



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, 25th June, 2019

Time: 2.00 pm

BROADCASTING NOTICE

This meeting is being filmed for subsequent broadcast via the Council's web site.

The Council is a Data Controller under the Data Protection Act and images collected during this recording will be retained in accordance with the Council's published policy.

Please be aware that by entering the Council Chamber, you accept that you may be filmed and the images used for the purpose set out above.

Jo Miller
Chief Executive

Issued on: Monday, 17 June 2019

Governance Services Officer for this meeting

Amber Torrington
Tel. 01302 737462

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 Meetings held on 10th and 28th May, 2019	1 - 14
A. Reports where the Public and Press may not be excluded.	
<u>For Decision</u>	
5. Schedule of Applications	15 - 158
<u>For Information</u>	
6. Appeal Decisions	159 - 188
B. Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.	
7. Publication (Regulation 19) of the Doncaster Local Plan 2015 -2035 (Exclusion Paragraph 3)	189 - 654

Members of the Planning Committee

Chair – Councillor Susan Durant

Vice-Chair – Councillor Sue McGuinness

Councillors Duncan Anderson, Iris Beech, Mick Cooper, George Derx, John Healy, Eva Hughes, Mark Houlbrook, Andy Pickering and Jonathan Wood.

Public Document Pack Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

FRIDAY, 10TH MAY, 2019

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on FRIDAY, 10TH MAY, 2019, at 10.00 am.

PRESENT:

Chair - Councillor Iris Beech

Councillors Duncan Anderson, Mick Cooper, Susan Durant, John Healy, David Hughes and Eva Hughes.

APOLOGIES:

Apologies for absence were received from Councillors Sue McGuinness

96 To consider the extent, if any, to which the public and press are to be excluded from the meeting.

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 3 of Schedule 12A of the Act, is likely to be disclosed.

97 Declarations of Interest, if any.

There were no declarations made at the meeting.

98 Publication (Regulation 19) of the Doncaster Local Plan 2015-2035 (Exclusion paragraph 3).

The Head of Planning reminded the Committee that due to the concerns voiced during the Planning Committee Meeting held on the 30th April, 2019, the meeting had been stood adjourned until today's meeting, ensuring that Councillors were given more opportunity to fully understand the information provided, and that the meeting had now reconvened in accordance with Council Procedure Rules.

The Head of Planning continued by outlining that the purpose of the meeting was purely for the Planning Committee to consider the draft Local Plan and note it in advance of its consideration by Full Council.

Members were reminded that if they wished to raise issues outside the scope of the meeting, for example, in respect of site specific or local issues have an ongoing invitation to speak to the officers before the Plan was considered by Cabinet on 21st May, 2019 and proposed to Council for approval on 6th June, 2019.

Members commenced by raising their initial concerns and a Motion was proposed and seconded with regard to a proposed alternative recommendation.

The concerns voiced largely related to the amount of consultation undertaken in advance of the local plan, and a number of Members felt that there needed to be greater work carried out to fairly and adequately reflect the views of the Ward Councillors and the Communities it represented.

Members were assured that thorough and exhaustive consultation had been undertaken, and the consultation had in fact exceeded the amount recommended by the Planning Inspectorate, and the 1200 responses received as a result, had been taken into consideration when reviewing the Local Plan. Officers reported that more responses had been received in relation to this consultation than for any other public consultation that had been carried out and provided a breakdown to the Committee of where the responses had come from.

Officers also asked Members to pay heed to the risks of not formally adopting a Local Plan as the Authority could be at risk of Government intervention, at which point a Local Plan would be imposed on them, in which they would get no say or input eliminating any control they currently had. Doncaster was now in the last 20% of Authorities across the country who had not adopted a Local Plan.

Discussions were held with Members and Officers surrounding all the issues raised and a long debate ensued. However, there were still numerous points with which some Members of the Planning Committee were not happy and the majority of voting Members wished that the Local Plan be referred back to the Executive for further consideration in light of Planning Committee's concerns.

RESOLVED that the Planning Committee feel that this report does not truly reflect the level of community consultation as expressed by the Elected Members concerns. Community views are vital and in consequence this Planning Committee cannot "note the report", and refer it back for further consultation with Members and the Community. We would welcome the opportunity to meet with the Mayor and Cabinet to discuss our concerns.

Public Document Pack

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 28TH MAY, 2019

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 28TH MAY, 2019, at 2.00 pm.

PRESENT:

Chair - Councillor Susan Durant

Councillors Iris Beech, Mick Cooper, George Derx, John Healy, Eva Hughes and Jonathan Wood

APOLOGIES:

Apologies for absence were received from the Vice-Chair, Councillor Sue McGuinness, Mark Houlbrook and Andy Pickering

1 DECLARATIONS OF INTEREST, IF ANY.

No declarations were reported at the meeting.

2 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 30TH APRIL, 2019

RESOLVED that the minutes of the meeting held on 30th April, 2019, be approved as a correct record and signed by the Chair.

3 SCHEDULE OF APPLICATIONS

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

4 ADJOURNMENT OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 17(I), the meeting stand adjourned at 3.35 p.m to be reconvened on this day at 3.40 p.m.

5 RECONVENING OF MEETING.

The meeting reconvened at 3.40 p.m.

6 DONCASTER BOROUGH COUNCIL TREE PRESERVATION ORDER (NO.407) 2018 MEXBOROUGH DAY CENTRE, HARLINGTON ROAD, MEXBOROUGH, S64 0QG

The Committee considered a report which sought approval to confirm a Tree Preservation Order (TPO) (No.407) 2018 for Mexborough Day Centre, Harlington Road, Mexborough, S64 0QG. It was reported that the site had recently been subject to development pressure as part of the 18/01021/PREAPP and 18/02922/OUTM planning applications for 36 dwellings.

The report detailed that the Council had made the TPO, covering one common Lime, two false Acacia, eight Norway Maples, one Himalayan Birch and one Hornbeam on the 20th December 2019. The trees were protected as five individual trees and one group. This followed the Council's comments made at the time of the 18/01021/PREAPP application to the effect that the proposed development scheme appears to have given little or no regard to the existing trees on the site, which would result in an unacceptable loss of trees which would be significantly detrimental to the appearance of the area.

Provisional effect of the TPO took place on 20th December 2018 and must be confirmed by 20th June 2019 to remain in force. It was advised that there had been one objection to the TPO from the developer, SPV Mexborough Ltd.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Mohammed Farid spoke in opposition to the Tree Preservation Order (NO.407) 2018 for the duration of up to 5 minutes.

It was subsequently MOVED by Councillor Iris Beech and SECONDED by Councillor Eva Hughes that the Tree Preservation Order (No.407) be confirmed.

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

For	-	7
Against	-	0
Abstain	-	0

On being put to the meeting the proposal made by Councillor Iris Beech and seconded by Councillor Eva Highes be CARRIED.

RESOLVED that the TPO (No.407) Mexborough Day Centre, Harlington Road, Mexborough, S64 0QG be confirmed without modification.

7 ATTERO HGV PARK PLANNING PERMISSION - POSITION STATEMENT.

The Committee received a report which updated Members on the consideration of the temporary Attero (the operator) HGV Park under Planning Reference 16/02386/COUM.

As Members will be aware a the temporary planning permission was granted at the 11th December Planning meeting and that permission was time limited for 6 months, meaning the permission would expire on 11th June 2019.

It was reported that the default position following the expiry of the temporary permission for the lorry park is that the use ceases and, where necessary, enforcement action is taken against the operator. However, in light of the significant risks, associated with distributing the significant risks, associated with the operator, a number of options for the lorry park have been considered. These options were:-

- Invite an application to extend the use of the current lorry park for a limited time period, to allow the EA to consider the environmental permit application;
- Do not invite a further application and consider enforcement options for the further use of the temporary lorry park; or
- Explore options for relocating a temporary lorry park, preferably away from residential areas.

Members were advised that the views of the local community were being sought on the above options which includes consultation with Rossington Parish Council, Community Liaison Officer, Ward Members and local residents in the vicinity of the site. Following the results of the consultation process, Legal will be consulted and a decision will be made on which option is most suitable.

It was noted that the Local Planning Authority would continue to work with the Environment Agency to ensure that the conditions of the environmental permit and the planning permission are aligned to ensure they are robust.

RESOLVED that the contents of the report be noted.

8 APPEAL DECISIONS.

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

Application No	Application Description and Location	Appeal Decision	Ward	Decision Type	Overtaken
18/01185/FUL	Erection of detached two storey dwelling with detached garage 17/02696/FUL refused on 02/01/2018 at land rear of 10-11 St Edwins Close, Duncroft Doncaster	Appeal Dismissed 09/05/2019	Hatfield	Delegated	No

This page is intentionally left blank

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 28th May, 2019

Application	1
--------------------	----------

Application Number:	19/00324/FUL	Application Expiry Date:	9th April 2019
----------------------------	--------------	---------------------------------	----------------

Application Type:	Full Application
--------------------------	------------------

Proposal Description:	Erection of 2 (semi-detached) residential units (use class C2 – residential institution).
At:	1 Stainton Street, Denaby Main, Doncaster DN12 4AP

For:	Mr Glyn Turner – Hesley Group
-------------	-------------------------------

Third Party Reps:	4	Parish:	Unparished
		Ward:	Conisbrough

A proposal was made to grant the application

Proposed by: Councillor Eva Hughes

Seconded by: Councillor George Derx

For: 7 Against: 0 Abstain: 0

Decision: Planning permission granted

Application	2
--------------------	----------

Application Number:	18/02592/3OUTM	Application Expiry Date:	15 January 2019
----------------------------	----------------	---------------------------------	-----------------

Application Type:	Major
--------------------------	-------

Proposal Description:	Outline application for residential development of up to 542 dwellings on approx. 20.9ha of land with associated public open space, parking, landscaping and infrastructure (approval being sought for access).
At:	Hungerhill Business Park, Edenthorpe

For:	DMBC
-------------	------

Third Party Reps:	1	Parish:	Edenthorpe Parish Council
		Ward:	Edenthorpe and Kirk Sandall

A proposal was made to grant the application

Proposed by: Councillor Iris Beech

Seconded by: Councillor George Derx

For: 7 Against: 0 Abstain: 0

Decision: Planning permission granted subject the addition of the following condition:-

- 21. On submission of the first reserved matters application, a scheme for Biodiversity Offsetting shall be submitted to the LPA. This scheme must apply the mitigation hierarchy and identify the residual impacts that must be compensated for. Using the LPA's or Defra's Biodiversity Offsetting Process, the conservation credits and a means of delivering them either on site or off site shall be submitted for written approval by the LPA. Development shall be carried out in accordance with the approved scheme.**
- REASON**
- To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16 and guidance within the NPPF.**

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Phil Brock (Agent) spoke in support of the application for the duration of up to 5 minutes.

(An update on the air quality position was reported at the meeting).

Application	3
--------------------	----------

Application Number:	17/025585/FULM	Application Expiry Date:	18 th January, 2018
----------------------------	----------------	---------------------------------	--------------------------------

Application Type:	Planning FULL Major
--------------------------	---------------------

Proposal Description:	Erection of 7 new dwellings and the conversion of existing buildings to form 5 dwellings, with the repair of colonnade feature, access, landscaping and addition of stone wall to Barnsley Road.
At:	Manor Farm, Barnsley Road, Marr, Doncaster

For:	Mr Atkinson – A.J. Atkinson and Sons
-------------	--------------------------------------

Third Party Reps:	6	Parish:	Marr Parish Meeting
		Ward:	Sprotbrough

A proposal was made to defer the application to allow for further consideration of highway matters such as speed reduction and a pedestrian crossing, with the Highway Officer in attendance at the Committee meeting.

Proposed by: Councillor Jonathan Wood

Seconded by: Councillor Mick Cooper

For: 6 Against: 1 Abstain: 0

Decision: The application be deferred to allow for further consideration of highway matters such as speed reduction and a pedestrian crossing, with the Highway Officer in attendance at the Committee meeting.

In accordance with Planning Guidance, ‘Having Your Say at Planning Committee, Mr John Lomax (local resident) spoke partly in support of the application for the duration of up to 5 minutes.

In accordance with Planning Guidance, ‘Having Your Say at Planning Committee, Mr Michael Bamford (Agent) spoke in support of the application for the duration of up to 5 minutes.

Application	4
--------------------	----------

Application Number:	17/02586/LBCM	Application Expiry Date:	17 th January 2018
----------------------------	---------------	---------------------------------	-------------------------------

Application Type:	Listed Building Consent Major
--------------------------	-------------------------------

Proposal Description:	Listed Building Consent for erection of 7 new dwellings and the conversion of existing buildings to form 5 dwellings, with the repair of colonnade feature, access, landscaping and addition of stone wall to Barnsley Road.
At:	Manor Farm, Barnsley Road, Marr, Doncaster

For:	Mr Atkinson – A.J. Atkinson and Sons
-------------	--------------------------------------

Third Party Reps:	6	Parish:	Marr Parish Meeting
		Ward:	Sprotbrough

A proposal was made to defer the application in light of the deferment to Item 3 to allow for further consideration of highway matters such as speed reduction and a pedestrian crossing, with the Highway Officer in attendance at the Committee meeting.

Proposed by: Councillor Jonathan Wood

Seconded by: Councillor George Derx

For: 6 Against: 0 Abstain: 1

Decision: The application be deferred in light of the deferment to Item 3 to allow for further consideration of highway matters such as speed reduction and a pedestrian crossing, with the Highway Officer in attendance at the Committee meeting.

(Mr John Lomax, local resident and Mr Michael Bamford, Agent spoke at Item 3 of the agenda).

Application	5
--------------------	----------

Application Number:	18/03081/FUL	Application Expiry Date:	5th March, 2019
----------------------------	--------------	---------------------------------	-----------------

Application Type:	Full Application
--------------------------	------------------

Proposal Description:	Erection of 2 single storey buildings for mixed A3/A5 use class (restaurant and hot food takeaway). Incorporating drive-thru lanes, car and cycle parking, plant, refuse storage and landscaping along with both freestanding and elevational illuminated and non-illuminated signage.
At:	Capitol Park, Omega Boulevard, Thorne, Doncaster

For:	Mr Arjun Patel – QFM Group
-------------	----------------------------

Third Party Reps:	6	Parish:	Thorne Town Council
		Ward:	Thorne and Moorends

A proposal was made to grant the application.

Proposed by: Councillor Eva Hughes

Seconded by: Councillor Jonathan Wood

For: 7 Against: 0 Abstain: 0

Decision: Planning permission granted subject to the amendment of condition 2 in relation to Plan H and not G to read as follows:-

Drawing no. P214 Rev.H – revised site plan & external, including signage, for KFC unit (amended).

In accordance with Planning Guidance, ‘Having Your Say at Planning Committee’, Mr Adam Beamish (Agent) spoke in support of the application for the duration of up to 5 minutes.

(An update with regard to amended plans was reported at the meeting).

Application	6
--------------------	----------

Application Number:	19/00811/FUL	Application Expiry Date:	3rd June 2019
----------------------------	--------------	---------------------------------	---------------

Application Type:	Full Application
--------------------------	------------------

Proposal Description:	Erection of 2 bungalows following demolition of existing dwellings, including associated landscaping and curtilage works.
------------------------------	---

At:	2 Lancaster Close, Tickhill, Doncaster DN11 9PZ
------------	---

For:	Mr Patrick Doran
-------------	------------------

Third Party Reps:	9	Parish:	Tickhill Parish Council
		Ward:	Tickhill and Wadworth

A proposal was made to grant the application.

Proposed by: Councillor Iris Beech

Seconded by: Councillor Mick Cooper

For: 7 Against: 0 Abstain: 0

Decision: Planning permission granted.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mr Patrick Doran (Applicant) and Mr Abel Hinchliffe (Agent) spoke jointly in support of the application for the duration of up to 5 minutes.

This page is intentionally left blank

DONCASTER METROPOLITAN BOROUGH COUNCIL

25th June 2019

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. Any pre-committee amendments will be detailed at the beginning of each item.

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

The Ordnance Survey map data and plans included within this document is protected by the Copyright Acts (Sections 47, 1988 Act). Reproduction of this material is forbidden without the written permission of the Doncaster Council.

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'
Any pre-committee amendments will be detailed at the beginning of each item.

Application	Application No	Ward	Parish
1. M	17/02585/FULM	Sprotbrough	Marr Parish Meeting
2. M	17/02586/LBCM	Sprotbrough	Marr Parish Meeting
3. M	17/01021/FULM	Thorne And Moorends	Thorne Town Council
4. M	18/02593/FULM	Finningley	Blaxton Parish Council
5.	18/02033/OUT	Norton And Askern	Norton Parish Council
6.	19/00431/FUL	Sprotbrough	Sprotbrough And Cusworth Parish Council
7.	18/02761/FUL	Thorne And Moorends	Thorne Town Council

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 25th June 2019

Application	1
--------------------	---

Application Number:	17/02585/FULM	Application Expiry Date:	18th January 2018
----------------------------	---------------	---------------------------------	-------------------

Application Type:	Planning FULL Major
--------------------------	---------------------

Proposal Description:	Erection of 7 new dwellings and the conversion of existing buildings to form 5 dwellings, with the repair of colonnade feature, access, landscaping and addition of stone wall to Barnsley Road.
------------------------------	--

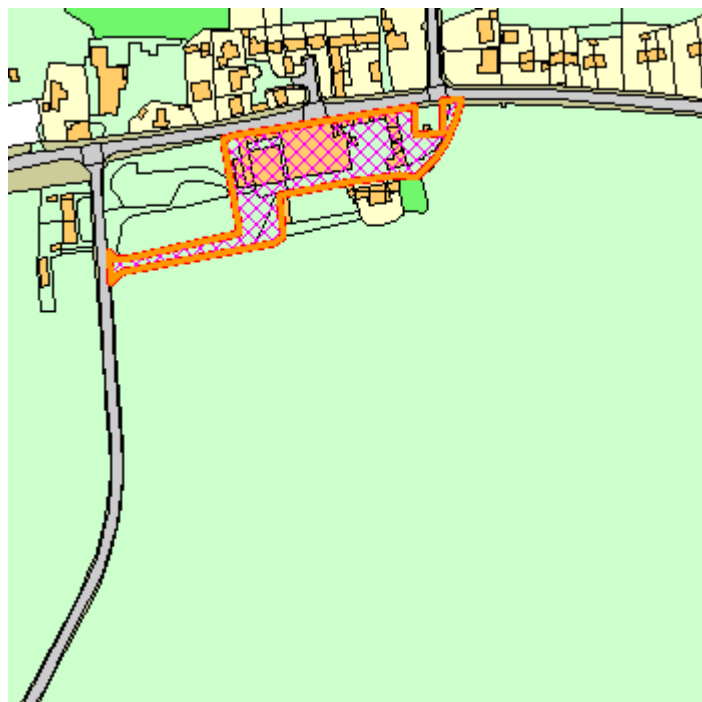
At:	Manor Farm Barnsley Road Marr Doncaster
------------	---

For:	Mr Atkinson - A.J. Atkinson And Sons
-------------	--------------------------------------

Third Party Reps:	6	Parish:	Marr Parish Meeting
		Ward:	Sprotbrough

Author of Report	Gareth Stent
-------------------------	--------------

MAIN RECOMMENDATION:	GRANT
-----------------------------	-------



1.0 Reason for Report

1.1 The application is presented to committee due to the proposal being a departure from the development plan, as it involves new build in the Green Belt.

1.2 The application was also deferred from the 28th May committee 2019, to allow for further consideration of highway matters, including the provision of a crossing and to enable the highway officer to be present at the meeting.

2.0 Proposal and Background

2.1 The site lies within Marr Conservation Area and includes remains of a Grade II listed shelter shed as well as other curtilage listed buildings of Manor Farm. The site also impacts on the setting of the Grade II listed Manor Farm farmhouse.

2.2 The proposal involves the conversion of the listed buildings to residential, demolition of the more modern farm buildings in the central section of the site and their replacement with 7 two storey linked new build dwellings to form 12 dwellings in total. The proposal also includes new garaging access, landscaping and the addition of stone wall to Barnsley Road.

2.3 The proposal is within Green Belt and represents a departure from the development plan. Whilst the conversion element is acceptable in planning policy terms, the new build element isn't supported by Green Belt policy unless very special circumstances are demonstrated. One such circumstance is 'enabling development' which is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. In this case, the restoration of the listed building is the public benefit.

2.4 The application has been amended on several occasions to address concerns from consultees in particular noise, highways, layout and design and conservation concerns with respect to the extent of the rebuilding necessary and the overall lack of detail contained within the submission.

2.5 In terms of the general context, the site measures 1ha and is located to south of Barnsley Road, within the village of Marr which lies 7km to the north west of the centre of Doncaster. Marr is a small agricultural street village mentioned in the Domesday Book. It is linear in nature and stretches along Barnsley Road. Marr developed as a settlement serving several farms. The characteristic of the village today still rest with the two farms - Manor Farm and Marr Hall Farm. Marr consists of large imposing detached dwellings, with smaller farm cottages and semi-detached houses set along the road, and some that are set quite a long way back from the highway contrasting with historic farm-buildings and odd gable ended row of cottages that are set hard up to the road. Limestone was the traditional material, which is rendered on some buildings. Principle roof materials are slate and clay pantiles. Limestone boundary walls are an important and extensive feature of the conservation area. The conservation area (designated in 1991) is endowed with mature trees, especially within the two areas of 'Hills and Holes' that exist at both east and west ends of the settlement.

2.6 The site has historically been in agricultural use; with the more modern agricultural sheds still used for storing of crops.

2.7 This particular proposal has been discussed for many years, however its importance to progress such restoration works was heightened when a section of the building collapsed in 2012, and then again in 2015. The Highway Department and Building Control (dangerous structures) expressed concern about the stability of the remainder of the wall adjacent to the highway and a structural report on the condition of the buildings was undertaken by PCD Ltd dated October 2015. Subsequently the majority of buildings adjacent to the highway were demolished in early 2016.

2.8 Both the Conservation Area and shelter shed are considered to be 'at risk'.

3.0 Relevant site history

3.1 17/02586/LBCM - Listed Building Consent for erection of 7 new dwellings and the conversion of existing buildings to form 5 dwellings, with the repair of colonnade feature, access, landscaping and addition of stone wall to Barnsley Road. Pending consideration.

3.2 15/02772/LBC - Partial demolition of listed building and partial demolition of curtilage listed buildings. Pending consideration.

01/4835/P - Vehicular access to classified road (C309)

3.3 97/0745/P - Listed building consent for removal of roof tiles, installation of polythene sheeting to waterproof roof timber walls and replacement of roof tiles.

4.0 Representations

4.1 This application has been advertised in accordance with the Development Management Procedure Order on two separate occasions. This was via a press notice (2.11.17 edition), x3 site notices and direct neighbour notification. The application received one objection:

- The road accidents on Barnsley Road and Blacksmith Lane are seriously increasing due to the increased amount of heavy traffic, and another 12 dwellings with approximately 2 cars per household all trying to gain access to Barnsley Road will increase the risks of serious or fatal road accidents and we have had far too many of these for the proposed plan to be accepted

4.2 One representation has been received in support of the proposal.

- The development will be a good one and will tidy up the eye sore within the village.

4.3 The application was re-advertised as a result of the amended plans in April 2019. Three letters of opposition were received which reiterated the Parish Council's concerns.

The full individual representations may be read through public access and are summarised as follows:

- Support the renovation scheme in principle but concerns over the additional traffic the scheme will create.
- The road is very, very busy all day and all night and gets very congested at peak times.

- The area near the road is also already very highly polluted, to such an extent that Marr has had to be designated an Air Quality Management Area. Twelve new houses might not seem many, but they will incrementally make the air quality and traffic volumes worse.
- If the scheme is approved DMBC need to take the opportunity to address the current problems with the A635 to in part compensate Marr residents for the pollution health risk, noise and sheer danger which the road inflicts on them. This should be done in the following ways.
- Create a traffic light controlled pedestrian crossing near the bus stops to allow residents to cross the road without risking their lives in the traffic as is the case now.
- Reduce the speed limit to 30mph.
- Make access to the site safer by all the dwellings being served from Blacksmith's Lane.
- Safety here would be greatly improved if a mini roundabout was created.
- Create a safe footpath along the A635 boundary of the site.

4.4 One further letter of support was submitted due to the proposal conserving the existing buildings, which have fallen into disrepair. It reiterated the concerns above.

4.5 Representation for Cllr Cynthia Ransome - No objections to the Planning Application, however concern about the amount of traffic on the A635 therefore support the residents of Marr with a 30mph speed limit and most important a pedestrian crossing situated near the Bus stop.

5.0 Marr Parish Council

5.1 Marr Parish Council have responded on both the original consultation and reiterated the comments when commenting on the amended plans. The comments were detailed and are therefore summarised for the purposes of this report as follows:

- Residents of Marr welcome the restoration of the colonnade and generally support the 12 dwelling scheme caveated by their very real concerns.
- The overall view from residents is very much one of dismay - the current owners earlier and ongoing intervention and investment in maintenance and upkeep of the Grade 11 listed buildings could have preserved the buildings and prevented the existing listed buildings from falling into their current state, of disrepair, saving these historical buildings for posterity.
- Request, a dedicated team consider a review of all listed and historical buildings within the Borough and do everything within their power to enforce current owners and custodians of Listed Properties to regularly invest in maintenance in order to preserve said properties.
- The proposals has poor visuals, it is not clear "how these will look in reality and in its setting.

- Include a standard sized pavement, to run alongside the new development, along this stretch of Barnsley Rd in order to protect pedestrians.
- No details on file of the drainage Main sewage connection would create obvious highways disruption and would negatively and directly impact every Marr resident. Marr residents are opposed to main drains connection for this proposed development.
- Residents have raised questions over the Water Sub-Station which is currently located on the Manor Farm site. Residents believe that it would be more aesthetically pleasing to both current and planned development Marr residents if this could be re-sited/removed as part of the development plan.
- Provision should be made for 1 bed units to address the need for affordable housing for our rural community.
- Having reviewed the development plans, there appears to be no utilisation of Echo Friendly or Green Energy initiatives contained within the proposal.
- Marr residents would like to ensure that the development has a low carbon footprint and one which reflects DMBC's own reduction ambitions.
- 12 new proposed dwellings appears to be an insignificant number, however, in reality this equates to an approx. 20% increase in both the number of houses within the village together with a 20% increase in the village's population - a significant increase.
- As the village has no adequate amenities to cope with a significant increase in population, we would request the developers contribute to new Play Equipment in the park. We further suggest that said community funding could be achieved under Section 106.
- The 12 dwellings will increase traffic in the village and reduce air quality, and congestion at the road junctions, which are already over capacity. Road calming measures should be introduced. Pedestrian Crossing be installed across this section of the A635 to allow safe access to the two bus stops which are adjacent to one another.
- We strongly recommend that the current 40mph speed limit through the village is revised to a 30mph Zone to also improve air quality. Also the submission contains no Traffic Assessment.
- The proposal will compound the air quality issues in the village.

6.0 Consultations Responses

6.1 Historic England - Initially raised concerns over the application on heritage grounds and the safeguards in the NPPF need to be addressed. The amended plans and additional information has overcome this concern and support is offered as a means of securing the reuse and repair and future maintenance of this important group of historic buildings.

6.2 Drainage - There is insufficient information for the flood risk team to consult on this planning application. All major applications should include the required minimum level of information as detailed in Appendix A Version 1.5 - Guidance for Developers producing Drainage Strategies, so the correct conditions/ objections or approval can be given.

6.3 Ecology - No objections subject to the imposition of an ecology enhancement condition.

6.4 Pollution Control Air Quality - Originally suggested no objections subject to conditions. However as time has progressed the issue of air quality in Marr has progressed. No objections following the submission of an Air Quality Assessment, subject to conditions covering future monitoring, Electric Vehicle charging points and fixed windows on the roadside.

6.5 Open Space - No objections. The site is not recorded as Open Space Policy Area in the UDP, nor is it recorded in the 2013 Green Spaces Audit. Whilst a communal space has been proposed to the east of the site, this appears to be an enclosed amenity space for the proposed residents to utilise. Therefore, given the limited scope for onsite provision a commuted sum of 15% is provided to improve open space in the local area, in line with RL4, given Marr is deficient in 4/5 open space typologies. The only open space in Marr is the informal space Marr Playing Field (off Church Lane).

6.6 Education - The Education team have identified that there is a deficiency in school places locally. The Schools affected are Rosedale (Primary) Academy and Ridgewood Academy (Secondary). The 12 family dwelling (2 or more beds) scheme hits the trigger for such contributions (10 or more family units). The primary school calculation for to accommodate the development equates to 3 places @ £12,143 = £36,429.00.

6.7 The secondary contribution is calculated at 6 places @ £18,297 = £ 109,782.00. Whilst there are currently spare places available at Ridgewood Academy taking into account a 5% contingency factor = 60 places, this reduces the number of places to 1140 leaving 0 places available. An additional 6 places would be required to accommodate the build; therefore the school would be over capacity and will remain full beyond 20/21 (the Projection period). The Total Education Section 106 Contribution required £ 146,211.00

6.8 Yorkshire Water - Initial objection as the proposal is sited close to a live 10" water main. Also 2 dwellings are situated close to the pumping station and an acoustic assessment is required to ensure living conditions will not be compromised by the facility. Amended plans removed the buildings within the protected area of the water main which satisfied Yorkshire Water. Conditions were suggested to ensure the water main is protected and surface water is dealt with appropriately.

6.9 Environmental health - Initial objection due the absence of a noise report. The submitted report had deficiencies and was later amended in version 3 to overcome the concerns. Mitigation conditions proposed.

6.10 Trees: No objection in principle but requested a tree survey be commissioned. This was submitted, and provided a good assessment of the site. The tree officer raised no objections subject to conditions relating to tree protection as outlined in the assessment and the need for soft landscaping to be agreed prior to development commencing.

6.11 Highways: No objection in principle to the scheme however required several amendments to be made to make the scheme acceptable. The issues were lack of parking, the design of the internal roads and the visibility issues with the access.

Highways were content with the amended layout subject to the boundary treatment to Blacksmiths Lane within the visibility splay and under the ownership of the applicant be limited to 900mm high rather than the 1m shown on the site plan.

6.12 Design and Conservation Officer: Initial concerns over the lack of existing drawings, the extent of the rebuilding necessary, assurances over the protection of the remaining historic structures, time scales, moth balling measures and how the architectural stone will be reused. This has been overcome through negotiation and the submission of amended plans. Therefore no objections subject to conditions.

7.0 Relevant Policy and strategic and context

7.1 The site lies within Green Belt, within the Marr Conservation Area and within an Areas of Special landscape value as defined by the Doncaster Unitary Development Plan 1998. The relevant policies include:

7.2 National Planning Policy Framework (Feb 2019). The NPPF establishes 12 'Core Planning Principles' to underpin plan-making and decision taking. Relevant sections include:

Principle 8 - Promoting Healthy and safe communities

Principle 12 - Achieving well designed places

Principle 13 - Protecting Green Belt land

Principle 14 - Meeting the challenge of climate change, flooding and coastal change

Principle 15 - Conserving and enhancing the natural environment.

Principle 16 - Conserving and enhancing the historic environment, specifically paragraphs 189-193 of the National Planning Policy Framework on determining applications.

Doncaster Council LDF

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

Policy CS1 Policy CS2 'Growth and Regeneration Strategy'

Policy CS 3 'Countryside'

Policy CS4 'Flooding and Drainage'

Policy CS 9 'Travel Choice'.

Policy CS14 'Design and Sustainable Construction'

Policy CS 15 'Valuing our historic Environment'

Policy CS16 'Natural Environment'

Policy CS18 'Air, Water and Agricultural Land'

Doncaster Unitary Development Plan

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

ENV 3 - Green Belt.

ENV 17 - Area of special landscape value.

RL 4 - Local Public Open Space Provision

ENV 25 - Conservation Areas

ENV 32 - Listed Buildings

Doncaster Local Plan

7.5 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Council is aiming to adopt the Local Plan by summer 2020. Consultation on the draft policies and proposed sites took place during September and October of last year and the Local Plan is due to be published in early summer 2019. Given the relatively early stage of preparation of the emerging Local Plan, the document carries very limited weight at this stage.

Policy 14: Promoting sustainable transport within new developments

Policy 29: Open Space Provision in new development

Policy 35-38: Historic Environment chapter.

Policy 37: Listed Buildings

Policy 34: Landscape (Strategic Policy)

Policy 38: Conservation Areas

Policy 43: Good Urban Design

Policy 49: Landscaping of New Developments

Policy 55: Pollution

Policy 66 & 67 Developer Contributions and viability

8.0 Planning Issue and discussion

Main Issues

8.1 The site is designated as Green Belt and within an Area of Special landscape Value. The historical buildings are Grade II Listed and within the Marr Conservation Area. The main issues are therefore the acceptability of the principle of the scheme i.e. conversion v's new build, the extent of enabling development necessary, the impact on the Green Belt, the treatment of the Listed Building, the impact on the Conservation Area, viability, highways, drainage, pollution, ecology, noise, trees and landscaping.

Principle of Development

8.2 The site lies within the Green Belt so regard should be given to the appropriateness of residential development and the impact on the openness of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence. Local policy contained within Core Strategy CS 3 seeks to protect and enhance Doncaster's countryside and when considering land within Green Belt, national policy will be applied.

8.3 National Policy (NPPF) advises of appropriate developments in the Green Belt and paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF, paragraph 145 further states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt; then goes on to list a set of criteria as exceptions to this, which includes agricultural, recreational types buildings, replacement of buildings, limited infilling in villages and affordable housing. Most importantly new residential development and redevelopment of farm (greenfield) are not considered appropriate.

8.4 Paragraph 144 of the NPPF states " When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

8.5 Paragraph 146 of the NPPF states 'Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include:

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

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

8.7 From the above it is clear that both national and local policy supports the conversion of the existing buildings (1-2 & 10-12), however the new build (dwellings 3-9) are inappropriate development and very special circumstances must be demonstrated. One such circumstance, as stated above, is 'enabling development'.

8.8 Paragraph 202 of the NPPF states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.

8.9 In assessing this impact, it is the applicant's case that the new build elements will essentially provide the necessary funds for the whole scheme to take place. This is demonstrated in the viability section below and any lesser number of units would leave the scheme unprofitable. If the scheme was not supported the buildings would deteriorate further which would not be in the public interest. The new build is very significant in terms of the amount and several of the buildings require substantial rebuilding. This is very much a balanced judgement between saving what is left of the Listed Building versus allowing a significant amount of new development in the Green Belt.

8.10 Having considered all the arguments presented, it is considered that there is significant benefit to renovating and saving the Listed Building by the new build enabling development, which in this case is regarded as a very special circumstance and which accordingly outweighs the dis-benefits of departing from Green Belt restrictions on new build.

Openness

8.11 Another important test is the impact of the scheme on the openness and character of the Green Belt. Essentially the scheme recreates the character of the former farmstead and rebuilds the built form along Barnsley Road, which stood until 2016 before it was demolished for safety reasons. The removal of the larger more modern agricultural buildings in the centre of the site and their replacement with smaller properties will

naturally improve openness as the building volumes are reduced. The new built form recreates a twin courtyard and faces south within the site.

8.12 The site if converted will clearly be more intensively used and the character of the farm will change from agriculture to residential, which will in turn cause some increased harm to openness. However the site is adjacent to a busy main road with residential dwellings opposite and therefore this new use wouldn't be as apparent unless in a really isolated rural area. The scheme will remove the tired looking farm buildings and reveal the historical building and attractive arcade. Once renovated the proposal will enhance the setting of the village and wider Conservation Area. The proposal is regarded to have a neutral impact on the openness of the Green Belt, as the intensity of the use will increase, buildings volumes reduced and new enclosure created.

8.13 Similarly the scheme doesn't expand beyond the site boundary and causes no new encroachment into the Green Belt or harm to the wider area of special landscape value.

The Historical Implications.

8.14 Given the site lies within the Marr Conservation Area and the proposal involves the renovation of a key Grade II Listed Building, the historical considerations are of significant importance to this scheme.

8.15 The revised National Planning Policy Framework Section 16 (Conserving and enhancing the historic environment) and in particular paragraph 190 asks that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 193 asks that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

8.16 In addition in determining applications for Listed buildings there is a legal requirement to have special regard to the desirability of preserving the listed buildings and their settings (s.16 & 66, Planning (Listed Buildings and Conservation Areas) Act 1990). Section 72 of the act refers to conservation areas and seeks to ensure that local planning authorities pay special attention to the desirability of "preserving or enhancing the character or appearance of the conservation area".

8.17 In considering the above legislation the application was supported by a heritage assessment which detailed the significance of the heritage assets. This was assessed along with the council's own information on the listed buildings and condition of the Marr Conservation Area.

8.18 The conclusions were that the conservation area is considered to be at risk, with one of the major reasons being the condition of the farm buildings to Manor Farm and the loss of character caused by the recent demolition of roadside buildings. Previously the roadside buildings made a major contribution to the conservation area and gave a great sense of enclosure to the street scene.

8.19 The shelter shed is presumed to date from early 19th century and is considered to be at extreme risk on the council's 'at risk' register of listed buildings. It was partially

demolished in 2015 as there were considerable concerns that this and neighbouring roadside buildings would collapse into the road due to their poor condition. The 10-bayed limestone ashlar arcade of the shelter shed still remains although the short wing to the left hand side (west) has now mostly gone. The arcade is made up of cylindrical piers and square capitals to segmental arches with projecting keystones. At the time of listing it was roofed with pantiles with a stone eaves course but this had already been replaced with a tarpaulin when the roof was removed as part of the above mentioned demolition.

8.20 There is also a more substantial wing on the right (to the east), which again has been partially demolished and which seems to have been originally a threshing barn with the northern part over vaults. Previously there were two vaults, with segmental arches with bull-nosed pier in between, but the northern-most one which adjoined the road was removed with the recent demolition. This wing has/had large quoins to both ends and on both long sides a large opening to the centre both of which are now blocked in with no discernible heads - the roof may perhaps have been lowered at some time which would have removed any evidence of the head of the large opening. On the eastern side, centrally placed above the two vaults on the right-hand side, was a square-faced window surround which no longer exists due to the recent demolition. A similar surround still exist within the central blocked in section on this elevation and on the left is a segmental archway with boarded door. Attached to the former threshing barn is a single storey range. This has an ad-hoc character and is in also in poor condition.

8.21 To the south of these is the Grade II listed farmhouse which is also early 19th century. Whilst its principal front faces south away from the farmyard it still seems to have some formal arrangement with the courtyard formed by the shelter shed and the range to the east, which was mirrored historically by a range to west (as can be seen in the old photograph supplied in the Heritage Statement) but which is now home to modern sheds. The rear elevation of the house facing the farmyard is well ordered but is spoilt by a large monolithic rear terrace and some of its associated buildings are also in poor condition and appearance.

8.22 There are also further remnants of other historic farm-buildings to the west of the shelter shed but again due to the recent demolition and previous alterations are now largely removed although to the far west is a two storey barn. The latter has some interest although this has had major alteration to its inner elevation and its floor has been removed although its outer faces survive which gives a positive appearance to the conservation area and the setting of the listed buildings.

8.23 The proposals are for the partial rebuilding and conversion of the existing buildings to form 5 dwellings, repair of the arcade feature of the shelter shed, the erection of 7 new dwellings and the reforming of a stone wall to Barnsley Road.

8.24 The proposal retains the remaining historic structures and with the new built elements recreates the general form of previous buildings on site. However, due to problems with maintaining buildings along the roadside edge the rebuilt range parallel with the road has been set back. Stone from the previous demolition is to be used to rebuilt missing elements of the historic buildings and the new built is to be in render with stone dressings. This will enable these rebuilt elements to be read as contrasting with the remaining historic fabric but still using characteristic materials and details within the conservation area and respect the listed buildings and their setting. The colonnade, which due to the demolition, has become more noticeable and the proposal will allow the colonnade to still be prominent from Barnsley Road.

8.25 The proposals have been the subject of pre-application discuss with Council Officers and Historic England and has been subject to further amendments as part of the planning process. These changes and clarification involved specifically detailing what elements were being preserved as officers wanted ensure the right balance was struck between demolition versus rebuild. The applicants supplied a Historic Fabric report by Archaeological Research Services Ltd (Nov 2018), in which following amendment to version 3, provided assurances on the above issues and satisfied the Conservation Officer.

8.26 In considering the relevant harm and significance considerations described above, the site and buildings are of great significance to the historical heritage of Marr. No harm is considered to being caused to either the listed building or the conservation area as the remaining historic elements are retained, and the rebuilt and new built elements are done in a way to respect heritage assets on site. Rather than the proposal being considered to cause harm it is seen that the proposal would actually benefit these historic assets and are warmly welcomed.

