



Doncaster Council

Agenda

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, 16th October, 2018

Time: 2.00 pm

BROADCASTING NOTICE

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Jo Miller
Chief Executive

Issued on: Monday 8th October, 2018

Governance Services Officer for this meeting

David Taylor
Tel: 01302 736712

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

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 18th September, 2018.	1 - 8
A. Reports where the Public and Press may not be excluded.	
<u>For Decision</u>	
5. Schedule of Planning Applications.	9 - 104
<u>For Information</u>	
6. Appeal Decisions .	105-128
B. Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.	
7. Enforcement Cases Received and Closed for the Period of 05/09/18 to 02/10/18 (Exclusion Paragraph 6).	129-144

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.

Public Document Pack Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 18TH SEPTEMBER, 2018

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 18TH SEPTEMBER, 2018, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

Apologies for absence were received from Councillors John Healy and Sue McGuinness.

28 DECLARATIONS OF INTEREST, IF ANY.

No declarations were reported at the meeting.

29 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 21ST AUGUST, 2018

RESOLVED that the minutes of the meeting held on 21st August, 2018 be approved as a correct record and signed by the Chair subject to the following amendment:-

In relation to Application 1 (18/01274/3FULM), the minute be amended to show that Councillor David Hughes did not propose the motion to grant the application, he voted to refuse the application. Councillor John Healy be shown as proposing the motion to grant the application.

30 SCHEDULE OF PLANNING 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'.

31 APPEAL DECISIONS.

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

Application No	Application Description and Location	Appeal Decision
17/00857/FUL	Proposed evacuation and installation of biofertiliser lagoon, access area and 1.8m stock proof fence – also underground pipe conduit under Sheep Lane at land to the west of Hangman Stone Lane, High Melton, Doncaster.	Appeal Withdrawn 29/08/2018

32 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 5,6 and 7 of Schedule 12A to the Act, is likely to be disclosed.

33 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 8TH AUGUST TO 4TH SEPTEMBER, 2018 (EXCLUSION PARAGRAPH 6).

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during 8th August to 4th September, 2018.

RESOLVED that all Planning Enforcement Cases received and closed for the period 8th August to 4th September, 2018, be noted.

34 STEREFIBRE AT HAZEL LANE QUARRY, HAMPOLE - PLANNING ENFORCEMENT (EXCLUSION PARAGRAPH 5 AND 7).

The Committee considered a report regarding the on-going position in relation to a long standing breach of planning control of the continued storage of Sterefibre (SF) on a purpose built storage pad at the site of Hazel Lane Quarry. The report detailed the first movement of Sterefibre from the site in August 2018 and updated members of the current position with the planning applications and a condition discharge request which were reported to members at its meeting in May 2018.

Further discussion took place with regard to the recent developments in relation to the removal of Sterefibre from the Hazel Lane site and Members were presented with evidence of that activity.

RESOLVED that the report be noted.

At the conclusion of the meeting the Chair, Councillor Eva Hughes, informed Members that this would be the last Planning Committee meeting which Richard Purcell, Head of Planning, would be attending as he would be leaving the Authority to take up the position of Joint Head of Planning at Bolsover and

North East Derbyshire District Councils. Members joined the Chair in paying tribute to Richard for his dedication and valuable contribution he had made to the work of the Committee and support to Elected Members throughout the years of service at the Authority and wished him well for the future.

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Appendix A

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 18th September, 2018

Application	1
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Application Number:	18/00548/FULM	Application Expiry Date:	8th June 2018
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Application Type:	Major Application
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Proposal Description:	1. Provision of adoptable new link road and private access road. 2. Change of use of land to waste recycling area and ancillary development (retrospective). 3. Erection of waste management buildings. 4. Provision of rail loading and HGV parking area.
At:	Attero Recycling, Bankwood Lane, New Rossington, Doncaster DN11 0PS

For:	Mr David Colakovic – Attero Recycling Limited
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Third Party Reps:	1 representation	Parish:	Rossington Parish Council
		Ward:	Rossington and Bawtry

A proposal was made to defer to allow Planning Committee Members the opportunity to review the information submitted with the application relating to air quality, traffic generation and noise.

Proposed by: **Councillor Dave Shaw**

Seconded by: **Councillor Jonathan Wood**

For: 5 Against: 3 Abstain: 0

Decision: The application be deferred to allow Planning Committee Members the opportunity to review the information submitted with the application relating to air quality, traffic generation and noise.

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

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

(The receipt of the final consultation response from the DMBC Highway Officer, a correction to the planning reference number detailed in paragraph 2.8 of the report and the addition to approved plans and documents was reported at the meeting).

Application	2
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Application Number:	18/00768/3FUL	Application Expiry Date:	21st August 2018
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Application Type:	Planning FULL (DMBC Reg3)
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Proposal Description:	Erection of single storey flat roofed educational building following demolition of existing buildings
At:	Bentley Training Centre, High Street, Bentley, Doncaster

For:	Mr James Hopper - DMBC
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Third Party Reps:	1	Parish:	
		Ward:	Bentley

A proposal was made to grant the application.

Proposed by: **Councillor Dave Shaw**

Seconded by: **Councillor Susan Durant**

For: 9 Against: 0 Abstain: 0

Decision: Planning application granted subject to the amendment of condition 2 to read as follows:-

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

**Site Plan AD004 Revision G
Proposed Elevations AD006 Revision B
Proposed Floor Plans AD 101 Revision A**

REASON

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

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

(The receipt of additional letters of representation were report at the meeting)

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DONCASTER METROPOLITAN BOROUGH COUNCIL

Agenda Item No
Date 16th October 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.

Copyright Implications

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Scott Cardwell
Assistant Director of Development
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

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

Application	Application No	Ward	Parish
1. M	18/00548/FULM	Rossington And Bawtry	Rossington Parish Council
2.	18/00702/TIP	Sprotbrough	Hampole And Skelbrooke Parish Meeting
3. M	16/02555/FULM	Conisbrough	
4. M	18/01338/REMM	Hatfield	Hatfield Parish Council
5.	18/01628/FUL	Finningley	Cantley With Branton Parish Council

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 18th September 2018

Application	1
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Application Number:	18/00548/FULM	Application Expiry Date:	8 th June 2018
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Application Type:	Major Application
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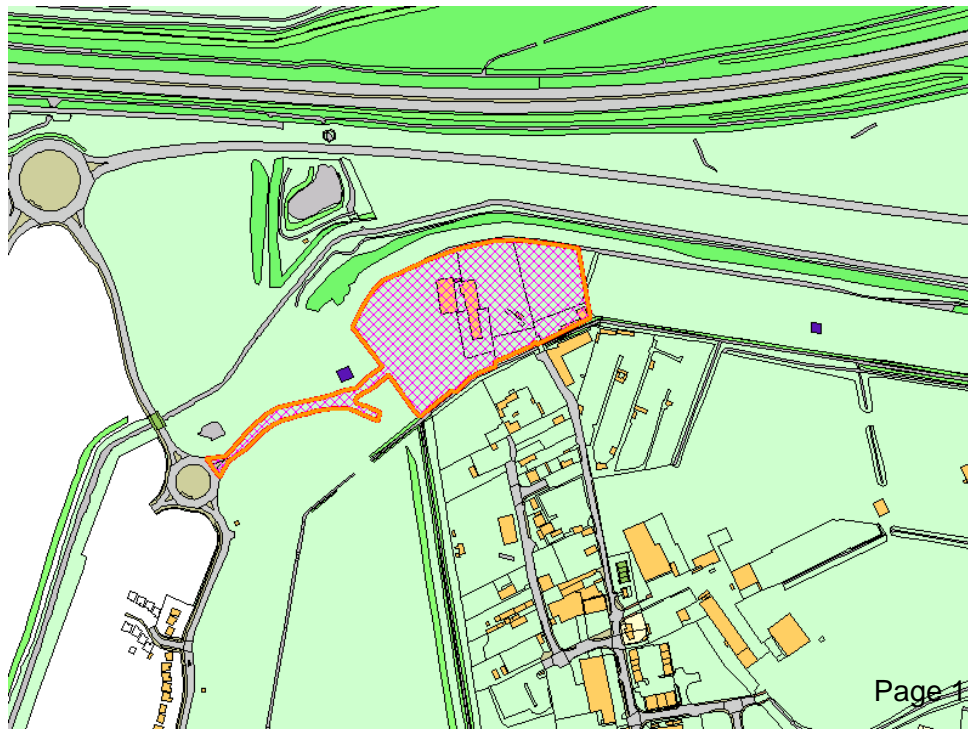
Proposal Description:	1. Provision of adoptable new link road and private access road. 2. Change of use of land to waste recycling area and ancillary development (retrospective). 3. Erection of waste management buildings. 4. Provision of rail loading and HGV parking area.
At:	Attero Recycling, Bankwood Lane, New Rossington, Doncaster, DN11 0PS

For:	Mr David Colakovic - Attero Recycling Limited
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Third Party Reps:	1 representation	Parish:	Rossington Parish Council
		Ward:	Rossington and Bawtry

Author of Report	Dave Richards
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MAIN RECOMMENDATION:	DELEGATE AUTHORITY to the Head of Planning to GRANT subject to approval by Secretary of State (SoS) and subject to conditions.
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1.0 Reason for Report

1.1 This application is being presented to planning committee due to:

- The proposal being a departure from the development plan by virtue of part of the site being in the Green Belt.
- The application is for major development

1.2 The application was presented to Planning Committee on 18th September 2018, where the decision was taken to defer the application to allow Planning Committee Members the opportunity to review the information submitted with the application relating to air quality, traffic generation and noise.

1.3 The application is presented as per the original committee report, incorporating the changes noted in the pre-committee amendments to that meeting.

2.0 Proposal and Background

Background

2.1 The application site is located at the north end of the Bankwood Lane Industrial Estate (Bankwood Estate). The Bankwood Estate lies to the north of New Rossington, approximately 5km to the southeast of Doncaster. To the west of the site, the former Colliery site is currently undergoing a significant, mixed-use redevelopment of housing, employment and leisure uses linked from Great Yorkshire Way (A6162), which in turn allows access to Junction 3 of the M18. To the south of the site is the Bankwood Estate and the planned residential areas of Rossington. To the north and east is a railway line, allotments, the A6182 and agricultural land.

2.2 Attero Recycling Ltd (Attero) operates a waste transfer station in part of the application site. Waste materials are imported to the site by HGV and undergo a range of processes including sorting, separation, screening, bailing, shredding, crushing, blending and compaction, prior to being exported from the site by road and rail. In addition, Attero have been processing historical waste material on the site. The site does not accept any hazardous waste type.

2.3 The waste transfer station was granted planning permission under planning permission 97/69/3510/FUL in June 1998. The facility operates under an environmental permit license issued by the Environment Agency (EA). Under the terms of the permit, up to 200,000 tonnes of waste can be imported per annum. The modern day operation does not contain any planning controls for waste tonnage or vehicle movement limits.

2.4 In 2015, Attero began using industrial land near the application site as a holding area for HGVs waiting to enter the waste transfer station. This application (ref: 16/02386/COUM) is currently pending the outcome of this current application, as it includes provision for a lorry park within the application site. A site plan showing the lorry park in relation to the application site and general area is in appendix 1 of this report. For clarity and for the purposes of this report, lorry park includes the parking of HGV's.

The proposal

2.5 The proposed development seeks planning permission for an enlarged waste transfer station. The facility will process a maximum of 400,000 tonnes of inert and non-

hazardous waste material per year, which will comprise primarily construction, demolition and commercial materials. The material will be screened, condensed and a solid recovered fuel (SRF) and refuse-derived fuel (RDF) is transferred from the site.

2.6 Approximately 50% of the operation would be relocated and housed within a new processing building. It would be a steel structure with a pitched roof, and a maximum height to ridge of 15m. This building would also include a palletisation plant, which would compress waste materials. The compression would form the waste into pellets (approx. 20-30mm diameter). No emissions would result from the palletisation process.

2.7 The provision of the processing building would enable approximately 50% of the current external waste processing operations to be carried out indoors. The remaining processing areas would be reorganised into dedicated storage areas which would also enable the remaining externally operated machinery to be relocated further away from neighbouring land uses.

2.8 The scheme would deliver a new, purpose designed link road to the west of the application site, which would connect with the existing roundabout off West End Lane. The access road will serve the Attero site only. However, the possibility exists for the construction of a further section of access road to Attero's southern land boundary, to be built to adoptable standards, providing a possible connection to the Bankwood Lane Industrial Estate. This application has now been submitted under planning reference 18/02114/FULM. The current access to the Attero site would be closed to HGV traffic.

2.9 The application includes the provision for HGV and employee parking (lorry park) on a parcel of land to the east of the existing site. This area would be engineered to create a level development platform, surfaced with hardstanding and any necessary drainage features would be installed. The lorry park will remove the requirement for a temporary lorry park, which is currently in operation to the south of the application site on the junction of West End Lane and Bankwood Lane.

2.10 Approximately 5,000 cubic metres of waste materials has been historically dumped on the site. The application includes consent to remove this material to enable the development of the new road to be carried out. These materials comprise a mixture of unprocessed and processed waste, most of which was from construction and demolition sources, with lesser amounts of commercial and industrial waste.

2.10 A relocated rail loading area is proposed adjacent to the lorry park. Attero have been working with Network Rail to utilise the railway siding to the north of the site to transport waste from the site in larger quantities than what can be realised by HGV use. This use has the potential for greater use and allow a reduced number of HGV movements in the future if the scheme is successful.

2.11 In terms of other alterations, other ancillary development includes:

- Retention of operational land
- A relocated weight bridge and site office
- Surface water drainage system
- Revised site layout
- Hardstanding and acoustic bunding

The overall site layout is shown in appendix 2 of this report.

2.12 Currently, the operational hours of the waste transfer station are conditioned to be 07.30am to 18.00pm, Monday to Friday and 07.30am to 13.00pm on Saturday. There is no working on Sundays or Bank Holidays. As part of the proposals, an expansion of the operating hours are proposed to the following:

- HGV and other traffic movements: 07.00am to 20.00pm (7 days per week).
- Operations within buildings: 24 hours (365 days per year).
- External operations 07.00am to 20.00pm Monday to Friday and 07.00am to 13.00pm Saturday. No operations on Sundays or public holidays.
- Maintenance of plant etc. (external) 07.00am to 20.00pm (7 days per week).

2.13 The site currently has an annual restriction on throughput of 200,000 tonnes via the Environmental Permit issued by the Environment Agency. It is proposed that this level is increased to 400,000 per year consisting of approximately:

- 350,000 tonnes of solid recovered fuel (SRF) and refuse-derived fuel (RDF)
- 45,000 tonnes of recycled materials (wood, plastics, paper/cardboard, metals, soils and hardcore); and
- 5,000 tonnes of non-recyclable waste to landfill.

2.14 In terms of current HGV movements, the current operation equates to a total of approximately 266 HGV two-way movements per day. The application would result in approximately 494 HGV two-way movements during the core daytime period between 7am and 7pm.

2.15 A total of 45 fulltime staff are employed at the waste transfer station. The anticipated workforce following implementation of the development would be 85 full time staff.

2.16 The development would be phased via condition and the implementation of the new link road and lorry park would be completed first.

3.0 Relevant Planning History

3.1 The historical use of the site is mixed, with previous applications for industrial development, motorcycle training, material extraction. These include:

80/1270/P - Use of approx.4.5 acres of land for storage and dismantling of scrap cars (Refused)

87/0886/P - Change of use of land including the erection of single storey steel framed building 33.0m x 11.7m) for shot blasting and paint spraying business on approx. 1.0 ha of land (granted)

91/2489/P - Outline application for industrial development on approx 1.1 ha of land (Allowed on appeal)

94/0101/P Use of land for motor cycle training on approx 1.9 ha of land (Approved)

97/0112/P Use of approx 2.2 ha of land as scrapyard (Allowed on appeal)

97/3510/P Change of use of premises to waste transfer station (Approved)

99/3311/P Excavation, screening and removal of ash for recycling (Approved)

06/01956/FUL Erection of industrial unit 36.5m x 13.7m and formation of new access road (Approved)

09/00190/OUTA Construction of an inland port (Strategic Rail Freight Interchange) together with ancillary infrastructure and operational development (Approved and implemented)

16/02386/COUM Temporary change of use from former factory and factory outlet to HGV parking for a period of 18 months (Retrospective) Undetermined

4.0 Representations

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

- Any neighbour sharing a boundary with the site has received written notification
- 3 site notices have been displayed in the area
- Advertised in the local press
- Advertised on the Council website

4.2 One public objection has been received by the owners of Tanks & Vessels site to the east of the development. The comments can be summarised as:

- The application will prejudice delivery of the full extent of the link road
- The full benefits in removing all industrial traffic may not be secured
- A critical opinion of the submitted road layout
- The design of the link road should be amended
- Inadequacies with the submitted Transport Assessment
- Happy to work with all relevant parties to provide a solution

5.0 Parish Council

5.1 Rossington Parish Council:

Their response in full:

Rossington Parish Council recognises the work done to date by Attero, Harworth Estates, Morris Metals and Doncaster Council in proposing a resolution to the issues on the Bankwood Lane Industrial Estate with reference to the above planning application.

The new adoptable link road and private access road with new facilities will resolve many of the issues that have affected, and continue to affect, residents of West End Lane, Bankwood Lane and Bankwood Crescent.

However, in light of the proposed redevelopment of the Tanks & Vessels Industries Limited (TVI) site, it is vitally important to ensure the link road design is capable of handling both the increased traffic to the Attero site as well as other existing and future users. The proposed redevelopment of the TVI site with a new access would eliminate the majority of the HGV traffic.

The aim MUST be to eliminate where possible, ALL existing HGV traffic beyond the Rossington West roundabout through West End Lane to Bankwood Lane.

Therefore, Rossington Parish Council is opposed to application 18/00548/FULM without the provision of the full adoptable link road to serve ALL existing and future business developments in this area.

5.2 Following the submission of amended plans which showed a connected link road, the Parish Council were consulted and no comments were received at the time of writing.

6.0 Relevant Consultations

6.1 Highway Officer

Whilst there are no objections to the principle of the development proposal, the initial plans were viewed unfavourably; and these included the following:

- Discrepancies with numbers in the transport assessment
- Typographical errors
- Alignment errors
- No swept path analysis
- Revised turning head required
- Design information required
- Positioning of the weighbridge
- Visibility splays

Following the highway response, the applicant submitted a revised Transport Assessment, updated documentation and a revised site layout. The information provided has been reviewed by the Highway Officer who has no objection. This is predicated on comments in relation to using the most appropriate method to secure the future extension to Bankwood Lane outside the current application in order deliver the significant additional benefits of the link.

6.2. Highways Transportation Officer

A Transport Assessment has been submitted in support of this application and there are no objections to this application (subject to conditions). The Transportation Officer did advise that:

The proposals should not constrain the further delivery of Phase 2 of the link road and every endeavour should be made to future proof the elements contained within this application, in order to secure the additional benefits this link can deliver to the wider area and the residents of Bankwood Lane.

6.3 Environment Agency

The Environment Agency originally objected to the submitted Flood Risk Assessment as it failed to provide a number of key requirements set out in paragraphs 030 to 032 of the National Planning Practice Guidance.

Following this response, the applicant submitted a revised flood risk assessment, updated documentation and a revised site layout. The Environment Agency were consulted and no objections have been received subject to conditions being imposed.

6.4 South Yorkshire Archaeology Service (SYAS)

The SYAS have noted that severe ground disturbance has taken place and considers the archaeological potential of the site to be negligible.

6.5 Additional consultee comments:

Environmental Health Officer (Air Quality) - No concerns with regards to the proposal and the extant air quality regulations (subject to conditions).

Environmental Health (Noise) - No objections following receipt of additional information (conditions proposed).

Internal Drainage Officer - No objections subject to final surface water plans and hydraulic calculation following completion of the full detailed design.

Ecology Officer - No objections on ecological grounds and no conditions.

Contaminated Land Officer - The Contamination Land Officer concurs with the recommendations of the submitted phase one contamination report, which recommends a Phase 2 site investigation, which will include soil, ground water and gas monitoring. No objections subject to condition.

Network Rail - No objections in principle subject to liaising with the Rail Freight Operator and Network Rail as necessary.

Public Rights of Way Officer - No objection in principle to the proposals.

Area Manager - No comments received.

National Grid - No comments received.

Yorkshire Wildlife Trust - No comments received.

Doncaster East Internal Drainage Board - No comments received.

7.0 Relevant Policy and Strategic Context

7.1 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.

7.2 In the case of this application, the development plan consists of the Doncaster Core Strategy and Unitary Development Plan. The following planning policies are relevant to this proposal:

Doncaster Council's Core Strategy (2012):

7.3 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.

7.4 Policy CS3 of the Core Strategy applies national policy and seeks to protect the Green Belt from inappropriate development other than in very special circumstances.

7.5 Policy CS4 of the Core Strategy requires a proactive approach towards the management of flood risk and drainage.

7.6 Policy CS9 states that new development will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel. Point (d) states that the proposals that improve the efficiency of freight transport including facilities for lorry parking will be supported, where appropriate.

7.7 Policy CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.

7.8 Policy CS16 of the Core Strategy seeks to protect and enhance Doncaster's natural environment.

7.9 Policy CS18 of the Core Strategy states that Doncaster's air, water and land resources will be conserved, protected and enhanced. Paragraph B recognises deliverable urban brown field sites. However, where any risks to ground conditions arising from contamination or previous land uses are identified, proposals will need to incorporate measures to prevent, control and reduce air and water pollution, mitigate any ground instability and enhance the quality of these resources.

7.10 Policy CS20 of the Core Strategy recognises that the use of secondary and recycled aggregates will be maximised.

Doncaster Unitary Development Plan (UDP) (Saved Policies) (1998):

7.11 Policy ENV1 of the UDP reiterates a Green Belt in the western part of the Borough. The purposes of including land within the Green Belt are set out, in accordance with national policy.

7.12 Policy ENV3 of the UDP states that development will not be permitted, except in very special circumstances for purposes other than listed. Where development is a permitted use, development will only be acceptable in principle where they would not be visually detrimental by reason of their siting, materials or design, and would not give rise to unacceptable highway or amenity problems and would not conflict with other policies of the UDP.

7.13 Policy ENV38 of the UDP requires conditions where development would impinge on an archaeological site.

7.14 Policy EMP6 of the UDP states that within employment policy areas, permission will normally be granted for B1, B2 and B8 uses. Proposals for other industrial, business or commercial uses will be considered on their merits in accordance with other relevant plan policies.

7.15 Policy M15 of the UDP sets out development criteria for non-mining activities on former colliery sites and requires applications to consider the environmental and amenity impact.

Barnsley, Doncaster and Rotherham Joint Waste Plan (2012) (JWP)

7.16 Policy WCS1 of the JWP states provision will be made to maintain, improve and expand the network of waste management facilities. Paragraph D states, amongst other points, that proposals will be supported which enable waste to be managed locally, whilst allowing waste to be imported where this represents the most sustainable option. Priority will be given to waste proposals which maximise the reuse of vacant or underused brownfield land, particularly within established employment areas and which provide opportunities for co-location and priority areas for regeneration.

7.17 Policy WCS4 of the JWP states Proposals for waste development on non-allocated sites will be permitted provided they demonstrate a number of criteria. Paragraph B sets out that waste proposals may be acceptable at existing waste transfer recycling, employment and industrial sites.

7.18 Policy WCS6 of the JWP sets out general principles for all waste management proposals including proving suitable access, site layout, environmental and amenity protection.

7.19 The National Planning Policy Framework (NPPF, 2018) and The National Planning Policy Guidance (NPPG, 2014) are material considerations in the determination of planning applications. The following paragraphs are relevant:

7.20 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.

7.21 Paragraphs 54 – 56 set out the requirements of imposing conditions, which should only be used subject to meeting specific tests and where it is not possible to address unacceptable impacts through a planning condition.

7.22 Paragraph 58 reiterates that enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

7.23 Paragraph 80 states planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development

7.24 Paragraph 93 states planning policies decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard

7.25 Paragraph 107 states decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance.

7.26 Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.27 Paragraph 118 states, amongst other things, that decisions should encourage multiple benefits from both and rural land, to give substantial weight to the value of using suitable brownfield land and under-utilised land within settlements for identified needs,

and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

7.28 Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.

7.29 Paragraph 133 reiterates the importance of Green Belts and its essential characteristics of openness and its permanence.

7.30 Paragraph 134 of the NPPF sets out five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.31 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.32 Paragraph 144 requires local planning authorities to ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.33 Paragraph 155 considers flood risk and avoiding inappropriate development in areas at risk of flooding by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

7.34 Paragraph 170 requires development, amongst other things, to contribute to and enhance the natural and local environment, including recognising the intrinsic character and beauty of the countryside, preventing unacceptable levels of soil, air, water or noise pollution or land instability.

7.35 Paragraphs 178 – 180 states planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

7.36 Paragraph 181 states planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

7.37 The NPPF contains no specific waste policies but the National Planning Policy for Waste (NPPW) sets out detailed waste planning policies expressly to be read in conjunction with the NPPF. The NPPW seeks to drive waste management of the waste

hierarchy, away from disposal by landfill toward recycling. Both are read in conjunction with the NPPG defined in paragraph 7.19.

7.38 Other material considerations include:

National Planning Policy for Waste (NPPW) (2014)
Community Infrastructure Levy (CIL) Regulations (2010)
The Waste Framework Directive (WFD) 2008/98/EC
The EU Landfill Directive (1999)
The Waste (England and Wales) Regulations (2011)
The Waste Management Plan for England (2013)
The Government Review of Waste Policy in England (2011)
The DEFRA Guide on Applying the Waste Hierarchy (2011)
Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990)
Town and Country Planning (Environmental Impact Assessment) Regulations (2017)
Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)

7.39 Rossington Parish Council are currently preparing a Neighbourhood Plan and an area has been designated. However, no draft has been prepared and no policies have been subject to examination. As such, the plan carries no weight at this stage.

8.0 Planning Issues and Discussion

8.1 The main considerations for this development proposal include:

- Environmental Impact Assessment;
- Principle of development;
- Whether the scheme is appropriate development in the Green Belt;
- The effect of the proposed scheme on the character and appearance of the area and openness of the Green Belt;
- Need for the development
- Landscape impact and visual effects
- Impact on residential amenity & quality of life
- Highway safety and traffic
- Flood risk and drainage
- Air quality
- Ecology
- Noise
- Energy efficiency
- If the scheme is inappropriate development in the Green Belt, whether there are very special circumstances which would justify granting planning permission
- Overall planning balance

8.2 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

- No

Environmental Impact Assessment

8.3 Schedule 1 of the Town and County Planning (Environmental Impact Assessment) Regulations 2011, list those developments for which Environmental Impact Assessment (EIA) is mandatory. Schedule 2 of the Regulations describes developments for which the need for an EIA is determined by the Local Planning Authority (LPA) on a case by case basis.

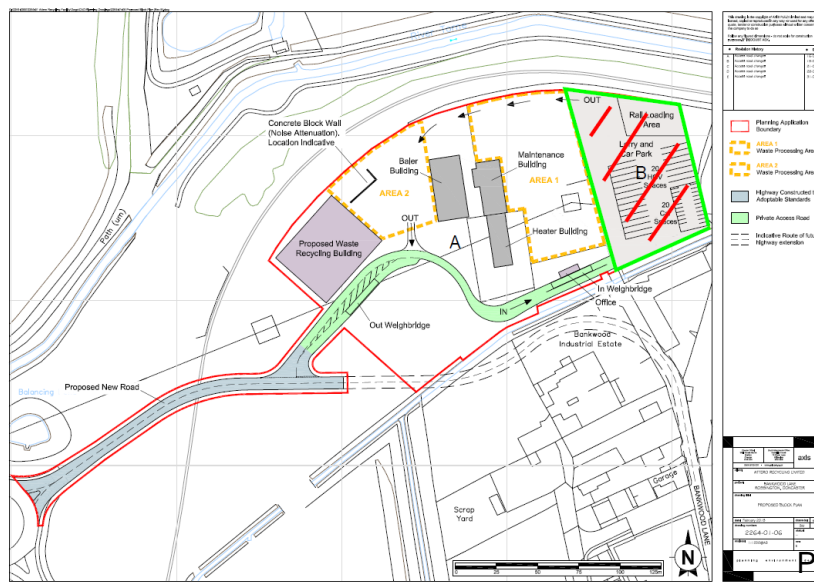
8.4 The application has been screened and it is considered that EIA is not required. Although the proposal falls within Schedule 2 of the Regulations, the site is not located within an environmentally sensitive area and the development is not likely to result in any particularly complex or hazardous effects on the environment. A number of documents have been provided with the application including a Transport Assessment, Flood Risk Assessment, Ecology Survey, Noise Assessment and a Design and Access Statement and the relevant consultees have provided advice on the basis of this information.

