



# Doncaster Council

## Agenda

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To all Members of the

## **PLANNING COMMITTEE**

Notice is given that a Meeting of the above Committee is to be held as follows:

**Venue:** Virtual Meeting via Microsoft Teams

**Date:** Tuesday, 15th September, 2020

**Time:** 2.00 pm

The meeting will be held remotely via Microsoft Teams. Members and Officers will be advised on the process to follow to attend the Planning Committee. Any members of the public or Press wishing to attend the meeting by teleconference should contact Governance Services on 01302 737462/736712/736723 for further details.

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**Damian Allen**  
Chief Executive

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Issued on: Monday, 7 September 2020

Governance Services Officer for this meeting

Amber Torrington  
Tel: 01302 737462

Doncaster Metropolitan Borough Council  
[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

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1. Apologies for Absence.	
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
3. Declarations of Interest, if any.	
4. Minutes of the Planning Committee Meeting held on 18th August, 2020.	1 - 12
<b>A. Reports where the Public and Press may not be excluded.</b>	
<b><u>For Decision</u></b>	
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### **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, Charlie Hogarth, Eva Hughes, Andy Pickering and Jonathan Wood.

# Agenda Item 4.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

TUESDAY, 18TH AUGUST, 2020

A MEETING of the PLANNING COMMITTEE was held Virtually via Microsoft Teams on TUESDAY, 18TH AUGUST, 2020, at 2.00 pm.

#### PRESENT:

Chair - Councillor Susan Durant  
Vice-Chair - Councillor Sue McGuinness

Councillors Duncan Anderson, Iris Beech, Mick Cooper, John Healy, Charlie Hogarth, Eva Hughes, Andy Pickering and Jonathan Wood.

#### APOLOGIES:

An apology for absence was received from Councillor George Derx.

#### 102 Declarations of Interest, if any

In accordance with the Members' Code of Conduct, the Chair, Councillor Susan Durant, declared an interest in relation to Application Nos. 19/00099/OUTM and 19/00100/OUTM, Agenda Item Nos. 5(1) and (2), by virtue of being a Local Ward Member, Town Councillor and Member of the Neighbourhood Plan Committee for the Thorne and Moorends Ward.

#### 103 Minutes of the Planning Committee Meeting held on 21st July, 2020

RESOLVED that the minutes of the meeting held on the 21st July, 2020 be approved as a correct record and signed by the Chair.

#### 104 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'.

#### 105 Town and Country Planning Act 1990, Section 106 Agreements

RESOLVED that prior to the issue of planning permission in respect of the following planning applications, which are included in the Schedule of Planning and other Applications marked Appendix 'A' and attached hereto, the applicant be required to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990, regulating the developments:-

Application No	Description and Location
19/00099/OUTM	Outline Permission for the erection of 207 dwellings with associated infrastructure, parking, hard surfaces, public open space, balancing pond/biodiversity sink and associated works. (Permission being sought for access) on land to the South of Alexandra Street, Thorne, Doncaster, DN8 4EY
19/00100/OUTM	Outline planning permission sought for the erection of 35 dwellings, with associated infrastructure, parking, hard surfaces, public open space and associated works (Permission sought for access) on land on the North side of Alexandra Street, Thorne, Doncaster, DN8 4EY

106 Adjournment of the Meeting

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 2.55 p.m. and 4.21 p.m. to be reconvened on this day at 3.00 p.m. and 4.26 p.m. respectively.

107 Reconvening of the Meeting

The meeting reconvened at 3.00 p.m. and 4.26 p.m. respectively.

108 Duration of the Meeting

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

109 Doncaster Borough Council Tree Preservation Order (No. 411) 2020 Chateau Renee and Woodside, Sutton Road, Campsall, Doncaster

The Committee considered a report which sought approval to confirm a Tree Preservation Order (TPO) (No. 411) 2020 Chateau Renee and Woodside, Sutton Road, Campsall, Doncaster. It was reported that the site had recently been subject to development pressure due to two planning applications No. 18/02033/OUT for one dwelling, which had just been granted on appeal and No. 18/02034/OUT for three dwellings, which had been dismissed on appeal.

It was reported that the Council had made the TPO on 13th March, 2020 covering two Deodar Cedar, two Pine, one Japanese Cedar, one Wellingtonia, two Atlas Cedar, two Cherry, one Poplar, one Sycamore, one Monkey Puzzle, one Crimson Maple, and an area of trees along the southern, western and northern (part) boundaries of the site made up of Holly, Pine, Norway Maple, Cherry, Oak, Hawthorn, Sycamore, Ash and Elm. The trees were protected as 14 individual trees and one area made up of a shelter belt. This followed the

Council's comments made at the time of the 18/02033/OUT application to the effect that following the granting of planning permission, the Council would serve a TPO under Section 198 of the Town and Country Planning Act 1990 (as amended) to enforce the tree-related planning conditions applied to it.

It was noted that the TPO took provisional effect on 13th March, 2020 and must be confirmed by 13th September, 2020 to remain in force.

Members were informed that two objections to the TPO had been received from the owner/developer of Chateau Renee along with comments from AWA Tree Consultants Ltd, in support of the objection.

It was reported at the meeting that one of the trees recommended for omission from the order, was misidentified within the report as T5 instead of T8, which was an Atlas Cedar which has had a major failure and as a result, it was no longer in a structural condition that no longer merited long term protection with the Order. T5 still merited inclusion within the order and long-term protection. Therefore, the corrected recommendation was to confirm the Order with the omission of one Atlas Cedar (T8) and one Japanese Cedar (T3).

It was also reported that three additional representations had been received from local residents which had not been duly made as they had been received outside the initial consultation period for the provisional TPO. The representations were in support of the confirmation of the Order, but without the omission of T8 (Atlas Cedar) and T3 (Japanese Cedar) from it. The Trees and Hedgerows Officer presenting the report, summarized the reasons for not supporting the omission of T8 and T3 from the Order.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', a Local Ward Member, Councillor John Gilliver, spoke in support of the TPO for the duration of up to 5 minutes.

It was subsequently MOVED by Councillor Mick Cooper and SECONDED by Councillor Jonathan Wood that the Tree Preservation Order (No.411) be confirmed with the modification to omit one Atlas Cedar (T8) and one Japanese Cedar (T3).

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

For	-	7
Against	-	0
Abstain	-	0

On being put to the meeting, the proposal made by Councillor Mick Cooper and Seconded by Councillor Jonathan Wood, was CARRIED.

RESOLVED that the TPO (No.411) 2020 Chateau Renee and Woodside, Sutton Road, Campsall, Doncaster, be confirmed with the modification to omit one Atlas Cedar (T8) and one Japanese Cedar (T3).

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

<b>Application No.</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>	<b>Ward</b>	<b>Decision Type</b>	<b>Committee Overturn</b>
19/01970/CPE	Certificate of existing lawful use for use of land being incidental to the dwelling house at Willowford, Melton Mill Lane, High Melton, Doncaster	Appeal Allowed 15/07/2020	Sprotbrough	Delegated	No
18/02033/OUT	Outline application for the construction of 1 dwelling at Chateau Renee, Sutton Road, Campsall, Doncaster	Appeal Allowed 08/07/2020	Norton & Askern	Committee	Yes
18/02034/OUT	Outline application for the construction of 3 houses (all matters reserved) at Chateau Renee, Sutton Road, Campsall, Doncaster	Appeal Dismissed 29/07/2020	Norton & Askern	Delegated	No
19/02442/FUL	Proposed base station upgrade to the existing telecommunications installation to include 6 antennae to existing 15m monopole and existing 2 cabinets to be refreshed internally and associated works at Mexborough Railway Station, Station Road, Mexborough, S64 9AQ	Appeal Allowed 28/07/2020	Conisbrough	Delegated	No
20/00119/ADV	Erection of two freestanding illuminated D-Poster	Appeal Dismissed 15/07/2020	Wheatley Hills & Intake	Delegated	No

	displays at Units 1 to 3, Whittingtons Court, Wheatley Hall Road, Wheatley				
19/01770/FUL	Erection of a 1.8m high metal railing fence to the public highway and erection of wooden fence between two boundaries (approx 2m and 2.7m in height) at 2 Rectory Gardens, Wheatley, Doncaster, DN1 2JU	Part Refused / Part Granted 21/07/2020	Town		No
19/01644/FUL	Erection of 2 dwellings with 2 detached garages & widening of existing vehicular access at 206 Cantley Lane, Cantley, Doncaster, DN4 6PA	Appeal Dismissed 22/07/2020	Bessacarr	Delegated	No
19/02041/FUL	Erection of detached dwelling and garage at 44 Doncaster Road, Bawtry, Doncaster, DN10 6NF	Appeal Dismissed 28/07/2020	Rossington & Bawtry		No
19/02241/FUL	Erection of two storey side extension to form annex and erection of detached garage with sun room following demolition of existing garage at 77 Tenter Lane, Warmsworth, Doncaster, DN4 9PE	Appeal Dismissed 08/07/2020	Edlington & Warmsworth	Delegated	No
19/02692/FUL	Erection of two storey front (southern elevation) extension at Elm Tree Cottage, Teapot Corner, Clayton, Doncaster	Appeal Allowed 08/07/2020	Sprotbrough	Delegated	No

## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 18th August, 2020

<b>Application</b>	1		
<b>Application Number:</b>	19/00099/OUTM		
<b>Application Type:</b>	Outline Planning Major		
<b>Proposal Description:</b>	Outline Permission for the erection of 207 dwellings with associated infrastructure, parking, hard surfaces, public open space, balancing pond/biodiversity sink and associated works. (Permission being sought for access).		
<b>At:</b>	Land to the South Of Alexandra Street, Thorne, Doncaster, DN8 4EY		
<b>For:</b>	Knox and Brookes Trust		
<b>Third Party Reps:</b>	23 Letters of objection 1 Letter of support	<b>Parish:</b>	Thorne Town Council
		<b>Ward:</b>	Thorne & Moorends

A proposal was made to grant the Application subject to Section 106 agreement.

**Proposed by:** Councillor Sue McGuinness

**Seconded by:** Councillor Eva Hughes

**For:** 8    **Against:** 0    **Abstain:** 1

**Decision:** Planning permission granted subject to the Conditions outlined in the report and the completion of a Section 106 Agreement of the Town and Country Planning Act 1990, in relation to the following matters:-

- (a) 26% Affordable Housing to be provided onsite;
- (b) Proposal to provide 15% on site Public Open Space (POS);



- (c) **An education contribution towards additional school places equating to £1,101,499;**
- (d) **Offsite highway mitigation at:-**
  - (i) **Field Side/Field Road/King Street signalised junction**
  - (ii) **Mitigation to the A614 Selby Road/Omega Boulevard signalised junction**
  - (iii) **Widening of west of Alexandra Street, Lands End Road.**
- (e) **A travel bond of £25,363.78 based upon a calculation of No. of dwellings x the current cost of a 28 day SY Connect+ ticket (currently £111.40) x 1.1; and**
- (f) **Biodiversity net gain calculated at £391,729 providing 55 habitat units and 7 units of hedgerows. Figure index linked to amount of biodiversity gain provided on site.**

**In accordance with Planning Guidance 'Having Your Say at Planning Committee', Local Ward Members Councillors Joe Blackham and Mark Houlbrook, and the Agent, Diane Holgate, spoke in support of the Application for the duration of up to 5 minutes each.**

**(The receipt of 3 additional representations; 2 relating to the weight afforded to the Neighbourhood Plan and 1 in relation to flood risk, the height of the dwellings and concerns that future residents may not utilise the PROW to avoid the rail crossing, were reported at the meeting.)**

<b>Application</b>	2
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<b>Application Number:</b>	19/00100/OUTM
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<b>Application Type:</b>	Outline Planning Major
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<b>Proposal Description:</b>	Outline planning permission sought for the erection of 35 dwellings, with associated infrastructure, parking, hard surfaces, public open space and associated works (Permission sought for access).
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<b>At:</b>	Land on the North side of Alexandra Street, Thorne, Doncaster, DN8 4EY
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<b>For:</b>	Knox and Brookes Trust
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<b>Third Party Reps:</b>	8 Letters of objection 2 Letters of support	<b>Parish:</b>	Thorne Town Council
		<b>Ward:</b>	Thorne & Moorends

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

**Proposed by: Councillor Iris Beech**

**Seconded by: Councillor Andy Pickering**

**For: 5 Against: 5 Abstain: 0**

**Upon the Chair declaring that there was an equal number of votes cast for and against the proposal to refuse the Application, the Chair, Councillor Susan Durant, in accordance with Council Procedure Rule 21.2, exercised her right to use her casting vote and voted against the proposal to refuse the Application.**

**On being put to the meeting, the proposal to refuse the Application was declared LOST.**

**Subsequently, a proposal was made to grant the Application contrary to the Officer's recommendation.**

**Proposed by: Councillor Susan Durant**

**Seconded by: Councillor Duncan Anderson**

**For: 5 Against: 5 Abstain: 0**

Upon the Chair declaring that there was an equal number of votes cast for and against the proposal to grant the Application, the Chair, Councillor Susan Durant, in accordance with Council Procedure Rule 21.2, exercised her right to use her casting vote and voted for the proposal to grant the Application.

The proposal to grant the Application contrary to the Officer's recommendation, was declared CARRIED.

**Decision:** Planning permission granted for the following reason and subject to the Conditions outlined in Appendix 5 of the report, and the completion of a Section 106 Agreement of the Town and Country Planning Act 1990, in relation to the following matters:-

01. The application is considered to be sited in a sustainable location and forms a natural extension. In addition, the application site is not considered to be open countryside. Members were satisfied that there has not been an objection raised by the Environment Agency in relation to flood risk.
  - (a) 26% Affordable Housing to be provided onsite.
  - (b) Proposal to provide 15% on site Public Open Space (POS).
  - (c) An education contribution towards additional school places equating to £188,579.
  - (d) Offsite highway mitigation at:-
    - (i) Field Side/Field Road/King Street signalised junction;
    - (ii) Mitigation to the A614 Selby Road/Omega Boulevard signalised junction; and
    - (iii) Widening of west of Alexandra Street, Lands End Road.
  - (e) A travel bond of £4,288.90 based upon a calculation of No. of dwellings x the current cost of a 28 day SY Connect+ ticket (currently £111.40) x 1.1.
  - (f) Biodiversity net gain calculated at 5.6 habitat units and 2.2 units of hedgerows. This would result in an offsite contribution of £54,976. Figure index linked to amount of biodiversity gain provided on site.

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

<b>Application</b>	3
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<b>Application Number:</b>	20/00109/3FULM
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<b>Application Type:</b>	Planning FULL (DMBC Reg 3) Major
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<b>Proposal Description:</b>	Erection of 22 affordable council houses, with associated highway and infrastructure. (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)
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<b>At:</b>	Land adjacent to Adwick Lane, Toll Bar, Doncaster
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<b>For:</b>	DMBC - Mr Matthew Clarkson
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<b>Third Party Reps:</b>	4 Letters of objection	<b>Parish:</b>	
		<b>Ward:</b>	Bentley

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

**Proposed by: Councillor Eva Hughes**

**Seconded by: Councillor Jonathan Wood**

**For: 4 Against: 6 Abstain: 0**

**On being put to the meeting, the proposal to grant the Application was declared LOST.**

**Subsequently, a proposal was made to defer the Application for further consideration of the highway implications of the proposal and a Site Visit to look at potential tree loss and the position of the pumping station given concerns in relation to the discharge of surface water from the pumping station to the dyke.**

**Proposed by: Councillor Susan Durant**

**Seconded by: Councillor Mick Cooper**

**For: 7 Against: 0 Abstain: 3**

**The proposal to defer the Application for further consideration of the highway implications and a Site Visit contrary to the Officer's recommendation, was declared CARRIED.**

**Decision:** The Application be deferred for further consideration of the highway implications of the proposal and a Site Visit to look at potential tree loss and the position of the pumping station given concerns in relation to the discharge of surface water from the pumping station to the dyke.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Local Ward Member, Councillor Bill Mordue, spoke on the Application for the duration of up to 5 minutes and requested that the application be deferred for a Site Visit.

(The receipt of a late representation raising the issue of land ownership with regard to some of the objector's land was incorporated into the application site and the issue of flooding, were reported at the meeting.)

<b>Application</b>	4
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<b>Application Number:</b>	19/02916/FUL
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Change of use of Offices to Care Home with Nursing Support.
<b>At:</b>	Auckland House, 109 Thorne Road, Wheatley, Doncaster

<b>For:</b>	Mr G Rhoden - Wentbridge Care Ltd
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<b>Third Party Reps:</b>	9 objections and 1 subsequently withdrawn	<b>Parish:</b>	None
		<b>Ward:</b>	Town

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

**Proposed by: Councillor Eva Hughes**

**Seconded by: Councillor Sue McGuinness**

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

**Decision: Planning permission granted.**

**In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, the CEO at Cheswold Park, Tony Gearty, spoke in support of the application for the duration of up to 5 minutes.**

**(The receipt of an additional representation withdrawing a previous objection, was reported at the meeting.)**

## DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 15th September 2020

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 Economy and 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.

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Application	Application No	Ward	Parish
1. SV	20/00109/3FULM	Bentley	
2. M	19/02977/FULM	Bentley	
3.	19/01334/OUT	Thorne And Moorends	Thorne Town Council
4.	19/02192/FUL	Thorne And Moorends	Thorne Town Council
5.	20/01187/3FUL	Edenthorpe And Kirk Sandall	Edenthorpe Parish Council
6.	20/00442/OUT	Armthorpe	Armthorpe Parish Council



<b>Application</b>	1
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<b>Application Number:</b>	20/00109/3FULM
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<b>Application Type:</b>	Planning FULL (DMBC Reg 3) Major
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<b>Proposal Description:</b>	Erection of 22 affordable council houses, with associated highway and infrastructure. (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)
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<b>At:</b>	Land Adjacent To Adwick Lane Toll Bar Doncaster
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<b>For:</b>	DMBC - Mr Matthew Clarkson
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<b>Third Party Reps:</b>	4 letters of objection	<b>Parish:</b>	
		<b>Ward:</b>	Bentley

<b>Author of Report:</b>	Andrea Suddes
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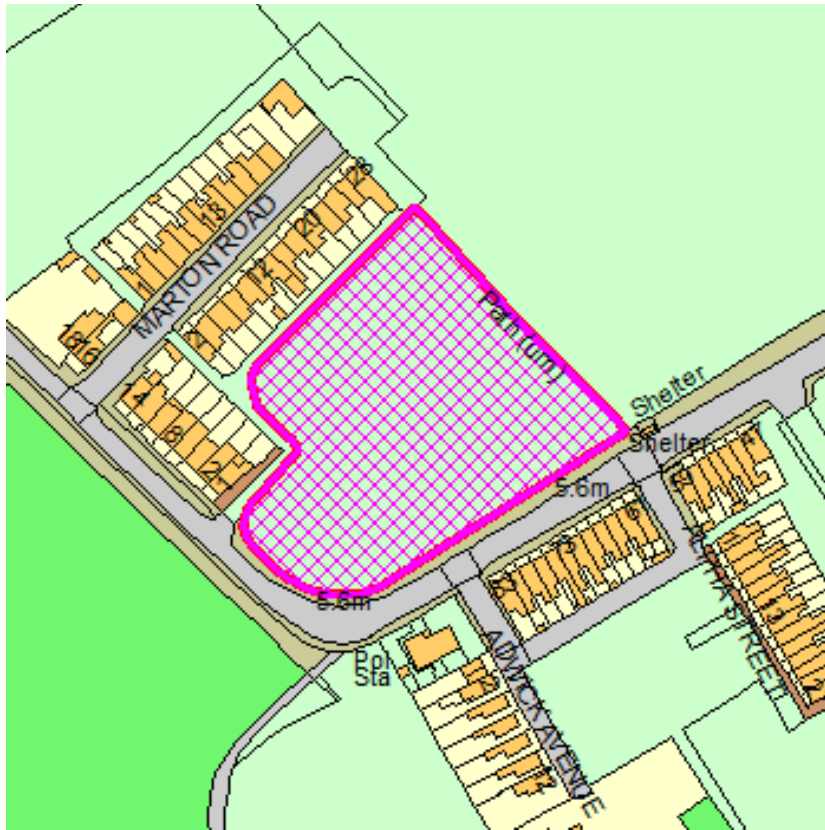
## SUMMARY

The site lies within an allocated Residential Policy Area that supports new housing. Toll Bar is defined as a 'Larger Defined Village' in the Core Strategy and that local plan policy seeks to conserve and enhance stating that quality infill will be permitted. The scheme will deliver much needed 100% affordable housing for the borough which will help meet the social housing need of Toll Bar specifically by providing 22 affordable dwellings; and therefore is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

The properties all meet or exceed the Nationally Designed Space Standards set by Homes England and the council have secured grant from Homes England towards the development.

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to neighbouring properties, the highway network or the wider character of the area.

**RECOMMENDATION: GRANT planning permission subject to conditions.**



## 1.0 Reason for Report

- 1.1 The application is being presented to Planning Committee for determination on account that the application has been submitted by Doncaster Council and the site is owned by Doncaster Council. This application was previously reported to the planning committee on 18th August 2020. The application was deferred at the meeting for a site visit in order to assess the highway implications of the proposal, to look at potential tree loss and the position of the pumping station given concerns in relation to the discharge of surface water from the pumping station to the dyke. A verbal update following the site visit will be provided at the meeting.

## 2.0 Proposal

- 2.1 Planning permission is sought in full for the erection of 22 affordable council houses, with associated highway and infrastructure. There will be two access/egress points to serve the site; the existing access will serve the new development and a new access will be formed further west and along Adwick Lane.

## 3.0 Site Description

- 3.1 Toll Bar is a village located North-west of the Doncaster borough. The village lies between Adwick le Street in the North West, Shaftholme in the East and Bentley in the South, with Bentley Moor to the North.

- 3.2 The application site is a brownfield site and comprises of a 0.65ha parcel of rough grassland situated on the corner of Adwick Lane and Marton Lane. The site is bounded on the Northern side by existing terraced properties that front onto Marton Road. Historically there was also a row of terraced housing along the Northern boundary of the site that backed onto the gardens of the houses on Marton Road.
- 3.3 To the East of the site is adjacent to a former brick yard which is long since demolished and which is now open playing fields that has children's play equipment in the South Western corner.

#### 4.0 Relevant Planning History

- 4.1 Application site;

Application Reference	Proposal	Decision
19/01742/PREAPP	Proposed residential development.	Closed 28.08.2019

#### 5.0 Site Allocation

- 5.1 The site is designated as Residential Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).

#### 5.2 National Planning Policy Framework (NPPF 2019)

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 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.
- 5.5 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Paragraphs 59-64 of the NPPF seeks to deliver a sufficient supply of homes and that meets the needs of groups with specific housing requirements and that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing.....).

5.6 Planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 180).

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

### **5.8 Core Strategy 2011 - 2028**

5.9 To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

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

5.11 Policy CS2 identifies Toll Bar as a 'Larger Defined Village' in the Core Strategy, and states that Defined Villages will be conserved and enhanced and quality infill will be permitted. Lying within the UDP's 'Residential Policy Area' the site is suitable in this context.

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

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

5.14 Policy CS 12 relates to housing mix and affordable housing, stating that new housing developments will be required to include a mix of house size, type, price and tenure to address the identified needs and market demand to support mixed communities. It further states that in terms of delivering affordable housing this can be delivered under various measures listed.

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

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

5.17 Policy CS17 seeks to protect, maintain, enhance and where possible, extend Doncaster's green infrastructure.

#### **5.18 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)**

5.19 Policy PH11 allows for residential development in allocated residential areas except where there would be adverse effect on the amenity of neighbours or the development would be at a density or form that would be detrimental to the character of the area or result in an over-intensive development.

#### **5.20 Local Plan**

5.21 The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:

- Substantial
- Moderate
- Limited

The Council is aiming to adopt the Local Plan by winter 2020 and the following policies would be appropriate for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:

5.22 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is considered to carry limited weight at this time.

5.23 Policy 8 sets out the requirements for the range of housing including the need for affordable housing. This policy is considered to carry limited weight at this time.

5.24 Policy 11 supports residential development within Residential Policy Areas. Substantial weight can be given to this policy.

- 5.25 Policy 14 seeks to promote sustainable transport within new developments. This policy is considered to carry limited weight at this time.
- 5.26 Policy 17 seeks to consider the needs of cyclists within new developments. This policy is considered to carry moderate weight at this time.
- 5.27 Policy 18 seeks to consider the needs of pedestrians within new developments. This policy is considered to carry moderate weight at this time.
- 5.28 Policy 29 sets out the Council's policy for open space provision in new developments. This policy is considered to carry limited weight at this time.
- 5.29 Policy 30 seeks to deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks. This policy is considered to carry limited weight at this time.
- 5.30 Policy 31 deals with the need to value biodiversity. This policy is considered to carry limited weight at this time.
- 5.31 Policy 43 deals with the need for good urban design. Moderate weight can be attached to this policy.
- 5.32 Policy 45 seeks to ensure high standards of residential design. This policy is considered to carry limited weight at this time.
- 5.33 Policy 46 sets out housing design standards. This policy is considered to carry limited weight at this time.
- 5.34 Policy 49 seeks a high standard of landscaping in new developments. This policy is considered to carry limited weight at this time.
- 5.35 Policy 56 deals with the need to mitigate any contamination on site. This policy is considered to carry limited weight at this time.
- 5.36 Policy 57 requires the need for satisfactory drainage including the use of SuDS. This policy is considered to carry moderate weight at this time.
- 5.37 Policy 66 deals with developer contributions. This policy is considered to carry moderate weight at this time.

### **5.38 Neighbourhood Plan**

- 5.39 There is no Neighbourhood Plan for this area.

### **5.40 Other material planning considerations**

- The Community Infrastructure Levy Regulations 2010 (as amended)
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SYRDG) (adopted 2015)
- National Planning Policy Guidance

## 6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, press advertisement and neighbour notification.

6.2 Four letters of objection have been received highlighting the following concerns;

- Loss of light.
- Flooding/drainage issues
- Development will be out of scale/character
- Over development of site/density
- Highway/road safety fears as the development will generate more traffic on an already busy road
- Parking issues that will cause disruption to the access of the existing houses
- Damage to wildlife
- Primary school not big enough to accommodate a new housing estate

6.3 The Applicant has also carried out a public consultation event which took place at the Villa Gardens Community Centre, Toll Bar on 11th December 2017. The day was attended by 23 residents. The submitted information states that the consensus of opinion was that people were pleased by the design quality of previous developments on display however were apprehensive about the development taking place in a flood zone 3 area. The applicant discussed possible flood prevention measures and the requirement of complying with the flood risk assessment, attempting to put residents at ease. There were a number of positive comments with a number of residents expressing interest in the allocation process for the new houses and how they could possibly apply to become residents of this development.

## 7.0 Parish Council

7.1 There is no parish council.

## 7.2 Relevant Consultations

7.3 **South Yorkshire Architectural Liaison Officer** – Advice provided on various elements of the scheme's design which have been given full consideration and taken into account. Overall no objections in principle.

7.4 **National Grid** – No comments received.

7.5 **Environment Agency** – Has advised that it is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. With regards to flood risk has commented that floor levels to be set no lower than 5m above Ordnance Datum. As such a condition is included to reflect this.

7.6 **Danvum Drainage** – No objection, subject to advisory note that consent will be required should any surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board.

- 7.7 **Strategic Housing Team** - Policy CS12 seeks to achieve 26% affordable housing on site. It states that new housing development will be required to include a mix of house types, prices and tenures to address identified needs and market demand and to support mixed communities. It further sets out measures to provide affordable housing and at criteria 5) states 'The council will work with partners to deliver affordable housing and a mix of houses to meet local needs through use of its own land and other initiatives'.

This is a 100% Affordable Housing scheme on a Council owned site, which will help meet the social housing need of Toll Bar specifically. The development which takes place will be of the highest standard that will conform to the Council's own design policy and guidance as well as meeting all Planning Policy and legal requirements. The properties all meet or exceed the Nationally Designed Space Standards set by Homes England and the council have secured grant from Homes England towards the development.

- 7.8 **Area Manager** – No comments received.
- 7.9 **Ecologist Planning Officer** – Satisfied with the ecology survey carried out for the site but requested a net gain for biodiversity which has been provided. The viability of the site does not allow for a financial contribution as detailed in para. 8.39 of this report. The Council's Ecologist is satisfied with the overall scheme and no objections are raised.
- 7.10 **Trees and Hedgerows Officer** – No objections on arboricultural grounds subject to conditions for the landscaping scheme to be implemented in accordance with the submitted plans and a tree root protection condition.
- 7.11 **Internal Drainage** – No objections, subject to condition for full details of the proposed on-site drainage.
- 7.12 **Danvm Drainage** – No objections raised in principle however recommend an advisory note that consent is required by the IDB for any surface water discharge into any watercourse.
- 7.13 **Education** – A commuted sum of £73,188.00 is required via Section 106 Agreement to provide 4 places at Don Valley Academy.
- 7.14 **Local Plans Team (Housing)** – In summary, the site is allocated for residential purposes. Toll Bar is defined as a 'Larger Defined Village' in the Core Strategy. According to Policy CS2, Defined Villages will be conserved and enhanced and quality infill will be permitted. The Local Plan proposes that the site continues to be designated as 'Residential Policy Area' (Policy 11). The proposal is therefore acceptable in principle.
- 7.15 **Highways Development Control** – No objections, subject to conditions.
- 7.16 **Design Officer** – No fundamental objections subject to conditions but has made comment regarding the location of the car parking space for Plot 1.



- 7.17 **Local Plans Team (Public Open Space)** –In line with UDP Policy RL4 10% of the site should be set aside as open space or a commuted sum.
- 7.18 **Pollution Control (Land Contamination)** – Following review of the Phase 1 and 2 site walk over reports, a Phase 3 remediation strategy is therefore required. No objections raised subject to this being requested via condition to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- 7.19 **Transportation Team** - A development of this size does not require any further assessment from a Transportation perspective. Although a condition for cycle parking to be provided within the curtilage of each dwelling as per SPD is recommended.
- 7.20 **Ward Members** – No comments have been received from local ward members.

## **8.0 Assessment**

8.1 The principal issues for consideration under this application are as follows:

- Principle of development
- Affordable Housing
- Impact on residential amenity
- Design and Impact upon character of the area
- Highway safety and traffic
- Air Pollution and Contaminated land
- Ecology
- Flood risk and drainage
- Trees and Landscaping
- Planning Obligations
- Overall planning balance

8.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

### Principle of Development

8.3 With regard to the principle of residential development on this site, the site is designated as 'Residential Policy Area' in the Doncaster Unitary Development Plan where proposals should be assessed against Policy PH11. The proposed development is acceptable in principle under this policy.

- 8.4 Toll Bar is defined as a 'Larger Defined Village' in the Core Strategy. According to Policy CS2, Defined Villages will be conserved and enhanced and quality infill will be permitted. Lying within the UDP's 'Residential Policy Area' the site is suitable in this context.
- 8.5 The emerging Local Plan has completed its consultation for the Regulation 19 Publication stage. The Council is aiming to adopt the Local Plan by the end of 2020. Whilst this carries limited weight at this stage, it gives a clear indication of the direction of travel towards future planning policy of the site. The Local Plan proposes that the site continues to be designated as 'Residential Policy Area' (Policy 11).
- 8.6 Taking the above considerations into account; that the principle of residential use on the site is acceptable; and the benefit of the provision of 100% affordable housing, on balance it is considered that the site is capable of forming a sustainable residential development when assessed against UDP and Core Strategy policy. The proposal is therefore acceptable in principle, subject to other policy considerations.

### Sustainability

- 8.7 The National Planning Policy Framework (NPPF, 2019) sets out at paragraph 7 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.
- 8.8 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

### **SOCIAL SUSTAINABILITY**

- 8.9 Affordable Housing
- 8.10 Policy CS 12 of the Council's Core Strategy relates to housing mix and affordable housing, stating that new housing developments will be required to include a mix of house size, type, price and tenure to address the identified needs and market demand to support mixed communities. It further states that in terms of delivering affordable housing this can be delivered under various measures listed as criteria 1-5, with criteria 5 being most pertinent. This states that the council will work with partners to deliver affordable housing and a mix of houses to meet local needs through use of its own land and other initiatives.
- 8.11 With regard to the need; the housing needs study carried out by the applicant identified the size of the council housing accommodation requirements in the ward. The Toll Bar area was identified to require a majority of two bedroom 4 person houses and some three bedroom properties for the larger families on the waiting lists. This scheme would contribute to the much needed type of housing required in the area in line with NPPF requirements and would also be in accordance with Policy CS 12.

#### 8.12 Impact on Residential Amenity

- 8.13 Policy CS 14 (A) of the Core Strategy states that 'new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment' and paragraph 127 (f) of the National Planning Policy Framework states that planning decision should create places that have a high standards of amenity for existing and future users . The SPD Development Guidance and Requirements states in section 2.5 that 'new housing should not give rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of existing occupiers'.
- 8.14 With regards to separation distance to existing properties, key standards are set out within the SPD Development Guidance and Requirements. The information in this regard is consistent with those guidelines set within the South Yorkshire Residential Design Guide (SYRDG). The SPD and SYRDG are adopted policy documents and therefore carry significant planning weight. 2 to 3 storey properties should have back to back distances (between facing habitable rooms) of no less than 21m, and front to front distances of no less than 12m. The SPD also states that 'habitable room windows that overlook neighbouring garden space should normally be at least 10m from the boundary. Where a new property overlooks an existing garden these distances need to be increased'.
- 8.15 An objection has been received regarding loss of light to existing properties on Adwick Lane due to the development. It is not considered that there are any adverse impacts on the amenities of occupiers of neighbouring properties as the scheme meets with recommended guidance for separation distances.

#### 8.16 Conclusion on Social Impacts

- 8.17 In conclusion of the social impacts of the development, it is not considered that the impact of residential amenity will be adversely affect by the proposal, and significant weight should be attached to the provision of community benefits including the full provision of affordable housing and POS.

### **ENVIRONMENTAL SUSTAINABILITY**

#### 8.18 Design and Impact upon the Character of the Area

- 8.19 Policy CS 14 of the Doncaster Council Core Strategy sets out the Council's policy on the design of new development. It 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. New development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. This will be achieved through a set of design principles and quality standards as set out.

- 8.20 Concerns have been raised by an objector regarding the density and overdevelopment of the site. The density of the proposed development is low to medium, and whilst the density does not exactly reflect the existing terraced housing development, terraced style properties are proposed within the scheme. There is sufficient garden space provided for the proposed houses in accordance with the Council's guidelines. The proposed dwellings match the scale of properties in the surrounding area, being two storeys in height. Therefore the density is considered to be acceptable and does not amount to overdevelopment of the site.
- 8.21 The site is surrounded by existing terraced houses to the north and the south. The proposed layout replicates the grid form of development of the terraced houses in the proposal with a continuation of street facing terraces to the western boundary. Like their existing neighbours, these properties maintain a build line with small front gardens and no visible cars parked. Along the southern boundary facing Adwick lane the houses have been set back affording a wide landscaped area to the frontage.
- 8.22 The scheme proposes 2 access and egress points to the site; both accesses are from Adwick Lane that are connected by pedestrian links through the site. Permeability has been a key consideration of the scheme, with a network of public footpaths connecting the various parts of the site to create desire lines to the existing playing fields, bus stop and children's play equipment located on the North eastern side of the site. The unmade public footpath along the eastern boundary will be formally adopted to allow quick access to surrounding areas. The footpath is an easy and safe route and will ensure a clear line of sight to the play equipment which is situated adjacent. The scheme has also been designed to ensure that there is adequate natural surveillance with the introduction of gable windows to properties on corner locations or overlooking roads/the playing fields.
- 8.23 An objector has raised concern that the development will be out of scale and character with the existing. Careful thought has been given to the design of the houses for the site. The scheme proposes two storey detached, semi-detached and terraced houses reflecting the surrounding properties. It is worthy of note that all properties meet the Nationally Described Internal Space Standards. The houses are designed to be 'read' as a whole and the roofs are designed to link together avoiding awkward little mono roofs that need their own downpipes. The overall design of the development is more contemporary than traditional and therefore is not entirely in keeping with the character of the surrounding area. However, National Policy advocates that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The scheme is generally in-keeping with the existing area in terms of size and scale, and whilst the architectural character is contemporary, this will make a positive contribution to the varied house-types in the area. Similar schemes have been successfully integrated within existing established residential areas in other parts of the borough. The scheme will meet the Council's aspirations for good quality homes as defined in Core Strategy CS 14.

- 8.24 For maintenance reasons, the choice of materials has been an important consideration as the houses will remain in the authority's ownership and therefore need to be resilient. The proposed materials are red facing brick and through colour render in off white with concrete slate roof tiles. Windows will be anthracite upvc. A condition has also been included for final materials to be agreed.
- 8.25 The Council's Urban Design Officer has provided advice throughout the pre application process and application consideration period and is satisfied with the scheme that has been subject to only minor amendments. Although comment has been raised regarding the lack of surveillance for Plot 1 to the designated parking space. The resultant scheme is a balance of various issues and overall the location of 1 parking space is deemed acceptable. There are no objections subject to conditions relating to final materials, and details of a hard and soft landscaping scheme to be agreed.
- 8.26 As such, the proposed redevelopment is therefore considered to meet with policy CS14, the SPD and the NPPF.
- 8.27 Impact upon Highway Safety
- 8.28 'Quality, stability, safety and security of private property, public areas and the highway' and 'permeability - ease of pedestrian movement with good access to local facilities and public transport services' are listed as qualities of a successful place within policy CS 14 (A). The NPPF in para 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe'.
- 8.29 Part (G) of policy CS 9 states that 'new development will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunity for travel. The proposed development does not trigger the need for either a transport assessment or travel plan.
- 8.30 With regard to the layout of the scheme and the design of the accesses, the Highways Development Control Officer raises no objection to the scheme following amendment to the proposal and subject to condition. There are two accesses to the site, one utilising the existing access and a further new access will be created further along Adwick Lane. An objection has been received raising concerns of highway safety fears as the development will generate more traffic on an already busy road. The Council's Highway Development Control Officer is satisfied that the additional traffic can be easily accommodated on the highway.
- 8.31 Further concerns have been raised that parking issues will cause disruption to the access of the existing houses. There is informal established parking at the rear of Marton Road for residents living in these properties. Access to the parking is obtained via an existing access off Adwick Lane. This same access is proposed to serve the new development as well as the existing parking area for existing residents on Marton Road. The Council's Highways DC Officer is content that the access for residents will be unaffected by the development.

- 8.32 All two bedroom houses have two parking spaces, and three bedroom and more have two per plot plus visitor spaces. The layout of the parking spaces has been carefully designed to ensure cars are closely positioned to the dwelling to enable electrical charging points for cars. This feature will give the occupants the option to readily charge their vehicles and also encourage the use of electric cars. The vast majority of dwellings will have an EV charging point. An example of the EV charging point is shown at Appendix 5.
- 8.33 The proposal is therefore considered to meet with policies CS 14 and CS 9 of the Doncaster Council Core Strategy.
- 8.34 Air Pollution and Contaminated Land
- 8.35 Policy CS 18 (A) states that 'proposals will be supported which contribute to improvements in air quality'. The size of the proposed development does not trigger the need for an air quality assessment however electric vehicle charging points have been indicated on the layout plans. Pollution Control (Air Quality) raise no objection to the proposal subject to condition for full details of electric vehicle charging points to be submitted and agreed.
- 8.36 The Contaminated Land team have also been consulted on the proposal and as this development is for a sensitive end use a Phase 1 desktop study and site walkover and a Phase 2 site investigation have been carried out and submitted. The Council's Pollution Officer is content with the findings subject to condition for a Phase 3 remediation strategy to be submitted and agreed. As such, there are no issues on air quality or contaminated land grounds that weigh against the development that cannot be dealt with by condition.
- 8.37 Ecology
- 8.38 The NPPF at paragraph 170 d) where it states that planning policies and decisions should contribute to and enhance the natural local environment by "minimising impacts on and providing net gains for biodiversity." This is reflected in Policy CS 16 states that Doncaster's natural environment will be protected and enhanced in accordance with a number of principles. Part (A) states that "proposals will be supported which enhance the borough's Ecological Networks by (1) including measures that are of an appropriate size, scale and type and have regard to both the nature of the development and its impact on existing or potential networks; (2) maintaining, strengthening and bridging gaps in existing habitat networks".
- 8.39 An objector has raised concerns regarding the damage to wildlife as a result of development. A Preliminary Ecological Appraisal (PEA) has been submitted and the findings conclude that the site has limited ecological value for flora and fauna. No water bodies exist within the site boundary, and none were recorded to feed into the site. No field sign evidence to suggest the use of the site by badgers was recorded throughout the survey, and no impacts are predicted. The site provides sub-optimal habitat for reptile species and no impacts are predicted and the scattered trees within the site offer negligible bat roost suitability. It is concluded therefore that no further surveys are required. However, paragraph 170 of the NPPF requires development to deliver a net gain in biodiversity. The development would require the loss of most of the amenity grassland on the site which is considered to be of low ecological value.

This will be partly compensated for by the proposed landscape scheme which will use a high proportion of native species and maintained front gardens. Overall losses in habitats are relatively small and would normally be compensated for in off-site habitat creation schemes via a commuted sum. Although there is a small deficit in the biodiversity net gain assessment it is considered the viability of the scheme in delivering social housing will provide a greater community benefit as discussed in para 8.62. None of the existing hedgerow would be lost and as part of the landscape scheme there would be an additional 60m of native hedgerow planted thus delivering an overall gain in biodiversity. As such, the proposal is considered to accord with policy CS 16 of the Doncaster Core Strategy and the NPPF in relation to ecology and more specifically bio diversity matters.

#### 8.40 Flood Risk and Drainage

- 8.41 The site is designated as Residential Policy Area in the Unitary Development Plan (adopted 1998) and falls within a Flood Risk Zone 3a (FRZ3a) area on the latest Environment Agency Flood Map. National planning policy, and Policy CS4 of the LDF Core Strategy, normally requires proposals in Flood Risk Zone 3 areas to pass a flood risk Sequential and Exception Test. The aim of the Sequential Test (ST) is to steer new development to areas with the lowest probability of flooding.
- 8.42 Table 3 of The Doncaster Development & Flood Risk SPD (adopted October 2010) sets out how flood risk policy should be applied in respect to the Doncaster borough. It also advises on the area of search for alternative sites for housing developments, and which in this case it is Toll Bar.
- 8.43 A Sequential Test has therefore been submitted which assesses a number of sites within and surrounding the search area of Toll Bar and concludes that there are no other reasonably available sites in areas of a lower probability of flooding. Officers concur with this and deem the application satisfies and passes the ST.
- 8.44 Whilst the applicant has carried out and passed the ST, it is also worthy of note that Table 2 (pg.24) of the SPD also sets out a number of examples where the need for a Sequential Test is negated. The applicant has not referred to this document in the sequential assessment however it is relevant in that this includes housing renewal schemes that are part of a recognised housing renewal programme such as this proposed. The SPD supports the negation of a ST, provided the development will not place an unacceptable level of flood risk, irrespective of the risk posed to the existing dwelling(s). It also advises that opportunities within the site to minimise flood risk through site layout and design should be taken. The proposal is deemed to fall into this category as the site forms part of the 2019/20 Doncaster Affordable Homes Build Programme that was approved by cabinet on the 3rd December 2019. Given the above, the application therefore passes the ST.
- 8.45 Notwithstanding the above, national policy also requires that residential proposals in FRZ3, as 'more vulnerable development', will be required to satisfactorily demonstrate they can pass the Exception Test which should be informed by a site specific Flood Risk Assessment to demonstrate the residual risks to the development can be managed and do not put the occupants, or existing neighbouring uses at risk.

- 8.46 A Flood Risk Assessment (FRA), prepared by BPS Consulting, accompanies the application. It identifies that the primary source of flood risk to the area is the Old Ea Beck which lies approx. 1km to the north of the site as identified in Section 2.2.2 of the FRA. The EA has also identified that a small part of the northern boundary was found to be at very low risk of surface water flooding. It is also identified in section 2.2.2 that the area benefits from flood defences along the banks of the Old Ea Beck. These defences provide protection from flooding for the site and surrounding area to a design standard of up to and including the 1 in 100-year flood event.
- 8.47 An objector has raised concerns regarding flooding and drainage of the site. The site lies within a flood zone 3a and as such will always be at risk of flooding; however historically the site did not flood during the 2007 event. Ground levels of the site vary between 5.1-4.7m above Ordnance Datum. Section 2.2.3 of the FRA states that the Environment Agency has provided modelling data which takes the flood defences into account and they have concluded that the defences are unlikely to be overtopped in all locations apart from the downstream end of the defence which is predicted to be overtopped by 18mm. The site is located 1.5km away from the lowest point of predicted overtopping so would be unaffected. The Environment Agency has raised no objection to the redevelopment of the site subject to a condition that finished floor levels are set at no less than 5.0m above Ordnance Datum. A streetscene showing floor levels of the existing and proposed dwellings can be seen at Appendix 2.
- 8.48 With regards to the Exceptions Test, the development of the site will provide wider sustainability benefits by providing a significant number of much needed affordable housing accommodation in Toll Bar, which taking into account the conclusions of the FRA can be safely developed without increasing the risk of on-site flooding and recommendation that future residents make use of the ability to sign up to the Environment Agency's early flood warning alerts. The proposal is thereby deemed to pass the Exceptions Test.
- 8.49 With respect to the drainage of the site, DEFRA guidance states that for Sustainable Drainage Systems peak flow control and peak volume control of surface water runoff from a development should be maintained to ensure that a new development does not increase surface water flooding and, where possible, offers a betterment to the local area. Due to the flat and level nature of the site, even flowing lifting of the site, and the level of the drainage ditch which the site will discharge to, surface water is unable to drain freely and effectively. Therefore, a surface water pumping station is required to ensure that surface water can be conveyed to the open drainage ditch to the south. The rate of discharge will also be controlled to ensure that there is a low rate of discharge to the watercourse without the risk of blockage. The location of the pumping station is shown on the site layout plan at Appendix 1. As such, the proposal is considered to accord with policy CS 4 and the NPPF in relation to drainage and flood risk matters.
- 8.50 Trees and Landscaping
- 8.51 Policy CS16 of the Core Strategy states that Doncaster's natural environment will be protected and enhanced. The existing site contains a variety of mature trees that line the frontage of the site on Adwick Lane and which are a feature of the site. The majority of these trees will be retained with only a small number being felled on account of being poor quality or suffering from disease. The Council's Trees and Hedgerows Officer has concurred and agreed this.



A landscaping scheme has been submitted and agreed subject to condition this be implemented in accordance with the agreed plan. The proposal is therefore deemed to accord with policy CS 16.

### Energy Efficiency

8.52 Policy CS 14 (C) requires proposals to meet or exceed the following minimum standards (1) all new housing must meet all criteria to achieve Code for Sustainable Homes of at least Level 3 and (2) all new development must secure at least 10% of their total regulated energy from decentralised and renewable or low carbon resources. This is now included within building regulations, therefore there is no longer a need to specifically condition this to meet planning policy requirements.

### **8.53 Conclusion on Environmental Issues**

8.54 Para.8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

8.55 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition. As such, significant weight can be attached to this in favour of the development.

### **ECONOMIC SUSTAINABILITY**

8.56 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.

8.57 On a wider level, additional housing will increase spending within the borough which is of further economic benefit in the long term.

### 8.58 S106 Planning Obligations

8.59 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'. Paragraph 56 states 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'.

- 8.60 The development is to provide 100 per cent affordable housing, whereas policy CS12 of the Core Strategy only requires the provision of 26 per cent affordable housing, subject to viability. The scheme is also providing open space provision on site in line with policy RL4 of the Doncaster UDP. Policy RL4 requires 10% provision of on-site open space, however there is a shortfall of 2.8% of open space provided on site which would therefore normally be required as a commuted sum. In addition, there is a small deficit in the biodiversity net gain assessment as referred to in para 8.39. Education has requested a commuted sum of £73,188.00 for the provision of 4 places at Don Valley Academy. An objector has also raised comment that the primary school is not big enough to accommodate new housing estate. The Education team however have not raised concerns over primary school places and consider there to be sufficient places to accommodate any additional children as a result of this development. There is however a requirement for secondary school places which cannot be met due to viability.
- 8.61 Paragraph 57 of the NPPF states that '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 for the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to the 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'.
- 8.62 The applicant has submitted an affordable housing statement. This sets out that there will be additional expenditure associated with the scheme to manage the drainage/surface water issues on this site that will increase the overall development costs for the site as it lies within a flood zone 3 area, and on account will require inclusion of a water pumping station on site and as discussed in para 8.49. The scheme will require significant levels of Homes England grant to support the delivery of the scheme and no further grant is available for the scheme and any additional expense or contributions would render the scheme unviable. The development therefore cannot sustain any Section106 contributions as commuted sums. As such the viability of the scheme in delivering social housing should not be put at risk by enforcing any financial contributions. The scheme would not be viable if the biodiversity contribution was required along with other contributions such as the education contribution of £73,188.00 and a commuted sum for the shortfall of POS; but it will deliver 100% affordable housing and 7.2% on site open space provision and the majority of bio diversity net gain via on site landscaping. Therefore it is Officers considered view that given these factors there is greater community benefit in assisting the delivery of these affordable homes by granting permission without any commuted sums.

### **8.63 Conclusion on Economy Issues**

- 8.64 Para 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments 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; and by identifying and coordinating the provision of infrastructure.

- 8.65 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

## **9.0 PLANNING BALANCE & CONCLUSION**

- 9.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal will redevelop a vacant brownfield site for much needed affordable housing in Toll Bar. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

## **10.0 RECOMMENDATION**

- 10.1 **GRANT PLANNING PERMISSION** subject to conditions:

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

**REASON**

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

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

Amended Site Layout Dwg No PQ2472 AD 10 - Revision L

Amended Planting Plan Dwg No PQ2674-L-01 Rev B

Amended Landscape Management Plan Dwg No 2674-L Rev B

**House Types**

Amended N790 PQ2472/AD/PD01

N797 PQ2472/AD/PD03

N930 PQ2472/AD/PD02

N1210 PQ2472/AD/PD09

**REASON**

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

03. 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.

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.

04. 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.

05. 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.

06. 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.

07. Notwithstanding the details of materials submitted. Before the development commences, samples and distribution 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, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure the satisfactory appearance of the development.

08. The landscape scheme shall be implemented in full accordance with the approved details contained within the Amended Planting Plan Dwg No PQ2674-L-01 Rev B (and the Adwick Lane management plan) and the Local Planning Authority notified in writing within 7 working days to approve practical completion of any planting within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme, prior to occupation of the home, which will be monitored by the Local Planning Authority. 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. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars Amended Planting Plan Dwg No PQ2674-L-01 Rev B 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.

10. The development shall be carried out in accordance with the submitted flood risk assessment (dated 23 Dec 2019, ref ALTB-BSP-ZZ-XX-RP-C-0001-P01\_Flood\_Risk\_Assessment by BSP Consulting) and the following mitigation measures it details:
- o Finished floor levels shall be set no lower than 5m above Ordnance Datum (AOD).
  - o As per drawings "N930 Housetype", "N797 Housetype", "N790 Housetype" and "Housetype N1210" there shall be no sleeping accommodation on the ground floor.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON

To reduce the risk of flooding to the proposed development and future occupants in accordance with Doncaster Core Strategy Policy CS 4: Flooding and Drainage.

11. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and/or visitors to the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

REASON

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CS9 of the Doncaster Core Strategy.

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

REASON

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

13. No development shall take place on the site until a detailed hard landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all boundary treatments, external hard surfacing materials for adoptable highway, footpaths through POS areas, and for surfaces around dwellings within plots. It shall include a scheme for the proposed design and relocation of the existing site gates. The development shall be carried out in accordance with the approved scheme.

REASON

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

14. 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.

15. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

REASON

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

16. 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.

17.

Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved in writing by the local planning authority and shall be installed before the development hereby approved is commenced and once installed shall be used to prevent mud and other debris being deposited on the highway during the construction of the development.

**REASON**

In the interests of road safety.

**INFORMATIVES**

01.

**INFORMATIVE**

We recommend that the developer uses this opportunity to reduce the potential impact of flooding by raising floor levels wherever possible and incorporating flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways to help reduce flood damage.