8.27 It is therefore in line with saved policies ENV25 and ENV32 of Doncaster UDP, emerging policies within The Local Plan, namely Policies 35, 36, 37 and 38, Policy CS15 of Doncaster Core Strategy, particularly sections A, and Section 16 (Conserving and enhancing the historic environment) specifically paragraphs 189-192 of the National Planning Policy Framework on determining applications, and sections 16(2), 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.28 A series of detailed conditions are proposed which cover issues such as materials, landscaping, renovation of the main farm house and measures such as the requirement for mothballing of the existing structures, which will prevent further decay of the Listed Buildings if the development isn't implemented within 6 months of the approval being given.

Highways and Transportation

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

8.30 The proposal sees plots 1-2 accessed via the existing access to the Marr Hall Farm on the north east corner of the site, with plots 3-12 being from Blacksmith's lane to the south west of the site. There is to be no through access road linking the two entry points.

8.31 The highway officer raised no objections to the use of these junctions, however did request a number of alterations to the internal road layout. Visitor parking spaces were increased in line with the Development Guidance and Requirements SPD. Other changes included amending boundary fencing, visibility splays, margin sizes increased and speed reducing features introduced. All parking is contained within the site with space for visitors and ample manoeuvrability.

8.32 A 2 metre wide footway was also required to be provided along the southern side of Barnsley Road between the shared private drive serving the existing farm house / plots 1 and 2 and the existing bus stop (c50 metres). This lay outside the red line boundary and thus is controlled by a Grampian condition.

8.33 The Parish Council and residents also raised a number of concerns with the amount and speed and traffic going through the village and suggested a series of measures detailed above some of which included reducing the speed limit in the village from 40 mph to 30mph and introducing a pedestrian crossing. This has been considered by the safer roads team and the amount of development proposed in this application does not warrant such measures being introduced. The additional 12 dwellings proposed here, will not be the tipping point or be proportionate to seek wider highway safety or improvement measures, outside the new footpath works described above.

8.34 Also requests were made for the provision of a new footpath on the development side of the A635, however this has been discounted as being unnecessary and dangerous due to a lack of space by the highways team and is therefore not pursued. Likewise no Traffic Assessment is required due to the small scale nature of the proposal. Both the transportation officer and case officer were content that the existing junctions were capable of accommodating the existing flows.

Deferment

8.35 Following the deferment of the application at the 28th May 19 planning committee, the safer roads team were asked to clarify the position with regards to the potential for a vehicular crossing from the development to the village.

8.36 The safer roads team have indicated that a crossing should not be provided on the basis of community desire alone. It needs to be assessed by the developer and evidence based in terms of existing demand/likely use, traffic volumes, appropriateness of location, road casualty information and road safety implications, to clearly demonstrate the need. Poorly conceived or under-utilised crossings can actually worsen the road safety record of a location with a previous good record (potentially around one casualty per year at a formal crossing due to driver or pedestrian misuse, risk of shunts.). The situation with an under-used crossing is that it can become “invisible” to drivers as they rarely see it operate.

8.37 The potential location of the request is unclear at this stage, but there is no footway on the southern side of the road and pedestrians are unlikely to divert significantly to a specific location if it is not on their desire line. The council receives numerous for crossing throughout the borough and therefore needs to consider each on with an appropriate evidence base and justification. The crossing would also have to be signalled due to the nature of the road. The cost of which is also not established.

8.38 If it was simply a matter of developer funding, then villages could end up with crossings at regular intervals on some roads, when at the same time requests are turned down which could actually be more justified elsewhere. In this case the developer isn't proposing such a crossing, as it was the planning committee members which asked about this to support the residents and Parish council concerns.

8.39 Similarly, speed limits should be evidence-led and encourage self-compliance without reliance on enforcement. Simply changing speed limit signs does not necessarily automatically change the natural flow of traffic, and an assessment would need to be undertaken, considering factors such as the collision history and causation, road geometry, environment and function, composition of users and existing speeds. The road safety team do not currently consider Marr a significant concern with regards to vehicle speeds and have no plans to alter this.

8.40 Therefore officers still maintain the view that due to the level of development proposed and the lack of services and potential trips to and from the site, a crossing is unjustified. Investigations into the potential for a crossing would unnecessarily delay the determination of this application, be a cost to the development and require the provision of a section 106 agreement to secure it. Also the proposed installation would not be necessary to justify the development and therefore fail to meet the CIL tests.

Drainage

8.41 In terms of the sites drainage, no drainage strategy was supplied with the submission and the drainage officer objected on these grounds. Given the site is to be sold, drainage can be controlled by a suitable pre commencement condition. The foul will enter the mains in the road and sufficient land clearly exists for the outfall of SuDS. The proposal will also remove the central surfaced areas created by the barns and replace them with lesser amounts on new built and more permeable landscaped areas, lessening the outfall from the site. A standard drainage condition requiring full details of the drainage systems will be imposed which also covers the suggested conditions by Yorkshire Water.

Trees and Landscaping

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

8.43 The site isn't overly constrained by trees, however there are a few trees that are worth taking in to consideration. Specifically these are the individual Horse Chestnut located by the site access opposite Church Lane, the tree group located to the east of the Farm House and garage and the mature Elder adjacent to the existing pumping station that are of amenity value due to their location in relation to the road and the surrounding site usage (fields) making them more prominent in the landscape.

8.44 The Horse Chestnut and tree group are unlikely to be significantly affected by the proposal because site access and general site layout around them is remaining the same. The Elder is the tree that appears most at risk as it is within the red line boundary and adjacent to the proposal within the site. A tree survey was requested which established how the trees will be affected by the development and vice versa and help inform on their future management and value on the site.

8.45 The tree officer welcomed the Arboricultural Impact Assessment - in accordance with BS5837: 2012 (dated 27th July 2018/Reference: JC/154/180727) which made a really good assessment of the site and providing the tree protection plan and the method statement. The tree officer is content that the existing trees will be suitably protected during the construction phase of the development. Two conditions were suggested covering tree protection and the need for soft landscaping details prior to development commencing.

Design and Layout

8.46 Planning Policy Principle 12 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of

sustainable development, is indivisible from good planning, and contributes positively to making places better for people. Policy CS 14 of the Doncaster Council Core Strategy sets out the local policy in relation to design and sustainable construction.

8.47 The layout of the scheme is dictated by the existing buildings and the new build follows to some extent the historical form of where the buildings once stood. Several changes were made to the proposal to amend the internal road layout to provide more visitor parking, omit a garage block to units 1-2 and other technical highway changes to the surfacing and shared areas.

8.48 The buildings are arranged in three 'u' shaped courtyards dictated by the two end-most buildings that define each end of the range. Communal areas and dedicated gardens make up the internal courtyards with the plots on the outer edge i.e. 10-12 and 1-2 having dedicated rear gardens.

8.49 The scheme is well landscaped and sufficient private amenity space for each unit. The main window to window distances between the courtyards are in excess of 21m, so no issues exist in terms of privacy and inter visibility. Likewise no issues exist with regards to overlooking of adjoining residents as the range stands alone apart from the main farm house, which too is benefitting from some cosmetic improvement.

Noise

8.50 The site is adjacent to the A635, which is a major road in relation to traffic travelling west into Doncaster. The A635 is the dominant noise source in this area. The drawings detail the proposed internal layout which shows some habitable rooms facing the A635. The environmental health officer requested a noise assessment in order to assess the impact of the road which takes into account existing background noise levels and the proposed noise levels to be achieved inside the building to safeguard future residents.

8.51 In addition plots 1 & 2 are near an existing Yorkshire Water pumping station. Yorkshire Water raised the concern over the potential noise this makes and again required this to be assessed within the noise survey. A noise survey was undertaken which gave recommendations in a noise mitigation strategy to protect the proposed residential development from the existing traffic noise adjacent the main road. This involved specific glazing and ventilation improvements on the buildings closest to the road. The original report failed to recognise the pumping station, so this was amended in version 2, with the low frequency noise added in version 3. The report suggests the pumping station was not audible above road noise levels. Likewise low frequency noise from the pumping station was not a concern which the environmental health officer concurred with.

8.52 The environmental health officer confirmed that the pumping station does not represent a concern and that the internals of the buildings could be insulated to achieve sound insulation standards. It was the outside noise from the traffic which still presented a concern particularly to the garden of plot 12. The amendments to the layout of the range shows a new 1.2m wall throughout the length of the range. Its height was restricted for maintenance purposes, with a 1.8m wall on the corner of plot 12. This was later increased in height to 2m to provide better sound insulation. Also any purchasers of the dwellings will recognise the presence of the road so to some extent its 'buyers beware' and in terms of living next to a main strategic road. A condition is imposed ensuring the development is carried out in accordance with the noise report recommendations providing protection via glazing, masonry and roof construction for different areas of the proposed development to ensure internal sound levels of BS8233 can be achieved.

Planning Obligations and Viability

8.53 Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. In paragraph 56 it is stated that planning obligations should only be sought where they meet all of the following tests;

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

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

8.55 The 12 dwelling scheme meets the triggers for both Education and Public Open Space (POS) contributions being more than x10 or more 2-bed units. No affordable housing is required given its less than 15 units.

8.56 The POS requirement in accordance with CS17 and UDP policy RL 4 require a 15% provision. Some communal space is provided on site however this is for residents only. As such 15% commuted sum would ordinarily be applicable to improve open space in the local area. This was specifically requested in the Parish Council's response to the consultation.

8.57 The education requirement is calculated at 3 child places at Rosedale Primary school (£36,429.00 and 6 places required at Ridgewood Academy £109,782. Meaning a commuted sum of £146,211.00 being necessary.

8.58 The application was not supported by a viability assessment, however details of the conversion costs and enabling development were contained with a report produced by Auburn Ainsley. This however never took account of the likely section 106 contributions and merely concentrates on the conversion costings.

8.59 The application is based on the premise of the conversion costs versus the likely sale values and the profit will be the difference this generates. The applicant does not take into account land values, developer profit, professional fees, marketing and sales, contingencies and any financial borrowing to fund the development. This is said to generate a £200,000 difference excluding these elements and is stated as the bear minimum of new development that could feasibly take place to fund restoration and rebuild of the historic built form. The applicant states the developer profit alone would be expected to be 17% GDV which equates to £467,500. Add to this land value and remaining fees/costs, the total cost would be far higher than that which is shown solely from construction.

8.60 These costing were independently assessed by the Council's consultants, Pick Everard to ensure they were not unnecessarily inflated and showed an accurate picture of the costs involved. If they were proven to be inaccurate then this would mean the enabling development test is failed and equally the scheme could be liable for contributions.

8.61 Pick Everard assessed the reasonableness of the rates and sums allowed for the conversion and new build elements. The assessment found that some costs were overstated such as demolition, roof construction and doors, however some works were under-

stated such as incoming services, strip and level formation, stone restoration and refurbishment. The conclusion was that under estimation was far more than the over estimation by around £328,000.

8.61 This supported the applicant's claims that the £2.4m conversion costs and potential sale values of £2.7m were below normal expected profit levels. The saleable value of the dwellings is established from a Grice Hunter and this was further supported by an assessment from Reeds Rain, both of which had compatible values.

8.62 Given the conversion costs are realistic this fulfils the enabling development test. Any reduction in units would further reduce the profitability of the scheme and render it unviable meaning further degradation of the Listed Buildings. The costing and likely saleable values are only a snap shot in time therefore the development could start within 3 years then be moth balled allowing prices to rise. This is unlikely given the condition of the buildings and its expected once started the conversion could be completed within a relatively short space of time. On this basis no such contributions are being pursued. Likewise given the size of the scheme, no clawback agreement through a review of the sales is considered necessary.

8.63 Finally whilst a full viability test has not been undertaken it is clear from the figures that the scheme cannot support any further draws on profit and therefore no contributions to education, public open space improvement or off site highways works are sought.

Ground Conditions/Air Quality

8.64 Paragraph 179 of the NPPF states: 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.' Paragraph 180 of the NPPF confirms that decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. This is reflected in Core Strategy Policy CS18: Air, Water and Agricultural Land, seeks to ensure that Doncaster's air, water and land resources will be conserved, protected and enhanced, both in terms of quantity and quality.

8.65 The application was not accompanied by a contamination assessment and given the elements of new build (sensitive end use) and the historical use of the site a contamination assessment is required. This is secured via suitable planning conditions.

8.66 The Parish Council and residents also raised a number of concerns regarding air quality in the village particularly caused by the amount and of vehicles using Barnsely Road and congestion at peak times. This was put to the council's air quality officer who confirmed the Marr is to be designated as an Air Quality Management Area. The applicant produced an Air Quality Assessment, which concluded that the conversion would cause low risk during construction to air quality. Also the proposed development is expected to result in a negligible impact associated with the operational phase traffic on nearby receptors and the residual effects are considered to be not significant.

8.67 An assessment of the potential for future users/residents of the proposed development to be exposed to poor air quality was undertaken. The site lies within an area where air quality is mainly influenced by emissions associated with traffic along the local road network. The results indicate that concentrations at the site meet the annual mean

objective for concentrations. The residual effect of air quality on future occupiers of the proposed development is judged to be not significant.

8.68 The pollution control officer agreed with the assessment and noted the report uses standard methodology, models and baseline data from recognised sources and is well-organised giving confidence to the conclusions within. The conclusions of the report predict that the air quality impact will not be significant on the existing air quality and therefore the pollution control officer has no objections on air quality grounds.

8.69 The assessment also indicates that the new dwellings are unlikely to experience any exceedence of the Air Quality Objectives. Conditions were recommended to ensure that that, once development is complete a monitoring regime is carried out to establish the nitrogen dioxide concentrations at the façade of the development. The details of any monitoring scheme should be agreed with the LPA.

8.70 The pollution control officer also suggested a condition that any windows that open onto the A635 should be non-opening. This would have implications for plots 12 patio door, and plots 6-7 that have several windows on the road elevation. The conservation officer has no objection to this. The doors on this roadside elevation will still be required to be opening for access purposes. It is also assumed residents will naturally tend to ventilate the dwellings with windows facing away from the road due to the noise from the road.

Ecology

8.71 Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment, in regards to: valued landscapes, ecosystem services, biodiversity, pollution, and contaminated and unstable land. Paragraph 174-175 of the NPPF states Local Planning Authorities should aim to conserve and enhance biodiversity and outlines a number of principles which should be applied, including 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

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

8.73 With the above in mind the application was supported by an ecological phase 1 habitat and bat survey by Whitcher Wildlife Limited. This was assessed and accepted by the council's ecologist. There is no evidence of bats roosting in any of the buildings although bats were seen in the area along with numerous swallows. The report makes a number of recommendations for bird and bat boxes which are agreed and can be conditioned. The position of potential swallow nest cups was agreed as was the requirement for an ecological enhancement plan to be submitted prior to the first occupation. The proposed landscaping of the site will also add ecology benefit.

8.74 The harm identified above as a consequence of the inappropriateness of the development in the Green Belt carries substantial weight against the proposals. The lack of any off site planning gain, marginal increases in traffic to the village and reduction in openness carries moderate weight.

8.75 In its favour the restoration of the listed buildings ensuring their long term future and overall enhancement of the Conservation Area carries substantial weight. There are clear benefits to be had in allowing this scheme through enabling development, which would otherwise conflict with Green Belt policy specific to the new build elements. Section 16 paragraph 202 of the NPPF allows for this and in this case, officers consider the benefits of a proposal i.e. to secure the future conservation of a heritage asset, outweighs the disbenefits of departing from Green Belt policy.

9.0 Summary and Conclusion

9.1 In summary the above report discusses and weighs up the positives and negatives of developing this Green Belt site. It is considered that no harm is created to the Listed Buildings, in fact the development will positively benefit the historic structures and enhance the Conservation Area, all of which are significant factors in support of the scheme. The new build 'enabling development' proposed is justified in this instance and would create a scheme that has no fundamental impacts on the character of the Green Belt, the occupiers of the residents of Marr and works from a functional respect in terms of highways, ecology, contamination and noise. Regrettably the scheme isn't able to deliver any contributions towards education or public open space improvements in the local area, due to the viability of the scheme. However, taking a balanced approach, support for this proposal is recommended.

9.2 Should the application receive support from members, then it would need referring to the National Planning Case Work Unit for consideration as to whether the Secretary of State calls in the application.

10.0 Recommendation

10.1 Planning permission be granted subject to the following conditions:

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

REASON

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

02. U0066248 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.

Site plan - Rev H

Historic fabric building report - v3

Plots 1-2 Revision F

Plots 10-12 Revision E

Existing elevations plan 16.019.9

Plots 3-9 ground floor plan - Revision B

Plots 3-9 first floor plan -Revision A

Plots 3-9 elevations - Revision C

REASON

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

03. NOPD1A

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

REASON

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

04. NOPD4A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015 (as amended), Article 3, Schedule 2: Part 2 (or any subsequent order or statutory provision revoking or re-enacting that order) no walls, fences or other means of enclosure shall be erected on land between the walls of any dwellings fronting a highway and the highway boundary without the prior permission of the local planning authority.

REASON

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

05. NOPD3A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015 (as amended), Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority.

REASON

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

06. U0058648

No development shall take place on the site until full details of the scheme of landscaping shall be submitted to the Local Planning Authority. Unless as shall be specifically approved in writing by the Local Planning Authority, the landscape scheme shall be as shown on the General Arrangement Plan referenced Drawing Title: Existing & Proposed Site Plans (Drawing No. 16.019.2 Rev H) and shall include a plan indicating the planting location of all trees and shrubs; a

schedule including the nursery stock specification for all shrubs and trees in compliance with British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs and planting density/numbers; the routing of utility lines; a detailed specification for tree pit construction that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements supplementary planning document and a load-bearing capacity equivalent to BS EN 124 2015 Class C250 (Dependant on size of vehicle access required) for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a maintenance specification and a timescale of implementation, which shall be within the first 3 months of completion of the development or alternative trigger to be agreed. Thereafter, the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified prior to backfilling any engineered tree pits to inspect and confirm compliance and within seven days of the completion of landscape works to inspect and approve practical completion in writing. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

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

07. CON1

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

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

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

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

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

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

REASON

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

08. CON2

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

REASON

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

09. CON3

Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined

by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

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

10. U0062434

Prior to development commencing an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This shall include details of the provision of the following features:

- 10 swallow nest cups distributed between the garages of plots 1, 2, 10 and 11 and the colonnade.
- 4 bat roosting bricks located high on walls with a south westerly to south easterly aspect.
- 4 bird boxes suitable for species such as robins, wrens, blue tits or great tits.

No part of the development shall be occupied until all of the features set out in the approved enhancement plan have been completed.

REASON

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

11. U0064316

The erection of fencing and methodology of working for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars (Section 5 and 6 of the approved Arboricultural Impact Assessment - in accordance with BS5837: 2012 (dated 27th July 2018/Reference: JC/154/180727)) before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON

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

12. DA01

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

REASON

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

13. U0064317 Prior to construction in the relevant area of the measures to protect the 10" diameter water main that crosses the site shall be implemented in full accordance with measures that have been submitted to and approved by the Local Planning Authority . The protection measures shall apply during all phases of the development.
REASON
In order to protect public health and the public water supply.
14. U0064318 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works , details of which will have been submitted to and approved by the Local Planning Authority . If discharge to public sewer is proposed , the information shall include , but not be exclusive to
i) evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and
ii) the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.
REASON
To ensure that no surface water discharge takes place until proper provision has been made for its disposal.
15. U0064458 Before the development is brought into use, visibility splays of 4.5m x 120m as shown on the approved layout shall be rendered effective by removing or reducing the height of anything which visibility at any height greater than 900mm above the level of the nearside channel of the public highway. The visibility thus provided shall thereafter be maintained as such.
REASON
In the interests of road safety.
16. U0064459 No units shall be occupied until all offsite highways works (footway provision) along Barnsley Road has been constructed in accordance with a scheme previously submitted to and agreed in writing by the Local Planning Authority.
REASON
In the interests of road safety
17. U0064460 The development hereby permitted shall not be commenced until details of measures to be taken within the curtilage of the site to prevent the deposition of mud or debris on the public highway, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON
In the interests of road safety.
18. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.
REASON

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

19. U0064461 Roads other than shared private drives shall be constructed to an adoptable standard and offered for adoption on completion under (the provisions) Section 38 of The Highways Act (1980). Engineering and surface water drainage details shall be submitted for inspection and approval in writing by the (Local Planning Authority) Highways Authority before works commence on site.

REASON

To ensure the roads are designed to accommodate the appropriate vehicles and be of a standard to maintain highway safety.

20. U0069747 Prior to the occupation of the development hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. Installation shall comply with current guidance/advice. The first dwelling/development shall not be occupied until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

REASON

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

21. U0069749 The development shall be carried out in accordance with the measures outlined in the Noise Impact Assessment 27.11.18 Version 3, in particular the glazing, masonry and roof construction recommendations to ensure internal sound levels of BS8233 can be achieved. The approved sound insulation measures should be retained for the lifetime of the development.

REASON

To ensure the living conditions of the potential occupiers are safeguarded against noise in accordance with Core Strategy Policy CS 14.

22. Record No development shall take place until a permanent professional historical record of the existing building has been undertaken in accordance with a recording specification which shall have been submitted to and approved in writing by the Local Planning Authority. The final record shall include an archival study (including analysis of historic maps), measured drawings, non-digital black-and-white internal and external photographs and negatives, and a final report considering the historic building phases and uses of the barns, all to a level of detail to be agreed with the Local Planning Authority. The final record shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on the site, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that an appropriate, sufficient, and permanent record is made of the building prior to its alteration, in conformity with the NPPF.

23. Phasing No development shall take place until a phasing scheme, detailing the repair and renovation of the historic buildings on site in relation to the construction and occupation of the new built, shall be submitted to and approved in writing by the Local Planning Authority. Included within the phasing will be that works to the listed building and curtilage listed buildings will be at an agreed stage before the dispersion of any part of the holding. Development of the site shall be in strict accordance with the approved phasing scheme.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

24. Mothballing Within six months of the granting of this permission/consent the buildings will be mothballed unless otherwise agreed in writing by the Local Planning Authority. Mothballing will be in accordance with a method statement supplied to and approved in writing by the Local Planning Authority. Details shall elaborate on works describe in Section 3 of the Historic Report on Manor Farm, Marr undertaken by Emma Grange dated November 2018.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

25. Demolition No further demolition of any part of the remaining historic buildings shall occur unless agreed in writing by the Local Planning Authority. This includes both external and internal walls, and historic principal rafters. Prior to commencement of relevant works details of how areas of stonework and roofs will be rebuilt and tie in with existing historic fabric shall be provided to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

26. Stonework Prior to commencement of relevant works a 1m x 1m sample panel of the stonework showing the coursing and pointing to be used as the external face to areas of rebuilding of the historic buildings on site shall be provided on site for the inspection and approved in writing by the Local Planning Authority. Existing stone salvaged from the demolition previously carried out on site shall be used in the first instance and any additional shall match exactly. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

27. Render Prior to commencement of relevant works a 1m x 1m sample panel of the render showing the colour and texture to be used as the external

face to areas of new build shall be provided on site for the inspection and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the setting of listed buildings, and to preserve and enhance the character and appearance of the conservation area

28. Stone details Prior to commencement of relevant works details of stone dressings and architectural features shall be submitted to and approved in writing by the Local Planning Authority. Existing dressed stone salvaged from the demolition previously carried on site shall be assessed and areas where it is to be reused shall be identified and submitted to and agreed in writing by the Local Planning Authority. Any additional stone shall match exactly and samples shall be provided on site for the inspection of and approved in writing by the Local Planning Authority prior to their use. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

29. Roof Prior to commencement of relevant works samples of the roof cladding shall be submitted to and approved in writing by the Local Planning Authority. Roof cladding on all elements to be non-interlocking natural clay pantiles with stone ridge, with stone eaves course on the historic elements, unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

30. Windows/doors Prior to commencement of relevant works details of windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an elevation at 1:20 scale of each window and door type and 1:5 scale cross-sections showing full joinery details, the relationship of opening elements to fixed elements, heads, sills, the design and materials of the jambs or dressings), relationship to the external plane of the wall, materials, finish and means of opening. All windows shall be painted timber without visible trickle vents unless otherwise agreed in writing by the Local Planning Authority. Any casement windows shall be designed so that when the openable light is closed, its external joinery is flush with the external joinery of the architrave. All doors shall be painted timber of the same dark traditional colour unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

31. Flues/Vents Prior to commencement of relevant site works, full details of the proposed design, size, location, materials and colour of all flues and vents (including any heating and plumbing vents, meter boxes, and

air extract vents) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

32. Black rainwater Rainwater goods, pipework, and any fascias to be used in the construction of the building shall be in metal with a black finish unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

33. Colonnade Details of the pergola to be installed adjoining the colonnade shall be submitted to and approved in writing by the Local Planning Authority prior to these works being carried out. Details will include how it is to abut the colonnade and how the colonnade will be repaired and how the top of it will be finished. The pergola shall be completed within six months of the occupation or disposal of any of the surrounding dwellings namely units 1-6 unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

34. Rebuilt vault Details of the rebuilding of the northern vault to proposed unit 1 shall be submitted to and approved in writing by the Local Planning Authority prior to these works being carried out. Details will include how it is to be formed to match the adjoining vault exactly and without impacting on this remaining vault. Development shall be carried out in accordance with the approved details.

REASON

To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

35. Area in front of vaults

The area in front of the vaults of unit 1 to be left clear of any buildings, structures or means of enclosure and the height of the existing roadside wall shall not be heightened where it abuts this area.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

36. Maintenance of grounds

Prior to occupation or individual disposal of any of the units, a scheme for the maintenance of the grounds shall be submitted to and

approved in writing by the Local Planning Authority. The grounds shall thereafter be maintained in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.

REASON

To protect the setting of the listed buildings and to preserve and enhance the character and appearance of the conservation area

37. Roadside wall Prior to the commencement of relevant work details of the roadside wall shall be submitted to and approved in writing by the Local Planning Authority. A 1m x 1m sample panel of the stonework showing the coursing and pointing and sample of the stone coping shall be provided on site for the inspection and approved in writing by the Local Planning Authority. Existing stone salvaged from the demolition previously carried out on site shall be used in the first instance and any additional shall match exactly. Development shall be carried out in accordance with the approved details

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

38 Gates/boundary treatment

Prior to commencement of relevant works details of the design and materials of any gates and boundary treatments not already included in the above conditions (whether new, replacement and/or alteration to existing) to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

39. Refurbishment of Farmhouse

Prior to development commencing a scheme and timing schedule of relevant works for the external refurbishment of the farmhouse shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area.

40. 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) loading and unloading of plant and materials
- ii) storage of plant and materials used in constructing the development, as well as storage/disposal of waste materials
- iii) wheel washing facilities

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

REASON

To safeguard the living conditions of neighbouring occupiers.

41. Prior to occupation of the residential dwellings, the developer shall agree an air quality monitoring scheme to establish the nitrogen dioxide concentrations at the façade of the development next to the A635. The details of any monitoring scheme should be agreed with the LPA and then undertaken in accordance with the approved details.

REASON

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

42. All windows that face onto the A635 should be non-opening. These are as follows;

Plot 12 - Patio

Plot 6 - Utility and kitchen.

Plot 7 - Kitchen windows x2

REASON

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

Informatives:

01. U0012788 The proposed layout and access arrangements shall be subject to Road Safety Audits in accordance with DMRB Volume 5 Section 2 Part 2 (HD 19/15).

02. U0012789 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 roads within the development shall be carried out under Section 38 of the Highways Act. The S38 and S278 agreements must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1

or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

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

Based on a standard soakaway capacity of 10m³ a commuted sum of £7800 to be used towards the future maintenance costs of each highway drain soakaway, shall be paid to the Council. An additional 780 extra will be added for each additional cubic metre of storage.

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.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1- Listed Building analysis

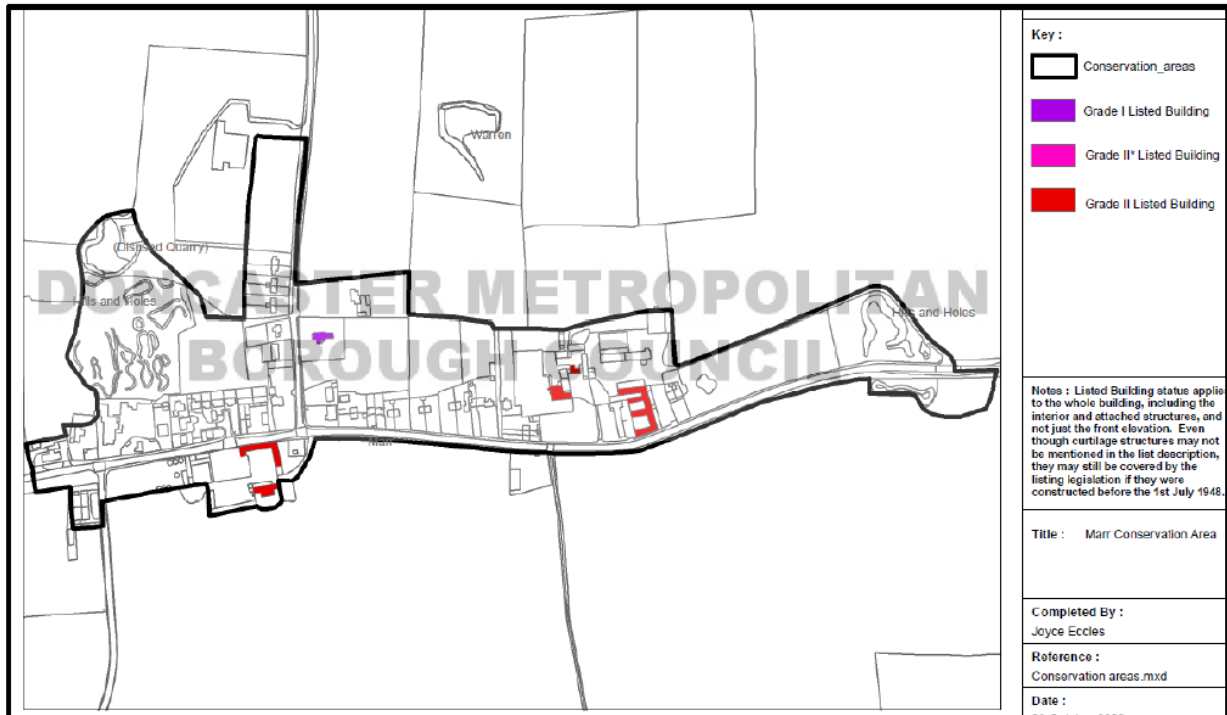
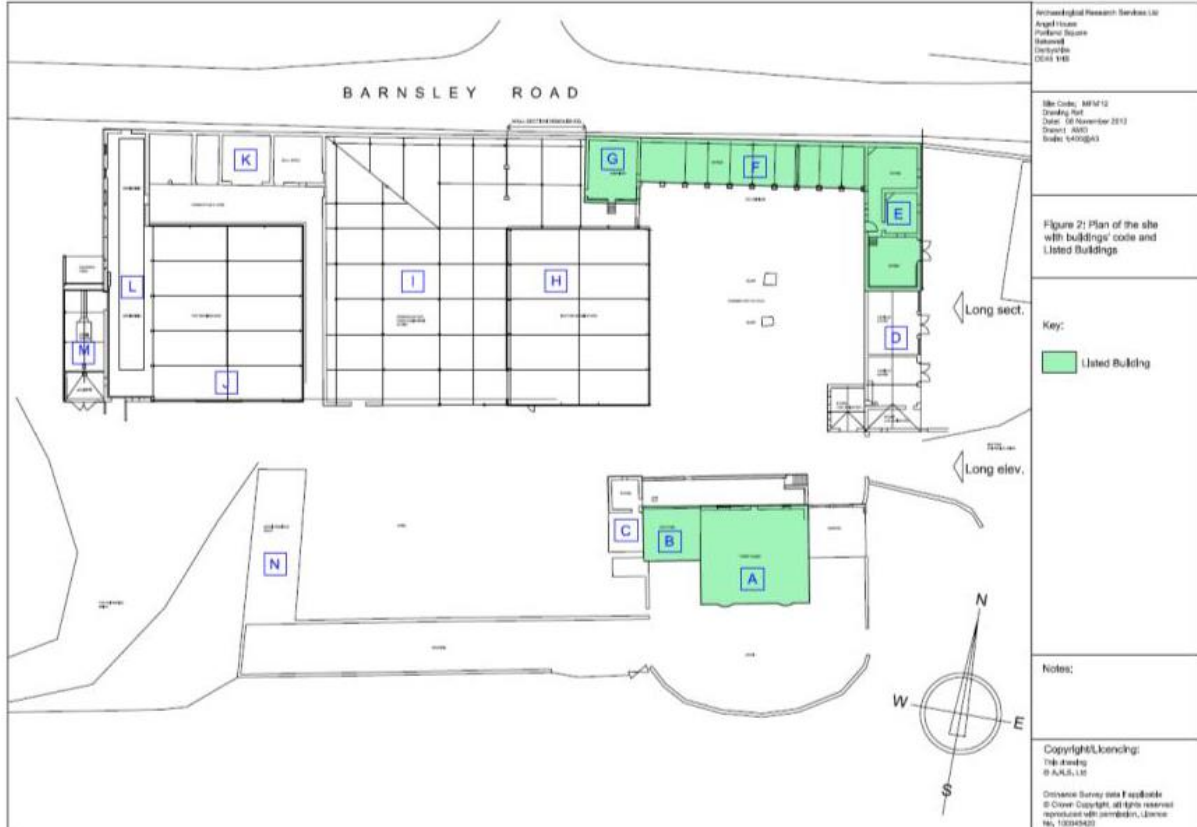
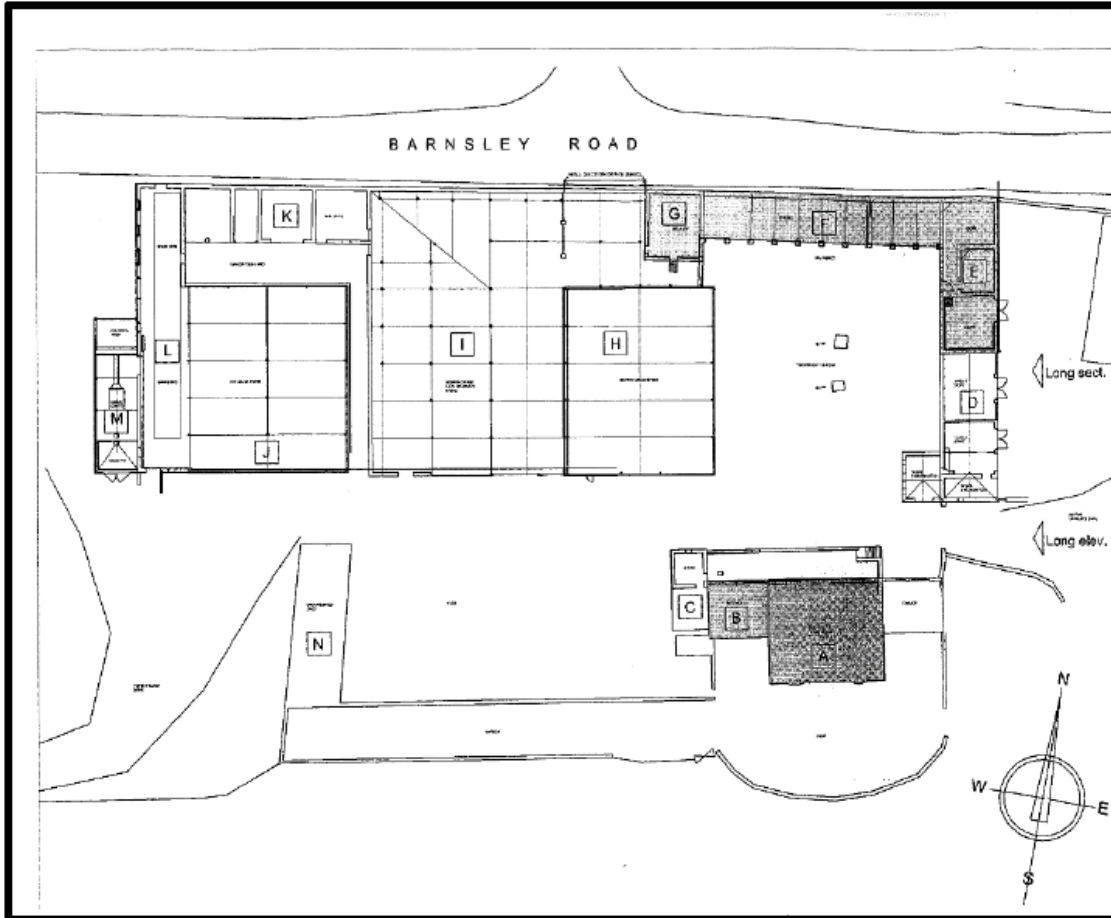
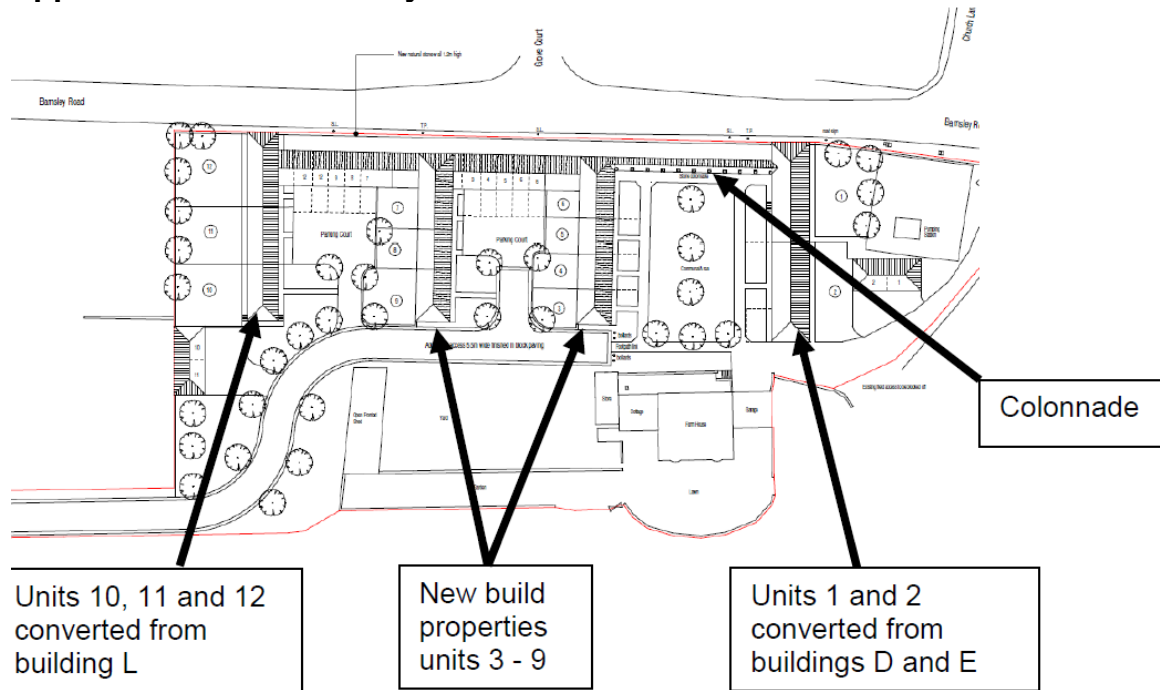


Fig 1: Marr Conservation Area

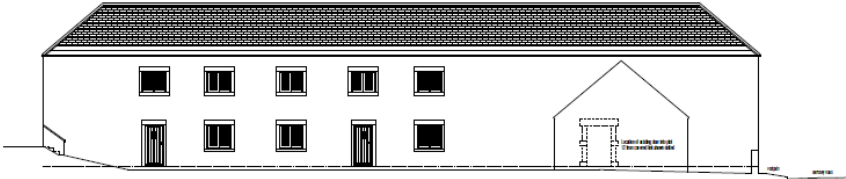
Appendix 2 –Existing buildings



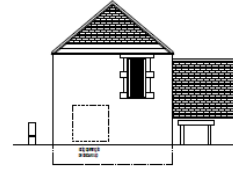
Appendix 3 –Annotated layout



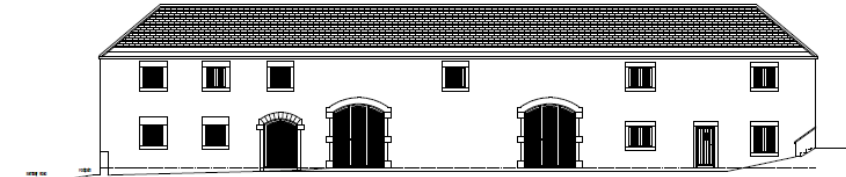
Appendix 4 view of the former farm 1950's



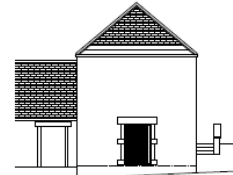
Front Elevation Plot 10 to 12 - Facing east of plots 7 to 9 - Floor level 100.00m



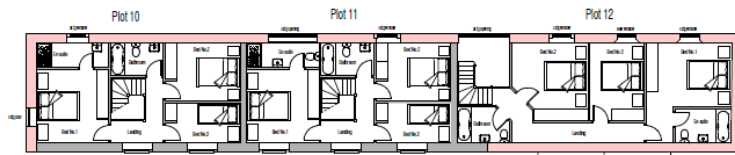
Side Elevation Plot 10 - Floor level 100.00m



Rear Elevation Plot 10 to 12 - Facing west of plots 7 to 9 - Floor level 100.00m



Side Elevation Plot 10 - Summary facade/terrace - Floor level 100.00m

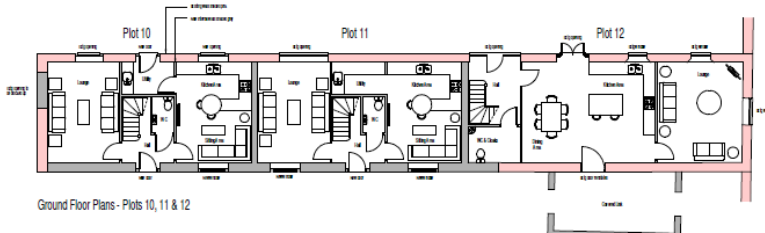


First Floor Plans - Plots 10, 11 & 12

NOTE: All the existing reclaimed natural stone is to be re-used on site where possible. Sample panels of the stone are to be prepared by the main contractors & inspected by officers of the DMSC Conservation Department prior to its inclusion in the re-build & re-furbishment of plots 1, 2, 10, 11 & 12 & prior to the commencement of any other work on site.