Principle of Development

8.5 The proposal in terms of principle is most easily considered in two parts. Firstly, the proposal seeks planning permission for a new link road and the redevelopment of an existing waste transfer station, including a new processing building, the expansion of the processing area and the reorganisation of the site with revised boundary treatments and bunding. This development is located within an employment policy area in Rossington which is a potential growth town outlined in Policy CS2 of the Core Strategy. The reuse of this land is consistent with Policies WCS1, WCS4 and WCS6 of the JWP which accepts waste development proposals if detailed planning considerations are acceptable.

8.6 The proposal also includes the provision of a new lorry park, employee car park and the operational area of a rail loading facility, together with hardstanding and boundary treatments. In planning terms this part of the application site is located within the South Yorkshire Green Belt. A diagram showing the relative site areas is shown below:

A – Employment Policy Area
B – Green Belt (hatched)



Green Belt Policy

8.7 The area of hardstanding would be approximately 0.6 hectares with a surrounding boundary treatment. This represents approximately 20% of the enlarged overall site area as being located in the Green Belt.

8.8 The hard standing would be constructed in an area which is currently open and, in planning terms amounts to an engineering operation. Paragraph 146 of the NPPF states that this type of development may not be inappropriate in Green Belt provided it preserves the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

8.9 In this case, the hard standing areas would be largely used for lorry and car parking. The siting of such vehicles may be to some extent intermittent, depending on the time of the 24 hour operation and market conditions, the appearance of this development would not preserve the openness of the Green Belt. The perimeter fencing and would introduce an additional degree of built form, thereby reducing openness, albeit to a limited degree.

8.10 The parcel of Green Belt land affected by the application is a minority of the site area as noted in paragraph 8.6 of the report. It is recognised that the parcel of land is landlocked by existing development of industrial character, however the development as a whole would represent an encroachment into the countryside, and in that respect, the proposal would conflict with one of the purposes of Green Belt, which is “to assist in safeguarding the countryside from encroachment.” Given the land would be included within the revised site boundary and the area is to be laid to hardstanding, the effect upon the openness of the Green Belt would be a permanent one.

8.11 For the above reasons, the development would not preserve the openness of the Green Belt, and hence the proposal would amount to inappropriate development. In addition, the proposed development would lead to encroachment into the countryside. Therefore, the proposal would not accord with the Green Belt aims of Policy CS3 of the Core Strategy, Policies ENV1 and ENV3 of the UDP and the NPPF.

8.12 Paragraph 144 of the NPPF states that “local planning authorities should ensure that substantial weight is given to any harm to the Green Belt” and ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. As such, Members should weigh this substantially against the proposal.

Site Specific Considerations

Impact on Residential Amenity

8.13 The entrance to the application site is located at the end of the Bankwood Estate, meaning existing deliveries access the site via the planned residential neighbourhoods on West End Lane and Bankwood Lane. In 2015, following an increase in the tonnage limit of their environmental permit, Attero began using an area of Industrial Lane near the application site as a holding area for HGVs in order to prevent HGVs from waiting in the surrounding area prior to gaining entry to the waste processing facility.

8.14 The level of disruption felt by residents near the site has been made clear in representations received on the lorry park application and during pre-application discussions and Parish Council meetings. Residents have commented in some detail on issues surrounding HGV movements and their respective impacts in terms of noise, dust, odour, air quality, vibration, pests and the impact on quality of life.

8.15 The application site is itself distanced sufficiently to ensure that local amenity is maintained in terms of the site operations.

8.16 An Air Quality Assessment has been submitted with the application and has been assessed by the Environmental Health Officer (air quality). No objections have been raised and within the response, the Officer agrees that emissions from the proposed development would not result in any breach of an air quality objective or significant impact on human health.

8.17 In terms of noise, a noise assessment has been submitted with the application and has been assessed by the Environmental Health Officer (noise). The Officer confirmed that they are satisfied that noise from the development would not be detrimental to residential amenity.

8.18 The application would see approximately 50% of the revised operation relocated to a processing building which will further reduce the potential for a noise impact, with the remainder of the site operations relocated to dedicated sorting areas further from residential properties. In this regard, the site will have a more structured layout than currently exists, with mainly open external processing areas. Environmental factors arising from the site will be controlled and regulated under a revised Environmental Permit issued by the Environment Agency.

8.19 Turning to the issue of HGV movements, the application would see the redirection of all deliveries away from the existing residential areas of Rossington via the creation of a new link road to the west of the site, which would provide a new access to the Attero site and connection to the Great Yorkshire Way and M18. This link road has been agreed with the owner of the mixed used development (Harworth Estates) as an equitable solution. In this respect, the application represents a clear improvement over the existing situation and should attract very significant weight.

8.20 The development therefore complies with Policies CS1 and CS18 of the Core Strategy and Policy WCS6 of the JWP subject to mitigation measures being conditioned.

Impact upon Highway Safety

8.21 The current access to the site is served from Bankwood Lane. For the southern adopted half of its length, Bankwood Lane is 7.3m in width and includes a system of street lighting. The northern half of its length, however, is unadopted and a narrower width of 5.5m and less in parts and does not include for either footways or a system of street lighting. The width and quality of this road is now inadequate for significant and large vehicular use and has caused issues with littering and mud on the highway.

8.22 Access to the development site is proposed to be taken via a new access route to the west of the site, which would ultimately connect with the local highway network at the eastern spur of the new Rossington Roundabout junction. As part of the works, the current link to Bankwood Lane would be closed to HGV traffic.

8.23 In the context of this application, the access road will only serve the application site. The application has shown an indicative route for the construction of a second section of access road, to be constructed to adoptable standards beyond the applicant's southern land boundary. This application has now been received and is being considered under planning reference 18/02114/FULM.

8.24 A Transport Assessment has been submitted with the application which has been assessed by the Council's Highway Development Management and Transportation teams. In broad terms, the anticipated number of HGV movements is likely to increase from 266 two way movements to 494 two way movements during the core daytime period between 7am and 7pm. Other employee traffic is likely to increase from around 90 daily movements, although the sustainability of the location means this may be less.

8.25 In terms of highway capacity, the application would result in a considerable improvement in network routing to the application site. The Council's Transportation Team have assessed the application and concluded that the current access to the site would not have the capacity to handle the traffic generation associated with the development and as such the proposed adoptable link road is seen as necessary to make the development acceptable.

8.26 In terms of the legibility of the site, the Highway Officer initially had concerns over the submitted layout; however following revisions to the site layout, the application has been technically assessed and has found to be generally acceptable. A number of detailed revisions have been requested, including the provision of a publicly available turning area outside the operational site, and any updated plans will be presented to Planning Committee.

8.27 It is noted that an objector and the Council's Highway and Transportation team requested that the link road is fully extended across third party land and connect with the existing adopted sections of Bankwood Lane to enable more industrial traffic to utilise the new link road as opposed to continuing to use West End Lane. In this regard, the application does not provide this but it does provide a suitable header for a further link to be provided. This is now the subject of a separate application submitted under planning reference 18/02114/FULM which is currently undetermined at the time of writing.

8.28 A Traffic Management Plan is to include the routing of HGVs along the new link road as a planning condition.

8.29 The Public Rights of Way Officer has confirmed that there are no recorded Public Rights of Way affected by the development. It is noted that the site currently contains a sub-divided section of footway provided as part of the original development but this has not been publicly accessible for some time and serves no public benefit.

8.30 In conclusion, subject to technical details being received to satisfy the requirement of the Highway Officer, the application would protect highway safety and the local highway network. In addition, the rerouting of industrial traffic away from residential areas will result in a marked improvement in the relative transport capacity of West End Lane and Bankwood Lane and this weighs significantly in favour of the proposal.

8.30 Taking all these matters into account, the proposal complies with Policies WCS1, WCS4 and WCS6 of the JWP and Policies CS1 and CS14 of the Core Strategy and Policy EMP17 of the UDP with respect to protecting highway safety and ensuring the local highway network has sufficient capacity.

Impact upon the character of the area

8.32 The current application site can be charitably be described as industrial amenity land, with the general air of development locally having a neglected feel. The site itself is devoid of any significant landscape features, the high voltage pylons and stockpiles of waste material are detracting elements which impact negatively to the character of the area.

8.33 This is reflected in the submitted landscape assessment in conjunction with the Council's Landscape Character Assessment and Capacity Study which recognises that the visual sensitivity and landscape value is low and very low respectively and would benefit greatly from opportunities for remediation and landscape enhancement. The agricultural land, in landscape value terms, offers some degree of openness however the site is relatively secluded and screened by natural vegetation.

8.34 It is important to point out that Rossington is seen as a Potential Growth Town in Policy CS2 of the Core Strategy, with a particular focus on job creation and new housing in the area more generally. This is reflected in recent proposals near the application site which have had a significant and permanent impact upon the character and appearance of the area since the UDP and Core Strategy have been adopted. These include:

- The construction of the Great Yorkshire Way (FARRRs)
- Rossington Colliery mixed use scheme
- Inland port (iPort) employment park
- Manor Farm housing development
- Carr Lodge housing development

8.35 The use of the site for waste management is already established and the proposals would see the introduction of a large industrial building within the site. That said, the proposed processing building, although substantial, would sit in context with other large scale industrial buildings in the area and would be seen against a backdrop of other industrial users. The design and materials proposed are acceptable, subject to condition.

8.36 Furthermore, the proposal would see approximately 50% of the operational activity transferred to within a building. External stockpiling would take place in managed zones within the site which would further improve the overall appearance of the site. The proposals would see dedicated car parking facilities introduced, a drainage system proposed and landscaping/acoustic bunding introduced. The application also includes the opportunity to introduce additional natural planting to site boundaries.

8.37 Cumulatively, it is considered that the proposals, notwithstanding some use of agricultural land, would assist in remediating a site of low landscape character and value to a higher degree of value, and overall would lead to an enhancement to the character and appearance of the area. The proposals have to be balanced in turn with some encroachment into the countryside, however it is considered that moderate weight in support can be applied in terms of the overall balance. The application is therefore in accordance with Policies WCS1, WCS4 and WCS6 of the JWP and Policies CS1, CS2, CS3, CS5 and CS14 of the Core Strategy and Policy EMP17 of the UDP.

Impact on Flood Risk and Drainage

8.38 The majority of the site is located within Flood Zone 2 according to the Environment Agency's Flood Maps, which has a 'medium' probability of flooding of between 0.1 % and 1.0 % in any given year. There are also flood defences along the northern boundary of the site, which appear to have been constructed to accommodate peak flood levels from the River Torne.

8.39 The Environment Agency and the Council's Drainage Officer initially objected to the planning application on flood risk grounds, however following further information being received they have removed their objection. Necessary conditions have been imposed to implement the proposed surface water drainage solution and to ensure the development is implemented in accordance with the mitigation measures indemnified in the FRA.

8.40 The Internal Drainage Board has been consulted with no objections being received.

8.41 The proposed development is located on contaminated land and there is a potential risk that disturbance to the existing ground conditions or drainage of surface water, may result in waste causing contamination. Hydrogeology and ground conditions have been considered, in consultation with the EA and Pollution Control Team and no objections remain outstanding, subject to a specific site assessment being secured by condition.

8.42 The proposal would not worsen flood risk or increase the potential for flooding in the area. In addition, a better drainage solution is proposed which would resolve an identified issue with surface water drainage at the site to which significant weight can be applied. I consider that the application therefore complies with Policies WCS1, WCS4 and WCS6 of the JWP and Policies CS4 and CS18 of the Core Strategy with respect of minimising flood risk and providing a suitable drainage strategy for the site. The enhancement in terms of a revised drainage strategy for the site allows moderate weight in support of the application.

Ecology and Conservation

8.43 The application site lies within a reasonably close proximity to the wetlands of Potteric Carr Nature Reserve, which is designated as a Site of Special Scientific Interest. Other interests include the crossing of drains and limited flora and fauna in proximity to the application site.

8.44 An ecological appraisal has been submitted with the application and has been subject to assessment by the Yorkshire Wildlife Trust and the Council's Ecology Team. The Ecology Officer agrees that the proposals will have little or no impact on local biodiversity. The revised application site has little potential for roosting bats and other water features nearby have little value to suitable species.

8.45 It is proposed that a landscaping plan is secured via condition to soften the appearance of the built development on the site. The introduction of planting and other features would enhance the appearance of the site and this would be a planning gain to the development site and wider area.

8.46 As state above, an Air Quality Assessment has been submitted and no objections have been raised in terms of impact upon ecological assets.

8.47 There are no listed buildings, conservation areas or schedule ancient monuments near the application site boundary which would be affected by the development.

8.48 In terms of any archaeological significance, the South Yorkshire Archaeology service have been consulted and confirm the archaeological potential of the site to be negligible and advises that no archaeological investigation is warranted.

8.49 Appropriate measures are to be incorporated into an ecological enhancement and management plan, which is secured by condition. These measures allow moderate weight in support of the application given it would represent an enhancement of the existing ecological capacity at the site.

8.50 The application therefore complies with Policies WCS1, WCS4 and WCS6 of the JWP and Policies CS1, CS14, CS15, CS16, CS17 and CS18 of the Core Strategy and significant weight can be applied in favour of the application in terms of the enhancement of the ecological value of the site.

Energy Efficiency

8.51 Sustainable development is the core principle underpinning planning as stated in the NPPF and supported by Policies CS1 and CS14 of the Core Strategy. The design of the development would utilise opportunities to reduce energy demand and conserve natural resources via recycling. It is also noted that palletisation and the bulking of waste for transport offsite by rail is a method of transporting in a more sustainable way, which helps reduce greenhouse gases and other emissions. These measures allow significant weight in support of the application given it would represent a more efficient use of waste in accordance with one of the substantial aims of the NPPF and NPPW.

8.52 The application complies with Policies CS1 and CS14 of the Core Strategy in terms of the promotion of sustainable water management, minimising energy consumption, moving waste up the waste hierarchy and reducing greenhouse gases and other emissions.

Summary

8.53 It is recognised that the provision of hardstanding within the Green Belt for the purposes of a lorry park is contrary to the development plan and would result in harm by reason of inappropriateness, encroachment into the countryside and some visual harm. This weighs substantially against the proposal. The proposal would also see an increase in the overall built development on the site through the reorganised site layout and the new processing building.

8.54 Balanced against this harm, in terms of any site specific issues, there are no concerns which cannot be suitably addressed regarding design, landscape or visual amenity, drainage, flood risk and ground water protection, residential amenity, nature and conservation, ecology, heritage, access, parking or highway safety concerns.

8.55 However, broad compliance with national, regional and local policies does not demonstrate 'very special circumstances' when considering inappropriate development in Green Belt land. In these circumstances, for the proposals to be acceptable, there must be other material considerations that clearly outweigh all the identified harm. The factors that are claimed to weigh in favour of granting planning permission are set out below.

Planning Balance

8.56 Firstly, a consistent theme of local opposition to the Attero site is the impact of HGV movements in the area in terms of traffic congestion, the inadequacies of the access points, littering, air quality, inconsiderate parking and other environmental concerns with the implications for highway safety and residential amenity.

8.57 Bankwood Lane is the only available connection to the Attero site and the Bankwood Estate. West End Lane, since its linking to the Great Yorkshire Way, generally carries a considerable amount of traffic. This is reflected in the submitted Transport Assessment which captures traffic flows to be approximately 6,000 vehicles per day on a week day. This translates to approximately 2,200 movements on to the Bankwood Estate between 7am and 7pm. Included within this, the existing Attero facility records 266 two-way HGV movements over the full day of operations, equating to around 25 HGV movements per hour or 1 movement per 4 minutes.

8.58 It is common ground across all parties that Attero currently do not have adequate parking provision within the application site, and have a worsening access to the public highway. At present, Attero have secured the use of a site on the corner of Bankwood Lane and West End Lane for temporary HGV storage. It is agreed that the lorry park is creating an amenity impact (noise and disturbance), however this cannot be considered a material consideration given this use is currently unauthorised. As such, limited weight can be given to the application resulting in the closure of the lorry park. However, what can be realised is that were the lorry park to be closed, HGV drivers would revert to arriving at West End Lane and Bankwood lane but would not be able in some cases to immediately gain access the waste transfer station. As such, as has happened previously, drivers would resolve to wait on the highway network on West End Lane and Bankwood Lane.

8.59 This situation is having a significant impact upon the environment and the living conditions of neighbouring residential neighbours. The level of disruption felt by residents adjacent to the site is clear in public interest shown during pre-application discussions and previous applications related to the site. Residents have previously commented in some detail on issues surrounding HGV movements and their respective impacts in terms of noise, dust, odour, air quality, vibration, pests and the impact on quality of life. The impacts raised include material changes in behaviour or attitude including keeping windows shut and sleep disturbance, and in some cases, has included psychological stress or physiological effects. It is clear from the representations of residents feel that the character of the locality has changed markedly for the worse within a few years, although it is recognised that not all of this can be attributed to the Attero site.

8.60 At present, there is no such routing agreement relating to the vehicles using the waste transfer station and a planning permission would be the only way through which this could now be achieved. In this regard, although the total amount of traffic would 'only' represent around 15% of the overall traffic arriving at the Bankwood Estate, the removal of this traffic from West End Lane and Bankwood Lane would have an immediate uplift in the living standards and enjoyment of the residents of properties in the vicinity. This is reflect in support from the Council's Transportation Team who have noted the positive reduction in traffic along West End Lane and Bankwood Lane as a result of the diversion of HGV lorries. The new link road would divert HGV traffic largely away from residential areas altogether, permanently and without recourse to merely diverting the parking situation to another location. The proposal would provide a safe, efficient, direct access to the site

and contain a holding area in a situation where the delivery load could not immediately be processed. The access would be funded by the applicant and delivered in a relatively short time frame.

8.61 In this regard, there is a clear public interest benefit in removing Attero traffic from residential areas. In light of the current undersupply of available parking facilities for HGVs and the lack of an acceptable holding area near the application site, consideration is given to the contribution of a link road and lorry park within the application site and is given substantial weight in the overall planning balance.

8.62 Secondly, the delivery of the application would provide much needed improvements to the site operation that cannot not be controlled via the existing planning permission or environmental permit. The site currently has no limitations on tonnage or vehicular movements within its planning permission. The site has an inadequate poor drainage system and is accessed by an un-adopted section of Bankwood Lane which is narrow and insufficient in width and quality.

8.63 Whilst it is not proposed that the current application retrospectively apply planning conditions to any existing operation, the expansion of the operation needs to be checked by the imposition of modern planning conditions.

8.64 On its own merits, the scheme and its requisite conditions would improve the visual appearance of the site via the introduction of dedicated storage areas, landscaping planting and ecological mitigation. The provision of a purpose built processing building will internalise approximately 50% of the revised operation with the remaining areas reorganised to dedicated storage and processing areas.

8.65 Conditions include the regulation of stockpiling heights as the existing stock piles are tall and intrusive in the landscape, a new drainage system to resolve an ongoing situation with drainage and revised boundary treatments. The current proposal includes planning conditions on the overall tonnage for the site (regardless of any permitting limit) to ensure that the throughput to and from the site has an acceptable impact on living conditions and the local highway network. The reorganisation of the site would deliver tangible improvements in the quality and appearance of the site overall and help the operator comply with modern day environmental standards. The scheme also regularises a trial scheme to allow the disposal of waste via rail, in significant quantities. There would be a moderate benefit to the local economy during the construction phase and once the scheme has been completed as a result in an uplift of around 40 new jobs at the site. Finally, the proposal would also regularise an industrial waste site which has been allegedly been the subject of undocumented tipping recognised by the Environment Agency. The scheme would involve the remediation of this land.

8.66 In terms of the sustainability of the operation, national guidance emphasises the need to divert as much waste as possible away from landfill so that society can manage its waste in a more sustainable manner. The proposal will contribute towards this aim in an expanded capacity by removing, recycling and reusing material that would otherwise be landfilled. The energy efficiency of the site would also be improved. The proposal would support the Government's ambition to work towards a more sustainable and efficient approach to resource use and management, amounting to significant weight in support of the application.

9.0 Summary and Conclusions

9.1 Overall, there are persuasive material considerations which warrant a decision other than in accordance with the development plan. In terms of the environment, the development would cause some limited harm to the Green Belt and residual harm to the character and appearance of the area. However, the redevelopment of the current site overall is acceptable in principle and the proposal is in a suitable location in terms of overall sustainability. The proposals would not give rise to any site specific issues and would resolve a currently unenforceable situation for some local residents, resulting in an enhancement to the quality of place and quality of life. Whilst it is recognised that the application is finely balanced, the social and economic benefits are such that the proposal represents sustainable development.

9.2 It is therefore considered that the benefits of the application are in the public interest and, in the absence of any other harm, outweigh the harm to the Green Belt and the limited harm to the character and appearance of the area, thereby justifying the proposal on the basis of 'very special circumstances'.

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

9.4 Final comments are awaited from the Council's Highway Officer following amendments requested on the road layout. These items will be reported to committee.

10.0 RECOMMENDATION –

10.1 That the committee resolve to authorise the Head of Planning to **GRANT PLANNING PERMISSION** subject to conditions and the resolution of technical matters relating to the road layout and provided that –

- The Secretary of State, after referral of the application as a departure from the development plan, allows the Council to determine the application

Conditions / Reasons

01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

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

02. U0064198 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:

Dwg. No. 2264-01-01 Location Plan Rev A dated February 2018 received 13.08.2018
 Dwg. No. 2264-01-06 Proposed Block Plan Rev E received 13.08.2018
 Dwg. No. 2264-01-07 Proposed Waste Recycling Floor Plan received 13.08.2018
 Dwg. No. 2264-01-08 Proposed Waste Recycling Building Elevations 1 of 2 received 13.08.2018
 Dwg. No. 2264-01-09 Proposed Waste Recycling Building Elevations 2 of 2 received 13.08.2018
 Dwg. No. 2264-01-10 Proposed Plans and Elevations Weighbridge (site plan superseded) received 13.08.2018
 Dwg. No. 2264-01-12 Rev A Lighting Plan received 13.08.2018
 Dwg. No. 2264-01-13a Proposed New Road to Bankwood Roundabout and Proposed Site Access Connection received 13.08.2018
 Dwg. No. 2264-01-13b Proposed Site Lorry Park and Internal Site Circulation received 13.08.2018
 Planning Application Document dated February 2018 received 28.02.2018
 Level 2 Flood Risk Assessment and Surface Water Management Plan dated November 2017 received 28.02.2018
 Noise Impact Assessment prepared by R Kettlewell MSc MIOA MAE I.Eng received 28.02.2018
 Transport Assessment and Appendices dated December 2017 received 28.02.2018
 Technical Note Response on FRA and Drainage dated August 2018 received 14.08.2018
 Dust Impact Assessment and Litter Management Plan dated May 2018 received 15.08.2018
 Air Quality Assessment dated May 2018 received 27.07.2018
 Additional Air Quality Assessment in Response to Environmental Health Officer's Comments dated August 2018 received 15.08.2018
 Ecological Assessment dated October 2017 received 28.02.2018
 Phase 1 Site Investigation Report and Appendices dated 20.11.2017 received 28.02.2018

REASON

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

03. U0064205 The development permitted by this planning permission shall be carried out in accordance with the approved 'Technical Note Response on FRA and Drainage - Planning Application 18/00548/FULM' compiled by Ecus Ltd (ref: 11803 -JAG-001) dated August 2018, and the following mitigation measures detailed within the FRA:

- Identification and provision of safe routes into and out of the site to an appropriate safe haven.
- Finished Floor Levels (FFL) for the Waste Recycling building/Waste Transfer Station (WTS) to be set no lower than 5.85m above Ordnance Datum (AOD) as indicated within sections 3.1.13 on page 6 of the Technical Note Response on FRA and Drainage.
- Finished Floor Levels (FFL) for the weighbridge to be set no lower than 5.45mAOD as indicated within sections 3.1.13 on page 6 of the Technical Note Response on FRA and Drainage.
- Flood resilient design measures incorporated into the final design as stipulated within section 3.3.4 on page 7 of the Technical Note Response on FRA and Drainage.

- 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 protect groundwater resources, the proposed development from flood risk and to ensure that flood risk is not increased elsewhere in accordance with Policies CS4 and CS18 of the Core Strategy.

04. U0064199 No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and in compliance with any agreed phasing plan. The statement shall provide for:

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

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety as required by Policies CS1 and CS14 of the Core Strategy.

05. U0064242 Prior to the commencement of any relevant phase of the development, a scheme outlining the phasing of development, including a site layout plan identifying land uses and any temporary access, parking or operational area, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing scheme.

REASON

In the interests of protecting local amenity and highway safety as required by Policies CS1 and CS14 of the Core Strategy.

06. U0064206 Prior to the operation/opening of the development hereby approved, an air quality mitigation plan shall be submitted to and approved in writing by the local planning authority. This plan should demonstrate how the damage costs (in addition to those requirements agreed against other matters) have been utilised to offset vehicle emissions during the lifetime of the development.

REASON

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

07. U0064209 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with

contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. The development will be carried in informed by a preliminary risk assessment.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution, in line with Paragraph 109 of the National Planning Policy Framework.

08. U0064229 Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with Paragraph 109 of the National Planning Policy Framework.

09. U0064210 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 first use of the development hereby approved.

REASON

In the interests of protecting the character of the area and in the interests of controlling noise and dust from the site in accordance with Policies CS14 and CS18 of the Core Strategy.

10. U0064230 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water, and install oil and petrol

separators, has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON

The Humber river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class.

11. U0064251 Prior to the first use of the lorry park hereby approved, details of a landscaping/planting scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those which are to be retained, those proposed for removal and those requiring surgery. The scheme should also indicate details of a species rich native hedgerow planting to the revised application site boundary. All planting material included in the scheme shall comply with Local Planning Authority's 'Landscape Specifications in Relation to Development Sites'. Planting shall take place in the first suitable planting season, following the first use of the lorry park. Any tree or shrub planted in accordance with the scheme and becoming damaged, diseased, dying or removed within five years of planting shall be replaced in accordance with the above document.

REASON

To ensure that replacement trees are of a suitable type and standard in the interests of amenity.

12. U0064204 A complete and operational foul and surface water drainage system shall be installed prior to any part of the site as approved being brought into use in accordance with the approved details. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

REASON

To manage surface water run off and in the interests of protecting groundwater resources in accordance with Policies CS1, CS4 and CS18 of the Core Strategy.

13. U0064212 Before any part of the proposed development is brought into use, the proposed link road shall be provided. All access areas that are 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

In the interests of network capacity and road safety as required by Policy CS14 of the Core Strategy.

14. U0064213 Before any part of the proposed development hereby permitted is brought into use, the lorry and car park as shown on the approved plans shall be made available. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby

approved. There shall be no overnight parking at the address unless otherwise agreed in writing by the local planning authority.

REASON

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

15. U0064200 Notwithstanding the details shown on the approved plans, no development shall take place above damp proof course until details of the materials to be used in the construction of the waste recycling building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried in accordance with the approved details.

REASON

To ensure the development is in character with the area as required under Policies CS1 and CS14 of the Core Strategy.

16. U0064207 Prior to the first use of the waste recycling building hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. Installation shall comply with current guidance/advice. The waste management buildings shall not be utilised until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

REASON

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

17. U0064201 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, associated pipe work, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

REASON

To protect groundwater from contamination as required by Policies CS4 and CS18 of the Core Strategy.

18. U0064202 Unless otherwise approved in writing by the Local Planning Authority, all operations pursuant to this planning permission, including inter alia, materials processing, materials deposition, re-contouring operations, restoration, the starting, warming up and access and egress of heavy goods vehicles shall only be carried out during the following hours:

- HGV and other traffic movements: 07.00 to 20.00 (7 days per week)
- Operations within buildings: 24 hours (365 days per year)
- External operations 07.00 to 20.00 Monday to Friday and 07.00 to 13.00 Saturday
- Maintenance of plant etc. (external) 07.00 to 20.00 (7 days per week)

- There shall be no operations on Sundays or public holidays.

REASON

In the interests of protecting local amenity as required under Policies CS1 and CS14 of the Core Strategy.

19. U0064203 No waste shall be burnt or otherwise used to generate electricity from the site unless agreed in writing by the Local Planning Authority.

REASON

In the interests of proper planning and to protect air quality, highway safety and the character of the area as required by Policies CS1, CS14 and CS18 of the Core Strategy.

20. U0064208 Prior to the first use of the rail loading facility hereby approved, details of an Armco or similar safety barrier shall be submitted and approved in writing by the local planning authority, in consultation with Network Rail. The development shall be carried out in accordance with the approved details.

REASON

In the interests of public safety required by Policy CS14 of the Core Strategy.