Guidance on how to reduce flood damage can be found at the following websites:-

Communities and Local Government: 'Improving the flood performance of new buildings' -

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood/>;

Environment Agency: How to reduce flood damage -

[www.environment-agency.gov.uk/homeandleisure/floods/105963.aspx](http://www.environment-agency.gov.uk/homeandleisure/floods/105963.aspx);

Department for Communities and Local Government: Preparing for floods -

[www.communities.gov.uk/publications/planningandbuilding/improvingflood/](http://www.communities.gov.uk/publications/planningandbuilding/improvingflood/);

Ciria: What to do if your property is flooded and how to minimise the damage from flooding - [www.ciria.com/flooding/](http://www.ciria.com/flooding/);

National flood forum-

[www.floodforum.org.uk/index.php?option=com\\_content&view=article&id=8&Itemid=4](http://www.floodforum.org.uk/index.php?option=com_content&view=article&id=8&Itemid=4)



02.

INFORMATIVE

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

03.

INFORMATIVE

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

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

For further application information, consent guidance & forms Visit: [www.shiregroup-idbs.gov.uk](http://www.shiregroup-idbs.gov.uk), Select 'Danvm DC'

For direct enquiries e-mail: [planning@shiregroup-idbs.gov.uk](mailto:planning@shiregroup-idbs.gov.uk)

04.

**INFORMATIVE: HIGHWAY WORKS**

-Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with 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.

-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 alteration to the existing street lighting as a result of the new access arrangements will be subject to a costs which are to be borne by the applicant. Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail Fiona.Horgan@doncaster.gov.uk regarding this as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

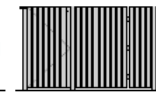
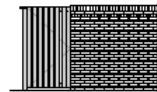
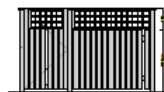
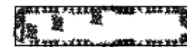
**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

# Appendix 1: Proposed Layout Plan

## Adwick Lane, Tollbar

1:200 Site Layout Plan on Topographical Layout

### MEANS OF ENCLOSURE:

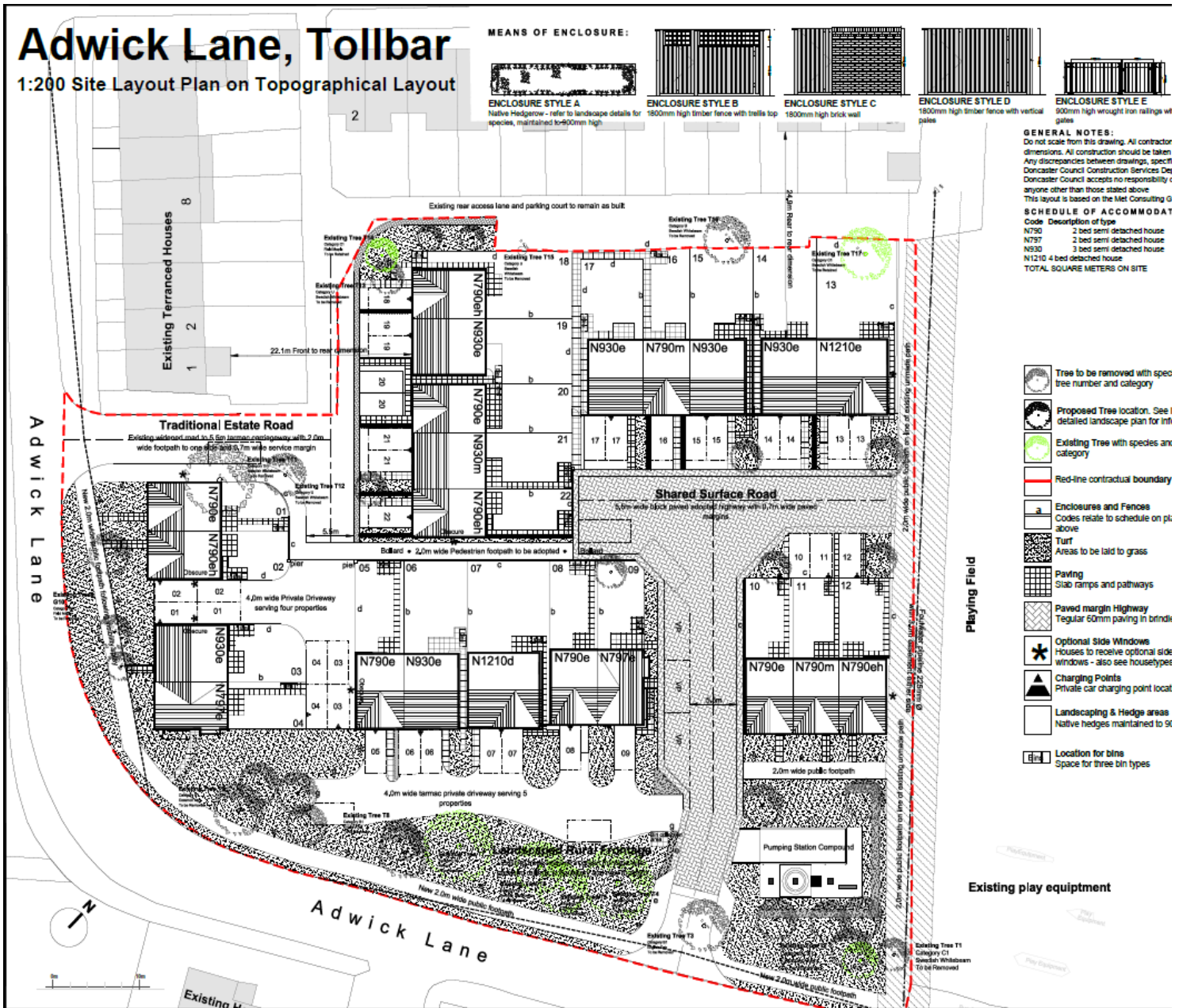


**GENERAL NOTES:**  
Do not scale from this drawing. All contractor dimensions. All construction should be taken from this drawing. Any discrepancies between drawings, specify Doncaster Council Construction Services Dept. Doncaster Council accepts no responsibility for anyone other than those stated above. This layout is based on the Met Consulting G

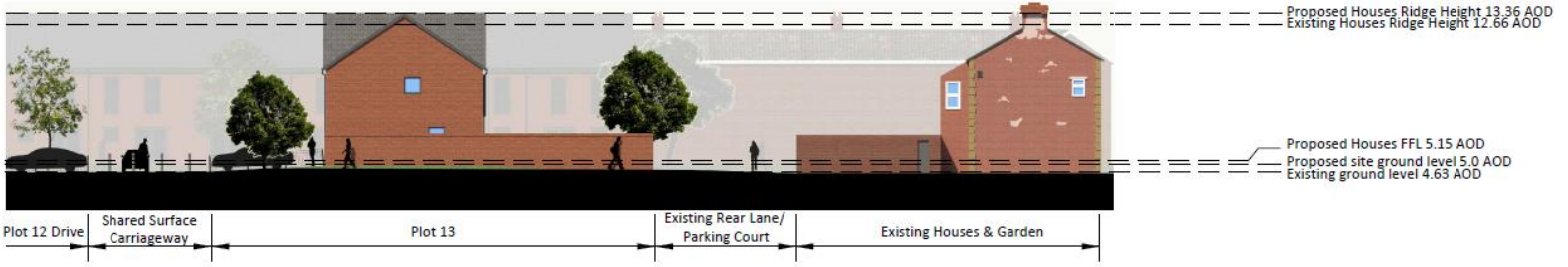
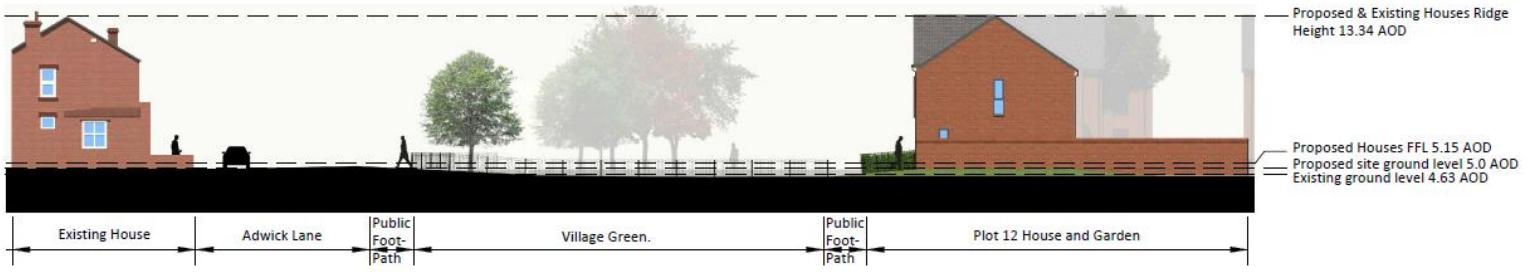
**SCHEDULE OF ACCOMMODATION**

Code	Description of type
N790	2 bed semi detached house
N797	2 bed semi detached house
N930	3 bed semi detached house
N1210	4 bed detached house

TOTAL SQUARE METERS ON SITE



# Appendix 2: Proposed Streetscene



# Appendix 3: Elevations and Floor Plans

## HOUSE TYPE N797 - Adwick Lane, Toll Bar

2 bedroom 4 person semi or terrace GIA = 79.7m<sup>2</sup> (858ft<sup>2</sup>)



### SPATIAL STANDARDS

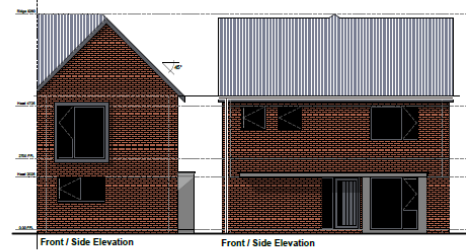
Housetype designed to meet the Gross Internal Floor Area prescribed by the Nationally Described Space Standards - March 2015.

Both bedrooms exceed the minimum floor area of 11.5m<sup>2</sup> and the minimum width dimensions

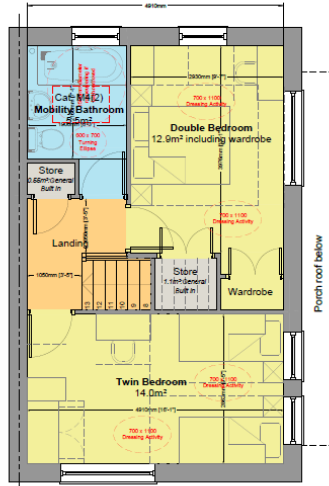
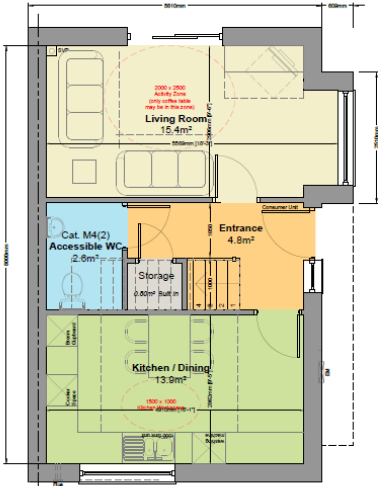
House provides 2.4m<sup>2</sup> of built in storage in accordance with the spatial standards

### ADDITIONAL ENHANCEMENTS FOR BUILDING REGULATIONS 2015

- Ground Floor WC meets Approved Document PART M4(2) Category 2 for accessible and adaptable dwellings
- First Floor Bathroom meets Approved Document PART M4(2) Category 2 for accessible and adaptable dwellings.
- External Wall makeup allows for 350mm thick solution.
- All corridors at least 1050mm wide and internal doors permit accessible access



- Joinery Details - Anthracite Grey
- Roof Tiles - Russell Lotherian in Slate Grey or terracotta
- Facing Material - Weinberger / Terca Caldera Red Mixture

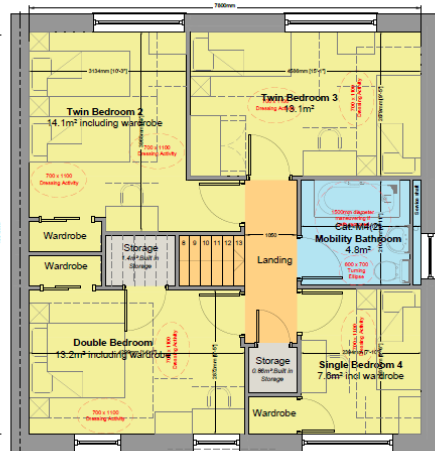


Property Services  
4TH FLOOR, CMG BUILDING, 59 NIGEL GRESLEY SQUARE, WATERDALE, DONCASTER, DN7 9BU

Title: N797 HOUSE TYPE	
Dwg No: PQ2472 /AD / PD03	
Scale: 1:100/1:50 at A2	Date: Nov 2019
Revision: -	Drawn By: MBC

# HOUSE TYPE N1210 - Adwick Lane, Toll Bar

4 bedroom 7 person semi or detached house GIA = 121.0m<sup>2</sup> (1302ft<sup>2</sup>)



### SPATIAL STANDARDS

Housetype designed to meet the Gross Internal Floor Area prescribed by the Nationally Described Space Standards - March 2015.

All three double bedrooms exceed the minimum floor area of 11.5m<sup>2</sup> and the minimum width dimensions, and the single exceeds 7.5m<sup>2</sup> and the minimum width dimensions.

House provides 4.7m<sup>2</sup> of built in storage in accordance with the spatial standards

### ADDITIONAL ENHANCEMENTS FOR BUILDING REGULATIONS 2015

- Ground Floor WC meets Approved Document PART M4(2) Category 2 for accessible and adaptable dwellings
- First Floor Bathroom meets Approved Document PART M4(2) Category 2 for accessible and adaptable dwellings.
- External Wall makeup allows for 350mm thick solution.
- All corridors at least 1050mm wide and internal doors permit accessible access

- Facing Material - Through Coloured Render White
- Joinery Details - Anthracite Grey
- Roof Tiles - Russell Lofthian in Slate Grey or Terracotta
- Facing Material - Weinberger / Terca Caldera Red Multi



**Doncaster Council**

Property Services

4TH FLOOR, CIVIC BUILDING, 99 WIGSEL GRESLEY SQUARE, WATERLOO, DONCASTER, DN1 3EU

Title:	N1210 HOUSE TYPE
Dwg No:	PQ2472 /AD / PD09

Scale: 1:100/1:50 at A2 | Date: Dec 2019

## Appendix 4: Artist Impression



## APPENDIX 5: EV charging point



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<b>Application</b>	2
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<b>Application Number:</b>	19/02977/FULM
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of residential development (Use Class C3), internal access roads, car parking, open space and associated works.
<b>At:</b>	Land off Watch House Lane, Bentley

<b>For:</b>	C/O Quod
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<b>Third Party Reps:</b>	30 letters of objection	<b>Parish:</b>	
		<b>Ward:</b>	Bentley

<b>Author of Report:</b>	Mel Roberts
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## SUMMARY

The scheme involves the redevelopment of the site for the delivery of a Build to Rent (BtR) homes scheme for 60 dwellings. BtR units are purpose built housing that is typically 100% rented.

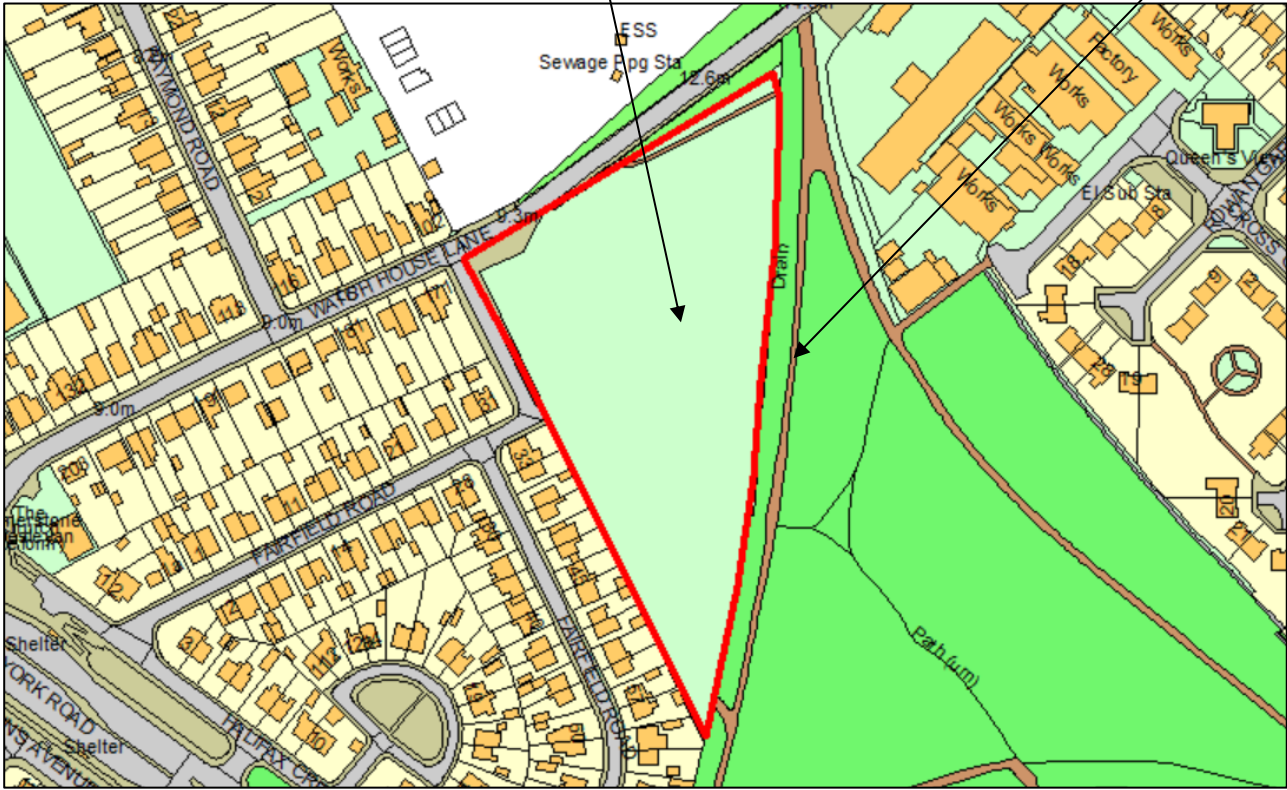
The site is an allocated employment site in the UDP, but this does not reflect the fact the site has not come forward for industrial development and the fact that the surrounding area is residential in nature. The Local Plan is more relevant and this shows the site as falling within the Residential Policy Area.

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to neighbouring properties, the highway network or the wider character of the area.

**RECOMMENDATION: Grant subject to a Section 106 Agreement**

Application site

Trans Pennine Trail



## 1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee at the request of Councillor Jane Nightingale and because it is a departure to the allocation in the Doncaster Unitary Development Plan (UDP) and due to the number of objections that have been raised.

## 2.0 Proposal and background

- 2.1 The application seeks full planning permission for the erection of 60 new houses, along with vehicular/pedestrian access and new areas of public open space at a vacant site off Watch House Lane, Bentley. The scheme involves the redevelopment of the site for the delivery of a Build to Rent (BtR) homes scheme. BtR units are purpose built housing that is typically 100% rented. Schemes usually offer longer tenancy agreements of three years or more and will typically be professionally managed stock in single ownership and management control.
- 2.2 The scheme provides for new family homes, split between 20 x 3-bed and 40 x 2-bed houses. The homes are a mixture of terraced and semi-detached properties and are all two storeys. The proposals include new areas of public open space, focusing around a central area, providing informal amenity and a play area. Access to the site is to be taken from Fairfield Road. The scheme includes two pedestrian accesses onto the Trans Pennine Trail (TPT) that runs along the eastern boundary of the site (see site plan in the appendix).

## 3.0 Site Description

- 3.1 The site is triangular and currently comprises approximately 1.4 hectares of vacant land. Industrial uses previously occupied the site, but it has been vacant for over 13 years and cleared of any buildings. There is an existing vehicular access to the site on Watch House Lane to the north and along Fairfield Road bordering the north west of the site. The site topography is largely flat. Currently there is a large man made mound in the centre of the northern half of the site, as well as 1.5m perimeter banks along Watch House Lane and Fairfield Road.
- 3.2 Shrubbery and trees surround the majority of the site boundary, with the TPT running along the eastern boundary. To the north east of the site, beyond a landscape buffer, are industrial uses. To the south east is dense tree cover, interspersed by the TPT footpaths. To the west and north west is existing two storey semi-detached housing. Finally, to the north, beyond Watch House Lane, construction is nearing completion for new homes (brought forward by Persimmon).

## 4.0 Relevant Planning History

- 4.1 The relevant planning history is as follows:

Application Reference	Proposal	Decision
17/03140/COUM	Change of use from vacant industrial land to a Residential Park Home complex. (Sui-Generis).	Withdrawn 01.06.2018

## 5.0 Planning Policy Context

5.1 The site is allocated as an Employment site in the Doncaster UDP.

### National Planning Policy Framework (NPPF 2019)

5.2 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:

5.3 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development. One of the three overarching objectives of the NPPF is to ensure a significant number and range of homes are provided to meet the needs of present and future generations (paragraph 8b).

5.4 Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to:

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

5.5 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 (para 57).

5.6 The BtR sector is formally recognised within the NPPF and is included within the glossary. BtR is singled out in the NPPF at paragraph 64 as being a housing sector that is exempt to the general affordable housing obligations. The NPPF confirms (within the glossary) that when affordable housing is proposed on BtR schemes, it should ordinarily be provided in the form of affordable private rent, a class of affordable housing specifically designed for BtR.

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

5.8 Paragraph 118(c) notes '*decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes*', and '*support appropriate opportunities to remediate contaminated land*'. Part (d) of the same paragraph also supports the development of under-utilised land.

5.9 Paragraph 120 acknowledges that decisions need to reflect changes in the demand for land and confirms that where there is no reasonable prospect of an application coming forward for the use allocated in the Development Plan, local planning

authorities should (a) reallocate land for a more deliverable use as part of plan updates; and (b) support applications for alternative uses, where the proposed use would contribute to meeting an unmet need for development in the area.

- 5.10 Planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 180).

#### National Planning Policy Guidance (NPPG)

- 5.11 The National Planning Policy Guidance (NPPG) sets a general benchmark of 20% of the homes in a BtR scheme to be affordable private rent, set at a 20% rent discount. This should however be provided where it is viable.

#### Doncaster Core Strategy 2011 - 2028

- 5.12 Policy CS1 states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.
- 5.13 Policy CS2 identifies Bentley within the Main Urban Area, which is the focus for growth and regeneration with an indicative housing allocation of between 9,225 and 11,808, making up between 50 and 64 per cent share of housing allocations.
- 5.14 Policy CS4 seeks to direct development to areas of lowest flood risk and ensure that mitigation measures are in place to ensure that developments do not flood. Developments within flood risk areas will be supported where they pass the Sequential and/or Exceptions Test.
- 5.15 Policy CS5 states that major employment sites will be retained for employment uses, which may include some small scale supporting uses.
- 5.16 Policy CS9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.
- 5.17 Policy CS10 sets out the phasing of housing for the period of the plan. Existing housing allocations can be built from 2011 onwards, except where flood risk or other delivery issues cannot be resolved.
- 5.18 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.
- 5.19 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.

- 5.20 Policy CS16 states that nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals will be supported which enhance the borough's landscape and trees by including measures to mitigate any negative impacts on the landscape, include appropriate hard and soft landscaping, retain and protect appropriate trees and hedgerows and incorporate new tree and hedgerow planting.
- 5.21 Policy CS17 states that proposals will be supported that provide suitable and appropriate on-site open space, or an equivalent contribution towards off-site provision.
- 5.22 Policy CS18 states that proposals will be supported which reduce air pollution and promote more sustainable transport options, and where relevant, incorporate low emission technologies and cleaner transport fuels. Where any risks to ground conditions arising from contamination or previous land uses are identified, proposals will need to incorporate measures to prevent, control and reduce air and water pollution.

#### Saved Unitary Development Plan (UDP) Policies (Adopted 1998)

- 5.23 Saved policy EMP6 notes that permission will normally be granted for B1, B2 and B8 uses within Employment Policy Areas, whilst proposals for other industrial, business or commercial uses will be considered on their merits in accordance with other relevant plan policies.
- 5.24 Policy RL4 requires 10-15% of the total site area of new developments with over 20 family dwellings to be laid out as public open space, except where the Council requires a commuted sum.

#### Local Plan

- 5.25 The Local Plan was submitted for examination on 4th March and an Inspector has been appointed; the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). When the Local Plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, the following levels of weight are appropriate between now and adoption; dependant on the level of unresolved objections for each policy, the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:

- Substantial
- Moderate
- Limited

- 5.26 The emerging Local Plan identifies the site as Residential Policy Area.
- 5.27 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.

- 5.28 Policy 2 identifies Bentley as falling within the Main Urban Area, which is to be the focus for development in the Borough, where at least 50 per cent of new housing is to be delivered.
- 5.29 Policy 3 identifies the need for additional housing of between 6,805 and 7,315.
- 5.30 Policy 8 sets out the requirements for the range of housing including the need for affordable housing.
- 5.31 Policy 11 states that within Residential Policy Areas, new residential development will be supported provided that:
- i) the development would provide for an acceptable level of residential amenity for both new and existing residents; and
  - ii) the development would help to protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
  - iii) the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.
- 5.32 Policy 14 seeks to promote sustainable transport within new developments.
- 5.33 Policy 17 seeks to consider the needs of cyclists within new developments.
- 5.34 Policy 18 seeks to consider the needs of pedestrians within new developments.
- 5.35 Policy 19 states that proposals will be supported which improve the number and quality of opportunities for walking, cycling and riding and create multi-user routes through development sites.
- 5.36 Policy 29 deals with open space provision in new developments and states that proposals of 20 family dwellings or more will be supported which contribute 10 or 15 per cent of the site as on-site open space to benefit the development itself.
- 5.37 Proposals will only be supported which deliver a net gain for biodiversity and protect, maintain and enhance the Borough's ecological network.
- 5.38 Policy 31 deals with the need to value biodiversity.
- 5.39 Policy 33 states that the design process should consider woodlands, trees and hedgerows.
- 5.40 Policy 43 deals with the need for good urban design.
- 5.41 Policy 46 states that new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants and shall meet the Nationally Described Space Standard as a minimum.
- 5.42 Policy 49 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides a high quality, comprehensive hard and soft landscape scheme.
- 5.43 Policy 53 states that where significant housing proposals will create or exacerbate a shortfall in the number of local school places, mitigation will be required, either

through an appropriate contribution to off-site provision or, in the case of larger sites, on-site provision.

- 5.44 Policy 55 requires the need to take into account air and noise pollution.
- 5.45 Policy 66 deals with developer contributions.
- 5.46 Policy 67 states that where the applicant can demonstrate that particular circumstances justify the need for a Viability Appraisal, the Council will take a pragmatic and flexible approach to planning obligations and consider their genuine impact on viability of development proposals on an independent and case-by-case basis.

#### Other material planning considerations

- 5.47 Several Supplementary Planning Documents (SPDs) have been published, which are material considerations in the determination of planning applications, the main ones of which include:

##### *Development Guidance and Requirements SPD (July 2015)*

- 5.48 The SPD sets out 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)*

- 5.49 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.

## **6.0 Representations**

- 6.1 Prior to submitting the application, a public consultation event took place on 16<sup>th</sup> September 2019 at Cornerstone Church, Watch House Lane. Notification of the event was via post, with leaflets delivered to 685 local residents and businesses informing them of the proposals and inviting them to the public consultation event. 65 people attended the event with 26 of those completing the feedback forms provided. Although broadly supportive of the principle of the development for residential use, local residents raised some local issues focusing around highways, access and drainage.
- 6.2 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, Council website, press advertisement and neighbour notification to all houses bordering the site. 30 letters of objection have been received and these can be summarised as follows:

- i) Fairfield Road and Halifax Crescent act as a thoroughfare during peak traffic time and are regularly used as a short cut between Watch House Lane and York Road.
- ii) there will be disruption during construction.
- iii) there have been numerous accidents along this stretch of road.



- iv) there is insufficient parking provided within the scheme.
- v) The access into the site will compromise access to and from a driveway of an adjoining residential property.
- vi) Fairfield Road and Halifax Crescent share a sewerage and drain system that at times is overloaded and causes flooding and blockage.
- vii) nothing is being done with this development against methane that was reported in the remedial statement from the previous planning application and has not been mentioned in this application.
- viii) there will be overlooking.
- ix) this will result in the loss of an employment site.
- x) it would affect house prices.

6.3 ED Miliband MP has written in to ask that the concerns of his constituents are taken into account.

6.4 Trans Pennine Trail Partnership has stated that there is a need to provide direct access to the Trans Pennine Trail as part of this application.

## 7.0 Relevant Consultations

7.1 **Transportation** has raised no objections subject to the provision of a Transport Bond to ensure that mitigation measures are in place in the event that traffic numbers exceed those set out in the Transport Assessment.

7.2 **Highways** has raised no objections subject to conditions.

7.3 The **Urban Design Officer** has responded and has raised no objections.

7.4 **Ecology** has raised no objections subject to a net gain in biodiversity.

7.5 The **Tree Officer** has raised no objections and is happy with the proposed landscaping scheme.

7.6 The **Open Space Officer** has responded and has raised no objections.

7.7 **Environmental Health** has raised no objections subject to hours of restriction on construction and provision of a 2.3m acoustic barrier as required by the Noise Assessment. The acoustic barrier is shown on the Boundary treatment plan and hours of construction are to be controlled through the submission of a Construction Method Statement as set out in condition 8.

7.8 The **Contamination Officer** has raised no objection subject to a condition requiring further remedial works to those already carried out.

7.9 The **Air Quality Officer** has raised no objection, as each dwelling shall benefit from an Electric Vehicle (EV) charging point and cycle parking within the curtilage of each dwelling.

7.10 The **Environment Agency** has raised no objections, as the site is within Flood Zone 1 and satisfactory remediation has been carried out to ensure that risks posed to controlled waters are at an acceptable level.

7.11 **Yorkshire Water** has raised no objections subject to a condition that development is carried out in accordance with the drainage plan.

- 7.12 The **Internal Drainage Officer** has responded and has raised no objections.
- 7.13 **South Yorkshire Archaeology Service** consider that the archaeological potential is likely to be negligible, as the site has been developed previously in the 20th Century and contained standing buildings until recently. No archaeological investigation is necessary.
- 7.14 **Public Rights of Way** has raised no objections and welcome the connections linking the proposed development and the TPT.
- 7.15 **Education** state that the development will create the need for additional school places resulting in a contribution of £157,859 towards Scawthorpe Sunnyfields Primary School and £164,673 towards Don Valley Academy totalling £322,532.
- 7.16 **Public Health** are pleased to see that the development plans includes two access points to the TPT.
- 7.17 **Strategic Housing** advise that demand for affordable housing in Bentley and Scawsby is very high with the majority of demand (95%) being for 3 bed family properties.

## 8.0 Ward members

- 8.1 Councillor Jane Nightingale has raised a number of concerns including:
- i) The amount of traffic using Watch House Lane, especially during peak periods.
  - ii) Serious accidents have occurred on Watch House Lane.
  - iii) Fairfield Road is not wide enough to accommodate extra traffic.
  - iv) Surface water is becoming a problem over recent years.

## 9.0 Assessment

- 9.1 The issues for consideration under this application are as follows:
- Principle of development;
  - Impact on Amenity
  - Design and Impact on the character and appearance of the area
  - Ecology
  - Trees and Landscaping
  - Highway safety and traffic
  - Flooding
  - Noise
  - Air Quality
  - Contamination
  - Energy efficiency
  - Economy
  - S106 obligations
  - Overall planning balance
- 9.2 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

### Principle of Development

- 9.3 The site is designated as an Employment Policy Area in the Doncaster UDP. Saved Policy EMP6 states that permission will normally be granted for B1, B2 and B8 uses within Employment Policy Areas, whilst proposals for other industrial, business or commercial uses will be considered on their merits in accordance with other relevant plan policies. Since this allocation within the UDP, the site has been cleared of buildings and the context of the site has significantly changed by the clearance and redevelopment for residential use of the former employment area to the north and north-west of the site beyond Watch House Lane. The application site has been vacant for over 13 years following the clearance of the previous industrial and office buildings. The site has been marketed for commercial development for approximately 13 years. Evidence submitted with the application confirms that the level of interest in the site from industrial occupiers and developers has been poor, with no credible offers received. Reasons for why the site is not attractive to commercial developers include the shape and size of the site, which would restrict the density of the development, the proximity of residential properties causing potential conflict and rental levels being too low to justify new build development.
- 9.4 In the emerging Doncaster Local Plan, the site is no longer to be included as an Employment Policy Area and is instead designated Residential Policy Area under Policy 11. Assessed against this policy, residential use would be acceptable in principle. Therefore, recent assessment of the site's suitability and value for employment use (as part of Local Plan preparation) has concluded it is no longer required as an Employment Policy Area.
- 9.5 This application for residential development should therefore be considered on its own merits, having regard to the need for housing development in the Doncaster Main Urban Area to support sustainable local communities. Whilst there is employment development to the north east of the site, the predominant land use in the area is residential. Residential development would therefore be an appropriate use in this location.
- 9.6 Policy CS2 of the Core Strategy identifies Bentley as falling in the Main Urban Area, which is the focus for housing growth and regeneration. The housing requirement for the Main Urban Area is between 9,225 and 11,808 new dwellings and equates to 50-64% of the total borough allocation. The proposal would therefore make a significant contribution towards the Main Urban Area's housing requirement on an urban site and thus contributing towards the objectives of policy CS2 and CS10 of the Core Strategy. As an urban site within the Main Urban Area, there are no phasing implications, because policy CS10 makes it clear that urban sites within the Main Urban Area can be developed from 2011 onwards. The site is sustainable being well located to access the services and facilities in the area, including schools, shops, employment and access to public transport.

- 9.7 The extensive marketing and the fact that the site has been vacant for over 13 years, clearly demonstrates that there is no reasonable prospect of the site coming forward for an employment use. In this instance, paragraph 120 of the NPPF supports the delivery of alternative and more appropriate uses, which in this case is residential. Although the Local Plan still has limited weight in terms of considering planning applications, this and the revised land-use context of the site favours the proposed residential use of the site. The loss of the allocated employment site for housing development would still result in a sufficient and healthy supply of future employment land across Doncaster and hence its allocation as residential in the emerging Local Plan.

### Sustainability

- 9.8 The NPPF (2019) sets out at paragraph 7 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
- 9.9 There are three strands to sustainability and these are social, environmental and economic. Paragraph 10 of the NPPF states in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

### SOCIAL SUSTAINABILITY

#### Impact on Residential Amenity

- 9.10 The scheme has been designed to ensure that there is no unacceptable impact on the amenity of those residential properties on Fairfield Road that border the site. In all cases, the scheme either meets or exceeds the minimum separation distances to avoid any unacceptable overlooking or overshadowing. There is a slight pinch point with plot 59, which is 18m from the rear elevation of the closest property on Fairfield Road, but this is set at an angle to avoid any unacceptable direct overlooking. The perpendicular distance measured from the rear elevation achieves the minimum 10m distance to the boundary as outlined in the Development Guidance and Requirements SDP. (Pages 18-19 and point 3 of table 'Separation Distances'). The existing high wall at the rear of the houses on Fairfield Road is to be retained, which will afford some privacy.
- 9.11 During the public consultation, local residents shared issues of anti-social behaviour currently experienced at the site, including littering and throwing of rubbish and rubble from the site into surrounding residents gardens. The development of the site will therefore help to remove these issues currently experienced by some residents. Development of the site for residential is likely to lead to much less harm to amenity than any industrial use on site.

### ENVIRONMENTAL SUSTAINABILITY

#### Design and impact upon the character of the area

- 9.12 The development proposes 60 new homes across a 1.4ha site, resulting in a density of 43 dwellings per hectare. Although quite a high density, this is largely a

result of the fact that many of the properties on site are terraced. All of the dwellings are two storey, which reflects the general character of the surrounding area. Materials will be agreed to ensure that they respect the surrounding area, which is mainly red brick, with some buff/brown brick (see typical street scene in appendix).

- 9.13 The scheme has been designed to ensure that those properties that can be seen from Watch House Lane will front onto the road, providing a strong frontage to the development and avoid any back gardens fronting the road, which would be undesirable. Plots 18 to 26 in the north-eastern corner of the site have the back gardens facing Watch House Lane, but this is acceptable given that this part of the site is obscured by trees and the rising road, where it goes over the TPT. Properties (plots 1 to 6) also front onto Fairfield Road to provide a strong frontage to the road.
- 9.14 A boundary and surface treatment plan has been submitted with the application. A water main runs along the boundary of the site and Yorkshire Water has advised that no built structures are provided along this boundary. As such, provision is to be made for low hedges in the front gardens of houses fronting Watch House Lane and Fairfield Road. Other boundary treatments include walling and fencing, with retention of the high wall along the back gardens of houses along Fairfield Road.
- 9.15 The development provides new areas of open space situated centrally to the site, populated with trees (see image in appendix). Furthermore, links are proposed through to the TPT and this will improve connectivity and use into this local amenity for the community. It is understood that the land beyond the site boundary to the TPT routes are within Council ownership.
- 9.16 Each home includes a private rear garden, all of which include the 10m deep distance requirement as per the Council's SPD. Most gardens meet and, in some cases, exceed the minimum private garden space requirement of 50sqm for two-bed homes and 60sqm for three-bed homes. The properties do not meet the Nationally Described Space Standards (NDSS), but until these are adopted through the Local Plan then the Council cannot insist on this. The application therefore accords with policy CS14 of the Core Strategy.

### Ecology

- 9.17 An Ecological Assessment has been submitted in support of the application. The site is not situated within influencing distance of any nature conservation sites of either statutory or non-statutory designation. The report concludes that the site has a very limited ecological value, with some scattered trees along the boundary, whilst the site has moderate potential for bat, bird and hedgehog species. None of the habitats on site are likely to host a wide diversity of invertebrates or mammals. No non-native invasive plant species were found to be present on site during the time of the site survey.
- 9.18 The newly created gardens and trees are likely to provide nesting and foraging opportunities for bird species and form a commuting habitat connecting to the wider landscape for bats, birds and hedgehogs. The newly created habitat of floral species will increase the diversity of invertebrates on site for birds and bats to feed on and provide a net gain in biodiversity post development. The application therefore accords with policy CS16 of the Core Strategy.

## Trees and Landscaping

- 9.19 A Tree Survey has been carried out and this shows that the trees that border the site are generally in a good condition. The trees are not protected by a Tree Preservation Order. No tree removals or remedial pruning works are required to facilitate the proposed development.
- 9.20 A landscaping scheme has been submitted and this has been agreed by the Tree Officer. The site will be managed by one management company and this should ensure that all areas are maintained and kept to a high standard. The application therefore accords with policy Cs16 of the Core Strategy.

## Impact upon Highway Safety

- 9.21 A Transport Assessment and Travel Plan have been submitted in support of this application. The site is considered to be located in a sustainable location with good access to local amenities, public transport and cycling and walking opportunities.
- 9.22 In terms of walking, Scawsby Saltergate Junior/Infant School is approximately a 700m/9 minute walk to the west of the site. The Cusworth Centre, Scawthorpe Sunnyfields Primary School and Kirkby Primary School are also located within walking distance of the site. Aldi, Morrison's, Tesco Express, and Danum Retail Park are all considered to be within walking distance. There are other healthcare and employment facilities within walking distance of the site. Direct pedestrian access between the development site and the TPT will be provided on the eastern boundary of the site.
- 9.23 In terms of cycling, the report shows that the whole of Doncaster town centre can be accessed within 5km cycling distance of the site. The Travel Plan indicates a commitment to cycle parking within the curtilage of each dwelling with access provided to gardens so that bicycles do not have to be carried through homes.
- 9.24 In terms of access to public transport, the closest bus stop is located on Watch House Lane approximately 325m to the west of the development site and is served by the Number 54 service. In addition, bus stops located on York Road, approximately 350m from the site access offer a number of services towards Doncaster town centre and other local destinations. Additional bus stops are located on York Road, Cusworth Lane and Newlands Drive, which are within 800m walking distance. Bentley train station is located approximately 1km/12 minute walk from the site, which provides services to Leeds and Doncaster.
- 9.25 The Travel Plan sets out a number of measures that will encourage residents on site to use sustainable modes of transport. These includes a Travel Plan Coordinator to provide transport advice to residents and travel information provided to prospective and new residents on all available modes of transport including maps, health benefits, local amenities and public transport timetables.
- 9.26 The development is forecast to generate 35 2-way trips in the AM peak and 37 2-way trips in the PM peak. A junction capacity assessment has been undertaken at the Fairfield Road/Watch House Lane junction and the results show that the junction operates within capacity in the future (year 2024) with the proposed development traffic included. As part of the proposed access arrangements, road markings will be provided at the Watch House Lane / Fairfield Road junction to provide a 'build out' and improve visibility from Fairfield Road.

- 9.27 Vehicular access to the site will be taken approximately 65m to the south of the Fairfield Road /Watch House Lane existing junction. The existing width of Fairfield Road between the access point and Watch House Lane will be retained. With reference to the South Yorkshire Residential Design Guide for conventional streets with a design speed of 20mph or less, a “*minimum carriageway width of 4.8 metres [is] needed for two cars to pass with some care*”. Drawings submitted with the application demonstrate that the existing width of the carriageway is sufficient for two large cars to pass each other and for occasional use by fire appliances and refuse vehicles. Widening the carriageway is not considered necessary to accommodate the development. Widening the carriageway on Fairfield Road could potentially encourage drivers to increase their speed and potentially induce additional through traffic from the A638 York Road, to the detriment of existing residents living on Fairfield Road and Halifax Crescent. Overall, taking into account the nature of Fairfield Road within an established residential area, the existing carriageway width (of approximately 5.2m) is adequate for the current and future use of the road.
- 9.28 During pre-application discussions, it was requested that the issue of rat-running using Halifax Crescent, to avoid any queuing on Watch House Lane, be investigated and this has been carried out. Queue length surveys were undertaken during the peak hours on Watch House Lane and Halifax Crescent. There is evidence of queuing on Watch House Lane during the peak hours and evidence of some vehicles using Halifax Crescent to avoid the queues on Watch House Lane. However, the numbers are relatively low and the queue on Halifax Crescent was observed to clear within two green phases of the traffic signals. The addition of the development traffic will, inevitably, add to the queue but the impact is not expected to be significant with the development generating approximately 1 trip every 2 minutes in the peak hours.
- 9.29 100 car parking spaces are proposed across the site. This equates to 40 spaces for the 20 x 3-bed homes and 20 additional spaces for visitors in accordance with the Council’s parking standards. 40 spaces are also proposed for the 40 x 2-bed homes, against the parking standards sought within the SPD of 1.5 spaces per 2-bed unit. Based on the Council’s requirements, 115 parking spaces would be required. The overall proposed parking provision is therefore slightly lower than would be expected in line with the Council’s requirements. However, as noted above, the site is readily accessible by a range of suitable transport modes and falls within walking distance of a range of amenities and facilities, including schools and shops, thus reducing reliance on owning a car. As such, it is considered the proposed quantity of car parking spaces is sufficient and appropriate to accommodate the proposed development.
- 9.30 Swept path analysis has been undertaken to demonstrate that a fire appliance (as the largest emergency vehicle that would need to use the access) will be able to access the site. In an emergency, a fire appliance would be able to get to a point within 45m of accesses to each dwelling, meeting the requirements of Building Regulations. Sufficient turning space is provided within the site to allow the fire appliance to exit the site in forward gear. The application therefore accords with policy CS9 of the Core Strategy.

- 9.31 The site sits within Flood Zone 1 (lowest risk of flooding) as indicated on the Environment Agency flood maps. A Flood Risk Assessment and Drainage Strategy has been submitted in support of this application because the site is more than 1 hectare in size. The site levels vary from around 9.35mAOD at the site entrance to 8.63mAOD to the east, but generally, the site is flat with an overall slight fall from east to west. There is no history of flooding occurring at the site. This report has identified that the main flood risk to the development is from over topping of the local watercourse or blockage of drains. The minimum finished floor levels (FFL) are recommended to be 9.35mAOD for the site. The FRA confirms that the site has a no or low risk of flooding and the proposed development is appropriate for this location. The application therefore accords with policy CS4 of the Core Strategy.

### Noise

- 9.32 A Noise Assessment has been submitted to assess the potential impact of surrounding noise on the proposed development. Noise measurements were taken within the vicinity of the proposed development site for night-time and daytime periods. The results of the noise monitoring were used to create a noise model of the site. The noise model was used to identify the proposed residential façade that would be subject to the highest levels of noise. Noise ingress calculations were undertaken, which demonstrated that noise levels could be achieved for both daytime and night-time periods with the incorporation of a glazing and ventilation strategy, therefore demonstrating that internal noise levels would not pose a barrier to the development of the site.
- 9.33 The noise model identified plots where World Health Organisation criteria of external amenity areas would not be met. Mitigation is recommended in the form of a 2.3m acoustic fence to provide protection to the affected plots 18 to 26 (this is shown on the submitted boundary detail plan). The noise model demonstrates that this would be sufficient to meet the criteria, therefore demonstrating that with mitigation, external noise levels would not pose a barrier to the development of the site. The predictions were also inclusive of commercial noise from Queens Drive Industrial Estate. The assessment was based on Plot 23, which would experience the highest levels of commercial noise. The assessment indicates likelihood of a low impact at the receptor location, therefore demonstrating that commercial noise from the industrial estate should not pose a barrier to the development of the site.
- 9.34 With the inclusion of the mitigation measures recommended within the report, it has been concluded that noise will not have any amenity impacts on the new residential development. The application therefore accords with guidance set out in the NPPF.

### Air quality

- 9.35 An Air Quality Assessment has been submitted with the application. This report provides a review of existing air quality in the vicinity of the proposed development. It also provides an assessment of the impact of the proposed development on local air quality during both its construction and operational phases. With the implementation of appropriate mitigation measures (such as dust monitoring and dealing with any complaints etc.), the impact of dust associated with construction and demolition activities is considered to be not significant when considered in accordance with Institute of Air Quality Management (IAQM) guidance.
- 9.36 Existing air quality around the development has been reviewed. Concentrations of Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter 10 (PM<sub>10</sub>) are likely to be below



their respective long and short-term objectives at the proposed development site, which is therefore considered suitable for residential use with regards to air quality. Vehicle emissions associated with the proposed development are not likely to have a significant impact on local air quality. A number of mitigation measures are proposed including the provision of an Electric Vehicle (EV) charging point within each dwelling and cycle parking within the curtilage of each dwelling. The application therefore accords with policy CS18 of the Core Strategy.

### Contamination

- 9.37 Previous environmental investigations and risk assessments have been undertaken on the site in consultation with the Environmental Agency and Doncaster's Pollution Officer. Remediation works have already been carried out on site during 2016, which were attended by the Environment Agency and the Council. A Geo-environmental Overview and Remedial Strategy has been prepared in support of this application, which outlines a future remedial strategy and this is secured by a condition. The application therefore accords with policy CS18 of the Core Strategy.

### Energy Efficiency

- 9.38 An Energy Statement has been submitted in support of the application. Through assessing low or zero carbon technologies at the development, it concludes that it is not technically feasible or viable to install these technologies. However, through the incorporation of good passive suitable design measures, a 23% improvement in energy efficiency can be achieved when compared to baseline Building Regulations. The application therefore accords with policy CS14 of the Core Strategy.

### Conclusion on Environmental Issues

- 9.39 The scheme involves redeveloping previously developed land within the Main Urban Area, which in turn will reduce pressure on the development of more environmental valuable land. The site has undergone significant remediation to remove contamination. Finally, the development of this site will remove this vacant and underutilised land.

## ECONOMIC SUSTAINABILITY

- 9.40 The construction of the development will create approximately 60 construction jobs, with local supply chains targeted during construction. The annual household spending on goods and services from 60 homes would be expected to be £748,003. Given the site's proximity to local shops and services, a significant proportion of this could be spent in the location area, contributing towards the local economy.

## **10.0 Planning Obligations**

- 10.1 There are a number of Planning Obligation requirements that have been identified in accordance with local and national planning policy. There is a requirement for a commuted sum of £157,859 towards Scawthorpe Sunnyfields Primary School and £164,673 towards Don Valley Academy, totalling £322,532. Twenty per cent of units on site are to be affordable which equates to 12 dwellings, or a commuted sum in lieu of this of £361,036. The scheme provides on-site open space, but this only equates to 10 per cent of the overall site area and so an additional sum of £15,275 is required to

meet the 15 per cent requirement given that the Bentley community profile area is deficient in 3 out of 5 open space typologies. There is a Biodiversity offsetting contribution requirement of £53,687 and a returnable Travel Plan Bond of £7,352 to mitigate any traffic in the event that targets in the Travel Plan are exceeded.

- 10.2 A viability appraisal has been submitted with the application. It was assessed by Adams Integra who have provided an independent review of the viability of the scheme. Adams Integra conclude that the scheme could contribute £361,036 and still remain viable.
- 10.3 In line with the Council's Section 106 Protocol, the Section 106 Board met to discuss where the available Section 106 monies should be spent. At the time of writing this report, the Board had not come to a decision on where they think the money should be allocated and so an update will be provided at the Planning Committee meeting.

## **11.0 PLANNING BALANCE & CONCLUSION**

- 11.1 The site is allocated as an employment site within the Doncaster UDP, but this is outdated and does not reflect the fact that the site has never come forward for industrial development over the last 13 years or so. The land allocated for employment use to the north of Watch House Lane has been developed for housing and so the predominant land use in the area is residential. Although yet to go through examination, the Local Plan is more relevant and shows the Council's direction of travel and this allocates the site as falling within the Residential Policy Area. The NPPF is clear in that where there is no reasonable prospect of an application coming forward for the use allocated in the Development Plan, local planning authorities should support applications for alternative uses. Given the surrounding land uses, residential is an appropriate use and would help to support the Council's need for delivering housing in the Main Urban Area in a sustainable location such as this.
- 11.2 The information submitted in support of the application shows that there are no issues with highway safety and as such, no objections have been raised by highways. The site is within walking and cycling distance of schools, shops and public transport provision and the Travel Plan will help to deliver sustainable travel modes. The scheme provides connections to the TRP and EV charging points are to be provided to every dwelling on site.
- 11.3 The scheme has been designed to reflect the character of the surrounding area and avoid any impact on the amenity of surrounding residential properties. Development of the site for residential is much more desirable than industrial when it comes to assessing the potential impact on the amenity of surrounding properties. All other issues such as ecology, air quality, noise and contamination have been thoroughly assessed with the submission of technical documents and are all satisfactory subject to the necessary mitigation measures that are either shown on the plans or secured by condition. There have been no objections from any consultees.
- 11.4 In conclusion, this application comprises a highly sustainable development and accords with national planning policy.

## **12.0 RECOMMENDATION**

- 12.1 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 MATTERS THAT WILL BE REPORTED TO THE PLANNING COMMITTEE

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

### **Conditions / Reasons**

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

#### **REASON**

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

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

100-448/(P)002 A dated 07.01.19 (Location plan)

100-448/(P)001O dated 11.01.19 (Site plan)

100-448/(P)015B dated 01.11.19 (Typical cluster 2B)

100-448/(P)018B dated 01.11.19 (Typical cluster 2A)

100-448/(P)011B dated 01.11.19 (Typical cluster 3)

100-448/(P)008 A dated 01.11.19 (Typical cluster 4)

100-448/(P)019B dated 01.11.19 (Cluster 4 street corner)

100-448(P)017 dated 11.11.19 (Typical cluster front elevations)

100-448/(P)007B dated 30.10.19 (House type plans)

100-448/(P)016D dated 11.01.19 (Boundary and surface treatment)

19.1473.001 Rev C dated 13.11.2019 (Landscape proposals 1)

19.1473.002 Rev C dated 13.11.2019 (Landscape proposals 2)

19.1473.003 Rev B dated 13.11.2019 (Landscape proposals 3)

5269-JPG-SW-00-DR-D-1401-S2 Rev PO4 (Drainage Plan)

#### **REASON**

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

3. The approved phase 3 remediation works (as set out in JPG's Geo- Environmental Overview & Remedial Strategy Ref 5269-jpg-zz-xx-rp-g-1301-s2-p01. Nov 2019. Revision P01) shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works, contamination is encountered which has not previously been identified, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA. Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The site or parts of 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.

4. Prior to the installation of any external lighting on site, a lighting strategy including a lux level diagram detailing all the lighting levels resulting from lighting to be installed on the site shall have been submitted and approved by the local authority. The lighting shall then be installed in accordance with the approved scheme.

REASON

To ensure the ongoing ecological interests of the site with respect to bats in accordance with policy CS16 of the Core Strategy.