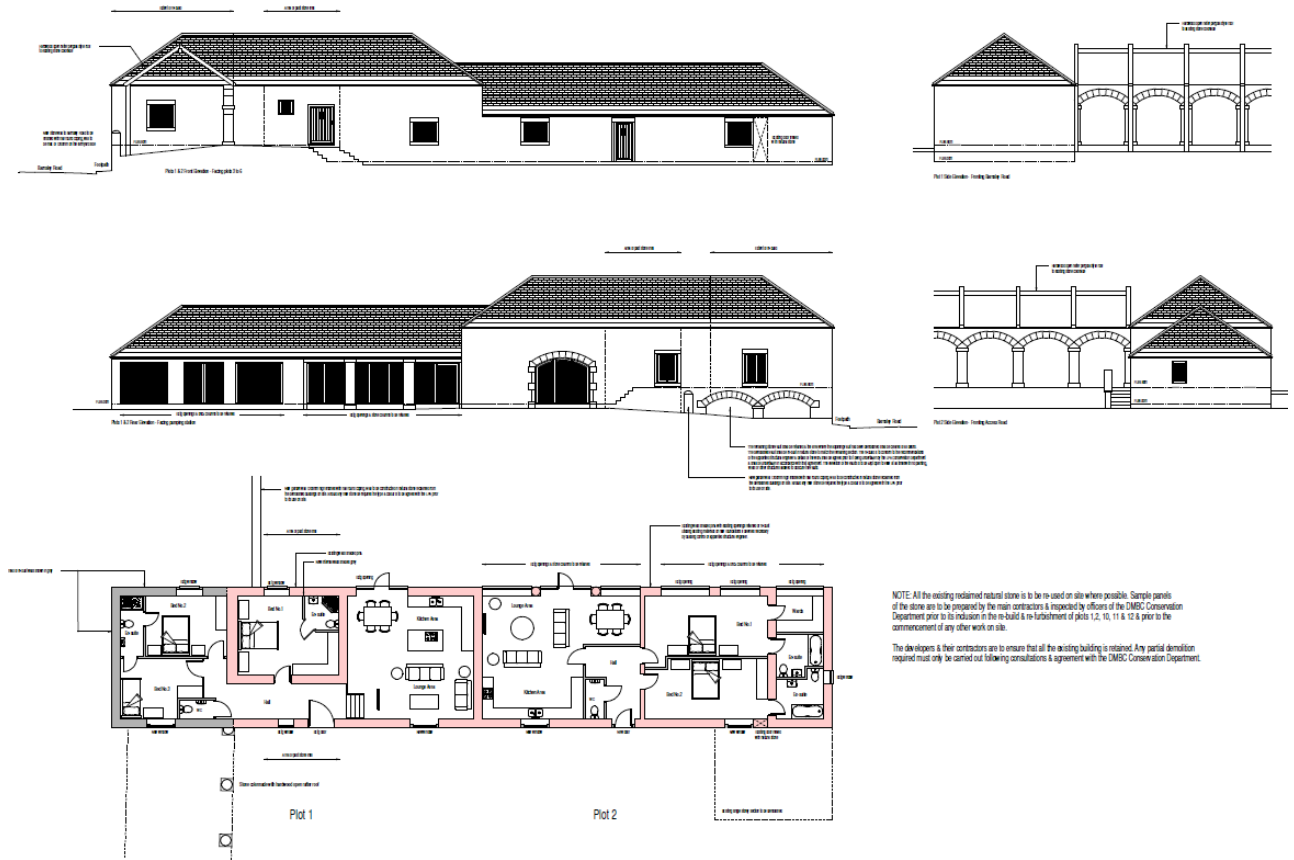
All existing rendered areas are to have the render removed & the underlying natural stone cleaned & repaired. The existing asbestos roof & wall cladding is to be removed by specialists.

The developers & their contractors are to ensure that all the existing building is retained. Any partial demolition required must only be carried out following consultations & agreement with the DMSC Conservation Department.



Ground Floor Plans - Plots 10, 11 & 12

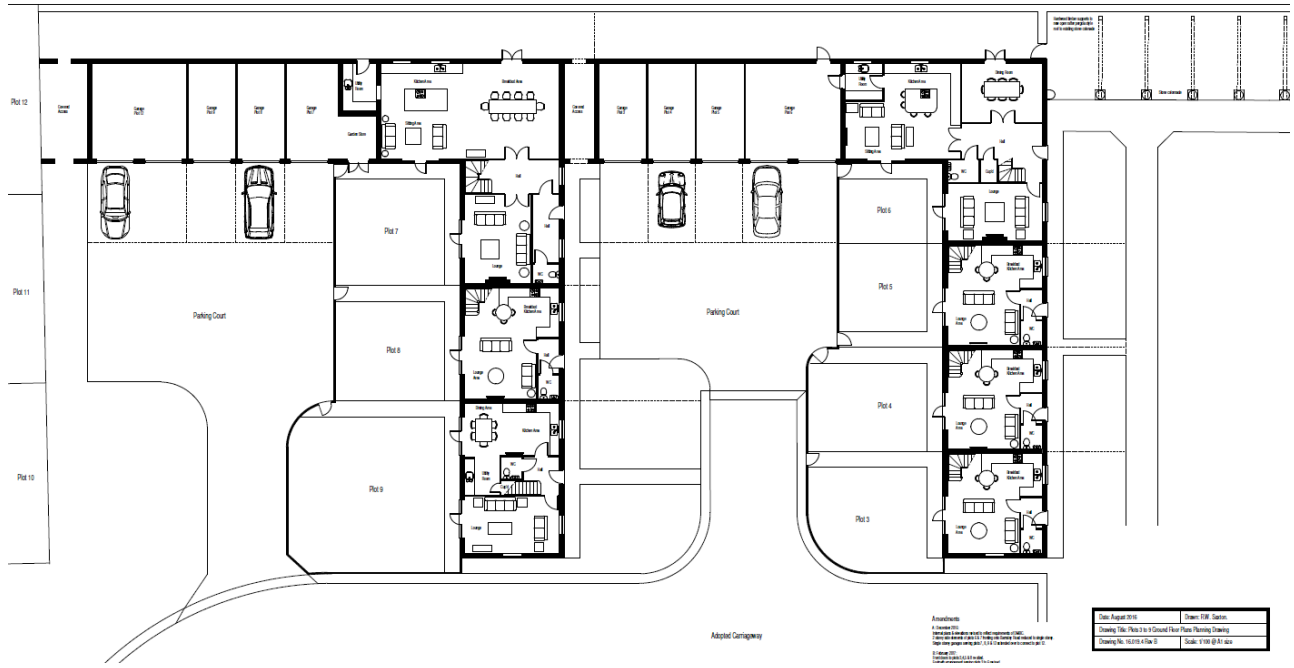
Units 1-2



Plots 3-9



Plots 3 to 9 Ground Floor Plans



Annotations
 1. Dimensions
 2. Room names
 3. Furniture and fixtures
 4. Wall thicknesses
 5. Door and window locations
 6. Stair and lift locations
 7. Structural columns
 8. External walls
 9. Site boundaries
 10. Parking spaces
 11. Landscaping features
 12. Other site-specific details

Client: August 2015	Drawn: JRM - JRM
Drawing Title: Plots 3 to 9 Ground Floor Plans Planning Drawing	Scale: 1/100 @ A1 size
Drawing No: 10.010.01 Plot 3	

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 25th June 2019

Application	2
--------------------	----------

Application Number:	17/02586/LBCM	Application Expiry Date:	17th January 2018
----------------------------	---------------	---------------------------------	-------------------

Application Type:	Listed Building Consent Major
--------------------------	-------------------------------

Proposal Description:	Listed Building Consent for erection of 7 new dwellings and the conversion of existing buildings to form 5 dwellings, with the repair of colonnade feature, access, landscaping and addition of stone wall to Barnsley Road
------------------------------	---

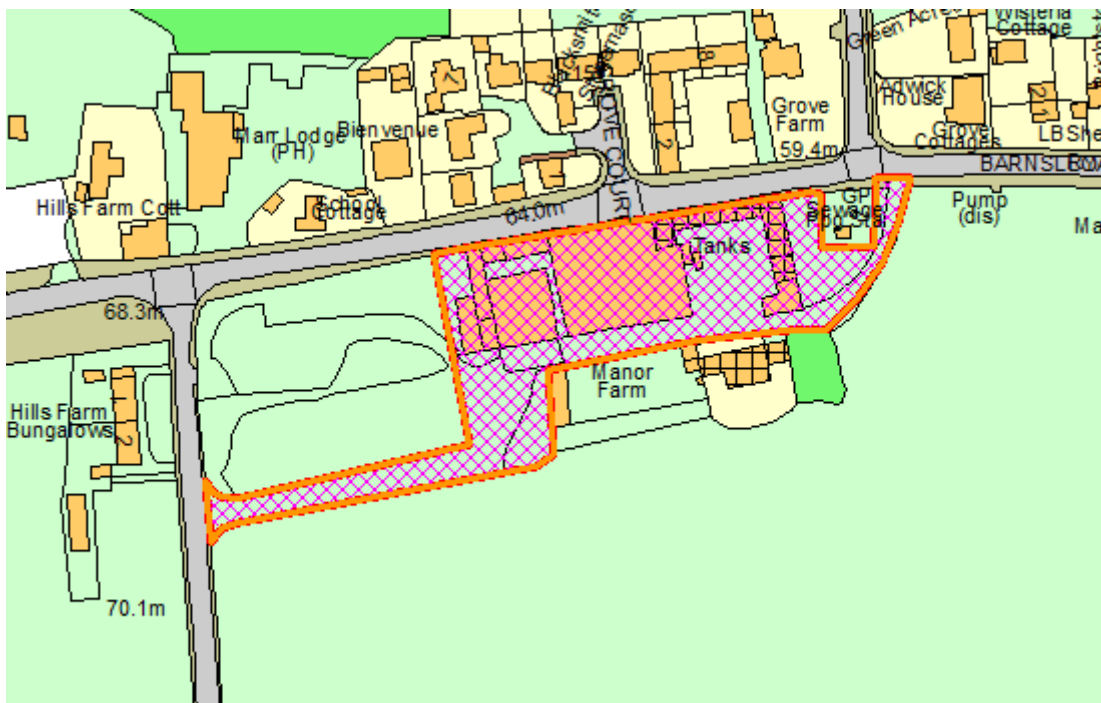
At:	Manor Farm Barnsley Road Marr Doncaster
------------	---

For:	Mr Atkinson - A.J. Atkinson And Sons
-------------	--------------------------------------

Third Party Reps:	6	Parish:	Marr Parish Meeting
		Ward:	Sprotbrough

Author of Report	Gareth Stent
-------------------------	--------------

MAIN RECOMMENDATION:	GRANT Listed Building Consent
-----------------------------	-------------------------------



1.0 Reason for Report

1.1 The application is presented to committee due to the accompanying full application (17/02585/FULM) being presented to committee due to it being a departure from the development plan, as it involves new build in the Green Belt.

1.2 The application was also deferred from the 28th May committee 2019, due to the full application being deferred to allow for further consideration of highway matters, including the provision of a crossing and to enable the highway officer to be present at the meeting.

2.0 Proposal and Background

2.1 The site lies within Marr Conservation Area and includes remains of a Grade II listed shelter shed as well as other curtilage listed buildings of Manor Farm. The site also impacts on the setting of the Grade II listed Manor Farm farmhouse.

2.2 The proposal involves the conversion of the listed buildings to residential, demolition of the more modern farm buildings in the central section of the site and their replacement with 7 two storey linked new build dwellings to form 12 dwellings in total. The proposal also includes new garaging access, landscaping and the addition of stone wall to Barnsley Road.

2.3 The application has been amended on several occasions to address concerns from consultees in respect of the full application. Both the Conservation Area and Grade II Listed building 'shelter shed' are considered to be 'at risk'.

3.0 Relevant site history

3.1 17/02585/FULM - Erection of 7 new dwellings and the conversion of existing buildings to form 5 dwellings, with the repair of colonnade feature, access, landscaping and addition of stone wall to Barnsley Road. Pending consideration.

3.2 15/02772/LBC - Partial demolition of listed building and partial demolition of curtilage listed buildings. Pending consideration.
01/4835/P - Vehicular access to classified road (C309)

3.3 97/0745/P - Listed building consent for removal of roof tiles, installation of polythene sheeting to waterproof roof timber walls and replacement of roof tiles.

4.0 Representations

4.1 This application has been advertised in accordance with the Development Management Procedure Order on two separate occasions. This was via a press notices and x3 site notices and direct neighbour notification. The majority of the representation related to none listed building matters like traffic, air pollution etc and have been detailed in the full application report. 6 letters in total were received 4 in opposition and 2 in support. The issues concerning the listed buildings were mainly of support i.e.

- The development will be a good one and will tidy up the eye sore within the village.

5.0 Marr Parish Council

5.1 Likewise Marr Parish Council have responded on both the original consultation and reiterated the comments when commenting on the amended plans. The comments relating to the Listed buildings are below:

- Residents of Marr welcome the restoration of the colonnade and generally support the 12 dwelling scheme caveated by their very real concerns.
- The overall view from residents is very much one of dismay - the current owners earlier and ongoing intervention and investment in maintenance and upkeep of the Grade 11 listed buildings could have preserved the buildings and prevented the existing listed buildings from falling into their current state, of disrepair, saving these historical buildings for posterity.
- Request, a dedicated team consider a review of all listed and historical buildings within the Borough and do everything within their power to enforce current owners and custodians of Listed Properties to regularly invest in maintenance in order to preserve said properties.
- The proposals has poor visuals, it is not clear "how these will look" in reality and in its setting.

6.0 Consultations Responses

6.1 Historic England - Initially raised concerns over the application on heritage grounds and the safeguards in the NPPF need to be addressed. The amended plans and additional information has overcome this concern and support is offered as a means of securing the reuse and repair and future maintenance of this important group of historic buildings.

6.2 Design and Conservation officer: Initial concerns over the lack of existing drawings, the extent of the rebuilding necessary, assurances over the protection of the remaining historic structures, time scales, moth balling measures and how the architectural stone will be reused. This has been overcome through negotiation and the submission of amended plans. Therefore no objections subject to conditions.

7.0 Relevant Policy and strategic and context

7.1 National Planning Policy Framework; The NPPF establishes 12 'Core Planning Principles' to underpin plan-making and decision taking. Relevant sections include

Principle 16 - Conserving and enhancing the historic environment, specifically paragraphs 189-192 of the National Planning Policy Framework on determining applications.

Doncaster Council LDF

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

Policy CS 15 'Valuing our historic Environment'

Doncaster Unitary Development Plan

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

ENV 32 - Listed Buildings

Doncaster Local Plan

7.4 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Council is aiming to adopt the Local Plan by summer 2020. Consultation on the draft policies and proposed sites took place during September and October of last year and the Local Plan is due to be published in early summer 2019. Given the relatively early stage of preparation of the emerging Local Plan, the document carries very limited weight at this stage.

Policy 37: Listed Buildings

Additional Considerations:

7.5 In determining applications for Listed buildings there is a legal requirement to have special regard to the desirability of preserving the listed buildings and their settings (s.16 & 66, Planning (LBCA) Act 1990).

8.0 Planning Issue and discussion

Main Issues

8.1 The main issues are discussed in detail in the accompanying full application which details the Green Belt status of the site and the enabling development parameters of restoring the Listed Building. The sections below that concentrate on the Listed Building aspects of the proposals mirror that of the full report.

The historical implications.

8.2 Given the proposal involves the renovation of a Grade II Listed Building this is the key consideration in this submission and are assessed as follows;

8.3 The shelter shed is presumed to date from early 19th century and is considered to be at extreme risk on the council's 'at risk' register of listed buildings. It was partially demolished in 2015 as there were considerable concerns that this and neighbouring roadside buildings would collapse into the road due to their poor condition. The 10 bayed limestone ashlar arcade of the shelter shed still remains although the short wing to the left hand side (west) has now mostly gone. The arcade is made up of cylindrical piers and square capitals to segmental arches with projecting keystones. At the time of listing it was roofed with pantiles with a stone eaves course but this had already been replaced with a tarpaulin when the roof was removed as part of the above mentioned demolition.

8.4 There is also a more substantial wing on the right (to the east), which ^{Page 58} has been partially demolished and which seems to have been originally a threshing barn with the

northern part over vaults. Previously there were two vaults, with segmental arches with bull-nosed pier in between, but the northern-most one which adjoined the road was removed with the recent demolition. This wing has/had large quoins to both ends and on both long sides a large opening to the centre both of which are now blocked in with no discernible heads - the roof may perhaps have been lowered at some time which would have removed any evidence of the head of the large opening. On the eastern side, centrally placed above the two vaults on the right-hand side, was a square-faced window surround which no longer exists due to the recent demolition. A similar surround still exist within the central blocked in section on this elevation and on the left is a segmental archway with boarded door. Attached to the former threshing barn is a single storey range. This has an ad-hoc character and is in also in poor condition.

8.5 To the south of these is the Grade II listed farmhouse which is also early 19th century. Whilst its principal front faces south away from the farmyard it still seems to have some formal arrangement with the courtyard formed by the shelter shed and the range to the east, which was mirrored historically by a range to west (as can be seen in the old photograph supplied in the Heritage Statement) but which is now home to modern sheds. The rear elevation of the house facing the farmyard is well ordered but is spoilt by a large monolithic rear terrace and some of its associated buildings are also in poor condition and appearance.

8.6 There are also further remnants of other historic farm-buildings to the west of the shelter shed but again due to the recent demolition and previous alterations are now largely removed although to the far west is a two storey barn. The latter has some interest although this has had major alteration to its inner elevation and its floor has been removed although its outer faces survive which gives a positive appearance to the conservation area and the setting of the listed buildings.

8.7 The proposals are for the partial rebuilding and conversion of the existing buildings to form 5 dwellings, repair of the arcade feature of the shelter shed, the erection of 7 new dwellings and the reforming of a stone wall to Barnsley Road.

8.8 The proposal retains the remaining historic structures and with the new built elements recreates the general form of previous buildings on site. However, due to problems with maintaining buildings along the roadside edge the rebuilt range parallel with the road has been set back. Stone from the previous demolition is to be used to rebuilt missing elements of the historic buildings and the new built is to be in render with stone dressings. This will enable these rebuilt elements to be read as contrasting with the remaining historic fabric but still using characteristic materials and details within the conservation area and respect the listed buildings and their setting. The colonnade, which due to the demolition, has become more noticeable and the proposal will allow the colonnade to still be prominent from Barnsley Road.

8.9 The proposals have been the subject of pre-application discuss with ourselves and Historic England and has been subject to further amendments as part of the planning process. These changes and clarification involved specifically detailing what elements were being preserved as officers wanted ensure the right balance was struck between demolition v's rebuild. The applicants supplied a Historic Fabric report by Archaeological Research Services Ltd (Nov 2018), in which following amendment to version 3 provided assurances on the above issues and satisfied the Conservation Officer.

8.10 The proposal is now warmly welcomed as it should ensure that what does remain will be conserved and also help with the setting of the farmhouse and with the character and appearance of the conservation area. It is therefore in line with saved policies ENV32 of

Doncaster UDP, emerging policy 37 of the Local Plan, Policy CS15 of Doncaster Core Strategy, and Section 16 of the NPPF. The proposal also accords with sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.11 A series of detailed conditions will ensure measures such as moth balling, timing, materials are all suitably controlled.

9.0 Summary and Conclusion

9.1 In summary the above report discusses the positives of recreating the old farm complex, thus improving the setting of the Listed Buildings and most of all renovating them and ensuring their long term preservation. The conversion is welcomed and measures and conditions have been put in place to ensure the conversion is sensitively done and respects the integrity of the historical buildings. On this basis support is recommended.

10.0 Recommendation

10.1 Listed Building Consent be granted subject to the following conditions:

01. STAT7 The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
REASON
To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. U0066252 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows

Site plan - Rev H
Historic fabric building report - v3
Plots 1-2 Revision F
Plots 10-12 Revision E
Existing elevations plan 16.019.9
Plots 3-9 ground floor plan - Revision B
Plots 3-9 first floor plan -Revision A
Plots 3-9 elevations -Revision C
REASON
To ensure that the development is carried out in accordance with the application as approved.

03. U0069813 No development shall take place until a permanent professional historical record of the existing building has been undertaken in accordance with a recording specification which shall have been submitted to and approved in writing by the Local Planning Authority. The final record shall include an archival study (including analysis of historic maps), measured drawings, non-digital black-and-white internal and external photographs and negatives, and a final report considering the historic building phases and uses of the barns, all to a level of detail to be agreed with the Local Planning Authority. The final record shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on the

site, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that an appropriate, sufficient, and permanent record is made of the building prior to its alteration, in conformity with the NPPF

04. U0069814

No development shall take place until a phasing scheme, detailing the repair and renovation of the historic buildings on site in relation to the construction and occupation of the new built, shall be submitted to and approved in writing by the Local Planning Authority. Included within the phasing will be that works to the listed building and curtilage listed buildings will be at an agreed stage before the dispersion of any part of the holding. Development of the site shall be in strict accordance with the approved phasing scheme.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

05. U0069815

Within six months of the granting of this permission/consent the buildings will be mothballed unless otherwise agreed in writing by the Local Planning Authority. Mothballing will be in accordance with a method statement supplied to and approved in writing by the Local Planning Authority. Details shall elaborate on works describe in Section 3 of the Historic Report on Manor Farm, Marr undertaken by Emma Grange dated November 2018.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

06. U0069816

No further demolition of any part of the remaining historic buildings shall occur unless agreed in writing by the Local Planning Authority. This includes both external and internal walls, and historic principal rafters. Prior to commencement of relevant works details of how areas of stonework and roofs will be rebuilt and tie in with existing historic fabric shall be provided to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

07. U0069817

Prior to commencement of relevant works a 1m x 1m sample panel of the stonework showing the coursing and pointing to be used as the external face to areas of rebuilding of the historic buildings on site shall be provided on site for the inspection and approved in writing by the Local Planning Authority. Existing stone salvaged from the demolition previously carried out on site shall be used in the first instance and any additional shall match exactly. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

08. U0069818 Prior to commencement of relevant works a 1m x 1m sample panel of the render showing the colour and texture to be used as the external face to areas of new build shall be provided on site for the inspection and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the setting of listed buildings, and to preserve and enhance the character and appearance of the conservation area

09. U0069819 Prior to commencement of relevant works details of stone dressings and architectural features shall be submitted to and approved in writing by the Local Planning Authority. Existing dressed stone salvaged from the demolition previously carried on site shall be assessed and areas where it is to be reused shall be identified and submitted to and agreed in writing by the Local Planning Authority. Any additional stone shall match exactly and samples shall be provided on site for the inspection of and approved in writing by the Local Planning Authority prior to their use. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

10. U0069820 Prior to commencement of relevant works samples of the roof cladding shall be submitted to and approved in writing by the Local Planning Authority. Roof cladding on all elements to be non-interlocking natural clay pantiles with stone ridge, with stone eaves course on the historic elements, unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

11. U0069821 Prior to commencement of relevant works details of windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an elevation at 1:20 scale of each window and door type and 1:5 scale cross-sections showing full joinery details, the relationship of opening elements to fixed elements, heads, sills, the design and materials of the jambs or dressings), relationship to the external plane of the wall, materials, finish and means of opening. All windows shall be painted timber without visible trickle vents unless otherwise agreed in writing by the Local Planning Authority. Any casement windows shall be designed so that when the openable light is closed, its external joinery is flush with the external joinery of the architrave. All doors shall be painted timber of the same dark traditional colour unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON

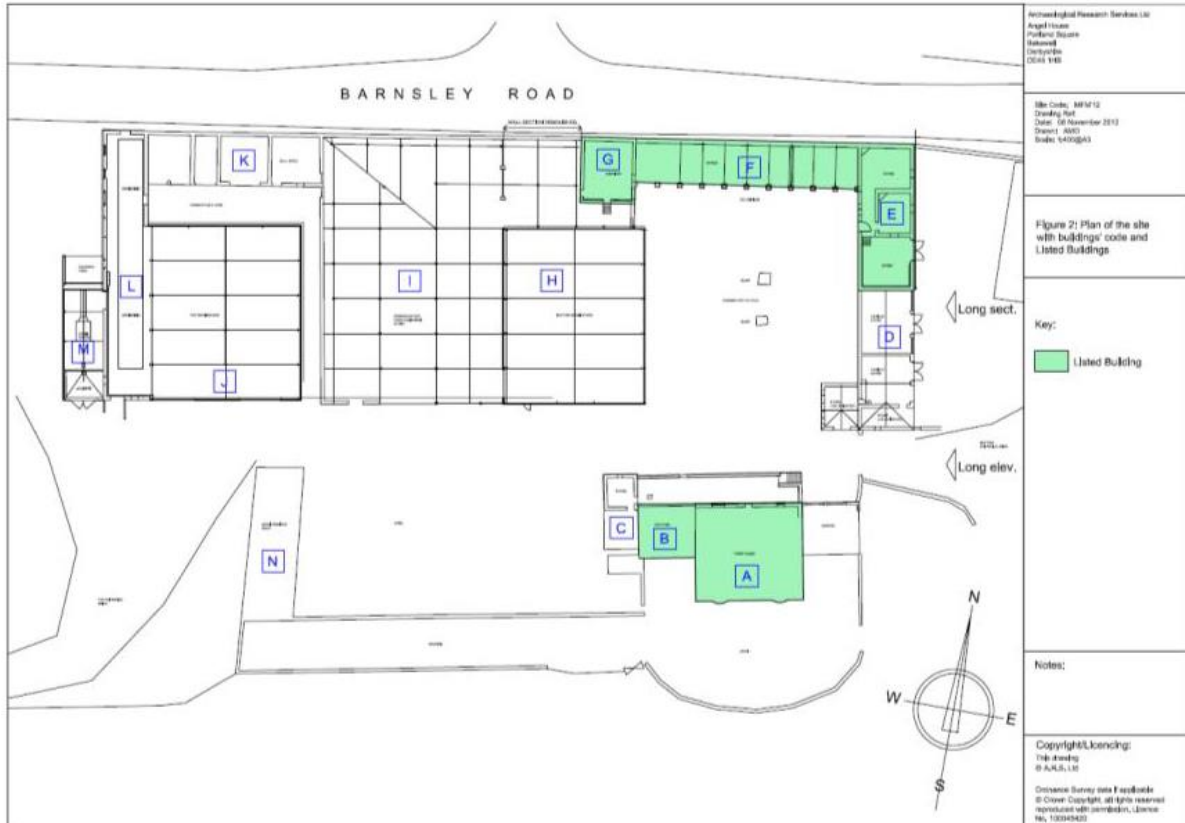
To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

12. U0069822 Prior to commencement of relevant site works, full details of the proposed design, size, location, materials and colour of all flues and vents (including any heating and plumbing vents, meter boxes, and air extract vents) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON
To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area
13. U0069823 Rainwater goods, pipework, and any fascias to be used in the construction of the building shall be in metal with a black finish unless otherwise agreed in writing by the Local Planning Authority.
REASON
To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area
14. U0069824 Details of the pergola to be installed adjoining the colonnade shall be submitted to and approved in writing by the Local Planning Authority prior to these works being carried out. Details will include how it is to abut the colonnade and how the colonnade will be repaired and how the top of it will be finished. The pergola shall be completed within six months of the occupation or disposal of any of the surrounding dwellings namely units 1-6 unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON
To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning(Listed Buildings and Conservation Areas) Act 1990.
15. U0069825 Details of the rebuilding of the northern vault to proposed unit 1 shall be submitted to and approved in writing by the Local Planning Authority prior to these works being carried out. Details will include how it is to be formed to match the adjoining vault exactly and without impacting on this remaining vault. Development shall be carried out in accordance with the approved details.
REASON
To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
16. U0069826 The area in front of the vaults of unit 1 to be left clear of any buildings, structures or means of enclosure and the height of the existing roadside wall shall not be heightened where it abuts this area.
REASON
To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area

17. U0069827 Prior to occupation or individual disposal of any of the units, a scheme for the maintenance of the grounds shall be submitted to and approved in writing by the Local Planning Authority. The grounds shall thereafter be maintained in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.
REASON
To protect the setting of the listed buildings and to preserve and enhance the character and appearance of the conservation area
18. U0069828 Prior to the commencement of relevant work details of the roadside wall shall be submitted to and approved in writing by the Local Planning Authority. A 1m x 1m sample panel of the stonework showing the coursing and pointing and sample of the stone coping shall be provided on site for the inspection and approved in writing by the Local Planning Authority. Existing stone salvaged from the demolition previously carried out on site shall be used in the first instance and any additional shall match exactly. Development shall be carried out in accordance with the approved details
REASON
To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area
19. U0069829 Prior to commencement of relevant works details of the design and materials of any gates and boundary treatments not already included in the above conditions (whether new, replacement and/or alteration to existing) to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON
To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area
20. U0069830 Prior to development commencing a scheme and timing schedule of relevant works for the external refurbishment of the farmhouse shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON
To protect the listed building and its setting, and to preserve and enhance the character and appearance of the conservation area.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1- Listed Building analysis



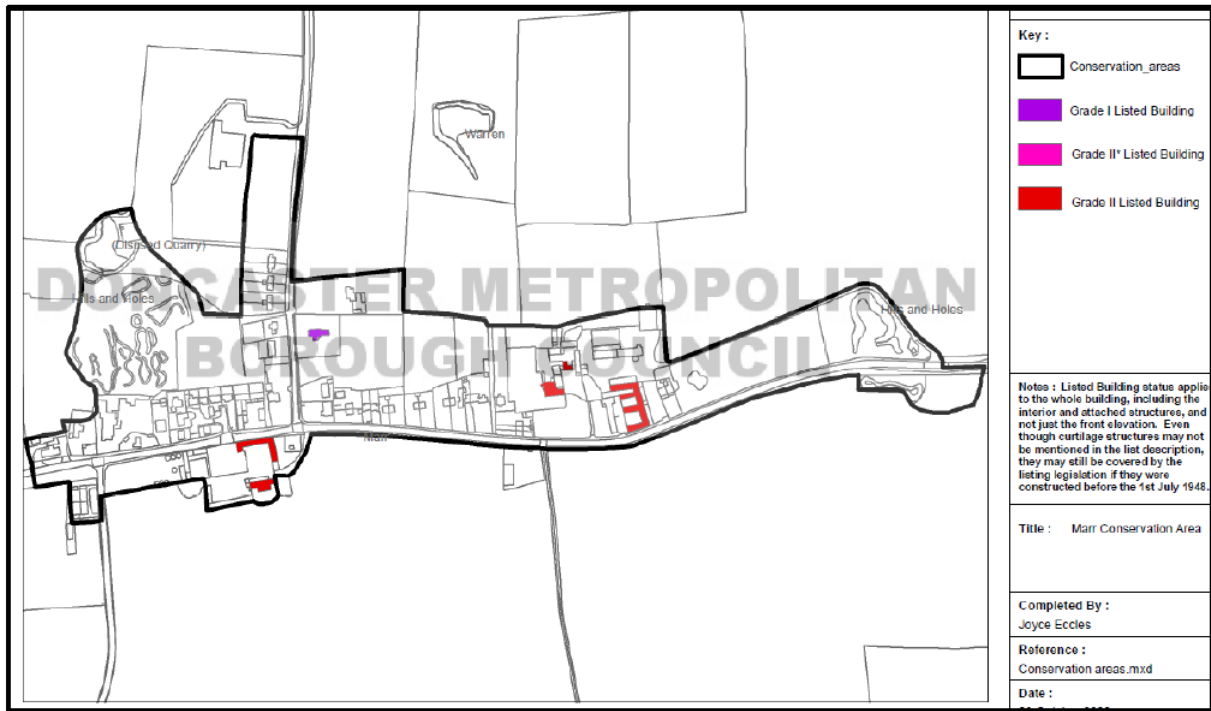


Fig 1: Marr Conservation Area

Appendix 2 –Existing buildings

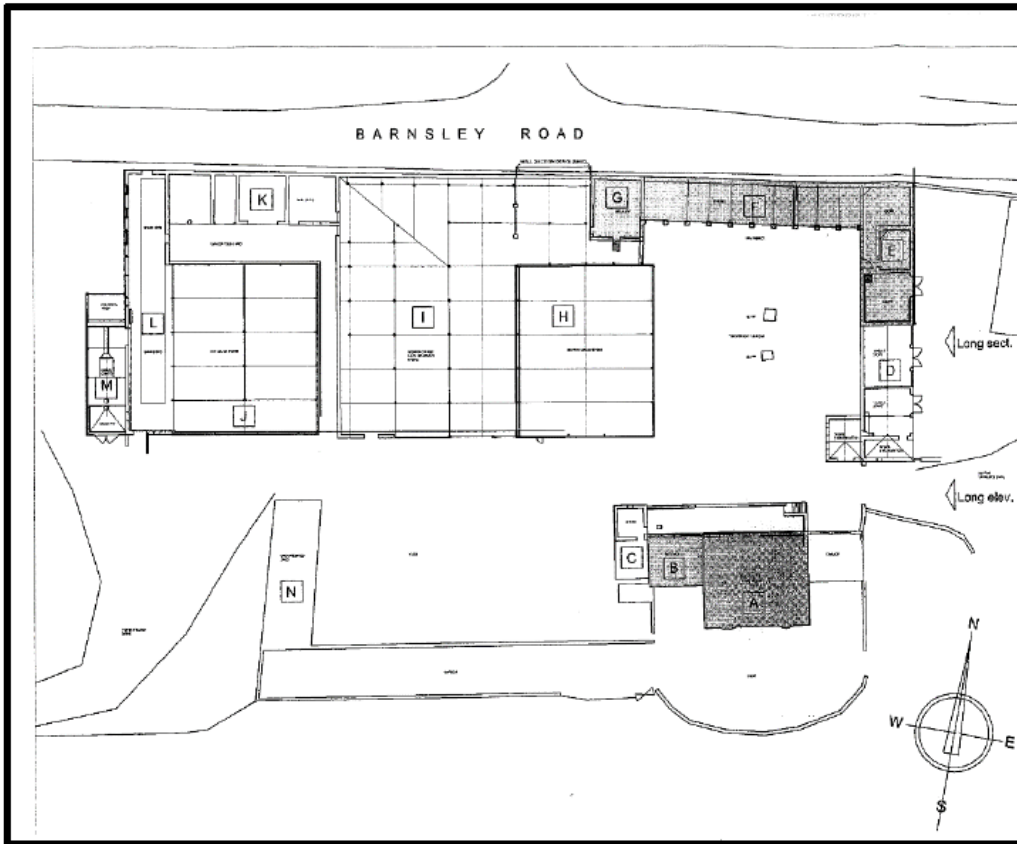
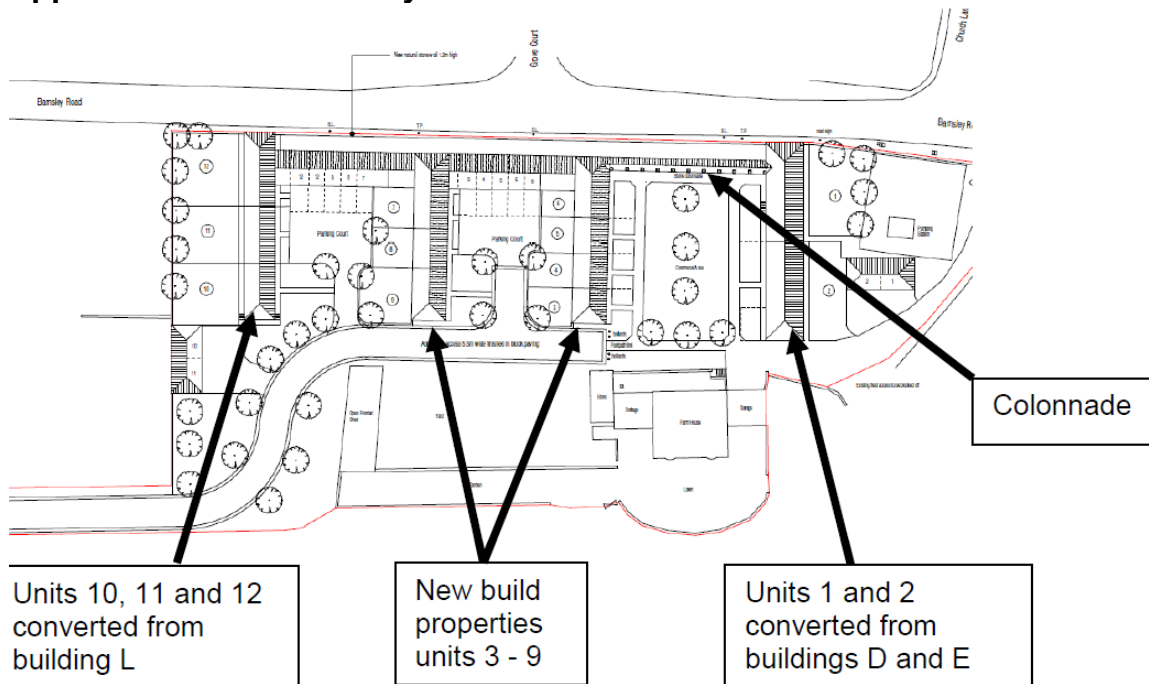