21. U0064211 The movement of HGVs and waste delivery vehicles within the site shall conform to the direction of travel as indicated on the approved plans. The 'In' and 'Out' weighbridges shall be located as shown on the approved plans prior to the first use of the development hereby approved and shall remain in position for the lifetime of development.

REASON

In the interests of protecting highway safety in accordance with Policy CS14 of the Core Strategy.

22. U0064216 The terms of this planning permission, including all documents hereby permitted and any documents subsequently approved, shall be made known to any person(s) given responsibility for the management or control of the waste activities/operations on the Site.

REASON

For the avoidance of doubt and in the interests of proper planning.

23. U0064217 The stockpiles of any material shall not exceed 4 metres in height (measured from the finished level of the proposed waste recycling building).

REASON

In the interests of protecting local amenity as required by Policies CS1 and CS14 of the Core Strategy.

24. U0064218 The total quantity of waste or recyclable materials imported on to the Site shall not exceed 400,000 tonnes per year. The following records shall be kept at the application site and shall be provided to the Local Planning Authority within 7 days of a request being made. In making a request, the Local Planning Authority shall specify the dates between which the records shall be provided.

a) Records of the quantity, dates and times when waste, recyclable materials or primary aggregate is delivered to the Site.

b) Records of the quantity, dates and times when waste, recyclable materials or primary aggregate is removed from the Site.

c) Records of any complaints and any remedial action taken.

REASON

To ensure compliance with the terms of the planning permission and in the interests of protecting local amenity and highway safety as required by Policies CS1 and CS14 of the Core Strategy.

25. U0064219 The proposed waste recycling building as shown on the approved plans shall be used for the processing of inert material and other associated ancillary activities and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning(Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON

For the avoidance of doubt and in the interests of proper planning.

26. U0064221 Within 1 month of the first commercial use of the link road access hereby approved, the existing access shall be permanently closed to HGV traffic or any vehicle above 7.5 tonnes. Following this date, any HGV accessing the site shall use the approved link road access as shown on the approved plans.

REASON

In the interests of highway safety as required by Policy CS14 of the Core Strategy.

Informatives

01. These activities will require either a new permit or a variation to an existing permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. The applicant is advised to contact our regulatory team at the following email address regulatedindustryDNL@environment-agency.gov.uk to discuss the permitting requirements.

Further advice and guidance relating to Environmental Permits can also be found at: <https://www.gov.uk/topic/environmental-management/environmental-permits>.

02. Developers, individuals or companies who wish to operate cranes or other tall equipment within 6 kilometres of the Aerodrome boundary and at heights of more than 10m Above Ground Level (AGL) or that of surrounding trees or structures must receive prior permission and a Crane Authorisation Permit from Doncaster Airport, Airport Duty Manager. Operators of exceptionally tall equipment (greater than 50m AGL) are advised to consult Doncaster Airport if operating within 15km of the Aerodrome Boundary.

03. ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

If the surface water were to be disposed of via a soakaway system, the DB 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.

For further application information, consent guidance & forms Visit: www.shiregroup-idbs.gov.uk, Select 'IDB', then select 'Doncaster East IDB', and select 'Planning, Consent & Byelaws'.

For direct enquiries e-mail: planning@shiregroup-idbs.gov.uk

04. 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.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with your building control department is recommending when determining if flood proofing measures are effective.

Additional guidance can be found on the www.gov.uk website pages under the heading 'Prepare for a flood and get help during and after'. These pages can be found by clicking on the following link - Prepare for a flood and get help during and after - GOV.UK.

05. Nothing in this permission shall be taken as giving authority to commence any works which affect the watercourse/ land drainage dyke which crosses / runs adjacent to the site, as separate consent is required for such works from the Environment Agency or internal drainage board.

06. The applicant is advised to contact National Grid and Network Rail prior to the commencement of development to ensure their equipment is not affected by the proposals.

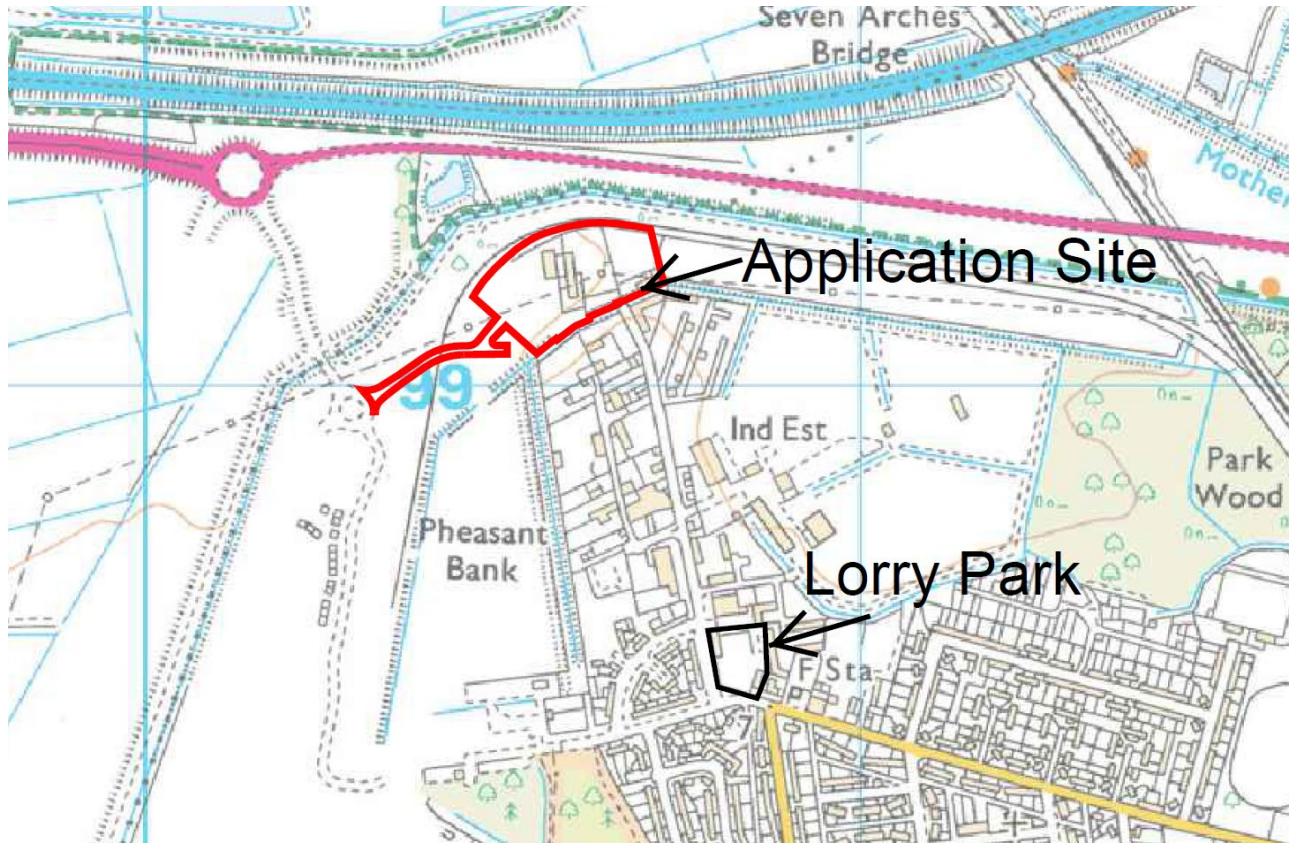
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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

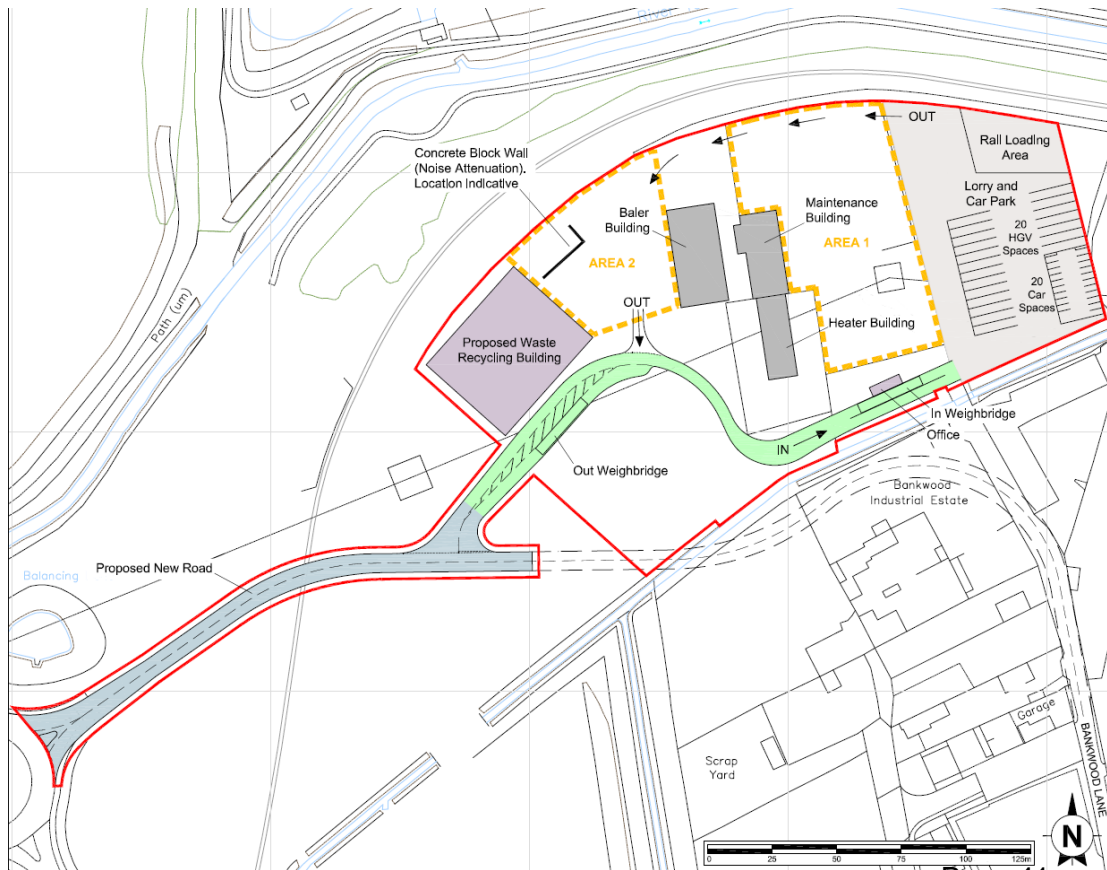
Highway safety
Neighbouring amenity

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

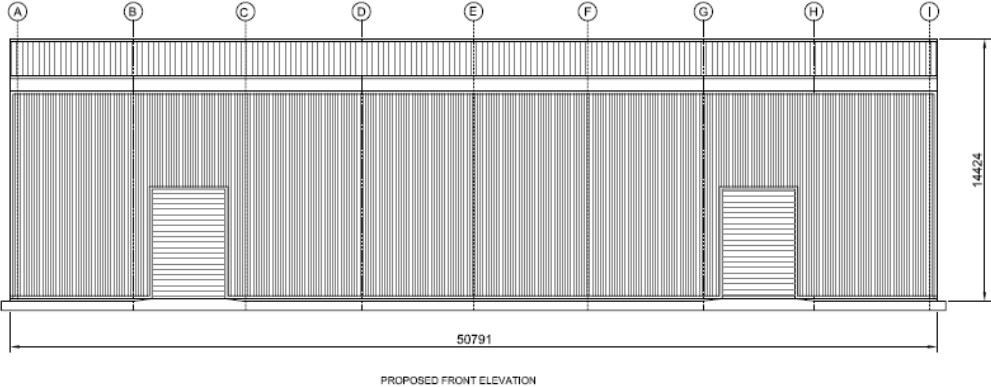
Appendix 1 – Bankwood Estate including the position of the lorry park



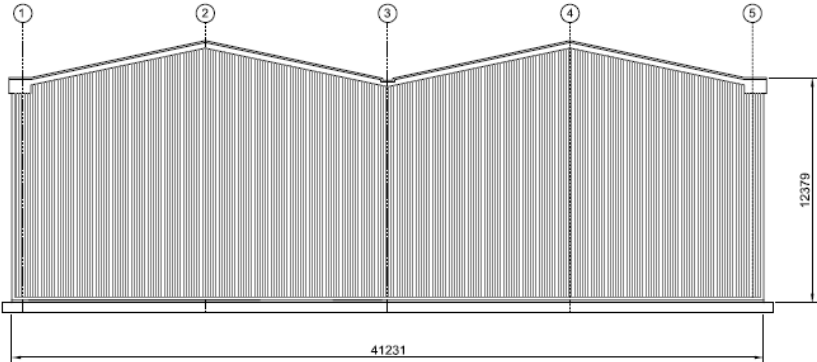
Appendix 2 – Proposed Site Plan



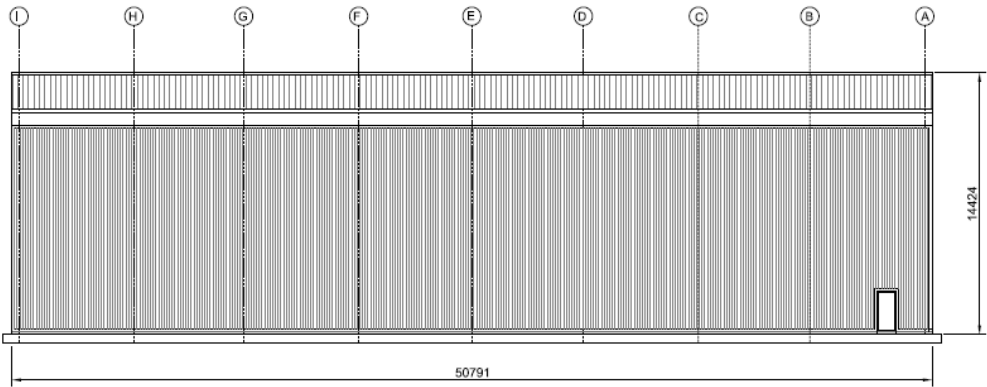
Appendix 3 – Processing Building Elevations



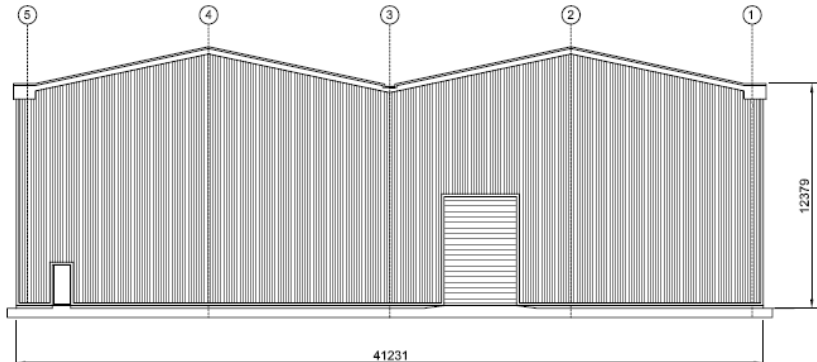
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE -

Application 2

Application Number:	18/00702/TIP	Application Expiry Date:	12th July 2018
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Application Type:	Tipping/Waste Disposal
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Proposal Description:	Stockpiling of Sterefibre and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective).
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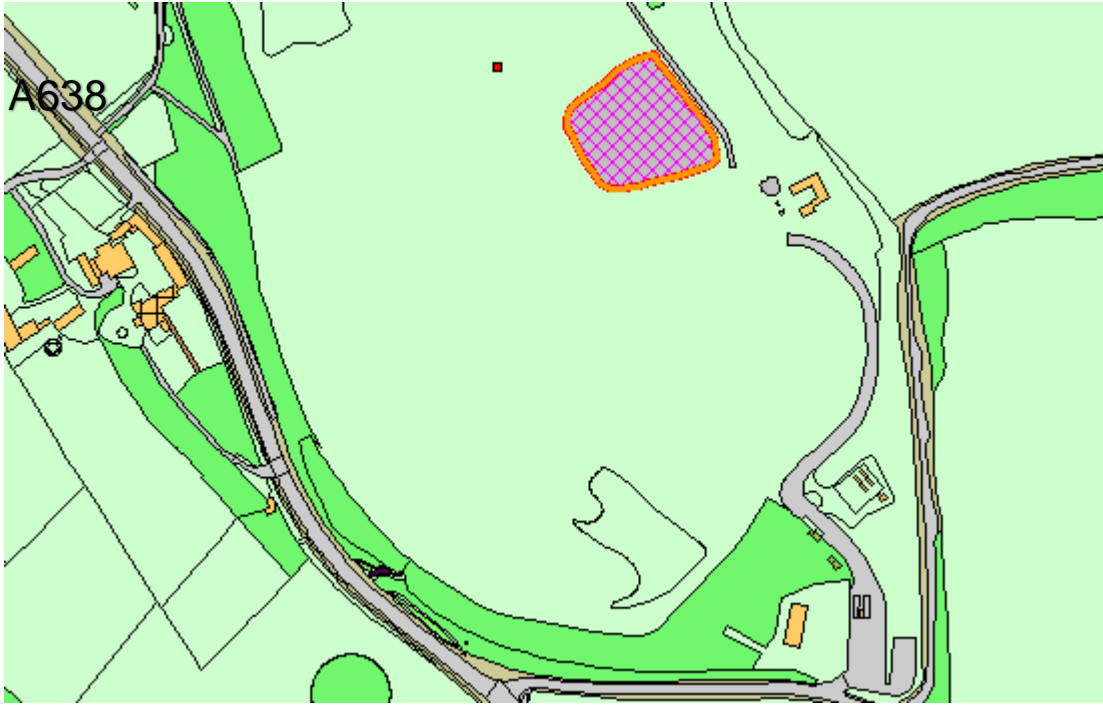
At:	Hazel Lane Quarry Wakefield Road Hampole Doncaster
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For:	Mr Ronnie Harrod
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Third Party Reps:	0	Parish:	Hampole And Skelbrooke Parish Meeting
		Ward:	Sprotbrough

Author of Report	Roy Sykes
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MAIN RECOMMENDATION:	GRANT (subject to conditions)
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1.0 Reason for Report

1.1 This application is being presented to the Planning Committee due to previous Planning Committee involvement in this matter and as a result of the ongoing enforcement action in relation to the unauthorised storage of Sterefibre (SF).

2.0 Proposal and Background

2.1 This current application seeks permission for the temporary stockpiling of SF and the retention of the engineered Fibre Storage Pad (FSP) for a period of 6 years at Hazel Lane Quarry, Hampole.

2.2 Permission is sought to temporarily regularise the ongoing breach of planning control, which will afford the landowner time to continue to fund the removal of a significant proportion of SF from its currently unauthorised position. Within the period applied for options for removal of the remaining amount of SF will continue to be explored.

2.3 Members will recall that earlier this year, the rescheduled Public Inquiry, due to be held in June 2018 pertaining to: the refusal of an application for the storage of SF; refusal of a condition discharge request to allow SF to be imported and used for restoration purposes; and refusal of a certificate of lawfulness application - was cancelled following withdrawal of the appeals.

2.4 In locational terms, Hazel Lane Quarry is situated to the north-west of Doncaster adjacent to the A638, which runs close to the western boundary of the quarry. The quarry extends over a large area and is actively being extended to the north (see Fig 1). The quarry is to be restored to predominantly agricultural use with elements of tree and hedgerow planting following infill with non-hazardous waste along the western side of the quarry.

2.5 The applicant currently operates Hazel Lane Quarry as an active limestone quarry and landfill site under planning permission reference 01/0817/P/MINA. Also located within the quarry in a block manufacturing works, inert recycling area and landfill gas utilisation engine.

2.6 The FSP is sited entirely within Hazel Lane Quarry and is located on the quarry floor in a relatively small area. The planning application boundary encompasses an area of 7,670m² and is located within the eastern part of quarry in the location of landfill cells 5 and 6 (see Fig 2). The FSP is a predominantly subsurface structure constructed from an engineered mineral liner with geo-membrane and protection layers (see Fig 3.). A sump is built into the north-east corner from which leachate is periodically pumped for removal off-site for treatment.

Amount of SF

2.7 The most recent survey, in preparation for the Public Inquiry, was carried out by the appellant's surveyor (Silkstone Environmental Ltd.) on 8th September 2017. Officers of the Council and their representatives (South Yorkshire Mining Advisory Service - SYMAS) were in attendance to validate the findings. The results showed there to be approximately 37,882m³ of SF - which equates to c. 30,306 tonnes of SF stockpiled on site (using the lowest average density for waste). SYMAS' calculations suggested there to be slightly more i.e. 33,000 tonnes.

Re-Use of SF

2.8 Prior to the administration of Sterecycle, SF had been successfully deployed and used for a number of landfill and quarry sites for non-agricultural restoration schemes in the region

These included:

1. Cast Quarry (8,011 tonnes)
2. Barnsdale Bar Quarry (3,870 tonnes)
3. Barnstone Landfill (6,480 tonnes)
4. Beighton Landfill (15,930 tonnes)
5. Darrington Quarry (11, 970 tonnes)
6. Parkwood Landfill (1,340 tonnes)

2.9 An agreement with Tetron Welbeck LLP for the deployment of 16,000 tonnes of the SF to their site at the former Welbeck Colliery site, Meden Vale, Nottinghamshire (see Fig. 4) has been agreed and is currently being deployed with all relevant Environment Agency permits in place. The receiving site is operating in line with the site environmental permit.

2.10 The 16,000 tonnes would equate to around half of the SF stockpiled on site and is a significant proposal in complying with the terms of the extant enforcement notice. In planning terms, the removal to date has already begun to reduce the impact of the SF stockpile in terms of openness and visual impacts on land designated as Green Belt. This is discussed in more detail below.

2.11 Under the current deployment to the former Welbeck Colliery site, SF is being mixed with sand and sewage sludge to form a 'soil-substitute' for the non-agricultural reclamation of this former colliery site i.e. tree planting. A Permit has been issued by the Environment Agency for the use of SF at this receiving site and officers have visited the site to verify SF's use over the proposed area. A recent compliance visit by the Environment Agency to the former colliery site revealed that there were no issues with the SF. The deployment of SF to the former Welbeck Colliery in Nottinghamshire is proposed to be completed within a two year period with SF having commenced to be removed from site at the beginning of August 2018.

Method of Removal

2.12 The proposed method of removing SF from the stockpile at Hazel Lane Quarry involves the top c. 1m or so of the material being stripped and stockpiled once it has been confirmed that the SF is in an aerobic state for this depth to be removed. This is important because if the material is anaerobic it has the potential to cause odour. The SF is tested with an oxygen and temperature probe prior to any transfer operations. The material is bladed off using a tracked dozer to the edge of the storage pad. The SF is then placed by an excavator into a dumper truck to be moved from the stockpile. The recently exposed surface of the stockpile is then 'ripped' by a machine to allow air to permeate into the SF. The next time SF is to be deployed from site, the next c.1m is again checked for oxygen levels to ensure aerobic conditions and if satisfactory, is removed and relocated. This sequence continues. If the SF is found to be anaerobic (i.e. less than 1% oxygen present) then the movement of SF does not proceed until aerobic conditions exist.

2.13 Both officers of the LPA and the Environment Agency were in attendance on the first two dates of the removal i.e. Thursday 2nd August and Monday 6th August to see how this was occurring in practice and to assess the odour implications during export from the site. Following on from this, numerous other visits have also taken place on a periodic

basis and most latterly with a representative of the Hampole and Skelbrooke Parish Meeting on 2nd October 2018.

Future Potential for Re-use of SF at Hazel Lane Quarry

2.14 Use of SF as a soil-making material on the Hazel Lane Quarry site already has the approval of the Environment Agency for landfill cells 1, 2 and 4 under the terms of the site's Environmental Permit. However, the planning permission governing the operation and restoration of the site does not exist by virtue of condition 29 of permission 01/0817/P. The applicant estimates that around 4000 tonnes of SF could be used in the permitted areas and there is also likely to be additional opportunities for tree planting on the western side of the landfill as landfilling proceeds northward in Cells 5 and 6, such that another 1,250 tonnes could be used within the 6 year temporary period applied for.

2.15 Thus, during the 6 year period applied for, a total of 21,250 tonnes (16k off site, and potentially 5,250 tonnes on site) could be used. During this time it is also possible that further off-site deployments for the remaining SF will be possible.

2.16 The potential use of SF on site and revised restoration to include additional tree planting (as is the case at the Welbeck site) is to be assessed under the future Mineral Review (ROMP) submission, which will be exploring additional tree planting on the tip flanks. The additional biodiversity gain from additional tree planting will need to be carefully balanced against the potential environmental impacts such as on the agricultural quality of the site, where prior to quarrying approximately 40% of the land was deemed to be Best and Most Versatile soil (i.e. Grade 3a or above). These are important planning matters to be considered as part of the future Environmental Impact Assessment submission. However, this matter is not under direct consideration for the purposes of this application.

2.17 In summary, the planning application seeks permission to retain the purpose built storage pad and SF stockpile for a temporary period of 6 years to allow time for it to be removed from site. Use as a waste transfer station is not sought and no further SF will be brought on site (as was previously the case at the time of the previous appeal decision). This time-frame will also allow the Mineral Review process to be completed - which will assess in detail how the restoration of the site may be able to be altered to allow additional tree planting on the tip flank.

3.0 Relevant Planning History

01/0817/P - Extension of quarry, including extraction of limestone and clay, associated ancillary activities and reclamation of quarry by means of waste disposal (2nd amendment). Granted subject to legal (106) agreement 13.01.2004.

10/01971/TIP - Construction of fibre storage pad. Refused 18.07.2011.

11/00020/ENFNOT - Appeal against enforcement action for alleged unauthorised storage of bi product resulting from waste autoclave process under grounds a, e, f and g. Appeal dismissed - enforcement notice upheld - subject to corrections. July 2012.

15/00728/TIP - The stockpiling of 'Stere fibre' and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective). Refused 20.11.2015.

16/01360/CPL - Certificate of proposed lawful development for use of Stere fibre as a soil conditioner. Refused 12.07.2016.

16/01771/TIP - Stockpiling of Sterefibre and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective). Declined to be determined.

A Mineral Review (ROMP) for the quarry/landfill planning permission (01/0817/P), as required under the provisions of the Environment Act (1995), is due for submission early next year. The purpose of a ROMP is to review the extant permission with the intention of updating the scheme of working, conditions and restoration. Under consideration by the LPA is an Environmental Impact Assessment (EIA) scoping request (18/01843/SCOP) which aims to determine the scope of the Environmental Statement to be submitted with the application. This will be subject to full consultation with the community.

Submission (Ref: 18/00709/COND) seeks to comply with condition 29 of planning permission 01/0817/P/MINA and requests the Council's written approval for the import (retrospective) and use of SF for restoration purposes over a relatively small part of the site to utilise c. 5,250 tonnes on the sloping flanks of the tip, which will then be used as a growing medium for additional tree planting. However, this is not under direct consideration as part of this application and will need to await the outcome of the Mineral Review process.

4.0 Representations

4.1 The application has been advertised in accordance with the requirements of the Development Management Procedure Order 2015. Site notices have been erected at: 1. Hampole village (next to the bus stop); 2. Skelbrooke (outside the church) and 3. At the site entrance. An advert has also been placed in the Doncaster Star (dated 26th April 2018).

4.2 No individual representations have been received.

5.0 Parish Meeting

5.1 The Hampole and Skelbrooke Parish meeting have objected on the following grounds:

1. No progress has been made to remove the SF stockpile.
2. Do not want the site or any part of it to be restored with SF.
3. The current contours of the site are far removed from those approved and conditioned in the original planning application - producing a landscape which is incongruous and out of keeping with the surrounding landscape.
4. The waste contaminants would ensure that any restoration would be unsuitable to use for future recreational purposes.
5. Residents welcome the plan to finally remove a significant proportion of the SF from the site, but note that no planning permission is required to do this.
6. Residents are sceptical as to whether this will happen - it is dependent on a supply contract with the receiving site which must also have an Environment Agency licence. There may also be local issues due to the close proximity of residential housing to the Welbeck colliery area.
7. SF will not all be used up within the 6 year timeframe. Surely applying for a 6 year temporary period for storage of SF is misleading - in reality it is likely to be much longer and this should be corrected.

6.0 Relevant Consultations

Environment Agency - Have advised that the operator will be required to follow the procedures for leak detection and remediation outlined in the Hydrogeological Risk Assessment (HRA) included in the Construction Quality Assurance (CQA) document, and as agreed with the Environment Agency. Only a limited HRA was undertaken prior to the construction of the FSP. The HRA was included as part of the CQA Method Statement. This was deemed satisfactory, and as such the document effectively became attached to the Environmental Permit and could accordingly be regulated against. Once the pad was completed, a Validation Report was submitted to the Environment Agency which confirmed that the FSP had been constructed to the agreed specification.

Natural England - No objection, standing advice given.

Tree Officer - No objection. The retrospective application for storage/stockpiling area of Sterefibre appears to have no impact on the existing trees on the site and the Suitability for Use Report details that the results of the analyses indicate there are no significant potentially harmful substances or characteristics of the soil conditioner that would cause significant pollution to the environment at the application rates proposed. As a result there doesn't appear to be a risk of harm to the trees and hedgerows surrounding the site near the pile.

Ecologist - No objections.

Environmental Health - No objection - this site is managed by the Environment Agency via the Environmental Permitting regime.

Pollution Control - No objections - as above (permitting).

Highways (DC) - Following clarification of HGV movements - no objections raised.

Highways (Transportation) - as above - no objections.

7.0 Relevant Policy and Strategic Context

Doncaster Core Strategy:

- Policy CS1 - Quality of Life
- Policy CS3 - Countryside
- Policy CS14 - Design and Sustainable Construction

Barnsley, Doncaster & Rotherham Joint Waste Plan:

- WCS4 - Waste Management Proposals
- WCS6 - General Considerations

Saved policies of the Unitary Development Plan:

- Saved Policy ENV3 - Green Belt

National Planning Policy Framework (July 2018):

- Principle 13 - Protecting Green Belt Land

National Planning Policy for Waste (Oct 2014):

- Appendix A - The Waste Hierarchy

Waste Management Plan for England (Dec 2013)

8.0 Planning Issues and Discussion

8.1 The main issues to consider in the consideration of this application are:

- Principle of the development;
- Green Belt;
- Amenity - odour;
- Traffic - HGV movements;
- The planning balance

Principle of Development

8.2 The proposal relates to two retrospective aspects. Firstly the retention of a Fibre Storage Pad (FSP), which is an engineering operation that has created a barrier upon which the Sterefibre (SF) is stored. The purpose of the FSP is to store the SF in an environmentally sensitive manner as required by the Environment Agency permit. Secondly, is the actual storage of SF itself, which comprises a material change of use of land.

8.3 The proposal is located within an active quarry and landfill site on land designated as Green Belt. The proposal is not ancillary to the main use of the site as a quarry, which is a view that has been upheld by the Planning Inspector in the previous appeal. As such, Green Belt policy considerations need to be assessed (below). In terms of general principles however, the FSP and SF are already located where they are as a result of previous unauthorised importation. There are, however, important differences that exist today compared to when the previous appeal was considered.

8.4 These include:

- The SF is no longer being delivered to the site no longer and thus is not acting as a waste transfer station;
- The resultant industrial activities, including HGV movements, are significantly less;
- The SF pile has significantly reduced in size;
- The odour concerns at the time when the site was operating as a waste transfer station are significantly less;
- The SF is now being actively removed from site to a receiving site that has the required environmental permit in place to receive the SF for restoration purposes.

8.5 More detail on these are given below.

Green Belt Policy

8.6 The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence and the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.7 Part c) is directly relevant to the consideration of this planning application in that the SF stockpile involves encroachment into the countryside (albeit an active quarry/landfill site) which is not ancillary to the main use of the site as a quarry.

8.8 The NPPF directs that when considering any planning application, LPA's should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.9 At paragraph 146 of the NPPF (July 2018), certain forms of development are listed as not being inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

8.10 Relevant amongst these are:

- a) Mineral extraction;
- b) Engineering operations; and
- e) Material changes in the use of land

8.11 This is reinforced at the local level through saved UDP Policy ENV3 whose explanatory text at para. 5.26 states 'there is... a general presumption against inappropriate development and such development will not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.' The explanatory text goes on to state 'Engineering and other operations and the making of any material change in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. Proposals for development which would not prejudice the purposes of including land in the Green Belt will nevertheless be refused if they would injure amenity of the Green Belt by reason of their siting, materials or design.'

8.12 More up to date local policy in the form of the Council's adopted Core Strategy - specifically Part A) of Policy CS3 relates to Green Belt and states that the general extent of the Green Belt will be retained, echoing both the NPPF and saved UDP Policy ENV3, by stating that national policy will be applied, including a presumption against inappropriate development other than in very special circumstances.

8.13 Part C) of Policy CS3 states that proposals which are outside development allocations will only be supported where they would:

- a) Protect and enhance the countryside;
- b) Not be visually detrimental by reason of siting, materials or design;
- c) Not create or aggravate highway or amenity problems;
- d) Preserve the openness of the Green Belt and Countryside Protection Policy Area and not conflict with the purposes of including land within them.

8.14 Policy CS3 at paragraph 3.35 accords with the NPPF in that there is a general presumption against inappropriate development within the Green Belt and that such proposals should not be approved except in very special circumstances.

8.15 The starting point for consideration is therefore whether the SF pad (an engineering operation) and stockpile of SF (a material change of use) are deemed to be inappropriate development in the Green Belt. Engineering proposals can be deemed not to be inappropriate development in the Green Belt, as too can changes of use. However, the key test relates to whether proposals preserve the openness of the Green Belt.

8.16 As an engineering operation, the Fibre Storage Pad (FSP) is not considered to be inappropriate development. The FSP is predominantly a sub-surface structure that has been built into the quarry floor to allow for the main use which is the storage of the SF stockpile. It is located within an active quarry/landfill site and set well below both the operational works (i.e. quarrying and landfilling) in an area required to be restored through landfilling to a much higher level than the pad (and stockpile) itself. The pad is also only temporary in nature (both through design and the permission applied for) and both the pad and stockpile will ultimately need to be removed to allow for the site restoration. Accordingly, the FSP is deemed to have little, if any impact on openness and is thus deemed not to be inappropriate.

8.17 With regard to the SF stockpile, there is an impact on openness by its very presence but it is important to note that the surrounding context is one of a heavily industrialised quarry and landfill operation. Importantly, the situation today is very different compared to when the original application for SF retention was refused by the Planning Committee and the appeal subsequently dismissed by the Planning Inspector. Previously, the site was operating as an active waste transfer station and there were significant impacts on the openness of the Green Belt (i.e. a much increased height of stockpile and intensive comings and goings of HGVs to both deposit and work the SF). With no further SF being imported, together with natural degradation and now active removal of the SF to the former Welbeck colliery deployment site (see below) the impact on the openness of the Green Belt is significantly lessened.

8.18 In volumetric terms, the scale of the stockpile is small when compared to its surrounding context (see Fig. 5). The stockpile is approximately 4m in height above the quarry floor. The quarry faces are c. 11m high and the landfill cells higher still. From the position where the SF stockpile can be seen, which is only within the confines of the working quarry itself, it is viewed either against the backdrop of much higher features of the quarry faces and the landfill itself. It is also surrounded by stockpiles of other materials intended for use in engineering the landfill cells, which are significantly higher and larger in extent (albeit these are ancillary to the main use of the quarry i.e. clay stockpiles for formation of the landfill cells etc.). Moreover, the location of the stockpile is such that it is located within the eastern portions of landfill cells 5 & 6 which will, when filled, rise much higher than when compared to the reduced SF stockpile. This context is important in assessing the harm of the proposal in Green Belt terms.

8.19 In the Court of Appeal judgement - *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 - paragraph 14 notes that 'The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach.... The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent amongst these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors

relevant to the visual impact on the aspects of openness which the Green Belt presents.' In short, *Turner* makes it clear that the visual impact of a development is an important part of the concept of openness, which needs to be assessed.

8.20 Over the period of time that SF has been stored here, the stockpile has visibly reduced to a height that is now significantly less than that when the Planning Committee originally refused planning permission (i.e. Ref: 10/01971/TIP) and also latterly refused permission for a subsequent application (15/00728/TIP). With Sterecycle no longer producing and importing SF to site, the situation is only ever going to get better in terms of visual impact with no more SF able to be added to it.

8.21 The current removal of the SF has seen a significant reduction in the height and volume of the SF stockpile. At the time of the original appeal, as a result of the height of the stockpile when the SF stockpile was actively receiving waste and as a result of the height, views could be seen of the SF both at long and short range viewpoints. However, with the cessation of importation of SF, along with the decrease in the height of the stockpile (through natural degradation and now removal), in tandem with landfilling works to the south of the site - both long and short range public views of the SF are no longer possible.

8.22 In practice, the FSP and SF stockpile are not visible beyond the immediate quarry/landfill boundary. Soil screen mounds are also present along the eastern site boundary, which prevent views of the stockpile from the public right of way on the boundary. It is therefore only possible to see the stockpile either from within the quarry/landfill boundary or by standing on the top of the perimeter soil mounds having crossed the perimeter fence. This has to be given weight in the planning balance as there is no public dis-benefit in terms of the visual impacts of the proposal. The stockpile of SF is now no longer publicly viewable from outside of the Hazel Lane Quarry site which is a relevant consideration in balancing the harm to the Green Belt.

8.23 The Council's previous argument that the absence of visual impact does not equate to a nil impact on openness still has merit - because if the proposition was to be accepted that 'hiding' inappropriate development meant that the impact on openness is negated - it would pave the way for potentially numerous other inappropriate developments in the Green Belt that could then be hidden from view. Should this be replicated across the country, it would inevitably lead to the wide-spread degradation of the Green Belt - contrary to Government policy which affords substantial protection. However, in this specific case the visual impact of the proposal against its backdrop and containment within the quarry workings means the visual impact is lessened.

8.24 For the above reasons, the development does not preserve the openness of the Green Belt, and hence the proposal would amount to inappropriate development. Therefore, the proposal does not accord with the Green Belt aims of Policy CS3 of the Core Strategy, Policies ENV1 and ENV3 of the UDP and the NPPF.

Amenity Impacts - Odour

8.25 Since the cessation of SF importation, odour complaints from the community have reduced. In the last two months the applicant has been removing SF from the stockpile and no odour complaints have been raised or logged with either the LPA or Environment Agency.

8.26 The removal of SF is being done in accordance with the Odour Management Plan (OMP) that forms part of the permit, by use of best available techniques available, and

there is no reason to suggest that amenity impacts will arise so long as the OMP is adhered to.

8.27 In the event odour complaints are raised and substantiated, the operation is subject to an Environmental Permit, which can be enforced by the Environment Agency. In a recent site meeting with the operator, LPA, Environment Agency and Parish Meeting representative, the EA confirmed that there were no current odour concern with the stockpiling and removal of SF and that should there be any at a future date, the EA have the powers under the permit to enforce.

8.28 As set out in the National Planning Policy for Waste, local planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. It is also relevant to note at this point that in the Planning Inspector's appeal decision for this site, he noted that 'the continuation of fibre storage would not cause material harm to the living conditions of nearby residents, particularly given the controls that are available under the extant Environmental Permit for the site.'

8.29 In considering the merits of the current application neither the Environment Agency, Environmental Health or Pollution Control teams raise any objections to the proposal. Accordingly, the harm in relation to amenity impacts from the continued storage is considered to be minimal. The development therefore complies with policies CS1 of the Core Strategy and WCS6 of the Joint Waste Plan.

Other Harm - HGV Movements

8.30 The number of HGV movements to achieve the deployment of SF from the stockpile are modest in nature compared to the traffic generated by the current quarry and landfill operation.

8.31 Three other factors are also relevant to the limitation of HGV movements:

- the requirements of the OMP requiring the SF pile to be tested for oxygen content, stripped, stored, removed and then left before re-stripping etc. in a controlled manner;
- the requirements of the receiving site requiring deliveries at certain times to allow time for SF to be mixed with other materials to form a soil substitute for restoration purposes;
- the cost implications for the applicant to transport and deliver SF into the receiving site.

8.32 The HGV logs that have been submitted to date show the level of HGV movements involved i.e.

6.8.18 - 4 x HGVs - 90 tonnes of SF
7.8.18 - 2 x HGVs - 43 tonnes of SF
9.8.18 - 1 x HGV - 28 tonnes of SF
10.8.18 - 1 x HGV - 28 tonnes of SF
14.8.18 - 1 x HGV - 28 tonnes of SF
15.8.18 - 1 x HGV - 28.5 tonnes of SF
16.8.18 - 5 x HGVs - 143.5 tonnes of SF
31.8.18 - 12 x HGVs - 330 tonnes of SF
7.9.18 - 9 x HGVs - 231 tonnes of SF
18.9.18 - 11 x HGVs - 304 tonnes of SF

25.9.18 - 16 x HGVs - 458 tonnes of SF

TOTAL - 1,712 tonnes of SF removed

8.33 The impact on the local highway network set against the backdrop of existing traffic associated with the landfill/quarry operations is negligible and is not considered to result in any significant harm to the local community. Both Highways DC and Highways Transportation raise no objections to the proposal. Taking all these matters into account, the proposal complies with Policies WCS4 and WCS6 of the Joint Waste Plan and Policies CS1 and CS14 of the Core Strategy.

The Planning Balance

8.34 The planning balance must be carried out in accordance with s.38(6) Planning and Compulsory Purchase Act 2004, which provides that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. In terms of the specific areas where harm and conflict with the development plan and national policy has been identified, and on the benefits of the scheme, apportionment of weight is as detailed below:

8.35 The development in terms of the storage of SF is inappropriate and thus harmful by definition. The FSP exists by virtue of the storage operation. The NPPF is clear that **substantial weight** should be afforded to the protection of the Green Belt from harmful development. An important consideration in terms of assessing Green Belt harm is the impact of the proposal upon the characteristics of the Green Belt and an assessment of the impact upon openness of which visual impact forms an important consideration.

8.36 Through the passage of time, the SF stockpile has and will continue to reduce through natural degradation and active removal thus continuing to reduce the impact of the development upon the openness of the Green Belt. The proposal also needs to be considered in its context of a very busy, operational quarry and landfill site.

8.37 In terms of impact upon openness, the proposal occupies an area of the quarry floor that would otherwise be open. The application is, however, only seeking permission for a temporary use, which in terms of preserving the openness of the Green Belt will ultimately need to be restored to allow it to fulfil its fundamental aim of keeping land permanently open. This weighs in favour of the development and is attributed **moderate weight**.

8.38 In considering the visual context of the SF stockpile, the site is already subject to the temporary (albeit over a significant amount of time) heavy encroachment from quarrying and landfilling operations. The stockpile is contained visually within the confines of the active quarry with no public views available and ultimately the area of the stockpile is already consented to be landfilled to a much higher level as part of the site's restoration. This again weighs in favour of the development and is attributed **moderate weight**.

8.39 In the run up to the Public Inquiry, no sites had been sourced by the applicant to seek removal of SF from site. With no real prospect of SF being able to be removed and for the appellant's proposal to be based on all of the SF to be used for the restoration of Hazel Lane Quarry - the LPA raised serious concerns. Following withdrawal of the appeals, a major regeneration site has now been sourced by the applicant and SF has now started to be exported. This site proposes to take 16,000 tonnes of SF over the next two years (as detailed in the planning statement) and although this would be a benefit of the development in that the volume of the SF pile is now starting to visibly reduce, **no weight**

can be afforded in support of the proposal as it is a requirement of the extant enforcement notice to remove all SF within a prescribed timescale.

8.40 The applicant argues that the retention of the SF pad and stockpile for a temporary period will allow the SF to be utilised for appropriate restoration material, on the current and potentially other available regeneration sites, ensuring that the sustainability aims of government waste policy via the National Planning Policy for Waste (Oct 2014) are realised. The use of SF as a restoration material move it higher up the waste hierarchy away from disposal (landfilling). Landfilling of SF would be contrary to government waste policy by introducing biodegradable waste into landfill and thus contrary to the UK's landfill diversion/recycling targets. Accordingly, the reuse of SF in line with both national and local policy for beneficial purposes is afforded **significant weight** in favour of the proposal.

8.41 The potential for limited onsite use of SF is to be considered as part of the future Mineral Review (ROMP) process but there is no real certainty at this stage on the acceptability of this. Two years will see half of the SF stockpile removed with the additional 4 years needed to explore the use of an additional 5,250 tonnes on site. The environmental sustainability and impact argument propagated by the applicant that off-site deployment of a significant amount of SF will allow consideration for a reduced amount of SF used on-site (thus reducing the need for HGV trips to export all the SF) is to be considered as part of the Mineral Review process and as detailed above can be afforded **no weight** in this application consideration.

8.42 Concern remains over the 6 year timescale applied for and thus it is recommended that a condition be attached to time limit the current proposal to 3 years, which will allow adequate time in which to assess the applicant's progress with removing SF and also allow the ROMP process to be completed. At the end of 3 years, if more time is needed and can be robustly justified, a Section 73 application could be submitted to vary the time limiting condition to allow further time to complete the removal of SF. Any future application would be an application judged on its own merits at that time. A condition is also recommended, in line with the applicant's planning submission (paras. 1.7 and 3.16.4 of the Planning Statement), to ensure that at least 16,000 tonnes are removed within 2 years - which would be an enforceable condition that meets the necessary tests and which again aims to address the importance attached to Green Belt and the need to protect it from inappropriate development.

8.43 **No weight** can be afforded to the historic contractual role of BDR as the waste collection authority in this matter, which is not a land-use concern under consideration in the determination of this planning application.

8.44 Finally, at the end of September, with just over 1,700 tonnes of SF having been removed in accordance with the EA's approved Odour Management Plan, no odour complaints have been received by the EA or the LPA. The number of HGVs involved also means there is no adverse impact on the local highway network. Accordingly, there is not considered to be any environmental, amenity or traffic harm as a result of the proposal.

9.0 Summary and Conclusion

9.1 Overall, there are material considerations that warrant a decision other than in accordance with the development plan. Whilst the previous Inspector's decision in this case is a material consideration, the situation is clearly different to the time when the planning and enforcement appeals were determined.

9.2 The development in terms of the storage of SF is inappropriate development but there has been assessed to be limited harm to the Green Belt, which includes impacts upon the character and appearance of the area. The proposal does not give rise to any site specific issues such as amenity (odour) impacts or HGV/traffic impacts. Should odour be an issue, despite adherence to the Odour Management Plan, the EA have powers to investigate and enforce under the remit of the site permit. National planning guidance requires LPA's to proceed on the basis that powers are not replicated and on the basis that such regulatory powers will be enforced accordingly.

9.3 Whilst it is recognised that the application is finely balanced, significant weight for the reuse of SF for restoration purposes in line with national and local waste policy (i.e. the waste hierarchy) is afforded. This, in conjunction with the weight afforded to the temporary nature of the proposal and the limited visual impact of the proposal tips the balance in favour of the application.

9.4 Officers remain concerned with the six year temporary period applied. Two years are needed to remove half of the SF stockpile - leaving four years to remove the remaining amount. The potential use of a limited amount of SF on site is to be explored in the upcoming Mineral Review next year (but would only utilise a small amount if deemed to be acceptable). Accordingly, conditions are recommended to ensure that the proposal has a reduced time limit of three years and another condition to ensure that at least 16,000 tonnes of SF are removed within two years. These conditions are considered to be reasonable, necessary, enforceable and relevant both to the site and in planning terms - and will ensure that the proposal does not persist for any longer than is required in the interest of protecting the Green Belt.

9.5 No harm has been identified through the technical consultee responses (including the Environment Agency) and no objections have been raised to the proposal. On balance, the application is therefore recommended for approval subject to conditions.

10.0 RECOMMENDATION

Planning Permission be GRANTED subject to the following conditions.

01. U0063965 The development hereby permitted shall have a duration of 3 years from the date of the decision notice. At the end of this period the Fibre Storage Pad and Sterefibre shall have been removed and the site fully restored in accordance with a scheme (including timescales) to be submitted to the LPA for approval in writing. Following approval, the scheme shall be implemented in full.

REASON

To ensure that the development is carried out in an appropriate timescale in the interest of preserving the openness of the Green Belt in line with Policy CS3 of the Core Strategy, saved Unitary Development Plan Policy ENV3 and the NPPF.

02. U0064897 In accordance with the submitted details, within two years of the date of this permission, no less than 16,000 tonnes of Sterefibre shall have been removed from site.

REASON

To ensure that the development is carried out in accordance with the application and within an appropriate timescale in the interest of preserving the openness of the Green Belt in line with Policy CS3 of

the Core Strategy, saved Unitary Development Plan Policy ENV3 and the NPPF.

03. U0063966 The operator shall maintain records of all HGVs and collection vehicles exporting Sterefibre from the site (including tonnages exported) and these records shall be made available to the Local Planning Authority on a monthly basis.
REASON
To assist in the monitoring of the removal of Sterefibre from site (as required by conditions 1 and 2 above).

04. U0063967 The developer shall utilise the following mitigation methods to ensure no material is deposited onto the public highway:

All vehicles leaving the site are to pass through a wheel and under body washer.

All loaded vehicles leaving the site shall be securely sheeted.

REASON

To ensure that material is not deposited on the public highway.

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

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

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.

FIGURES

Fig. 1 – Hazel Lane Quarry (Site Location)

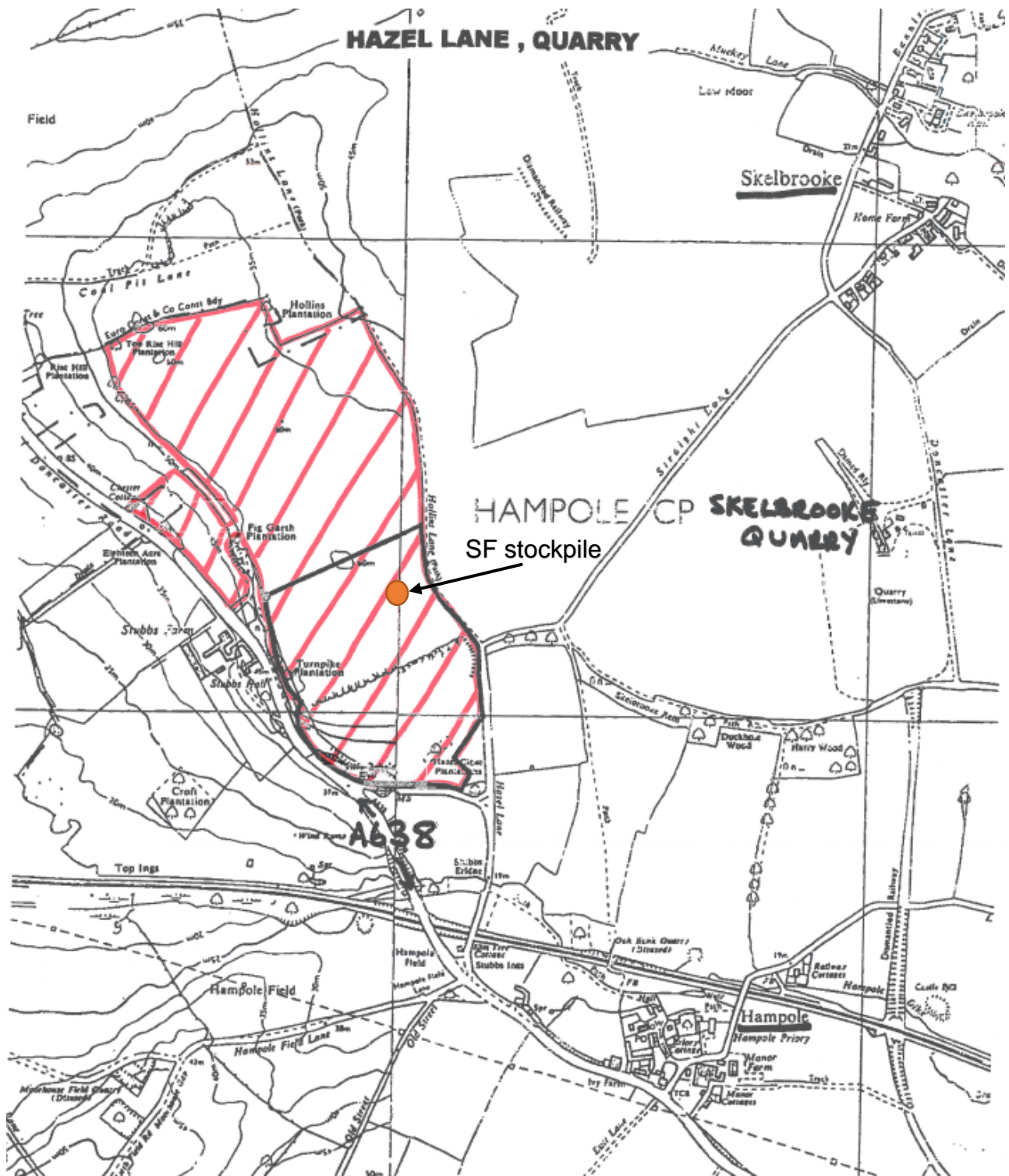


Fig. 2 – The Fibre Storage Pad (location)

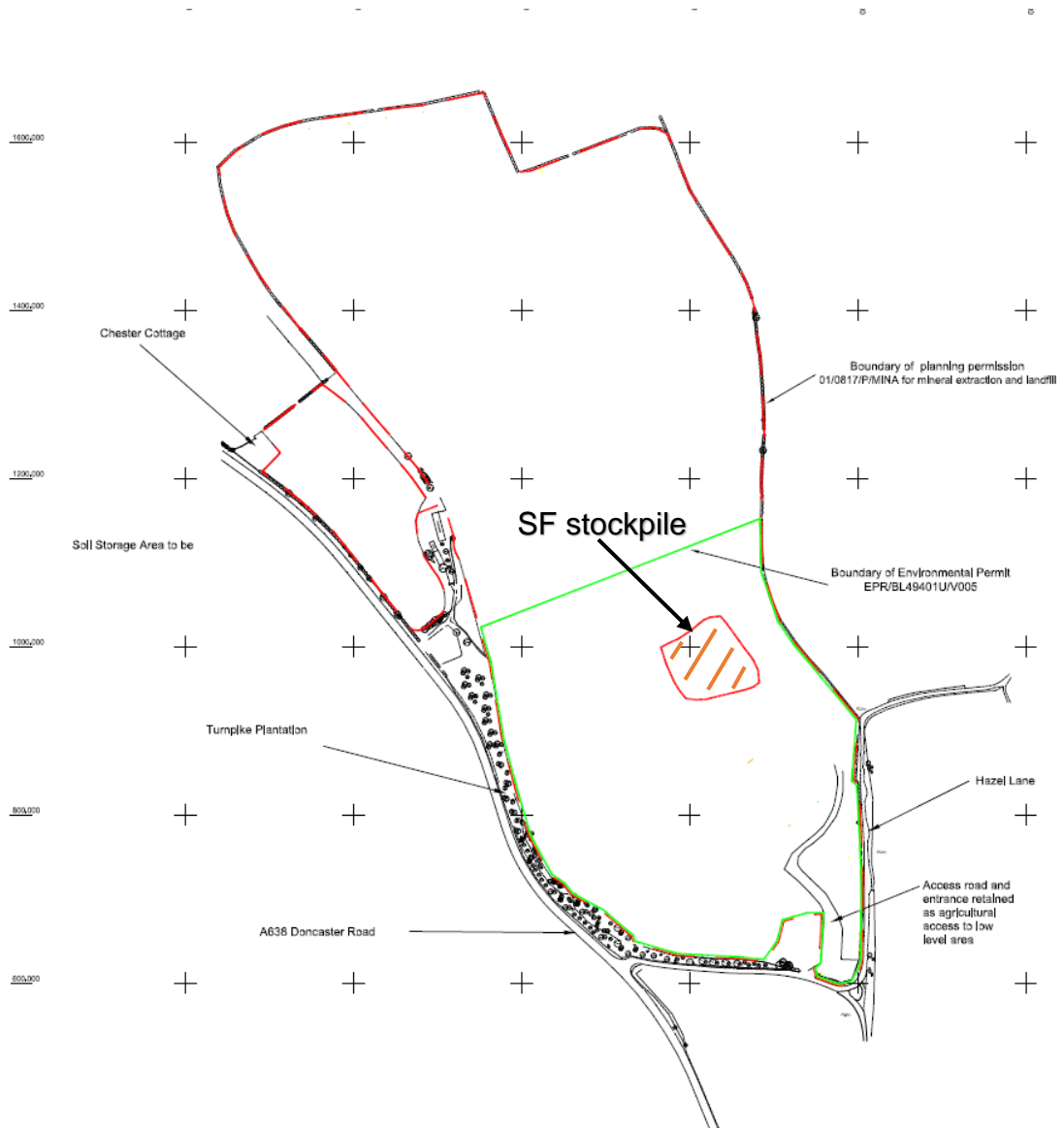
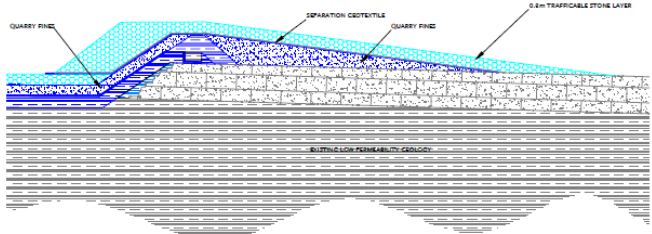
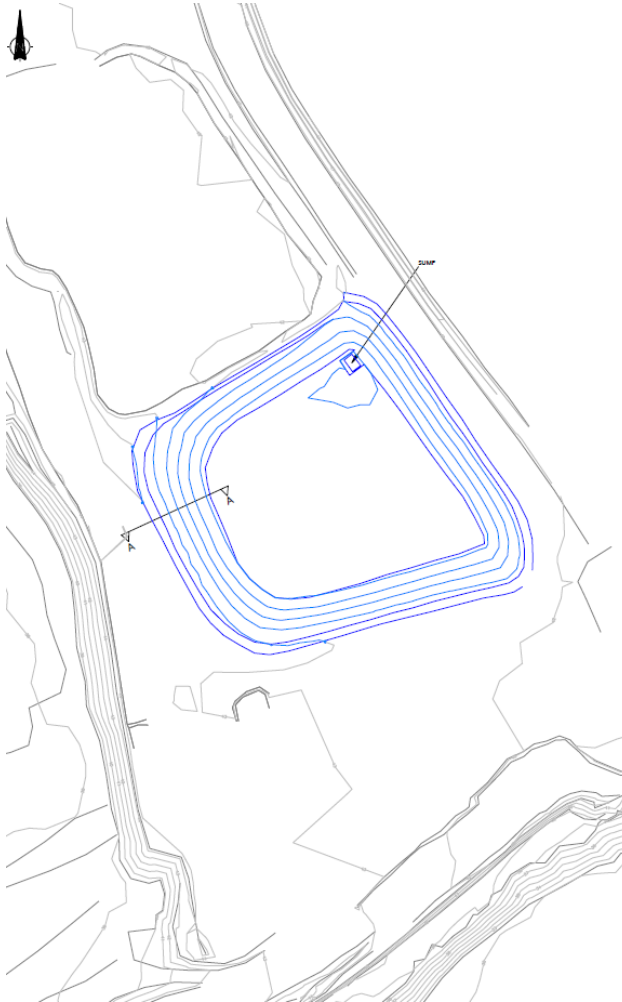
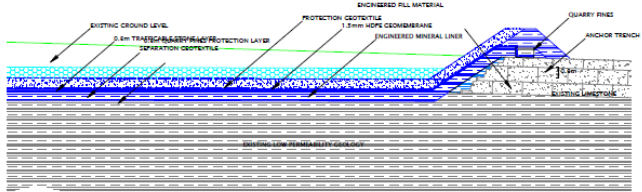