5. The development shall be carried out in accordance with the mitigation measures set out in Section 11 of the Air Quality Report Number 102178V2 dated 28th January 2020 including the provision of EV charging points and cycle storage for each dwelling.

REASON

To reduce air pollution on site in accordance with policy CS18 of the Core Strategy.

6. The development shall be carried out in accordance with the measures set out in Section 5 of the submitted Travel Plan by Fore dated 19<sup>th</sup> November 2019.

REASON

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

7. Prior to the occupation of any dwellings on site, an informal play area shall have been installed and be operational on the area of open space in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

REASON

To ensure adequate play provision in accordance with policy CS17 of the Core Strategy.

8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

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

REASON

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

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

REASON

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

## INFORMATIVES

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement. The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud on the highway is an offence under provisions of The Highways Act 1980.

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

# Appendix

## Site plan



## Typical street scene



Area of open space



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## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE -

<b>Application</b>	<b>3</b>
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<b>Application Number:</b>	19/01334/OUT	<b>Application Expiry Date:</b>	26th July 2019
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<b>Application Type:</b>	Outline Application
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<b>Proposal Description:</b>	Outline application for residential development of 5 houses (approval being sought for access and layout).
<b>At:</b>	Land Adjacent 113 Kirton Lane Thorne Doncaster

<b>For:</b>	Mr Michael Hardwick
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<b>Third Party Reps:</b>	1 letter of objection	<b>Parish:</b>	Thorne Town Council
		<b>Ward:</b>	Thorne And Moorends

<b>Author of Report</b>	Alicia Murray
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<b>MAIN RECOMMENDATION:</b>	GRANT, subject to conditions
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### SUMMARY

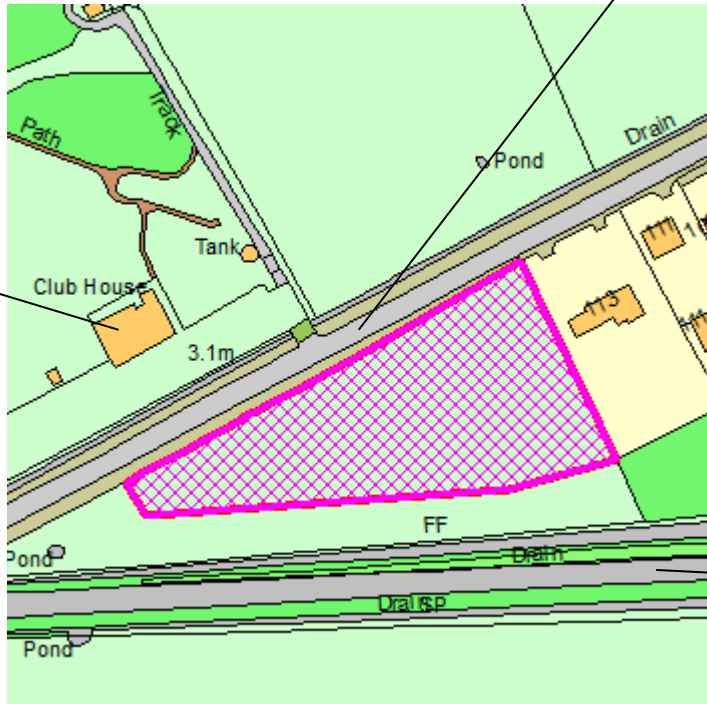
The proposal seeks outline permission for residential development with matters of appearance, landscaping, and scale being reserved. The proposal is considered to be acceptable in policy terms as it would be a natural extension to the settlement boundary and with defensible boundaries beyond and is therefore considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to neighbouring properties, the highway network, rail network, flood risk, or the wider character of the area. The development can also accommodate net-gain biodiversity, with space to provide sufficient landscaping.

**RECOMMENDATION: GRANT planning permission subject to conditions.**

Thorne Golf Club

Kirton Lane



Railway Line

## **1.0 Reason for Report**

- 1.1 This application is being presented to planning committee due to: The proposal comprising a housing development within the Countryside Policy Area, hence constituting a Departure from the Development Plan.

## **2.0 Proposal**

- 2.1 Planning permission is sought for Outline application for residential development of 5 houses (approval being sought for access and layout).
- 2.2 Outline Planning permission was originally sought for 7 dwellings however the application has been amended to reduce the number of dwellings to 5.

## **3.0 Site Description**

- 3.1 The application site comprises an open green space and is located to the West of Thorne. The site is bound by Kirkton Lane to the North/West and by the railway to the south. A residential policy area abuts the eastern site boundary with 113 Kirton Lane being the closest residential property.

## **4.0 Relevant Planning History**

- 4.1 No recent relevant Planning History

## **5.0 Site Allocation and Relevant Policies**

- 5.1 The application Site is allocated as Countryside Policy Area.
- 5.2 The application site was promoted as part of the emerging local plan but was rejected due to failing the sequential test for Flood Risk.

### National Planning Policy Framework (NPPF 2019)

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 79 deals with homes in the countryside.
- 5.5 Paragraph 170 b) recognises the intrinsic character and beauty of the countryside.

### Core Strategy 2011 - 2028

- 5.6 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 5.7 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.8 Policy CS1 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: promote a healthy safe place to live; comprise considered and appropriate design; are accessible; and protect local amenity.
- 5.9 Policy CS2 (Table 1) identifies Thorne as a Principal Town which *“will be the focus for growth and regeneration, along with the two Potential Growth Towns. The combined Main Urban Area/Principal Towns provision will be 80-85% of the borough’s total housing allocations, with at least 3.5% of the overall borough allocation within each Principal Town.”* Paragraph 3.23 under CS2 states that *“Urban extensions will be necessary to accommodate the proposed growth (even at the lower end of the growth range) at Adwick, Armthorpe, Askern and Thorne”*.
- 5.10 Policy CS3 B) states that B) The countryside in the east of the borough will continue to be protected through a Countryside Protection Policy Area (as indicated on the Key Diagram). The key considerations for land within this area are:
1. new urban extension development allocations will be confined to those necessary to deliver the Growth and Regeneration Strategy;
  2. minor amendments to settlement boundaries will be supported where existing boundaries are indefensible;
  3. proposals will be supported where they would be appropriate to a countryside location and would protect and enhance the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all; and;
  4. proposals that would generally be acceptable include agriculture, forestry, outdoor sport and recreation, habitat creation, flood storage and management, essential infrastructure, mineral extraction, some forms of stand alone renewable energy, suitable farm diversification schemes, limited extension, alteration or replacement of existing dwellings and re-use of suitable buildings for uses appropriate in the countryside.
- 5.11 Policy CS3 C) states proposals which are outside development allocations will only be supported where they would:
1. protect and enhance the countryside, including the retention and improvement of key green wedges where areas of countryside fulfil a variety of key functions;
  2. not be visually detrimental by reason of siting, materials or design;
  3. not create or aggravate highway or amenity problems; and;
  4. preserve the openness of the Green Belt and Countryside Protection Policy Area and not conflict with the purposes of including land within them.
- 5.12 Policy CS4 states that *“A pro-active approach will therefore be adopted which manages flood risk, to support borough-wide regeneration, based on the principles set out below.*
- A) Development will be directed to areas of lowest flood risk (from all sources) within the overall framework of the Growth and Regeneration Strategy and its emphasis on deliverable urban brownfield sites (as set out in Policies CS2, CS5,*

CS7 and CS10). Where this results in development within flood zones 2 and 3, priority will be given to sites which:

1. *already benefit from an acceptable standard and condition of defences; or;*
2. *have existing defences which will be improved as a result of the proposal to an acceptable standard and condition;*
3. *do not have existing defences, if it can be shown that there are no appropriate sites already benefiting from defences, and the development can be made safe through the creation of new defences which would also benefit existing communities.*

*B) Developments within flood risk areas will be supported where they pass the Sequential and/or Exception Tests (if they are required). Proposals which are in accordance with both allocations and any other Local Development Framework policies will normally be deemed to have passed the Sequential Test.*

*C) ... any development within flood risk areas, will be supported where it:*

1. *provides a fit-for-purpose site specific Flood Risk Assessment;*
2. *will be safe from all forms of flooding, without increasing the level of flood risk to surrounding properties and/or land for the lifetime of the development;*
3. *provides adequate means of foul sewage disposal and achieves a reduction in surface water run off on brownfield sites and no increase from existing rates on greenfield sites;*
4. *makes use of Sustainable Drainage Schemes, where appropriate;*
5. *is designed to be resilient to any flooding which may occur (including making provision or circumstances in which existing flood defences fail);*
6. *facilitates the maintenance of flooding and drainage infrastructure; and;*
7. *ensures that mitigation measures (including Sustainable Drainage Schemes) can be maintained over the long term and will not have an adverse impact on the water environment, including ground water aquifers, flood water capacity and nature conservation interests.”*

5.13 Policy CS14 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.” As the proposal comprises an application for the layout and access, the following aspects of CS14 are relevant:

A) The components of development, including use mix, layout (movement patterns, townscape, landscape, open space and public realm), density (intensity of development) and form (scale, height, massing; and architectural details of buildings), will be assessed to ensure that the development proposed is robustly designed, works functionally, is attractive, and will make a positive contribution to achieving the following qualities of a successful place:

1. character – an attractive, welcoming place with its own identity appropriate to the area;
2. continuity and enclosure of streets and spaces by buildings;
3. quality, stability, safety and security of private property, public areas and the highway;
4. permeability – ease of pedestrian movement with good access to local facilities and public transport services;
5. legibility – a development that is easy to navigate;
6. adaptability – flexible buildings capable of changing over time;

7. inclusive – accessible development that meets the needs of as much of the population as possible;
8. vitality – creating vibrant, busy places with a mix of uses where appropriate; and;
9. sustainability – proposals are environmentally responsible and well managed.

B) New housing developments will be expected to meet relevant Building for Life criteria (14/20 criteria for developments of more than ten dwellings). An agreed proportion of new homes should be designed to Lifetime Homes standards, subject to design and viability considerations.

C) The design and layout of development must also be designed to adapt to a changing climate, whilst helping reduce the causes of climate change, by using energy, water and materials in the most efficient way as possible. In order to help achieve this, proposals will be supported which meet or exceed the following minimum standards:

1. all new housing must meet all criteria to achieve Code for Sustainable Homes of at least Level 3 and new non-domestic buildings must meet the BREEAM rating of at least 'Very Good'. This should be supported by preliminary assessments at planning application stage; and;
2. all new developments must secure at least 10% of their total regulated energy from decentralised and renewable or low carbon sources.

5.14 Policy CS16: Valuing our Natural Environment Doncaster's natural environment will be protected and enhanced, in accordance with the principles set out below.

A) Proposals will be supported which enhance the borough's Ecological Networks by:

1. including measures that are of an appropriate size, scale and type and have regard to both the nature of the development and its impact on existing or potential networks;
2. maintaining, strengthening and bridging gaps in existing habitat networks; and;
3. using native species and delivering local and national Biodiversity Action Plan targets, especially in the following regionally important biodiversity opportunity areas: the Humberhead Levels, the South Yorkshire Magnesian Limestone Ridge, the River Don Corridor and the Dearne Valley.

B) Nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals which may impact on Local Sites and Non Designated Sites will only be supported where:

1. they protect, restore, enhance and provide appropriate buffers around wildlife and geological features;
2. harm is avoided where possible, and any unavoidable harm is appropriately mitigated and compensated;
3. they produce and deliver appropriate long term management plans for local wildlife and geological sites; and;
4. they can demonstrate that the need for a proposal outweighs the value of any features to be lost.

C) Proposals located within 3km of Thorne and Hatfield Moors Special Protection Area will be supported where they deliver a net gain in nightjar foraging habitat.

D) Proposals will be supported which enhance the borough's landscape and trees by:

1. being appropriate to the landscape's character, sensitivity and capacity;
2. including measures to mitigate any negative impacts on the landscape;
3. ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness; and;
4. retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

#### Saved Unitary Development Plan (UDP) Policies (Adopted 1998)

- 5.15 Policy ENV2 of the UDP acknowledges the status of the Countryside Policy area and lists the purposes of the Countryside Policy as follows:
- to assist in safeguarding the countryside from encroachment;
  - to provide an attractive setting for towns and villages;
  - to prevent settlements from coalescing;
  - to provide opportunities for outdoor sport and recreation near urban areas;
  - to retain land in agriculture, forestry and nature conservation uses;
  - to protect other non-renewable resources;
  - to assist regeneration by directing development;
  - towards urban areas and strategic allocations;
  - to help sustain rural communities and a diverse rural economy.
- 5.16 Policy ENV4 of the UDP states that development will not normally be permitted within the Countryside Policy Area, and sets out exceptions to this stance including:
- b) infilling development within settlements washed over by the countryside policy area subject to the limitations included in policy env 9 (which was replaced by policy CS3).

#### Local Plan

- 5.17 The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:
- Substantial
  - Moderate
  - Limited
- 5.18 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 5.19 Policy 2 identifies Thorne and Moorends as a main town, which will be a focus for new development.

- 5.20 Policy 3 sets out that at least 40 per cent of the borough's total housing should be within the main towns such as Thorne and Moorends.
- 5.21 Policy 8 sets out the requirements for the range of housing including the need for affordable housing.
- 5.22 Policy 14 seeks to promote sustainable transport within new developments.
- 5.23 Policy 17 seeks to consider the needs of cyclists within new developments.
- 5.24 Policy 18 seeks to consider the needs of pedestrians within new developments.
- 5.25 Policy 21 states that development proposals that are expected to give rise to significant increase in the use of public rights of way where they cross roads, railway lines, canals and rivers must show that all safety and accessibility considerations have been taken into account to ensure use of the crossing can be maintained. This should include consultation with the appropriate authority (for example, Network Rail).
- 5.26 Policy 26 refers to types of development that are acceptable in the countryside and this does not include large-scale housing.
- 5.27 Policy 31 deals with the need to value biodiversity.
- 5.28 Policy 33 states that the design process should consider woodlands, trees and hedgerows.
- 5.29 Policy 43 deals with the need for good urban design.
- 5.30 Policy 55 requires the need to take into account air and noise pollution.
- 5.31 Policy 56 deals with the need to mitigate any contamination on site.
- 5.32 Policy 57 requires the need for satisfactory drainage including the use of SuDS.
- 5.33 Policy 58 deals with the need to consider flooding.
- 5.34 Policy 59 deals with low carbon and renewable energy within new developments.
- 5.35 Policy 61 requires the need to protect the best and most versatile agricultural land.

#### Neighbourhood Development Plan

- 5.36 The Town Council has produced a draft Thorne and Moorends Neighbourhood Plan. The plan was published in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 on Monday 31<sup>st</sup> October 2016 for 6 weeks. As such, moderate weight is attached to the Neighbourhood Plan (NP) at this stage, as it has not yet been submitted to the Local Planning Authority, has not been subject to independent examination and has not been to a referendum. The NP Working Group are making some amendments to the NP and will then re-consult for 6 weeks. The application site is not allocated in the Neighbourhood Plan. The following policies are considered relevant:



5.37 Policy H2 states that housing development will be permitted within or immediately adjacent to the built-up area of Thorne and Moorends, subject to the development:

- Being well related to the existing developed extent of Thorne and Moorends.
- Physically and visually being integrated into the existing settlements.
- Prioritising physical relationship and integration above flood risk concerns.

5.38 Policy H3 states that housing developments should incorporate a mix of housing types in terms of size, tenure and type to satisfy the aspirations of the local community.

5.39 Policy DDH3 sets out the need for good design.

5.40 Policy PT1 states that developments that are likely to increase the patronage for public transport service will be expected to contribute to facilitating access to those services

5.41 Other material planning considerations

- *Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)*
- *National Planning Policy Guidance*

## **6.0 Representations**

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification. One public objection has been received by neighbouring properties. The comments can be summarised as:

- Concerned that there would be a heightened risk of flooding to my home and surrounding properties as a direct result of the proposed development.
- The land and subsequent ditches surrounding 113 Kirton Lane, on the development proposal land, provide some drainage to both 113 and 113a Kirton Lane however it is not clear on the submitted site drawings or application documents as to the fate of these existing drainage ditches within the boundaries of application plot. The failure to acknowledge these drainage ditches suggest these are to be filled.
- Surrounding properties to the south and west of my boundaries, have all been built within the last 20 years. These properties have suitably been built to incorporate an increased first floor height above AOD.113 Kirton Lane of which the objector has owned for just over 2 years, being built in the early 70s does not conform to similar standards, as such any building or landscaping that would have a detrimental impact on the effective drainage of the area and would also further increase the risk of flooding and flood damage to this single storey bungalow.
- The objector has outlined discrepancies with the land levels on site and what is shown on plan; Acceptance of this development would ensure my boundaries are surrounded from the East, West and South with properties at a level of 3.5m AOD or greater, ultimately and severely impacting the flood risk to 113 Kirton Lane directly.
- The proposed buildings adjacent will overlook our property; this will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of the objector's home and garden.

- The proposed height of the building not being known or documented needs careful consideration. The application states properties consisting of 4 bedrooms, with no stipulation as to the height. Building of 2 storey houses would be visually overbearing. It would be an inappropriate design for this part of the village. Such a collection of potentially large buildings would be totally out of keeping with the neighbouring properties, which are mainly 1 storey bungalows, or 1.5 story dormer bungalows. This would result in an increased height of the proposed properties when compared to 113 Kirton Lane with it being a single-story bungalow. This would contribute to privacy concerns when overlooking 113 Kirton Lane and its boundaries regardless of property type, be it 2 storey House, 1.5 storey Dormer or just a single storey Bungalow.
- Impact the Human Rights of the neighbouring residents and would have a dominating impact to the residents of 113 Kirton Lane, and their right for quiet enjoyment of their land and surroundings.
- The size of the proposed properties (4-bedroom detached homes) and the off street car parking spaces allocated (2 per property) should be considered as a potential highways safety risk. Such properties potentially being occupied by 1,2,3 or even 4 vehicles, not taking into consideration visitors or temporary goods / service deliveries to each property. The nature of the speed restrictions and the proximity to the railway level crossing, any on street parking must be considered as dangerous and contributing to an overall reduction in safety of this stretch of road. Which in turn would result in idle traffic, increasing emissions into the air.

## 7.0 Parish Council

7.1 The Town Council opposes this application and echoes and supports the observations made by the Local Plan Team in response to the application. In particular the Council notes that the site is not one that has been identified for development within the emerging Neighbourhood Plan.

## 8.0 Relevant Consultations

- 8.1 **Highways Development Control** – Originally objected to the application, as the site layout did not allow for safe access and egress of the site. Following the submission of amended site plan, the Highways Department are satisfied that the proposed dwellings can be accessed safely without causing significant harm to the local highway network, subject to conditions.
- 8.2 **Environment Agency** – Originally objected to the application and requested an amended FRA which has been submitted and reviewed by the Environment Agency, who now offer no objections subject to conditions.
- 8.3 **Trees** - A good level of arboricultural information has been submitted as part of this application and trees are not an issue. The officer has requested conditions relating to landscaping and tree protection.
- 8.4 **Planning Policy (housing)** - This site is well defined, being bordered by Kirton Lane and the adjacent railway line, and it could be argued that its development would be well related to the adjacent built form, and could lead to the logical conclusion to the urban limit of Thorne in this location, whilst not setting a precedent for further release of land at this location. The site lies in the western extremities of Thorne, approximately 1km from Thorne town centre, albeit on a

relatively frequent bus route. There is, however, poor access to Thorne South railway station.

The site lies predominantly within Flood Risk Zone 3, and is recognised as falling within an area vulnerable to flooding (UDP Policy PU9). Core Strategy Policy CS4 and the Council's SPD on Development and Flood Risk is also relevant. Preparation of the Emerging Local Plan and Thorne Neighbourhood Plan has demonstrated that flood risk is a considerable constraint in this area, and the proposed development needs to demonstrate that a sequential test for flood risk assessment can be satisfied

- 8.5 **Environmental Health** - Any noise issues have been raised/addressed by network rail and in the design in the form of the buffering zone. No objections from Environmental Health as long as suitable buffering and glazing is used in the properties to mitigate any train noise
- 8.6 **Internal Drainage Officer** – No objections subject to a condition relating to surface water and foul drainage.
- 8.7 **Ecology Officer** – Upon receipt of the Method Statement, the Ecologist does not have any objections subject to conditions relating to further details being submitted at Reserved Matters stage and landscaping for onsite bio-diversity net gain.
- 8.8 **Contaminated Land Officer** – Following receipt of the phase 1 desktop study by Humberside Material Laboratory for the above site, the Pollution Control team have confirmed that they are satisfied that the site is unlikely to be significantly affected by contamination.
- 8.9 **Network Rail** – No objections subject to conditions relating to noise and landscaping.
- 8.10 **National Grid** – No comments received.
- 8.11 **Doncaster East Internal Drainage Board** – Outlined that no development should commence until a surface water drainage scheme has been agreed with the Lead Local Flooding Authority and that the surface water run-off rates to receiving watercourse must not be increased as a result of the development.
- 8.12 **Yorkshire Water** – No objections have been received.

## 9.0 **Assessment**

9.1 The principal issues for consideration under this application are as follows:

- Principle of development;
- Whether the scheme is appropriate development in the Countryside Policy Area;
- The effect of the proposed scheme on the character and appearance of the area and openness of the Countryside Policy Area;
- Need for the development;
- Landscape impact and visual effects;
- Impact on residential amenity & quality of life;
- Highway safety and traffic;
- Flood risk and drainage;

- Air quality;
- Ecology;
- Noise;
- Energy efficiency;
- Overall planning balance.

9.2 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

### 9.3 Principle of Development

9.4 The application site is allocated within the Countryside Policy Area as defined by saved Policy ENV2 of the UDP. Policy CS3 of the Core Strategy also sets out the key considerations for land within the Countryside. Saved Policy ENV4 of the UDP sets out the types of development which would normally be acceptable within the countryside, this includes agriculture and forestry, recreation and leisure, infilling of washed over settlements or small scale expansion of an existing source of employment. New residential development, excepting the aforementioned infilling or replacement of existing dwellings, is not acceptable use under the terms of the policy. The application is therefore a departure from the development plan and has been advertised accordingly.

9.5 Policy CS3 of the Core Strategy (B) states that the countryside in the east of the borough will continue to be protected through a Countryside Protection Policy Area. Part 1 of this policy states that new urban extension development allocations will be confined to those necessary to deliver the Growth and Regeneration Strategy. Part 2 states that minor amendments to settlement boundaries will be supported where existing boundaries are indefensible.

9.6 Policy CS2 of the Core Strategy identifies Thorne as a Principal Town and in support of the Growth and Regeneration Strategy, new housing will be supported in accordance with the settlement hierarchy and sets a housing target of 646 – 923 homes for the settlement. Core Strategy Policy CS10 states that sufficient land will be provided to deliver the housing figure, and sustainable urban extensions will be necessary to deliver some of the target. Table 5 in the Core Strategy acknowledges the need for extensions to Principal Towns, which includes land currently designated as Countryside Policy Area. Any extensions in Thorne will require land in Flood Zone 3.

9.7 This site is well defined, being bordered by Kirton Lane and the adjacent railway line, and it could be argued that its development would be well related to the adjacent built form, and could lead to the logical conclusion to the urban limit of Thorne in this location, whilst not setting a precedent for further release of land at this location. Thus whilst the site falls within the general extent of the Countryside Protection Policy Area defined on the Key Diagram this proposal is capable of

supporting the Core Strategy in that 1) it is capable of forming a sustainable urban extension to Thorne, and 2) it will help deliver the Core strategy housing target for Thorne. As such, it is considered that the principle of the development of this site for residential purposes, is acceptable. Flooding matters will be considered in a later section of this report.

## **SOCIAL SUSTAINABILITY**

### **9.8 Residential Amenity**

9.9 It is acknowledged that no.113 Kirton Lane has objected to this application, outlining concerns of overlooking, over dominance, loss of privacy, and impact to Human Rights through the loss of the quiet enjoyment of their land and surroundings.

9.10 Policy CS 14 of the Core Strategy requires that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

9.11 The proposal has been amended to reduce the number of dwellings from 7 to 5, this has resulted in the dwellings being along the same build line which is forward of the build line of no.113 Kirton Lane which is set further back than the other dwellings on Kirton Lane. Whilst scale is not a matter under consideration on this outline application, it is assumed that the dwellings will be at least 2 storeys in height; 113 Kirton Lane is a bungalow, careful consideration has been given to the impact plot 5 would have on no.113 Kirton Lane and the rear property 113a Kirton Lane. Plot 5 is approximately 7m away from the side elevation of 113 Kirton Lane, but this elevation contains a double garage, with the nearest habitable room window approximately 15m away from Plot 5 side elevation. Given the northern orientation of the front elevations of properties on Kirton Lane and the distances outlined above, it is not considered that the proposed dwellings would overshadow the front of no.113 Kirton Lane. The rear of Plot 5 is approximately 29m away from the front elevation of no.113a Kirton Lane, this is an acceptable separation distance even when considering the raised floor levels likely. Thus, it is not considered that the proposed dwellings would detrimentally overlook the neighbouring properties. Given the double garage attached to 113, the south facing gardens and the position of the proposed dwellings, it is not considered that the proposal would overshadow the neighbouring resident's property or amenity areas. Concerns have been raised regarding the loss of the resident's quiet enjoyment of the area, whilst it is acknowledged that there would be some increase in activity during the construction period and not for the lifetime of the development, the addition of 5 family homes would not have a detrimental impact in terms of noise once occupied. Furthermore, residents do not have a right to a view or the right to preserve the openness of neighbouring green field land.

9.12 The proposed dwellings would all be situated over 5m apart from one another and plots 1-4 would have greenfield land to the front and rear, resulting in no opportunity for overlooking. The proposed dwellings are all concerned to meet the separation distances as outlined with the Residential Design and Requirements SPD. However, side elevation windows and boundary treatments will all need to be carefully considered at reserved matters stage.

- 9.13 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affected by the proposal in accordance with policy CS14. The proposal has been able to adequately demonstrate that residential development can be achieved on the site without adversely affecting the residential amenity of neighbouring properties through overlooking, over dominance or loss of privacy. This is given significant weight in favour of determining this application.

## **ENVIRONMENTAL SUSTAINABILITY**

### **9.14 Visual Amenity**

- 9.15 Policy CS3 (C) states that proposals which are outside development allocations will only be supported where they would: protect and enhance the countryside, including the retention and improvement of key green wedges where areas of countryside fulfil a variety of key functions; not be visually detrimental by reason of siting, materials, or design; not create or aggravate highway or amenity problems; and; preserve the openness of the Green Belt and Countryside Protection Policy Area and not conflict with the purposes of including land within them.
- 9.16 The site is located at the end of a row of residential properties opposite Throne Golf Club, to the rear of the site is the railway line. The site is confined on all boundaries resulting in this being a natural urban extension to the residential area with defensible boundaries on all sides.
- 9.17 Kirton Lane consists of a mixture of bungalows and two storey dwellings, mostly constructed of red brick but there is no clear character or linear form of the dwellings. Whilst scale and appearance are reserved matters, given the requirement from the Environment Agency for floor levels to be set at 4.4m AOD, the impact of this should be considered in relation to the neighbouring properties. It is clear that the proposed dwellings will be higher than those at no.113 Kirton Lane, especially given these dwellings are likely to be 1.5 or 2 storeys due to the EA requirements for no sleeping accommodation on the ground floor. However, due to position of the proposed dwellings set back from the road with a landscaping buffer from Kirton Lane and the neighbouring dwellings it would not give the appearance of towering over the neighbouring properties. Furthermore, given the mixture of dwellings on Kirton Lane it would not out of character and would give the appearance of a stand-alone development. However, to ensure the applicant is aware of the careful consideration required prior to submitting the reserved matters, an informative will be added onto the decision outlining this.
- 9.18 Policy CS14 of the Core Strategy sets out a series of design principles and quality standards intended to ensure that all proposals are of high quality design that integrates with its immediate and surrounding local area. Generally the density, scale and layout will echo the existing suburban character of this edge locality, although the proposed houses are taller at 2 storey minimum. The use of detached house types will create a pleasant symmetrical street-scape and distinctive character to the development. There is proposed to be a landscape buffer to the south to soften the visual impact of the visual development at the countryside edge and to provide a noise buffer for the future residents from the railway line. The existing hedgerow to the northern boundary facing Kirton Lane will also remain, this will also help soften the overall height of the proposed dwellings from the wider street scene.

9.19 As such, it is considered that the proposal meets with policies CS 3 and CS 14 of the Core Strategy in that the development will reflect the existing character of surrounding development, without significantly compromising the openness of the countryside.

## 9.20 **Flooding and Drainage**

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

9.22 The site is located within an area protected by flood defences from the River Don. The site levels are 3.1m AOD but given the site is within the the 1% AEP River Don Fluvial Breach Flood Event area, with depths between 0.5 – 1m during a flooding event and the site is within the Isle of Axholme which has a Critical Flood Level of 4.4m AOD; the Finished Floor Levels will need to be 4.4m AOD. This is an additional 1.3m on top of the sites existing levels. The original Flood Risk Assessment (FRA) submitted specified finished floor levels of 3.7m AOD, which is not sufficient to protect the dwellings and occupiers in a flood event. The Environment Agency subsequently objected to the application based on insufficient flood mitigation and justification.

9.23 An amended FRA was submitted in August 2020 and has been reviewed by the Environment Agency. The FRA stipulated the dwellings would have the required 4.4m AOD and would be sufficiently protected during a flooding event. The Environment Agency are content with the proposed flood mitigation outlined in the amended FRA. The Council's Drainage Team and Yorkshire Water also do not offer any objections to the application subject to a series of conditions in relation to both surface water and foul drainage.

### *Sequential and Exceptions Test*

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

- 9.25 With regard to the Sequential Test, the Council's Development & Flood Risk SPD (October 2010) sets out how the sequential test should be applied in Doncaster to reflect our relatively unique flood risk constraints.
- 9.26 The SPD pre-dates the adoption of the Core Strategy and states that the area of search would normally be the whole borough. The adopted Core Strategy has since identified Thorne/Moorends as one of 4 Renewal Towns which have been identified as suitable for providing up to 9% of the housing growth for the plan period. It does not prescribe how this requirement should be distributed between the 4 Towns, and the Sites & Policies DPD which would have identified the exact sites to deliver this growth was withdrawn following Examination in summer 2014. The SHLAA outlines that 94% of the developable sites in Thorne/Moorends are in Flood Zone 3, furthermore the 252 houses that are outlined as deliverable within the 5 years only 188 of these are in Flood Zone 1 and therefore all Flood Zone 1 sites would be delivered before the end of the 5 year housing supply period. Therefore, sites within Flood Zone 3 must be utilised to enable the 5 year housing supply target to be met.
- 9.27 The applicant's sequential test sets out all of this in comprehensive detail and has justified why therefore the adopted SPD constrains the delivery of the Core Strategy's housing requirement if it is to be followed to the letter. Instead a pragmatic approach has been applied which identifies all potential sites across the Thorne and Moorends and has discounted them as either not being sequentially preferable, or not reasonably available etc. As residential is 'more vulnerable' development in Flood Risk Zone 3, then the requirements of the Exceptions Test must also be met and a separate statement, coupled with a site specific FRA, has been provided.
- 9.28 As the Sequential Test is passed, it is appropriate to apply the flood risk Exception Test. Paragraph 102 of the National Planning Policy Framework (NPPF) makes clear that both elements of the Test must be passed for development to be permitted. Part 1 of the Test requires that it be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared. Part 2 of the Test requires the applicant to demonstrate in a site specific flood risk assessment that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk elsewhere.
- 9.29 With regard to part 1, in order to demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, the applicant has carried out an assessment of the sustainability benefits of the proposed development. The sustainability statement submitted by the agent outlines that the scheme would meet the requirements of the South Yorkshire Residential Design Guide in terms of accessibility, with the site being in walking distance to local services and 220m away from bus stop on Kirton Lane which offers buses every 20 minutes during peak hours. The site is also within close proximity to Thorne Town Centre, within a 20 minute walk. Furthermore the site has a primary school within 19 minutes' walk away but is not within walking distance of the secondary school but this can be accessed via bus from the nearby stop. It has been determined that the site is an efficient extension to the settlement boundary of Thorne and would provide family homes within the Renewal Town.
- 9.30 The applicant also states that the development would benefit the local economy by providing construction jobs, delivering investment in construction, increasing the



annual household expenditure in the local area, directly supporting existing business within the town and attracting further investments and trade.

- 9.31 With regard to part 2, a Flood Risk Assessment has been provided and following amendments to the proposed finished floor levels, the Environment Agency have removed their objection subject to the development maintaining those levels. The revised Flood Risk Assessment concludes that the proposed development will be safe, by virtue of the proposed floor levels and design. Resilient design provisions will be made to the design floor level with additional freeboard allowance. The hazard of floodwater to residents to be mitigated by an advanced warning evacuation plan, there is also likely to be refuge at first floor level on all properties; however scale and appearance is not under consideration on this application.
- 9.32 As such, as the Environment Agency has removed their outstanding objection, it is not considered that there are flood risk grounds to refuse the application. A flood evacuation plan is requested by condition which will be assessed by the Council's Drainage team, as the EA does not normally comment on or approve the adequacy of flood emergency response procedures.

### 9.33 **Highways and Parking**

- 9.34 In relation to highway design and layout policy CS 14 requires developments to achieve the following qualities of a successful place; quality, stability, safety and security of private property, public areas and the highway and permeability (ease of pedestrian movement with good access to local facilities and public transport services).
- 9.35 Objections have been raised regarding access, the speed restrictions and nearby railway crossing, and the amount of parking proposed. The application has been assessed by the Council's Highways Department, following the receipt of amended plans which altered the site layout and saw the reduction to 5 dwellings; the Highways Officer does not raise any objections to the proposal. It is considered that the access can provide adequate visibility and there is sufficient enough space to provide the required level of parking for 5 3+ bedroomed homes, with room for at least 2 cars on the driveways and 3 visitor spaces in defined bays.
- 9.36 Given that this proposal is for 5 dwellings, it is not considered that the increased traffic generation either during construction or at occupation would be significant enough to harm the highway safety of the area and would not result in a significant increase in traffic generation on Kirton Lane or the wider highway network.
- 9.37 It is not considered that these matters combined would lead to an unacceptable impact on highway safety. Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. As such, the layout is on balance, considered to be acceptable.
- 9.38 Policy CS 9 relates to the provision of travel choice. Whilst this is a more strategic policy, part G states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel. Given the scale of this development there is no requirement for a transport assessment/travel plan, however whilst not part of the proposal, there is travel choice available within Thorne. The site is within close

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

### 9.39 **Trees and Landscaping**

9.40 Policy CS16 of the Doncaster Core Strategy states that Doncaster's natural environment will be protected and enhanced in accordance with a number of principles. Part D states that proposals will be supported which enhance the boroughs' landscape and trees by ensuring designs are of a high quality and enhance the landscape character while protecting its local distinctiveness, and retaining and protecting trees and hedgerows and incorporating new tree, woodland, and hedgerow planting.

9.41 A good level of arboricultural information has been submitted with this application and no objections have been raised by the Tree Officer subject to conditions relating to landscaping details to be submitted and tree protection. The Tree Officer did make comments on the originally submitted site layout which saw multiple access points which would have guaranteed the removal of the historic hedgerow. However, the amended layout plan shows that the site would be accessed from one central point and the remaining hedge is proposed to remain. The Tree Officer has now supplied further comments regarding the amended layout and is pleased to see the hedgerow will remain in part on site and will provide a sufficient buffer from the houses and the wider rural character.

9.42 There is adequate space on site for a good level of landscaping to be provided, which given this is not a matter for consideration on this outline consent can be secured via condition and details supplied at reserved matters stage.

### 9.43 **Ecology and Wildlife**

9.44 An Ecological Method Statement has been submitted by Estrada Ecology Ltd dated September 2019. This has been reviewed by the Council's Ecologist, who has raised no objections commenting that whilst Great Crested Newts have used the ditch to the south of the site, the sites proximity to the railway means access to complete the surveys is difficult. However, the submitted Method Statement demonstrates how the requirements of a Natural England License can be met in the unlikely event that a large population of newts is present on site. A condition has been requested for the evidence of the Natural England License being satisfied to be submitted to the Local Planning Authority (LPA).

9.45 With regards to bio-diversity net gain, the Ecology Report indicates that there are opportunities to deliver this on site with the use of broadleaved tree planting and an area of the embankment is set aside for habitat enhancement works. This can be secured via the landscaping condition.

9.46 It is considered that proposed development can accommodate bio-diversity net gain on site and there would be no significant harm to protected species subject to a Natural England License and planning conditions.

### 9.47 **Summary of Environmental Sustainability**

9.48 Para.8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and

historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 9.49 The proposed development is considered to protect and enhance the natural environment with the provision of landscaping and bio-diversity improvements. The development would not impact the highway network severely and it provides a sufficient level of off street parking for both residents and visitors. Matters of scale, appearance, and landscaping are not matters for consideration on this outline application but providing the properties are no higher than 2 storey it is not considered that the development would harm the visual amenity of the area, furthermore the retention of the boundary hedgerow provides an adequate green buffer to the development which would soften it within this rural location. Furthermore, the development will be constructed with sufficient flood mitigation measures to ensure the safety of the future occupiers whilst not causing greater risk of flooding for the surrounding area. The above is given substantial weight in favour of the development.

## **ECONOMIC SUSTAINABILITY**

- 9.50 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application. Whilst there may be some additional uplift for business within Thorne as a result of additional customers, this uplift is unknown and cannot be quantified at this time and so is afforded limited weight.

### **9.51 Conclusion on Economy Issues**

- 9.52 Para 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments 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; and by identifying and coordinating the provision of infrastructure.

- 9.53 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site which is considered to be a natural extension to the settlement boundary of Thorne, whilst protecting the wider Countryside from expansion, due to the defensible boundary of the railway line, and this weighs considerably in favour of the application. In addition the site plan submitted with the application has shown that a suitable layout can be achieved that would be reflective of the character of the area and safeguard neighbouring properties through appropriate separation distances and this weighs significantly in favour of the application.

- 10.2 The potential biodiversity net gain and landscaping potential achieved by the development weigh moderately in favour of the application. It is noted that whilst the proposal lies within a flood risk zone, the applicants have provided sufficient justification to the Environment Agency meaning that no objections have been received subject to a suitably worded condition, which weighs substantially in favour of the application.
- 10.3 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

## 11.0 RECOMMENDATION

### 11.1 GRANT PLANNING PERMISSION subject to conditions:

#### Conditions / Reasons

01. 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. The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:  
Site Plan amended 13.12.19  
Location Plan received 31.05.19  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. 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.
04. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.  
REASON  
To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.
05. 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.

06. Before the development is brought into use, the sight lines as shown on the approved plan shall be rendered effective by removing or reducing the height of anything existing on the land hatched black on the said plan which obstructs visibility at any height greater than 900mm above the level of the near side channel line of the public highway. The visibility thus provided shall thereafter be maintained as such, unless otherwise approved in writing with the local planning authority.

REASON

In the interests of road safety and to provide and maintain adequate visibility.

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

REASON

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

09. The Development hereby approved shall not be occupied until a scheme for protecting residents in the proposed dwellings from noise from the railway 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. The protection measures in the agreed scheme shall be maintained throughout the life of the development.

REASON:

To safeguard the amenity of the proposed dwellings from the noise levels which exist on the site.

10. All surface and foul water arising from the proposed development must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

#### REASON

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

- i) - the parking of vehicles of site operatives and visitors
- ii) - loading and unloading of plant and materials
- iii) - storage of plant and materials used in constructing the development
- iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) - wheel washing facilities
- vi) - measures to control noise and the emission of dust and dirt during construction
- vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) - risk assessment in relation to the railway and construction traffic management plan
- viv) - where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks.
- vv) - Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for Network Rail approval.

#### REASON

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

12. No development shall take place on the site until details of a landscaping/planting scheme have been agreed in writing with the Local Planning Authority. This scheme shall indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those which are to be retained, those proposed for removal and those requiring surgery. The scheme should also indicate, where appropriate, full details of new or replacement planting. All planting material included in the scheme shall comply with British Standard 3936: 1992 Nursery Stock Part One. Planting shall take place in the first suitable planting season, following the completion of the development. Any tree or shrub

planted in accordance with the scheme and becoming damaged, diseased, dying or removed within five years of planting shall be replaced in accordance with the above document.

REASON

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

13. Prior to the commencement of the development hereby granted a scheme for the protection of the root protection areas 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.

14. 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. The boundary treatment must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing/wall must not be removed or damaged. 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.

15. 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.

16. 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.

17. 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.

18. At the time of submission of the application for reserved matters, evidence should be provided of how a Natural England license in respect of great crested newts will be satisfied. This shall include results of further survey work if access is allowed. If access is denied then details of how the license application would be approached in line with that already submitted with this application shall be updated and resubmitted.

REASON

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

19. Upon submission of the reserved matters application on this site details of updated ecology surveys shall be provided if more than 48 months has passed since the last survey was carried out. These shall include all necessary method statements to be followed during construction to ensure no impacts on protected species.

REASON

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

20. Detailed landscaping plans that demonstrate how a net gain in biodiversity shall be delivered on the site in line with the ecology report submitted with this application shall be submitted with the reserved matters application on this site.

REASON

In line with Core Strategy Policy 16 to ensure that the landscaping proposals deliver a net gain in biodiversity.



21. Surface Water run-off rates to the receiving watercourse must not be increased as a result of this development.  
REASON  
To ensure the development does not harm the watercourse, in accordance with CS14 and CS4 of the Core Strategy.
22. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON  
To ensure that all new housing and commercial developments provide connectivity to the fastest technically available Broadband network in line with the NPPF (para. 112) and Policy 22 of the Doncaster Local Plan.
23. Before first occupation of any part of the development hereby permitted, a Flood Evacuation Plan shall be submitted to and approved in writing by the local planning authority. The Flood Evacuation Plan shall include the following details:  
i) flood warning procedures;  
ii) safe points of extraction and evacuation;  
iii) the areas of responsibility for those participating in the Plan;  
iv) implementation procedures;  
v) communication strategies for occupiers; and  
vi) details of a scheme to update the Plan.  
The Flood Evacuation Plan shall thereafter be maintained and adhered to.  
REASON  
To ensure that measures are in place for residents to be evacuated safely during times of flood.
24. 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.
25. Approval of the details of the 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.
26. The development shall be carried out in accordance with the submitted flood risk assessment (ref; Flood Risk Assessment

Addendum 2, 19/01334/OUT, 08/08/2020, Howard J Wroot  
Chartered Surveyor) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.4 metres above  
Ordnance Datum (AOD) as stated within section 1.9 of the FRA.

These mitigation measures shall be fully implemented prior to  
occupation and subsequently in accordance with the scheme's  
timing/phasing arrangements. The measures detailed above shall be  
retained and maintained thereafter throughout the lifetime of the  
development.

#### REASON

The finished floor level of the proposed development shall be set no  
lower than 4.4m AOD to ensure all future occupants remain safe  
throughout the designed lifetime of the development. The height of  
4.4m AOD has been adopted as this is the height of the critical flood  
level for this area. This height is also above the breach height of the  
River Don (3.7m AOD). This provide 700mm freeboard on top of the  
breach height as the breach doesn't include an allowance for climate  
change

## Informatives

01. Any alteration to the existing street lighting as a result of the new  
access arrangements will be subject to a costs which are to be borne  
by the applicant. Street lighting design and installation is generally  
undertaken by the Local Highway Authority. There is a fee payable for  
this service and the applicant should make contact with Fiona Horgan -  
Tel 01302 735097 or e-mail [Fiona.Horgan@doncaster.gov.uk](mailto:Fiona.Horgan@doncaster.gov.uk)  
regarding this as soon as possible. Further information on the selected  
DNO / IDNO together with the energy supplier will also be required as  
soon as possible as they directly affect the adoption process for the  
street lighting assets.

Works carried out on the public highway by a developer or anyone else  
other than the Highway Authority shall be under the provisions of  
Section 278 of the Highways Act 1980. The agreement must be in  
place before any works are commenced. There is a fee involved for the  
preparation of the agreement and for on-site inspection. The applicant  
should make contact with Malc Lucas - Tel 01302 735110 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 on the  
highway is an offence under provisions of The Highways Act 1980.

02. All surface and foul water arising from the proposed works must be  
collected and diverted away from Network Rail property. All soakaways  
must be located so as to discharge away from the railway  
infrastructure. The following points need to be addressed.

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

#### Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

#### Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

#### Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

#### Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

### Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

### Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

### 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.

### Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

#### Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

#### Access to Railway and Level Crossing

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, access to and from the adjacent railway level crossing should remain clear and unobstructed at all times both during and after construction works. Construction vehicles should not be parked on the crossing approaches or be parked in a way that obscures crossing warning signage and lights to approaching crossing users.

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

03. We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods  
<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:  
<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

04. This area lies within an area covered by a specific flood warning. We would advise residents and tenants to sign up to receive these free warnings via the Environment Agency website or by calling Floodline Warnings Direct on 0345 988 1188. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site

05. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining

feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

This Standing Advice is valid from 1st January 2019 until 31st December 2020

06. The developer shall consider incorporating all possible sustainability features into the design of the proposed development.
07. The site is remote from the public sewer network. The nearest recorded public foul sewer is located approximately 88 metres to the north east of the site in Kirton Lane.

From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 6 (six) litres per second.

An off-site foul water sewer may be required. This may be provided by the developer and considered for adoption by means of a sewer adoption agreement under Section 104 of the Water Industry Act 1991. Alternatively, the developer may in certain circumstances be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991.

It is noted from the submitted planning application that surface water is proposed to be drained to SuDS. The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

08. Careful consideration must be given regarding the scale and appearance of the proposed dwellings at Reserved Matters stage, due to the required finished floor levels specified by the Environment Agency, the hierarchy of neighbouring buildings and the edge of settlement location.

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

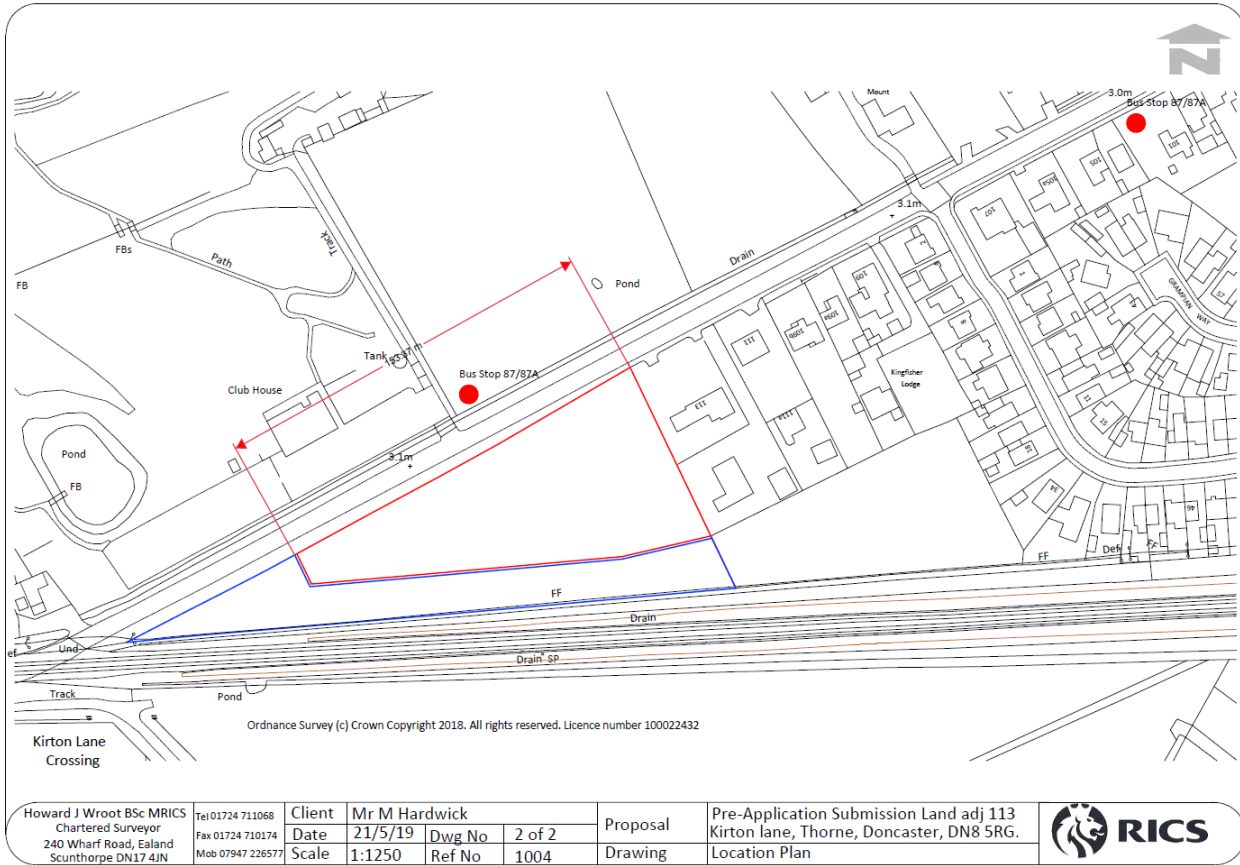
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Highway Safety  
Flood Risk  
Ecological Impact

Layout

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

# Appendix 1: Location Plan



Howard J Wroot BSc MRICS  
Chartered Surveyor  
240 Wharf Road, Ealand  
Scunthorpe DN17 4JN

Tel 01724 711068  
Fax 01724 710174  
Mob 07947 226577

Client  
Date  
Scale

Mr M Hardwick  
21/5/19  
1:1250

Dwg No  
Ref No

2 of 2  
1004

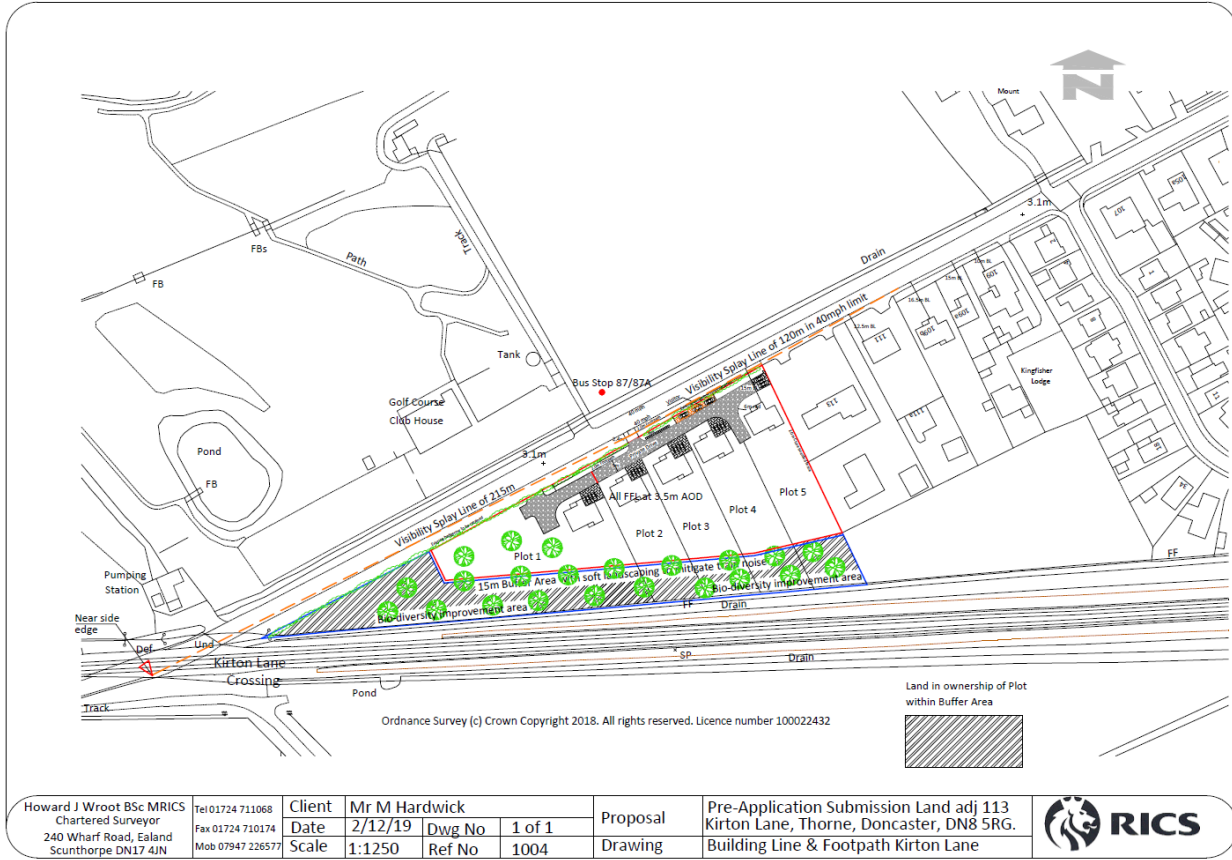
Proposal  
Drawing

Pre-Application Submission Land adj 113  
Kirton lane, Thorne, Doncaster, DN8 5RG.  
Location Plan





# Appendix 2: Site Plan



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<b>Application</b>	4
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<b>Application Number:</b>	19/02192/FUL
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<b>Application Type:</b>	Planning Full
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<b>Proposal Description:</b>	Erection of 6 dwellings following demolition of existing building.
<b>At:</b>	Former St Johns Ambulance Building, Grange Road, Moorends, Doncaster, DN8 4LS

<b>For:</b>	Mr Lee Todd
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<b>Third Party Reps:</b>	0	<b>Parish:</b>	Throne Town Council
		<b>Ward:</b>	Thorne and Moorends

<b>Author of Report</b>	Roisin McFeely
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<b>MAIN RECOMMENDATION:</b>	Refuse
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**SUMMARY**

The application did seek full planning permission for the erection of 6 dwellings and the demolition of an existing former St Johns Ambulance building, and associated access and parking and has since been amended to 5 dwellings. The proposal is considered to be unacceptable in terms of amenity and flood risk.

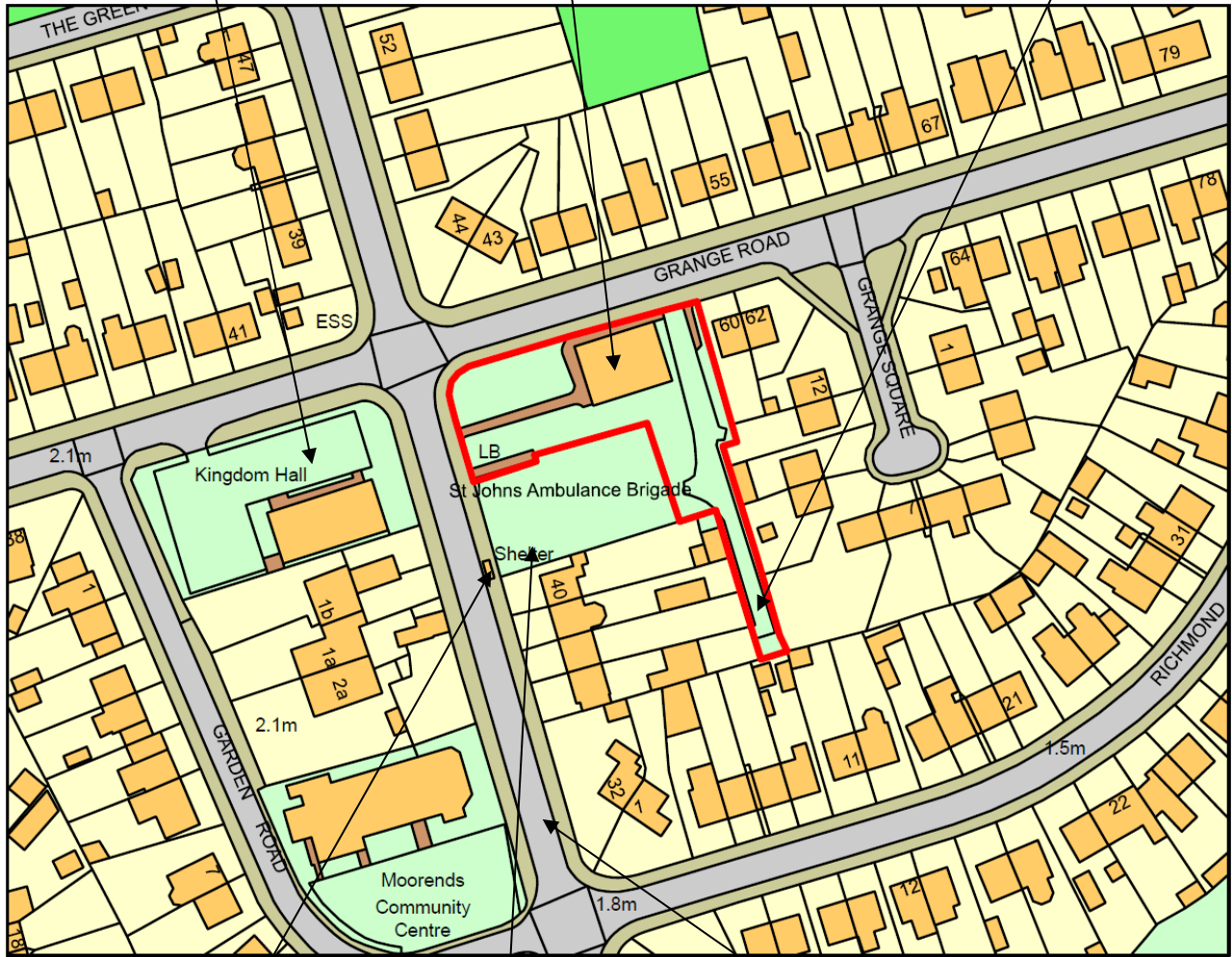
The report demonstrates the harm generated by the proposal through inappropriate development, which is not outweighed by other material planning considerations. Concerns remain in respect to flood mitigation measures and an objection to the scheme from the Environment Agency.

**RECOMMENDATION: REFUSE**

Jehovah's witness hall

Application Site

Access track used to access rear of properties on Northgate & Grange Square



Bus stop with shelter

Vacant land

Northgate

## 1.0 Reason for Report

- 1.1 This application is being presented to planning committee as Councillor Blackham called in the application to be heard by members and also due to the Environment Agency's objection.

## 2.0 Proposal

- 2.1 Planning permission is sought for the erection five dwellings consisting of 2 blocks; one terraced block and one semi detached block facing on to Grange Road with parking behind the dwellings.

## 3.0 Site Description

- 3.1 The application site formerly included a St John's Ambulance building which was identified as a dangerous structure however this was demolished prior to submission of this planning application. No planning application was submitted for the demolition however the demolition has been included as part of this planning application.
- 3.2 The site comprises a predominantly open grassed area on the south eastern corner of the junction between Northgate and Grange Road. Numbers 40, 38, 36 and 34 Northgate, currently benefit from gaining access to the rear of their properties from Grange Road via an access track.
- 3.3 There is a piece of vacant land to the rear of the proposal site which is currently grassed. The site is surrounded by residential properties to the North, East and South, mainly comprising of red brick semi-detached dwellings. To the West of the site is a Kingdom Hall of Jehovah's Witnesses.

## 4.0 Relevant Planning History

- 4.1

Application Reference	Proposal	Decision
01/3467/P	CHANGE OF USE FROM GARAGE/STORE TO CLASSROOM	GRANTED

## 5.0 Site Allocation

- 5.1 The application site is located within the Priority Residential Policy Area and an Area Vulnerable to Flooding as designated by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).
- 5.2 The site is located within Flood Zone 3 as shown on the Environment Agency's Maps.

### **5.3 National Planning Policy Framework (NPPF 2019)**

- 5.4 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraph 48 sets out that weight may be given to relevant policies of emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to such policies and the degree of consistency of the emerging policies to the existing framework.
- 5.7 Paragraphs 54 – 56 set out the requirements of imposing conditions, which should only be used subject to meeting specific tests and where it is not possible to address unacceptable impacts through a planning condition.
- 5.8 Paragraph 59 sets out the Government's objective to significantly boost the supply of homes.
- 5.9 Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 Paragraph 117 states 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.
- 5.11 Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 5.12 Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site; and should promote health and well being with a standard of high amenity for existing and future users.
- 5.13 Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

#### **5.14 Core Strategy 2011 - 2028**

- 5.15 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.16 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.17 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.
- 5.18 Policy CS4 of the Core Strategy requires a proactive approach towards the management of flood risk and drainage.
- 5.19 Policy CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.
- 5.20 Policy CS16 of the Core Strategy requires development to protect and enhance Doncaster's natural environment.

#### **5.21 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)**

- 5.22 Policy PH11 allows for residential development in allocated residential areas except where there would be adverse effect on the amenity of neighbours or the development would be at a density or form that would be detrimental to the character of the area or result in an over-intensive development.
- 5.23 Policy PH16 of the UDP sets out area which have been designated as priority residential policy areas.
- 5.24 Policy PH17 of the UDP requires special attention to be given to following on new development sites, including:
- the improvement of dwelling stock
  - environmental improvements, including landscaping
  - improved layout and land use arrangements in the locality
- 5.25 Policy PU9 of the UDP sets out that development within areas vulnerable to flooding shall be required to comply with special conditions relating to floor levels and layout.
- 5.26 Policy ENV21 of the UDP sets out that the Borough will seek to protect existing trees and woodlands.

- 5.27 Policy ENV59 of the UDP requires new development to protect existing trees, hedgerows and other natural landscape features and requires that new development does not cause unnecessary trees or imperil trees by building works.

### **Local Plan**

- 5.28 The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

The Council is aiming to adopt the Local Plan by winter 2020 and the following policies would be appropriate for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy :

- 5.29 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is considered to carry limited weight at this time.
- 5.30 Policies 2 and 3 set out the Borough's focus for new housing in sustainable locations. This policy is considered to carry limited weight at this time.
- 5.31 Policy 11 (Residential Policy Areas) reinforces some of the wording of PH11 stating that within Residential Policy Areas, as defined on the Proposals Map:
- A) New residential development will be supported provided:
1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
  2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
  3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.
- B) The establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness. This policy is considered to carry substantial weight at this time.
- 5.32 Policy 42 requires proposals to reflect and respect character and local distinctiveness. This policy is considered to carry limited weight at this time.
- 5.33 Policy 43 seeks to ensure high standards of residential design. This policy is considered to carry moderate weight at this time.



- 5.34 Policy 45 requires that new housing, extensions and alterations respond positively to the context and character of existing areas or the host dwelling and create high quality residential environments through good design. This policy is considered to carry moderate weight at this time.
- 5.35 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum. This policy is considered to carry limited weight at this time.
- 5.36 Policy 49 (Landscaping of New Developments) states that development will be supported which protects landscape character, protects and enhances existing landscape features, and provides a high quality, comprehensive hard and soft landscape scheme. This policy is considered to carry limited weight at this time.
- 5.37 Policy 56 deals with the need to mitigate any contamination on site. This policy is considered to carry limited weight at this time.
- 5.38 Policy 57 requires development sites to incorporate satisfactory measures for dealing with drainage impacts and to reduce flood risk to existing communities. This policy is considered to carry moderate weight at this time.
- 5.39 Policy 58 requires proposal where appropriate to meet sequential and exception tests. This policy is considered to carry limited weight at this time.

#### **5.40 Neighbourhood Plan**

- 5.41 Thorne and Moorends Town Council have published their Neighbourhood Plan (NP) and currently modifications are being made to it. This plan has not been formally examined or published in a final format and therefore moderate weight can only be applied. The relevant policies are outlined as follows:
- 5.42 Policy H2: Development of non-neighbour plan allocated housing sites, permits development in built up areas of Thorne and Moorends subject to the development being well related to existing settlements and development and prioritising physical relationship and integration above flood risk.
- 5.43 Policy H3: Housing Mix requires a mix of housing types on developments in terms of size, tenure and type.
- 5.44 Policy DDH3 which states that new development should take account of a number of design principles including:
- New buildings should make a positive contribution to the spatial qualities of the area, respect local distinctiveness by ensuring siting, density and layout reflects the character and appearance of the area.
  - New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings.
  - Parking provision is expected to meet the needs of development, and not create pressures for on-street parking within the development or on adjacent streets.
  - Employment proposals should ensure sufficient landscaping is included and the opportunity to incorporate architectural details of human scale in order to help integrate buildings into their setting.

#### **5.45 Other material planning considerations**

- *South Yorkshire Residential Design Guide [SYRDG] (2011)*
- *Development and Flood Risk Supplementary Planning Document (SPD) (2010)*
- *Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)*
- *Residential Backland and Infill Development Supplementary Planning Document (SPD) (2010)*
- *National Planning Policy Guidance (ongoing)*

## **6.0 Representations**

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification. The application was amended and re-advertised. No neighbouring objections have been received.

## **7.0 Parish Council**

7.1 No comments were received from the Parish Council.

## **8.0 Relevant Consultations**

8.1 **Environment Agency (EA)** – Object to the proposal, as the submitted Flood Risk Assessment (FRA) does not comply with the requirements for site-specific flood risk assessments and the FRA has not been amended to address this and the floor levels have not been met.

In particular, the FRA fails to:

- provide evidence that the finished floor levels (FFLs) will exclude flooding for the lifetime of the development;
- adequately assess climate change. The depths stated in their previous objection could well be much higher with the effects of climate change;
- provide adequate justification for deviating away from the required FFL of 4.4mAOD, as required by the Strategic Flood Risk Assessment. If there are other material reasons why this FFL cannot be achieved then these will need to be agreed by the Local Authority, and explained in the FRA.

8.2 **Ecology Officer** – following the submission of a bat survey, no objections subject to a condition relating to ecological enhancement.

8.3 **Highways DC** – Objected to the proposal due to insufficient parking provision and requested adoptable standard access. Suggested speaking with SYPTE about the proximity of the bus stop. After speaking with the highways adoption team the access would not need to be to adoptable standard in this case.

8.4 **Internal Drainage** – No objections subject to a standard condition.

8.5 **Pollution Control (Contaminated Land)** – Following receipt of a preliminary investigation report, requested standard conditions relating to land contamination.

- 8.6 **Tree Officer** - No objections as no significant trees are affected. Did not agree with 6.0 of the Design and Access Statement and requested a condition relating to a landscaping scheme.
- 8.7 **South Yorkshire Passenger Transport Executive (SYLTE)** – Have been consulted regarding the bus stop in close proximity to Plot 1's off road parking. Currently awaiting a response but SYLTE have responded to the applicant to state the bus stop does not need to be moved.

## 9.0 **Assessment**

9.1 *The principal issues for consideration under this application are as follows:*

- Principle of development;
- Need for the development
- Landscape impact and visual effects
- Impact on residential amenity & quality of life
- Highway safety and traffic
- Flood risk and drainage
- Ecology and Trees
- Overall planning balance

9.2 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

### Principle of Development

- 9.3 The site lies within a Priority Residential Policy Area and as such Residential Uses are acceptable where special attention is paid to the improvement dwelling stock, improvement of the environment including landscaping and improvement of land use and layout. The proposed development is acceptable in principle under this policy.
- 9.4 The emerging Local Plan has completed its consultation for the Regulation 19 Publication stage. The Council is aiming to adopt the Local Plan by the end of 2020. This gives a clear indication of the direction of travel towards future planning policy of the site. The Local Plan proposes that the site continues to be designated as 'Residential Policy Area' (Policy 11).
- 9.5 The proposal also lies within an area vulnerable to flooding and the development should be in accordance with Policy PU9 which will be assessed further below

- 9.6 The proposal is therefore acceptable in principle being in accordance with policy 11 and further consideration as to whether it accords with flood risk measures and improves the locality will be assessed below in this report

### Sustainability

- 9.7 The National Planning Policy Framework (NPPF 2019) sets out at paragraph 7 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
- 9.8 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

## **SOCIAL SUSTAINABILITY**

### **9.9 Impact on Residential Amenity**

- 9.10 Policy CS 14 (A) of the Core Strategy states that 'new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment' and paragraph 127 (f) of the NPPF states that planning decision should create places that have a high standards of amenity for existing and future users . The SPD Development Guidance and Requirements states in section 2.5 that 'new housing should not give rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of existing occupiers'.
- 9.11 The proposed dwellings maintain a 21m front to front and rear separation distance with the nearest habitable room windows of neighbouring dwellings, in accordance with separation distances as set out in the Development Guidance and Requirements SPD. The side of plot one has in excess of 21m to the Jehovah's witnesses building.
- 9.12 The side of plot 6 has a separation distance of 8m to no. 60 Grange Road. Standards as set out in the backland SPD states that there should be a separation distance of 11m from blank elevations to habitable/non-habitable room windows. The proposal does not include any windows in this side elevation but the 60 Grange Road does have windows to non-habitable rooms in their gable end and so should enjoy a reasonable amount of light. Thus there are concerns that the proposal would result in harmful overshadowing of the neighbouring dwelling. The proposal was amended to remove windows from the side elevations of the proposal
- 9.13 In March 2015, the Government introduced a 'Nationally Described Space Standard' (NDSS). The NDSS deals with internal space within new dwellings and is suitable for application across all tenures and number of bedrooms. It sets out the requirements for the Gross Internal Floor Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

- 9.14 The Council do not currently impose internal space standards through a policy in the current Development Plan and rely on guidance on space standards through the South Yorkshire Residential Design Guide (SYRDG) SPD which was adopted in 2015. Under the SPD, internal space standards were produced after extensive research into standards in other local authorities. The standards set out the minimum internal spaces for different aspects of a dwelling, across various dwellings sizes.
- 9.15 As mentioned above, the Council does not yet have a relevant adopted local plan policy relating to space standards. Although Policy 46 in the Draft Local Plan specifically addresses this issue, the amount of weight which can be applied to this policy is limited by the fact that the policy has received significant unresolved objections and the Council's evidence has yet to be tested in full in public examination. As such, the current standards set out in South Yorkshire Residential Design Guide are the most appropriate measure of determining internal dimensions until such time that more weight can be attributed to the relevant policy in the Draft Local Plan.
- 9.16 The South Yorkshire Residential Guide sets out that rear gardens for three or more bedroom houses should be a minimum of 60 square metres. Amendments have been made to reduce the number of dwellings on site and the rear gardens of plots 4 and 5 still fall short of the 60sqm by 2sqm and 3 sqm each. However it is not felt that this would be to a significant degree to warrant refusal.
- 9.17 The proposed dwellings have been amended to decrease the number of dwellings to 5 and following these amendments the dwellings all follow the same internal layout in each property, two of the bedrooms are smaller and do not meet the space standards as set out in the SYRDG or the NDSS, as can be seen in appendix 5. However this is not felt to be a significant reduction in internal space and the overall floor space of the building exceeds the recommended 77sqm thus is felt to carry little weight and on balance is not felt to be a reason for refusal in this case.

### **9.18 Conclusion on Social Impacts.**

- 9.19 The amended proposal would not be significantly harmful to the living conditions of future occupiers but would have an inadequate separation distance to No.60 Grange Road which would harmfully overshadow the neighbouring dwelling at no. 60 Grange Road. Therefore the proposal would conflict with policy CS1, CS14 of the Core Strategy, which seeks amongst other things for development to safeguard residential amenity; to be designed to a high quality consistent with national good practice standards and be able to adapt to changing lifestyle needs. It would also conflict with the NPPF which seeks as a core principle to secure a good standard of amenity for future occupiers of dwellings and neighbouring dwellings.

### **9.20 ENVIRONMENTAL SUSTAINABILITY**

#### **9.21 Impact upon the character of the area**

- 9.22 Policy CS 14 of the Doncaster Council Core Strategy sets out the Council's policy on the design of new development. It 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. New development should also have no unacceptable negative effects upon the

amenity of neighbouring land uses or the environment. This will be achieved through a set of design principles and quality standards as set out.

- 9.23 The proposal is a development of residential dwellings in a residential area and as such would not be out of character with its surroundings. The locality comprises of mainly residential, two storey semi-detached red brick dwellings with hipped roofs. The proposal reflects this character utilising hipped roofs and similar materials to surrounding dwellings. The proposal was amended to lower the roof to be similar to the neighbouring dwellings although the floor levels are higher, being at 3m AOD and as such the first floor windows have been incorporated into the eaves, Also there is a significant step up to the properties at ground floor with steps up to the front doors. In some appeals in Doncaster Flood Zone areas this has led to a poor design on the street, however given the reduction in height and design measures mentioned above and being the end of the street this gives a little room for variation and it is not felt that this would be entirely detrimental to the character.
- 9.24 The scale of the properties reflects that of the existing surrounding properties. Whilst the size of the terraced property is larger than the semi detached dwellings on the immediate street scene, there are terraced dwellings on Northgate and Richmond Road and it is not considered that this terrace would be incongruous at this location.
- 9.25 Properties in the street scene are mainly characterised by being set back from the highway on long thin plots with good sized rear gardens. The proposed dwellings do not reflect this part of the locality's character, being set on smaller plots with short rear gardens. The materials proposed on the plan and the dark grey tile roofs may be at odds with the red roofs of the area and so if committee are minded to approve a materials condition may be required to consider these materials further. Whilst the proposal does not entirely reflect the character of the locality and the urban grain it is considered that the proposals would not appear to be incongruous and would not cause substantial harm to the character of the area.

## **9.26 Impact upon Highway Safety**

- 9.27 'Quality, stability, safety and security of private property, public areas and the highway' and 'permeability - ease of pedestrian movement with good access to local facilities and public transport services' are listed as qualities of a successful place within policy CS 14 (A). The NPPF in para 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe'.
- 9.28 The proposal site utilises an existing private track off Grange Road. This track gives access to the rear of four properties on Northgate, and two on Grange Square which utilise the end of their gardens for off street parking. The proposal would add 5 parking spaces for 2 of the dwellings (2 per dwelling and 1 visitor) for new dwellings to this track bringing the total number of dwellings served by the track to 8. The SYRDG states that shared private drives that are un-adopted may give access up to a maximum of 5 dwellings. This limit relates to the notional capacity of a private service connection, which would not need to be laid in an adopted highway. However after further discussions with the highways adoption team the access would not need to be to adoptable standard in this case as it does not meet the requirements of such.

- 9.29 Parking is provided for plot 1 on Northgate, there is a bus shelter approximately 4 metres from the driveway. South Yorkshire Transport Executive (SYTPE) have been consulted based on advice from the Highways Officer. SYTPE contacted the applicant stating they did not see any reason for the bus stop to be moved. However given the distance between the bus shelter and the off-street parking it is doubtful that there would be an impact on highway safety. It should be noted that if the bus shelter does need to be re-located to facilitate the development, it is the responsibility of the applicant to pay for and arrange this. The agent has been informed of this responsibility and encouraged to contact SYTPE regarding this matter.
- 9.30 The SYRDG states that for 3 + bedroom units, 2 allocated spaces per dwelling should be provided plus 1 visitor space per 4 dwellings. A total of 11 spaces should be provided for the site, the application proposes 11 spaces. The Highways Officer had originally objected to the proposal as inadequate provision of off-street parking would have led to pressure to park vehicles on Grange Road, putting greater pressure on parking provision in the surrounding area. However the amended plans and reduction of dwellings has allowed for additional parking. This has been re-assessed by highways and they have no objections.
- 9.31 Highways have also requested that Plot 1 has visibility splays so that the fencing is either away from the road edge or lowered nearer the road. The application has been amended to reduce the height of the fencing near this parking to improve the visibility and is now acceptable.
- 9.32 It should also be noted that on Northgate adjacent to plot 1, there is a street lighting column and a post box which will require relocation to allow the development. It is the responsibility of the developer to contact street lighting and the relevant statutory undertakers for the relocation of these items.
- 9.33 Amended plans have been received which have widened the un-adopted access to facilitate vehicles turning within the site and being able to leave in a forward facing gear. However the parking spaces to plots 1,2,3 do not have off road turning space.

### **9.34 Ecology and Trees**

- 9.35 The NPPF at paragraph 170 d) where it states that planning policies and decisions should contribute to and enhance the natural local environment by “minimising impacts on and providing net gains for biodiversity.” This is reflected in Policy CS 16 states that Doncaster's natural environment will be protected and enhanced in accordance with a number of principles. Part (A) states that "proposals will be supported which enhance the borough's Ecological Networks by (1) including measures that are of an appropriate size, scale and type and have regard to both the nature of the development and its impact on existing or potential networks; (2) maintaining, strengthening and bridging gaps in existing habitat networks".
- 9.36 A bat survey was submitted with the application, which the Ecology Officer deemed to be acceptable subject to a condition relating to ecological enhancement and the instillation of bat roosting features. If committee are minded to approve this could be included.
- 9.37 There are no significant trees affected by the proposal. The application was accompanied by a design and access statement, the Tree Officer did not agree with

point 6.0 which stated that there was no landscaping features of note on the site. The Tree Officer noted that landscaping on the site is low lying and is hidden behind boundary walls.

- 9.38 Despite the Tree Officers disagreement with the design and access statement they raised no objections to the scheme subject to a condition relating to the submission of a landscaping scheme to be approved prior to the development commencing as to accord with the Development Guidance and Requirements SPD landscaping should be carefully considered including each property having 1 tree planted

### **9.39 Flood Risk, Foul and Surface water drainage**

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

9.41. The application site lies within an area designated as Flood Risk Zone 3 benefiting from flood defences and a Flood Risk Assessment (FRA) had been submitted. The Environment Agency have been consulted as part of the application, who objected to the application in October 2019, requiring finished floor levels (FFL) of 4.4m AOD. After the applicant negotiated with the Environment Agency to suggest floor levels of 3m AOD, the EA retained their objection in March 2020 as the floor levels were not raised in accordance with the required FFLs and the applicant did not give any justification or argument for not achieving 4.4m AOD. The EA have requested an amended FRA and detailed justification which was not provided. If provided they would consider this and may be satisfied with a reduced FFL of 3.5m AOD if it can be justified and evidenced why it would be acceptable in flood risk terms.

9.42 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

9.43 The majority of the local area is within FRZ3 so sequentially there are no other sites at a lower risk of flooding. The applicant has carried out a Sequential Test and concludes that there are no sequentially preferable sites which are reasonably available within a lower flood risk area that are capable of accommodating the development within the catchment area. This provides sufficient confidence that the Sequential Test can be met on this occasion.

9.44 As residential development is classed as more vulnerable by national policy and its supporting guidance, both parts of the Exceptions Test must also be met in line with NPPF para.160 and Policy CS4. Part 1 requires demonstration that the development provides wider sustainability benefits to the community that outweighs the residual risk. This shows that the site has a mixed performance across the Sustainability Appraisal (SA) objectives/sub-objectives and 33 detailed criteria with a range of potential positive, neutral, and negative effects. The national guidance states that "If a planning application fails to score positively against the aims and objectives of the Local Plan Sustainability Appraisal or Local Plan policies, or other measures of sustainability, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so. Where this is not possible, the Exception Test has not been satisfied and planning permission should be refused."



- 9.45 Part 2 requires that the development will be safe for its lifetime (given to be 100 years) taking into account the vulnerability of its users without increasing flood risk elsewhere and, where possible, reduce flood risk overall.
- 9.46 The applicant's Exceptions Test is set out in the same document as the Flood Risk Assessment (F R Fillingham / September 2019). The applicant's supporting information contends that the Exception Test demonstrates the proposed development provides wider sustainability benefits to the community, which outweighs flood risk as it:
- a) Contributes to the Council's objectives regarding Policy CS2, as Moorends is designated as a 'Renewal Town'
  - b) Makes use of a redundant brownfield site in the heart of the urban area
  - c) Delivers a site which can be made safe from the effects of flooding
- 9.47 On this basis, the applicant claims that it is considered that the requirements for the Exception Test are likely to have been satisfied. However, as the Environment Agency has stated that their comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk given that the EA feel that the proposal does not meet adequate flood risk measures.
- 9.48 The EA objected to the development on the basis of the FRA not complying with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change Section of Planning Practice Guidance. The development therefore does not adequately assess the flood risk posed by the development or provide adequate flood resilience measures for the development. The FRA fails to:
- provide evidence that the finished floor levels (FFLs) will exclude flooding for the lifetime of the development;
  - adequately assess climate change. The depths stated in their previous objection (pre-application with the EA not DMBC) could well be much higher with the effects of climate change and the applicant needs to address this;
  - provide adequate justification for deviating away from the required FFL of 4.4mAOD, as required by the Strategic Flood Risk Assessment. If there are other material reasons why this FFL cannot be achieved then these will need to be agreed by the Local Authority, and explained in the FRA.

The above has not been addressed in a new FRA by the applicant. The EA stated that to overcome their objection, the applicant should submit a revised FRA which addresses the points highlighted above. The minimum acceptable FFL for the development is considered to be 3.5m AOD with justification for the reduced levels.

If this cannot be achieved, they are likely to maintain their objection.

The applicant was made aware through a pre-application enquiry in September 2019 with the EA that the site lies in flood zone 3, and that FFLs for a development in this area should aim to be 4.4m AOD as a starting point (as stated within the Strategic Flood Risk Assessment). It states that viability issues and the existing

AOD may result in lower FFLs which would need to be agreed with DMBC and the EA. The applicant has stated that the ground levels in this area are around 2m AOD. The submitted FRA has stated that the FFLs for the development will be 3m AOD plus 600mm resilience measures, but does not give any justification or argument for not achieving 4.4m AOD.

- 9.49 The applicant's agent has referred to another site in Moorends where lower FFL's were accepted. However each site is assessed on its own merits. In this case (appeal 18/00031/REF and subsequent application 19/00880/FULM) the site characteristics and detailed flood risk assessment changed the objection from the EA. The applicant has not done this justification for the EA in this case. The other site was a major development where the applicants justified FFL's of 3m in their FRA and provided the EA with the detailed information required. The site also was originally requesting FFL's of 4.1m AOD based on the Critical Flood Level unlike this site which requires 4.4m AOD. There were 3 properties that went to 2.8m AOD but again this was justified as 2 of these were apartments with no main habitable living space at ground floor and the 3<sup>rd</sup> had reasoned justification for why it could not be what was requested.
- 9.50 The applicant will not increase the floor levels to 3.5m AOD and has not worked with the EA to provide an amended FRA. There is a lack of evidence to demonstrate that 3.0m level is sufficient to exclude flood risk for the lifetime of the development. The FRA also states that there are flood defences and pumping stations; there is no certainty that funding will be available for the lifetime of the development to maintain these assets to an appropriate standard to protect this area. All new development proposals should be resilient against flood risk and not rely on existing flood defence assets. Any housing built after 2012 cannot be used to generate flood defence grant in aid funding and therefore does not contribute to the maintenance of these assets. Additional development proposals in high flood risk areas that are not built in a flood resistant and resilient manner will increase the burden on the existing flood defence infrastructure protecting this area. Climate change and Flood Risk are major issues facing the Borough of Doncaster and although there is a benefit of developing a brownfield site for housing this housing should be designed and provided for in a safe and quality development for the Borough.

The proposal therefore fails to meet part 2 of the exceptions test. In accordance with Paragraph 161 of the NPPF the proposal should be refused as it does not satisfy both elements of the exceptions test and does not overcome the flood risk issues or address the requirements of the EA for additional information and FFL's of 3.5m minimum with justification.

It should be noted that if members are minded to grant planning permission notwithstanding the unresolved objection from the EA, the application must be referred to the Secretary of State for consultation under the Town and Country Planning (Consultation) Direction 2009 before such a determination can be made.

## 9.51 Conclusion on Environmental Issues

- 9.52 Para.8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and

mitigating and adapting to climate change, including moving to a low carbon economy.

- 9.53 Issues in relation to trees, ecology, highways and character have been overcome subject to suitably worded conditions. Collectively these issues weigh in limited favour of the application. However issues in relation to flood risk have not been overcome and this weighs against the proposal carrying significant weight. Overall therefore, the proposal is considered to balance negatively in relation to environmental matters.

#### **9.54 ECONOMIC SUSTAINABILITY**

- 9.55 It is anticipated that there would be some short-term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.

#### **9.56 Conclusion on Economy Issues**

- 9.57 Para 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments 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; and by identifying and coordinating the provision of infrastructure.
- 9.58 On a wider level, additional housing will increase spending within the borough, which is of further economic benefit in the long term.

### **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 The proposal would not have adequate separation to No.60 Grange Road and would cause a poor standard of living for the occupiers of No.60. The proposal fails to meet the Flood Risk Exceptions Test, which carries significant weight. Whilst it is noted that the proposal does not cause any harm to the character of the locality, ecology or trees and brings a brownfield site back into use this carries moderate weight for the proposal and does not outweigh the harm caused by the risk to life by providing an inadequate Flood Risk Assessment and failing to overcome the EA objection. It is acknowledged that the site could be developed for housing but it should be a quality development which protects amenity and the future occupiers from flood risk which this proposal does not achieve.

### **11.0 RECOMMENDATION**

- 11.1 **REFUSE PLANNING PERMISSION** for the following reasons:

1. The proposal would harmfully overshadow the neighbouring dwelling at no. 60 Grange Road. As such would conflict with policy CS1 and CS14 of the Core Strategy and Paragraph 127 (f) of the NPPF.

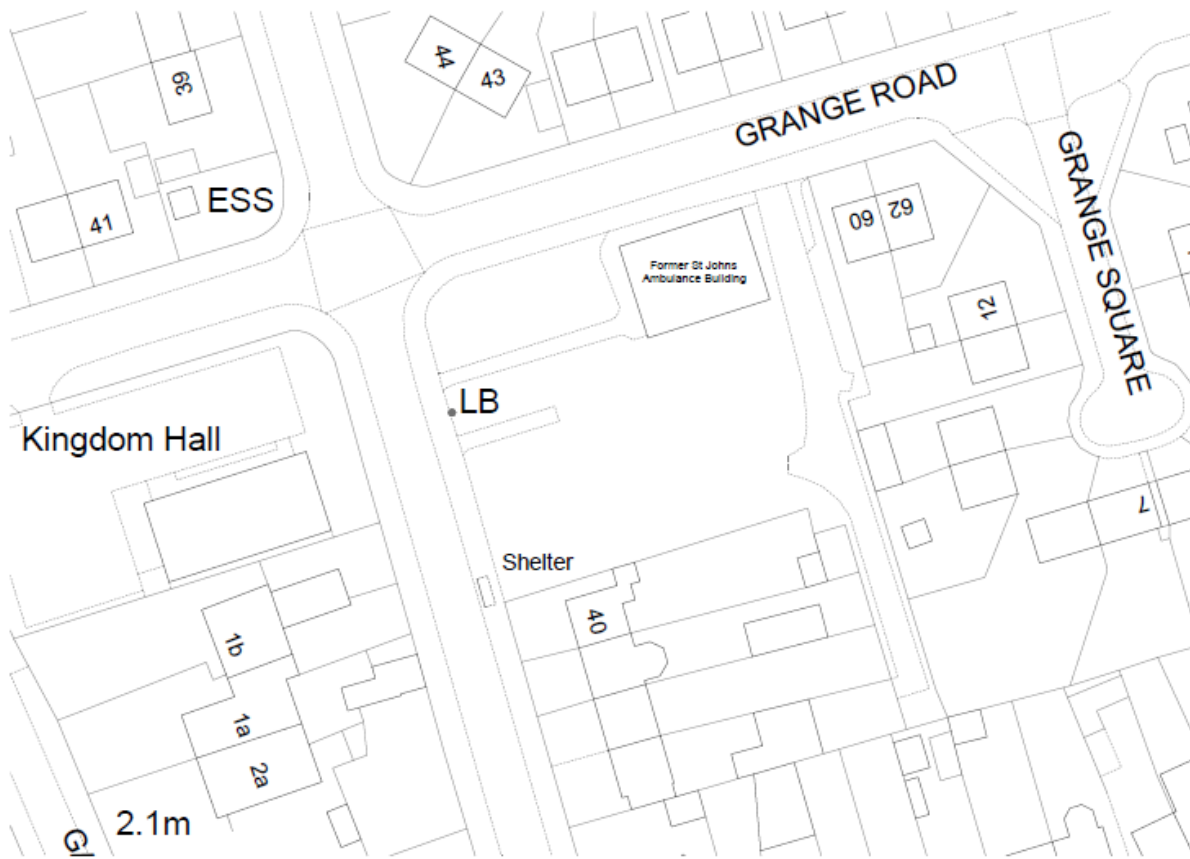
2. It is considered that the proposal has failed to pass the Exception Test for flooding, contrary to Paragraph 161 of the NPPF (2019) and Policy CS4 Part B (Flooding & Drainage) of the adopted Core Strategy (2012).

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

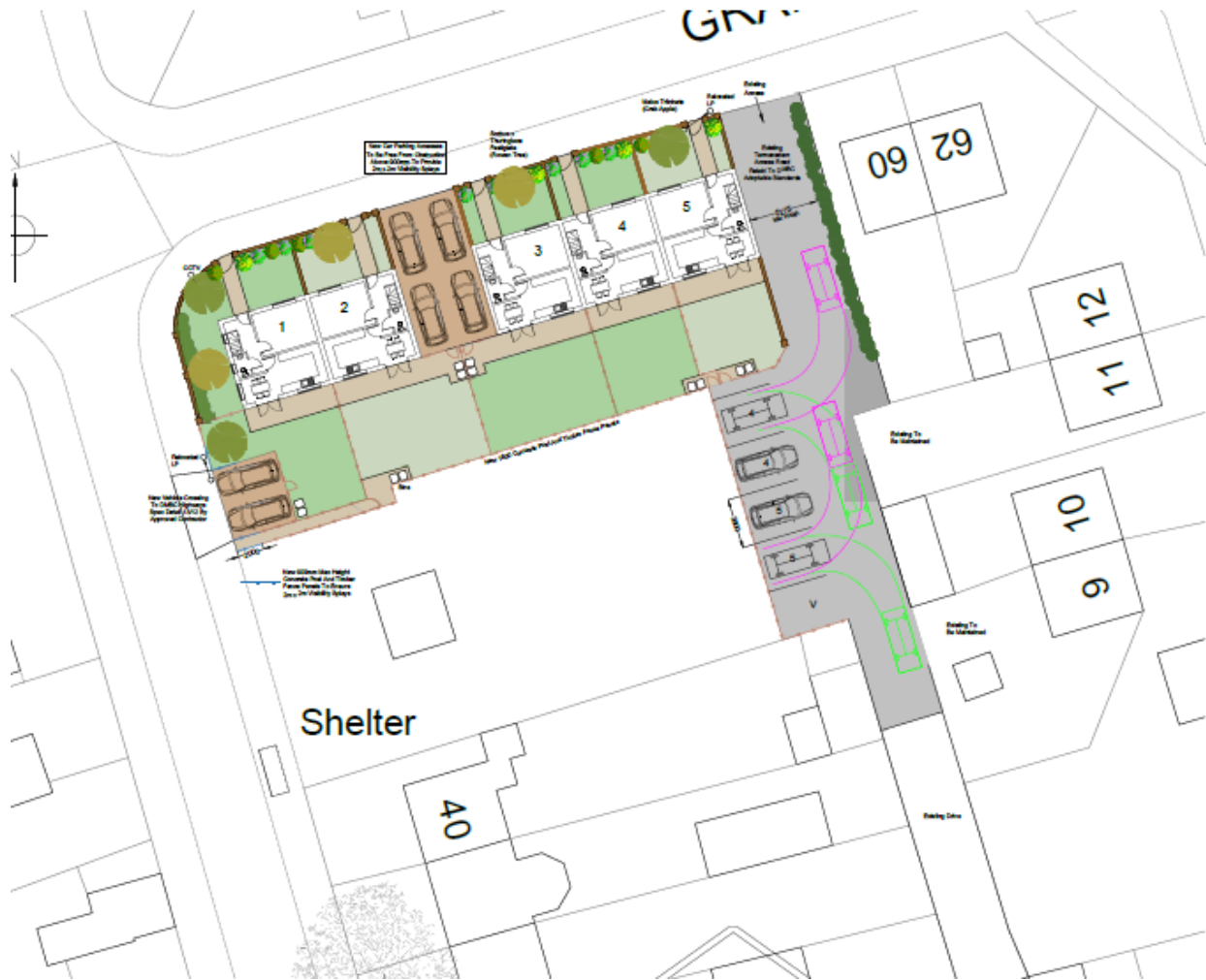
**In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned below.**

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

Appendix 1 – Location Plan

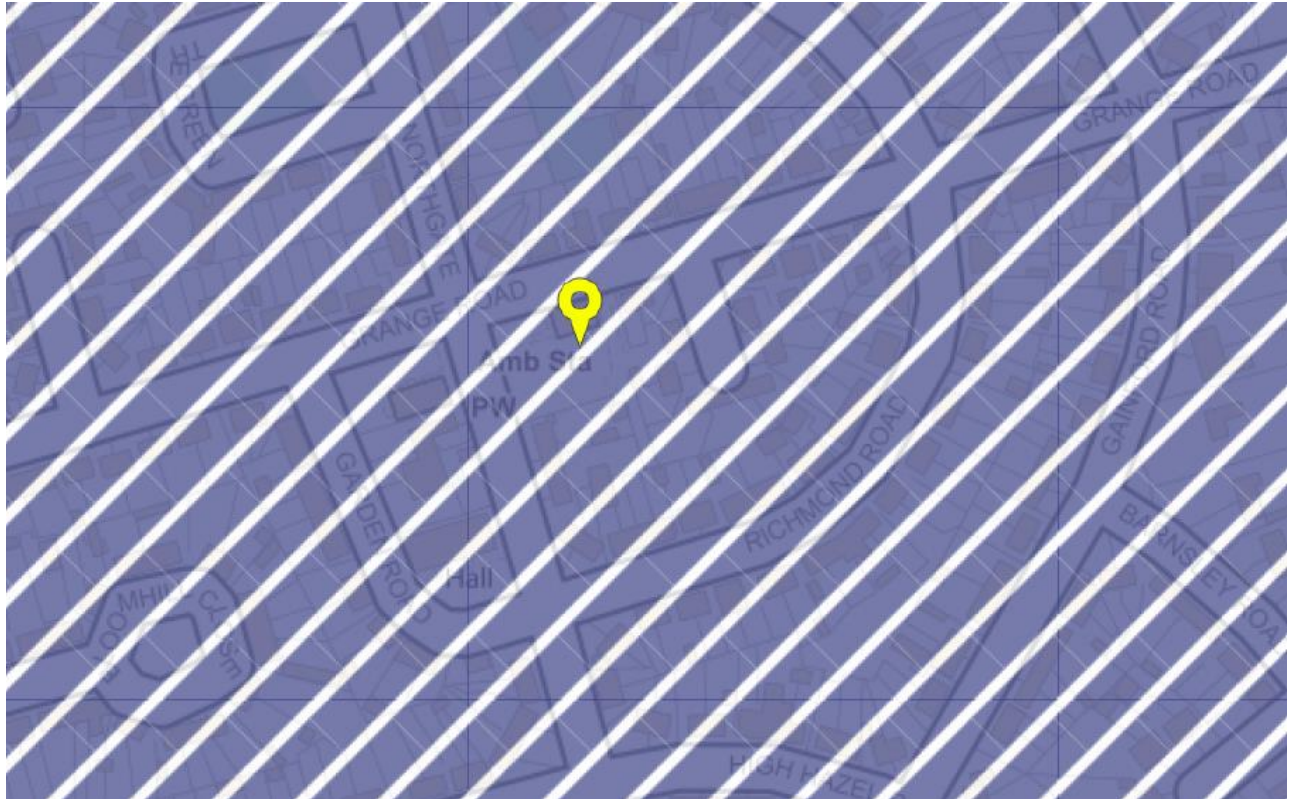


Appendix 2 – Site Plan



Appendix 3 – EA Flood Zone Map

The site is marked by a yellow marker and is located in flood zone 3.



## Appendix 4 – Nationally Prescribed Space Standards (m2)

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>) Number of bedrooms (b)**

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) <sup>2</sup>			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

<sup>1</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524531/160519\\_Nationally\\_Described\\_Space\\_Standard\\_Final\\_Web\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf)



Appendix 5 – Space Standards comparison with SYRDG – internal space standards, all measurements in metres squared

	SYRDG (3 bed 4 person)	Plots, 1, 2, 3, 4, 5 (all same layout)	Difference
<b>Double Bedroom</b>	12	Bed 1 : 10.3 Bed 2: 12.2	Bed 1: -1.7 Bed 2: +0.2
<b>Single Bedroom</b>	7	Bed 3: 7	0
<b>Living Room</b>	15	14.2	-0.8
<b>Living/Dining</b>	18	n/a	n/a
<b>Kitchen</b>	13	n/a	n/a
<b>Kitchen/Dining</b>	11	17.2	+6.2
<b>Open Plan/ combined</b>	30	n/a	n/a
<b>Bathroom /WC combined</b>	3.5	5.4	+1.9
<b>Storage</b>	4.5	n/a	n/a
<b>Overall</b>	60.5	68.1	7.6

Overall space floor space for 3 bed house should be: 77sqm  
 These have a total floor space of: 84sqm

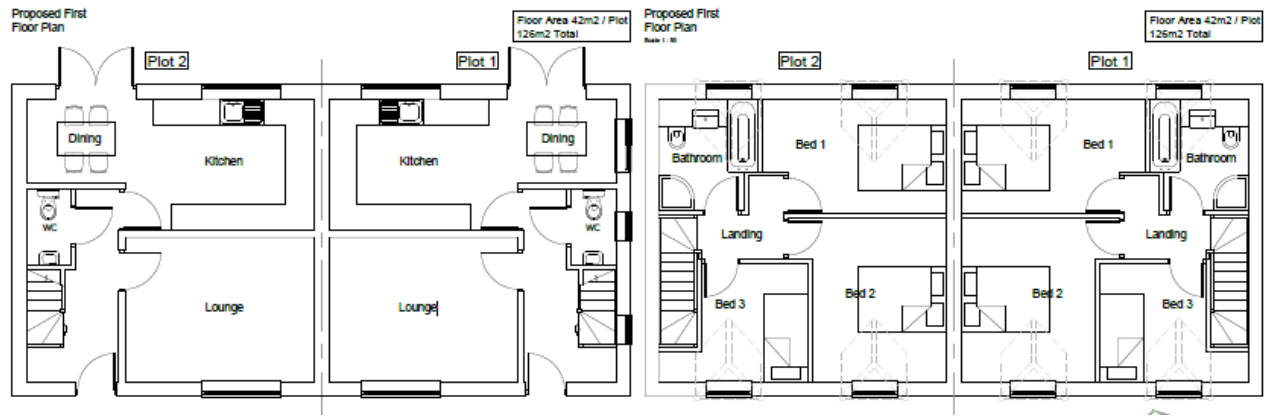
## Appendix 6: Proposed Plans

### Streetscene:



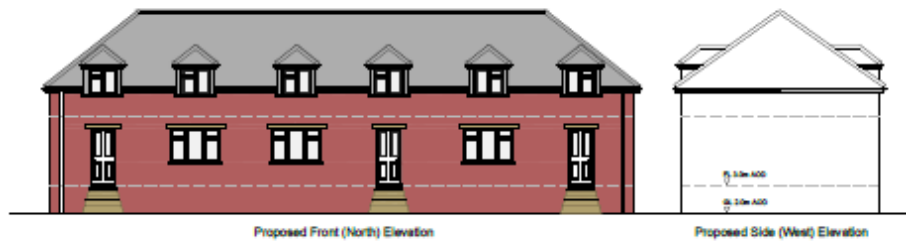
### Plots 1, 2

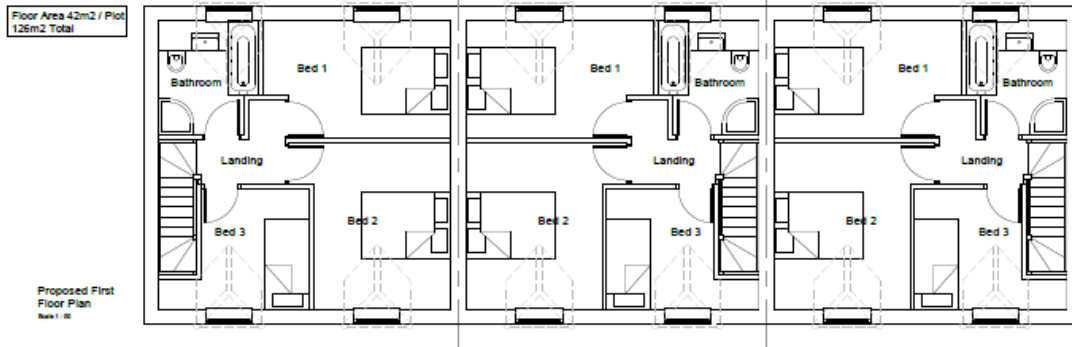




Plots 3,4,5:

- Materials:**
- Facing Brickwork : Forterra Teviot Red
  - Roof Tiles : Waberberger Double Roman In Dark Grey
  - Cast Stone Cills And Heads
  - Windows & Doors : White UPVC
  - Dormers : Lead Side Chieels And Returns
  - Gutters And Downpipes : Black uPVC





Appendix 7: Superseded Plans, original submission that has been amended:

**Materials:**  
 Facing Brickwork - Pattern Textured  
 Roof Tiles - Waterloage Double Porous  
 In Dark Grey  
 Cast Stone Climb / Brick Bolder Heads  
 Windows & Doors - White UPVC  
 External Area Driveways - White UPVC

**Proposed Ground Floor Plan**  
 Plot 1: Dining, Kitchen, Lounge, Hall, WC  
 Plot 2: Kitchen, Dining, Lounge, Hall  
 Plot 3: Kitchen, Dining, Lounge, Hall

**Proposed First Floor Plan**  
 Plot 1: Bedroom 1, Bedroom 2, Bedroom 3, Landing  
 Plot 2: Bedroom 1, Bedroom 2, Bedroom 3, Landing  
 Plot 3: Bedroom 1, Bedroom 2, Bedroom 3, Landing

**Proposed Street Scene - Orange Road**  
 Plots 1, 2, 3, 4

**Site Location Map**  
 Shows development on Grange Road, adjacent to Shelter and plots 12, 29, 60, 40.

**planning**

A New Built Terraced Dwelling  
 Number 20 John Ambrose Rd  
 Orange Road  
 Carrisbane DR8 4DT  
 L-Terrill Developments

Proposed Development Details

Plot	1	2	3	4
Area				
Volume				
Value				
FAIS 2024 / 003				A

Planning Application

## Appendix 8: Draft list of Conditions

In the event that planning committee resolve to grant planning permission, the following conditions are considered to be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects to the development and are recommended to be imposed:

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
  - Proposed plans of terrace (plots 3, 4, & 5) and streetscene: PAS 264 / 003, Rev.D dated 31.01.2020 received 1.9.2020
  - Proposed plans of semi pair (plots 1 & 2): PAS 264 / 004, Rev A, dated 31.01.2020 received 1.9.2020
  - Site plan: PAS 264 / 002, Rev E, dated 01.09.2020 received 1.9.2020REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. Notwithstanding the plans hereby approved, 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.
04. 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.
05. 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.

06. The recommendations in section 7 of the Bat Preliminary Roost Assessment Report shall be followed in full and bat roosting features as described in section 8.3 shall installed as described prior to the first occupation of this site.

REASON

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

07. The development shall be carried out in accordance with the submitted flood risk assessment (ref: Flood Risk Assessment, Rev A: 09<sup>th</sup> September 2019: First issue for planning by F R Fillingham BEng CEng MICE) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.0m above Ordnance Datum (AOD).
- Resistance and Resilience measures shall be included up to a level of 3.6mAOD
- Sleeping accommodation at first floor only
- There shall be no impact on the flow of floodwaters or floodplain storage as a result of this development

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON

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

08. 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.

09. 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 in writing 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 in writing 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 in writing 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 in writing 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.

10. 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.

11. 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.

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

**REASON**

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

13. Prior to the commencement of the development hereby approved full details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. Unless as shall be specifically approved by the Local Planning Authority, the landscape scheme shall include a plan indicating the planting location of all trees and shrubs; a schedule including the nursery stock specification for all shrubs and trees in compliance with British Standard 3936: Part 1: 1992 Specification for Trees and Shrubs and planting density/numbers; a detailed specification for engineered tree pit construction that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements supplementary planning document and a load-bearing capacity equivalent to BS EN 124 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a maintenance specification and a timescale of implementation, which shall be within 3 months of completion of the development or 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**

These details have not been provided and are required prior to commencement of development to ensure that a landscape scheme is implemented in the interests of environmental quality and compliance with Core Strategy policy CS16.

**INFORMATIVES:**

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.

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

Any alteration to the existing street lighting as a result of the new access arrangements will be subject to a costs which are to be borne by the applicant. Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail [Fiona.Horgan@doncaster.gov.uk](mailto:Fiona.Horgan@doncaster.gov.uk) regarding this as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

02 INFORMATIVE

Adequate provision for the storage and collection of waste and recycling is essential for both domestic and commercial premises, lawful arrangements should be in place prior to the occupation of any property. The applicant should contact [waste&recycling@doncaster.gov.uk](mailto:waste&recycling@doncaster.gov.uk) prior to occupation to discuss the provision and siting of suitable bins and setting up a collection service.

03 INFORMATIVE

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

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

This Standing Advice is valid from 1st January 2019 until 31st December 2020

04 INFORMATIVE

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

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE -**

<b>Application</b>	<b>5</b>
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<b>Application Number:</b>	20/01187/3FUL
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<b>Application Type:</b>	Planning Full
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<b>Proposal Description:</b>	Erection of 5 affordable dwellings.
<b>At:</b>	Land Adjacent, Athelstane Crescent, Edenthorpe, Doncaster, DN3 2NQ

<b>For:</b>	DMBC - Mr Paul Francis
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<b>Third Party Reps:</b>	4 letter of objection	<b>Parish:</b>	Edenthorpe Parish Council
	2 letters of support		<b>Ward:</b>

<b>Author of Report</b>	Roisin McFeely
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<b>MAIN RECOMMENDATION:</b>	GRANT, subject to conditions
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**SUMMARY**

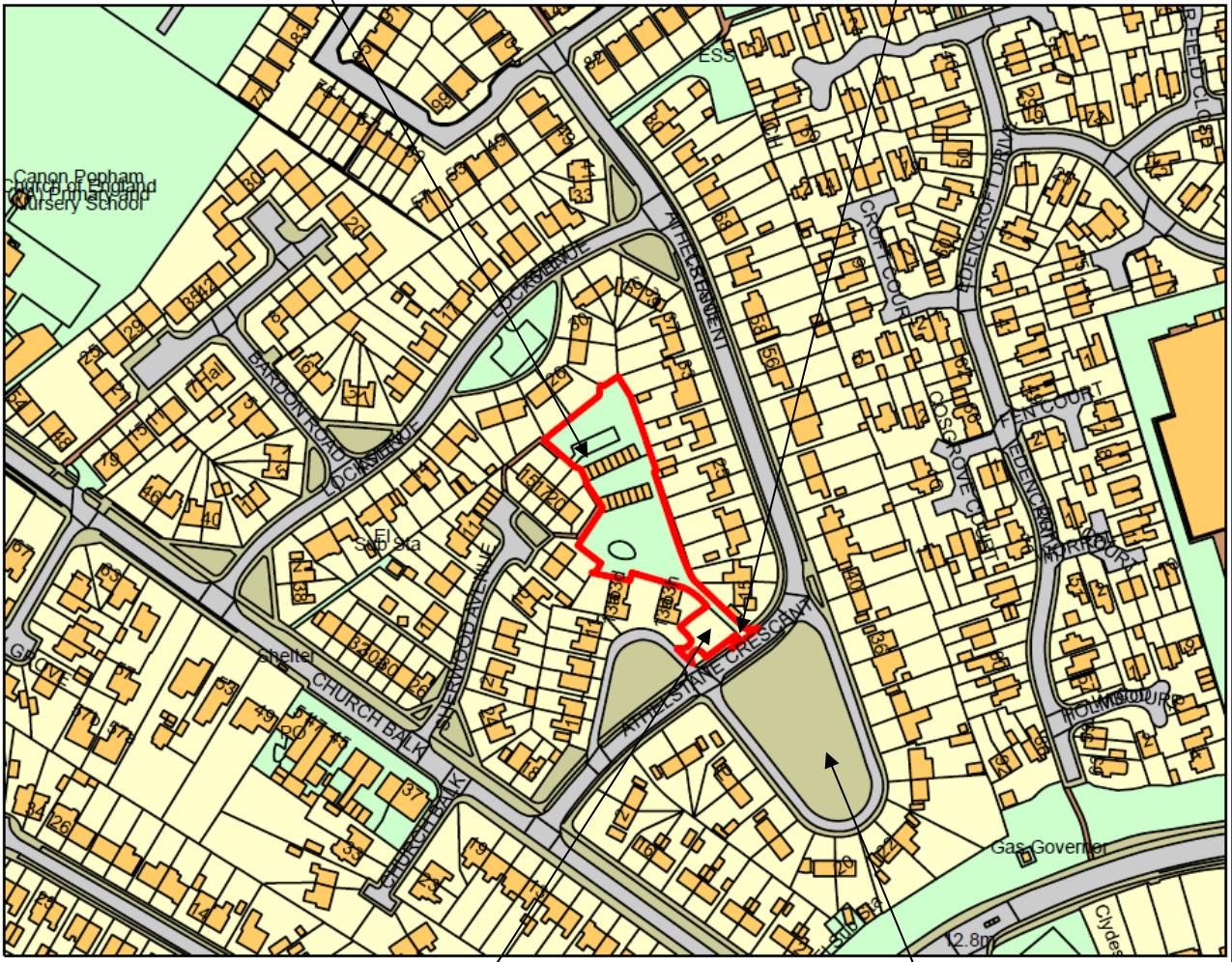
The application seeks full planning permission for the erection of three two storey terraced dwellings and two semi-detached bungalows. The site lies within an allocated Residential Policy Area that supports new housing. It is considered that the proposal would provide a good standard of living and causes no harm to the character of the locality.

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to neighbouring properties, the highway network or the wider character of the area.

**RECOMMENDATION: GRANT planning permission subject to conditions.**

Application Site

Existing access to be utilised for proposed development



Additional parking to be created for existing flats on Athlestane Crescent

Open green space

## **1.0 Reason for Report**

- 1.1 This application is being presented to Planning Committee due to the application being submitted by Doncaster Council.

## **2.0 Proposal**

- 2.1 Planning permission is sought for the erection of five affordable dwellings. The proposal will erect two bungalows and three terraced two storey dwellings.

## **3.0 Site Description**

- 3.1 The proposal site is a piece of land located to the rear of Athelstane Crescent a residential area. The proposal site is surrounded by properties on all sides, including flats, bungalows and semi detached properties. It currently houses unused storage lockups and is used for parking. Properties surrounding the site are mainly erected in buff brick with dark tiled roofs, some feature cladding and render. Properties vary in style, size and layout.

## **4.0 Relevant Planning History**

- 4.1 There is no relevant site history for this application.

## **5.0 Site Allocation**

- 5.1 The site is designated as Residential Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).

## **5.2 National Planning Policy Framework (NPPF 2019)**

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 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.
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraph 48 sets out that weight may be given to relevant policies of emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to such policies and the degree of consistency of the emerging policies to the existing framework.

- 5.7 Paragraphs 54 – 56 set out the requirements of imposing conditions, which should only be used subject to meeting specific tests and where it is not possible to address unacceptable impacts through a planning condition.
- 5.8 Paragraph 59 sets out the Governments objective to significantly boost 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.
- 5.9 Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 5.11 Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.

### **Core Strategy 2011 - 2028**

- 5.12 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.13 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.14 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.
- 5.15 Policy CS 12 relates to housing mix and affordable housing, stating that new housing developments will be required to include a mix of house size, type, price and tenure to address the identified needs and market demand to support mixed communities. It further states that in terms of delivering affordable housing this can be delivered under various measures listed.

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

### **5.17 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)**

5.18 Policy PH11 allows for residential development in allocated residential areas except where there would be adverse effect on the amenity of neighbours or the development would be at a density or form that would be detrimental to the character of the area or result in an over-intensive development.

### **5.19 Local Plan**

5.20 The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

The Council is aiming to adopt the Local Plan by winter 2020 and the following policies would be appropriate for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:

5.21 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is considered to carry limited weight at this time.

5.22 Policy 8 sets out the requirements for the range of housing including the need for affordable housing. This policy is considered to carry limited weight at this time.

5.23 Policy 11 (Residential Policy Areas) reinforces some of the wording of PH11 stating that within Residential Policy Areas, as defined on the Proposals Map:

A) New residential development will be supported provided:

1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.

B) The establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness. This policy is considered to carry substantial weight at this time.

- 5.24 Policy 42 requires development proposals to reflect the character of the locality in which they are set and be of a high quality design which contributes to local distinctiveness. This policy is considered to carry limited weight at this time.
- 5.25 Policy 43 seeks to ensure high standards of residential design. This policy is considered to carry moderate weight at this time.
- 5.26 Policy 45 requires that new housing, extensions and alterations respond positively to the context and character of existing areas or the host dwelling and create high quality residential environments through good design. This policy is considered to carry moderate weight at this time.
- 5.27 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum. This policy is considered to carry limited weight at this time.
- 5.28 Policy 49 (Landscaping of New Developments) states that development will be supported which protects landscape character, protects and enhances existing landscape features, and provides a high quality, comprehensive hard and soft landscape scheme. This policy is considered to carry limited weight at this time.
- 5.29 Policy 56 deals with the need to mitigate any contamination on site. This policy is considered to carry limited weight at this time.
- 5.30 Policy 57 requires the need for satisfactory drainage including the use of SuDS. This policy is considered to carry moderate weight at this time.

### **5.31 Neighbourhood Plan**

- 5.32 A Neighbourhood Plan is in preparation for Edenthorpe. The Neighbourhood Plan has been examined and was out for referendum, which was due to take place on 19/03/20. However, this was postponed due to Covid-19. Given the advanced stage of the plan, significant weight is attached to the policies contained within the Edenthorpe Neighbourhood Development Plan. The relevant policies are outlined as follows:
- 5.33 Policy 1 sets out that development proposals will be supported within the development limit where it can be demonstrated that the proposals would retain or improve the sustainability of Edenthorpe by meeting its housing needs, meeting space standards, reflecting local character and causing no harm to highway safety.
- 5.34 Policy 5 requires developments to achieve high quality design which contributes positively to the local landscape and streetscape.

### **5.35 Other material planning considerations**

- *South Yorkshire Residential Design Guide (SPD) (2011)*
- *Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)*
- *National Planning Policy Guidance (ongoing)*
- *Residential Backland and Infill Development Supplementary Planning Document (SPD) (2010)*

## **6.0 Representations**



6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of the council website and neighbour notification. Four public objections has been received by neighbouring properties. The comments can be summarised as:

- Concerns regarding overlooking /loss of privacy
- Loss of access to rear gardens
- Removal of landscaping /loss of habitat wildlife
- Increased noise pollution
- Loss of parking
- Loss of view (this not a material consideration and cannot be considered as part of this application)

6.2 Two letters of support have been received by neighbouring properties. The comments can be summarised as:

- Support the need for affordable housing
- Provide safer parking for existing flats

## **7.0 Parish Council**

7.1 No comments received from the Parish Council.

## **8.0 Relevant Consultations**

8.1 **Highways Development Control** – No objections to amended plans subject to standard conditions and informatives.

8.2 **Internal Drainage Officer** – Drainage have no objections after additional information has been provided and have asked the applicants for details of who would be responsible for the on-going maintenance of the storage crates on completion of the developments. However this is not a reason for objection and is a matter to be resolved outside the remit of planning.

8.3 **Ecology Officer** – no objections to the scheme following the submission of a bat survey, subject to a condition relating to an ecological enhancement plan.

8.4 **Contaminated Land Officer** – no objections to the scheme following the submission of a phase 1 desktop study, subject to standard conditions.

8.5 **Tree Officer** – no objections to the scheme following the submission of an arboricultural report, subject to conditions relating to landscaping and protection of trees on site.

8.6 **Yorkshire Water** – no comment.

8.7 **Strategic Housing Officer** – The application form submitted appears to meet the council's Housing Mix and Affordable Housing Planning Policy CS12 in that it is for 100% affordable housing.

This is a 100% Affordable Housing scheme on a Council owned site, which will help meet the social housing need of Edenthorpe specifically. The development which takes place will be of the highest standard that will conform to the Council's own design policy and guidance as well as meeting all Planning Policy and legal

requirements. The properties all meet or exceed the Nationally Designed Space Standards set by Homes England and the council have secured grant from Homes England towards the development. The Strategic Housing team are leading on this proposed development as part of the New Build Council Housing programme approved by Cabinet in December 2019.

Demand for Affordable Housing in Edenthorpe, Doncaster is very high; with the requirement being highest for 2 bed properties (especially bungalows for older people) followed by 3 bed properties, which is clearly reflected in the Layout Plan.

## **9.0 Assessment**

9.1 *The principal issues for consideration under this application are as follows:*

- Principle of development;
- Affordable Housing
- Landscape impact and visual effects
- Impact on residential amenity & quality of life
- Highway safety and traffic
- Ecology and Trees
- Overall planning balance

9.2 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

### Principle of Development

9.3 With regard to the principle of residential development on this site, the site is designated as 'Residential Policy Area' in the Doncaster Unitary Development Plan where proposals should be assessed against Policy PH11. The proposed development is acceptable in principle under this policy.

9.4 The emerging Local Plan has completed its consultation for the Regulation 19 Publication stage. The Council is aiming to adopt the Local Plan by the end of 2020. It gives a clear indication of the direction of travel towards future planning policy of the site. The Local Plan proposes that the site continues to be designated as 'Residential Policy Area' (Policy 11) and is given substantial weight.

9.5 The Edenthorpe Neighbourhood plan does not allocate this land for another use and Policy 1 allows for residential development.

9.6 The proposal adds to the mix of housing in the area and providing affordable housing for the need in this area, identified by the strategic housing officer

9.7 Taking the above considerations into account, namely that the principle of residential use on the site is acceptable, and the proposal provides a wider benefit of the provision of 100% affordable housing, it is considered that the site is capable of forming a sustainable residential development which adds to the mix of housing when assessed against UDP and Core Strategy policy. The proposal is therefore acceptable in principle, subject to other policy considerations.

## 9.8 Sustainability

The National Planning Policy Framework (NPPF 2019) sets out at paragraph 7 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

There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

## **SOCIAL SUSTAINABILITY**

### **9.9 Affordable Housing**

9.10 Policy CS12 of the Council's Core Strategy relates to housing mix and affordable housing, stating that new housing developments will be required to include a mix of house size, type, price and tenure to address the identified needs and market demand to support mixed communities. The Policy states that affordable housing on suitable developments of less than 15 units will be supported, requiring that the council will work with partners to deliver affordable housing and a mix of houses to meet local needs through use of its own land and other initiatives.

9.11 With regard to need; the housing needs study carried out identified the size of the council housing accommodation requirements in the ward. Edenthorpe was identified to require majority of two bedroom 4 person houses and some two bedroom bungalows properties. This scheme would contribute to the much needed type of housing required in the area, by providing 2 and 3 bed housing, adding to the mix of housing in line with NPPF requirements and would also be in accordance with Policy CS 12.

### **9.12 Impact on Residential Amenity**

9.13 Policy CS 14 (A) of the Core Strategy states that 'new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment' and paragraph 127 (f) of the National Planning Policy Framework states that planning decision should create places that have a high standards of amenity for existing and future users . The SPD Development Guidance and Requirements states in section 2.5 that 'new housing should not give rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of existing occupiers'.

9.14 In March 2015, the Government introduced a 'Nationally Described Space Standard' (NDSS). The NDSS deals with internal space within new dwellings and is suitable for application across all tenures and number of bedrooms. It sets out the

requirements for the Gross Internal Floor Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

- 9.15 The full standards are available on the Government’s website, however a summary table is provided below:

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>) Number of bedrooms (b)**

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) <sup>2</sup>			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

<sup>1</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524531/160519\\_Nationally\\_Described\\_Space\\_Standard\\_Final\\_Web\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf)

Figure 1 – Nationally Prescribed Space Standards (m<sup>2</sup>)

- 9.16 The Council do not currently impose internal space standards through a policy in the current Development Plan and rely on guidance on space standards through the South Yorkshire Residential Design Guide SPD which was adopted in 2015. Under the SPD, internal space standards were produced after extensive research into standards in other local authorities. The standards set out the minimum internal spaces for different aspects of a dwelling, across various dwellings sizes.
- 9.17 An associated Written Ministerial Statement (WMS) to the NDSS is clear in that ‘Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy.’ The MWS states that the NDSS are optional for planning purposes and should only be required if they address a clearly evidenced need and are incorporated into a Local Plan.
- 9.18 As mentioned above, the Council does not yet have a relevant adopted local plan policy relating to space standards. Although Policy 46 in the Draft Local Plan specifically addresses this issue, the amount of weight which can be applied to this policy is limited by the fact that the policy has received significant unresolved objections and the Council’s evidence has yet to be tested in full in public examination. As such, the current standards set out in South Yorkshire Residential Design Guide are the most appropriate measure of detail.

internal dimensions until such time that more weight can be attributed to the relevant policy in the Draft Local Plan.

- 9.19 The South Yorkshire Residential Design Guide (SYRDG) sets out internal and external space standards. It states that 3 + bed homes should have a private rear amenity space at a minimum of 60m<sup>2</sup>; all of the plots including the two beds meet or exceed this standard. The SYRDG states that 2 bed 3 person properties should have an overall floor area of 62m<sup>2</sup> with stipulations for individual rooms the overall floor area of the 2 bed properties (plots 1 and 2) is 63m<sup>2</sup>. The SYRDG states that 3 bed four person dwellings should have an overall floor area of 77m<sup>2</sup>, plots 3 and 5 have an overall floor space of 93m<sup>2</sup> and plot 3 has an overall floor space is 78m<sup>2</sup>. Whilst some of the individual rooms within plots 1 and 2 do not meet the exact requirements, other rooms within the properties are larger providing adequate living space. A full comparison can be seen in appendix 3 of this report. It is not considered that the proposal would result in a poor standard of living for future occupiers.
- 9.20 Plots 3, 4 and 5 have no direct line of sight into any habitable room windows or amenity space from the front of the dwellings and there are no side windows on these terraced dwellings. To the rear the properties exceed the 21m separation distance as set out in the Development SPD, thus there are no concerns with regards to overlooking.
- 9.21 The side elevations of plots 3, 4 and 5 are located in excess of 11m from the nearest neighbouring habitable room windows. The properties are located to the very rear of the neighbouring properties gardens and thus there are no concerns that unreasonable overshadowing would occur as a result of the proposal.
- 9.22 Plots 1 and 2 have no side windows and maintain over 21m from the front of the properties to the nearest habitable room windows. There is no direct line of sight into any habitable room windows from the rear of plots 1 and 2. At the shortest point, there is 10 metres from the rear of the dwellings to the boundaries of neighbouring properties, in accordance with separation distances as set out in the Development SPD.
- 9.23 Furthermore plots 1 & 2 are single storey bungalows thus have limited overlooking as they would be screened by the boundary treatment. It will be conditioned that boundary treatments will be erected prior to the first occupation of the properties, providing screening and mutual privacy. Thus, it is not considered that any harmful overlooking or overshadowing would occur as a result of the development. The development therefore complies with the above policies.
- 9.24 An objection has been received regarding loss of light/privacy to existing properties on Locksley Avenue due to the development. It is not considered that there are any significantly adverse impacts on the amenities of occupiers of neighbouring properties as the scheme meets with recommended guidance for separation distances.
- 9.25 An objection has been received stating that properties would lose access to their rear gardens from the site. This site is not within the planning units or ownership of these dwellings and is not part of a public right of way there is no concern with this loss of access and would not justify amendments to the proposal or warrant a refusal of the application. Right of access can be on deeds of properties however this would be a civil matter and not a material planning consideration.

9.26 An objection has been received stating concerns with increased noise and pollution as a result of the proposal. The short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal and would not justify a refusal of the application.

### **9.27 Conclusion on Social Impacts.**

9.28 In conclusion of the social impacts of the development, it is not considered that the impact of residential amenity will be adversely affected by the proposal, and significant weight should be attached to the provision of community benefits including the full provision of affordable housing.

### **9.29 ENVIRONMENTAL SUSTAINABILITY**

#### **9.30 Impact upon the character of the area**

9.31 Policy CS 14 of the Doncaster Council Core Strategy sets out the Council's policy on the design of new development. It 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. New development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. This will be achieved through a set of design principles and quality standards as set out.

9.32 The proposal is a development of residential developments in a residential area and as such would not be out of character with its surroundings. The majority of the properties will not be visible in the street scene, however the dwellings reflect their surroundings in their design and scale. The terraced dwellings which would be visible to some degree down the proposed access and between existing dwellings from the street scene, reflect the existing form of the flats at Flats 13e-13h.

9.33 The materials chosen to erect the properties is in keeping with the surroundings. The scale and size of the properties reflects that of the existing surrounding properties. The site reflects the density levels of its surroundings with the dwellings being set on similar sized plots to neighbouring dwellings. The properties do not appear out of character in size or design and blend well with the urban grain. The development therefore complies with the above policies.

#### **9.34 Impact upon Highway Safety**

9.35 'Quality, stability, safety and security of private property, public areas and the highway' and 'permeability - ease of pedestrian movement with good access to local facilities and public transport services' are listed as qualities of a successful place within policy CS 14 (A). The NPPF in para 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe'.

9.36 The site is accessed via an existing entrance off Athelstane Crescent, and would create an unadopted private drive, which would serve 5 properties. This is in accordance with requirements as set out in the South Yorkshire Residential Design Guide.

- 9.37 The proposal was amended to provide adequate parking for the proposed properties in accordance with parking standards as set out in the Development Guidance and Requirements SPD at the request of the Highways Officer.
- 9.38 The proposal also provides parking for Flats 13e-13h Athelstane Crescent to account for the loss of parking, as the site is currently used for parking for surrounding dwellings. There is adequate street parking surrounding the site for surrounding properties, with many dwellings having off street parking and thus there is no concern with regards to loss of parking as a result of the proposal.
- 9.39 One objection was received regarding a loss of parking for surrounding dwellings, however as detailed above there is adequate parking in the vicinity and provided by the development for the proposed dwellings. Furthermore, Highways have raised no objections to the amended plans and the development therefore complies with the above policies.

#### **9.40 Ecology and Trees**

- 9.41 The NPPF at paragraph 170 d) where it states that planning policies and decisions should contribute to and enhance the natural local environment by “minimising impacts on and providing net gains for biodiversity.” This is reflected in Policy CS 16 states that Doncaster's natural environment will be protected and enhanced in accordance with a number of principles. Part (A) states that "proposals will be supported which enhance the borough's Ecological Networks by (1) including measures that are of an appropriate size, scale and type and have regard to both the nature of the development and its impact on existing or potential networks; (2) maintaining, strengthening and bridging gaps in existing habitat networks".
- 9.42 The proposal would not require the removal or remedial pruning of any trees on the site, however there are protected trees off site which are close proximity to the site. These off site trees need to be protected during construction. A tree survey was submitted and the Tree Officer raised no objections to the scheme subject to conditions relating to tree protection and landscaping. This planting scheme will mitigate against climate change to some degree and help address the climate change emergency and add to the green agenda of the council.
- 9.43 A Preliminary Ecological Assessment (PEA) was submitted with the application which identified that 80% of the site was hard standing or depilated garages with a small amount of vegetation on the boundary and peripheral areas. Following the submission of a Bat Survey the Ecology Officer had no objections to the development subject to a condition relating to an ecological enhancement plan detailing the provision of bat boxes on the site.
- 9.44 The Ecology Officer stated that Biodiversity Net Gain was not necessary for this site due to its small size and high percentage of ground covered by hard standing.
- 9.45 Objections have been received regarding the removal of landscaping on the site and the subsequent loss of habitat for wildlife. However this has been assessed by the ecology officer and tree officer and there is not felt to be substantial harm or loss and an improved site can be achieved by conditions.

#### **9.46 Flood Risk and drainage**

9.47 The site is not located within a high risk Flood Zone and thus is considered to be at a low risk of flooding. Any surface water will be directed to a soakaway in accordance with the drainage hierarchy. No objections were received from the Water Authority.

#### **9.48 Conclusion on Environmental Issues**

9.49 Para.8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change.

9.50 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition. The proposal does not harmfully impact on trees, ecology, highways safety, drainage or the character and appearance of the area. As such, significant weight can be attached to this in favour of the development

#### **9.51 ECONOMIC SUSTAINABILITY**

9.52 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.

9.53 On a wider level, additional housing will increase spending within the borough which is of further economic benefit in the long term. Also the housing will add to the affordable housing stock in the area.

#### **9.54 Conclusion on Economy Issues**

9.55 Para 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments 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; and by identifying and coordinating the provision of infrastructure.

9.56 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it will benefit the community by providing affordable housing stock to the area and does not harm the wider economy of the borough and for that reason weighs in favour of the development.

#### **10.0 PLANNING BALANCE & CONCLUSION**

10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal would redevelop a tired site featuring dilapidated garages and provide five affordable houses in Edenthorpe. No adverse economic, environmental or social harm has been identified that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

#### **11.0 RECOMMENDATION**



11.1 **GRANT PLANNING PERMISSION** subject to conditions:

**Conditions / Reasons**

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

**REASON**

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

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

Proposed Plans - drawing no. PQ2060 /AD / PD02 - Received on 01/05/2020

Proposed Plans - drawing no. PQ2060 /AD / PD15 - Received on 01/05/2020

Proposed Plans - drawing no. PQ2060 /AD / PD01 REV A - Received on 31/7/2020

Site Plan - drawing no. PQ2060/ AD/ 10 REV A - Received on 17/07/2020

**REASON**

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

03. Within 1 month of the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:

- An integrated bat box of the Fortcrete type or similar shall be installed into 2 of the new buildings with details of type, location, height and orientation.
- A sensitive external lighting scheme to ensure that new integrated bat boxes are not directly lit.

**REASON**

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

04. 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. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

**REASON**

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

06. 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.

07. 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.

08. 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. 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. No development or other operations shall commence on site in connection with the development hereby approved (including tree removal, ground works, soil moving, or any operations involving the use of construction machinery) until an Arboricultural Method Statement to ensure for the protection of the retained two Sycamore trees adjacent to the western boundary has been submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement shall ensure the following:

- a construction methodology for the new driveway and formation of the landscaped area within the root protection areas of the off-site trees G2 and T3 which minimises damage to the root systems of these trees;
- a scheme of any necessary tree pruning that accords with BS 3998:2010 Tree work. Recommendations;
- a timetable for the above two tree protection measures.

The development shall be carried out in accordance with the approved Arboricultural Method Statement.

REASON

To protect the roots and rooting environments of the off-site trees G2 and T3 in the Interests of amenity and in the interests of environmental quality and compliance with core strategy policy CS16: Valuing our Natural Environment.

11. No development above ground level shall take place on the site until a detailed soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape 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.

12. Prior to the first occupation of the development, the boundary treatments as shown on the approved site plan shall be erected and retained for the lifetime of the development.

**REASON**

To ensure the privacy of neighbouring dwellings and in accordance with Policy CS14 of the Core Strategy.

13. 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.

## **Informatives**

01. **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. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

02. **INFORMATIVE**

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.

03. INFORMATIVE

Any alteration to the existing street lighting as a result of the new access arrangements will be subject to a costs which are to be borne by the applicant. Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail [Fiona.Horgan@doncaster.gov.uk](mailto:Fiona.Horgan@doncaster.gov.uk) regarding this as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

04. INFORMATIVE

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

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

This Standing Advice is valid from 1st January 2019 until 31st December 2020

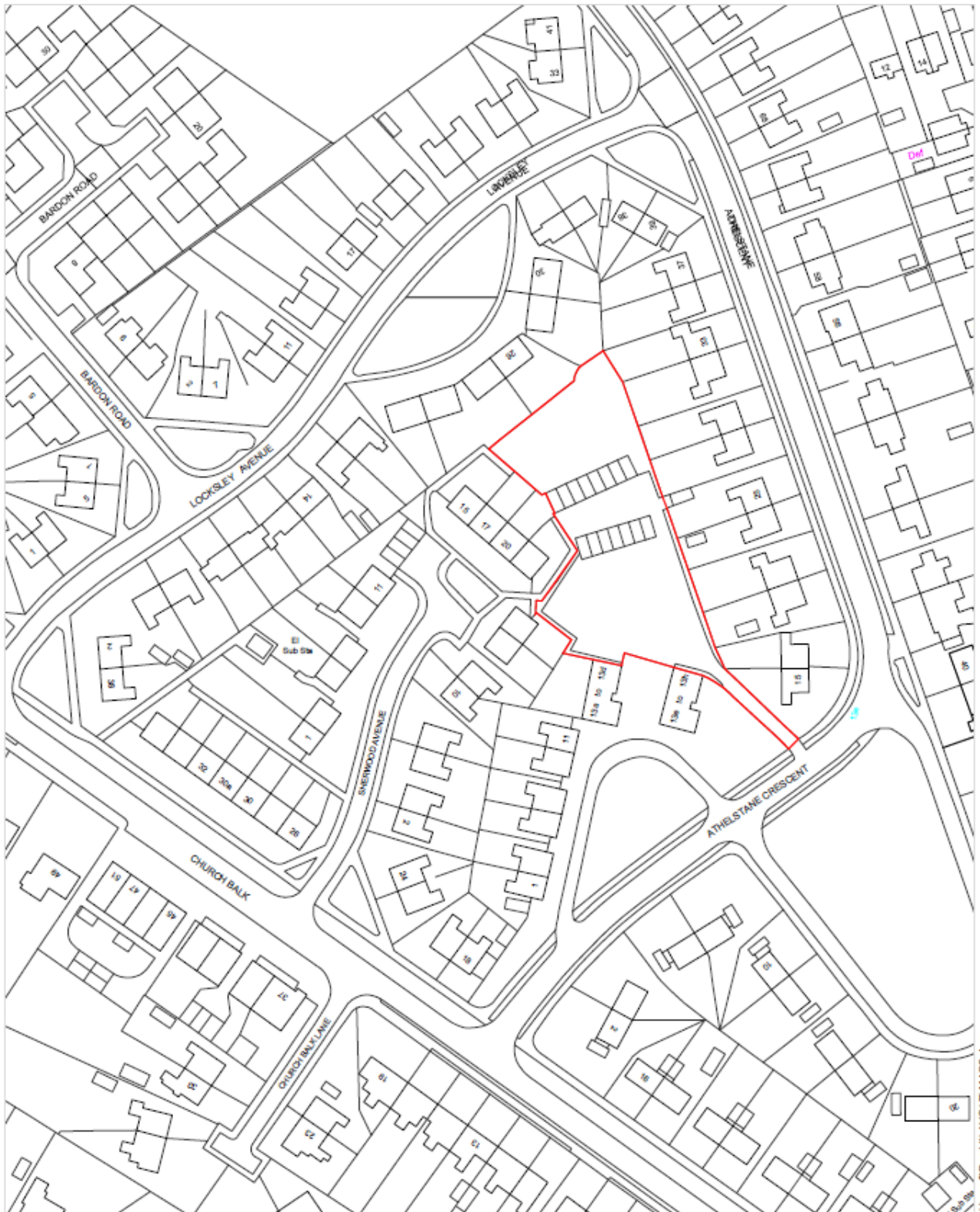
## STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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:

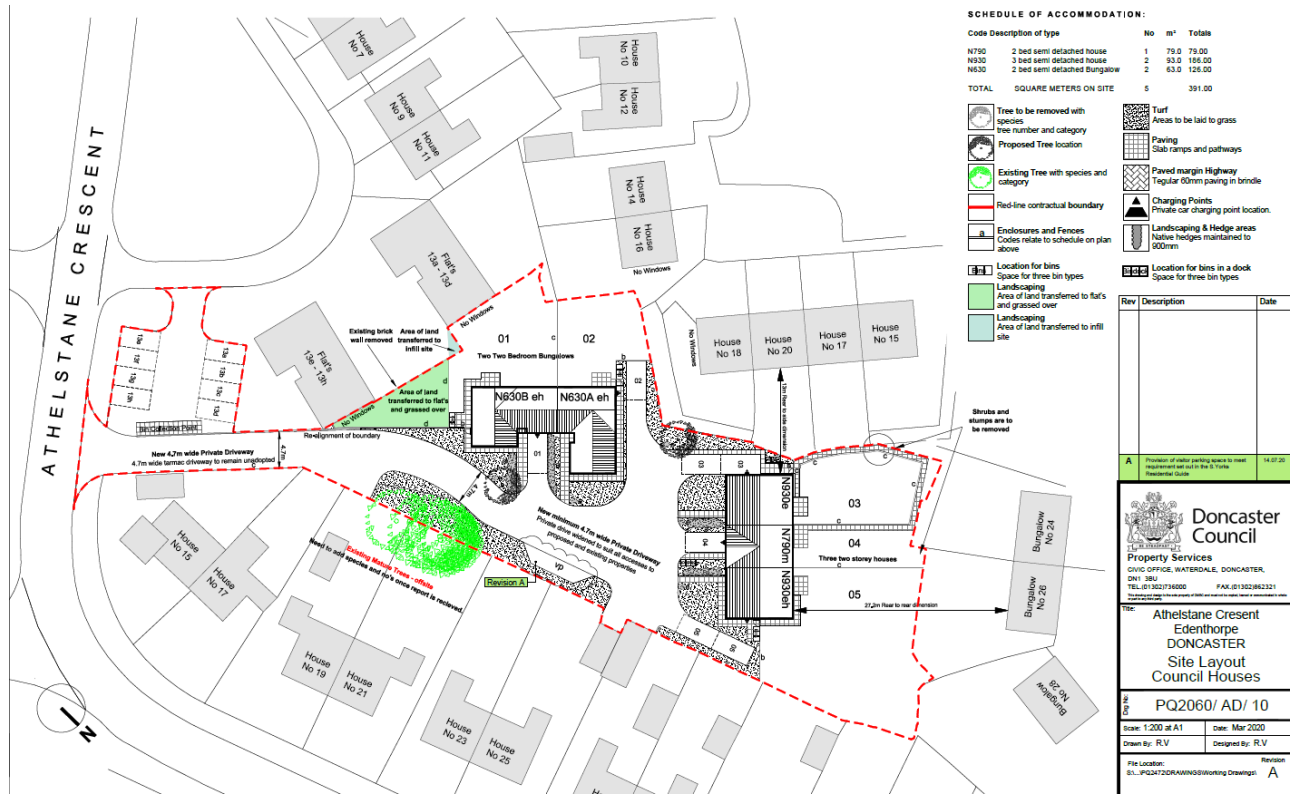
Amendments to the parking arrangements to accord with the local authorities requirements.

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

Appendix 1 Location Plan



# Appendix 2 – Site Plan



Appendix 3 – Space Standards comparison of floor space with SYRDG

	SYRDG space standards (2 bed 3 person)	Plots 1 & 2 (2 bed)	Difference
<b>Double Bedroom</b>	12	11.5	-.05
<b>Single Bedroom</b>	7	7.5	+0.5
<b>Living Room</b>	13	14.8	+1.8
<b>Living/Dining</b>	17	n/a	n/a
<b>Kitchen</b>	11	n/a	n/a
<b>Kitchen/Dining</b>	13	14.5	+1.5
<b>Open Plan/ combined</b>	27	n/a	n/a
<b>Bathroom /WC combined</b>	3.5	6.8	+3.3
<b>Storage</b>	3.75	0.52	-3.23
<b>Overall</b>	62	63	+1

	SYRDG space standards (3 bed 4 person)	Plot 4 (3 bed)	Difference
<b>Double Bedroom</b>	12	14.2 & 13.9	+2.2 & +1.9
<b>Single Bedroom</b>	7	n/a	n/a
<b>Living Room</b>	15	n/a	n/a
<b>Living/Dining</b>	18	16.6	-1.4
<b>Kitchen</b>	13	8.2	4.8
<b>Kitchen/Dining</b>	11	n/a	n/a
<b>Open Plan/ combined</b>	30	n/a	n/a
<b>Bathroom /WC combined</b>	3.5	GF 2.6 FF 4.8	GF – 0.9 FF +1.3
<b>Storage</b>	4.5	2.19	-2.31
<b>Overall</b>	77	77	0

	SYRDG (3 bed 4 person)	Plots 3 & 5 (3 bed)	Difference
<b>Double Bedroom</b>	12	13 & 13.2	+1 & + 1.2
<b>Single Bedroom</b>	7	7.5	+0.5
<b>Living Room</b>	15	n/a	n/a
<b>Living/Dining</b>	18	21	+3
<b>Kitchen</b>	13	12.7	-0.3
<b>Kitchen/Dining</b>	11	n/a	n/a
<b>Open Plan/ combined</b>	30	n/a	n/a
<b>Bathroom /WC combined</b>	3.5	GF 2.6 FF 4.8	GF – 0.9 FF +1.3
<b>Storage</b>	4.5	2.91	1.59
<b>Overall</b>	77	93	+16





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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE -**

<b>Application</b>	<b>6</b>
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<b>Application Number:</b>	20/00442/OUT
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<b>Application Type:</b>	Planning OUTLINE
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<b>Proposal Description:</b>	Outline application for the erection of two detached dormer dwellings with detached garages (with some matters reserved: appearance and landscaping)
<b>At:</b>	55 Whiphill Lane, Armthorpe Doncaster, DN3 3JP

<b>For:</b>	Mr Paul Fox
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<b>Third Party Reps:</b>	1 letter of objection	<b>Parish:</b>	Armthorpe Parish Council
		<b>Ward:</b>	Armthorpe

<b>Author of Report:</b>	Roisin McFeely
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<b>MAIN RECOMMENDATION:</b>	GRANT, subject to conditions
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**SUMMARY**

The application seeks outline planning permission for the erection of two dormer bungalows, two detached garages and associated access. The proposal is seeking agreement of Access, Layout and Scale.

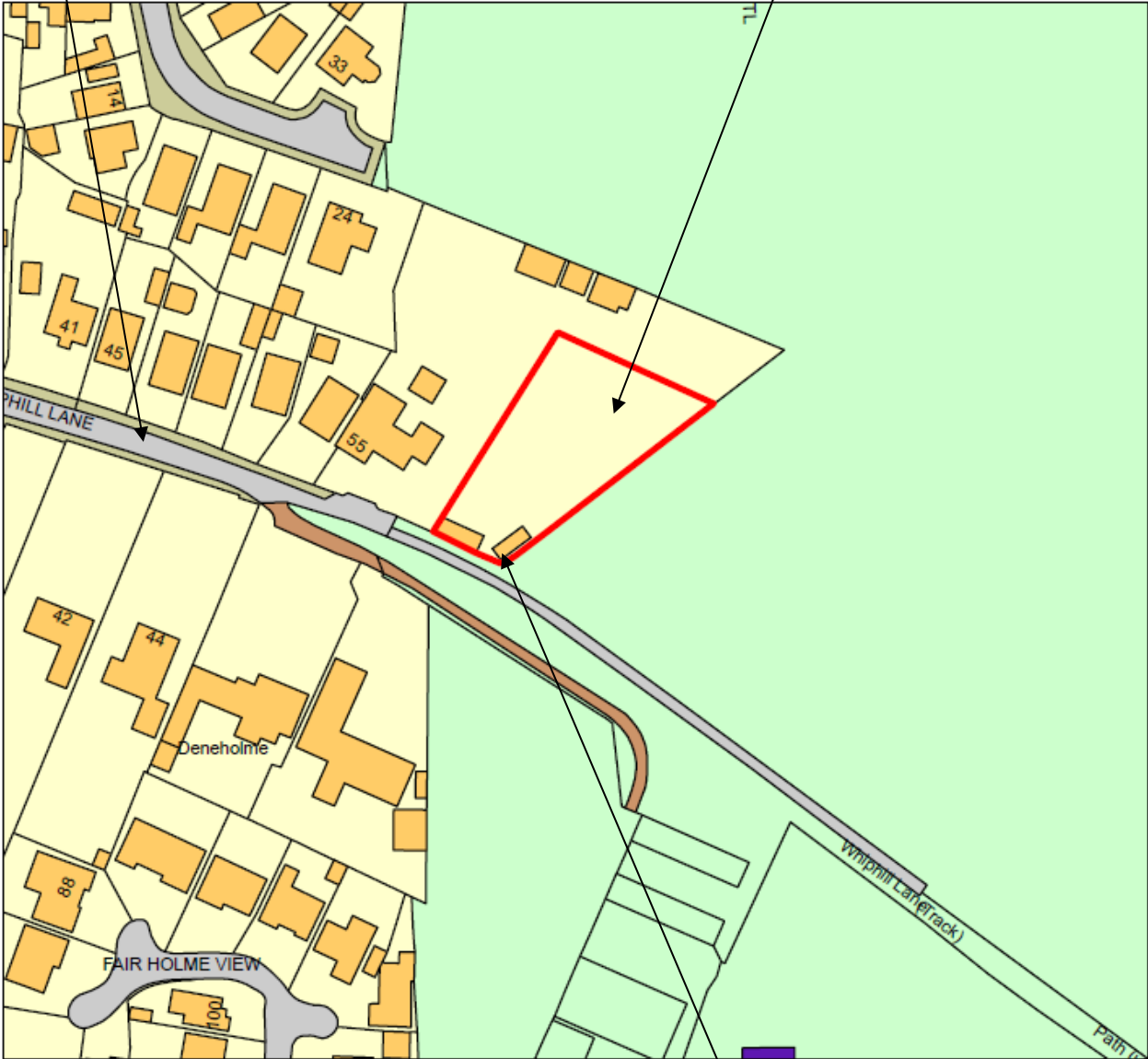
The proposal is a departure from the development plan, due to the site being located within the Countryside Policy Area. The emerging Local Plan re-allocates the site as a Residential Policy Area and can be afforded limited weight. The proposal would be a minor amendment to the settlement boundary, with an indefensible boundary and would therefore be compliant with Policy CS3 B) 2.

Furthermore, the development would not have a detrimental impact on the character and appearance of the countryside. Other technical matters have been addressed as part of the planning application. The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. Therefore, this application is recommended to planning committee for approval, subject to conditions.

**RECOMMENDATION: GRANT planning permission subject to conditions.**

Whiphill Lane

Application Site



Proposed Access to site

## 1.0 Reason for Report

- 1.1 This application is being presented to members due to the proposal being a departure from the development plan by virtue of part of the site being in the Countryside Policy Area.

## 2.0 Proposal

- 2.1 Planning permission is sought for an outline application for the erection of two detached dormer dwellings with detached garages (with some matters reserved: appearance and landscaping).

## 3.0 Site Description

- 3.1 The application site lies within the existing curtilage of no. 55 Whiphill, which is a T-shaped detached bungalow erected in red brick and yellow render. The property lies towards the east end of Whiphill Lane, sited in a large plot, which wraps around the rear and side of the property. To the north and east of the site are open fields, to the south and west of the site are residential properties. Properties on the street scene vary greatly in terms of size style and layout and include both two storey dwellings and bungalows.

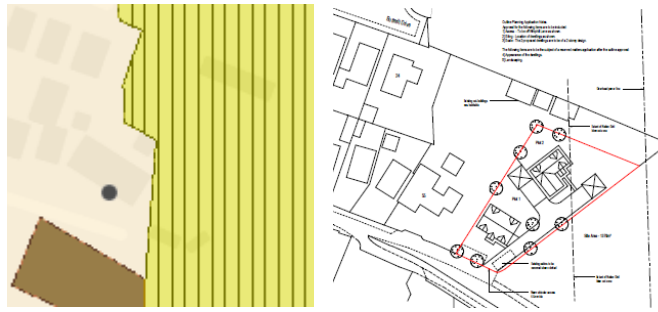
## 4.0 Relevant Planning History

- 4.1 The historical use of the site is for a residential dwelling and garden, the planning history relates to the extension of the dwelling:

Application Reference	Proposal	Decision
99/4398/P	ERECTION OF SINGLE STOREY EXTENSION (7.5M X 4.2M) TO REAR OF DETACHED BUNGALOW	Approved

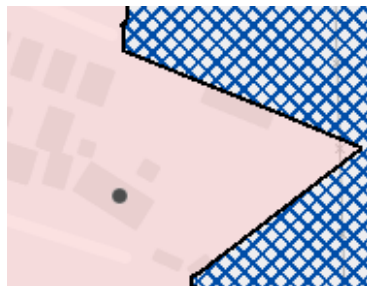
## 5.0 Site Allocation

- 5.1 The application site is located at the east end of Whiphill Lane, Armthorpe. The application site is split into two designations. To the west of the site where the existing dwelling is located is designated as a Residential Policy Area as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998). To the east the garden of the existing dwelling and current proposal site is designated as Countryside Policy Area.



Extract of the UDP showing CPA and residential boundary and Site Plan for comparison

- 5.2 The emerging Local Plan Policies Map proposes significant changes to the development limit for Armthorpe, including the proposal site. Limited weight can be given to this aspect of the local plan, which would supersede the UDP's designation of the site. These changes would designate the whole site as siting within the Residential Policy Area.



Extract of the Local Plan boundary

### 5.3 **National Planning Policy Framework (NPPF 2019)**

- 5.4 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraph 48 sets out that weight may be given to relevant policies of emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to such policies and the degree of consistency of the emerging policies to the existing framework.
- 5.7 Paragraphs 54 – 56 set out the requirements of imposing conditions, which should only be used subject to meeting specific tests and where it is not possible to address unacceptable impacts through a planning condition.
- 5.8 Paragraph 59 sets out the Governments objective to significantly boost 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.

- 5.9 Paragraphs 77 – 79 establishes that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Housing should be located where it would enhance or maintain the vitality of rural communities and should not be isolated, except for in special circumstances.
- 5.10 Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.11 Paragraph 117 states 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.
- 5.12 Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 5.13 Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.

#### **5.14 Core Strategy 2011 - 2028**

- 5.15 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.16 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.17 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.
- 5.18 Policy CS2 identifies the site as a Defined Village under the settlement hierarchy and sets out that defined villages will be conserved and enhanced. Quality infill will be permitted and existing village boundaries will be amended only if necessary to establish new defensible boundaries.

- 5.19 Policy CS3 of the Core Strategy applies national policy and seeks to protect the Countryside from inappropriate development other than in very special circumstances. Part B 2. States that minor amendments to the settlement boundary will be supported where existing boundaries are indefensible. Part C sets out the requirements for development outside of the development allocations, including:
- Protecting and enhancing the countryside
  - Development is not visually detrimental by reason of siting, materials or design
  - Preserve highway safety and local amenity
  - Preserve the openness of the countryside

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

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

## **5.22 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)**

5.23 Policy ENV2 of the UDP states that a Countryside Policy Area will be maintained and sets out its purposes including:

- Safeguarding the countryside from encroachment
- Providing attractive settings for town and villages
- Preventing settlements from coalescing
- Directing development towards urban areas
- To help sustain rural communities and a diverse rural economy

5.24 Policy ENV4 of the UDP sets out the types of development that would be permitted in the Countryside Policy Area. Permitted residential uses include:

- Infilling development within settlements washed over by the countryside policy area subject to the limitations included in Policy ENV 9
- The reuse of existing buildings subject to the limitations included in Policy ENV10
- Replacement of, or alteration or extension to, an existing dwelling subject to the limitations included in policies ENV 13 and ENV 14.

The new dwellings would be situated in the part of the site designated as a Countryside Policy Area, which does not fall within any of the above uses and thus is a departure.

## **5.25 Local Plan**

5.26 The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are



appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

The Council is aiming to adopt the Local Plan by winter 2020 and the following policies would be appropriate for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:

- 5.27 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is considered to carry limited weight at this time.
- 5.28 Policy 11 (Residential Policy Areas) reinforces some of the wording of PH11 stating that within Residential Policy Areas, as defined on the Proposals Map:
- A) New residential development will be supported provided:
1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
  2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
  3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.
- B) The establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

This site would be within this area in the new Local Plan. This policy is considered to carry substantial weight at this time.

- 5.29 Policy 26 (part 3) reinforces ENV3 in that permission will be granted for dwellings which meet essential needs of agriculture, forestry, or other enterprise which justifies a rural location. This policy is considered to carry limited weight at this time.
- 5.30 Policy 43 seeks to ensure high standards of residential design. This policy is considered to carry moderate weight at this time.
- 5.31 Policy 45 requires that new housing, extensions and alterations respond positively to the context and character of existing areas or the host dwelling and create high quality residential environments through good design. This policy is considered to carry moderate weight at this time.
- 5.32 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum. This policy is considered to carry limited weight at this time.
- 5.33 Policy 49 (Landscaping of New Developments) states that development will be supported which protects landscape character, protects and enhances existing landscape features, and provides a high quality, comprehensive hard and soft landscape scheme. This policy is considered to carry limited weight at this time.

5.34 Policy 57 requires development sites to incorporate satisfactory measures for dealing with drainage impacts and to reduce flood risk to existing communities. This policy is considered to carry moderate weight at this time.

### **5.35 Neighbourhood Plan**

5.36 Following a successful Referendum the Armthorpe Neighbourhood Plan was 'made' by Full Council on the 24 November 2018 when it was adopted as part of Doncaster's Development Plan. Full weight can be attached to policies within the Armthorpe Neighbourhood Plan. The relevant policies for this application are outlined as follows:

5.37 Policy ANP2 of the Armthorpe Neighbourhood Plan requires new housing to be well integrated with the existing village, the surrounding environment and services.

5.38 Policy ANP5 of the Armthorpe Neighbourhood Plan requires proposal for all new housing to be of a high quality, which reflects the character of the locality. Proposals must also demonstrate how they accord with Policy CS14 of the Core Strategy.

5.39 Policy ANP29 requires development on the edge of Armthorpe to maintain the visual openness and connections to the surrounding countryside.

### **5.40 Other material planning considerations**

- *Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)*
- 
- *South Yorkshire Residential Design Guide (SPD) (2011)*
- *National Planning Policy Guidance (ongoing)*
- *Development and Flood Risk Supplementary Planning Document (SPD) (2010)*

## **6.0 Representations**

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification. One public objection has been received by a neighbouring property. The comments can be summarised as:

- The objector requested a speed limit for Whiphill Lane
- The objector also expressed concerns about the number of vehicles using Whiphill Lane and who would have responsibility to maintain the Lane.

6.2 Speed limits are not part of the jurisdiction of planning and cannot be considered as part of this application.

## **7.0 Parish Council**

7.1 No comments were received from the Parish Council.

## **8.0 Relevant Consultations**

- 8.1 **Highways Development Control** – No objections to the proposal, requested a bin store to the area at the end of the private drive to enable efficient roadside collection. Requested standard conditions relating to the site being surfaced and sealed, the parking to be retained and a verge/cross over to be constructed before the development be brought into use.
- 8.2 **Internal Drainage** – No objections subject to a standard condition.
- 8.3 **National Grid** – The application site is in close proximity to a high voltage transmission overhead line. Initially objections were to the proposal as the dwelling situated on plot 2 would have the potential to infringe on the clearance distance for the overhead line. The plans were amended to move plot 2 out of the clearance zone, the objection was removed subject to a condition ensuring development does not unsafely infringe the national grid blow out zone.
- 8.4 **Severn Trent Water** – no comments received.
- 8.5 **Pollution Control (Contaminated Land)** – The application is for a sensitive use and thus the possibility of contamination should always be considered. Requested standard conditions be attached to the application, to ensure an appropriate contaminated land risk assessment be carried out.
- 8.6 **Planning Policy** – Advised of changes to the local plan policies map, with the proposal site being allocated as Residential Policy Area
- 8.7 **Tree Officer** - No objections, subject to landscaping condition, stipulating that replacement trees are required to be approved by the local planning authority
- 8.8 **Ecology** – No objections subject to a breeding bird informative.

## 9.0 **Assessment**

9.1 *The principal issues for consideration under this application are as follows:*

- Principle of development (countryside policy area);
- Impact on Amenity
- Impact on character and appearance on the area
- Highway Safety and traffic
- Overall planning balance

9.2 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

## Principle of Development

- 9.3 The site lies within the garden of an existing residential dwelling. To the east, the application site lies within Countryside Policy Area as designated by the UDP. To the west is the Residential Policy Area, where no. 55 Whiphill Lane is located.
- 9.4 The emerging Local Plan Policies Map proposes significant changes to the development limit for Armthorpe, including the proposal site. Limited weight can be given to this aspect of the local plan. These changes would designate the whole site as siting within the Residential Policy Area.
- 9.5 The site is currently used as a garden by no. 55 Whiphill Lane and is not separated from no. 55 by a boundary treatment. Aerial imagery shows the part of the site designated as Countryside Policy Area being used as part of the curtilage of the dwelling for over 10 years. The boundary of the existing dwelling including the garden which is the proposal site is defined by a large hedgerow around the whole site consistently since 2002, separating the site from the attached Countryside.
- 9.6 Policy CS2 defines where development should be located within the Borough and defines Armthorpe as one of the Principle Towns, where 21-30% of housing allocations should be located. Policy CS2 states that Principle Towns should derive high potential benefits from growth and qualitative change; all have good opportunities for sustainable development. It is envisaged that existing village boundaries bordering Countryside will be amended only if necessary to establish new defensible boundaries (CS2 Table 1) which was to be via the preparation of the then Local Development Framework's Sites and Policies Document. However, this intention is now seen in the emerging Local Plan with the amendment to the boundary to include this site as residential policy area. This has some limited weight at this stage.
- 9.7 It is not felt that the proposal would harm the purposes of including land in the Countryside Policy Area (CPA) as set out in Policy ENV 2 of the UDP. ENV 2 sets out that the purposes of the CPA are to assist in safeguarding the countryside from encroachment, to provide an attractive settlement for towns and villages and to prevent settlements from coalescing.
- 9.8 Policy ENV4 sets out what development would be acceptable within the CPA. This permits residential uses include: infilling development within settlements washed over by the countryside policy, the reuse of existing buildings, replacement of, or alteration or extension to, an existing dwelling.
- 9.9 The proposal is a new dwelling and does not accord with the permitted residential uses in Policy ENV4 and is thus a departure from the development plan, which needs to be heard at planning committee. Policy CS3 is an updated policy which looks at exceptions to development in the CPA including indefensible boundaries and is discussed below.
- 9.10 Policy CS3 of the Core Strategy, Part B, 2. States that minor amendments to the settlement boundary will be supported where existing boundaries are indefensible. The current boundary is not considered to be defensible, as it is currently used as a residential garden and is clearly separated from the existing Countryside. The area whilst allocated as Countryside Policy Area does not appear to be open countryside, owing to its inclusion in the garden of no. 55 Whiphill Lane.