Fig 4: Plan of Buildings

Appendix 3 –Annotated layout



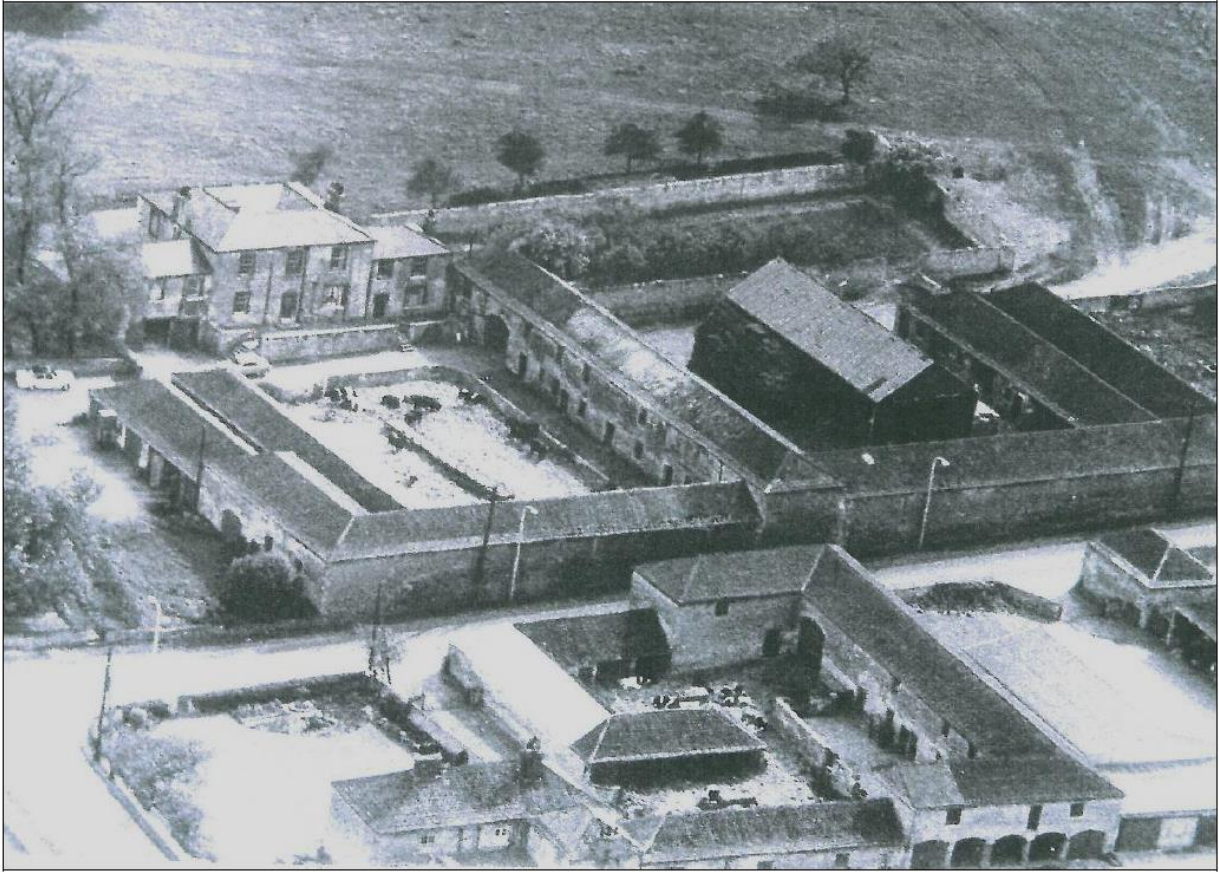
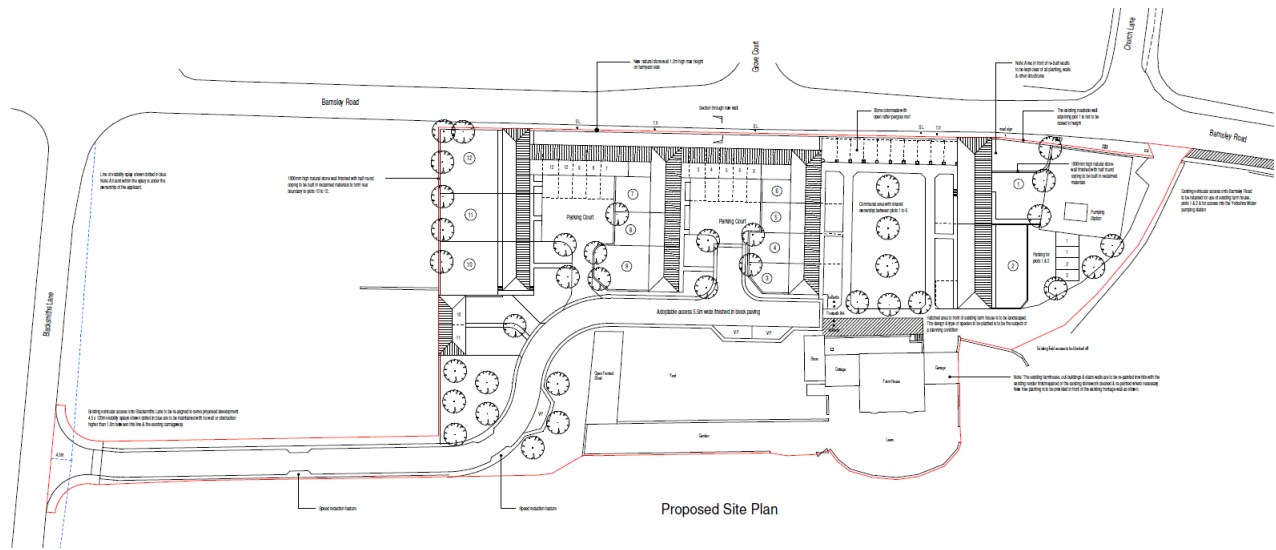
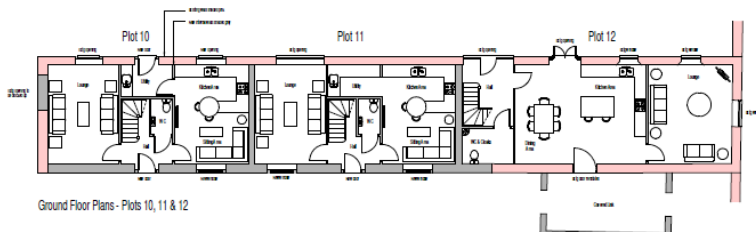
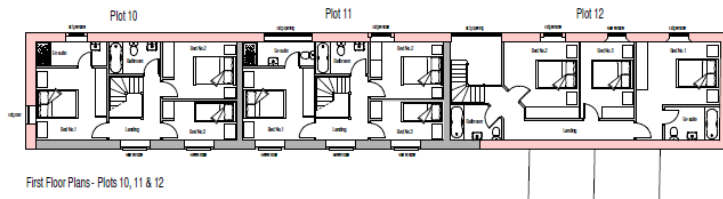
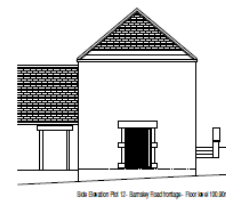
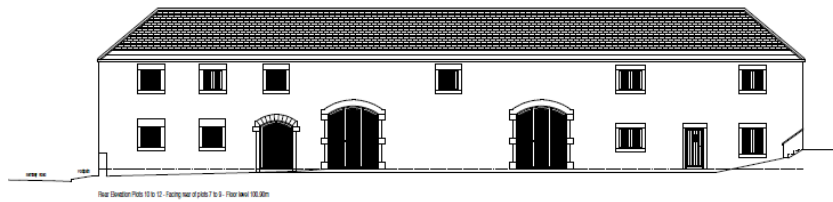
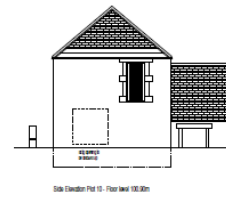
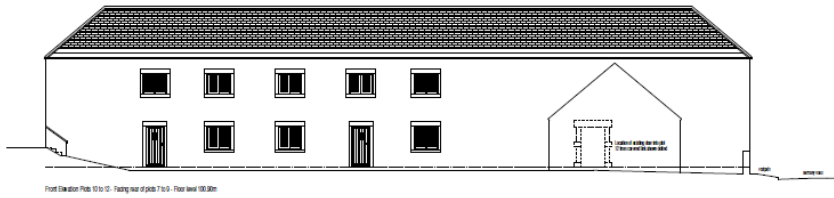


Figure 2: Aerial photograph of the site taken around the 1950s (courtesy of DLP Consultants)



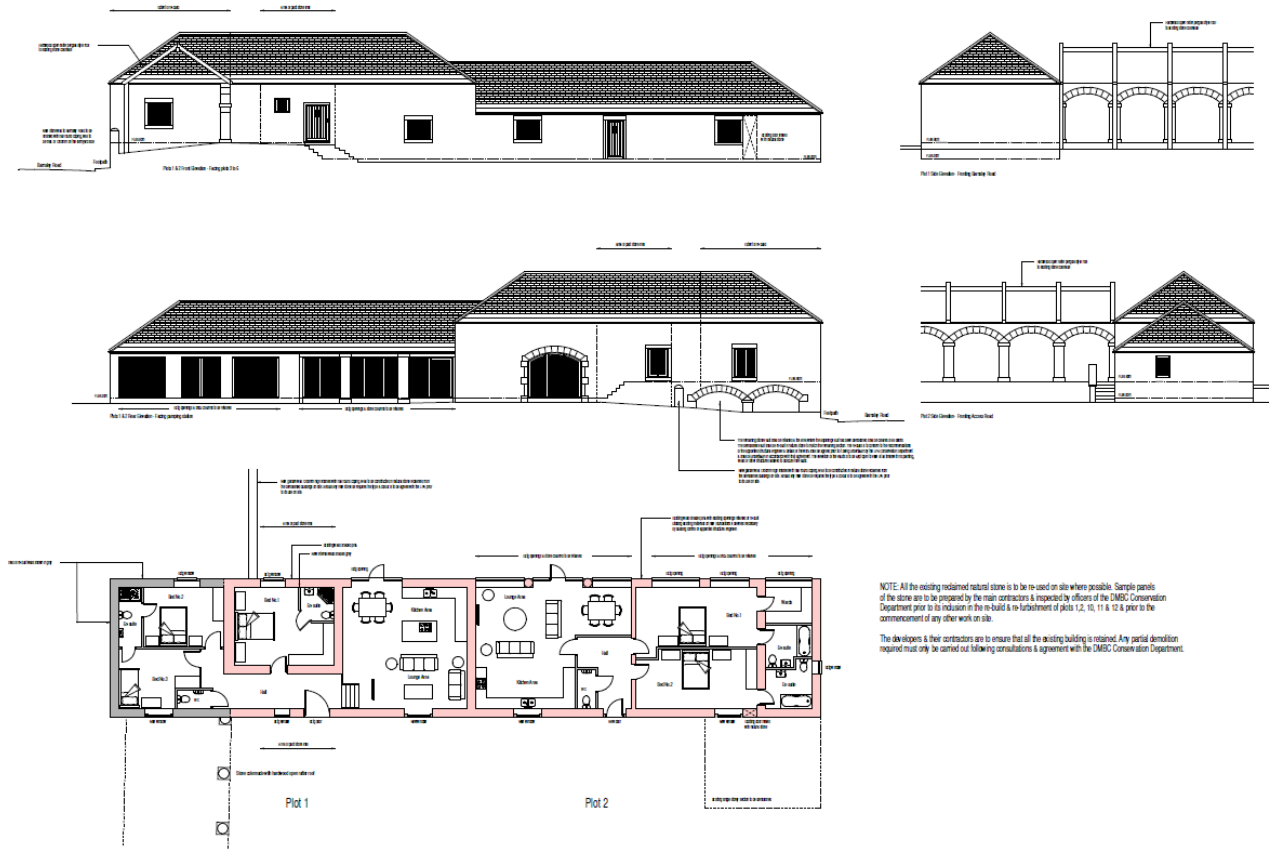
Plots 10-12



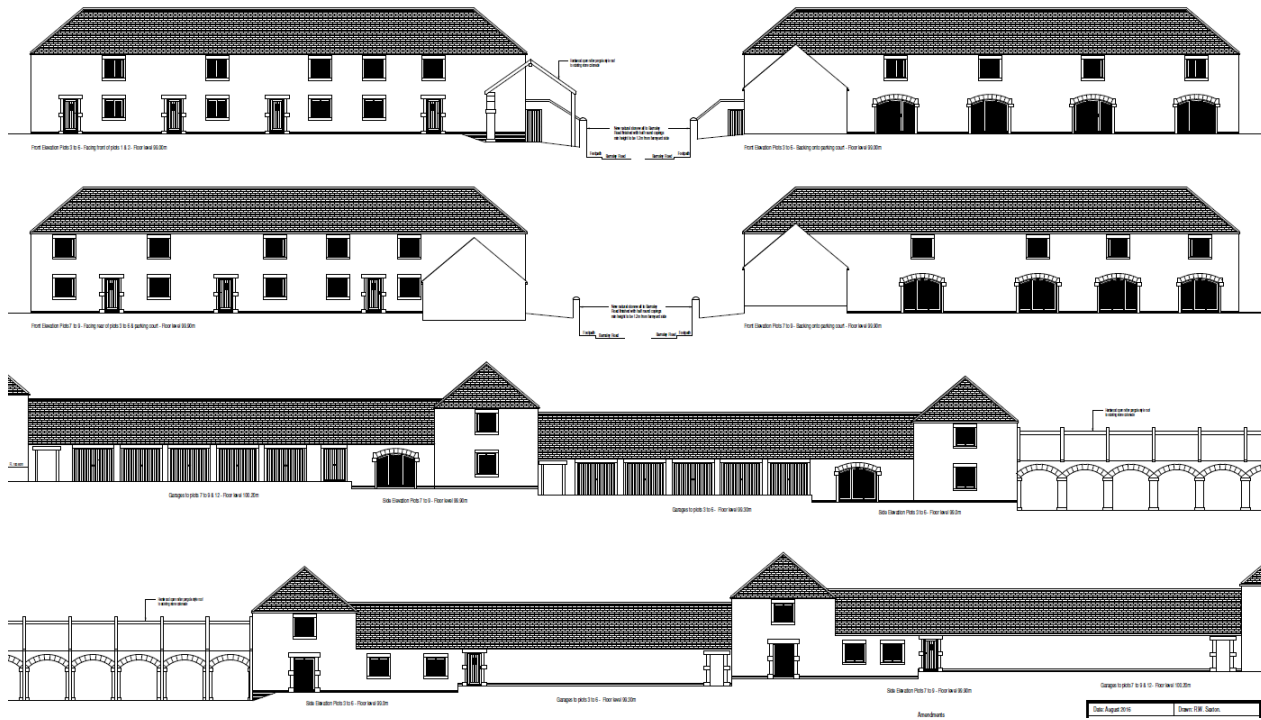
NOTE: All the existing reclaimed natural stone is to be re-used on site where possible. Sample panels of the stone are to be prepared by the main contractor & inspected by officers of the EMSG Conservation Department prior to its inclusion in the re-build & re-furbishment of plots 1, 2, 10, 11 & 12 & prior to the commencement of any other work on site.

All existing rendered areas are to have the render removed & the underlying natural stone cleaned & reported. The existing asbestos roof & wall cladding is to be removed by specialists.

The developers & their contractors are to ensure that all the existing building is retained. Any partial demolition required must only be carried out following consultations & agreement with the EMSG Conservation Department.



Plots 3-9



This page is intentionally left blank

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 25th June 2019

Application 3

Application Number:	17/01021/FULM	Application Expiry Date:	17th October 2017
----------------------------	---------------	---------------------------------	-------------------

Application Type:	Planning FULL Major
--------------------------	---------------------

Proposal Description:	Proposed erection of 57 apartments with associated ancillary and parking following the demolition of the former NHS clinic
------------------------------	--

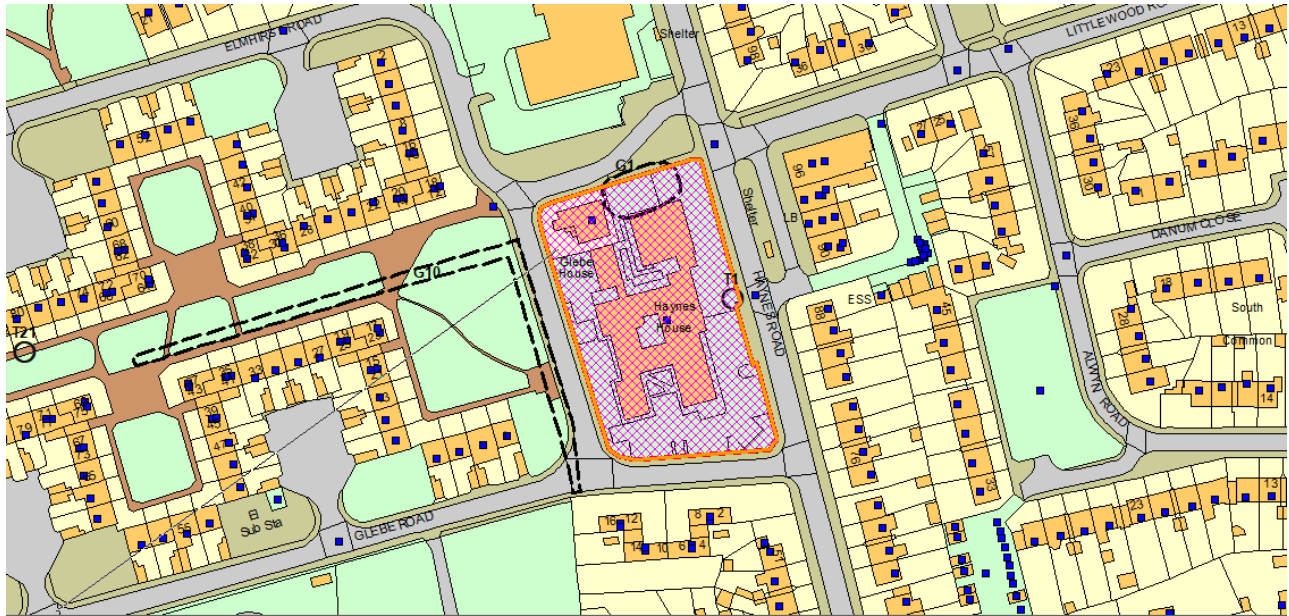
At:	Glebe House Haynes Road Thorne Doncaster
------------	--

For:	Mr Haydar Ulus
-------------	----------------

Third Party Reps:	42	Parish:	Thorne Town Council
		Ward:	Thorne And Moorends

Author of Report	Garry Hildersley
-------------------------	------------------

MAIN RECOMMENDATION:	GRANT
-----------------------------	-------



1.0 Reason for Report

- 1.1 The application is being presented to Members having generated significant public interest and having been requested by Councillor Houlbrook and Councillor Durant.

2.0 Proposal and Background

- 2.1 This application seeks full permission for the erection of 57 apartments and associated infrastructure, access and parking following the demolition of an existing NHS building.
- 2.2 The existing NHS building is presently redundant and unoccupied being boarded up. The current building occupies a large footprint within the site boundary with the building largely a two storey flat roofed, detached building constructed from a buff coloured brick measuring approximately 1,246sqm. A dwarf wall bounds the site constructed from a similar brick to that used in the existing building. Along the northern boundary of the site lie a group of trees protected by a Tree Perseveration Order (TPO). Access to the site was previously taken from Haynes Road and Glebe Road. To the north west corner of the site lies Glebe house which is a 2 storey detached building which at the time of visiting was not in use and was boarded up.
- 2.3 To the north of the application site lies Thorne Sports Centre, a detached buff brick building approximately 10.2m in height.
- 2.4 The surrounding area is largely residential in nature made up of 2 storey terraced properties to the east and north east. To the south of the site lie a block of 2 storey flats in a roughly 'U' shaped formation. Directly opposite the site (east) lie a row of flats with a ground floor shop occupying 96 Haynes Road.
- 2.5 To the west of the application site lie a row of protected trees situated on the edge of a grassed area surrounded by residential properties to the north, south and west.

3.0 Relevant Planning History

97/1024/P - Erection of ground floor lounge extension (5.70m x 3.65m) to residential home (being application under regulation 3 of the Town & Country Planning General Regulations 1992). Application approved 11.06.1997

4.0 Site Allocation

- 4.1 The site is allocated as Residential Policy Area as defined by the Doncaster Unitary Development Plan (Proposals Map) 1998. The relevant policies make clear that residential development is acceptable in principle providing it would not adversely affect neighbouring properties or detrimentally affect the character of the surrounding area.
- 4.2 A neighbourhood plan is in preparation for Thorne and Moorends and is currently in what is known as Regulation 14 status meaning that consultation and publicity has taken place. Regulation 14 consultation ended on 12th December 2016. The Neighbourhood Plan Working Group are making some amendments to the Neighbourhood Plan and will then re-consult for 6 weeks. It is considered, in line with the National Planning Policy Guidance that the Neighbourhood Plan is a

material consideration and carries more than limited weight. Moderate weight is attached to the policies contained within the Thorne and Moorends Neighbourhood Plan. The relevant policies are outlined as follows:

H2 - Development of non-neighbourhood plan allocated housing sites

H3 – Housing Mix

H4 – Affordable Housing

Relevant, Local and National Policies

4.3 National Planning Policy Framework 2019 (NPPF)

- Chapter 2 - Achieving sustainable development
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 6 - Building a strong competitive economy
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

4.4 Core Strategy 2011 - 2028

In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies to be considered are:

CS 1: Quality of Life

CS 2: Growth and Regeneration Strategy

CS 4: Flooding

CS 9: Providing Travel Choice

CS10: Housing requirement, land supply and phasing

CS 14: Design and Sustainable Construction

CS 15: Valuing our Historic Environment

CS 16: Valuing our Natural Environment

CS 17: Providing Green Infrastructure

4.5 Saved Unitary Development Plan Policies

ENV 59 - Protection of trees

PH11 - Existing residential policy areas

4.6 Local Plan

The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Council is aiming to adopt the Local Plan by summer 2020. Consultation on the draft policies and proposed sites took place during September and October of last year and the Local Plan is due to be published in early summer 2019. Given the relatively early stage of preparation of the emerging Local Plan,

the document carries limited weight at this stage, however the policies most appropriate to this proposal are as follows:

Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.

Policy 2 sets out the settlement hierarchy for the borough and states that at least 40% of new homes will go to main towns.

Policy 8 sets out the requirements for the range of housing including the need for affordable housing.

Policy 14 seeks to promote sustainable transport within new developments.

Policy 29 deals with open space provision in new developments.

Policy 43 deals with the need for good urban design.

Policy 57 requires the need for satisfactory drainage including the use of SuDS.

Policy 66 deals with developer contributions.

Other material planning considerations

- The Doncaster Green Infrastructure Strategy 2014 - 2028
- Doncaster Development and Flood Risk SPD (dated Oct 2010)
- Doncaster Development and Design Requirements SPD (dated July 2015)
- Doncaster's Economic Growth Plan 2013-18
- Doncaster's Borough Strategy 2014
- Doncaster Health and Wellbeing Strategy 2016- 2021
- Doncaster Growing Together

5.0 Representations

5.1 The application was submitted on 18th July 2017 and advertised via site notice and press notice on 03rd August 2017. Following this publicity, 25 letters of objection were received.

5.2 The application has been re-advertised three further times following amendments to the scheme and objections have been consistently been received.

5.3 In total since the original submission 42 Letters of objection have been received although some of these have been from the same objectors writing in respect of amended schemes. A summary of the material planning issues raised is set out below. Each of these concerns will be addressed within this report:

- Concerns about the height of the proposed building
- Concerns about the size of the dwellings
- Concerns in relation to excessive traffic
- Concerns in relation to overlooking
- The development is out of character
- The development will result in noise pollution
- The ground floor parking could give rise to anti-social behaviour
- The proposal represents an over development of the site
- Concerns the proposal will result in overshadowing
- Concerns about the impact of the development on trees
- Concerns about the design of the building
- Concerns about drainage and surface water runoff
- Concerns about lack of open space
- Concerns about the removal of waste from the development

5.4 Non material planning considerations raised include:

- Concerns about who the future occupants of the dwellings will be
- Concerns about loss of a view
- Concerns about de-valuation of property
- The proposal would block out the light of neighbouring properties

6.0 Town Council

The Town Council objected on the 5th January 2018 raising the following concerns:

1. The proposal to erect a four storey building is totally out of character with the surrounding area
2. The height of the building is not in keeping with the surrounding development
3. The proposed development will create road traffic problems
4. Lack of adequate car parking is a concern.
5. Access and egress problems will arise.
6. Pressure will be placed on the provision of available school places and local medical services.

7.0 Relevant Consultations

SY Architectural Liaison Officer - No objections subject to designing out crime requirements

National Grid - No comments received

Environment Agency - No objections subject to condition

South Yorkshire Fire and Rescue - No comments received

Yorkshire Water - No objections subject to conditions

DMBC Affordable Housing - Requirement for 26% on site affordable housing

Area Manager - No comments received

DMBC Ecology - No objections subject to condition

DMBC Tree Officer - No objections subject to condition

DMBC Internal Drainage - No objections subject to conditions

DMBC Education - Education contributions required

DMBC Environmental Health - No objections subject to condition

DMBC Public Rights of Way - No objections

DMBC Housing Policy - No objections

DMBC Highways Development Control - No objections

DMBC Transportation - No objections

DMBC Design Officer - Reservations with regard to lack of active frontage at ground floor

DMBC Open Space Officer - Open space contributions 15%

DMBC Pollution Control - No objections subject to conditions

DMBC Conservation - No objections

8.0 Planning Issues and Discussion

Introduction

8.1 The proposal seeks permission for the demolition of the former NHS building and redevelopment of the site with a block of 57 apartments and associated infrastructure including car parking provision. In considering the proposal the main material planning considerations are outlined below:

- The acceptability of residential development
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and whether there are enough parking spaces
- The impact on the existing trees
- Flooding and Drainage issues
- Financial contributions and viability

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 or no

Appropriateness of the proposal

8.3 The NPPF seeks to significantly increase the overall quantity and quality of housing and to ensure that it is built in sustainable locations. Policy PH11 (a) of the UDP accepts the principle of residential development in a residential policy area providing the character of the area or local facilities are maintained and neighbour amenity is protected.

8.4 The application site is located within the settlement boundary of Thorne where the principle of new residential development is acceptable. That said, consideration should be given to the potential impact of the development on neighbouring residential properties, its impact on the highway network and the suitability of the design.

- 8.5 Policies CS1 and CS14 of the Core Strategy and Policy PH11 of the UDP requires that all proposals in Doncaster must be of high quality design that respects the character of the area in regard to a number of principles of good design. These include being of a form, density, and layout sympathetic to the area. Objectors are concerned that the proposed building will adversely affect the character of the area and are particularly concerned about the buildings height.
- 8.6 The surrounding area is characterised by two storey terraced properties and 2 storey blocks of flats (south). To the north of the site lies Thorne Sports Centre which measures 10.2m in height. The existing building on the site is predominantly two stories with single storey wings to the north and a two storey detached building in the north western corner of the site.
- 8.7 The proposed building measures 12m in height and is set back from Haynes Road by approximately 11.6m. The applicant has provided 3D visuals of the proposed building and these have been made available via Doncaster's Public Access page. In short, it shows a buff coloured building with ground floor cladding, dwarf walls and landscaping. The visuals show a landscaped bund to the front of building adjacent to Haynes Road. A copy of the 3D visuals will be presented to the planning committee during the presentation.
- 8.8 During the course of the application Doncaster's urban design officer had raised concerns that the removal of the ground floor accommodation has removed the active street frontage from the ground floor. The applicant has sought to soften the appearance by introducing a small bund which would be landscaped. Appendix 1 shows the revised scheme and the proposed landscaping.
- 8.9 The applicants have sought to balance the need for parking spaces together with addressing the Environment Agency's concerns against the need for an active street frontage. It is considered that the amended scheme goes some way in achieving this balance. Doncaster's Urban Design officer has commented that the landscaping will play an important role to ensure a high quality scheme and facilitate natural surveillance. Whilst the landscaping that has been shown on the plans is indicative, it can be secured via a planning condition. Moreover details in respect to the finishing material of the building have also been reserved by condition.
- 8.10 The site is currently occupied by the former NHS building which is currently vacant. It is therefore reasonable to determine that the site fits with the definition of a brownfield site often referred to as a site that has been previously developed. Paragraph 118 of the NPPF states that Planning policies and decisions should:
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 8.11 The proposal to develop a brownfield site would promote and make effective use of land in accordance with paragraph 118 of the NPPF and would look to provide additional homes, something that the government attaches great importance to.
- 8.12 The principle of residential development on site is considered acceptable in principle and this weighs significantly in favour of the application. In addition and in

line with paragraph 118 substantial weight should be given in favour of the application to utilising suitable brownfield land within settlements.

Sustainability

- 8.13 It is recognised that the application site lies within the residential envelope of Thorne and as set out above, would seek to utilise the develop a brownfield site. Consideration should be given as to whether the proposal is sustainable economically, socially and environmentally.
- 8.14 Thorne is designated within Policy CS2 as a Growth Town and the market towns of Thorne and Mexborough have the largest town centres outside Doncaster and are important service centres for local catchments.
- 8.15 National policy seeks to build prosperous and sustainable communities by improving the economic performance of towns and cities, promoting regeneration and tackling deprivation. It seeks to focus development in existing centres accessible to public transport, jobs, key services and infrastructure so as to promote their vitality and viability, support town centre regeneration and minimise the need to travel. Land should be used efficiently and priority given to re-using well located brownfield land.
- 8.16 The nearest bus stops to the site is located directly opposite the site and to the east (11m) and to the north (37m) and is served by the 86, 85a 87 and 87a these operate on a on a hail and ride basis. These buses operate on a daily basis starting at 0629 hours and ending at 2346 hours Monday to Friday and travel to Doncaster's Town Centre and Moorends with services also running on Saturdays and Sundays.
- 8.17 It is widely acknowledged that that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 8.18 Section 9 (Promoting Sustainable Transport) of the NPPF goes into further detail on this core principle. Paragraph 108 states that decisions should take account of whether:
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.19 Chapter 5 (Delivering a sufficient supply of homes) of the NPPF sets out that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 8.20 With regard to school places, paragraph 94 states that the government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning

authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

8.21 As part of the application submission the proposal has included a Transport Assessment (TA) and travel plan which deal specifically with the matter of transport sustainability. The TA sets out that the development is well situated to facilitate access to a range of amenities on foot. The Institution for Highways and Transportation (IHT) offers guidance on walking distance by journey purpose, as shown in the table below:

Criteria	Commuting / School	Elsewhere (other than town centres)
Desirable	500m	400m
Acceptable	1,000m	800m
Preferred Maximum	2,000m	1,200m

(Source: IHT)

8.22 There are continuous walkways on both sides of Glebe Road in the vicinity of the site frontage and on the north side of the carriageway to Southfield Road. The surrounding routes benefit from being street lit and dropped kerbs are provided across minor access roads.

8.23 It is noted that cycling can be a substitute for car trips, particularly those of up to 5km, as well as forming part of longer journeys via public transport. Cycling, therefore, plays an important role in reducing the need to travel by car. The proposal shows a cycle store area to the north west corner of the site capable of accommodating 20 bikes.

8.24 Turning to consideration of the sustainability of the proposed dwellings, the Doncaster Settlement Audit (updated February 2017) considers the sustainability of the settlements throughout the borough, including Thorne. The audit categorises local services as either primary or secondary services. On page 5 of the audit, the categorisation is explained as follows:

Primary services/facilities	Secondary services/facilities
Primary School	Secondary School
Town Centre	Shopping
Train Station	Dentist
Bus network	Library
GP	Leisure Centre
Pharmacy	Formal Public Open Space
	Informal Public Open Space
	Secondary bus network

"Primary services are those which are considered to be very important for an area to have in order for it to be sustainable and even to be a desirable place to live. Secondary services are those which are important but not as important."

8.25 The South Yorkshire Residential Design Guide SPD considers accessibility criteria for new residential development. Table N1.2 of the SPD, below, sets out the broad accessibility targets.

Distance from residential areas in:	to:	local services	bus/tram stop	primary health/education
main centre		10 min walk	5 min walk	20 min journey
central area		15 min walk	5 min walk	30 min journey
central area (smaller town)		20 min walk	5-10 min walk depending on destination	20 min walk 30 min journey
corridor		15 min walk	5-10 min walk depending on destination	20 min walk 30 min journey
rural settlement	(via bus)		10 min walk	40 min journey

8.26 The above table provides five different categories that development would fall into with respect to sustainability. Given the proximity of the site to shops and other services it would be reasonable to suggest that the site lies within a main centre location given its proximity to local services, health and education as well as access to sustainable transport.

8.27 In terms of average walking speeds, the SPD states that as a general rule of thumb a 5 minute walk equates to a distance of 400 metres for non-disabled people and for different groups of disabled people, these distances are significantly less. This calculation concurs with the Institute for Highways and Transportation (IHT) 'Guidelines for Providing Journeys on Foot' published in 2000, which calculated a reasonable walking pace as 3 miles or 5 kilometres per hour.

8.28 The IHT document refers to 400 metres as a desirable walking distance and 800 metres as an acceptable distance for trips on foot outside town centres (save for commuting/schools/sightseeing where the figures are instead 500m and 1000m respectively). The site lies 241m south of the Trinity Academy, 336m (as the crow flies) from Green Top Primary school and 369m from Thorne Brooke Primary School. The site lies 434m (as the crow flies) from Thorne Town Centre.

8.29 When considered against the distance criteria set out in the South Yorkshire Residential Design Guide and also the guidelines set out by the Institute for Highways and Transportation the development measures well in terms of access to public transport and local services. Consequently the proposal adheres to Policies CS1, CS14 of the Core Strategy.

- 8.30 Consideration should also be given to whether the proposal would be economically and environmentally sustainable.
- 8.31 The NPPF is explicit in stating that in order to be environmentally sustainable, proposals should contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity. As previously set out the proposal seeks to re-develop an existing brownfield site which offers little in the way of biodiversity.
- 8.32 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 Thorne and further afield by the occupiers of the new properties.
- 8.33 Taken in the round, considering the distance from shops and other services, its proximity to bus stops and educational/medical facilities the site is clearly sustainable socially, environmentally and economically. Overall it is considered that the sustainability of the proposal is considered to carry significant weight in favour of the application.

Impact on neighbouring properties

- 8.34 The properties most likely to be affected by the development are those situated on Haynes Road (east) and Glebe Road (south). Doncaster's Supplementary Planning Document (SPD) for residential guidance makes clear that new housing should not give rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of occupiers of existing properties. Plot size, site layout, open space, landscape, garden space, building size and form, architectural style, materials, access and car parking provision and arrangement are all key design aspects of a development which will be considered in the assessment of proposals.
- 8.35 The SPD goes on to state that 2-3 storey properties should have back to back distances (between facing habitable rooms) of no less than 21m, and front to front distance of no less than 12m, dependent upon the street hierarchy (new properties should not create blank elevations or gables facing the public realm). 4 storey properties should have back to back distances of no less than 27m, with front to front distances of no less than 24m.
- 8.36 The properties on Haynes Road are located 27m at the closest point with the majority of the building being set back 29m.
- 8.37 The properties to the south on Glebe Road are separated by 18m at the nearest point, however the building has been amended to remove windows located on the south west corner to alleviate the possibility for overlooking or loss of privacy.
- 8.38 Concerns have been raised by neighbouring residents in relation to noise and disturbance generated during the construction of the development. It is acknowledged that there may be some disruption during the demolition of the existing building and erection of the 57 apartments, however this is likely to be confined short-term disruption and therefore carries limited weight.

Highways and Parking

- 8.39 As set out above, concerns have been raised by neighbouring residents about existing parking problems and the possibility that this development would result in additional pressure on the network.
- 8.40 Policy CS 14 lists quality, stability, safety and security of private property, public areas and the highway; and permeability as qualities of a successful place. Policy CS 9 of the Doncaster Council Core Strategy states that proposals will be supported which make an overall contribution to the improvement of travel choice and the transport network.
- 8.41 Paragraph 111 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 8.42 Consultation has taken place with Doncaster's Highways Transportation team who have commented that this development will generate a net increase in vehicle trips of 11 in the PM peak hour (1 every 5 minutes). This impact is not considered severe. Importantly, the NPPF makes clear at paragraph 109 that "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."
- 8.43 Doncaster's Transportation team welcomes the inclusion of cycle parking spaces and the provision for the charging of electric vehicles within the development. On the basis of the information submitted, Doncaster's Highway Transportation Team are not concerned with the proposed development.
- 8.44 Objections have been received specifically in relation to concerns about the impact the development may have on existing parking. The proposal provides 84 Parking spaces associated with the development. Doncaster's SPD for residential design guidance sets out parking standards and states for dwelling houses and apartments the council will aim to achieve the following minimum parking standards. For apartments the development is required to provide 1.5 spaces, where 1 space is allocated and another defined shared visitor space is provided for every 2 dwellings in communal parking areas. In these circumstances, the proposal affords the required 1.5 parking spaces required and as a consequence adheres to the requirements of Doncaster's SPD.
- 8.45 During the course of the application Doncaster's Highways Development Control team have been consulted and have raised no objections to the proposal subject to suitably worded conditions. It can therefore be taken that the development is unlikely to create or aggravate highways issues and this weighs in favour of the application.

Flooding and Drainage

- 8.46 The application site lies within an area designated as Flood Risk Zone 3 benefiting from flood defences. The initial scheme sought permission for residential development at all levels including the ground floor. Initially the Environment Agency objected to the proposal on the basis that the development failed to comply with the requirements set out in the NPPF and failed to establish consistent finished floor levels in line with the Doncaster's SFRA.

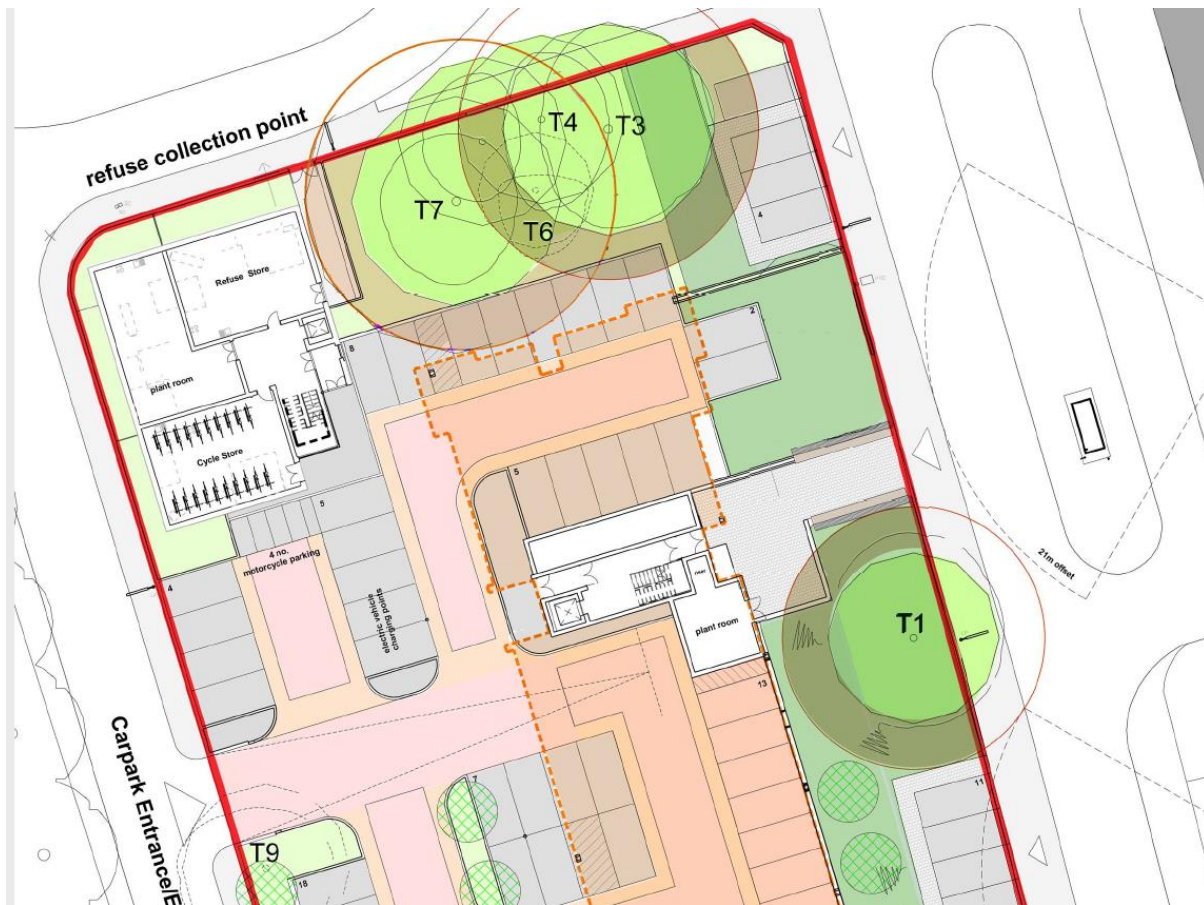
- 8.47 Following this, the scheme was amended to remove the ground floor accommodation, replacing it with undercover parking. The Environment Agency were re-consulted and subsequently removed their objection subject to suitably worded conditions.
- 8.48 The Environment Agency in their consultation response have stated that the application of the Sequential Test requires an assessment by the LPA to determine whether or not the development is 'appropriate' for the Flood Zone(s) it is in and whether other sites at lower flood risk are reasonably available
- 8.49 The NPPF makes clear that residential developments within high flood risk zones should look to apply the Sequential Test (ST). Paragraph 158 sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 8.50 A separate Sequential Test (ST) document has been provided during the course of the application and looked to define the area of search to the settlement limits of Thorne and Moorends. The ST has given consideration to the Housing and Economic Land Availability Assessment (HELAA) updated report (July 2017). The ST identified a large number of site within Thorne and Moorends, however the majority of these sites fall outside the residential policy area boundaries and as such were discounted. Other sites within Thorne have been discounted due to their size and already having planning permission. Even in combination the two smaller sites identified are not large enough to accommodate the proposal. On this basis, the proposal is considered to pass the Sequential Test.
- 8.51 The NPPF makes clear that should the ST be passed then consideration should be given as to whether there is a need to consider the Exceptions Test. Table 3: Flood risk vulnerability and flood zone 'compatibility' sets out the circumstances where the Exceptions Test should be applied. Residential development is classed as more vulnerable and this in combination of the site being classified as Flood Risk Zone 3 triggers the need for an Exceptions Test.
- 8.52 At paragraph 160 of the NPPF it states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 8.53 The applicant sets out that the scheme is surrounded by residential development and is located in a sustainable location with good access to local amenities and services and is well served by public transport links. Thorne Town Centre is within a 10 minute walk from the site to the west.
- 8.54 The application proposes the redevelopment of a brownfield site within the defined settlement limits of Thorne, which is one of the Borough's largest and most sustainable settlements. There is an identified need to bring forward more housing

sites in the town. The development of the site will make a contribution to housing supply in the Thorne and Moorends area.