Fig. 3 – The Fibre Storage Pad (construction – as built)



ACCESS RAMP DETAILS
SCALE 1:50



SECTION A-A: EDGE DETAIL
SCALE 1:50

Fig. 4 – Former Wellbeck Colliery Site (aerial photo – c. 30 miles to the south of Hazel Lane Quarry)



Fig. 5 – The Sterefibre stockpile and surrounding context (top photo = long distance; bottom photo = close up)





DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 16th October 2018

Application	3
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Application Number:	16/02555/FULM	Application Expiry Date:	10 th January 2017
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Application Type:	Major
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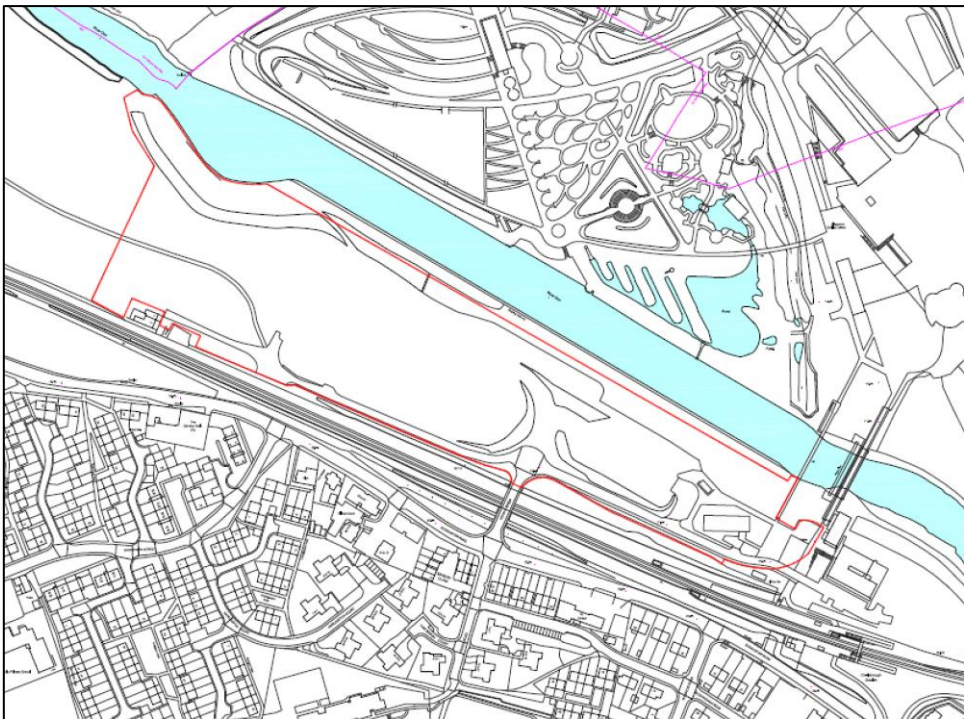
Proposal Description:	Erection of residential development comprising 175 houses with garages and/or parking spaces (Being resubmission of application granted under Ref: 14/02981/FULM on 15.10.2015 – change in land levels).
At:	Former Earth Centre Car Park, Denaby Main.

For:	Gleeson Developments Ltd
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Third Party Reps:	2	Parish:	
		Ward:	Conisbrough

Author of Report	Mel Roberts
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MAIN RECOMMENDATION:	GRANT SUBJECT TO 106 AGREEMENT
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1.0 Reason for Report

1.1 This application is being reported to planning committee at the request of Councillor Nigel Ball, who has raised concerns about issues of flooding of properties adjacent to the site.

2.0 Proposal

2.1 This application seeks planning permission for the erection of 175 houses on the former Earth Centre car park site (see site layout in figure 1). The proposed site access is off Doncaster Road and utilises the existing bridge (Kilners' Bridge) over the railway line that once formed the vehicular entrance to the Earth Centre (see figure 2). The proposals include an area of open space and children's play area at the far eastern end of the site and a riverside walkway along the northern edge of the site.

2.2 This proposal is identical in terms of the layout and house types to an application approved on 15th October 2015 under reference 14/02981/FULM. The only difference with this application to the one that was approved and which is currently under construction is that the proposed land levels are different to those approved under the 2014 application.

2.3 The approved plans under the 14/02981/FULM permission showed no change in land levels. The only change in levels from the existing levels at that time would have been an increase in 600mm (including a minimum of 100mm topsoil) as a result of capping that was required by condition to address any potential contamination issues. There was no need to raise land levels on the site for flooding reasons because ground levels had already been raised in the past with crushed limestone overlying made ground as part of remediation works allowed under planning reference 07/02177/FULM. The Flood Risk Assessment submitted with the 2014 application concluded that despite the site falling within flood zones 1, 2 and 3, the site would be considered as flood zone 1 given the height of the ground levels and this was accepted by the Environment Agency.

2.4 At the time of the permission granted under reference 14/02981/FULM, ground levels at the western part of the site were generally between 16m and 16.5m AOD. Ground levels then gradually increased eastwards where ground levels were typically between 19.5m and 20m AOD and towards to the south-east boundary ground levels exceeded 22m, rising up to 23m AOD.

2.5 Gleeson's have stated that the reason for the change in land levels is because the remediation measures agreed under the 2014 permission were not designed with the approved layout in mind and simply catered for a cart blanch 600mm cover system across the whole of the site. When Gleeson's engineers established perimeter levels and placed the roads with maximum gradient on to the original topography, it showed that there was as surplus of material on site at the eastern end of the site. The levels to the eastern end of the site are dictated by the railway boundary to the south and the top of embankment to the River Don to the north. The western side of the development is wider with less constraint in terms of gradient and was seen as the ideal location to marginally raise levels prior to placing the 600mm

cover system already approved. The equalising of cut / fill was always a target of the development for the site. Once this principle had been established, the effects on the rising main which meanders through the site had to be considered to avoid conflict with the new foul and surface water drainage to be installed. The foul sewers were deepened to go under the rising main and the surface water lifted to go over the top. The combination of these two considerations has contributed to the proposed finished levels that are the subject of the application.

2.6 The resultant levels of the houses proposed under this application are therefore higher in some areas than those approved under the 2014 consent and lower in others. The proposed floor levels of those properties at the western end of the site are generally around 17 to 18m AOD (1 to 1.5m higher than original ground levels at 2014) and the properties at the eastern end of the site are around 19 to 23m AOD (slightly lower than levels at 2014).

2.7 The application site is located on the edge of the built up area of Denaby Main to the north of the residential area that connects Denaby Main to the neighbouring settlement of Conisbrough. Historically, the site was occupied by a glassworks and colliery and later occupied by a tarmac surfaced car park associated with the adjacent Earth Centre. This use ceased when the Earth Centre closed in 2004 and the site was subsequently cleared. The site is long and thin in nature, narrowing towards the south east extending to an area of around 6.5 hectares.

2.8 The site is adjacent to a predominantly residential area on the edge of the countryside. The River Don forms the northern boundary of the site, beyond which is the main site of the former Earth Centre and open countryside. The boundary to the site is natural in form and contains a relatively thick belt of trees and vegetation. To the east of the site is the pedestrian entrance to the former Earth Centre site, which comprises a foot / road bridge across the River Don to the north. The railway line forms the southern boundary of the site, with Conisbrough Railway Station located immediately to the south east of the site. Pedestrian access onto the station platforms can be made directly from the application site. Beyond the railway line to the south is Doncaster Road (A6023) and a residential area. To the south west of the site is a two storey building, Northcliffe House, which comprises two semi-detached dwellings. To the west of the site is an adjoining area of rough land, which includes vegetation and trees that runs along the southern side of the River Don and north of the railway line; beyond this area is the site of Dearne Valley Leisure Centre.

3.0 Background

3.1 Following approval of the development under reference 14/02981/FULM, Gleeson's started building the houses. The Council received complaints from the occupants of 1 Northcliffe House of surface water running off from the Gleeson's development onto their property. Officers from the Council visited the site and it was clear that Gleeson's had raised the land levels on this part of the site and that this was causing the problems with surface water run-off onto the garden of 1 Northcliffe House and also the access lane that serves this property (also under the ownership of Gleeson's).

3.2 The Council advised Gleeson's that they would need to apply for planning permission for the increased land levels as there was no indication on the approved plans that land levels were to be changed (other than the 600mm capping required by a condition). Gleeson's duly submitted the application for the change in land levels in October 2016 and this is the application being considered in this report.

3.3 Since the Council were made aware of the change in land levels back in September 2016, there have been ongoing problems with surface water run-off from the Gleeson's site onto the property of 1 Northcliffe House. Officers from Planning and Drainage have had numerous meetings with representatives of Gleeson's to try and resolve the issues of flooding onto the property of 1 Northcliffe House and also the lane leading up to this property. Various attempts were made to try and address the issue of surface water run-off including a bund around the garden of 1 Northcliffe House, but these proved unsuccessful, particularly during times of heavy rain.

3.4 In March 2018 and with a new director in place, Gleeson's agreed that the drainage works along the lane and outside Mr Threadgould's property had not been built to a suitable standard to prevent the problems of flooding during construction. Gleeson's agreed to build another drain and bund around the property of 1 Northcliffe House to ensure that there would be no further surface water run-off into the garden of this property during construction. Gleeson's also agreed to improve the bund and ditch alongside the lane and provide a speed bump at the top of the lane to try and prevent further flooding of the lane during construction. These measures have been checked by the Council's drainage Officers who are satisfied that sufficient measures are in place to prevent further surface water run-off from Gleeson's site onto the property of 1 Northcliffe House during construction of the development. The lane that serves Northcliffe House will no longer exist once the development is completed and the occupants of Northcliffe House will access their property along the adopted and private roads within the scheme. These issues of flooding during construction are not a material planning consideration in terms of the determination of the application, but are nonetheless relevant in terms of the background to this current application.

4.0 Relevant Site History

4.1 There have been a number of planning consents relating to the development of the site for housing, which is summarised below:

4.2 06/01778/OUTM - Outline planning permission was granted for the erection of 300 houses and flats, and offices on 29th January 2007.

4.3 07/02177/FULM – Planning permission was granted for remediation works to form a development platform for a mixed end use on 19th December 2007.

4.4 09/02943/EXTM - Planning permission was granted for the extension of time of outline permission 06/01778/OUTM on 5th March 2010.

4.5 12/03075/EXTM - Planning permission was granted for the extension of time of the outline permission 09/02943/EXTM on 11 March 2013.

4.6 14/02981/FULM - Planning permission was granted for the erection of 175 houses with garages and/or parking spaces on 15th October 2015.

5.0 Publicity and Summary of Representations Received

5.1 This application has been advertised by way of a press advert, site notices and letters sent to the 2 residential properties adjoining the site. Both of the residents from the adjacent properties have objected to the proposal and their concerns are summarised as follows:

- i) There have been flooding issues on both the adjacent residential properties and the lane leading up to these properties during the construction of the development due to the raising of the land. There are also concerns that there will be run-off of surface water from the gardens when the development is finished because of the increased land levels.
- ii) There will be overlooking issues due to the increase in land levels and a loss of sunlight.
- iii) There is contamination on site and this has been running into the gardens of the adjacent properties due to flooding problems.
- iv) Bin wagons and other large vehicles will not be able to access the existing properties adjacent to the site because the proposed roads are too narrow.

6.0 Consultations

6.1 The Environment Agency has raised no objections subject to a condition that the development is carried out in accordance with the Flood Risk Assessment. The EA has stated that there is no need to raise floor levels because no building will be below the 16m AOD contour and therefore the development will be above the 1 per cent plus new climate change flood level. The EA has stated that they do not know what the purpose of the land raising is because the current land levels appear to be above the flood level. They note the comments from a resident concerned about increasing flood risk by land raising, but state that it is unlikely that the land raising will increase flood risk from the River Don, as the current land level before raising is shown to be higher than the modelled 1 per cent plus climate change flood level. Any surface water scheme should ensure that there is no increase in flood risk on or off site up to and during the 1 per cent plus climate change level.

6.2 Yorkshire Water has responded and has raised no objections subject to a condition that the development is carried out in accordance with the drainage plans.

6.3 The Council's Drainage Officer has responded and has raised no objections.

6.4 The Contaminated Land Officer has raised no objections subject to a condition requiring further remedial works. Some remedial works have already been carried out on site and part of the contamination condition of the previous consent has been discharged. Further works are however required including the need for a 600mm cover system and geotex/no dig layer across all gardens and the Public Open Space and so a condition requiring additional remediation is applied.

6.5 The Air Quality Officer accepts the findings of the Air Quality Assessment which shows that the impact on air quality from this proposal is negligible.

6.6 Highways (Development Control) has responded and has raised no objections.

7.0 Relevant, Local, National Policies

National Planning Policy Framework

7.1 The National Planning Policy Framework (NPPF) has as its central theme a presumption in favour of sustainable development. It does not change the statutory status of the Development Plan as the starting point for decision making set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (Paragraph 12). It confirms that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise and notes that proposed development which accords with an up-to-date Local Plan should be approved without delay.

7.2 The NPPF states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It also states that to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Doncaster Core Strategy

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

7.4 Policy CS4 seeks to ensure that developments are directed to areas at low risk of flooding and that mitigation measures are put in place where this is not possible.

7.5 Policy CS9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.

7.6 Policy CS10 states that sites with planning permission or those that are allocated can come forward for development.

7.7 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.

7.8 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.

7.9 Policy CS16 seeks to ensure that Doncaster's natural environment will be protected and enhanced.

7.10 Policy CS18 states that where any risk to ground conditions arising from contamination or previous land uses are identified, proposals will need to incorporate measures to prevent, control and reduce air and water pollution, mitigate and ground instability and enhance the quality of these resources.

Doncaster UDP

7.11 Policy RP4 identifies that the site (as part of a much wider area) can be used for a mix of uses including housing, recreation and leisure.

7.12 Policy RL4 requires developments of 10 or more family units to provide for open space.

8.0 Planning Assessment

Principle

8.1 The site (as part of a much wider area) is allocated under Policy RP4 of the Doncaster UDP for a mix of uses including housing, leisure and recreation. The site is located where it is accessible to a range of services and facilities. Furthermore, the proposed development makes use of a vacant previously developed brownfield site, which is encouraged by the NPPF. Full planning permission for an identical housing development (apart from the land levels) already exists on the site and is currently under construction and therefore the principle of the proposed development has already been established. The principle of the development is therefore acceptable and in accordance with policies CS2 and CS10 of the Core Strategy and policy RP4 of the Doncaster UDP.

Flooding and drainage

8.2 A Flood Risk Assessment has been submitted with the application. The Environment Agency Flood Zone Map shows that the application site is partly within all three flood zones. The Flood Risk Assessment however concludes that the flood zones are based on the 2004 River Don Model and that ground levels have since been raised and the site is now at least 2m above the flood level. This would essentially place the site in Flood Zone 1 were the flood zone boundaries to be reassessed on current data. Although there is evidence that the site was affected by flooding in the 1947 and 2007 events, this evidence is no longer relevant, as ground levels have since been raised and at current ground levels the site would not have been affected by these events. The risk of surface water flooding from off-site sources is assessed to be very low and the development will not increase flood risk elsewhere. As the development is effectively in flood zone 1, it passes the Sequential Test and the Exceptions Test is not required.

8.3 Ground investigations have concluded that infiltration drainage will not be feasible for this site due to cohesive deposits and low permeability mudstone and siltstone underlying the site. As infiltration drainage will not be feasible, it is proposed to discharge surface water to the River Don at a rate not exceeding the previous run-off rate from the site to the River Don. The report concludes that increasing the ability of the site to absorb rainfall by the creation of garden areas will reduce the peak flow rate to the River Don by around 24 per cent which represents a substantial improvement compared with existing conditions. Controlled discharge to the River Don is therefore not warranted, as the increase in the permeability of the site will substantially reduce peak flow rates in all rainfall events.

8.4 Given the issues of flooding that have been experienced by the occupants of 1 Northcliffe House during construction of the development, it is imperative to ensure that there are no issues of surface water run-off once the development is complete. Despite the issues that have arisen during the construction of the development, the Council's drainage engineer is of the opinion that there would be no surface water run-off from the development even with the original plans that showed a 1 in 8 gradient sloping down from the new properties to 1 Northcliffe House. The reason for this is because once the gardens have been landscaped then there would be no run-off of water at this gradient. The view of the Drainage Officer is that many of the issues of water run-off during construction are caused because the land is not graded and has no landscaping to take up any rainwater. The current ground conditions are such that rainfall tends to run off the site rather than soak up the water, which would be different once topsoil is added and gardens landscaped. The Flood Risk Assessment states that approximately 70 per cent of the site has been capped with a crushed compacted dolomite limestone which is likely to have poor permeability and during intense rainfall there will be a high proportion of rapid response run-off. This could explain the issues of surface water run-off that have been apparent during construction of the development.

8.5 Notwithstanding the fact that there should be no issue with surface water run-off from gardens onto Northcliffe House once the development is complete, Gleeson's have offered further solutions to effectively guarantee that there will be no problems. Rather than have a gradual sloping garden at a gradient of 1:8 as originally proposed, the plans have been amended to show that there will be only a very slight gradient in the gardens of those new properties with a mostly flat rear garden and the land stepping up to a patio at the rear of the houses (see figure 3). To give further guarantees of no surface water run-off, 2 land drains are proposed to run through the gardens of the 4 properties closest to Northcliffe House, one positioned at the end of the gardens closest to 1 Northcliffe House and another one where the land drops down from the patio area. The applicant has suggested that this would be some type of French Drain that will catch any excess rainwater and discharge it to a suitable outlet and these details are to be secured by condition.

8.6 The fact that the gardens of those houses nearest to Northcliffe House will be landscaped, together with the slight gradient of the gardens and the provision of land drains will ensure that there will be no issues of surface water run-off once the development is completed. The application is therefore in accordance with policy CS4 of the Core Strategy.

Impact on character of the area and Residential amenity

8.7 The change in levels of the land will have minimal, if any impact, on the character of the surrounding area. The change in land levels are themselves mostly slight and even on those parts where the increase is at its highest in the western part of the site (at around 1m difference), the impact on the surrounding area will be negligible. The site is positioned away from other residential areas and is bounded by the railway line to the south and the River Don to the north, such that it does not have to fit in with a particular land level where it might appear out of character. This together with the fact that the site is well screened by established landscaping means that the change in land levels is acceptable. Even where the land levels increase near to Northcliffe House, the proposed dwellings are still lower in height than the existing pair of semi-detached dwellings because the height of the new properties are fairly low at just over 8m height compared with the much taller pair of semis (see figure 3).

8.8 Consideration needs to be given as to how the change in levels may affect residential amenity. The only properties affected by the proposed development are 1 and 2 Northcliffe House. The layout of the development has been arranged to ensure that there is adequate separation distances between new dwellings and 1 and 2 Northcliffe House. Number 2 Northcliffe House is well away from any new properties and so will be unaffected by any overlooking or overshadowing. There are no new properties directly in front of 1 Northcliffe House, but one of the new houses at plot 129 is slightly offset and has a suitable distance of 18m front to front. Plot 129 will have floor levels approximately 70cm higher than 1 Northcliffe House and this is not so significant that it would cause any overlooking or overshadowing issues given the separation distance of 18m and the fact that it is offset. There will be no impact on the amenity of 1 Northcliffe House at the rear because the closest proposed dwelling at plot 124 has its side elevation facing Northcliffe House with only a bathroom window at first floor and a dining room window at ground floor and also has a separation distance of 19m (well beyond the 11m required). The floor level of plot 124 will be approximately 40 cm higher than the floor levels of 1 Northcliffe House, which is not an issue given the distance and orientation described.

8.9 The main area where impact on residential amenity could be an issue is at the side of 1 Northcliffe House, where the levels of the proposed new houses are higher than those to the front and rear. The proposed floor levels of plots 127 and 128 are 17.85m AOD, which is approximately 1.2m higher than that of 1 Northcliffe House. There is however a separation distance of 14m between the rear of the new houses and the side elevation of 1 Northcliffe House, which is greater than the required distance of 11m. The section (see figure 3) shows the proposed relationship of plot 128 and 1 Northcliffe House. Although the section shows that plot 128 is now elevated compared to 1 Northcliffe House, the fact that it is only the side of Northcliffe House and exceeds the minimum separation distance ensures that overlooking is not an issue. All of the windows on the side elevation of 1 Northcliffe House are secondary windows to the kitchen and lounge on the ground floor and a bedroom on the first floor. The new dwellings will not dominate Northcliffe House, particularly as they will be still be lower in height despite the increase in land levels and there will be no overshadowing given the separation distance and the fact the new dwellings are north of the existing semi-detached properties. It can be seen from the sections provided that there will only be a small section of garden at the

raised level with the garden area dropping down to a similar level of 1 Northcliffe House to minimise any overlooking from the garden.

8.10 It should be noted that the topographical survey shows that existing levels on this part of the site in 2014 were approximately 16.5m AOD. Under the 2014 consent, there was a requirement for a 600mm capping layer with floor levels 150mm above this and so the already approved floor levels for this part of the site are 17.25m AOD. The change in levels for this part of the site are therefore 600mm higher than that which has already been approved for plots 127 and 128 (at 17.85m AOD) and 300mm higher than for plots 125 and 126 (at 17.55m AOD). It is therefore considered that the impact on residential amenity with the change in land levels is acceptable.

Contamination

8.11 A Contaminated land report has been submitted identifying remedial works that are necessary to ensure that the development is safe. The report states that the site has already been subject to some remedial works carried out between June and September 2007 approved under application reference 07/02177/FULM. The remedial works included the removal of Hydrocarbon hotspots and the installation of a limestone cap, to form a development platform.

8.12 The report states that further remediation is required because the made ground would pose a risk to human health if left as is. Remedial measures to be carried out include clearance of any general debris, chemical assessment of existing on-site stockpiles for re-use on site, excavation and removal of any buried structures and slabs in the east of the development areas and placement of a 600mm clean cover system in all soft landscaping areas incorporating a minimum thickness of 100mm topsoil to ensure that future site users cannot come in contact with any contamination.

8.13 Of those houses that have already been built, the applicant is in the process of demonstrating to the Council (through validation reports) that the gardens have been provided with the 600mm clean cover system and this is an ongoing process. A condition is being imposed to ensure that all soft landscaped areas are provided with this clean capping system and that validation reports are submitted to show that this has been done. The application is therefore in accordance with policy CS18 of the Core Strategy.

Design

8.14 Within the site, the buildings are mostly arranged in perimeter blocks with a large number of dwellings fronting onto the streets. The majority of the proposed dwellings along the northern boundary front onto the River Don, making good use of the existing views across the open countryside beyond. The dwellings along the western boundary front into the site; this allows an appropriate finishing off of the development, whilst ensuring that the development would integrate well with the adjacent site should it ever come forward for development. Incidental areas of open space are provided throughout the site on corners and along frontages that provide breaks in the built development. There is also a larger area of open space with tree

planting in the eastern section of the site. All the dwellings have an appropriate level of private amenity space. The scheme has been designed to provide street or cul de sac fronting dwellings that successfully turn corners to ensure active frontages. On-plot car parking spaces for all properties will be provided and the majority of dwellings will include the provision of a garage, which will ensure that on-street parking is kept to a minimum. The development is in accordance with policy CS14 of the Core Strategy.

Highways

8.15 The applicant has submitted a Transport Statement and this assesses the accessibility of the site and the potential impacts that the development could have on the highway network. The statement confirms that the development proposals will be accessible by a range of travel modes and a range of key facilities and services, including employment, retail, health and education uses are accessible from the site. The development site previously had outline consent for 300 residential dwellings, which would have generated in excess of the vehicular flows forecast to be generated by the current proposal. The proposed development is therefore likely to have a positive impact upon the surrounding highway network when compared against the traffic likely to be generated by the previous consent. Kilner's Bridge is the sole access to the site and will undergo minor highways works to narrow the carriageway and provide footways on both sides.

8.16 The submitted Travel Plan indicates that a Travel Plan Coordinator will be appointed and will be in place for a five year period. The Travel Plan Coordinator will assist residents with queries about transportation and provide up-to-date information about the options available. The aim is to achieve a 10 per cent reduction in single occupancy car trips over the five year Travel Plan monitoring period, based upon the predicted trip generations. Overall, it is considered that the site is in a suitable location for the proposed development and there are no highways or transport reasons that should prevent the granting of planning permission. The development is therefore in accordance with policy CS9 of the Core Strategy.

Ecology

8.17 The applicant has submitted an Ecological Walkover Survey. In terms of habitats, the survey concludes that the majority of the site comprises highly disturbed land containing a mosaic of bare ground, ephemeral / short perennial vegetation and areas developing into species-rich grassland. The belt of woodland and scrub along the northern boundary of the site provides suitable habitat for breeding birds, and good foraging/commuting habitat for bats. The site is subject to heavy disturbance by dog-walkers, anglers and vehicles making the site unsuitable for riparian mammals and badgers and of limited suitability for mobile reptiles including grass snakes.

8.18 The report recommends that as much of the woodland and scrub on the northern margin of the site is retained as possible. If a continuous belt of woodland and scrub is retained and a sensitive light scheme adopted, it is considered that the development will not affect the value of the site for the local bat population and therefore a further survey will not be necessary. The scheme retains this woodland and a condition will secure ecological enhancement of the site with additional bird

and bat boxes. The application therefore accords with policy CS16 of the Core Strategy.

Landscaping

8.19 The arboricultural report identifies that the most significant trees in visual terms are those in the woodland along the northern boundary of the site and the second most important are the group along the southern boundary. Both groups have trees which, whilst not particularly tall, provide a dense planting feature that creates a substantial screen. There are no trees of high quality (category A) on site. Some work is recommended to a number of trees and groups of trees. The landscaping plan shows how the existing planting around the edges of the site is to be retained and new planting introduced into the site in a way which will strengthen the landscape structure and create an attractive environment for the new housing. A detailed landscaping scheme is to be secured by a condition. The proposal therefore accords with policy CS16 of the Core Strategy.

Noise

8.20 A Noise and Vibration Assessment has been submitted and this concludes that rail is the dominant source of noise at the application site, although road traffic noise can also be heard.

8.21 A noise mitigation strategy has been developed by considering the site layout, as well as the noise insulation and noise control requirements for the proposed plot facades and external amenity areas together with a 2.5m close boarded fence along the gardens facing onto the railway line. The mitigation scheme has been proposed and specified to satisfy internal and external noise levels in accordance with BS 8233 and World Health Organisation Guidelines for Community Noise.

8.22 An assessment of site vibration levels has also been undertaken. The measured levels are very low which indicates a low probability of adverse impact. The application therefore accords with the guidance set out in the NPPF which advises that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Planning Obligations and viability

8.23 A Viability Assessment was submitted with the 2014 application and this was sent to Adams Integra, which is a consultancy that offers independent advice to the Council on issues such as viability. Adams Integra used the Homes and Communities Agency's Development Appraisal Tool, which is a recognised method of assessing viability and has been used at many inquiries where viability is an issue and has superseded the Homes and Communities Agency's Economic Appraisal Tool. The Viability Statement included costs for the land value, Code for Sustainable Homes Level 3, plot division costs and acoustic fencing. Adams Integra advised that the proposal would not be able to support any affordable housing on site or further contributions to open space and still remain viable.

8.24 The viability statement included a cost of £140,600 towards Code for Sustainable Homes. The Council no longer requires this by condition and so the

applicant agreed to put this sum towards affordable housing. This commuted sum towards off-site affordable housing was secured through a Unilateral Undertaking and has already been paid to the Council and so would no longer be required.

8.25 The Unilateral Undertaking also included provision of £15,032 for a Transport Bond, which could be used in the event that vehicle numbers exceed those set out in the Transport Assessment. This will form part of a new 106 agreement should planning permission be granted for this current application. Although the provision of on-site open space does not meet the policy requirement, the applicant has shown through the viability assessment that a larger contribution would make the scheme even more unviable. The scheme does at least provide some open space with a play area that will be overlooked by nearby houses. As with the original 106 agreement on the 2014 consent, a new legal agreement will also ensure that a Viability Assessment is submitted on occupation of 150th dwelling to ascertain whether market conditions have improved such that a contribution can be made towards affordable housing and/or open space.

9.0 Summary and conclusions

9.1 This application is identical to the one currently being constructed apart from a change in land levels brought about by technical requirements of the layout of the development. All issues are the same as those deemed to be acceptable under reference 14/02981/FULM and the only consideration under this application is whether the change on land levels brings about other relevant planning issues.

9.2 The report shows that there will be no impact on the character of the area given the slight changes in levels and the fact that the site is well screened and bound by the railway line to the south and river to the north.

9.3 The main consideration of this change in land levels is how it will impact on the residents of Northcliffe House, which is a pair of semi-detached houses immediately adjoining the site at the western end. Sections shows that the new houses will be lower than Northcliffe House despite their elevated position and will therefore not dominate or overshadow or appear out of character. There will be no unacceptable harm to residential amenity through overlooking, as the separation distances exceed those normally required. There will also be no issues of flooding to Northcliffe House because the rear gardens are relatively flat with drains provided and by their very nature of being landscaped will ensure that there is no surface water run-off.

9.4 All relevant conditions from the 2014 permission will be carried over and a new 106 agreement will secure the outstanding matters of a Transport Bond and the need for a further Viability Assessment.

10.0 Recommendation

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

- a) Viability Assessment to be submitted on occupation of 150th dwelling to ascertain whether a further contribution can be made towards affordable housing.
- b) A Transport Bond of £15,032 to be paid in the event that traffic numbers exceed those set out in the Transport Assessment.

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

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

REASON

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

2. The development shall be carried out in accordance with the measures set out in Section 5 of the Travel Plan dated April 2015.

REASON

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

3. Prior to the occupation or use of those properties directly adjoining the railway line, a high close boarded timber fence shall be erected along the boundary with the railway line in accordance with the details shown on drawing number SD117 dated 10.08.15.

REASON

To ensure that properties are not unduly affected by noise from the railway line.

4. The development hereby approved shall be carried out in accordance with the Construction Method Statement on drawing number Con-01 dated Dec 2015.

REASON

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

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

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.

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

REASON

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

6. All tree protection measures shall be maintained in full accordance with the details shown on plan drawing TP-01 revision A dated Dec 2015 until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON

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

7. Within three months of the date of this permission, a detailed hard and soft landscape scheme, including details of boundary treatments, shall be submitted to and approved in writing by the local planning authority. The hard landscape scheme shall provide details of surface materials for all highway areas, footpaths, parking courts, driveways and space around dwellings. The soft landscape scheme should provide details of species, nursery stock specification for all plant material in compliance with the Horticultural Trades Association National Plant Specification, siting, planting distances, details of tree pit design with adequate rooting volume, staking/guying for all trees, a detailed management plan and programme of implementation. The landscape scheme shall include proposals for the area of public open space and play area.

REASON

To ensure that a landscape/planting scheme is submitted in the interests of environmental quality and in compliance with core strategy policy CS16: valuing our natural environment.

8. The scheme of landscaping approved in accordance with condition 7 shall be implemented in full accordance with the approved details and programme of implementation. The local planning authority shall be notified at each stage of implementation to visit the site and approve the implementation and prior to the backfilling and planting of any engineered tree pit to approve setting out and rooting material. Thereafter the landscape scheme shall be maintained in accordance with the approved management plan. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

To ensure that a landscape/planting scheme is implemented and established in the interests of environmental quality and in compliance with core strategy policy CS16: valuing our natural environment.

9. The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) dated 18 December 2014 by JOC consultants, and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off to an agreed rate to the River Don.
2. No encroachment below the existing 16 metre AOD ground contour.

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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

10. The development hereby approved shall be carried out in accordance with the Ecological Enhancement Plan drawing number Eco-01 dated Dec 15.

REASON

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

11. The development hereby approved shall be carried out in accordance with the Ecological Management Plan carried out by ECUS dated February 2017.

REASON

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

12. The boundary treatment hereby approved shall be erected before the occupation of the dwelling to which that boundary relates.

REASON

To ensure the satisfactory appearance of the development.

13. Prior to the occupation of the 80th dwelling on site, a play area shall be provided on the area of open space at the eastern end of the site in accordance with a scheme previously approved in writing by the local planning authority. Details for the arrangement of maintenance of the open space shall also be approved in writing prior to the occupation of the 80th dwelling on site.

REASON

To ensure the provision of play equipment that offsets the loss of an area of open space, as per policy RL1 of the Doncaster UDP and to ensure the maintenance of the open space.

14. The development hereby approved shall be carried out in accordance with the materials plan drawing number Mat-01 rev C dated Dec 2015.

REASON

To ensure the satisfactory appearance of the development.

15. The footways along Kilners Bridge as shown on plan drawing number SK-001 Rev A dated Dec 2014 shall be constructed in accordance with a timescale to be agreed in writing with the local planning authority.

REASON

In the interests of road safety.

16. The development shall be carried out in accordance with the details shown on the submitted drainage plan on drawing 15/627/7183 revision G dated 03/03/2016 prepared by James Eaton Design, unless otherwise agreed in writing with the Local Planning Authority.

REASON

In the interest of satisfactory and sustainable drainage.

17. Prior to the occupation of any of plots 125 to 128, the gardens to all of these plots shall have been graded as per drawing numbers 3045-SEC001 dated May 18 and 3045-SEC002 dated Sept 18 and drains shall have been installed along all 4 plots in the positions shown on drawing 3045-SEC0001 in accordance with a scheme previously approved in writing by the local planning authority.

REASON

To reduce overlooking from the garden areas and to avoid any surface water run-off to the adjacent dwelling.

INFORMATIVE

There is a mains gas pipe running through the site and you are advised to contact National Grid to ensure that the works you are proposing does not affect this.

INFORMATIVE

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980 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 on 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 on 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 on 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.

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

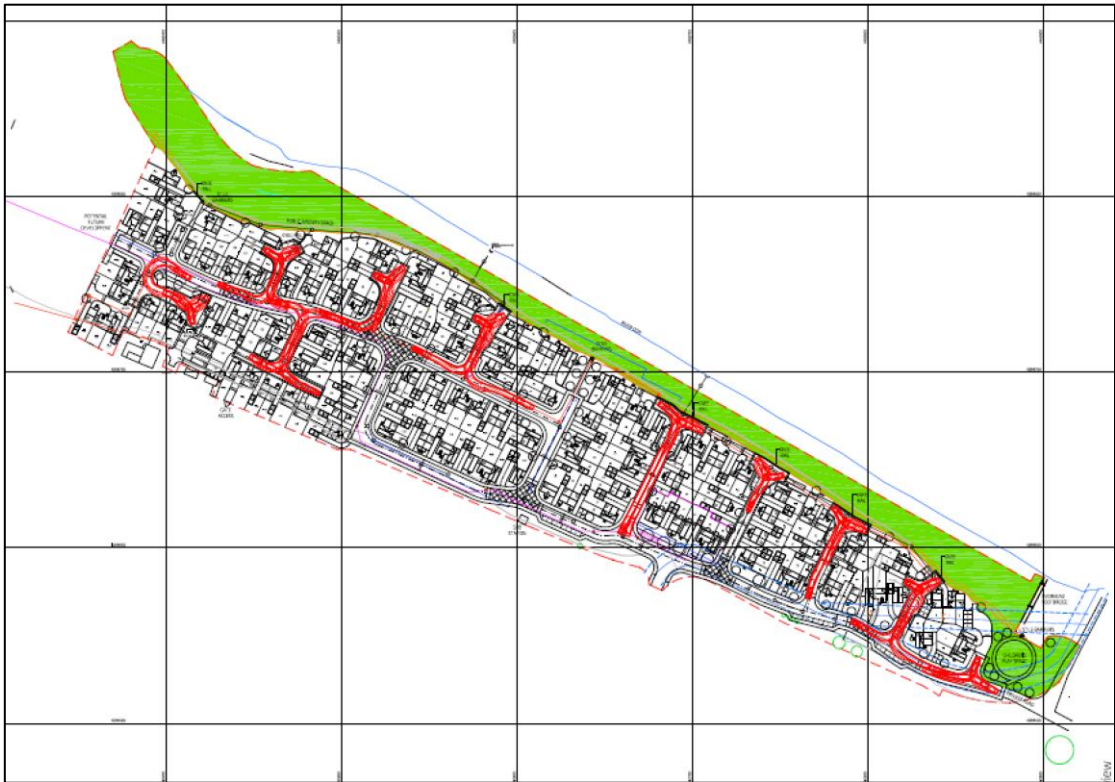


Figure 1: Proposed site layout.

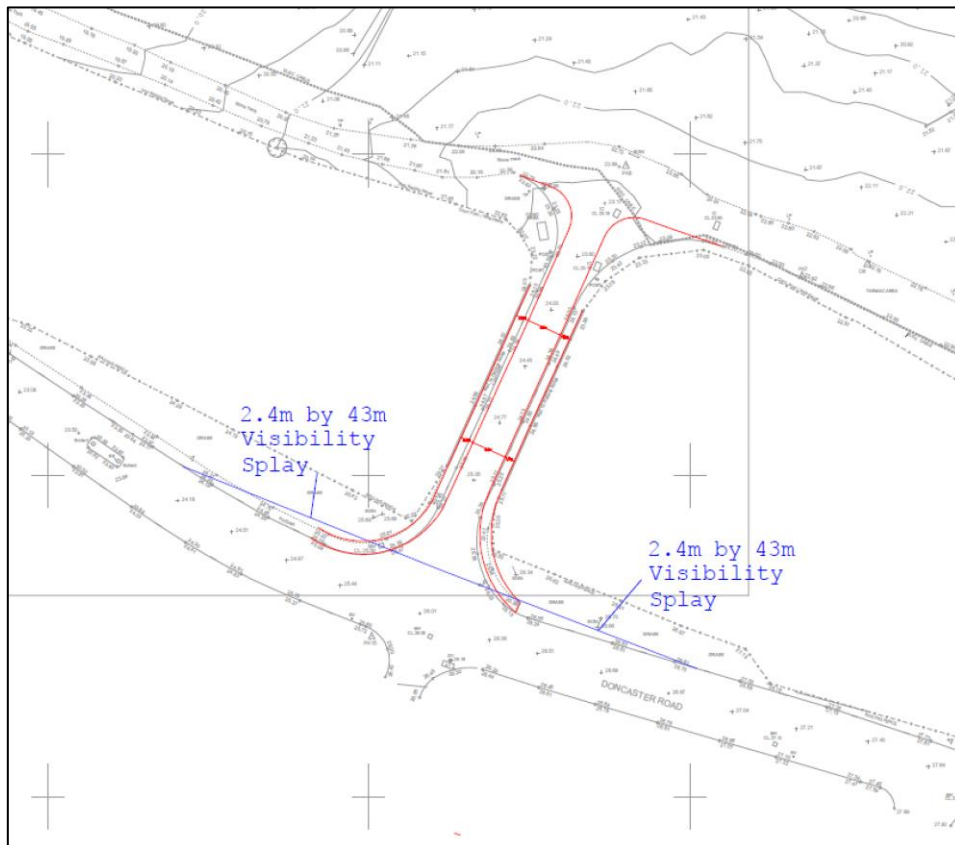


Figure 2: Access arrangements over Kilner's Bridge.

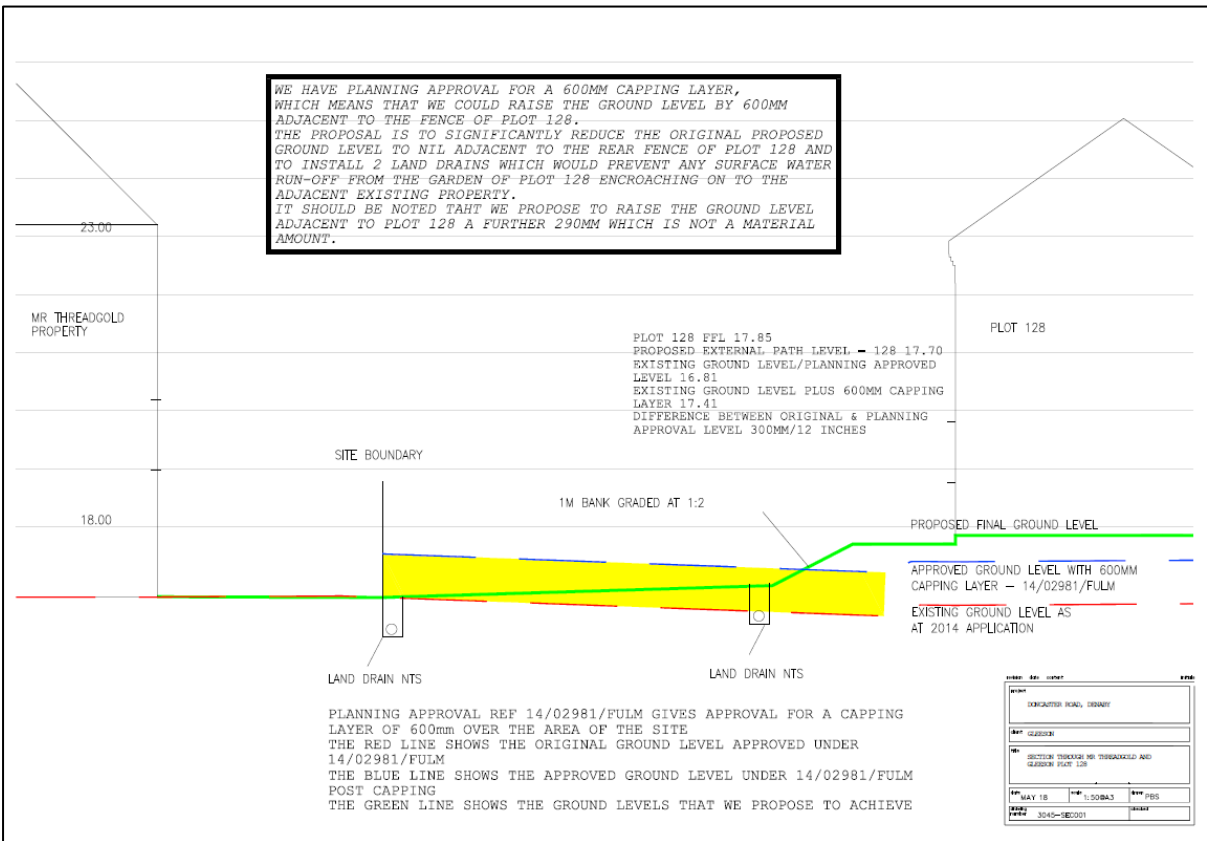
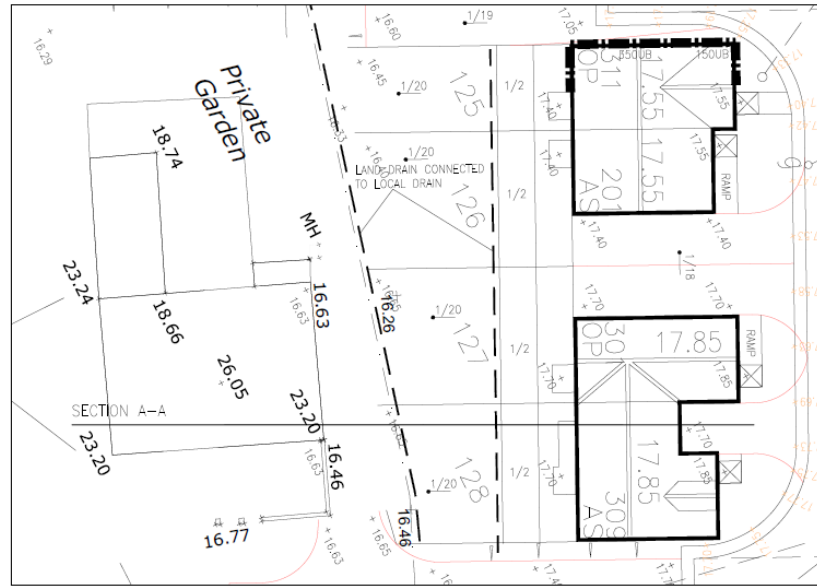


Figure 3: Proposed section of plot 128 with 1 Northcliffe House

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 16th October 2018

Application	4
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Application Number:	18/01338/REMM	Application Expiry Date:	30th August 2018
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Application Type:	Approval of Reserved Matters Major
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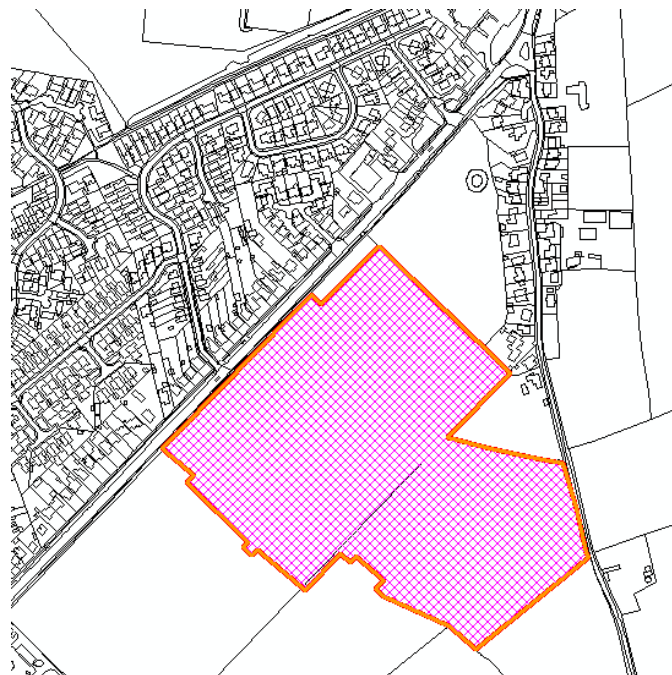
Proposal Description:	Details of the appearance, landscaping, layout and scale for the erection of 211 dwellings (Being matters reserved in outline application previously granted under ref 16/00998/OUTM on 03/11/2016).
At:	Land Off Doncaster Road Hatfield Doncaster

For:	Hallam Land Management & Linden Homes East
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Third Party Reps:	16	Parish:	Hatfield Parish Council
		Ward:	Hatfield

Author of Report	Mark Sewell
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 The application is being referred to the Planning Committee due to the level of local interest shown in the proposal.

2.0 Proposal and Background

2.1 The application seeks reserved matters consent for the construction of 211 dwellings on land of Doncaster Road, Hatfield. Outline planning permission was granted for the wider site by the Planning Committee in 2016 (16/00998/OUTM) for the development of up to 400 dwellings, with means of access agreed. This application represents the first phase of the development, with the remainder of the site to the south to be the subject of a further reserved matters application(s).

2.2 The wider application site is located on land currently used for agriculture, and is allocated as Countryside Policy Area under the saved Unitary Development Plan inset maps and policy ENV2. The site is roughly rectangular in shape, bounded by the A18 Doncaster Road and the urban edge of Hatfield to the north and west. The existing fields forming the development site are predominantly flat and open and defined by managed native hedgerows. The site includes some individual mature trees, these are mainly located within the site's perimeter hedgerows. Round Plantation borders the site to the south west, and a smaller belt of trees lies alongside Doncaster Road to the north.

2.3 To the western side of the application site on the opposite side of Doncaster Road are residential properties, being a mixture of bungalows and two storey dwellings and predominantly mid to late 20th century. These properties are typically set back from the road frontage in fairly generous plots. Immediately to the north of the application site is a triangular field which has been the subject of two planning applications for 60 dwellings. To the east of the site is Lings Lane, again characterised by a mixture of dwelling types on the rural edge of the settlement. A triangular shaped field on the eastern side of the site belonging to a property on the Lings has recently received planning permission for the erection of 9 detached dwellings. The Lings Windmill (Grade II Listed) is also situated on Lings Lane. Beyond Lings Lane to the east is further agricultural land and the M18 motorway. To the south west corner of the site is a water treatment works and water tower, and further to the south Hatfield merges into the settlement of Dunsville along Doncaster Road. Woodhouse Lane runs east to west to the south of the site, with Duncroft Quarry on its southern side.

3.0 Relevant Planning History

3.1 14/01789/OUTM - Outline application for residential development (Class C3) with open space, landscaping and associated access on approx 17.72 ha of land - REFUSED 02.10.2015 - APPEAL WITHDRAWN

3.2 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) - GRANTED (S106) 03.11.2016

3.3 There have been two previous applications on the site immediately to the north for 60 dwellings, both of which have been refused by the Planning Committee. Page 84

3.4 17/03067/FUL - Erection of nine detached dwellings, including the construction of detached single garages to plots 4 - 9 - GRANTED 27.06.2018 (ADJACENT SITE TO THE EAST)

4.0 Representations

4.1 The application has been publicised by way of direct neighbour letters, site notices, and a notice in the local press.

4.2 As a result of the publicity process, 16 representations have been received. A large number of the objections received were of a standard letter format, where the main points raised were;

- the loss of agricultural land
- impact upon trees and ecology
- archaeological interest of the site
- the impact upon local services (schools and healthcare)
- the impact upon the local highway network
- flood risk

5.0 Parish Council

5.1 The Parish Council would like to reiterate all their previous comments on this application site. It is considered that the land is green field land, other developments have been approved in the area on brownfield sites to accommodate the housing need in the area. It is considered that the local infrastructure, roads, sewage, schools and medical provision (GP) etc for a development of this size are not in place and the current provision is already overstretched without the addition of more housing in the area.

6.0 Relevant Consultations

DMBC Ecology - no objections

DMBC Highways - no objections in principle, amendments requested in respect of detailed highway design

DMBC Built Environment - amendments requested in respect boundary treatment, planting, surfacing of informal route and site entrance.

DMBC Trees & Hedgerows - no objections in principle, queries some species choices and planting on plot

DMBC Public Open Space - no objections

DMBC Public Rights of Way - no objections

DMBC Env Health - no objections

Environment Agency - no objections

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework (NPPF):

Principle 6 Delivering a wide choice of high quality homes

Principle 7 Requiring Good Design

Principle 10 Meeting the challenge of climate change, flooding and coastal change

Doncaster Core Strategy (CS):
Policy CS1 - Quality of Life
Policy CS2 - Growth and Regeneration Strategy
Policy CS12 - Housing Mix and Affordable Housing
Policy CS14 - Design and sustainable construction
Policy CS16 - Valuing our Natural Environment

8.0 Planning Issues and Discussion

The main issues are;

- o Design and Layout
- o Highways arrangements and parking
- o Ecology
- o Trees & Hedgerows

8.1 The application seeks reserved matters consent for details of appearance, landscaping, layout and scale for the erection of 211 dwellings on the northern half of the approved development site. The means of access has been agreed under the outline permission. The principle of development has obviously been established by the granting of the outline permission, where the impacts upon traffic, ecology, trees and hedgerows have already been assessed.

Design and Layout

8.2 Policy CS 14 of the Core Strategy sets out a series of design principles and quality standards intended to ensure that all proposals are of high quality design that integrates with its immediate and surrounding local area. The design closely follows the principles agreed as part of the outline approval indicative layout, therefore on the whole the layout and scale of development is acceptable.

8.3 The main access into the site is from the northern edge of the Doncaster Road boundary, with a road with 2m footpaths to either side bringing you into the development. This road continues across the site to the east, with 2 further primary routes branching off to the south (and providing a link to the future second phase) and to the north. A series of secondary streets, cul-de-sacs and private drives serve housing from these primary roads. The initial site layout was amended to ensure a more direct and permeable road layout which would provide a better link to the future second phase of development. The carriageway width on the primary routes has also been widened to 6m to allow for on street visitor parking.

8.4. The development faces outwards on its western, northern and eastern boundaries, which is a positive design feature. The outline permission showed a green frontage to Doncaster Road, which has been provided within the submission. The space along the highway boundary retains the existing mature trees and planting along Doncaster Road, providing a significant green corridor along the frontage. An existing mature hedgerow running through the site is shown to be retained, with dwellings set back from a greened stand off area either side. A further area of open space has been provided to the eastern side of the site, which doubles up as a shallow attenuation basin. Again this is a positive feature, bringing the proposed housing away from the historic windmill on the Lings, and providing some openness to the more rural eastern edge. A more formal equipped area of Public Open Space is shown in the north western corner of the site, closer and accessible to the existing properties within the settlement, however with a more than adequate separation distance in terms of potential amenity issues. The applicants have also

provided an informal route around the site through the areas of public open space around the site edge, as well as showing a potential link to the adjacent as yet undeveloped smaller housing site to the site on the east on the Lings. Amended details have also been received following comments received to confirm the surface material of this informal footpath.

8.5 The proposed dwellings themselves are a mixture of detached and semi-detached dwellings of 2 and 2 ½ storeys, and of a traditional appearance utilising red brick and dark tiles. Internal separation distances between dwellings are acceptable, and the properties all provide for an appropriate amount of private amenity space. The original site layout provided showed many of the plots relying on frontage driveway parking to the detriment of available visitor spaces. The layout has been amended to break up the long runs of frontage parking, as well as widening of carriageway widths, to allow for more on street visitor parking. Properties also use a mix of integral and detached garages to accommodate the appropriate amount of parking.

8.6 Overall the Councils Built Environment officer considers that the scheme follows the principles of established by the outline consent, however has raised a number of issues in respect of the plans as originally submitted. The internal road layout and permeability has been mentioned previously and addressed by the applicants. Amendments have been required in respect of access to rear gardens, boundary treatment, provision of dual aspect elevations to corner properties to provide natural surveillance and add interest to blank elevations at corner locations and amendments to landscaping. The applicants have also addressed boundary treatments, on plot landscaping, as well as altering the house types at the site entrance, where originally a detached garage was shown as the first built form visible in the site.

8.7 Overall, the scheme is considered to be acceptable in design terms, and in accordance with the relevant Development Plan policies.

Highways

8.8 The Highways Development Control team have been consulted as part of the application process. Initially, concerns were raised over the level of visitor parking throughout the site, as well as various technical requirements including turning areas, speed restraint and visibility. As discussed previously, the applicants have amended the site layout, including widening carriageways in order to accommodate the required level of visitor parking throughout the site. Revisions in respect of the more technical highway design issues have also been made, and the highway officers comments will be reported to members.

8.9 Whilst many of the objections received from local residents relate to excess traffic on Doncaster Road, the level of traffic generation has already been agreed under the Transport Assessment approved under the outline permission. This reserved matters application does not propose development beyond the limits already assessed at that stage.

Ecology and Trees & Hedgerows

8.10 Policy CS16 of the Core Strategy is concerned with the Natural Environment and sets out requirements in respect of the impact of developments upon ecology and trees and hedgerows. Proposals will be supported which enhance ecological networks, as well

as retaining and protecting appropriate trees and hedgerows, incorporating new tree, woodland and hedgerow planting.

8.11 The Council's ecologist has also been consulted and raised no objections to the scheme. The outline permission contained a condition that a scheme for ecological enhancement is agreed for each phase of development prior to the commencement of development, and so these details will have to be agreed separately. The site layout does retain the mature trees and planting along the site frontage and an established hedgerow running through the site, as well as providing a generous amount of green open space, whereby there is ample opportunity for habitat creation and enhancement.

8.12 The Council's Trees and Hedgerows Officer has been consulted and provided comments on the proposals. It is considered that generally the scheme is fine, especially the areas of open space. A couple of points are raised in respect of street planting within the site and plot frontage planting. The applicants have provided an updated landscaping plan in response, and any further comments will be reported to the planning committee. Overall though, there are no significant issues in terms of trees and hedgerows on the site.

8.13 Some of the objections received relate to the impact upon ecology and trees and hedgerows on the site. The outline planning application was accompanied by ecological and arboricultural information that was considered by officers and deemed to be acceptable subject to conditions. This application is in line with what was considered originally, and raises no objections. The proposed layout retains a good amount of existing features, as well as good opportunities for enhancement.

Other Issues

8.14 No objections have been received from other consultees as part of the consultation process. Numerous conditions were imposed upon the outline permission, covering issues such as drainage, archaeology, public open space, ecology, landscaping, tree protection and materials.

8.15 The issues raised by interested residents have previously been considered as part of the outline application, including traffic generation, ecology, archaeology, flood risk and local services. None of the objections raise issues related to the detailed design being considered as part of this reserved matters application.

9.0 Summary and Conclusion

9.1 On the basis of the above, the reserved matters application is accordingly recommended for approval. The main issues and principle of development have already been agreed under the outline consent, and the details contained within this reserved matters application are acceptable and in accordance with the guiding principle established by the outline permission.

RECOMMENDATION

Reserved Matters **APPROVED** subject to the following conditions.

01. ACC1 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.
REASON
To ensure that the development is carried out in accordance with the application as approved.
02. ENVH4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i) - the parking of vehicles of site operatives and visitors
 - ii) - loading and unloading of plant and materials
 - iii) - storage of plant and materials used in constructing the development
 - iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) - wheel washing facilities
 - vi) - measures to control noise and the emission of dust and dirt during construction
 - vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works
- REASON
To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

01. U0012844 INFORMATIVE
The development hereby approved shall commence before 2 years from the date of this permission

02. U0012845 INFORMATIVE
The development, for which the reserved matters are hereby approved, shall be carried out in complete accordance with the conditions set out above and those imposed on planning permission reference 16/00998/OUTM; granted on 3 November 2016;.

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



APPENDIX 2



Overall indicative layout approved under outline consent

APPENDIX 3



Proposed layout

APPENDIX 4



STREETSCENE B-B



Typical Street Scenes

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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 16th October 2018

Application

Application Number:	18/01628/FUL	Application Expiry Date:	28th August 2018
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Application Type:	Full Application
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Proposal Description:	Raising of roof height in connection with the formation of rooms in the roof space including re-roof, replacement of rear conservatory with rear extension & formation of lobby.
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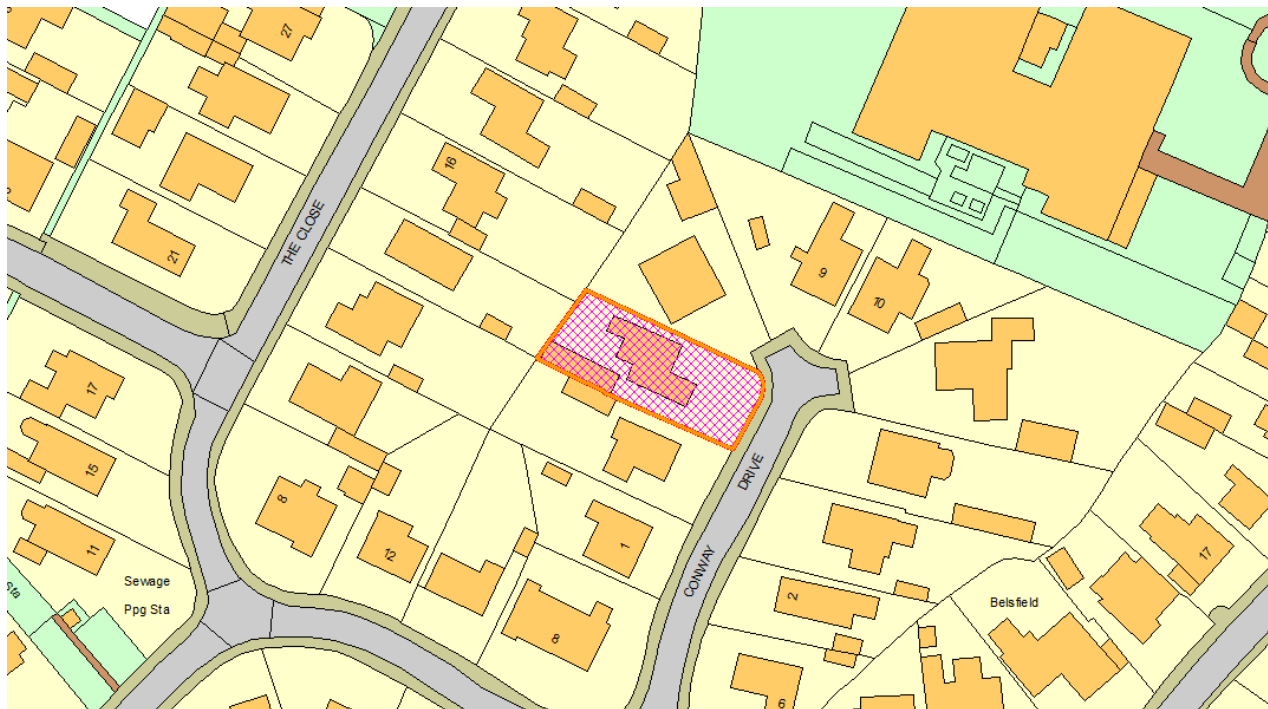
At:	5 Conway Drive Branton Doncaster DN3 3LZ
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For:	Mrs Sarah Shepherd
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Third Party Reps:	23	Parish:	Cantley With Branton Parish Council
		Ward:	Finningley

Author of Report	Alicia Murray
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MAIN RECOMMENDATION:	
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1.0 Reason for Report

1.1 This application is presented to planning committee due to the number of representations received in support and in objection to this application.

2.0 Proposal and Background

2.1 The application is seeking consent for the raising of the roof height in connection with the formation of rooms in the roof space including re-roof, replacement of a rear conservatory with rear extension and a front extension to form a lobby/porch area.

2.2 The application has been amended since its original submission, in response to concerns raised by the case officer and neighbouring residents. The amendments include the reduction in the increase in roof height, amendments to the roof style, and removal of dormer windows.

2.3 The application site is within a residential cul-de-sac, which includes all single storey bungalows, all in a linear form with either gables facing horizontally or vertically within the site. There are residential bungalows to the rear of the site located on The Close. All dwellings are of a similar design and scale, some bungalows have had loft conversions close by on Kingsmead Drive; however most of stayed within their existing roof space.

3.0 Relevant Planning History

3.1 No planning history

4.0 Representations

4.1 This application has been advertised in accordance with Article 13 of the Development Management Procedure Order (DMPO), and included publication on Public Access and neighbour notification. In total 23 members of the public commented on this application, some residents commented on more than one occasion and more than one person has commented on the application from the same address. The application received 32 comments all in all.

4.2 13 letters of support have been received in respect of the proposal; the material comments for support are summarised as follows:

- Not out of character with the area and would enhance it
- No harm would be caused to amenity
- Welcome improvement to the home and improve outlook for those living opposite
- Removal of dormers with the addition of roof lights reduces overlooking.

4.3 16 letters of objection have been received from 8 different addresses in respect of the proposal; the material comments for objection are summarised as follows:

- Out of character with the street/area
- Overlooks garden areas/loss of privacy
- Will cause further parking issues
- Inaccurate plans (received on first set of plans, to which the amended ones accurately represent the site)

- Property has already been extended twice (the comments received regarding the 50% rule relates to permitted development rights; the applicant is seeking planning consent and therefore this rule is not relevant)
- Property is too close to the neighbouring property and this increase in height will make matters worse
- Will overshadow garden areas and conservatories.

4.4 Councillor Jane Cox made representations on this application, suggesting that amended plans should be sought to reduce the impact the original proposal could have on the surrounding residents. Following receipt of the amended plans, Cllr Cox provided a further representation outlining no issues to the amended plans.

4.4 The resident of no.14 The Close (directly to the rear of the site) has removed their objections/concerns to the proposal upon submission of amended plans; they have now provided comments in support.

5.0 Parish Council

5.1 The Parish Council did not support the planning application in its original form; as it was felt the proposed development would be out of character and not in keeping with surrounding properties. There were also concerns regarding the development overbearing neighbouring properties and the reduction in privacy and light will impact adversely on these properties.

5.2 The next Parish Council meeting is on the 3rd October, and therefore the additional comments made by the Parish Council will be included within pre-committee amendments.

6.0 Relevant Consultations

6.1 No consultation required.

7.0 Relevant Policy and Strategic Context

The site is allocated as Residential Policy Area, as defined by the Doncaster Unitary Development Plan 1998, therefore the following policies are applicable:

7.1 National Planning Policy Framework:

Section 12: Requiring good design

7.2 Doncaster Council's Core Strategy:

Policy CS14: Sustainable Development

7.3 Saved Doncaster Unitary Development Plan:

ENV 54 extensions and alterations to existing buildings

7.4 Other Policy Considerations:

Supplementary Planning Document - Development Guidance and Requirements (adopted July 2015) Section 2.10 Residential Extensions and Domestic Alterations.

8.0 Planning Issues and Discussion

8.1 The main issues for consideration are the impact of the proposed works on the occupiers of neighbouring properties and impact on the areas character in assessing the scale, design and external appearance.

8.2 The property lies in a Residential Policy Area as defined by the Doncaster Unitary Development Plan (1998) therefore the principle of the works are supported.

Impact on neighbouring residents

8.3 Policy CS14 of the Doncaster Core Strategy (2012) requires that new development have no unacceptable impact on the amenity of neighbouring land uses. In terms of residential amenity, the proposal is assessed for overlooking, dominance and overshadowing being the key matters which have the ability to cause harm.

8.4 The originally submitted scheme, was considered to be wholly out of character with the area and the increase in roof height to 6.5m was considered to harm the living conditions of the neighbouring resident, along with the addition of dormers to the rear which created overlooking. The amended scheme reduces overall roof height to 5.3m, which is an overall increase of 0.4m from the existing roof height; the addition of roof lights to the rear and new window and roof light to the front elevation (the addition of roof lights and re-roof would constitute permitted development); the proposal includes the replacement of the conservatory with a brick built extension with the same 3.4m projection off the rear, the new extension will come further across the rear elevation westwards; additionally a cloakroom/porch area is proposed to the existing front projecting gable, the extension would come off the side of this projection by 2m.

8.5 It is not considered that the proposed works would have an adverse impact upon the living conditions of neighbours by virtue of overlooking. At the front, there would be new windows installed on the ground floor and first floor of the front extension. The separation distances are well over 21m to the properties on the opposite side of Conway Drive and the first floor faces the frontages of the dwellings meaning there would be no significant increase in privacy loss than the existing situation. No additional windows are proposed on the side elevation facing no.7 Conway Drive and only one additional window on the side elevation facing no.3 Conway Drive. This additional window would not harm the amenity of no.3 as it would have an outlook of the sites yard area and not private amenity or windows at no.3. The addition of roof lights to the rear roof slope would not cause a detrimental impact to the residents on The Close, as there is a separation distance of 25m to the rear elevation of no.14 The Close; the scheme was amended to remove the dormer windows as it was felt upon visiting no.14 that the dormers would add a 'feeling of overlooking' to that neighbour, which the addition of roof lights would not. The neighbour at no.7 has outlined that the roof lights would overlook his rear garden, however officers do not share this view given the head height available and the position of the roof lights in the roof it is not thought possible to open these roof lights and have the ability to overlook the neighbours gardens to the side. Furthermore, the addition of roof lights with a roof

constitutes permitted development and can be completed without consent. It is therefore considered there would be no unacceptable overlooking as a result of the proposal.

8.6 With regard to overshadowing, it is considered neither the raise in roof height nor the front or rear extensions would have an unacceptable impact on the amenity of the neighbouring properties.

8.7 Number 7 Conway Drive to the eastern side of the site has the potential to be the most affected in terms of overshadowing as a result of the proposed works. The increase in roof height and extension of the side roof slope further back along the dwelling would result in an increase of massing. Given no.7 has a conservatory and patio area along this boundary means that the increase in roof height will result in more overshadowing to this neighbour. However, the increase is only slight at 0.4m and the change in roof slope should improve matters in terms of letting more light through as it is hipped rather than a gable; furthermore, the amended scheme is a significant improvement on what was originally submitted and is seen as a sufficient compromise to enable the applicant to gain the extra living space, without significantly harming the amenity of the neighbouring resident. The proposed rear extension would be flat roofed and have the same projection as the existing conservatory, meaning there would be no additional harm created for no.7 Conway Drive. The proposed front/side extension would not significantly impact the neighbour at no.7 Conway Drive, given the position of the dwelling in relation to no.7.

8.8 It is therefore considered the proposal is in accordance with the requirements of Policy CS14 of the Doncaster Core Strategy as there would be no unacceptable impacts on the residential amenity of the occupiers or neighbouring properties.

Design and External Appearance

8.9 The National Planning Policy Framework (2018) emphasises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

8.10 The original plans showed a duchy style hipped roof, with an increase of 1.5m in roof height and dormer windows. The design was not considered appropriate, especially within this uniform streetscene. Whilst it is noted that this property is the first on Conway Drive to apply for significant alterations to the property; it is considered that the amended proposal is far more subtle and retains the integrity of the street scene, whilst providing the additional accommodation required.

8.11 The proposal would not result in a significant increase in floor area, meaning there would be no significant loss of garden space and there would be no loss of parking space on the existing driveway. It is therefore not considered that the proposal would result in over development of the site and there is still space to park 2 vehicles on the site, meaning the proposal would not harm the existing parking situation any further.

8.12 The proposal is therefore considered to comply with Policy CS14 of the Doncaster Core Strategy (2012) which states new development should respond positively to existing site features and integrate well with its immediate and surrounding local area.

8.13 In terms of finishing materials, the front of the dwelling is currently stone cladded and the applicant wishes to change this to white render. Whilst render is not a common feature in the streetscene, there is a mixed palette of materials in the street and the introduction of render will have neutral impact. Therefore the modernisation of this dwelling would not

harm the character of the area. The brick work will be to match existing, with matching roof tiles and anthracite grey windows.

9.0 Summary and Conclusion

9.1 Having regard to all matters raised, the proposal complies with the relevant policies of the Development Plan. Under the provisions of the NPPF, the application is considered to be a sustainable form of development.

10.0 Recommendation

GRANT planning permission subject to the following conditions.

01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U0064844 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows 0200.02.02 and 0200.01.02 both received 11.09.2018.
REASON
To ensure that the development is carried out in accordance with the application as approved.
03. U0064845 The external materials and finishes shall be white render, grey UPVC windows, with brickwork to match existing property; unless otherwise agreed in writing by the LPA.
REASON
To ensure the satisfactory appearance of the development in accordance with policy ENV54 of the Doncaster Unitary Development Plan.
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.

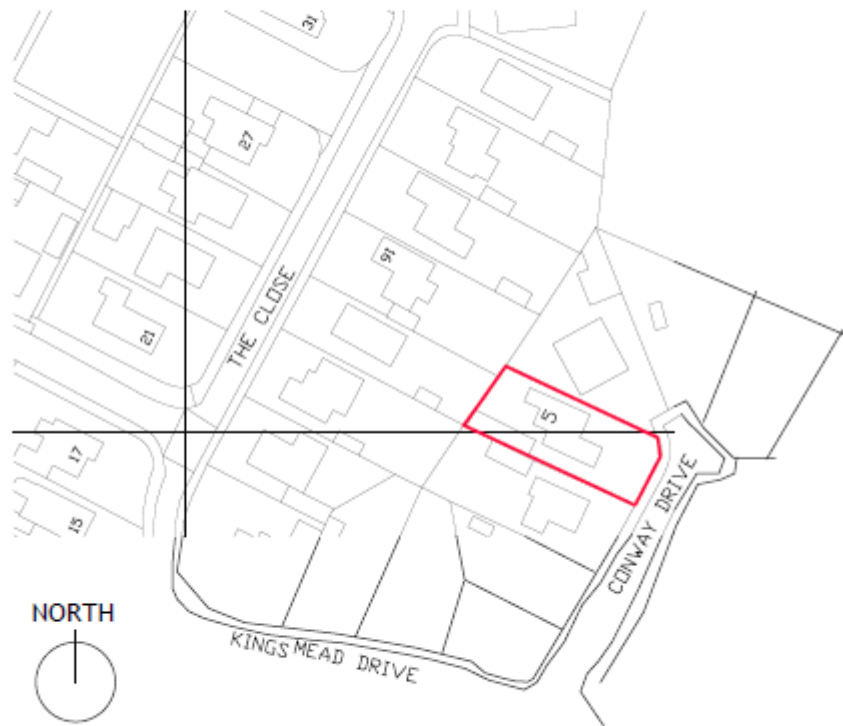
Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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

02. IQ171 INFORMATIVE
The developer shall consider incorporating all possible sustainability features into the design of the proposed development.

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

Appendix 1: Location Plan

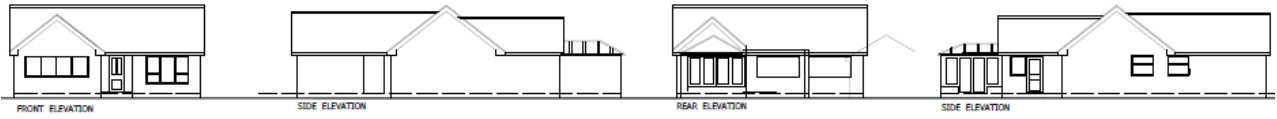


SITE LOCATION PLAN 1 :1250

Appendix 2: Site Plan



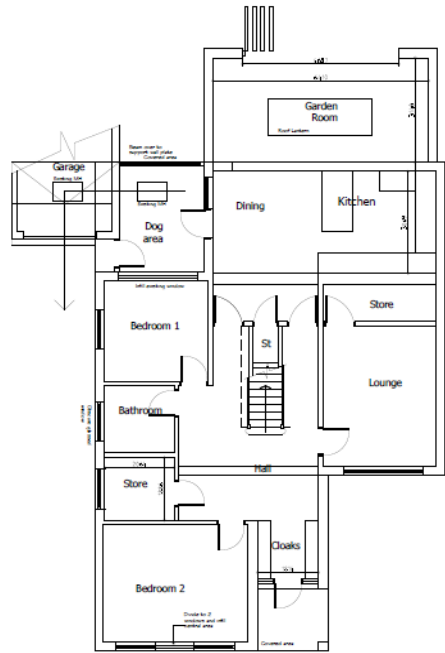
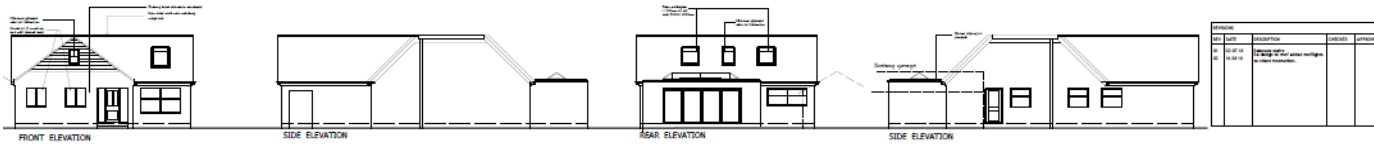
Appendix 3: Existing Plan



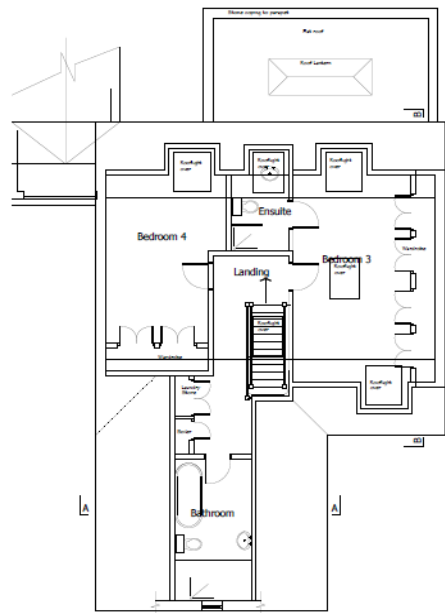
GROUND FLOOR PLAN



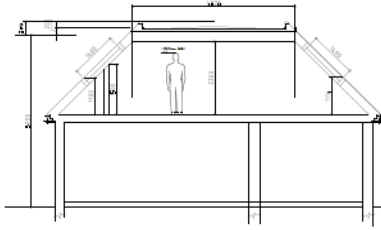
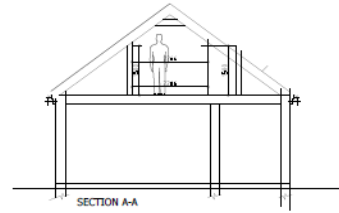
Appendix 4: Proposed Plan



GROUND FLOOR PLAN



FIRST FLOOR PLAN



DRAWN BY Mr A SHEPHERD		
PROJECT NO 3 COMWAY DRIVE BRANTON DONKASTER		
DRAWING TITLE PROPOSED PLANS AND ELEVATIONS		
DRAWN BY A SHEPHERD ARCHITECTS LTD BRN		
SCALE 1:50		
PROJECT NO 0200	DRAWING NO 02	REV 02



16 October 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.

	Outcomes	Implications
	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 04/10/18]

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 04/10/18]

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 04/10/18]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 04/10/18]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 04/10/18]

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 04/10/18]

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:-

Application No.	Application Description & Location	Appeal Decision	Ward
13/02377/FUL	Erection of 4 detached passivhaus dwellings with associated landscaping and car parking on approx 1.52 ha of land at Land At Wadworth Bar, Wadworth Road, Tickhill, Doncaster	Appeal Dismissed 17/09/2018	(Historic) Torne Valley
17/02180/OUT	Outline application for the erection of a dwelling at Land Adjacent To Pine Lodge, Great North Road, Bawtry, Doncaster	Appeal Dismissed 07/09/2018	Rossington And Bawtry
18/00308/OUT	Outline Planning Application with all Matters Reserved for the Erection of a New Dwelling at The Limes , Doncaster Road, Bawtry, Doncaster	Appeal Dismissed 06/09/2018	Rossington And Bawtry

REPORT AUTHOR & CONTRIBUTORS

Miss R Larder
01302 734603

TSI Officer
rebecca.larder@doncaster.gov.uk

PETER DALE
Director of Regeneration and Environment

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Appeal Decision

Site visit made on 3 July 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 17 September 2018

Appeal Ref: APP/F4410/W/18/3194657

Tickhill and Wadworth Bar, Railway Station, DN11 9EX

- 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 M Hird against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 13/02377/FUL, dated 17 October 2013, was refused by notice dated 16 October 2017.
 - The development proposed is the creation of four detached Passivhaus dwellings with associated landscaping and car parking on 1.52 ha of land.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and replaced the version published in 2012. The parties have had the opportunity to comment on the implications of this for their cases. For clarity, references to the Framework in this decision are to the 2018 revised version.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy; and
 - The effect of the proposal on the openness and purposes of the Green Belt; and
 - Whether the proposal would be a suitable site for development having regard to sustainable patterns of development and access to local services and facilities; and
 - If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal site is bounded by a railway embankment to the west, the A60 to the north and Oddy Lane to the east. It is within the open countryside and the Green Belt.

Whether the proposal would be inappropriate development in the Green Belt?

5. The Framework establishes at paragraph 145 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to a number of exceptions. These include at criterion (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy CS3 of the Doncaster Core Strategy (Core Strategy) part A advises that in the Green Belt national policy will be applied, including a presumption against inappropriate development other than in very special circumstances. Part C states that proposals (in the countryside) which are outside development allocations will only be supported in a number of circumstances. These include where they would protect and enhance the countryside; not be visually detrimental by reason of siting, materials or design; and preserve the openness of the Green Belt and Countryside Protection Policy Area and not conflict with the purposes of including land within them.
7. Policy ENV1 of the Doncaster Unitary Development Plan (UDP) sets out the purposes of including land in the Green Belt. UDP Policy ENV3 states that within the Green Belt development will not be permitted, except in very special circumstances, subject to a number of exceptions. These do not include an exception concerning previously developed land and so this policy is not consistent with the Framework in this regard. In line with the advice at paragraph 213 of the Framework, this limits the weight I afford to this policy.
8. The Glossary at Annex 2 of the Framework defines previously developed land as that which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that that whole of the curtilage should be developed) and any associated fixed surface infrastructure.
9. The appeal site was formerly a railway station and sidings and is currently used for open storage. There is a modest dilapidated brick building and areas of hardstanding and rough grass, shrubs and trees. A certificate of lawfulness allows for the storage and distribution of railway materials including ancillary equipment at the site. The red line plan for that excludes the northern part of the appeal site. As such, whilst accepting that the majority of the appeal site is brownfield, the Council argues that its northern part does not have a current or redundant use and so is not previously developed.
10. Although it is excluded from the extent of the certificate of lawfulness, in practical terms the northern part of the site appears as part of the same parcel of land as the rest of the site. It is included within the site's clearly defined boundaries and has a longstanding association with the rest of the site and its former use as a station. As such, in my view the northern part of the site

forms part of the curtilage of the developed land. On this basis, I am satisfied that the proposal concerns the redevelopment of previously developed land.

11. The concept of openness in the context of Green Belt policy has a spatial element and goes beyond the visual effect of a proposal. The appeal site's existing use already has some impact on openness. As set out above, the northern part of the site is excluded from the land covered by the certificate of lawfulness. Additionally the plan for the certificate of lawfulness is annotated with a line drawn east west across the site (marked A to B) and allows that part of the site south of the line only to be used for open storage up to a height of 4 metres.
12. The appellant indicates that the amount of open storage at the site varies in response to supply and demand and acknowledges that it is not always at capacity. As such, whilst there is nothing to stop all of the land south of the A to B line being used for storage up to 4 metres in height, I have seen nothing to demonstrate that this is necessary likely to be so on a regular or sustained basis. The Council regards the levels of open storage on the site to be moderate and considers the use to be low key. This accords with my own observations on site. Besides, by the nature of the use, materials are stored at the site for temporary periods only and then moved off. They are portable items which come and go rather than permanent structures.
13. I am aware that the site has planning permission for a temporary office building. This would measure around 9.6 by 7.5 metres to a height of 3 metres and would be located on the site's western boundary. However this is not in place and so is not currently affecting openness at the site. In any event, even if it were to be constructed, its impact on openness would be limited by its small size and temporary nature (it is permitted for a period of 3 years only).
14. The proposed houses would be single storey and recessed into the ground with green roofs that would be level with, or below, the ground levels of the site. Undercroft car ports would also be incorporated. The western side of the site would remain open as grass land and a wetland habitat and pond would be created at the southern end of the site. A new access would be provided from Oddy Lane which would run along the site's eastern boundary. Individual driveways would be constructed off this to serve the houses which would each have a patio area and gardens immediately to their south.
15. The use of the outside areas (patios and gardens) for domestic purposes would be likely to include the erection of fencing and introduction of other domestic paraphernalia. The appellant suggests that permitted development rights could be removed to preclude the provision of fencing and outbuildings. However, in order to mitigate against the impact of noise from the adjacent railway line, the parties agree that a 2 metre high acoustic fence should be provided around all the rear gardens. Whilst I have seen no further details of this, and note the appellant's view that the fencing could be integrated into the land form (and screened by planting), I have seen nothing to demonstrate how this would be achieved.
16. Part of Plot 1 and the new access from Oddy Lane would be on the land outside the extent of the certificate of lawfulness. Part of Plot 2 would take in land where although distribution activities can take place, open storage is prohibited. As such, the proposal would introduce development to generally open parts of the site that are not covered by the lawful use or permitted for

storage. Moreover, despite the dwellings being built into the landform and the retention of some open areas, the proposal would introduce a development of a permanence and scale that is not currently present on the site.

17. The projection into the site of four considerable four bedroom subterranean homes along with the new access, driveways, patios, gardens, required changes to the landform and the domestic nature of the use (along with the associated paraphernalia including the required acoustic fences) would all be readily perceived and detract from openness. Despite the site's screening and position at a lower level to the A60, the true extent of the properties would be evident in some views when seen from Oddy Lane, including those taken down the new access, as well as from within the site.
18. Even taking into account the removal of the site's existing building, areas of hardstanding and storage use, along with the cessation of commercial vehicular movements (including heavy goods vehicles) and setting aside the potential for the construction of the temporary office building, for the reasons set out, in my view the proposal would have a greater impact on the openness of the Green Belt than the existing development.
19. The proposal would therefore be inappropriate development for the purposes of national Green Belt policy as set out in the Framework and the development plan. The Framework confirms that inappropriate development is by definition harmful to the Green Belt (paragraph 143).