9.11 The proposal would not significantly add to the housing stock as the proposal is for two dwellings and is not defined as sustainable urban extension as it does not meet major development status. However, the proposal would not harm the countryside as the land does not currently add to its intrinsic nature and beauty being clearly subdivided off by the residential boundary. Recognising the intrinsic character and beauty of the countryside is a key consideration in planning decisions (NPPF para 170 (a)). Whilst both Policies ENV2 and ENV4 of the UDP aim to protect the countryside with some recognition of its intrinsic character and beauty, there is also a need to ensure that the need to help build a strong, responsive and competitive economy is reflected. It should be ensured that sufficient land of the right types is available in the right places and at the right time to support growth and meet the needs of present and future generations. Therefore, it is felt that the boundary in the current application is not defensible and does not harm the openness of the countryside, (in accordance with CS3 c) and is to be included in the Local Plan as residential. Thus on weighing these matters up, this development is recommended for approval in this specific case and the policy team have agreed with this in their consultation response above. The boundary is not felt to be defensible.

9.12 Paragraph 79 of the NPPF sets out that development in the Countryside should not be located in isolated areas, unless special circumstances apply. The proposed development sits at the end of an established Lane, lies within close proximity to various facilities and is easily accessed by both private and public transport. The proposal is considered to be in accordance with Paragraph 79 of the NPPF, being an accessible dwelling in the countryside.

9.13 Therefore, the proposal is acceptable in principle subject to acceptable design and landscaping at reserved matters stage and no harm being caused to local amenity, highway safety or the character of the locality which will be assessed below.

#### 9.14 Sustainability

The National Planning Policy Framework (NPPF 2019) sets out at paragraph 7 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

9.15 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

#### 9.16 **SOCIAL SUSTAINABILITY**

##### 9.17 **Impact on Residential Amenity**

9.18 The division of the plot would leave the existing dwelling at no. 55 with more than adequate garden space with over 1000m<sup>2</sup> of rear amenity space retained. This is well in excess of the standard for a three-bedroom property as set out in the South Yorkshire Residential Design Guide, and it is considered the loss of garden space to accommodate the new dwellings, would not have a negative impact on the amenity of the occupiers of no. 55.

- 9.19 The rear garden space for both plot 1 and plot 2 are approximately 130m<sup>2</sup> which is greatly in excess of the guidelines of 60m<sup>2</sup> as set out in the South Yorkshire Residential Design Guide (SYRDG). The SYRDG states that the overall floor area of a 4 bedroom 5 person homes or more should be at least 93m<sup>2</sup>. Plot 1 measures approximately 108m<sup>2</sup> and plot 2 measures 102 m<sup>2</sup>. The proposals are in excess of these floor areas and it is considered that the future occupiers would have good standards of living.
- 9.20 There are no properties to the rear and East side of the site. Plot 1 maintains a front to front distance of over 21m in accordance with the SPD. Plot 1 has a separation distance between its west side elevation and the side elevation of no. 55 of 10m, whilst this is slightly short of the 11m separation distance set out in the SPD it is not considered to warrant a refusal of the application.
- 9.21 The rear of Plot 1 and side elevation of Plot 2 have a separation distance of 13m at the shortest point, which is in excess of the 11m guidance as set out in the SPD. In order to protect the privacy the future occupiers of the dwellings and the neighbouring property at no. 55 and to accord with separation distances as set out in the SPD, a condition shall be imposed that the side elevations of the dwellings cannot contain habitable room windows.
- 9.22 Plot 2, at its shortest point has a separation distance of 6.8m from its rear to the garden of neighbouring property no. 55 this is slightly smaller than the guidelines as set out in the SPD of 10m. However in this instance, this separation distance is considered to be acceptable due to the large size of the neighbouring dwellings garden. Any overlooking would not occur on the most usable part of the garden and it is not considered that this would justify a refusal of the application.
- 9.23 The proposal is set within a sustainable location, within close proximity to Armthorpe centre by both car and public transport. Armthorpe centre has a good quality range of facilities including supermarkets, restaurants, health centres, a bank and library. The proposal is also located close to parks and open green space. Public transport is located within walking distance of the proposed dwellings on Nutwell Lane.

#### **9.24 Conclusion on Social Impacts.**

- 9.25 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affect by the proposal in accordance with policy CS14 for the occupiers of no. 55 Whiphill Lane or the future occupiers of the development. The proposal meets the space standards in the SYRDG, giving a good standard of living. Where the proposal does not meet the separation distances as set out in the SPD, the distances are considered to be adequate as they do not overlook neighbouring habitable room windows and they overlook the least usable parts of a large garden. To further protect the amenity of the neighbouring dwelling at no. 55 the properties will be conditioned to have no main habitable room side windows. It is therefore felt that the proposal will not harmfully affect amenity which carries significant weight. The short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

#### **9.26 ENVIRONMENTAL SUSTAINABILITY**

## **9.27 Impact upon the character of the area**

9.28 Policies CS1 and CS14 of the Core Strategy and Policy PH11 of the UDP require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings. These policies also look at design components including the mix, layout, density and form of development to ensure they look attractive and will make a positive contribution to the character of the area.

Policy ANP2 of the Armthorpe Neighbourhood Development Plan requires new homes to be well integrated with their surrounding environment and be of a good quality of design.

9.29 As discussed earlier in paragraph 9.11 the proposal would not harmfully affect the intrinsic character or beauty of the countryside. The proposed residential dwellings at the end of the streetscene would carry on the development along this street and not be out of character with the prevailing residential character, There has been an approval of housing on the employment site opposite (ref: 10/02436/OUT) that had been to appeal (11/00023/REF )and was allowed for housing. This came back to committee earlier this year in January and was approved by committee (19/01843/FUL). This again continues on the residential character of the other side of the street and would not look at odds with this site. The site would appear to be more a part of the residential part of Whiphill Lane rather than an area of open countryside. The proposal would therefore comply with Policy CS14 of the Core Strategy and would not be out of character with the area.

9.30 Properties on the street scene are mixed in terms of size, style and layout, however the proposed dwellings would sit in a small concentration of bungalows towards the end of Whiphill Lane. Layout is a considered matter at this outline stage. Plot 1 sits in the building line of the existing dwellings and does not upset the rhythm of the street scene. The plot sizes are similar to those of the dwellings on the same side of the road and follow the existing urban grain. Although the development of Plot 2 would change from the linear pattern to include a backland return it is felt at the end of the streetscene this would not appear harmful as the street scene is not uniform and features backland development.

9.31 Scale is a considered matter at this outline stage. The proposed dwellings are to be dormer bungalows and it is considered that such dwellings would not look incongruent in the street scene. Nor would dormer bungalows dominate the existing dwellings. The appearance of the dwellings will be dealt with under a reserved matters application. The proposal is considered to be in keeping with the character of the street scene. This height has been limited through a condition stating that the dwellings shall not be larger than dormer bungalows.

9.32 The materials and appearance of the dwelling are reserved matters and will be considered carefully at that application stage.

## **9.33 Impact upon Highway Safety**

9.34 Policies CS1 and CS14 of the Core Strategy seek, amongst other things, to achieve ease of pedestrian movement, the protection of public safety and securing a functional highway network. Furthermore, the Council's SPD guidance set out good design principles concerning the protection of highway safety.

- 9.35 Access is to be agreed as part of this outline application. The proposal would create a new private driveway to serve the two dwellings, accessed off the existing road. Each property would have access to two off street parking spaces and a double garage in accordance with good practice guidance.
- 9.36 The proposal would also retain adequate parking for the existing property at no. 55.
- 9.37 There is sufficient space on the private drive to turn within the site and leave within a forward facing gear. Highways raised no objections to the scheme requesting a bin collection area at the end of the drive to enable efficient roadside collections.
- 9.38 The proposal is set within a sustainable location, being located in close proximity to good public transport links. Bus stops are within walking distance of the properties and there are a good range of services and facilities in Armthorpe which is a short distance by car or bus.
- 9.39 One representation was received raising concerns with regards to the amount of traffic using Whiphill Lane and concerns with regards to who would have responsibility to maintain the lane. A Highways Officer has clarified that Whiphill Lane is privately owned and it is presumed that that it is the responsibility of the owners of properties on Whiphill Lane to maintain the street. Public vehicle rights are also removed so access is only for residents along the road. The provision of two dwellings within the built up limits of Whiphill Lane is not considered to lead to an excessive or cumulative impact in terms of traffic generation. Furthermore, highways have not raised any objections or concerns with the development.

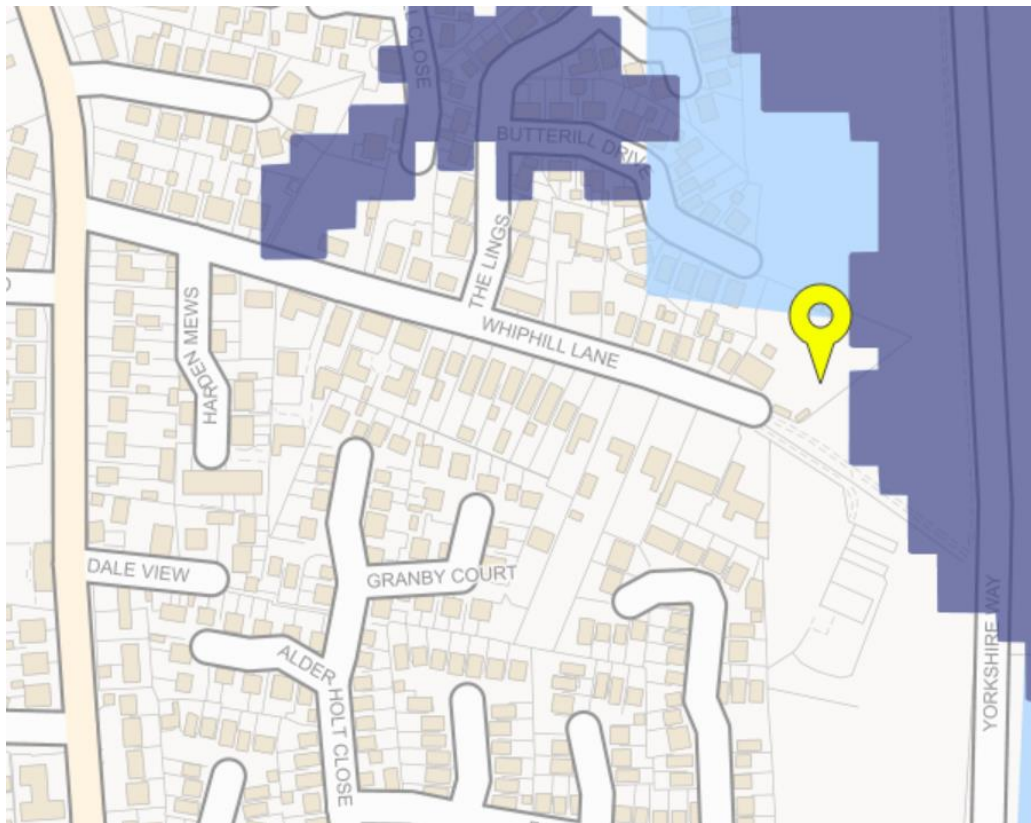
#### **9.40 Ecology and Trees**

- 9.41 There are no trees on the site as these have been previously removed by the owners of the site, historically. The site is not subject to any TPOs. The Tree Officer raised no objections to the scheme subject to a landscaping condition to be resolved at reserved matters stage, which includes the provision of at least one tree required per dwelling.
- 9.42 The current application is an outline application with appearance and landscaping being reserved. Any landscaping would be dealt with as part of a reserved matters application. The Development Guidance and Requirements SPD requires a minimum of one tree per dwelling, which will be conditioned as part of this application.
- 9.43 The site is currently used as a residential garden and has low ecological value, thus no ecological net gain is necessary on this site. The Ecology Officer has raised no objections to the scheme subject to a nesting birds informative.

#### **9.44 Flood Risk, Foul and Surface water drainage**

- 9.45 A small proportion of the application site also lies slightly within Flood Zone 3, neither the footprint of the dwellings or the access sit within the flood zone. It is not considered that there would be any significant risk to the future occupiers of the dwellings. The yellow marker below shows the location of the site, light blue indicates flood zone 2 and dark blue indicates flood zone 3:





EA map

9.46 Doncaster's Flood Risk SPD table 2, states that a sequential test is not required for developments only partially within flood zones where: only a small part of the site lies within Flood Zone 2 or 3 and will not be used for hard development. As the footprint of the dwellings and track and not located within the flood zone, a sequential test is not required for this development.

9.47 The site is considered to be at a low risk of flooding. Any surface water will be directed to a soakaway in accordance with the drainage hierarchy. No objections were received from the Water Authority.

#### **9.48 Conclusion on Environmental Issues**

9.49 The proposal would not be inappropriate development in the open countryside. The impact in terms of layout, scale, highway safety, flood risk and drainage are all considered to be acceptable. Whilst the proposal would bring land allocated for the countryside into residential use, the site is relatively accessible and sustainable. As such, significant weight can be attached to this in favour of the development.

#### **9.50 ECONOMIC SUSTAINABILITY**

9.51 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application

9.52 On a wider level, the provision of two dwelling will make a limited contribution to housing supply and local spending.

### **9.53 Conclusion on Economy Issues**

- 9.54 Whilst the economic benefit of the proposal is of limited benefit, it does not harm the wider economy of the Borough and for that reason weighs in favour of the development.

### **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. It is considered that the site does not have an intrinsic beauty or character that would be a harmful loss to the countryside given that it does not have a defensible boundary, as it is currently a part of a residential garden and is strongly separated from the countryside. The site is not located in an isolated area, being in close proximity to sustainable transport links and a range of facilities in accordance with Paragraph 79 of the NPPF . The proposal has three main considerations: layout, scale and highway safety. It is considered that the proposed dwellings have an appropriate layout and scale for the locality and would not cause harm to highway safety or the highway network. It is not considered that this small extension to the settlement boundary would erode the countryside and thus the proposal accords with Policy CS3 B) 2 and CS3 C). Furthermore, it is considered that officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. There are no material considerations which indicate the application should be refused

### **11.0 RECOMMENDATION**

- 11.1 **GRANT PLANNING PERMISSION** subject to conditions:

#### **Conditions / Reasons**

01. 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. 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. Approval of the details of the Design and Landscaping (hereinafter referred to as reserved matters) shall be obtained from the Local Planning Authority before the commencement of any works. The Landscaping scheme shall include a minimum of one tree per dwelling, all details of which shall be agreed by the Local Planning Authority.

#### **REASON**

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

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

Proposed Plans - drawing no. 20.004.2 Rev B - Received on 01.06.2020

REASON

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

05. No development with a height above 5.5m from ground level shall be located within the National Grid blow out zone as shown on approved plan - drawing number 20.004.2 Revision B.

REASON

To ensure the safety of the site from the nearby overhead power line.

06. The side elevations of the dwellings hereby approved shall have no habitable room windows.

REASON

To ensure the privacy of the future occupiers of the approved dwellings and the occupiers of neighbouring dwellings and to accord with Policy CS14.

07. 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.

08. 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.

09. 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.

10. 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.

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

a) The Phase 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.

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

#### REASON

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

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

#### REASON

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

14. 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.

15. The maximum ridge height of the dwelling shall be no larger than a dormer bungalow as hereby applied for.

#### REASON

To ensure that the dwellings are in keeping with the character of the locality and in accordance with Policy CS14 of the Core Strategy.

16. Before the development is brought into use details of a bin storage area to be provided on site shall be submitted to and approved in writing by the LPA. Such bin storage area shall be implemented and operational prior to first occupation of the site.

**REASON**

To ensure that there is satisfactory provision of facilities for the storage of refuse.

**Informatives**

01. **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. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

02. **INFORMATIVE**

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.

03. **INFORMATIVE**

The following information should be provided with regards to the drainage condition:

a. Surface water drainage plans should include the following:

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

b. If infiltration systems are to be used for surface water disposal, the following information must be provided:

Ground percolation tests to BRE 365.

Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.

Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003

Volume design calculations to 1 in 30 year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2.

Location plans indicating position (Soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.

Drawing details including sizes and material.

Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

04. INFORMATIVE

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

5. INFORMATIVE

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

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

This Standing Advice is valid from 1st January 2019 until 31st December 2020

6. INFORMATIVE

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

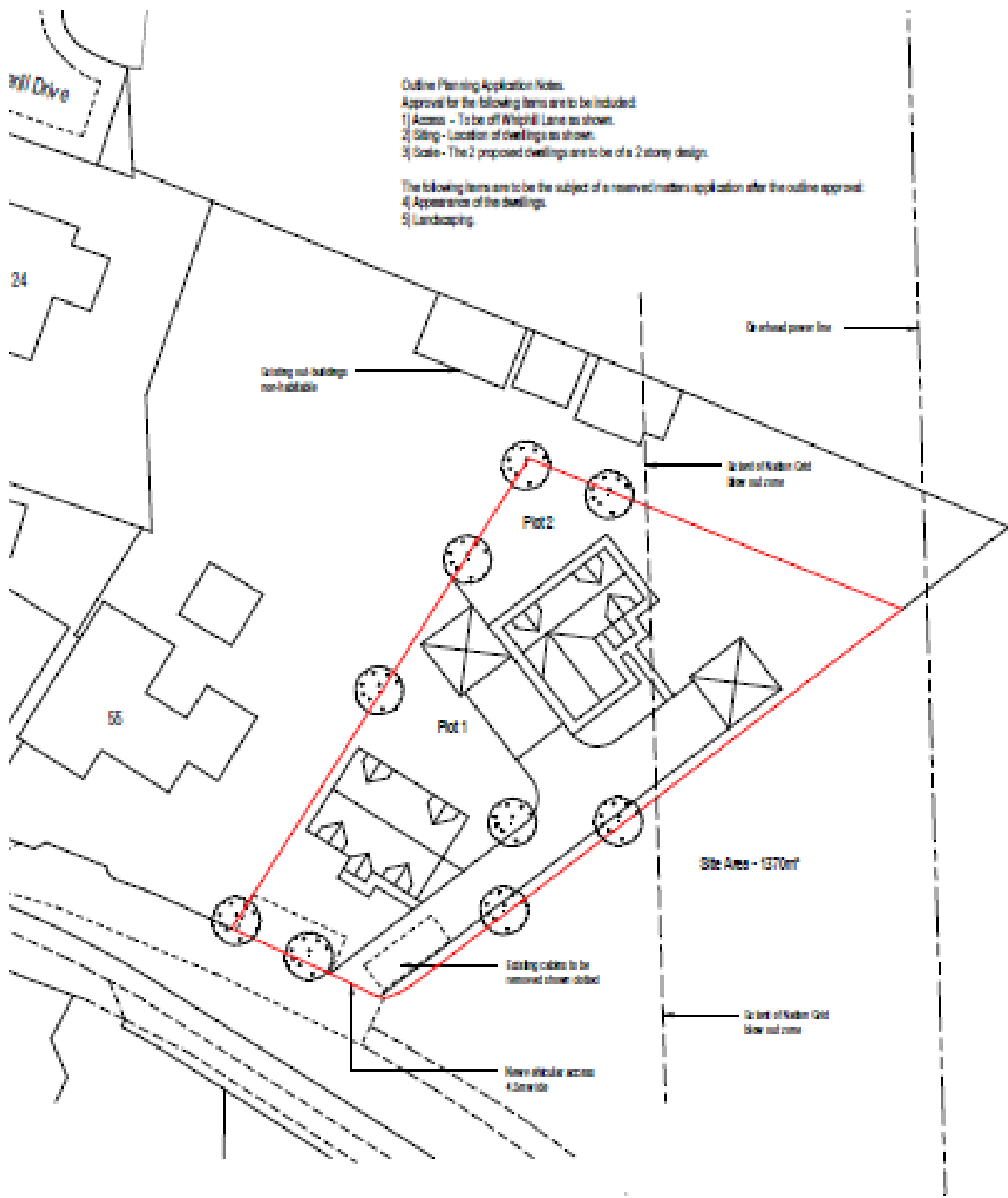
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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:

Issues with the national grid blow out zone.

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

# Appendix 1 – Site Plan



**Outline Planning Application Notes.**

Approved for the following items are to be included:

- 1) Access - To be off Whitchill Lane as shown.
- 2) Siting - Location of dwellings as shown.
- 3) Scale - The 2 proposed dwellings are to be of a 2 storey design.

The following items are to be the subject of a reserved matters application after the outline approval:

- 4) Appearance of the dwellings.
- 5) Landscaping.



## Appendix 2- Location Plan



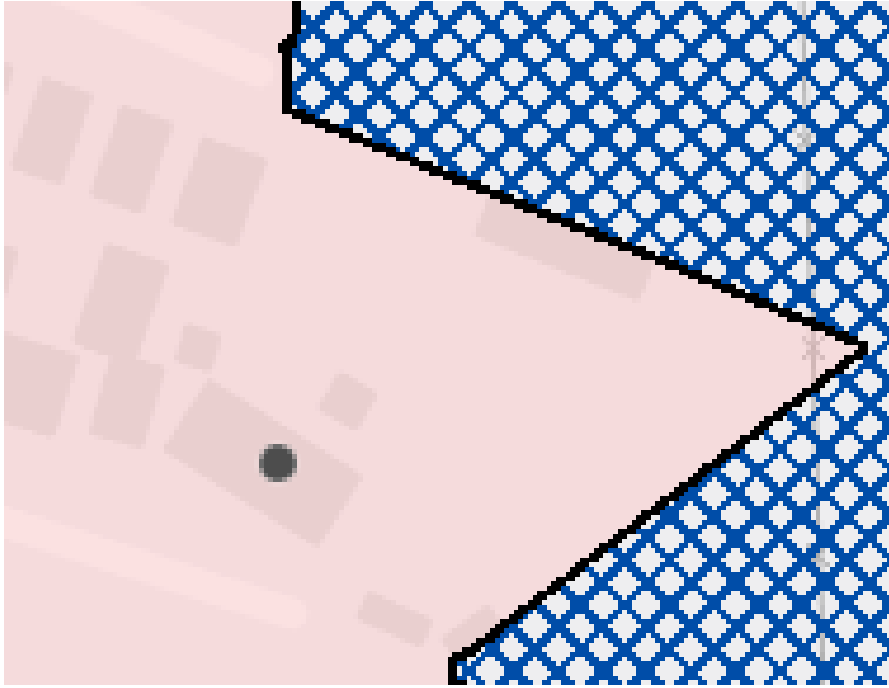
Outline Application for Proposed Residential Development adjacent to  
55 Whiphill Lane, Armthorpe, Doncaster for Mr P. Fox.



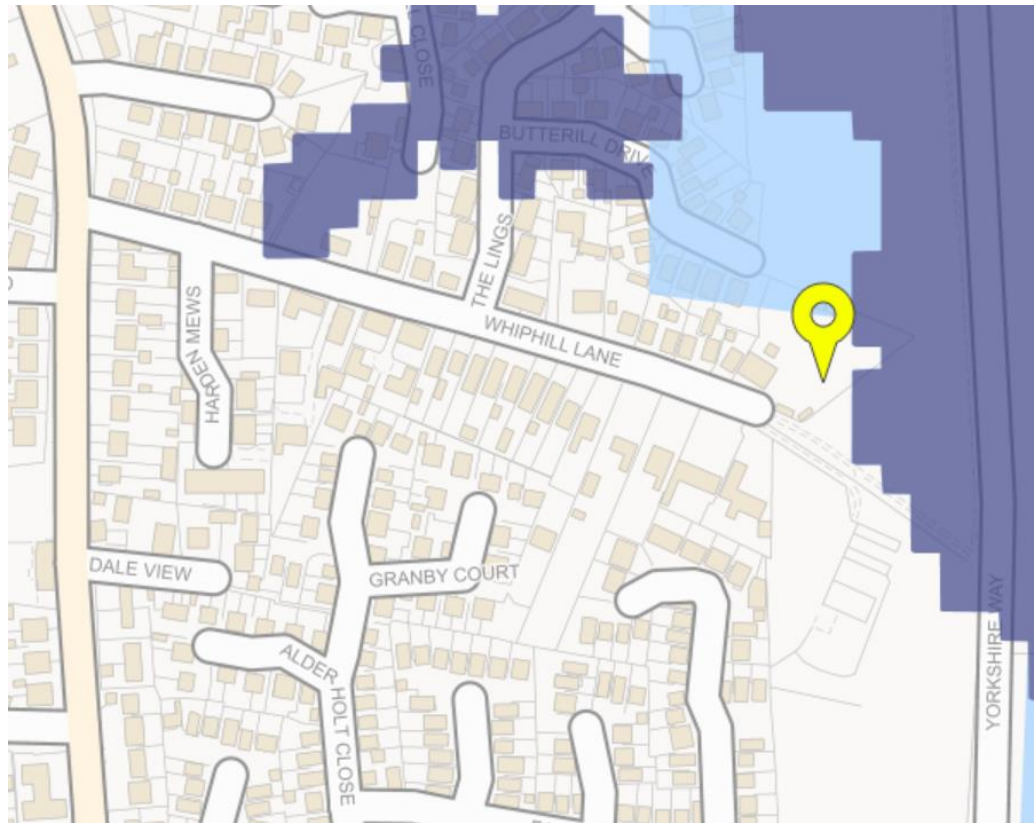
Ordnance Survey (c) Crown Copyright 2020. All rights reserved. Licence number 100022432



Appendix 4 – Extract of Local Plan boundary Map



Appendix 5 – EA Flood Map





## Doncaster Council

Report

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15<sup>th</sup> September 2020

To the Chair and Members of the  
**PLANNING COMMITTEE**

### DONCASTER COUNCIL PLANNING COMMITTEE PROTOCOL

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Chris McGuinness	All	No

#### EXECUTIVE SUMMARY

1. This report summarises the 'Planning Committee Protocol' ('the Protocol') - see appendix 1. The purpose of this Protocol is to aid Members, Officers, Parish Councils, residents and applicants/agents by having an up to date, clear and transparent document on how this important part of the planning process is carried out.
2. The Protocol responds positively to the 'Planning Committee Peer Review', which was undertaken by Planning Advisory Service (PAS) in November 2018 (see Appendix 2). The peer team used their extensive experience and knowledge of local government and good constitutional governance in order to put forward their suggestions for improvement.
3. The key findings of this report highlighted a number of potential improvements to the Planning Committee function and associated processes, specifically in relation to:
  - i) How matters previously dealt with via Technical Briefings needed to stop and would be dealt with moving forwards;
  - ii) Improvement in the presentation of material at Planning Committee;
  - iii) Improvement in the quality of Member debate;
  - iv) Improvement in Planning Committee procedures and operation in order to support the Chair in running the committee well;
  - v) Consistency in applying public speaking rules at the meeting; and
  - vi) Site visit procedures.
4. Importantly, adoption and implementation of this Protocol will mean that the

final outstanding actions from the Peer Review recommendations will have been addressed and completed (see Appendix 3).

5. Consistency, fairness and openness are important qualities for any regulatory function and are particularly vital to the conduct of a Planning Committee. Planning decisions are based on balancing competing interests and making an informed judgment against a local and national policy framework. Decisions can be controversial and the risk of controversy and conflict are heightened by the openness of the system which invites public opinion before taking decisions and the legal nature of the development plan and development notices. Adherence to the Protocol is intended to ensure the process is clear and transparent thus building public confidence in the Council's planning system whilst seeking to respond to the recommended improvements from PAS.
6. The purpose of the Protocol is:
  - i) to state how the Members of the Planning Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties;
  - ii) to ensure a consistent and proper approach by all Members to the exercise of planning functions;
  - iii) to ensure applicants and their agents, residents and other third parties are dealt with by Members consistently, openly and fairly;
  - iv) to ensure the probity of planning transactions and the high standards expected in public office; and
  - v) to ensure that planning decisions are made openly, fairly and in the public interest, in accordance with legislation and guidance.
7. To achieve this, the Planning Committee Protocol covers the following aspects:
  - i) Planning Committee consideration criteria** – via written request or in line with the approved Scheme of Delegation;
  - ii) Public speaking procedures;**
  - iii) The registering to speak procedure;**
  - iv) Items on the Planning Committee agenda;**
  - v) Presentation of new information;**
  - vi) A summary of examples of both material and non-material planning considerations** - a summary;
  - vii) Site visits** - requests for, arrangements, attendance at, conduct, and voting requirements;
  - viii) Pre-Planning Committee amendments;**

- ix) Order of proceedings;
- x) Good decision making;
- xi) Voting procedures;
- xii) Review and monitoring of the Protocol.

8. The intention is, once adopted, that the Protocol will be uploaded to the Council's website where it can be clearly and easily referred to by interested parties. What is included in the Protocol is nationally recognised as good governance and constitutes best practice.
9. In terms of consultation the following has taken place:
- a. Informal consultation with Planning Committee (15<sup>th</sup> October 2019)
  - b. Briefing with the Portfolio Holder Cllr McGuinness (various dates)
  - c. Cabinet informal consideration (10<sup>th</sup> September 2019)
  - d. All Member engagement session (17<sup>th</sup> December 2019)
  - e. Further All Member written consultation following the engagement session above to ensure all members have an opportunity to feed into the document (deadline for final comments 15<sup>th</sup> January 2020).
  - f. Executive Board (14<sup>th</sup> July 2020).
  - g. Cabinet (20<sup>th</sup> August 2020)
10. As a result of all this consultation, the following matters were raised and have been considered and incorporated into the revised Planning Committee Protocol:

### **Written feedback from Members**

- a. *"The only reservation I have is around the site visit being a necessary part of the process. I understand why this has been put in place. So it remains how it pans out practically over the next year, following implementation."*

RESPONSE: This will be continually assessed following implementation of the Protocol.

- b. *"I believe a ward councillor should not have to submit a request to speak at least 120 hours before the committee although I would certainly encourage it, as often you are requested at the last minute by a resident to speak either in favour or against an application at the last minute. I therefore request that ward councillors have the ability to notify prior to commencement of the actual committee meeting."*

RESPONSE: This has been incorporated into the Protocol (at para 3.5).

- c. *"I still think that the speakers could be unbalanced if 2 councillors wish to speak against as well as an objector there could be 15mins on one side and only 5 mins on the other from the applicant/agent."*

RESPONSE: The amount of time available to Ward Members for speaking has been reduced from a maximum of 15 mins to 10 mins maximum (at para. 3.9). It remains at Chair's discretion to allow longer speaking times – especially for 'Exceptional Planning Committee' meetings which may require more technical information to be presented.

### **Feedback at the All Member engagement session**

- d. *“Site visits – not necessary to attend first meeting (where deferred) – just need to be present at the visit and then the committee after – to be eligible to vote.”*

RESPONSE: The need to be at the first Planning Committee meeting where an item is deferred for a site visit in order to be eligible to vote has been removed from paras. 4.3 & 4.9.2. It is felt that the site visit itself and consideration of the report returning back to Planning Committee provides enough information for Planning Committee members to be able to reach an informed and robust decision.

- e. *“It's felt the Protocol should go to Full Council for approval.”*

RESPONSE: The Protocol is a document that is to be adhered to by the Planning Committee. All Member consultation has taken place and all feedback has been assessed and incorporated where possible. The Protocol is therefore proposed to be agreed to by the Planning Committee.

- f. *“We shouldn't be able to accept amendments to plans at the last minute as members of the public, ward members and planning committee haven't had an opportunity to digest the changes and assess if this will impact their viewpoint on the application.”*

RESPONSE: Late amendments are a part of the planning process and it is not in the LPA's control as to when information may be submitted. Should late amendments be submitted – it will be for the case officer to make a judgement as to whether the information is able to be dealt with by pre-committee amendments or if the change is so significant, that the committee item should be withdrawn from the agenda to allow fuller consultation and consideration to take place.

11. The attached Protocol represents the final version of the Planning Committee Protocol, having responded to all the additional consultation and feedback that has been received.

### **EXEMPT REPORT**

12. This report is not exempt.

### **RECOMMENDATIONS**

13. The Planning Committee are recommended to:



- i) To agree and adopt the Planning Committee Protocol.

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

14. Having a Planning Committee Protocol will ensure that there are no grounds for suggesting that a decision has been biased or not well founded in any way. One of the key purposes of the planning system is to regulate development and use of land in the public interest. The role of a Member of the Planning Authority is to make planning decisions openly, impartially, with sound judgment and for justifiable reasons. Members are also democratically accountable decision-takers who have been elected to provide and pursue policies. The Protocol will ensure that the Council is operating to the highest standard of probity in the performance of its planning function. Consistency, fairness and openness are important qualities for any regulatory function in the public eye and they are vital to the conduct of a Planning Committee.
15. The Protocol aims to reinforce councillors' community engagement roles whilst maintaining good standards of probity that minimizes the risk of legal challenges. The protocol should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally improper. Adherence to the Protocol is intended to build public confidence in the Council's planning system.

## **BACKGROUND**

16. The determination of planning applications is a process involving the application of national, strategic, local and neighbourhood level planning policies within a legislative framework.
17. Planning decisions can be appealed by unsuccessful applicants and challenged by way of judicial review by third parties. Complaints about maladministration and injustice can also be made to the Local Government Ombudsman.
18. It is important that those involved in the determination of planning applications, and particularly officers and Members, act reasonably and fairly to applicants, supporters and objectors. This Protocol will therefore ensure fairness to all and consistency in the functions of the Planning Committee.
19. The current functioning of the Planning Committee is done in relation to a number of existing approved documents, which include:
- Planning Committee – Request to Speak (online)
  - Planning Committee Site Visits – guidance note
  - Planning Committee Technical Briefings – guidance note

These documents are guidance notes and therefore provide general advice rather than clear and unambiguous ways of working as proposed in the Protocol. As such, it is recognised that the current Planning Committee guidance documents are open to interpretation and sometimes lead to haphazard approaches (for example, requests to speak being received in

the middle of a committee meeting) and does not represent good governance or meet expected standards.

20. The Council's Members' Code of Conduct rules must be always be complied with. The Members' Code sets out both the rules on disclosable pecuniary interests (and other interests) and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Protocol seeks to explain and supplement the Members' Code of Conduct for the purposes of planning control.
21. This Protocol updates, consolidates and will ultimately supercede the Planning Committee guidance notes referred to above, and in so doing provide one easily referable document. By adhering to the Protocol all those involved in the Planning Committee process should not have any doubt about how the Committee meeting will be conducted and how the Protocol will be applied throughout the decision making process. In turn this should reduce the risk of judicial review or complaints about maladministration and injustice to the Local Government Ombudsman – representing good constitutional governance.

## **OPTIONS CONSIDERED**

22. There are two options available for the Planning Committee Protocol:

- **OPTION 1 (RECOMMENDED)** – Agree that the Planning Committee Protocol should be adopted.
- **OPTION 2 (NOT RECOMMENDED)** – Do not agree that the Planning Committee Protocol should be adopted.

## **REASONS FOR RECOMMENDED OPTION**

23. Option 1 is recommended in order to respond positively to the independent advice given by PAS as part of the Peer Review of the Planning Committee process.
24. Currently, the functioning of the Planning Committee is done in accordance with a number of documents (i.e. speaking at Planning Committee; Technical Briefing guidance note; Site Visit guidance note), which are not readily accessible, outdated and in places (i.e. Technical Briefings) at odds with the advice from PAS. This does not meet nationally expected standards and does not represent good constitutional governance.
25. By agreeing the Planning Committee Protocol, these various documents will be superseded by being pulled into one, transparent and user friendly document that is easily referable. This will ensure that Doncaster Council moves forward by carrying out its Planning Committee function in a manner considered to be best practice amongst other Local Authorities and in line with the Peer Review recommendations.

## **IMPACT ON THE COUNCIL'S KEY OUTCOMES**

26. The Planning Committee Protocol is considered to positively impact on Doncaster Council's key outcomes as follows:

	<b>Outcomes</b>	<b>Implications</b>
	<p><b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>	<p>The Planning Committee Protocol will provide confidence for inward investment and existing businesses in terms of being much more transparent in how planning applications are dealt with at future Planning Committee meetings.</p>
	<p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	<p>The Planning Committee Protocol will provide confidence for both prospective house-builders and people affected by such proposals in terms of being much more transparent in how planning applications are dealt with at future Planning Committee meetings.</p>
	<p><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>	<p>N/A</p>

	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>	N/A
	<p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	<p>The Planning Committee Protocol will create consistency, fairness and openness, which are important qualities for any regulatory function in the public eye and is vital to the conduct of a Planning Committee.</p> <p>Adherence to the protocol is intended to build customer confidence in the Council's planning system whilst seeking to address the suggested improvements by PAS.</p>

## RISKS AND ASSUMPTIONS

27. Not agreeing to the Protocol will leave the Council operating in many regards as it was before the Peer Review conducted their work by not responding to the feedback and key recommendations provided. Whilst a number of Planning Committee improvements are already completed or well progressed (i.e. specifically in relation to the customer experience, providing enforcement updates in an open forum and improvement in the quality of officer reports) – many key aspects in relation to the proper functioning of the Planning Committee process need to be updated to avoid the risk of 3<sup>rd</sup> party challenges to our processes.

28. In terms of the proposed changes to mandatory site visits in order for Planning Committee Members to be eligible to vote on applications – there is a risk that Planning Committee meetings may not be quorate in order to vote on site-visited applications. This will be assessed via the proposed monitoring of the Protocol – as laid out in para. 10.

## LEGAL IMPLICATIONS [Officer Initials SC Date 04.09.20]

29. The Council's Code of Conduct for Members concerns probity and other aspects of conduct across the whole range of a Member's duties. This Protocol (which is intended to supplement the Member Code of Conduct) seeks to relate the Code of Conduct's requirements specifically to planning.

However, it goes beyond the specific concerns of the Member's Code of Conduct to give more detailed advice on the operation of the planning system. It seeks to ensure that the council, its officers and its elected councillors maintain the highest standards of conduct.

30. Planning is a sensitive area of local authority work because much is often at stake (considerable sums of money can hinge on individual planning decisions and strong emotions are often felt by those supporting or opposing development proposals within the borough). It is particularly important, therefore, that the planning process is conducted in a fair, open and even-handed way.
31. Determining a planning application is a formal administrative process involving rules of procedure, rights of appeal, and an expectation that people will act reasonably and fairly. Those involved should always be alert to the possibility that an aggrieved party may:
  - a) seek judicial review of the way the decision was arrived at; and/or
  - b) complain to the Ombudsman on grounds of maladministration; and/or
  - c) complain to the Monitoring Officer (with a potential to be referred to Audit Committee's Hearings Sub-Committee) that a Member has breached the Code of Conduct.
32. It is therefore crucial to ensure the integrity of the planning system is preserved, and that decisions are made openly, impartially, with sound judgement and for justifiable reasons. Likewise it is vital that there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. Adoption of a Planning Protocol (in conjunction with abiding by the Members' Code) would reduce:
  - a) the Council being at risk of proceedings on the legality or maladministration of the related decision; and
  - b) Councillors at risk of either being named in a report made to the Audit Committee or Council or, if the failure is also likely to be a breach of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
33. The Protocol takes into account the update to the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.

#### **FINANCIAL IMPLICATIONS [BC Date 26/07/2019]**

34. There are no direct financial implications to the recommendations of this report.

## **HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 30/07/2019]**

35. There are no HR implications specific to the recommendations in the report, however, any emerging matters that impact on the workforce will require HR engagement at the appropriate time.

## **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 6/8/2019]**

36. None

## **HEALTH IMPLICATIONS [Officer Initials CT Date 30/07/2019]**

37. Public Health welcomes the introduction of the protocol which will bring together a variety of guidance documents together in one place. Good spatial planning has a positive impact on the health and wellbeing of our communities. It is imperative that good governance is in place to ensure committee decisions are made according to policy and procedure therefore it is important that these are explicit, ensuring everyone concerned understands the processes and rules associated with the decision making process.

## **EQUALITY IMPLICATIONS [Officer Initials RS Date 1/8/2019]**

38. Adoption of the Planning Committee Protocol will continue to adhere to the Planning Statement of Community Involvement (adopted 2015). If an application is to go before the Planning Committee for a decision, all parties that have made representations will continue to be informed of the time and date of the planning committee meeting and how they may make a request to speak at the meeting if they wish to do so.

Anyone wanting to speak at Planning Committee (including Ward, Town or Parish Councillors) must register a 'Request to Speak' in advance by either filling out a 'Request to Speak at Planning Committee' e-form on the Planning section of the Council's website; or by contacting the Planning Case Officer or a member of the TSI team.

A 'Request to Speak' **must** be received at least 120 hours before the start of the Planning Committee meeting. Requests to speak will not be carried forward to future Planning Committee meetings and therefore it will be necessary to register a 'Request to Speak' for each and every Committee meeting

All of the above will not prejudice any interested parties and the Protocol will be viewable on line for transparency and to easily refer to.

The Planning Committee Protocol importantly includes a mechanism for reviewing and revising should aspects of it need to change.

## **CONSULTATION**

39. Extensive informal and formal consultation has taken place (see para. 9 above) with Planning Committee, Executive Board, Cabinet and Portfolio Holder and all Members.

## **BACKGROUND PAPERS**

40. Appendix 1 – Planning Committee Protocol

Appendix 2 - Planning Committee Peer Review (Key Findings Report 2018)

Appendix 3 – Peer Review Actions Progress Report

## **REPORT AUTHOR & CONTRIBUTORS**

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**Peter Dale**

**Director of Economy & Environment**

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# **PLANNING COMMITTEE PROTOCOL**

## **Purpose of the Protocol**

**1. Introduction**

**2. Committee Consideration Criteria**

**3. Public Speaking Procedure**

**4. Pre-Committee Matters including Site Visits**

**5. Committee Agenda**

**6. Order of Proceedings**

**7. Decision Making**

**8. Voting Procedures**

**Appendix 1 - Members - Referral to Planning Committee Request Form**

## **Purpose of the Planning Committee Protocol**

This protocol has been adopted by Doncaster Metropolitan Borough Council (“DMBC”) to ensure the highest standards of probity in the performance of its planning function.

Consistency, fairness and openness are important qualities for any regulatory function in the public eye and they are vital to the conduct of a planning committee. Adherence to the Protocol is intended to build public confidence in the Council's planning system.

The purpose of the protocol is:

- (a) To state how the Members of the Planning Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties;
- (b) To ensure a consistent and proper approach by all Members to the exercise of planning functions;
- (c) To ensure applicants and their agents, residents and other third parties are dealt with by Members consistently, openly and fairly;
- (d) To ensure the probity of planning transactions and the high standards expected in public office; and
- (e) To ensure planning decisions are made openly, fairly and in the public interest, in accordance with legislation and guidance.

The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by councillors and to adopt a local code of conduct. The Members Code of Conduct sets out the general principles the Council has adopted as its ethical values and this includes the 7 key principles based on the Nolan Committee on Standards in Public Life. This Protocol relating to planning matters is intended to be supplementary to The Members’ Code of Conduct (Part 5 Section 2 of the Council’s Constitution).

The provisions of the Code of Conduct continue to have full force and effect.

The aim of this protocol is to provide more detailed guidance on the application of the guidance in relation to planning matters.

Copies of this protocol will be made publicly available online and will be kept under review.

## **1. Introduction**

- 1.1 These rules apply to all meetings of the Council's Planning Committee in relation to the determination of planning applications and any other business dealt by the Planning Committee.
- 1.2 The determination of planning applications is a process involving the application of national, strategic, local and neighbourhood level planning policies within a legislative framework. Planning decisions can be appealed by unsuccessful applicants and challenged by way of judicial review by third parties. Complaints about maladministration and injustice can also be made to the Local Government Ombudsman. It is important that those involved in the determination of planning applications, and particularly officers and Members, act reasonably and fairly to applicants, supporters and objectors.

## **2. Committee Consideration Criteria**

- 2.1 A planning application may be referred to the Planning Committee for a decision where the criteria set out in paragraphs 2.2(i) or 2.2(ii) is met.
- 2.2 All planning applications, other than those relating to the grant of a Certificate of Lawful Use or Proposed Lawful Use, and associated applications, consents and authority including those relating to listed buildings, conservation area consents, Tree Protection Orders (TPOs), enforcement actions and prosecutions are considered to fall within the delegation scheme and will be determined by the Head of Service or his/her designated officers unless:
- (i) Any Member of the Council submits to the Head of Planning, a "Members - Referral to Planning Committee Request Form" (see Appendix 1) or via an email to the Planning Department at [TSI@doncaster.gov.uk](mailto:TSI@doncaster.gov.uk) during the 21 day publicity period of the application; or
  - (ii) The Scheme of Delegation requires that the matter should be decided by the Planning Committee.

## **3. Public Speaking Procedure**

- 3.1 This document sets out the procedures members of the public, Town and Parish Councils and Councillors who are not members of the Planning Committee must follow when addressing the Planning Committee.
- 3.2 If members of the public have written to support or object to an application or Tree Preservation Order (TPO) the Council will write to them about the date and location of the Planning Committee meeting where the application will be

considered<sup>1</sup>. Likewise, the Council will also notify all applicants (or their agents) whose applications are to be considered, those served with and who have commented on a TPO to be considered, and the Parish Council.

3.3 Anyone who has not made a representation on the application at the planning consultation stage, or who sent them in late, will still be able to speak at Planning Committee but the Council will not write to them about the date and location of the Committee meeting.

3.4 Anyone who supports or objects to an application does not have to speak at a Planning Committee meeting. Representations are reported to the Planning Committee either in writing or verbally so it is up to the individual whether to attend or speak.

### **3.5 Registering to Speak at Planning Committee**

3.6 Anyone who wants to speak at Planning Committee (which for the avoidance of doubt includes Ward Councillors, and Town or Parish Councillors) must register a 'Request to Speak' in advance, in either of the following ways:

- i) Filling out the "Request to Speak at Planning Committee" e-form on the Planning section of the Council's website; or
- ii) Emailing the Planning Case Officer or a member of the TSI team at [tsi@doncaster.gov.uk](mailto:tsi@doncaster.gov.uk).

3.7 A 'Request to Speak' should be received at least 120 hours<sup>2</sup> (i.e. equating to the equivalent of 5 days) before the start of the Planning Committee meeting. Ward Members are encouraged to notify the Planning Department of their request to speak in line with the above timeframes but may make such a request prior to the formal opening of the Planning Committee meeting. Requests to speak will not be carried forward to future Planning Committee meetings and therefore it will be necessary to register a 'Request to Speak' for each and every Committee meeting and for each category of speaker (see Rule 3.18).

### **3.8 Right to Speak Process at Planning Committee**

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<sup>1</sup> All correspondence will be with the organiser where any objection/support is part of an organised campaign or petition.

<sup>2</sup> This allows for adequate notification for Planning Committee Meetings to be held on different days e.g. *exceptional planning meetings*.

3.9 At Planning Committee the Chair will introduce the item and ask speakers to address the Planning Committee. Time allocated to each category of speaker below is five minutes in total, not five minutes for each speaker in the category<sup>3</sup> except for Ward Members who will be afforded **up to a maximum of 10 mins in total**<sup>4</sup>.

The five categories and order of speakers is as follows:

- i) **Objector(s)**
- ii) **Town or Parish Council Representative(s)** - The Council expect the Parish Council representative to express the single, corporate view of that Council.
- iii) **Ward Councillor(s) not sitting as a Planning Committee Member**
- iv) **Supporter(s) who are not associated with the applicant or application** (for the avoidance of doubt this cannot include family of the applicant or agent).
- v) **The applicant and/or agent**

To assist the process those wishing to speak are requested to ensure they express their views clearly and concisely within the time allocated and any matters raised are relevant to the application.

3.10 The Chair of the Planning Committee may intervene, or vary the order of speakers, in the interests of efficiency. Exceptionally, the Chair may increase the time available, for example if an application straddles a parish boundary or if a large number of people wish to speak or in conjunction with an *exceptional planning meeting* where it may be necessary to provide more technical information to ensure that an informed decision is reached. Exceptional planning committee meetings, which involve full public participation, provide the mechanism to replace 'Technical Briefing' sessions – allowing additional

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<sup>3</sup> At the discretion of the Chair, the allocated speaking time for any speaker may be increased (See 3.10)

<sup>4</sup> For Wards which have three Members – the 10 mins will be split amongst all 3 Members. For Wards with two Members, both will have up to a maximum of 5 mins each.

time for more complex/technical applications to be fully considered.<sup>5</sup> In such cases the time will be increased equally for each of the groups. Normally, no notice will be given.

- 3.11 Those addressing the Planning Committee will not be able to ask questions or join in the debate after their speaking time has elapsed. Members of the Planning Committee may ask questions to speakers on points of fact and clarification before they debate an application or TPO. Speakers must not interrupt other speakers, nor interrupt the Planning Committee debate.

### **3.12 Items on the agenda**

- 3.13 Items on the agenda will be dealt with, however there is a possibility that the applicant may withdraw the application, that the Planning Committee may defer consideration, for example to obtain further information or attend a site visit, or the Committee may decide after 3 hours that the meeting will conclude and all remaining items thereon be referred to the next meeting of the committee.

- 3.14 The Planning Committee agenda is available 5 working days in advance of the meeting at the Civic Office, Waterdale, Doncaster, DN1 3BU. Alternatively, the reports can be viewed at the Council Chamber Section on the Doncaster Council's website at <http://www.doncaster.gov.uk/>

- 3.15 Speakers are advised to familiarise themselves with the contents of the relevant Planning Committee report in the Committee Agenda prior to addressing the Planning Committee in order to avoid taking up Planning Committee time in repeating the Officer's comments.

### **3.17 Requests to Speak - deferrals**

- 3.18 If an application is considered by Planning Committee and deferred to a future Committee, each category of speaker will be restricted to the speaking times detailed above. Requests to speak on a previous Committee will not be carried forward to future Planning Committee meetings and therefore it will be necessary to register a 'Request to Speak' for each and every Planning Committee meeting.

### **3.19 Presenting new information**

- 3.20 If speakers wish to present documents, photographs or other material to the Planning Committee, the material must be submitted to TSI

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<sup>5</sup> Responding positively to the PAS Review (para. 3 – bullet point 3) to ensure such meetings are open and transparent where members of the public can attend.

([tsi@doncaster.gov.uk](mailto:tsi@doncaster.gov.uk) or telephone 01302 736000) by 5pm the day before the meeting is to take place. The speaker will be informed if the material can be presented to the Committee. The Council will consider the information to ensure that there is no issue of impropriety, i.e. showing people or events in an unfavourable way, or defamation/slander for example.

- 3.21 Any PowerPoint or visual information must be provided in a PDF format and emailed to the Planning Case Officer in advance of the meeting, as the Council's equipment cannot accept external hardware. If the proposed material is deemed acceptable by the Council it will be loaded into the presentation for the item for consideration, and the Case Officer will bring up the images as requested by the speaker during their presentation to the Committee.
- 3.22 The submission of paper documentation on the day of the meeting by applicants, agents and persons making representations to the Committee is not permitted and cannot be circulated in the meeting.
- 3.23 Relevant issues in considering planning applications (**material considerations**):
- The Local Plan/Local Development Framework
  - Other planning policies
  - National Planning Policy Framework and other Government advice
  - Highway safety and traffic considerations
  - Landscape impact
  - Local amenity
  - Noise
  - Privacy (overlooking etc.)
  - Conservation of buildings
  - Archaeology
  - Trees
  - Case law and relevant previous decisions etc.
- 3.24 The Committee must only consider material considerations when determining planning applications.
- 3.25 Issues which are irrelevant when determining planning applications (**non-material considerations**). This list is not exhaustive but gives examples of the types of issues that are not relevant when determining applications:
- Business competition

- Ownership disputes
- Reduction in property values
- Restrictive Covenants
- Moral objections
- Personal circumstances or private rights
- Matters controlled by other legislation e.g. Buildings Regulations, Licensing.
- The applicant's motives for making an application.
- Loss of trade elsewhere.
- Construction issues e.g. standard of workmanship, length of time taken to do work.
- Precedent e.g. unrelated decisions that have been made before.
- Complaints about procedures in dealing with applications.

3.26 An application submitted after development has been carried out has to be determined on its own planning merits like any other.

## **4. Pre-Committee Matters Including Site Visits**

### **4.1 Site Visits**

The site visit is for the Members of the Planning Committee to see aspects of an application site that cannot be fully understood through photographs, plans or by other means in the report or at the Planning Committee meeting. It is a fact finding exercise for the Planning Committee. The prospect of a Planning Committee site visit should not deter Members from looking at a site themselves from any public vantage points in the same way that any other member of the public may do.

4.2 Although the site visit is a formal part of the decision making process, it is not where decisions are taken.

### **4.3 Requests for site visits**

A site visit may be initiated in one of two ways:

- i) At a Planning Committee, any Planning Committee Member may propose that a decision on an application be deferred to allow a site visit to take place. If seconded and voted upon by a majority of Members, a site visit will take place. Members proposing a site visit must state planning reasons for visiting the site and how this will assist the Committee in determining the proposal. These reasons will be recorded in the minutes. If an application is deferred for a site visit (or a site visit is required in advance of the Committee Meeting) then the site visit will form part of the formal meeting. Attendance at the site visit is required in order to be



eligible to vote at any subsequent Committee meeting(s) where the application or TPO is considered.

- ii) If before a planning application is put on the Planning Committee Agenda the Head of Planning and the Chair agree that a Planning Committee site visit should be conducted sometime before that Planning Committee meeting. If a site visit is conducted prior to the item being heard at the Planning Committee then the item cannot be again deferred for a further site visit unless there are new planning matters to be considered on the site. Attendance at the site visit is required in order to be eligible to vote at any Committee meeting(s) where the application or TPO is considered.

4.4 Reasons for a site visit may include:

- i) The material available at the meeting is insufficient to understand the impacts of the proposal on the site and its surroundings;
- ii) Where the characteristics of the site and its surroundings are unusually complex e.g. relationships between buildings or levels;
- iii) The proposals raise issues on site that need to be experienced, e.g. noisy or smelly processes on or near to the site.

4.5 Information provided at Planning Committee is designed to allow Members to make informed decisions. Decisions to have a site visit should not be taken simply to defer making a difficult decision on a controversial application, or because applicants or objectors have requested them.

#### **4.6 Arrangements for the site visit**

4.6.1 Planning Committee site visits will take place before the application is considered by the Planning Committee. The date, time and order of site visits will be circulated to Planning Committee Members, local Ward Members and the Parish Council. Any Councillor needing assistance with transport to the site visit should contact [tsi@doncaster.gov.uk](mailto:tsi@doncaster.gov.uk) or telephone 01302 734854 no later than 24 hours before the site visit is due to take place.

4.6.2 If access onto the site is necessary, the applicant or agent will be informed of the site visit and asked to ensure that access is available.

#### **4.7 Attendance at the site visit**

4.7.1 If an application is sufficiently important to warrant a site visit then all Members should attend (see paragraph 4.9.2 below with regard to subsequent voting on the item).

- 4.7.2 The persons entitled to be present at all times during the site visit are Members of the Planning Committee and appropriate Officers.
- 4.7.3 Local Ward Members and Parish Council representatives may join the site visit group but only to observe and listen. Where this happens the representative(s) will not be permitted to address the Planning Committee or its Members unless asked to identify physical features such as boundaries or access points.
- 4.7.4 The land owner or their agent or the applicant may need to accompany Members on the site visit. Where this happens that person will not be permitted to address the Planning Committee or its Members unless asked to identify physical features such as boundaries or access points.
- 4.7.5 Members of the public may attend and listen to the proceedings where these are conducted in public areas, but they have no right to enter private land or buildings.

#### **4.8 Conduct at the site visit**

- 4.8.1 The following procedural rules will be observed in the holding of all Planning Committee site visits:
- 4.8.2 Officers will arrange the site visit in advance with relevant parties. There is no right to enter on private land without permission of the land owner. Where appropriate, officers will obtain permission from the land owner or his/her agent for those invited to attend the site visit to enter the land. If permission is not given for Members and Officers and other interested parties to enter, the site will have to be viewed from the public highway/areas.
- 4.8.3 The Chair (or Vice Chair) will control proceedings throughout.
- 4.8.4 The Chair will explain that the purpose of the site visit is to obtain information relevant to the determination of the application. The Chair will summarise the proceedings and the constraints as set out below.
- 4.8.5 The Chair will introduce the Planning Officer who will describe the proposals to Members with reference to matters of fact and features on the land and the submitted plans/drawings and summarise the relevant issues and material considerations. It is expected that Members will already be familiar with the planning officer's report where one has been provided.
- 4.8.6 Members may ask the Planning Officer for factual clarification of any planning matter relating to the proposal or surrounding land, for example, distances to adjoining or objectors' properties or the location of the planned development.

- 4.8.7 Other officers may be present to provide other specialist/expert advice/information where relevant/required (e.g. Highways Engineers, Tree Officers or Environmental Health Officers etc.).
- 4.8.8 Members will then be invited through the Chair to ask any questions of fact or seeking clarification from the Officers present. Members should not direct these questions to the applicant or others present. Any matters not to hand will be reported at the Planning Committee meeting. Discussion on the merits of the application will not be permitted, and Members should refrain from making comments on the proposal.
- 4.8.9 Representatives of Objectors and/or supporters may be invited/allowed to attend the site visit as interested parties. However, the right of a representative to address the Planning Committee does not arise until this item is reached on the agenda during the relevant meeting of the Planning Committee. Presentations from interested parties should on no account be made. However, occasionally it may be appropriate for interested parties to be asked, through the Chair, to point out important or relevant site features. At no point during the site visit will debate or comment on the planning merits or otherwise of the proposal be permitted, as the proper time for such debate/comment is at the relevant meeting of the Planning Committee.
- 4.8.10 A Ward Councillor(s) may attend the site visit however, any Ward Councillors will refrain from debating or commenting on the planning merits or otherwise of the proposal. Ward Councillors will be permitted to make representations at the relevant meeting of the Planning Committee.
- 4.8.11 During the site visit, no separate discussions regarding the application must take place with officers or Members and either applicants, objectors or supporters. In order to assist in ensuring that Members receive the same information, they are required to keep together in one group with the Chair and the Planning Officer during the entirety of the accompanied site visit. They will not break-off to discuss the proposal separately with residents or the applicant.
- 4.8.12 During the site visit, Officers and Planning Committee Members will not accept any representations (including verbal presentations, documents, letters or petitions) from applicants, objectors or supporters. Any representations should be sent to the Planning Department and these will be reported at the relevant meeting of the Planning Committee.
- 4.8.13 No hospitality will be accepted by Officers and Members from the applicant

or any other interested party present at the site visit.

- 4.8.14 The Planning Committee Members present at the site visit will sign an attendance sheet. Planning Committee Members failing to attend the Site Visit will not be considered to have sufficient knowledge of the site and the issues arising from the Site Visit to enable them to take part in determining the application when it is presented to the Planning Committee for consideration.
- 4.8.15 The Chair (or Vice Chair) will conclude the site visit. Members will leave the site promptly, as a group, and refrain from talking to the applicant, objectors or other interested parties. No indication of the views of Members or the likely outcome of the Planning Committee's deliberations on the application will be given. To do so might imply that a Member's mind is already made up.
- 4.8.16 If Members require further information or clarification of any aspect of the development, the officer(s) attending the site visit will be asked to ensure that such information is available by the time the application is considered by Members at the relevant meeting of the Planning Committee.

#### **4.9 After the site visit and at the subsequent Committee(s)**

- 4.9.1 The application will be reported to the next available Planning Committee for debate and determination.
- 4.9.2 Any Member wishing to vote on an application following a Site Visit must have been in attendance at the Site Visit.
- 4.9.3 To ensure openness and transparency the Chair/Officer will provide feedback to the meeting on the key issues arising/identified from the site visit.

#### **4.10 Pre-Committee Briefings**

- 4.10.1 Pre-committee briefings will be held with **all** Planning Committee Members. The purpose of the pre-committee briefing is to update Members on the applications to be presented at the next Planning Committee meeting and to go through any amendments/speakers etc. following dispatch of the formal agenda. No decision shall be taken at the pre-committee briefing and no views are to be given on the merits of an application. The meeting will allow a reasonable amount of time for officers to prepare responses to any queries or information requirements that Members may have to avoid any frustrations at the actual formal Planning Committee meeting. The use of virtual technology will be utilised to assist with the ease of holding such briefings and attendance.

### **5. Committee Agenda**

- 5.1 The Committee's agenda will include the following parts for planning reports:-
- Applications for consideration – these items attract public speaking rights.
  - Items for decision – non-planning application matters that require consideration by Committee – there are no public speaking rights.
  - Items for information: reports for information only.
- 5.2 Each planning application for decision is the subject of a written report with an officer recommendation. In addition to the report, officers will present the item for consideration together with illustrative material to explain the scheme. The planning application itself is available to view on Public Access at <http://www.doncaster.gov.uk/services/planning/planning-applications-online-public-access> under the relevant application number.
- 5.3 The Planning Case Officer will also present to the Committee, pre-committee amendments contained within the Pre-Committee Amendments document which is available on the Council's website 24 hours before the Committee. The pre-committee amendments will consist of list of registered speakers, any late representations received, an update of any amendments to any conditions required and any required updates to the report.
- 5.4 Any additional material from the applicant, Town or Parish Council, Ward Member, supporter(s) or objector(s) to the proposal or technical consultees should not be distributed to Planning Committee Members unless this has been approved in accordance with para. 3.19 above.

## **6. Order of Proceedings**

- 6.1 Generally, Planning Committee meetings take place at the Civic Building, Doncaster, however virtual Planning Committee meetings may also be utilised where situations facilitate them. The time of the meeting is stated on the agenda papers and published in the Diary of Meetings on the Council's website.
- 6.2 At the discretion of the Chair, the order of business on the agenda may be varied at the meeting and with the agreement of the Committee.
- 6.3 The procedure for considering each item shall be as follows:
- The Planning Case Officer shall provide an update on any pre-committee updates and then introduce the application.

- Public speaking in accordance with the Public Speaking Procedure (as set out in paragraph 3 of this Protocol will take place).
- The Head of Planning and/or the Planning Officer will address, where necessary, any issues raised during public speaking and respond to questions from Members of the Planning Committee.
- The Planning Committee will consider the application and reach a decision.
- Advice may be provided by the Head of Planning and/or the Planning Officer and/or the Legal Officer at any time as necessary.

## **7. Decision Making**

7.1 In coming to a decision on a planning application, a Planning Committee Member must:

- Come to the meeting with an open mind;
- Not communicate with anyone (except officers, other Planning Committee Members and public speakers through the Chair) orally, electronically, in writing or by any other means during the proceedings of the Committee;
- Come to a decision only after due consideration of all the information reasonably required to base a decision upon;
- Not vote on a proposal unless they have been present to hear the whole debate including the officer's presentation and any public speaking (and where applicable, attended the site visit); and
- Ensure that if they are proposing, seconding or supporting a decision contrary to the officer's recommendation or the Development Plan, that they identify and understand the planning reasons leading to their conclusion and that they consider any professional advice given. Reasons must be given before a Secunder to the proposal is sought and the vote is then taken and recorded.

## **8. Voting Procedures**

8.1 The Chair of the meeting will bring the Planning Committee to a vote where he/she considers that there has been sufficient debate on the item. All items on the agenda will require a decision making on them and cannot be undetermined.

8.2 The Committee will vote on the recommendation set out in the report, unless a motion is made and seconded to depart or defer from the recommendation set out in the report.

- 8.3 If a Planning Committee Member wishes to amend the recommendation (such as an additional or amended condition) they will need to move this proposal which must be seconded prior to any vote on the recommendation. Reasons for the amendment to the motion must be given prior to the vote.
- 8.4 For the vote on the recommendation (or an amendment to the recommendation) to be successful there needs to be a majority vote in favour. In the event of votes being equal then the Chair has an additional casting vote (which can be exercised whether or not the Chair voted in the first instance).

### **Decisions contrary to the Recommendation**

- 8.5 Where a motion to go against the recommendation set out in the report (or an amendment to the recommendation) is proposed, reasons for voting against the recommendation must be given. These must be material planning reasons as set out in paragraph 8.6 below.
- 8.6 Relevant material planning considerations which can be considered include:
- The Local Plan/Local Development Framework
  - Other planning policies
  - National Planning Policy Framework and other Government advice
  - Highway safety and traffic considerations
  - Landscape impact
  - Local amenity, noise and privacy
  - Conservation of buildings, archaeology, trees etc.
  - Case law and relevant previous decisions
  - The planning history of the site
  - The representations of local people so far as they are based on relevant planning issues

The Committee must only consider material considerations when determining planning applications. Matters which are irrelevant when determining planning applications (non-material considerations) include:

- Business competition
- Ownership disputes
- Reduction in property values
- Restrictive Covenants
- Moral objections
- Personal circumstances or private rights
- Matters controlled by other legislation e.g. Building Regulations, Licensing
- The applicant's motives for making an application

- Loss of trade elsewhere
- Construction issues e.g. standard of workmanship, length of time taken to do work
- Precedent e.g. unrelated decisions that have been made before
- Complaints about procedures in dealing with applications

8.8 The Planning Committee must, before voting on the motion, receive advice from the Head of Planning (or his representative) and if necessary the Legal Officer at the meeting as to the form of a new motion. That advice will be based upon the material planning considerations that may well have been discussed by the Planning Committee in debate.

8.9 Once the Planning Committee has received the advice of the Head of Planning (or his representative) and/or Legal Officer, they can proceed to a vote. A detailed minute of the Planning Committee's reasons to go against the officer's recommendation will be recorded.

## **9. Following the Committee Meeting**

9.1 The decisions of the Planning Committee must be recorded in the minutes of and published on the website (for interested parties who cannot attend).

9.2 If an application for planning permission has been refused, or permission has been granted with conditions imposed, an applicant can appeal to the Planning Inspectorate.

9.3 The decision notice issued by the Planning Department will be accompanied by information on how to appeal. There is no 'third party right of appeal', so only the applicant may appeal against a decision made.

## **10 Review and Monitoring**

10.1 The effectiveness of this Protocol will be monitored in the following ways:

- Annual review to the Planning Committee; and
- Regular reports to the Standards Committee on formal complaints made under the Council's complaints procedure in relation to the Planning Committee, and where the Ombudsman has decided to investigate.



APPENDIX 1

## Members - Referral to Planning Committee Request Form

Use this form to request that a planning application is referred for consideration by the Planning Committee.

Applications can be referred to the Committee if an elected Member of the Council makes representations to the Head of Planning during the 21 day publicity period of the application, which details the material planning reasons for requiring the application to be heard by Planning Committee.

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**To: Head of Planning**

**REQUEST FOR APPLICATION TO BE REFERRED TO PLANNING COMMITTEE**

Application Number \*

Location \*

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### Proposal

I would like to request that the application described above be reported to Planning Committee \*

My reason(s) are as follows:

*(Please note that these must be valid planning reasons – see Para. 3.23 of the Protocol for a general guide)\**

Councillor name \*

Date \*

Please submit your request to TSI at [tsi@doncaster.gov.uk](mailto:tsi@doncaster.gov.uk)

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# **Planning Committee Peer Challenge Doncaster Council**

*16<sup>th</sup> October and 13-14<sup>th</sup> November 2018*

**Feedback Report**

## 1. Key Note Finding

**The key element going forward will be for everyone involved with planning at Doncaster to utilise and act upon their clearly expressed desire to further improve.**

**Most contributors to this peer review were clear that there is significant room for further improvement. In achieving improvement however members and officers will need to take active, and sometimes challenging, steps to do things differently.**

**Officers will need to be develop their confidence, members will need to play closer heed to professional advice and everyone – members working with members, and members working with officers - will need to work together as a team.**

## 2. Executive Summary

Doncaster Council is based in Doncaster itself, a historical market town, at the southern edge of Yorkshire, Doncaster is renowned for its horse racing, rich railway heritage and its wealth of Georgian and Regency architecture on the Great North Road.

The Council area includes the towns of Mexborough, Conisbrough, Thorne, Bawtry and Tickhill. It has a population of just over 301,000 and covers some 568.0 km<sup>2</sup> with a mix of urban and rural landscapes.

It has an elected Mayor with a cabinet model of governance and 55 Councillors and a Mayor.

The performance of the planning committee is at risk due this ongoing dysfunction: it is a major distraction and drain of members' and officers' time and effort. It is due to poor member and officer relationships within the operation of the Planning Committee, to the extent of becoming adversarial. Most internal participants reflect that this has been regarded as a serious and deteriorating problem for a long time, and is in need of significant and fundamental improvement.

Whilst there are examples of some good and constructive member-officer engagement in planning, these are few and far between. Members across the political groups do not appear to trust the advice offered by their professional officers and we have heard evidence of rude, dismissive and discourteous behaviour towards officers in both public and private arenas.

This distrust results in defensive behaviour from officers towards members, which also at times can be unprofessional. There is little sense that the planning committee which comprises both the members and officers, in its broadest sense, is working as a team.

A high number of overturns is a marker of this lack of trust, especially where complex planning issues are at the heart of the determination process. Overturns of officer recommendations, at committee, should be seen as unusual and exceptional, not the norm.

At both of the committee meeting we attended, officer's advice was openly questioned and dismissed as being inaccurate or wrong. On one occasion the Chairman was clearly disrespected by a member and, although she handled the situation professionally, it gave a very poor impression of the probity of the process.

In addition, applicants were not treated with due respect when being questioned while objectors, Parish Councillors in particular, were given additional time to raise their objections via the lengthy questioning by members.

This lack of trust also extends to behaviours on the Planning Committee. Councillors largely appear to engage through the lens of specific interests, looking at the 'bigger picture', rather than focusing on material planning grounds relevant to the application in question, making it difficult to see if all decisions are made in accordance with the Local Plan, officer advice or other material planning considerations.

Officers need to look at the quality of some of their outputs and engagement including sharper reports, not repeating the content of the report at the committee presentation, more focus on the issues at balance, being more confident about the advice they are giving, and taking steps, however difficult at times, to challenge when their advice is not being heeded.

Ultimately it is for members to make the decisions about planning applications, either by delegating to officers or making decisions at Planning Committee. However, in doing so they must show they have received and reflected on professional advice, and where this is not followed, being clear about why particular decisions are made.

The council's senior leadership has a clear ambition and determination for a stronger customer focus for the council as a whole, and this also applies to planning. For some people the planning application process is a very significant aspect of how they engage with the council and could be the most important interaction they have with Doncaster Council, so it is important that the process is as accessible and understandable as possible.

The customer experience at the committee is variable at best and consideration is needed to improving how the council engages with the public, visitors, applicants and agents.

The Planning Committee day consumes extensive resources, yet is not as effective as it could be, especially when many of the presentations simply repeat the officer recommendation.

Resources need to be focused to give significant improvements which can be made to the processes in the lead up to the day, so that the customer is put at the forefront of what the council is trying to achieve. This includes developing clearer guidance for attendees at the

Committee, the effectiveness of processes leading up to the meeting including site visits and briefings, how and what information is communicated to applicants and councillors.

There was clear confusion in the minds of the Members about the role of the Technical Briefings. These briefings during the planning application process and made before the date of the Planning Committee, seem to be an anomaly and not a practice carried out in any other authority, to our knowledge. If the applicant and objectors are to have an opportunity to put their case forward, this needs to be carried out in an open session, well before the committee date and, preferably in the pre-application process, so as to ensure no allegation or impression of pre-determination can be sustained.

This applies to all aspects of their engagement including the pre-application stage, engagement with members and officers and the Planning Committee meeting. The layout of the meeting, presentations, discussions and behaviours need an overhaul.

The key element going forward will be for everyone involved with planning at Doncaster to utilise and act upon their clearly expressed desire for the planning function to improve.

Most contributors to this peer review were clear that there is significant room for the planning function to improve. In achieving improvement however members and officers will need to take active, and sometimes challenging, steps to do things differently.

Officers will need to be more confident, members will need to play closer heed to professional advice and everyone – members working with members, and members working with officers - will need to work together as a team.

### 3. Key recommendations

There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions, in addition to the conversations onsite, many of which provided ideas and examples of practice from other organisations.

Recommendations for how the council can improve its approach to planning are distributed throughout this report. The following are the peer team's key recommendations to the Council:

- **Councillor training needs to be provided urgently:**
  - **Training for all members of the Planning Committee on a regular and ongoing basis.** This training should be compulsory and conditional for ongoing membership of the Committee. Non-attendance should be actively managed by senior councillors.
- **The Chairman and Deputy Chairman of the Planning Committee, the Leader of the Council and the Leader of the Opposition need to create a culture of calling out and challenging poor behaviour as and when it happens.** Poor behaviours including rudeness appear to be tolerated and are in danger of becoming normalised; tackling this applies to behaviours between members, and between members and officers.
- **The stages up to the Planning Committee day should be reconsidered:**
  - **Full Planning Committee briefing should be given, Technical Briefing stopped and, other than update briefings, should NOT take place on the Planning Committee day.** An earlier briefing, for example several days or a week before the Committee day, would allow a reasonable amount of time for officers to prepare responses to queries from members.
  - **Steps should also be taken to tackle perceptions that the technical briefing could involve any aspect of pre-determination.** Conducting the meeting on the Friday before the Planning Committee meeting does not aid transparency and the form of this briefing should be changed to make it open and transparent and a 'public' briefing would be more appropriate where the applicant can demonstrate the scheme to a wider audience outside the Committee process.
  - **Site visits need rethinking.** The approach to site visits uses up a great deal of member and officer time and yet does not appear to add much value to the decision making process. The current approach seems to be a 'delaying' tactic by members not happy with the officer reports. Meetings are poorly attended and not recorded. Clearer reasons for site visits and better uses of technology could make this aspect of the process more informative and more efficient. Consideration should be given to not allowing members to vote on applications when they do not attend site visits.

- **Overhaul how the Committee operates including;**
  - **Change the seating arrangements to improve transparency and to improve the public’s understanding of the Committee.** Members should be discouraged from sitting on party political lines and could sit in alphabetical order. Consideration should be given to clearer “zones” for seating so that the public can understand the roles of those present, and so that members and officers can be clearly identified. Name plates should be provided so that the public know who is speaking and to aid viewing the meetings on the YouTube Channel.
  - **Officers need to be more confident in presenting their advice to the meeting and members need to take greater heed to the advice being proffered, even if they choose not to follow the advice.** In some instances, it is not clear whether members are following officer advice or not. Where members choose not to follow their advice, it should be clearly articulated and recorded
  - **Review arrangement for members of the public attending the meeting.** This should include improved arrangement for visitor access, egress, understanding of the process on the day and feedback.
  - **Undertake a best proactive review of the structure and layout of reports.** The quality of written material could be better, with more clarity, better structure and a different layout. This will help members and the public to be clearer about the information they are receiving and the basis for decisions. See ‘Best Practice’ examples at the end of this report.
  - **Take steps to improve the quality of member debate.** Discussion at the meeting needs to focus on material considerations relative and relevant to the applications presented to the Committee and NOT incidental which are not key to the decision process.



### 3. Summary of the Peer Challenge approach

#### The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected your requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise and agreed with you. The peers who delivered the peer challenge at Doncaster Council were:

- Cllr Bryony Rudkin, Deputy Leader Ipswich Council
- John Cummins, PAS Planning Consultant

#### Scope and focus

Doncaster Council (the council) has asked Planning Advisory Service (PAS) to prepare a proposal for a review of the council's planning committee.

The review will look at whether the current structure, scheme of delegation and processes are efficient and effective, fit for purpose and meet the needs (current and future) of the Council and its customers. The review will also look at how decision making might be improved whilst allowing for democratic input into the process, relationships between officers and members, and identifying good practice from elsewhere that may be transferable to Doncaster Council.

#### Scope:

PAS' normal approach to reviewing committees will reflect on the following broad themes:

- The purpose of the committee
- The format and process
- The 'customer experience'
- Roles & responsibilities
- Quality and improvement

As well as these broad themes, the review will also consider a selection of planning committee reports and reflect on how the information contained in the application files are reflected in the reports and how this supports effective and transparent decision making.

#### The peer challenge process

It is important to stress that this was not an inspection. Peer challenges are improvement focussed and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to

reflect on the information presented to them by people they met, things they saw and material that they read.

PAS has adapted its traditional peer challenge model to focus specifically on the running of a good planning committee. Like any important council function, planning committee should be periodically reviewed to ensure that it is an excellent 'shop window' for the council.

We believe the best people to challenge a committee are fellow councillors and senior officers/consultants who can provide an external, objective and independent perspective. So, most usually, the committee peer

The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing. The team then spent 3 days onsite in Doncaster, during which they:

- Spoke to more than 30 people including a range of council staff and councillors, unfortunately it was not possible, due to time constraints to talk to other stakeholders such as applicants, agents and Parish Councils as part of the process.
- Gathered information and views from more than 14 meetings, attended to 2 planning committees (October and November 2018) as well as reviewing Planning Committees on-line via the You Tube Channel and additional research and reading
- Collectively spent more than 48 hours to determine their findings – the equivalent of one person spending more than a full week in Doncaster.

This report provides a summary of the peer's findings. It builds on the verbal feedback provided by the peers at the end of their on-site visit (14<sup>th</sup> November 2018).

In presenting feedback to you, they have done so as fellow local government officers and members, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. We appreciate that some of the feedback may be about things you are already addressing and progressing.

Please note that recommendations are made according to the key issues being considered and, as such, are repeated. However, a summary of all recommendations is give at **5. Summary of all recommendations** page 15.

## 4. Feedback

### 4.1. The customer experience of the planning service

The overall profile of customer service is quite low and during our onsite work there was little mention of the customer or their experience. Overall there is a strong sense of uncertainty for customers on outcomes due to the way that applications are debated and 'tested' at Committee.

The pre-application and active application stages appear to work reasonably well. It is suggested that 'Technical Briefing' on applications, should be stopped and changed into an open public meeting where applicants can explain their scheme and other stakeholders can openly question the proposals.

Linkages between the planning service and enforcement could be improved and Members sited the lack of 'movement' on enforcement matters as being a serious concern. The current sense of detachment between the two is exacerbated by fact that reports to the Committee re 'pink papers' not open to the public. This should stop and open reports be presented including appropriate data on the numbers, types and speed of resolution of enforcement issues.

Although parish councils do not have a statutory right to be consulted about planning applications, they do have a statutory right to be informed. At the moment they appear to have an 'unfair' advantage at the committee meetings as questioning by members of the representatives of the Parish Councils, can be supportive and give an unbalanced view.

The customer experience of the Planning Committee could be significantly better by providing support prior, throughout and after the meeting and the staff supporting the public could also use the opportunity to 'promote' the other activities of the Councils and gain valuable feedback on the impression that the working of the Committee makes.

#### Recommendations

- **Stop Technical Briefings the Friday before Committee and incorporate them into the pre-application or main application process.**
- **Make reporting on Enforcement a main, and NOT a restricted committee item, incorporating data on performance of the service. A good example of this is Ipswich Council and a link to a sample report is given at the end of this report.**
- **Review the layout of the meeting and provide nameplates for all attending.**
- **Make provisions for additional support to visitor to allow them to access and egress the Chamber easily.**
- **Use the support staff for the meeting to promote the services of the Council and gather information on the way the committee process could be enhanced**

## 4.2. Roles, responsibilities and relationships

Relationships across the council appear to be positive, both between members and between members and officers. Although outside of the remit of this peer challenge, non-planning meetings including the Full Council meeting, were described to us as generally being courteous. However, this is not the case with the Planning Committee, where relationships at all levels are fraught, and we gained little sense of members working together or more widely with officers as a team. The tension at this level is becoming known externally and if not dissipated will have a serious impact on the council's reputation with partners, stakeholders and developers.

Relationships between members on the Planning Committee appear to have been fractious. There is no sense of a general common purpose on planning matters between members across the committee. Behaviours between members on the committee, including voting, suggest that members appear to have lost their sense of public interest and customer service and 'partial' issues appear to dominate with vocal members of the Committee dominating the debate and NOT focusing on the material planning considerations.

Members have a greater and more overt role to play in ensuring that the Planning Committee, like any other decision making or public arena of the council, is conducted in accordance with the highest standards of public life. In particular, there are too many instances of where poor behaviour was ignored and is tolerated, to the extent that it has become normal for the Planning Committee meeting to become confused and difficult to follow, officers are challenged and procedures are not clearly followed.

All members, particularly those in senior positions, need to play a clearer and more overt role in tackling poor behaviour as and when it occurs. Improved behaviours need to extend to all members showing leadership through actively working with the Chair and Deputy Chair to facilitate professional and effective meetings.

Relationships between members and officers are poor on matters relating to planning, although there are a few exceptions to this. Some officers have developed a tendency to be defensive in their interactions with some members, and this has not helped to improve relationships overall.

Members do not appear to trust or want to follow the professional advice given to them by officers about matters relating to planning issues. In some instances, officers are not even invited to comment on matters raised at committee. There appears to be a prevailing culture of disregarding officers' views and advice, reflected in a number of ways:

- The number of overturns at committee is relatively high relative to other councils. The extensive use of overturns seems to be driven by members wanting to go against officer advice for the sake of it, or if there are other

reasons for overturning officer recommendations, it is not clear what these are, and while material planning consideration can be given, they often do not have the weight needed to support a refusal.

- At the committee meetings we observed there were instances of members appearing to ignore officer advice, or being reluctant to hear it
- Numerous examples of criticising officers in public, including discourteous comments, which sometimes descends into rudeness. Members should be reminded that officers do not have a public right of reply in such circumstances, and that poor behaviours do not enable members or the public to gain a better service from the council. Such behaviour reflects very poorly on the members involved.
- Instances where members, despite having had plenty of time to raise issues, use the Planning Committee meeting as the opportunity to try and catch out officers on technical matters
- Officers inevitably become defensive because they are unable to respond, and occasionally feel cornered by the behaviour of members.

Neither are members distinguishing between their ward councillor and committee membership roles sufficiently. It is inevitable and right that members will have a keen interest in what goes on in their wards, but there seems to be less focus on achieving the best for the district as a whole and often it appears that members are defaulting to ward only or partial interests, rather than achieving a greater purpose.

Committee members need to be very clear about the role that they take on any planning application in their own ward: either as decision maker for the authority as a whole or community advocate for the ward. It is advisable that Planning Committee meeting members do not vote on decisions which affect their wards.

Councillors not on the Planning Committee need to have earlier options for engagement than at present. Ward members should be encouraged to have dialogue with the case officer or other members of the planning team in order to get a better understanding of the proposal and relevant issues.

It would be helpful for officers if members flagged at an early stage that they were concerned about an applications merits.

Some of this is reflected in a focus on the minutiae of process without a broader concern about what the public observing and interacting with the committee are witnessing. The October 2018 and November 2018 Planning Committee meetings provide an illustration of both the disregard for officer advice as well as lengthy and unnecessary discussions and distractions about minutes and individual words, none of which will have helped to enhance either decision making or the broader public perception of the committee.

## Recommendations

- **Urgent and immediate training is required for all councillors on the role of members and on the member-officer protocols and code of conduct to ensure poor behaviour is challenged.**
- **Team building needs to be encouraged between members and officers and this could be facilitated by joint practical learning sessions on complex planning issues, such as ‘viability’.**
- **Consideration should be given to visiting other Councils and ‘sharing’ experiences both for Members and Officers**
- **More structured engagement with the whole planning committee at briefings needs to be immediately introduced**
- **Senior members need to create a culture of calling out poor behaviour**
- **Improve committee procedures and operation to support the Chairman in running the committee well. The procedures should include provision for officers to respond to comments made by councillors and public speakers**

#### **4.3. The role of the Planning Committee, including public engagement and transparency**

Despite the enthusiasm of members in being on the Planning Committee, and the clear importance attached to its function, the overall impression given is of a muddled and messy meeting. It is difficult for non-planning professionals to follow and understand, and even people who attend regularly can find it difficult and sometimes frustrating to follow. It is considered that there is already good practice from the chair of the committee to explain the process that the Planning Committee will follow at the start of each committee, including how the committee will be making decisions on material planning reasons. However, the questioning of speakers, in particular, is poorly controlled and confusing.

Officers also need to ensure that in their verbal presentations on individual agenda items, the commentary directly relates to the material being shown in the room and that the pictures, in particular, show the site as it is at present

The seating arrangements need reviewing because it does not aid understanding or transparency:

- As an outsider, while the Chairman introduces the attendees, it would be of benefit if nameplates were also provided so the public can clearly identify who is speaking and this would be aided by a re-configuration of the layout.
- The layout results in an arena type layout with the officers appearing to be ‘in the dock’
- Applicants and opponents seem to be sat with each other in the room
- Members appear to sit in party groupings. A better arrangement could be for members to sit alphabetically around the table

The use of microphones for speaking is inconsistent and makes the dialogue difficult to follow, as often Members forget to ‘turn on’ the microphones. In addition, some members appear to conduct mini-meetings during the course of the

main meeting, which is a distraction from principal business. This further contributes to an impression of a disjointed and disconnected approach to decision making.

Planning and planning committee decisions can often appear complex to someone that has never engaged with it before. The management of the process by the Committee Chair and respect to the Chair by all involved, especially fellow committee members, is absolutely key to allowing clear decision making to occur.

The experience for all applicants at the meetings needs to become consistent with the procedures set out by the council, and in particular needs to be much more transparent.

The meetings seem to lack focus and these inconsistencies include:

- Lack of debate on material considerations for each application
- Lack of discussion on additional conditions when an application is approved and or, excessive discussions on minor conditions
- Allowing a deferral of an application without offering a clear rationale or purpose
- Reasons for going against officer advice were not challenged or clearly explained

The quality of the debate at recent meetings has been very poor. Some applications do not appear to merit proper debate and often where debate does take place, it is not on planning grounds.

Members appear to be side tracked by process rather than focusing on the substance of applications and overall there is a lack of knowledge and understanding of material considerations, which in turn affects members' ability to appropriately determine applications.

Little reference appears to be made to how applications relate to the objectives set out in the Local Plan, in the Councils own policies or national policy. Members often seem to talk over one another during the meeting, and sometimes members do not appear to be listening to each other nor the officers' presentations.

All members have a responsibility to work more overtly with the Chair of the committee to ensure that it runs well, and that each application is considered in a balanced manner.

It is difficult to conclude that pre-determination is not being actively kept out of Planning Committee decisions. Some members are presenting information as being off the cuff during the meetings, yet the nature of what they are presenting, and despite being challenged by officers, seems to go against this. There is no direct evidence to suggest that some members are being disingenuous about pre-determination, but an unbiased observer may conclude that and that they are not considering the full facts of an application at the committee meeting.

## Recommendations

- **Change the seating layout at the committee.**
- **Review officer roles at the committee.**
- **Officers need to be given more opportunity to respond to the public's and members' comments.**
- **Consistently apply the public speaking rules at the meeting.**
- **Have name plates for all individuals involved: Chairman, Deputy Chairman, committee members, Head of Development Management, case officers, legal advisors, democratic service managers, etc. These should be clearly visible to the public.**

### 4.4. The format and process of the lead up to the Planning Committee day

While the Chairman and Vice Chairman are briefed a few days prior to the Committee, there is no full briefing to Committee members and the agenda papers appear to come as a surprise to Members as they have little or no involvement in the processing of the application.

The 'Technical Briefing' given on some applications, appears at odds with an open and transparent planning process and gives insufficient time to gain detailed information.

Some Members expressed concern that the issuing of papers 10 to 7 days prior to the committee gave insufficient time for them to fully consider the complexities of the applications and this was why they questioned officers and asked for deferrals and site visits.

Site visits appear to take place for every application deferred to the Committee, without a clear rationale for why each application needs a site visit and recording of attended. Many applications deferred for site visits are poorly attended and, in certain instances the Members asking for the site visit did not attend.

Consideration should be ensuring all Committee Members are given a 'heads up' of potential committee items at the earliest opportunity via the Idox back office system as soon as they are allocated that status.

Members and Officers should be encouraged to talk together, as early as possible in the process about potential issues. Members should contact the case officer and Case Officers should flag up potential issues at an early date.

Having a full committee briefing one week before the committee date, so that the Members can ask appropriate questions and sufficient time is allowed to gather full replies, would be good practice. In addition, this meeting could discuss the need for a 'site visit' and, if felt appropriate, this could be held prior to the committee to ensure no delays in processing applications.

## Recommendations Pre-application



- **Technical Briefings should be part of this, or the formal application process, not the Committee Process.**

#### **Member engagement**

- **All potential committee items should be notified to members as early as possible in the process and members encouraged to discuss and concerns with the case officer.**

#### **Briefing**

- **Change the timing and nature of the briefing**

#### **Site Visits**

- **Held by agreement following briefing and all members to attend on a coach.**

### **4.5. Reports, minutes and updates**

There is room to improve the quality of reports sent to committee across a range of issues, particularly to make reports more user friendly for the council's customers and ensure constancy:

- A greater focus on the use of plain English
- Reports should follow a more narrative structure as some of the examples we saw were formulaic
- Consideration could be given to having an executive summary so that the key material planning issues can be clearly identified
- Some reports contain dense paragraphs and are difficult to understand.
- A lack of assessment of the representations received does not improve public confidence in each application being received on its own merits, especially where many objections are based on non-material planning matters which need to be covered and a clear explanation given as to why the cannot be taken into account.

Looking at what other Planning Committees receive will help to bring in new ideas on how reports can be presented, for example in Bury:

<https://councildecisions.bury.gov.uk/ieListMeetings.aspx?CId=134&Year=0>

Plymouth:

<http://web.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fdemocracy.plymouth.gov.uk%2FieListDocuments.aspx%3FCId%3D251%26amp%3BMId%3D6776%26amp%3BVer%3D4>

and Hastings:

<http://hastings.moderngov.co.uk/ieListMeetings.aspx?CId=129&Year=0>

At the meetings we observed there could have been more opportunities for officers to make clearer contributions, both through the quality of the written material they are submitting, but also through the oral presentations they make

Example Report on Planning Enforcement can be found at:

<https://councildecisions.bury.gov.uk/ieListDocuments.aspx?CId=134&MId=2249&Ver=4>

## Recommendations

- Officers need to develop more confidence in their decisions and justifications for decisions in terms of the presentations to committee
- Members need to show they have received and considered officer advice when making decisions
- Carry out a best practice review of the structure and layout of reports
- Enforcement Reports should be main agenda items, and not 'Pink Papers'. These report should include a summary of performance in terms of the number of cases, speed of action and outcomes.

## 5. Summary of all recommendations

Please note, these are not in any order of importance.

- Stop Technical Briefings the Friday before Committee and incorporate them into the pre-application or main application process.
- Make reporting on Enforcement a main, and NOT a restricted committee item, incorporating data on performance of the service. A good example of this is Ipswich Council and a link to a sample report is given at the end of this report.
- Review the layout of the meeting and provide nameplates for all attending.
- Make provisions for additional support to visitor to allow them to access and egress the Chamber easily.
- Use the support staff for the meeting to promote the services of the Council and gather information on the way the committee process could be enhanced
- Urgent and immediate training is required for all councillors on the role of members and on the member-officer protocols and code of conduct to ensure poor behaviour is challenged.
- Team building needs to be encouraged between members and officers and this could be facilitated by joint practical learning sessions on complex planning issues, such as 'viability'.
- Consideration should be given to visiting other Councils and 'sharing' experiences both for Members and Officers
- More structured engagement with the whole planning committee at briefings needs to be immediately introduced
- Senior members need to create a culture of calling out poor behaviour
- Improve committee procedures and operation to support the Chairman in running the committee well. The procedures should include provision for officers to respond to comments made by councillors and public speakers

- **Member engagement - All potential committee items should be notified to members as early as possible in the process and members encouraged to discuss and concerns with the case officer.**
- **Briefing - Change the timing and nature of the briefing**
- **Site Visits - Held by agreement following briefing and all members to attend on a coach.**
- **Officers need to develop more confidence in their decisions and justifications for decisions in terms of the presentations to committee**
- **Members need to show they have received and considered officer advice when making decisions**
- **Carry out a best practice review of the structure and layout of reports**

## 6. Next steps

**It is suggested that the ‘Key Note Finding’ should become central to any change agenda adopted by the Council, namely:**

*‘The key element going forward will be for everyone involved with planning at Doncaster to utilise and act upon their clearly expressed desire to further improve.*

*Most contributors to this peer review were clear that there is significant room for further improvement. In achieving improvement however members and officers will need to take active, and sometimes challenging, steps to do things differently.*

*Officers will need to develop their confidence, members will need to play closer heed to professional advice and everyone – members working with members, and members working with officers - will need to work together as a team.’*

We appreciate the senior managerial and political leadership will want to reflect on these findings and suggestions in order to determine how the organisation wishes to take things forward.

PAS and the LGA where possible will support councils with implementing the recommendations as part of the council’s improvement programme and we would be happy to discuss this further.

In the meantime, we are keen to continue the relationship we have formed with the council throughout the peer challenge.

We will endeavour to provide signposting to examples of practice and further information and guidance about the issues we have raised in this report to help inform ongoing consideration. PAS has a range of support available to the council: <https://www.local.gov.uk/pas/pas-support/councillor-development>

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## Planning Committee Peer Review Action Plan– Progress Report

Planning Committee peer review action plan

Progress as of December 2019

### Executive Summary:

The Planning Committee Peer Challenge has allowed all involved to take stock and have an objective look at what is a critical part of the planning process. It has played an important role in laying the groundwork for making a start in delivering improvements and change.

The peer review final report detailed a variety of recommendations to support Doncasters ambition to continually improve. These recommendations were discussed at a member and officer workshop and the feedback collected from this session has helped us to establish a set of actions to support successful delivery and ongoing governance.

To ensure members and officers are involved and fully informed on the movement of these actions this monthly report will be circulated to key stakeholders, highlighting progress on the delivery of actions.

### Rating throughout this report is as follows



Not yet started



Work in progress
























Nearly complete



Completed

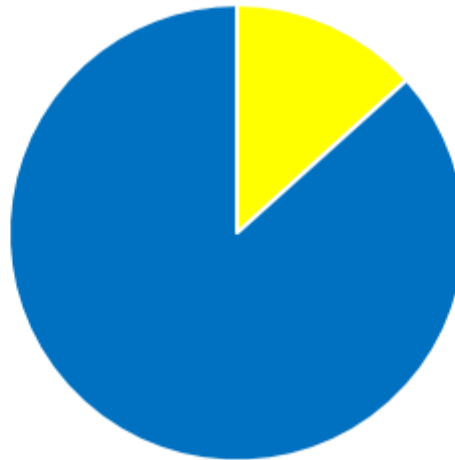
Use the support staff for the meeting to promote the services of the Council and gather information on the way the committee process could be enhanced		
Action	Owner	Status
Engage with Communications in regards to promoting the wider Council services via the use of the Chamber when Planning Committee is being held.	Jenna Rumley	
Develop customer feedback questionnaire	Jenna Rumley	
Make provisions for additional support to visitors to allow them to access and egress the Chamber easily		
Create signage for committee day	Jenna Rumley	
Running list of committee items and indicative times to be displayed outside of the chamber	Jenna Rumley	
Public booklet for customers	Jenna Rumley /Heidi Lehane	
Review letters to the public to include more planning committee guidance	Jenna Rumley	

<b>Make reporting on Enforcement a main and not a restricted committee item, incorporating data on performance of the service</b>		
Amend Enforcement report content, layout and regularity	Jenna Rumley /Heidi Lehane/Roy Sykes/ Enforcement	
Organise emailing of weekly list of enforcement cases to members	Jenna Rumley / Enforcement	
Training for planning committee members on what is and isn't enforceable	Heidi Lehane	
<b>Stop technical briefings and incorporate them into the pre-application or main application process</b>		
Agree and communicate how matters previously discussed via technical briefings will now be conducted	Roy Sykes	
<b>Chairs briefing - Change the timing and nature of the briefing AND More structured engagement with the whole planning committee at briefings. Also including – Member engagement, All potential committee items should be notified to members as early as possible and members should be encouraged to discuss concerns with case officer</b>		
Include pre-committee notes within planning committee agenda	Jenna Rumley /Roy Sykes/ Democratic Services/Heidi Lehane	
Consult planning committee members on applications certain to go to committee	Jenna Rumley /Roy Sykes	
<b>Site visits - Held by agreement following briefing and all members to attend on a coach</b>		
Review site visit protocol.	Heidi Lehane/Roy Sykes/Andrew Sercombe/Chair/Vice Chair	
Ensure officers scope sites before visits	Roy Sykes	
<b>Officers need to develop more confidence in their decisions and justifications for decision in terms of presentations to committee</b>		
Explore training on best practice reporting and delivery	Roy Sykes/Heidi Lehane	
<b>Carry out best practice review of the structure and layout of reports (including content)</b>		
Factor time in to committee preparation timescales for an independent review of reports before being sent for print	Jenna Rumley /Roy Sykes/Heidi Lehane/ Jane Stimpson	

Amend committee officers report layout	Jenna Rumley /Roy Sykes /Heidi Lehane	
<b>Members need to show they have received and considered officer advice when making decisions</b>		
Review Chairs preamble to factor in the notion that all information has been read and understood	Heidi Lehane/Roy Sykes/Chair	
<b>Training required for all Councillors on the role of members and on the member-officer protocols and code of conduct</b>		
Refresh session on the code of conduct	Heidi Lehane/Andrew Sercombe	
Planning Committee protocol to be reviewed	Heidi Lehane	
<b>Improve committee procedures and operation to support chair running committee well. Procedures should include provision for officers to respond to comments made by councillors and public speakers</b>		
Introduce opportunity to debate	Heidi Lehane/Roy Sykes/Chair	
Toolkit for members, covering constitutional rules for committee, operational and material matters	Heidi Lehane	
Review information on the Councils website in regards to planning committee	Jenna Rumley /Heidi Lehane	
Explore training for committee members	Jenna Rumley/Roy Sykes/Heidi Lehane	
Explore training for planning committee chairs and vice chairs	Jenna Rumley	
<b>Senior members need to create a culture of calling out poor behaviour</b>		
Planning Committee You Tube recordings to have a presence on the Councils website to enable Senior Officers to easily review content	Jenna Rumley / Democratic Services	
Develop a protocol whereby ground rules and expectations in regards to conduct and behaviour is stipulated, including how poor behaviour is reported and addressed	Roy Sykes/Heidi Lehane/Chair/ Vice Chair	
<b>Consideration to be given to visiting other councils and sharing experiences both for officers and members AND Team building to be encouraged between members and officers facilitated by joint practical learning session</b>		

Create annual officer/member training and development programme, including visits to other Councils	Roy Sykes/Heidi Lehane/Chair/ Vice Chair	<input type="checkbox"/>
<b>Review the layout of the meeting and provide nameplates for all attending</b>		
Provide nameplates for Planning Committee members	Democratic Services	<input type="checkbox"/>
Arrange a member/officer meeting to consider and 'try out' some alternative meeting layout arrangements	Planning Committee Members & Officers/Roy Sykes/Andrew Sercombe	<input type="checkbox"/>

### Overall Progress Rating



Not yet started  
 Work in progress  
 Nearly complete  
 Completed

Page 238

Activity Progress within Reporting Period	Owner
In order to deliver the final aspect of the Planning Committee Peer Review recommendations Roy Sykes and colleagues are delivering an informal all member consultation session on the latest draft of the 'Planning Committee Protocol'. This session will be held in the Civic Chamber, 11-12 on Tuesday 17 <sup>th</sup> December.	Roy Sykes



The event will set out the background, go through the current draft protocol and then open it up for Member feedback/input. A copy of the latest draft has been sent to all Members and a copy is attached to this report. This session will be useful as not only will it establish how Planning Committee will operate once adopted but also how Ward Members and communities are involved with the Planning Committee process. A lot of the content is already in place in various other documents, but the aim of the Protocol is to update this and bring all the various documents together into one easily referable document. This will then become a public document, which will be uploaded to our website, for members of the public, applicants, agents and anyone else with a role to play in the delivery of this important Council function.

We look forward to seeing as many Members as possible at this session.

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**Date: 15 September 2020**

**To the Chair and Members of the Planning Committee**

**APPEAL DECISIONS**

**EXECUTIVE SUMMARY**

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

**RECOMMENDATIONS**

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

**WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

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

**BACKGROUND**

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

**OPTIONS CONSIDERED**

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

**REASONS FOR RECOMMENDED OPTION**

6. To make the public aware of these decisions.

**IMPACT ON THE COUNCIL'S KEY OUTCOMES**

7.

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

## **RISKS AND ASSUMPTIONS**

8. N/A

## **LEGAL IMPLICATIONS [Officer Initials AB Date 02/09/2020]**

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 02/09/2020]**

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 02/09/2020]**

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

## **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 02/09/2020]**

12. There are no technology implications arising from the report

## **HEALTH IMPLICATIONS [Officer Initials RS Date 02/09/2020]**

13. It is considered that there are no direct health implications although health should be considered on all decisions.

## **EQUALITY IMPLICATIONS [Officer Initials RR Date 02/09/2020]**

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	Committee Overturn
19/01027/FUL	Erection of an agricultural workers dwelling at Land North Of, Almholme Lane, Almholme, Doncaster	Appeal Allowed 21/08/2020	Bentley	Delegated	No
19/02976/COU	Change of use of the ground and first floors to adult gaming and amusement centre with bingo (Sui Generis) at ground floor and ancillary staff area at first floor. at 37 - 39 St Sepulchre Gate, Doncaster, DN1 1TD,	Appeal Allowed 14/08/2020	Town	Delegated	No
19/02264/FULM	Erection of 56 affordable houses, 12 retirement living bungalows and a multi-storey retirement living building accommodating 58 units. at Land Of, Highfield Road, Askern, Doncaster	Appeal Allowed 17/08/2020	Norton And Askern	Committee	Yes
19/02280/FUL	Change of use of land to car park at TCV, Sedum House, Mallard Way, Balby	Appeal Dismissed 20/08/2020	Hexthorpe And Balby North	Delegated	No

## REPORT AUTHOR & CONTRIBUTORS

Miss R Reynolds  
01302 734863

TSI Officer  
rebekah.reynolds@doncaster.gov.uk

**PETER DALE**  
Director of Economy and Environment

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## Appeal Decision

Hearing Held on 29 July 2020

Site visit made on 22 July 2020

**by S Hunt BA(Hons) MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 21 August 2020

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**Appeal Ref: APP/F4410/W/19/3243097**

**Land North of Almholme Lane, Almholme, Doncaster**

- 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 Martin Pashley of Pashley and Sons against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 19/01027/FUL, dated 25 April 2019, was refused by notice dated 25 October 2019.
  - The development proposed is the development of a single dwelling, including access and landscaping.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural workers dwelling at Land North of Almholme Lane, Almholme, Doncaster in accordance with the terms of the application, Ref 19/01027/FUL, dated 25 April 2019 subject to the conditions in the attached schedule.

### Procedural Matters

2. The appellant's name, site address and description of development all differ slightly between the application form and the appeal form. The banner heading above sets out the description on the application form. The parties confirmed at the Hearing that all the details as set out on the appeal form are more accurate and it is on the basis of these amendments that I have made my decision.
3. The Council updated me on the status of the emerging Doncaster Local Plan at the Hearing. They confirmed that there are unresolved objections to the relevant policies therefore the Council would not be relying on the emerging plan in their case. In the absence of evidence to the contrary my decision therefore only relates to the relevant policies of the Doncaster Local Development Framework Core Strategy 2012 (CS) and the Doncaster Unitary Development Plan 1998 (UDP).

### Main Issues

4. The main issues are:
  - Whether, having regard to local and national planning policies that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at their place of work;

- Whether the size of the proposed dwelling would be commensurate with the established functional requirement of the holding; and
- Whether the proposed dwelling would represent necessary development in an area which is at high risk of flooding and whether it can be made safe for its lifetime without increasing flood risk elsewhere.

## **Reasons**

### *Background and Policy Context*

5. Paragraph 79 of the National Planning Policy Framework (the Framework) sets out that the development of isolated homes in the countryside should be avoided unless special circumstances apply. These include an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. Paragraph 83 seeks to enable the sustainable growth and expansion of all types of business in rural areas.
6. Policy ENV5 of the UDP refers to new dwellings in the countryside policy area, which is defined in UDP Policy ENV2. Policy ENV4 part a) supports agricultural uses in such areas subject to a number of criteria including scale, siting and design. CS Policy CS2 sets out the settlement hierarchy, where undefined villages are treated as countryside protection policy area. CS Policy CS3 (part B) goes on to set out the types of development which would be acceptable in the countryside, including agriculture.
7. The holding at Almholme Grange comprises approximately 344 hectares of predominately arable land. The dwelling would be for the appellant together with his wife and two children. I am told that the appellant and his father own the holding which is part of the wider Pashley and Sons multi-generational family farming business. The enterprise also includes a separate holding at Braithwaite Lodge Farm some 4.5 miles away. Together, both parts of the enterprise comprise around 809 hectares of mixed farming land.
8. The land which is currently cropped includes 385 hectares of winter wheat, 56 hectares of spring barley, 162 hectares of oilseed rape, 57 hectares of potatoes, 36 hectares of sugar beet, 20 hectares of beans and 20 hectares of grassland mown for silage. The holding at Braithwaite Lodge is currently stocked with 70 suckler cows with the progeny finished on the holding. No cattle are currently held at Almholme Grange. The buildings at Almholme Grange currently include a recently constructed grain store, a grain dryer shed and a range of general purpose storage sheds. Another large general purpose barn was recently granted prior approval and once constructed would be situated adjacent to the existing buildings.
9. There are dwellings at Braithwaite Lodge Farm and Braithwaite Hall where other members of the family enterprise live, including those who have retired or are planning to retire shortly. The appellant does not live at Braithwaite but in Fenwick, some 15 minutes drive away. There is no existing dwelling at the Almholme Grange holding.
10. The Standard Man Day Analysis indicates a labour requirement of an equivalent of 8 workers to cover the whole enterprise with half of them attributed to Almholme Grange. The Council's agricultural consultant calculated a labour requirement of 6.5 full time workers, increasing to 6.8 if the cow herd is



increased from 70 to 100. I was told at the Hearing that this varies seasonally with more staff being brought onto help at busy times of year, and that the core staff are members of the Pashley family who regularly work long hours of overtime.

11. The appellant's necessity case relates to the care of both livestock and crops. In terms of livestock, there are plans to expand the cattle herd from 70 to 100 cows. I heard how this is not possible at Braithwaite Lodge alone due to lack of space. The appellant seeks to ensure the space standards required by the major supermarket which the beef is supplied to are properly adhered to.
12. I heard how it is more advantageous in terms of animal health for the progeny beef cattle to be separated from the suckler cows. The appellant's vet has provided a letter which sets out the types of issues faced with finishing cattle such as dietary management and risk of disease (and spread of disease). I was told that the suckler cows would remain at Braithwaite Lodge with the progeny finished at Almholme Grange, housed in part of the range of existing general purpose storage buildings.
13. I was advised that the proposed dwelling would be sited within 'sight and sound' of the cattle so that needs could be attended to quickly. Cows in distress would be likely to be audible as would any breaches of security. I was told how the appellant would be able to do late night checks on the cows and the buildings, which would not otherwise be possible.
14. In terms of crop growing I was told about the long periods of time spent by the appellant working out of usual hours, travelling around the holding and how intense periods are spread over the year for their wide range of crops including combinable crops, potatoes and sugar beet. I was also told how the particular type of potatoes grown required a more intensive irrigation system to ensure a high quality product. I heard about the drum irrigation which requires high pressure pumps running 24 hours a day in the growing period, and about the risk of breakdown that causes serious loss of crops. The siting of the proposed dwelling would be central to the arable fields which surround the farmstead, with a quick response time in the event of emergencies. I heard that the proposed dwelling would be within sight and sound of the grain dryer and machinery, to reduce the risk of power failure and fire. I was told how the appellant would be able to check the surrounding growing land and associated irrigation systems late at night.
15. It is an agreed matter that the Pashley and Son farming business is financially viable now and is expected to remain so, and that the enterprise would be capable of sustaining the cost of the proposed dwelling. I therefore turn to the issue of necessity to live at the farm.

### *Essential Need*

16. The Council cite the provisions of Annex A of the former PPS7 as being a 'yardstick' for determination of this type of proposal and I am directed to an appeal decision<sup>1</sup> where Annex A was referred to as such. However it appears that essential need and use of the Annex were agreed matters in that appeal, and I do not have the circumstances before me as to why that was the case. As current national guidance in relation to rural worker's housing is set out in

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<sup>1</sup> Council Statement of Case Appendix 1 : APP/N4720/W/19/3225417 Intake Side Farm, Mill Lane, Hawksworth, Leeds (paragraph 14)

Planning Practice Guidance (PPG)<sup>2</sup>, I am not persuaded that using the 'tests' within the former PPS7 Annex A are relevant or necessary in this instance.

17. The Council maintain that the Almholme Grange enterprise has been, and can continue to, function without the need for a dwelling and 24 hour presence of a farm worker. I agree that care of the existing arable crops alone, and the personal preference or convenience of living on site are not sufficient justification to warrant a dwelling.
18. However, it is here where my view departs from that of the Council. The appeal site is a large self-sustaining enterprise in its own right. Given the expansion plans proposed for the cattle, coupled with the distance between the site and the appellant's existing home and his family at Braithwaite, I am satisfied that the operations here are of a sufficiently large scale to justify it as a separate entity independent of the main residences at Braithwaite.
19. There are other persuasive reasons which only enhance my findings. Security issues include potential theft of products and machinery. I was told that a high value loader, batteries, irrigator solar panels, and diesel from the grain dryer tank had been stolen in recent years and that there are a range of rural crime issues locally. Finishing cows are valuable and there is a desire to keep future cattle safe from potential theft.
20. The Council highlighted that there is no policy basis for a 'sight and sound' test, and that the sounds of cows in distress or a security breach that may not be heard from inside the proposed dwelling which would be constructed to the latest building regulations so would have good insulation properties. That may be so, but the presence of a farm worker at all times including during the night would no doubt have safety and security benefits by virtue of providing a deterrent.
21. The Council also voiced concerns that the siting of the dwelling to the rear of the sheds would mean the dwelling would be less effective in terms of security, and that sight and sound could be improved if it were in closer proximity. This point has some merit, however when I visited the site it was clear that there would be insufficient space to site the dwelling directly in front of all the existing agricultural buildings where the space is used for manoeuvring large vehicles and operating machinery.
22. It was suggested that there are alternative methods of preventing and reducing crime including use of CCTV and alarms. I was told that alarms would continue to be fitted to existing and future buildings. The expense was quoted as a reason for not using CCTV. This is not sufficient in itself to discount such a system, however it is clear that there are limitations to CCTV when the appellant currently lives some distance away from the holding.
23. Paragraph 79a of the Framework specifically includes reference to 'those taking control of a farm business' and the PPG refers to the continued viability of a farming business through the farm succession process. I was presented with a great deal of evidence on this issue and the structure of the family business. There have been long term plans for the younger generation, including the appellant and his cousin, to succeed their fathers and grandfather in taking majority control of the enterprise and responsibility for each holding. I

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<sup>2</sup> PPG Housing Needs of Different Groups : Paragraph 010 Reference ID: 67-010-20190722

understand that there is a lengthy transition process in succession planning as the older generation move towards retirement but are still involved in some way in day to day running of the farming enterprise. The Braithwaite holding has on-site accommodation where the older or retired members of the Pashley family reside, whereas there are no dwellings at Almholme Grange. This issue is not referred to in Policy ENV5 of the UDP, however the more recent wording of the national guidance allows for the type of succession planning that is the case here. I was told that the expansion plans together with the proposed dwelling would ensure that this long established farming enterprise can viably continue within the Pashley family.

24. Turning to alternative accommodation, the original farmhouse opposite the site was severed from the holding several years ago, sold off separately prior to the appellant's purchase of the holding. I was told that the appellant had attempted to purchase the house, as well as the former yard area which previously had planning consent for residential development. I was informed that they were unsuccessful in their bids for these lots, and the Council confirmed that the residential planning permission has since expired. There are only a handful of dwellings in Almholme, none of which are available to the appellant. The properties for sale in the nearby settlement of Arksey suggested by the Council were discounted for various reasons including size, price range, and their location out of sight and sound of the holding. I am satisfied that no alternative accommodation exists locally which meets the needs of the appellant based on the evidence before me.
25. It was discussed at the Hearing whether bringing the finishing cattle onto Almholme Grange would constitute a new enterprise, and as such whether a temporary dwelling should have been considered by the appellant. Whilst the animal husbandry side of the enterprise would be new to this particular holding, it is not new to the appellant and the wider enterprise. It simply involves the expansion and re-organisation of an existing long established and profitable cattle raising business. There is no doubt that the arable farm enterprise is long established and profitable. Consequently, I am assured that the business does not constitute a new enterprise and therefore that it is unnecessary to consider a temporary dwelling first.
26. To conclude on this main issue, I am satisfied that I am satisfied that an essential need for a rural worker to live permanently at their place of work has been demonstrated. There are potential risks to animal health, loss of crops, and theft of or failure of associated machinery. In particular, I have had regard to the family business which is a sizeable, well established and viable mixed farming enterprise which has firm plans to expand the beef cattle business with an identified end user. The growth of the business would be greatly assisted by the provision of a dwelling on the site, with the presence of a farm worker throughout the day and night. The younger members of the Pashley family are in the process of taking majority control of the business so that older members of the family can retire. Given the wording of paragraph 79a of the Framework, the succession planning issue adds significant weight to my decision.
27. The proposal is in compliance with Policy ENV5 of the UDP and in turn the proposal also accords with the relevant sections of Policies ENV2, ENV4, CS2 and CS3 which refer to development in the countryside policy area. Paragraphs 79a and 83 of the Framework are also complied with. The parties differ in

terms of the weight to be given to the aforementioned Policies. They are of some age however this does not necessarily diminish their weight. I have also had regard to the appeal decisions<sup>3</sup> before me regarding whether Policies ENV2 and ENV4 of the UDP are out-of-date, however they are incomparable in that they relate to market housing and not an essential rural worker's dwelling.

28. The Policies and the Framework when read as a whole are supportive of agricultural development in the countryside and rural worker's dwellings in isolated locations where an essential need can be demonstrated. Consequently I give the Policies significant weight. The wording of Policy ENV5 is more restrictive than paragraph 79a of the Framework in only referring to agriculture and forestry rather than other types of rural worker, and it does not refer to those taking majority control of a farm business. Nonetheless this does not diminish the significant weight I give to its central thrust that a genuine agricultural reason should be demonstrated for a new dwelling to be permitted.

#### *Scale of the Proposed Dwelling*

29. The supporting text to UDP Policy ENV5 (paragraph 5.35) states that new agricultural dwellings should be of a size commensurate with the established functional requirement of the holding. It goes on to say that dwellings which are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long term, will not normally be permitted.
30. The Council consider the size of the proposed dwelling to be excessive, and not commensurate with the functional requirement of the holding. Whilst there is some policy basis for this, I give it limited weight. The supporting text for Policy ENV5 refers to now defunct national planning guidance (PPG7). There is no such reference to scale of rural workers dwellings within current national policy and guidance. The Council confirmed that supplementary planning guidance referred to in paragraph 5.35 has not been produced.
31. The proposed dwelling is undoubtedly large. Ordinarily this would cause some concern as being somewhat excessive for a farm worker. However I have already established that there is an essential need for a dwelling on the holding with particular regard to the considerable scale of the family enterprise, which is long established and viable. There is no dispute that the appellant can support the construction of the dwelling in relation to the income sustained in the long term.
32. Additionally, the Council has no objection to the scale of the house in terms of its effect on the character or appearance of the area. I agree that, given its location in relation to existing buildings and its detailed design which is in keeping with other large houses in Almholme, it would cause no material harm in this regard.
33. On being asked what size would be appropriate, the Council submitted that an average 4 bed detached dwelling is 192 square metres, and that the standard size for an agricultural workers dwelling would be 180 square metres. An appeal decision<sup>4</sup> referred to by the Council cites examples of other agricultural

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<sup>3</sup> Council Statement of Case Appendix 3 and 4 and Appellant Statement of Case Appendix 5 : APP/F4410/W/19/3240217 and APP/F4410/W/17/3169288

<sup>4</sup> Council Statement of Case Appendix 2 - APP/E2734/W/19/3232005 Land Comprising Field at 427289 451502 at Tatefield Farm, Shaw Lane, Beckwithshaw, Harrogate

worker's dwellings, where the floorspace varied between 100-200 square metres. In that decision the impact of the proposed dwelling on landscape character was pertinent, which is not the case here, consequently there are few direct similarities that enable me to consider it determinative in my decision. In this case there is little evidence to persuade me that a smaller house would be more appropriate, particularly given that visual impact is not a matter in contention.

34. I conclude on this main issue that the size of the proposed dwelling would be commensurate with the established functional requirement of the holding, in compliance with Policy ENV5 of the UDP.

#### *Flood Risk*

35. The site lies within flood zone 3 and is at high risk of fluvial flooding. There have been two known instances of flooding of the site, in 1947 and 2007. The local area flooded more recently in November 2019 and it was clarified at the Hearing that the site was unaffected by this flood event. The area benefits from flood defences and the earth embankments to the nearby Ea Beck and the River Don are maintained to a design standard of 100 years.
36. As a residential dwelling, the proposed end use would be more vulnerable. Given that the siting of the dwelling has a functional need to be adjacent to the existing farm building, and the entire area is covered by flood zone 3, the sequential test has not been undertaken. Nonetheless, a sequential approach to siting has been carried out with the dwelling located to the southern end of the site which was not fully flooded in the 2007 event. and a number of mitigation measures put forward in the Flood Risk Assessment to limit the impact should there be a breach of defences.
37. The Council have confirmed that, if I find that an essential need for the dwelling has been demonstrated, the exceptions test has been passed in accordance with paragraph 160 of the Framework. Wider sustainability benefits required by part a) of the test include meeting an essential agricultural need, the reduction in the need to travel to work by the appellant and associated reduction in emissions, and its appropriate siting adjacent to existing buildings.
38. Further to part b) of the exceptions test, a number of mitigation measures seeking to demonstrate that the development would be safe for its lifetime are set out within paragraph 6.25 of the Flood Risk Assessment. The flood resilience measures include raising electricity supplies, use of anti-flood valves, use of waterproof plaster and solid floors. The Environment Agency have raised no objection subject to a condition including the finished floor level of the building being a minimum of 4.5m and no ground floor sleeping accommodation. It was also confirmed at the Hearing that submission of a flood warning and evacuation plan by condition would be necessary as a further safety precaution, and this was a stipulation in the Lead Local Flood Authority's response.
39. Fordstead Lane, which links Almholme to Braithwaite via Barnby Dun, runs partly through a nearby flood storage area and I noted on my site visit that this road is subject to a number of measures which allow it to close during times of flooding. This occurred for a lengthy period following the November 2019 flood event. The appellant informed me that when this occurs it adds approximately

30 minutes to the journey to Almholme. This adds further weight to their case for an on-site dwelling.

40. I have already established that the proposed dwelling would represent necessary development. I am satisfied that the exceptions test has been passed in terms of sustainability benefits and that, subject to an appropriate condition, it can be made safe for its lifetime without increasing flood risk elsewhere. As such the proposal would therefore meet the requirements of Policy CS4 of the CS, and the provisions relating to flood risk within section 14 of the Framework.

### **Conditions**

41. I have considered the conditions put forward by the Council and the amendments discussed at the Hearing against the tests set out in the Framework and Planning Practice Guidance. I have carried out some minor editing and amalgamation of the suggested conditions for precision and clarity. I have attached conditions specifying the time limit and the list of approved plans to provide certainty. An agricultural occupancy condition is necessary because whilst it has been demonstrated that the dwelling is necessary for an agricultural worker, residential development would otherwise be unacceptable due to its isolated location.
42. Details of drainage are required in order to ensure a sustainable drainage system which does not increase pollution or flood risk. This is required prior to commencement of development and the appellant has agreed to this. A landscaping scheme is necessary in the interests of the character of the area and to enhance biodiversity. I have removed the requirement to notify the Council within 7 days of completion as this would be unnecessary for a single dwelling in this location. A boundary treatment condition is necessary to preserve the neighbour's living conditions. I have removed reference to the access arrangement in condition 5 as this is shown on the approved layout plan.
43. There is potential for contamination due to the agricultural use of the site and its surroundings, therefore conditions 6 and 7 are required in order to protect future occupants of the dwelling. As agreed at the Hearing, parts of condition 8 relating to marking out are unnecessary. The condition can be deleted and hard surfacing requirements added to the landscaping condition instead. A materials condition is required to ensure that the external surfaces of the dwelling are in keeping with its surroundings in the interests of the character and appearance of the area. The final condition relates to the comments made by the Environment Agency and Lead Local Flood Authority and is necessary in order to reduce the risk and impact of flooding.

### **Conclusion**

44. I am satisfied that the proposed development would accord with the development plan as a whole, and for the reasons given above I conclude that the appeal should be allowed.

*Susan Hunt*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan	3812-PD-00 Rev C
Proposed Floor Plans	3812-PD-02 Rev C
Proposed Elevations	3812-PD-03
Proposed Block Plan	3812-PD-04 Rev D
- 3) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 4) No development shall commence 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. The works shall be carried out as approved and operational prior to the first occupation of the dwelling.
- 5) Prior to the first occupation of the dwelling, a detailed hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard surfacing and a soft landscape plan to include: 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. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within 5 years of planting shall be replaced during the next available planting season in full accordance with the approved scheme.
- 6) No development above foundation level 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. The boundary treatment shall be completed as approved before the occupation of the dwelling.
- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These

approved schemes shall be carried out before the development is resumed or continued.

- 8) 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 Local Planning Authority 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 Local Planning Authority prior to any soil and soil forming material being brought on to site.
- 9) No development above foundation level shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling have been approved in writing by the local planning authority. The dwelling shall be constructed in accordance with the approved details.
- 10) The development hereby approved shall be carried out in accordance with the following flood mitigation measures which shall be implemented as approved prior to the first occupation of the dwelling and retained thereafter:
  - Finished ground floor level of the dwelling set to a minimum of 4.5m AOD;
  - No ground floor sleeping accommodation;
  - Flood resilience measures as set out in paragraph 6.25 of the Flood Risk Assessment (ARP: 15 March 2018) to a minimum height of 5m AOD; and
  - Submission of a flood warning and evacuation plan to be submitted to the Local Planning Authority prior to first occupation of the dwelling.

End of Schedule.



## **APPEARANCES**

### FOR THE APPELLANT:

Matthew Turnbull MRTPI	Peacock and Smith
Gareth Glennon MRTPI	Peacock and Smith
Robert Pigg	Agricultural Advisor
Martin Pashley	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

David Richards BA(Hons) MA	Principal Planning Officer
Andrew H Coombe MRICS FAAV	Agricultural Advisor

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Plans and Elevations relating to prior approval application  
20/00517/AGR

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## Appeal Decision

Site visit made on 14 July 2020

**by Edwin Maund BA (Hons) MSc Dip UP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> August 2020**

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**Appeal Ref: APP/F4410/W/20/3250246**

**37-39 St Sepulchre Gate, Doncaster DN1 1TD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Praesepe Holdings Ltd against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 19/02976/COU, dated 6 December 2019, was refused by notice dated 3 February 2020.
  - The development proposed is Change of use of the ground and first floors to adult gaming and amusement centre with bingo (Sui Generis) at ground floor and ancillary staff area at first floor.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of the ground and first floors to adult gaming and amusement centre with bingo (Sui Generis) at ground floor and ancillary staff area at first floor at 37-39 St Sepulchre Gate, Doncaster DN1 1TD, in accordance with the terms of the application, Ref 19/02976/COU, dated 6 December 2019 subject to the conditions set out in the schedule attached to this decision notice.

### Procedural Matters

2. The Council in determining the application refused it on the basis of the current development plan, but in setting out their case in support of the appeal have made reference to the Emerging Local Plan. The Examination into the Local Plan is at a relatively early stage, and it is too early in the process to know what modifications may be made as the Examination hearings have yet to commence. In these circumstances, and in accordance with Paragraph 48 of the Framework, I consider only moderate weight can be given to the Emerging Local Plan and I have determined the appeal on this basis.

### Main Issues

3. The main issues are;
  - The effect of the proposal on the vitality and viability of the Doncaster town centre and primary shopping frontage; and
  - The effect of the proposal on the health and wellbeing of residents living in the Town Ward of Doncaster.

## Reasons

### *Vitality and Viability*

4. The appeal property is a vacant shop unit on the eastern side of St Sepulchre Gate within the designated primary shopping frontage of Doncaster town centre. Located on a pedestrianised street, at the time I visited, early afternoon, mid-week, the centre was busy, and footfall was apparent in all directions, despite some ongoing restrictions due to Covid-19. I recognise this is just a snapshot in time, but from my observations the location appeared to be a healthy town centre shopping area.
5. A small number of premises were vacant, including the appeal site, nevertheless there was a good range of shops including national retail chains and other ancillary services which you would expect to find in a town centre location.
6. Along the same side of St Sepulchre Gate between High Street and Printing Office Street, I was able to view that despite being highlighted as a primary shopping frontage, this side of the road is broadly a 50/50 split between retail and non-retail uses, with several banks, two betting shops, and two cafes. With the appeal premises located between a betting shop and a café.
7. Policy TC6 of the Doncaster Unitary Development Plan (UDP) (1998) seeks to retain the predominant retail function of these frontages but supports the change from retail where that use contributes to the vitality and viability of the centre and does not seriously disrupt the continuity of the shopping frontage.
8. Policies CS7 and CS8 of the Doncaster Core Strategy (CS) (2012) highlight the importance of Doncaster town centre as the sub regional centre, sub criteria B) of CS7 advises that the vitality and viability of the borough's centres will be enhanced, by in part widening the range of uses and encouraging service and employment facilities to meet the day to day needs of residents.
9. I have been provided with information in respect of how the property has been marketed since October 2018, but this does not include whether the price sought reflected a realistic value in the current economic climate, nevertheless what information I do have is indicative of some of the challenges facing town centres and the retail sector.
10. I am also mindful of the forthcoming changes to the Use Classes Order that will come into effect on 1 September 2020 allowing greater flexibility for changes of use from retail within town centres. While this would not directly affect this proposal as the proposed use is sui generis it is a material consideration in respect of how it would affect the current policy and in particular the aims of retaining primary retail frontages.
11. The use proposed would comply with the aims of this policy by supporting the vitality and viability of the town centre and bring a vacant unit back into use, facilitating a use which could add to the footfall and increase the opportunity for shared trips. It would also add to the evening economy being a use that would be open up to 24 hours, and also subsequently increase employment opportunities.
12. The Council consider that the proposal would be in conflict with the Emerging Local Plan policy 24. I do not agree, the proposal is for none of the exclusions

identified in that it is adult gaming and amusement centre with bingo, not a betting shop, pay day loan unit or pawnbrokers. Even, if I were to agree with the Council's interpretation of the supporting text, the appellant has marketed this vacant property for in excess of 12 months with no success. The appeal proposes having an occupier within the building where there is an opportunity for additional footfall, and it would not result in a cluster or concentration of such uses, being the only such use in this immediate area.

13. In summary, I do not consider that the proposed use would be in conflict with policy TC6 of the UDP, or CS7 and CS8 of the CS which seek to ensure amongst other things, to maintain the vitality and viability of the town centre.

#### *Health and wellbeing*

14. The appeal site is located within Doncaster Town Ward. The Council identify that it is an area of deprivation relative to Doncaster Borough as a whole and Doncaster itself is relatively deprived. The Ward the Council consider has an over representation of residents that are susceptible to problem gambling, as such the appeal if allowed would exacerbate the situation and consequently have an adverse effect on public health.
15. Conversely, the updated report '*Gambling: An Evidence Briefing Paper for Doncaster*' accepts that there is a lack of robust evidence concerning problem gambling; and there is limited local data for Doncaster itself. Nor does it correlate that the proximity of a gambling establishment within a close proximity to residents' results in additional problem gambling.
16. There is an estimate that 1 in 90 adults in the UK are problem gamblers, with no further information on how this differs locally, if at all, or how, should the appeal be allowed, this might make matters worse, I do not agree therefore that the argument presented can be given significant weight, or that there is a clear link between the proposed use of the site and the concerns the Council identify.
17. I do not consider therefore that the proposal would adversely affect the health and wellbeing of residents in the Town Ward of Doncaster. I do not consider therefore that this would lead to a conflict with either the Framework or the Emerging Local Plan policy 51.

#### **Other Matters**

18. The site is located within the Doncaster High Street Conservation Area there is a duty therefore to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The effect on the Conservation Area has not been raised as an area of concern by the Council as no changes are proposed to the external façade of the building and a shop window display has been confirmed to be retained which can be controlled by a suitable condition, I consider the duty to preserve the Conservation Area would be achieved.
19. The appellant has pointed me towards their social responsibility policy, which is to be welcomed but it is not something which could be enforced through planning conditions so can be given limited weight in determining the appeal.
20. I have been referred to a series of other appeal decisions which were allowed relating to changes of use from retail (A1) to Adult Gaming Centres (Sui

Generis) in Croydon<sup>1</sup>, Eastwood<sup>2</sup>, and Hull<sup>3</sup>. Given that each of these appeals were in different localities and had differing policy backgrounds I do not draw significant conclusions from them and therefore they do not carry significant weight in my decision.

### **Conditions**

21. I have considered the planning conditions that have been suggested by the Council against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. To provide certainty a condition is necessary requiring that the development is carried out in accordance with the approved plans.
22. I have imposed a condition requiring the implementation and retention of a shop window display in the interests of the vitality and viability of the area and to preserve the character and appearance of the conservation area.  
I have not imposed the condition limiting opening hours as this is a town centre site in a sub-regional centre where late night activities could be expected.

### **Conclusions**

23. The appeal is allowed.

*Edwin Maund*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 000-EX-01, 000-DR-01.
- 3) A shop window display in all ground floor windows fronting St Sepulchre Gate shall be installed before the use commences and retained for the lifetime of the use.

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<sup>1</sup> Appeal Reference APP/L5240/W/19/3232831

<sup>2</sup> Appeal Reference APP/J3015/W/18/3212670

<sup>3</sup> Appeal Reference APP/V2004/W/19/3233244



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## Appeal Decision

Site visit made on 7 July 2020

**by Edwin Maund BA (Hons) MSc Dip UP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> August 2020

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**Appeal Ref: APP/F4410/W/20/3250776**

**land Off Highfield Road, Askern, Doncaster DN6 0LG**

- 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 Esh Construction Ltd against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 19/02264/FULM, dated 16 September 2019, was refused by notice dated 9 March 2020.
  - The development proposed is the erection of 56 affordable houses, 12 retirement living bungalows and a multi-storey retirement living building accommodating 58 units.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of 56 affordable houses, 12 retirement living bungalows and a multi-storey retirement living building accommodating 58 units on land off Highfield Road, Askern, Doncaster DN6 0LG in accordance with the terms of the application Ref 19/02264/FULM, dated 16 September 2019, and subject to the conditions in the attached schedule and the S106 agreement.

### Application for costs

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

### Procedural Matters

3. I have taken the description of development from the Council decision notice and appeal form as this accurately describes the proposal as considered by the Council, following amendments submitted during the processing of the application.
4. Following the submission of the appeal I have been provided with a completed legal agreement dated 07 July 2020 and made under section 106 of the Town and Country Planning Act 1990 (the S106 Agreement). I have taken this into account in the determination of this appeal.

### Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area; and whether the development would appropriately

safeguard trees and hedgerows on the site, particularly in respect of T1 a Poplar.

## **Reasons**

### *Character and Appearance*

6. The site is currently an area of rough grass interspersed with self-seeded trees and mixed foliage. The boundaries are formed by mixed hedgerows and trees which divide it from the housing area to the north and the recreation ground to the east. The railway line forms the western boundary and the southern extent of the site follows a ditch and public footpath which connects the recreation ground and links back into the town beyond the railway line.
7. Accessed off Highfield Road the area to the north of the site is a residential area made up predominantly of bungalows but is distinct from the appeal site by virtue of the significant barrier the boundary foliage creates. The current character is of a mixed residential development with the bungalows sited around courtyards and shared spaces with limited onsite parking. This character changes to the north with traditional two storey terraces fronting Highfield Road. A further character type is present off Marlborough Crescent with modern two storey houses being present. As such the area around the site has a mixed character and appearance.
8. The appeal development proposes a mix of houses, bungalows and a three-storey block of retirement living homes. This would be a further different style, but with the strong boundary features which are proposed to stay, the site will be read as a new development. It would not adversely affect the character or appearance of the existing area but add a different style and layout to the edge of the settlement.
9. The retirement block would be a sizeable building, around 30 metres into the site, but screened beyond the extensive hedge that defines the boundary. I agree that the introduction of the three storey block, will be a marked change from the current arrangements in the locality, but being set in its own gardens and ancillary parking area it will be read as a standalone building in this setting. Whilst it would form a significant structure, there is nothing in policy terms that advises that this would be inappropriate in itself.
10. The total density of development across the site is to an extent influenced by the retirement living homes, a discreet element of the proposal which overall lifts the density significantly. Elsewhere the layout is more traditional, with pairs of semidetached properties fronting the streets, and a courtyard of bungalows similar to the existing site to the north.
11. While the proposed development does not copy the character and appearance of the existing streets in the vicinity of the site, there is nothing which suggests it needs to. The adopted policy looks to achieve high quality developments that can contribute to the local distinctiveness and respond positively to the existing natural and built environment. I consider that the appeal scheme would be of a suitable quality and add positively to the character of the area. I conclude that it would not adversely affect the character of the area and would therefore comply with policy CS14 of the Doncaster Core Strategy (2011 - 2028).



*Effect on trees/hedgerows*

12. The site is bounded by significant hedgerows and has within it a range of trees which would be removed should the development commence. The principle concern identified by the Council, is the effect the development would have on the hedge and a poplar tree (identified as T1 on the arboricultural report submitted on behalf of the appellant) on the eastern boundary of the site.
13. The layout of the development was adjusted through the application process, to remove the hedge from the gardens of the properties along the eastern boundary. This would assist in safeguarding the hedge and subsequently allow it to retain the contribution it makes in providing a strong green boundary to this part of the development and the recreation ground beyond.
14. While it was not put as part of the reason for refusal by the Council, the subsequent evidence indicates the hedge is regarded as an important hedge in historical terms predating 1850. Since the hedge would be set outside the gardens of the neighbouring properties with a fence in between whose provision could be delivered through a suitable condition, I consider that it would be adequately safeguarded.
15. The hedge in its current condition is somewhat overgrown and would not appear to have been subject to recent pruning or other forms of maintenance. Its retention as part of this scheme would provide an opportunity to facilitate this. I regard this as a positive benefit that could arise from the development and which weighs in its favour. Again, I consider this could be secured through the imposition of a suitable condition.
16. The poplar is a large mature tree which has, according to the arboricultural report a height of about 12m and a crown spread of up to 13m. It was classed as a Grade B tree worthy of retention. It is located within the hedgerow boundary and beyond the proposed gardens. Being a mature specimen of such a considerable size it is visible from some distance and makes a positive contribution to the local landscape setting.
17. The arboricultural statement prepared by the appellant sets out a detailed assessment of the health of the tree, and the contribution it makes to the local landscape. It also sets out the methodology against which the development could take place to safeguard the tree during the construction of the proposed development. The Council do not dispute this approach.
18. The layout plans indicate that the dwellings would lie outside the Root Protection Areas (RPAs). Careful controls in terms of construction methods, level changes and protective measures, the details of which could be secured by condition, would safeguard the tree.
19. Nevertheless, it must be recognised that in the event the development goes ahead, the gardens of plots 63, 64 and 65 would be compromised to a degree. Plot 64 in particular would have a more limited useable garden space due to the extent of the garden being under the tree canopy. However, I do not consider that this would be so close as to create either safety or maintenance issues for the future.
20. The Council do not suggest the relationship would adversely affect the living conditions of future occupiers of these homes or refuse it on that basis. I therefore afford these arguments less weight in my deliberations.

21. The tree being located beyond the gardens of the proposed dwellings and the proposed boundary fence being set away from the trunk affords a further degree of protection and capacity for the tree to remain. It is not suggested by the Council that the development of the proposed dwellings themselves would result in direct damage to the tree or require its removal.
22. I conclude that the proposal would appropriately incorporate the trees and hedges into the scheme and be in compliance with policy CS16 of Doncaster's Core Strategy (2011 – 2028).

### **Other Matters**

23. Third parties have objected to the proposal on the basis it would adversely affect ecology/biodiversity by developing a greenfield site which supports a range of different species. The Preliminary Ecological Appraisal and subsequent water vole report, both undertaken by qualified ecologists support the development, subject to the preparation of a Biodiversity Enhancement Plan and Construction Environmental Management Plan both of which could be secured by condition. The anecdotal evidence of other species being present can only be afforded limited weight in my consideration of this appeal, and I am satisfied that with conditions imposed as referred to above suitable arrangements could be made to safeguard those species present on the site and afford a suitable environment in compliance with policy CS16 of the Doncaster Local Development Framework (2012).
24. Third parties have raised concerns about the suitability of the access to the site in 2 respects, the limited width of the highway adjacent the site and off Highfield Road near to the junction with Moss Road and whether because of this a second access to the site should be provided. The application has been supported by a Transport Assessment and been assessed by the Highway Authority. Both main parties provide evidence that the roads to the site are suitable to accommodate the traffic that would be generated from the development, subject to adjustments to the width of the road near to the entrance to the site.
25. I saw at the time of my visit that Highfield Road was subject to on-street parking which reduces the available width of the highway. However, there is no technical evidence before me that the development would lead to an unacceptable impact on highway safety or have a severe cumulative impact on the highway network. Since there is no substantial evidence in support of this concern, I do not find that it weighs against the development.
26. The proposal has been supported by a Flood Risk Assessment (FRA) which confirms that the northern portion of the site is in Flood Zone 1 and the southern portion Flood Zone 2 bar the area following the line of the ditch which forms the southern boundary. That area falls within Flood Zone 3 of the Environment Agency's Flood Maps. The drainage of the site would utilise on-site surface water attenuation and would control runoff rates to the current agricultural rate which accords with the technical assessments provided. While I can understand the local concerns in respect of this issue, the evidence provided supports the assertion that the development would not increase the risk of flooding elsewhere and has been designed to current standards to achieve a suitable solution in this regard.

27. A neighbouring resident has expressed concern that they would be adversely affected due to the loss of light. Being a bungalow near the boundary this is of great importance. The layout proposed has the three-storey element of the development around 30m from the boundary. With the retention of the hedgerows which already affect outlook and light to a degree, I do not consider there would be an adverse effect on living conditions of neighbours in this respect.

### **Section 106 Agreement**

28. I consider the agreement in accord with the criteria of Regulation 122 of the Community Infrastructure Levy Regulations and with paragraph 56 of the Framework. I can therefore reasonably take it into account.

### **Conditions**

29. The Council have suggested a series of conditions in the event the appeal is successful, and I have considered these and amended them where necessary in light of the National Planning Practice Guidance. I deal with these in the same order listed by the Council. To provide certainty a condition is necessary requiring that the development is carried out in accordance with the approved plans. Requiring the submission and agreement of the external materials is appropriate to ensure the quality of the external appearance of the development. A landscaping scheme is necessary to ensure the scheme satisfactorily compliments the local environment and safeguards the hedgerows and trees indicated should remain.

30. A Construction Environmental Management Plan is necessary to protect the ecology interests on site. A Biodiversity Enhancement Master Plan is also necessary to protect the long-term interests of ecology. Providing appropriate noise attenuation to ensure suitable living conditions for properties near to the railway line is necessary. Provision of surface and foul water drainage is necessary and for them to be installed prior to occupation is appropriate.

31. Prevention of overloading the public sewer network will be necessary and the provision of electric charging points for vehicles to contribute towards reduced emissions and choice of travel is reasonable and necessary. The highway improvements are necessary to achieve a safe access and egress to and from the site and raised floor levels to minimise the risk of flooding is appropriate. Fencing of the trees to be retained is necessary to ensure their protection.

32. A Construction Method Statement is necessary to safeguard the amenity of existing residents. Appropriate provision of surfaced and drained roads is necessary for highway safety and drainage of the site. Adequate turning facilities for vehicles is necessary for the safe use of the highway. The provision of car parking is necessary to meet the needs for future residents and visitors. Achieving suitable visibility at the junction to the site is necessary to achieve safe access. Suitable fencing along the ditch is necessary to safeguard ecology.

33. Bearing in mind the PPG's advice that such conditions should only be used in exceptional circumstances, I have not been provided with sufficient evidence as to why it would be reasonable or necessary to require screening of any materials to be imported onto the site, or why an air quality mitigation plan would be reasonably required on this basis I do not propose to require these conditions.

## Conclusions

34. The appeal is allowed.

*Edwin Maund*

INSPECTOR

## Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Drawing number 012-100-01 dated July 2019 (Location plan)
  - Drawing number 003/100/03 Rev F dated July 2019 (Planning layout)
  - Drawing number 003/100/05 Rev F dated July 2019 (Boundary treatments layout)
  - Drawing number 003/100/06 Rev A dated July 2019 (Boundary details)
  - Drawing number 003/100/07 Rev F dated July 2019 (Block layout)
  - Drawing number 003/100/10 forward visibility
  - Drawing number 012-200-01 Rev A dated June 2019 (2B3P House type)
  - Drawing number 012-200-02 Rev A dated June 2019 (3B4P House type)
  - Drawing number 012-200-03 Rev A dated June 2019 (4B5P House type)
  - Drawing number 012-200-04 Rev A dated June 2019 (3B4P and 3B4Pa House type)
  - Drawing number 012-200-05 dated June 2019 (2B3P Bungalow)
  - Drawing number 012-200-06 dated June 2019 (2B3P Bungalow 4 block)
  - Drawing number 417/08 (02) 002 F proposed Site Plan in context
  - Drawing number 417/08 (02) 003 H Proposed Site Plan
  - Drawing number 417/08 (02) 004 D (Retirement living boundary plan)
  - Drawing number 417/08 (02) 005 E (Site roof plan)
  - Drawing number 417/08 (02) 14 A (Bungalow Floor Plan)
  - Drawing number 417/08 (02) 010 A dated April 2019 (Ground floor plan)
  - Drawing number 417/08 (02) 011 A (First floor plan)
  - Drawing number 417/08 (02) 012 A (Second floor plan)
  - Drawing number 417/08 (02) 020 B (Retirement Living Block Elevations)
  - Drawing number 417/08 (02) 021 A (Retirement Living Block Elevations)
  - Drawing number 417/08 (02) 022 A (Bungalow Elevations).
- 3) Prior to the erection of any buildings on site, details of the proposed external windows, balcony enclosures, cladding, brickwork and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved materials and details.
- 4) No development on any buildings shall take place on the site until a detailed hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials. The soft landscape plan shall include a schedule providing plant and 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, a detailed specification for tree pit construction for the trees within the highway that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements supplementary planning document and a load-bearing capacity equivalent to BS EN 124 2015 Class C250 for any paved surface above, a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation and details of management and maintenance 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 of any planting within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme prior to occupation of the home. 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.

- 5) Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority and then implemented in accordance with the approved details. The Construction Environmental Management Plan shall include:
  - i) A risk assessment of the potentially damaging construction activities in relation to wildlife and habitats. ii) A method statement for the protection of terrestrial fauna that may be encountered on site. iii) The use of protective fencing, exclusion barriers and wildlife safety measures.All of these are to be based on measures detailed in Section 5 of the ecological report JCA Ltd Ref.15127c/JE REV1.
- 6) Prior to the erection of any buildings on site, a Biodiversity Enhancement Master Plan shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the approved details. The content of the plan shall include:
  - i) Identification of the mitigation and/or compensation areas within the development site, including SUDS features. ii) Measures to protect and enhance the adjacent drain with its population of water voles. iii) Baseline specifications for biodiversity creation and enhancement works and other ecological features specific to mitigation proposals for habitats, faunal groups and species (these are to be based on site survey data and Local Biodiversity Action plan priorities). iv) Provision of roosting and nesting opportunities in woodland and new dwellings.All of these are to be based on measures detailed in Section 5 of the ecological report JCA Ltd Ref.15127c/JE REV1.
- 7) Prior to the occupation of those dwellings identified in Appendix 3 of the submitted noise report by ENS dated 4 February 2020, the mitigation measures including enhanced double glazing and 1.8m high close

- boarded acoustic fencing as identified in Section 4 of that report shall be installed and operational prior to those dwellings being occupied.
- 8) Prior to occupation of the site separate systems of drainage for foul and surface water on and off site shall have been installed and be fully operational.
  - 9) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
  - 10) Details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the approved electric vehicle charging provision has been installed and is operational. Following installation, the electric vehicle charging provision shall be retained for the lifetime of the development.
  - 11) No dwellings shall be occupied unless and until the offsite highway improvement works to Highfield Road have been carried out and are operational in accordance with a scheme previously submitted to and approved in writing by the local planning authority.
  - 12) Floor levels of the dwellings within the development shall be constructed 300mm above existing ground levels.
  - 13) The development hereby granted shall not be commenced nor materials or machinery brought onto the site until the trees which it has been agreed shall be retained are fenced off to the satisfaction of the Local Planning Authority. A scheme of fencing shall be submitted to the Local Planning Authority which shall comply with B.S. Specification No. 5837 'Trees in relation to Construction (1991)', with the Council's 'Code of Practice in Relation to Trees on Development Sites' and with the Council's illustrated guidelines 'Protection of Trees on Development Sites'. The satisfactory implementation of the scheme on the site shall be confirmed in writing by the Local Planning Authority before any works are begun. The approved scheme shall be adhered to throughout the construction period.
  - 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
    - i) - the parking of vehicles of site operatives and visitors
    - ii) - loading and unloading of plant and materials
    - iii) - storage of plant and materials used in constructing the development
    - iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
    - v) - wheel washing facilities
    - vi) - measures to control noise and the emission of dust and dirt during construction
    - vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works.
  - 15) 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.

- 16) The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.
- 17) 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.
- 18) Before the development is brought into use, the sight lines as shown on the approved plan (Reference Forward Visibility Layout Drawing number 003/100/10) shall be rendered effective by removing or reducing the height of anything existing on the land hatched black on the said plan which obstructs visibility at any height greater than 900mm above the level of the near side channel line of the public highway. The visibility thus provided shall thereafter be maintained as such, unless otherwise approved in writing with the local planning authority.
- 19) Prior to the commencement of development details including the position and height of the temporary heras fencing along the ditch shall be submitted and approved in writing by the Local Planning Authority. The fencing shall be erected prior to the commencement of development and shall be removed following agreement with the Local Planning Authority.

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## Costs Decision

Site visit made on 7 July 2020

**by Edwin Maund BA (Hons) MSc Dip UP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> August 2020**

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### **Costs application in relation to Appeal Ref: APP/F4410/W/20/3250776 Land Off Highfield Road, Askern, Doncaster**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Esh Construction Ltd for a full award of costs against Doncaster Metropolitan Borough Council.
  - The appeal was against the refusal of planning permission for the erection of 56 affordable houses, 12 retirement living bungalows and a multi-storey retirement living building accommodating 58 units.
- 

### **Decision**

1. The application for a full award of costs is allowed in the terms set out below.

### **Reasons**

2. The National Planning Practice Guidance (the NPPG) advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant considers that the Council has exhibited unreasonable behaviour in the following respects;
  - Refusing planning permission for much needed affordable housing on a site allocated for residential development, contrary to the advice of their officers and failing to have regard for national or their own policies.
  - Failing to make clear why the development would adversely affect the character of the area or why it would impact on the poplar tree where their own tree specialist had raised no objection.
4. In response the Council advise that the impact on the character of the area and the impact on the tree are material planning considerations; it does not matter that the tree is not protected as implied by the appellant. The reasons for refusal are precise and valid and supported by the policies quoted in the reasons for refusal.
5. While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.

6. In this case the site is allocated for housing in the development plan and proposes 100% affordable housing in an area of significant need. The Council had not prepared a master plan or other guidance on the appropriate design for the site but have nevertheless rejected the proposal on the basis of inappropriate design in respect of density and the provision of a three storey block.
7. The National Planning Policy Framework (the Framework) makes clear at paragraph 130 that *'where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.'* The Council have not sought to rely on any local design standards or style guides to justify its stance, nor is there evidence within the Officer report to Committee of any concerns in this respect.
8. Where Members disagree with their Officers as they are entitled to do, they are duty bound to make it clear why they have disagreed and present evidence explaining the reasoning. By refusing permission on this basis the Council have failed to explain what material harm would occur or how the scheme would be clearly in conflict with the adopted policies.
9. With regard to the second reason for refusal. The proposal had been amended to revise the layout to address the concerns that the Council's Tree Officer had identified and this was duly reported to the Committee. The Appellant's arboricultural report made clear that in undertaking construction outside of the root protection area, the tree could be retained. No contrary evidence has been presented that the effect on the Poplar Tree could not be managed in this way.
10. The Council in presenting its case sought to indicate that the tree would be threatened in the future due to pressure from future residents because of the proximity of the tree. This case is weakened by the lack of a tree preservation order, no reference to seeking the removal of permitted development rights in the gardens affected, or, the reason for refusal having any reference to the future living conditions of those residents that the Council infers would seek to have the tree removed.
11. No technical evidence from a tree specialist has been presented that supports the assertion that the construction of the development could not be achieved and the tree be retained.
12. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other relevant considerations, the development proposed should reasonably have been permitted. The refusal of planning permission therefore constitutes unreasonable behaviour contrary to the basic guidance in the Framework and the NPPG and the appellant has been faced with the unnecessary expense of lodging the appeal.
13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in NPPG, has been demonstrated and that an award of costs is justified.

### **Costs Order**

14. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended,

and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Doncaster Metropolitan Borough Council shall pay to Esh Construction Ltd. the costs of the appeal proceedings described in the heading of this decision.

15. The applicant is now invited to submit to Doncaster Metropolitan Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

*Edwin Maund*

INSPECTOR

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## Appeal Decision

Site visit made on 29 July 2020

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

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**Appeal Ref: APP/F4410/W/20/3251277**

**TCV, Sedum House, Mallard Way, Balby, Doncaster DN4 8DB**

- 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 Phil Brandreth of The Conservation Volunteers against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 19/02280/FUL, dated 18 September 2019, was refused by notice dated 16 January 2020.
  - The development proposed is change of use from construction compound to car park area for existing office.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The appeal site is within the Green Belt and so the main issues are:
  - Whether the appeal development is inappropriate development in the Green Belt, having regard to the effect on the openness and purposes of the Green Belt, for the purposes of the National Planning Policy Framework (the Framework);
  - If the appeal development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

### Reasons

#### *Site and proposal*

3. The appeal site is located between a two-storey office building with associated car park and an electricity substation. The site is predominantly made up of gravel with some temporary structures on the site that appear to be used as part of a site compound. There are mature trees to the rear of the site, beyond which is a nature reserve. The other surrounding land uses are predominantly mixed industrial which appear to be associated with the nearby railway.

#### *Whether or not inappropriate development*

4. Policies ENV1 and ENV3 of the Doncaster Unitary Development Plan (1998) outline the purposes of including land in the Green Belt, this being for, amongst

other things, to prevent unrestricted sprawl and to assist in safeguarding the countryside from encroachment. These policies also outline that within the Green Belt, save for certain types of development, development will not be permitted except in very special circumstances. Policy CS3 of the Doncaster Council Core Strategy (2012) outlines, amongst other things, that national policy will be applied to land in the Green Belt, including a presumption against inappropriate development, other than in very special circumstances. These policies are broadly consistent with the Framework.

5. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
6. Paragraph 145 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. It states that new buildings should be regarded as inappropriate in the Green Belt, save for a limited number of exceptions. One of the given exceptions in paragraph 145(g) is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.
7. Paragraph 146 identifies other forms of development that are not inappropriate, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Two of the given exceptions in paragraphs 146(b) and (e) are engineering operations and a material change in the use of land respectively.
8. National planning policy affords stringent control of development within the Green Belt and the first stage in assessing a proposal is to determine whether it represents an 'inappropriate' form of development; in other words, one that does not fall within the list of exceptions identified at paragraphs 145 and 146 of the Framework. Any development falling outside those exceptions is 'inappropriate' and deemed harmful to the Green Belt by definition.
9. Both parties refer to the use of the site as a compound. Under certain circumstances, such a use does not require planning permission and is permitted on the basis that the land is returned to its former condition when the development to which it relates is completed. The temporary nature of the use of the land, and any buildings thereon, excludes it from constituting previously developed land. The proposal would therefore not constitute the exception as detailed in paragraph 145(g) of the Framework.
10. The exceptions given in paragraph 146 relating to engineering operations and the material change of use of land are most relevant to the appeal proposal. These forms of development are however, only deemed not inappropriate provided the openness of the Green Belt is preserved and the proposal does not conflict with the purposes of including land in the Green Belt.
11. The appeal site is currently mainly comprised of gravel. Visually, the formation of a car park would cause moderate harm to the openness of the Green Belt. Notwithstanding the temporary compound, the development would amount to a material change of use comprising the creation of a formal car park occupied by parked vehicles. The nature of the use is that cars are likely to be present

on the site in significant numbers for the great majority of the time. The submitted plan within the evidence before me indicates that the car park would be laid out to accommodate 39 cars. Such a use, involving the albeit temporary parking of vehicles, would not preserve the openness of the Green Belt from a spatial perspective and cause moderate harm in this regard.

12. By introducing an essentially urban activity into the above context, the development would therefore also amount to encroachment into the countryside. This is in conflict with one of the purposes of including land within the Green Belt set out at paragraph 134 of the Framework and would cause moderate harm.
13. Therefore, the development does not preserve the openness of the Green Belt and conflicts with one of the purposes of including land within it. Accordingly, it amounts to inappropriate development in the Green Belt when considered against paragraph 146 of the Framework and is therefore by definition, harmful to the Green Belt.

*Other considerations*

14. Given the requirement for reinstatement of the land, I give limited weight to the temporary use of the site as a compound and its current condition. I also give limited weight to the apparent lack of any enforcement action to reinstate the land following its temporary use, particularly as I have no evidence before me to support this argument.
15. Whilst the provision of additional parking may be of benefit in terms of reducing any problems of overspill parking, I did not observe any such problems being caused during my site visit, nor have I been presented with any robust evidence to support this argument. I therefore find that the provision of further parking to be a minor benefit of limited weight.
16. The appellant has referred to the consent that was granted for the adjacent office development and a number of surrounding developments, in support of the appeal. From the evidence provided, it is clear that they are for proposals of a different nature to that before me and I have determined the appeal on its own individual merits.
17. In reference to the above developments, the appellant considers the Local Planning Authority should be held to be accountable, and should be demonstrably transparent, equitable, and above all consistent in its decisions. The merits of these previous decisions are not before me. Whilst it is evident that they have caused frustration to the appellant in light of their own appeal, I give them limited weight in the appeal.
18. The appellant suggests that the proposed planting would improve the appearance of the site and its biodiversity value. Whilst this may be the case, I do not have any evidence that this planting would go beyond what is required to be undertaken in the reinstatement of the site. In this regard, the proposed planting is a neutral factor.
19. In reference to the surrounding developments and land uses, the appellant questions the value of the site in fulfilling the purposes of including land within the Green Belt. I have considered the appeal most pertinently on the fact that the site is within the Green Belt. For the reasons outlined, I have found that the development would conflict with one of the purposes of including land

within the Green Belt, namely, to check the unrestricted sprawl of large built-up areas.

### **Planning Balance**

20. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 continues by stating that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
21. The proposal would constitute inappropriate development in the Green Belt. Therefore, it is by definition harmful to the Green Belt, which the Framework indicates should be given substantial weight. In addition, moderate harm would be caused to the openness of the Green Belt and moderate harm would be caused to the purposes of including land within the Green Belt. Having considered all matters raised in support of the proposal, I conclude that, together, they do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposed development would not accord with the Green Belt aims of the Framework and those of Policies ENV1 and ENV3 of the Unitary Development Plan and Policy CS3 of the Core Strategy.

### **Conclusion**

22. For the reasons given above, I therefore conclude that the appeal be dismissed.

*A M Nilsson*

INSPECTOR