- 8.55 The development can provide wider sustainability benefits to the site by offering landscaping enhancements to the immediate surrounding area. Improvements to the public realm at street level are also proposed. The scheme would also result in an overall betterment on the existing drainage situation not only within the site but also in the surrounding area. On this basis it is considered that the proposal has passed part a) of the exceptions test.
- 8.56 As previously set out the proposal has been amended to remove the ground floor element of the development and replaced it with parking meaning that the finished floor levels would exceed the 4.4m AOD outlined within Doncaster's Strategic Flood Risk Assessment. This has significantly reduced the flood risk associated with the development resulting in a development that would be safe for the lifetime of the development. In addition, the proposal would seek to replace an existing building covering the majority of the site and it is therefore considered that the replacement building would not create issues of flooding elsewhere within the locality.
- 8.57 Balancing all matters, it is considered that the proposal passes both sections of the Exceptions Test.

Trees and Landscaping

- 8.58 A grouping of trees have been subject to a Tree Preservation Order to the north of the site containing Norway Maples (T1, T3, T4) and Horse Chestnuts (T6, T7). Concerns were initially raised in relation to the position of the proposed apartment block in proximity to the existing trees as it would have significantly reduced the health and amenity value of the trees. As a consequence, the scheme has been amended to move the building away from the aforementioned trees as indicated below:



8.59 Following these amendments, Doncaster's Tree Officer was re-consulted and no objections were raised subject to suitably worded conditions.

Ecology and Wildlife

8.60 Doncaster's ecologists has been consulted during the course of the application and have raised no objection to the proposal. A bat survey has been carried out and it concluded that no bats were currently using the building proposed for demolition as a roost site. It is therefore recommended that the proposed demolition can be carried out without the requirement of further surveys. As the demolition of the building has not taken place within 18months of the survey a suitably worded condition has been suggested requiring additional surveys.

Planning Obligations

8.61 Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

8.62 In paragraph 56 it is stated that Planning obligations must only be sought where they meet all of the following tests

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

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

Affordable Housing

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

Public Open Space

- 8.64 Core Strategy Policy CS 17 states that proposals will be supported which have regard to local standards and opportunities, and help to address deficiencies, by making an appropriate contribution to sport, recreation and related community uses by providing suitable and appropriate, on-site (or an equivalent contribution towards off-site contribution). Policy RL 4 states that the Borough Council will seek to remedy local public open space deficiencies within existing residential areas and will require the provision of local public open space, principally of benefit to the development itself, however part (c) states that where the size of the development is such that 10-15% of the site area would result in an area of local public open space of less than 0.4ha the Borough Council may require the applicant to provide a commuted sum in lieu an area of open space to be used for the creation of a suitable area of open space elsewhere or for the enhancement of an area of existing public open space in the vicinity of the development site.
- 8.65 The 2013 Green Space Audit shows the Thorne community profile area is deficient in informal open space and public parks. As the Green Space Audit shows both accessibility issues and a variety of open spaces deficiencies, 15% commuted sum (in line with policy RL4) would be required for this development proposal. The external viability consultant considers that the existing use value is considered to be in the range of £300,000 and £400,000 and taking the middle of these figures results in a fair and reasonable land value to be £350,000. Therefore 15% of this would be £52,500.

Education

- 8.66 Policy CS 1 (A) of the Core Strategy states that as a means to securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported which contribute to the Core Strategy objectives and in particular provide opportunity for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities. As such, the Education team have been consulted and 8 additional primary school places are required and 6 additional secondary school places with a combined total of £206,926.

Viability

- 8.67 Paragraph 57 of the NPPF states where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including

whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

- 8.68 The applicant has provided a viability assessment and this has been sent to an independent viability consultant (Andrew Golland). He has considered the information contained within the viability assessment and has concluded that the scheme is unable to provide any developer contributions. The viability consultant has determined that the development would produce very little in the way of profit margins. In order to make a scheme viable, there is an expectation that the developer would achieve a profit of between 15 -20%. In this case profit margins are considerably lower meaning that the scheme would be unviable if developer contributions were required.
- 8.69 Whilst clearly developer contributions are necessary in order to make the scheme acceptable, this has to be weighed against all other material considerations including development in a sustainable location, the development of a brownfield site and the creation of additional dwellings.

9.0 Summary and Conclusion

- 9.1 The application is finely balanced. It is acknowledged that the development of the site resulting in the erection of a four storey building would inevitably alter the character and appearance of the site. That said, this alteration does not necessarily equate to harm. The applicants have sought to address issues of parking, flood risk and tree issues by altering the design of the building and these issues no longer weigh against the proposal. In addition, the building has been designed to minimise the potential impact on neighbouring properties and meets the requirements set out in Doncaster's Supplementary Planning Document (SPD). However, viability information submitted as part of the application has shown that the site is unviable and unable to provide any financial contributions. Balanced against this is the construction of additional dwellings on brownfield site and the supply of further housing in an area designated for growth.
- 9.2 Having balanced all of the material planning considerations, the proposal is considered to be acceptable subject to suitably worded conditions.

RECOMMENDATION

Planning Permission GRANTED subject to the following conditions.

01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U0067716 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Proposed level floor plan – Drawing number N187-GA-00-03-DR-A-0_00-100

Block A East and North Elevations - Drawing number N187-GA-00-ZZ-DR-A-00-10-200

Block A South and West Elevations – Drawing number N187-GA-00-ZZ-DR-A-00-10-201

Block A – East Elevation Landscaping Plan – Drawing number N187-GA-00-DR-A-40-35-000

Block A contextual east elevation – Drawing number N187-GA-00-ZZ-DR-A-00-10-210

REASON

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

03. U0067717

Before the development commences, samples of the proposed external materials, including the louvered openings to the basement car park, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure the satisfactory appearance of the development.

04. U0067718

No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme should contain details of all surfacing materials to external areas and the boundary walls to the site perimeter. The scheme shall include a soft landscape plan; a schedule providing tree numbers and details of the species, which shall comply with section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements Supplementary Planning Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON:

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

05. HIGH1

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

REASON

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

06. HIGH11 The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.

REASON

To avoid damage to the verge.

07. U0067719 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Technical Note compiled by Herrington Consulting Ltd dated 28 November 2017 (inclusive of the revised scheme drawings/ elevations appended to the Flood Risk Technical Note as indicated on page 1) and the following mitigation measures detailed within drawing numbers N187-GA-00-ZZ-DR-A-00-10-200 and N187-GA-00-ZZ-DR-A-00-10-202 and the Flood Risk Technical Note:

o Finished habitable floor levels are set no lower than 4.9m above Ordnance Datum (AOD) for Block A as shown on drawing number N187-GA-00-ZZ-DR-A-00-10-200, and 5mAOD for Block B as shown on drawing number N187-GA-00-ZZ-DR-A-00-10-202 respectively. These drawings should be read in conjunction with page 1 of the Flood Risk Technical note which confirms that ground floor habitable areas have been removed from the design and replaced with parking with all habitable areas moved to the first floor and above. The technical drawings confirm that all habitable areas will now be situated in excess of the critical flood level (CFL) as stipulated within the Doncaster Metropolitan Borough Council Strategic Flood Risk Assessment (SFRA).

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

REASON

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

08. U0067720 Where development commences more than two years from the date of the original protected species surveys, additional/updating surveys should be carried out to ensure that approved mitigation is appropriate for the current situation.

REASON

To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16 and that no offence is committed in respect of protected species legislation

09. U0067721 Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with clause 6.2 of British Standard 5837: 2012 Trees in Relation to Design,

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

REASON:

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

10. U0067723 Artificial lighting shall not be installed until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details.

REASON

In order to safeguard the amenity of neighbouring properties.

11. U0067724 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

REASON

In the interest of satisfactory and sustainable drainage

12. U0067726 No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change

have been submitted to and approved in writing by the Local Planning Authority.

Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

REASON

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

13. U0067727 Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer .
REASON
To prevent pollution of the aquatic environment and protect the public sewer network

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

02. U0013137 INFORMATIVE
Any works carried out on the public highway by a developer or any one else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement, and for on site inspection. The applicant should make contact with Malcolm Lucas, Tel. 01302 745110. Email. malcolm.lucas@doncaster.gov.uk as soon as possible to arrange the setting up of the agreement.

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

03. U0013138 INFORMATIVE
Protected species such as bats may currently be or may have previously occupied a structure subject to this permission. It is an offence under the Regulation 41 of the Conservation Regulations 2010/ Art 12 Habitats Directive and Section 9 of the Wildlife and Countryside Act (1981) as amended; to deliberately kill, injure, or disturb all species bats or damage or obstruct a known bat roost whether occupied or not. All operations carried out must take into account the potential to commit an offence under this legislation.

04. U0013139 INFORMATIVE
The trees at the northern end of the site and the maple tree adjacent to the eastern boundary are subject to Doncaster Borough Council Tree

Preservation Order (No.388) 2016 Haynes House, Haynes Road, Thorne. It is a criminal offence to prune without consent or wilfully damage any protected tree. Failure to implement the above Planning Condition which seeks to protect the trees may be deemed to constitute wilful damage and may result in criminal proceedings being instigated by the Council. The Council operates a free advisory service in assisting in tree protection.

05. U0013140 **INFORMATIVE**

The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal and Yorkshire Water promotes the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. Only as a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces- I believe 84 spaces are proposed) and hard standing must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

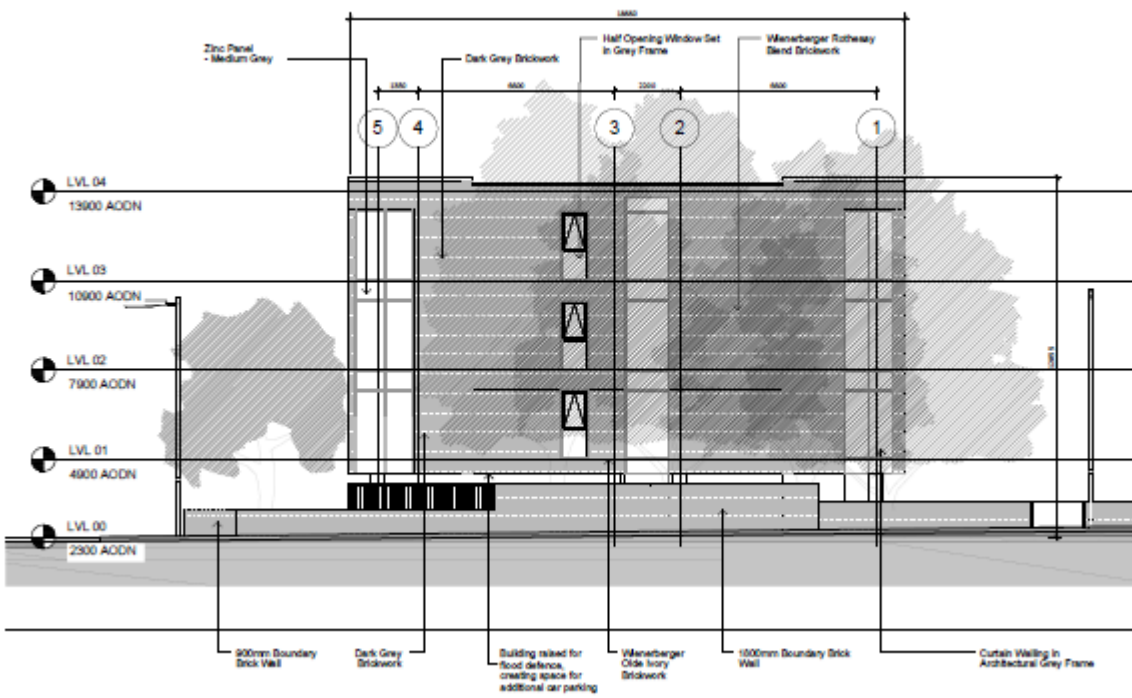
Reasons(s) for Granting Planning Permission:

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

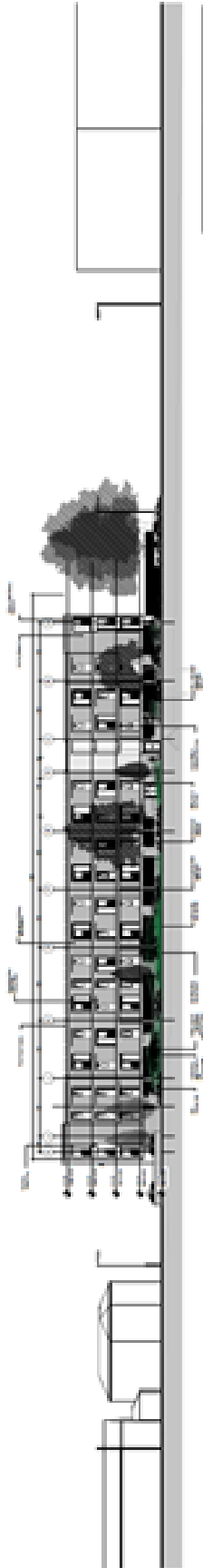
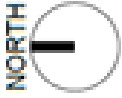
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Amendments to the number of apartments
- Design of scheme
- Siting of the building
- Removal of ground floor accommodation

Appendix 2 - Proposed Elevations



Appendix 3 – Street Scene



This page is intentionally left blank

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 25th June 2019

Application 4

Application Number:	18/02593/FULM	Application Expiry Date:	21st January 2019
----------------------------	---------------	---------------------------------	-------------------

Application Type:	Planning FULL Major
--------------------------	---------------------

Proposal Description:	Erection of 14 dwellings on approximately 0.45ha of land following demolition of existing building.
------------------------------	---

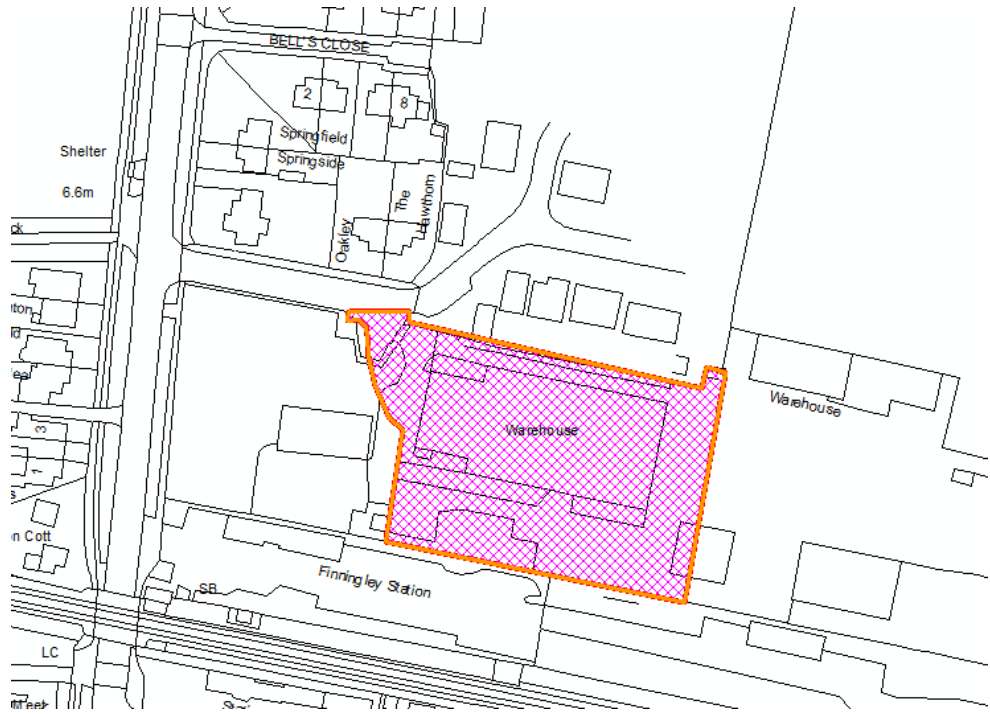
At:	White And Carter Station Road Blaxton Doncaster
------------	---

For:	White And Carter - Andy Martin
-------------	--------------------------------

Third Party Reps:	0	Parish:	Blaxton Parish Council
		Ward:	Finningley

Author of Report	Garry Hildersley
-------------------------	------------------

MAIN RECOMMENDATION:	GRANT subject to S106 agreement
-----------------------------	---------------------------------



1.0 Reason for Report

- 1.1 The application is presented to committee as the proposal has been subject to a viability assessment.

2.0 Proposal and Background

- 2.1 The site lies within the settlement boundary for Blaxton and within allocated Residential Policy Area.
- 2.2 The proposal involves the erection of 14 dwellings land following the demolition of an existing building and includes access, parking and areas afforded for landscaping.
- 2.3 Whilst there is little in the way of planning history for the site, the immediately to the west has been developed for 9 dwellings. Upon validation concerns were raised that the two sites were being developed independently which would have an impact in terms of financial contributions. The applicant was informed that contributions should be made in respect of affordable housing, public open space and education and as a result submitted a viability assessment to the Council for consideration.
- 2.4 During the determination of the application, the proposal has been amended to address concerns from consultees in particular with respect to highways and design. These amendments have resulted in the proposal adhering to the requirements set out in Doncaster's Supplementary Planning Document (SPD) for development guidance and the South Yorkshire Residential Design Guide.

3.0 Relevant site history

- 3.1 The application site has been subject to pre application discussions in relation to the development of the site and the applicant was made aware of the financial contributions required. The application site is bound to the north and east by completed and partially constructed housing development sites and the history for these sites are set out below:

3.2 Development site to the east:

07/02556/CPE - Certificate of Lawful use for continued use of existing premises for warehousing, distribution and manufacturing. Application granted 31.03.2008

17/01856/FUL - Proposed erection of 8 detached houses and garages and demolition of existing buildings. Application granted 10.11.2017

18/00790/FUL - Erection of one dwelling & garage on plot 9, revised vehicular accesses to plots 7 & 8 and the formation of a new road with access onto Blakefield Road including demolition of existing building. Application granted 04.07.2018

3.3 Development to the north:

05/02323/OUTM - Outline application for residential development on approximately 1.13ha of land. Application refused (21.09.2005) on the following basis:

1. The application is contrary to the advice set out in Planning Policy Statement 23, as no assessment of the risk of contamination on site has been provided and therefore no judgement can be made as to whether or not any risks of contamination can be satisfactorily resolved to an acceptable level. The site has a history of industrial type uses and there may be the potential for contamination on site. An assessment of the suitability of the site for housing cannot be made without a contamination survey being provided.

2. The application is contrary to the advice set out in Planning Policy Guidance 24 as no information has been provided to indicate the levels of noise on the site and what measures could be taken to overcome any noise issues. Housing is a noise sensitive development and this site is located close to the nearby Robin Hood Airport, close to a railway line and close to existing industrial uses. An assessment of the suitability of the site for housing cannot be made without a noise survey.

08/00563/OUTM - Outline application for residential development on approx 1.11ha of land. Application granted 22.07.2009

12/01327/EXTM - Outline application for residential development on approx 1.11ha of land (being extension of time to planning application 08/00563/OUTM granted on 22.07.2009). Application granted 14.04.2014.

15/01057/REMM - Details of Access, Appearance, Landscaping, Layout and Scale of design for the erection of 37 dwellings on approx. 1.11ha of land (being matters reserved in outline previously granted permission under reference 08/00563/OUTM on 22/07/09 and permission extended by application 12/01327/EXTM on 14.04.2014). Application granted 16.11.2015

16/01702/REMM - Details of Access, Appearance, Landscaping, Layout and Scale of design for the erection of 37 dwellings on approx. 1.11ha of land (being matters reserved in outline previously granted permission under reference 08/00563/OUTM on 22/07/09 and permission extended by application 12/01327/EXTM on 14.04.2014) (without compliance with condition 1 of planning application 15/01057/REMM, granted on 16/11/2015, - amendments to house types and reduction of total number of units by 3). Application granted 12.05.2017

4.0 Representations

4.1 The application has been advertised in the press and on site by means of site notice. In addition, direct neighbour notification letters were sent to properties directly adjacent to the development site.

4.2 No representations have been received.

5.0 Blaxton Parish Council

5.1 Blaxton Parish Council neither supports nor objects to the application. However, Blaxton Parish Council wishes to be considered for the allocation of S106 funding to support the improvement of the range of facilities and utilisation of Blaxton Playing Field, Bank End Road and, the possible major redevelopment of Blaxton Village Hall.

6.0 Consultations Responses

- 6.1 Affordable Housing Officer - has raised no objections to the proposal, however development triggers are met in respect of the development when considered with the adjacent site.

Health and Public Protection - No objections subject to condition relating to soundproofing

Highways Development Control – No objection as a result of amended plans and conditions

Area Manager – No response received

Doncaster Internal Drainage – No objections subject to condition

Doncaster's Education – No objection subject to financial contribution

Doncaster Open Space - No objection subject to financial contribution

Doncaster Pollution Control – No objection subject to conditions

Doncaster Urban Design – No objections subject to conditions in relation to materials

Doncaster Ecology – No objection subject to condition

Doncaster Tree Officer – No objections

National Grid – No objections subject to informative

Network Rail – No objections subject to soundproofing and informatives

Anglian Water – No response received

7.0 Relevant Policy and strategic and context

National Planning Policy Framework (Feb 2019) (NPPF)

- 7.1 The NPPF establishes 12 'Core Planning Principles' to underpin plan-making and decision taking. Relevant sections include:

Principle 2 - Achieving sustainable development

Principle 5 - Delivering a sufficient supply of homes

Principle 8 - Promoting healthy and safe communities

Principle 11 - Making effective use of land

Principle 12 - Achieving well-designed places

- 7.2 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 7.3 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present

without compromising the ability of future generations to meet their own needs. Paragraph 8 splits sustainability into three distinctive objectives being economic, social and environmental.

7.4 Paragraph 10 states that so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

7.5 At Paragraph 11 it makes clear that for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Doncaster Core Strategy 2011 - 2028

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

- Policy CS2 (Growth and Regeneration Strategy), defines Blaxton as a larger defined village and will support quality infill within existing settlement boundaries.

- Policy CS 9 (Travel Choice) sets out that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.

- Policy CS10 states that sufficient land will be provided to deliver a net addition of 1,230 new homes each year 2011-2028 (20,910 in total), with allocated sites sufficient to deliver 15 years' supply (18,450 in total). Housing allocations are to be phased (as set out in Table 5) with existing housing/mixed use allocations coming forward in phase 1 from 2011 onwards.

- Policy CS12 states that new housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support communities. Housing sites of 15 or more houses will normally include affordable houses on-site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment except where a developer can justify an alternative scheme in the interests of viability.

- Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

Doncaster Unitary Development Plan (adopted 1998)

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

- Saved policy PH11 sets out the Council's position in respect of new residential development in residential policy areas. It states that new housing will normally be permitted except where it would be at an unacceptable density, would adversely affect neighbours or would result in an over intensive form of development.

Doncaster Local Plan

7.8 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Council is aiming to adopt the Local Plan by summer 2020. Consultation on the draft policies and proposed sites took place during September and October of last year and the Local Plan is due to be published in early summer 2019. Given the relatively early stage of preparation of the emerging Local Plan, the document carries limited weight at this stage, however the policies most appropriate to this proposal are as follows:

Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.

Policy 2 sets out the settlement hierarchy for the borough and states that at least 10% of new homes will go to the service towns and larger villages.

Policy 8 sets out the requirements for the range of housing including the need for affordable housing.

Policy 14 seeks to promote sustainable transport within new developments.

Policy 29 deals with open space provision in new developments.

Policy 43 deals with the need for good urban design.

Policy 57 requires the need for satisfactory drainage including the use of SuDS.

Policy 66 deals with developer contributions.

7.9 Additional Considerations:

Supplementary Planning Documents

7.10 Several Supplementary Planning Documents (SPDs) have been published, which are material considerations in the determination of planning applications:

Development Guidance and Requirements SPD (July 2015)

7.11 The SPD sets out the guidance to help implement policies in the Development Plan. This includes design in the urban and rural environment, the historic environment, transport and accessibility, strategic green infrastructure, biodiversity, geodiversity and ecological networks, open space standards and requirements, landscape, trees and hedgerows.

South Yorkshire Residential Design Guide SPD (2011)

- 7.12 The South Yorkshire Residential Design Guide SPD is intended to provide a consistent approach to design in the development management process and aims to improve the quality of residential design in South Yorkshire.

8.0 Planning Issue and discussion

Main Issues

- 8.1 The site lies within Residential Policy Area, within Blaxton's residential envelope. The main issues are therefore the acceptability of the principle of the scheme, the impact on the character of the area, impact on neighbouring properties, noise, highways and landscaping. The application has also been subject to a viability assessment which has demonstrated that the proposal is unable to provide the full developer contributions. This report will provide a balancing of the material planning considerations.

Principle of development

- 8.2 As previously set out the UDP has allocated the site as residential policy area and as such new residential developments are acceptable in principle providing they would not adversely affect the character of the area, are of an appropriate density and would not detrimentally affect neighbouring properties.

Impact on the character of the area

- 8.3 The application site is set back from station road with new residential properties surrounding the development site to the north and west, which largely screen the site from wider views. The proposal development would continue the characteristics of the existing development and would be seen as an extension to the existing development.
- 8.4 Doncaster's Development Guidance and Requirements_SPD requires that developments create a well-structured layout that is attractive, sustainable and liveable and reacts positively to the character of the surrounding area. The SPD sets out in detail the requirements of design ensuring that developments are both sympathetic in design terms as well as creating healthy living environments for existing and future occupants.
- 8.5 In general terms the proposed development compliments the character of the surrounding area and would not appear at odds with its surroundings. The demolition of the existing warehouse and replacement with residential development would largely be a visual improvement with the opportunity to integrate landscaping into the site.
- 8.6 In conclusion, it is considered that the proposal would follow the pattern of surrounding residential developments and meets with Doncaster's SPD for development in providing adequate amenity space, parking provision and circulation within the site and this weighs in favour of the application carrying

Impact on neighbouring properties

- 8.7 The properties most likely to be affected are those sited directly to the north of the development site on Hawk Drive.

- 8.8 Doncaster's Development Guidance and Requirements SPD sets out that 2-3 storey properties should have back to back distances (between facing habitable rooms) by 21m, and front to front distance of no less than 12m. The proposed development is largely able to achieve this, with one instance where the development falls short by 0.78m. This is not considered to warrant a significant departure from the requirements of the SPD and would not result in significant levels of overlooking or over dominance.
- 8.9 The proposed dwellings are set back far enough from the rear boundary of properties on Hawk Drive so as not to result in excessive levels of overshadowing or over dominance.
- 8.10 The proposed garages have been stepped away from the rear boundaries of properties on Hawk Drive and this both reduces the prominence of the structures on neighbouring properties and reduces the dominance of the development.
- 8.11 It is acknowledged that there may be some disruption to surrounding neighbours in the short term whilst properties are being constructed however this would be limited to the construction phase of the development and as such carries limited weight.
- 8.12 In conclusion, the proposal is not considered to adversely affect neighbouring residential properties in terms of excessive levels of overshadowing, over dominance, loss of privacy or overlooking and this weighs positively in favour of the application.
- 8.13 The NPPF sets out at paragraph 8 that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways being an economic objective, social objective and environmental objective.

Economic Sustainability

- 8.14 The NPPF sets out that this limb of sustainability should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.
- 8.15 The proposal has the potential to lead to some economic activity through the construction of dwellings and the future occupation of the dwellings could lead to an uplift in local in local shops and services albeit to a limited level. The proposal would therefore carry limited weight in terms of being economically sustainable.

Social Sustainability

- 8.16 The NPPF states at paragraph 8 (b) that in order to be socially sustainable the development should look to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs

- 8.17 The proposal would look to provide a range of 3 and 4 bedroom semi and detached properties. Given the size of the site it is considered that the proposal makes effective use of the site whilst offering a range of homes to meet housing demand.
- 8.18 The application site lies in close proximity to existing bus stops (93m) which are operated on a hail and ride system. These bus stops are served by the number 30, 30A and 521 which would connect the site with Doncaster's town centre. The nearest facilities include a public house (128m to the south), a post office and local shop (430m to the south) and a takeaway (470m to the south). The nearest school (Hayfield Primary) is located 2.1km away with the nearest secondary school being Hayfield School some 2.2km to the west.
- 8.19 The proposal would look to develop a site within the existing settlement boundary for Blaxton and lies within a reasonable distance to existing service provision and consequently is considered to be socially sustainable carrying moderate weight.

Environmental Sustainability

- 8.20 The proposal would result in the demolition of an existing warehouse building and re-development of the site. Presently the site is largely hard-surfaced and the existing building takes up a large proportion of the site which is essentially devoid of any existing trees or vegetation.
- 8.21 Paragraph 117 NPPF Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. 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. Paragraph 118 C) states that give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 8.22 The proposal would seek to develop this brownfield site and should permission be granted, a suitably worded condition would result in an appropriate landscaping scheme being brought forward. This would result in a net gain in both trees and ecology for the site in line with paragraph 8 of the NPPF.

Sustainability Balance

- 8.23 Taken in the round and having considered all material planning considerations, the proposal is considered to represent a sustainable form of development that would not significantly affect neighbouring properties and that would reflect the characteristics of the surrounding area. Moreover the proposal would seek to develop brownfield land which the government suggests should carry substantial weight in favour of the application. It is therefore considered that the proposal adheres to paragraph 8 and 11 of the NPPF and this weighs substantially in favour of the application.

Highways and Transportation

- 8.24 With regard to highway safety and parking, this should be considered against policy CS 14 of the Doncaster Core Strategy which states that new development should

ensure quality, stability, safety and security of private property, public areas and the highway, permeability and legibility.

- 8.25 The highway officer raised no objections to the use of these junctions, however did request a number of alterations to the internal road layout taking account of the need for soakaways and a consistent approach with plans submitted as part of Section 38 application (highways adoption agreement).
- 8.26 Doncaster's SPD for development guidance sets out that for housing proposals containing 3+ bed units should allocated two spaces per dwelling. The proposal can achieve the necessary parking standards and therefore adheres to the requirements of Doncaster's SDP.
- 8.27 Following these amendments Doncaster's Highways Development Control officer has raised no objections to the proposal.

Drainage

- 8.28 During the course of the application Doncaster's Internal Drainage team were consulted and raised no objection to the proposal subject to a standard drainage condition requiring full details of the future drainage systems. Whilst no comments have been received by Anglian Water, it is considered that the condition is sufficient to provide necessary information in relation to drainage.

Trees, Landscaping and Ecology

- 8.29 Core Strategy policy CS 16 (D) states that proposals will be supported which enhance the borough's landscape and trees by: ensuring that design are of high quality, include hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness and retaining and protecting appropriate trees and hedgerows. Policy ENV 59 of the Doncaster Unitary Development Plan seeks to protect existing trees, hedgerows and natural landscape features.
- 8.30 The site isn't constrained by trees, and Doncaster's Tree Officer has raised no objections to the proposal. Likewise, Doncaster's ecologist has raised no objections to the proposal subject to a suitably worded landscaping condition. It is considered that this condition would ensure that an acceptable landscaping scheme is agreed prior to development commencing.

Noise

- 8.31 The site lies near to an existing railway line approximately 23m to the south of the development site. The proposal sees the siting of two dwellings along the southern boundary (side elevation of plots 10 and 11), with the rear garden of plot 14 facing south. These properties are most likely to be affected by any noise emanating from the nearby railway line and as a result Doncaster's Environmental Health team have been consulted.
- 8.32 The environmental health officer the neighbouring sites have been built out for residential purposes over the last few years and as such this development is in keeping with the character of the area. The only noise likely to impact on future occupiers of the development is rail noise from the nearby line. The noise mitigation strategy submitted in support of the application suggests that, although

ordinary standard double glazing will offer an adequate degree of attenuation, this will need to be combined with acoustically enhanced ventilation treatments to ensure that the internal noise climate is satisfactory. This applies specifically to habitable rooms on plots 10 and 11 of the development. As a particular solution has not been put forward at this stage a condition has been suggested which will require details to be submitted and agreed prior to development commencing.

Planning Obligations

- 8.33 Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 8.34 In paragraph 56 it is stated that planning obligations must only be sought where they meet all of the following tests
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 8.35 These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010. As the Council considers that the two sites (application 18/00790/FUL for 9 dwellings and the current proposal for 14 dwellings) should be read together there is a requirement for affordable housing contributions, public open space and education contributions.

Affordable Housing

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

Public Open Space

- 8.37 Core Strategy Policy CS 17 states that proposals will be supported which have regard to local standards and opportunities, and help to address deficiencies, by making an appropriate contribution to sport, recreation and related community uses by providing suitable and appropriate, on-site (or an equivalent contribution towards off-site contribution). Policy RL 4 states that the Borough Council will seek to remedy local public open space deficiencies within existing residential areas and will require the provision of local public open space, principally of benefit to the development itself, however part (c) states that where the size of the development is such that 10-15% of the site area would result in an area of local public open space of less than 0.4ha the Borough Council may require the applicant to provide a commuted sum in lieu an area of open space to be used for the creation of a suitable area of open space elsewhere or for the enhancement of an area of existing public open space in the vicinity of the development site.
- 8.38 The 2013 Green Space Audit shows the Blaxton community profile area is deficient in 4 out of the 5 space requirements. As the Green Space Audit shows both accessibility issues and a variety of open spaces deficiencies, 15% commuted sum (in line with policy RL4) would be required for this development proposal. A land

valuation has indicated that the site is valued at £1.1m and consequently 15% of the land valuation would equate to £165,000.

Education

- 8.39 Policy CS 1 (A) of the Core Strategy states that as a means to securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported which contribute to the Core Strategy objectives and in particular provide opportunity for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities. As such, the Education team have been consulted and 3 additional secondary school places are required at Hayfield School equating to £54,891.

Viability

- 8.40 As previously set out the proposal meets the trigger for education and public open space (POS) being 10+ dwellings but falls short of the 15+ dwellings trigger for affordable housing contributions. That being said during the validation of the application concerns were raised that the site was being developed out piecemeal, circumventing the requirement to provide affordable housing contributions. In response to this the developer provided a viability statement making the case that the site would be unviable if it had to provide all contributions.
- 8.41 The viability assessment has been independently assessed by a viability consultant who has agreed that the site cannot achieve all necessary contributions. It was estimated that the site could make a total contribution of £254,000 and this was reported to the Council's Section 106 Distribution Board (S106 Board). The aim of the board is to ensure that any money generated is used where the Local Community needs it most.

Section 106 (s106) Board

- 8.42 Leading from the independent assessment of the viability information, the S106 Board were convened on the 3rd June 2019. It is important to note that the Board's role in S106 discussions is to learn about emerging development proposals and help to shape schemes and any associated legal agreements to ensure the outcomes reflect the needs of their local community and local area.
- 8.43 Based upon the figure of £254,000, the Board recommended that the priority in this case would be to provide the full education contribution (£54,891) and provide contributions for two affordable houses (£169,000) with any remaining money to be afforded to public open space.
- 8.44 Should members resolve to grant planning permission, it is recommended that the heads of terms for the S106 agreement should progress on the above basis.

Balancing Exercise

- 8.45 The harm associated with this development relates specifically to the financial viability of the scheme. It has been identified that the scheme is unable to provide all of the financial requirements and consequent a viability assessment has been submitted which has independently assessed demonstrating that the development

would be unviable. This is considered to carry moderate weight against the proposal.

- 8.46 Weighing in favour of the application it is acknowledged that the site lies within residential policy area where new residential developments are acceptable in principle. The proposal would result in the re-development of a brownfield site for which substantial weight should in favour of the application. The proposal development is considered to reflect the character of the area and provides future living conditions that meet the requirements of Doncaster's Supplementary Planning Document (SDP) and this too weighs positively in favour of the application carrying moderate weight. The proposal would result in a sustainable form of development and would lead to the increase in construction of new dwellings which weighs substantially in favour of the application. It is considered that these aspects outweigh the harm identified in respect of financial viability.

9.0 Summary and Conclusion

- 9.1 In summary the above report discusses the positives and negatives of developing this site. It is considered that the proposed development represents a sustainable form of development that responds positively to the character of the surrounding area. The proposal would not lead to an adverse impact on neighbouring residential properties in terms over overlooking, over dominance or overshadowing. Although it is acknowledged that the site is incapable of providing all planning asks, the positive aspects of the development proposal outweigh this harm. Taking a balanced approach to the material planning considerations, it is considered that the application is acceptable and is therefore recommended for approval subject to conditions and the signing of a S106 agreement.

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) Education contribution for 54,891 towards providing 3 additional secondary school places at Hayfield School.**
- b) £169,000 towards affordable housing contribution equating to two affordable houses**
- c) £30,109 towards public open space contribution**

Planning 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. U0070742 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Proposed Site Plan - Drawing number 18.100.2 REV D
Proposed elevation and floor plans - WC126B Drawing number 18.11.10 - Amended 09.01.2019
Proposed elevation and floor plans - WCA - Drawing number 18.100.9 - Amended 09.01.2019
Proposed elevation and floor plans WC86 - drawing number 18.100.3
Proposed elevation and floor plans WC98 - drawing number 18.100.4
Proposed elevation and floor plans WC112 - drawing number 18.100.5
Proposed elevation and floor plans WC125 - drawing number 18.100.6
Proposed elevation and floor plans WC126 - drawing number 18.100.7
Single garage details - drawing number 18.100.8

REASON

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

03. DA01 The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

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

04. U0070743 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

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

c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of

such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

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

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

The site shall not be brought into use until such time as all verification data has been approved by the LPA.

REASON

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

This has to be prior to commencement so that any risks are assessed before works begin to the ground whether this be demolition works or construction works and remediation in place before works begin.

05. CON2

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

REASON

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

06. CON3

Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall

be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

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

07. U0070745 Development shall not begin until a scheme for protecting residents in the proposed plots 10 and 11 from noise from rail traffic has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained throughout the life of the development.

REASON:

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

08. U0070747 No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a soft landscape plan; a schedule providing details of the species, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON:

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

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

REASON

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

10. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary

marked out in a manner to be approved in writing by the local planning authority.

REASON

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

11. HIGH3

Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

12. U0070754

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

REASON

In the interests of road safety

01. IQ171

INFORMATIVE

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

02. U0013450

INFORMATIVE

Level Crossing Safety

Railway safety is of paramount importance to us and it is noted that the proposed development is sited adjacent to a level crossing over the railway on Station Road. We would ask that level crossing safety leaflets are included in information/welcome packs provided to the new homeowners at the site. These can be provided by ourselves upon request from the developer.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Access to Railway level crossings

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, the level crossing on Station Road should remain clear and unobstructed at all times during construction works.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

Network Rail advise that in particular the soundproofing should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway.

