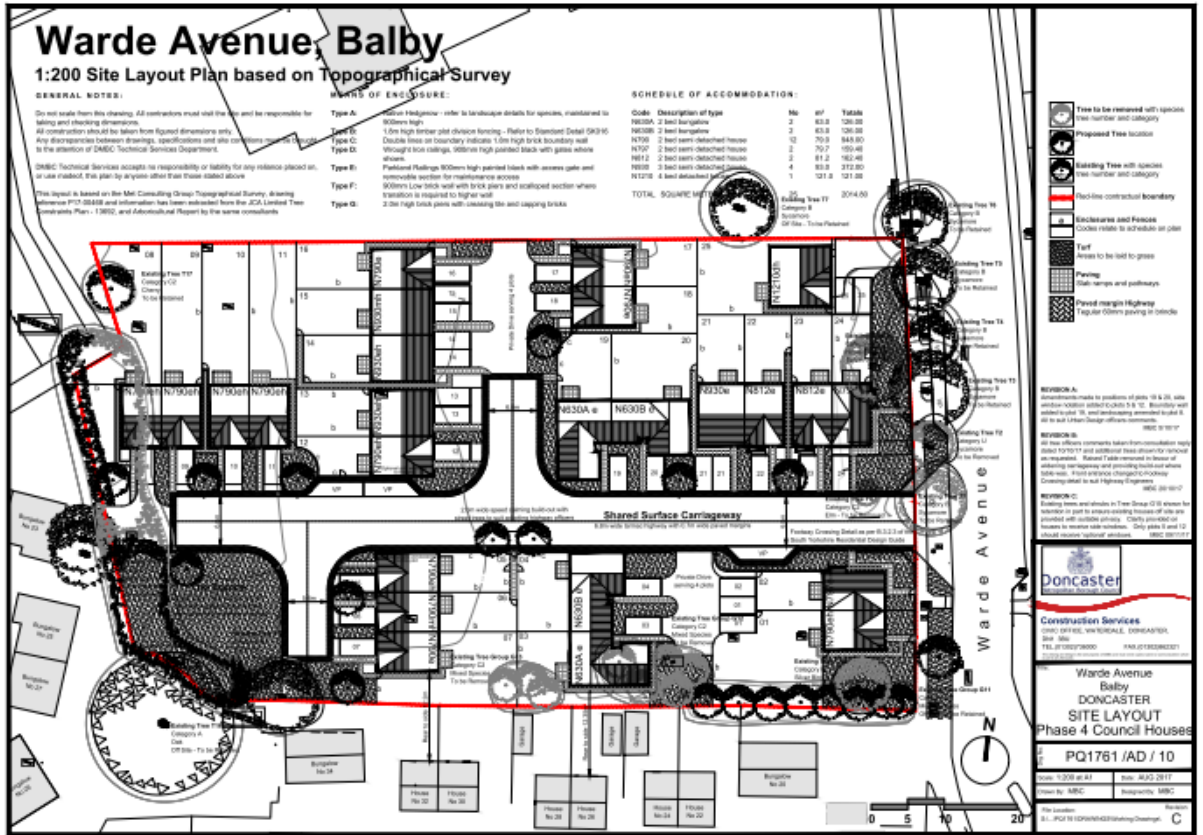


Fig 1: Site layout plan



Fig 2: Computer image of the site showing the front of the scheme with access off Warde Avenue and showing the typical house types within the scheme.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 12th December 2017

Application 3

Application Number:	17/02355/3FULM	Application Expiry Date:	20 th December 2017
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Application Type:	Major
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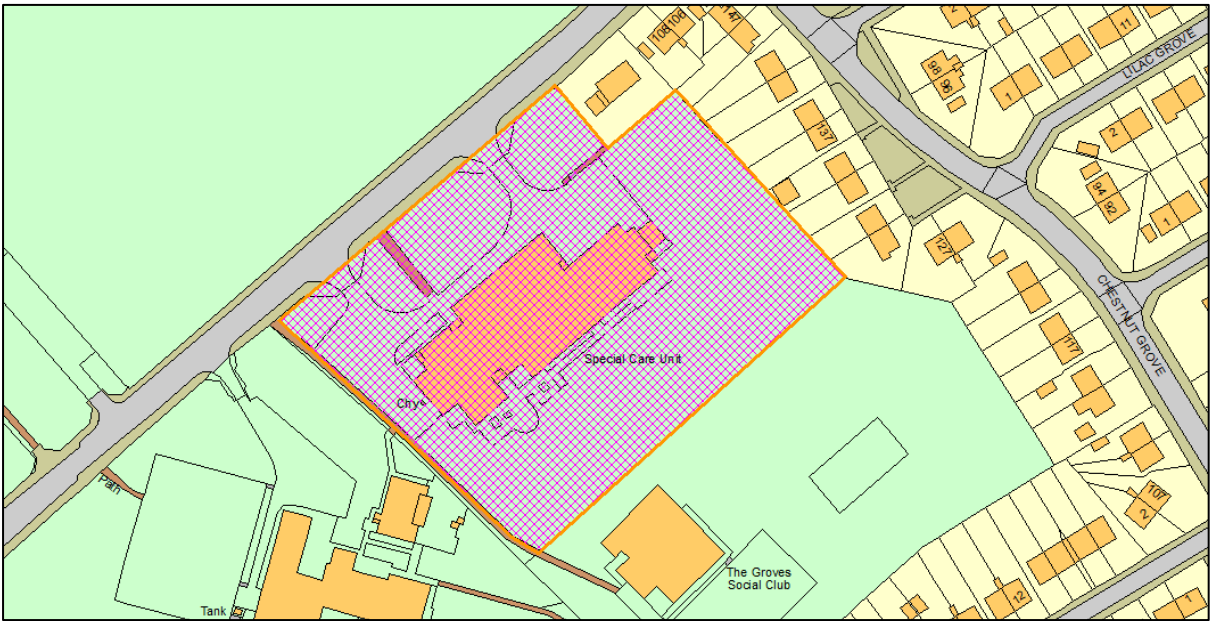
Proposal Description:	Erection of 41 affordable dwellings (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992).
At:	Conisbrough Social Education Centre, Old Road, Conisbrough

For:	DMBC
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Third Party Reps:	0	Parish:	
		Ward:	Conisbrough

Author of Report	Mel Roberts
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 This application is being presented to planning committee because the application is submitted by the Council for its own development and is not considered to be a routine minor development such that it could be determined under delegated powers.

2.0 Proposal and Background

2.1 This application seeks planning permission for the erection of 41 affordable dwellings (100 per cent affordable housing) with a mixture of bungalows, detached and semi-detached houses (all of the houses are two storeys in height). The application proposes 25 two bedroomed houses, 10 three bedroomed houses, 2 four bedroomed houses and 4 two bedroomed bungalows.

2.2 The site was formerly occupied by the Conisbrough Social Education Centre, which closed in 2016 and was subsequently demolished in early 2017. There are two existing access points into the site from Old Road in the form of single priority junctions. Both access are currently closed but were used when the Social Education Centre was in operation. These access points will be used to serve the residential development and will be connected by a crescent road that forms an attractive frontage to the development (see Fig 1 in the appendix).

2.3 The site is located towards the western edge of Conisbrough, immediately south of Old Road and east of Conisbrough Ivanhoe Community Primary School. The site is rectangular in shape and covers an area of approximately 1.18 hectares. The site slopes down from Old Road and currently comprises vacant land covered in a mixture of soft landscaping and hard standing with demolition rubble.

2.4 The adjacent land uses are playing fields to the north west, residential houses to the north east, the Groves Social Club to the south east and a primary school to the south west. On the northern boundary of the site, situated off Old Road, is the former caretaker's bungalow, which is now owned as a freehold property. There is a public footpath that runs along the south western boundary of the site between this site and the adjacent school.

3.0 Relevant Planning History

3.1 Planning approval for the demolition of the Special Education Centre was given on the 20th September 2016 under reference 16/02150/3DEM.

4.0 Representations

4.1 A public consultation invitation was sent out to residents in the immediate area during August 2017 and the Information day took place at the Ivanhoe Centre on Tuesday 5th September. The day was attended by over 11 residents including 2 local councillors and feedback in the main was positive.

4.2 The application has been advertised in the local press, with notices posted outside the site on Old Road and with letters sent to all properties adjoining the site and no representations have been made.

5.0 Parish Council

5.1 There is no Town Council for Conisbrough.

6.0 Consultations

6.1 Transportation has responded and raised no objections to the application.

6.2 Highways have raised no objections subject to conditions; these have been attached where relevant.

6.3 The Urban Design Officer has responded and has raised no objections to the application.

6.4 The Tree Officer has raised no objections subject to conditions; these conditions have been added.

6.5 The Ecology Officer has raised no objections subject to conditions; these conditions have been added.

6.6 The Open space Officer is concerned that there is no useable open space on site, although accepts that recreational opportunities exist directly opposite the site.

6.7 Environmental Health has raised no objection subject to a condition requiring an acoustic fence along the boundary of the site with the adjacent club car park. This acoustic fence is already shown on the plans along the south east and south western boundaries and so there is no need for a condition.

6.8 Pollution Control has raised no objections subject to a condition requiring further investigation of possible contamination on site; this condition has been added.

6.9 Yorkshire Water has raised no objections subject to a condition requiring further details of the surface water discharge; this condition has been added.

6.10 Education has stated that Ivanhoe Primary school would be over capacity with the expected 9 pupil numbers as a result of this development and that De Warne Academy would also be over capacity with the additional 7 places as a result of this development. Education has asked for a contribution of £237,366 to provide for new school places.

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

Doncaster Core Strategy

7.3 Policy CS1 states that proposals will be supported which strengthen communities, are place specific in their design, are accessible by a range of transport modes, protect local amenity and are well-designed.

7.4 Policy CS2 states that Conisbrough is a Principal Town and will be the focus for growth and regeneration.

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

7.6 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.

7.7 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.

7.8 Policy CS16 seeks to protect Doncaster's natural environment, particularly where protected species may be affected. Proposals will be supported which enhance the borough's landscape and trees by including measures to mitigate any negative impacts on the landscape, include appropriate hard and soft landscaping, retain and protect appropriate trees and hedgerows and incorporate new tree and hedgerow planting.

Unitary Development Plan

7.9 Policy CF4 states that should land in educational use be declared surplus to requirements, proposals for their future alternative use will be acceptable where, no other community facilities provider wishes to acquire it for their own community use, it does not lie within an area deficient in community facilities and it complies with other relevant UDP policies.

7.10 Policy RL4 requires on site open space or a commuted sum in lieu on sites of 10 or more family dwellings.

8.0 Planning Issues and Discussion

Principle

8.1 The site falls within an Educational Facility Area as allocated in the Doncaster Unitary Development Plan. Saved Policy CF4 of the UDP states that should land in educational use be declared surplus to requirements, proposals for their future alternative use will be acceptable where no other community facilities provider wishes to acquire it for their own community use or it does not lie within an area deficient in community facilities. The Council is not aware of any other community provider wanting to develop the land and the site does not lie within an area that is deficient in community facilities.

8.2 The Core Strategy identifies Conisbrough as a Principal Town and should therefore be the focus for growth and regeneration as set out in policy CS2. The proposal is a suitable re-use of previously developed land and is in a sustainable location with bus stops close to the site on both sides of Old Road. There are four schools, local shops, a medical centre and two public houses within 1km of the site.

Design and residential amenity

8.3 The density of the scheme at 35 dwellings per hectare is acceptable and in keeping with the character of the surrounding area. The scheme is not considered to be over-intensive and has been designed to ensure that all healthy trees on site are retained. Additional trees are to be planted along the road frontage to replicate the mature trees already there.

8.4 The steep slope of the site from Old Road has been considered in the proposed layout, ensuring that retaining walls and under-build are kept to a minimum. Houses are stepped down the site in a series of terraces running with the contour lines.

8.5 As there are two original vehicle entrances into the site, the proposal incorporates these to form a crescent with 12 houses overlooking an area of open space that retains existing mature trees and provides an attractive frontage to the site. The strong form of this crescent seeks to provide a park like setting and compliment the open fields opposite the site entrances (see Fig 2 in the appendix).

8.6 The design and positioning of the houses around the site seeks to adhere to good urban design practice by providing vistas and blocks of terraces centred about the approaching road. Strong lines of symmetry provide balance and structure to the design.

8.7 The minimum separation distances have been adhered to and in most cases exceeded. Due to the close proximity of the Social Club to the south of the site and the public footpath and school to the west of the site, the boundary fences along the southern and western boundaries will be a special acoustic type of timber fence to afford the residents of the site with a better environment. The application accords with policies CS1 and CS14 of the Core Strategy.

Highways

8.8 A Transport Assessment and Travel Plan have been submitted with the application. A trip generation exercise has been carried out, which indicates that the proposed development will generate only 17 vehicular trips during a weekday morning peak hour and 16 vehicular trips during a weekday evening peak hour. It should also be noted that trips entering and exiting the site will travel north and south along Old Road, reducing the number of trips on the highway network further. A review of personal injury collision data on Old Road in the vicinity of the site for the last available five-year period from 2012 to 2016 did not indicate any road safety issues. Swept path analysis has been carried out for a refuse vehicle, which has demonstrated that a vehicle could enter the site in forward gear, turn within the site and exit in forward gear.

8.9 Roads within the development are designed with a standard 5.5m carriageway width with 2m wide footways on both sides; other areas are designed with private driveways serving five dwellings. At least one parking space is allocated for each dwelling. Dwellings proposed with three or more bedrooms will benefit from two parking spaces. In addition to the dedicated parking spaces, eleven shared visitor parking spaces are provided throughout the development.

8.10 The site is accessible by cycle to Conisbrough and the western edge of Doncaster. Although the site is approximately 2km walk from the train station, travel by rail is a possible option for cyclists wishing to travel to further destinations. A Travel Plan will be implemented at the site to encourage travel by sustainable modes of transport. The site is therefore highly accessible on foot, by cycle and also by public transport. The application therefore accords with policy CS9 of the Core Strategy.

Ecology and Trees

8.11 An Ecological Survey has been submitted with the application. The report concludes that the site has low ecological value. No water bodies exist within the site and the site is considered hostile for use by amphibians and common reptile species. Scattered trees on the northern boundary of the site recorded negligible potential to support features which bats could utilise for roosting or as a place of shelter. The nature of the fencing that encircles the site largely impedes access for larger, terrestrial mammal species. No evidence of breeding birds was recorded on site during the survey that was carried out in August 2017. The site does not support appropriate habitat for any other protected or significant fauna such as barn owl; otter; brown hare; white clawed crayfish or dormouse. A planning condition will secure ecological enhancement of the site in the form of bird and bat boxes on some of the houses.

8.12 A Tree Survey has been submitted with the application. The survey shows that most of the trees on the site are worthy of retention either due to specimen value, landscape value or a combination of both. The proposal has been designed to ensure that all of the worthy trees are retained. The plans show indicative landscaping within the site including large trees within the open space adjacent to

Old Road; further details of landscaping are to be secured by a condition. The application therefore accords with policy CS16 of the Core Strategy.

Flooding

8.13 A Flood Risk Assessment has been submitted with the application. The site falls within Flood Zone 1 which is the lowest risk of flooding. The use of the site for residential development is appropriate for Flood Zone 1 without the need to apply the Sequential and Exceptions Test. A surface water management strategy is outlined based on the existing drainage regime of the site, with the aim of ensuring no increase in runoff as a result of the development. The application therefore accords with policy CS4 of the Core Strategy.

Planning Obligations

8.14 Policy RL4 of the UDP requires on site open space or a commuted sum in lieu of this on sites of 10 or more family dwellings. Conisbrough is deficient in 2 out of 5 open space typologies, and there would normally be a requirement for 10 per cent of the site to be laid out as useable onsite public open space, or a commuted sum in lieu of this. The site does include open space within the scheme at the front of the site off Old Road and this equates to 10 per cent of the total site area in accordance with the requirements of policy RL4. It should also be noted that this site is directly opposite a large area of open space on the opposite side of Old Road.

8.15 Education has requested a contribution of £237,366 to provide for new school places arising from this proposed development. The applicant has confirmed that the cost of the construction is met through the Housing Capital Programme and Homes and Communities Agency Grant and any contribution towards education will affect the viability of the scheme and could jeopardise the provision of 100 per cent affordable housing. Therefore it is Officers considered view that given these factors there is greater community benefit in assisting the delivery of these affordable homes by granting permission without a commuted sum.

9.0 Summary and conclusions

9.1 The site lies within an area that is promoted for housing in the Core Strategy. The site is in a sustainable location and represents a suitable re-use of previously developed land. The scheme will deliver much needed affordable housing and has received no objections from consultees or members of the public. There have been no requests by any community provider to acquire the site and the site does not lie within an area deficient in community facilities. Even if a community provider did wish to acquire the site, then the requirement to provide affordable housing in a sustainable location as per the requirements of policy CS2 of the Core Strategy is more in line with the NPPF than the need to deliver community facilities as per policy CF4 of the UDP.

9.2 The proposal has been designed to ensure that it is in keeping with the character of the area and retains the best trees on site. The proposal is not over-intensive and ensures that there is no loss of amenity to surrounding residential properties through overlooking or overshadowing. The scheme includes areas of informal open space,

including an attractive green at the front of the site, which will be further enhanced with appropriate landscaping.

9.3 The scheme provides sufficient open space in line with the requirements of policy RL4 of the UDP and there is a large area of open space opposite the site. There is no requirement for an education contribution on this site as this would affect the viability of the scheme and could jeopardise the provision of 100 per cent affordable housing.

9.4 The proposal has been designed to meet all highway requirements and all other issues including ecology have been satisfactorily resolved. The application is therefore recommended for approval subject to the conditions outlined below.

10.0 Recommendation

GRANT Planning permission subject to the conditions below;

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 PQ1760/AD/10 Rev B dated Sept 2017 (Site plan)
Drawing number PQ1760/AD/99 Rev A dated Nov 2017 (Materials Plan)
Drawing number PQ1760/AD/PD01 Revision A dated Sept 2017 (House type N790)
Drawing number PQ1760/AD/PD02 Revision A dated Sept 2017 (House type N930)
Drawing number PQ1760/AD/PD03 dated Sept 2017 (House type N797)
Drawing number PQ1760/AD/PD09 Revision A dated Sept 2017 (House type N1210)
Drawing number PQ1760/AD/PD11 dated Sept 2017 (House type N722)
Drawing number PQ1760/AD/PD14 dated Sept 2017 (House type N630A)
Drawing number PQ1760/AD/PD15 dated Sept 2017 (House type N630B)
REASON
To ensure that the development is carried out in accordance with the application as approved.
3. The development hereby permitted shall not be commenced until details of measures to be taken within the curtilage of the site to prevent the deposition of mud or debris on the public highway, has been submitted to and approved in writing by the Local Planning Authority.
REASON
In the interests of road safety.

4. The alignment of all service trenches and overhead services shall be approved by the Local Planning authority prior to the commencement of development.

REASON

To prevent damage being caused to trees which it has been agreed shall be retained.

5. No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority the landscape scheme shall include: a planting plan and schedule; hard landscape; a landscape establishment specification; a maintenance specification for a minimum of five years following practical completion of the landscape works.

REASON

In the interests of environmental quality.

6. Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees located within the grounds of the adjacent properties that complies with section 6.1 & 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the approved details and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON

To ensure that retained trees are protected from damage during construction.

7. No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to:
 - a) evidence to demonstrate that surface water disposal via infiltration is not reasonably practical.
 - b) evidence of existing positive drainage to public sewer and the current points of connection: and
 - c) the means of restricting the discharge to public sewer to a maximum of 23 litres per second across all storm events up to a 1:100 event have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

REASON

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

8. The development hereby approved shall be carried out in accordance with the Travel Plan produced by Peter Brett Associates dated September 2017.

REASON

To encourage sustainable modes of travel to the site in accordance with policy CS9 of the Core Strategy.

9. Within one month of the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:

-5 No bat boxes of the Ibstock Bat Brick or similar shall be incorporated into the structure of selected dwellings.

-5 No. bird boxes suitable for swifts and sparrows shall be sited in suitable positions on selected dwellings.

REASON

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

10. 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) As a result of the findings of the Phase 1 Desk Study Report for Old Road, Conisbrough, Ref P1 -00537, dated 24 August 2017, by MET Consultancy Group, a Phase 2 site investigation and risk assessment shall be undertaken. The Phase 2 site investigation and risk assessment, 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 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 Environmental 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 pursuant to the National Planning Policy Framework.

11. Notwithstanding the approved plans, prior to the installation of bin stores within the site, the details of these shall have first been approved in writing with the local planning authority.

REASON

To ensure the satisfactory appearance of the development in accordance with policy CS14 of the Doncaster Core Strategy.

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

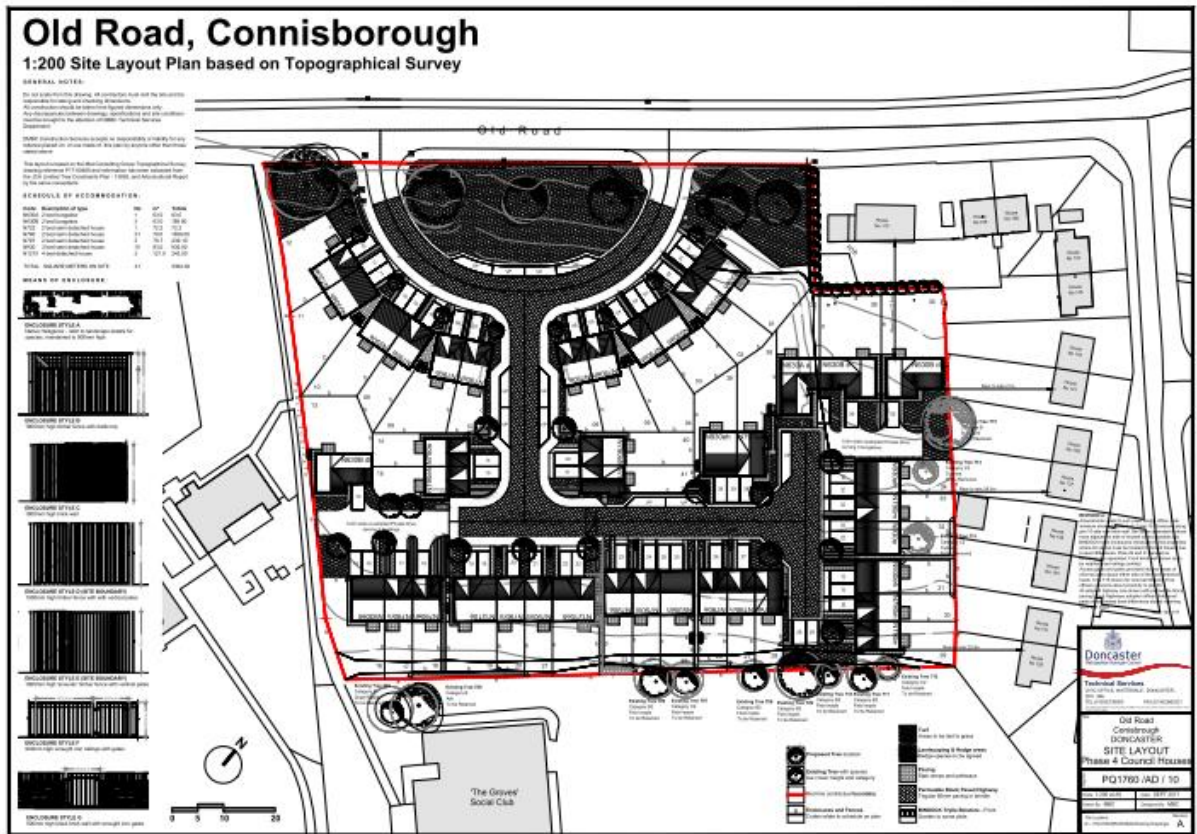


Fig 1: Site layout plan



Fig 2: Computer image of the site, showing access into the site and typical house types.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 12th December 2017

Application	4
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Application Number:	17/01087/FULM	Application Expiry Date:	7th August 2017
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Application Type:	Planning FULL Major
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Proposal Description:	Use of building for 11 self-contained flats, retention and conversion of outbuilding to 1 self-contained flat, re-roof building and other alterations (retrospective) and new front boundary wall.
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At:	24 Avenue Road Wheatley Doncaster DN2 4AQ
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For:	Empire Property Concepts
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Third Party Reps:	6 objections	Parish:	
		Ward:	Town

Author of Report	Elizabeth Maw
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MAIN RECOMMENDATION:	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 a retrospective application to change a former bed and breakfast to eleven flats, conversion of an outbuilding to one flat and external alterations. All of the flats are occupied.

2.2 The application site is 24 Avenue Road, Wheatley. The property is located in Doncaster - Thorne Road Conservation Area. The special interest of this conservation area derives from the character of the well detailed late Victorian and Edwardian villas and villa pairs well-spaced in large grounds in contrast to the more uniform smaller terraces to the south of the area. No24 is a semi-detached villa of generous proportions. It was built around 1900 and shares typical detailing of this period and of the conservation area in general.

2.3 The building has unfortunately suffered from recent inappropriate alterations including the replacement of slates on the roof with red concrete tiles, the removal of the front boundary wall and the front garden has been surfaced with concrete. The submission proposes to rectify the inappropriate alterations by re-landscaping the front garden, re-instatement of the boundary wall and slate tiles to the front part of the roof. The conservation officer has confirmed the works to rectify the alterations is acceptable.

2.4 Six letters of opposition have been received. The main reason for objecting is due to a rise in small flats and houses in multiple occupation in this area and the impact it has to the established community. Impacts include rubbish, anti-social behaviour, noise and parking.

3.0 Relevant Planning History

3.1 None relevant.

4.0 Representations

4.1 The application has been publicised by sending letters to adjoining neighbours, placing a site notice near to the application site and press advert. Six objection letters have been received. The reasons for objecting are:

4.2 The area is seeing a shift from a family housing to small flats and houses in multiple occupation. This change in tenure is having an impact to the established community such as rubbish, anti-social behaviour, noise and parking. Avenue Road is described by an objector as a beautiful road but is rapidly going downhill.

4.3 The unauthorised works to the property, in particular, the front wall and concreting the whole of the outdoor area is detrimental to the conservation area and increases surface water run-off. The developer must be asked to re-introduce greenery back onto the site.

4.4 Residents are unhappy that work has been carried out by developers without obtaining planning consent before.

4.5 The Doncaster Civic Trust is pleased to see kitchen facilities being added into each of the rooms. The re-roofing should be done in blue slate, or equivalent. The Civic Trust also made comments to the arrangement of the front garden which has since been amended to take into account their comments.

5.0 Relevant Consultations

5.1 DMBC Drainage Team: "Any surface water discharging onto a hard standing area as part of a development must be drained in some way. The paved area in it's current form, appears to have no formal drainage, so therefore the surface water run-off is discharging directly onto the public footway/highway. This would currently contravene the Highways Act. Therefore I would consider a drainage condition necessary, to make sure that something is put in place to ensure there is no surface water run-off from the development onto the public footway/highway."

5.2 DMBC Design and Conservation Officer: There have been numerous inappropriate alterations, which has had a negative impact to the conservation area. The plans have been amended and there is an agreement to rectify the harm caused. The proposal is now considered acceptable subject to conditions.

5.3 DMBC Environmental Health: The initial inspection did reveal a number of defects/hazards that require addressing, in terms of both Building Regulations/Housing Act health and safety rating system. These are currently being discussed with the Building Control Officer, and do not affect the overall consideration of the proposed use. There is adequate room for waste storage but due to the likely number of bins being required, there is a strong possibility that this could cause loss of amenity to the locality, unless adequately located and shielded from view. Therefore, no objections are raised subject to a condition to ensure suitable waste storage.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework

Doncaster Core Strategy

CS2: Growth and Regeneration Strategy

CS14: Design and Sustainable Construction

CS15: Valuing our Historic Environment

Doncaster UDP 1998 (saved policies)

PH11: Residential Policy Areas

ENV25: Conservation Areas

7.0 Planning Issues and Discussion

Principle

7.1 The proposal is acceptable in principle. The property is within an established residential area. Housing on Avenue Road includes single dwellings and multiple occupancy properties. The land allocation is Residential Policy Area.

7.2 The owner has advised all of the flats are occupied and there is a waiting list. This demonstrates there is a demand for small flats in this area. The National Planning Policy Framework advises Local Authorities should provide housing to reflect local demand,

which this application would do. In addition, the property does not result in the loss of a family home because its last use was a bed and breakfast.

Alterations

7.3 The owner has carried out numerous inappropriate alterations to the property. The front wall has been removed and railings installed. The soft landscaping in the front garden has been replaced with concrete. The roof material has been changed to terracotta concrete roof tile.

7.4 The submission proposes to rectify the inappropriate alterations by adding greenery to the front garden, re-instatement of the boundary wall and slate tiles to the front part of the roof. Works will be completed to a timetable (to be agreed by condition). The applicant has also shown clear intentions to rectify the inappropriate alterations as work has already started on site (scaffolding has been erected and work to the front boundary wall has started).

7.5 The outbuilding in the rear garden has been altered in connection with its conversion to a residential property. The outbuilding as it currently stands does not overshadow or overlook and there is a no material harm to the conservation area or surrounding land. As such, its retention in its current state is acceptable.

Bins

7.6 A Planning Officer visited the property in April 2017 and approximately 5 of the 11 rooms were occupied. The bins were stored in the front garden but they were kept tidy and not overflowing.

7.7 The property is now fully let so an unannounced second visit was carried out in October 2017. The Planning Officer noted bins remain tidy and not overflowing. The bins were also obscured by the front wall. There is no evidence to indicate that bins/ rubbish are an issue for these flats.

Residential Amenity

7.8 The eleven flats within the main building and the single storey outbuilding do not create any overlooking issues.

7.9 A Planning Officer has visited the inside of the property and saw inside three rooms. From the rooms that were seen they are small studio flats with an en suite and small kitchenette. The rooms are clean and modern. The floor space of each flat is small but still provide all the requirements for someone's day to day needs. Communal spaces were pleasant and clean. The property also benefits from a large outdoor area at the back.

7.10 A Building Control Officer and Housing Officer were at the site visit to advise on other non-planning considerations such as fire regulations.

Highways and Parking

7.11 The site has limited off street parking. But there is no requirement to provide additional off street parking because the proposal is for studio flats, which often have occupiers with low car ownership levels and the site is within an urban location. Any car owners living at this property will have to park on the street, which is safe to use. Spaces on the street would be on a first come, first served basis.

8.0 Summary and Conclusion

8.1 The proposed flats provide a housing source to meet local demand. Occupiers have a good standard of residential amenity. Existing residents are not affected by rubbish or overlooking. There is no evidence of anti-social behaviour. The inappropriate alterations will be rectified and subject to a timescale. The proposal is therefore considered to meet housing and conservation policies as set out in the NPPF, Core Strategy and Doncaster UDP 1998.

9.0 Recommendation

GRANT Full planning permission subject to the conditions below:

01. U57156 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows: The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:
Site Plan 006 Revision A, stamped 'AMENDED PLANS 07.07.2017'
Front garden and boundary wall plan 024 Revision A, stamped 'AMENDED PLANS 07.07.2017'
Proposed front elevation 020 Revision A, stamped 'AMENDED PLANS 07.07.2017'
Proposed side elevation 021 Revision A, stamped 'AMENDED PLANS 07.07.2017'
REASON
To ensure that the development is carried out in accordance with the application as approved.
02. U57152 Within one month from the date this planning consent is granted, a timetable to rectify the inappropriate alterations shall be agreed between the developer and the Local Planning Authority. Works shall be completed in accordance with the agreed timetable.
REASON
To ensure the inappropriate alterations are rectified within a reasonable timeframe, in the interests of preserving and enhancing the character and appearance of the Conservation Area.
03. U57154 Works within the front garden shall not commence until details of the surface water drainage systems and all related works necessary to drain the hardstanding in the front garden have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development.
REASON
To ensure that the front garden has a suitable drainage system and to prevent run off into the public highway.
04. U57153 Notwithstanding the details on the approved plans the wall copings shall be stone or art stone to match the appearance of existing.
REASON

In the interests of preserving the appearance of the conservation area.

05. U57155

Prior to the commencement of the relevant works, the slate to be used on the front facing roof slope shall be submitted to and approved in writing by the local planning authority. The details shall include the type and source of the slate and any ridge, eaves or hip covering. Development shall be carried out in accordance with the approved details.

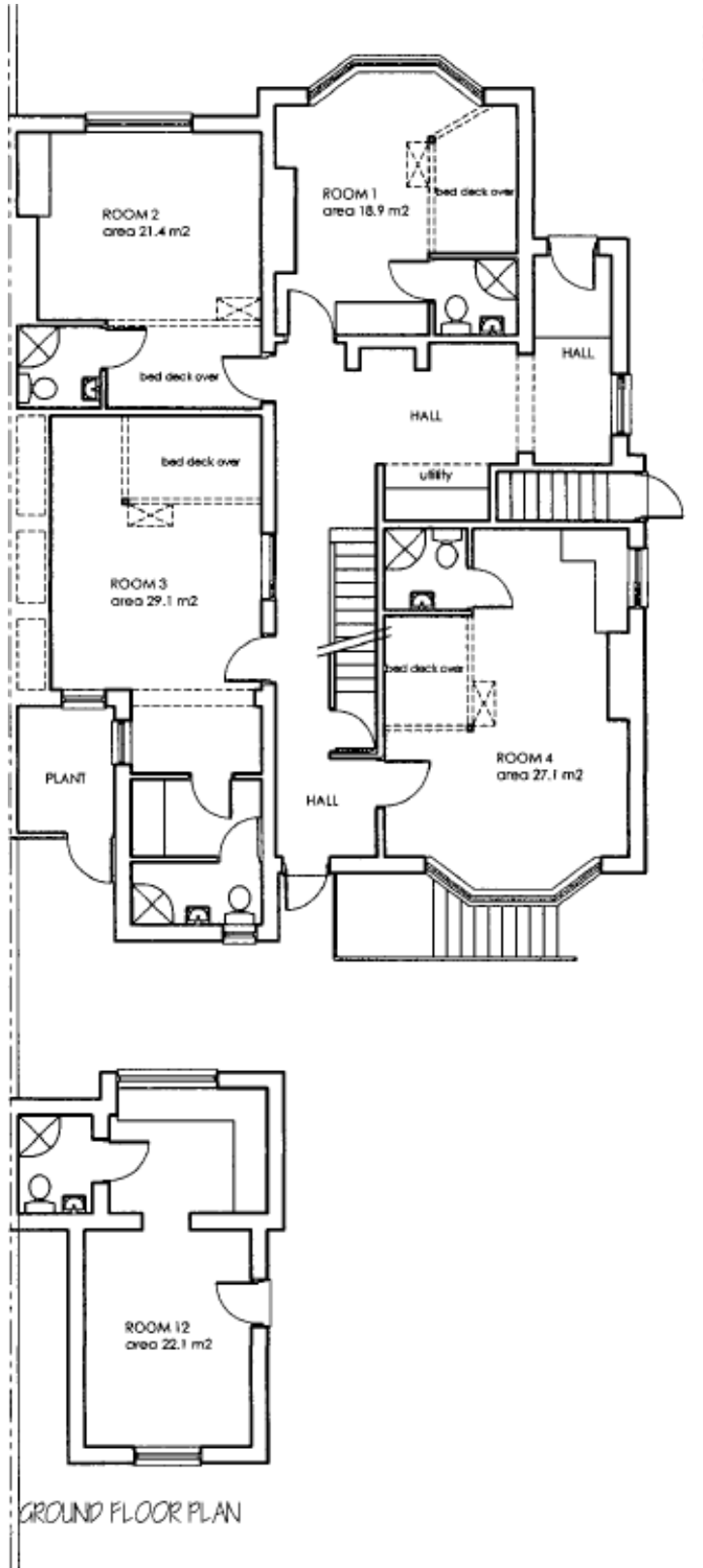
REASON

To preserve and enhance the character and appearance of the Conservation Area in accordance with policy ENV25 of the Doncaster Unitary Development Plan.

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

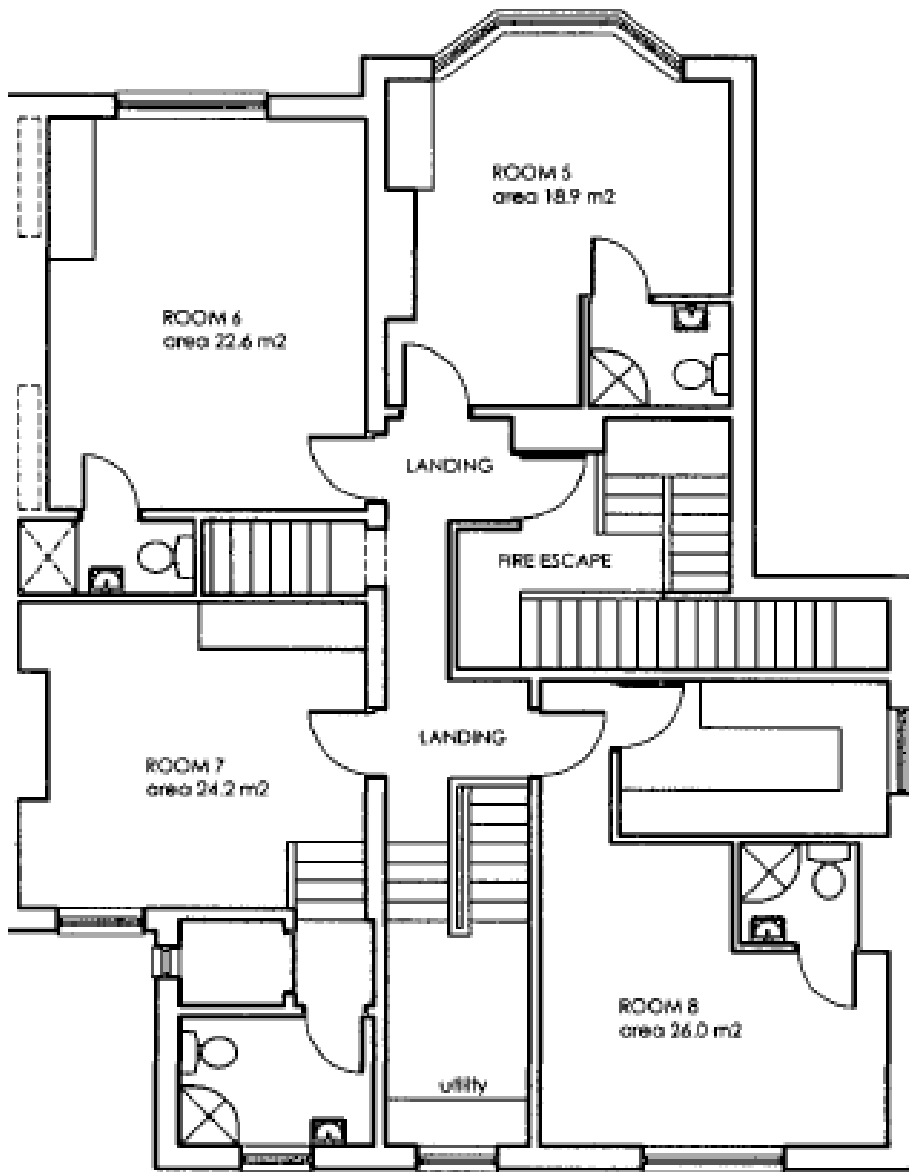
Appendix 1: Floor Plans

Ground Floor



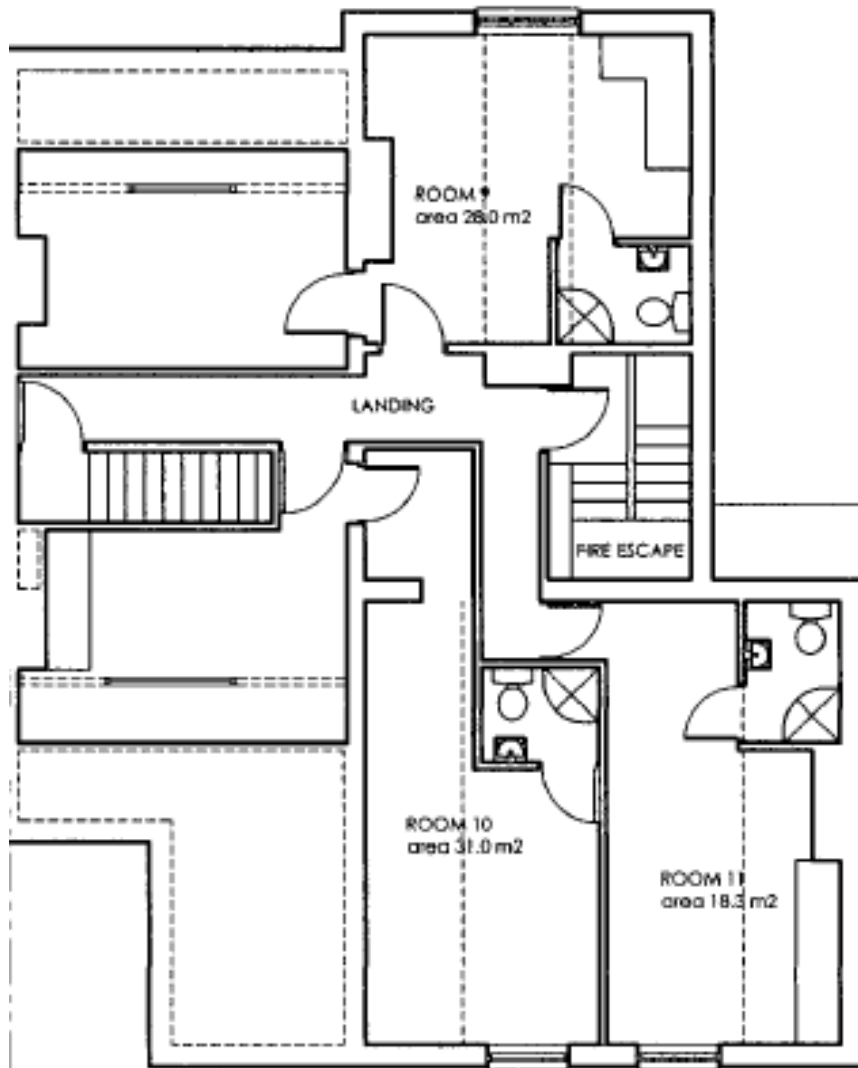
GROUND FLOOR PLAN

First Floor



FIRST FLOOR PLAN

Second Floor



SECOND FLOOR PLAN

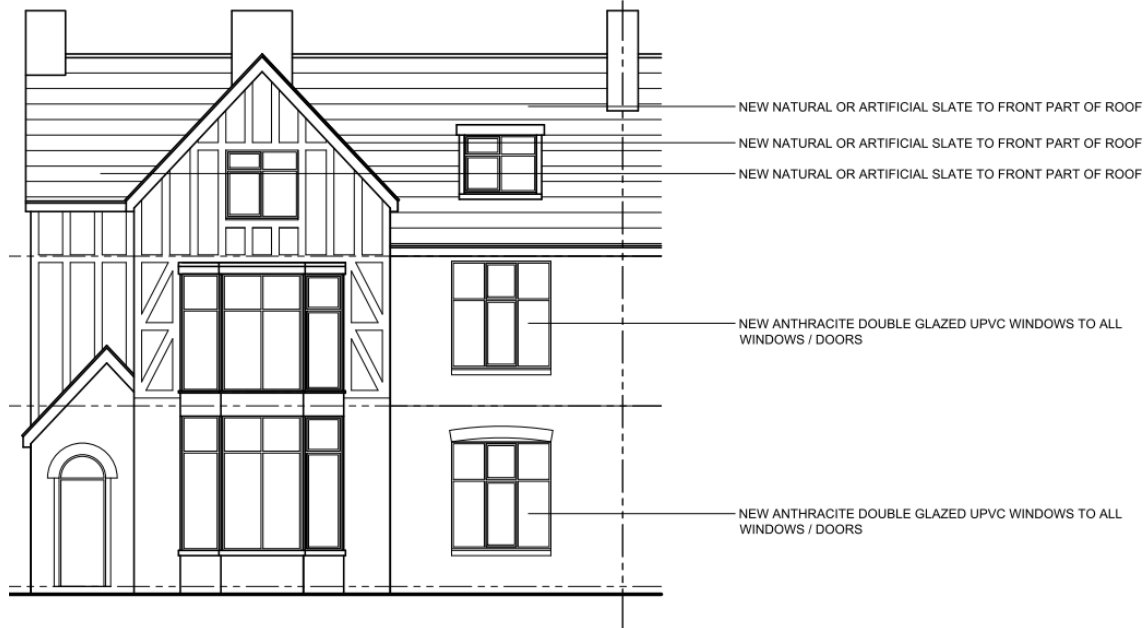
Appendix 2: Existing Frontage

Photo showing existing front boundary, concrete in front garden and roof tiles

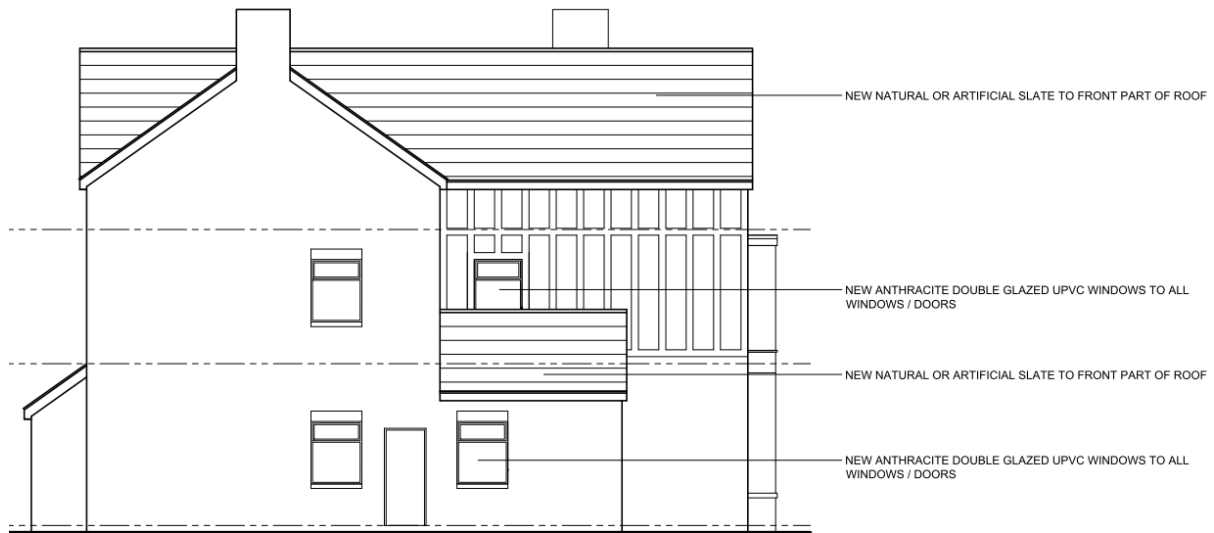


Appendix 3: Proposed External Alterations

Proposed Front Elevation



FRONT ELEVATION

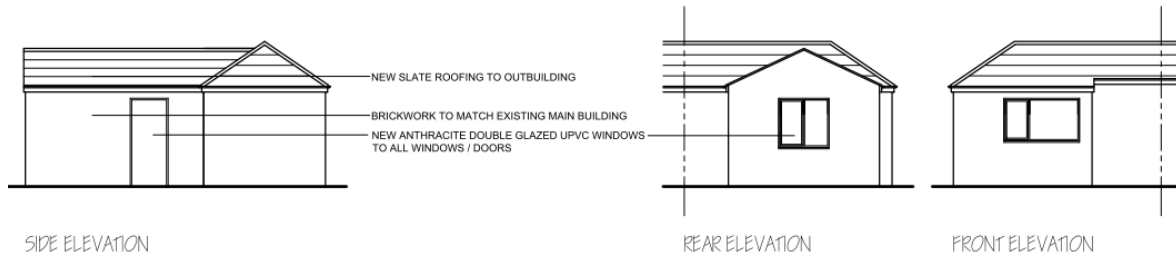


SIDE ELEVATION

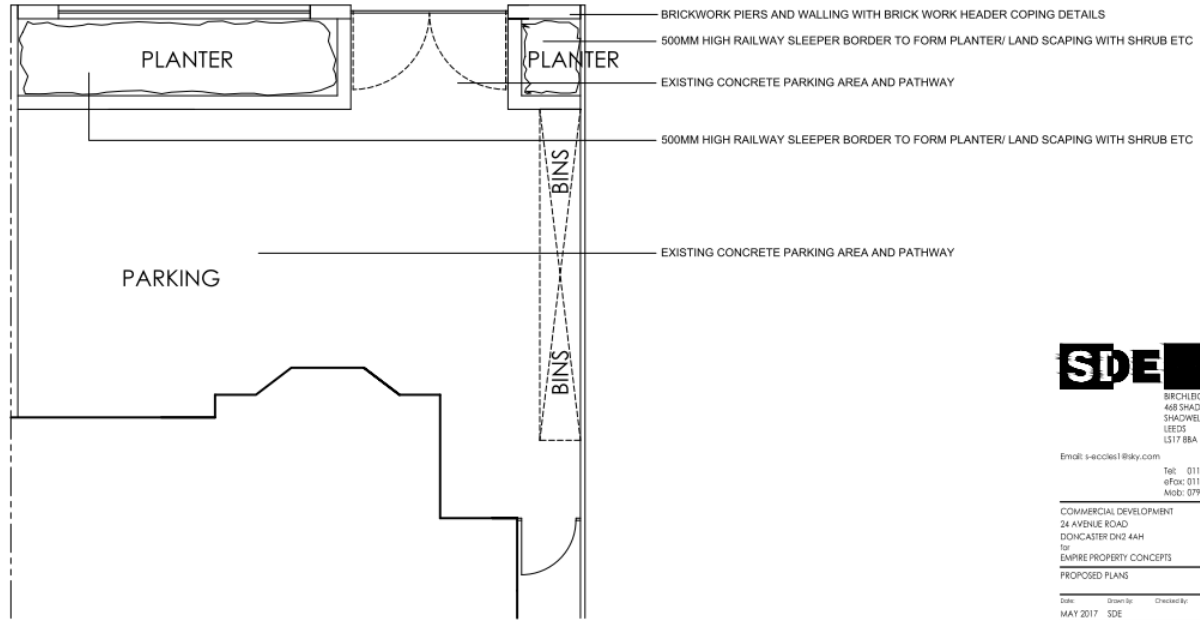


BIRCHLEIGH
463 SHADWELL
SHADWELL
LEEDS
LS17 8BA

Proposed alterations to outbuilding



Proposed Front Garden Plan



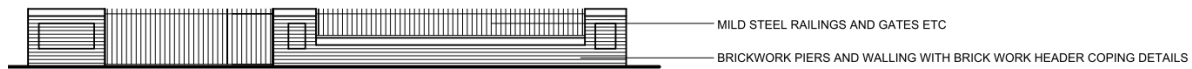
SDE
 BRICHLIGH
 468 SHADWEE
 SHADWELL
 LEEDS
 LS17 8BA
 Email: s-ecoles1@sky.com
 Tel: 0113 81
 8Fax: 0113 35
 Mob: 0794 65

COMMERCIAL DEVELOPMENT
 24 AVENUE ROAD
 DONCASTER DN2 4AH
 To: EMPIRE PROPERTY CONCEPTS

PROPOSED PLANS

Date:	Drawn by:	Checked by:	Scale:
MAY 2017	SDE		1:1
Project No:	Drawings No:	Rev:	
24 - 36	024	A	

Proposed wall along front boundary



DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 12th December 2017

Application	5
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Application Number:	17/02334/FUL	Application Expiry Date:	14th November 2017
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Application Type:	Full Application
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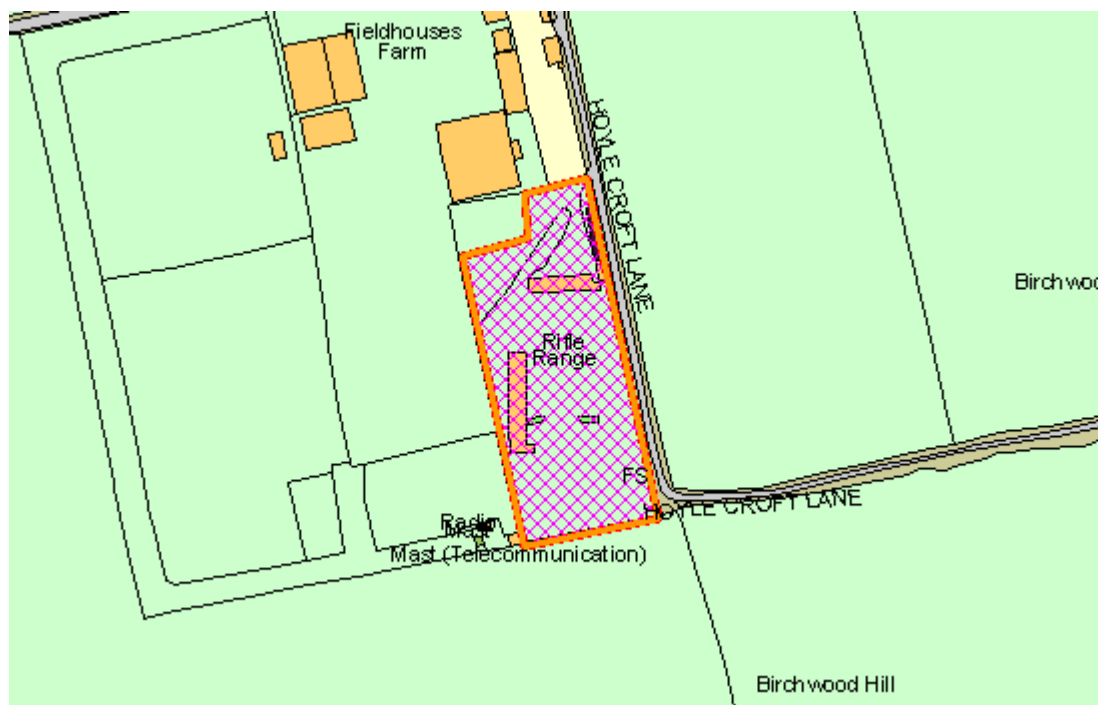
Proposal Description:	Increase in the height of the butt stop walls to 6.1 metres
At:	Rifle Range Hoyle Croft Lane Braithwell Rotherham

For:	Rotherham Chantry Rifle Club
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Third Party Reps:	The proposal received objections from 13 persons.	Parish:	Braithwell / Micklebring Parish Council
		Ward:	Tickhill And Wadworth

Author of Report	Tim Goodall
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 The planning application has been brought before Members for consideration and determination as the proposed development has generated significant public interest.

2.0 Proposal and Background

2.1 Planning permission is sought for increase in the height of the butt stop walls to 6.1 metres from 2.8 metres at the outdoor range of the Rotherham Chantry Rifle Club. The application site is the rifle club, a former quarry south of Ashton Lane and west of Hoyle Croft Lane. The site lies approximately 1 kilometre to the west of the village of Braithwell. The application site lies within the green belt.

2.2. To the west of the site is the existing Pawson's employment site. To the north is an existing residential dwelling. There is agricultural land to the south and east. The application site is roughly rectangular and as a former quarry it is 8 to 9 metres below the surrounding ground level.

2.3 The existing butt walls are for safety purposes and these require extension following a recent inspection by the NSRA (National Small Bore Rifle Association). The standing butts will be constructed of 3mm rubber covered 4 mm sheet steel mounted on scaffold frames behind the existing standing butts.

3.0 Relevant Planning History

3.1 06/02255/FUL - Installation of foul drainage system - Permitted 30.10.2006

4.0 Representations

4.1 This application has been advertised in accordance with Article 15 of the Town & Country Planning (Development Management Procedure) Order 2015. This was by neighbour notification and Public Access.

4.2 The proposal received objections from 13 persons. The issues raised in the objections are set out below.

- Concern over the purpose of the application in that it may allow an increase in the calibre of firearms used.
- Concern over disruption during construction process
- Impact on local wildlife
- Noise pollution
- Impair the use of the rural location for those wishing to enjoy the countryside, in particular Hoyle Croft Lane for walking, cycling and horse riding.
- Impact on the green belt
- Visual impact of the development
- Accuracy of the plans - the depth of the quarry may be less than measured.

4.3 The officer responses to the objections are set out in the report below.

5.0 Parish Council

Parish Council - Objected due to the impact on the green lane, concern that the application would allow the use of larger calibres. The Parish Council also noted the

NRSA report was not with the application, however this report has now been published on the Doncaster Council Public Access.

6.0 Relevant Consultations

6.1 Environmental Health Officer - No objection.

6.2 Public Right of Way Officer - Verbal confirmation of the status of Hoyle Croft Lane as a greenway.

6.3 South Yorkshire Police - No objection

6.4 Rotherham Metropolitan Borough Council - No objection

7.0 Relevant Policy and Strategic Context

Doncaster Core Strategy
Policy CS1 Quality of Life
Policy CS3 Countryside
Policy CS14 Design and Sustainable Construction
Policy CS16 Valuing our Natural Environment
Policy CS17 Providing Green Infrastructure

Doncaster Unitary Development Plan (UDP) saved policies 1998
Policy ENV1 Doncaster Green Belt
Policy ENV3 Development in the Green Belt
Policy ENV7 Recreation and Leisure Developments

Development Guidance and Requirements SPD

National Planning Policy Framework

8.0 Planning Issues and Discussion

Residential Amenity

8.1 Policy CS1 of the Core Strategy supports development proposals that protect local amenity. Policy CS14 states that new development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

8.2 The application has been considered for the impact on noise disturbance by the Council's Environmental Health Officer who has no objection to the proposal. As the applicant has stated, the proposed increase to the butts is for safety reasons for the current firearms. The South Yorkshire Police Firearms Officer confirmed verbally that he was aware of the site and their proposal to increase the butt stop walls to adhere to guidelines. He also confirmed that an increase in calibre would require regulation via a body such as the NSRA and that the operators would need to contact South Yorkshire Police. The formal response from the South Yorkshire Police Designing Out Crime Officer was that as the calibre was not being increased there was no further comments to be made.

8.3 The applicant also confirmed via email to the case officer "that there are no plans to increase the calibre of firearms currently discharged on the outside Range and would

also point out that the increase in height (to 6.1 metres) would in any case be insufficient to do so."

8.4 One particular objection made reference to disruption during the construction process, however temporary disruption during development is not a valid reason to refuse planning permission.

Development in Green Belt

8.4 Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

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

8.5 Policy CS3 of the Core Strategy states that Doncaster's countryside will be protected and enhanced, having regard to the principles set out below. Key considerations for land within the Green Belt are that national policy will be applied, including a presumption against inappropriate development other than in very special circumstances. Saved Policy ENV1 states that the purposes of including land in the Doncaster green belt are:

- o to regulate the size and shape of urban areas in order to prevent unrestricted sprawl;
- o to prevent the coalescence of existing settlements;
- o to assist in safeguarding the countryside from encroachment; and
- o to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

8.6 Saved Policy ENV3 goes onto to set out acceptable development within the green belt. This includes outdoor sport and outdoor recreation including essential facilities for such development subject to the limitations included in Policy ENV7. Development proposals will only be acceptable in principle where they would not be visually detrimental by reason of their siting, materials or design, and would not give rise to unacceptable highway or amenity problems and would not conflict with other policies of the UDP. Saved Policy ENV7 considers recreation and leisure proposals in the greenbelt. Essential facilities including small ancillary buildings, unobtrusive spectator accommodation and other essential facilities, will be permitted provided the development is genuinely required and the development preserves the openness of the green belt. The policy goes onto to state that such development as is permitted should be located and designed to ensure harmony with the surrounding countryside and in particular so as to not have an adverse impact on the landscape, agriculture, the form and character of existing settlements, the built heritage or wildlife.

8.7 As the application site lies within the existing green belt, the above policy considerations are applicable. The use of the site as a rifle range is already established by

dint of the timescale and as such the impact on the green belt is restricted to the consideration of the impact of the extensions to the standing butts. The proposed development will be in the form of two upward extensions to the existing structures. The proposed development is for the increase in height of the existing standing butts within the rifle range. The applicant has explained that the reason for the increase is to meet current NSRA guidelines following a recent inspection. Due to the drop in land levels at the site because of its former use as a quarry, the increased height of the butts will still be well below the land levels of the surrounding land such as Hoyle Croft Lane. The proposed elevations show the height of the butts increasing from 2.8 metres to 6.1 metres. However, the elevations also show that the ground level inside the quarry is 9.2 metres below the neighbouring ground level. As such, the butts would remain 3.1 metres below the neighbouring ground level. Furthermore, the boundary between Hoyle Croft Lane and the application site contained a hedgerow approximately 1.0 metre in height at the time of a site visit. The boundary to the south also has additional screening in the form of trees and planting. As such, it is not considered the proposed development will have an unacceptable impact on the openness of the Green Belt.

Design

8.8 In accordance with Policy CS14, all development proposals must be of a high quality design that contributes to local distinctiveness. Saved Policy ENV54 of the UDP states that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building. Features which contribute to the character of the building or surrounding area should be retained.

8.9 The site as existing contains standing butts with some single storey buildings including an indoor range. There is also a gravelled car park. The proposed development is to increase the height of the existing stop butts to 6.1 metres. However, the increased height would still be 2 to 3 metres below the surrounding ground level. The butts will be constructed of 3mm rubber covered 4 mm sheet steel mounted on scaffold frames. Given the significant changes in ground levels surrounding the site and the nature of the built environment within the site and also the industrial nature of the Pawson's site to the west, the proposed extensions are considered to comply with policy in design terms.

Highways and Parking

8.10 Policy CS14 of the Core Strategy states that the design of new development should make a positive contribution towards quality, stability, safety and security of private property, public areas and the highway. Core Strategy Policy CS17 states proposals will be supported which make an overall contribution to the green infrastructure network by avoiding damage to green infrastructure assets or, where loss is unavoidable and the benefits of the development outweigh the loss, including appropriate compensation measures.

The proposed development will not result in any changes to the access or parking arrangements for the site. There is a public right of way to the east of the site that according to objections is used by local residents for walking, cycling and horse riding. Concerns have been raised by objectors that an increase in the calibre of the fire arms would be a safety issue. However, the applicant has stated the purpose of the application is to adhere to existing guidelines and not for increasing the calibre. As such, there would be no damage to the existing public right of way to the east. The proposal is therefore considered to comply with Core Strategy policies CS14 and CS17.

Impact on Wildlife

8.11 Policy CS16 of the Core Strategy states that protected habitats and species will be given the highest levels of protection in accordance with the relevant legislation and policy. The proposed development is for the increase in heights to existing safety butts that would remain below the surrounding ground level. No change of use is proposed as the site is an existing rifle range. As such, the proposed development is not considered to have a materially adverse impact on local wildlife.

9.0 Summary and Conclusion

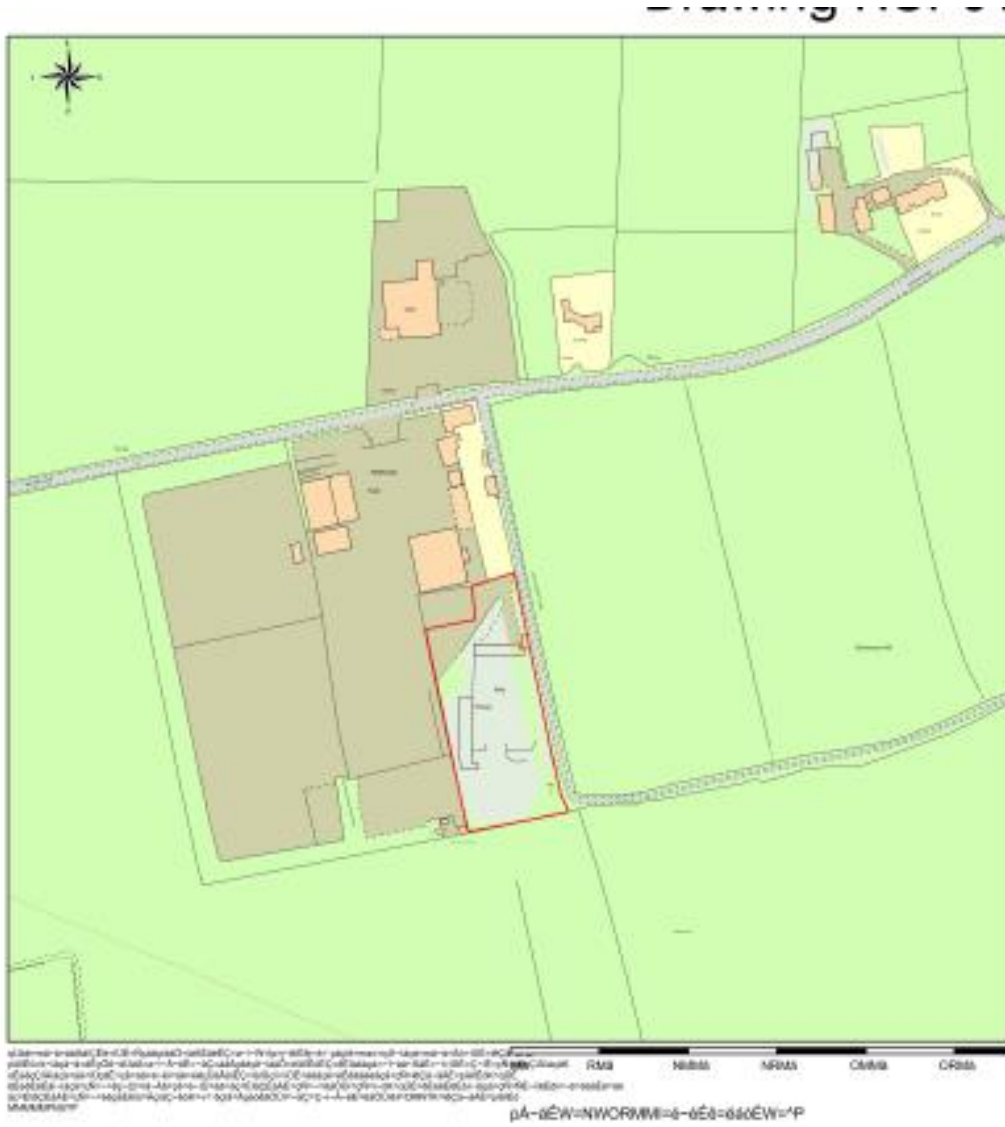
9.1 The proposed extension to the butt stop walls is considered to comply with national and local planning policies and is recommended for approval subject to the following conditions.

10.0 Recommendation

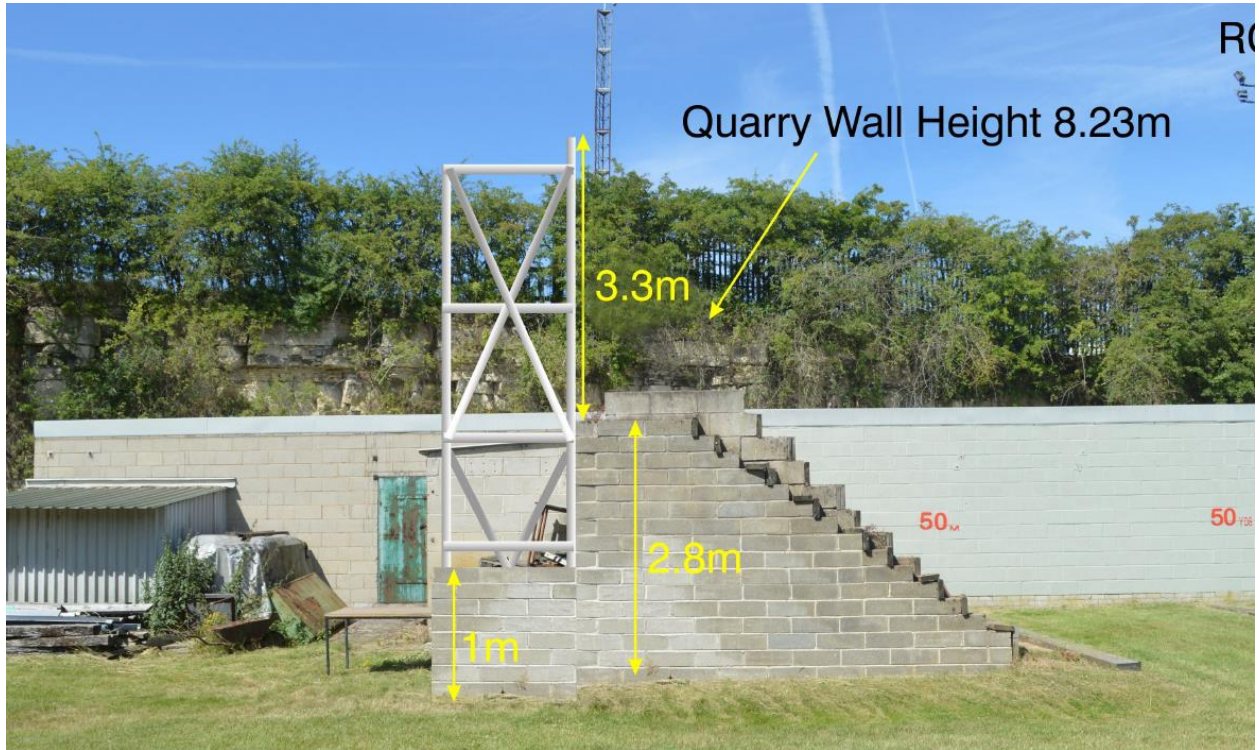
GRANT Planning permission subject to the conditions below;

- | | |
|-----------|--|
| 01. STAT1 | The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990. |
| 02. ACC1 | The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.
REASON
To ensure that the development is carried out in accordance with the application as approved. |

Appendix 1 - Location Plan



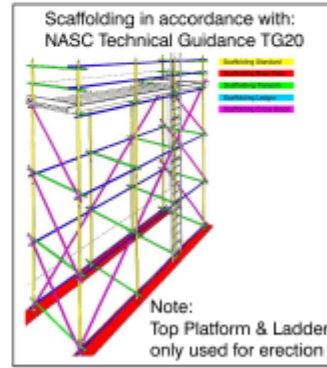
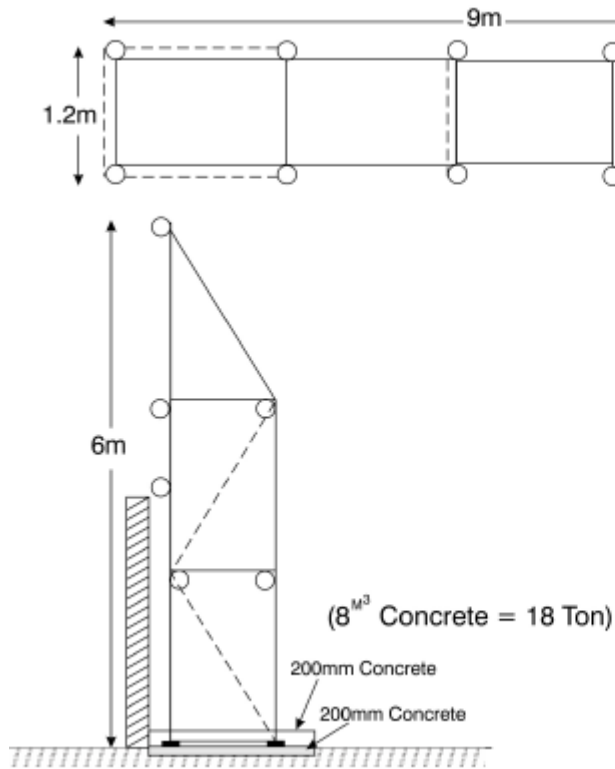
Appendix 2 – Existing Standing Butts showing frame



Appendix 3 - Existing Standing Butts

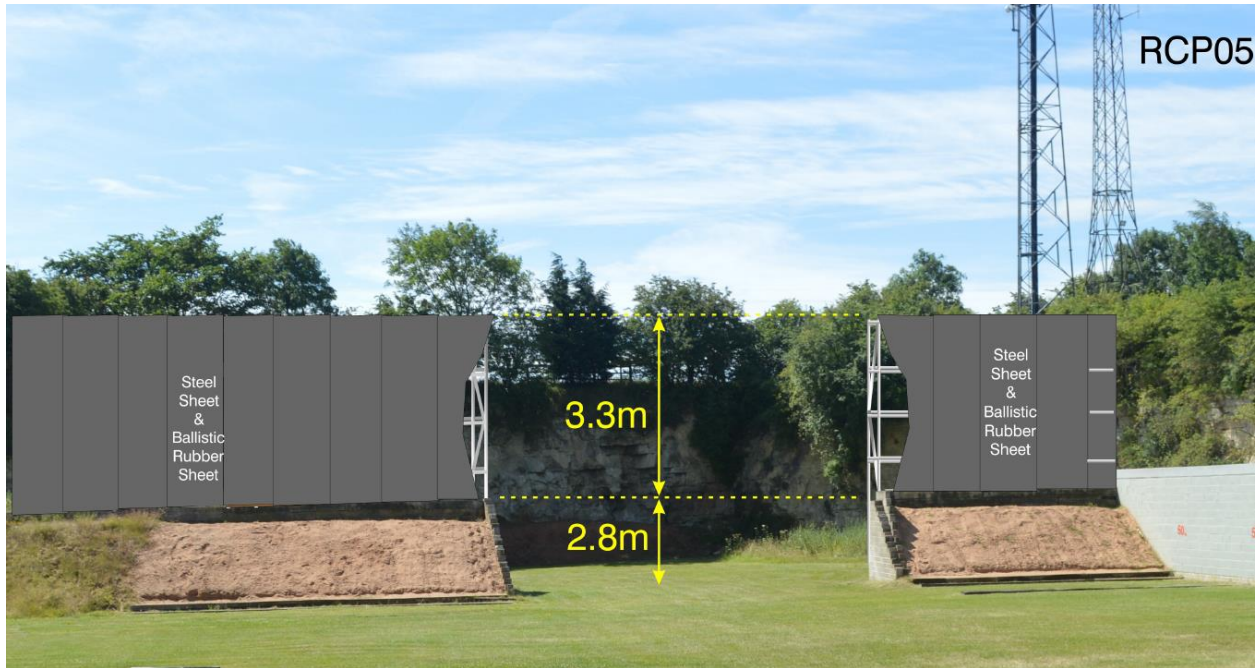


Appendix 4 – Proposed Scaffolding

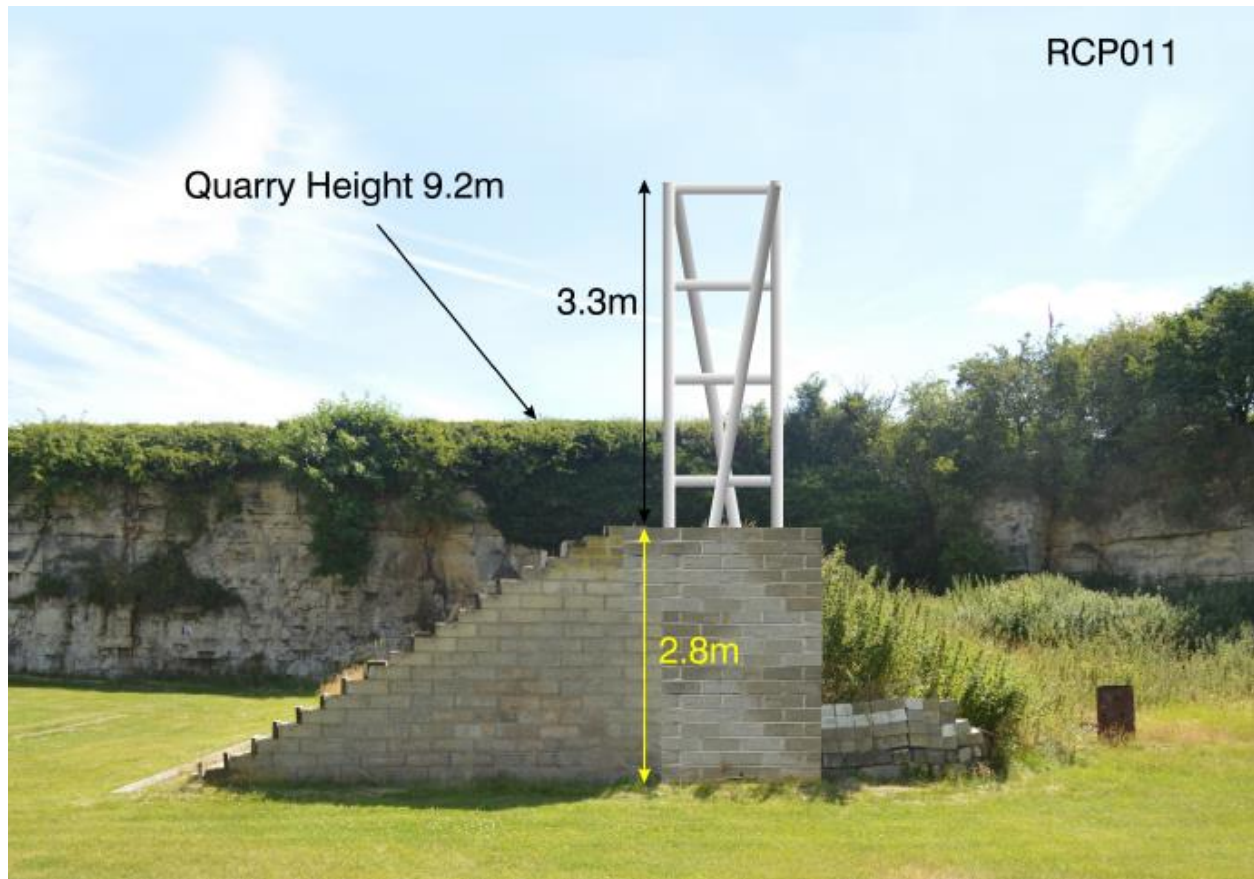


Drawing Name:	Butt Scaffolding	Drawing Number:	RCP10
Drawn By:	A. Frith	Client:	Chantry Rifle Club
Scale:	Date: 19/08/2017	Sheet:	1 off 1

Appendix 5 –Proposed Sheets



Appendix 6 – Proposed Butts



DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 12th December 2017

Application	6
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Application Number:	17/02588/ADV	Application Expiry Date:	18th December 2017
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Application Type:	Application to Display Adverts
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Proposal Description:	Display of non illuminated free standing post mounted sponsorship signs affixed to 'Tikspac' Dog Bag Stations across the borough
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At:	Various Parks Within Doncaster Borough
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For:	Mr Paul Booth - DMBC
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Third Party Reps:	0	Parish:	Hatfield Parish Council
		Ward:	Hatfield

Author of Report	Garry Hildersley
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 The application is required to be presented to committee because it has been submitted by Doncaster Council and because concerns have been raised by a consultee.

2.0 Proposal and Background

2.1 The application is for the display of non-illuminated free standing post mounted sponsorship signs affixed to 'Tikspac' Dog Bag Stations across the borough. Due to the multiple locations, a single advertisement application has been submitted to cover the entire borough.

2.2 The submission contains a total of 56 dispensers across 46 locations within the borough within parks and open spaces. Consideration has also been given as to whether the proposed advertisements have the potential to adversely affect the setting of listed buildings or materially affect the character of any conservation area. Although the general locations of the signs have been shown, the exact position of these signs will need further consideration, and this application is simply to agree the principle of supporting the initiative.

2.3 A trial has taken place at Sandall Park with general feedback being encouraging. It has been confirmed that the volunteers associated with Sandall Park have spoken with dog owners and patrons using the park with feedback being positive.

2.4 It is noted that the proposal is the Councils strategic approach to help deal with dog fouling and it is considered that the advertisements would aid in paying for the installation, upkeep and dispensing of dog bags. The bag dispensers themselves do not require planning consent but the advertisements associated with them do require advertisement consent.

2.5 While many dog owners are caring, responsible individuals, there are still some people who do not clean up after their pets. While there has been a reduction in dog fouling in recent years, a recent survey of over 10,000 sites found dog foul left in 7% of places (Source - House of Commons - Dog Fouling 10th March 2017).

2.6 As background to the proposal, it is considered that influencing behaviour is central to public policy. As citizens, communities and policymakers, the aim is stop bad behaviours and encourage good ones. The most effective and sustainable changes in behaviour will come from the successful integration of cultural, regulatory and individual change. Behavioural change in this context sees the soft touch of policy rather than its heavy hand, it needs a peer group of responsible dog owners to be part of the solution, encouraging responsible dog ownership as a social norm, just like being quiet in a library. Similarly, a priming approach can reinforce intentions to act in a certain way - deliberately placing certain objects in one's environment - 'situational cues' are proven to alter behaviour.

3.0 Relevant Planning History

None.

4.0 Representations

4.1 Due to the number of sites proposed, the application was advertised in the Doncaster Star on the 2nd November 2017. No individual letters of opposition were received.

5.0 Parish Council

5.1 Hatfield Town Council have responded that they are in support of the application.

6.0 Relevant Consultations

6.1 DMBC Tree Officer - No objections

6.2 Town Centre Manager - No response received

6.3 DMBC Conservation - No objections subject to final positioning

6.4 DMBC Public Rights of Way - No response received.

6.5 DMBC Open Space Policy - Concerns with regards to the design of the proposal.

7.0 Relevant Policy and Strategic Context

Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

National Planning Policy Framework (NPPF)
Section 7 - Requiring good design

Doncaster Core Strategy 2011 - 2028
Policy Ref: CS15 - Valuing our Historic Environment
Policy Ref: CS16 - Valuing our Natural Environment

Doncaster Unitary Development Plan (Adopted July 1998)
Policy Ref: ENV 58 - Advertisements
Policy Ref: RL1 - Open Space Policy Areas
Policy Ref RL2 - Protection of non-designated open space

8.0 Planning Issues and Discussion

8.1 The main planning issues for discussion are simply the visual appearance of the proposed signage, the impact if any on the open spaces, any highways considerations or whether there are any conservation issues associated with the proposed development.

8.2 In deciding this application, the Council has had regard to Town and Country Planning (Control of Advertisements) (England) Regulations (2007) and Paragraph 67 of the NPPF which consider the visual and highway safety implications of advertising, typically the two fundamental issues when advertisements are being considered and these will be discussed later within this report.

8.3 Policy ENV 58 states that the borough council will seek to ensure that any existing or proposed advertisement does not detract from amenity or public safety or from the character of a building or local environment. Consideration will be given later within this report to consider the visual impact and impact on the amenity. A full list of the sites can be found within appendix A of this report.

Health Issues

8.4 Dog faeces can spread toxocariasis which is a rare infection carried by roundworm parasites. Covert toxicariasis is the most common form of infection and symptoms include abdominal pain, a cough and headache. Visceral toxicariasis presents symptoms including fever, abdominal pain and shortness of breath. The least common form is ocular toxicariasis causing blurred or cloudy vision and irritation of the eyes. Left untreated it can cause permanent loss of vision although only one eye is usually affected. Toxicariasis usually affects children aged between one and four years old although cases have been reported in people of all ages. Instances of dog fouling will deter people especially parents and children from using the green spaces that are a facility to be used to improve their health and well-being.

8.5 It is envisaged that by providing dog fouling bags across various sites within Doncaster that further reminders and responsibility is given to dog owners about dealing with dog mess and therefore reducing the possibility of these health concerns from occurring.

Dog fouling and the Law

8.6 It is illegal for dog owners to not clean up their dog's waste in a public area. Litter authorities have a statutory duty under section 89 of the Environmental Protection Act 1990 (as amended) to ensure that, so far as reasonably practicable, their land is kept clear of litter (including dog waste), and refuse. Litter authorities generally refers to local authorities, but also includes educational institutions and the Crown (in each case in respect of its own land) and the Secretary of State.

8.7 In England and Wales, local authorities can issue on-the-spot fines for dog fouling, known as Fixed Penalty Notices (FPN). The amount will vary depending on the council. It is often £50 and can be as much as £80; most local authorities have set it at the default level of £75. If someone refuses to pay the fine, they can be taken to court and fined up to £1,000.

8.8 The law also states that being unaware a dog has fouled or not having a suitable bag is not a reasonable excuse. If someone does fail to clean up after their pet, it falls to the council to get rid of it. More than 90% of councils have dog wardens.

8.9 It is noted that the Council received 1036 cases of dog fouling in the past year 106 FPNs issued for dog fouling offences in the last year which gives a clear indication as to the scale of the problem together with an indication as to the amount of resource the council must invest in dealing with this issue. It is considered that the current proposal will help in addressing this problem and the purpose of the adverts would be to ensure that the proposal is self-funding.

Signage Detail

8.10 The signs proposed are generic and follow an approved corporate style. The signs will have various advertisements and will be pole mounted, the specifications are detailed below:

8.11 The siting of 'Tikspac' Dog Bag Stations in parks and open spaces throughout the Doncaster borough will include logo's and advertisements for local companies to sponsor the dog bag scheme. The adverts will be displayed on the upper front section of the dispenser with the dog bags located below. The size and number of adverts will depend

on the number of sponsors who sign up. Only the top front section of the dispenser will display the advertisements. The advertisements measure 64cm in height, 31cm in width and sited approximately 1m above ground level. The TiksPac station is made from high quality Annealed Steel, and the bags are 100% bio-degradable.

8.12 The applicant has confirmed that the TiksPac dog bin dispensers have approximately 7000 stations placed in Scandinavia and England.

8.13 The signs are proposed to be constructed of aluminium with adhesive vinyl and anti-graffiti laminate on the flat panel. None of the signs will be illuminated. As yet the signs have not been commissioned or tendered, therefore wind loading and impact resistance has not been tested. This will be subject to further consideration and will be controlled via condition prior to installation. Appendix 2 shows an example of the proposed signage.

Open Space Policy

8.14 During the course of the application Doncaster's Public Open Space Officer has been consulted and raised concerns with regards to the design of the proposed advertisements. It has been commented that many of the sites proposed are located within parks and gardens across the borough and consideration was given to RL1 (bullet point b) and RL2 (bullet point c) which specifically considers the visual amenity of the proposal. On this occasion Doncaster's Policy Officer considered that the proposed dispenser bins have the potential to result in a detrimental impact on the visual amenity of a local park. In balancing the concerns raised by the Policy officer it is important to consider what requires permission. As previously set out the component requiring permission is the advertisement attached to the dog bag dispenser. Balancing the overall size (64cm x 31cm) against the wider context of the parks and gardens these adverts are located in, it is considered that the overall harm would be negligible. For the large part, the signage would sit against the backdrop of trees and parkland and this coupled with the signage being painted green will minimise the general impact of the development. Whilst concerns about introducing additional street furniture are understandable, the proposal seeks to improve the experience of patrons using the park by providing dog fouling bags to the general public which in turn, is anticipated will help to keep the park clean.

Visual Amenity

8.15 In recent years lots of literature and comments have been circulating, some from central government about the need to de-clutter our streets and resist unnecessary street furniture and signage. This although relevant, could be argued that it is more directly aimed at more town centre locations and the over use of directional signs is harming the quality of the streetscene. In this case, it is acknowledged that the scheme does introduce additional signage, where no signs currently exist. However they are considered to be of a size and scale so as not to harm the character or visual appearance of the borough. Such initiatives have been accepted across the UK and are now common place across parks and gardens elsewhere within other authorities.

Conservation

8.16 Initial concerns were raised in relation to the proposals impact on the character of the conservation area, the setting of listed buildings and the impact on the parks and gardens to which many of the proposals relate. As a result Doncaster's conservation officers have visited those sites which were considered potentially problematic and subject to the final positioning being agreed for the signage, no objections have been raised. As a result a suitably worded condition has been suggested which would require a 1:200 plan indicating

the final position of the dispensers which will be considered in conjunction with Doncaster's conservation officers.

8.17 One concern relating to Cusworth Hall has been resolved by omitting this from the proposal.

Impact upon the Highway

8.18 Being located within parks and gardens coupled with the overall size and scale of the proposal, it is unlikely to affect highway safety. As the signs are non-illuminated, it is unlikely that the signage proposed would act as a distraction to road users. Taking these matters into account, it is considered that the proposal is unlikely to adversely affect highway safety at any of the sites proposed.

9.0 Summary and Conclusion

9.1 In summary the proposed signage aims to provide further opportunity for dog owners to clean up after their pets in sites across the borough. In order to facilitate this, the proposal includes advertisements; however the size, shape and design of the sign is not considered to cause any significant harm to the character of the borough's parks or gardens or cause undue visual distraction. The signs will be constructed of a passive material and positioned so as not to compromise road safety or impede highway visibility. Further work will be required on the exact locations of the signs, however this scheme warrants support in principle. The proposal is therefore considered in accordance with ENV 58 of the Unitary Development Plan and the relevant sections of National Policy.

10.0 Recommendation

GRANT Advertisement Consent subject to the conditions below;

- | | |
|-----------|--|
| 01. ADVT1 | This consent shall expire 5 years from the date of this notice, whereupon the signage shall be removed and any damage repaired, unless further consent to display has been given by the Local Planning Authority.
REASON
To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety. |
| 02. ADVT2 | Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
REASON
To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity. |
| 03. ADVT3 | Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
REASON |

To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.

04. ADVT4 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
REASON
To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.
05. ADVT5 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
REASON
To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
06. ADVT6 No advertisement shall be sited or displayed so as to -
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
(b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
REASON
To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
07. U56509 Prior to the signs hereby approved being installed, full details of the manufacture detail, wind loading capabilities shall be submitted to and approved in writing by the Local Planning Authority. The sign shall then be manufactured and maintained in accordance with these details.
REASON
In the interests of highway safety.
08. U56510 Prior to the installation of the signs hereby approved, the exact position of the signs shall be submitted to and approved in writing by the Local Planning Authority and be of a scale of 1:200 or similar.
REASON
The plans submitted with the applications were insufficient in detail in accordance with ENV 58 of the Unitary Development Plan.

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

Appendix 1 – List of sites

Location	Area	Post Code	Number of Dispensers
Adwick Park	Adwick	DN6 7ED	1
Anchorage Lane TPT	Sprotbrough	DN5 8EE	1
Askern Lake Car Park	Askern	DN6 0JB	1
Austerfield Playing Field	Austerfield	DN10 6QS	1
Barbers Path	Mexborough	S64 9PL	1
Bawtry Memorial Ground	Off Great North Road, Bawtry	DN10 6JH	1
Bawtry Playing Field	School Walk, Bawtry	DN10 6HP	1
Bentley Park	Bentley	DN5 0HU	2
Bessacarr Top Lane	Bessacarr	DN4 7RD	1
Bolton Street	Bessacarr	DN4 7HR	1
Campsall Country Park	Campsall	DN6 9LF	1
Cantley Park	Cantley	DN4 6HR	2
Carcroft Park	Carcroft	DN6 8AN	1
Castlehills	Mexborough	S64 0LU	1
Church Lane	Barnburgh	DN5 7EZ	1
Clayton Park	Mexborough	S64 0JX	1
Conisbrough Ivanhoe Park	Conisbrough	DN12 3JY	1
Conisbrough Welfare	Conisbrough	DN12 3JR	1
Denaby Craggs	Denaby	DN12 3PS	1
Denaby Memorial Park	Denaby	DN12 4HU	1
Dunsville Quarry Park	Dunsville	DN7 4ET	2
Edenthorpe, Farfield Road	Edenthorpe	DN3 1LA	1
Edlington Lane	Edlington	DN12 1QS	1
Elmfield Park	Hyde Park	DN4 5EZ	1
Everetts Close	Tickhill	DN11 9RT	1
Galley Fields	Bawtry	DN10 6XJ	1
Grove Gardens	Wheatley Hills	DN2 5LZ	1
Haslam Park	Bessacarr	DN4 7DS	1
Hexthorpe Park	Hexthorpe	DN4 0HJ	2
Hills Lane	Wheatley	DN2 5QQ	1
Lakeside	Town Centre	DN4 5PL	3
Melton Road TPT	Sprotbrough	DN5 8BY	1

Mosham Road Verge	Mosham Road, Blaxton	DN9 3AZ	1
Queens Drive	Bentley	DN5 9QL	1
Rands Lane	Armthorpe	DN3 3HW	1
Sandall Beat Wood	Off Leger Way	DN2 6JP	2
Sandall Park	Wheatley Hills	DN2 5DX	2
Sheffield Road	Conisbrough	DN12 2BP	1
Stainforth Welfare	Stainforth	DN7 5RE	1
Thorne Canal	Thorne	DN8 5UQ	1
Thorne Memorial Park	Thorne	DN8 5DZ	1
Tickhill Tithes Lane	Tickhill	DN11 9QN	1
Town Fields	Town Centre	DN1 2JR	3
Warmsworth Guest Lane	Warmsworth	DN4 9NT	1
Warmsworth Park	Warmsworth	DN4 9LA	1
Westfield Park	Balby	DN4 0LQ	1

Appendix 2 – Signage detail



DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 12th December 2017

Application 7

Application Number:	17/02370/FUL	Application Expiry Date:	14 th December 2017
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Application Type:	Householder Application
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Proposal Description:	Rear playroom addition to detached garage approved under Planning Permission 16/01899/FUL (retrospective)
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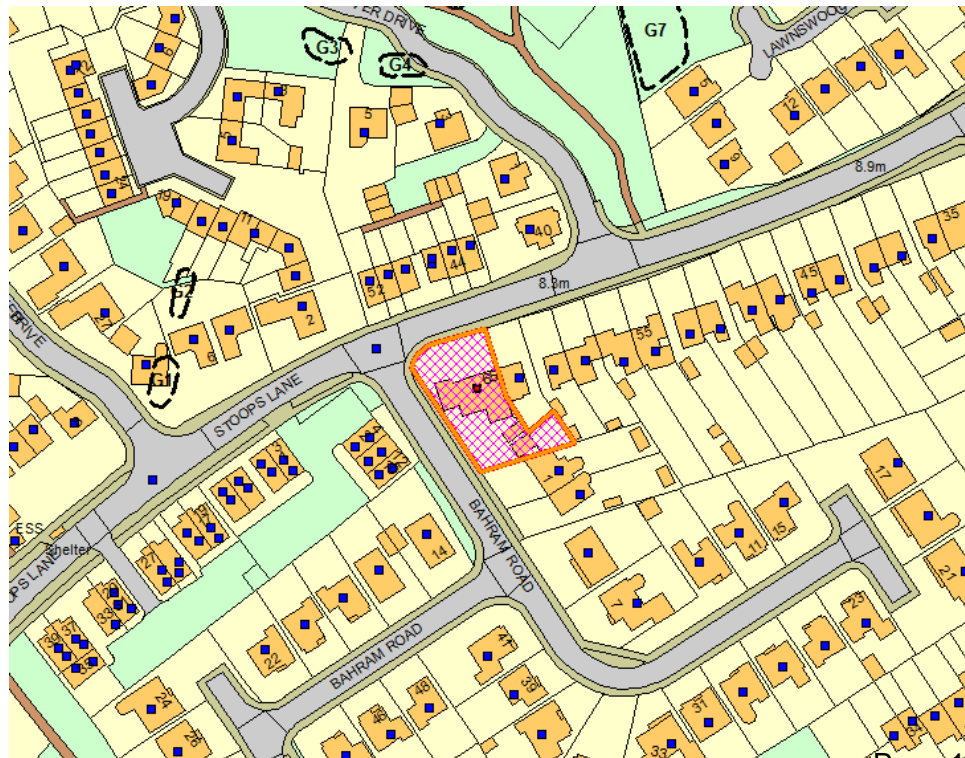
At:	65 Ellers Road, Bessacarr, DN4 7BE
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For:	Mr Z Malik
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Third Party Reps:	4 representations	Parish:	N/A
		Ward:	Bessacarr

Author of Report	Dave Richards
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 The application is being presented to the Planning Committee at the request of Councillor Nick Allen who has requested that the purpose of the building, its size and the impact on highway safety Bahram Road be considered by Members.

2.0 Proposal and Background

2.1 The proposal is for the retrospective consent for the addition of a single storey rear extension to an existing detached garage approved under Planning Permission 16/01899/FUL.

2.2 The extension measures approximately 3.9m in width, 7.4m in depth and a total of 3.3m in height.

2.3 The extension is currently unauthorised and is partially complete. Government guidance is clear that all planning applications must be considered in the normal way and that no prejudice is applied to a decision because the application is retrospective. The applicant has stated that he thought the proposal was permitted development and did not need planning permission.

2.4 The development is subject to an enforcement notice requiring its removal and to rebuild the detached garage in accordance with the approved plans for Planning Permission 16/01899/FUL. The approval of this application would cease further enforcement action being taken.

2.5 The site address captures part of the residential curtilages to 63 and 65 Ellers Road, a pair of semi-detached houses under the ownership of the applicant. Although the garage is located to the rear of 65 Ellers Road, the playroom addition has been subdivided from the garage and currently falls within the domestic curtilage of 63 Ellers Road.

2.6 The character of the surrounding area is suburban residential with a mixture of dwelling types and ages. There are outbuildings and garages to a number of properties in the vicinity of the site on Ellers Road and Bahram Road. They vary in appearance, height and width; some fill more of the garden, others are smaller or narrower.

3.0 Relevant Planning History

3.1 16/01899/FUL - Demolition of existing garages and replacement double garage. Approved 03.02.2017

3.2 11/03270/FUL - Erection of single-storey pitched roof extension to rear of detached house (being resubmission of application 11/02160/FUL refused on 4/11/11) Approved 03.01.2012.

3.3 11/02160/FUL - Erection of single-storey pitched roof extension to rear and erection of detached building to form garage and games room to rear of detached house. Part approved, part refused 04.11.2011.

4.0 Representations

4.1 The application has been advertised in accordance with the requirements of the Planning Practice Guidance as follows:

Any neighbour sharing a boundary with the site has received written notification
Advertised on the Council website

4.2 Councillor Nick Allen has objected to the proposal, noting the concerns of a local resident that the garage is large and the impact of the proposal may include more traffic on Bahram Road.

4.3 A total of three objections have been received from local residents raising the following issues:

Concerns with intended use of the building, including any commercial element
The access is compromised by cars parking on Bahram Road
The proposal would increase the number of cars at the property
The application is retrospective
Inadequate consultation on the development
There is no dividing wall between the garage and the playroom

5.0 Relevant Consultations

5.1 Highway Offer – There are no concerns from a highway point of view.

6.0 Relevant Policy and Strategic Context

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

6.2 In the case of this application, the development plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policies are Policies CS1 and CS14 of the Core Strategy and Policy ENV54 of the UDP. Other material considerations include the National Planning Policy Framework (NPPF) and the subsequent planning guidance; as well as the Council's supplementary planning guidance.

6.3 Planning Permission 16/01899/FUL for the existing garage is a material consideration. Previous applications include a previous proposal at the property under reference 11/02160/FUL granting a pitched roof extension and refusal to grant a detached outbuilding. The subsequent appeal to the split decision was upheld by the Planning Inspectorate in 2012, dismissing the outbuilding proposal as being inappropriate to the character of the surrounding area and adjoining buildings. The circumstances of each case are different as different dimensions are proposed, however the decision is relevant to the current application.

6.4 Members will note that concerns have been raised that a commercial use is in operation at the site. The Council have investigated numerous complaints made by local residents in the last 10 years alleging a change of use has occurred, however none have been substantiated.

7.0 Planning Issues and Discussion

7.1 The main issues relating to this application are the impact of the development on the character of the area, residential amenity and highway safety.

Principle of development

7.2 The proposal is for a playroom/domestic store associated with 63 Ellers Road. The applicant has confirmed that the building is intended for domestic use and not for business use, which is a concern of local residents and a ward councillor. Whilst the development is attached to the domestic garage associated with 65 Ellers Road, it has now been subdivided to be a functionally separate outbuilding. The provision of an outbuilding within a residential garden in a residential policy area is acceptable in principle. A planning condition would restrict any business use for the avoidance of doubt.

Character of the area

7.3 The NPPF attaches great importance to good design, including responding to local character and reflecting local surroundings and materials. Policies CS1 and CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings. Policy ENV54 of the UDP states that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building.

7.4 The approved detached garage is a substantial but relatively simple design with facing brick and a pitched roof. The playroom addition retains a subservient design and form and set in similar materials to tie in with the existing garage. Concerns have been raised about the scale and mass of the development overall, but the playroom addition is of a modest scale compared to the garage and the surrounding residential dwellings. The addition sits comfortably within the size of the plot and would maintain an adequate sized garden for the main house. The development is not widely seen from the street scene.

7.5 In summary, the development would not have an adverse effect on the character and appearance of the surrounding area and would be in accordance with the NPPF and Policies CS1 and CS14 of the Core Strategy and Policy ENV54 of the UDP, which all seek to achieve high quality design that respects the character of the local area.

Protecting residential amenity

7.6 The NPPF emphasises the need to protect the quality of the built environment and ensure a good standard of living conditions for current and future occupiers of housing. Policy CS14 of the Core Strategy recognises that a component of good design is to ensure that new development does not have a negative effect on residential amenity.

7.7 The neighbour most likely to be affected is the occupiers of No. 1 Bahram Road. Although the playroom addition would extend some 5.4m beyond the rear wall of the neighbour, the bulk of the development is largely hidden by a 1.8m fence. The view of the neighbour from the rear elevation of their property is that of a shallow pitched roof extending along the boundary. It is not considered that the playroom addition would affect this neighbour in terms of visual amenity. Given the development lies to the north of the neighbouring property, no significant loss of light or overshadowing takes place. No objections have been received from the occupier.

7.8 Owing to the distance separation to the neighbouring property at 61 Ellers Road, the playroom addition does not significantly affect the neighbouring property in terms of loss of light or visual amenity. The low level nature of the boundary treatment between the two properties means that there is already inter-visibility between the two gardens but this could be reasonably controlled via a boundary treatment should they wish to have greater privacy.

7.9 Given the distance to other neighbouring properties, no other impact has been identified.

Protecting highway safety

7.10 The NPPF states that development proposals should only be refused on highway safety grounds if it amounts to a severe impact. Policy CS14 of the Core Strategy requires development to consider highway safety.

7.11 Concerns have been raised with the potential for the outbuilding to be used for a commercial business, however any such operation would require planning permission. As set out in Paragraph 7.4, previous allegations that the applicant is operating a commercial business from the address have been found to be unsubstantiated.

7.12 Whilst there may be some inconvenience with cars being parked on the highway during times of high car ownership at the property, there is no evidence to suggest that the outbuilding would increase the instances where this occurs. There are no parking restrictions on Bahram Road near the site. The development would not produce significant traffic movements to or from the address. The building has not been designed to accommodate a vehicle and no functioning access currently exists to it. The Highway Officer has been consulted and has no objection.

7.13 The application therefore complies with Policy CS14 of the Core Strategy with regard to protecting highway safety.

Other matters

7.14 Objectors have taken issue with how the development was publicised. Following notification, the Council took enforcement action resulting in an application being submitted. The application has been advertised beyond the minimum requirements of the Planning Practice Guidance by writing to adjacent neighbours together with a site notice being displayed at the site boundary.

8.0 Summary and Conclusion

8.1 In summary, the design of outbuildings in the area vary and the playroom addition ties in well with the existing garage. The development appears as an ancillary domestic outbuilding that is quite commonly seen in garden locations. Sufficient private garden space would remain to 63 Eilers Road and the height of the building would not lead to any harm to the living conditions of adjoining occupiers.

8.2 The proposal therefore accords with the Council's policies concerning the alteration and extension of domestic outbuildings as set out in Policies CS1 and CS14 of the Core Strategy and Policy ENV54 of the UDP, which all seek to achieve high quality design that protects the character of the area, neighbouring residential amenity and highway safety.

9.0 Recommendation

GRANT Planning permission subject to the conditions below;

01. ACC1 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

Site Plan received 13.11.2017
Proposed Plans received 13.11.2017

REASON

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

02. U56969

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 and Section 55(2) of the Town and Country Planning Act 1990 (or any subsequent order or statutory provision revoking or re-enacting those orders) no development, including internal alterations, shall be carried out on any part of the development hereby permitted without the prior permission of the local planning authority.

REASON

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties, highway safety or to the character of the area and for this reason would wish to control any future development to comply with Policy CS14 of the Core Strategy.

03. U57099

The playroom addition and detached garage hereby approved shall not be used for any purpose other than those incidental to the enjoyment of the occupiers of the main dwelling house and not for the accommodation of commercial vehicles, for business use or for living accommodation.

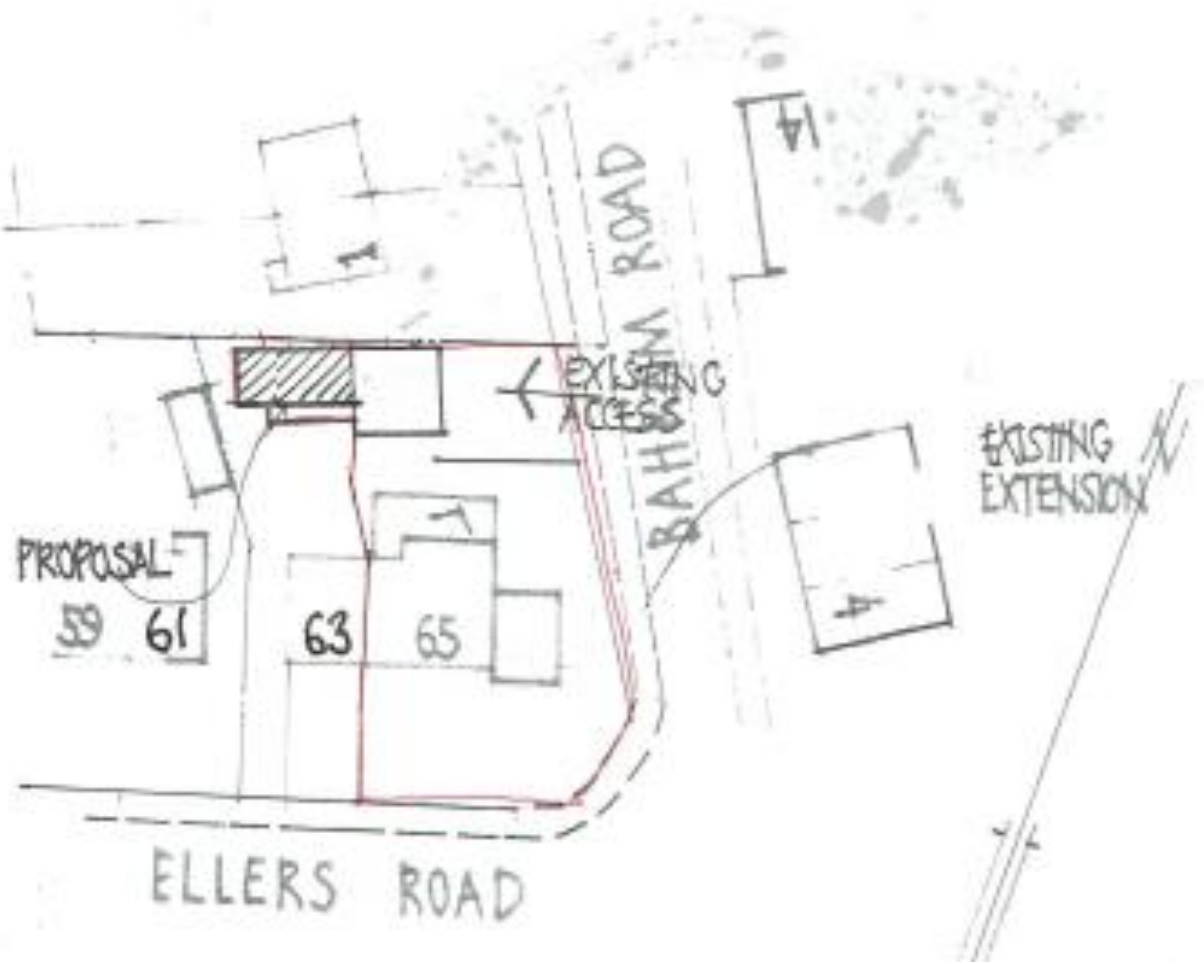
REASON

In the interests of proper planning and to protect local amenity in accordance with Policy CS14 of the Core Strategy.

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.

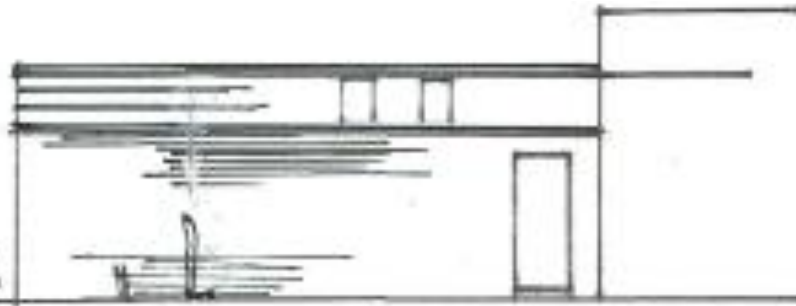
APPENDIX 1 – Block Plan

BLOCK PLAN

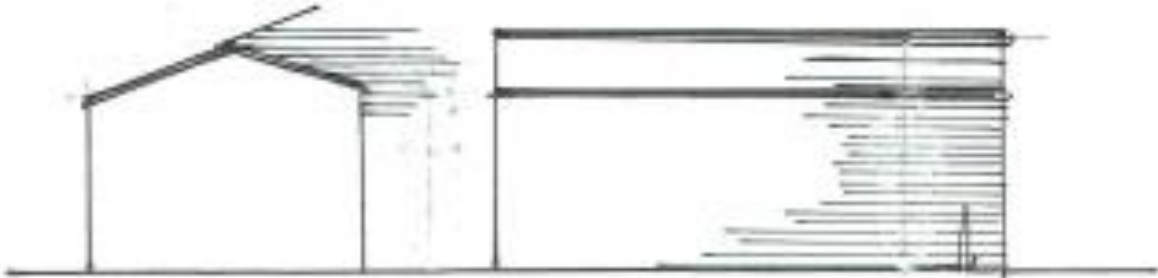


APPENDIX 2 - Proposed Elevations and Floor Plan

ELEVATIONS



PROPOSED FRONT



PROPOSED SIDE

PROPOSED REAR



PROPOSED LAYOUT

Proposed Deed of Variation to Section 106 Agreement for a mixed use development at Manor Farm, Bessacarr

EXECUTIVE SUMMARY

1. This report seeks the approval of the Planning Committee to a variation to the Section 106 Agreement for a mixed use development of housing; employment uses; ancillary amenities and public open spaces, including associated landscaping and means of access on approximately 70.07ha of land.
2. Outline planning permission was granted on appeal on the 9th November 2009, with the decision being subject to a Section 106 Agreement dated 23rd September 2009. The Agreement sought to deliver the following obligations;
 - a. - affordable housing,
 - b. - bus services,
 - c. - village greens,
 - d. - play areas,
 - e. - woodland and nature areas,
 - f. - railway crossing improvements,
 - g. - a site for a school,
 - h. - a travel plan,
 - i. - a financial contribution to the Warren Lane works,
 - j. - the provision of service infrastructure
 - k. - access to the commercial use development site, and
 - l. - a public open space management and maintenance scheme
3. In relation to affordable housing, the Agreement required that 26% of all units on site were to be delivered as affordable homes. The tenure split required 25% to be Social Rented dwellings and 75% to be Shared Ownership dwellings.
4. The first reserved matters application for Phase 1 of the development was approved in January 2012, this included details for the erection of 276 dwellings. The application also included the phasing plan for the remainder of the development, comprising of a further two phases of development.
5. Following a period of extensive marketing of the shared ownership homes within Phase 1 to housing associations, it was demonstrated that there was no demand for these homes. To enable the scheme to continue providing its contribution towards affordable housing without delay, the Council agreed to receive an equivalent financial sum in lieu of on-site provision. This financial contribution will be invested by the Council into affordable homes provision within the Borough. The S106 Agreement was subsequently amended by a Deed of Variation (DoV) to secure this.

6. The lack of demand for shared ownership homes continues and is an issue not only in Doncaster but also across the Sheffield City Region, a situation which is acknowledged by the Council's Strategic Housing team, HCA and Housing Associations. As such, Persimmon has asked to amend the S106 Agreement for the Phase 2 and 3 to deal with the continuing market conditions.

EXEMPT REPORT

7. The report does not contain exempt information, however the financial information contained within the supporting evidence is confidential and not in the public domain.

RECOMMENDATIONS

8. For the reasons set out below, it is recommended that Planning Committee authorise the Head of Planning to agree a Deed of Variation to vary the terms of the Section 106 Agreement dated 23rd September 2009 in accordance with the terms of this report.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

9. The variation to the Section 106 Agreement will enable a commuted sum to be provided in lieu of on-site affordable housing provision, in the event that there is no interest from Housing Associations to take the units. This will ensure that the Council has certainty and an agreed mechanism for the delivery of affordable housing for the future which takes account of prevailing market conditions. It also gives the Council funding to target specific schemes or programmes for affordable housing delivery across the Borough in the future.

BACKGROUND

10. The original Agreement requires that approval is sought from the Council for the delivery of the affordable units prior to the commencement of each phase of the development. Such details should include 75% of the affordable units being shared ownership and 25% Social Rented. The Agreement also states that, if there is no interest from a Housing Association to take on the relevant shared ownership dwellings within a certain timescale, the landowner would pay a sum to the Council on completion of each sale of any shared ownership dwelling. This would mean that the income would be spread over many years.
11. In January 2013 the report to Planning Committee to request authorisation for a Deed of Variation related to how the affordable housing was to be delivered on Phase 1. There was a lack of interest from Housing Associations in the shared ownership dwellings and therefore a commuted sum was agreed in lieu of the shared ownership dwellings. The 25% social rented dwellings would remain to be provided on site. This was agreed.
12. This 2013 Deed of Variation (DoV) enabled the shared ownership dwellings on Phase 1 to be sold on the open market and a payment of £959,169 paid

to the council instead.

13. The 2015 Budget Statement set out measures to reduce national deficit, including welfare reform savings. A fundamental change to the rent formula was also set out, which forms a significant part of investment profiles for Housing Associations. The cut was to apply to both affordable and social rents and would mean a 12% reduction in average rents by 2020/2021. Persimmon state that this reform compounded an already existing issue of a lack of demand for affordable homes experienced at Manor Farm. As a result, Housing Associations were revoking offers and pulling out of schemes in which they had previously declared firm interest. This effect was later acknowledged in a Ministerial Statement published November 2015.
14. The lack of demand for shared ownership homes continues and is an issue not only in Doncaster but also across the Sheffield City Region, a situation which is acknowledged by the Council's Strategic Housing team, HCA and Housing Associations. As such, Persimmon has asked to amend the S106 Agreement for the Phase 2 and 3 to deal with the continuing market conditions.
15. Persimmon now seeks a variation to the S106 Agreement in respect of the affordable housing in phases 2 and 3. The proposal seeks to provide a tailored solution for each of social rented and shared ownership homes based upon market experience over the lifetime of the development so far. The proposal will see the social rented units offered to Housing Associations for an appropriate marketing period. If, however, it is demonstrated there is no interest or Housing Association commitment then an equivalent financial contribution will be provided to the council in lieu of on-site provision.
16. It has been demonstrated that there has been a lack of demand for shared ownership homes over a prolonged period of time. The 2013 Deed of Variation for phase 1 to allow a financial payment in lieu of on-site provision was necessary because of this and it is now necessary for phases 2 and 3. This will ensure the uncertainty of on-site delivery is removed and replaced with a reliable, transparent and certain framework of affordable housing provision. The S106 will, obligate the Council to allocate those funds in to new affordable housing schemes across the Borough. Such use of Commuted Sum payments has in recent years enabled Housing Associations and the Council to lever significant HCA grant and institutional loan funding into affordable housing schemes in the Borough which otherwise would have been unable to proceed.
17. Persimmon has updated the financial model used to inform the phase 1 financial contribution. The model calculates a commuted sum equivalent to the contribution that would have been provided through the delivery of on-site units. In addition the model has also been updated to include a form of indexation calculated annually. This will ensure that the Council receives any benefit in potential future uplift in values.
18. The financial contribution for social rent homes would be approximately £2.1m. The financial contribution in lieu of shared ownership homes would be circa. £3.4m.
19. Two payment profile options for the financial contribution have been

considered. One is to receive the financial contribution in annual payments reflective of the rate of sale of properties on site. The second is a one-off payment agreed at a specific point in the development. The one-off payments would be £1.0m for the social rent homes and £1.6m for the shared ownership homes. The latter option is not preferred because the amounts proposed to be paid by the developer have been heavily discounted to take account of their costs of capital. By taking profiled payments the Council is better able to spend the receipts within the 5-years allowed by the agreement.

20. The proposal seeks to find a long term solution for affordable housing delivery at Manor Farm. Should a lack of demand continue to be demonstrated the proposed financial contributions in lieu of on-site provision provides an equivalent contribution to what would have been contributed on site. The proposal will allow the scheme to contribute to affordable housing provision without delay, being a key objective of the Government's targets to increase the supply of both affordable and market housing, giving the Council the ability to manage and invest financial resource into affordable schemes across the Borough.
21. Policy CS 12 of the Doncaster Council Core Strategy sets out the Council's policy on affordable housing, and sets out a range of affordable housing delivery options (including payment of commuted sums in lieu). Paragraph 5.27 states that affordable housing will generally be on-site to support mixed communities but commuted sums may sometimes be necessary and can offer greater flexibility including purchasing houses from the existing stock or re-using empty homes. Commuted sums are likely to be more appropriate in adverse housing market conditions where they can be used instead of, or alongside a reduced, on-site provision to assist viability of the housing development and deliver more affordable housing than may be possible with on-site new build.
22. Consultation has taken place with the Council's Strategic Housing team who raise no objection to the proposal. They state that Council policy allows for a range of Affordable Housing delivery options (including payment of Commuted Sums in lieu). They also comment that the directions given by Government to Local Authorities regarding reviewing existing Section 106 Agreements is such that this proposal meets those criteria. This proposal should enable development to proceed and still deliver some affordable homes on the development. As such it is an acceptable amendment.
23. The Strategic Housing team further state that it is clear the proposed change is designed to deal with the lack of demand for shared ownership homes and follows the principals the Council accepted for the DoV on phase 1. The interest from South Yorkshire Housing Association in acquiring affordable units for rent is recognised. Rented tenure will still be offered to Housing Associations on phases 2 and 3, however the DoV builds in the methodology for calculating the payment should Persimmon also fail to dispose of those units to an Housing Association.
24. The advantage of accepting this DoV is that the Council have certainty and an agreed mechanism for the future. It also gives the Council funding to target specific schemes or programmes in the future. The disadvantage is should the market change or new affordable home ownership products be

developed that are attractive we may lose an opportunity. However at present and for a number of years, RP's have had little appetite for shared ownership units across the region due to limited buyer demand.

25. The National Planning Policy Framework (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.'

26. Planning obligations should only be sought where they meet all of the following tests;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably relating in scale and kind to the development.

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

27. The National Planning Policy Guidance (NPPG) states that planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. Paragraph 205 of the NPPF states that 'where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

OPTIONS CONSIDERED

28. To not enter into a Deed of Variation would have a negative effect on the delivery of the development, resulting in affordable housing stock sitting vacant with no Registered Providers to take them on. This may also jeopardise the delivery of the remainder of the Manor Farm development.

REASONS FOR RECOMMENDED OPTION

29. The Deed of Variation will not negate the need for affordable housing to be provided on site. The Social Rented dwellings will still be offered to RPs during an appropriate marketing period, and only if there is no demonstrated demand will an equivalent financial contribution be provided to the Council.

30. Given the current difficulties with the market for Affordable Home Ownership products in Doncaster, this proposal should enable development to proceed and still deliver some affordable homes on the development.

31. This approach will ensure the risk and uncertainty of on-site delivery is removed and replaced with a reliable, transparent and certain framework of affordable housing provision. Such financial contributions, where payable, obligate the Council (within the terms and conditions of S106 legislation) to allocate those funds in support of providers of new affordable housing schemes across the Borough. Such use of Commuted Sum payments has in recent years enabled Housing Associations and the Council to lever very significant HCA Grant and Institutional loan funding into affordable housing schemes in the Borough which otherwise would have been unable to

proceed.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>Agreeing to the recommendation will reduce the level of affordable housing provision on the site, replacing this with a sum which could be spent elsewhere in the Borough. This has the potential to disadvantage those in need of affordable housing in the Cantley and Finningley ward.</p> <p>The development of the site may be jeopardised, therefore reducing construction employment opportunities.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>Not to agree with the recommendation will mean that the development of the site may stall and that the potential for new and improved housing stock in the settlement will be reduced.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The development of the site may stall, reducing the potential for new families to move to the area which would boost the local economy, and allow existing families to move to new housing and remain in the local area.</p> <p>The delivery of the development will provide an attractive place to live with associated infrastructure and green space.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>Existing and new families will have access to new housing with attractive landscaping and open areas. Without the development being brought forward these facilities would not be provided.</p>
	<p>Council services are modern and value for money.</p>	<p>The development of new homes will deliver additional Council Tax and New Homes Bonuses to the Borough.</p>
	<p>Working with our partners we will provide strong leadership and governance.</p>	<p>The proposed changes have been agreed following consultation with the Strategic Housing team ensuring that they are involved in the decision making process as the implications of this decision will directly affect their service.</p>

RISKS AND ASSUMPTIONS

32. The disadvantage is that should the market change or new Affordable Home Ownership products be developed that are attractive the Council may lose an opportunity. However at present and for a number of years, Registered Providers have had little appetite for Shared Ownership units across the region due to limited buyer demand.
33. The development may not proceed and no affordable units, or alternative commuted sum, would be provided.

LEGAL IMPLICATIONS

34. Consultation has taken place with the Strategic Housing team and the Ward Members for both the Finningley and Bessacarr wards. At the time of writing this report, no comments have been received from Ward Members, however should comments be received following completion of the report, these will be reported verbally to the Planning Committee.

FINANCIAL IMPLICATIONS

35. The financial implications are largely considered above. The Council ring-fences S106 receipts for the purpose for which they were received. Strategic Housing have provided assurance that the valuation data used within Persimmon's proposals are consistent with those used for similar developments.

HUMAN RESOURCES IMPLICATIONS

36. There is no identified staffing or other resource implications.

TECHNOLOGY IMPLICATIONS

37. There are no identified technology implications.

EQUALITY IMPLICATIONS

38. There are no identified equality implications.

CONSULTATION

39. Consultation has taken place with the Strategic Housing team and the Ward Members for both the Finningley and Bessacarr wards. At the time of writing this report, no comments have been received from Ward Members, however should comments be received following completion of the report, these will be reported verbally to the Planning Committee.

BACKGROUND PAPERS

40. Planning application 01/1201/P

REPORT AUTHOR & CONTRIBUTORS

Nicola Elliott, Principal Planning Officer, Development Management
01302 734860 nicola.elliott@doncaster.gov.uk

Peter Dale
Director of Regeneration and Environment

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

1. The purpose of this report is to inform members of appeal decisions received from the planning inspectorate. Copies of the relevant decision letters are attached for information.

RECOMMENDATIONS

2. That the report together with the appeal decisions be noted.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. It demonstrates the ability applicants have to appeal against decisions of the Local Planning Authority and how those appeals have been assessed by the planning inspectorate.

BACKGROUND

4. Each decision has arisen from appeals made to the Planning Inspectorate.

OPTIONS CONSIDERED

5. It is helpful for the Planning Committee to be made aware of decisions made on appeals lodged against its decisions.

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

7.

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

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS

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:-

Application No.	Application	Appeal	Ward
------------------------	--------------------	---------------	-------------

	Description & Location	Decision	
17/00110/OUT	Outline application for 2 detached dwellings to rear of 21 Park Drive following partial demolition of host property to provide access (Approval sought for access and layout) (Being resubmission of planning application 16/01749/OUT, refused on 20/10/2016) at 21 Park Drive, Sprotbrough, Doncaster, DN5 7LA	Appeal Dismissed 20/11/2017	Sprotbrough
17/01546/FUL	Erection of two bungalows with associated parking on former garage site at Land To Rear Of 18 Laburnum Road, Mexborough, S64 9RU,	Appeal Dismissed 14/11/2017	Mexborough

REPORT AUTHOR & CONTRIBUTORS

Mr I Harris
01302 734926

TSI Officer
ian.harris@doncaster.gov.uk

PETER DALE
Director of Regeneration and Environment

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Appeal Decision

Site visit made on 24 October 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 20 November 2017

Appeal Ref: APP/F4410/W/17/3179479

21 Park Drive, Sprotbrough, Doncaster DN5 7LA

- 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 & Mrs Hewitt against the decision of Doncaster Metropolitan Borough Council.
 - The undated application Ref 17/00110/OUT was refused by notice dated 23 March 2017.
 - The development proposed is outline application for 2 detached dwellings to rear of 21 Park Drive.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with approval sought in relation to access and layout, with all other matters reserved for future consideration. I have dealt with the appeal on that basis.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site consists of a dwelling which is part of a short terrace of three properties. From the evidence before me, it is apparent that this dwelling was originally part of a semi-detached property which has been extended and then subdivided to create a further dwelling. The immediate area is characterised by detached or semi-detached dwellings with long gardens extending to the rear. I saw that there were examples of development extending to the rear of Park Drive in the wider area, although the properties immediately adjacent to the appeal site had retained their extensive gardens.

6. In support of the proposal, the appellants state that development on land to the rear of Park Drive has established a precedent for this form of development. However, I saw that developments such as Burghley Court consisted of the development of more extensive areas of land which enabled the provision of a more spacious form of development which complements the surrounding residential area. In contrast, the appeal proposal would result in piecemeal development on a site which was originally a single residential plot. The constrained character of the site would result in new residential plots of a restricted character which would be at odds with the layout and grain of adjacent sites with extensive gardens.
7. The access into the site from Park Drive would also be an incongruous feature occupying almost all of the space between the side elevation of 21a Park Drive and the site boundary. In comparison to the appeal proposal, I saw that the entrances to Burghley Court and land to the rear of 41 Park Drive were of a more spacious character and enabled a more suitable layout both in relation to adjacent properties and landscaping. In contrast, the proposed access would appear as a contrived, restricted and overdominant feature at odds with the domestic character of the adjacent dwellings. The appellants contend that the width of the access would be no different from the driveway serving the existing property. However, the existing double driveway is of a domestic character and its replacement with a long drive serving two dwellings to the rear would change the nature of this access to the detriment of the streetscape.
8. The access and manoeuvring areas would also create a disproportionate expanse of hard surfacing within the scheme. Although private gardens would be provided which would retain an element of soft landscaping within the site, these would be of a limited size for both No 21a and the proposed 'middle' dwelling, and would not overcome the harm arising from a scheme dominated by hard surfaces. Whilst the long access drive and manoeuvring area would not be widely visible from Park Drive, it would be apparent in views directly from the front of the site. It would also be visible from adjacent properties as well as setting an unattractive landscape for future residents of the development.
9. The appellants also state that, at approximately 8 dwellings per hectare, the development would be of a density which is consistent with the wider area. Whilst this may be so, this matter does not overcome the harm from the intensity and form of the developed area arising from the constrained layout of the plots and access within the site.
10. I have had regard to the benefits that would arise from the development. The proposal would add to the mix and supply of housing in an area of high demand, albeit to a very limited degree. The appellants also contend that the proposal would comply with the environmental role of sustainable development as it would have no unreasonable impact on landscape features or the character of the area, although for the reasons stated above I disagree with this assessment. Any benefits arising from the proposal would therefore be very limited and would not outweigh the harm that I have identified above.
11. I conclude that the proposal would be at odds with the established pattern of development in the area and would be detrimental to the streetscape. On that basis, the proposal would harm the character and appearance of the area. The

proposal would therefore be contrary to Policy PH11 of the Doncaster Unitary Development Plan 1998 which states that backland development should not result in unsatisfactory access or over-intensive development, amongst other things. The proposal would also conflict with Policies CS1 and CS14 of the Doncaster Council Core Strategy 2012 which state that development should enhance the built environment and make a positive contribution to achieving the qualities of a successful place. The proposal would also be contrary to the National Planning Policy Framework in respect of requiring good design.

12. For the reasons given above and taking account of all material planning considerations I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

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Appeal Decision

Site visit made on 6 November 2017

by **Alison Partington BA (Hons) MA MRTPI**

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

Decision date: 14th November 2017

Appeal Ref: APP/F4410/W/17/3180273

Land to rear of 18 Laburnum Road, Mexborough, Doncaster S64 9RU

- 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 Ms Mulvenna against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 17/01546/FUL, dated 29 July 2016, was refused by notice dated 11 July 2017.
 - The development proposed is the erection of 2 bungalows with associated parking.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Mulvenna against Doncaster Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposed development on the living conditions of nearby residents with particular regard to outlook; and
 - Whether or not the proposed development would provide adequate living conditions for future occupiers with particular regard to private outdoor space.

Reasons

Living Conditions – adjacent occupiers

4. The appeal site is a long narrow plot of land located to the rear of a row of houses on Laburnum Road and a row of bungalows on Old Farm Court. It is proposed to develop the site for 2 bungalows, each with their own parking and garden space. Detailed guidance on residential development is provided in the *Backland and Infill Development Supplementary Planning Document (adopted November 2010) (SPD)* and the *South Yorkshire Residential Design Guide (adopted July 2015) (RDG)*.
5. The row of houses on Laburnum Road lie at an angle to the site, with the closest houses being Nos 18 and 20. The rear elevations of these houses

contain a number of habitable room windows on both the ground and first floor. The bungalow on plot 2 would sit very close to the common boundary with Nos 18 and 20 Laburnum Road, and would extend the full width of the rear garden of No 20 and part of the rear garden of No 18.

6. The appellant has indicated that the proposed bungalow would be less than 6m from the rear elevation of No 18, and at its greatest would be less than 10m from the rear elevation of No 20. I accept that the fence along the rear boundary of these houses already has an impact on the outlook from the ground floor windows and the gardens of both these houses. However, the eaves height of the bungalow would be greater than that of the fence, and the ridge height would be more than twice the height of the fence.
7. Although the roofplane would slope away from the houses, and so would reduce some of the bulk of the roof close to the boundary, the presence of the building across the entire width of the garden of No 20 and part of the garden of No 18, would create an unneighbourly sense of enclosure to the garden of No 20 in particular, and would have an overbearing impact on, and dominate the outlook from, the rear gardens and the windows of the ground floor rooms.
8. Whilst the appellant has highlighted that the proposal would accord with the 25 degree rule set out in the RDG that relates more specifically to determining the adequacy of daylight as opposed to whether a development would have an overbearing relationship.
9. Overall, I consider that the proposed development would unacceptably harm the living conditions of nearby residents with particular regard to outlook. Thus, it would be contrary to Policy PH11 of the *Doncaster Unitary Development Plan (adopted July 1998)* (DUDP) and CS14 of the *Doncaster Council Core Strategy 2011 – 2028 (adopted May 2012)* (DCS) which, amongst other things, require that developments do not have an unacceptable effect on the amenity of nearby occupiers.

Living Conditions – future occupiers

10. The SPD indicates that garden size should reflect the type of house being delivered and the locality, but should normally be at least that of the footprint of the house, whilst the RDG says that the minimum garden size for a 2-bed dwelling is 50 sqm.
11. The appellant has stated that the garden size for plot 2 would be around 122 sqm which is well in excess of the floor area of the property. However, whilst the Council have argued that this would not be the case for plot 1, the appellant has stated that the internal floor area of this bungalow is 67sqm and the garden is 69sqm. I accept that this excludes the floor area of the attached garage, and would also need to provide an area to store bins. Nevertheless, on the basis of the appellant's figures, the garden area is in excess of the floor area of the actual living accommodation, and is greater than the 50sqm required in the RDG.
12. In addition, given the limited rear gardens of the adjacent bungalows, and the modest rear gardens of the adjoining houses, a garden of this size would not appear unduly small or out of keeping with the locality. As a consequence, the development would not appear unduly cramped or the site over-developed.

13. No 18 has a first floor bedroom window that overlooks part of the rear garden of plot 2. However, the majority of the garden area would be screened from the view of this window by the bungalow itself and only a small area of the garden would actually be visible from this adjacent house. This would be the area to the side the gable elevation and the corner furthest away from the bungalow. As such, the main areas adjacent to the dwelling that would be likely to be used most intensively would not be overlooked.
14. Therefore, I am satisfied that both properties would be provided with satisfactory amounts of private outdoor space. As such the proposed development would provide adequate living conditions for future occupiers in this regard. Accordingly, there would be no conflict with Policy PH11 of the DUDP or Policy CS14 of the DCS which, amongst other things, require that developments have a high standard of design and, in particular, that tandem or backland development does not result in an unsatisfactory access, overlooking or over-intensive development.

Conclusion

15. Although I have found that the proposed development would provide adequate living conditions for future occupiers, this does not outweigh the harm that would be caused to the living conditions of nearby residents. For that reason I conclude the appeal should be dismissed.

Alison Partington

INSEPECTOR

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Costs Decision

Site visit made on 6 November 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 14th November 2017

Costs application in relation to Appeal Ref: APP/F4410/W/17/3180273 Land to rear of 18 Laburnum Road, Mexborough, Doncaster S64 9RU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Mulvenna for a full award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 2 bungalows with associated parking.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The *Planning Practice Guide* (PPG) advises that parties will normally be expected to meet their own costs in relation to appeals, and that costs may only be awarded against a party who has acted unreasonably, and thereby caused the party applying for costs to incur unnecessary, or wasted, expense in the appeal process.
3. The appellant has made the application for an award of costs on the basis that it is considered the site is suitable for 2 bungalows, and that the Council has not provided adequate reasoning or justification for the decision to refuse the scheme.
4. The application had a single reason for refusal which indicated that the proposal would harm the living conditions of nearby residents, and would not provide adequate living conditions for future occupiers. Therefore the reason for refusal relates to the proposed development and deals with issues that need to be addressed in considering the scheme. It also indicates the policies within the development plan to which the Council considered the scheme would be contrary. As such these issues represent proper planning grounds.
5. As set out in my decision, I consider that the appeal scheme would provide adequate living conditions for future occupiers but would be detrimental to the living conditions of existing occupiers. However, whilst I have not agreed with the Council in regard to the former, I recognise that the effect of a development on such an issue is often a matter of judgement, and can be finely balanced. Substantive reasons on this matter are set out in both the Officer's Report and the Council's appeal statement. In particular it is highlighted that the size of the garden for plot 1 would be too small, and that the garden for plot 2 would lack adequate privacy. Whilst the appellant may

not agree with the Council's conclusion in this respect, this does not mean that the Council has acted unreasonably.

6. I note that the proposals were subject to considerable discussion with the Council, and a previous scheme was reduced to one dwelling as a result of these. I note that the appellant considers Officers provided little in the way of reasoning or justification in these discussions. However, the necessity for the appeal is based on the Council's formal decision, not on the informal discussions and negotiations during the process. For the reasons set out above, I consider the Council has adequately substantiated the reason for refusing the proposal.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and thus an award of costs is not justified.

Alison Partington

INSPECTOR

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

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Agenda Item 9.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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