



# Doncaster Council

## Agenda

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To all Members of the

### **PLANNING COMMITTEE**

**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, 26th June, 2018

**Time:** 2.00 pm

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**Jo Miller  
Chief Executive**

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Issued on: Friday 15th June, 2018

**Governance Services Officer for this meeting**

Amber Torrington  
Tel: 01302 737462

**Doncaster Metropolitan Borough Council  
www.doncaster.gov.uk**

## Items for Discussion:

Item		Page No.
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.	
4.	Minutes of the Planning Committee Meeting held on 29th May, 2018	1 - 10
<b>A.</b>	<b>Reports where the Public and Press may not be excluded.</b>	
	<b><u>For Decision</u></b>	
5.	Schedule of Applications	11 - 192
	<b><u>For Information</u></b>	
6.	Appeal Decisions	193-202
<b>B.</b>	<b>Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.</b>	
7.	Enforcement Cases Received and Closed for the Period of 15th May, 2018 to 13th June, 2018. (Exclusion Paragraph 6)	203-218

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

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

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

# Agenda Item 4.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

TUESDAY, 29TH MAY, 2018

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE on TUESDAY, 29TH MAY, 2018, at 2.00 pm.

#### PRESENT:

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

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

#### 1 DECLARATION OF INTEREST, IF ANY

In accordance with the Members' Code of Conduct, Councillor Iris Beech, declared an Disclosable Pecuniary Interest in Application No 17/00095/FULM, Agenda Item 5(1), by virtue of being a Member of Askern Miners Welfare Club and took no part in the discussion at the meeting and vacated the room during consideration thereof.

In accordance with the Members' Code of Conduct, Councillor David Hughes declared a Non disclosable Interest in Application No. 17/00095/FULM, Agenda Item 5(1), by virtue of being a Member of Highfield Miners Welfare Club.

In accordance with the Members' Code of Conduct, Councillor Susan Durant declared a Non disclosable Interest in Application No. 15/00878/FULM, Agenda Item 5(6), by virtue of being a Ward Member and being lobbied but had not given her opinion thereon.

#### 2 MINUTES OF THE MEETING HELD ON 1ST MAY, 2018.

RESOLVED that the minutes of the meeting he on the 1st May, 2018 be approved as a correct record and signed by the Chair.

#### 3 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'.

#### 4 DONCASTER BOROUGH COUNCIL TREE PRESERVATION ORDER (NO.401) 2018 - NO.2 LICHFIELD ROAD, WHEATLEY.

The Committee received a report seeking Members confirmation of a Tree Preservation Order (TPO) without modification in respect of TPO (No.401) at No.2 Lichfield Road, Wheatley, Doncaster.

Members were advised that the Council made the above TPO, covering a single mature Oak tree on 19th February, 2018. This followed a meeting on 15th February, 2018 with the tree owner at his recently acquired property where efforts to retain the tree by agreement failed. It was reported that the Council made the TPO on the grounds that the removal of the tree was unnecessary and would be detrimental to the character and appearance of the local area.

The Committee noted that the TPO took provisional effect on 19th February, 2018 and must be confirmed by 19th August, 2018 to remain in force. It was also advised that the owner had instructed a firm of solicitors to act on his behalf and the solicitors had enclosed with their letter of objection, a further seven objections to the TPO.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Adam Borkiewicz (applicant) spoke in support of the application for the duration of 5 minutes

Subsequently, it was MOVED by the Vice-Chair, Councillor Iris Beech and SECONDED by the Chair, Councillor Eva Hughes to confirm the Tree Preservation Order without modification.

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

For	-	8
Against	-	0
Abstain	-	0

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

RESOLVED that the Tree Preservation Order in respect of No.2 Lichfield Road, Wheatley, Doncaster be confirmed without modification.

## 5 APPEAL DECISIONS

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

<b>Application No</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>
17/01520/FUL	Erection of first floor extension to a detached dwelling house at 12 Fairford Close, Cantley, Doncaster DN4 6PW.	Appeal Dismissed 24/04/2018
17/01420/FUL	Erection of 2 semi-detached houses with vehicular access at land rear of 23 Oak Crescent, Thorne, Doncaster.	Appeal Dismissed 04/05/2018

17/02903/ADV	Display of 1x freestanding 48 sheet internally illuminated advertising hoarding measuring 6069mm x 3048mm at Grove Inn, York Road, Bentley, Doncaster.	Appeal Dismissed 02/05/2018
17/02436/FUL	Erection of two detached dormer bungalows on approximately 0.09ha of land; following the demolition of the existing buildings at Unit 3, Harlington Road, Adwick Upon Dearne, Mexborough.	Appeal Allowed 10/05/2018

6 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.

7 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 18TH APRIL TO 15TH MAY, 2018

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during 18th April to 15th May, 2018.

RESOLVED that all Planning Enforcement Cases received and closed for the period 18th April to 15th May, 2018, be noted.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 29th May, 2018

<b>Application</b>	1		
<b>Application Number:</b>	17/00095/FULM	<b>Application Expiry Date:</b>	14th April 2017
<b>Application Type:</b>	Planning FULL Major		
<b>Proposal Description:</b>	Erection of 49 houses and associated infrastructure, access, parking and garages (full). Outline permission for relocation of bowling green and pavillion.		
<b>At:</b>	Askern Miners Welfare Club and Institute, Manor Way, Askern Doncaster		
<b>For:</b>	Gleeson Homes Limited (Mr Brian Reynolds)		
<b>Third Party Reps:</b>	54	<b>Parish:</b>	Askern Town Council
		<b>Ward:</b>	Norton & Askern

**A proposal was made to defer the application to prepare draft planning conditions and to prepare draft S106 heads of terms to ensure that any monies from the sale of the land could be secured to achieve the upgrading of the Miners Welfare Club, should it be decided that very special circumstances exist to approve this development in the Green Belt.**

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Sue McGuinness**

**For: 6 Against: 0 Abstain: 3**

**Decision: Defer the application to prepare draft planning conditions and to prepare draft S106 heads of terms to ensure that any monies from the sale of the land could be secured to achieve the upgrading of the Miners Welfare Club, should it be decided that very special circumstances exist to approve this development in the Green Belt.**

**In accordance with Planning Guidance 'Having Your Say at Planning Committee', Brian Reynolds (Gleeson Homes) and Mr Pat Hewitt (The Secretary of Askern Welfare Club) spoke in support of the application being granted for the duration of up to 5 minutes.**

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Local Ward Members Councillors Austen White and John Gilliver, spoke in support of the application being granted for the duration of up to 5 minutes each.

(Confirmation that the applicants were Gleeson Homes Limited and the Askern Miners Welfare Club was reported at the meeting).

<b>Application</b>	<b>2</b>
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<b>Application Number:</b>	17/02756/FUL	<b>Application Expiry Date:</b>	3rd January, 2018
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Renovation of Castle Cottage and conversion of the stables with single storey extension to form new dwelling.
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<b>At:</b>	Castle Cottage, Lindrick, Tickhill, Doncaster
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<b>For:</b>	Duchy of Lancaster C/O Savills
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<b>Third Party Reps:</b>	61	<b>Parish:</b>	Tickhill Parish Council
		<b>Ward:</b>	Tickhill and Wadworth

**A proposal was made to defer the application for production of a structural survey.**

Proposed by: **Councillor Dave Shaw**

Seconded by: **Councillor Jonathan Wood**

**For: 9 Against: 1 Abstain: 1**

**Decision: Planning application be deferred for the production of structural survey.**

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Katy Moss (on behalf of Mr Moss), 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', Graeme Chalk from the Duchy of Lancaster spoke in support of the application for the duration of up to 5 minutes.

<b>Application</b>	<b>3</b>
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<b>Application Number:</b>	18/00638/FUL	<b>Application Expiry Date:</b>	7th May, 2018
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Proposed Detached 4 Bed Dwelling with detached garage (Being a re-submission of 17/01202/FUL)
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<b>At:</b>	San Lorenzo, Armthorpe Lane, Barnby Dun, Doncaster
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<b>For:</b>	Mr Jason Taylor
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<b>Third Party Reps:</b>	6	<b>Parish:</b>	Barnby Dun/Kirk Sandall Parish Council
		<b>Ward:</b>	Stainforth and Barnby Dun

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

Proposed by: **Councillor Mick Cooper**

Seconded by: **Councillor Dave Shaw**

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

**Decision: Planning permission refused.**

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



<b>Application</b>	<b>4</b>
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<b>Application Number:</b>	17/03156/FULM	<b>Application Expiry Date:</b>	11th April, 2018
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Change of use of B1 offices/registrar to 30 apartments (Elmfield House x22 & Registrar x8).
<b>At:</b>	Elmfield House, South Parade, Doncaster DN1 2EH

<b>For:</b>	Davis
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<b>Third Party Reps:</b>	7	<b>Parish:</b>	
		<b>Ward:</b>	Town

**A proposal was made to defer the application for a Site Visit to assess the impact on the Listed Building, the parking issues within the vicinity of the site and the impact of the proposal on the Conservation Area.**

Proposed by: **Councillor Susan Durant**

Seconded by: **Councillor Duncan Anderson**

**For: 3 Against: 2 Abstain: 2**

**Decision: Deferred for a Site Visit to assess the impact on the Listed Building, the parking issues within the vicinity of the site and the impact of the proposal on the Conservation Area and that the Conservation and Highways Officers be requested to attend the visit.**

**In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mark Thompson (resident), 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', Sarah Worthington (Airedon Planning) spoke in support of the application for the duration of up to 5 minutes.**

<b>Application</b>	<b>5</b>
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<b>Application Number:</b>	18/00725/LBCM	<b>Application Expiry Date:</b>	19th June 2018
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<b>Application Type:</b>	Listed Building Consent Major
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<b>Proposal Description:</b>	Listed building consent in connection with conversion of Elmfield House to 22 apartments.
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<b>At:</b>	Elmfield House, South Parade, Doncaster DN1 2EH
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<b>For:</b>	Hughes
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<b>Third Party Reps:</b>	0	<b>Parish:</b>	
		<b>Ward:</b>	Town

**A proposal was made to defer the application for a Site Visit to assess the impact on the Listed Building, the buildings relationship with the registrar and to see inside the building to assess its historic significance.**

Proposed by: **Councillor Duncan Anderson**

Seconded by: **Councillor Sue McGuinness**

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

**Decision: Deferred for a Site Visit to assess the impact on the Listed Building, the buildings relationship with the registrar and to see inside the building to assess its historic significance.**

<b>Application</b>	<b>6</b>
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<b>Application Number:</b>	15/00878/FULM	<b>Application Expiry Date:</b>	16th July, 2015
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of 23 dwellings on approx. 0.53ha of land with associated garages and car parking
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<b>At:</b>	Land Off Marshland Road, Moorends, Doncaster DN8 4TP
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<b>For:</b>	D Noble Limited
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<b>Third Party Reps:</b>	31 objections overall, 1 representation and 4 support. 2 petitions in opposition	<b>Parish:</b>	Thorne Town Council
		<b>Ward:</b>	(Historic) Stainforth and Moorends

**A proposal was made to defer the application for a Site Visit in order to assess the highway access and to assess the impact of the raised floor levels on the character of the area.**

Proposed by: **Councillor Susan Durant**

Seconded by: **Councillor Mick Cooper**

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

**Decision: Deferred for a Site Visit in order to assess the highway access and to assess the impact of the raised floor levels on the character of the area.**

**In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mrs Benita Craig, 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 Keith McFarlane (Together Housing) and Mr Oliver Hardiman (Self Architects) spoke in support of the application for the duration of up to 5 minutes.**

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## **DONCASTER METROPOLITAN BOROUGH COUNCIL**

Date 26th June 2018

To the Chair and Members of the

### **PLANNING COMMITTEE**

#### **PLANNING APPLICATIONS PROCESSING SYSTEM**

Purpose of the Report

1. A schedule of planning applications for consideration by Members is attached.
2. Each application comprises an individual report and recommendation to assist the determination process.

#### **Human Rights Implications**

Member should take account of and protect the rights of individuals affected when making decisions on planning applications. In general Members should consider:-

1. Whether the activity for which consent is sought interferes with any Convention rights.
2. Whether the interference pursues a legitimate aim, such as economic well being or the rights of others to enjoy their property.
3. Whether restriction on one is proportionate to the benefit of the other.

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**Scott Cardwell**  
**Assistant Director of Development**  
**Directorate of Regeneration and Environment**

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

## Summary List of Planning Committee Applications

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

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Application	Application No	Ward	Parish
1.	17/02756/FUL	Tickhill And Wadworth	Tickhill Parish Council
2. M, SV	17/03156/FULM	Town	
3. M, SV	18/00725/LBCM	Town	
4. M, SV	17/00095/FULM	Norton And Askern	Askern Town Council
5. M, SV	15/00878/FULM	(Historic) Stainforth And Moorends	Thorne Town Council
6. M	17/02717/OUTM	Thorne And Moorends	Thorne Town Council
7.	18/00270/FUL	Hatfield	Hatfield Parish Council
8.	17/03067/FUL	Hatfield	Hatfield Parish Council

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 26<sup>th</sup> June 2018**

**Application**      1

<b>Application Number:</b>	17/02756/FUL	<b>Application Expiry Date:</b>	3rd January 2018
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Redevelopment of Castle Cottage and conversion of the stables with single storey extension to form new dwelling.
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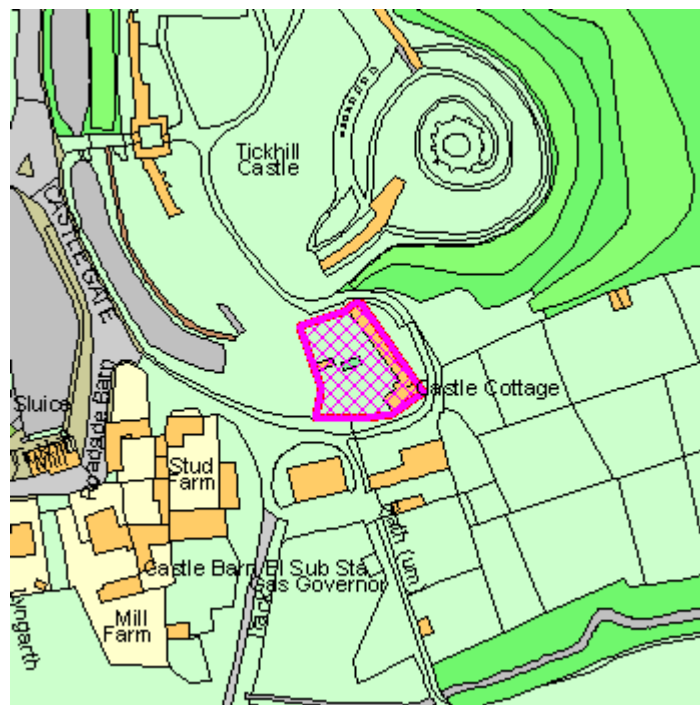
<b>At:</b>	Castle Cottage Lindrick Tickhill Doncaster
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<b>For:</b>	Duchy of Lancaster c/o Savills
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<b>Third Party Reps:</b>	61	<b>Parish:</b>	Tickhill Parish Council
		<b>Ward:</b>	Tickhill And Wadworth

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

1.1 This application needs to be presented to Planning Committee for determination due to the significant amount of representations received in opposition to the application.

1.2 The application was deferred from the 29<sup>th</sup> May Committee in order for a structural report to be commissioned by the applicant. A structural report was supplied following deferral that was undertaken in October 2016, however this has since been updated. The results of the survey and assessment by the council's engineers and building control team will be provided in the pre committee update.

## **2.0 Proposal and Background**

2.1 This proposal involves the renovation and extension of Castle Cottage and the conversion and extension of the redundant stables into a single dwelling. The proposal to erect a detached double garage has been omitted from the scheme.

2.2 Castle Cottage is an unlisted 2 storey farmhouse with attached single storey stables and outbuildings in a good sized plot at the foot of Tickhill Castle. The building is located along the line of the historic ditch surrounding the motte.

2.3 The site lies in the Tickhill Conservation Area and is firmly within the setting of Tickhill Castle which is a scheduled monument. The brick retaining wall forming the boundary and the adjacent gable section of the farm building is understood to be part of the scheduling. The farm building straddles the presumed line of the castle ditch although the exact extent is not clear. The site is bounded by the historic motte to the north and by the castle access road to the east. To the west there is an open area bounded by a limestone wall.

2.4 There are 4 grade 2 listed buildings in the vicinity to the south and west consisting of agricultural barns, residential buildings and Tickhill Mill. The grade 2\* listed Castle House is to the north of the top of the motte.

## **3.0 Relevant Planning History**

3.1 The application has been the subject of pre application discussions reference 16/03127/PREAPP.

## **4.0 Representations**

4.1 This application has been advertised in the press 30.11.12 and on site 1.12.17 via 2 notices. The application has received 58 objection letters:

- This development is within the Green Belt and this isn't a very special circumstance, part of our protected countryside and on the bed of the Ancient Moat of Tickhill Castle and within the curtilage of the Castle. The proposal will cause harm and affect the importance of the Castle and reduce its significance and standing.



- The conversion would transfer from a rural scene to an urban scene. The new development would be overlooked from the Castle and would spoil views from the Castle.
- The Castle is of great interest to visitors to Tickhill and should be preserved in its current state for the public and for the village of Tickhill as well as for the county of South Yorkshire.
- Castle Cottage was built before the people/nation created policies and laws to protect our heritage. Our current policies would not allow these buildings within the environs of Tickhill Castle, an Ancient Monument. Extending and creating new residences is detrimental to the protection of the ancient site.
- There is no need for the application, the castle should be preserved not added to. This is mis-management of the Duchy's affairs.
- If approved this would set a precedent for every other barn in the immediate area (currently used for agricultural purposes) to become residences, and have additional ancillary buildings built to support the new residences.
- There are currently old stables used as garaging for Castle Cottage, there is no need to building new structures.
- Tickhill Castle is one of the two most important C11th Norman Castles within the North of England and should be protected from invasive development for enjoyment today and the future generations.
- The extension to the stables is unnecessary if converted to a 2 bed dwelling. The building lies within the curtilage of an LBC and therefore Listed Building Consent should be obtained.
- Wildlife will be endangered. The great crested newt is still flourishing within the walls, grounds and moat of the Castle, increased urbanization will reduce their habitat. Bats were plentiful 2 decades ago, but now numbers are far less and by changing barns and agricultural structures to residences, their habitat is destroyed as well.
- Astonished that the Duchy of Lancaster is proposing to damage the moat.
- The house is large enough to accommodate a family and needs no extension.
- There is insufficient infrastructure to support existing houses in this area - most being on cess pool and not mains drains, and the roads and parking are also a problem- being a well visited beauty spot.
- Historic England are taking far too narrow an approach by stressing about the outlook from the Grade ii\* listed house; every part of the castle site is important in its own right, including this part of the old moat which is of both historic and archaeological importance.
- The cottage is nothing special and has been spoiled by inappropriate alteration. If it is to be "developed", that should be restricted to a careful restoration back to its original design with original window and door openings, original glazing bars etc

using traditional materials. Otherwise it might be better left to become a picturesque ruin.

- The stables should ideally be left in agricultural use. If they have to be converted into residential use, it should be confined to the envelope of the original building. The proposed extension is even more tasteless than the C20th alterations to the cottage. It is just the type of suburbanisation which will ruin the rural and historic ambience of the site. If the stables are to be converted to residential use, the residential use should be as discreet within the old building as possible with original door and window openings preserved and only traditional materials and paint colours etc used.

#### 4.2 1 letter from ward member Graham Smith.

- If the castle was in any City in the south, this would never happen. The castle and its environment must be preserved for future generations.

#### 4.3 1 neutral letter:

- The Castle doesn't attract visitors in any great number due to its limited opening and therefore doesn't bring about the benefits it could to the town. The response points out that an objection leaflet had been circulated and this raised considerable disquiet about the lack of access to the Castle and its lack of significance to the people of Tickhill. The restored buildings would be better than derelict ones.
- The application is that it lacks any analysis of the viability of alternative uses for the stables that might be more readily associated with a castle e.g. visitors centre (with more access to the monument), stables, smithy, farrier, workshops or studios, each of which would be assessed on its impact from traffic, parking etc.

#### Re advertisement

The application was readvertised on the 31.1.18 via neighbour letters and readvertised on site: until the 02.03.2018. Readvertised in the press 8th February. 1 further letter was received.

- "Whilst I welcome the decision to omit the double garage from the original proposal, I still object to the revised plan. The proposed extension to the stables is tasteless, unnecessary and destructive to the historic setting of the castle. The proposed removal of trees is similarly destructive. The construction of a large driveway and consequent removal of grassland would also be unacceptable suburbanisation of this fragile historic and rural corner of Tickhill. This whole scheme seems to lack any sensitivity to the location."

## **5.0 Tickhill Town Council**

5.1 Tickhill Town Council: "Castle Cottage is within the Green Belt, where reuse of buildings is acceptable with safeguards, including strict control over extensions, and the Tickhill Conservation Area, where development should preserve and enhance. It is also immediately adjacent to Tickhill Castle, an Ancient Monument, whose setting is protected by legislation."

5.2 “Castle Cottage is on the side of Castle farmyard, where there is some dereliction. The farmyard contains also a listed barn and is crossed by a well-used public footpath, from which any development will be visible. The location has a distinctive atmosphere worthy of careful treatment.”

5.3 “It is in this context that the application should be approached. We are particularly concerned that any development should not 'suburbanise' the area. Clearly Castle Cottage, occupied until c.2 years ago, could be refurbished without planning permission and likewise the adjoining stables could regain their original function in an area where riding is popular. It is, however, difficult to argue against these buildings, with only modest extensions, (which the proposed lounge seems to exceed) being approved as 2 dwellings, provided the design and materials used enhance the area.”

5.4 “However, we are totally opposed to the construction of a modern garage block, which neither preserves nor enhances the ambience of the Conservation Area, nor is it necessary. Opposite Castle Cottage is the Castle's Coach House, used for a number of years by the tenant of Castle Cottage as garages. This building, dating from the early 19th century, should be refurbished to provide ample garaging for the dwellings.”

5.5 “We urge the Planning Committee to secure amendment to the application to delete the new garages so that the existing garages can be restored and also to consider whether the extensions to the existing buildings are excessive in size. This is to ensure that the resulting development genuinely preserves and enhances the Conservation Area.”

5.6 Revised response following omission of garages: -

“Tickhill Town Council welcome the removal of the garages. Tickhill Town Council also have regard to the fact the proposal is in the conservation area and in the Green Belt. They question the need for such a large parking area and the council await the report on the issues raised by Historic England.”

## **6.0 Relevant Consultations**

6.1 Conservation - No objections subject to conditions.

6.2 Trees - No objections subject to a replacement planting condition.

6.3 Ecology - No objections, further detail required and conditions suggested covering ecological enhancement.

6.4 Public Rights of Way (PROW) - no objections.

6.5 Historic England - Historic England welcomes the proposal to redevelop the existing cottage and the conversion of the barn into a new dwelling. Historic England suggests Doncaster MBC needs to be satisfied that the new extension will not harm the setting of Tickhill Castle and Tickhill Castle House by being visible from within the outer walls of the castle.

6.6 In addition the extension may also have the potential to harm the outer moat of the castle defences. This needs to be discussed with South Yorkshire Archaeological Service (SYAS) to evaluate the impact of the extension. Historic England is not opposed to the

conversion of the existing dwelling or the new extension subject to any archaeological considerations SYAS have and a clear demonstration that it will not cause any greater harm to the setting of the heritage assets.

6.7 Following reconsultation Historic England welcomes the revised layout of the access and removal of the free standing garage block. Historic England remains supportive of the application to bring the farmhouse back into use.

6.8 South Yorkshire Archaeological Service (SYAS) - No objection. SYAS considered the initial heritage statement and building appraisal, prepared by CFA Archaeology which satisfied officers with regards to the archaeological assessment. Further work was required to address outstanding concerns.

6.9 The first, the impact of the scheme on the setting of Tickhill Castle House and the second, the impact of the proposed extension upon the castle moat. The removal of the garage block from the paddock has resolved the first issue and SYAS considers the impact on the setting of Tickhill Castle House to now be negligible. An archaeological evaluation by trial trenching was undertaken to address the second issue and I have now had time to consider the results of this work, as reported by CFA Archaeology. The trenching confirmed that archaeological deposits relating to the castle moat do exist as a buried feature within the application area. However, these are overlaid by substantial layers of sand imported as levelling layers. This phase of levelling is dated to the early 19th century and is consistent with the date of construction for Castle Cottage and the stables. Foundations associated with former outbuildings adjacent to the stables have already caused a degree of disturbance to the upper fills of the buried castle moat.

6.10 The castle moat is an important feature but with careful design it can be preserved in situ within the current scheme. This could be done in such a way as to minimise any harm and would resolve the second issue. Likewise, some historic features within the stables and cottage will be damaged or destroyed during the conversion but this will be balanced by saving the building as a whole. As mitigation, and to ensure works are carried out appropriately to safeguard the heritage assets, a scheme of archaeological work is required. This will need to include detailed building recording, archaeological monitoring of groundworks and archaeological approval of any foundation designs. SYAS recommends that this work be secured by planning condition.

6.11 National Grid – No response.

6.12 Internal Drainage - No objections.

6.13 Severn Trent – No response.

6.14 Highways - No objections. Given that details re driveway and width of access are on the plan, there is no need for condition other than in accordance with approved plan.

6.15 Environmental Health - No objection.

6.16 Pollution Control - No objection, a YALPAG screening form was submitted and results accepted.

7.1 Whilst being within the geographical settlement of Tickhill, the site lies beyond the village settlement boundary and within Green Belt. The proposal involves development within a Conservation Area, is within the setting of a Listed Building and adjacent to a Schedule Ancient monument. The proposal also has highway, tree and ecological implications.

7.2 The relevant sections of the National Planning Policy Framework include:

- Section 6 - Delivering a wide choice of high quality homes
- Section 7 – Requiring Good Design.
- Section 9 - Protecting Green Belt Land.
- Section 11- Conserving and enhancing the natural environment
- Section 12 - Conserving and enhancing the historic environment

7.3 The statutory development plan for Doncaster currently comprises the Local Development Framework Core Strategy (adopted May 2012), and the saved Policies of the Doncaster Unitary Development Plan (adopted 1998) (including the Proposals Map).

7.4 Doncaster Core Strategy relevant policies include:

Policy CS2 'Growth and Regeneration Strategy'  
Policy CS 3 'Countryside'  
Policy CS4 'Flooding and Drainage'  
Policy CS14 'Design and Sustainable Construction'  
Policy CS 15 'Valuing our historic Environment'  
Policy CS16 'Natural Environment'  
Policy CS18 'Air, Water and Agricultural Land'

7.5 Doncaster Unitary Development Plan 1998;

The key saved policies of the UDP relevant to the current application are considered below:

ENV 3 - Green Belt.  
ENV10 - Conversion of rural buildings.  
ENV 14 - Extensions to dwellings in the Green Belt.  
ENV 25 - Conservation Areas.  
ENV 34 - Development affecting the setting of a Listed Building.  
ENV 37 & 38 – Archaeology.  
ENV 53 - Design of New buildings.  
ENV 59 - Protection of Trees.

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

Tickhill Neighbourhood Plan relevant policies include:

DE1 - New building  
DE3 - Protection of limestone walls  
DE4 - Sustainability in building  
DE6 - Extensions and alteration  
H3- Conservation Area: The Castle, Mill Dam and Lindrick  
HE1 Heritage assets.

## 8.0 Planning Issues and Discussion

### Main Issues

8.1 The main issues to consider are the principle of changing the use of a redundant rural building to a dwelling and secondly the principal of extending and renovating the existing dwelling. Both of which involve significant historical considerations, whereby the impact on the character of the Conservation Area, setting of the nearby listed buildings, the impact on the schedule ancient monument and the impact on archaeology needs assessment. In addition it is necessary to consider the highway implications, the impact on trees, ecology and drainage. Given the lack of immediate neighbours there is no direct harm to the living conditions of neighbouring occupiers apart from considerations of setting of the historical buildings and intensification in the use of the lane.

### Principle.

8.2 The site is designated Green Belt in the Doncaster Unitary Development Plan and is therefore subject to national as well as local policy on both these issues.

8.3 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; safe guarding the countryside and assisting in the urban regeneration of recycling derelict and urban land. The essential characteristics of Green Belt are their openness and their permanence. Local policy contained within Core Strategy CS3 seeks to protect and enhance Doncaster's countryside and when considering land within Green Belt, national policy will be applied.

8.4 National Policy (NPPF) paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF provides that "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."

8.6 Paragraph 88 of the NPPF states" When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

8.7 The proposal consists of two elements; the first being the alterations and extensions to Castle Cottage. The second being the principle of converting a redundant rural building to a residential use. Both national and local policies allow for both as detailed in the following text.

### Alterations to Castle Cottage

8.8 The NPPF, paragraph 89 states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt; then goes on to list a set of criteria as exceptions to this which include:

- 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;

8.9 Policy ENV 14 allows for extensions to dwellings within the Green Belt providing they would not have a visual impact prejudicial to the character of the building or amenity of the countryside or significantly increase the size of the existing dwelling. This policy is of relevance when considering the alterations to the cottage, which include new windows and doors, reduction in openings and a new lean to extension. The lean too extension is on the northern elevation, is single storey and is not regarded as a significant extension in scale, volume or massing. The extension by virtue of its insignificance is not considered to have any harm to the character of the Green Belt and is compliant with ENV 14.

8.10 The proposed double garage which was originally showed to serve Castle Cottage and the newly converted dwelling has since been removed from the scheme. This significantly lessens the amount of new build and overcomes the issues raised concerning the need for the garage.

#### Stable conversion

8.11 Paragraph 90 of the NPPF states 'Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include:

- the re-use of buildings provided that the buildings are of permanent and substantial construction

8.12 This is echoed in UDP policy ENV 10, which allows for the conversion of existing buildings to other uses appropriate to the rural area provided that they are buildings of a permanent and substantial construction and capable of conversion without major or complete reconstruction. ENV 10 also suggests conversions will be acceptable where the form, bulk and design of the buildings are in keeping with their surroundings. Green Belt conversions should not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it.

8.13 Finally one of the key criteria is that the building is capable of conversion without the need for significant extension to the existing structure and has sufficient land attached to it to provide the functional needs for the dwelling in terms of parking and garden space without adversely affecting the character of the surrounding landscape. The remaining criteria in ENV10 seeks compliance with other policies such as nature conservation.

8.14 The stable conversion is policy compliant in that it converts a redundant building into a new appropriate residential use. The extension is relatively large, however this has been reduced as a result of pre application discussion and is not regarded as being significant given its position and need in the overall balance of considerations. The building is self-contained and the rear curtilage will be screened from the wider public areas thus maintaining the openness of the Green Belt. The domestication will cause some loss of openness through increased usage, however this is not considered to cause significant harm to the Green Belt or wider historical setting. Significant local concern has been raised over this proposal as many residents wanted the building left untouched and were concerned over the new build elements and domestication of the building. The new build garage element has since been removed and the proposal is also welcomed by Historic England in that it will bring new life to the building and ensure its long term retention. Such conversions are common place within the rural Doncaster and help retain historic rural buildings and provide attractive new residential dwellings. Careful attention has been made to ensure parking provision is within the site, which helps reduce the overall impact.

## Structural Assessment

8.15 No structural assessment was originally provided with the application. Having visually assessed the building, officers considered it to be in good order, with all the main walls and roof in line and intact, despite some elements which were in disrepair i.e. timber windows and doors.

8.16 The structural integrity of the building was raised at the 29<sup>th</sup> May committee meeting where the application was deferred for the production of a structural assessment. Following the deferral the applicants have provided a structural report dated October 2016. The report explains how the conversion would retain all existing masonry walls which are to be supplemented by an inner leaf of blockwork and ground bear concrete slab. Three trial pits were excavated to assess the footings, one of which was dressed stone the others red clayed sand. The roof consisted of slate covering supported on timber rafters and purlins spanning king post trusses. The roof was said to be in good condition.

8.17 The walls has some stepped fractures but were in general good condition. Some making good would be necessary to address isolated cracking, frost damage and weathering. The existing walls should be tied to the inner new wall leaf and all the timber replaced in the openings. All rain water goods were suggested to be upgraded along with new lintels in the openings. The new floor slab will provide thermal insulation and thickened such that the underside aligns with the underside of the adjacent footing and thickened to support the new internal leaf.

8.18 Given the report was dated 2016 this has been updated and is being assessed by the council's engineer. A full update will be provided at the forthcoming meeting.

### The historical implications.

8.19 Given the nature of the proposal and its position in relation to the various historical buildings of significance, the heritage impact is a key consideration in the success of this scheme. This can be assessed in terms of several distinct issues:

8.20 In terms of the adjacent heritage asset chapter 12 of the NPPF is of relevance, in particular paragraphs 129, 132 and 134. Paragraph 129 states "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

8.21 Paragraph 132 states "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional." Page 22



8.22 Paragraph 134 states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### Archaeology

8.23 The location of the site on the line of the ditch surrounding the Motte and Scheduled Ancient Monument suggests that there is a high likelihood of archaeological potential from any groundwork necessary to facilitate redevelopment of the existing buildings, which is confirmed by the heritage assessment. The initial a heritage statement and building appraisal, prepared by CFA Archaeology satisfied officers with regards to the archaeological assessment. Further work was required to address outstanding concerns with regards to the setting of Tickhill Castle House, a designated heritage asset.

8.24 South Yorkshire Archaeology Service requested trial trenching occurs prior to the decision being reached on the application. This is in line with National Planning Policy Framework para 128 which states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting...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."

8.25 This has now been undertaken, the results of which have been recorded in the revised Archaeological Evaluation (Y342/18). This trenching evaluated the potential for surviving remains within the development site. The location of the Moat, implied by earth works was confirmed. Rubble deposits at the base of the excavation implied that the southern part of the moat had been infilled with material from the curtain wall. The conclusion was that given the depth of the surviving deposits within the moat and the proposed plans, it is assumed that the development will have a minimal impact on significant below-ground remains relating to the moat.

8.26 South Yorkshire Archaeological service were content with the findings of the report and will provide mitigation through conditions, which will be available as pre committee amendments as these were not drafted by SYAS at the time of the report being written. In addition, any works to a scheduled monument requires Scheduled Monument Consent from Historic England, which the applicants will have to seek permission for.

### Heritage significance of the buildings

8.27 The representations have questioned whether Castle Cottage is a curtilage listed structure to the grade 2\* listed Castle House. This was considered by the Conservation officer and depended on a number of questions and its status at the time of the listing of Castle House (22/01/81).

- (1) the physical 'layout' of the listed building and the structure,
- (2) their ownership, past and present,
- (3) their use or function, past and present.

8.28 This information was supplied by the agent and the applicant and shows the castle and the cottage were ran as separate leases with different leaseholders at the time of listing in 1981. The conclusion was that there has been a close association between the stables and the castle lasting around 180 years and that this association is likely to be

ancillary with the cottage keeper overseeing the stables on behalf of Castle House. However, since 1955 the cottage has been operated independently and this link severed. As at the date of listing the two buildings were organised as separate entities the cottage cannot be considered as a curtilage listed structure associated with Castle House.

8.29 Given the above conclusion, whilst the buildings are not Listed from a conservation viewpoint, the rehabilitation of the stables building and the farmhouse is desirable as these are historic buildings which form an element of the setting of the castle as well as contributing to the agricultural character of this part of the conservation area. The heritage statement points to a historic association with Castle House (probably former stables) and that the stables have heritage interest in their own right. The proposal will save the buildings from further dilapidation and is welcomed.

8.30 Prior to alteration, a scheme of historic building recording would be needed for the barns as there would be significant alteration to particularly their internal character. This is included as a planning condition.

### Setting

8.31 A critical consideration is the impact on the setting of other heritage assets. The proposal for conversion of the existing buildings would not harm the setting of the listed and unlisted agricultural buildings nearby and would be in keeping with the general character of the conservation area. The extension is limited in size, subsidiary to the stables, and follows the span of the existing building.

8.32 The conservation officer agrees with the heritage statement that it would not be intrusive from the area around the farm. The informal appearance of the front of the stable building is critical in the approach to the castle motte. Currently, this is an unverged lane set in a green area and bounded by a timber post and rail fence and part by a limestone wall. This is not proposed to change as all the parking is to the rear. This will help maintain the lanes rural character.

### Layout and site

8.33 The subdivision of the existing buildings into 2 dwellings is logical and the curtilage subdivision is along existing features with the new extension forming the boundary and separating and giving privacy to the 2 amenity areas. With the majority of the barn having north facing openings the amount of extension and its orientation can be justified in design terms. It would improve the design of the barn conversion in terms of the use of the garden area and would forestall future applications for garden rooms/conservatory in this area. The removal of the garaging is welcomed and the inclusion of on-site parking prevents parking being necessary at the front of the building.

8.34 The proposal retains the existing limestone wall (with some widening required) adjacent to the original farmhouse which is acceptable in line with national policy and within the Tickhill Neighbourhood Plan. A 5 bar agricultural styled gate is shown which is in keeping with the agricultural character of the area. The layout shows new limestone boundary walling to the west of the site at 1.2m in height, which is again appropriate to its setting. The remainder of the site is bound in graded material to provide the hardstanding.

8.35 Splitting the curtilage between the barn and the cottage will still leave the cottage with a good sized amenity area. The changes to the cottage present no overlooking or privacy concerns and doesn't overbear adjoining landowners.

## Windows, doors, materials and features

8.36 The proposed alterations to the window proportions and heads on the house are an improvement on the unsympathetic wide ground floor openings and would enhance the building and therefore the surrounding setting. The replacement of the double doors with the narrow proportioned full length windows would similarly restore character; with the existing heads still evident on the building. The stable windows are shown as 2 over 2 sliding sash or similar replacing the slatted windows which appear a little domestic for retaining the barn character although this reflects the existing windows to the right hand side of the building. There are 3 new openings to the back of the stable building, which are also shown as 2 over 2 sliding sash windows. The detailed window and door designs can be subject to condition.

8.37 The new materials for the extension are brick and slate which are acceptable and can be conditioned to match. The buildings as a whole require some repairs and the specifications for these can be the subject of a repairs condition. Chimney stacks are not usually a barn feature but are found on workshops, boiler houses, and other usually single storey ancillary buildings in agricultural locations so are deemed acceptable.

## Ecology

8.38 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment, in regards to: valued landscapes, ecosystem services and biodiversity. Paragraph 118 of the NPPF states Local Planning Authorities should aim to conserve and enhance biodiversity and outlines a number of principles which should be applied. This is echoed in Core Strategy Policy CS16: Valuing our Natural Environment, seeks to ensure that Doncaster's natural environment will be protected and enhanced.

8.39 The application was accompanied by an ecological appraisal which looked at the building for the presence of bats and a great crested newt survey. The council's ecologist agreed with the content of ecology surveys. The bat surveys have identified small roosts used by two different species of bats using the barn and cottage buildings. This means a license will be required from Natural England before the development can proceed. In order to satisfy the local authority's obligations in respect of this the applicants were asked how they will satisfy the three derogation tests that Natural England will consider before agreeing to grant a license.

8.40 In addition the ecologist requested some compensation for the habitat losses that are going to arise as a result of the development. This could be achieved through a good landscaping scheme and the addition of some bird boxes in suitable locations. This request was detailed by condition for an ecological enhancement scheme.

## Highways

8.41 With regard to highway safety and parking, this should be considered against policy CS 14 of the Doncaster Unitary Development Plan which states that new development should ensure quality, stability, safety and security of private property, public areas and the highway, permeability and legibility. The proposal originally showed a large double garage with a turning area capable of parking 4 cars off street.

8.42 The garage was removed from the application and replaced by hardstanding. Amended plans showed the gateway widened to 3.1m, the access crossing the verge to the new driveway and two parking spaces for the existing and proposed dwellings. A

gateway was added in the dividing wall to allow access through to the stable conversion to encourage usage of the parking as opposed to pulling up on the track in front of the stables. This satisfied the highway officer in terms of parking provision and turning.

## Trees

8.43 Core Strategy policy CS 16 (D) states that proposals will be supported which enhance the borough's landscape and trees by: ensuring that design are of high quality, include hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness and retaining and protecting appropriate trees and hedgerows. Policy ENV 59 of the Doncaster Unitary Development Plan seeks to protect existing trees, hedgerows and natural landscape features.

8.44 The site contains nothing of arboricultural value or quality to merit significant amendment of the proposed layout. The site plan shows the Leyland cypress on the southern boundary as the most valuable tree on site. Whilst this tree was originally shown for retention, the garages position would have an adverse impact on the tree as it would breach its root protection area. The garages were later removed, however the hardstanding would equally still be within the root protection zone (RPA). The applicants were given the option of producing a none dig driveway scheme to retain the tree but instead opted to remove the tree. The tree officer regarded this as having a moderate adverse arboricultural impact and agreed to replacing it with a more appropriate (locally characteristic heavy standard size) species as part of a landscaping condition. The opportunity also exists for further soft landscaping enhancement which is also shown on the amended site plan to some degree. Overall, there is no objection to this proposal on arboricultural grounds.

## Other matters Pollution, Public Rights of way, Drainage

8.45 Although on the historic maps there is no indication of any previous potentially contaminative use at the site, as the application is for a sensitive end use, an appropriate contaminated land risk assessment should be carried out. A YALPAG screening assessment form was completed by the applicant and can be accepted as a preliminary risk assessment. This showed the building has largely been in residential use as stables and the only area of concern was the infilled moat, presumably with rubble however given the length of time it has been filled the pollution control officer didn't raise issue any objection.

8.46 A Public right of way runs adjacent to the site, however the Public Right Of Way team have confirmed no objections exists as no PROW will be affected. Finally a drainage condition is suggested as it's unclear at this stage if the cottage drains to mains or if a septic tank exists.

## **9.0 Summary and Conclusion**

9.1 In conclusion the proposed alteration to Castle Cottage and the conversion of the stables will bring a redundant building back to life and cause no significant harm to the living conditions of surrounding occupiers, no significant harm to the character and openness of the Green Belt and no significant harm to the heritage asset. The scheme raises no concerns from consultees, is policy compliant and is supported.

## **10.0 Recommendation**

10.1 Planning permission be Granted subject to the following conditions.

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U58825            The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:  
  
Amended site plan 16/056/07C Rev C  
Amended Location Plan 16/056/09  
  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. CON2            Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.  
REASON  
To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.
04. CON3            Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.  
REASON  
To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.
05. U57449            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 including replacement tree/s along the site frontage

(behind the wall); hard landscape; a landscape and establishment specification.

REASON

In the interests of environmental quality and enhancing/preserving the appearance of the Tickhill Conservation area.

06. DA01

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

REASON

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

07. NOPD1A

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

REASON

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

08. NOPD2A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additional windows shall be created or other alterations made to the dwelling and/or extension hereby permitted without the prior permission of the local planning authority.

REASON

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

09. NOPD3A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no development shall be carried out on any part of the land other than that 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

or to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.

10. NOPD5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 14 (or any subsequent order or statutory provision revoking or re-enacting that order) no solar equipment shall be installed without prior permission of the local planning authority.  
REASON  
To preserve and enhance the character and appearance of the conservation area
11. U57262 Within 3 months of the start of construction an ecological enhancement scheme shall be submitted to the local planning authority for approval in writing. This shall include details of the following:  
- A landscaping scheme designed to enhance biodiversity including native species planting.  
- 4 fruit trees to be planted on site.  
- 4 bird boxes to be installed at appropriate locations on the site.  
The agreed scheme shall be implemented prior to the first occupation of the site or in an alternative timescale to be agreed in writing with the local planning authority.  
REASON  
To ensure the ongoing ecological interests of the site are maintained in line with Core Strategy Policy 16.
12. Prior to the implementation of the relevant site works a scheme of repairs to the external fabric of the dwelling and the converted barn building shall be submitted to and agreed in writing by the local planning authority. Such a scheme shall include, any structural work that may be necessary, the method of repointing, the treatment of any altered openings, treatment of heads and cills, and details or samples of any new or replacement materials (brick/slate) which may be required for the repairs.  
REASON  
To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.
13. Prior to the implementation of the relevant site works details or samples of the external materials (brick and natural slate) to be used in the construction of the external surfaces of the barn extension and the extension to the dwelling shall be submitted to and agreed in writing by the local planning authority.  
REASON  
To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.
14. All windows and external doors to be used in the construction of the building shall be constructed in timber. Full details of their design,

construction and finish shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. Unless otherwise agreed in writing, the details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details.