03. U0013454 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 - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

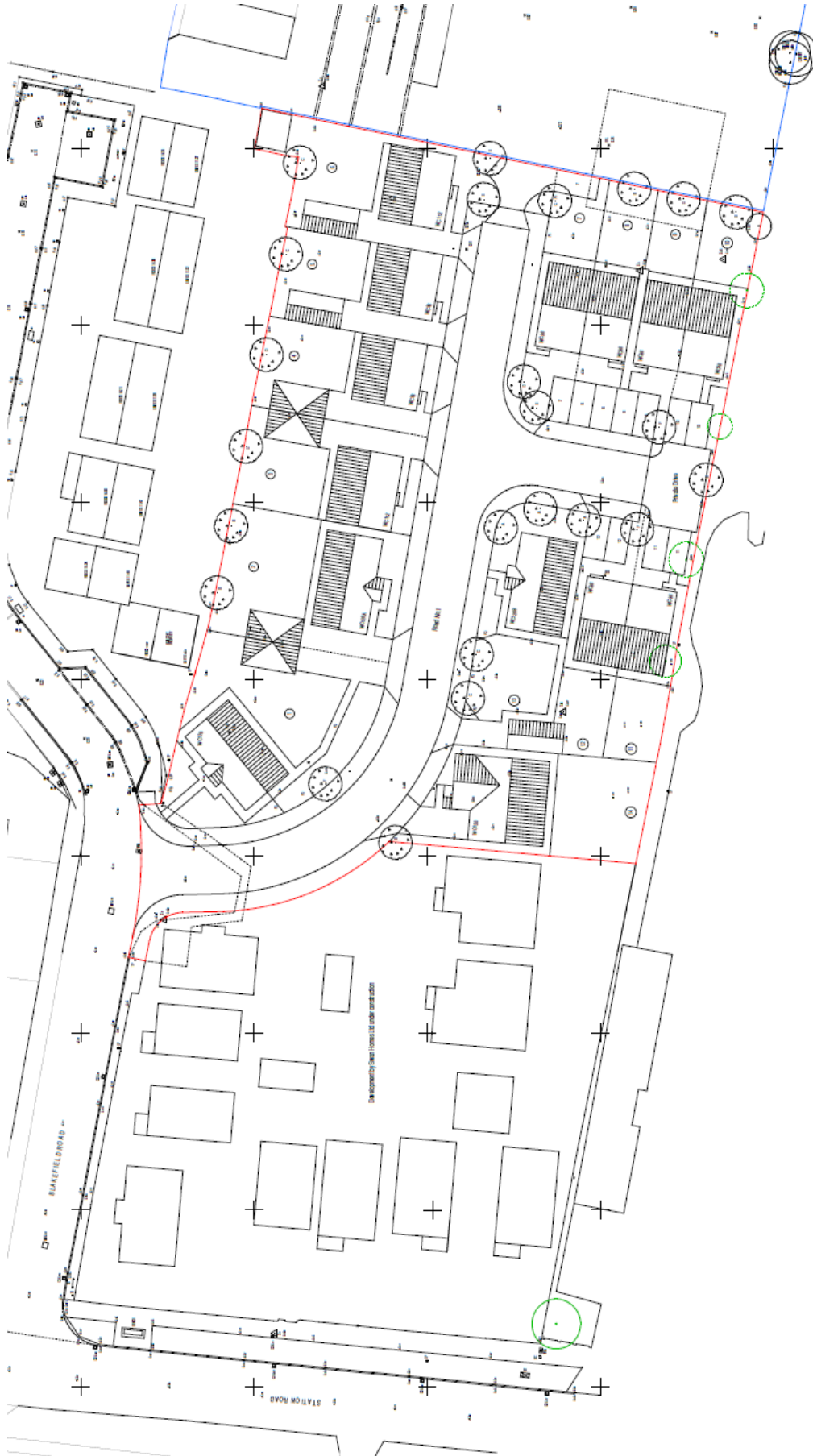
Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have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

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

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.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence

Appendix 1 - Site Layout



This page is intentionally left blank

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 25th June 2019

Application 5

Application Number:	18/02033/OUT	Application Expiry Date:	23rd October 2018
----------------------------	--------------	---------------------------------	-------------------

Application Type:	Outline Application
--------------------------	---------------------

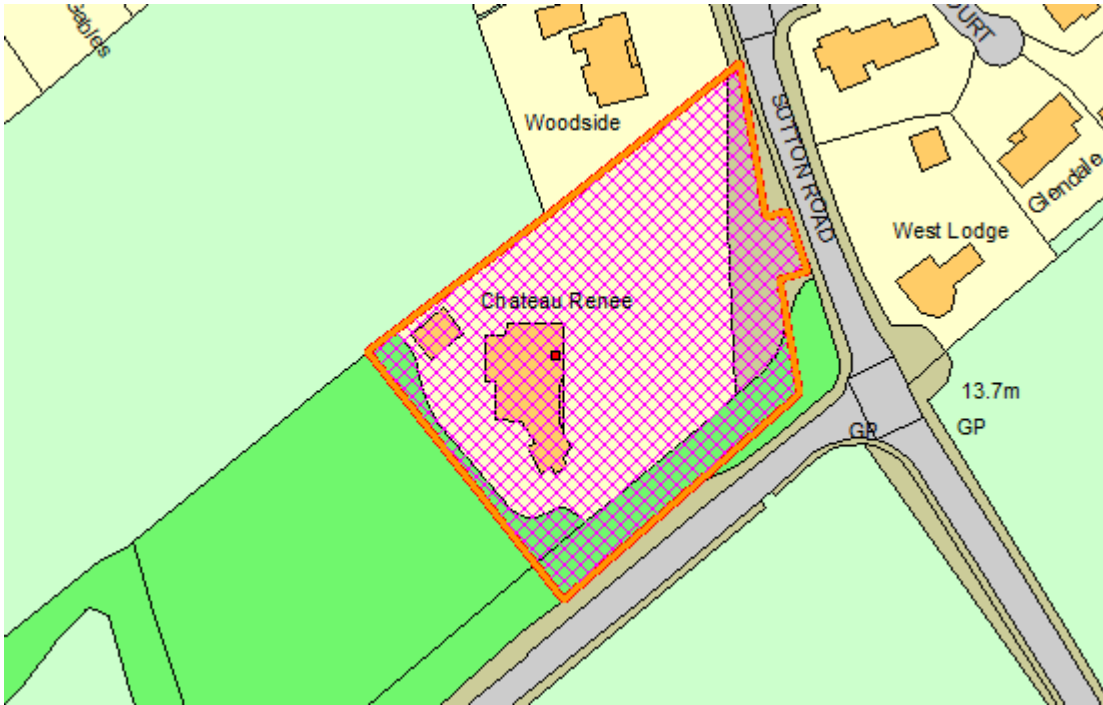
Proposal Description:	Outline application for the construction of 1 dwelling (re-submission of withdrawn application 17/02191/OUT)
At:	Chateau Renee Sutton Road Campsall Doncaster

For:	Mr Matthew Dale
-------------	-----------------

Third Party Reps:	24	Parish:	Norton Parish Council
		Ward:	Norton And Askern

Author of Report	Elizabeth Maw
-------------------------	---------------

MAIN RECOMMENDATION:	GRANT
-----------------------------	-------



1.0 Reason for Report

1.1 The application is being presented to committee because of the significant public interest shown in the application.

2.0 Proposal and Background

2.1 The application site is a large detached house, known as Chateau Renee. It is the first house on the left as you enter Campsall Village. The site adjoins Campsall Conservation Area and adds to the rural character on entering the village from Burghwallis and Sutton. It is well treed to its edge and a number of the trees are protected by tree preservation order (TPO).

2.2 This is an outline application for a house in the front garden. As this is an outline application there are no plans to show the scale or appearance of the house. The submitted plan does show a relocation of the access and siting. However, these are indicative details only as all matters are reserved.

2.3 Twenty four objections have been received. Thirteen of these objections are residents of Campsall.

2.4 The site is within the village envelope and designated as being within a Residential Policy Area. A new house in the front garden is therefore acceptable 'in principle'. The main matters to consider are effect upon trees, potential impact upon the street scene and adjacent conservation area, effect to residential amenity, ecology and highway safety.

2.5 It should be noted that a second application is being considered by the Local Planning Authority for three dwellings within the rear garden. A decision on this application has not been reached yet. A plan of this second application can be seen in the Appendix. Officers do not consider this second application has any bearing or influence on the application being considered by members on this agenda as it is constrained entirely at the back of the site and the access point is from Burghwallis Road.

3.0 Relevant Planning History

3.1 18/02034/OUT: Outline application for the construction of 3 houses (all matters reserved) (resubmission of withdrawn application 17/02311/OUT). Pending consideration.

3.2 17/02311/OUT: Outline application for the construction of a detached house with garage and summerhouse (All Matters Reserved). Withdrawn 20.11.2017.

3.3 17/02191/OUT: Outline application for erection of 4 dwellings following demolition of existing dwelling (With all matters reserved). Withdrawn 06.11.2017

3.4 97/0520/P: Outline application for erection of one detached dormer bungalow on approx 0.07 ha of land. Refused 14.04.1997.

4.0 Representations

4.1 This application has been advertised in accordance with the The Town and Country Planning (Development Management Procedure (England)) Order 2015 by sending neighbour notification letters, site notice and press advert. 24 objections have been received. 13 are from residents of Campsall. The main concerns are: Page 120

4.2 Access: Sutton Road is a busy road, often used by drivers heading to and from the A1 and many drivers are speeding as they enter the village. The site access is being moved closer to a dangerous junction and the national speed limit zone. Highway safety could also be compromised during development as a result of construction trucks and skip wagons.

4.3 Character: A house in the front garden would look out of place. It is forward of the build line also. The dwelling would affect the open and green aspect when entering the village.

4.4 Ecology: The site has ecological importance and this has been damaged by previous work on site, including harm to protected species. A dwelling would further harm the ecological value of the site. The ecological reports do not fully address all the ecological issues.

4.5 Trees: The proposal would result in a loss of trees. These are in addition to the significant felling and clearance that occurred before the submission of the planning application.

4.6 Need: The village does not need any more housing and the village has very few services to support the new dwelling.

5.0 Parish Council

5.1 Concerns for the access because it is exiting onto a busy road and it is close to a junction. The village has limited infrastructure and therefore cannot support any additional properties.

6.0 Relevant Consultations

Highways Development Control: No objections subject to cutting back of the trees on the corner to improve visibility.

Design and Conservation: No objections, subject to conditions.

Tree Officer: No objections, subject to conditions.

Ecology: No objections subject to mitigation conditions and extra pre commencement surveys being carried out.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework (2019)

Doncaster Core Strategy (May 2012)

CS2: Growth and Regeneration Strategy

CS14: Design and Sustainable Construction

CS15: Valuing our Historic Environment

CS16: Valuing our Natural Environment

PH11: Residential Policy Areas
ENV25: Conservation Areas

Supplementary Planning Documents:

Residential Development Design Guidance and Requirements (July 2015).

The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Council is aiming to adopt the Local Plan by summer 2020. Consultation on the draft policies and proposed sites took place during September and October of last year and the Local Plan is due to be published in early summer 2019. Given the relatively early stage of preparation of the emerging Local Plan, the document carries very limited weight at this stage. The policies of this emerging plan that are relevant to this application are:

Policy 2: Spatial Strategy and Settlement Hierarchy
Policy 11: Residential Policy Areas
Policy 33: Woodlands, Trees and Hedgerows
Policy 38: Conservation Areas
Policy 45: Residential Design

8.0 Planning Issues and Discussion

8.1 The main matters to consider are:

Principle of the development
Effect to residential amenity
Character and Appearance
Highway Safety
Trees
Ecology

Principle

8.2 The proposal is acceptable in principle. The property is located within the rural village of Campsall and designated as being within a Residential Policy Area. Policy CS2 of the Doncaster Core Strategy states small and good quality housing schemes within the existing village boundary are permitted.

Effect to Residential Amenity

8.3 The proposed development is outline form only so the scale and design of the house is not known.

8.4 The indicative layout shows a detached house facing the road. The siting is indicative but unlikely to change significantly because it is so constrained by the trees around it. Assuming the main windows are on the front and rear elevations then the effect to residential amenity would be minimal and residential separation distances set out in the Supplementary Planning Document (Residential Development Design Guidance and Requirements) can be complied with. Further consideration on this matter will be part of any detailed application (reserved matters).

8.5 In 1997 an application was refused in the front garden and one of the reasons was because Chateau Renee would overlook the new house because of its higher position.

Based on the indicative siting of this proposed property, there would not be an overlooking issue from Chateau Renee because of the angle of the two properties.

Character and Appearance

8.6 The site is adjacent to the Campsall Conservation Village and adds to the rural feel of the village. The character at the entrance to the village is low density houses that are set back from the road, front gardens, and trees and landscaping. Chateau Renee is set back within its plot and at an elevated position.

8.7 Planning policy advises that any new developments should preserve or enhance the conservation area (including views towards a conservation area). Developments should also respond to important features and integrate well into their surrounding area.

8.8 A proposed house in the front garden would be set back from the roadside and the frontage trees (which are covered by Tree Preservation Orders) would be retained. As the proposed house would be set back it would not dominate the view when entering the village and the existing trees would break up views of the house. The house would also be built at a low density and form a continuation of the existing housing that front onto Sutton Road and is therefore following the development pattern in the area. Other houses along Sutton Road would be seen in background to this house as well. Only two trees are to be removed so the green character would be materially unaffected.

8.9 Residents are concerned that a house in the front garden would look out of place and it would spoil the green and open aspect when entering the village. However, for the reasons above officers do not share this opinion.

8.10 The Council's Conservation Officer raises no objections subject to landscaping, materials and boundary conditions.

8.11 A resident has expressed a concern that the proposed house would be forward of the build line. The indicative plan shows the dwelling to be at angle to next door but the build line on this side of the road is not particularly strong and is therefore not a critical feature. The trees and the low density design will also break up the views of the house. A reserved matters application would give this matter further consideration.

8.12 In 1997 a house in the front garden was refused planning permission. The 1997 officer report advised the plot and proposed house was small and therefore out of character. This proposal is different as the plot is larger and has a more spacious setting and therefore overcomes the reason for refusal.

Highway Considerations

8.13 The existing property is served from a drive off Sutton Road. The proposed drive would be repositioned further south. A number of residents have expressed their concern for the intensification of the site and the moving of the entrance because vehicles enter the village from Sutton are sometimes travelling at high speed despite it being a 30mph zone.

8.14 Highways have advised the new entrance is moving closer to the junction with Burghwallis Road so it is not ideal. However, it would still be 27m away which is judged to be a far enough distance away. Crown lifting of the trees on the corner would improve the visibility and offset the harm. Highways have also taken into account that this proposal is for only one house so the number of additional traffic movements is low.

Trees

8.15 The Chateau Renee site in total has 111 individual trees and 8 groups of trees, hedges or shrubs. Of the surveyed trees: 4 trees are retention category 'U', 21 trees are retention category 'B' and the remaining 94 trees are retention category 'C'. The trees are a diverse mix. Some but not all of the trees are covered by Tree Preservation Orders.

8.16 The indicative site plan shows that a dwelling can be positioned on this plot with only the removal of two trees. The two trees are, category C and they are a semi mature Hazel and an early mature Thuja. The two trees are not covered by Tree Preservation Orders and could be removed without consent of the Local Planning Authority. The applicant has agreed to re-planting and landscaping to offset the harm of removing the two trees.

8.17 The Tree Officer has taken into account this is a plot that would be overshadowed by a number of trees but considers the house and garden would have enough sunlight and daylight available. A number of the trees are protected by TPOs as well and the Tree Officer is considering making orders for additional trees to be protected.

8.18 The trees that are on the junction and require cutting back for visibility are protected by tree preservation order but the Tree Officer agrees that cutting back is acceptable to facilitate the better visibility.

8.19 Based on the assessment above, the proposal complies with the NPPF and local policy.

Ecology

8.20 The site has ecological value. Bats, badgers and great crested newts were given particular consideration by the ecologists involved with this application. Ecology reports were submitted with the application. The Council's Ecologist has checked the reports and visited the site. The conclusion is the development can proceed subject to a number of conditions to protect, mitigate and enhance the ecological value of the site. This approach would comply with both local and national planning policy.

8.21 Bats

The bat survey showed that there is a bat roost present in the building present on site. This building is to be retained within the proposals so bats will not be impacted. The two trees to be removed have a low ecological value.

8.22 Badgers

A badger sett was found on site but it is disused. Badgers are very mobile animals so the status of setts can change. A condition for a pre commencement survey of the site will ensure the sett is still inactive and no other setts have been established on the site. This will provide the opportunity to establish any necessary mitigation if required.

8.23 Great Crested Newts

The first planning application on this site was submitted in 2017. When this application became public many objectors reported the front garden once had a pond, which was drained. Some residents expressed their concern that the pond could have contained great crested newts and it was drained to disguise the ecological value of the site and reduce any planning issues.

8.24 The advice given to the general public in 2017 was: Planning consent is not needed to drain a pond although it is a criminal offence to kill or injure a protected species. If the draining of the pond caused harm to a protected species (e.g. great crested newts) and there is evidence it should be reported to the police and it would have been beneficial to report the allegation at the time the pond was being drained. Harm to protected species is a criminal matter and not a planning consideration.

8.25 Moving forward, the Local Planning Authority want to ensure great crested newts were not affected by future development so they asked for a survey to be carried out. The survey found no evidence that great crested newts were using the site.

9.0 Summary and Conclusion

9.1 A house within the front garden is acceptable in principle and complies with Core Strategy Policy CS2 and saved UDP policy PH11. The submitted site plan demonstrates it is possible to build a house in the front garden without causing harm to residential amenity, the character of the area or highway safety. The proposal would not result in a detrimental tree loss or have an adverse effect to protected species. The recommendation is to approve the application.

10.0 Recommendation

10.1 Outline planning permission be granted subject to the following conditions:

01. STAT2 The development to which this permission relates must be begun not later than whichever is the later of the following dates:- i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates the final approval of the last such matter to be approved.
REASON
Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.

02. STAT3 In the case of the reserved matters, application for approval must be made not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 92(as amended) of the Town and Country Planning Act 1990.

03. STAT4 Approval of the details of the access, layout, scale, appearance and landscaping of the site (hereinafter referred to as reserved matters) shall be obtained from the local planning authority before the commencement of any works.
REASON
To enable the local planning authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

04. Details of the proposed external building materials shall be submitted to and approved in writing by the Local Planning Authority prior to those external materials being utilised on site. The development shall be carried out in accordance with the approved materials.
REASON
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.
05. MAT4 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. Unless otherwise approved in writing by the local planning authority, the details as approved shall be completed before the occupation of any buildings on site.
REASON
To ensure the satisfactory appearance of the development.
06. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.
REASON
To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.
07. HIGH11 The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.
REASON
To avoid damage to the verge.
08. U0070710 Prior to occupation of the dwelling hereby approved, improvements shall be made to highway visibility by the crown lifting of trees on the junction of Burghwallis Road and Sutton Road up to a height of 2m and these visibility improvements shall be maintained for the lifetime of the dwelling hereby approved. The applicant should make contact with Highways Network Management. Darren Sides (01302) 735130. Darren.sides@doncaster.gov.uk for advice on the extent of adopted highway in relation to the cutting back of the vegetation required. Should the vegetation requiring attention be outside the extent of adopted highway the applicant should be advised to obtain the permission of the relevant land owner/s.
REASON
In the interest of highway safety.
09. U0070698 The development shall not be commenced nor materials or machinery brought onto the site until full details of the access through the site using the alignment shown on drawing SK. 101 Rev C have been submitted to and approved in writing by the Local Planning Authority. The details shall include a site layout plan with the stem position, root

protection areas and crown spread of any tree with a canopy spread or RPA affected by the track accurately plotted and clearly differentiate between trees to be retained and trees to be removed; a detailed drawing and written specification for the construction of the access track utilising a professionally recognised 3-dimensional load-bearing construction technique; and a method statement for its installation using a no-dig methodology. Thereafter, installation of the access track shall be undertaken in full accordance with the approved details and the local planning authority notified to approve implementation of the track before any equipment, machinery or materials have been brought on to site for the purposes of the development.

REASON:

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

10. U0070699

The alignment of all service trenches and overhead services shall be outside the root protection areas and canopy spreads of retained trees and the position all service trenches and overhead services approved by the Local Planning authority prior to the commencement of development. The design, implementation and maintenance of the services should follow the NATIONAL JOINT UTILITIES GROUP (NJUG) guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees.

REASON

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

11. U0070700

No development or other operations shall commence on site in connection with the development (including tree pruning, demolition works, soil moving, access formation or alteration, or any operations involving the use of construction machinery) until a detailed Method Statement following the guidance in BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall be based on the tree survey data (appendix 4: tree data) within ARBORICULTURAL REPORT & Impact Assessment (Reference: AWA2306) and include full detail of the following:

Installation and phasing (if needed) of a tree protection and temporary ground protection scheme for the protection of the retained trees
Removal of existing structures and hard surfacing from within the root protection area of retained trees

Installation of new hard surfacing and access - materials, design constraints and implications for levels with the root protection areas of retained trees

Treatment of the access points in to the site

Siting of materials storage areas and site cabins

Specification for tree work

Auditable system of arboricultural site monitoring, including a schedule of specific site events requiring arboriculture input or supervision.

A list of contact details for the relevant parties.

REASON

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

12. U0070701 No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority the landscape scheme shall include: a planting plan and schedule (BS 3936-1:1992) including a mixed native hedge along the Sutton Road boundary; enhancement of the Burghwallis Road hedgerow and tree belt; hard landscape; a landscape establishment specification; a maintenance specification for a minimum of five years following practical completion of the landscape works following the guidance in BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations .

REASON

In the interests of environmental quality

13. U0070702 The planting scheme once approved in writing by the Local Planning Authority, shall be implemented in the first available planting season after commencement of development. The local Planning Authority shall be notified in writing within 7 working days of completion of the landscape works to the required standard and the completion shall be subsequently approved in writing by the Local Planning Authority. The approved scheme shall be maintained for a minimum of five years in accordance with the Local Planning Authority's publication 'Landscape Specification in Relation to Development Sites'. Any landscape which is defective, damaged or removed within five years of establishment shall be replaced.

REASON

In the interests of environmental quality

14. U0070704 No more than 1 month prior to the commencement of development a survey of the whole site will be undertaken by a suitably qualified ecologist to establish the status of the site with respect to badgers and inform any necessary mitigation measures. The findings of the report shall be submitted to the local planning authority for approval in writing.

REASON

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

15. U0070707 Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Plan will contain details of the following:

The working practices on site that will be employed to ensure no construction impacts on badgers.

A reasonable avoidance method statement to be employed during site clearance so that species such as reptiles and amphibians are not impacted.

A toolbox talk to ensure contractors are aware of possible ecological issues and the actions that need to be taken if they encounter particular species.

The Construction Environmental Management Plan shall be followed in full unless agreed otherwise in writing by the Local Planning Authority.

REASON

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

16. U0070709

Prior to the commencement of development an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This shall include details of the following:

The installation of 1 habitat bat roosting box as indicated in the ecology report on the new house on the site.

The creation of features of value to amphibians on the site.

The above measures shall then be implemented as described.

REASON

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

17. CON1B

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

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

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

c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment

including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment pursuant to the National Planning Policy Framework. This has to be prior to commencement so that any risks are assessed before works begin to the ground whether this be demolition works or construction works and remediation in place before works begin.

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

REASON

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

19. CON3 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification

evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

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

20. DA01 The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.
- REASON
- To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

01. U0013456 INFORMATIVE
- The plan relevant to this decision is the amended site plan revision D, received by the Local Planning Authority on 07.06.2019.

02. U0013439 INFORMATIVE
- The trees along the south and west boundary of the application site is subject to A11 of Doncaster Rural District Council Tree Preservation Order (No.18) 1972 Campsall with Sutton. It is a criminal offence to wilfully damage a tree subject to a Tree Preservation Order. Failure to implement the above Planning Conditions which seek to protect the trees will be deemed to constitute wilful damage and may result in criminal proceedings being instigated by the council. Preventing damage to the trees is in the interests of tree health and also in the interests of safety of persons and property

03. U0013440 INFORMATIVE
- Following the granting of planning permission the Council will serve a tree preservation order under section 198 of the Town and Country Planning Act 1990 (as amended) to enforce the above conditions.

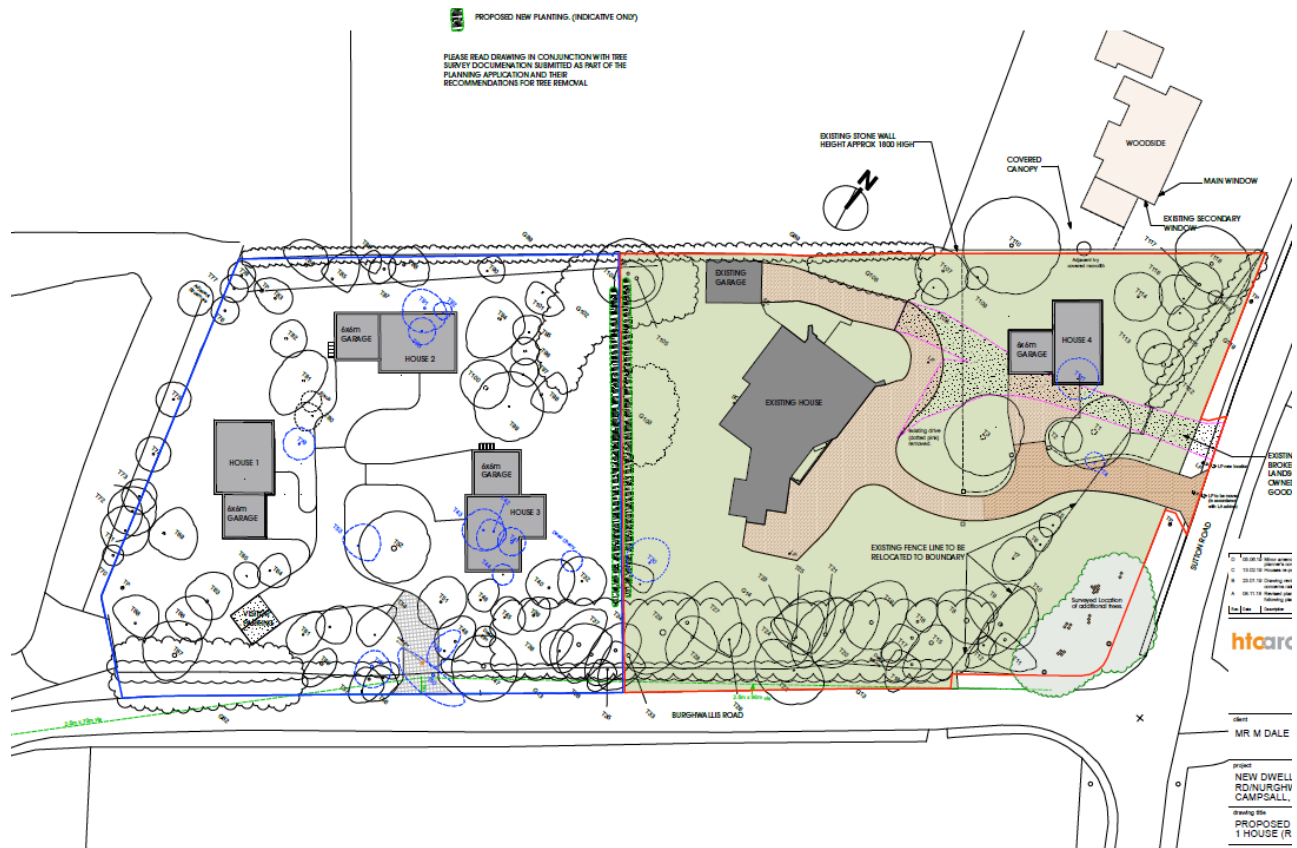
04. ICON1 INFORMATIVE
- Prior to preparing any reports in support of conditions relating to land contamination, the applicant is strongly advised to refer to the document entitled Development on land affected by contamination. Technical Guidance for Developers, Landowners and Consultants. Yorkshire and Humberside Pollution Advisory Council.

The document can be found at the following web address:

<http://www.doncaster.gov.uk/services/environmental/developing-on-contaminated-land>. Or alternatively you can request a paper copy from the LPA.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1: Indicative Site Plan



DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 25th June 2019

Application 6

Application Number:	19/00431/FUL	Application Expiry Date:	22nd April 2019
----------------------------	--------------	---------------------------------	-----------------

Application Type:	Full Application
--------------------------	------------------

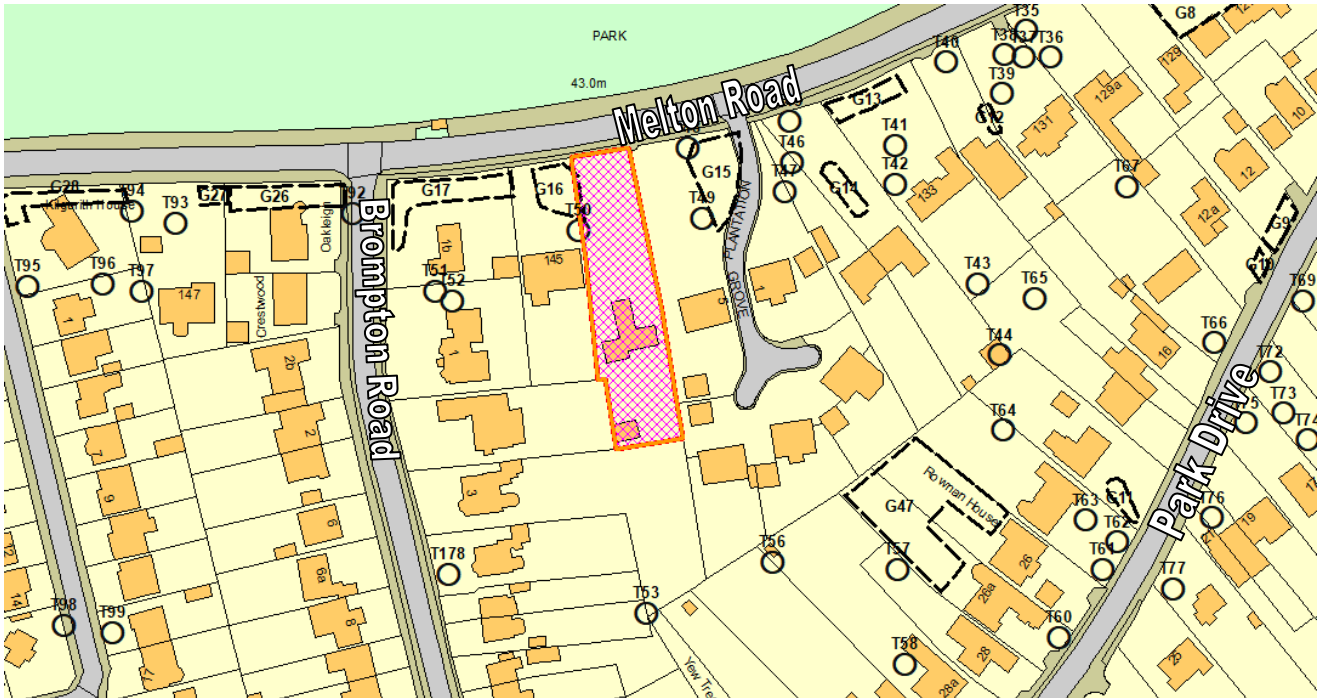
Proposal Description:	Erection of detached house following demolition of existing bungalow and temporary siting of static caravan for 1 year.
At:	143 Melton Road Sprotbrough Doncaster DN5 7NS

For:	Mr David Blackburn
-------------	--------------------

Third Party Reps:	13	Parish:	Sprotbrough And Cusworth Parish Council
		Ward:	Sprotbrough

Author of Report	Mark Ramsay
-------------------------	-------------

MAIN RECOMMENDATION:	GRANT
-----------------------------	-------



1.0 Reason for Report

1.1 The application is presented to Planning Committee due to the significant public interest raised by the publicity of the application.

2.0 Proposal and Background

2.1 The proposal is to replace a single storey dwelling on a plot that fronts Melton Road in Sprotbrough with a two storey dwelling with rooms in the roof space. The application has been amended since originally submitted to remove a detached garage and incorporate garage space into a redesigned building, which has also been repositioned to limit the impact on the amenities of adjacent dwellings and also reduces its scale.

2.2 143 Melton Road is a traditional looking bungalow, circa 1940, smooth engineering brick walls with a red rosemary tiled roof. As viewed from Melton Road, the site is bounded to the left and right by neighbouring domestic dwellings (Detached houses) and their associated curtilages. To the rear of the site is a garden area, which belongs to and is accessed from 3 Brompton Road. The site is relatively flat. The property has been unoccupied for approximately 10 months and is fully weather-tight, no broken windows or any opening or voids at eaves or ridge level.

2.3 The land to the north on the opposite side of Melton Road is open countryside and the properties that front Melton Road contain numbers of mature trees many of which are subject to Tree Protection Orders. Most of the buildings in the surrounding area are two storey detached with some semi-detached and single storey examples sitting on substantial plots and sit at varying distances from Melton Road so there is no consistent building line evident

2.4 The plots immediately to the east of the site have been redeveloped with 5 houses surrounding the end of a private driveway. Most properties are red brick although there is a number of properties with render frontages.

3.0 Relevant Planning History

3.1 No relevant history

4.0 Representations

4.1 The application was publicised by the sending of letters to adjacent properties and a second round of letters were sent following the submission of amended plans. Details are also listed on the Public Access section of the Doncaster Council website. 5 representations objecting to the proposal were received after the first round of publicity and 6 after the second round of publicity. Two other representations commenting on the proposal were also received.

The matters raised in the objections include;

- the property is too large for the plot and as such will really affect all neighbouring properties due to the sheer scale of the building - both by over-shadowing, affecting light levels and impacting the open aspects

- The proposal encroaches forward of the current building line,
- the finish of the proposed property should be in keeping with the neighbouring properties and / or the stone wall that runs along the front of the plot.

5.0 Parish Council

5.1 The Parish Council raised objections to the application due to the over intensification of development at that location, and the roof height of the proposed building is not in sympathy with adjacent properties & therefore out of keeping in the location.

6.0 Relevant Consultations

6.1 Highways

No objections subject to a condition requiring implementation of the driveway

6.2 Trees

As the building is outside the RPA and canopy spreads of the trees that merit retention (category A or B), the proposal would be acceptable from an arboriculture perspective subject to conditions. These would likely be along the lines of:

- Tree protection plan and arb method statement
- The use and position of a none-dig access where it affects the RPAs of neighbouring protected trees
- Agreeing the alignment of above and below ground utility lines (if new ones are needed)
- A replacement/landscaping scheme that includes tree planting.

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 The Development Plan consists of the Doncaster Core Strategy (May 2012) and the Doncaster Unitary Development Plan (1998) (UDP). The most relevant policies are policies CS1, CS14 and CS16 of the Core Strategy, and policy PH11 of the UDP

7.3 Other material considerations include:

- The National Planning Policy Framework (February 2019) (NPPF)
- The Planning Practice Guidance
- Supplementary Planning Document - Residential Development Design Guidance and Requirements (July 2015).
- The draft Local Plan - Policy 45: Residential Design. This policy currently attracts limited weight as the Local Plan has yet to be published.
- A first draft of the Sprotbrough Neighbourhood Plan was publicised and consulted on late in 2018 and includes guidelines for new development in the plan area (Policy S1). Consultation is still ongoing and only limited weight can be given to the draft policies in the document.

7.4 Policy CS1 seeks to secure and improve economic prosperity, enhancing the quality of place, and the quality of life in Doncaster.

7.5 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.

7.6 Saved policy PH11 sets out the Council's position in respect of new residential development in residential policy areas. It states that new housing will normally be permitted except where it would be at an unacceptable density, would adversely affect neighbours or would result in an over intensive form of development.

7.7 Core Strategy policy CS16 seeks to enhance the borough's landscape by retaining and protecting trees where appropriate.

8.0 Planning Issues and Discussion

8.1 The main issues for consideration on this proposal are:

- The principle of the development
- Impact upon the character and appearance of the surrounding area
- Neighbour amenity

Principle

8.2 The NPPF seeks to significantly increase the overall quantity and quality of housing and to ensure that it is built in sustainable locations. Policy PH11 (a) of the UDP accepts the principle of residential development in a residential policy area providing the character of the area or local facilities are maintained and neighbour amenity is protected.

8.3 The application site is located within the settlement boundary of Sprotbrough Village where the principle of new residential development is acceptable.

Impact upon the character and appearance of the surrounding area

8.4 Policies CS1 and CS14 of the Core Strategy and Policy PH11 of the UDP requires that all proposals in Doncaster must be of high quality design that respects the character of the area in regard to a number of principles of good design. These include being of a form, density, and layout sympathetic to the area.

8.5 Objectors believe that the redevelopment of the site to accommodate a replacement dwelling would reduce the openness of the site which would not be in character with the locality and would interrupt the building line. There are also concerns raised about the finish materials of the proposed dwellings and the boundary wall. There is no proposal to alter the boundary wall as the access onto Melton Road is unchanged.

8.6 The street scene on Melton Road is mixed in character with bungalows and 2 storey dwellings present; the adjacent site known as Plantation Grove has a group of two storey dwellings at the end of a private drive and was set back due to the location of protected trees to the road frontage.

8.7 Brompton Road also has a mix of dwellings and the corner plot with Melton Road has also been redeveloped with two very large scale dwellings. There is also a mix of brick finish and rendered properties within the surrounding area so the proposal is not considered as being out of character in terms of using render.

8.8 It is acknowledged that there are some concerns with the overall density of the development proposed and the impact on the open character of the locality. The proposed layout would increase the amount of built development in terms of height but not significantly different from the buildings surrounding it and it does sit in a substantial plot.

8.9 The development would not appear out of character with the surrounding area as the development sits part way between the frontages of the buildings on either side and the ridge height is only slightly taller. The finished materials would be render with buff brick and the grey tiles would tie in with the weathered tiles of the surrounding properties.

8.10 The development would comply with respect to the Council's SPD guidance relating to plot size, amenity space, respecting building lines, access requirements and providing sufficient landscaping. The development would also improve the street scene by means of replacing a tired building that has a neutral contribution to the street scene.

8.11 In summary therefore, whilst acknowledging the prominence and scale of development, the site lies within a sustainable location where new housing should be encouraged. It is considered that the proposal respects the character of the area and is generally in compliance with Policy CS14 of the Core Strategy, Policy PH11 of the UDP.

Impact on neighbouring amenity

8.12 The NPPF emphasises the need to protect the quality of the built environment and ensure a good standard of living conditions for current and future occupiers of housing. Policy CS14 of the Core Strategy and Policy PH11 of the UDP recognises that a component of good design is to ensure that new development does not have a negative effect on residential amenity.

8.13 The proposal is for a single two storey building with rooms in the roof space and there would be no harmful overshadowing or overlooking introduced to neighbouring properties as the windows would be situated facing the front and rear of the building.

8.14 Owing to the orientation of development and the separation distances between properties, there would be little impact in terms of loss light, visual amenity or loss of privacy to other properties. There isn't a consistent building line but a compromise has been made by siting the building in a position staggered between the relative positions of the properties on either side. The bulk of the development that raises beyond a single storey is narrower than the adjacent property to the west. The rear elevation extends behind that property but will be partially screened by existing trees and vegetation to the west. It does intersect slightly with the 45 degree line from the nearest window but is not considered so harmful that would warrant refusing the development. Similarly the building sits in front of the building to the east but again only very slightly intersects with the 45 degree line from the front window. Although not entirely in accordance with the Council's Residential Development Design Guidance and Requirements Supplementary Planning Document, it is not considered to result in a loss of privacy, affect light levels or be over dominant.

8.15 As such, the development respects neighbouring amenity and complies with Policy CS14 of the Core Strategy and Policy PH11 of the UDP.

Trees

8.16 The development is outside the Root Protection Areas and canopy spreads of the trees that merit retention (listed category A or B on the submitted tree survey), the proposal would be acceptable from an arboriculture perspective subject to the conditions suggested by the Tree Officer and is therefore in compliance with Core Strategy Policy CS16.

9.0 Summary and Conclusion

9.1 Having regard to all matters raised, including the objections received, the redevelopment of the site would provide new housing in a suitable location without significantly affecting the character or the area or local amenity. The proposal would not conflict with the development plan and the NPPF and there are no other material considerations that warrant determining the application other than by way of a grant of planning permission, subject to necessary conditions set out below.

RECOMMENDATION

Planning Permission GRANTED subject to the following conditions.

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

02. U0070753 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:
DRB2 Existing and Proposed Site Layout Revised 29.04.19
DRB 3 Proposed Elevations and Floor Plan Layouts Revised 29.04.19

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

03. Details of the proposed external building materials shall be submitted to and approved in writing by the Local Planning Authority prior to those external materials being utilised on site. The development shall be carried out in accordance with the approved materials.
REASON
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.

04. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

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

05. U0070773

Tree surgery work shall be carried out in accordance with the approved plans and particulars (Appendix 3 Tree Works Schedule of Tree Survey 0170) removing T16, T17 and T18 and selectively tip reducing T4, T9 and T12 to provide approximately 5m clearance above ground level . Best arboricultural practice shall be employed in all work, which shall comply with British Standards Specification No.3998:2010 Tree Works Recommendations and unless otherwise agreed with the District Planning Authority shall be completed before the development commences.

REASON:

To ensure that the work is carried out to the appropriate high standard

06. U0070774

The alignment of all service trenches and overhead services must avoid and be positioned outside the root protection areas and canopy spreads of existing trees following the guidance in Volume 4 of the NJUG GUIDELINES FOR THE PLANNING, INSTALLATION AND MAINTENANCE OF UTILITY APPARATUS IN PROXIMITY TO TREES and BS5837:2012 Trees in relation to design, demolition and construction. The alignment of all service trenches and overhead services shall be approved by the Local Planning authority prior to the commencement of development'

REASON:

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

07. U0070775

Notwithstanding the Arboricultural Method Statement within TreeSurvey 0170 and the root protection areas shown on Drawing number DRB 2 revised 06/06/2019 no development or other operations shall commence on site in connection with the development hereby approved (including tree pruning, demolition works, soil moving, access formation or alteration, or any operations involving the use of construction machinery) until a updated/final detailed Method Statement for the approved plans following the guidance in BS5837:2012 Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full detail of the following:

- o Installation of a phased tree protection scheme
- o Treatment of the access points in to the site
- o Removing of the existing hard surfaces within the root protection areas of retained trees
- o The installation of the load-bearing, porous, no-dig driveway construction technique utilising a professionally recognised system within the root protection areas of the retained trees
- o Siting of materials storage areas and site cabins

- o Excavation of the building foundations within the root protection area of T12

REASON

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

08. U0070776 No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority the landscape scheme shall include: a planting plan and schedule compliant with BS 3936-1: 1992 Nursery stock — Part 1: Specification for trees and shrubs including one semi-mature (25-30cm girth, 5.0-6.0m tall and 80x60cm root ball) Hornbeam (*Carpinus betulus*) planted within a 6m radius of the existing position of T18 taking account of the future growth of the tree in relation to the building and other structures as per BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations section 5.6.2, 5.6.4 and , a landscape establishment specification; a maintenance specification for a minimum of five years following practical completion of the landscape works, in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.