Openness and purposes

20. Paragraph 133 of the Framework indicates that openness is an essential characteristic of the Green Belt. As set out above, the proposal would have a greater impact on the openness of the Green Belt than the existing development. However, the loss would not be substantial and would result in only modest harm to openness.
21. Paragraph 134 of the Framework sets out the purposes of the Green Belt. These include (amongst other things) to assist in safeguarding the countryside from encroachment. The Council raises no particular objection to the proposal in this regard. The site is not in an agriculturally maintained condition and given its former and existing use and brownfield nature, some encroachment of development into the countryside has already taken place there. Even so, in introducing permanent built residential development, and impinging more on openness, I cannot see that the proposal would be consistent with the site's role in assisting in safeguarding the countryside from encroachment.
22. Therefore the proposal would have an adverse effect on one of the purposes of including land in the Green Belt. Taking into account the factors above, the size of the site and the relatively limited scale of the proposal, the harm caused in this regard would be minimal.
23. Thus, the proposal would cause modest harm in terms of loss of openness and minimal harm to one of the purposes of including land in the Green Belt. In accordance with the Framework (paragraph 144) substantial weight is given to this harm to the Green Belt.

Access to services and facilities

24. Tickhill is a district centre with a number of services and facilities including a primary school. It is estimated to be around one mile to the south of the appeal site and Wadworth is a similar distance to the north. Whilst these settlements could be reached from the appeal site via the main road, the A60 is busy with traffic and without footpaths in the vicinity of the appeal site. This is likely to prohibit walking and to some extent cycling along this route. The appellant suggests Tickhill could be reached on foot (approx 20 mins) or by cycle (approx 9 minutes) using Oddy Lane. However, Oddy Lane is a single lane, unmade, unlit track without footpaths that crosses agricultural fields. This being so, and given the distances involved, in practical terms I am not convinced that Tickhill would be likely to be accessible from the appeal site on foot (particularly in bad weather and at times of darkness).
25. There is a bus stop immediately adjacent to the site and a service to Doncaster and Workshop runs approximately every half hour Mondays to Saturdays and every hour on Sundays. The centre of Doncaster is 15 minutes away by bus. A school bus services also runs along the A60. As such, I accept that some opportunities to utilise public transport exist.
26. Nevertheless, taking all these factors into account, although there would be some opportunities for bus travel and to lesser extent cycling, in practical terms I consider that the future occupiers of the proposed house would have few alternatives to the use of a private vehicle to meet their day to day requirements such as getting to work and accessing services and facilities. Consequently, the proposal would not limit the need to travel or reduce reliance on the car. This would be at odds with the aim of the Framework to actively manage patterns of growth to promote sustainable transport.
27. I therefore conclude on this main issue that the proposal would not be a suitable site for development having regard to sustainable patterns of development and access to services and facilities.

Other considerations

28. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appellant has forwarded a number of other considerations in favour of the proposal.

Character and appearance

29. The appellant argues that the proposal would reduce the site's existing visual impact and lead to an improvement in the character and appearance of the area. Although the existing storage use of the site is visible in some views from the A60 and Oddy Lane, the site is set at a lower level and there is existing planting to the boundaries. This being so, it is generally well screened and is not particularly prominent or highly visible. This would be so even when storage on the site is maximised in terms of its height and extent.
30. The proposed dwellings would be set into the landform, use natural materials and external hard landscaping materials would be colour matched to minimise their impact. Additional landscaping would be providing to strengthen existing boundary treatments and to screen external elements of the dwellings. New

woodland areas planted between the properties would introduce planting to the central areas of the site.

31. That said, whilst the site is brownfield with areas of hardstanding, it also incorporates areas of grass, trees and shrubs and for the most part has a semi-rural character despite its use. Thus, as things stand it does not appear particularly intrusive or immediately at odds with its countryside setting. In contrast the appeal proposal would introduce residential development to the site. It would bring built development into its northern section closest to the main road (where storage is not permitted) and, despite the existing and proposed landscaping and the subterranean nature of the houses, the residential use of the site would be evident in some views (as set out above).
32. Consequently, I consider that rather than enhancing it, the proposal would fail to protect and detract from the rural character of its surroundings and result in some limited harm to the character and appearance of the area. This would be contrary to Local Plan Policy CS3 Part C which is supportive of proposals only where they would protect and enhance the countryside.

Paragraph 79 of the Framework

33. Although the appeal site is close to an existing residential property immediately to the north, it is set well apart from the nearest settlements of Wadworth and Tickhill and separated from them by a number of intervening open fields. Accordingly, I regard the site to be isolated in the countryside.
34. Paragraph 79 of the Framework indicates that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a number of circumstances apply. These include at criterion (e) the design is of exceptional quality in that it is truly outstanding or innovative, reflecting the highest standards in architecture and would help to raised standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
35. Good design is supported by Core Strategy Policy CS14 and by paragraph 131 of the Framework which advises that great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
36. The proposed houses are designed to the internationally recognised Passivhaus standard and would exhibit the best in current practice in the development of ultra-low energy efficient living. Amongst other things they would incorporate high levels of insulation, have low energy and heating requirements, and be orientated to maximise solar gain. In this instance the houses are also designed to respond to the character and topography of the site and are built into the land form with green roofs.
37. However, the Passivhaus standard of the scheme does not in itself make the proposal innovative. The proposal's design principles, energy saving features and use of materials are well established. The Framework supports the move to a low carbon future and expects new development to take account of landform, layout, building orientation, massing and landscaping to minimise

- energy consumption (paragraph 153). Thus, I do not regard such measures and approaches to be uncommon.
38. The Council refers to at least 125 other properties in England and Wales built to the standard and the appellant's Design and Access Statement recognises that Passivhaus is one of the most widely accepted approaches for delivering ultra-low energy buildings. Since it would be based on a model which has been successfully used elsewhere, the scheme would not be ground breaking in its design or exceptionally innovative in nature. Accordingly I am not persuaded that the proposal would be unique or particularly unusual.
39. The appellant argues that the proposal would provide a new local benchmark in design and a physical expression of how ecologically sound construction can be used to create a high quality standard of living. Although the site is on the A60, it is in a relatively remote position in terms of nearby settlements. Given this location, in practical terms, it is hard to see what opportunities the proposal presents to act as an exemplar. It has not been put to me that the development would be publicised or made available to view by local developers or the public. As such, I am not persuaded that it would be widely seen or appreciated to the extent that it would lead the way in the area by demonstrating energy efficient construction and design. On this basis, in my view the proposal would not serve as a model, or increase consciousness to a point where wider standards of design would be improved as a result of it.
40. Furthermore, given my findings regarding openness and character and appearance, I am not convinced that the proposal would enhance its immediate setting or be sensitive to the defining characteristics of the local area.
41. Overall, for the reasons given, I do not regard the proposed houses to be truly outstanding or innovative in design. Nor do I envisage that they would help to raise standards of design more generally in rural areas. Whilst the proposal would reflect the highest standards in Passivhaus architecture, it would fail to enhance its immediate setting and would not be sensitive to the defining characteristics of the local area. I therefore conclude on this matter that the proposal would not meet the special circumstances required by paragraph 79 of the Framework.

Use of previously developed land and the remediation of the site

42. The proposal would utilise brownfield land, which itself could help to protect other greenfield sites and this is a benefit which counts in its favour. Paragraph 117 of the Framework advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. It also states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or brownfield land.
43. However, footnote 44 clarifies that this is except where this would conflict with other policies in the Framework. In this case, I have found that the proposal would conflict with the Green Belt policies.
44. The appellant advises that the site is contaminated due to its previous use as a railway yard. The proposal would see the remediation of the site, which the appellant argues would reduce risks from contamination to those exposed to the site and to the occupiers of the neighbouring dwelling to the north.

Paragraph 118 of the Framework at criterion (c) indicates that planning policies and decisions should (amongst other things) support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

45. Although this is a further benefit of the proposal, I have seen nothing to demonstrate what particular problems the existing site is causing in terms of contamination. I am mindful that any such risks to health could be controlled via other legislation. Furthermore, I am conscious that the remediation of the site could be realised in the absence of the appeal proposal.

Contribution to housing land supply

46. The appellant contends that the Council cannot demonstrate a 5 year supply of housing land. The Council does not provide any information on this matter. The appellant in any case argues that regardless of the Council's 5 year housing supply situation, the proposal would bring benefits in terms of its contribution to housing land supply (and help to achieve the Council's windfall allowance). I agree that it would help to boost the supply of housing in line with the government's objective set out at paragraph 59 of the Framework and appreciate that the five year supply housing land figure is not a ceiling or upper limit. This is a benefit of the proposal.

Highway improvements

47. The proposal would be accessed from Oddy Lane and the existing access from the A60 would no longer serve the site. There would be a reduction in the amount of traffic generated by the site and an improvement in visibility. The heavy goods vehicles which currently manoeuvre on the busy A60 to enter the site would cease. A pedestrian link would be provided from the site to the bus stop. These improvements are benefits of the proposal.
48. However, whilst I accept that the type of vehicles associated with a residential use would have a lesser impact on the highway, I have seen nothing to demonstrate that the existing use of the site causes particular problems in highway safety terms. The Transport Statement finds that Doncaster Road is subject to the national speed limit with warning signs and markings in place to slow drivers down at the junction of the existing station house. No queuing or capacity concerns were observed and the solid white lines were considered to restrict overtaking that automatically causes drivers to slow down. As such, there is no evidence to suggest that the existing situation at the appeal site is necessarily harmful to highway safety or has resulted in any accidents.

Biodiversity

49. Core Strategy Policy CS16 seeks to ensure that development enhances the borough's ecological networks and maintains strengthens and bridges gaps in existing habitat networks. As well as retaining existing trees and shrubs on the site, the proposal would introduce new woodlands and native planting to enhance foraging opportunities for bats and birds. A new pond and wetland habitat would also be created to the southern end of the site. These enhancements could be secured via a condition and are further benefits of the proposal.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

50. The proposal would be inappropriate development in the Green Belt. It would result in modest harm to openness and minimal harm to one of the purposes of including land in the Green Belt. The Framework (paragraph 144) establishes that substantial weight should be given to any harm to the Green Belt. The proposal would also be conflict with the development plan in these regards.
51. Additionally, the proposal would fail to provide a suitable site for development having regard to sustainable patterns of development and access to services and facilities and so would result in limited harm in this regard. It would also give rise to some limited harm to the character and appearance of the area.
52. Subject to the use of acoustic fencing, the Council is satisfied that the proposal would provide adequate living conditions for future occupiers. There are no objections in terms of drainage or from Network Rail. The absence of harm in these regards counts neither for, nor against the proposal.
53. As set out above, the proposal would fail to meet the circumstances set out at paragraph 79 of the Framework in terms of its design. Even so, the benefits derived from providing ultra-low energy efficient living and minimising energy consumption do add some weight in favour of the scheme.
54. The proposal would contribute to housing land supply. The future occupiers of the houses would help to maintain the vitality of nearby rural communities and to support existing services through expenditure. The proposal would result in local construction related employment during the construction phase and give rise to revenue from Council Tax and New Homes Bonus. These are all benefits of the proposal, although they are limited by the scheme's small scale for only four dwellings. Additional modest benefits would also arise from the use of previously developed land, the remediation of the site, and in terms of highway and biodiversity improvements.
55. Bringing matters together, I consider that even taken together in combination, the other considerations in this case do not clearly outweigh the totality of the harm identified. As such, the very special circumstances necessary to justify the development do not exist.
56. Whilst I note the appellant's reference to the presumption in favour of sustainable development set out at paragraph 11 of the Framework, in light of footnote 6 to (d) (i), for the reasons set out above, I consider that the application of the Framework's Green Belt policies provide a clear reason for refusing the proposal.

Conclusion

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

Elaine Worthington

INSPECTOR

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Appeal Decision

Site visit made on 21 August 2018

by **Michael Moffoot DipTP MRTPI DipMgt**

an Inspector appointed by the Secretary of State

Decision date: 7 September 2018

Appeal Ref: APP/F4410/W/18/3200659

Land adjacent to Pine Lodge, Great North Road, Bawtry, Doncaster DN10 6DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alan Nettleship against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref: 17/02180/OUT, dated 29 August 2017, was refused by notice dated 20 October 2017.
 - The development proposed is a dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline form with all detailed matters reserved for future approval.
3. The Council confirms that the site is not within an Area of Special Landscape Value and Policy ENV 17 cited in the decision notice is not therefore relevant.
4. The appeal papers make it clear that the access, layout and landscaping shown on drawing no 16109/01 are for indicative purposes only and do not form part of the formal application.

Main Issues

5. The main issues in this case are:
 - (i) whether the proposal would be in an accessible location having regard to national and local planning policies which seek to achieve sustainable development; and
 - (ii) the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site comprises a narrow, rectangular parcel of overgrown land with frontage to the busy A638 Great North Road. The site adjoins Bawtry House to the south; a large dwelling in extensive grounds. To the north is The Limes; a bungalow with planning permission for a replacement dwelling on the plot and, to its rear, a single-storey building with permission for conversion to residential use. Open land lies to the east of the site with caravan storage beyond, whilst

woodland and open countryside extends to the west on the opposite side of the A638.

7. Policy CS2 of the *Doncaster Council Core Strategy 2011-2028* (adopted 2012) includes a settlement hierarchy for the location of new housing in the Borough. Bawtry is identified as a 'Conservation Town' where only quality infill within existing settlement boundaries will be supported. The appeal site lies outside the settlement boundary for Bawtry and is within a designated 'Countryside Policy Area' (CPA) under Policy ENV 2 of the UDP¹ where, amongst other things, the countryside will be safeguarded from encroachment. Within the CPA, Policy ENV 4 states that only certain categories of development will be permitted, none of which apply in this case.
8. A similar designation² is included in Policy CS3 of the Core Strategy which sets out key considerations for land, including a number of "*generally acceptable*" development proposals "*appropriate in the countryside*" but excluding new dwellings. It also states that proposals outside development allocations will only be supported where, amongst other matters, they protect and enhance the countryside and preserve the openness of the CPPA.
9. Development on the east side of the A638 in the vicinity of the appeal site consists of loose-knit linear housing set on generous plots with dwellings arranged in a staggered and random pattern. There are also a number of commercial uses, including an extensive caravan sales/storage/service operation, a haulage business and a car sales outlet. The surrounding landscape is predominantly rural in character, characterised by scattered farmsteads and dwellings within an agricultural landscape formed by a patchwork of fields enclosed by well-established hedgerows and substantial blocks of woodland.
10. There is some dispute between the main parties as to whether the proposed dwelling would be 'isolated' in the terms set out in the *National Planning Policy Framework* (the Framework) and with reference to a 2018 Court of Appeal³ judgement.
11. Citing paragraph 55 of the Framework⁴, Lord Justice Lindblom found that "*...the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement*". The judgement goes on to say that whether a proposed new dwelling is 'isolated' or not, and whether in a particular case a group of dwellings constitutes a settlement for the purposes of the policy are deemed to be matters of fact and planning judgement for the decision-maker.
12. In this case I consider the appeal site to be located within a loose-knit collection of dwellings and other land uses and associated buildings set in open countryside. They are physically and visually divorced from Bawtry and do not form a recognisable settlement, village or hamlet. The proposal would not constitute infill development as there would be a significant gap to the immediate north of the site. Accordingly, I find that the site is isolated in the terms described in the Framework.

¹ *Doncaster Unitary Development Plan* (1998)

² 'Countryside Protection Policy Area' (CPPA)

³ *Braintree District Council v SSCLG, Greyread Ltd & Granville Developments* [2018] EWCA Civ 610

⁴ Now paragraph 79 of the revised Framework (July 2018)

13. The commercial centre of Bawtry lies some 2km to the south of the appeal site where a good range of services and facilities are available. The village of Austerfield lies to the east at a similar distance but has only a modest range of services and facilities. Other villages in the area have few services and facilities.
14. In terms of accessibility, there are bus stops outside the site which provide frequent services to Doncaster, Bawtry, Worksop, Retford, Rossington and Gainsborough. The site is therefore well served by public transport.
15. There is a footway between the appeal site and Bawtry, but the A638 is unlit and given the speed and volume of traffic on the route access to the village for those on foot and bicycle is unlikely to be an attractive option, especially during inclement weather.
16. Whilst the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, realistically the occupiers of the new dwelling would be likely to use private vehicles to reach the services and facilities in Bawtry. They would also be heavily dependent upon this mode of transport to access larger settlements such as Doncaster, where there are employment opportunities and a far greater range of services and facilities. In these respects, the proposal conflicts with sustainable transport objectives in the Framework which promote walking, cycling and public transport use in development proposals in order to actively manage patterns of growth.
17. In terms of sustainable development, accessibility is only one matter I need to consider however. It is also necessary to assess the proposal in the context of the need for planning to perform economic, social and environmental roles as described in the Framework.
18. The proposal would make a modest contribution to the local economy during the construction phase in terms of employment and provision of building materials, and thereafter through the use of services and facilities in Bawtry and further afield by the occupiers of the new property.
19. In social terms, and notwithstanding the shortcomings in terms of accessibility to services and facilities, the development would make a modest contribution to the number and range of homes available in the Borough to meet the needs of present and future generations, including the appellant and his wife.
20. In relation to the environmental role, the use of sustainable construction methods and technologies for new housing is now widespread in the UK and does not therefore weigh in favour of the proposal. However, the development would have an adverse impact on the character and appearance of the area which I deal with below.
21. Drawing these findings together, I find on the first issue that the appeal proposal would bring about some economic and social benefits in relation to the three dimensions of sustainable development in the Framework; factors which weigh in favour of the scheme. On the other side of the coin, given the location of the site some distance from local services and facilities the occupiers of the proposed dwelling would be largely reliant upon private cars to reach these facilities, and would be unlikely to enhance or maintain the vitality of the rural community. Accordingly, I am not satisfied that the proposal would amount to

sustainable development as described in the Framework and it would conflict with UDP Policies ENV 2 and ENV 4 and Policy CS2 of the Core Strategy.

22. I now turn to the effect of the proposed development on the character and appearance of the area.
23. In this respect, I consider that the character of an area is not narrowly defined by the immediate surroundings but rather the wider setting around the site. I have described (above) the pattern of development in the vicinity of the appeal site and the wider rural landscape setting. Within this context the proposal would result in the consolidation of a loose-knit ribbon of residential and commercial development in an otherwise predominantly open rural area. It would also diminish the openness of the CPPA which the Core Strategy seeks to safeguard.
24. It is argued that additional landscaping would supplement existing foliage to the site boundaries and thereby assist in integrating the new dwellings with its surroundings. The site is partially screened by hedging which would make the proposed development less prominent and could be retained by planning condition. However, it is not afforded any statutory protection, and notwithstanding its retention by condition the hedging will ultimately die off, thereby increasing the prominence of the dwelling and compounding its visual impact. Furthermore, it would be likely to be several years before any supplementary landscaping would provide the degree of maturity and screening to offset to any degree the harm that I have identified.
25. As such, I conclude that the proposal would unacceptably harm the character and appearance of the area in conflict with UDP Policies ENV 2 and ENV 4 and Policies CS3 and CS14 of the Core Strategy.

Other Matters

26. Reference is made to the scale and intensity of expansion promoted by Doncaster/Sheffield Airport in its Master Plan for the facility and the potentially significant impact compared to the modest effects of the appeal proposal. However, the Council advises that this is a consultation exercise and does not form part of adopted planning policy or Local Plan review. In these circumstances, I consider it has no bearing on the planning merits of the proposal before me.
27. I have had regard to the appeal decision referred to by the appellant⁵. However, the full balance of considerations which informed this decision is not before me. Whilst consistency is clearly desirable, each application has to be considered on its merits, and none of the arguments put forward convince me that this is a sustainable location for a new dwelling.

Conclusion

28. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector

⁵ Inspectorate ref: APP/F4410/W/16/3166003



Appeal Decision

Site visit made on 21 August 2018

by **Michael Moffoot DipTP MRTPI DipMgt**

an Inspector appointed by the Secretary of State

Decision date: 6 September 2018

Appeal Ref: APP/F4410/W/18/3201403

The Limes, Doncaster Road, Bawtry, Doncaster DN10 6DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Jackson (BBS Doncaster Ltd) against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref: 18/00308/OUT, dated 7 February 2017, was refused by notice dated 26 March 2018.
 - The development proposed is described as 'outline planning application with all matters reserved for the erection of a new dwelling'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline form with all detailed matters reserved for future approval.

Application for Costs

3. An application for costs was made by Mr Paul Jackson against Doncaster Metropolitan Borough Council. This application is the subject of a separate decision.

Main Issues

4. The main issues in this case are:
 - (i) whether the proposal would be in an accessible location having regard to national and local planning policies which seek to achieve sustainable development; and
 - (ii) the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises a rectangular parcel of open land with frontage to the busy A638 Great North Road¹. The site adjoins The Limes; a bungalow with planning permission for a replacement dwelling on the plot, and there is a single-storey building to the rear with permission for conversion to residential use. An overgrown parcel of land adjoins the southern boundary of the site and

¹ Also referred to as Doncaster Road

- open woodland and countryside extends to the west on the other side of the main road.
6. Policy CS2 of the *Doncaster Council Core Strategy 2011-2028* (adopted 2012) includes a settlement hierarchy for the location of new housing in the Borough. Bawtry is identified as a 'Conservation Town' where only quality infill within existing settlement boundaries will be supported. The appeal site lies outside the settlement boundary for Bawtry and is within a designated 'Countryside Policy Area' (CPA) under Policy ENV 2 of the UDP² where, amongst other things, the countryside will be safeguarded from encroachment. Within the CPA, Policy ENV 4 states that only certain categories of development will be permitted, none of which apply in this case.
 7. A similar designation³ is included in Policy CS3 of the Core Strategy which sets out key considerations for land, including a number of "generally acceptable" development proposals appropriate in the countryside but excluding new dwellings. It also states that proposals outside development allocations will only be supported where, amongst other matters, they protect and enhance the countryside and preserve the openness of the CPPA.
 8. Development on the east side of the A638 in the vicinity of the appeal site consists of loose-knit linear housing set on generous plots with dwellings arranged in a staggered and random pattern. There are also a number of commercial uses, including an extensive caravan sales/storage/service operation, a haulage business and a car sales outlet. The surrounding landscape is predominantly rural in character, characterised by scattered farmsteads and dwellings within an agricultural landscape formed by a patchwork of fields enclosed by well-established hedgerows and substantial blocks of woodland.
 9. There is some dispute between the main parties as to whether the appeal site and surrounding area comprises a settlement and if the proposed dwelling would be 'isolated' in the terms set out in the *National Planning Policy Framework* (the Framework) and with reference to High Court⁴ and Court of Appeal⁵ judgements.
 10. Citing paragraph 55 of the Framework⁶, Lord Justice Lindblom found that "*...the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement*". The judgement goes on to say that whether a proposed new dwelling is 'isolated' or not, and whether in a particular case a group of dwellings constitutes a settlement for the purposes of the policy are deemed to be matters of fact and planning judgement for the decision-maker.
 11. In this case I consider the appeal site to be located within an irregular collection of dwellings and other land uses and associated buildings set in open countryside. They are physically and visually divorced from Bawtry and do not form a recognisable settlement, village or hamlet. The proposal would not constitute infill development as it does not involve the filling in of a small gap in an otherwise built-up frontage. Accordingly, I find that the site does not

² *Doncaster Unitary Development Plan* (1998)

³ 'Countryside Protection Policy Area' (CPPA)

⁴ *Braintree District Council v SSCLG, Greyread Limited & Granville Developments Limited* [2017] EWHC 2743

⁵ *Braintree District Council v SSCLG, Greyread Ltd & Granville Developments* [2018] EWCA Civ 610

⁶ As amended by paragraph 79 of the revised Framework (July 2018)

- comprise part of a settlement and is isolated in the terms described in the Framework.
12. The appellant submits that by supporting local services and facilities the proposal would contribute towards and improve the local economy and the sustainable development policy objective of enhancing or maintaining the vitality of rural communities in the Framework and the *Planning Practice Guidance*.
 13. The commercial centre of Bawtry lies some 2km to the south of the appeal site where a good range of services and facilities are available. The village of Austerfield lies to the east at a similar distance but has only a modest range of services and facilities, whilst other villages in the area have few.
 14. In terms of accessibility, there are bus stops outside the site which provide frequent services to Doncaster, Bawtry, Worksop, Retford and Gainsborough, where there are train stations and bus services to wider destinations. The site is therefore well served by public transport.
 15. There is a footway between the appeal site and Bawtry, but the A638 is generally unlit and given the speed and volume of traffic on the route access to the village for those on foot and bicycle is unlikely to be an attractive option, especially during inclement weather.
 16. Whilst the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, realistically the occupiers of the new dwelling would be likely to use private vehicles to reach the services and facilities in Bawtry. They would also be heavily dependent upon this mode of transport to access larger settlements such as Doncaster, where there are employment opportunities and a far greater range of services and facilities. In these respects, the proposal conflicts with sustainable transport objectives in the Framework which promote walking, cycling and public transport use in development proposals in order to actively manage patterns of growth.
 17. Reference is also made to a Court of Appeal judgement⁷ which found that residential gardens outside "built-up areas" are brownfield or previously developed land. Paragraph 84 of the Framework encourages the use of previously developed land and sites that are well related to existing settlements. It may well be that the appeal site comprises previously developed land, but I do not consider that the site is well related to existing settlements such that the Framework provisions can be applied in this case.
 18. In terms of sustainable development, accessibility is only one matter I need to consider however. It is also necessary to assess the proposal in the context of the need for planning to perform economic, social and environmental roles as described in the Framework.
 19. The proposal would make a modest contribution to the local economy during the construction phase in terms of employment and provision of building materials, and thereafter through the use of services and facilities in Bawtry and further afield by the occupiers of the new property.

⁷ Dartford Borough Council v SSLG (CO/4129/2015)

20. In social terms, the development would make a very modest contribution to the number and range of homes available in the Borough to meet the needs of present and future generations, notwithstanding the shortcomings in terms of accessibility to services and facilities I have referred to.
21. In relation to the environmental role, the development would have an adverse impact on the character and appearance of the area which I deal with below.
22. Drawing these findings together, I find on the first issue that the appeal proposal would bring about some economic and social benefits in relation to the three dimensions of sustainable development in the Framework; factors which weigh in favour of the scheme. On the other side of the coin, given the location of the site some distance from local services and facilities, the occupiers of the proposed dwelling would be largely reliant upon private cars to reach these facilities and would be unlikely to enhance or maintain the vitality of the rural community in a meaningful way. Accordingly, I am not satisfied that the proposal would amount to sustainable development as described in the Framework and it would conflict with UDP Policies ENV 2 and ENV 4 and Policy CS2 of the Core Strategy.
23. I now turn to the effect of the proposed development on the character and appearance of the area.
24. In this respect, I consider that the character of an area is not narrowly defined by the immediate surroundings but rather the wider setting around the site. Policy CS2 of the Core Strategy provides for the preservation and enhancement of the distinctive local character of the natural environment. I have described (above) the pattern of development in the vicinity of the appeal site and the wider rural landscape setting. Within this context the proposal would result in the consolidation of loose-knit ribbon of residential and commercial development in an otherwise predominantly open rural area. It would also diminish the openness of the CPPA which the Core Strategy seeks to safeguard.
25. It is argued that the site is well screened by hedging, trees and other foliage which would render the proposed development less prominent and could be retained by planning condition. However, these features are not afforded any statutory protection, and notwithstanding their retention by condition they will ultimately die off, thereby increasing the prominence of the dwelling and compounding its visual impact.
26. As such, I conclude that the proposal would unacceptably harm the character and appearance of the area in conflict with UDP Policies ENV 2 and ENV 4 and Policy CS3 of the Core Strategy.

Other Matters

27. Reference is made in support of the proposal to 'defined settlements' in the Core Strategy which have limited services and where infill development is permitted in policy terms. However, it is for the Local Plan Review to determine whether development on this section of the A638 of which the appeal site forms part should be included within this group.
28. I have had regard to the appeal decisions referred to by the appellant. However, the full balance of considerations which informed these decisions are not before me, and whilst consistency is clearly desirable each application has

to be considered on its merits, and none of the arguments put forward convince me that this is a sustainable location for a new dwelling.

Conclusion

29. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector

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Agenda Item 7.

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

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