REASON

To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.

15. Rainwater goods and pipework used in the construction of the building shall be round/half round in black finish, and any facias to be shall be black unless otherwise agreed in writing by the local planning authority.

REASON

To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.

16. Any external grilles or vents against the external brickwork shall be terracotta or similar colour unless otherwise agreed in writing by the local planning authority.

REASON

To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.

17. Unless otherwise agreed in writing by the local planning authority character and height of the boundary treatment shall be as specified in site plan 16/056/07C. Prior to the implementation of the relevant site works samples or details of the materials to be used in its construction and details of the design of the vehicle and pedestrian gates shall be submitted to and agreed in writing by the local planning authority.

The construction of the wall shall only take place after a one-metre-square sample panel of stonework showing the pointing and coursing to be used in its construction has been erected on site and the details approved in writing by the local planning authority.

REASON

To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.

18. Prior to the implementation of the relevant site works details or samples of the hard surface materials for the unbuilt areas within the site boundary shall be submitted to and agreed in writing by the local planning authority.

REASON

To preserve the character and appearance of the conservation area in accordance with saved UDP Policy ENV25 and the setting of listed buildings in accordance with saved UDP Policy ENV34 respectively.



19.

**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 of the site including a permanent historic record of the cottage and barn to be converted and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The recording specification for the historic buildings.
- The requirement to seek preservation *in situ* of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive including the historic building record created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion and submission of the historic building record and 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**

In accordance with paragraphs 128, 129, and 141 of the NPPF to identify, assess, and record the significance of the heritage asset, and make publically available the results of this.

20.

Prior to the commencement of any work on site, a detailed scheme for the foundation design and all new ground works shall have been submitted to and approved in writing by the LPA and the development shall be carried out in accordance with the approved details.'

**REASON**

To ensure that ground disturbance is restricted to a minimum and is carried out in the agreed manner to preserve archaeological remains *in situ*.

Informatives

01. U12164

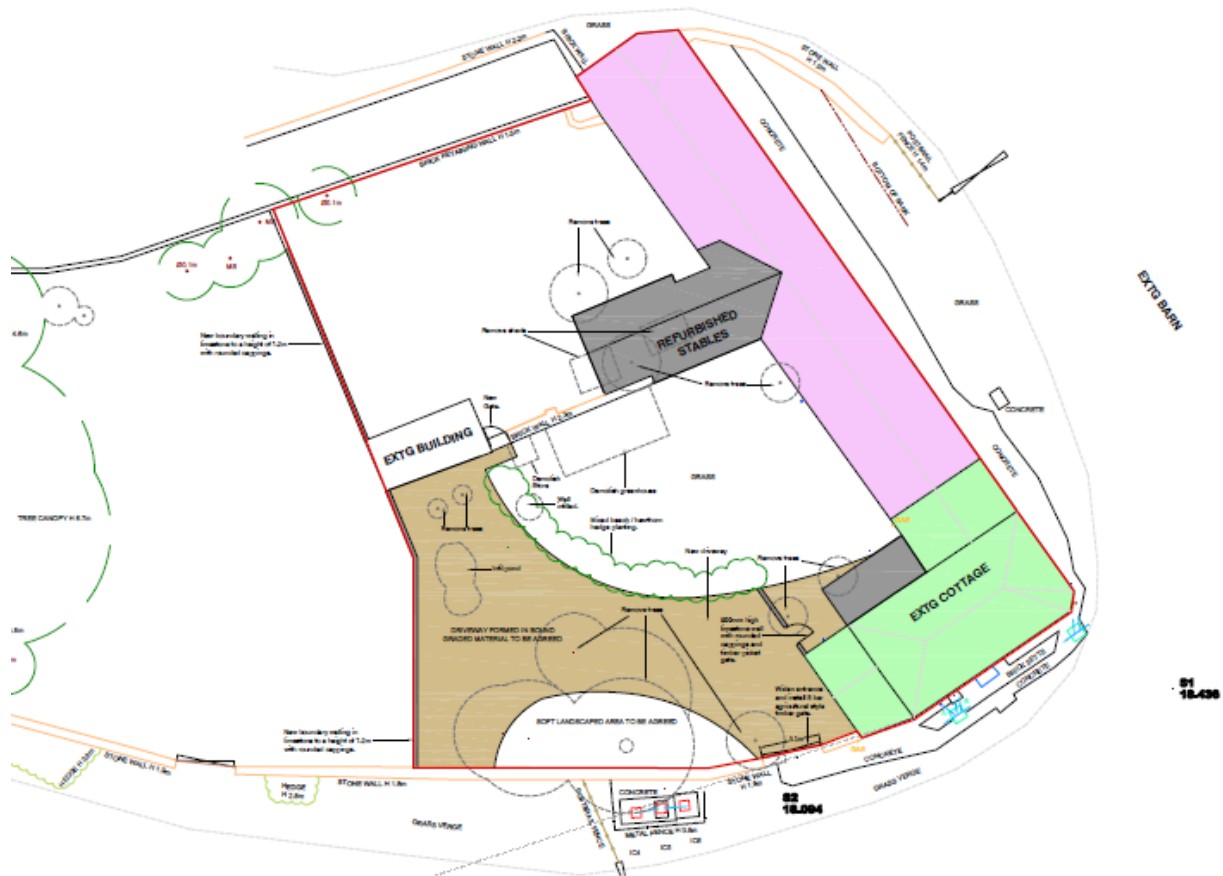
The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and

chassis are clean. It should be noted that to deposit mud on the highway is an offence under provisions of The Highways Act 1980.

02. The applicant is reminded that schedule ancient monument consent will be required for the proposed works. Historic England is the relevant contact.

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- Proposed site plan

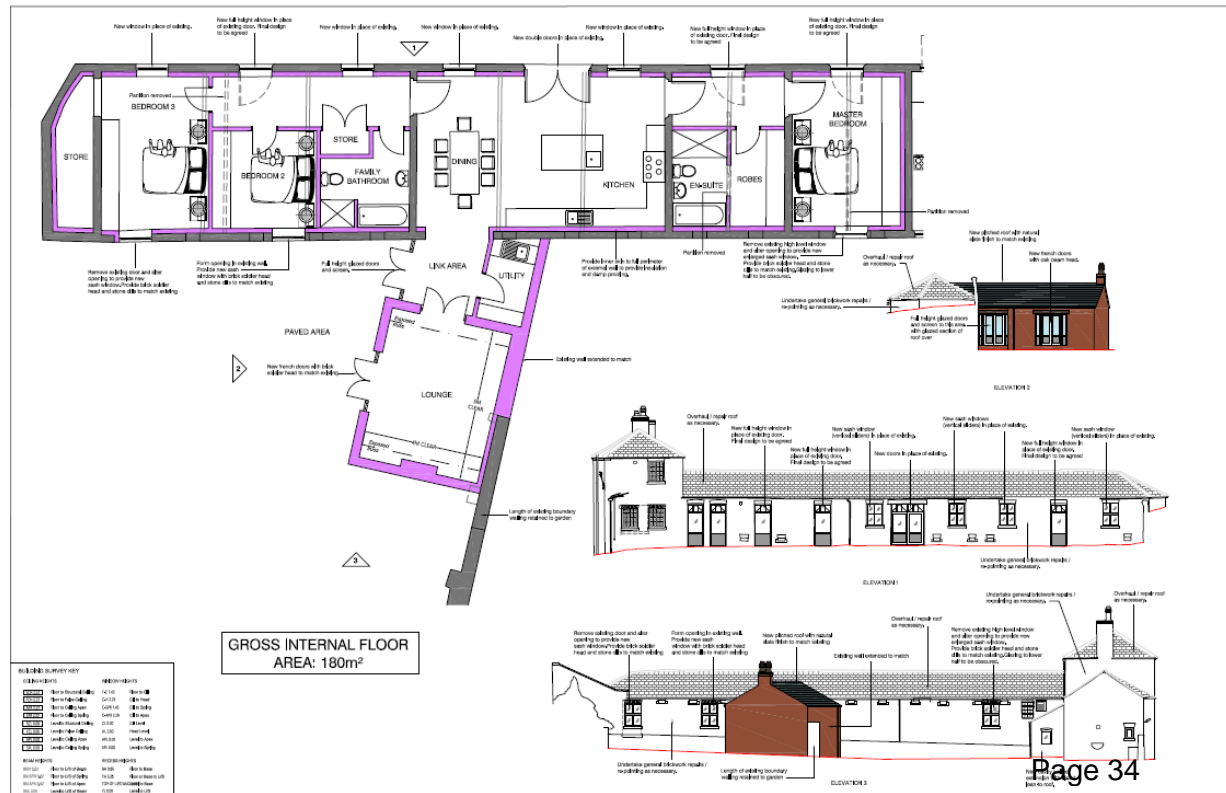




Appendix 4 - Existing plans of castle cottage



Appendix 5- Stable conversion



04/10/2023 10:58:47 AM

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 26<sup>th</sup> June 2018**

**Application**      2

<b>Application Number:</b>	17/03156/FULM	<b>Application Expiry Date:</b>	11th April 2018
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Change of use of B1 offices/registrar to 29 apartments (Elmfield House x21 & Registrar x8).
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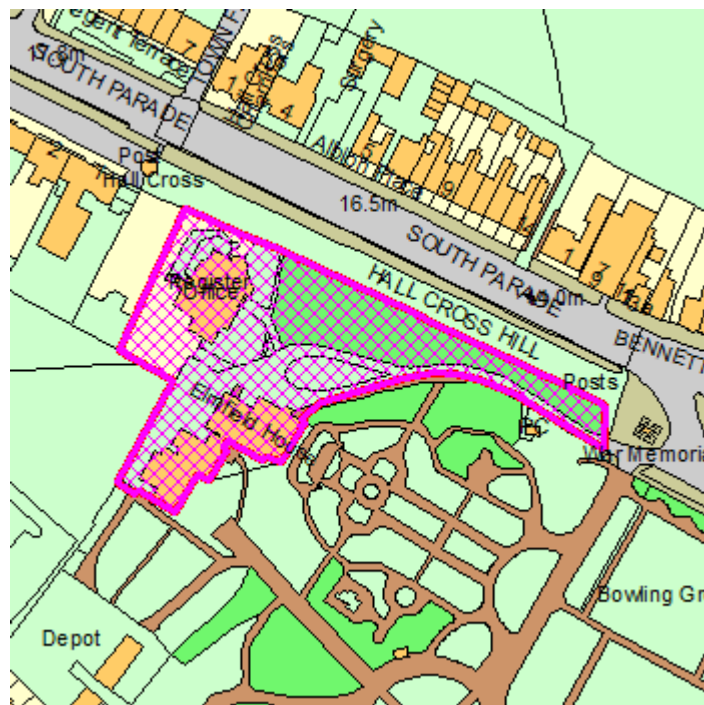
<b>At:</b>	Elmfield House    South Parade    Doncaster    DN1 2EH
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<b>For:</b>	Davis
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<b>Third Party Reps:</b>	7	<b>Parish:</b>	
		<b>Ward:</b>	Town

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

1.1 The application was previously requested to be presented to committee by former Cllr John McHale. Given Cllr McHale could no longer address the committee in his capacity as a councillor, the two remaining town ward members were asked if they still required it to go to committee. Cllr Dave Shaw suggested it still be determined by planning committee.

1.2 The application was deferred from the 29<sup>th</sup> May 2018 committee for a site visit to assess the impact on the Listed Building, the parking issues within the vicinity of the site and the impact of the proposal on the Conservation Area.

## **2.0 Proposal and Background**

2.1 The application seeks the conversion of Elmfield House to 21 apartments (x4 2-bed and x17 1-bed) and the conversion of the former Registrar to 8 apartments (x8 1bed) being 29 units in total. The scheme has been amended on several occasions to address concerns from consultees and removed the 15 bed HiMO element from the Registrar, in favour of flats to appease local concerns. The proposal has also reduced the amount of flats in Elmfield House from 24 to 22, then amended further to 21 following deferral from the 29<sup>th</sup> May 18 committee to create more spacious apartments and overcome concerns raised.

2.2 The site plan has also been amended since deferral to increase the amount of parking spaces from 30 to 43, which accords with the 1.5 spaces per dwelling for flats.

2.2 The site straddles both Doncaster the South Parade and Doncaster - Bennetthorpe Conservation Areas. Elmfield House is a Grade II listed building that lies within a parkland setting and is considered to be a park and garden of local historic interest. The building is now in private ownership having been sold by Doncaster Council.

## **3.0 Relevant Site History**

3.1 The site has had a series of planning permissions however only the accompanying Listed building consent is directly relevant.

- 18/00725/LBCM -Listed building consent in connection with conversion of Elmfield House to apartments.

## **4.0 Representations**

4.1 This application has been advertised by site notice, press notice and via direct neighbour letters. 4 letters of representation were received signed by 7 signatures in total, including a letter and call to committee request from former councillor John McHale. The concerns are as follows:

- The conversion of the registry office to a HiMO and the intensity of conversion of Elmfield House is likely to have a detrimental impact on the character of the area given South Parade is the most prestigious street in Doncaster Town Centre.

- Lack of private amenity space for residents, no areas for storage, bicycles, refuse, external laundry drying etc contrary to Policy CS 14.
- The scheme is too intensive. The overall internal floor-space is insufficient and the size of individual rooms are large enough for the intended purpose, the size of amenity space is sufficient for the number of occupiers.
- This property is in the grounds of Elmfield Park and if this is correct how can it be converted into multiple flats surely the park belongs to the people of Doncaster.
- Concern over the lack of parking and overspill onto the already congested Roman Road. Concerns over waste collection, where are they to be stored etc. Concern over the likely occupants of the flats/HMO.
- Concern over the impact of the use on the adjacent public park, deterring use of the park.
- Elmfield House is a Grade 2 Listed Building along with many other properties in South Parade and is recognised by English Heritage as an important building. The proposed use as a high capacity residential property will be detrimental the long term future to the building and may threaten that future.
- Conversion of the property for residential use is contrary to Doncaster's heritage strategy which seeks to place heritage firmly in people's sense of place, pride and learning, increasing interest, awareness and participation in Doncaster's heritage, and improving community cohesion and wellbeing through fostering a positive sense of place. This aim seeks to get more people interested and involved but this proposal is likely to drive people away.
- Another Strategic Aim of the Strategy is: To preserve, protect and respect our heritage in order to create a better environment to live, study, work and visit. It is most unlikely that using the buildings for the proposed use will support this aim. Transferring assets to private owners should only be carried out if it is judged to be in the best interests of the heritage (page 14 of the Heritage Strategy).
- The proposed use of the buildings may possibly bring local residents using the park into conflict with the people housed in the buildings. Parks and open spaces are one of the most important things residents consider when thinking about the place they live, and nothing should be done close or within parks and open spaces which is detrimental to the use and enjoyment of them.
- The proposal fails to accord with Policy CS15: Valuing Our Historic Environment and Policy CS17 Green Infrastructure.
- The area in which Elmfield House and Elmfield Park is located is a mix of high quality offices and good privately owned residential property, an area frequented by business people, families, and many schoolchildren. Locating this proposal in Elmfield House will certainly have an affect on the area, but it will not enhance it.

## 5.0 Relevant Consultations

5.1 Yorkshire Water - No objection.

5.2 Education - Less than 10 2-bed units (family homes) therefore no contribution required.

5.3 Civic Trust - Doncaster Civic Trust objects to part of this application. The conversion of the listed building to small apartments could create a sustainable future for the building, and is considered satisfactory. This is subject to the protection of any surviving historic fabric, and careful scrutiny of any proposed changes to windows and doors needed to effect the change of use. However, it is felt that the former Registry Office building would be better also developed as apartments. This would reduce the number of residents and vehicles, and create a higher quality of development. The Trust is particularly concerned about the future of the trees and the impact on them of the car parking.

5.4 Conservation- Initial concerns relating to the accuracy of the plans, information and intensiveness of the proposal, all of which have been addressed by the submission of amended plans. The Conservation further welcomes the removal of the flat roof building to the rear and the reduction in flats number on Elmfield house following deferral.

5.5 Trees – No objections based on the revised plans.

5.6 Ecology – No objection given it's an internal conversion so the roof and loft spaces should not be affected. Provided there is also no plan for new external lighting on the buildings then no objections.

5.7 Environmental Health: Original concerns over size of apartments and outlook as some units have no windows: This has been overcome by the submission of amended plans.

5.8 Design: Objected to the initial plans as some of the rooms had no windows creating an unacceptable living environment. The apartments were also too small with no storage. The amended plans create a much better scheme and whilst a metre or two short in some areas for floor area on the whole acceptable.

5.9 Pollution Control - Historic maps show the above application is located adjacent to a former depot and is for a sensitive end use (multiple apartments and HMO). A contaminated land assessment was originally required, however given no new building is occurring such an assessment is not required. A YALPAG form was instead completed which satisfied officers.

5.10 Highways DM -The highway officer initially noted the parking isn't satisfactory, however is existing and sufficient space exists for 1 allocated space per unit exists. Whilst one space per unit doesn't strictly comply with the parking standards adopted by Doncaster, given that the units are predominantly 1 bedroomed and it is in a town centre location, 1 space in this instance is acceptable. The access is constrained and concern exists over servicing of the units both by delivery vehicles and refuse collection vehicles. Following deferral, the number of spaces has increased from 30 to 43 which now accords with standards.



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

6.1 The site is allocated as CF1 community facility as defined by the Doncaster Unitary Development Plan 1998.

### 6.2 National Planning Policy Framework;

Chapter 1 - Building a strong, competitive economy

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 8 - Promoting healthy communities;

Chapter 7 - Requiring good design

Chapter 11- Conserving and enhancing the natural environment; especially heritage policies contained in sections 128, 129, 131 and 132.

### 6.3 Doncaster Council Core Strategy; 2011-2028

CS 1 - Quality of Life

CS 2 - Growth and Regeneration Strategy

CS8 - Doncaster Town Centre

CS 9 - Providing Travel Choice

CS 12 - Housing Mix and Affordable Housing

CS 14 - Design and Sustainable Construction

CS 15 - Conservation of the Historic Environment

### 6.4 Doncaster Unitary Development Plan; 1998 ; Saved policies:

CF1 - Community Facility.

CS 4 - Surplus facilities.

RL 4 - Local Public Open Space Provision

ENV 25 - Conservation Areas

ENV 32 - Listed Buildings

ENV 59 - Protection of Trees

## **7.0 Planning Issues and Discussion**

### Main Issues

7.0 The main issue to consider are the principal of converting the buildings, the impact of the changes on the heritage asset, the impact on the Conservation Area, the impact on neighbouring land users, impact on the trees within the site, ecology and parking.

### Principle

7.1 The site designated as a Community facility under Policy CF 1 of the UDP, owing to his last use by DMBC. Elmfield House was last used by Youth Services and vacated in 2013. The Registrars was vacated May 2017. Doncaster Council deemed the building surplus to requirements for the councils needs with the registrar functions now being hosted by the new Civic Office. The ground work depot which is outside the application site was vacated June 2017. The buildings are regarded as falling within use class (B1) business/office use.

7.2 CF1 states that community facilities will normally be retained for community uses. CF2 states that the loss of community facilities will be resisted where that facility is within an area of deficiency.

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

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

7.4 In terms of advertisement this was a public building and an asset of Doncaster Council. Such assets need to obtain the best price possible when being disposed of. Such buildings cannot be gifted to community groups. The listed building status and condition of Elmfield House is also a major consideration in attracting any future new use along with its upkeep. The building was only likely to attract office and residential uses due to the high conversion costs and upkeep requirements.

7.5 In terms of marketing the property was advertised for 2 months with closing date of 29th January 2016 (there was an option for the depot) (tender). 3 offers were received:

- use as offices (successful tender and current owners)
- use house as business centre for start-up business, wanted to demolish the register office for a residential dwelling and depot as café or residential.
- (register office only for use as community training centre and office base for charity

7.6 Officers are therefore content that the building is now surplus to requirement and given it's a council asset there is no requirement to dispose the building to a community group. The building had to be sold on the open market and to the highest tender.

7.7 Given the building was deemed surplus to requirements, the site was sold in order that the building could acquire a new use and attract some much needed investment. It was originally envisaged the building may be used as private offices, however no such application was forthcoming. A building of this stature struggles to remain empty for a lengthy period and it's without doubt conversion costs would be high given the age and condition of the building. The applicants are having current difficulties securing the building and it has suffered several bouts vandalism over recent months. It's therefore imperative that a timely decision is made and that conversion can commence in order that a presence exists on site and the listed building is not further damaged beyond repair.

7.8 The proposal before committee is for a residential use of the site. This originally was a mixture of apartments and a 15 person HMO. This attracted several letters of concern particularly over the transient nature of the likely occupants of such a facility. The applicants tried to dispel this concern and gave examples of the quality of other conversions that they had done in Doncaster and invited members to view these conversions (namely 3 Union Street) to appreciate and understand the level and quality of finish and service proposed.

7.9 The client had identified a need for a high quality serviced HMO facility to provide accommodation for professionals. However in order to expedite the progress of the application the registrar was amended, to remove the HMO element in favour of 8 x1-bed

flats. The residential use of the site is an appropriate use and will provide the necessary investment for the conversion to take place.

#### Impact on surrounding uses and character

7.10 In terms of character, South Parade is prestigious main road running out of the town centre and has a real combination of offices, retail, restaurants, hotels and residential which is typical of a fringe town centre location. The use of this relatively self-contained site is not considered to be harmful to the areas character and may well support other small businesses in the area. The new use will give a permanent onsite presence and help retain what is an iconic part of Doncaster's Heritage. The use is unlikely to impact on the attractiveness of the adjoining park and the removal of the HMO element has not received any further objections to the plans. The proposal due to its self contained nature raises no issues of loss of privacy to surrounding residents. The proposal involves no new build and therefore no scale or massing concerns exist.

#### Impact on the Listed Building and Conservation Area

7.11 In assessing this proposal it is important to consider what impact the proposed use will have on the character and appearance of the South Parade and Bennetthorpe Conservation Area. The aim is to preserve and enhance the Conservation Area as advocated in National policy, Core Strategy Policy CS 15 and ENV 25 of the UDP.

7.12 This particular area of Doncaster is characterised by Georgian and Victorian properties which form a distinctive part of the townscape on the approach to the town centre. This proposal does not interrupt this character as the building is nestled behind the screen wall, heavily treed and had a relatively intensive former use with a constant flow of cars and pedestrians using the building. The changes proposed to both buildings are relatively minor external works. The works will bring both buildings back to life and bring much needed investment into the site. Through a series of amendments the conservation officer was content with the changes being proposed in that the scheme is considered to preserve and enhance the Conservation Area.

7.13 The accompanying listed building consent deals with the internal and external changes to Elmfield House, however again through a series of carefully worded conditions will ensure the special and architectural interest of the building is preserved in accordance with Core Strategy CS 15 and UDP Policy ENV 32. The proposal is still yet to receive building regulation approval which may mean alterations may be required, however this will have to be assessed once this process is undertaken.

7.14 Finally there is no question that subdividing the building can be destructive of historic fabric and presents many difficulties, however some form of subdivision is always required in order for a new use to be acquired. Offices tend to favour open plan and new residential uses clearly need new partitions. The applicant has worked closely with officers to reduce the number of apartments and make the necessary internal changes to satisfy the conservation officer. The proposal does have some positive in the form of creating a split between the main building and the former coach house and the modern extension.

7.15 In summary the conversion is considered to preserve and enhance the Conservation area and have no detrimental impact on the heritage asset. Following deferral, the amendment to remove the single storey building to the rear of Elmfield house and reduce the number of apartments in Elmfield House from 22 to 21 is warmly welcomed by the

Conservation Officer and adheres to an earlier suggestion. This allows the reinstatement of the back door in its original position and the reinstatement of the room form of the former Breakfast Room, which now forms the living room of Apartment 4.

### Highways Parking.

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

7.17 The highway officer commented that much of the parking already exists owing to its former use and the access is satisfactory posing no highway safety concerns. The parking is at least 30 spaces, so 1 per unit and more informal parking could occur to cater for visitors or increased demand. This means parking is unlikely to spill out of the site and aggravate local residents. Whilst one space per unit doesn't strictly comply with the parking standards adopted by Doncaster, given that the units are predominately 1 bedroomed and it is in a town centre location, 1 space in this instance is acceptable. The site is also very sustainable and parking does exist on street within the vicinity if this becomes a concern.

7.18 Following deferral for a site visit the applicant took the opportunity to reduce the number of apartments to 29 and increased the number of parking spaces from 30 to 43. The applicants have included back to back parking designated to specific 2 bedroom apartments and also dedicated car parking where indicated on plan where the space is adjacent or fronting the property. The remainder will be undesignated spaces. This brings the total to 43 spaces, which now fully accords with the council's parking standards of 1.5 spaces per dwelling.

7.19 The access to the site is narrow, however the site would have historically been serviced by a refuse vehicle and two way passing can occur on the verges under the tree canopy. The prospect of widening the access was considered, however no space exists to the south of the access due to the fence and site ownership boundaries. To the north would involve disturbing the root protection areas of several mature trees near the access. Therefore it has been concluded that the access should remain 'as is'. It poses no threat to highway safety and vehicles will continually to informally use the verges if necessary.

### Trees

7.20 The site hosts lots of vegetation and a number of key trees of which form- Doncaster Borough Council Tree Preservation Order (No.391) 2017 Elmfield House. The overriding majority were deemed suitable for long-term protection by virtue of their historic association with Elmfield House prior to the setting out of its grounds as a public park in the 1920s. The trees also make a significant contribution to the visual and recreational amenity of this part of Doncaster and are an integral part of the Bennetthorpe Conservation Area, providing significant ecosystem benefits. It is therefore imperative that the scheme causes no harm or loss of these trees in accordance with Paragraph 109 of the NPPF that states 'the planning system should contribute to and enhance the natural and local environment, in regards to: valued landscapes, ecosystem services, and biodiversity'. The spirit of this is also reflected in Core Strategy Policy CS16: Valuing our Natural Environment and ENV 59 Tree Protection.

7.21 The application was originally submitted with no tree survey, however this was later provided along with the necessary shading plans. The applicants also produced a plan showing the car parking spaces overlaid of the Root Protection Plan.

7.22 The tree officer had initial concerns particularly with regards to the layout of the registrar apartments in terms of shading, which will increase the pressure on these trees. This was however addressed by the introduction of sun pipes and roof lights to apartments 5, 6 & 7, which will allow more light to flood these rooms and make them less oppressive in terms of shading. These will need to be kept clean in order to be affective as part of the site maintenance.

7.23 The majority of the parking areas within the site are existing, so there is no concern about the need to create new parking spaces. The concern was that overflow parking could occur under the trees however a planning condition suggesting the introduction of a knee rail under tree canopies is suggested to preclude this occurring.

7.24 Overall the initial tree concerns have been satisfactorily negotiated away, which should ensure the new residential use does not create increased pressure to prune and remove protected trees. Suitable tree protection conditions are added to cover the conversion and future protection of the trees from car parking. Also sufficient protection is afforded to the trees by the Tree Preservation Order to ensure their retention from future pruning and removal due to the residential use.

#### Layout/apartment size

7.25 The initial scheme proposed 24 apartments in Elmfield House. This was intensive and had a number of inner rooms with no outlook. These were inadequate for fire regulation, had poor outlook and no natural ventilation. Some of the rooms were also substandard in terms of size and layout with no storage. The scheme also lacked bin stores. The layout was changed on a number of occasions to overcome these concerns, which now results in the final plans for 21 flats which are a combination x4 2– bed unit and x17 1-bed units. Following deferral from committee the applicant has considered the issues raised regarding density and the committees concern with the density of the scheme and has removed smallest apartment No.3 at 34m<sup>2</sup> by demolishing the single storey extension housing this unit. This creates a slightly more spacious overall layout, assists with parking ratios and better reflects the form of the original historic building. These changes have been welcomed by the Conservation officer.

7.26 The environmental health officer was content with the layout as was the design officer with most of the flats having a decent outlook and storage space. Many of the bathrooms and kitchens are located internally without windows so these will need adequate ventilation so as not to cause problems. Overall this will make good the historic building and allow its continued use.

7.27 With regards to the Registrar, this building was originally submitted to be used as a 15 person House in Multiple Occupation (HIMO). This was amended in favour of its conversion to 8 x1-bed flats. Again the design and internal arrangement of the flats needed amendment to ensure the living conditions of the future residents was acceptable in terms of apartment size and outlook and the amended plans finally achieved a satisfactory scheme.

7.28 The final scheme will have to comply with Building Regulation requirements in terms of fire risk, escape windows, noise insulation and will be inspected once complete with regard to the Housing Act requirements.

## Viability and contributions

7.29 The final consideration is viability and contributions. Given this scheme proposes less than x10 2-bed family units, no contributions are required towards public open space or education as the triggers are not met.

7.30 Under normal circumstances the creation of 29 apartments under policy CS 12 would require contributions to affordable housing (trigger more than x15 units at 26%). The amount of contributions is often deliberated and assessed through the production of viability reports and in some circumstances claw back agreements can be put in place if the market is uncertain. However this case is unique in that the buildings could have ordinarily been converted to residential use under Class O (Conversion of B1 offices and registrar to residential) through a prior approval and no contributions would have been made, as only certain limitations are considered.

7.31 However the listed status of Elmfield House and the fact that the registrar lies within the curtilage of a Listed Building means that class O cannot apply and full planning permission is needed. Therefore technically it would be susceptible to such contributions but only due to its listed status. The key planning aim is to find a suitable new use for the building, whilst ensuring the conversion respects the listed status. The amended plans have successfully achieved this. The applicants have submitted a viability report to exemplify this issue. Whilst the report has not been independently assessed it does show that the combination of the purchase price £580,000 and the conversion costs results in a profit margin of 4.2% GDV which is considerably lower than a typical developer (15%).

7.32 The viability report is logical and the principal aim is getting the listed building back into use and preserving its key features as it is current susceptible to vandalism and erosion. On this basis in order to ensure a deliverable scheme in a timely manner no commuted sum is deemed necessary.

7.33 Also the conversion of Elmfield house could have been reduced from the current 21 predominantly 1 bed units to 14 units (mixture of 1-2 bed). This would have been under the affordable housing, POS and education (providing no more than 9 were 2-bed) and the Registrar left as a HIMO. However in order to appease concern the HIMO was altered to flats which increased the number of flats, therefore this therefore supports the case further for no contributions.

## **8.0 Summary and Conclusion**

8.1 The proposal is felt to be acceptable as the proposal would bring a vacant listed building back into use. The use will not cause significant harm to neighbouring uses, and will provide a sustainable town centre fringe residential complex. The proposal would cause no significant impact on the protected trees within the site and no significant harm to the heritage asset. The proposal is considered to be acceptable and in accordance with the relevant planning policies.

## **9.0 Recommendation**

9.1 GRANT Full planning permission subject to the following conditions. Page 44

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. ACC3 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

Registrar

Proposed floor plan - Rev E 8.6.18

Proposed elevations - Rev B 27.4.18

Elmfield

Ground floor existing Rev A 16.4.18

First floor existing Drwg 003

Second floor existing Drwg 004

Existing elevations Rev B 24.4.18

Proposed ground and first floor Rev K 3.5.18

Proposed attic and cellar Rev I

Proposed elevations Rev G 4.6.18

Site Plan Rev D 30.5.18

REASON

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

03. CON2 Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

REASON

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

04. The development hereby granted shall not commence until a scheme for the protection of all retained trees that complies with British Standard 5837: 2012 Trees in Relation to Design, Demolition and construction shall be submitted to the Local Planning Authority for approval. The Tree protection scheme shall be implemented on site before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. 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.

05. 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.

06 No development or other operations shall commence on site in connection with the development hereby approved (including tree pruning, demolition works, soil moving, access formation or alteration, or any operations involving the use of construction machinery) until a detailed Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full detail of the following:

- o Installation of a tree protection scheme
- o Treatment of the access points in to the site
- o Siting of materials storage areas, parking areas and site cabins

REASON

To prevent damage to trees shown for retention on the Approved Plan

07 Prior to commencement of relevant works, a window schedule listing all windows within Elmfield House noting which are to be retained, removed, repositioned, reinstated and/or inserted shall be produced for and approved by the Local Planning Authority. Details shall include how windows and their shutters are to be refurbished/restored/re-instated and how they are to be upgraded to improve their acoustic and thermal performance. Where windows are to be blocked in, altered, reinstated and/or inserted details of how the resulting walls are to be made good will be included. Works shall be carried out in accordance with this approval.

REASON



To protect the special interest of the Listed Building and the character and appearance of the conservation area

- 08 Prior to commencement of relevant works, full details of the design, construction and finish of new and replacement doors and windows of both Elmfield House, its current extensions and the former Registry Office shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Any replacement windows and any new or replacement external or internal doors to be used in the conversion of Elmfield House and its former coach house shall be constructed in timber. Development shall be carried out in accordance with the approved details.

**REASON**

To protect the special interest of the Listed Building and the character and appearance of the conservation area

- 09 Prior to commencement of relevant works a one-metre-square sample panel of render showing the finish and colour to be used to make good the areas affected by the demolition of the link and the flat roofed infill and to be applied to the modern extension to the rear of the coach house shall be provided on site and the details approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON**

To protect the special interest of the Listed Building and the character and appearance of the conservation area.

- 10 Prior to commencement of relevant works notwithstanding submitted details the window arrangement of the former coach house shall be provided and the details approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON**

To protect the special interest of the Listed Building and the character and appearance of the conservation area

11. Rainwater goods, pipework, and any fascias to be used on the building shall be black unless otherwise agreed in writing by the Local Planning Authority.

**REASON**

To protect the special interest of the Listed Building and the character and appearance of the conservation area

- 12 Prior to commencement of relevant works details of the redecoration of Elmfield House shall be provided and the details approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON**

To protect the special interest of the Listed Building and the character and appearance of the conservation area

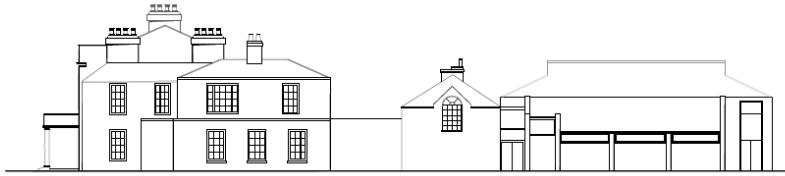
- 13 Prior to commencement of relevant site works, details of any new or replacement rooflights shall be submitted to and approved in writing by the Local Planning Authority and works carried out in full accordance with this approval. Details shall include the forming of openings within the roof and making good. Rooflights shall be of a conservation type with minimal frames visible externally with vertical division.  
REASON  
To protect the special interest of the Listed Building
- 14 Prior to commencement of relevant site works, full details of the proposed design, size, location, materials and colour of all flues and vents (including any heating and plumbing vents, meter boxes, and air extract vents) required for the conversion of Elmfield House shall be submitted to and approved in writing by the Local Planning Authority.  
REASON  
To protect the special interest of the Listed Building and the character and appearance of the conservation area
- 15 Prior to the occupation of any part of the former Registry Office or Elmfield House the gateway to South Parade shall be restored including the reinstatement of the gate unless otherwise agreed in writing by the Local Planning Authority. Prior to commencement of relevant works full details of the restoration shall be submitted to and approved in writing by the Local Planning Authority  
REASON  
To protect the special interest of the Listed Building and the character and appearance of the conservation area.

**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- Amended Rev D site plan showing 43 spaces



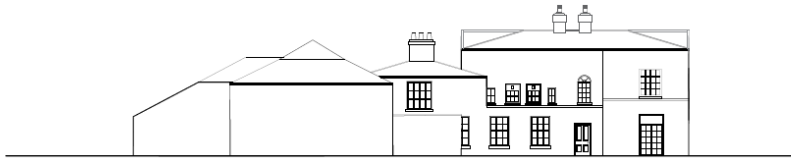
## Appendix 2 – Existing elevations



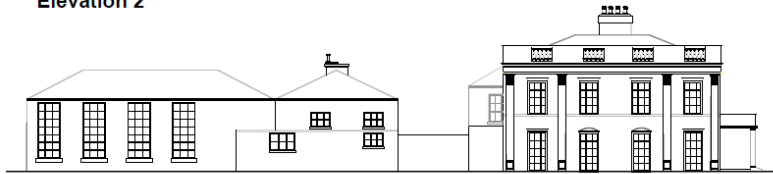
Elevation 4



Elevation 3



Elevation 2



Elevation 1

## Appendix 3 - Proposed elevations

### Elevations as Proposed

**Notes**

1. All elevations are shown in black lines on a white background.

2. All elevations are shown in black lines on a white background.

3. All elevations are shown in black lines on a white background.

4. All elevations are shown in black lines on a white background.

5. All elevations are shown in black lines on a white background.

6. All elevations are shown in black lines on a white background.

7. All elevations are shown in black lines on a white background.

8. All elevations are shown in black lines on a white background.

9. All elevations are shown in black lines on a white background.

10. All elevations are shown in black lines on a white background.

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**EDDUS**

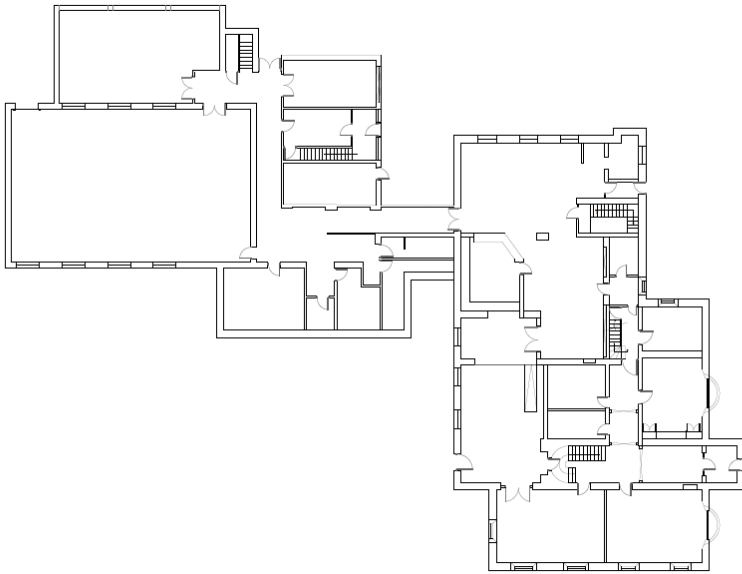
**PLANNING**

client: Davis Hughes  
project: Elmfield House  
type: Proposed Elevations

scale: 1/8" = 1'-0"  
date: DEC 2017

17133 ZY 17 G

Appendix 4 – Existing floor plans.



Appendix 5 – Proposed floor plans.

**GROUND FLOOR**

**FIRST FLOOR**

**Notes:**  
 No additional insulation to be used in the original part of the building.

**Notes:**  
 Shows all new glass work done not together with existing existing boards etc.

**Legend:**

- Internal Storage
- Proposed Window Marker
- Existing Window Marker
- Existing walls to be retained
- Proposed walls / Doorways to be filled in
- Existing walls to be demolished
- Existing doors and architraves retained and door ways blocked from behind

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 11 Ford Drive, 01773 899 999  
 www.maxdesign.co.uk

Status: **PLANNING**

Client: Davis Hughes  
 Project: Elmfield House

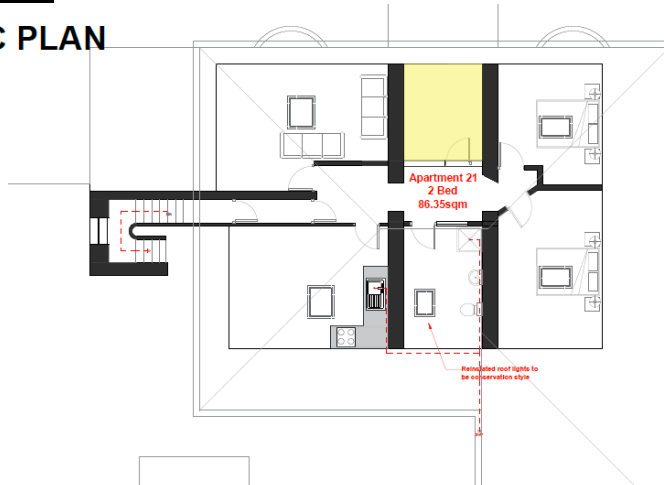
Title: Proposed Floor Plans  
 Scale: 1:100  
 Date: DEC 2017

17/153 2V 14 K

# Appendix 6 – Attic & Cellar Plan

## ATTIC PLAN

Schedule of Accommodation				
Apartment	No. of Beds	Storage SQ.M	SQ.M	SQ.FT
1	1		88.6	738.5
2	1	1.74	48.66	523.8
3	1			
4	1	1.6	47.3	509.1
5	1	1.1	51.9	558.6
6	1		82.06	883.3
7	2		55.7	599.5
8	2		97.2	1046.3
9	1	2.48	41.64	448.2
10	1	1.9	42.25	454.8
11	1	1.9	41.14	442.8
12	1	1.5	39.5	425.2
13	2	1.7	58.9	634.0
14	1	1.2	55.52	597.6
15	1	0.5	46.7	502.7
16	1	0.5	46.7	502.7
17	1	0.5	46.7	502.7
18	1	0.5	46.7	502.7
19	1	1.7	49.25	530.1
20	1	1.5	45.72	492.1
21	2	1.1	86.35	929.5



- Notes**
- 1. All dimensions are to be taken from this drawing.
  - 2. All work to be carried out in accordance with the Building Regulations.
  - 3. All work to be carried out in accordance with the Building Regulations.
  - 4. All work to be carried out in accordance with the Building Regulations.
  - 5. All work to be carried out in accordance with the Building Regulations.
  - 6. All work to be carried out in accordance with the Building Regulations.
  - 7. All work to be carried out in accordance with the Building Regulations.
  - 8. All work to be carried out in accordance with the Building Regulations.
  - 9. All work to be carried out in accordance with the Building Regulations.
  - 10. All work to be carried out in accordance with the Building Regulations.
  - 11. All work to be carried out in accordance with the Building Regulations.
  - 12. All work to be carried out in accordance with the Building Regulations.
  - 13. All work to be carried out in accordance with the Building Regulations.
  - 14. All work to be carried out in accordance with the Building Regulations.
  - 15. All work to be carried out in accordance with the Building Regulations.
  - 16. All work to be carried out in accordance with the Building Regulations.
  - 17. All work to be carried out in accordance with the Building Regulations.
  - 18. All work to be carried out in accordance with the Building Regulations.
  - 19. All work to be carried out in accordance with the Building Regulations.
  - 20. All work to be carried out in accordance with the Building Regulations.
  - 21. All work to be carried out in accordance with the Building Regulations.



## CELLAR PLAN

- Existing walls to be retained
- Proposed walls / Doorways to be filled in
- Existing walls to be demolished

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 01773 840000  
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PLANNING

client: Davis Hughes

project: Elmfield House

type: Proposed Floor Plans

scale: 1:100@A1      date: DEC 2017

project no: 17133      sheet: ZY      number: 15      rev: 1

Appendix 7 - Registrar floor plan



VELUX Flex tu

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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 26<sup>th</sup> June 2018**

**Application**      3

<b>Application Number:</b>	18/00725/LBCM	<b>Application Expiry Date:</b>	19th June 2018
----------------------------	---------------	---------------------------------	----------------

<b>Application Type:</b>	Listed Building Consent Major
--------------------------	-------------------------------

<b>Proposal Description:</b>	Listed building consent in connection with conversion of Elmfield House to 21 apartments.
------------------------------	---

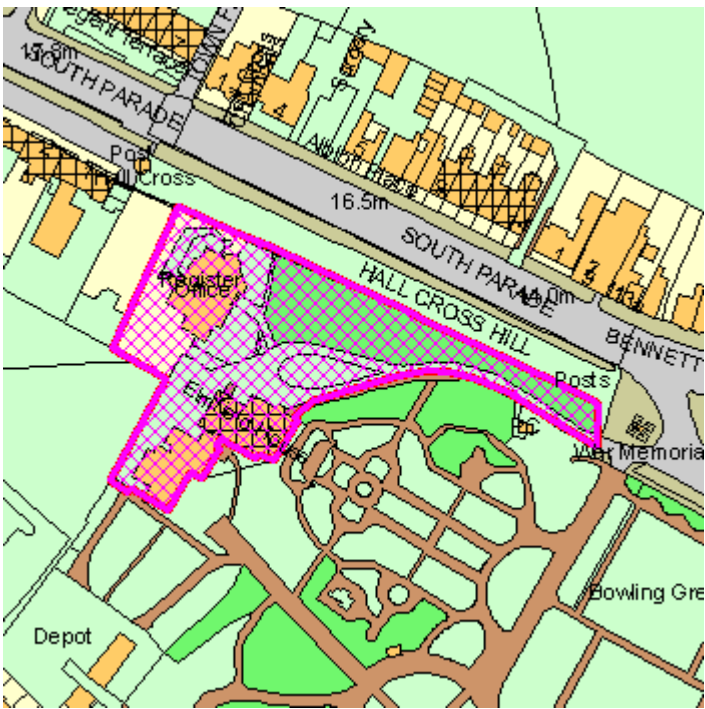
<b>At:</b>	Elmfield House    South Parade    Doncaster    DN1 2EH
------------	--

<b>For:</b>	Hughes
-------------	--------

<b>Third Party Reps:</b>	0	<b>Parish:</b>	
		<b>Ward:</b>	Town

<b>Author of Report</b>	Gareth Stent
-------------------------	--------------

<b>MAIN RECOMMENDATION:</b>	Grant
-----------------------------	-------



## **1.0 Reason for Report**

1.1 The application is presented to committee as the accompanying full application (17/03156/FULM) is required to be presented to committee.

1.2 The application was deferred from the 29<sup>th</sup> May 2018 committee for a site visit to assess the impact on the Listed Building, the buildings relationship with the registrar and wanted to see inside the building to assess its historic significance.

## **2.0 Proposal and Background**

2.1. The application seeks Listed Building consent to convert Elmfield house into 21 apartments. The scheme has been amended on several occasions to address concerns from the Conservation Officer over the impact of the changes on the historical fabric of the building. Following deferral from the 29<sup>th</sup> May 18 committee amended plans have been received that reduces the number of apartments from 22 to 21 through the demolition of a single storey flat roof building to the rear of Elmfield House, which accommodated the smallest apartment No.3. This is welcomed by the conservation officer and aligns with earlier suggestions made to the applicant. The application is supported by a Heritage Statement that justifies the conversion.

2.2 The site straddles both Doncaster the South Parade and Doncaster - Bennetthorpe Conservation Areas. Elmfield House is a Grade II listed building that lies within a parkland setting and is considered to be a park and garden of local historic interest.

## **3.0 Relevant Planning History**

3.1 The site has had a series of planning permissions, however only the accompanying full application is directly relevant.

- 17/003156/FULM – Change of use of B1 offices/registrar to 29 apartments (Elmfield House x21 & Registrar x8).

## **4.0 Representations**

4.1 No representations received.

## **5.0 Relevant Consultations**

5.1 Civic Trust - Doncaster Civic Trust is heartened to see the Conservation Officer's rigorous approach to protecting the historic character of this important listed building. The Trust is also concerned about: the need to avoid the installation of new soil and waste pipes on the principal elevations of the listed building; moving historic doors from their original positions; and the need to avoid damage to historic fabric in the course of bringing the building in line with current technical standards. The high number of apartments proposed could be at the root of the problem, and it may well be that the finally approved acceptable scheme could have fewer apartments.

5.2 Conservation Officer - The Conservation officer raised initial concerns over the intensity of the conversion and the impact of the changes on the fabric of the historical

building. Through negotiation and the submission of amended plans this concern has been overcome.

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

### National Planning Policy Framework (NPPF)

6.1 The National Planning Policy Framework (NPPF) (2012) is the national tier of planning guidance and is a material planning consideration in the determination of planning applications.

6.2 Section 12 of the NPPF has the most relevance to this application entitled 'Conserving and enhancing the historic environment'. More specifically paragraphs 128 & 129 which requires applicants to describe the significance of the heritage asset. Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It further states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification; and that substantial harm to or loss of a grade II listed building should be exceptional.

6.3 It is a core planning principle that heritage assets are conserved "in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations".

6.4 Paragraph 131 of the NPPF states that local planning authorities should take account of the "desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". It highlights also the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality. Paragraph 132 stresses that "great weight" should be given to the preservation of heritage assets. It further states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification; and that substantial harm to or loss of a grade II listed building should be exceptional.

### Doncaster Core Strategy 2012

6.5 Policy CS 15 – Valuing our historic environment.

### Doncaster Unitary Development Plan 1998

6.6 Policy ENV 32 – Alterations to Listed Buildings

6.7 Also of relevance to this application is the 1990 The Planning (Listed Buildings and Conservation Areas) Act 1990. Also the act requires that in the exercise of planning functions and in considering works to Listed Buildings (s.16 & 66) decision makers are required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **7.0 Planning Issues**

7.1 The main issue to consider is the impact of the proposed changes on the Listed Building. This relates solely to Elmfield House as the former Registrar is not listed. The

accompanying full application details the wider planning considerations and therefore this permission is only for the internal and external changes necessary. The use will subdivide the building into 21 apartments; however the overall fabric and integrity of the building will remain. Most importantly, this proposal will provide a new use for the building, new investment and safeguard it for future generations. The applicant is keen to undertake the conversion particularly due to the amounts of vandalism the property is currently experiencing.

### Impact on the Listed Building

7.2 Elmfield House is attributed to William Lindley. It was built in 1803 and is stucco with painted ashlar dressings and hipped slate roof. The principal elevation of the house faces north east towards the great north road with a secondary garden front overlooking Elmfield Park. The principal elevation is of three bays. Features include a central enclosed pilastered porch, full height Venetian style windows and first floor bay windows with ironwork balconies. The main elevation is topped with a large cornice and parapets with blind balustraded panels on plinth with moulded coping.

7.3 The garden front has four bays, with giant pilasters flanking the outer bays. The internals include an original cantilevered stone staircase with wreathed hand rail. The entrance hall also has a moulded cornice, black and white marble-paving and semi-circular headed stair window. There are reeded cornices and original panelled doors throughout.

7.4 The original significance of the park as forming the setting of Elmfield House has been augmented by its significance as a municipal park from the interwar period. The park remains in the control of Doncaster Council and does not form part of the proposals. Railings have recently been added to physically separate the immediate grounds of Elmfield House from Elmfield Park.

7.5 Subdividing the listed building is destructive of historic fabric and presents many challenges therefore the best use for the building would be a single use not requiring subdivision such as office use or residential use as one dwelling. It does appear that the traditional office use for the historic buildings of the area is declining in attractiveness and where such uses remain, there is pressure for more open plan spaces and increased signage. In addition, it is unlikely that single residential use without some subdivision is unviable in this area unless it is in the form of a house of multiple occupation but this brings with it other concerns.

7.6 Getting the building back into use is supported as long as it was not at the detriment of the significance of the building and/or the character of the area. The initial proposal represented a series of concerns. The conservation officer suggested fewer apartments within the main building would be welcomed and suggested the demolition of the registry and its redevelopment to be more in keeping with the predominant Georgian character of the area would be promoted. The applicants however, chose to retain the registrar building and convert it to 8 apartments.

7.7 A Heritage Statement has been provided with the application, which did contain some errors and oversights, which was later corrected. Likewise the submitted plans have been continually changed in both the full and Listed Building Consents to overcome concerns and inaccuracies. The issues were principally a lack of detail about fire separation, plumbing, heating, and how this may impact on the building in terms of internal damage and covering up of the decorative plasterworks. Other concerns include the unnecessary loss of walls and the blocking up of historic doorways.

7.8 The proposal does have some positives in the form of creating a split between the main building and the former coach house and the modern extension and is now less intense than initially proposed. Likewise further detail has been provided to overcome the concerns of the conservation officer.

7.9 Following deferral, the reduction in units from 22 to 21 is viewed as a positive as it removes the uncharacteristic single storey structure to the rear of the building and is warmly welcomed by the conservation officer. This allows the reinstatement of the back door in its original position and the reinstatement of the room form of the former Breakfast Room which now forms the living room of Apartment 4.

## 8.0 Summary and Conclusion

8.1. The proposal whilst causing some harm to the Listed Building will enable the building to be brought back into use, which is of public benefit. The changes enable more of the historic fabric to be retained and minimise the conflict between the heritage asset. On this basis the proposal complies with paragraphs 129, 132 and 134 of the NPPF, advice within Core Strategy Policy CS15 and Policy ENV 32 of the UDP.

## 10.0 Recommendation

9.1 GRANT Listed Building Consent subject to the following conditions.

01. STAT1            The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.  
REASON  
To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Ground floor existing Rev A 16.4.18

First floor existing Drwg 003

Second floor existing Drwg 004

Existing elevations Rev B 24.4.18

Proposed ground and first floor Rev K

Proposed attic and cellar Rev I

Proposed elevations Rev G 4.6.18

Site Plan Rev D 30.5.18

REASON

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

- 03 Prior to works commencing on Elmfield House a photographic survey of the building shall be undertaken in accordance with a methodology submitted to and agreed in writing by the Local Planning Authority.  
REASON  
To record the special interest of the Listed Building.
- 04 Prior to commencement of relevant works, a window schedule listing all windows within Elmfield House noting which are to be retained, removed, repositioned, reinstated and/or inserted shall be produced for and approved by the Local Planning Authority. Details shall include how windows and their shutters are to be refurbished/restored/re-instated and how they are to be upgraded to improve their acoustic and thermal performance. Where windows are to be blocked in, altered, reinstated and/or inserted details of how the resulting walls are to be made good will be included. Works shall be carried out in accordance with this approval.  
REASON  
To protect the special interest of the Listed Building and the character and appearance of the conservation area.
- 05 Prior to commencement of relevant works, a door schedule listing all doors and doorways within Elmfield House noting which are to be retained, removed, repositioned, reinstated and/or inserted shall be produced for and approved by the Local Planning Authority. Notwithstanding details shown on approved plans doorways of historic significance shall be retained unless agreed in writing by the Local Planning Authority, and details of how the doorway will be blocked but retain historic fabric will be included within the information. Details of how other doorways will be blocked in, reinstated and/or inserted shall include how walls are to be made good. Works shall be carried out in accordance with this approval.  
REASON  
To protect the special interest of the Listed Building.
- 06 Prior to commencement of relevant works, full details of the design, construction and finish of new and replacement doors and windows of both Elmfield House, its current extensions and the former Registry Office shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Any replacement windows and any new or replacement external or internal doors to be used in the conversion of Elmfield House and its former coach house shall be constructed in timber. Development shall be carried out in accordance with the approved details.  
REASON  
To protect the special interest of the Listed Building and the character and appearance of the conservation area.

- 07 Prior to relevant works, a room schedule listing the existing external and internal architectural details within Elmfield House, including skirting boards, cornices and other decorative features noting what is to be retained, removed, reinstated and/or repositioned shall be produced for and approved by the Local Planning Authority. Works shall be carried out in accordance with this approval. The alterations approved in this consent shall be limited to those shown on the plans or within the scope of any conditions.  
REASON  
To protect the special interest of the Listed Building.
- 08 Prior to commencement of relevant works, details of any new partitions to the building shall be submitted to and approved in writing by the Local Planning Authority. Partitions and kitchen/bathroom fittings shall be installed to avoid or be scribed around existing architectural features including skirtings, cornices, doors and windows and their architraves. Works shall be carried out in full accordance with this approval.  
REASON  
To protect the special interest of the Listed Building.
- 09 Prior to commencement of relevant works, a method statement for the demolition of the link and the flat roof infill shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in full accordance with this approval.  
REASON  
To protect the special interest of the Listed Building.
- 10 Prior to commencement of relevant works a one-metre-square sample panel of render showing the finish and colour to be used to make good the areas affected by the demolition of the link and the flat roofed infill and to be applied to the modern extension to the rear of the coach house shall be provided on site and the details approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
REASON  
To protect the special interest of the Listed Building and the character and appearance of the conservation area
- 11 Prior to commencement of relevant works notwithstanding submitted details the window arrangement of the former coach house shall be provided and the details approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
REASON  
To protect the special interest of the Listed Building and the character and appearance of the conservation area.
- 12 Rainwater goods, pipework, and any fascias to be used on the building shall be black unless otherwise agreed in writing by the Local Planning Authority.  
REASON

To protect the special interest of the Listed Building and the character and appearance of the conservation area.

- 13 Prior to commencement of relevant works details of the redecoration of Elmfield House shall be provided and the details approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the special interest of the Listed Building and the character and appearance of the conservation area.

- 14 Prior to commencement of relevant site works, details of any new or replacement rooflights shall be submitted to and approved in writing by the Local Planning Authority and works carried out in full accordance with this approval. Details shall include the forming of openings within the roof and making good. Rooflights shall be of a conservation type with minimal frames visible externally with vertical division.

REASON

To protect the special interest of the Listed Building.

- 15 Prior to commencement of relevant site works, full details of the proposed design, size, location, materials and colour of all flues and vents (including any heating and plumbing vents, meter boxes, and air extract vents) required for the conversion of Elmfield House shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To protect the special interest of the Listed Building and the character and appearance of the conservation area.

- 16 Prior to commencement of relevant site works, a scheme for the proposed ductwork, runs and channels required for the conversion of Elmfield House shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To protect the special interest of the Listed Building.

- 17 Prior to commencement of relevant site works, details of how thermal, sound and fire-protection are to be achieved on Elmfield House shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To protect the special interest of the Listed Building.

- 18 Prior to the occupation of any part of the former Registry Office or Elmfield House the gateway to South Parade shall be restored including the reinstatement of the gate unless otherwise agreed in writing by the Local Planning Authority. Prior to commencement of relevant works full details of the restoration shall be submitted to and approved in writing by the Local Planning Authority

REASON

To protect the special interest of the Listed Building and the character and appearance of the conservation area.



01. INFORMATIVE (LBC)

The applicant is advised to contact the council's Conservation Officer (01302 734922) to discuss what information is needed for the discharge of conditions.

02. INFORMATIVE (LBC)

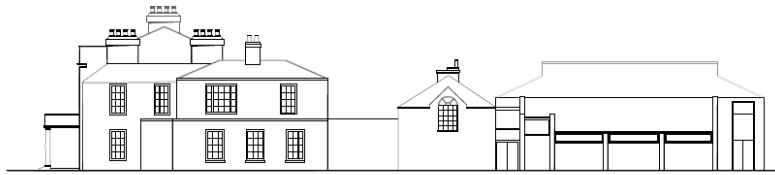
Any alterations to the listed building required to meet Building Control regulations shall be within the scope of the existing permission. The applicant should be made aware that alterations outside the scope of the permission which affect the special interest of the listed building would require a further application for Listed Building Consent which would be determined on its own merits.

**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- amended site plan



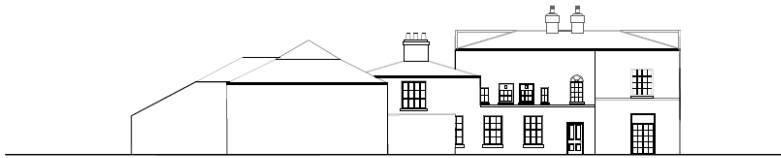
Appendix 2 – Existing elevations



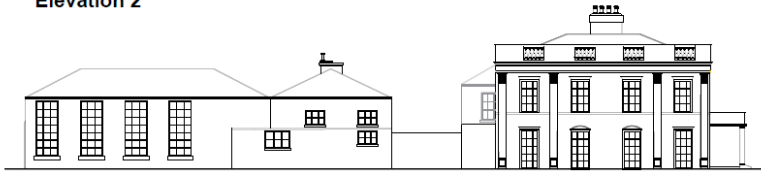
Elevation 4



Elevation 3



Elevation 2



Elevation 1

Appendix 3 - Proposed elevations

**Elevations as Proposed**

**Notes**

Changes are indicated by the colour from this drawing:

- A 20/11/17 2/1 Change to window
- B 21/11/17 2/1 Change to window
- C 21/11/17 2/1 Change to window
- D 20/11/17 2/1 Change to window
- E 20/11/17 2/1 Change to window
- F 19/11/17 2/1 Change to window
- G 20/11/17 2/1 Change to window

**Elevation B**

Change to window

Change to window

Change to window

Change to window

**Elevation A**

**Elevation 1**

**Elevation 2**

**Elevation 3**

**Elevation 4**

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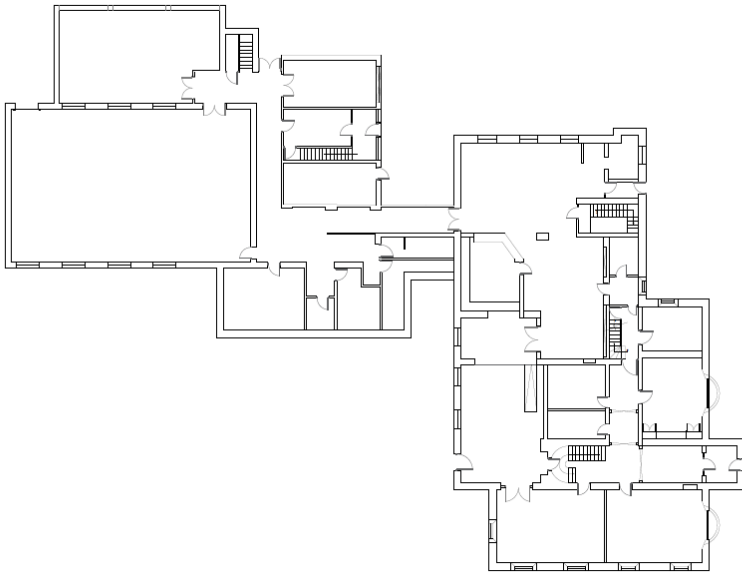
The White House, 271 Swanley Road, Concorder DM4 7PD  
 01474 751111  
 info@maxdesign.co.uk

**PLANNING**

Client: Davis Hughes  
 Project: Elmfield House  
 Scale: 1:100 @ A1  
 Date: DEC 2017

Drawn by: ZY  
 Checked by: 17  
 Rev: G

Appendix 4 – Existing floor plans.



Appendix 5 – Proposed floor plans. (amended)

**GROUND FLOOR**

**FIRST FLOOR**

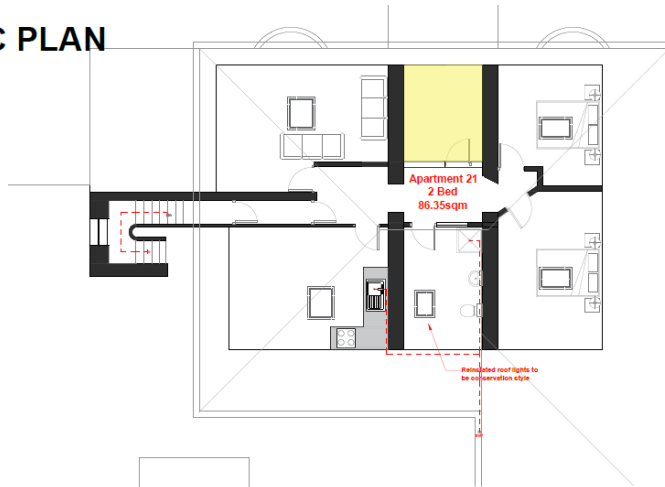
#	DATE	BY	DESCRIPTION
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2	2018/01/11	ZY	Revised design
3	2018/02/01	ZY	Revised design
4	2018/02/01	ZY	Revised design
5	2018/02/01	ZY	Revised design
6	2018/02/01	ZY	Revised design
7	2018/02/01	ZY	Revised design
8	2018/02/01	ZY	Revised design
9	2018/02/01	ZY	Revised design
10	2018/02/01	ZY	Revised design
11	2018/02/01	ZY	Revised design
12	2018/02/01	ZY	Revised design
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25	2018/02/01	ZY	Revised design
26	2018/02/01	ZY	Revised design
27	2018/02/01	ZY	Revised design
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98	2018/02/01	ZY	Revised design
99	2018/02/01	ZY	Revised design
100	2018/02/01	ZY	Revised design



# Appendix 6 – Attic and cellar plan

## ATTIC PLAN

Schedule of Accommodation				
Apartment	No. of Beds	Storage SQ.M	SQ.M	SQ.FT
1	1		68.6	738.5
2	1	1.74	48.66	523.8
3	1			
4	1	1.6	47.3	509.1
5	1	1.1	51.9	558.6
6	1		82.06	883.3
7	2		55.7	599.5
8	2		97.2	1046.3
9	1	2.48	41.64	448.2
10	1	1.9	42.25	454.8
11	1	1.9	41.14	442.8
12	1	1.5	39.5	425.2
13	2	1.7	58.9	634.0
14	1	1.2	55.52	597.6
15	1	0.5	46.7	502.7
16	1	0.5	46.7	502.7
17	1	0.5	46.7	502.7
18	1	0.5	46.7	502.7
19	1	1.7	49.25	530.1
20	1	1.5	45.72	492.1
21	2	1.1	86.35	929.5



- Notes**
- 1. Figures shown are to be taken from this drawing.
  - 2. Dimensions are to be taken from the finished floor level.
  - 3. All dimensions are to be taken from the finished floor level.
  - 4. All dimensions are to be taken from the finished floor level.
  - 5. All dimensions are to be taken from the finished floor level.
  - 6. All dimensions are to be taken from the finished floor level.
  - 7. All dimensions are to be taken from the finished floor level.
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  - 18. All dimensions are to be taken from the finished floor level.
  - 19. All dimensions are to be taken from the finished floor level.
  - 20. All dimensions are to be taken from the finished floor level.
  - 21. All dimensions are to be taken from the finished floor level.



## CELLAR PLAN

- Existing walls to be retained
- Proposed walls / Doorways to be filled in
- Existing walls to be demolished

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status: **PLANNING**

client: Davis Hughes

project: Elmfield House

title: Proposed Floor Plans

scale: 1:100@A1

date: DEC 2017

project no:	17133	drawn:	ZY	checked:	15	rev:	1
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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 26th June 2018**

<b>Application</b>	<b>4</b>
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<b>Application Number:</b>	17/00095/FULM	<b>Application Expiry Date:</b>	14th April 2017
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of 49 houses and associated infrastructure, access, parking and garages (full). Outline permission for relocation of bowling green and pavillion.
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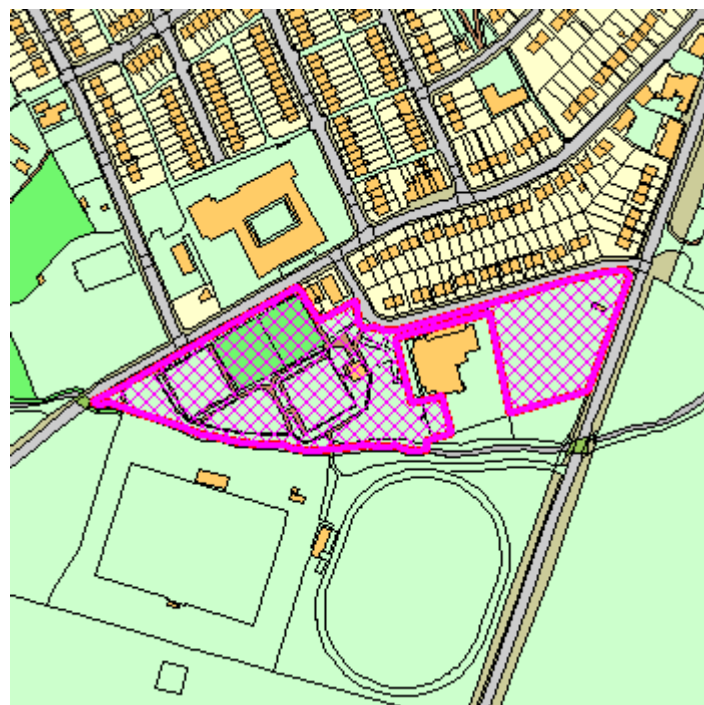
<b>At:</b>	Askern Miners Welfare Club And Institute Manor Way Askern Doncaster
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<b>For:</b>	Gleeson Homes Limited (Mr Brian Reynolds) And Askern Miners Welfare Institute
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<b>Third Party Reps:</b>	54	<b>Parish:</b>	Askern Town Council
		<b>Ward:</b>	Norton And Askern

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

1.1 The application is presented to committee due to the amount of public representations received in support and in opposition to the application.

1.2 The application was deferred from the 1<sup>st</sup> May 18 committee for site visit to assess the condition of the club, the condition of the surrounding land and character of the area to establish if any very special circumstances exist to overcome the harm to the Green Belt.

1.3 The application was presented to the 29th May 2018 committee. The application was again deferred to allow the preparation of draft planning conditions and to prepare draft S106 heads of terms to ensure that any monies from the sale of the land could be secured to achieve the upgrading of the Miners Welfare Club, should it be decided that very special circumstances exist to approve this development in the Green Belt.

## 2.0 Proposal and Background

2.1 This is a hybrid application that seeks full permission for the erection of 50 houses and associated infrastructure, access, parking and garages and outline permission for relocation of bowling the green and pavilion.

2.2 The majority of the proposed dwellings (i.e. plots 1-40) sit to the west of the Miners Welfare Club on the current open space that current hosts a bowling green and some disused and overgrown tennis courts. This sits between Sutton Road to the north and a stream to the south that separates the site from the cricket and football pitches. To the east of the Miners Welfare Club are plots 41-49 that front Manor Way.

2.3 The proposal is a departure from the development plan as the land is allocated as Green Belt and Open Space Policy Area.

### Changes since 1<sup>st</sup> May 2018 deferral.

2.4 Since being deferred from the 1<sup>st</sup> May 2018 committee there have been several corrections to the report and amendments to plans. The price Gleasons are paying for the land was wrongly reported by the applicant's viability assessment at £486,500 now amended to the correct figure of £405,000.

2.5 Unimplemented dwellings (800) referenced at paragraph 8.22 in the original report at is now reduced to 700 based on the latest figures.

2.6 The scheme has been amended to 49 dwellings by the removal of Plot 50. This along with revised landscaping proposals has overcome the tree officers concerns and reason for refusal 2 (trees) has been removed. Plot 49 dwelling type has also been amended to dual aspect given its now the corner plot.

2.7 The applicants confirmed that the £334,000 deficit listed is not suggesting the scheme makes a loss but that this is the amount the development will fall short of what is considered a reasonable margin, which is generally agreed to be 20%. The viability assessment has been revised based on 49 dwellings and taking into other recent changes and shows -£288,220 deficit. This has been assessed by the council's consultant who confirms it doesn't change the viability of the scheme. The actual profit (where the scheme

actually breaks even) is approximately 10% on gdv but when this is added to the overheads the figure is actually around 17%. A claw back agreement is still suggested.

### Changes since 29<sup>th</sup> May 2018 deferral.

2.8 The recommendation of refusal remains, however appendix 7 details the draft Section 106 Heads of Terms and appendix 8 the draft list of conditions should members find that very special circumstances exist sufficient to support the proposal.

## **3.0 Relevant site history**

3.1 The site has no relevant site history.

## **4.0 Representations**

4.1 The application has been advertised in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) Order by means of site notice, press advertisement (26.1.17) and individual neighbour notification.

4.2 6 representations in opposition have been received as a result, raising a number of concerns as set out below.

4.3 The Chair of Governors at Askern Spa Junior School and have noted 'that the intended access point for vehicles is directly opposite the bus stop for our school and as such would cause severe traffic congestion particularly at the beginning and end of the school day giving me and the school safety concerns for our pupils. Sutton Road is already problematic mainly at the end of school with parents cars awaiting collection of children and an extra junction will only make the situation worse. Whilst the proposed development is welcomed and alternative access should be sought.'

4.4 A petition objecting to the proposal has been received from the residents of Manor Way. This included 18 households, 34 signatures: The 18 households all live directly opposite the club.

- Infringement on privacy/overlooking and the development of this site will remove the ability of being able to watch family members play on the site.
- Loss of the open view our dwellings currently enjoy.
- Manor way is already oversubscribed with on street parking, this will worsen the situation
- Other non-material issues such as loss of view, loss of house value.
- Where can the children now play for free?
- Schools and doctors surgeries will be over crowded.
- Manor way will have to put up with noise traffic and inconvenience.

4.5 The representations in the objections raised similar concerns to those above:

- Does Askern really need another 50 new homes? Lots of houses already being built.
- Askern's services (schools, dentists, doctors) are already struggling, will these be improved to cope with the extra residents?

- Who is actually going to buy all these houses? Concerns re access to the new houses being built on Manor Way and Sutton Road and we will also lose the large grass play area which is used by local children in the summer months - we are losing all our green land/play areas that our children use to play safely. At this rate there will be nowhere for the children of Askern to play.
- Childhood obesity is at crisis point, removing areas where children can play and socialize will compound this.
- The facilities should be kept together and renewed and not built on...section 106 moneys from the other housing sites should be spent on this land.
- The scheme will impact on the privacy of residents on Manor Way, lead to a loss in outlook.
- Insufficient infrastructure to cope with the new houses proposed and in particular the drainage systems, which are prone to backing up in several areas located geographically higher positions in the estate.
- Putting the new bowling green in between the existing houses on Manor Way and the new ones would make more sense so both sets of owners would have a better outlook rather than looking at each other, plus the security of the green would be tenfold, rather than pushing it in a corner out of sight and open to vandalism.
- The roads leading to the site do not have capacity for more housing. Sutton Road and Manor Way are already congested at school times. The road is narrow and used as cut through.
- The area in question has long since been in dispute regarding land ownership and residents are yet to see any evidence this is resolved. This is in terms of whether the land is a public asset or owned by the club.
- Not every home has a parking space on Manor Way leading to an already congested on street parking scenario.
- Other non-material issues were raised such as 'will Council Tax increase to pay for all the extra services needed?', loss of house prices, loss of view to residents on Manor Way.
- Concern over the layout in relation to 'The Houlby Resource Centre' now named Marketing House, which is located on the corner of Manor Way due to it further segregates the car park and creates a micro cul-de-sac creating what will quickly become 'the place to hang out'. The yellow detailed fencing plan is 100% inadequate and will quickly be vandalised. Needs enhancing.
- Concerns the existing pathway, immediately off Manor Way, is to be maintained. This pathway is currently used by local vandals/drug users as an alleyway to the current derelict areas. This area will need large boulder style landscaping otherwise it absolutely will be victim to youth vandalism.
- Askern needs better shopping facilities not more houses.

#### 4.6 Support:

11 letters of support were received (2 representations from the same person). A petition in favour of the scheme was also supplied (122 signatures). The representations included letters from the secretaries of both the football and cricket clubs and members of a band which uses the facility. The comments were as follows:

- The development would be beneficial to the community, raise vital funds for the club and it will stop the anti-social behaviour on the site. The development will allow the club to make much needed improvements which will benefit all the community that use the club for family gatherings and sport facilities.



improvements. The welfare is the hub of the community in respect that it supports the community.

- There are many activities each week take part in and around the Welfare, Bowling, Cricket, Football, Snooker and Pool clubs, Darts teams, a Brass Band along with both children's and adult dancing classes, Blood Donation services take place each month. These are all provided as part of the Charitable Aim. The main room is also used frequently for charity evenings and private functions.
- The funds which would be realised from the sale of the land will allow the management committee to make much needed repairs to the main club building which is in quite a state of disrepair. There are sections of the building which are not used due to leaking roofs, these could be opened up for further use. The pavilion which houses the Cricket and Football teams is in dire need of renovation. The bowling green and clubhouse will be completely replaced in a more public part of the grounds improving the security no end.
- The land which is proposed to be sold is currently overgrown and basically wasteland. The new housing is welcomed and will provide an attractive development.
- There are no other sporting facilities within Askern like the ones at the Welfare. These are there for the use of the community.
- The welfare sports pitches are the only sporting facilities available locally and it would be a tragedy if these weren't to survive. The clubhouse is used by families young and old in association with the sporting facilities and this should continue through the generations.
- Membership of the club will increase as a result of the development leading to further improvements.
- The renovations will enable the band room to be reopened which is cold and winter, has a leaking roof, no heating and no cooling in the summer.

4.7 The application was advertised the first week of April to publicise the latest amended plans. 2 letters of objection were received which repeated the concerns stated above. 1 letter of neutral comment stated:

- “As shown on the plans access to the pedestrian entrance to the cricket/football ground (over the footbridge) will be maintained after construction, however this access must also be maintained during the construction period to enable safe entry to the facilities for those on foot.”

## **5.0 Askern Town Council**

5.1. The council is concerned whether there will be enough infrastructure to support the development such as the road system, school capacities, water and sewerage implications and traffic management during the construction and whether the development will interfere with the view of open green space.

## **6.0 Consultations Responses**

6.1 Public Health DMBC: Objection 'Out of the 88 communities in Doncaster, Askern is the 8th most deprived; just over a quarter of reception and year 6 children are obese; life expectancy for males and females is significantly worse than the Doncaster average, as is all age, all-cause mortality.

6.2 This area falls within the South Askern Lower Super Output area which has high rates of inactivity in relation to the rest of Doncaster, particularly for older people. People living in the most deprived areas are less likely to live near green spaces and will therefore have fewer opportunities to experience the health benefits of green space compared with people living in less deprived areas.

6.3 There is significant and growing evidence on the health benefits of access to green spaces. The benefits include better self-rated health; lower body mass index, overweight and obesity levels; improved mental health and wellbeing; and, increased longevity. There is a broad range of types of green space including natural and semi-natural urban green spaces and informal recreation spaces which characterises this area of land. Although the developer is relocating the bowling green there is still a significant loss of natural/semi-natural green space for informal use in an area where deprivation levels are high, physical activity levels are low and health outcomes are poor. Therefore, after due consideration the Director of Public Health opposes the development.'

6.4 Highways Transportation: No objections subject to conditions covering cycle parking and Electronic Vehicle charging points.

6.5 Housing Policy: Objection. 'General housing development would normally be inappropriate development in the Green Belt. However the National Planning Policy Framework states that the redevelopment of any part of the site that is brownfield is not necessarily inappropriate development provided the redevelopment has no greater impact on the openness of the Green Belt or the purposes of including land in it.

6.6 Its noted that the applicant describes the site as "largely brownfield". Apart from the reference to an area of hard standing which appears to cover a relatively small part of the site the assertion that the site is largely brownfield does not appear to be supported. The site does not have the appearance of a largely brownfield site.

6.7 The proposal seeks to cover most of the footprint of this currently open, and largely green in appearance, site with housing. The large miners welfare institute building is to be retained and is excluded from the proposal. It is difficult to see how this proposal would not have a greater impact on openness of the Green Belt than the current use and no such case appears to have been made. Without such a case being made and accepted the proposal constitutes inappropriate development.

6.8 If the proposal is inappropriate then it would need to be justified by very special circumstances. The case made by the applicants about the location for low cost housing does not amount to a case for very special circumstances.'

6.9 The housing team were reconsulted on the new very special circumstances report however did not change their initial view.

6.10 Environment Agency: Initially objected to the application based on the lack of a Flood Risk Assessment (FRA), however this was due to the FRA being submitted late. The FRA was later provided and sent to the EA who later withdrew their objection. Page 72

6.11 The application site lies partially within flood zone 2 (defined by the Environment Agency flood map) as having a medium probability of flooding. Paragraph 103, footnote 5 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.

6.12 The EA also noted that the council should satisfy itself that the flood risk Sequential Test has been undertaken in an open and transparent way, in full accordance with the National Planning Policy Framework and the National Planning Practice Guidance and the Council's adopted Flood Risk SPD, and that it has been passed. Evidence to support the Sequential Test should also be added to the planning file for the public record.

6.13 Air Quality: No objection based on the mitigation measures included in the amended Travel Plan.

6.14 Pollution Control: No objections based on the Phase 1 and Phase 2 Geotechnical and Geo environmental site investigation reports submitted by Eastwoods & Partners. The pollution control team raised no objections however required some clarification of some elements within the reports. This was provided by the Environmental consultants and satisfied the concerns raised within the consultation response.

6.15 Shire Group IDB: No objections subject to the surface water being satisfactorily controlled.

6.16 Internal Drainage: Objection to the drainage strategy, however noted that the strategy contained incorrect technical assessment and detail. This could be amended should the application be supported or conditioned.

6.17 Ecology: No objection to the revised ecological assessments (bat and water vole surveys), however an objection still remains given that the landscape buffer belt alongside Stream Dyke is inadequate and does not reflect the importance to the proposed development of this semi natural feature. Adequate open space and a landscaping scheme that complements the existing vegetation on site should have been included to provide some compensation for losses in biodiversity.

6.18 Yorkshire Water: No objections. 'Further detail required by condition regarding the surface water outflows from the site. The submitted Drainage Strategy (prepared by Shaun Tonge Engineering - dated January 2017) indicates; all surface water is to discharge to a infiltration /and or watercourse. This watercourse adjoins the site. Consent may be required to discharge into this watercourse from the Environment Agency, LA Drainage team and Internal drainage board. In terms of water supply additional off site mains reinforcements will be required to serve the development.'

6.19 Trees – Initial objection. Following the receipt of the tree survey and landscaping assessment the tree officer raised significant concerns with the proposal in that the development fails to retain and protect appropriate trees or provide replacement tree planting in accordance with the Council's adopted guidance and is therefore contrary to core strategy policy CS16: Valuing our Natural Environment. Amended plans were submitting removing plot 50, enhancing the landscaping scheme and amending tree protection areas, as such the concern was overcome.

6.20 Sport England: No objections as such as the proposal does not meet the need for statutory consultation, however consideration should be given to the following:

“If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 74 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place. If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes.”

6.21 Architectural Liaison officer: No objections but ‘would benefit from being built to Secure by Design standards. Other alterations which include new fencing heights, windows added to blank gables are suggested. These amendments have taken place, still concern over the quality of the windows and doors. This is conditionable in the event of an approval.

6.22 Design Officer: Initially raised concerns: ‘the relationship of several plots, blank gables, the urban house range is inappropriate, lack of detail on materials, inadequate boundary treatments, lack of parking and visitor spaces, garages too small to be counted as a parking space, lack of landscaping. Through several iterations of the plan these details were amended to the satisfaction of the design officer.

6.23 Highways: Initial objection to the scheme, with concern over the access being taken from Sutton Road in relation to the congestion caused by school start and finish times. Further, it was considered that the positioning of the bus stops may hamper access and egress to and from the main access point, with the bus stop outside number 50 and 52 impeding visibility for vehicles exiting the site. The highways officer also had issue with the general layout, turning areas, visibility splays, garage sizes, lack of parking generally.

6.24 The concerns were continually addressed by the submission of amended plans which relocated the access further west. The amendments satisfied the highways officer.

6.25 Open Space: The proposal is contrary to policy in that it leads to the loss of open space. Whilst the proposed bowling green replaces the loss of the old green and provides an enhanced facility, this does not compensate to the wider informal land lost. No all open space is of value to the community and the applicants have completed a consultation exercise within 600m of the site. The consultation demonstrates limited public interest in the site with regards to Public Open Space, with just seventeen responses that were complete enough to assess, of which more people supported the proposal than opposed it (59% to 41%). This is given moderate weight in support of the loss.

## **7.0 Relevant Policy and strategic and context**

The site is allocated as Open Space Policy areas washed over by Green Belt as defined by the Doncaster Unitary Development Plan 1998. The Open space designation encapsulates the entire site.

National Planning Policy Framework; The NPPF establishes 12 ‘Core Planning Principles’ to underpin plan-making and decision taking.

The statutory development plan for Doncaster currently comprises the Local Development Framework Core Strategy (adopted May 2012), and the saved Policies of the Doncaster Unitary Development Plan (adopted 1998) (including the Proposals Map). Relevant policies:

Policy CS1 Policy CS2 'Growth and Regeneration Strategy'  
Policy CS 3 'Countryside'  
Policy CS4 'Flooding and Drainage'  
Policy CS 9 'Travel Choice'.  
Policy CS10 'Housing Requirement, Land Supply and Phasing'  
Policy CS12 'Housing Mix and Affordable Housing'  
Policy CS14 'Design and Sustainable Construction'  
Policy CS16 'Natural Environment'  
Policy CS17 'Providing Green Infrastructure'  
Policy CS18 'Air, Water and Agricultural Land'

Doncaster Unitary Development Plan;

The key saved policies of the UDP relevant to the current application are considered below:

ENV 3 - Green Belt.  
Policies ENV21 and ENV59  
RL1 & RL 4 - Open Space.

Doncaster's Supplementary guidance - Doncaster Council's Development Guidance and Requirements.

## **8.0 Planning Issues**

### Main Issues

8.1 The main issue to consider is the principal of development within the Green Belt, if inappropriate whether they are any very special circumstances demonstrated that overcome the harm by reason of inappropriateness. In addition the impact on the character, openness and appearance of the Green Belt, the loss of Open Space, impact on surrounding land users, design and layout, flooding, planning obligation contributions/viability, impact on highways, drainage, ecology and trees.

### Principal of development

8.2 The site is designated Green Belt and Open Space Policy Area in the Doncaster Unitary Development Plan and is therefore subject to national as well as local policy on both these issues:

8.3 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; safe guarding the countryside and to assisting in the urban regeneration of recycling derelict and urban land. The essential characteristics of Green Belt are their openness and their permanence. Local policy contained within Core Strategy CS3 seeks to protect and enhance Doncaster's countryside and when considering land within Green Belt, national policy will be applied.

8.4 National Policy (NPPF) paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. The NPPF provides that “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.”

8.5 The NPPF, paragraph 89 further states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt; then goes on to list a set of criteria as exceptions to this:

- 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; or
- 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.

8.6 Paragraph 88 of the NPPF states" When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

#### Brownfield Status of the Land

8.7 The applicant describes the site as "largely brownfield". The site is considered to be Greenfield except for a relatively small area of hard standing near the club (which in fact is not shown to be redeveloped) and the site of the small pavilion that is being demolished. The green and open nature also makes the site have the appearance of Greenfield and the site does not have the appearance of a brownfield site. The dispensation in Green Belt policy to redevelop brownfield sites therefore does not apply. The proposal is therefore regarded as inappropriate development.

#### Openness/encroachment

8.8 One of the key considerations in the assessment of Green Belt sites is to assess the impact of the scheme on the openness of the Green Belt and consider whether encroachment occurs. The redevelopment of 49 dwellings will significantly have a greater impact on openness simply by virtue of the amount of sq ft of development, 2 storey massing and infrastructure. The site is currently open and largely green in appearance and largely devoid of buildings and structures (except for the bowling pavilion). The proposal to redevelop the site's entire land mass with residential dwellings will have a greater impact on the openness of the Green Belt than presently exists. Page 76

8.9 The applicant states that the village's natural boundary is the stream to the south of the site, however, this isn't evident on the ground or from any views from the south. The village boundary is the extent of the existing urban form, which in this case is punctuated by the existing club, however the proposed development will extent to the south of the and to both its sides. Officer's view is that the proposed development will encroach into the Green Belt by creating an extension of the settlement and thus contrary to two of the purposes of including land within the Green Belt i.e. openness and encroachment.

#### Very Special Circumstances case

8.10 It is agreed by all parties that the proposal represents inappropriate development within the Green Belt. It is therefore necessary to consider if there are any very special circumstances that outweigh this harm.

8.11 The applicant maintains that it does not have the finances to maintain and safeguard the future of the club. They claim (through a planning statement) that this lack of money for such purpose constitutes a very special circumstance sufficient to outweigh the significant harm to the Green Belt.

8.12 The planning statement also questions whether site is fulfilling a Green Belt function, and discusses where the applicant considers the natural boundary of the village. These arguments are given limited weight as the land is allocated as Green Belt and must therefore be assessed as such.

8.13 The planning supporting information points out that the NPPF paragraph 69 states: "The planning system can play a role in facilitating social interaction and creating healthy, inclusive communities". This is a wide overarching statement, and whilst the approval of this proposal might assist with the long term future of the club (there is no guarantee this would occur). Whilst the club is a registered charity, it is a private members club and not a facility open to the community at large, thus it is not considered to be inclusive to all. Further, the proposal causes other harm and is contrary to other national policies which have to be assessed in the round and in the public interest.

8.14 The NPPF also states that planning decisions should guard against the loss of such facilities to ensure they are retained for the benefit of the community. This case is slightly different as this planning decision is not to demolish the club, as it's specifically excluded from the application, and in any event the club is not considered to be facility open to all of the community, thus the public benefits are limited.

8.15 The applicant has undertaken a financial appraisal of the business and a comprehensive and costed building condition survey by an independent Quantity Surveyor, and provided accounts for the financial year March 2016 to March 2017. The survey establishes the extent of the required repairs and the likely future maintenance at the club. The report identifies 'essential works required immediately' and other refurbish works. This has been costed and confirms that in order to bring the Club to a reasonable basis state of repair will be £182,535 of work immediately and refurbish the building to somewhere close to its potential maximum functionality an additional £651,940 would need to be spent over the next 5 years. The council has had sight of these however has not had them independently assessed.

8.16 The submitted accounts show that the Miners Welfare Club currently makes a modest profit. The applicants state that the profits along with minimal cash reserves are inadequate to support the level of funding required for long term maintenance. The current

position is said to be unsustainable in that almost all profits are required to undertake day to day 'sticking plaster' repairs to the building.

8.17 The club generates its income through bar takings and ancillary items /activities all of which rely completely on the premises being in a suitable condition. Over the last couple of years the club has been able to contribute approximately £30,000 to the Welfare Scheme through profits generated. The club has no tangible assets on which lending or additional income could be generated.

8.18 The c£30,000 generated by the Club provides the majority of the unrestricted income of the Welfare Scheme. The income generated by the sporting sections (cricket, bowling etc) generally appears to be covering the expenditure of those sections and is not significantly contributing to the Welfare. It can be assumed that the £30,000 per year from the Club will continue to be the main source of income, however given the need for an immediate £180,000 spend on the club this is x6 the annual contribution from the club. The only asset the Welfare Scheme has is the free hold property on which no mortgage could be obtained. There are no other assets which could be afforded as security to raise the necessary funds for the refurbishment work. The applicants claim the current hand to mouth repair work is unsustainable and failure to refurbish the building will result in the Clubs takings and contribution to the welfare scheme diminish and lead to the eventual loss of the facility. The financial results for the year ending 31.3.16 and 31.3.17 record the club investing almost £40,000 in short term repairs. Any significant event like storm damage would be a major issue as the club has no cash reserves. The council is however unaware if the building is insured (presumably is it) to cover such costs.

8.19 The very special circumstance report states the major investment in the fabric of the building would be in the roof, catellated walls and hard wiring of the building to ensure it remains useable for the next 30-50 years. The report suggests without the additional investment there is little potential for the Club to improve. With a deteriorating structure and no plans for funding the viability of the club is poor. Sections of the building could become in habitable. The lack of investment will deter users thus reducing profits meaning the clubs position will become terminal. The land sale would not meet the full cost of refurbishment, it would allegedly put the club on a sound footing with a fully functioning building. Future profits could then be directed into refurbishment to further increase usage and profitability and allow parts of the building to be reopened which are currently out of commission.

#### Club upgrades

8.20 The Report by Richard Fletcher (Elemental costing) sets out £834,475 of works to be done which relate solely to the refurbishment of the club and car park area. There is no costing for the new bowling green, pavilion or any other upgrades to the football or cricket facilities.

#### Officer's analysis of the issues raised

8.21 Having assessed the accompanying reports it is clear that a financial investment into the club could go some way to ensuring the buildings maintenance and long term retention and refurbishment, as well as possibly providing an enhanced bowling green. Officers are however not persuaded by the arguments in relation to the advantages of 49 additional dwellings, housing land supply issues and claim that given the location next to the settlement, small scale nature of the scheme means the harm to the Green Belt is mainly non-existent.



8.22 The section on purposes of the Green Belt in the planning statement would be relevant to an argument for exceptional circumstances for taking land out of the green belt through the local plan process but does not itself make a case for very special circumstances for allowing this development within the Green Belt. The Green Belt Review nevertheless finds that the Green Belt in this location is performing very well against some of the Green Belt purposes. It would not be possible for it to perform well against all the purposes.

8.23 This is not accepted by the Council that any of the applicant's listed benefits of the proposal constitute very special circumstances. Likewise officers do not think that permitting an urban extension into a Green Belt site will assist urban regeneration. Askern already has many (700) dwellings in (*amended from 800 in previous report based on Residential Land Availability report 16/17*) unimplemented permissions for housing on urban brownfield and greenfield land that does not involve extending outwards into the Green Belt. This amounts to around 5 times Askern's identified housing needs over the whole of the new plan period (2015-2032) set in the context of an objectively assessed housing need. The Core Strategy does have a much higher housing allocation for Askern in the form of a housing range and made in the context of the now out of date and non-objectively assessed RSS housing target; nevertheless the scale of the unimplemented permissions is towards the top end of that housing range figure. There is no need for new housing permissions in the Green Belt and so a very special circumstances case based around the need for housing falls.

8.24 Even if it is correct that there was a lack of money to maintain the club it is not considered that this is a factor capable of rendering inappropriate development acceptable. Substantial weight must be given to any harm to the Green Belt, as set out in the NPPF, caused by the potential development. The maintenance of the Welfare Club is not considered capable of being a factor in favour of the application that outweighs the harm to the Green Belt.

8.25 The reports touch on alternative funding streams and suggest there aren't any but doesn't investigate any grant funding options or consider what alternative less impactful options for the development of the site have been considered. It does not satisfactorily justify the scale of the incursion into the Green Belt against the scale of benefits to be generated or the scale of the monies needed to save the institute. The arguments about tired land uses and vandalism do not constitute very special circumstances as with investment all the tennis courts and bowling greens could be enhanced. If this land is developed this open area would be lost forever.

8.26 The proposal asks the council to accept that there is "an absence of other funding streams" and that "the only potential and practical way forward" is redevelopment of the whole site. No evidence has been provided to demonstrate that a partial, less impactful, redevelopment would provide insufficient funds. Could the club be reduced in scale to make it more sustainable and would less dwellings achieve this. Likewise there is no assurance provided that the money from the development would be used in the club or that the club would be open to the public at large. As such, no weight can be given to this argument.

8.27 In addition the elemental costings indicate £834,475 is required solely for the refurbishment of the club which is significantly more than the applicants are paying for the land (£405,000 corrected from the £486,500 in the original report 1<sup>st</sup> May 2018). Therefore the scheme would only go roughly half way to funding the required works and no provision is made for any improvements of the cricket or football facilities or bowling green/pavilion construction. It is unclear from the information submitted page 79 what is going to develop the bowling green and no costings have submitted for this. This however may be

funded through the clubs existing funding streams and future enhanced profits. The improvements are limited to the club and many of the improvements would not be evident to non-users of the club, however the harm to the Green Belt and the approach to Askern would be for all to see.

#### Public Open Space:

8.28 This site is allocated in the UDP as Open Space Policy Area and is recorded as site no. 442, Askern Miners Welfare, in the 2013 Green Spaces Audit. The relevant policy RL1 in the UDP which states:

“Within open space policy areas, as defined on the proposals map, development will not be permitted, except in exceptional circumstances, for purposes other than outdoor recreation and ancillary indoor facilities; allotments; nature conservation or cemetery uses. Such development as is permitted, including ancillary built facilities, will only be acceptable where:

- a. There is no significant loss of outdoor playspace, and
- b. The visual amenity of the space is retained and where possible enhanced through the protection of important areas, vistas and frontages and careful attention to detailed design and layout, and
- c. The environmental/ecological value of the open space is retained and where possible enhanced through the retention of existing trees and other important habitats and through appropriate landscaping.

8.29 Development for other purposes will only be permitted in exceptional circumstances or where sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site and provided that an alternative provision is made which is of at least the equivalent community benefit and which meets the requirements of the borough council in terms of quantity, quality, nature, location and implementation mechanism/timescale.”

8.30 Core Strategy Policy CS17, Green Infrastructure states: Doncaster’s green infrastructure network (including key green wedges) will be protected, maintained, enhanced and, where possible, extended.

8.31 The proposal is therefore contrary to these policies as the proposal will involve the loss of a significant amount of open space, the amenity space will not be enhanced as it will be developed on and there will be no significant other enhancement works to the existing sports facilities. The proposal will also involve tree loss. Whilst this is part of a wider open space area, the area loss will not be compensated for by the equivalent community benefit, with the exception of the replacement bowling facility.

8.32 However Doncaster Council’s Development Guidance and Requirements: SPD (Para 7.8) acknowledges that, whilst the council resist the loss of open space, especially in deficient areas (Askern Community Profile Area, where this application is sited, is deficient in 2/5 open space typologies: informal Open Space and Woodlands and Nature Conservation Areas), there is also an acknowledgement that not all open space is of value to the local community.

8.33 NPPF paragraph 74 states that: “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

8.34 To establish the value of the open space and to understand how it's used the applicants undertook a public consultation exercise to households within a 600m buffer zone of the site to assess if the local community attached any value to this site as an area of open space. The consultation demonstrates limited public interest in the site with regards to Public Open Space, with just seventeen responses that were complete enough to assess, of which more people supported the proposal than opposed it (59% to 41%). The assessment was however relatively small given the size of Askern and the potential number of inhabitants that have access to the site. It may also be the case that the open space isn't used due to the condition and lack of facilities it has.

8.35 The council's open space policy officer stated that support could not be given to the proposal according to policies RL1 in the UDP and CS17 in the Core Strategy, however the impact of the loss and its lack of current usage are a factor. Officers suggest this is given moderate weight in support of the proposal.

8.36 Sport England did not object to the scheme providing the loss was considered, however the council's Public Health team were very much in opposition to the scheme and suggested all forms of open space be retained in order to promote and enable physical activity. On this basis whilst this part of the open space is not well used, this is because of its condition and lack of facilities. The development of this site would lead to its permanent loss which would be irreversible.

8.37 The proposal envisages a new bowling green and pavilion however, it is unclear how, when or by whom this would be provided. If this isn't replaced immediately it would lead to a further loss of the facilities and bowling club. If supported, the proposal would provide a new relocated bowling green (which would need to be secured by a legal agreement) and would require full or reserved matter planning permission. Again this is given moderate weight in favour of the scheme.

#### Statement of Community Involvement.

8.38 The applicants produced a statement of community involvement mid-way through the planning process in line with the Localism Act 2011 and para 188 of the NPPF. This included a leaflet drop, where direct questions were asked regarding the usage of the open space.

8.39 A series of other general questions were asked in terms of whether support was indicated for the redevelopment of the site. Many of the questions added little value to the overall discussion as they were leading questions and the applicants have no control over certain issues like tenure or controlling private rented housing. Likewise the issue of social housing isn't qualified as to the type and reference to local people is again uncontrollable. The most pertinent point was the issues of funds from the development being used to upgrade the club, however no detail of the amount was given so respondents could assess the balance of the money v's the improvements.

8.40 A community event was held on Wednesday 1st March 2017, at Askern Miners Welfare Club and was attended by approx. 25-30 local residents primarily the residents that live opposite the site and one ward councillor. In total 18 residents completed the questionnaire (2.5% response rate).

8.41 The applicants consider that the general feedback for the development as a whole was positive, particularly for the main body of the site, but with a resistance to the development on the Manor Way frontage.

8.42 The conclusions from the exercise, is that the majority of the concern is the loss of the open space in Manor Way. The recurring themes are loss of views, impact on house values and the ability of local infrastructure to cope with the demand arising from the proposed development. In terms of the open space survey, the majority of respondents live close to the site and the majority do not use the site for any open space purpose with twice as many not using the site as use it for any stated purpose. Its evident many people do not use the space due to its condition, however this could be improved if funding was available.

### Flooding

8.43 Paragraph 99 of the NPPF relates to Flood Risk and the related environment stating that: 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.' Policy CS 4 of the Core Strategy requires flooding to be taken into account.

8.44 A flood risk assessment (FRA) has been submitted and the Environment Agency raised no objections to this. The FRA denotes the site is only marginally affected from flooding. The development is classed as being 'More Vulnerable' in accordance with table 2 of the Technical Guidance to the National Planning Policy Framework (NPPF). Site A (west of the welfare) is mainly in flood zone 1, with the margin adjacent to the stream being flood zone 2, with zone 3 being confined to the Stream Beck channel. Site B east of the welfare is wholly within flood zone 1 except for the margin that follows the street, however no development is proposed in this part. The Strategic Flood Risk assessment shows no history of the site flooding and was unaffected in the June 2007 floods. The site is not an active flood plain and has a 0.1 -1% probability of flooding annually. The flood maps are shown within appendices 2-3.

8.45 The FRA recommends flood risk management measures should be implemented into the design and construction of the dwellings.

8.46 In terms of the sequential test this isn't required for sites within flood zone 1, which in this case is the majority of the site. The south and western corners of the site lie within Zone 2. The applicant has provided a flood map overlay which shows 7 out of the 49 dwellings lie within zone 2, and 3 gardens, so 10 dwellings in total. On this basis it is unreasonable to make the applicant undertake a sequential test, as there would be issues concerning the area of search given the proposal are outside the settlement and particularly given the recommendation of refusal.

8.47 Likewise no exceptions test has been submitted. In accordance with paragraph 102 of the NPPF for the Exceptions Test to be passed (i) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood

risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and (ii) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

### Drainage

8.48 In terms of the sites drainage, the proposal will increase the impermeable area to the site and it is therefore necessary to ensure the existing surface water system has the capacity to accommodate any increase in surface water discharge from the site. The surface water will be disposed of via a soakaway. The soakaways capability would have to be assessed through percolation tests which could for a drainage condition. Surface water could also be discharged to the water course to the south of the site and consent from the IDB would be required.

8.49 In terms of foul sewerage, this will go to the 300mm combined sewer on Sutton Road, however an upgraded pumping station will be required to pump the flows uphill to the sewer. This is to be located at the rear of the Miners Welfare in the car park and will replace the clubs current facility.

8.50 The council's internal drainage officer objected to the application based on the submitted drainage strategy which was both inaccurate and failed to consider several key considerations. However given the recommendation and the fact that drainage matters could be conditioned this matter should not hold up the determination of the application.

### Trees and Landscaping

8.51 Core Strategy policy CS 16 (D) states that proposals will be supported which enhance the borough's landscape and trees by ensuring that design are of high quality, include hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness and retaining and protecting appropriate trees and hedgerows. Policy ENV 59 of the Doncaster Unitary Development Plan seeks to protect existing trees, hedgerows and natural landscape features.

8.52 Following the receipt of the tree survey and landscaping assessment the tree officer raised significant concerns with the proposal in that the development fails to retain and protect appropriate trees or provide replacement tree planting in accordance with the Council's adopted guidance (the Development Guidance and Requirements Supplementary Planning Document) and is therefore contrary to core strategy policy CS16: Valuing our Natural Environment (sub-section D4).

8.53 Overall, the Arboricultural Impact Assessment (AIA) submitted with the application has been rather generous in its assessment of the quality of some existing trees within the site. However, it has been undertaken with full knowledge of the site layout (section 1.2), which is contrary to the recommendations of BS5837, which states that it should be completed and made available to designers prior to and/or independently of any specific proposals for development (section 4.4.1.1). The purpose of an AIA is to identify any material constraints arising from existing trees that merit retention and, along with any other relevant baseline data, should inform feasibility studies and site layout design options. Whilst the AIA makes a fair assessment of the potential impacts on existing trees (section 3.4) it fails to afford appropriate weight to the trees affected in its suggested mitigation (section 4.0). Specifically G3 – 6x London plane trees.

8.54 As proposed, these trees will dominate the garden of plot 50 and significantly constrain the garden of plot 49 from first occupancy, which will result in pressure for disfiguring pruning or removal, a problem that will be exacerbated by the failure to allow for future growth of the trees. These trees are a visually prominent feature in the streetscene at this main entrance into Askern and they merit the category B status afforded to them by the tree survey. The suggested mitigation of reducing the crowns of these trees to fit the proposed site layout does not afford appropriate weight to these trees as set out in adopted guidance. Consequently, amendment of this area of the site layout is required to enable retention of these trees to maturity to provide their full range of potential benefits.

8.55 Following deferral from the 1<sup>st</sup> May committee, plot 50 has been removed which pulls the development away from the London Plane trees. The applicants have also amended the landscaping plan to increase tree quality and numbers. Finally the plans have increased root protection zones to overcome initial concerns. As such reason for refusal 2 (Trees) from the 1<sup>st</sup> May committee report is omitted.

8.56 Other discussions were held with regards to the 12x rowan trees on Manor Way. Whilst these trees are clearly visible in the streetscene they are of low quality and the tree officer agreed could be removed and replaced with healthy, young specimens. Again if the scheme was to be supported, the landscape scheme could provide this replacement planting.

### Design and Layout

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

8.58 The application was accompanied by several documents which sought to explain the design rationale, some of which were updated and amended as the application progressed. The applicants wanted a scheme which addressed all the normal design requirements should support be offered to the scheme in principle.

8.59 The site is split in two parts with plots 1-40 to the west of the club and plots 41-49 to the east fronting Manor Way. The dwellings are conventional in their style and aimed at relatively small low cost housing with 11 different house types. They are all 2 storey's in height and the density of 24 dph is not considered an over intensive development of the site. This site has no green space within the development, however is surrounded to the south by the recreational area.

8.60 The various iterations of the site layout have mainly been to address highway and design concerns with the original layout. For instance the access to the site has changed moving from Manor Way to Sutton Road. The house type range has changed from urban to rural, materials schedules were added showing the majority of the dwellings having red facing brick as their main material facing existing streets. In addition boundary treatments were upgraded, the overall layout amended to address poor relationship issues, garage sizes increased, visitor parking added and landscaping to plots 41-49 included. Discussions were also held over the retention of the frontage boundary walls to Manor Way and Sutton Road, however it was accepted that this isn't critical to the scheme and conditions could be added to retain the Sutton Road wall if the development is supported.

8.61 On the whole the design and layout of the scheme as a conventional housing site works and raises no undue concerns in terms of overlooking and functionality. The proposal is on the fringe of the settlement and would benefit from a lower density and an enhanced landscape buffer to the south, however it does sit alongside development to the north with a similar density. Full landscape details are still yet to be provided but this again could be conditioned (pre-commencement) if support is offered, which would in turn help soften the impact of the built form in this semi-rural location.

### Planning Obligations and Viability

8.62 Paragraph 203 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. The NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

8.63 In paragraph 204 it is stated that planning obligations should only be sought where they meet all of the following tests;

1. necessary to make the development acceptable in planning terms
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

The statutory test is also set out in the Community Infrastructure Levy Regulations 2010.

8.64 Paragraph 205 of the NPPF states that where obligations are being sought, 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.

8.65 The application was supported by a HCA viability assessment which was said to generate a 'deficit' of -£315,871 thereby indicating that the provision of additional planning gain would render the site financially unviable. The applicants later clarified that the deficit listed is not suggesting the scheme makes a loss but that this is the amount the development will fall short of what is considered a reasonable margin, which is generally agreed to be 20%.

8.66 The applicants supplied a revised viability assessment which considers the 49 dwellings and certain other changes to the layout recently made. This still shows a -£288,220 loss, meaning no planning gain is possible. This has been assessed by the council's viability consultant, who indicates that this changes very little in terms of viability. The actual profit (where the scheme actually breaks even) is around 10% on gdv but when this is added to the overheads the figure is actually around 17%.

8.67 The scheme meets the triggers for affordable housing, public open space provision and education contributions. The highways transportation team does not consider the development will impact on the local highway network and therefore require no highway improvements of sustainable travel contributions. There is also no biodiversity off setting required.

### Affordable Housing

8.68 New housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support mixed communities. To accord with policy CS 12 of the Core Strategy, the scheme should

provide 26% on site affordable housing, as more than 15 dwellings are proposed. The proportion, type and tenure split will reflect the latest Strategic Housing Market Assessment.

### Public Open Space

8.69 Core Strategy Policy CS 17 states that proposals will be supported which have regard to local standards and opportunities, and help to address deficiencies, by making an appropriate contribution to sport, recreation and related community uses by providing suitable and appropriate, on-site (or an equivalent contribution towards off-site contribution). Green space provision is identified using the 2013 Green Space Audit. This re-audit evaluates deficiencies by community profile area.

8.70 The development of this site will actually lead to the loss of an area used for recreation, albeit this is privately owned by the institute it is used informally for recreation. The ethos of the welfare is also a community based facility and access to the public has always been maintained across the site. The scheme does include the provision of a new bowling green and pavilion in outline form, however no details of how or when this would be applied for and built have been provided. This could therefore mitigate the loss of the current bowling green, however uses the informal green space off Manor way which is used on occasion for other sporting events. The old tennis courts have been overgrown for a number of years and therefore the redevelopment of this area will not lead to the loss of the current facility that is in operation. The tennis courts are however not used due to their condition and could easily be enhanced. The redevelopment of the space for housing would mean the ability for them to be renovated would be lost forever.

8.71 To conclude the proposal provides no additional bespoke contributions to Public Open Space, provides no direct enhancement of the cricket or football facilities, however does include the provision of a new bowling green and pavilion). It however remains unclear how and when this would be delivered given the extent of the works involved on the Miners Welfare building.

### Education

8.72 Policy CS 1 (A) of the Core Strategy states that as a means to securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported which contribute to the Core Strategy objectives and in particular provide opportunity for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities.

8.73 The proposal meets the trigger for such a contribution as such, the Education team have been consulted and have identified that there is a deficiency in secondary school education of 8 places. It is requested that a commuted sum of £146,376 be provided to increase capacity at Campsmount Academy. The viability assessment undertaken (discussed below) suggests the scheme can make no such contribution.

### Viability

8.74 The purchase price of the land has been agreed by the applicants and landowners at £405,000 (£8265 per plot based on 49 dwellings). The applicants have based this price on similar amounts paid for land within Askern i.e. Selby Road which commanded £6,500 per plot which would equate to £318,000 (based on 49 dwellings) for the Miners Welfare site.



8.75 This price has been agreed without any marketing and is considered low when assessed by the council's estates team and against other greenfield sites. The council's estate team suggested as a rough guide the land should achieve anything from £200,000 to £250,000 per acre – if it was marketed nationally. At 5.2 acres this would be over £1 million. The applicants suggest land values of £200-250k per acre may be aspirational at the moment in Askern, and that might be a reason there a few development sites which remain undeveloped locally.

8.76 It has also been confirmed that the applicants have no overage clause with the institute to cover increased sale price profits, as this may impact on viability. The applicants suggest it's the ethos of the company to not raise values as they are a low cost provider. The Gleeson site at Hilton Park, Askern is selling well and prices are not increasing.

8.77 The viability was independently assessed by the council's consultants (Adams Integra) that concurred with the applicant's assessment. The build cost of £75 per ft<sup>2</sup> is a fair assumption. The construction costs of £718,257 which include some abnormal costs compares well with BCIS figures and is a fair and accurate reflection of the costs involved. The sales values average out at £145 per ft<sup>2</sup>. Askern is a particularly low value area and the sales values accurately reflect the current market for this area at this time. However it is likely that a new build scheme, such as this, of 49 family houses will attract significant interest from investors as this is a particularly buoyant area for rented properties. It is likely that the developer will see much higher sales values than can be demonstrated at this point in time.

8.78 The council's consultant has concluded by stating "The approach taken in this study follows the well-recognised methodology of residual land valuation (RLV). Put simply the residual land value produced by a potential development is calculated by subtracting the costs of achieving that development from the revenue generated by the completed scheme. The results of the RLV are then compared to the existing use value (EUV) of the land if the RLV is more than the EUV then the scheme produces a surplus and is viable if not then there is a deficit and the scheme is not viable."

8.79 The consultant carried out an HCA DAT appraisal of the current scheme using the input values described above for the scheme with 26% affordable housing and this shows a deficit of £334,000 which demonstrates that the scheme is unable to support the full policy compliant requirement.

8.80 The consultants then carried out a further residual land valuation of the scheme with no affordable housing. This showed a deficit of £116,000 which concludes that the appraisal demonstrates that the scheme is not able to support a contribution towards affordable housing or any other S106 contributions.

8.81 The appraisal shows that the scheme is not viable even without any Section 106 contributions. This was put to the developer as to why they are pursuing this development, and willing to pay a sum of £485,500 for the site, when it appears to be "unviable". The applicant's stressed they are developers of low cost homes for local people, many moving from social rented properties into home ownership. The whole ethos of the Company is built around this premise. "Where sites work to somewhere close to our parameters or are otherwise marginal, they will take a decision at Board level as to whether a site should be developed." This is a very unusual situation as no developer would start work when values are shown as negative.

8.82 Following deferral from the 1<sup>st</sup> May committee, the applicant has since clarified that the £334,000 deficit listed in the viability report is not suggesting the scheme makes a loss but rather that this is the amount the development will fall short of what is considered a reasonable margin, which is generally agreed to be 20%. The viability report has been recently amended by the applicants to take account of the reduction in units from 50-49, amend the correct site purchase price (£406,000) and to reflect the amended layout and house type changes. The loss is now shown at -£288,220, however this is still 10% on gdv but when this is added to the overheads the figure is actually around 17% as stated by the council's viability consultant.

8.83 The consultants advised that should the Council be minded to grant planning approval then the scheme finances should be monitored in terms of build costs and sales revenue so that any increase in viability can be clawed back by the Council should the actual sales revenues increase from those proposed by M J Gleeson. For instance a 10% increase in the sales values, for example, would result in a surplus of £279,000 which would then result in the scheme being able to make a contribution towards affordable housing / S106 contributions. Given the recommendation of refusal this is not relevant, however would be if members supported the scheme. An overage clause would need negotiating in a Section 106 agreement.

#### Ground Conditions/Air Quality

8.84 Paragraph 120 of the NPPF states: 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.' Paragraph 121 of the NPPF states: 'Planning policies and decisions should also ensure that:

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

8.85 Core Strategy Policy CS18: Air, Water and Agricultural Land, seeks to ensure that Doncaster's air, water and land resources will be conserved, protected and enhanced, both in terms of quantity and quality. Specific attention is made to the risks to ground conditions arising from contamination or previous land uses. The policy confirms that proposals will need to incorporate measures to prevent, control and reduce air and water pollution and mitigate any ground instability.

8.86 The applicants produced a phase 1 desk study with the submission which was assessed by the council's pollution team and this was followed by a phase 2 assessment. The council's pollution control officer concurred with the recommendations of the above reports, however did require clarification on certain elements which were later supplied and satisfied any initial concerns. This concludes that the redevelopment of the site will be safe for new residential uses providing the mitigation measures outlined in the report are undertaken.

8.87 In terms of Air quality, the application did not contain any assessment of air quality and is regarded as a medium classification development and mitigation needs to be considered. This was requested of the developer. The medium development means no air assessment is required, however some type 2 mitigation is required. These measures were included in a revised travel plan and addressed the concerns highlighted over Air Quality/ Emissions.

### Highways

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

8.89 The proposal involves two separate parcels of land. The land to the east of the Welfare is a row of linked dwellings with roll on roll off parking onto Manor Way. To the west is the larger development consisting of 40 dwellings. Within the pre application layout, the applicants' initially had direct access onto Sutton Road (C223) for several properties; however this is a classified road and would require turning. This proposal now plans an estate access slightly staggered from Alfred Road. The estate shows a series of turning heads and private drives to serve plot 1-40.

8.90 The highway layout was the subject of several discussions about the location of the access as concern was raised concern from residents and representatives of the school, as conflict may exist at the beginning and end of the school day due to the position of the access. Sutton Road is said to be already problematic mainly at the end of school with parents cars awaiting collection of children and an extra junction will only make the situation worse.

8.91 The council's highway team acknowledged this concern and had particular issue with other elements of the early designs, which included the design of shared private drives, inadequate turning areas, visibility splays, highway geometry, garage and driveway dimensions.

8.92 The applicants suggested traffic calming and the movement of the bus stop, however these were not supported. It was instead agreed to move the access further west with a stagger to Alfred Road. Amended plans were received, which satisfied the highways officer and accorded with the councils parking and turning standards. The highway officer recommended a series of conditions should the application be supported covering the highway design, the need for road safety audits, Construction Traffic Management Plan and the need for bound driveway materials.

### Highways Transportation

8.93 The Transportation team have also been consulted on the proposal and have reviewed the Transport Statement in support of the application. The transportation officer found the trip generation and modal split rates acceptable and robust. The development is not considered to have a severe impact on the surrounding highway network and no objections are raised. No additional off site highway improvements are necessary also. The officer recommends two conditions should planning permission be granted covering dedicated cycle storage to be provided within the curtilage of each dwelling and electric vehicle charging provision for the dwellings.

## Ecology

8.94 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment, in regards to: valued landscapes, ecosystem services, biodiversity, pollution, and contaminated and unstable land. Paragraph 118 of the NPPF states Local Planning Authorities should aim to conserve and enhance biodiversity and outlines a number of principles which should be applied, including 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

8.95 Core Strategy Policy CS16: Valuing our Natural Environment, seeks to ensure that Doncaster's natural environment will be protected and enhanced. Policy CS 16 (A) of the Doncaster Council states that proposals will be supported which enhance the borough's Ecological Networks by: (1) including measures that are of an appropriate size, scale, type and have regard to both the nature of the development and its impact on existing or potential networks.

8.96 The application was supported by an ecological survey by Wildlife Discovery. The council's ecologist raised concern that the stream to the south of the site was said to be devoid of vegetation, but this had been recently dredged by the local drainage board. The stream prior to this was richly vegetated and suitable for aquatic mammals and invertebrates.

8.97 Further surveying was needed to check if water voles have colonised the areas adjacent to the proposed development. Also a further preliminary bat roost assessments was carried out and considered by the council's ecologist. The surveys did not find any further evidence of bats or water vole, however the possible presence of bats in trees T7 and T8 should be further investigated by emergence surveys if these trees are under threat from the proposed development. The applicant confirmed that these trees would be retained and no further surveys were required.

8.98 Overall it is accepted that the majority of the site is of low ecological value. That said, there should be some compensatory landscaping that provides some habitat of value to wildlife and the areas near the stream need enhancing more than just the wildflower seeding to the top of the Stream Dike bank to: nothing except a knee rail. The council's ecologist maintained his concern for the scheme given that the landscape buffer belt alongside Stream Dyke is inadequate and does not reflect the importance to the proposed development of this semi natural feature.

## Balancing Exercise

8.99 The harm identified above as a consequence of the inappropriateness of the development in the Green Belt carries substantial weight against the proposals. The loss of openness to the Green Belt involved also attracts substantial weight against the scheme.

8.100 Other factors against the scheme include encroachment into the Green Belt, the loss of Public Open Space, poor landscaping, inadequate tree protection, no education, affordable housing or public open space contributions and no planning gain in the form of a new club or new enabling development. Also no proposed enhancement of the existing sport facilities and an unclear picture over the deliverability of the bowling green. The

monies from the land sale would simply being used to renovate and keep the club in existence.

8.101 In its favour is the acceptable design and layout of the scheme which attracts moderate weight in favour of the proposals. Likewise the fact that the money from the land sale may well sustain the club improvement carries moderate weight. The fact that the POS isn't well used carries moderate weight in favour of the sites redevelopment.

8.102 The harm caused by reason of inappropriateness, loss of openness for 49 houses and the factors listed against the scheme clearly outweigh the benefits of the proposals. The development of Green Belt for housing should not be used to sustain the upkeep of a financially unstable club and accordingly, the very special circumstances necessary to justify the development do not exist, and the application cannot be supported.

8.103 All other matters raised in the representations have been taken into account but none are of such strength or significance as to outweigh the considerations identified above.

## **9.0 Summary and Conclusion**

9.1 The proposal is regarded as inappropriate development within the Green Belt, which would cause a severe loss of openness which must be afforded significant weight. In addition the development would have a significant impact on the open and green character of the area and cause harm to the outlook of residents opposite the site and lead to the loss of designated open space. The harm to the areas open character must be regarded as harmful and be afforded significant weight and the harm to the area generally moderate weight due to the unkept nature of the site.

9.2 The community consultation results show that the site is not heavily used, however this is mainly due to its condition. This should be afforded moderate weight in the balancing exercise.

9.3 Whilst the financial position and overall condition of the club and surrounding buildings have the potential to benefit from the neighbouring site redevelopment, any impact as a result of this additional money, if spent on the club, would not show any real enhancement of club's facilities (other than repair renewal and renovation of the club) and not create a lasting legacy for the club to be regarded as a very special circumstance. Instead the money will go towards urgent repairs that are required and wider renovation of the building to ensure the building remains in a useable condition for the next 20-30 years. This is a relatively short term benefit, for the benefit of a private club whereas the harm to the Green Belt and loss of open space will be permanent and affect the public.

9.4 From the viability issues discussed above it seems there simply isn't sufficient value in the land to create a balanced residential scheme that provides significant advantages to the local area. The scheme provides no affordable housing, no education contributions or public open space enhancement. In fact the scheme creates the loss of open space by default and seemingly would turn no profit for the developer.

9.5 Therefore when considering the planning balance there are clearly some advantages to be gained from the development, however these are far outweighed by the policy harm, through inappropriateness and physical harm through a loss of openness, loss of open space and loss of outlook. The application is therefore recommended for refusal.

9.6 Should the application receive support from members then it would need referring to the National Planning case work unit for consideration under its powers as to whether the

Secretary of State calls in the application. Members would also have to delegate the imposition of all the necessary planning conditions and mechanisms to ensure the money raised from the land sale is actually spent on the club and agree a schedule of works also a clawback agreement to consider any uplift in residential sales values which may mean section 106 contributions would be possible.

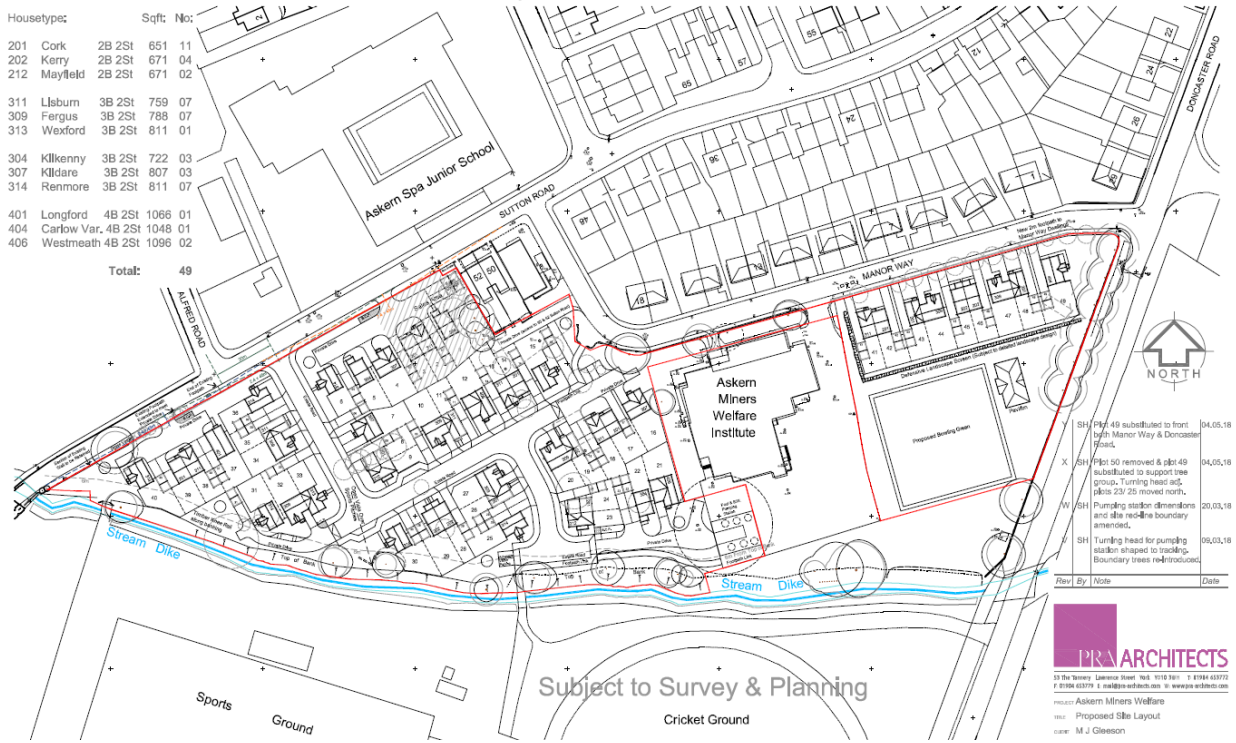
## **10.0 Recommendation**

### **10.1 Planning Permission be REFUSED for the following reasons.**

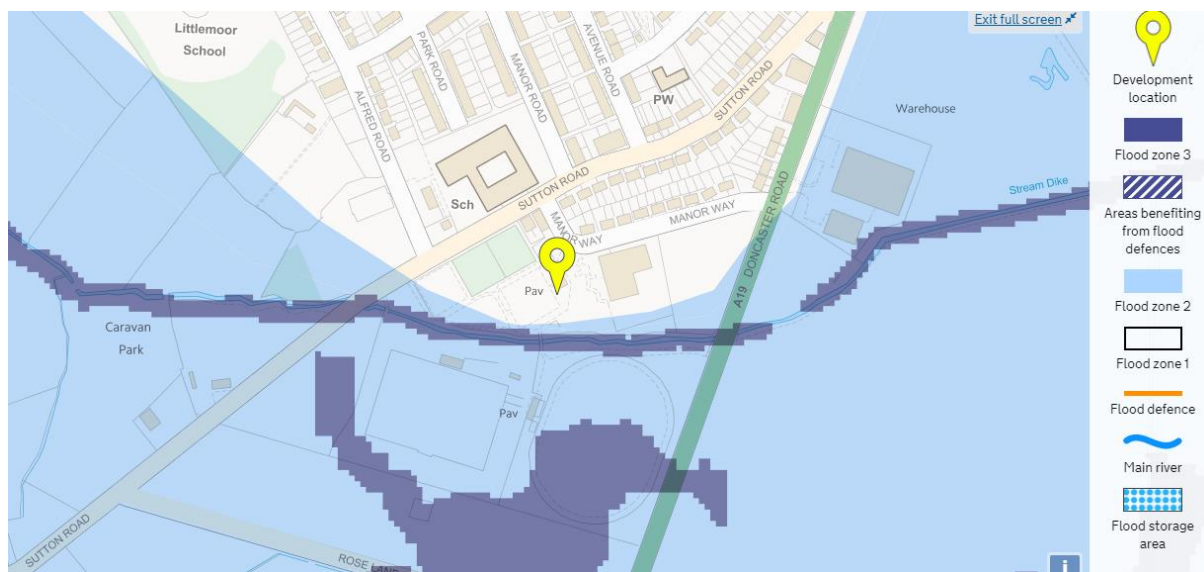
01. Green Belt      The proposal represents inappropriate development within the Green Belt. The circumstances detailed in favour of the application are not considered 'very special' to outweigh the harm by reason of inappropriateness. In addition the development would lead to encroachment into the Green Belt, a loss of openness and would be harmful to the character of this sensitive entrance to Askern. The application is therefore contrary to paragraph 87-89 of the NPPF, Core Strategy CS 3 and ENV 3 of the UDP.
  
02. POS              The planning system should where possible seek to protect and enhance open space, to encourage recreation. Development of open space will only be allowed in exceptional circumstances. This proposal leads to the direct loss of a significant part of Open Space, the amenity space will not be enhanced as it will be developed on and there will be no significant other enhancement works to the existing sports facilities. The proposal will also involve tree loss and the loss will not be compensated for by the equivalent community benefit with the exception of the replacement bowling facility. This is therefore contrary to UDP Policy RL1, Core Strategy Policy CS 17 and NPPF paragraph 74 which seeks to retain and protect such areas.

**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.**

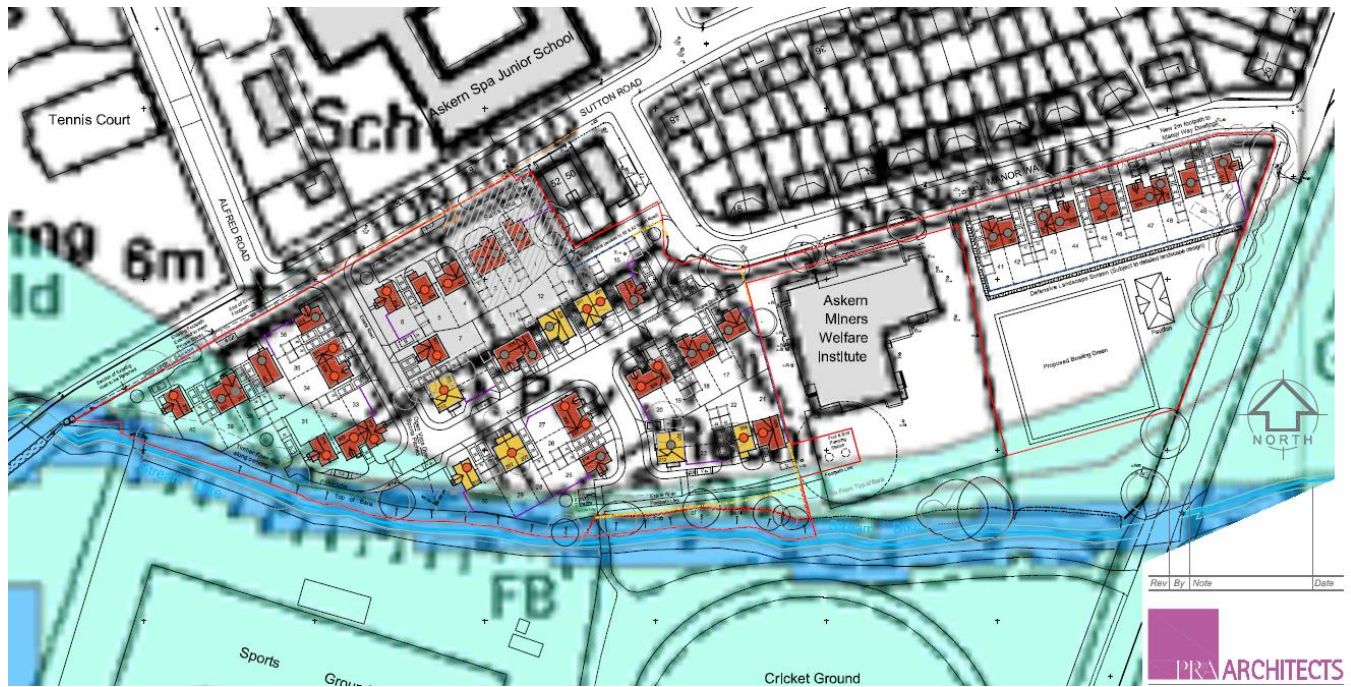
## Appendix 1- Proposed site plan 49 dwellings.



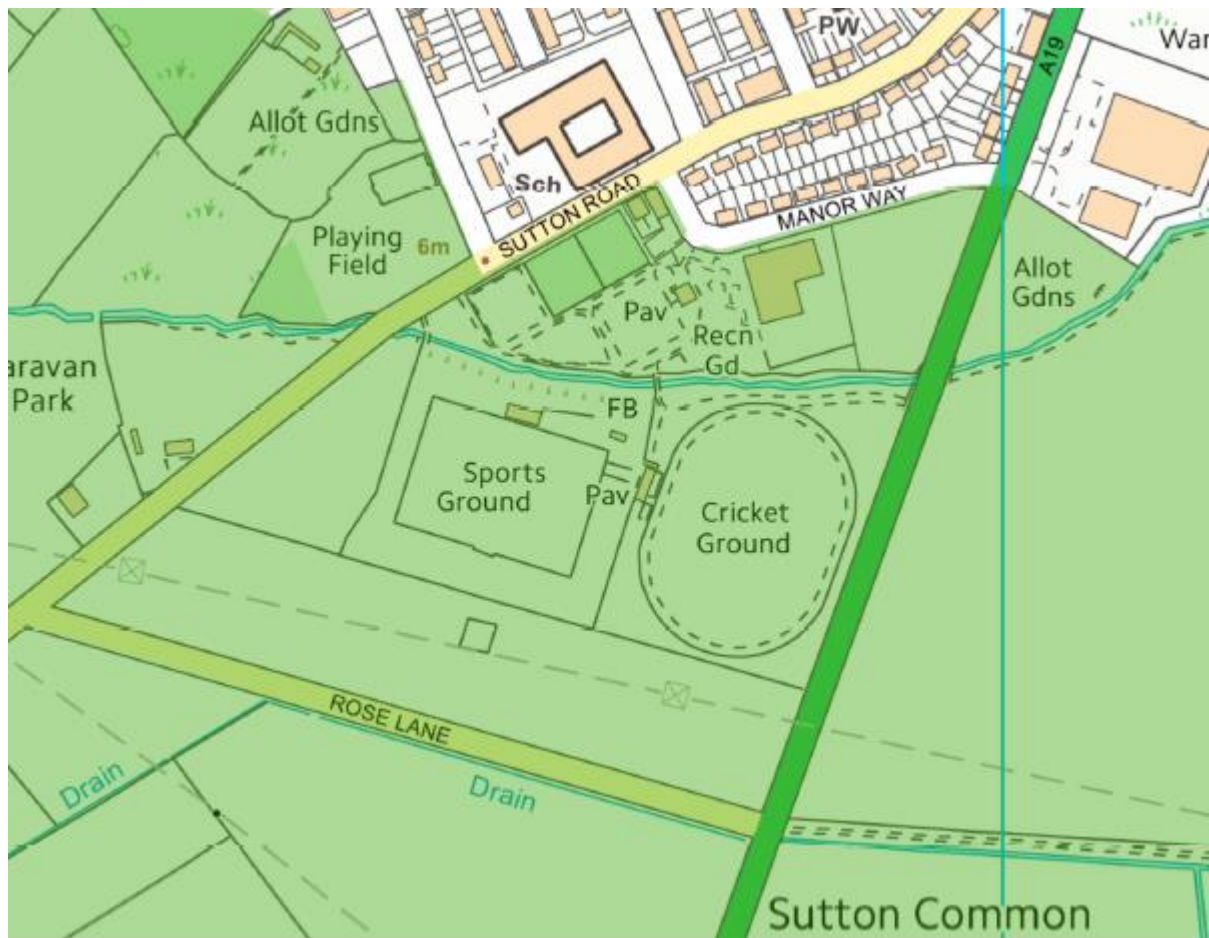
## Appendix 2 –Flood zone



Appendix 3 – Shows the layout in respect of the flood zone.

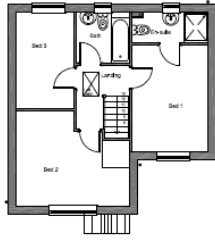


Appendix 4 – Showing the extent of the Green Belt boundary





Appendix 5 – Typical House type and Manor way section/streetscene

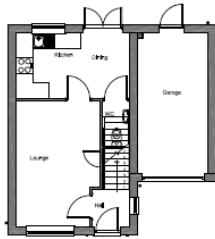


307  
FIRST FLOOR PLAN



FRONT ELEVATION

SIDE ELEVATION



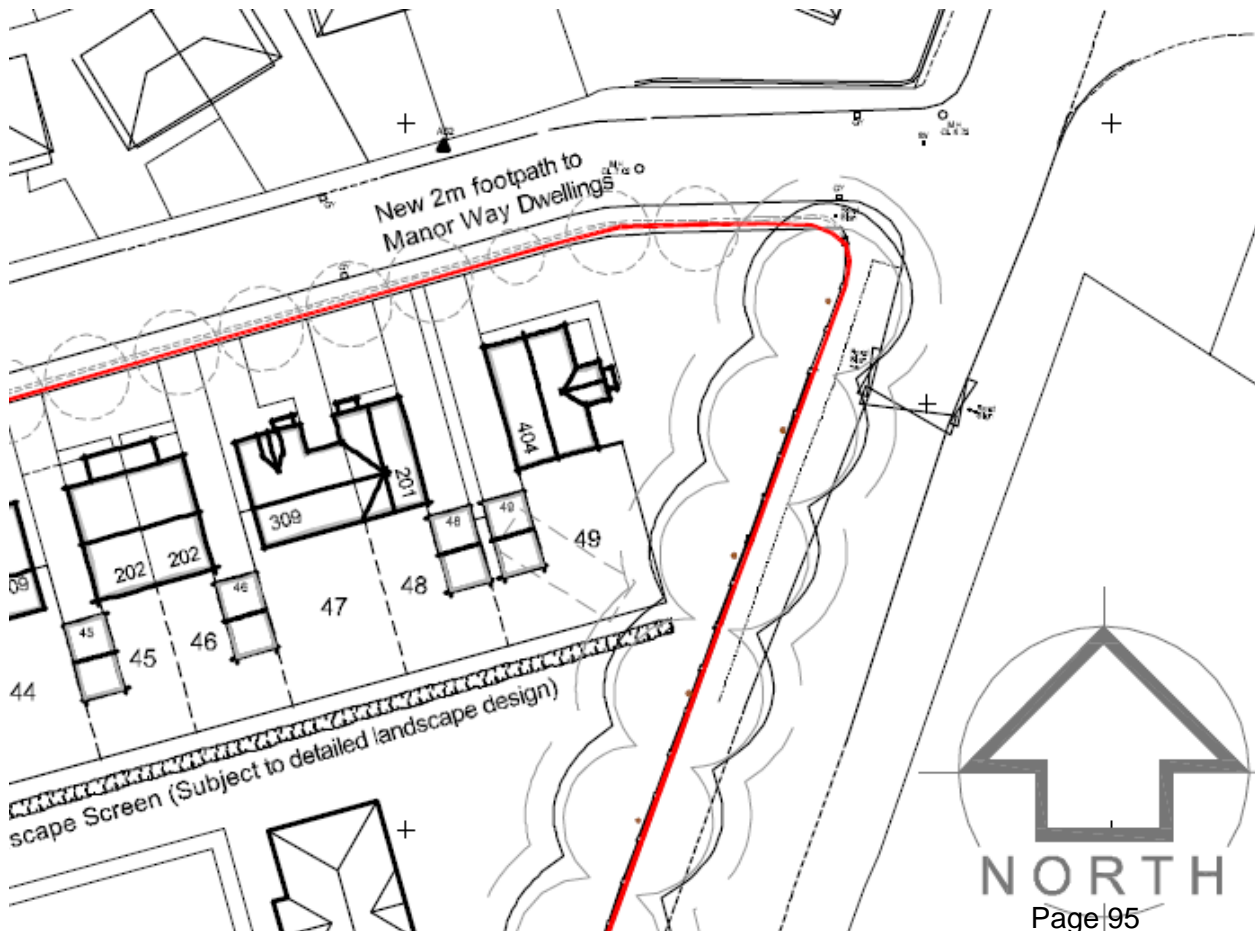
307  
GROUND FLOOR PLAN



REAR ELEVATION

SIDE ELEVATION

Appendix 6 – showing plot 50 removed.



## Appendix 7 - Draft Heads of Terms

The Miners Welfare Club and Gleesons be party to the agreement which could be a Unilateral Undertaking provided by the developer as no monies would be paid to the council.

1. Provide evidence of the completed sale land from the Miners Welfare to Gleesons.
2. The proceeds of the sale of land [to be defined in a section 106 agreement] to be used in full for the upgrading and maintenance of the Community Facility (Askern Miners Welfare Club) prior to the final roof covering being constructed on the final (49th) approved dwelling.

Risk: There is no prescribed list of 'very special circumstances' and therefore the National Casework Unit may not consider the benefit "for upgrading and maintaining the Community Facility" to amount to a 'very special circumstance' that justifies development in the Green Belt.

### Gleeson's suggested wording:

Two thirds of the land value (£270,000) to be used prior to the final roof covering being constructed on the final (49th) approved dwelling.

Reason for suggested wording: To enable some flexibility in the planning and execution of the works to the club.

Risk: The National Casework Unit may not consider the partial spending of the sale proceeds of the land to be enough to amount 'very special circumstances'. Very special circumstances are required in order to outweigh the potential harm to the Green Belt and any other harm (which in accordance with para 88 of the NPPF must be given substantial weight).

3. On an annual basis the club shall provide the Local Planning Authority with confirmation on what the money has been spent on with a costs schedule until which time the monies have been fully spent.
4. On the third anniversary of the date of this agreement the developer shall complete and submit the FVA (Financial Viability assessment) in respect of the development that will show the level of Gross Development Profit achieved from the development. The council shall respond to the developer either accepting or rejecting the results of the FVA within 12 weeks of the date of the receipt of the FVA and on failure to do so the FVA will be deemed approved by the council. The council and the developer will use all reasonable endeavours to agree the Gross Development Profit within the 12 week period. If no agreement is reached the matter shall be referred to an independent arbitrator for determination. If the agreed percentage is 20% or less the council agree that the developer shall retain the

whole Gross Development Profit. If the GDP exceeds 20% any Gross Development Profit in excess of the 20% level shall be the commuted sum and shall be paid to the council within 28 days of the sum being agreed and spent on either Public open space improvements, education or affordable housing.

## **Appendix 8 – Draft List of conditions.**

### **Draft Conditions for the Bowling Green (Outline)**

#### 01. STAT 2 Time

The development to which this permission relates must be begun not later than whichever is the later of the following dates:- i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates the final approval of the last such matter to be approved.

##### REASON

Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.

#### 02. Reserved matters

In the case of the reserved matters, application for approval must be made not later than the expiration of three years beginning with the date of this permission.

##### REASON

Condition required to be imposed by Section 92(as amended) of the Town and Country Planning Act 1990.

#### 03. Details

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

##### REASON

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

## Draft Conditions for the Housing (Full)

### 01. STAT1 Time

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. Amended plans -

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 Amended Rev Y 8.5.18
- Materials schedule Rev K 8.5.18
- Boundary Treatment schedule Rev S 8.5.18
- Landscaping Plan Rev E 16.5.18

#### House type Rural

- Type 404 Rev B Rural.
- Type 201 & 309 Amended 7.3.18
- Type 314 Amended 7.3.18
- Type 307 Amended 7.3.18
- Type 304 Amended 7.3.18
- Type 201 & 311 Amended 7.3.18
- Type 309 & 313 Amended 7.3.18
- Type 202 Amended 7.3.18
- Type 201 & 212 Amended 7.3.18
- Type 406 Amended 7.3.18
- Type 401 Amended 7.3.18
- Amended Streetscene Sutton Road 20.3.18 A-A

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

### 03. Landscape scheme

No development shall take place on the site until final details of a landscape scheme shown on DRAWING NO 2725/3 Rev E have been submitted to and approved in writing by the Local Planning Authority. Unless specifically approved otherwise in writing by the Local Planning Authority the landscape scheme shall include the planting of appropriate trees on highway verges and shall provide a detailed planting plan and schedule; a landscape establishment specification; a timescale for implementation and a maintenance specification lasting for 5 years. Thereafter the landscape scheme shall be implemented and maintained in full accordance with the approved scheme for a minimum of five years following practical completion of the landscape works. Any landscape feature which is

defective, damaged or removed within five years of establishment shall be replaced in full accordance with the approved scheme.

#### REASON

In the interests of environmental quality and compliance with the adopted core strategy Policy CS16: Valuing our Natural Environment section D2, D3 and D4

#### 04. Service trenches, drainage and overheads

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 and compliance with the adopted core strategy Policy CS16: Valuing our Natural Environment section D2 and D4

#### 05. Tree works as agreed

Tree surgery work shall be carried out in accordance with the approved plans and particulars (ARBORICULTURAL IMPACT ASSESSMENT section 3.4.2 and section 4.3). Best arboricultural practice shall be employed in all work, which shall comply with BS3998:2010 Tree works recommendations and unless otherwise agreed with the District Planning Authority shall be completed before the development commences.

REASON: To ensure that the work is carried out to the appropriate high standard and compliance with the adopted core strategy Policy CS16: Valuing our Natural Environment section D2 and D4

#### 06. Tree protection

Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with British Standard 5837: 2012 Trees in Relation to Design, Demolition and construction shall be submitted to the Local Planning Authority for approval. Tree protection shall be implemented on site in accordance with the approved scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. 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 and compliance with the adopted core strategy Policy CS16: Valuing our Natural Environment section D2 and D4

#### 07. Arboriculture method statement

No development or other operations shall commence on site in connection with the development hereby approved (including tree pruning, demolition works, soil moving,

access formation or alteration, or any operations involving the use of construction machinery) until a detailed Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full detail of the following:

- Installation and working method of adjustment of the tree protection scheme as the development progresses
- Method of working for the creation/installation of the road / dwelling / private drives that are within the rooting zone/RPA of retained trees (T10, T20 and T32)
- Siting of materials storage areas and site cabins

#### REASON

To prevent damage to trees shown for retention on the Approved Plan and compliance with the adopted core strategy Policy CS16: Valuing our Natural Environment section D2 and D4.

#### 08. Drainage

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

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

#### 09. Roads sealed - High 1

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

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

#### 10. Construction method statement/Traffic Management Plan

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

- i) - the parking of vehicles of site operatives and visitors

- ii) - loading and unloading of plant and materials
- iii) - storage of plant and materials used in constructing the development
- iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) - wheel washing facilities
- vi) - measures to control noise and the emission of dust and dirt during construction
- vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) - the hours of construction/site works, including loading and unloading and deliveries
- ix) - details of any proposed external security lighting installation
- x) - the routing of contractors vehicles
- xi) Details of dilapidation surveys, pre commencement and post completion construction activity (to determine any damage attributable to the construction traffic and remedial measures thereafter)

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

#### 11. Boundary Plan

Prior to development commencing a fully colour coded proposed site boundary plan shall be submitted to and approved in writing by the Local Planning Authority. REASON The submitted Plan Rev S doesn't have all the necessary details colour code and therefore the this needs updating in order that sight lines are maintained in the interests of highway safety.

#### 12. Bound surfaces

The parking/manoeuvring facilities, (including private drives) indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times. REASON: In the interests of highway safety.

#### 13. Visibility splays

Before the development is brought into use, the visibility splay as shown on the approved plan shall be rendered effective by removing or reducing the height of anything existing on the land within the splay which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the public highway. REASON: In the interests of highway safety.

14. Sewer protection

No building or other obstruction including landscape features shall be located over or within 5 metres either side of the centre line of the water main i.e. a protected strip width of 10 metres, that crosses the site. If the required stand -off distance is to be achieved via diversion or closure of the pipe, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

REASON - In order to allow sufficient access for maintenance and repair work at all times and to protect the public water supply.

15. Sutton Road Wall

Prior to development commencing a structural assessment of the wall fronting Manor Way shall be undertaken, details of which shall be submitted to the Local Planning Authority. Should the wall be found structurally sound this shall be reduced in height to 900m throughout the frontage except for the proposed vehicle openings. If the wall is found unsound then a suitable replacement wall shall be submitted to and agreed in writing prior to development commencing. The wall shall then be retained throughout the lifetime of the development.

REASON - In order to maintain the enclosures in the area in order that the proposal assimilates into the local environment.

16. Water course obstruction

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB. REASON In order for the IDB to maintain access to the watercourse.

17. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling



and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.

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

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

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

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

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

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

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

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

**Informatives:**

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980 and adoption of the new access road shall be carried out under Section 38 of the Highways Act. The S38 and S278 agreements must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. **The applicant should make contact with Malc Lucas – Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.**

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

Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with **Malc Lucas – Tel 01302 735110** as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

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

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

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.

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.

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

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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 29th May 2018**

**Application**      **05**

<b>Application Number:</b>	15/00878/FULM	<b>Application Expiry Date:</b>	16th July 2015
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of 23 dwellings on approx 0.53ha of land with associated garages and car parking
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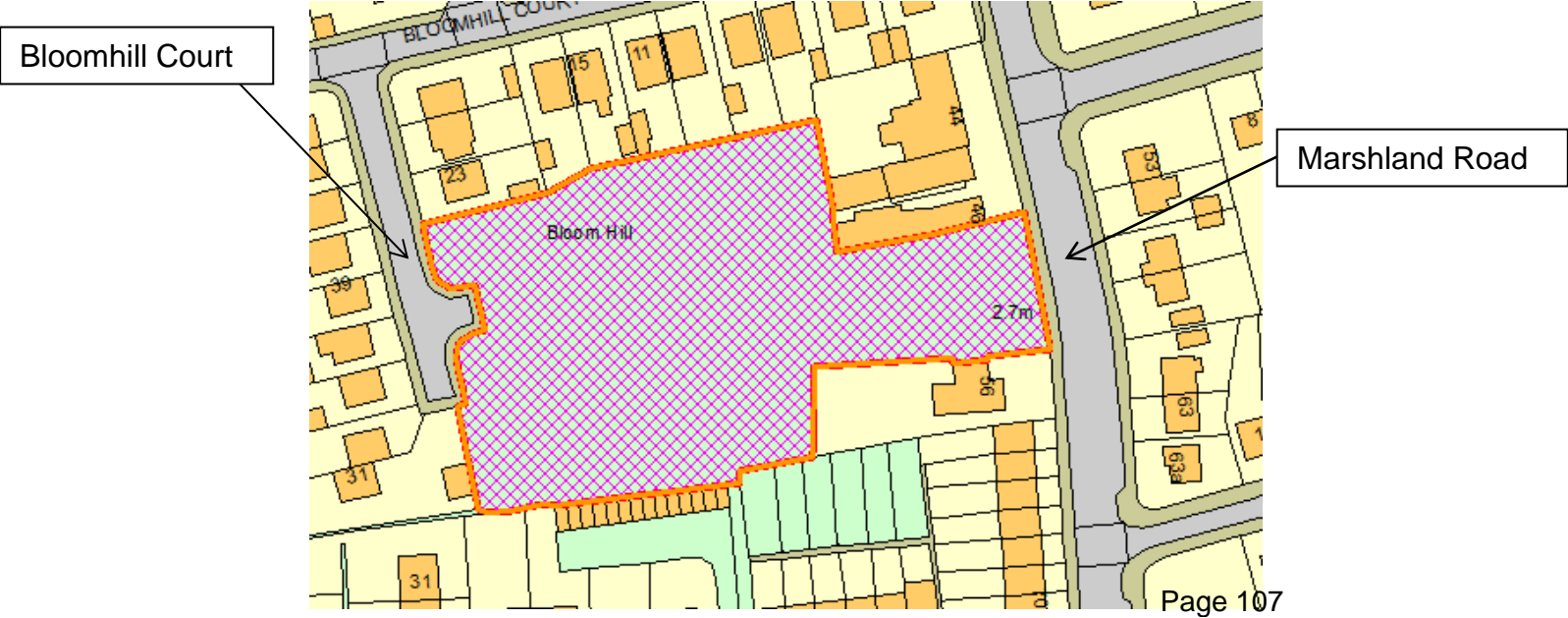
<b>At:</b>	Land Off Marshland Road Moorends Doncaster DN8 4TP
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<b>For:</b>	D Noble Limited
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<b>Third Party Reps:</b>	31 objections overall, 1 representation and 4 support. 2 petitions in opposition.	<b>Parish:</b>	Thorne Town Council
		<b>Ward:</b>	(Historic) Stainforth And Moorends

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

1.1 This application is being presented to Committee due to the level of public interest.

1.2 The application was deferred from the 29th May 2018 committee for a site visit to assess the highway access and to assess the impact of the raised floor levels on the character of the area.

## **2.0 Proposal and Background**

2.1 Planning permission is sought for the erection of 23 dwellings, with associated garages and car parking. The dwellings are mainly 2 storeys in height, five of the properties are two and a half storeys, two of the dwellings are flats above garages (plots 15 and 19), and two of the dwellings are dormer bungalows (plots 9 and 10). There is a mixture of detached, semi-detached and terraced properties.

2.2 Three properties are proposed to front Marshland Road, and vehicular access for these properties will be served from Marshland Road. The main access for the development is from the rear at Bloomhill Court. Plots 1 and 2 have vehicular access from direct from Bloomhill Court, and the remaining properties will all have access onto the new estate road.

2.3 With the exception of the dormer bungalows which have hipped roofs, all other properties have a pitched roof form. Proposed construction materials include facing brick work with contrasting brick string course, cills, heads and quoin details and concrete interlocking roof tiles. Windows are to be white uPVC.

2.4 The site is located within the town of Moorends, it is approximately 13 miles North East of Doncaster and 1.6 miles North of Thorne. The site itself is located between Marshland Road and Bloomhill Court. Although there is a convenience store to the front of the site, the surrounding area is predominantly residential.

2.5 The site is currently open land with trees and vegetation. To the north and west is Bloomhill Court, to the east is Marshland Road, to the south is Darlington Grove.

2.6 The houses on Bloomhill Court are a mix of bungalows and two-storey dwellings of buff and red brick with pitched, tiled roofs. The houses on Marshland Road are predominantly two storey dwellings of brick with pitched roofs. The properties on Darlington Grove are predominantly semi detached bungalows with pebble dashed walls and grey tiled roofs, there are also some two storey terraced properties which are a mixture of red brick and render.

2.4 The application site is located within Flood Risk Zone 3 (high level of flood risk) and has been subject to lengthy negotiation with the Environment Agency in relation to proposed finished floor levels. As a result of the raised floor level, many of the properties have a stepped access to doors.

2.5 The site forms part of a UDP housing allocation and therefore the proposed development is acceptable in principle, subject to other policy requirements and material planning considerations.

## **3.0 Relevant Planning History**

Decision: Refused  
Date Issued: 20th January 2005  
Erection of 2 dwellings on approx 0.09Ha of land

Reason for Refusal;

1. The application site is Greenfield and its release for housing at this time would be contrary to the Council's Greenfield Housing Moratorium that was adopted September 2002 in response to national and regional planning guidance and the residential land availability situation in Doncaster.

Planning Policy Guidance Note 3 (Housing) introduced a Plan, Monitor and Manage approach to the release of land for housing and advises that priority should be given to re-using previously developed (Brownfield) sites in preference to Greenfield sites.

The Moratorium is a temporary policy the need for which will be superseded by the Local Development Framework (LDF). Release of Greenfield sites now would undermine the Greenfield Moratorium, the plan, monitor and manage approach to housing delivery and the options for consideration through the LDF and would undermine the achievement of Brownfield targets.

03/6038/P  
Decision: Refused  
Date Issued: 8th December 2003  
Erection of 2 dwellings and construction of access road on approx 0.09Ha of land

Reasons for Refusal;

1. The application is contrary to the advice set out in PPG3 (Housing) as the site is Greenfield. The Council has adopted a Greenfield Moratorium, which presumes against the granting of planning permission for housing development on Greenfield sites. The Moratorium has been adopted in the context of national and regional planning guidance and the current supply of housing land in Doncaster. Planning Policy Guidance Note 3 (Housing) introduced a Plan, Monitor and Manage approach to the release of land for housing and advises that priority should be given to re-using previously developed (or brownfield) sites in preference to Greenfield sites. A national target of 60% of all units has been set for brownfield housing development. Regional Planning Guidance (RPG) has set a provisional brownfield target of 70% for Doncaster for the period up to 2016. Brownfield completions in Doncaster over the last 5 years have averaged 44%. The overall availability of brownfield land in the Borough will be established by the Urban Potential Study, which is currently being carried out. The Study will establish the extent to which the 70% brownfield target is achievable through the development plan review and thereby provide the basis for new brownfield allocations and the possible de-allocation of greenfield sites. The Greenfield Moratorium will be reviewed following completion of the Urban Potential Study. At the current time however there is an adequate supply of housing land still available on sites with planning permission (including substantial brownfield windfall sites) and brownfield allocations to meet the RPG requirement of 735 dwellings per annum. To release greenfield sites (including the application site) at this time would conflict with Plan, Monitor and Manage and brownfield/Greenfield objectives and would undermine the achievement of the 70% brownfield target.

2. The application is contrary to the advice set out in PPG1 (General Policy and Principles) as no supporting statement setting out the design principles has been

submitted. The proposal is piecemeal and could prejudice the comprehensive development of this site contrary to good design and sustainability principles.

3. The proposal is contrary to the advice set out in Planning Policy Guidance Note 25 (Development and Flood Risk). The site is within an indicative flood risk area and no technical information or flood risk assessment has been provided with the application. As submitted, the proposed development may increase the flood risk to people and property on the site.

93/1025/P

Decision: Granted

Date Issued: 24.05.1993

Erection of 28 dwellings on approx 0.57 ha of land (as per amended plans dated 10/05/93)

89/2846/P - Erection of 40 bedroom residential/nursing home for the elderly on approx 0.53 ha of land - Granted 16.02.1990

86/0523/P - Erection of detached house on approx. 0.06 ha of land - Granted 08.08.1986

79/2393/P - Outline application for residential development on approx. 9.46 acres of land - Granted 11.07.1980

#### **4.0 Representations**

The application is a major development and has been advertised by means of neighbour notification, press advertisement and site notice. This is in accordance with Article 15 of the DMPO.

The application has been subject to re-advertisement as a result of the amendments made to the application since its original submission in 2015.

Initially 11 objections and a petition of 65 signatures in opposition were received. Comments include;

- \* significant increase in traffic problems
- \* invasion of privacy
- \* overlooking of bungalows
- \* traffic congestion on Bloomhill Court
- \* access for emergency vehicles already restricted due to parked cars
- \* danger to children playing on the street
- \* congestion due to construction traffic
- \* increased surface water flooding
- \* access should be from Marshland Road
- \* no reasons given as to why site can not be accessed from Marshland Road
- \* residents of Bloomhill Court need to use the turning head which is the point access
- \* reduction of quality of life
- \* Increase flood risk to neighbouring properties
- \* Increase in noise
- \* Pollution
- \* Dust and debris from construction
- \* Site is greenfield land
- \* Concerns that the houses will all be for rent



Amended plans were re-advertised in November 2017, 14 objections were then received, 4 letters of support and a petition of 33 signatures in opposition. The amendments were to the site boundary, visitor parking and road layout, ridge and eaves height added to the site plan, provision of street scene elevations and an amended Sequential Test and Exceptions Test in respect of flooding was also received.

The following comments were received;

- \* seeking assurance that previous comments would be taken into account, as amendment to not address main concerns
- \* routing of traffic
- \* removal of turning point
- \* impact on school places and play facilities
- \* Dangerous to have driveways onto Marshland Road
- \* Concerns that bats may be present
- \* flooding
- \* safety of existing residents
- \* presence of existing underground infrastructure
- \* too high density
- \* overlooking
- \* impact on nearby nature reserve
- \* restricts neighbours from building
- \* site and surrounding land already floods
- \* loss of light
- \* gardens too small
- \* anti-social behaviour
- \* not enough housing for the elderly, bungalows should be provided
- \* very little anti-social behaviour currently on the site so should not be seen as a reason to approve housing
- \* amendments do not address previous objections
- \* good opportunity for first time buyers
- \* new housing will create extra security for the site
- \* good asset to the street and will make it safer as will be lighter

Following an increase to the proposed finished floor level, and resultant increase to overall height of dwellings, the application was re-advertised a final time in March 2018. 6 further objections and 1 representation was received, comments as follows;

- \* ground is made of clay, hence flooding issues
- \* there is no anti-social behaviour
- \* will create a rat-run
- \* developer ignores residents requests to access from Marshland Road
- \* developer already using the cul de sac to provide access for construction vehicles
- \* previous comments still relevant and have not been addressed
- \* increased raised land will only increase the flood risk to existing properties
- \* restrictions should be imposed on construction vehicles in relation to times of entry

## **5.0 Parish Council**

No comments received.

## **6.0 Relevant Consultations**

South Yorkshire Police Architectural Liaison Officer - No objections raised, incorporating a mix of dwellings enables greater potential for homes to be occupied throughout the day. This gives greater opportunity for natural surveillance and community interaction. Specific design guidance in respect of boundary treatment, lighting, doors provided.

South Yorkshire Archaeology Service - No comments received.

Black Drain Drainage Board - No objections subject to informatives.

National Grid - No comments received.

Doncaster East Drainage Board - No comments received.

Environment Agency - Remove outstanding objection subject to conditions.

South Yorkshire Fire and Rescue Service - Access is to conform to Approved Document B Volume 1 Part B5 Sect. 11.2-11.5 inclusive. South Yorkshire Fire and Rescue is keen to promote the benefits of sprinkler systems to protect lives, property and the environment. As such it is recommended that this is allowed for when determining the water supply requirements for the site.

Natural England - No objection.

South Yorkshire Passenger Transport Executive - No comments received.

Northern Powergrid - No comments received.

Yorkshire Water - No objections raised.

DMBC Affordable Housing - This development of new homes in Moorends is to be welcomed and will provide much needed new homes which meet the needs of those struggling to buy or rent a decent affordable home. The area has significant demand for affordable homes and should the homes be sold to the Housing Association the scheme will be supported with grant funding from Homes England

Pollution Control (Air Quality) - No comments received.

Pollution Control (Contaminated Land) - No objections subject to conditions.

Ecology -No objections, subject to condition. Would like to see landscaping scheme which uses native species to compensate for loss of tree, shrub and grassland.

Trees and Hedgerows Officer - No objection subject to landscaping scheme by condition.

Internal Drainage - No objections, subject to condition.

Education - Commuted sum of £54,891 to provide 3 secondary school places.

Environmental Health - Recommends conditions to protect residential amenity.

Footpaths - No recorded public rights of way affected by the proposed development.

Local Plans Team (Open Space) - Given accessibility issues and a variety of open spaces deficiencies, 15% commuted sum (in line with policy RL4) would be required for this development proposal.

Design - No objections although raises concern with regard to the proximity of plot 9 to existing property on Marshland Road.

Local Plans Team (Flooding) - Proposal passes Sequential Test

Transportation - The size of the development does not require any further assessment, no objections from a Transportation perspective.

Highways Development Control – No objections following receipt of amended plans.

Local Plans Team (Housing) - The site forms part of a UDP Housing Allocation and therefore the proposed development is acceptable in principle in terms of development plan policy provided the proposal can pass a flood sequential test

Ward Members - Cllr Blackham is in support of the application. Cllr Durant requested that the application be brought to Planning Committee, although no material planning reason was provided.

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

Doncaster Unitary Development Plan;  
PH 1 9/22 - Housing Site (Adj 46 Marshlands Road, Moorends)  
RL 4 – Local Public Open Space Provision

Doncaster Council Core Strategy;  
CS 1 - Quality of Life  
CS 4 - Flooding and Drainage  
CS 12 - Housing Mix and Affordable Housing  
CS 14 - Design and Sustainable Construction  
CS 16 - Valuing our Natural Environment  
CS 17 – Providing Green Infrastructure

National Planning Policy Framework;  
Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring good design  
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Documents;  
Development Guidance and Requirements  
Development and Flood Risk  
South Yorkshire Residential Design Guide

## **8.0 Planning Issues and Discussion**

8.1 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. In the case of this application, the Development Plan consists of the Doncaster Core Strategy and the saved policies of the Unitary Development Plan 1998.

8.2 The main issues for consideration are the principle of the development proposed, flood risk, impact on residential amenity, appearance of the development and the character of the surrounding area, and highways and traffic generation.

### Principle of Development

8.3 The application site forms part of a housing allocation in the Unitary Development Plan, and therefore residential development is acceptable in principle. Policy PH 1 of the UDP sets out the sites in the Borough which have been identified as being capable of accommodating 10 dwellings and over, and which are identified on the Proposals Map will be developed for housing purposes. With regard to this particular site, it is stated in the UDP that it is capable of accommodating approximately 28 dwellings.

8.4 Applications for residential development on this site have been made previously, as per the planning history set out above, however at the time of the consideration of those proposals the Council had adopted a Greenfield Moratorium, which presumed against the granting of planning permission for housing development on Greenfield sites. The Moratorium was adopted in the context of national and regional planning guidance and the supply of housing land in Doncaster at that time. This ensured that development was steered towards brownfield sites. The Moratorium was removed in February 2008. Therefore, residential development is acceptable in principle, subject to other constraints.

8.5 The Doncaster Council Core Strategy sets out the Borough Strategy, and in doing so summarises what the borough wide vision means for each area. Paragraph 2.19 of the Core Strategy states that in Moorends, regeneration will have involved creating sustainable communities with priority given to housing renewal and associated urban remodelling, redevelopment of cleared sites and an improved district centre. The quality of Moorends' housing, environment and local amenities will have been improved. The development of the site for housing is considered to accord with this vision.

### Housing Mix

8.6 Policy CS 12 of the Doncaster Council states that new housing developments will be required to include a mix of house size, type, price and tenure to address identified housing needs and market demand and to support mixed communities, based on a number of principles. Part A states that affordable housing will be delivered through a number of measures, including housing sites of 15 or more houses will normally include affordable houses on-site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment except where a developer can justify an alternative scheme in the interests of viability.

8.7 Whilst the proposal originally sought to provide 23 properties which would be sold on the open market, during the course of the application process, the developer has stated that they are committed to enter into a contract with 'Together Housing' which is a Registered Provider and all units are likely to be affordable and would be part funded by Homes England. Whilst this is the intention of the applicant, there can be no assurances at this stage due to third party involvement (i.e. the Registered Provider and Homes England), therefore whilst it would be beneficial to have a Section 106 Agreement to secure this, there may be a possibility that the site is sold on the open market as private housing. It should be noted that the possibility of the scheme being for an affordable housing was not a request from the local planning authority, but an offer from the developer.

8.8 Viability Appraisals have been submitted for both a wholly affordable housing scheme and an open market housing (OMH) scheme with both being shown that to deliver any of the normal S106 asks such as education contributions and affordable housing (for the OMH scheme) would render the development unviable. The layout provides for no onsite public open space. This has been verified by an independent consultant (the 2018 update on the private market scheme was assessed by our Strategic Housing team to ensure that the figures remained the same as the initial viability appraisal was submitted in 2016). However, both policy CS 12 and the NPPF state that this is subject to viability.

8.8 The development would see a mix of housing across the site including one bedroom dormer bungalows, two bedroom flats and three and four bedroom properties. As such, there is a range of accommodation across the site that would be support a mixed community. The Council's Strategic Housing team have been consulted on the proposal and welcomed it. The area has significant demand for affordable homes and should the homes be sold to the Housing Association the scheme will be supported with grant funding from Homes England

### Flooding and Drainage

8.9 The application site lies within flood zone 3a defined by Table 1 of the National Planning Practice Guidance as having a high probability of flooding and shown on the Environment Agency's flood map and in Doncaster's Strategic Flood Risk Assessment. Policy CS 4 sets out the Council's policy in relation to flood risk. It states that large areas of Doncaster are at risk from flooding, however many of these areas already benefit from defences and are otherwise sustainable locations for growth. Part A of policy CS 4 states that development will be directed to areas of lowest flood risk (from all sources) within the overall framework of the Growth and Regeneration Strategy and its emphasis on deliverable urban brownfield sites. Where this results in development within flood zones 2 and 3, priority will be given to sites which: (i) already benefit from an acceptable standard and condition of defences; or (ii) have existing defences which will be improved as a result of the proposal to an acceptable standard and condition or (iii) do not have existing defences, if it can be shown that there are no appropriate sites already benefitting from defences, and the development can be made safe through the creation of new defences which would also benefit existing communities.

8.10 The site is located within an area protected by flood defences from the Rivers Trent and Don. As stated by the Environment Agency, 'the low lying land in this area is also locally managed by Doncaster East Internal Drainage Board. If either the flood defences and/or the pumps which drain the low lying land were to fail or were no longer sufficiently maintained, then this area would be at risk of experiencing significant depths of flooding (>1m deep). The proposed development will therefore be highly reliant upon future maintenance of flood defences and pumps and is thus at a high risk of flooding.'

8.11 The low lying nature of the land in question means flood waters are likely to preferentially gather in this area compared to adjacent higher land. It also means that in the event of significant flooding, flood waters are likely to persist for a prolonged period, given they will be largely unable to gravitate away and instead rely almost wholly on being pumped away.

8.12 The original proposal proposed floor levels of 2.82mAOD. This was not acceptable to the Environment Agency who objected to this floor level stating that they would accept 3.5mAOD with 600m flood resilience for a development of this scale. The topic of floor levels has been debated at length with the Environment Agency and the applicant. The applicant did not wish to raise floor levels from 2.82mAOD. It was considered by the

Council that raising floor levels by this amount would have a detrimental impact on the character of the surrounding area, as the application site is surrounded on all four sides by existing housing, all of which at a lower floor level than required by the Environment Agency. This would have resulted in ridge heights of dwellings being approximately 1.5m - 2m higher in some places than adjacent properties given the low scale of No 56 Marshland Road and No 23 Bloomhill Court. No 46 Marshland Road is a higher property, although has constraints in that main habitable room windows to flats are located in the side elevation facing the site. The existing properties to the north on Bloomhill Court are bungalows, therefore raising floor levels a further 700mm would have design implications, and potentially overlooking issues.

8.13 As stated above, and as can be seen from the site's application history, the application site has been an allocated site since 1998 and has not been developed due to the fact that the Greenfield Moratorium had been put in the place. During this time, the flooding policy and flood zones had changed, therefore restricting development once again on this allocated site, which is surrounded by housing development.

8.13 Given the fact that the EA maintained their objection to the proposal with floor levels set at 2.82mAOD, and given that they are a statutory consultee, the local planning authority were minded to recommend refusal of the application on flood risk grounds. However, noting the local planning authority's design concerns, the EA stated that they may consider lower floor levels if the applicant considered the topography of the site and raised levels above 2.82m wherever possible, and ground floor sleeping accommodation was removed on the dormer bungalows.

8.14 The applicant has been able to raise all but three of the properties to 3.0 and 3.1mAOD, proposing resilience to 3.5m AOD.

8.15 In commenting on the amended plans the Environment Agency has stated that 'the DMBC SFRA acknowledges that this site falls within the boundary of the wider Isle of Axholme area and as such has a critical flood level (CFL) of 4.1mAOD. This critical flood level is based upon the loss of the pumped regime in conjunction with an extreme flood event. While the risk is residual in nature, it none the less remains a risk, and both the LPA and the developer should be aware of and accept the risk that flooding to these depths, is still possible on this site.'

8.16 In discussing the original requirement for floor levels to be at 3.5mAOD with resilience to 4.1m AOD, they stated that whilst they would ultimately like to see these FFLs achieved, they do recognise that the topography of the site, coupled with other planning constraints, has made this unachievable.

8.17 The EA comment that the developer has made significant changes to the development to raise FFL, however plots 15, 19 and 23 remain at 2.82mAOD. In relation to plot 23, whilst this is not an ideal situation, they do understand that this is due to planning constraints with regard to overlooking issues on neighbouring properties and therefore the floor level cannot be raised any higher. With regards to plots 15 and 19, it is noted that these are apartments located above garages and that there are no habitable rooms located on the ground floor, therefore all living and sleeping accommodation is located above the CFL, and is therefore not considered to be as significant an issue. Considering the significant betterment achieved across the wider of this allocated site, the EA do not wish to pursue any further objection to the development on the basis of these three properties, as they are aware that the developer's intention was to raise the FFL if possible. With this in mind they request a number of conditions be included on the

decision notice if planning permission is granted. Without these conditions to address the flood risk issues on site, their objection would have to remain.

### *Sequential and Exceptions Tests*

8.18 Policy CS 4 part (B) goes on to state that developments within flood risk areas will be supported where they pass the Sequential Test and/or Exceptions Test. Paragraph 101 of the NPPF states that 'the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

8.19 With regard to the Sequential Test, the Council's Development & Flood Risk SPD (October 2010) sets out how the sequential test should be applied in Doncaster to reflect our relatively unique flood risk constraints.

8.20 The SPD pre-dates the adoption of the LDF Core Strategy and states that the area of search would normally be the whole borough. The adopted Core Strategy has since identified Moorends as one of 4 Renewal Towns which have been identified as suitable for providing up to 9% of the housing growth for the plan period. It does not prescribe how this requirement should be distributed between the 4 Towns, and the Sites & Policies DPD which would have identified the exact sites to deliver this growth was withdrawn following Examination in summer 2014. As all of the settlement of Moorends is in a high flood risk (FRZ2/3) area it is not possible to provide any housing in this settlement without using sites constrained by flood risk and no up-to-date development allocations have been made.

8.21 The applicant's sequential test sets out all of this in comprehensive detail and has justified why therefore the adopted SPD constrains the delivery of the Core Strategy's housing requirement if it is to be followed to the letter. Instead a pragmatic approach has been applied which identifies all potential sites (based on number of sources e.g. SHLAA/Withdrawn S&P DPD Allocations) across the 4 Renewal Towns and has discounted them as either not being sequentially preferable, or not reasonably available etc. Accordingly, the lpa considers the ST to be passed. As residential is classed as 'more vulnerable' development in FRZ3, then the requirements of the Exceptions Test must also be met and a separate statement, coupled with a site specific FRA, has been provided.

8.22 As the Sequential Test is passed, it is necessary to apply the flood risk Exception Test. Paragraph 102 of the National Planning Policy Framework (NPPF) makes clear that both elements of the Test must be passed for development to be permitted. Part 1 of the Exceptions Test requires that it be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared. Part 2 of the Test requires the applicant to demonstrate in a site specific flood risk assessment that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk elsewhere.

8.23 With regard to part 1, in order to demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, the applicant has carried out an assessment of the sustainability benefits of the proposed development, this has been made against the relevant criteria contained within the Council's Local Plan

Sustainability Appraisal document in order to demonstrate how the development contributes to the sustainability objectives of the Local Plan. The proposal would see the development of a vacant site, allocated for housing development which is within the settlement limits and will be an efficient use of land. The range of house types will improve the housing mix in the area and if the site does become 100% affordable housing then this will provide greater benefit to the wider community in terms of housing choice. However, the development will not provide the requested education contribution or onsite public open space or a commuted sum in lieu of it.

8.24 The site is sustainably located with close access (100m) to bus stops providing a service approximately every 20mins during the day to Thorne and Doncaster. There are also cycle opportunities. The site is also within an acceptable walking distance to primary schools, GP surgery, shops and open spaces.

8.25 With regard to part 2, a SFRA has been provided and following amendments to the proposed finished floor levels, the Environment Agency has removed its objection subject to the development maintaining those levels. The applicant's revised FRA concludes that the proposed development will be safe, by virtue of the proposed floor levels and design. Furthermore attenuation SuDs will be introduced to the site to reduce surface water run-off to prevent an increase of the risk of flooding elsewhere. Resilient design provisions will be made to the design flood level with additional freeboard allowance. The hazard of floodwater to residents to be mitigated by an advanced warning evacuation plan, however there is refuge at first floor level on all properties.

8.26 The features of flood resilient design include first floor refuge, suspended slab or block and beam concrete floor in conjunction with a Damp Proof Membrane to minimise the passage of water through the ground floor, high quality durable floor finishes, clear cavity wall design, electrical sockets installed at the highest achievable level, sealed PVC external framed doors and windows should also be used.

8.27 A flood evacuation plan is requested by condition which will be assessed by the Council's Drainage team.

### Design and Appearance

8.28 Policy CS 14 of the Doncaster Council Core Strategy sets out the Council's policy on design and sustainable construction. It states that all proposals in Doncaster must be of a high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and buildings traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area. New development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. This will be achieved through a set of design principles and quality standards. The Council's SPD Development Guidance and Requirements and the South Yorkshire Residential Design Guide are also used to inform developments.

8.29 The Council's Design Officer has been consulted throughout the application and raises no objection to the development, taking account of increased floor levels to address the concerns of the Environment Agency, the character of the surrounding area and the proximity of existing residential properties. The fundamental concern of the raising of levels to accord to the Environment Agency's original stance was that the resultant ridge heights would be out of character with surrounding development, as stated in the above section of the this report.



8.30 The existing housing along Bloomhill Court is predominantly red brick with pitched tiled roofs, this is similar to the properties along Marshland Road which are older. As such, the applicant has sought to follow this character through the design of the house types with facing brickwork with contrasting band course, quoin headers and cill details. As such, the proposal is considered to meet with policy CS 14 in that the development reinforces the character of the local landscape and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding area.

### Residential Amenity

8.31 Policy CS 14 states that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. Neighbouring residents have raised concerns regarding overlooking, overshadowing and noise and disturbance, all of which are material planning considerations.

8.32 Due to existing constraints with regard to the proximity of the side elevation of No 46 Marshland Road which contains main habitable room windows to flats, and the rear elevation of No 44 Marshland Road which contains main habitable room windows, plots 9 and 10 have been designed as dormer bungalows. This is to prevent significant overshadowing and to retain some outlook for these properties. No objections have been received from these properties. The applicant provided a letter from the owner of No 44 stating no objections, and no separate letter was received following the publicity carried out for the planning application. There are no windows at ground floor to No 46, and whilst there is a window at ground floor in the rear of No 44, a 2m high wall could be built along the boundary without planning permission.

8.33 There is approximately between 23 and 24m separation distance from plots 3 - 9 from rear elevations of the bungalows on Bloomhill Court. There is less to the rear extension of No 15 which has approximately 20m of separation. Whilst it is appreciated that there is little overlooking currently to these properties as the land is vacant, this level of separation is considered acceptable. The Council's SPD recommends a minimum of 21m between rear elevations of two storey properties. As such, given the positioning of the proposed boundary fence, it is not considered that there will be an unacceptable level of overlooking into the bungalows. The rear gardens of the proposed dwellings for plots 3 - 9 achieve the 10m distance to the rear garden boundary as set out in the SPD in the interests of protecting amenity.

8.34 There is approximately 20m separation distance to No 56 Marshland Road, a two storey property set back from the road, however this is also at a slight angle and as such will not directly overlook the property or garden. Plot 15 may overlook the rear of the long gardens to the terraced properties to Darlington Grove, however these gardens are separated from the remaining amenity space directly serving the rears of these properties by an access. Plot 15 is also a flat above a row of garages and the rear windows at first floor will serve a bathroom, landing and dining room, the main aspect is from the front. Therefore it is not considered that this will result in a significant degree of overlooking. Plot 19 is also a flat above garage of the same design, although this backs onto a row of garages.

8.35 Plot 20 has a rear elevation facing the front of No 31 Bloomhill Court at a distance of 24.3m, as such, this meets recommended separation distance guidelines and is not considered to be harmful to the amenities of occupiers of this property. No 31 Darlington Grove is a bungalow and is 18m away from the corner of the proposed plot 20, this is at an oblique angle and is not considered to directly overlook this property. Page 119

8.36 The increased floor levels, which do not exceed 300mm higher than the originally proposed level in the worst case, are not considered to contribute to an unacceptable level of overshadowing or loss of light given the separation distances between the proposed development and existing properties.

8.37 Given that the site is surrounded by residential properties, it is considered appropriate to impose a condition requiring the provision of a Construction Method Statement providing details relating to hours of construction, measures to control noise, dirt and dust and operative parking.

### Highways and Parking

8.38 In relation to highway design and layout policy CS 14 requires developments to achieve the following qualities of a successful place; quality, stability, safety and security of private property, public areas and the highway and permeability (ease of pedestrian movement with good access to local facilities and public transport services).

8.39 The majority of objections raised comment on the increased traffic congestion as a result of this development. However, a development of this scale (below 50 dwellings) does not require any further traffic or transport assessment, and the Transportation team have confirmed that there are no objections from a transportation team who take into consideration the impact of the development on the existing network. It is not considered that a further 23 dwellings in a residential area would significantly increase the level of traffic generated to this site.

8.40 It is noted that residents do not consider the access from Bloomhill Court to be appropriate and that access would be better served from Marshland Road. Whilst this has been discussed with Highways Development Control, they have no objections to the access from Bloomhill Court, therefore there is no highways reason to insist that the developer takes access from Marshland Road. Residents concerns regarding parking of existing vehicles on Bloomhill Court is noted and restricted access, however this local planning authority can not control or restrict how and where existing residents park their cars.

8.41 A series of amendments have been made to the layout to address the concerns raised by the Highways Officer in relation to the internal road layout and parking arrangements over the course of the application. Whilst the final layout is not entirely to the highways officer's satisfaction in that the development provides one less parking space than the minimum requirements set out in Doncaster's' parking standards, the longitudinal space to the front of plot 18 is a metre shorter than the length dimension defined within the technical requirements section of the South Yorkshire Residential Design Guide, and the existing boundary treatment between 23 Bloomhill Court, and plot 1 means that the 2m x 2m visibility splay to the back of footway has not been provided (although a 1m metre splay from plot 1 has). It is not considered that these matters combined would lead to a severe impact on highway safety. Paragraph 32 of the NPPF sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. As such, the layout is on balance, considered to be acceptable.

8.42 Policy CS 9 relates to the provision of travel choice. Whilst this is a more strategic policy, part G states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel. The need for a transport assessment/travel plans has already been discussed, however whilst not part of the proposal, there is travel choice available

within Moorends. The site is within close proximity to public transport with regular services to Doncaster and Thorne. The combined settlement of Thorne and Moorends scores 10 out of 12 in the Settlement Hierarchy in terms of its provision of key services.

### Trees and Landscaping

8.43 Policy CS 16 of the Doncaster Council Core Strategy states that Doncaster's natural environment will be protected and enhanced in accordance with a number of principles. Part D states that proposals will be supported which enhance the borough's landscape and trees by ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness, and retaining and protecting trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

8.44 A Tree Survey was submitted with the application and the Trees and Hedgerows Officer has been consulted over the course of the application process and raises no objection to the proposal, subject to a landscaping condition.

### Ecology and Wildlife

8.45 A Phase 1 Habitat Survey was submitted with the application and the Council's Ecologist raised no objections commenting that while there are no high value habitats on this site, its development will have a significant impact on the local wildlife due to the loss of trees, scrub and grassland. As such a landscaping scheme that uses native species to try and compensate for some of these losses should be subject to condition, alongside a condition for bird nesting boxes and bat boxes or bricks. Natural England raise no objections.

### Planning Obligations

8.46 Paragraph 203 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

8.47 In paragraph 204 it is stated that planning obligations should only be sought where they meet all of the following tests;

- 1.necessary to make the development acceptable in planning terms
- 2.directly related to the development; and
- 3.fairly and reasonably related in scale and kind to the development.

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

### *Affordable Housing*

8.48 To accord with policy CS 12 of the Core Strategy, the scheme should provide 26% on site affordable housing, as more than 15 dwellings are proposed.

### *Public Open Space*

8.49 Core Strategy Policy CS 17 states that proposals will be supported which have regard to local standards and opportunities, and help to address deficiencies, by making an appropriate contribution to sport, recreation and related community uses by providing suitable and appropriate, on-site (or an equivalent contribution towards off-site

contribution). Policy RL 4 states that the Borough Council will seek to remedy local public open space deficiencies within existing residential areas and will require the provision of local public open space, principally of benefit to the development itself, however part (c) states that where the size of the development is such that 10-15% of the site area would result in an area of local public open space of less than 0.4ha the Borough Council may require the applicant to provide a commuted sum in lieu an area of open space to be used for the creation of a suitable area of open space elsewhere or for the enhancement of an area of existing public open space in the vicinity of the development site.

8.50 The 2013 Green Space Audit shows the Moorends community profile area is deficient in informal open space and public parks. As the Green Space Audit shows both accessibility issues and a variety of open spaces deficiencies, 15% commuted sum (in line with policy RL4) would be required for this development proposal. The external viability consultant considers a fair and reasonable land value to be £145,000. Therefore 15% of this would be £21,750.

### *Education*

8.51 Policy CS 1 (A) of the Core Strategy states that as a means to securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported which contribute to the Core Strategy objectives and in particular provide opportunity for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities. As such, the Education team have been consulted and have stated that 3 secondary school places would be required to accommodate the development, as such based on £18,297 per place, a commuted sum of £54,891 would be required in lieu of the provision of school places.

### Viability

8.52 Viability Appraisals have been submitted for both a wholly affordable housing scheme and an open market housing (OMH) scheme with both being shown that to deliver any of the normal S106 asks such as education contributions, a commuted sum in lieu of on-site public open space and (for the OMH scheme) affordable housing would render the developments unviable.

8.53 The NPPF, paragraph 205 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. As such it is considered that the viability appraisal should be accepted.

8.54 The applicant has confirmed that a wholly 100% affordable scheme would be more viable than an open market scheme. This is because many risk and costs associated with an open market scheme will be avoided, such as sales costs, extended preliminaries, borrowing costs, marketing costs. With a 100% affordable scheme built for a known Housing Association (HA) there would be some payments from the HA up front, a simple build contract with a confirmed end buyer, no sales costs, minimal preliminaries and nil or very low borrowing requirements and costs. There would also be no need for marketing.

8.55 With regard to the policy required affordable housing (usually 26%), units are sold at a discount to OMV and effectively cross subsidised by the open market units when and after the usual developer risk margins are applied. This explains why a 100% affordable housing development would be viable for the developer (although not generating enough profit for other s106 requirements) and is achievable whereas the policy required 26% is

not. As both schemes show the development is unable to provide the s106 requirements and remain viable, it is not considered that a Section 106 Agreement can be imposed in these circumstances.

## **Summary and Conclusion**

9.1 In summary, the proposed development will ensure the efficient use of an allocated site within a sustainable location, without significantly compromising the amenities of occupiers of neighbouring properties. Whilst the site is within Flood Risk Zone 3, it is considered that matters of flood risk have been fully considered with the removal of the Environment Agency's objection based on the fact that higher floor levels cannot be achieved on the site on design grounds. Whilst it is noted that additional traffic will be generated on Bloomhill Court, this is not to the detriment of road safety.

9.2 A viability appraisal has shown that the site is unable to provide the policy requirements in terms of affordable housing, public open space and education. However, there is a strong possibility that the development may be sold to an affordable housing provider, although the developer cannot commit at this point. As such, it is recommended that planning permission be granted on the basis of an open market development, as the viability assessments have shown that Section 106 requirements cannot be met on either scheme and planning policy does not require 100% affordable housing, this is an offer of the developer.

## **RECOMMENDATION**

### **Grant subject to the following conditions.**

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U61354            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 Location Plan Drawing No. 3996-00 Rev B - Dated March 15  
Site Layout Plan Drawing No. 3996-01 Rev N - Amended 02.05.2018  
Plots 1 and 2 - Wetherby Housetype Plans and Elevations Drawing No. 3996-12 Rev B - Amended 14.03.2018  
Plots 3-5 Block Plans and Elevations Drawing No. 3996-16 Rev D - Amended 14.03.2018  
Plots 6-9 Block Plans and Sections Drawing No. 3996-13 Rev E - Amended 12.04.2018  
Plots 6-9 Block Elevations Drawing No 3996-14 Rev C - Amended 14.03.2018  
Plots 10-12 Block Plans and Elevations Drawing No. 3996-15 Rev E - Amended 11.04.2018  
Plots 13, 14 and 23 - Earl Housetype Plans and Elevations Drawing No 3996-09 Rev A - Amended 14.03.2018

Plots 15 and 19 - Housetype B Plans and Elevations Drawing 3996-17 Rev B - Amended 30.10.2017

Plot 16 - Skipton Housetype Plans and Elevations Drawing 3996-07 Rev B - Amended 14.03.2018

Plots 17 and 18 - Lincoln and Wetherby Housetype Plans and Elevations Drawing No 3996-03 Rev B - Amended 14.03.2018

Plot 20 - Wetherby Housetype Plans and Elevations Drawing No 3996-05 Rev B - 14.03.2018

Plots 21 and 22 - Skipton Housetype Plans and Elevations Drawing No 3996-06 Rev C - Amended 13.03.2018

Detached Single Garage Plans and Elevations Drawing 3996-18 Rev A - Amended 30.10.2017

Detached Double Garage Plans and Elevations Drawing 3996-10 Rev C - Amended 30.10.2017

#### REASON

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

### 03. U61366

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by AAH Planning Consultants (Ref: AAH/0805/14FRA) dated February 2015 (amended March 2018), to be read in conjunction with updated site layout plan (Drawing number 3996-01 Rev N) and amended elevation drawings (Refs: 3996-03, 3996-05, 3996-06C, 3996-07, 3996-09, 3996-12, 2996-13E, 3996-14, 3996-15E and 3996-16D), and the following mitigation measures detailed within the FRA, amended site layout plan and amended elevation drawings:

\* Finished floor levels (FFL) for plots 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 16, 17, 18, 20, 21 and 22 to be set no lower than 3mAOD, as indicated on site layout plan 3996-01 Rev N and section 7.3 of the FRA.

\* FFL for plots 15,19 and 23 to be set no lower than 2.82mAOD as indicated on site layout plan 3996-01 Rev N and section 7.3 of the FRA.

\* FFL for plots 10,11,and 12 to be set no lower than 3.1mAOD as indicated on site layout plan 3996-01 Rev N and section 7.3 of the FRA.

\* Ground floor for plots 15 & 19 to incorporate garages/undercroft parking with all habitable living accommodation to be set on the first floor.

\* All sleeping accommodation will be provided at first floor level or within dormer roof space as stipulated within section 7.4 of the FRA.

\* Flood resilient design measures to be incorporated into the final development as stipulated within sections 7.6, 7.7, 7.8, 7.9, 7.10 and 7.11 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON

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

04. U61367

Prior to the occupation of the development hereby approved, a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Flood Evacuation Plan shall include the following information;

- \* the flood warning procedure
- \* a safe point of extraction
- \* how users can safely evacuate the site upon receipt of a flood warning
- \* the areas of responsibility for those participating in the plan
- \* the procedures for implementing the Plan
- \* how users will be made aware of the flood risk
- \* how users will be made aware of flood resilience
- \* who will update the flood evacuation plan

The Flood Evacuation Plan shall be adhered to thereafter.

REASON

To ensure the safety of residents in times of flood.

05. DA01

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

REASON

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

06. MAT1A

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

REASON

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

07. HIGH1

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

REASON

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

08. U61368

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

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

#### REASON

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

09. U61369

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

#### REASON

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



10. U61370 Prior to the first occupation of the site, plans detailing the following measures will be submitted to the local planning authority for approval in writing.

- 5 bird nesting boxes
- 3 bat boxes or bat bricks

Once agreed these features will be installed as described in the submitted plans prior to the first occupation of the site.

REASON

In line with Core Strategy Policy 16 to ensure the ongoing ecological interests of the site.

11. CON1 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.

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

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

contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

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

REASON

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

12. CON2

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

REASON

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

13. CON3

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

REASON

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

14.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additional windows shall be created or other alterations made to the dwelling and/or

extension hereby permitted without the prior permission of the local planning authority.

**REASON**

In the interests of flood risk to future occupiers and that the local planning authority considers that further alterations could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future alterations to comply with policy PH11 of the Doncaster Unitary Development Plan and CS 4 of the Doncaster Council Core Strategy.

01. INF1B

**INFORMATIVE**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

This Standing Advice is valid from 1st January 2017 until 31st December 2018

02. IFWI

**INFORMATIVE**

At the time of this decision, the site has been identified as being within an area of medium or high flood risk, based on the Environment Agency's flood maps. Therefore, the applicant/occupants should consider registering for the Environment Agency's Floodline Warning Direct, by phoning Floodline on 0345 988 1188 . This is a free service that provides flood warnings direct by telephone, mobile, fax or paper. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.

03. U12497

**INFORMATIVE**

1. Surface water drainage plans should include the following:

- \* Rainwater pipes, gullies and drainage channels including cover levels.
- \* Inspection chambers, manholes and silt traps including cover and invert levels.
- \* Pipe sizes, pipe materials, gradients and flow directions.
- \* Soakaways, including size and material.
- \* Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- \* Site ground levels and finished floor levels.

2. Surface Water Discharge From Greenfield Site

The total surface water discharge from greenfield sites should be limited to green field run-off rates - up to 1 in 100 years storm + climate change. On site surface water attenuation will be required.

If the greenfield run-off for a site is calculated at less than 2 l/s then a minimum of 2 l/s can be used (subject to approval from the LPA)

### 3. On Site Surface Water Management

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc to demonstrate how the 100 year + 30% CC rainfall volumes will be controlled and accommodated.

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

Guidance on flood pathways can be found in BS EN 752.

4. Written evidence is required from the sewerage undertaker / Internal Drainage Board / Environment Agency to confirm any adoption agreements and discharge rates.

5. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable)

6. The design of flow control devices should, wherever practicable, include the following features:

- a) Flow controls may be static (such as vortex flow controls or fixed orifice plates) or variable (such as pistons or slide valves);
- b) Controls should have a minimum opening size of 100 mm chamber, or equivalent;
- c) A bypass should be included with a surface operated penstock or valve; and
- d) Access should be provided to the upstream and downstream sections of a flow control device to allow maintenance.

If the surface water were to be disposed of via a soakaway system, the Internal Drainage Board (IDB) would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

05. U12499

#### INFORMATIVE

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

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

Any alteration to the existing street lighting as a result of the new access arrangements will be subject to a costs which are to be borne by the applicant. Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Malc Lucas - Tel 01302 735110 regarding this as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

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

06. U12500

INFORMATIVE

The development would benefit from being constructed to Secure by Design. The development will have to comply with Approved Document Q and the easiest way for any development to comply with this is to achieve Secure by Design. Which will lead to the creation of a safer and more enduring community in line with the NPPF.

\* Front and back entrances should be well lit, with each being fitted with a bulk head type light above the door. These should be situated sufficiently high as to prevent tampering, and working on a dusk to dawn sensor and fitted with an LED bulb or similar

\* All doors and windows should be to PAS 24:2016 the required standards for Secured by Design and Approved Document Q

\* All ground floor and vulnerable glazing must be laminated.

\* Any Garage Doors should be to Loss Prevention Standards 1175 SR 1.

07. U12501

INFORMATIVE

Access for Appliances - Residential Dwellings

Access is to conform to Approved Document B Volume 1 Part B5 Sect. 11.2-11.5 inclusive.

South Yorkshire Fire and Rescue is keen to promote the benefits of sprinkler systems to protect lives, property and the environment. As such it is recommended that this is allowed for when determining the water supply requirements for the site.

08. ICON1

INFORMATIVE

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

The document can be found at the following web address:

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

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

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

Appendix 1 – Site Location Plan





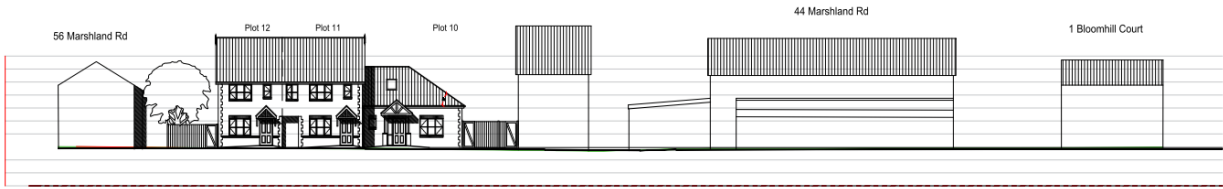
# Appendix 2 – Proposed Site Layout



# Appendix 3 – Streetscene Elevations



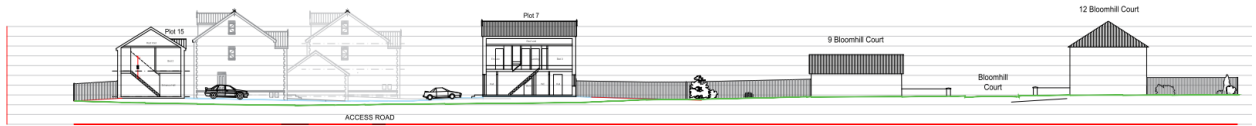
Line B - Elevation from BloomHill Court



Line C - Elevation from Marshland Road



Site Section DD  
Residential Development at Marshlands Road, Moorends Doncaster



Section A-A

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 26<sup>th</sup> June 2018**

<b>Application</b>	<b>06</b>
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<b>Application Number:</b>	17/02717/OUTM	<b>Application Expiry Date:</b>	08 <sup>th</sup> February 2018
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<b>Application Type:</b>	Major
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<b>Proposal Description:</b>	Outline application for residential development (with means of access to be agreed).
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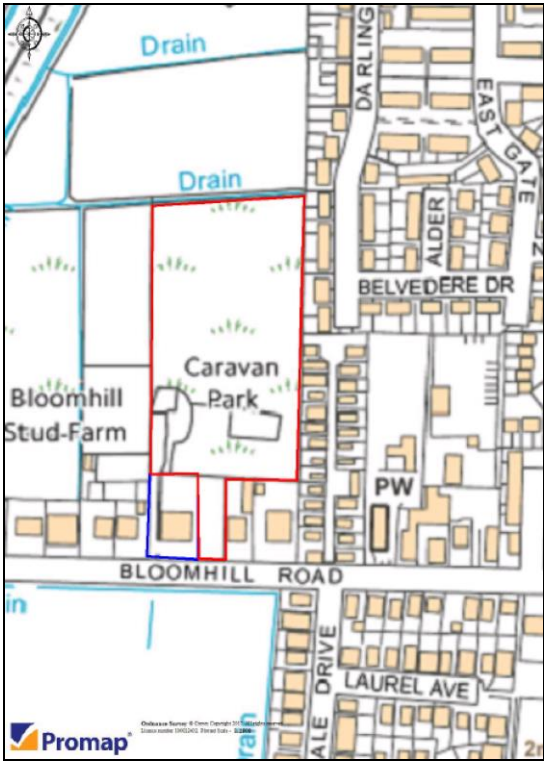
<b>At:</b>	Land to the rear of Rivendell, Bloomhill Road, Moorends
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<b>For:</b>	DLP Planning
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<b>Third Party Reps:</b>	Petition (200) and 22 in opposition with 27 in support.	<b>Parish:</b>	Thorne Town Council
		<b>Ward:</b>	Thorne And Moorends

<b>Author of Report</b>	Mel Roberts
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<b>MAIN RECOMMENDATION:</b>	<b>PLANNING PERMISSION BE REFUSED</b>
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## **1.0 Reason for Report**

1.1 This application is being reported to planning committee at the request of Councillor Susan Durant and because of the number of letters in support of the application.

## **2.0 Proposal and Background**

2.1 This application seeks outline planning permission for residential development with the means of access to be agreed at this stage and all other matters to be reserved. An indicative layout has been submitted which shows a development of 59 dwellings comprising 2, 3 and 4 bedroomed properties (see Fig 1).

2.2 Access to the site is to be taken directly from Bloomhill Road. The proposed access to the site runs from Bloomhill Road and into the side garden of a bungalow called Rivendell and then carries on to serve the land to the rear. There is another bungalow called Green Acres that sits on the other side of the proposed access road. The indicative site plan shows that a landscaping strip is proposed between the access road and Green Acres. The indicative layout has been designed to allow for access to adjoining parcels of land.

2.3 At the point of access into the proposed housing site (and further beyond to the west), Bloomhill Road is a narrow carriageway with no footpaths either side and is different in character to the road further along to the east (beyond the residential park site), which has a typical width carriageway with footpaths either side.

2.4 The application site comprises a single parcel of Greenfield land which measures approximately 1.72 hectares in size. The site comprises a single field which is level in terms of topography and is vacant and unused.

2.5 Existing dwellings lie on the southern boundary on Bloomhill Road and to the east on Darlington Grove with the back gardens bordering the site. Mount Pleasant also exists to the east, which is a residential park site and accommodates 26 pitches. To the west and north are open fields with some minor vegetation in the form of young trees and shrubbery.

2.6 The properties to the south of the site on Bloomhill Road are predominately bungalows with some having accommodation within the roof space. The properties on Mount Pleasant are single storey caravan type units with flat roofs and small plots. Darlington Grove forms a cul de sac off a wider residential estate and is made up of semi-detached dormer bungalows and houses.

## **3.0 Relevant Planning History**

3.1 There is no relevant planning history.

## **4.0 Representations**

4.1 The application has been advertised in the press, on site and with letters sent to all properties bordering the site.

4.2 A petition with 200 signatures has been submitted in opposition to the application on the basis that the development will have an adverse impact on the surrounding areas, roads and all infrastructure.

4.3 An additional 22 letters of objection have been received and the comments can be summarised as follows:

- i) The site has a poor access and infrastructure and Bloomhill Road cannot cope with traffic from another 59 homes.
- ii) There is no need for any more houses in this area.
- iii) The site is Greenfield land and should therefore be protected.
- iv) Building more properties is going to add even more volume to existing sewers and drains that cannot cope in heavy rainfall.
- v) The land is continually waterlogged and the water from the development will be forced onto the adjacent caravan site.
- vi) Schools, doctors and hospitals are all stretched to capacity and cannot cope.
- vii) If the attenuation tank overflows then it could flood the adjacent property.
- viii) The proposal will devalue surrounding properties.
- ix) The site has ecological value and there are likely to be Great Crested Newts on site.
- x) There will be a loss of privacy to surrounding properties.
- xi) There will be noise from construction of the development.
- xii) Upon looking at the representations for this application, there are 8 in favour from 3 different families giving their address as Rivendell.

4.4 27 letters of support have been received and the comments can be summarised as follows:

- i) More housing is needed in Moorends.
- ii) The development will attract investment into the local community.
- iii) The parcel of land is a natural progression of the existing developed area and so should be supported.
- iv) The site is located close to local amenities.
- v) The development will bring much needed affordable housing.
- vi) This land has previously had planning permission granted when Thorne Rural District Council and Doncaster Corporation was the Planning Authority.
- vii) The land was the most heavily promoted land through the Local Plan and Neighbourhood Plan Process and is the most appropriate development site in Moorends.
- viii) The land has no agricultural value and is constantly subject to fly tipping and other forms of anti-social behaviour.

4.5 It should be noted that of the 27 letters received in support of the application, 9 of those are from people who share the same surname as the owner of the land and a further 5 are from people who give their address as Rivendell.

## **5.0 Town Council**

5.1 The Town Council has been consulted, but no response has been received.

## **5.0 Consultations**

5.1 The Environment Agency has raised no objections subject to a condition requiring finished floor levels to be set no lower than 3.5m above Ordnance Datum (AOD).

5.2 Yorkshire Water has raised no objections subject to conditions.

5.3 The Council's Drainage section has raised no objections subject to conditions.

5.4 Transportation has responded and has raised no objections.

5.5 Highways have raised no objections subject to a number of conditions.

5.6 The Urban Design Officer has raised no objections in principle and has suggested a number of amendments to the indicative playout plan which are more relevant for any subsequent reserved matters application.

5.7 The Open Space Officer has indicated that the Moorends Community Profile Area is deficient in 2/5 Open Space typologies, including informal open space. In line with UDP Policy RL4, 10 per cent of the site should be laid out as useable informal Public Open Space, suitable for children's play, or a commuted sum in lieu of this.

5.8 The Ecology Officer is satisfied that no protected species are at risk from the proposed development and has therefore raised no objections subject to a condition requiring an Ecological Enhancement Plan.

5.9 The Tree Officer has responded and has raised no objections subject to a landscaping scheme being submitted. This would be dealt with under reserved matters if outline approval were given.

5.10 South Yorkshire Archaeology Service has been consulted and has not responded.

5.11 Environmental Health has raised no objections subject to conditions that would control noise and dust during construction of the development.

5.12 The Air Quality Officer has raised no objections subject to a condition requiring electric vehicle charging points within the site.

5.13 Pollution Control has commented that although there is no evidence of any previous industrial or other potentially polluting use of the land, further investigation of possible contamination should be secured by a condition given the sensitive nature of the end use as residential. Given that there is no evidence of any previous potentially contaminating uses then such a condition is not considered necessary.

5.14 Public Rights of Way has raised no objections as there are no recorded rights of way affected by the proposed development.

5.15 Education has requested a contribution of £164,673 to be put towards school places for Trinity Academy Secondary School which will be over capacity with the additional 9 school places that the development will create.

## **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. It states in paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

7.2 The NPPF states that the intrinsic character and beauty of the countryside should be recognised. It states that decisions on applications that generate significant amounts of movement should take account of whether the opportunities for sustainable transport modes have been taken up and whether safe and suitable access to the site can be achieved. Other areas covered by the NPPF include the need for good design, flooding and ecology.

### Doncaster Core Strategy

7.3 Policy CS2 identifies Moorends as a Renewal Town, which together with the other Renewal Towns of Denaby, Edlington and Carcroft/Skellow is to provide up to a total of 1660 houses over the plan period. In Renewal Towns the priority will be regeneration and housing renewal rather than market-led growth.

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

7.5 Policy CS4 seeks to direct development to areas of lowest flood risk and ensure that mitigation measures are in place to ensure that developments do not flood. Developments within flood risk areas will be supported where they pass the Sequential and/or Exceptions Test.

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 CS10 sets out the phasing of new houses to be built and states that new urban extension allocations to the Renewal Towns will be released from 2021 onwards (provided that suitable sites can be identified).

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

7.9 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.

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

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

#### Unitary Development Plan

7.12 Policy ENV4 establishes the purposes for which development in the Countryside Policy Area is likely to be permitted. Major residential developments do not fall into any of the identified categories of development deemed to be acceptable.

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

7.14 Policy RL4 seeks the provision of local public open space or a commuted sum in lieu of this on new developments of 10 or more family dwellings.

#### Neighbourhood Development Plan

7.15 The Town Council has produced a draft Thorne and Moorends Neighbourhood Plan, but little weight can be attached to the document given its early stage in the process.

### **8.0 Planning Issues and Discussion**

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



## Principle of the Development

8.2 The site lies within the Countryside Policy Area as allocated in the Doncaster UDP and also lies within the broad extent of the Countryside Policy Protection Area as defined in the Core Strategy. Therefore the proposal should be primarily judged against Core Strategy policies CS2 and CS3 and policy ENV4 of the UDP. These policies are designed to protect the countryside from development that would not be appropriate such as large scale housing proposals and so the proposed development would not comply with these policies.

8.3 Policy CS2 of the Core Strategy defines Moorends as a Renewal Town and sets a housing target of up to 1600 to be built across Moorends and the other three defined Renewal Towns (Denaby, Edlington and Carcroft/Skellow) over the plan period. Policy CS2 explains that in Renewal Towns, the priority will be regeneration and housing renewal rather than market led-growth.

8.4 Core Strategy policy CS10 states that sufficient land will be provided to deliver housing targets according to a phasing strategy. In Renewal Towns, it is envisaged that the potential for delivering urban extension allocations (provided suitable sites can be identified) will be delayed until after 2021. Release of this site for housing now would be contrary to Policy CS10 in that it would be 3 years earlier than the earliest date for the release of new Greenfield urban extensions to the Renewal Towns, including Moorends. Any approval of an application at this stage would undermine the phasing policy of the Core Strategy and possibly set a precedent for other similar applications to the detriment of the aims of the Core Strategy.

8.5 The Core Strategy has not been accompanied by the anticipated Sites and Policies Document and so new allocations for the settlement have not been defined. Therefore, an argument may be made that the proposal would be supportive of the Core Strategy's Growth and Regeneration Strategy as set out in policy CS2. However, housing monitoring data (at 1<sup>st</sup> April 2017) for net completions (370 units) and outstanding permissions (745 units) show that 70 per cent (or 1115) of the Renewal Towns' target for up to 1600 dwellings has already been achieved in the first 7 years of the Core Strategy plan period, with a further 10 years of the period remaining. There is a very realistic prospect that the strategy for Renewal Towns will be achieved in the next 10 years and there is therefore no pressing need to release the site for housing at present.

8.6 To be compliant with policy CS2 of the Core Strategy, proposals for housing development in this Renewal Town should demonstrate how the proposal is contributing to regeneration. As a market-led development, the development does not achieve this and does not attempt to provide other means of contributing to the objectives of policy CS2, such as, for example, provision of a commuted sum towards a regeneration project in Moorends. The only contribution would be indirect by the arguable provision of a new wider choice in house types and affordability in the settlement. The proposal does not therefore comply with policy CS2 of the Core Strategy.

8.7 The site is located close to services within the centre of Moorends. It has one edge along the boundary of the built up area of Moorends. The ribbon of houses

along Bloomhill Road lie within the countryside. The development is not infill. If there was a need to allocate a site for an urban extension to deliver more houses as part of the future Local Plan then the site might have locational merit, but would need to be considered against other sites and planning criteria as part of the due process of the Local Plan preparation, having regard to the fact that the site lies within flood zone 3.

8.8 The applicant's Planning Statement suggests that the Council does not have a five year housing land supply following the appeal decision for a site off Westminster Drive, Dunsville, which allowed permission for 97 dwellings. This appeal decision was challenged by the Council through a Judicial Review. The conclusion of this process was that in reaching her conclusion on the Council's housing requirement for the 5 year housing land supply, the Inspector made an error on the Council's assessment of its 'objectively assessed need.' It therefore remains the Council's position that it continues to determine planning applications on the basis that it can demonstrate a sufficient supply of housing land as shown in its latest published 5 Years Housing Land Supply Statement in August 2017. As such, the provisions of NPPF paragraph 49 (which states that, "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.") do not apply and the Council's Development Plan policies relevant to the supply of housing are not considered to be out-of-date, contrary to the claims by the applicant.

### Flooding

8.9 A Flood Risk Assessment has been submitted with the application. The Environment Agency flood maps indicate that the site is wholly located within Flood Zone 3. The main potential source of flooding to the site is tidal flooding, but the risk is low due to the protection offered by flood defences. The risk of flooding to the site is residual and attributed to possible failure of flood defences and pumping stations.

8.10 The Topographical Survey shows that site levels vary from a low of 1.46m AOD in the centre of the site to approximately 2m AOD in the northern part of the site. The report concludes that the residual flood risk could be mitigated by raising ground floor levels to 3.5m AOD. A higher finished floor level of 4.1m AOD is not considered feasible given the existing ground levels of the site and 3.5m AOD is consistent with nearby recently approved residential development in the Isle of Axholme area.

8.11 A finished floor level of 3.5m AOD will be achieved by raising site levels in the location of individual plots. This will entail raising ground levels to 3m AOD (approximately 1m – 1.5m of ground raising) and raising finished floor levels by 0.5m. Ground raising at individual plots can be achieved through ramping up driveways and gardens. This approach is recommended to prevent any structural issues associated with pressure of water against walls. Flood resilience and resistance measures will also be incorporated into the design. The report concludes that the raising of land levels to facilitate raised floor levels would have negligible impact on flood risk elsewhere and would not increase tidal flood levels at nearby properties.

8.12 The proposed development would introduce impermeable drainage areas in the form of buildings and roads. This will result in an increase in surface water runoff. In order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control can be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 30% climate change. Attenuation can be provided within a pond, basin or an underground tank. Yorkshire Water have confirmed that foul flows can discharge to the 225mm public combined sewer in Bloomhill Road.

8.13 The development is classed as a more vulnerable use of the site and therefore the Sequential and Exceptions Tests must be applied and passed.

8.14 In terms of the Sequential test, the area of search can be limited to Moorends given the need for housing as set out in policy CS2 and this approach has been accepted on other recent applications made in the area. Moorends is wholly located within Flood Zone 3 and so by default there are no alternative sites with a lower flood risk classification. As such, it is considered that there are no alternative sites within Moorends at a lower flood risk and the Sequential Test is passed.

8.15 The Exception Test aims to ensure that more vulnerable property types are not allocated to areas at high risk of flooding. For the Exception Test to be passed it must be demonstrated that:

- a) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared;
- and
- b) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere.

8.16 The proposal meets part b) of the Exceptions Test because the Flood Risk Assessment demonstrates that with the increase in floor levels and other measures proposed that the development will be safe for its lifetime and will not increase flood risk elsewhere. In terms of part a) however, although the site is located close to Moorends, the fact that the proposal lies in the countryside and is not currently needed, it is considered that the proposal fails to provide the sustainability benefits to the community that outweigh flood risk. There are no exceptional reasons to allow this housing within flood zone 3 and the proposal therefore does not pass the Exceptions Test.

8.17 Although the proposal passes the Sequential Test and provides a suitable Flood Risk Assessment to demonstrate that the proposal will not flood and will not cause flooding elsewhere, it does not pass the Exceptions Test and is therefore contrary to parts of policy CS4 of the Core Strategy and guidance within the NPPF relating to Exceptions Tests.

#### Character and appearance

8.18 The applicant has submitted a Landscape and Visual Assessment (LVA). The report appraises the landscape and visual baseline within which the application site is located and considers the changes which might arise as a result of the proposals.

8.19 The LVA generally concludes that the impact of the development on the immediate site context and landscape character area is moderate/minor adverse during the construction period to minor adverse in the longer term when the site has matured with landscaping. The greatest significance of visual change would be restricted to existing dwellings immediately to the south and east of the site. The significance of visual change upon these dwellings has been generally assessed as major/moderate adverse during construction and moderate adverse in the longer term. The LVA also indicates that the significance of visual change decreases with distance from the site and properties at the western end of Broomhill Road, the northern end of Darlington Grove and at the southern end of Broomhill Court will experience moderate or minor adverse change during construction and minor or negligible change in the longer term. Boundary landscaping to the south and east of the site could be employed in mitigation if deemed necessary.

8.20 Fundamentally however, the original LVA that was produced had no regard for the need to raise floor levels of the properties by 1.5 to 2 metres as required by the Environment Agency. The author of the LVA revisited the report and concluded that the raising of the ground levels of the site to 3.5m AOD would not change the significance of visual change from the evaluation recorded in the original LVA and that boundary treatment could be employed in mitigation if deemed necessary.

8.21 The site and surrounding area is a relatively flat landscape and it is considered that the introduction of a development of around 60 houses with floor levels much higher than surrounding properties is bound to have an impact on the character and appearance of the area. The applicant has produced sections showing how the development might appear against existing properties that surround the site (see fig 2). The sections show that the proposed houses in the northern half of the site would be of similar height to the dormer bungalows on Darlington Grove even though ground levels on the application site will be 1.28m higher than the adjacent land. The proposed houses will be over 5 metres higher than the caravans on the residential caravan site. The proposed houses will be around 1.4 metres higher than Rivendell, (one of the tallest bungalows along this part of Bloomhill Road) with ground levels 1.24m higher than the garden of this existing bungalow.

8.22 The sections do indicate that there will be differences in heights between the proposed houses and surrounding properties on account of the higher floor levels. The proposed house types used in the sections are 7 metres in height and have very shallow pitches of between 20 and 28 degrees and are not in keeping with the pitches of roofs in the surrounding area and so are probably not indicative of the likely house type that would come forward at detailed application stage.

8.23 It was suggested to the planning agent that they try and negotiate lower floor levels with the Environment Agency, especially as levels of between 2.8m AOD and 3.1m AOD have been accepted close by on Marshland Road (under reference 15/00878/FULM) due to planning constraints. The agent has not gone back to the Environment Agency to try and justify lower land levels and so the proposal must be

assessed based on the levels currently agreed. The proposed dwellings need to be either houses or dormer bungalows because the Environment Agency has indicated that it would not support single storey properties in flood zone 3, which do not have a first floor for sleeping accommodation.

8.24 Although the LVA concludes that the proposed development would be in keeping with the character of the area, there is some doubt over this. The sections produced subsequent to the LVA indicate that properties will be higher than surrounding dwellings. The fact that Moorends has a typically flat topography and houses are at a similar ground level, there is genuine concern that a development of around 60 houses with floor levels up to 2 metres higher will not be in keeping with the character of the area and will be visible especially when viewed from the south over the open fields. Landscaping would take many years to establish and it is unlikely that this would mitigate against the harmful visual impact that the development will have. The application does therefore not comply with policy CS14 of the Core Strategy and policy ENV53 of the Doncaster UDP.

#### Residential amenity

8.25 The proposal is not seeking to agree layout and appearance at this stage and so matters such as possible overlooking or overshadowing of properties surrounding the site is not a consideration. If outline permission is granted then the layout and appearance of the development can be agreed at reserved matters stage to ensure that there is no impact on the amenity of surrounding properties by for instance maintaining adequate separation distances.

8.26 The main consideration at this stage is the possible impact that the new access road will have on the adjoining residential properties. The new access road will be only 6m from the side elevation of Rivendell and there is clearly going to be additional noise and disturbance to the occupants of this property from what currently exists given the number of comings and goings from the development. There are windows on the side elevation of Rivendell, which will exacerbate the impact on this property. The possible impact on the occupants of Rivendell is less of a consideration however given that they own the application site and are agreeable to allowing the access to run through their garden.

8.27 Consideration needs to be given to the possible impact on the occupants of Green Acres in terms of noise disturbance from vehicles and people using the access road. The access road will be 10.5m from the side of the bungalow. As with the case of Rivendell, there is likely to be an increase in noise and disturbance to the occupants of Green Acres given that there are side windows facing the access road and the back garden runs parallel with the road. The plans do however show a landscaping strip between the access road and Green Acres, which together with an acoustic fence (that could be secured by a planning condition) could mitigate against any noise disturbance to the occupants of Green Acres to an acceptable level. It is not uncommon to see an access road serving an estate which passes front houses in this way. Although there will be an impact on residential amenity from noise arising from use of the access road, it is considered on balance that this would not in itself be a sufficient reason to refuse the application.

## Transport

8.28 A Transport Statement has been submitted with the application. The report demonstrates that the site is within walking distance of the local centre; this reduces the need for private car travel with ease of access to the nearby services and bus routes which connect to employment locations further afield.

8.29 The report states that the proposed development is forecast to generate 9 arrivals and 35 departures during the morning peak hour and 26 arrivals and 14 departures during the evening peak hour, which is negligible.

8.30 In order to accommodate the additional traffic generated by the proposal, Bloomhill Road will require widening where it narrows. A plan has been submitted showing that the road will be widened up to and slightly beyond the access point into the site with a footway provided on the northern side of the road (see fig 3). There is highway land available to accommodate the widening of the road and these works could be secured by a Grampian condition. The plans also show that a suitable visibility splay can be achieved and the plans have been tracked to ensure that refuse vehicles can access the site safely. The application therefore accords with policy CS9 of the Core Strategy.

## Ecology

8.31 An Ecological Appraisal has been submitted with the application. The report concludes that the majority of the habitats on the site are of negligible or low ecological value. The site consists of a residential garden and a field consisting of species-poor semi-improved grassland and an area of marshy grassland. A partially dry ditch runs to the north of the site bordered by dense scrub and a mature hedgerow runs along the border to the west. The hedgerows are species poor and the dense scrub is mainly comprised of bramble and nettles, but will provide limited habitat for breeding birds.

8.32 The report states that a number of birds were observed at the site and it is likely that some species will be nesting in the hedgerows and dense scrub. House sparrows, starlings and red-listed birds of conservation concern were recorded foraging on the site.

8.33 Common pipistrelle and noctule bats were recorded foraging over the site. Buildings were assessed as having negligible potential to support roosting bats. No evidence of reptiles or badgers was found. The report recommends that development works seek to retain the native hedgerow that runs along the western boundary and incorporates native wildlife friendly planting into the landscaping scheme.

8.34 A pond 720 metres from the site at Thorne Railway Delves does have Great Crested Newts present. However there are no ponds within the site or the immediate area and given that they normally stay within 250m of the breeding ponds they are not considered to be present at the site. The application therefore accords with policy CS16 of the Core Strategy.

## Loss of agricultural land

8.35 Agricultural land classification maps (Natural England – Yorkshire and Humberside ALC) indicate that the soil quality within the site is Grade 3B ‘moderate.’ The land has negligible agricultural value given its size and proximity to existing built form and is not currently in agricultural use. There is therefore no loss of high quality agricultural land and the proposal complies with policy CS18 of the Core Strategy.

## Benefits of the proposal

8.36 The proposal would clearly add to the housing mix in Moorends. The proposal would create temporary construction jobs. The proposal could also create affordable housing (subject to viability) and the indicative layout includes provision for 16 affordable homes, which equates to a 27 per cent on site contribution. The applicant has not submitted a viability statement at this stage, but could do so at any point in the future should the development be found unviable owing to the requirement for 26 per cent affordable housing, 10 per cent of the site area for open space (or a commuted sum in lieu of this), £164,673 of education contributions, road widening works and the significant costs to achieve required floor levels.

## **9.0 Overall conclusions**

9.1 The site lies within an area shown as countryside both in the Core Strategy and the UDP, where policies do not normally allow for developments such as large scale housing schemes and the proposal is therefore contrary to CS3 and ENV4. Policy CS2 of the Core Strategy identifies Moorends as a Renewal Town and sets a housing target of up to 1600 to be built across Moorends and the other three defined Renewal Towns (Denaby, Edlington and Carcroft/Skellow) over the plan period up to 2028. Policy CS10 however states that urban extension allocations to Renewal Towns (provided suitable sites can be identified) will be delayed until after 2021. The release of this site for housing now would be contrary to policy CS10 and would undermine the phasing aims of the Core Strategy. There is no pressing need to release this site for housing because 70 per cent of the housing target for Renewal Towns is accounted for, with still another 10 years of the plan period left to run. As a market-led development, the proposal is not compliant with policy CS2, which seeks to promote regeneration and housing renewal. The Council can demonstrate that it has a 5 year housing supply and so the policies within the development Plan are up-to-date. Although the site is within a location close to the centre of Moorends, its suitability for housing should be considered as part of the due process in preparing the Local Plan or the Thorne & Moorends Neighbourhood Plan. However, its location in flood risk zone 3 heavily weighs against its potential allocation.

9.2 The applicant has shown that the site can be mitigated against flooding with the raising of floor levels to 3.5m AOD and that the development will not cause flooding to surrounding properties. The proposal passes the Sequential Test on account of there being no other sites in Moorends that are at a lower risk of flooding. The proposal does not however pass the Exceptions Test given that despite the site being located close to amenities in Moorends, there is no pressing need to release this site for housing in flood zone 3 and does not therefore provide the wider sustainability benefits to the community that outweigh flood risk.

9.3 Although generally finding no significant visual harm from the development, the LVA accepts that there will be a moderate adverse impact to residential properties to the south and east of the site in the longer term and this is without even having considered the impact of the development with floor levels raised between 1.5m and 2m from current ground levels. The sections that have been provided indicate that even with houses that have very shallow pitches at 7m in height, the development will still rise above existing properties that surround the site. Although scale and appearance are not a consideration at this stage, there is concern that allowing a development of 2 storeys with floor levels of 3.5m AOD will result in harm to the character of the area, especially when viewed from the south. Any landscaping proposed will take time to mature and is unlikely to mitigate against the visual impact that this large development will have.

9.4 Although the position of the access so close to the existing properties is likely to result in increased noise disturbance, this type of arrangement is not uncommon and can be mitigated with the provision of an acoustic fence and landscaping and is not in itself a sufficient reason to refuse the application. The Transport Statement shows that the site can accommodate the extra traffic generated particularly with the widening of Bloomhill Road as indicated on the plans. The ecological value of the site is low and can be mitigated against and the site is not high quality agricultural land.

9.5 There would be some benefits arising from the proposal including the provision of affordable housing (subject to viability) and the creation of jobs during construction of the development, but these material considerations do not outweigh the fact that the proposal is contrary to the Development Plan in that the site is countryside and is within flood zone 3 and there is no pressing need to release this site for housing at this stage.

## **10.0 Recommendation**

10.1 Planning permission be REFUSED for the following reasons:

- 1) The application is contrary to policies CS3 of the Core Strategy and policy ENV4 of the Doncaster UDP which do not normally allow for housing developments in the countryside. The application is also contrary to policy CS10 of the Core Strategy which states that housing allocations in Renewal Towns such as Moorends are not intended to be released until 2021 onwards. The proposal is not a market-led development and does not offer any regeneration benefits to Moorends and is also therefore contrary to policy CS2 of the Core Strategy.
- 2) The application does not pass the Exceptions Test because there is no need to release the site for housing within flood zone 3 and the proposal does not therefore provide the wider sustainability benefits to the community that outweigh flood risk contrary to policy CS4 of the Core Strategy and guidance set out in the NPPF.



- 3) Although not seeking to agree scale and appearance at this stage, the proposal will be out of character with the surrounding area at the floor levels of 3.5m AOD required to mitigate against flood risk, especially when viewed from the south and the application is therefore contrary to policy ENV53 of the Doncaster UDP.

**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.**

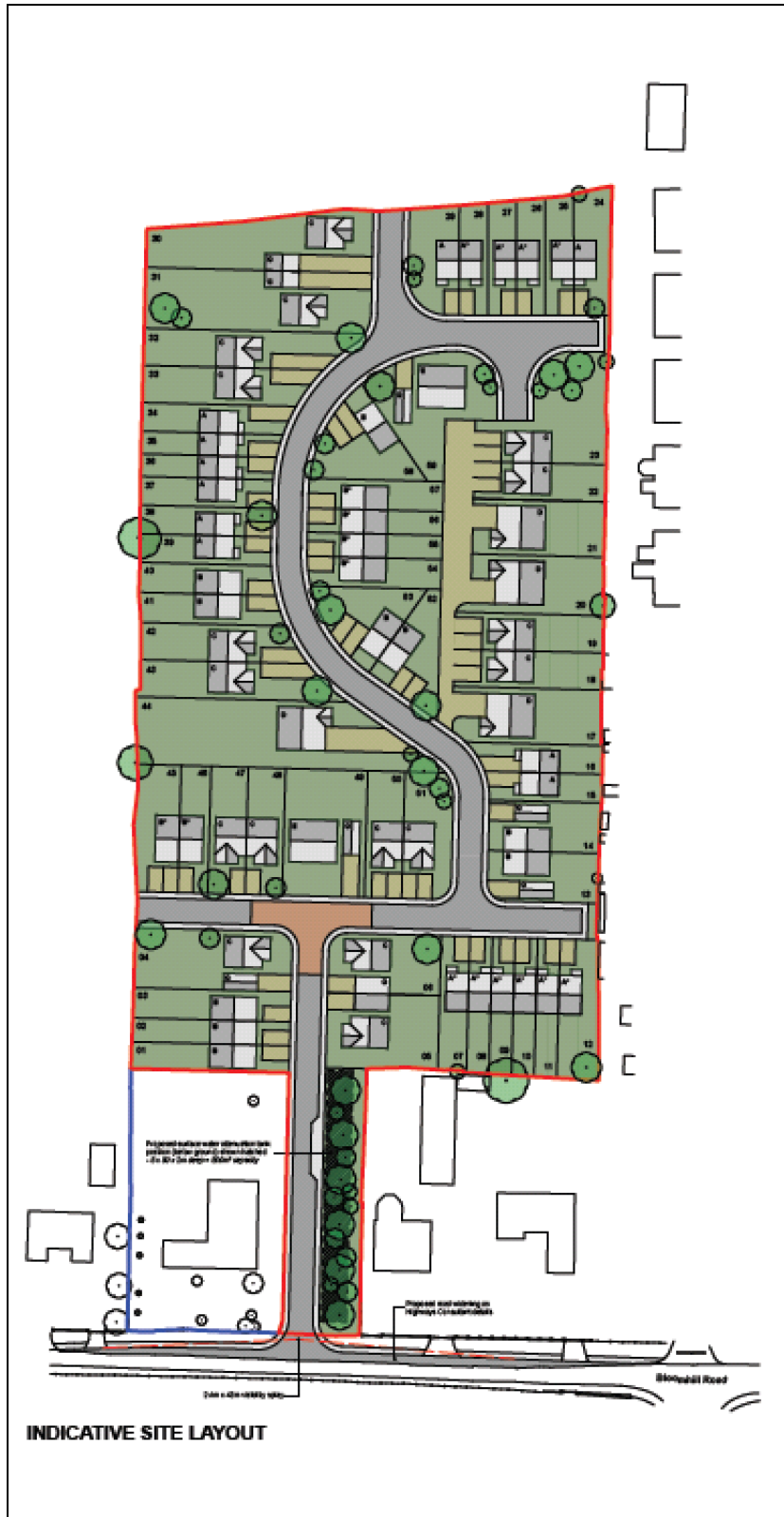


Figure 1: Indicative site layout plan.

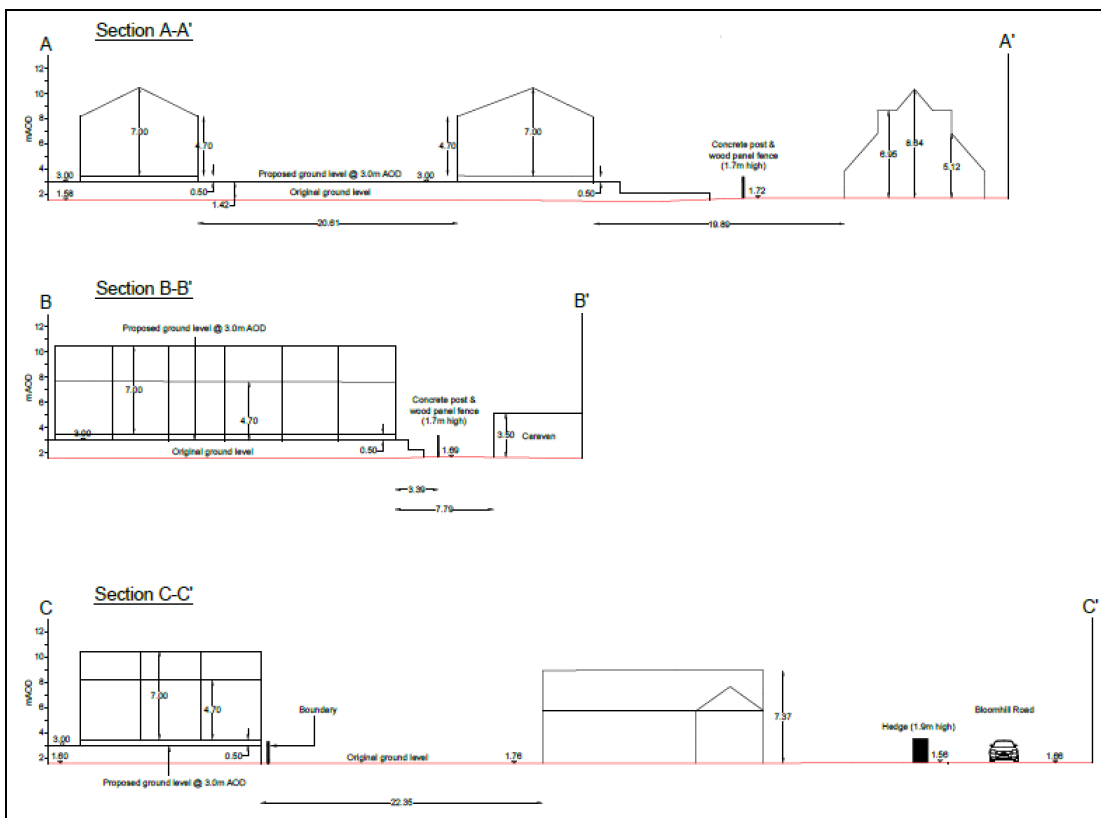


Fig 2: Proposed indicative sections of the site.



**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 26th June 2018**

**Application**      **07**

<b>Application Number:</b>	18/00270/FUL	<b>Application Expiry Date:</b>	5th April 2018
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<b>Application Type:</b>	Full Application
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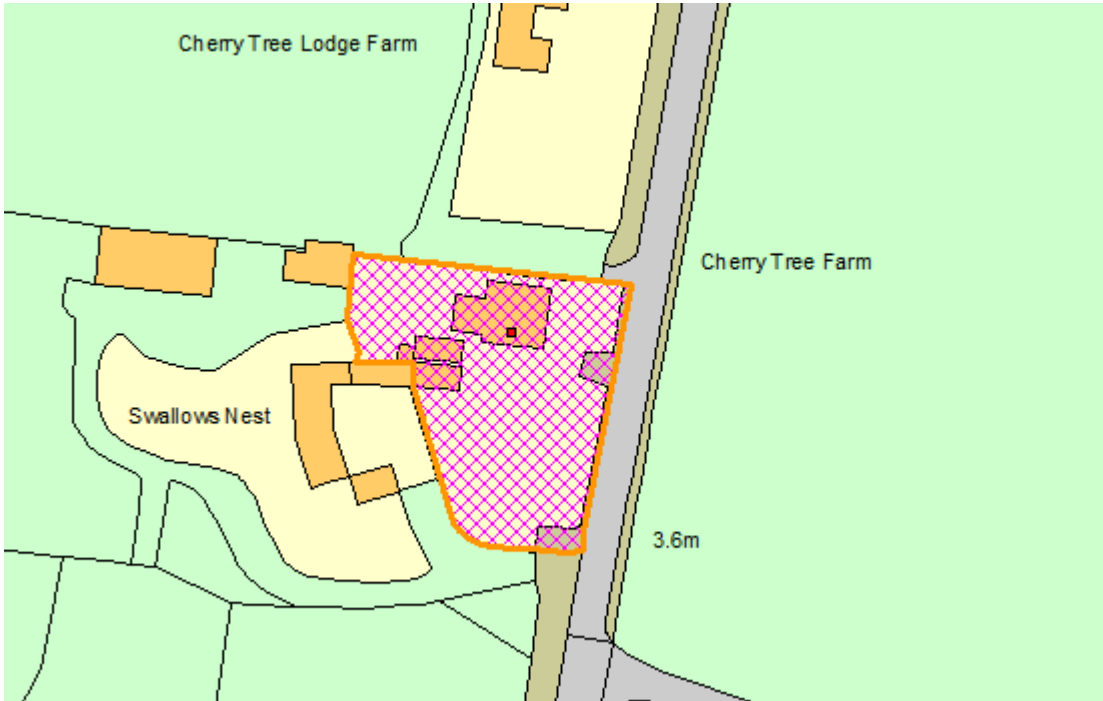
<b>Proposal Description:</b>	Change of use from single residence to cattery business and single residence with erection of 17 double pen cattery and conversion of existing dwelling utility room and office to cattery kitchen and reception
<b>At:</b>	Cherrytree Farm Crow Tree Bank Thorne Doncaster

<b>For:</b>	Mrs Amy Berry
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<b>Third Party Reps:</b>	One objection.	<b>Parish:</b>	Hatfield Parish Council
		<b>Ward:</b>	Hatfield

<b>Author of Report</b>	Tim Goodall
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<b>MAIN RECOMMENDATION:</b>	APPROVE
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## **1.0 Reason for Report**

1.1 The application is being presented to Planning Committee as it is a departure from the Development Plan.

## **2.0 Proposal and Background**

2.1 Full planning permission is sought for the change of use from single residence to cattery business and single residence with erection of 17 double pen cattery and conversion of existing dwelling utility room and office to cattery kitchen and reception.

2.2 The application site lies approximately 4 kilometres to the south east of Thorne and about 500 metres north of the M180 on Crow Tree Bank. The surrounding countryside is relatively flat with large field some bound by hedgerows and occasional trees.

2.3 The application site as existing contains a detached dwelling with grey rendered walls and a pantile roof with associated outbuildings to the south with white rendered walls. The application site has a front/side and also rear garden. To the rear (west) of the site is a separate dwelling known as Swallows Nest. This building is of brick construction with a courtyard to the front elevation a garden to the side and rear.

2.4 The two cattery units would be rectangular in shape, location on the western side of the site. They would be 2.63 metres in height with a mono pitched roof. The material used in the construction of the units would be predominantly uPVC. A one way entry and exit system is proposed for access to the site.

## **3.0 Relevant Planning History**

12/00464/FUL - Installation of package sewage treatment plant to serve Cherry Tree Farm house only and to isolate from existing septic system presently shared with neighbouring property. - Permitted

18/00271/ADV - Display of single hanging sign above existing garden hedge at entrance to the property - Pending consideration

## **4.0 Representations**

4.1 One objection was received from the occupier of Swallows Nest, the dwelling to the west of the application site. The following points were made:

1. The site is in the agricultural policy area (officer response: the site lies in the Countryside Policy Area and is considered against the relevant national and local planning policies)
2. The site has not been a working farm for 15 years (officer response: this is interpreted to be a concern over an increase in activity at the site, which is addressed in the report).
3. Increase in parking are leading to surface water drainage issues (officer response: the Council's Drainage officer has no objection subject to condition)
4. Materials not in keeping with surrounding area (officer response: see visual amenity section of report below)
5. Concern over quality of access road and its use by agricultural vehicles and lorries (office response: the Council's Highways Officer has no objection in principal and conditions will be imposed regarding the on way system and to ensure the site is appointment only)

6. Loss of human rights including peaceful enjoyment to own home. Within 15 metres of front door and 5 metres of where they eat outdoors (officer response: the proposed waste storage unit has been moved to the opposite side of the site and the nearest cattery unit has been moved further away from the courtyard. It is also noted that the courtyard is used by vehicles as well and that there is a rear garden to Swallows Nest)
7. The height of the building means it will protrude over the courtyard wall. Concerns of load bearing capacity. Emissions into courtyard (officer response: the Council's Environmental Health Officer has been consulted and has discussed the application with regard to noise and odour with the applicant. Following this, there is no objection)
8. Concern over drainage (officer response: the Council's Drainage Officer has been consulted and has requested a pre-commencement condition requiring full drainage details)
9. There has been applications in the past for preparation rooms etc that have been refused on the same property that the applicant wants to use for a cattery kitchen and reception, surely the same rules still apply as years ago.
10. 15 Other catteries in a 10 mile radius (officer response: business competition is not a material planning consideration. The applicant has also provided a rural support statement advising they intend to provide a different service to nearby catteries))

## **5.0 Parish Council**

5.1 No response received

## **6.0 Relevant Consultations**

6.1 Environmental Health Officer - No objection. Discussed with the applicant concerns regarding the proposed location of the waste storage area located on the eastern boundary of the site detailed on block plan complete 2 phases dated 19.01.2018 (close position to the nearby sensitive receptor). The officer understands that a weekly trade collection will take place at the site, however due to concerns of odour discussions took place exploring alternative positions for the storage of waste prior to collection. Having viewed the details submitted, a discussion with the applicant and received additional information detailing noise of the ventilation unit and the location of the proposed development there are no objections to make but would suggest a condition to ensure that the development does not have an adverse impact on the nearest sensitive receptor due to odour.

6.2 The noise information indicates the sound pressure level for both speeds of the unit which will be positioned beneath quadruple glazing. On the basis of the noise levels and typical attenuation of the glazing unit there are no concerns of noise from this development.

6.3 In respect of the storage location of the waste material, the Environmental Health Officer would recommend a condition regarding the location should the planning officer or planning committee be minded to grant this application. The storage of waste shall be located either to the entrance area or to the southern boundary (exit area) of the site.

6.4 Environment Agency - No objection on flood risk grounds, subject to conditions.

6.5 Drainage Officer - No objection, subject to conditions.

6.6 Tree Officer - No objections. The details supplied with the application were very helpful in showing that trees (small fruit trees) are not an issue with this application. The removal of

the large conifer hedge and the short stretch of hawthorn hedge could be undertaken irrespective of any planning application.

6.7 Ecology Officer- The proposals look to have a minimal impact on ecology. The new cattery buildings are predominantly on existing hard standing. There is the loss of a small section of hedge, one apple tree and a small area of lawn. Two areas of new planting are indicated on the plans. It would be good to see the landscaping proposals for these. Also it would be good if the lost apple tree could be replaced? All of this could be conditioned if required.

6.8 Highways Officer- no objection in principle but notes that 17 pens is significant and could increase the use of the access/egress considerably. The Highways Officer would ask that the applicant look at implementing an appointment system and only cater to a maximum of 2 visitors at any one time to ensure no vehicular conflict arises. I would also ask that they ensure their customers are aware of the in/out arrangement.

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

Doncaster Core Strategy 2012  
Policy CS1 - Quality of Life  
Policy CS2 - Growth and Regeneration Strategy  
Policy CS3 - Countryside  
Policy CS4 - Flood Risk and Drainage  
Policy CS14 - Sustainable Design and Construction

Doncaster Unitary Development Plan 1998 saved policies  
ENV2 Countryside Policy Area  
ENV4 Countryside Policy Area Development Control Policies

National Planning Policy Framework

## **8.0 Planning Issues and Discussion**

The Main issues are:

Development in the Countryside  
Residential Amenity  
Flooding and Drainage  
Visual Amenity  
Trees and Landscaping  
Highways and Parking

### Development in the Countryside

8.1 Section 3 of the National Planning Policy Framework supports a prosperous rural economy. It states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.



8.2 Policy CS3 advises that the following proposals in the countryside, in the east of the borough would generally be acceptable: agriculture, forestry, outdoor sport and recreation, habitat creation, flood storage and management, essential infrastructure, mineral extraction, some forms of standalone renewable energy, suitable farm diversification schemes, limited extension, alteration or replacement of existing dwellings and re-use of suitable buildings for uses appropriate in the countryside.

8.3 Saved Policy ENV2 states that the borough council will maintain a countryside policy area in the eastern part of the borough covering all countryside outside the green belt. The detailed boundaries are shown on the 1998 UDP Proposals Map. The purposes of the countryside policy are:

- to assist in safeguarding the countryside from encroachment
- to provide an attractive setting for towns and villages
- to prevent settlements from coalescing
- to provide opportunities for outdoor sport and recreation near urban areas
- to retain land in agriculture, forestry and nature conservation uses
- to protect other non-renewable resources
- to assist regeneration by directing development towards urban areas and strategic allocations
- to help sustain rural communities and a diverse rural economy

8.4 Saved Policy ENV4 states that within the countryside policy area, as defined on the proposals map, development will not normally be permitted, for purposes other than:

- a) agriculture, forestry, outdoor recreation and leisure, cemeteries, essential service provision by statutory undertakers, or other uses appropriate to a rural area, subject to the limitations included in policies ENV 5 - ENV 8.
- b) infilling development within settlements washed over by the countryside policy area subject to the limitations included in policy ENV9.
- c) the re-use of existing buildings subject to the limitations included in policy ENV10.
- d) small scale extension or expansion of an existing source of employment subject to the limitations included in policy ENV 11.
- e) minor retail development appropriate to a rural area subject to the limitations included in policy ENV12.
- f) replacement of, or alteration or extension to, an existing dwelling subject to the limitations included in policies ENV 13 and ENV 14.

8.5 Proposed development falling within categories a) to f) will be acceptable in principle only where:

- i) it would not prejudice by reason of its nature, scale, siting or design, the purposes of the countryside policy area and in particular would not lead towards the physical or visual coalescence of settlements; and
- ii) it would not create or aggravate highway or amenity problems; and
- iii) it is sited, designed and, where necessary, screened so as to minimise its impact on and wherever possible enhance the character, landscape and nature conservation value of the local environment.

8.6 While the proposal as a cattery does not strictly accord with saved policies ENV2 and ENV4, Section 3 of the NPPF does provide support for rural businesses of all types. Furthermore, Objective One of the Doncaster Core Strategy is as follows: "to use economic engagement to achieve widespread economic, social and environmental regeneration for all sectors of all our communities, and to allow Doncaster's economy to realise its potential." Catteries are typically located in rural locations due to the nature of the development with the applicant stating in their support statement "that a cattery sits naturally within a countryside setting, needing space and quiet. Rural or residential areas

are unsuitable due to excessive traffic and people, and cost prohibitive. Alternative sites outside of Countryside and Green Belt areas were sought, but none found." Furthermore, the applicant has gone on to contend that "Competing local businesses do not meet the latest professional standards for cattery licensing. With expectations for this to become legislation in the near future there is likely to be a shortfall in available boarding facilities."

8.7 Given catteries are typically located rurally, the change of use of the site to support this is considered to be consistent with Section 3 of the National Planning Policy Framework.

### Residential Amenity

8.8 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. The application site is currently in use as a residential dwelling and there is a further dwelling to the west (Swallow's Nest). The occupier of this dwelling has objected to the proposal on amenity grounds. As a result of the objection, the siting of block 'phase one' has been re-sited a further metre away from the dwelling and the waste storage area has been re-sited to the eastern side of the site. The proposed cattery units will be quadruple glazed and facing away from the neighbouring dwelling. The Council's Environmental Health Officer has also considered the proposal and had discussions with the applicant. Following the submission of additional information relating to noise the Council's Environmental Health Officer has no objection.

### Flooding and Drainage

8.9 The application lies in flood zone 3 and as such the applicant has submitted a flood risk assessment. This has been considered by the Environment Agency who have no objection subject to compliance with the flood risk assessment. The Council's Internal Drainage Officer was also consulted and subject to a drainage condition and compliance with the flood risk assessment has no objection.

### Visual Amenity

8.10 In accordance with Policy CS14, all development proposals must be of a high quality design that contributes to local distinctiveness. The proposed development will due to its design have a modern appearance being constructed of glass. However, the extent of this part of the development is two single storey buildings set well back from the public highway and partially screened from site by existing buildings, walls and trees. Given their low height (2.63 metres) they would be of a similar height to a typical residential outbuilding, some of which can be constructed up to 4.0m metres in height without planning permission and with no control over the use of materials.

### Trees and Landscaping

8.11 The application site contains some fruit trees a conifer hedge and a hawthorn hedge. The Council's Tree Officer has no objection to the proposed development which as previously stated would include the removal of the large conifer hedge and the short stretch of hawthorn hedge could be undertaken irrespective of any planning application. The Council's Ecologist has no objection to the application but would like to see a replacement tree if possible to the lost apple tree. If Members are minded to approve the application a landscaping condition can be imposed that would include the provision of replacement tree planting.

## Highways and Parking

8.12 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. The proposed development is on a straight section of public highway and a one way system is proposed. The Council's Highways Officer has no objection in principle but notes that 17 pens is significant and could increase the use of the access/egress considerably. As such conditions are proposed regarding the entry/exit system and to ensure an appointment system is arranged. It is noted that Swallow's Nest has a separate highway access to the application site.

## **Summary and Conclusion**

9.1 The proposed change of use from single resident to cattery business and single residence with a 17 double pen cattery, while a departure from the Development Plan, is considered on balance to comply with national and local planning policies and is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

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

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
  
02. U62277            The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows  
1:500 Site Plan received 13.06.2018  
1:500 Site Plan showing waste storage area received 13.06.2018  
Proposed Plans and Elevations received 05.02.2018  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
  
03. DA01              The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.  
REASON  
To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

04. U62223 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2018, reference 87556-Berry-CherryTreeFarm, compiled by Unda Consulting Ltd. and the following mitigation measures detailed within the FRA:
1. Finished floor levels are set no lower than 300mm above the adjacent ground level.
  2. Flood resilient construction and appropriate flood proofing shall be utilised as discussed in this FRA.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- REASON
1. To reduce the risk of flooding to the proposed development and future occupants.
  2. To reduce the risk of flooding to the proposed development and future occupants.
05. U62231 Prior to the development being brought into use, a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Flood Evacuation Plan.
- REASON
- To protect occupants during times of flooding.
06. U62222 Customers to the business shall be by appointment only.
- REASON
- In the interests of highway safety.
07. U62316 The development hereby approved shall be accessed by vehicles in accordance with the one way entrance and exit system as set out in the approved site plan scale 1:500 received 11.06.2018.
- REASON
- In the interests of Highway Safety.

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

# Appendix 1 – Site Location Plan



## Appendix 2 – Block Plan

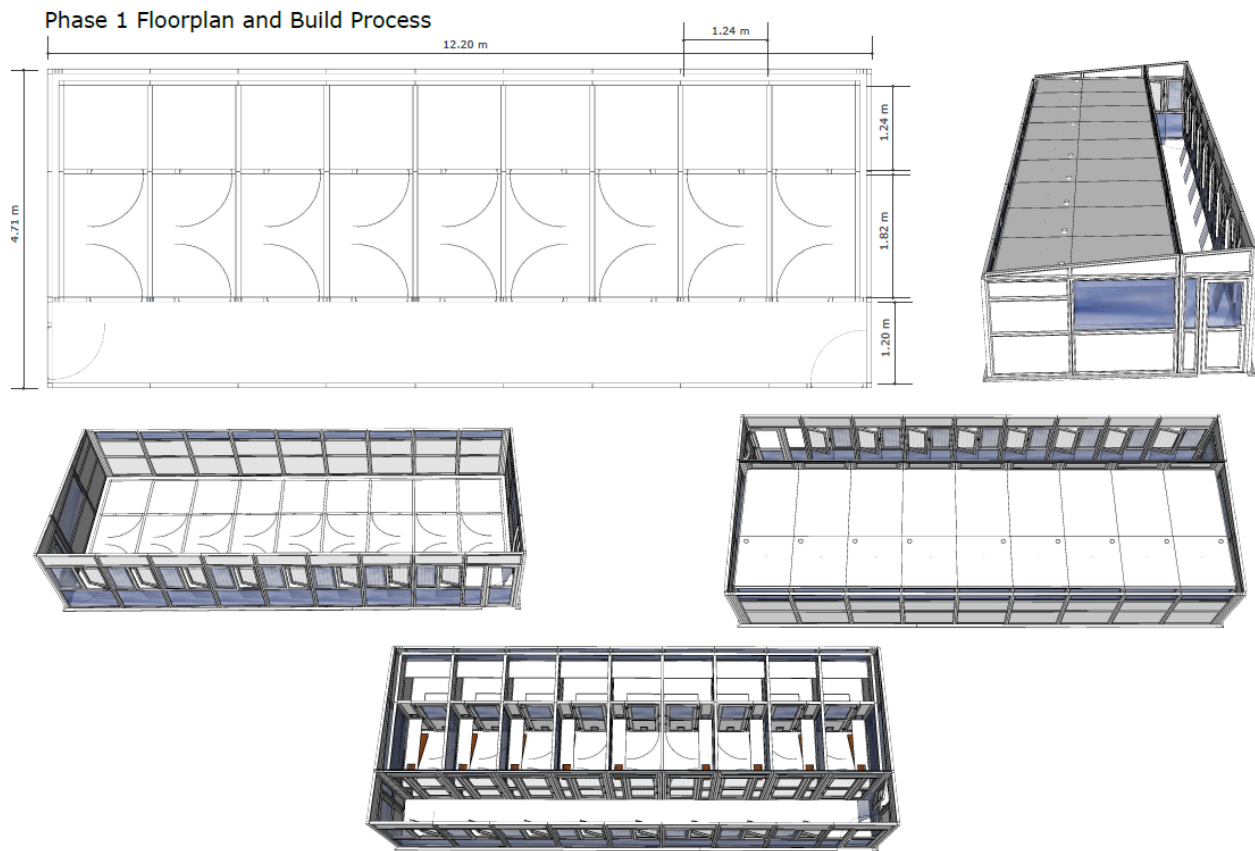


# Appendix 3 – Cattery Elevations

Phase 1 - Scaled Elevations @ 1:50 on A3



## Appendix 4 – Cattery Floor Plans





# Appendix 5 – Tree Plan



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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 26<sup>th</sup> June 2018**

<b>Application</b>	<b>08</b>
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<b>Application Number:</b>	17/03067/FUL	<b>Application Expiry Date:</b>	8th February 2018
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Erection of nine detached dwellings, including the construction of detached single garages to plots 4 - 9.
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<b>At:</b>	Land Adjacent 12 Lings Lane Hatfield Doncaster DN7 6AB
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<b>For:</b>	Mr G A Mell
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<b>Third Party Reps:</b>	2 Letters of objection 1 Letter of support	<b>Parish:</b>	Hatfield Parish Council
		<b>Ward:</b>	Hatfield

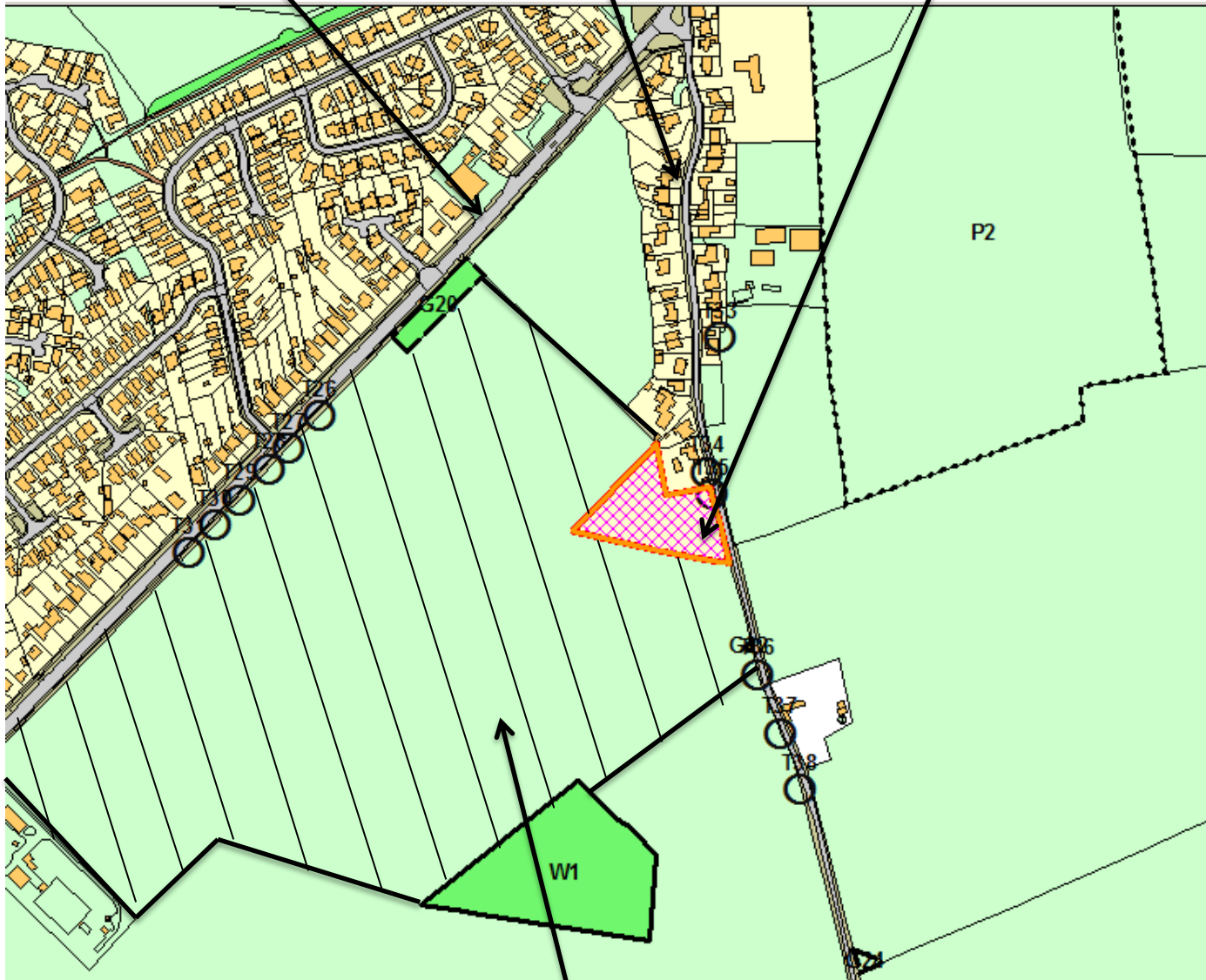
<b>Author of Report</b>	Garry Hildersley
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<b>MAIN RECOMMENDATION:</b>	Approve
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Doncaster Road

Lings Lane

Application site



Neighbouring approval  
16/00998/OUTM

## **1.0 Reason for Report**

1.1 The application is being presented to planning committee as it represents a departure from the development plan.

## **2.0 Proposal and Background**

2.1 The application seeks planning permission for the erection of 9 detached dwellings with associated garages.

2.2 The proposal seeks to develop land attached to 12 Lings Lane which is predominantly laid to lawn. The northern 300m or so of Lings Lane has a built up character with a ribbon development of residential housing as far as the existing residential building on the application site. The remainder of Lings Lane including the listed mill site has a rural character of an unverged road bounded by hedge.

2.3 A material consideration in the determination of this application is an application for the erection of 400 dwellings (application reference 16/00998/OUTM) immediately adjacent to the current proposal site. This too is located within Doncaster's Countryside Policy Area and was approved on the basis that although the application represented inappropriate development within the Countryside Policy Area, there was justification for accepting the development which included the absence of an up to date housing allocation, the site representing a sustainable urban extension and the creation of jobs and infrastructure. See section 3 within the history section of this report.

2.4 The Core Strategy recognises Hatfield as a Potential Growth Town, where significant housing growth could be sustainably accommodated as part of economic developments of regional/national significance, which provide opportunities for major new infrastructure provision and job creation. Although this has been envisaged to be delivered at the DN7 / Unity project, at that time in the absence of up to date housing allocations, the Council assessed the proposal in line with national and the applicable local planning policy, which in this case this is Policy CS2.

2.5 The settlement boundary of Hatfield lies immediately adjacent to the application site, with Dunsville located 0.71km away and Doncaster's Town Centre Located approximately 8.7km to the south west.

2.6 To the south of the south approximately 130m away lies a Grade II listed building being Lings Lane Windmill.

2.7 The principle considerations in relation to this application are

- The appropriateness of the development given it seeks planning permission for the erection of residential development in the Countryside,
- Ecology,
- Trees and hedegrows,
- highways and;
- The effect on the setting of a listed building.

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

### **3.0 Relevant Planning History**

09/02974/OUT - Outline application for erection of 4 detached dormer bungalows on approx. 0.04ha of land. Application refused 29.01.2010 For the following reasons

1. In the opinion of the Local Planning Authority it is concluded that the erection of 4 detached dwellings within this Countryside Policy Area fails to comply with the infill requirements set out in the Doncaster Unitary Development Plan adopted 1998 Policy ENV9 in that the existing dwellings do not form part of a substantial built frontage of three dwellings either side of the application site.
2. In the opinion of the Local Planning Authority it is considered that the applicant has not demonstrated an agricultural need within the submitted details and the Local Planning Authority do not consider that the design and access statement outweighs the need for a dwelling at this location. Therefore the proposal is considered to be contrary to Planning Policy Statement 7.

10/00015/REF - Outline application for erection of 4 detached dormer bungalows on approx. 0.04ha of land. Appeal dismissed. 11.08.2010

07/03897/CPE - Certificate of lawful use of land as domestic curtilage. Certificate refused 18.03.2008

08/00047/REF - Appeal against refusal for certificate of lawful use of land as domestic curtilage. Appeal allowed 02.02.2009.

#### Adjoining appeal history

16/00998/OUTM - Outline application for residential development (Class C3) with open space, landscaping and associated access on approx 17.72 ha of land (Approval being sought for access) (being resubmission of application ref 14/01789/OUTM, refused on 02/10/2015). Application granted subject to a S106 agreement 03.11.2016. The application was approved on the basis that although it represented inappropriate development within the Countryside Policy Area, there was justification for accepting the development. The Core Strategy recognises Hatfield as a Potential Growth Town, where significant housing growth could be sustainably accommodated as part of economic developments of regional/national significance, which provide opportunities for major new infrastructure provision and job creation. Although this has been envisaged to be delivered at the DN7 / Unity project, in the absence of up to date housing allocations, the Council assessed the proposal in line with national and the applicable local planning policy, which in this case was Policy CS2. The applicants were proposing to contribute towards the delivery of jobs and infrastructure in line with the policy requirements. Since the previous refusal on this site, the Council has more up to date and detailed information around housing delivery in this area, and it is considered that the proposal formed a sustainable urban extension which will help the Authority to meet the indicative housing target set out

in Policy CS2 for the Potential Growth Town. On this basis, there was no sound reason to object to the principle of development.

14/01789/OUTM - Outline application for residential development (Class C3) with open space, landscaping and associated access on approx 17.72 ha of land. Application refused on the following grounds:

1. In the opinion of the Local Planning Authority, the proposal represents inappropriate development within the countryside, contrary to the provisions of Policy CS3 of the Doncaster Council Core Strategy 2011 - 2028, and saved Policy ENV4 of the Doncaster Unitary Development Plan 1998.

13/02059/OUTM - Outline application for residential development on approx 2ha of land (Approval being sought for access). Application refused on the following grounds:

1. In the opinion of the Local Planning Authority, the proposal represents inappropriate development within the countryside, contrary to the provisions of Policy CS3 of the Doncaster Council Core Strategy 2011 - 2028, and saved Policy ENV4 of the Doncaster Unitary Development Plan 1998.

2. In the opinion of the Local Planning Authority, the applicants have failed to demonstrate that the proposed development for housing would deliver opportunities for major new infrastructure and job creation within the Potential Growth Town settlement of Hatfield and Stainforth as required by the provisions of Policy CS2 of the Doncaster Council Core Strategy 2011-2028.

#### **4.0 Site Allocation**

4.1 The site is allocated as Countryside Policy Area as defined by the Doncaster Unitary Development Plan (Proposals Map) 1998 and as Countryside Protection Policy Area as defined in the Local Development Framework Core Strategy (Key Diagram) 2012. The policies relating to the countryside in the east of the Borough are similar in the two plans and full consideration should be given to all relevant local and national policies.

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

##### 4.2 National Planning Policy Framework

- Chapter 1 - Building a strong and competitive economy
- Chapter 3 - Supporting a prosperous rural economy
- Chapter 4 - Promoting sustainable transport
- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design
- Chapter 8 - Promoting healthy communities
- Chapter 11 - Conserving and enhancing the natural environment
- Chapter 12 - Conserving and enhancing the historic environment

4.3 In March 2018 a set of revisions to the existing NPPF were published for consultation. The draft is subject to lengthy consultation and may still change and as such, no weight is given at this stage.

##### 4.4 Core Strategy 2011 - 2028

4.5 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside the Core Strategy.

Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies to be considered are:

- CS 1: Quality of Life
- CS 2: Growth and Regeneration Strategy
- CS 3: Countryside
- CS 9: Providing Travel Choice
- CS10: Housing requirement, land supply and phasing
- CS 14: Design and Sustainable Construction
- CS 15: Valuing our historic environment
- CS 16: Valuing our Natural Environment

#### 4.6 Saved Unitary Development Plan Policies

- ENV 2 - Countryside Policy Area Designation
- ENV 4 - Countryside Policy Area
- ENV 53 - Design of new buildings
- ENV 59 - Protection of trees

### **5.0 Representations**

Two representations has been received in opposition to the application which have outlined the following concerns in relation to the application:

- The increased volume of traffic using Lings Lane
- The proposed development would be harmful to the countryside.
- Concerns on the impact of neighbouring services such as GP surgery.
- The development will affect wildlife

A representation has also been received by a Hatfield town Councillor who is in support of the application owing to the approval of 400 dwellings adjacent to the application site.

### **6.0 Relevant Consultations**

- DMBC - Pollution Control - No objections subject to conditions
- DMBC Highways Development Control -
- DMBC Design Officer - No objections subject to conditions
- DMBC Ecology - No objections
- DMBC Tree Officer -
- DMBC Internal Drainage - No objections subject to conditions
- DMBC PROW -
- DMBC Local Plans (Housing) - Concerns with regard to certainty of implementation of 2016 application.
- DMBC Conservation - No objections
- Architectural Liaison Officer - No response received.
- National Grid - No response received.
- Yorkshire Water - No objections subject to conditions
- Area Manager - No response received.
- Ward Councillors - No response received.
- Parish Council - No response received.
- Doncaster East Internal Drainage - No objections subject to condition



## 7.0 Planning Issues and Discussion

### Development in the Countryside

7.1 The application site is defined as Countryside Policy Area, as defined by the Doncaster Unitary Development Plan (UDP adopted in 1998) and Countryside Protection Policy Area (CPPA) as defined in the Core Strategy. Policy ENV 2, a saved policy contained within Doncaster Unitary Development Plan states that the Borough Council will maintain a Countryside Policy Area in the Eastern Part of the Borough covering all countryside outside the Green Belt.

7.2 Policy CS3 sets out that the countryside should be protected and enhanced through a CPPA and sets out the principles against which development is to be assessed to achieve this. The most relevant ones being;

- development not being visually detrimental in terms of siting, design and materials and not creating highway issues..

7.3 Furthermore, the policy states that development should preserve the openness of the CPPA and not conflict with the purposes of including land within it which are to prevent urban sprawl or the coalesce of settlements. These matters are dealt with in paragraphs 7.7 and 7.8

7.4 Saved policies ENV2 and ENV4 of the Doncaster Unitary Development Plan set out the countryside policy area designations and are the general development control policies relating to the countryside. Policy ENV4 sets out the key criteria for development in the countryside to be considered acceptable in principle. The application site lies outside of the defined settlement boundary and the proposal is therefore development in the countryside.

7.5 As set out above in the history section above, outline planning permission has been recently granted for residential development on approximately 17.72 ha of land (planning ref 16/00998/OUTM) and this comprised of 400 dwellings. With reference to Annex 1, the current application site would be located to the east edge of this site being bound on the southern and western boundaries by the approval. To the north of the site lies the existing village envelope of Hatfield located on Lings Lane. In effect this results in the application site being surrounded on all boundaries by existing or implementable development. Consequently should the 2016 application for 400 dwellings be implemented, the application site would be landlocked and would be seen in context with the surrounding development if approved. Some concerns were received by Doncaster's Policy team on the basis that there was no guarantee that the 2016 outline permission would be implemented. At the time of writing this report, a reserved matters application has been received by the Council on the 31st of May but had not yet been validated. The submission of the reserved matters application gives some comfort of the intentions of the developer implementing permission 16/00998/OUTM.

7.6 Given the situation set out in paragraph 7.4 it is considered that the proposal would be in keeping with the character and appearance of the area in terms of the pattern of development and with regard to nearby properties in terms of the scale and position of the dwellings on the site and its plot ratio. It is considered that the proposal would appear to be more a part of the settlement rather than an area of open countryside, when considered alongside the development approved under application 16/00998/OUTM

7.7 The approval of the 2016 outline permission reduces the impact of the proposal on the openness of the countryside and limits the harm in that regard. As a result, it is considered that the proposal would have no material adverse effect on the openness of the CPPA and would therefore preserve it. Consequently, leading from this it is considered that the proposal would have no significant impact on the openness of the CPPA. It is considered to be development that would be in keeping with the character and appearance of its surroundings. It would not therefore erode the countryside or its openness to a degree that would be considered detrimental to the character of countryside.

7.8 The current proposal offers a unique set of circumstances that is unlikely to be replicated. Notwithstanding this, each application must be considered on its own merits.

7.9 The proposed development would be contrary to the approach to the location and supply of housing and the protection of the countryside set out in Policy CS2 of the CS and Policy ENV2 of the UDP and therefore, it would not be in accordance with the development plan carrying considerable weight. In such circumstances, the National Planning Policy Framework (the Framework) indicates that planning permission should not be granted unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the proposal would be contrary to the development plan policies to which have been referred to. However, in determining the application consideration should be given to the individual merits of the application which include whether there are any special circumstances that outweigh any planning harm. In addition a balancing of the other material planning considerations must take place to determine whether other material planning considerations weigh positively or negatively against the proposal these are set out below in paras.

### Sustainability

7.10 It is recognised that the application site lies on the outskirts of the development boundary of Hatfield located within the Countryside Policy Area and consideration should be given as to whether the proposed redevelopment represents sustainable development.

7.11 The Government through its publication of the NPPF sets out that development should look to be sustainable socially, economically and environmentally.

7.12 The site is accessed via Lings Lane which leads from Doncaster Road. The nearest bus stop is located 475m from the site entrance and is served by the number 8, 8A, 87 and 87A that operate on a hail and ride basis. These buses operate on a daily basis starting at 0508 hours and ending at 2332 hours Monday to Friday.

7.13 It is widely acknowledged that that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

7.14 Section 4 (Promoting Sustainable Transport) of the NPPF goes into further detail on this core principle. Paragraph 32 states that all developments that generate significant amounts of movements should be supported by a Transport Statement or Assessment. "Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

7.15 The NPPF states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (Paragraph 34). Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities (Paragraph 37).

7.16 Paragraph 38 considers larger scale residential developments. Planning policies "should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties."

7.17 Section 6 (Delivering a wide choice of high quality homes) of the NPPF states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes) (Paragraph 50).

7.18 The NPPF goes on in Paragraph 70 to say that with respect to delivering social, recreational and cultural facilities and services the community needs, planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

7.19 Turning to consideration of the sustainability of the proposed dwellings, the Doncaster Settlement Audit (updated February 2017) considers the sustainability of the settlements throughout the borough, including Dunscroft, Dunsville, Hatfield and Stainforth. The audit categorises local services as either primary or secondary services. On page 5 of the audit, the categorisation is explained as follows:

*"Primary services are those which are considered to be very important for an area to have in order for it to be sustainable and even to be a desirable place to live. Secondary services are those which are important but not as important."*

7.20 Primary services and facilities are: primary schools, town centres, train stations, bus network, GP and pharmacy. Secondary services/facilities are: secondary school, shopping, dentist, library, leisure centre, formal public open space, informal public open space and the secondary bus network. Table 1 contained within the Settlement Audit Update shows the combined Community Profile Areas in the order in which they score when based solely on the Primary services/facilities. Dunscroft, Dunsville, Hatfield and Stainforth is scored as 6 indicating that it is located within a sustainable location being joint top with the likes of Mexborough, Conisbrough and Denaby and Adwick and Woodlands. An objection has been received in respect of the impact the proposal would have on the local GP surgery. Whilst this is a valid representation, the erection of 9

dwelling is unlikely to materially affect the function of the GP surgery to a degree to warrant refusal of the application.

7.21 The South Yorkshire Residential Design Guide SPD considers accessibility criteria for new residential development. Table N1.2 of the SPD, below, sets out the broad accessibility targets.

Distance from residential areas in:	to:	local services	bus/tram stop	primary health/education
<b>main centre</b>		10 min walk	5 min walk	20 min journey
<b>central area</b>		15 min walk	5 min walk	30 min journey
<b>central area (smaller town)</b>		20 min walk	5-10 min walk depending on destination	20 min walk 30 min journey
<b>corridor</b>		15 min walk	5-10 min walk depending on destination	20 min walk 30 min journey
<b>rural settlement</b>	(via bus)		10 min walk	40 min journey

7.22 The nearest shops and services lie within Hatfield 1350m to the north consisting of a post office, news agents, public houses, wedding shop and hairdressers. To the north Hatfield Health Centre is located 782m from the site with Ash Hill Academy located 823m from the site and Dunsville Primary School located 1.3km to the west

7.23 In terms of average walking speeds, the SPD states that as a general rule of thumb a 5 minute walk equates to a distance of 400 metres for non-disabled people and for different groups of disabled people, these distances are significantly less. This calculation concurs with the Institute for Highways and Transportation (IHT) 'Guidelines for Providing Journeys on Foot' published in 2000, which calculated a reasonable walking pace as 3 miles or 5 kilometres per hour.

7.24 The above table provides five different categories that development would fall into with respect to sustainability. Given the proximity of the site shops and other services it would be reasonable to suggest that the site lies within a central area (smaller town). This would anticipate that trips to local services would take place via a bus and that bus stops should be located within a 5-10 minute walk which the site clearly is. In addition both primary and secondary schools are located well within the 20 minute walk or 30 minute journey time.

7.25 With regards to cycling, PPG 13: Transport stated that "Cycling also has the potential to substitute for short car trips, particularly those under 5km, and to form part of a longer journey by public transport". There are significant local centres, commercial, and residential areas within this catchment including the whole of Hatfield, Dunville, Duncroft and Stainforth.

7.26 When considered against the distance criteria set out in the South Yorkshire Residential Design Guide and also the guidelines set out by the Institute for Highways and Transportation the development measures reasonably well in terms of access to public transport and local services. This therefore weighs in favour of the application, complying

with the requirements of Policies CS1, CS14 of the Core Strategy and paragraphs 34 and 38 of the NPPF.

7.27 During the course of the application, the scheme has been amended to include a footpath linking the current application site with the 2016 outline approval. This actively connects the two sites and also provides the opportunity for alternative access to any bus stops within the adjacent site. This carries modest weight in favour of the application.

7.28 Consideration should also be given to whether the proposal would be economically and environmentally sustainable.

7.29 NPPF is explicit in stating that in order to be environmentally sustainable, proposals should contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity. Whilst clearly the expansion of built development and the construction of 9 dwellings would encroach into the countryside, the proposal is not within an ecologically sensitive area. As set out in the history section of the report, a certificate of lawful use has been allowed on appeal for the land to be used as domestic curtilage (planning reference 08/00047/REF). As the site has been used as domestic curtilage, been manicured and mown, the land offers little in the way of ecological value. The report considers matters of ecology at a paragraphs 7.54 - 7.56.

7.30 The proposal if approved would result in limited economic gain through job creation via the building and construction of the dwellings. This would be short term and is therefore afforded limited weight.

7.31 Taken in the round, considering the distance from shops and other services, its proximity to bus stops and educational/medical facilities the site is considered to be sustainable socially, however balanced against this, the proposal would result in the permanent loss of Countryside. That being said, the proposal is currently laid to lawn offering little in the way of ecological value and would be seen against the backdrop of other dwellings capable of being developed under planning permission 16/00998/OUTM.

7.32 The government attaches great weight to the need for developments to be sustainable and taken in the round, it is considered that the merits of this particular case indicate that the site is on balance sustainably located and this weighs positively in favour of the application carrying considerable weight.

### Housing Need

7.33 Policy CS2 of the Core Strategy deals specifically with the Growth and Regeneration Strategy for the borough over the plan period, and sets out a settlement hierarchy breaking down where different forms of development will be acceptable in terms of different sizes of settlement, from sub-regional centre down to undefined villages. Hatfield is identified as a Potential Growth Town, whereby "significant housing growth could be sustainably accommodated at the Potential Growth Towns as part of economic developments of regional/national significance, which provide opportunities for major new infrastructure provision and job creation. Therefore housing growth will be supported subject to the coordinated delivery of jobs and infrastructure and tied to housing renewal and improvements to services." Policy CS2 of the Core Strategy sets an indicative housing target of 1200 homes for the Potential Growth Town of Stainforth/Hatfield/Dunscroft/Dunsville. Whilst it is recognised that the proposal does not represent significant housing growth, the proposal would see a rounding off of the settlement given the approval on the adjacent site the proposal would infill an area between the existing settlement and the surrounding development.

7.34 It is worth noting that the housing target for Stainforth/Hatfield/Dunscroft/Dunsville is not unconditional; it requires to be tied to economic development of regional / national significance. The written justification to Policy CS2 (paragraph 3.25) makes clear that the economic development referred to here is the DN7 initiative and paragraph 3.27 states: "...it is envisaged that at Stainforth/Hatfield housing growth will be coordinated/phased with the delivery of:

- Jobs and infrastructure including Hatfield Power Park and power station and M18 link road
- Improvements to existing housing areas and local retail centres
- Refurbishment of the railway station and the creation of a rail/bus/park and ride interchange; and
- Sustainable flood risk mitigation"

7.35 Paragraph 3.28 of the Core Strategy states: "The principle and timing of the housing will be dependent upon delivery of the proposed infrastructure and jobs and should these not happen then housing growth on the scale proposed may not be supported. However it is envisaged that these will be able to proceed together in a coordinated way within a clearly deliverable framework such as a Neighbourhood Plan and/or a planning application(s) subject to phasing conditions, legal agreement and funding contributions plan."

7.36 The Council has long supported the DN7 / Unity initiative which has historically been supported by planning committee and has a permission that remains extant. The scheme also benefits from existing permissions for key elements including the M18 link road to J5 and the power station and a reserved matters application for the marina element of the development has been approved. The Core Strategy housing target was envisaged to be located within the boundary of the DN7 / Unity initiative and this was reflected in Allocations proposed in the Submission Draft Sites and Policies DPD.

7.37 That being said the DPD has been withdrawn, and the Authority is in the process of producing a new Local Plan. The Core Strategy does not make allocations, and housing development to deliver the adopted Core Strategy housing targets cannot await the adoption of a new Local Plan. The application must therefore be considered against the existing statutory development plan.

7.38 Bearing paragraphs 7.9 to 7.31 the site is capable of forming a sustainable urban extension in terms of Core Strategy policy. Whilst this site and the recently approved 400 houses adjacent were not supported as an Allocation in the Draft Sites and Policies DPD this was principally because the DN7 / Unity initiative was the preferred location for meeting the housing target.

7.39 The main development plan policy issues therefore are:

- Is the proposal in conformity with Core Strategy Policy CS2?
- Will the scale and location of the proposed housing development undermine delivery of the DN7 project which is a supported project in the Core Strategy?

7.40 The Core Strategy support for DN7 / Unity could be undermined by the scale of housing development permitted outside its boundaries. However, given the limited scale of the proposed development, it is not considered that the current proposal would result in significant potential to undermine the proposal.

7.41 Whilst it is clear that the proposal would result in the construction of an additional 9 dwellings, the proposal would not significantly impact on the Council's housing need

supply figure. The proposal does not meet the triggers for affordable housing, public open space or education contributions. Although the proposal would contribute to housing supply, the modest number of houses would not contribute significantly to the Councils house need and as such this carries limited weight in favour of the application.

#### Impact on neighbouring properties

7.42 The properties most likely to be affected by the proposal are those located on Lings Lane, in-particular 12 Lings Lane (to the east), The Gables and Fairholme (which lie to the north of the development site.)

7.43 The orientation and siting of the proposed dwellings has been carefully considered and is deemed acceptable. The rear elevation of number 12 Lings Lane would face onto the side elevation of plot 8 some 27m away. This is far in excess of the required separation distance that being 12m.

7.44 The rear elevation of Plot 8 would face northwards and exceeds the required 10m distance to the northern boundary and as such is not considered to result in overlooking of neighbouring amenity areas in particular the Gables or Fairholme.

7.45 Turning to the internal layout of the development, the proposal meets the necessary separation distances and represents a well laid out, spacious development proposal that is easy to navigate.

7.46 Consideration has also been given to the potential impact on the recently approved development scheme (16/00998/OUTM) for 400 dwellings to ensure that the proposal would not give rise to the potential for overlooking, over dominance or loss of privacy. The properties most likely to affect the neighbouring approval would be plots 159, 160 and 163 - 168 however these properties are set back 22m from the boundary of the application site and this is in excess of the 21m guidance for separation. With this in mind, the current proposal would not give rise to issues of overshadowing, over dominance, overlooking or loss of privacy. Overall the impact is considered to be low and consequently carries modest weight in favour of the application.

#### Setting of Listed Building

7.47 130m south of the site is the grade 2 listed Lings Mill and its associated buildings. The Lings Mill complex includes the 4 storey Lings Mill, a Grade 2 listed mill dating from the late C18th or early C19th, its ancillary buildings, the mill house (which is a modern replacement of the original building), and an L shape group of outbuildings. It is acknowledged by the Conservation Officer that there is a recent approval (16/00998/OUTM) for a substantial residential development of up to 400 dwellings on a large site bounding 2 sides of the proposal site with access from Doncaster Road.

7.48 From the mill tower there are views over the countryside particularly to the east but the main perception from here is of a developed landscape. The recent approval for land to the west will have some adverse impact on the setting by reducing its agricultural character and restricting views from the west although significantly the approved masterplan shows landscaping and hedge to Lings Lane will remain and there is a landscape buffer proposed for the area adjacent to the lane and bounding the application site and therefore the impact of the proposal has sought to integrate the development with its surroundings.

7.49 The proposed dwellings are 2 storeys (8m to the ridge) executive style detached buildings and the density is similar to elsewhere on Lings Lane. The frontage buildings have good separation distances with mainly modern 2m separation in the interior of the site.

7.50 Any development on the fields between Doncaster Road and Lings Lane reduces the agricultural character of the area. However, given the adjacent approval the Conservation Officers opinion is there cannot be a conservation objection on grounds of setting to the principle of infilling of the field which is separated from the listed mill by part of the approval site. The listed mill is not visible from the lane adjacent to the application site but there are views back to the site from the lane adjacent to the mill. In addition, from here the buildings proposed for the south of the application site will be viewed over the landscape buffer of the large residential site thereby reducing its visual impact and the adverse impact on the setting of the heritage asset.

7.51 The main conservation concern is the impact on the frontage to Lings Lane and the retention of its 'rural lane' character with unverged road and hedge to each side approaching the mill site. The retention of trees to the boundary which are prominent in the flat landscape as well as some hedge boundary is welcomed but a wide over engineered access would be detrimental to the character of the area. The Conservation Officers comments have taken into account the design of the proposed access which is set out and considered in the highways section of this report at paragraph 7.58 .As the proposed footpath to the frontage has been removed and the hedgerow is to be retained, the principle conservation interests are to be retained. Consequently this weighs in favour of the application carrying modest weight.

### Drainage

7.52 During the course of the application Yorkshire Water and Doncaster's Internal Drainage Team have been consulted. No objections have been received in relation to the application in terms of the proposed drainage, however a suitably worded condition has been suggested seeking information in relation to the disposal of foul and surface water drainage.

7.53 The site lies within Flood Risk Zone 1, the lowest possible area of flood risk.

### Ecology and Wildlife

7.54 The proposed development is within the Impact Risk Zone of the SSSI Thorne and Hatfield Moors however Doncaster's ecologist does not consider that it would have any significant impact upon the statutory site.

7.55 Furthermore Doncaster's Ecologist considers that the internal features of the site which comprise amenity grassland and scattered mature trees are of no significant ecological value.

7.56 The hedgerows around the site are valuable in that they can provide a foraging and nesting site for birds as well as a shelter and food resource for invertebrates. A concern was raised by Doncaster's Ecologist, Conservation Officer and Tree Officer that an over engineered access could give rise to the loss of the hedgerow which would detrimentally effect the only ecologically aspect of the site. This is dealt within in paragraph 7.58, .however in short the footpath to the frontage has now been removed and the hedgerow is to be retained as part of the proposal. No objections have been raised in respect to the application from an ecology perspective.



## Trees and Landscaping

7.57 Much like Doncaster's Ecologist and Conservation Officer, Doncaster's Tree Officer initially raised concerns with the initial plans for a engineered footpath leading from the site which would have a detrimental impact on the existing hedge. As previously set out this has now been removed and the concerns overcome. As a consequence, the tree officer has raised no objections to the proposal subject to the inclusion of a condition relating to the protection of trees.

## Highways and Parking

7.58 Highways Development Control had initially set a requirement for a 2m wide footway along the site frontage. However in reviewing the swept path analysis results, and considering the issues raised by the tree officer, ecologist and conservation officer, it is considered perhaps more appropriate in this instance to reconsider the footway requirement and widen the carriageway to a min 4.8m on the eastern side of Lings Lane from the main site access tying in to a point approximately where the extent of proposed footpath is shown on the site layout. Consequently an amended plan has been submitted and considered by Doncaster's Highways Development Control team who have raised no objections to the proposal subject to suitably worded conditions.

## EIA Development

7.59 The EIA Regulations relate to a European Union Directive (Directive 85/337/EEC as amended), and give planning authorities a means of ensuring that they can take account of the environmental implications of individual developments in their decisions on planning applications.

7.60 The EIA Regulations only apply to certain types of development, and before the Local Planning Authority can request an EIA it must determine whether the proposal is subject to the Regulations and can be classified as 'EIA development', and decide whether EIA is required in that particular case. This process is called 'screening' and there are two ways in which it can be applied:

1. A developer can ask the planning authority to give an EIA screening opinion before the application for planning permission is submitted.
2. Where a planning application has been submitted without an environmental statement and alternatively no request has been made in the past for a screening opinion, the planning authority has the right to adopt an EIA screening opinion for the proposal, which will determine whether or not the scheme requires EIA.

7.61 Whilst it is recognised that a screening opinion and/or scoping opinion have not been submitted prior to the submission of the application, the Council has undertaken a screening exercise as part of the assessment of the application. The proposal as submitted does not fall within Schedule 1 or Schedule 2 of the EIA regulations and therefore an Environmental Impact Assessment is not required.

## **8.0 Summary and Conclusion**

8.1 In considering the application having taken account of the material planning considerations including the principle of development, the impact visually and on the character of the area, highways issues, ecology considerations, the impact on

neighbouring properties, potential impacts associated with the existing hedge and the approved planning permission 16/00998/OUTM

8.2 Whilst it is clear that the development constitutes a departure from the development plan, consideration has been given the extant permission for 400 dwellings directly adjacent to the site and on balance it is considered that the proposal would represent an infilling of a parcel of land surrounded by residential development. Furthermore careful consideration has been given to the sustainability of the site finding that the site is adequately served by sustainable transport methods and access to shops and services which weighs in its favour. Whilst objections have been received by members of the public the matters raised have been considered and dealt with throughout the report.

8.3 Having balanced all of the material planning considerations, it is considered that whilst the proposal represents a departure from the development, the material planning considerations and individual merits in this case outweigh the planning harm associated with the development. No objections have been received from consultees in relation to the proposal subject to conditions and the application is therefore recommended for approval.

## 9.0 RECOMMENDATION

### 9.1 Planning permission be Granted subject to the following conditions.

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

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

02. U62197            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:

Location plan received 14th December 2017

Amended Site Plan - Drawing Number 1028/1A stamped amended plan 07.06.2018

Amended Plot 1 - Drawing number 1028/2 stamped amended plans 24.04.2018

Amended Plot 2 - Drawing number 1028/3A stamped amended plans 24.04.2018

Amended Plot 3 - Drawing number 1028/4 stamped amended plans 24.04.2018

Amended Plot 4 - Drawing number 1028/5A stamped amended plans 24.04.2018

Amended Plot 5 and 9 - Drawing number 1028/6A stamped amended plan 24.04.2018

Amended Plot 6 - Drawing number 1028/7 stamped amended plan 24.04.2018

Amended Plot 8 - Drawing number 1028/7A stamped amended plan 24.04.2018

REASON

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

03. U61975 Before the development commences, full details of the proposed external works soft and hard landscape including surfacing material palette, and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved materials and details.

REASON

To ensure the satisfactory appearance of the development.

04. U61976 No development shall take place on the site until a detailed soft 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 tree numbers and details of the species, which shall comply with section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements Supplementary Planning Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON:

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

05. MAT4 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. Unless otherwise approved in writing by the local planning authority, the details as approved shall be completed before the occupation of any buildings on site.

REASON

To ensure the satisfactory appearance of the development.

06. U61977 No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 5 (five) litres per second. Furthermore,

unless otherwise approved in writing by the local planning authority ,  
no buildings shall  
be occupied or brought into use prior to completion of the approved  
foul drainage works .

REASON

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

07. U61979

No development shall commence until the Local Planning Authority in  
consultation with the Lead Local Flood Authority has approved a  
scheme for the provision, implementation and future maintenance of a  
surface water drainage system. The development shall be carried out  
in complete accordance with the approved details.

REASON

In order determine a suitable method of surface water drainage.

08. U61978

Prior to the completion of the last dwelling development, an ecological  
enhancement plan shall be implemented and the evidence of this  
submitted to the LPA for approval in writing. This plan shall include  
details of the following measures

o 3 No. bat boxes of the integrated bat brick type or flush fitting  
Schwegler IFQ or similar to be sited on separate dwellings to provide  
a range of bat roosting opportunities.

o 3 No. bird boxes suitable for house sparrows to be affixed to  
the western or eastern side of dwellings

REASON

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

09. U61980

The development hereby permitted shall be carried out in complete  
accordance with the schedule detailing external finishing materials  
received on the 21st May 2018, unless otherwise agreed in writing by  
the Local Planning Authority.

REASON

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

10. U62195

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:

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

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

REASON

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

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

REASON

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

12. HIGH11 The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.

REASON

To avoid damage to the verge.

13. U62198 The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of off-site highway improvement to Lings Lane. The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval.

REASON

In order to ensure the satisfactory widening of Lings Lane

14. U62199 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.

REASON

To ensure that the highway drains adequately

15. U62200 Before the development is brought into use, the visibility splay as shown on the approved plan shall be rendered effective by removing or reducing the height of anything existing on the land within the splay which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the public highway. Reason: In the interests of highway safety.

REASON

In the interest of highway safety.

## Informatives

### 01. U12562      INFORMATIVE - Highways

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). Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980 and adoption of the new access road shall be carried out under Section 38 of the Highways Act. The S38 and S278 agreements must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

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

Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

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.

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

The existing bus stop in the vicinity of Westminster Crescent / Atholl Crescent requires re-positioning as part of the scheme. This shall include the re-siting of the bus stop, new pole and hardstanding. All costs associated with this shall be borne by the applicant. The new location of the bus stop has been agreed with the SYPTTE and Council Highways Regulation Engineer. These works are to be completed prior to first occupation of any property.

02. IQ171                   INFORMATIVE  
The developer shall consider incorporating all possible sustainability features into the design of the proposed development.

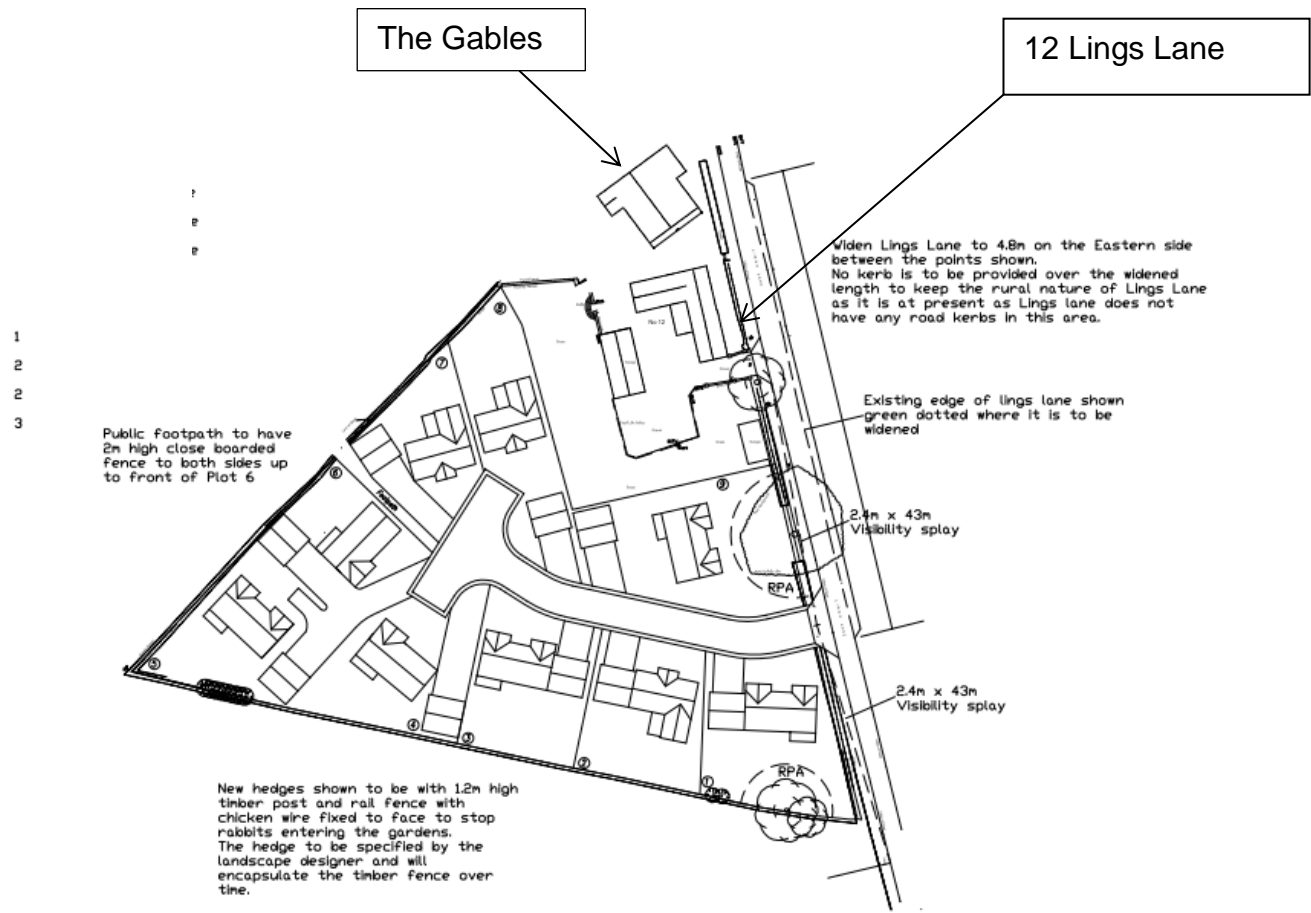
03. INF1B                   INFORMATIVE  
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

This Standing Advice is valid from 1st January 2017 until 31st December 2018

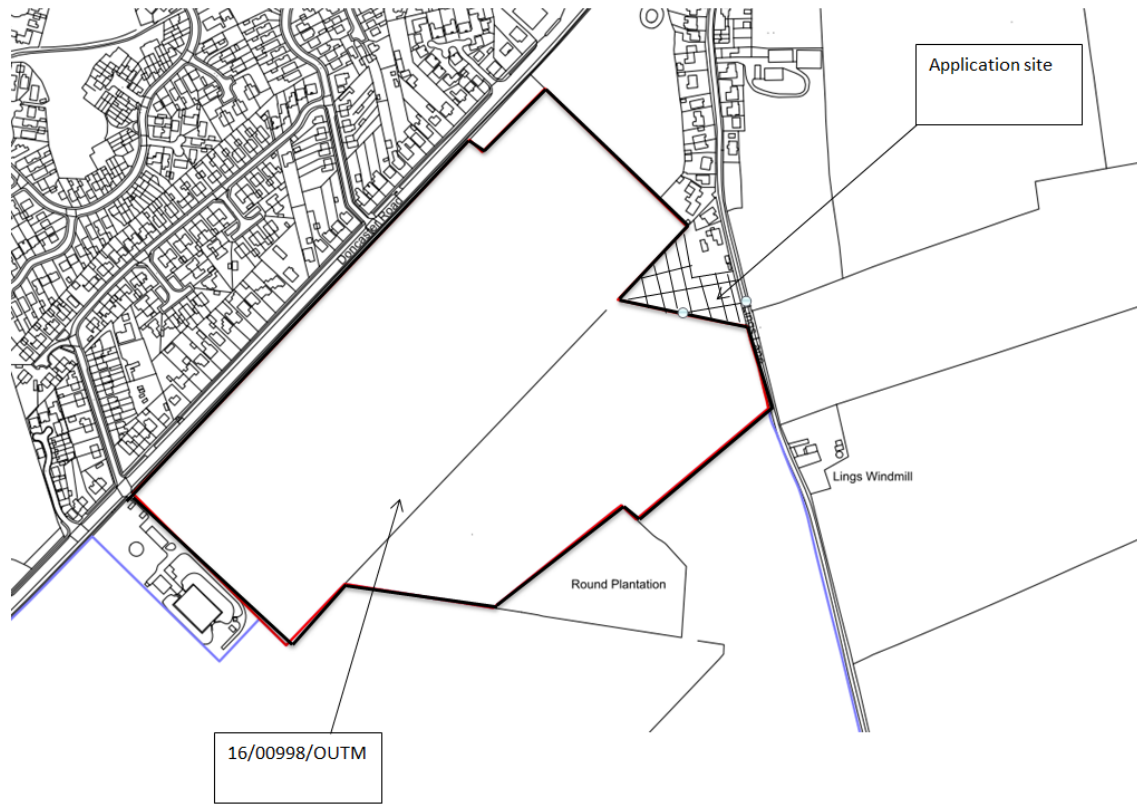
**The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and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

Appendix 1 – Proposed Site Plan

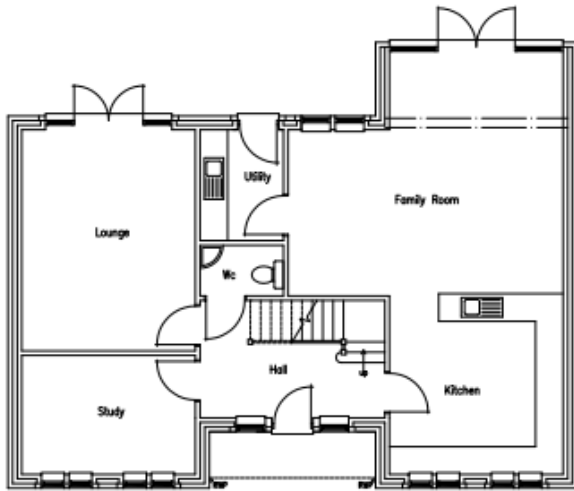
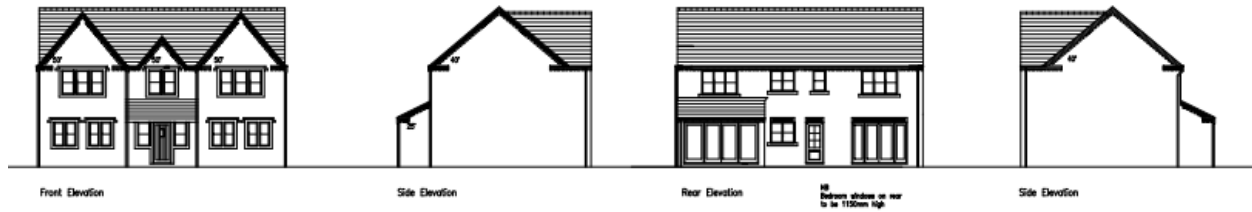




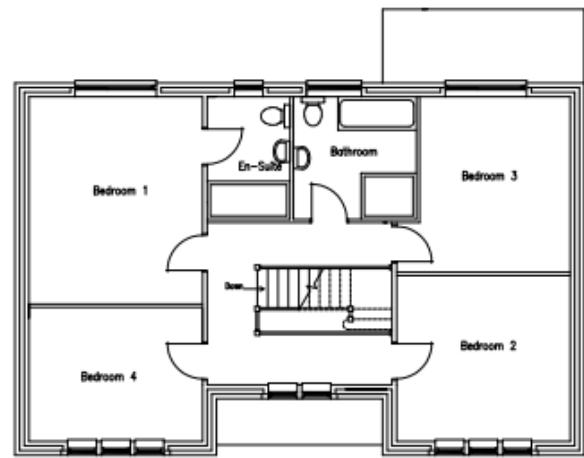
Appendix 2 – Location Plan and site context with application 16/00998/OUTM



Appendix 3 – Example of elevation and floor plans (plots 5 & 9)



Ground Floor Plan View



First Floor Plan View



**Date: 26th June 2018**

**To the Chair and Members of the Planning Committee**

**APPEAL DECISIONS**

**EXECUTIVE SUMMARY**

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

**RECOMMENDATIONS**

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

**WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

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

**BACKGROUND**

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

**OPTIONS CONSIDERED**

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

**REASONS FOR RECOMMENDED OPTION**

6. To make the public aware of these decisions.

**IMPACT ON THE COUNCIL'S KEY OUTCOMES**

7.

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

**RISKS AND ASSUMPTIONS**

8. N/A

#### **LEGAL IMPLICATIONS [Officer Initials HL Date 14/06/18]**

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 [Officer Initials BC Date 14/06/18]**

10. There are no direct financial implications as a result of the recommendation of this report, however Financial Management should be consulted should financial implications arise as a result of an individual appeal.

#### **HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 14/06/18]**

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

#### **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 14/06/18]**

12. There are no technology implications arising from the report

#### **HEALTH IMPLICATIONS [Officer Initials RS Date 14/06/18]**

13. It is considered that there are no direct health implications although health should be considered on all decisions.

#### **EQUALITY IMPLICATIONS [Officer Initials RL Date 14/06/18]**

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

#### **CONSULTATION**

15. N/A

#### **BACKGROUND PAPERS**

16. N/A

## CONCLUSIONS

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

<b>Application No.</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>	<b>Ward</b>
17/00857/FUL	Erection of a car port to front of existing garage, external electric car charging point plus photovoltaic installation. at Home Farm, Stockbridge Lane, Owston, Doncaster	Appeal Dismissed 18/05/2018	Norton And Askern
17/02555/FUL	Erection of detached dwelling at 1 Cherry Tree Drive, Duncroft, Doncaster, DN7 4JY	Appeal Dismissed 31/05/2018	Hatfield

## REPORT AUTHOR & CONTRIBUTORS

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

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# The Planning Inspectorate

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[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Ms J Rumley  
Doncaster Metropolitan Borough Council  
TSI Section  
Danum House  
St Selpulchre Gate  
Doncaster  
South Yorkshire  
DN1 1UB

Your Ref: 17/00857/FUL  
Our Ref: APP/F4410/D/17/3189836

18 May 2018

Dear Ms Rumley,

Town and Country Planning Act 1990  
Appeal by Mr Steven Warner  
Site Address: Home Farm, Stockbridge Lane, Owston, Doncaster, South  
Yorkshire, DN6 9JF

I enclose a copy of our Inspector's decision on the above appeal(s), together with a copy of the decision on an application for an award of costs.

If you wish to learn more about how an appeal decision or related cost decision may be challenged, or to give feedback or raise complaint about the way we handled the appeal(s), you may wish to visit our "Feedback & Complaints" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access you may write to the Customer Quality Unit at the address above. Alternatively, if you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

The Planning Inspectorate is not the administering body for High Court challenges and cannot change or revoke the outcome of an appeal decision. If you feel there are grounds for challenging the decision you may consider obtaining legal advice as only the High Court can quash the decision. If you would like more information on the strictly enforced deadlines and grounds for challenge, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Guidance on Awards of costs, including how the amount of costs can be settled, can be located following the Planning Practice Guidance.

<http://planningguidance.communities.gov.uk/blog/guidance/appeals/how-to-make-an-application-for-an-award-of-costs/>

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our

service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

[https://www.surveymonkey.co.uk/r/Planning\\_inspectorate\\_customer\\_survey](https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey)

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

***Anton Godfrey***

Anton Godfrey

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*





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## Appeal Decision

Site visit made on 1 May 2018

**by Jillian Rann BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 May 2018**

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**Appeal Ref: APP/F4410/W/18/3195582**

**1 Cherry Tree Drive, Dunscroft, Doncaster DN7 4JY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Lee Nesbitt against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 17/02555/FUL, dated 14 October 2017, was refused by notice dated 15 January 2018.
  - The development proposed is a detached three bedroomed dwelling.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council has confirmed that its decision was based on revised plans which it received, and gave publicity to, during the course of the application. I am therefore satisfied that adequate opportunity has been provided for those who may wish to comment on the revisions to do so, and I determine the appeal on the basis of the revised drawings which formed part of the Council's decision.

### Main Issue

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the site and its surroundings; and
  - whether the development would provide acceptable living conditions for future occupiers with regard to outdoor space, and the effect of the proposed development on the living conditions of neighbouring residents with regard to overlooking.

### Reasons

#### *Character and appearance*

4. The site is part of an established residential estate of detached and semi-detached houses and bungalows. The pattern of development within the estate is characterised by properties occupying relatively wide plots, set back from their frontages with landscaped front gardens. In general, the houses are relatively well-spaced, separated by drives or single storey garages to the side.

5. The appeal site is located at the junction of Cherry Tree Drive and Abbey Way, close to the entrance to the estate from Station Road. The existing house and its neighbour on the opposite side of the junction, No 3, are situated at a slight angle in relation to the junction, and set back from their adjacent road frontages with garden areas to the front and side. These corner plots are larger than those on the straight sections of road further into the estate, and create a pleasant, spacious aspect and an attractive feature on this prominent junction at the entrance to the estate.
6. Although the proposed plot's frontage along Cherry Tree Drive would be relatively wide, the plot would become gradually narrower towards the rear boundary of the site. The proposed house itself would therefore occupy a somewhat narrower space and, whilst it would sit alongside and in general alignment with the existing house, little separation would remain between the proposed and existing buildings.
7. Consequently, I consider that the subdivision of the site, and the narrow width of the proposed plot and dwelling, together with the close proximity of the proposed dwelling to the existing property, would result in an incongruous and cramped form of development which would significantly erode the sense of spaciousness around the existing dwelling on this prominent corner site, and would be at odds with the prevailing character and pattern of development within the wider estate. Although the site frontage is surrounded by a boundary wall, the proposed dwelling, and the effect of the development in this respect, would be clearly evident from public viewpoints around the site.
8. Whilst the house types and designs across the wider estate vary to some extent, they nonetheless share a number of common characteristics, including their relatively wide front elevations and large, wide windows. With the exception of a number of dormer bungalows, front roof projections are not generally a characteristic feature of houses within the estate, and properties' windows sit below eaves level.
9. Although the eaves and ridge height of the proposed house would appear to be similar to those of the existing house, its more limited width would give it an unduly narrow and vertical appearance compared to the existing property and houses in the surrounding area.
10. The small, narrow windows proposed in the front elevation would be in stark contrast to the wider, more generously-proportioned windows which are characteristic of surrounding housing and, together with the large expanse of brickwork to this elevation, would serve to emphasise its incongruous and unduly narrow, vertical proportions.
11. This would be further exacerbated by the first floor windows, which would project through the eaves and thus extend parts of the front wall into the roof line of the property. Whilst I recognise that this element of the design has been incorporated as a result of the need to raise floor levels as a flood protection measure, it would nonetheless appear discordant within the site's wider surroundings, where similar features are not generally present.
12. For the reasons above, I consider that the proposed development would detract significantly from the character and appearance of the site and its wider surroundings. It would therefore conflict with Policy CS14 of the Doncaster Council Core Strategy 2011-2028, adopted May 2012 (the Core Strategy) and

Saved Policy PH 11 of the Doncaster Unitary Development Plan, adopted July 1998 (the UDP), and with the aims of the Doncaster Council Residential Backland and Infill Development Supplementary Planning Document (the Backland and Infill SPD), the Doncaster Council Development Guidance and Requirements Supplementary Planning Document (the Development Guidance SPD) and the South Yorkshire Residential Design Guide 2011 (the SYRDG), which has been adopted as a Supplementary Planning Document by the Council. Amongst other things these require development to be of a high quality design that contributes to local distinctiveness and integrates with its immediate and surrounding local area, including with specific reference to plot size, building separation and fenestration.

13. The proposal would also conflict with the principles and policies of the National Planning Policy Framework (the Framework) which, amongst other things, require that developments are of a high quality design and respond to local character, and advise that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### *Living conditions*

14. The Development Guidance SPD and the SYRDG require private garden provision of at least 60m<sup>2</sup> for dwellings with 3 or more bedrooms. As stated on the submitted plan, and as confirmed by the appellant and the Council, the rear garden of the proposed dwelling would have an area of only around 40m<sup>2</sup>. Whilst this area would provide some limited space for residents to sit out or hang washing, for example, it would be significantly below the recommended level of provision, and I consider that it would be inadequate and far less than is reasonable for a 3-bedroom family dwelling. I therefore conclude that the proposed development would not provide appropriate living conditions for future residents with regard to outdoor space.
15. The Backland and Infill SPD and the Development Guidance SPD both advise that habitable room windows that overlook neighbouring garden space should normally be at least 10m from the boundary. The first floor bedroom windows to the rear of the proposed house, facing the rear garden of 1 Abbey Way, would be significantly closer to the boundary with this neighbouring property than the 10m referred to in the SPDs.
16. However, the existing house on the appeal site has first floor windows in a similar position in relation to this rear garden. Furthermore, 1 Abbey Way has a large single storey outbuilding between its rear garden and the appeal site, the side wall of which runs along almost the full length of the boundary between the sites. As I viewed from the closest first floor rear bedroom window of the existing house at the time of my visit, the length and width of this neighbouring outbuilding is such that it screens and limits the extent of views from these existing windows across this neighbouring garden to a significant degree. The internal floor levels within the proposed house would be slightly higher than those within the existing property, and it would be marginally closer to the boundary. However, as a result of the extent of screening provided by this existing outbuilding, I do not consider that the proposed development would result in a significant increase in the degree of overlooking of the rear windows or garden of 1 Abbey Way.

17. I note references to the receipt of objections from other nearby residents with regard to overlooking of neighbouring properties. However, based on the submitted details and my site visit, and the degree of separation and relative orientation of the proposed building and other neighbouring properties, I do not conclude that the development would result in significant harm to the living conditions of other nearby residents with regard to privacy.
18. Nevertheless, for the reasons above, I consider that the proposed development would not provide acceptable living conditions for future occupiers with regard to outdoor space. It would therefore conflict with Policy CS14 of the Core Strategy and Saved Policy PH 11 of the UDP, and with the aims of the Backland and Infill SPD, the Development Guidance SPD and the SYRDG. Amongst other things, these require development to make a positive contribution to achieving the qualities of a successful place, including the quality of private property, and that new dwellings are provided with sufficient amenity space as a means of providing health, social and physical benefits for residents. The proposal would also conflict with a core planning principle of the Framework, which requires a good standard of amenity for all existing and future occupants of land and buildings.

### **Other matters**

19. The proposal would provide a new dwelling which would contribute to the range and availability of housing in the area. However, I do not consider that the limited benefits of this modest contribution to local housing supply would outweigh the significant harm to the character and appearance of the site and its surroundings, and to the living conditions of future residents, which would result from the proposed development in this instance.

### **Conclusion**

20. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

*Jillian Rann*  
INSPECTOR

# Agenda Item 7.

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

Document is Restricted

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