That trees and shrubs be planted on the site in accordance with the approved landscape scheme hereby approved shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees/shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: In the interests of environmental quality and help mitigate for the loss of T16, T17 and T18

01. U0013458 INFORMATIVE

The construction of the dwelling may possibly involve the severance of roots from T12 on the Western boundary of the site. The cutting of roots could undermine tree stability. It is essential that all trees are left in a safe condition on completion of work.

02. U0013459 INFORMATIVE

The group of trees on the 145 Melton Road, Sprotbrough, Doncaster, DN5 7NS frontage are subject to a Tree Preservation Order (Doncaster Borough Council Tree Preservation Order (No.207) 1999 Sprotbrough Village). It is a criminal offence to cause wilful damage to, or to cut down, top or lop any protected tree without the Council's permission. Failure to implement the above Planning Conditions which seek to protect the tree will be deemed to constitute wilful damage and may result in criminal proceedings being instigated by the council.

Preventing damage to the trees is in the interests of tree health and also in the interests of safety of persons and property

03. U0013460 INFORMATIVE

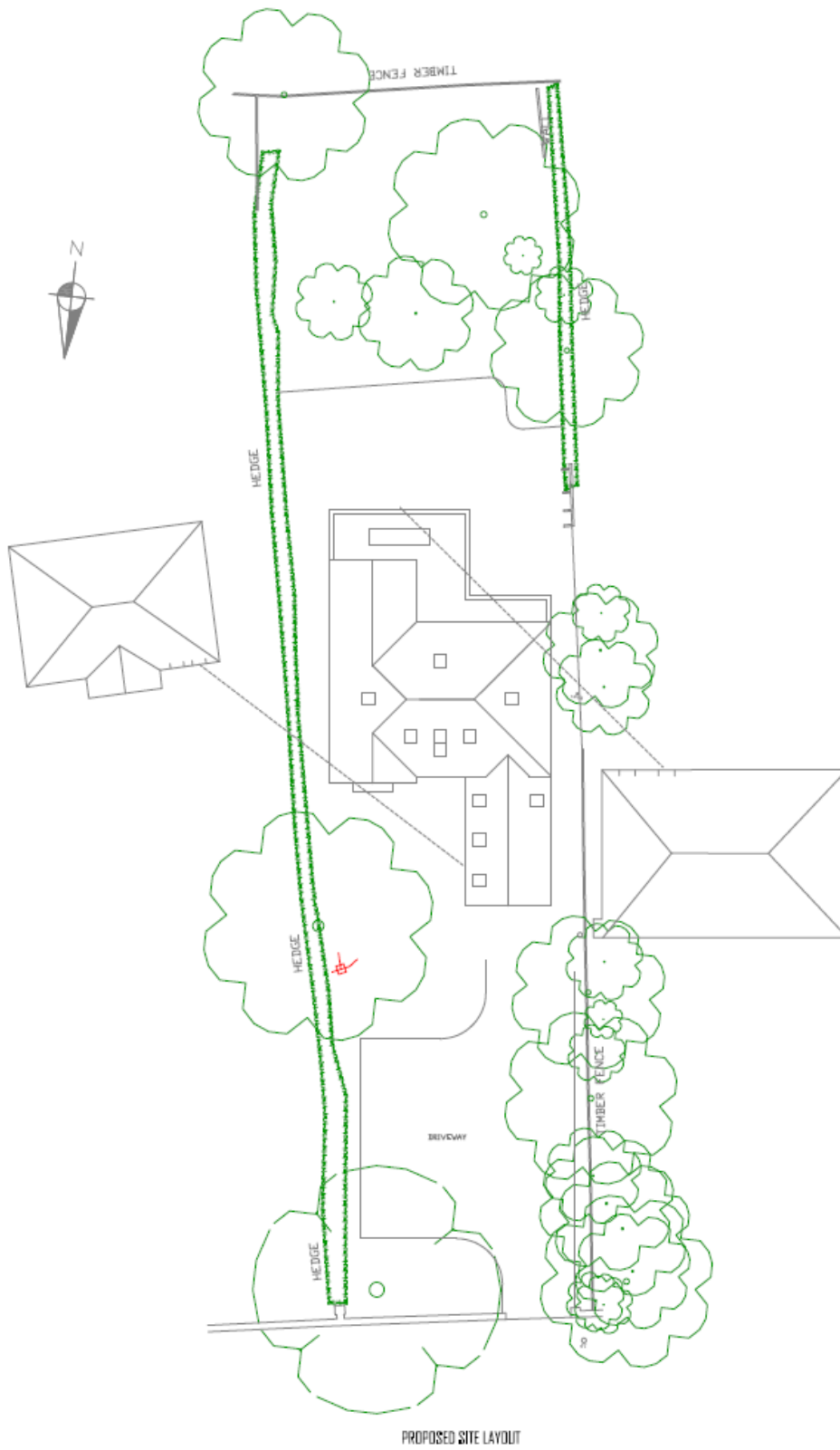
This consent does not in any way imply that the Council has sought permission for access to the land on which the trees stand or will condone the use of consents to force any landowner to grant such permission. It is the responsibility of the applicant or his agent to secure any permission that may be necessary to undertake approved work prior to commencement.

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:

The development was reduced in scale and repositioned to be more in keeping with the character and appearance of its surroundings and reduce the impact on amenities of adjacent occupiers.

Appendix 1 Site Plan

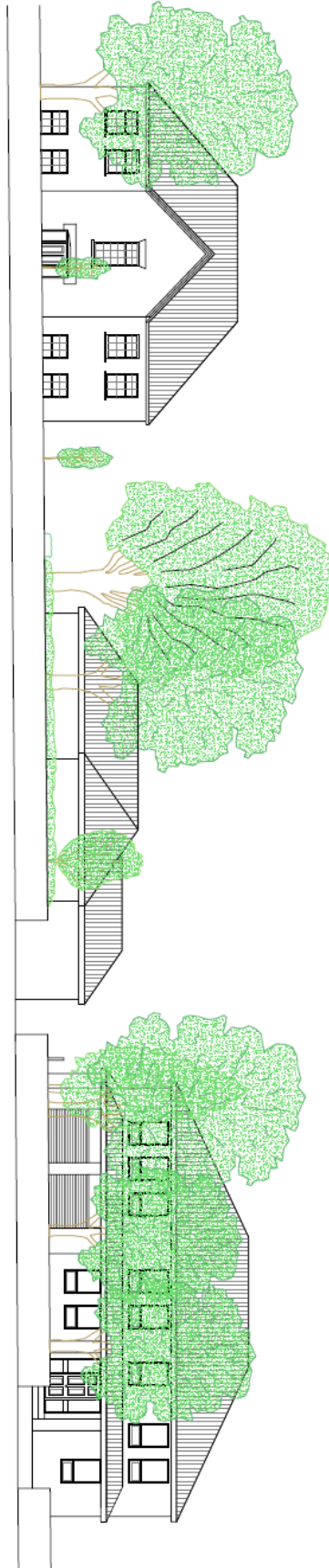


Appendix 2 Street Scene

PROPOSED STREET SCENE

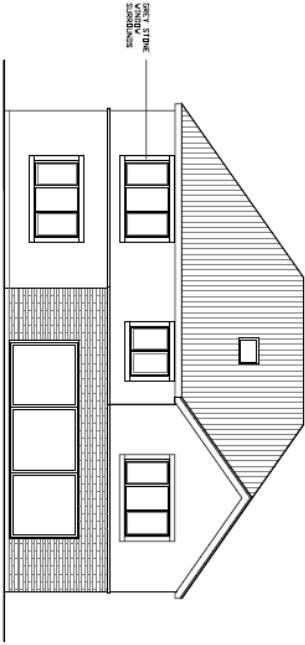


EXISTING STREET SCENE

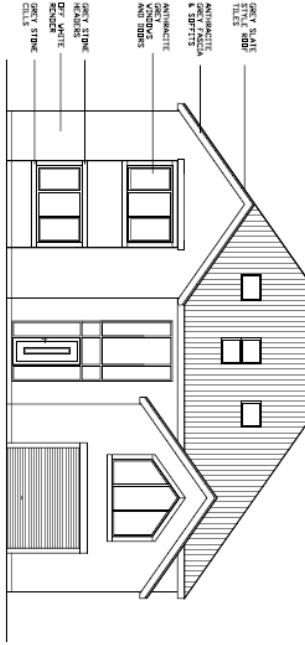


Appendix 3 Elevations

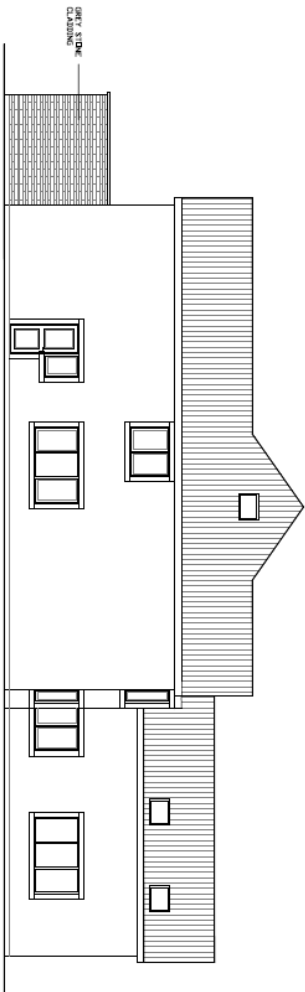
PROPOSED REAR ELEVATION



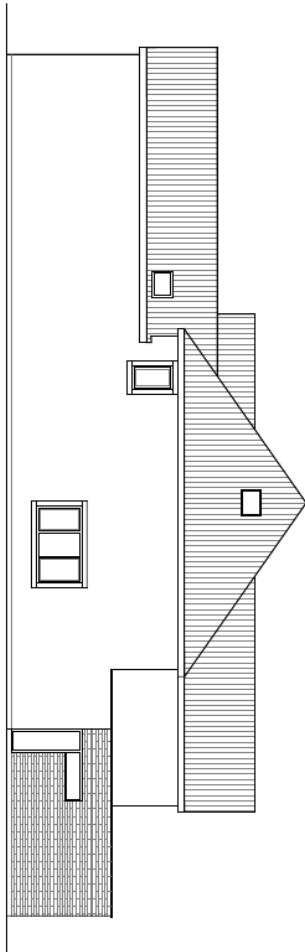
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

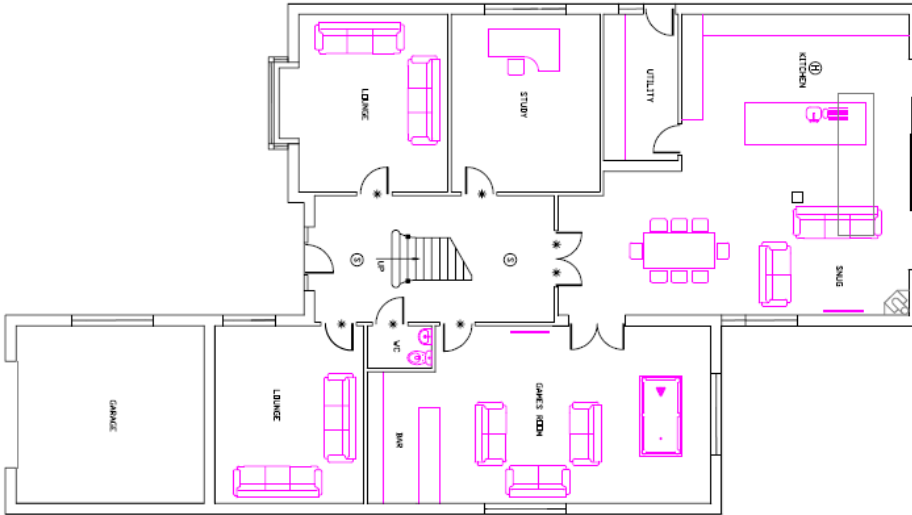


PROPOSED SIDE ELEVATION

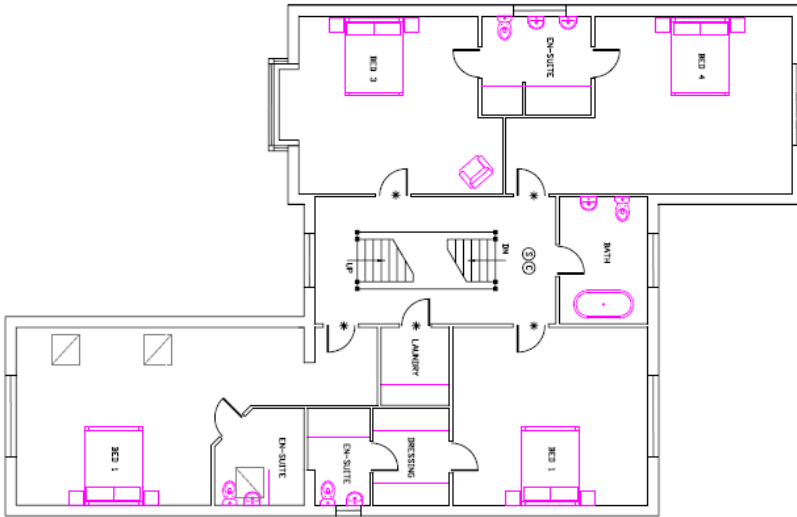


Appendix 4 Floor Plans

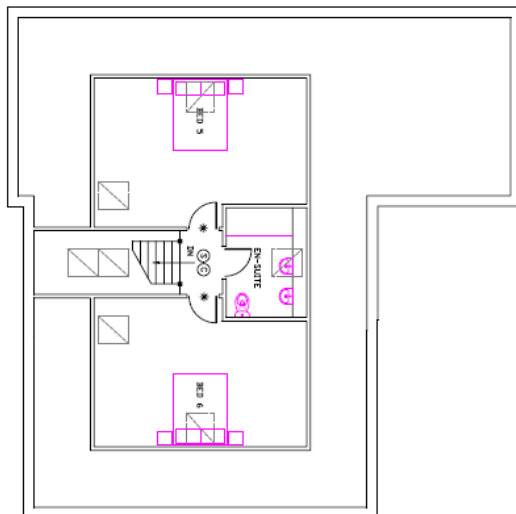
PROPOSED GROUND FLOOR LAYOUT



PROPOSED FIRST FLOOR LAYOUT



PROPOSED SECOND FLOOR LAYOUT



This page is intentionally left blank

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 25th June 2019

Application 7

Application Number:	18/02761/FUL	Application Expiry Date:	Extended until 30 th June 2019
----------------------------	--------------	---------------------------------	---

Application Type:	Section 73 Application
--------------------------	------------------------

Proposal Description:	Section 73 Application to vary conditions 2 and 11 of Planning Permission 16/02725/FUL (as altered from 15/02286/FUL) 1. Alterations to boundary wall to reduce in height from 3.3m to 2.2m, to be repaired and repointed. (amended description)
------------------------------	--

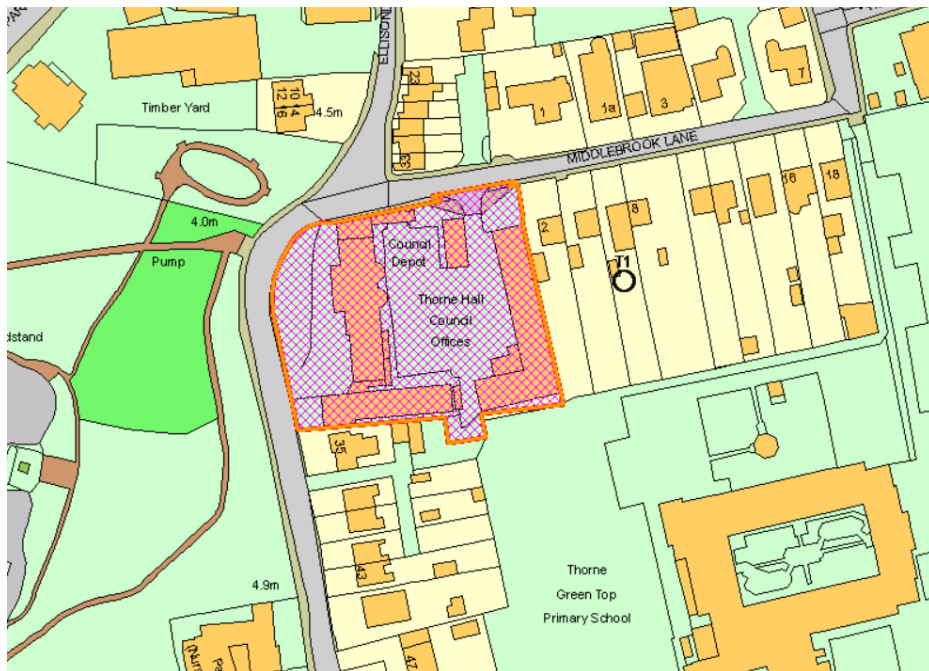
At:	1 Thorne Hall Court, Ellison Street, Thorne, DN8 5LE
------------	--

For:	Mr Alex Cutts
-------------	---------------

Third Party Reps:	26 objections	Parish:	Thorne
		Ward:	Thorne and Moorends

Author of Report	Dave Richards
-------------------------	---------------

MAIN RECOMMENDATION:	GRANT Sec 73 variation subject to conditions
-----------------------------	--



1.0 Reason for Report

1.1 This application is being presented to Members due to the public interest shown in the application and at the request of Cllrs Susan Durant and Mark Houlbrook.

1.2 The recommendation is that the wall height is reduced in a similar fashion to the original permission for the site, balancing the redevelopment of the site and public safety as public benefits which outweigh limited harm to a heritage asset.

2.0 Proposal and Background

2.1 The application seeks to reduce the height of a listed boundary wall from a maximum of 3.3m to 2.2m and to repair and repoint it in certain sections. The proposal relates to a section of boundary wall between 1 Thorne Hall Court and 25 Ellison Street, Thorne.

2.2 The wall is curtilage listed to Thorne Hall which is Grade II listed. Thorne Hall is undergoing redevelopment to provide private housing.

3.0 Relevant Planning History

3.1 In 2015, Planning Permission 15/02286/FUL granted the redevelopment of the site to provide four detached dwellings, its associated works and the conversion of Thorne Hall to a single dwelling. As part of this permission, it was agreed that the wall subject to this application was to be reduced to 2.4m, transitioning to 1.8m using reclaimed brick. No objections were received to the reduction in wall height as part of this proposal.

3.2 In 2016, a further application was submitted to regularise variances to the approved plans under application reference 16/02725/FUL. During the course of this application, the neighbour at 25 Ellison Street requested that the wall height is retained for privacy purposes. The developer agreed and a planning condition requiring the wall to be maintained at its current height was imposed.

3.3 A concurrent application for listed building consent (18/02634/LBC) twin tracks the current application and any recommendation will follow for this consent.

4.0 Representations

4.1 This application has been advertised in accordance with the The Town and Country Planning (Development Management Procedure (England)) Order 2015 as follows:

Any neighbour sharing a boundary with the site has received written notification
Site notice
Advertised in the local press
Advertised on the Council website

4.2 Cllrs Mark Houlbrook and Susan Durant have raised concerns with the application and the impact to the setting of a listed building.

4.3 A total of 26 representations were received from individuals commenting on the submitted plans raising the following issues:

- Harm to the conservation area
- Harm to the setting of Thorne Hall
- Clarification on wall dimensions
- Unauthorised works to the wall have not been considered
- The wall has been neglected

5.0 Thorne Moorends Town Council

5.1 Thorne Town Council have objected to the application on the basis that the wall should be preserved.

6.0 Relevant Consultations

6.1 Conservation Officer - The wall is important in terms of its historic merit and should be retained as much as possible. I would need to be sure that there is no other course of action open than that proposed and see that the council's structural engineer has been consulted and welcome his comments.

6.2 Comments following analysis of lateral support options: - The buttressing wall option can be ruled out on aesthetic grounds. The wall post option is feasible but unfortunately whilst the applicant has said that it will be too expensive, there is no indication how much this will actually be so difficult to be definitive on. As discussed, however I would prefer money to be spent on the restoration of the hall. I would expect that the capping of the wall, including adjoining parts that have already been reduced to be done in stone rather than the concrete paving slabs that were used previously.

6.3 Historic England - No comments are required on this application.

6.4 Council Structural Engineer - The wall will require buttressing if it is to be retained at its current height and conform to current design codes. If not brick buttresses then the applicant could consider steel wind posts designed to cantilever, which could then be cloaked in brickwork to give the appearance of smaller brick piers.

6.5 Comments following analysis of lateral support options: "I have not had the opportunity to inspect the wall but provided it is vertical, free from excessive distortion and the brickwork is in reasonable condition then I wouldn't considered it a dangerous structure under Section 77 of the Building Act 1984 and it is unlikely enforcement would be taken in this respect." "As it does not comply with current codes of practice it will remain more susceptible to damage in strong wind condition. This will depend to some extent on how much shelter it receives from surrounding buildings and other structures. In general it is difficult to quantify the future risk of collapse though this may be somewhat reduced in the summer months."

6.6 Building Control Inspector - The wall appears to be in adequate condition and I would not considered it a dangerous structure under Section 77 of the Building Act 1984. However, the wall does not comply with current design codes.

6.7 Highway Officer - No objections.

6.8 The Doncaster Civic Trust has provided advice on the application, noting the loss of fabric and methods of repair.

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 (adopted 2012) and Unitary Development Plan (adopted 1998). The most relevant policies are CS1, CS14 and CS15 of the Core Strategy and Policies ENV25 and ENV34 of the UDP.

7.3 Thorne and Moorends Town Council have published their neighbourhood plan (NP) and currently modifications are being made to it. The policies relevant to the current application include Policies DDH1, DDH3 and T4 and these attract moderate weight at this stage. These policies concern development in a conservation area, which affects the setting of a listed building.

7.4 As outlined above, Planning Permissions 15/02286/FUL and 16/02725/FUL are material considerations. Other material considerations include the National Planning Policy Framework (NPPF) (2019) and the National Planning Practice Guidance; as well as the Council's Developer Guidance and Requirements SPD (July 2015).

7.5 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Council is aiming to adopt the Local Plan by summer 2020. Consultation on the draft policies and proposed sites took place during September and October of last year and the Local Plan is due to be published in early summer 2019. Given the relatively early stage of preparation of the emerging Local Plan, the document carries very limited weight at this stage.

Policy 14: Promoting sustainable transport within new developments

Policy 35-38: Historic Environment chapter.

Policy 37: Listed Buildings

Policy 38: Conservation Areas

Policy 43: Good Urban Design

8.0 Planning Issues and Discussion

8.1 The main planning issues relevant to this proposal are:

- The impact to Thorne Conservation area and the setting of a listed building
- Any potential harm or benefit arising from the proposal
- Any other issues

The Conservation Area and Thorne Hall

8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on local planning authorities to pay special attention to preserving or enhancing the character or appearance of Conservation Areas and the integrity and quality of listed buildings and their setting. The wall in question defines one of the boundaries to the Thorne Conservation Area and Thorne Hall itself is Grade II listed. The focus of objections to this application is the harm to both assets as a result of the reduction in the overall height of the wall.

8.3 The NPPF recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. This approach is reflected in Policy CS15 of the Core Strategy, Policies EV25 and ENV34 of the UDP and modern policies in emerging plans. Policy DDH1 of the Thorne and Moorends NP, in line with adopted policies, states that proposals will be supported for the preservation or sympathetic enhancement of heritage assets, which secure their long-term future.

8.4 Other policies relevant to this assessment include Policies CS14 and CS18 of the Core Strategy. Policy CS14 seeks to ensure that new development does not have an unacceptable impact upon the amenity of adjacent land uses by protecting the quality, stability, safety and security of private property, public areas and the highway. Policy CS18 requires proposals to mitigate any potential ground instability.

8.5 In this case, Thorne Hall is Grade II listed and lies within Thorne Conservation Area. According to Historic England, Thorne Hall is listed because it is a good representative example of a mid to late 18th century house with early 19th century alterations. The interior of the building retains good-quality fixtures and fittings typical of the period and notes examples of high level of craftsmanship.

8.6 In 2015, Planning Permission was granted for the redevelopment of Thorne Hall. The original approval established detached residential properties within the curtilage of Thorne Hall which, although encroached on its setting, nevertheless significantly enhanced the integrity and setting of Thorne Hall over its previous guise as a depot area for the Council. This approval included a reduction in the wall height subject to this application to 2.4m and its repair using reclaimed brick. As with the original application, the applicant has requested that the wall height be reduced in order to retain structure stability and having regard to the new land use (a driveway for residential dwellings).

8.7 The reason for the current application is that a subsequent approval to vary some minor details of the permission included a condition to retain the wall at its current height. The condition was imposed following an objection by the adjacent neighbour who requested that the wall should be retained for privacy and noise attenuation purposes and also to preserve the fabric of the wall (as opposed to the original permission).

8.8 The removal of outbuildings from the curtilage to Thorne Hall has meant the wall does not benefit from any significant lateral support. The Council's Structural Engineer and Building Control Officer have been consulted on the current application and their conclusions are that the wall whilst appearing structurally intact it, as it stands, requires buttressing to comply with modern design codes.

8.9 Thorne Hall and its curtilage forms one unified heritage asset and should be treated as such. The conservation officer believes that any loss of historic fabric to the wall should be seen as a last resort and this loss has to be assessed and balanced with other material considerations. As part of the assessment, options to buttress the wall or to provide cantilevered wind posts to brace the wall have been explored. Brick buttressing has been discounted for its impact to the appearance of the wall and wind posts have been rejected by the applicant for reasons of cost viability.

8.10 It is regrettable that the applicant does not wish to agree a wind post design and the loss of fabric will result in harm which is 'less than substantial' using the terms of Paragraph 196 of the NPPF. This paragraph states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, there are two overriding public benefits discussed below.

8.11 Principally, the Council's Structural Engineer and Building Control Engineer respectively believe retaining the wall at its current height would not conform to current design codes. Further information on the present structural condition of the wall has been requested and any update will be reported to Members. Although there is no evidence to suggest that the wall is currently unstable, this represents a potential safety risk to potential neighbouring occupiers, members of the public and motorists. National guidance and local planning policies are clear that planning decisions should take into account public safety and the risks resulting from land instability and lack of compliance with modern building standards. Public safety is a material consideration, which carries significant, demonstrable weight.

8.12 Secondly, a reasonable assumption noted by objectors would be to insist on the retention of the wall at its current height. However, this may threaten the continuing the redevelopment to Thorne Hall under the original permission. The original permission has secured the hall for residential use with a maintained curtilage by private owners. The loss of some fabric to the curtilage listed wall was accepted as part of this permission which secured the optimum use for a building which was previously 'at risk' and its retention carries great weight.

8.13 Thirdly, the Council's legal advice is that a decision to enforce the retention of the wall at its current height, in light of a previous permission allowing its reduction, would be questionable. Members should bear this in mind when considering whether it is reasonable to insist on retaining the wall at its current height.

8.14 Having regard to all the relevant considerations, including the points raised by objectors, my opinion is that the wall height should be reduced to 2.2m and sympathetically repointed and recapped to complement the adjacent development. The repair and beneficial use of Thorne Hall is a significant benefit and it has removed the building from the buildings at risk register. That has been brought about by the conversion of the hall for residential use, 'paid for' in part by the development of the curtilage for residential housing and the loss of some fabric to the curtilage listed wall. The visual alterations required and development economics rule out a reasonable prospect of retaining the wall at its existing height and that there is a significant public safety argument demonstrating that a reduction in wall height is justified. As such, the harm resulting by this proposal would be demonstrably outweighed by the public benefits of the proposal as required by the Development Plan and the guidance set out in the NPPF.

Other matters

8.15 The reduction in overall wall height would not lead to a detrimental impact on privacy to neighbouring properties on either side. The revised wall height would be sufficient to retain adequate privacy to private residential gardens.

8.16 The Highway Officer has been consulted and has no objection from a highway perspective.

8.17 An objector has noted that unauthorised works have taken place to the wall. The Conservation Officer is aware of these works and will review following the determination of this application. A proposal by an objector to rebuild the wall would also result in harm to the fabric of the wall.

8.18 Whilst it is noted that an objector states that the wall would appear to be stable, it is clear that the layout of surrounding development has altered in recent history. This

includes former ancillary buildings within the curtilage of Thorne Hall which part buttressed the wall and provided protection in inclement weather.

9.0 Summary and Conclusions

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

9.2 Previous conditions, which have not been discharged, have been re-imposed for the avoidance of doubt.

10.0 Recommendation

10.1 Planning permission be granted subject to the following conditions:

01. U0069686 The development to which this permission relates shall be carried out in accordance with Planning Permission 16/02725/FUL except conditions 2 and 11 which are varied by this permission.

REASON

This permission is granted under the provisions of Section 73 of the Town and Country Planning Act 1990

02. U0069687 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:

Site location plan received 09.05.2019

Site plan received 09.05.2019

Design and access statement received 01.11.2018

REASON

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

03. U0069688 Within 3 months from the date of this permission and prior to any works, details of the works to the wall after it has been reduced in height shall be submitted to and approved in writing by the Local Planning Authority. Included in the details shall be any making good, cleaning of brickwork, repointing and the capping to the reduced wall. Capping of the wall shall be in natural stone and a sample of the stone to be used for any new cappings shall be provided on site for the inspection of the Local Planning Authority. Where the wall has previously been reduced and capped in concrete slabs these shall be replaced in natural stone unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with agreed details.

REASON

To protect the setting of the listed building and to preserve the character and appearance of the conservation area.

04. U0069690 The rooflights hereby permitted shall be low profile conservation rooflights with a central vertical glazing bar. Full details of the size, location, and design of the rooflights to be used in the construction of any of the dwellings shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Development shall be carried out in accordance with the approved details.

REASON

For the avoidance of doubt, and in the interest of architectural and historic interest of the Listed Building and its setting, and preserving and enhancing the character and appearance of the Conservation Area.

05. U0069691 Rainwater goods, pipework, and any fascias to be used in the construction of the dwellings shall be black unless otherwise agreed in writing by the local planning authority.

REASON

For the avoidance of doubt, and in the interest of architectural and historic interest of the Listed Building and its setting, and preserving and enhancing the character and appearance of the Conservation Area.

06. U0069692 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015 (as amended), Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additions, extensions or other alterations other than that expressly authorised by this permission shall be carried out without prior permission of the local planning authority.

REASON

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

07. U0069693 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015 (as amended), Article 3, Schedule 2: Part 40 (or any subsequent order or statutory provision revoking or re-enacting that order) no installation of domestic micro-regeneration equipment shall be carried out without prior permission of the local planning authority.

REASON

In the interest of architectural and historic interest of the Listed Building and its setting, and preserving and enhancing the character and appearance of the Conservation Area.

08. U0069694 The site shall be developed with separate systems of drainage of foul and surface water on and off the site.

REASON

In the interest of satisfactory and sustainable drainage

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

REASON

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

10. CON3 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

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

11. U0069695 Roller shutter doors shall be installed and maintained throughout the life of the development on the garages serving plots 4 and 5.

REASON

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

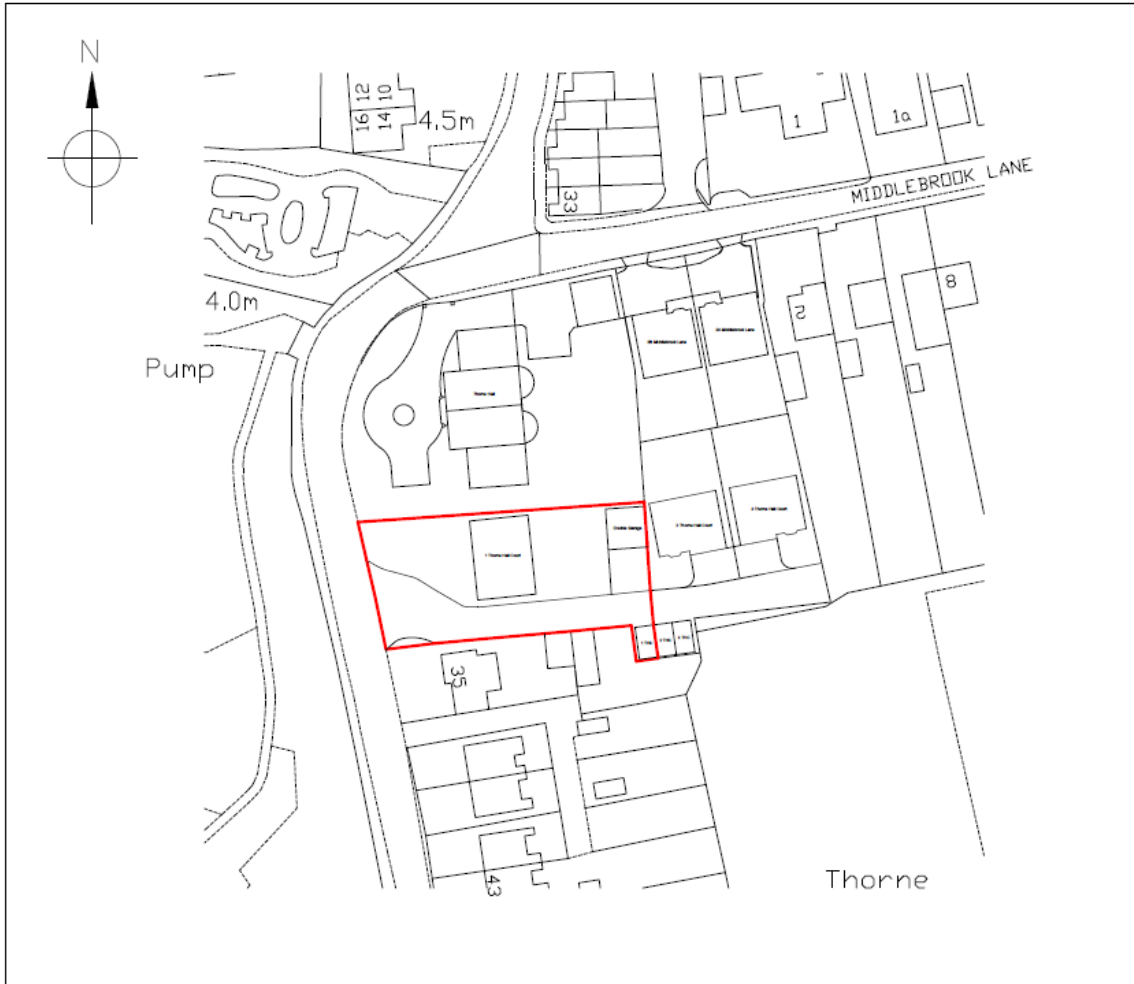
12. U0069696 Before the first occupation of any dwelling hereby permitted, the windows in that relevant property serving any ensuite or bathroom as indicated on the approved plans shall be permanently obscured to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall be permanently retained in that condition thereafter, unless otherwise approved in writing by the local planning authority.

REASON

To ensure that the development does not impact on the privacy of the adjoining premises in accordance with Policy PH11 of the UDP.

Appendices

Appendix 1 – Location Plan



Site Location

Scale 1:1250

Appendix 2 – Proposed Site Plan



Appendix 3 – Elevations

Photo 1 :



Photo 2 :





25th June, 2019

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 12/06/19]

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 12/06/19]

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 12/06/19]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 12/06/19]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 12/06/19]

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 12/06/19]

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	Decision Type	Overtured
17/02756/FUL	Renovation of Castle Cottage and conversion of the stables with single storey extension to form new dwelling. at Castle Cottage , Lindrick, Tickhill, Doncaster	Appeal Allowed 14/05/2019	Tickhill And Wadworth	Committee	Yes
18/00638/FUL	Proposed Detached 4 Bed Dwelling with Detached Garage (Being a re-submission of 17/01202/FUL). at San Lorenzo , Armthorpe Lane, Barnby Dun, Doncaster	Appeal Dismissed 14/05/2019	Stainforth And Barnby Dun	Committee	No
18/01324/FUL	Erection of 6 residential units to the rear of 112 Bentley Road following demolition of the store building at 112 Bentley Road, Bentley, Doncaster, DN5 9QW	Appeal Dismissed 20/05/2019	Bentley	Delegated	No
18/00055/COU	Change of Use of Domestic Garage to Car Minor Repair and Servicing Operation at 3 Alverley View , Springwell Lane, Alverley, Doncaster	Appeal Dismissed 30/05/2019	Tickhill And Wadworth	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

Miss Rebecca Larder
01302 734603

TSI Officer
rebecca.larder@doncaster.gov.uk

PETER DALE
Director of Regeneration and Environment

This page is intentionally left blank

Appeal Decision

Site visit made on 26 February 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 14 May 2019

Appeal Ref: APP/F4410/W/18/3212016

Castle Cottage, Lindrick, Tickhill, Doncaster, DN11 9QY

- 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 the Duchy of Lancaster (C/o Savills) against the decision of Doncaster Council.
 - The application, ref. 17/02756/FUL, dated 7 November 2017, was refused by notice dated 28 June 2018.
 - The development proposed is the redevelopment of Castle Cottage and the conversion of the stables with a single storey extension to form a new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of Castle Cottage and the conversion of the stables with a single storey extension to form a new dwelling at Castle Cottage, Lindrick, Tickhill, Doncaster, DN11 9QY, in accordance with the terms of the application, Ref 17/02756/FUL, dated 7 November 2017 subject to the conditions attached as an appendix to this decision.

Procedural Matters

2. Since the submission of the appeal, the National Planning Policy Framework 2012 (The Framework) has been superseded by the 2019 version. I have considered the appeal on this basis and refer only to the updated 2019 Framework within my decision.
3. It is noted that the original description of development as presented in the Application Form has changed as a result of the acceptance by the Council of an amended plan¹ to omit the proposed garage during the application process. The description of the development in this Appeal has therefore been modified to reflect this amendment.

Main issue

4. The main issue is the effect of the development upon the setting of the surrounding listed buildings.

¹ Schematic Site Plan, Drawing No.16/056/07C, Dated October 2016, Drawn by JDM of John Hill Associates

Reasons

5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 prescribes a duty upon a decision maker to give special regard to the desirability of preserving the significance of a listed building or its setting.
6. The Appeal property consists of a two storey brick farmhouse and attached ancillary stable block which appear to date from the 19th Century. Whilst neither building is listed, they are part of a historic group of buildings that have a positive influence on the character and appearance of the area which consists of historic farmhouses and agricultural barns surrounded by open fields at the foot of the remnants of Tickhill Castle.
7. The listed buildings that would be most affected by the appeal proposal are Tickhill Castle House (Grade II*), Mill Farmhouse (Grade II), Tickhill Mill (Grade II), Castle Farm Cottage (Grade II), and Barn in castle farmyard to south east of Castle Farm Cottage (Grade II).
8. With regards to Tickhill Mill, Castle Farm Cottage, Mill Farmhouse and the Barn in the castle farmyard, these buildings date from the 18th and 19th Centuries and are situated along Lindrick and the commencement of the gravel private access which leads to Tickhill Castle and Castle House. The setting of these buildings is quite similar in that they form part of the wider agricultural landscape at the foot of the Castle which comprises of a mill pond and agricultural fields and has a tranquil and rural experience.
9. With regards to Tickhill Castle House, this is a three storey hall constructed within the Castle courtyard and most likely dates from the 17th Century but some elements may be earlier due to it being constructed with remains of the castle when it was razed. There are views present to the appeal property from the castle ramparts on the approach to Castle House. The setting of this building is much wider due to its elevated position on top of the earthwork as part of the castle. A gravel access road runs from Lindrick past the Appeal property into the castle earthwork and Castle House, which is also part of the setting of this historic building.
10. The proposed scheme would introduce some development in the form of a small extension to the stable block, and whilst diverting from the linear nature of the existing building, the proposed scheme would be reflective of the existing building in terms of proportionate design, and maintaining minimal interference to the existing design, with no new openings created.
11. Whilst I appreciate that the refurbishment of the stable block building for an alternative to a residential use could also be appropriate, such as the keeping of animals or an agricultural use, I am unconvinced that the use would be markedly different. Although it may be cheaper to refurbish the building for agricultural use, there would be no guarantee that the intensity of an agricultural/ animal keeping use would be low and this use could also have similar implications identified as occurring as a result of the proposed residential use. A new agricultural use could also result in a number of vehicle movements during the day, visitors, the widening and loss of openings to the existing stable building to facilitate the occupant's requirements, or having a use which may be more intensive or contain noise or odours which may also be detrimental to the

setting of the listed buildings and character and appearance of the surrounding area.

12. Whilst I appreciate concerns expressed with regards to the widening of the opening in the boundary wall to facilitate access, and the potential for an 'engineered, hard landscaped area with parking,' conditions can ensure appropriate soft and landscaped treatments which can resolve any concerns or impacts to the setting of the listed buildings, as well as views to and from the appeal site from the surrounding listed buildings.
13. I consider the harm caused to the listed buildings via their setting to be minor and related to the physical changes which would occur as a result of the new residential use which would alter the existing form and function of the agricultural building and surrounding land. Whilst minor, the development would result in 'less than substantial' harm within the meaning of the term in paragraph 196 of the National Planning Policy Framework (the Framework). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
14. The benefits of the scheme include the use and refurbishment of a historic building with an optimal viable and long term use, as well as the supply of additional housing which are both important policy objectives. These benefits are sufficient to outweigh this minor harm caused to the designated heritage assets via their setting.
15. On the basis of the above I conclude that whilst the development would result in minor impacts to the setting of surrounding listed buildings the public benefits of the proposal would outweigh this. The proposal would comply with Saved Policy ENV34 of the Doncaster *Local Plan* (which seeks to control development which affects the setting of listed buildings) and Policy CS15 of the Doncaster *Core Strategy* which seeks to preserve and enhance the significance of heritage assets). Although not mentioned in the Council's Decision Notice, the scheme would also be compliant with Policy HE1 of the Tickhill *Neighbourhood Plan* (NP) (which seeks to support proposals to maintain, conserve and improve Tickhill's heritage assets).

Other Matters

16. I note concerns from third party respondents to the application with regards to the development being within land designated as Green Belt where development is restricted. The Council have not raised the effect on the Green Belt as a concern. I have applied paragraphs 145 and 146 of the Framework and as the appeal proposal would involve the re-use of buildings that are of permanent and substantial construction; and that the extension or alteration of the building would not result in disproportionate additions over and above the size of the original building, I find that the proposed development would not be inappropriate development within the Green Belt.
17. I also note comments from third party respondents to the impact and setting of remnants of Tickhill Castle, a Scheduled Monument (SM), and its archaeological remains. The majority of the appeal site falls outside of the land designated as a SM with only the northern extent of the stable block being within land

designated as the SM. The SM's significance relates to the physical construction of the motte and bailey castle and associated physical remains and construction techniques, as well as the more intangible value in the SM's contribution to our understanding of historic defences and events such as sieges and battles which have occurred. The impacts on the setting of the SM are similar to that of the listed buildings, that whilst there is minor harm, this is not considered to be detrimental. Conditions seeking an appropriate recording and archaeological evaluation and investigation before commencement of the works is considered to be beneficial to our understanding of the significance as well as to avoid any damage to the SM.

18. Comments have also been submitted by 3rd party respondents with regards to potential protected species such as bats and Great Crested Newts being present on site. Whilst the Ecological Survey did not report Great Crested Newts, an ecological enhancement scheme can be required by condition in order to mitigate the effect of the development on any known species currently utilising the site.

Conditions

19. I refer to the conditions specified by the Council in their Statement of Case, if the appeal was to be allowed and have considered them in accordance with the Planning Practice Guidance (PPG). I note comments within the Appellant's Appeal Statement that there is an acceptance to all of the pre-commencement conditions specified by the Council in their Appeal Statement.
20. Conditions regarding a three year time period and reference to approved plans are necessary for the avoidance of doubt and in the interests of proper planning. I note that references given to plans are incorrect and omit plans such as the elevation plans of the barn and cottage. There is also no need to approve the location plan.
21. Given the existing agricultural use, no evidence was submitted during the application process with regards to potential contamination and any risks involved in changing the use of land to residential. As such it is necessary to place conditions on the permission in order to enact further discussions if contamination is found during the works and for any materials such as soil introduced into the site. The wording in the suggested condition is somewhat unclear however, and I have amended it accordingly.
22. As the site is within a sensitive location, an appropriate landscaping scheme will be required which details both hard and soft landscaping. It is noted that proposed Condition 18 - Unbuilt Areas is repetitious of proposed Condition 05 Landscaping and proposed Condition 17 - Boundary can be also incorporated into a new simplified pre-commencement condition. As the details of the re-building of the wall is approved on plan 16/056/07C, there is no need to repeat this in the condition, however the requirement of a sample panel is appropriate.
23. Given the sensitive location of the building within the setting of a number of designated heritage assets, the proposed development would be only acceptable on the basis of a sensitively designed scheme which is sympathetic to the surrounding environment. It is therefore deemed necessary to restrict the ability for extensions and alterations as suggested in Condition 08 - Permitted Dev; 09 - Permitted Dev; and Condition 07 - Permitted Dev to the existing building in

- order to ensure future works proposed would be sensitive to the surrounding historic context.
24. Proposed Condition 10 – Permitted seeks to remove permitted development to install solar equipment. Given the sensitive nature of the site, solar equipment does have the ability to cause detriment to the historic environment and therefore the removal of this permitted development is considered necessary.
 25. Proposed Condition No.06 concerns the ability to approve details of the proposed drainage of the new building which is essential and important given the archaeological sensitivity of the site and any associated groundworks.
 26. As the building is historic and likely to contain protected species such as bats, an ecological enhancement scheme is necessary in order to facilitate the protection and enhancement of protected species on site. There is a contradiction in the proposed conditions with Proposed Condition 11 – Ecology requesting approval of a landscape scheme within 3 months of the commencement of the works and Proposed Condition 05 – Landscape requiring a landscaping scheme prior to the commencement of works. There is also repetition between the conditions, as such proposed Condition 11 – Ecology is deleted and incorporated into proposed Condition 05 – Landscaping.
 27. Given the sensitive location of the proposed development amongst a number of heritage assets, it is necessary to ensure that the development is undertaken utilising appropriate materials and that approval of materials, including brickwork, windows, roof slates, pointing, rainwater goods, flues vents and pipes etc, are suitable. However proposed Condition 12 – Conservation, 13 – Samples, 14 – Window Details, 15 – Rainwater, and 16 – Grilles could be simplified significantly and incorporated into a single condition.
 28. As the site is within and close to a SM, it is necessary that the impact of the works to any archaeology is properly understood. It is also necessary to fully document and record the existing building and undertake a Written Scheme of Investigation in order to accommodate any potential archaeology which may be present.
 29. Whilst it is considered necessary to incorporate a condition with regards to understanding the proposed foundation design and its implications to groundworks and archaeology, this condition is deleted and incorporated into proposed condition 06 - Drainage.

Conclusion

30. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed in the annex accompanying this decision.

J Somers

INSPECTOR

Annex: Schedule of Conditions

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

- 2) The development hereby permitted shall be carried out in complete accordance with the following plans which are drawn by JDM of John Hill Associates Ltd:
 - Schematic Plans & Elevations – Barn, Drawing No:16/056/05C, Dated October 2016;
 - Schematic Plans & Elevations – Cottage, Drawing No:16/056/04B, Dated October 2016
 - Schematic Site Plan, Drawing No. 16/056/07C, Dated October 2016.

- 3) Notwithstanding the approved plans and prior to the commencement of the proposed works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority (LPA). The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity, unless further consent in writing is given by the Local Planning Authority:
 - i) A written scheme of repairs to the external fabric of the dwelling and the converted barn;
 - ii) Full details and samples of all proposed external materials;
 - iii) Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including timber doors, jambs and proposed exterior finish. Details of timber windows should incorporate material, exterior finish, glazing bar arrangement, method of opening and thickness of glazing panel;
 - iv) Full details of the mortar mix, colour, brick bond, gauge of jointing and pointing type;
 - v) Full details and locations of rainwater goods, pipework, grilles, vents, and flues, their materials, colour and designs;
 - vi) A one metre square sample panel of stonework for the boundary wall to be erected on site, showing the type of stone to be used, pointing, gauge of joint, and coursing; and
 - vii) Details of the alteration and making good of the boundary wall, including proposed vehicular and pedestrian gates (where applicable).

Annex: Schedule of Conditions Continued

- 4) No development shall take place on the site until a detailed landscaping scheme has been submitted to and approved in writing by the LPA. Unless otherwise approved in writing by the Local Planning Authority the landscape scheme shall include:
- i) A planting plan and schedule of trees including replacement tree/s along the site frontage (behind the wall) which should include the reinstatement of 4No. fruit trees;
 - ii) Details of soft and hard landscaping;
 - iii) A landscape and establishment specification, noting the requirement to replace any trees which do not become established; and
 - iv) The location of 4No. bird boxes to be installed on the site.

The agreed scheme shall be implemented prior to the first occupation of the site or in an alternative timescale to be agreed in writing with the LPA.

- 5) No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation of the site including a permanent historic record of the cottage and barn to be converted and this has been approved in writing by the LPA. The WSI shall include:
- i) The programme and method of site investigation and recording;
 - ii) The recording specification for the historic buildings;
 - iii) The requirement to seek preservation in situ of identified features of importance;
 - iv) The programme for post-investigation assessment;
 - v) The provision to be made for analysis and reporting;
 - vi) The provision to be made for publication and dissemination of the results;
 - vii) The provision to be made for deposition of the archive including the historic building record created;
 - viii) Nomination of a competent person/persons or organisation to undertake the works; and
 - ix) The timetable for completion and submission of the historic building record and of all site investigation and post-investigation works.

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

- 6) Prior to the commencement of any work on site, a detailed scheme for the foundation design and all new ground works, including foul, surface water and land drainage systems and all related works necessary to drain the site shall have been submitted to and approved in writing by the LPA and the development shall be carried out in accordance with the approved details.

Annex: Schedule of Conditions Continued

- 7) Should any unexpected significant contamination be encountered during development, all associated works shall cease and the LPA be notified in writing immediately. In this circumstance where significant contamination is encountered, a Phase 3 remediation and Phase 4 verification is to be submitted to and approved by the LPA. The associated works shall not recommence until the reports have been approved by the LPA.
- 8) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additions, extensions or other alterations other than that expressly authorised by this permission shall be carried out without prior permission of the LPA.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additional windows shall be created or other alterations made to the dwelling and/or extension hereby permitted without the prior permission of the local planning authority.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 14 (or any subsequent order or statutory provision revoking or re-enacting that order) no solar equipment shall be installed without prior permission of the LPA.



Appeal Decision

Site visit made on 9 April 2019

by **Rachael A Bust** BSc (Hons) MA MSc LLM MInstLM MCMI MEnvSci MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2019

Appeal Ref: **APP/F4410/W/18/3213988**

'San Lorenzo', Armthorpe Lane, Barnby Dun, Doncaster DN3 1LZ

- 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 Jason Taylor against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 18/00638/FUL, dated 10 May 2017, was refused by notice dated 31 May 2018.
 - The development proposed was originally described as "detached 4 bed dwelling with detached garage."
-

Decision

1. The appeal is dismissed.

Application for costs

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

Preliminary and Procedural Matters

3. Section E of the appeal form indicates a different description of development to that which was used on the planning application form. I have used the original description in my determination of this appeal as that was the description for which planning permission was sought.
4. The Technical Note produced by JBA Consulting is dated August 2018 and therefore post-dates the Council's decision. This represents new information, I am mindful that the appellant on their appeal form did not indicate that they were submitting any new information at the appeal stage. The 'Procedural Guide: Planning Appeals - England' makes it clear that 'the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought'.
5. Within this context I am very conscious of the Wheatcroft Principles derived from *Bernard Wheatcroft Ltd v SSE* (1982) which are further explained in the Procedural Guide: Planning Appeals - England. It is my firm view, in the interests of fairness, that this appeal must be determined on the basis of the information on which the Council made its decision and which have been subject to consultation. Given the technical nature of this additional

information it is clearly a matter on which consultation would need to be undertaken with interested parties, including the Environment Agency. To take this into account in the determination of this appeal would unacceptably prejudice the interests of consultees and/or interested people who may have observations to make. I have therefore assessed the appeal on the basis of the proposal and its supporting material as considered by the Council.

6. I note that the appellant is in discussions with the Environment Agency regarding the geographical extent of the Flood Zones in the area. Any alterations to the Flood Zone Mapping is a matter for the Environment Agency and outside of the scope of this appeal. In determining this appeal I must have regard to the published evidence of the Flood Zones currently contained in the Flood Maps produced by the Environment Agency and the flood zone identified in the Strategic Flood Risk Assessment.
7. The Council's decision notice makes reference to Saved Policy ENV25 of the Doncaster Unitary Development Plan (UDP). However, the Council has confirmed that its inclusion was an error. As such I have not taken it into consideration in the determination of this appeal.
8. Since the appeal was submitted an updated revised National Planning Policy Framework (the Framework), was published on 19 February 2019. However, the amendments have not had a direct bearing on the issues within this case, it was not therefore necessary to consult the main parties.

Main Issues

9. The main issues in this appeal are:
 - whether the proposed development would be acceptable in respect of the risk of flooding, having regard to the advice of the Framework and Planning Practice Guidance (PPG);
 - the effect of the proposed development on trees; and
 - whether the appeal site would represent an appropriate location for new residential development.

Reasons

Flood risk

10. There is some dispute between the parties whether the site lies within Flood Zone 2 or 3a. The Council states that the latest Environment Agency Flood Map indicates that it is Zone 3. It is understood that in this area it is not functional floodplain and as such constitutes the classification of Flood Zone 3a. Neither party has provided me with an extract of the Flood Risk Maps, in the absence of any evidence to the contrary I have determined on the basis that the site lies within Flood Zone 3 as the Council has identified. In any event, based upon the current identified flood zones in the area, flood risk is a determinative matter for this appeal.
11. On the basis that the appeal site currently falls within Flood Zone 3a, having regard to the Environment Agency Maps. Table 2 of the PPG indicates that dwelling houses are deemed to be a 'more vulnerable' use and Table 3 of the PPG is clear that for the appeal proposal to be acceptable with regard to flood risk both the sequential test and exceptions test are required to be passed.

12. The Framework and the PPG require a sequential, risk-based approach to the location of development. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It also indicates that a sequential approach should be used in areas known to be at risk from any form of flooding. The PPG states that for the purposes of applying the Framework, the 'areas at risk of flooding' are principally land within Flood Zones 2 and 3. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
13. The PPG advises that, in applying the Sequential Test, the aim is to steer new development to Flood Zone 1, these being areas with a low probability of flooding. Only where there are no reasonably available sites in Flood Zone 1 should reasonably available sites in Flood Zone 2 be considered. If the Sequential Test demonstrates that it is not possible for development to be located in zones with a lower risk of flooding the Exception Test may have to be applied. As such national policy on flood risk is concerned with ensuring the location of development is appropriate in principle before considering flood resilience and flood mitigation measures.
14. Although the appellant initially contended that the appeal proposal should not be subject to either the sequential or exception tests, I note that within the final comments in paragraph 14 this requirement has now been accepted.
15. The submitted Flood Risk Assessment contains what the appellant describes as "a rudimentary sequential test" which was based upon a search for available residential land within Barnby Dun. Notwithstanding the results of this search which were not included within the flood risk assessment, the Council has adopted local guidance¹ to help applicants understand the area of search required to demonstrate the sequential test. Paragraph 5.19 indicates that the area of search will normally apply to the whole borough. I have no details before me to indicate that an alternative area of search had been agreed or is appropriate in this case.
16. The submitted Flood Risk Assessment does not provide substantive evidence to demonstrate that there are no other sequentially preferable sites. The appellant has only considered sites within Barnby Dun. However, in the particular circumstances of this case, I consider that such an area of search is unnecessarily restrictive. It is the aim of national and local planning policy to steer new development to areas with the lowest risk of flooding.
17. Based upon the evidence before me Barnby Dun is not specifically identified as a settlement with a specific growth target. As such the appeal proposal is seeking to contribute towards the overall housing growth of the Borough of Doncaster. Therefore, a wider area of search would be more reasonable given that no factors have been presented to me to demonstrate that the sequential test should not be applied across the whole Borough in line with the provisions of the adopted local guidance. Consequently, I find that the proposal has failed to meet the requirements of the sequential test.
18. The sequential test must be passed before the exception test can be applied. I have therefore not applied the exception test as set out in paragraph 160 of the Framework.

¹ Development and Flood Risk Supplementary Planning Document (SPD), adopted October 2010

19. Notwithstanding that the letter from the Environment Agency in March 2019, as appended to the appellant's final comments, indicates that a possible revised Flood Map for Planning covering the appeal site may be published in July 2019. Until this is finalised and formally published, I must make a decision based upon the current flood risk classification. Should this change in the future the appellant could of course consider whether or not to submit a new planning application to the Council based upon a change of circumstances.
20. Whilst I note that the Environment Agency has not raised concerns regarding the proposed mitigation measures contained within the appellant's Flood Risk Assessment, this does not overcome the need to firstly pass the sequential and exception tests to establish whether the appeal proposal is acceptable in principle on flood risk grounds. Taking all matters into consideration on this first main issue, the proposal would not be acceptable in respect of the risk of flooding.
21. Accordingly, the proposal is in conflict with Policy CS4 B) of the Doncaster Council Core Strategy (CS), which requires developments within flood risk areas to pass the sequential and/or exception tests.

Trees

22. The appeal site contains a substantial area of existing trees. Although the Council's appeal questionnaire suggested that there is a Tree Preservation Order (TPO) within the site, on page 4 of the Council's appeal statement, it states that no on-site trees are protected in this way. In the absence of any evidence to the contrary, I have therefore determined this appeal on the basis that none of the trees within the appeal site are subject to a TPO.
23. The existing trees within the appeal site adjoin other trees on adjacent land such that they collectively provide a woodland setting for the site and surrounding area. In this respect the trees on the appeal site make a positive contribution to the character and appearance of the site and surrounding area. It is not disputed that trees require appropriate management, but no specific measures have been put forward for consideration as part of this appeal.
24. The proposed siting of the new dwelling would be within close proximity of the existing trees and the proposed garage would require the removal of a silver birch tree.
25. The submitted Tree Report provides a general commentary and some useful general advice in relation to future management of the existing trees. However, it does not provide a thorough survey which evaluates the trees with reference to the relevant British Standards classifications. Furthermore, without an accurate tree survey the relationship between the existing trees and the proposed development cannot be properly assessed. The evidence before me does not demonstrate that the proposed siting of the new dwelling and garage would not interfere with the canopy spread or fall within any of the root protection areas of existing trees.
26. I share the Council's concern with regard to the proximity between the existing trees and the side (west) elevation of the proposed dwelling which contains 6 large glazed openings at ground floor level and 5 rooflights at first floor level. Close proximity between new development and trees can lead to future pressure for the removal of the trees due to impacts including overshadowing and the potential for nuisance arising for example from leaf deposition. In my

judgement, the submitted Tree Report does not provide sufficient specific information upon which I can conclude that the appeal proposal would not result in an unacceptable impact on the existing trees.

27. The Council's Development Guidance and Requirements Supplementary Planning Document (SPD), adopted July 2015, identifies in section 8.5 that a 15-metre buffer zone would normally be required between a woodland edge and development. It also states that development layouts should be designed to ensure that retained and newly planted trees have sufficient space to flourish and mature and deliver their full range of environmental benefits without causing harmful nuisance. Trees, which are poorly related to buildings, can cause structural problems, distress or financial loss to occupants. Even if not affecting trees directly, development layouts may not be acceptable if they would result in pressure for felling or unsightly, heavy pruning of retained or key proposed trees in the future.
28. I note that the appellant suggests that as the trees are not protected they could be felled at any point. Be that as it may, I find that the existing trees make a positive contribution and consideration of the impacts upon them is clearly set out in development plan policies. It is a developer's responsibility to demonstrate that the impact on the existing trees is acceptable through the submission of an appropriate Arboricultural Report and Tree Survey. The submitted Tree Report does not meet the requirements for assessing trees set out in section 8.5 of the SPD.
29. Therefore, the appeal proposal fails to accord with Saved Policies ENV 21 and ENV 59 of the UDP, which seek, amongst other things, to protect and conserve existing trees, by steering development away from trees and woodlands. It would also be contrary to Policy CS16 D) of the CS which seeks, amongst other things, to retain and protect appropriate trees.

Location of development

30. The appeal site is located outside of the existing settlement boundary for Barnby Dun and within the Countryside Policy Area (CPA) as defined in the UDP. Saved Policy ENV 4 of the UDP sets out the types of development that would be permitted within the CPA, none of which are relevant to the appeal proposal. Policy CS3 B) of the CS indicates that the countryside will continue to be protected through a Countryside Protection Policy Area (CPPA) as indicated on the Key Diagram.
31. It is understood that the existing settlement boundary runs along the rear boundaries of the properties on Parkwood Rise. From my site visit this boundary together with the existing area of trees provides a visual transition in character to the appeal site. The appeal site is formed from part of the land associated with 'San Lorenzo', an existing dwelling which is not within the settlement boundary and as such it already has a residential character.
32. I note that the appellant makes reference to 'San Lorenzo' having been granted planning permission since the UDP. Be that as it may, and whilst I note that Policy CS3 criterion B)2 indicates that minor amendments to settlement boundaries may be appropriate it does not set out any clear mechanism as to how this will be undertaken. In any event, the definition of settlement boundaries would be a matter for the Council's plan making process.

33. Given that the appeal site is outside of the settlement boundary there is conflict with Saved Policy ENV 4 of the UDP and the proposal is not one of the examples cited as being acceptable in Policy CS3 B)4. Whilst the appeal proposal conflicts with Saved Policy ENV 4 which weighs against it, as no details of any evaluation of the quality or value of sites and land within the CPA have been presented to me, it cannot be considered to be up-to-date. Accordingly, I therefore can attribute limited weight to the conflict with this policy. Furthermore, having regard to the recent decision by the Secretary of State², I note that the updating of this policy designation is expected to form part of the emerging development plan. I understand that the emerging plan is at an early stage of preparation and as such can only carry limited weight in decision making at this time.
34. The appellant contends that the appeal proposal constitutes 'infill development' under criterion b) of Saved Policy ENV 4. I have not been provided with any definition of infill development from the adopted development plan. The Council indicate that a definition was previously contained within Policy ENV9 (infill development) of the UDP. However, as this was not a saved policy it has no development plan policy status today. It seems to me that criterion b of Policy ENV4 of the UDP was entirely dependent upon Policy ENV9 of the UDP, which was not saved. As such it is a criterion that effectively no longer exists. Even if a contrary view were taken, criterion b was intended to address settlements that were washed over by the CPA and not settlements such as Barnby Dun that have been removed by virtue of having a settlement boundary defined. As such it would not be relevant to the appeal proposal in any event.
35. The site is presently part of the generous garden area to 'San Lorenzo'. From my visit the nature of the access with security barrier and the limited built development present beyond the settlement boundary result in a change of character from that of the more formal layout of the properties on Parkwood Rise and within the settlement boundary.
36. The introduction of built development on the appeal site would represent an extension of built development into the countryside in strict terms. However, given the relative proximity of the settlement boundary to the siting of the 'San Lorenzo' dwelling and the building associated with the golf centre the appeal site would not be isolated. In my view, the appeal site represents an area of transition between the existing settlement boundary and the countryside. By this analysis the appeal site is not clearly part of the open countryside in its character or appearance.
37. Consequently, I find that development on the appeal site would not introduce an unacceptable spatial change to the character and appearance of the site and its surroundings which would offend the countryside area as a whole. Given the general enclosed nature of the appeal site I see no conflict with the broad objective of protecting the countryside as contained within Policy CS3. Furthermore, Policy CS3 does also set out some criteria for assessing proposals that are outside development allocations. Against these criteria, the appeal proposal would not be visually detrimental or result in highway or amenity problems. In relation to Policy CS3 C)4 reference is made to preserving openness, however, it seeks to address this in relation to both Green Belt and the CPPA. It would not be appropriate to apply the strict interpretation of openness used for Green Belt to the CPPA. Having regard to the general

² APP/F4410/W/17/3169288, dated 5 February 2019

enclosed nature of the appeal site, I see no conflict with the broad policy of objective of keeping the countryside open to value its intrinsic beauty.

38. Having carefully considered whether the proposal would be an appropriate form of development in this location, on balance, I find that the site would represent an appropriate location for new residential development. Although in strict terms there is conflict with Saved Policy ENV4 of the UDP, I attribute limited weight to this conflict. Moreover in this case there is some support to be found within Policy CS3 of the CS. These policies seek, amongst other things, to protect the countryside from inappropriate development.

Other matters

39. The appellant has referred me to another planning permission³. From the details presented to me there are some similarities with the appeal scheme as set out by the appellant. I do recognise the need for consistent decision making. However, this referenced planning permission passed the sequential test and was also located within an area for general growth. Neither of these aspects are consistent with the appeal proposal and as such the circumstances are not directly comparable with the appeal scheme at the time of my decision. In any event each application and appeal must be assessed upon its own evidence and merits and that is what I have done in this case.
40. There is no dispute regarding the proposed design or the various environmental measures incorporated into the specification for the intended self-build dwelling which as a single dwelling would make a negligible contribution to the general housing supply. These aspects do weigh in favour of the proposal and I have carefully considered these benefits in my assessment. I have also taken note that there have been representations in support of the proposed development. Whilst I appreciate the preference of the appellant to be close to relatives, personal circumstances rarely provide a compelling justification for a proposed development.
41. I note that the appellant is also seeking to engage paragraph 11 of the revised Framework. However, footnote 6 to paragraph 11(d) sets out specific policies in the revised Framework which provide a clear reason for refusing the development proposed, including development in areas at risk of flooding. Given my findings on flood risk, the presumption in favour of sustainable development does not apply in this instance.

Conclusion

42. Having taken all matters into consideration, for the reasons given, I have found that the appeal proposal has failed to provide substantive evidence to demonstrate that the appeal site is the most sequentially preferable site in flood risk terms and that there would no harm to the existing trees. Consequently, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against national and local policies of the development plan when taken as a whole, therefore the appeal must be dismissed.

Rachael A Bust

INSPECTOR

³ Planning permission reference 15/01306/FUL, dated 17 November 2017

This page is intentionally left blank

Appeal Decision

Site visit made on 26 February 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 20 May 2019

Appeal Ref: APP/F4410/W/18/3216918

112 Bentley Road, Bentley, Doncaster, DN5 9QW

- 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 WrightMill Ltd against the decision of Doncaster Council.
 - The application, ref. 18/01324/FUL, dated 29 May 2018, was refused by notice dated 15 November 2018.
 - The development proposed is the creation of a 2 bedroom flat above the ground floor shop unit and the erection of 6 x 2 storey one bedroom residential units to the rear of 112 Bentley Road following demolition of the store building, with associated car parking located at 114 Bentley Road.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. It is noted that the Appellant's Application Form and Appeal Form refer to the creation of a two bedroom flat above the ground floor shop, however this component of the scheme is not mentioned in the Council's Decision notice or discussed within any of the submitted appeal statements. As the matter in dispute revolves around the erection of six dwellinghouses to the rear of the appeal property, I have made my decision on this element only.

Main Issues

3. The main issues in this appeal are:
 - The effect of the development upon the character and appearance of the area;
 - Whether the proposed development would provide suitable living conditions for the future occupiers, with particular regard to the provision of amenity space; and
 - The effect of the development upon the operation of the highway in the vicinity of the appeal site, with particular regard to parking.

Reasons

Character and Appearance

4. The appeal property is end-terraced and lies on the corner of Bentley Road and Haslemere Grove. Along Bentley Road, the dwellinghouses which make up the terrace with the appeal property appear to date from the late 19th Century. The terrace possesses an inherent symmetry and coherence in its design characteristics with a typical Victorian functional design, small front gardens and a longer and narrow rear garden with a laneway servicing the rear of the properties. Many of the dwellings have a small and subservient two storey rear wing projecting from the rear façade, such as constructed along the shared boundary of the neighbouring property at No114. It is evident that a few of the dwellinghouses along this terrace have at one stage in their history been used for commercial related purposes, with some buildings retaining a shopfront, whilst other dwellinghouses have historic workshop buildings to the rear of the gardens which are accessed from the laneway. Whilst there are outbuildings to the rear of properties, they are either detached from the rear of the main dwellinghouse or single storey which preserves an open aspect to the rear. This openness to the rear is an integral component of the character of this locality.
5. The appeal site appears to have originally been constructed as a dwellinghouse, however has been in a commercial use for a number of years. Whilst the area to the rear would have been the rear garden it is now a yard for the commercial use where a number of historic single storey extensions have been constructed which have almost covered the area and are used as storage and workshops for the main building. The rear of the appeal property currently presents quite a negative and commercial appearance which is uncharacteristic for a predominantly residential locality where the rear gardens should present an open and vegetated aspect as would be expected for a rear garden, and which can be appreciated further along the terrace.
6. Whilst I acknowledge comments with regards to the footprint and land take-up of the proposed scheme being similar to what is already in place; the existing use is not residential and is historic in nature, being directly associated with the current commercial use of the property. The commercial extension is therefore not comparable to the considerations of an appropriate residential scheme. It is also important to note that the policy position has changed considerably since the time of these extensions, where the current commercial scheme pre-dates the current design principles of Policy CS14 of the Doncaster *Core Strategy* (CS), and Saved Policy PH11 of the Doncaster *Local Plan* (LP), which is supported by the *Development Guidance and Requirements* Supplementary Planning Document (SPD).
7. The proposed scheme would introduce a two storey and visually bulky built form to the rear yard that would be over double the height of the existing single storey building, and would take up the entire depth and almost width of the rear yard. Whilst the ridge height would be lower than the main dwelling, the depth of the built form would be over three times as long as the host dwelling, which together with the excessive bulk and mass of the development, is clearly not subservient to the host dwelling.

8. In this context the dwellings would have excessive depth and bulk, and would appear disproportionately large compared to the host dwellinghouse and also compared to neighbouring properties where only small and subservient extensions and rear outbuildings and detached workshops exist in comparison to their host dwellinghouse.
9. I disagree that the design is 'distinctive' and that it creates 'interest and character' which 'reflects the broad scale and proportions of the dwellings and buildings adjacent.' The buildings surrounding the site are more of a traditional form with architectural detailing such as bay windows, chimneys, porches and designs which contain elements of symmetry and alignment between fenestration which assists in articulating the façade. The proposed dwellings do not adhere to this approach, having plain, flat and blank facades with fenestration positioned off-centre from the first to ground levels. This would be visually inconsistent with the character and distinctiveness of the surrounding area and would fail to integrate well with it. The development would completely eradicate the sense of openness to the rear created by the long rear gardens of the terrace on Bentley Road and would result in a significant visual intrusion into the locality that would appear incongruous and cause harm to the general character, layout and appearance of the rear of these plots.
10. Consequently, I conclude that the combined depth, massing, height and design of the proposed dwellinghouses would be detrimental to the character and appearance of the area. This would be contrary to paragraph 127 of the National Planning Policy Framework (the Framework), Saved Policy PH11 of the LP (which seeks to encourage redevelopment of residential land where it is of an appropriate density, and which reflects the characteristics of the area) and the design principles of Policy CS14 of the CS which are supported by the SPD which amongst a number of principles, seeks to ensure new development is of a high quality design that has a positive contribution to local character and distinctiveness.

Living conditions of proposed occupiers

11. The proposed private amenity space for each of the six dwellings is approximately 1.6 metres wide, which is reduced due to the need to store refuse bins and recycling facilities, and potentially bicycles within the rear garden as there are no other storage facilities provided on the site. The occupants of the central plots would also need to wheel refuse bins past rear doors and kitchen windows of neighbouring dwellings to present them to the highway. This would also further reduce the value and usability of the amenity space as well as reducing the perceived level of privacy at the rear of the proposed dwellinghouses.
12. Given the rear brick wall along the boundary, the potential occupiers would have a very poor outlook from the rear of the proposed dwellinghouses due to this small setback. This existing wall would also serve to further restrict daylight, causing detriment to the living conditions of the proposed occupiers. In addition, the proposed rear amenity space would be located to the north of the proposed dwellinghouses, and as a consequence would be in the shadow of the proposed two storey dwellinghouses. The proposed rear amenity space is therefore insufficiently useable and would cause a sense of

enclosure and overbearingness, causing detriment to the living conditions of future occupants.

13. Whilst I appreciate that there are open spaces within close walking distance which may be able to cater for the recreational needs of the future occupiers, the amenity space provided on site is insufficient in size and design to be sufficiently useable which is not outweighed by the provision of open space elsewhere. Whilst I agree with the Appellant that the dwellinghouses are aimed at couples or single people, rather than families; it would be speculative to suggest that larger amounts of private outdoor space would not appeal to this household size. Even if this was the case, the little space which is provided is insufficiently useable as a private amenity space.
14. Consequently, the proposed scheme would not provide suitable living conditions for the future occupiers as a result of inadequately sized and designed amenity space. This would be contrary to paragraph 127 of the Framework, Saved Policy PH11 of the LP and the design principles of Policy CS14 of the CS which are supported by the SPD.

Parking provision

15. According to the SPD and the Highways Officer, the appeal property would generate the demand for 9 parking spaces at a ratio of 1.5 spaces per dwelling. Whilst I note that the Appeal site is well located and has good connectivity to shops, public transport, and other facilities, no spaces are to be provided on site meaning that all of the parking requirement would need to be catered for via off-street parking provision.
16. Bentley Road is a wider spine road with simultaneous two-way traffic which has a double yellow line in front of the appeal site, whilst a single yellow line is on the opposite side which restricts parking between Mon-Sat 8am-6pm. Haslemere Grove is a narrower residential street and when cars are parked on the road this would impede simultaneous two-way flow. The result being that vehicles often have to stop momentarily to give way to traffic coming in the opposite direction. There is unrestricted on street parking along the side of the Appeal site with a single yellow line on the opposite side which restricts any parking from Mon-Sat 8am-6pm. I have not been made aware of a poor accident record and therefore I deduce that that despite its deficiencies, Haslemere Grove operates satisfactorily at present without any significant safety issues.
17. When I visited the site during the day, a number of vehicles were parked along Haslemere Grove, with a small number of spaces available. I appreciate that the parking conditions I experienced on my site visit was only a snapshot of the parking at this particular time, however I have also considered the evidence submitted by both main parties and, in light of this, I am satisfied that what I saw represents typical conditions.
18. Whilst some on street parking may be available, the appeal proposal would generate a requirement for 9 additional parking spaces to accommodate residents and visitors. From what I saw on my site visit, this level of additional parking demand could not be readily accommodated in Haslemere Grove and would lead to further restrictions of the carriageway width.

19. I note comments with regards to the current car ownership of the neighbouring site at No114 which has 7 apartments that are under the ownership of the Appellant, and this site only has one car. However, this assessment of ownership as a determinant to car space demand for the proposed development does not take into account the number of car spaces to bedrooms which is likely to be higher. The current situation of the neighbouring property may also change as a result of occupancy, as there can be no guarantee or control that a car space will always be available for the occupants. As such I can only give little weight to this assessment of car parking space demand for the proposed scheme as a result of current resident's car ownership of a neighbouring property.
20. Whilst it is mooted by the Appellant that car parking spaces could be made available at No.114, this property is outside of the red line and therefore can only be given little weight in this decision. It is also unclear of how many spaces in the neighbouring property would be available for the proposed development, and how this would affect the provision of car parking in the neighbouring property.
21. Consequently, I find that the proposed development would exacerbate the existing pressure on local on-street parking and would cause detriment to the operation of the highway in the vicinity of the appeal site. Therefore, the scheme is contrary to the relevant requirements of Policy CS14 of the CS which sets a number of design principles which amongst others, seeks that new development is robustly designed, works functionally and makes a positive contribution to the qualities of a successful place. The policy is supported by the SPD which expects development to provide the minimum level of parking for operational requirements of the site.

Other Matters

22. Whilst I have not been formally asked to accept amended plans, it is mooted by the Appellant that the scheme could be reduced in size and re-configured in accordance with plans attached to the Appellant's Appeal Statement. In general the appeal process is not the appropriate place to evolve the scheme; and the scheme that is considered at appeal ought to be the same one that was considered by the Local Planning Authority. There is no evidence that the amended plans formed part of the scheme that the Council made its decision on, or that this amended proposal has been subject to any form of consultation. In accordance with the 'Wheatcroft Principles,¹' it would not be appropriate to consider these plans within my decision as the acceptance of such would deprive those who should have been consulted on the changed development or the opportunity of such consultation.
23. I note that the Framework encourages the development of small sites and making effective use of urban land. Whilst this favours the scheme it does not outweigh the harm that I have identified it would cause.
24. I note a component of the Council's Reason for Refusal also relates to the proposed scheme prejudicing the future commercial use of the shop unit at number 112. Whilst the rear yard may be useful to the commercial unit, I do not feel that the loss of the storage area to the rear would detrimentally

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

restrict the use of the unit to the front of the site given the surrounding residential environment which would already restrict the type and scale of uses which could be situated there.

Conclusion

25. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR



Appeal Decision

Site visit made on 14 May 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2019

Appeal Ref: APP/F4410/W/18/3219360

3 Alverley View, Springwell Lane, Alverley, Doncaster DN11 9DW

- 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 A Southall against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 18/00055/COU, dated 30 January 2018, was refused by notice dated 12 October 2018.
 - The development proposed is change of use of domestic garage to Class B1(b) Car Minor Repair and Servicing Operation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. As the appeal site is located within the Green Belt, the main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt;
 - The effect of the development on highway safety
 - The effect of the development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development and openness

3. The appeal site consists of an extended detached garage, accessed by a service road from Springwell Lane, passing the northern end of the terraced row which services the rear of the Alverley View properties.
4. Paragraph 143 of the National Planning Policy Framework (the Framework) explains that inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 145 lists the specified exception categories, which the appeal proposal does not fall into.

5. Paragraph 146 indicates that certain 'other forms' of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include, under exception (d), the re-use of buildings that are permanent and of substantial construction.
6. I find that the building can be reasonably regarded as being of permanent and substantial construction. Nonetheless, the key test is set out in the first sentence of Paragraph 146 of the Framework and concerns the preservation of openness of the Green Belt.
7. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Enforcement Appeal (APP/F4410/C/17/3173259) in December 2017 found that the use of the garage was commercial in nature, and the level of use and activity went beyond that which would normally be associated with a residential property.
8. As a result, I find that the commercial use of the site for the maintenance and repair of vehicles not incidental to the enjoyment of the dwelling undermines, and therefore harms the openness of the Green Belt. Consequently, the appeal proposal does not meet the criteria set out in Paragraph 146 of the Framework and is inappropriate development and is also contrary to Policy Saved Policy ENV3 of the Doncaster Unitary Development Plan (1998) (the UDP) as it relates to appropriate forms of development within the Green Belt.

Highway safety

9. The appellant has stated that three parking spaces are available via a long-term lease from an adjacent neighbour, and that no vehicles are left out of the garage when then business is closed. In addition to this, the appellant has stated that only one vehicle is worked on at a time, with an additional vehicle parked appropriately.
10. I understand from the Council's submission that details of the car parking provision and the lease for the additional spaces were requested from the appellant during the application process but were not forthcoming.
11. The access road that serves the appeal site is wide enough to allow for vehicles to enter and exit at the same time, and I note that the highways consultee has not raised concerns regarding the access from Springwell Lane. Nonetheless, I noted from my site visit that the road narrows and turns at right-angles to allow access to the rear of the Alverley View properties.
12. As I have not been supplied with a parking layout, or any evidence of the leasing of the additional vehicle parking spaces, I cannot conclude with any certainty that the operation of the commercial enterprise would not cause harm to highway safety from the manoeuvring and parking of additional vehicles over and above that which would normally be expected from the servicing of residential properties via an access road. As a result, I find that the proposals are contrary to Policy CS14 of the Doncaster Core Strategy (2012) (the CS) as it relates to the protection of highway safety and is also contrary to the highway safety aspects of the Framework.

Effect on living conditions

13. I note that the appellant has stated that the doors to the garage are closed when work is taking place, and that no noise generating processes such as panel beating, or chassis repair takes place due to the limitations of space and would be conducive to conditions that would control such issues.
14. However, I concur with the Council in that such restrictions would not be easily enforceable and would not meet the necessary tests with regard to conditions. In addition, I note the concerns of some residents relating to noise and disturbance, although other residents support the proposals.
15. I have also taken into consideration that, on this subject, the Inspector who dismissed the Enforcement Appeal stated:

"While I note that some of the residents' concerns are disputed by the appellant, it seems more likely to me that a commercial vehicle repair activity on the scale operated by the appellant, and in such close proximity to residential properties, would result in significant harm in terms of noise, disturbance and other adverse effects to those occupiers."
16. From the evidence in front of me, and the situation and the time of my site visit, there is no change in circumstances from that position set out in 2017, and the current situation at the appeal site that would warrant a different position being taken on this issue.
17. Therefore, I find that the effect of the proposals would cause harm to the living conditions of the neighbouring occupiers by means of noise and disturbance, and as such, the proposals are contrary to Policy CS14 of the CS which states that, amongst other matters, development should have no unacceptable effects on the amenity of adjacent uses, in this case, adjacent residential development, and is also contrary to the amenity aims of the Framework.

Other considerations

18. I have noted the comments of the appellant that the Council have overstated the size of the small family business, and the nature of the works that take place in respect of the effect on other residential properties. However, I can attach only limited weight to these considerations put forward in support of the proposal. I have also taken into account all other matters, including the policies in the Framework and the Development Plan.

Conclusion

19. The Framework indicates that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Although I find that the considerations advanced by the appellant can be given limited weight in favour of the proposal, they do not outweigh the identified harm to the Green Belt and as a result, no very special circumstances exist to justify the development in Green Belt terms.
20. It would conflict with the development plan and the Framework as a whole and there are no other material considerations that warrant determining the appeal otherwise.

21. Therefore, the appeal is dismissed.

Paul Cooper

INSPECTOR

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank