



# Doncaster Council

## Agenda

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To all Members of the

## PLANNING COMMITTEE

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

**Venue:** Council Chamber - Civic Office Waterdale, Doncaster

**Date:** Tuesday, 7th December, 2021

**Time:** 2.00 pm

**PLEASE NOTE:** Due to current restrictions arising from the Covid-19 pandemic, there will be limited capacity in the public gallery for observers of the meeting. If you would like to attend to observe in person, please contact the Planning Department by email [tsi@doncaster.gov.uk](mailto:tsi@doncaster.gov.uk) or telephone **01302 734854** to request a place, no later than **2.00 pm on Monday, 6th December, 2021**. Please note that the pre-booked places will be allocated on a 'first come, first served' basis and once pre-booked capacity has been reached there will be no further public admittance to the meeting. For those who are attending the meeting, please bring a face covering, unless you are exempt

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**Damian Allen**  
**Chief Executive**

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Issued on: Monday, 29 November 2021

**Governance Services Officer for this meeting**

David Taylor  
Tel 01302 736712

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

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 9th November 2021 1 - 6
- A. Reports where the Public and Press may not be excluded.**  
**For Decision**
  5. Schedule of Applications 7 - 172
  - For Information**
    6. Appeal Decisions 173 - 188

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

Chair – Councillor Susan Durant  
Vice-Chair – Councillor Duncan Anderson

Councillors Daniel Barwell, Iris Beech, Steve Cox, Aimee Dickson, Sue Farmer, Charlie Hogarth, Sophie Liu, Andy Pickering and Gary Stapleton

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

TUESDAY, 9TH NOVEMBER, 2021

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 9TH NOVEMBER, 2021, at 2.00 pm.

#### PRESENT:

Chair - Councillor Susan Durant  
Vice-Chair - Councillor Duncan Anderson

Councillors Daniel Barwell, Iris Beech, Steve Cox, Sue Farmer, Sophie Liu, Andy Pickering and Gary Stapleton

#### APOLOGIES:

Apologies for absence were received from Councillors Aimee Dickson and Charlie Hogarth

#### 36 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 No 19/00099/OUTM, Agenda Item No.5 (1) by virtue of being the Local Ward Member for Thorne and Moorends.

#### 37 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 12TH OCTOBER, 2021.

RESOLVED that the minutes of the meeting held on 12th October, 2021, be approved as a correct record and signed by the Chair.

#### 38 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'.

#### 39 QUARTERLY ENFORCEMENT REPORT.

The Committee considered a report which detailed all Planning Enforcement performance in the second Quarter 2021/22.

With regard to the Zebra Crossing at Cantley, further discussions were on-going and update would be provided to members in due course.

RESOLVED that all Planning Enforcement Cases received and closed for the period for 1st July to 30th September, 2021, be noted.

RESOLVED that the following decision of the Secretary of State and/or his Inspector, in respect of the undermentioned Planning Appeal 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>
20/03371/FUL	Erection of boundary wall to front (Retrospective) at 99 Meadowfield Road, Barnby Dun, Doncaster DN3 1LS	Appeal Dismissed 29/09/2021	Stainforth and Barnby Dun	Delegated	No
20/00974/OUT	Outline planning permission for the construction of 6 detached dwellings (all matters reserved) at Walton Lodge, 316 Bawtry Road, Bessacarr, Doncaster	Appeal Dismissed 21/10/2021	Finningley	Delegated	No
20/03537/FUL	Erection of Detached Storage Building at Rear of 65 High Street, Hatfield, Doncaster	Appeal Dismissed 21/10/2021	Hatfield	Delegated	No
21/00025/ENFN OT	Appeal against enforcement action for alleged unauthorised replacement of windows to first floor with clear glazed windows without planning permission under grounds	Appeal withdrawn 20/10/2021	Adwick Le Street and Carcroft		No

	(B) and (C) at NCB Officials Club, The Crescent, Woodlands, Doncaster				
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## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 9th November, 2021

<b>Application</b>	1		
<b>Application Number:</b>	19/00099/OUTM	<b>Application Expiry Date:</b>	
<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 Letter of objection 1 letter of support	<b>Parish:</b>	Thorne Town Council
		<b>Ward:</b>	Thorne and Moorends

The Chair and Committee wished for it to be noted that they felt it was disappointing that the request for the application to be deferred had been brought to Committee's attention at such short notice.

A proposal was made to defer the application consideration until the next Planning Committee meeting in December and to request the Senior Transport Planner to attend to provide further detail on the active travel proposals within Thorne which may impact on the offsite highway mitigation works proposed as part of this application.

Proposed by: Councillor Steve Cox

Seconded by: Councillor Susan Durant

For: 9      Against: 0      Abstain: 0

**Decision:** The application be deferred for consideration until the next Planning Committee meeting in December and to request the Senior Transport Planner to attend to provide further detail on the active travel proposals within Thorne which may impact on the

offsite highway mitigation works proposed as part of this application.

(The receipt of a representation from Councillor Mark Houlbrook (Ward Member) in relation to the Biodiversity Net Gain calculation, along with concerns regarding the access and egress from Alexandra Road to King Edward Road and a potential conflict between the enhancement at Field Side Traffic lights with regarding expansion into two lanes and the proposed cycle path Route (Active Travel) was reported at the meeting).

<b>Application</b>	2
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<b>Application Number:</b>	21/00661/FULM
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<b>Application Type:</b>	Full Application.
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<b>Proposal Description:</b>	Change of use of 19, 21 & 23 from hotel to apartments and the conversion of 25 from dwelling into apartments (11 apartments in total), including demolition of rear outbuilding, erection of front boundary wall/railings, replacement windows and creation of car parking.
<b>At:</b>	19-25 Auckland Road, Wheatley, Doncaster DN2 4AF

<b>For:</b>	Mr J Polonijo – Moderna Developments Ltd
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<b>Third Party Reps:</b>	26 letters in opposition	<b>Parish:</b>	N/A
		<b>Ward:</b>	Town

A proposal was made to defer the application for a site visit to assess impact on conservation area and outdoor amenity provision.

**Proposed by:** Councillor Susan Durant

**Seconded by:** Councillor Duncan Anderson

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

**Decision:** The application be deferred for a site visit to assess impact on conservation area and outdoor amenity provision.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor Dave Shaw (Ward Member) spoke in opposition to the application for the duration of up to 5 minutes.

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



## **DONCASTER METROPOLITAN BOROUGH COUNCIL**

Agenda Item No  
Date 7th December 2021

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**

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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.

Application	Application No	Ward	Parish
1. SV	19/00099/OUTM	Thorne And Moorends	Thorne Town Council
2. M	16/02136/OUTA	Thorne And Moorends	Thorne Town Council
3. SV	21/00661/FULM	Town	
4. M	21/02348/FULM	Tickhill And Wadworth	Tickhill Parish Council
5.	21/02966/FUL	Finningley	Blaxton Parish Council

<b>Application</b>	<b>1.</b>
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<b>Application Number:</b>	19/00099/OUTM
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<b>Application Type:</b>	Outline Planning Major
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<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
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<b>Third Party Reps:</b>	23 Letters of objection 1 Letter of support	<b>Parish:</b>	Thorne Town Council
		<b>Ward:</b>	Thorne And Moorends

<b>Author of Report:</b>	Garry Hildersley
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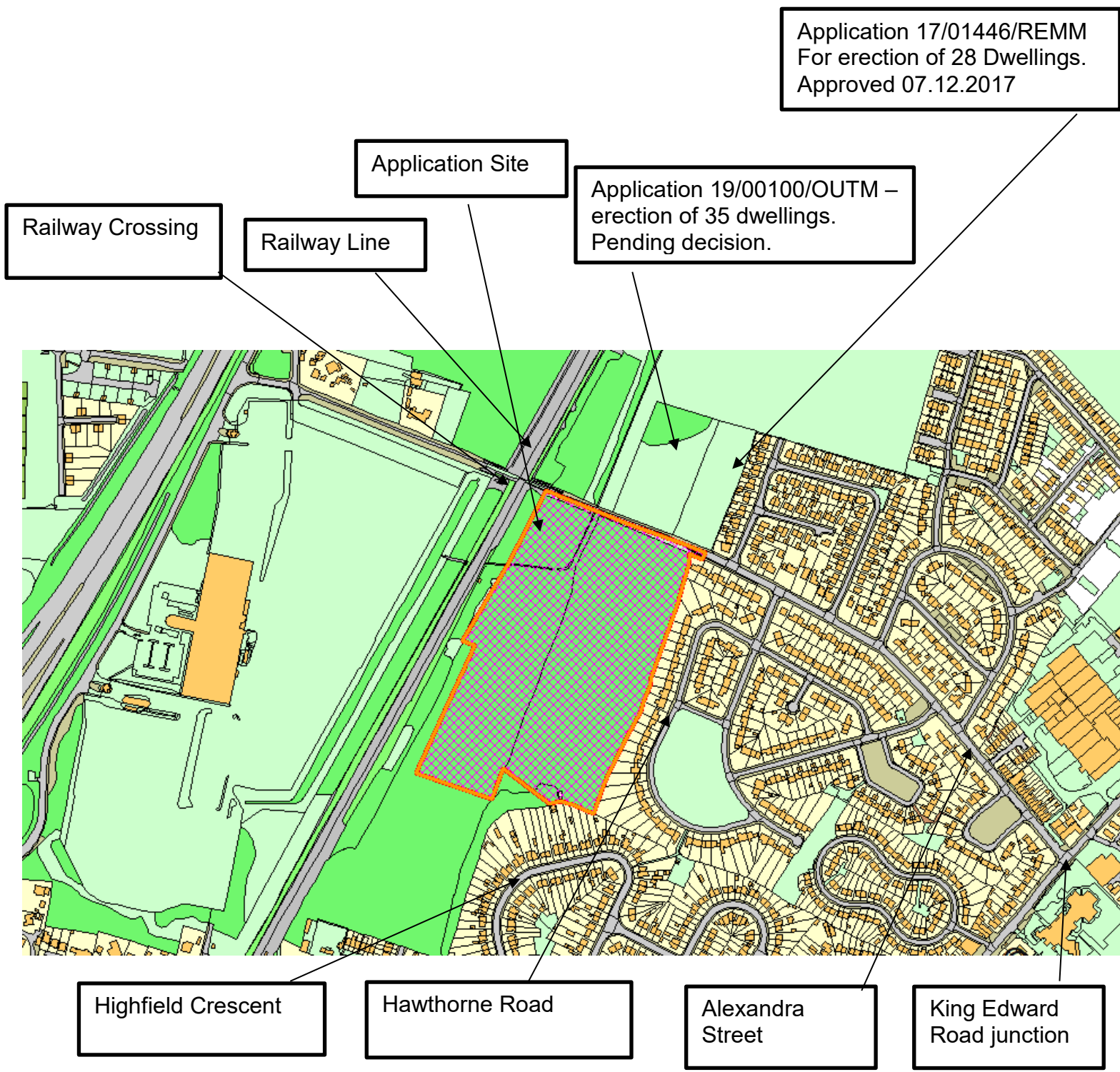
## SUMMARY

The proposal seeks outline permission for residential development with matters of appearance, landscaping, layout and scale being reserved. The proposal is considered to be acceptable in policy terms being sited within an allocated housing site within the Local Plan 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, 2021).

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 or the wider character of the area.

The application was presented to planning committee previously on the 18th August 2020 where members resolved to grant planning in line with the officer recommendation. The proposal is being re-presented to planning committee as a result of new information in relation to ecology and the change in progress of the Local Plan. The application was deferred from the 09<sup>th</sup> November 2021 planning committee so that the impact on the active travel route could be explored.

**RECOMMENDATION: GRANT planning permission subject to conditions and the signing of a S106 agreement.**



Application 17/01446/REMM  
For erection of 28 Dwellings.  
Approved 07.12.2017

Application Site

Application 19/00100/OUTM –  
erection of 35 dwellings.  
Pending decision.

Railway Crossing

Railway Line

Highfield Crescent

Hawthorne Road

Alexandra  
Street

King Edward  
Road junction

## **1.0 Reason for Report**

- 1.1 The application is being presented to Members having generated significant public interest.

## **2.0 Proposal and Background**

- 2.1 This application seeks outline permission for the erection of 207 dwellings and associated infrastructure with permission being sought for access only.
- 2.2 The site is identified within the Doncaster Local Plan as an allocated housing site as per Policy 5 (Housing Allocations) and specifically referred to as housing allocation site reference TM14 (South of Alexandra St, Thorne) in Table H2(H), with the detailed boundaries as shown on the supporting Policies Map.
- 2.3 On the 18th August 2020 the application was presented to planning committee. Members resolved to grant permission subject to the signing of a section 106 (S106) agreement and suitably worded conditions (see appendix 4). The S106 agreement has not been signed and as a consequence the application is still considered to be under consideration by the Local Planning Authority. It has come to light that the calculation used to measure the amount of biodiversity net gain (BNG) required to offset the development had been significantly underestimated. It is therefore considered appropriate to re-present the application in light of these changes and taking into account the current position in relation to policy. A rebalancing of the material planning considerations has taken place, culminating in the recommendation.
- 2.4 On the 09<sup>th</sup> November 2021 the application was re-presented to planning committee where it was deferred following a further representation relating to the developments impact on an active travel route. Doncaster's transportation team have confirmed that the original option for Active Travel route will be altered to avoid the junction of Field Road and Field Side. As a consequence, the proposed road improvements necessary to mitigate this development can be achieved.

## **3.0 Site Description**

- 3.1 The site lies to the west of the existing settlement of Thorne bound on its eastern and southern boundaries by dwellings on Hawthorne Road and Highfield Crescent. To the west of the site lies the North Eastern Railway's Hull and Doncaster Branch running parallel with the site.
- 3.2 The site is generally flat with gentle undulations with a mixture of scrub and established trees within the site boundary. There are a number of dykes running through the site however for the most part the site is largely open. Along the northern boundary situated along Alexandra Street, is a band of established trees. In addition, to the eastern boundary directly adjacent to the rear gardens of Hawthorne Road lie a number of established trees.
- 3.3 A public right of way currently connects Alexandra Street with North Eastern Road and this has been incorporated into the indicative site plan which also sees access into the site being taken from Alexandra Street.

- 3.4 The properties within the immediate vicinity are of a 1970's design, being typically two storey semi detached constructed from red brick multi brick with pitched roofs, set back from the road with modest front gardens.
- 3.5 An application has also been submitted for 35 dwellings directly to the north of this site which is subject to a separate planning application.

#### **4.0 Relevant Planning History**

- 4.1 No relevant planning history for this site, however an application (Land to the north of Alexandra Street – 19/00100/OUTM) is currently pending and lies in close proximity to the application site. The application was re-presented to planning committee on the 14<sup>th</sup> September 2021 where members resolved to grant planning permission.

#### **5.0 Site Allocation**

- 5.1 The site is identified within the Local Plan as a housing allocation (site reference TM14).

#### **5.2 National Planning Policy Framework (NPPF 2021)**

- 5.3 The National Planning Policy Framework 2021 (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 Paragraphs 55-56 states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.7 Paragraph 57 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.
- 5.8 Paragraph 60 states: 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific

housing requirements are addressed and that land with permission is developed without unnecessary delay’.

- 5.9 Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 5.10 Paragraph 111 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 130 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.
- 5.12 Paragraph 162 states 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. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 5.13 Paragraph 164 states that the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
  - a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.14 Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by:
  - a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

### **Local Plan**

- 5.15 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.16 Policy 1 (Strategic Policy) identifies Thorne and Moorends as a Main Town, which will be a focus for new development and sets out that approximately 40 per cent of the Borough’s total housing should be within the Main Towns such as Thorne and Moorends.

- 5.17 Policy 5 sets out the Housing Allocations (Strategic Policy) and identifies sites that will help to deliver the housing requirement of which this site is one (Site Ref TM14 – South of Alexandra Street, Thorne).
- 5.18 Policy 7 sets out the requirements for the range of housing including the need for affordable housing.
- 5.19 Policy 13 seeks to promote sustainable transport within new developments.
- 5.20 Policy 16 seeks to consider the needs of cyclists within new developments.
- 5.21 Policy 17 seeks to consider the needs of pedestrians within new developments.
- 5.22 Policy 20 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).
- 5.23 Policy 28 deals with open space provision in new developments.
- 5.24 Policy 30 deals with the need to value biodiversity.
- 5.25 Policy 32 states that the design process should consider woodlands, trees and hedgerows.
- 5.26 Policy 42 deals with the need for good urban design.
- 5.27 Policy 54 requires the need to take into account air and noise pollution.
- 5.28 Policy 55 deals with the need to mitigate any contamination on site.
- 5.29 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.30 Policy 57 deals with the need to consider flooding.
- 5.31 Policy 58 deals with low carbon and renewable energy within new developments.
- 5.32 Policy 60 requires the need to protect the best and most versatile agricultural land.
- 5.33 Policy 65 deals with developer contributions.

**Thorne & Moorends Neighbourhood Plan (NP).**

- 5.34 A neighbourhood plan for Thorne and Moorends is currently in preparation. Pre-submission consultation and publicity has taken place and is currently at what is known as Regulation 14 stage. Consequently it is considered that the weight to be afforded to the Thorne and Moorends NP is moderate.
- 5.35 The application site is not allocated within the Neighbourhood Plan (although note that it is an allocation in the Local Plan), however the following policies are applicable:



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.

5.36 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.

5.37 Policy H4 sets out the need for affordable housing.

5.38 Policy DDH3 sets out the need for good design.

5.39 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.

### **Other material planning considerations and guidance**

- Community Infrastructure Levy (CIL) Regulations (2010)
- Town and Country Planning (Environmental Impact Assessment) Regulations (2017)
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (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.

6.2 The application was initially submitted on 15th January 2019 and advertised via site notice (22nd January 2019) and press notice on 07th February 2019. Following this publicity, a total of 23 letters of objection were received. A summary of the material planning issues raised is set out below:

- Concerns over loss of ecology
- Concerns relating to loss of privacy and overlooking
- Concerns relating to impact on the highway network including the impact on the junction of Alexandra Street and King Edward Road.
- Highway safety concerns
- Concerns about school capacity and other facilities
- The proposal will result in overshadowing
- Concerns that the area is prone to flooding
- Concerns that foundations may lead to houses being a lot higher than existing properties
- Concerns about drainage
- Concerns about loss of trees
- Concern about radon gas

- Concerns relating to removal of play space
- Concerns about extra waste being created.
- Concerns about emergency vehicles being able to access the site.
- Concerns about noise and pollution

Non material issues raised included the following

- Loss of a view

6.3 One letter of support has been received on the basis that it will ensure that the local economy can grow meaning that further investment in local infrastructure can take place.

6.4 An additional representation has been received by Councillor Houlbrook (07<sup>th</sup> November 2021) re-iterating his concerns in relation to access and egress from Alexandra Street to Kind Edward Road. He has also requested that if planning permission is granted that BNG be delivered in the local area. Finally Councillor Houlbrook raised concerns that the proposed highways mitigation could conflict with an active travel route. As set out in paragraph 2.4 (above), Doncaster's transportation team have confirmed that the original option for Active Travel route will be altered to avoid the junction of Field Road and Field Side. As a consequence, the proposed road improvements necessary to mitigate this development can be achieved.

## 7.0 Town Council

Thorne Moorends Town Council supports the application in principle but does have concerns over the access and egress to and from the site. The Council welcomes the opportunity to meet with developers and planning officers to discuss access options and also to consider the nature of the mix of tenure of properties to be developed on the site. It was noted during Council discussions that this site is one that was identified for potential development during the Neighbourhood Plan consultation process.

## 8.0 Relevant Consultations

8.1 **Highways England** – No objections

8.2 **National Grid** – No response received.

8.3 **Environment Agency** – No objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment (FRA) (Condition 08)

8.4 **Yorkshire Water** – Initial concerns relating to position of development in respect of existing drainage pipes. Overcome by condition 10.

8.5 **DMBC Ecology** – No objections subject to S106 agreement in relation to biodiversity net gain, lighting strategy and construction environmental management plan secured by planning conditions 05, 06, and 07.

8.6 **DMBC Tree Officer** – No objections subject to condition 12

8.7 **DMBC Internal Drainage** – No objections subject to condition requiring full details off the proposed drainage (condition 13)

- 8.8 DMBC Education** – No objection subject to the signing of a S106 agreement in relation to additional school places.
- 8.9 DMBC Public Rights of Way** – No objections.
- 8.10 DMBC Housing Policy** - No objections
- 8.11 DMBC Highways Development Control** – No objections subject to conditions in relation to Construction Impact, construction methods and ensuring the site is surfaced and sealed (Conditions 19, 20 and 21).
- 8.12 DMBC Transportation** – No objections subject to road mitigation measures and travel bond contained within S106 agreement. A condition has also been imposed requiring full details of EV charging points (condition 04).
- 8.13 DMBC Design Officer** – No objections subject to condition requiring a design guide to be submitted (condition 11).
- 8.14 DMBC Open Space Officer** – No objection subject to onsite POS being delivered on site. A condition has also been suggested requiring full details of future maintenance (condition 18).
- 8.15 DMBC Pollution Control** – No objections subject to conditions relating to future contamination surveys being carried out (Conditions 14, 15 and 16).
- 8.16 DMBC Area Manager** – No response received.
- 8.17 DMBC Air Quality** – No objection subject to condition requiring an air quality mitigation survey to be carried out (condition 09). A condition has also been suggested requiring details of EV charging points (condition 04).
- 8.18 DMBC Affordable Housing** – No objection as the proposal is to provide 23% on site affordable housing and this is to be secured via a section 106 agreement.
- 8.19 DMBC Flood Risk (Policy)** – No objection subject to a suitable Sequential Test and Exceptions Test being carried out.
- 8.20 Ward Members - Councillor Houlbrook** – Previously supported the scheme but would like for the highways issues to be fully considered as part of the application.

## **9.0 Assessment**

- 9.1** The proposal seeks outline permission for the erection of 207 dwellings with associated infrastructure including parking, hard surfaces, public open space, balancing pond/biodiversity sink and associated works with permission being sought for access. In considering the proposal the main material planning considerations are outlined below:

- The acceptability of residential development
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the existing trees

- The impact on the ecology of the site
- Flooding and Drainage issues
- Whether there is an impact on the nearby rail network
- Financial contributions

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
- No

#### Appropriateness of the proposal

9.3 The NPPF seeks to significantly increase the overall quantity and quality of housing and to ensure that it is built in sustainable locations. Local Plan Policy 5 allocates this site as a future housing site.

9.4 Consideration should also be given to the Thorne and Moorends Neighbourhood Plan. Paragraph 29 of the NPPF states that Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

9.5 Paragraph 30 states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

9.6 Policy H2 (Development of non-neighbourhood plan allocated housing sites) 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 considerations.

9.7 It is considered that the development site does relate well to the existing development of Thorne being a reasonable extension to the existing settlement. The indicative plan shows that the general layout would integrate well with the surrounding residential character. Inter-connectivity and highway manoeuvrability will be dealt with later within this report.

- 9.8 Policy H2 goes on to state that where sites are within areas of flood risk, the level of risk should not be given priority over other sequentially preferable considerations, such as accessibility, visual impact and highways considerations.
- 9.9 Where appropriate, mitigation to protect future occupants would be preferable to avoiding development of land subject to flood risk in favour of sites outside of flood risk areas that are not so well related to the existing extent of Thorne and Moorends. Issues of flood risk will be dealt with later within this report.
- 9.10 Taken in the round, the principle of residential development is considered acceptable in principle and this weighs considerably in favour of the application.

### Sustainability

- 9.11 The National Planning Policy Framework (NPPF 2021) 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
- 9.12 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**

### Impact on Residential Amenity

- 9.13 The properties most likely to be affected by the development are those located on Hawthorne Road (east of the site) and those located on Highfield Crescent (south of the application site). Whilst indicative, the amended plans have been carefully designed so as to minimise the impact of the development on existing neighbouring properties. As previously set out, Doncaster's SPD sets out required separation distances in order to minimise issues such as overlooking, over dominance and loss of privacy. In general terms, principle and rear elevations should achieve 21m separation between the neighbouring equivalent and the indicative plan exceeds these requirements being between 26m and 30m generally along the eastern boundary. It should be noted that the current proposal is submitted in outline seeking permission for the principal of development and access. Matters such as layout, scale, appearance and landscaping would form reserved matters which would require consideration in their own right.
- 9.14 The SPD also makes clear that there should be at least 10m separation between the rear elevation and the rear boundary with neighbouring properties. Again the indicative plan shows that proposed properties along the eastern boundary can achieve in excess of the 10m required.
- 9.15 Whilst it is acknowledged that the view from many of the properties on Hawthorne Road will change, there is no right to a view. Moreover, the indicative plan is able to demonstrate the necessary separation distances to safeguard the amenities of neighbouring properties.

- 9.16 Turning to those properties on Highfield Crescent, the indicative plan shows that the side elevation of the southern units would face existing properties. Doncaster's SPD requires separation distances of 12m between the rear elevation of existing properties and the side elevation of proposed dwellings. The plan submitted far and away exceeds this requirement. Whilst elevation and floor plans have not been submitted it is generally accepted that any potential issues of overlooking or loss of privacy could be designed out during the detailed reserved matters application.
- 9.17 Whilst matters of flood risk are dealt with later within this report, the applicant has confirmed that it is their intention to carefully consider the heights of the proposed dwellings on the eastern boarder of the application to ensure that they would not overbear or over dominate neighbouring properties on Hawthorne Road or Highfield Crescent. In any event matters of scale are a reserved matter and as such should permission be granted consideration as to the scale of the development will be considered in full at that stage.
- 9.18 Consequently it is considered that the proposal would not adversely affect neighbouring properties in terms of excessive levels of overlooking, over dominance, loss of privacy or overshadowing. This weighs positively in favour of the application carrying moderate weight.

#### **9.19 Conclusion on Social Impacts.**

- 9.20 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 44 of the Local Plan. 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.
- 9.21 It is anticipated that the proposal would lead to some noise and disturbance being generated whilst construction is taking place, however this is considered to be short term when considered against the lifetime of the development. Notwithstanding this, planning conditions have sought to mitigate this harm as far as possible by the submission of a Construction Impact Management Plan and Construction Method Statement (conditions 19 and 20) and as such this is considered to carry limited weight against the proposal.

#### **9.22 ENVIRONMENTAL SUSTAINABILITY**

##### Impact upon the character and appearance of the surrounding area

- 9.23 Policies 41 and 44 of the Local Plan requires that all proposals in Doncaster must be of high quality design that respects the character of the area in regard to a number of principles of good design. Whilst the site plan submitted is for indicative purposes, Doncaster's Urban Design Officer has commented that the proposed layout has many positive characteristics. It utilises the majority of the site's Green Infrastructure (GI) and creates pleasant and attractive ecology areas which will green the character of the scheme. There are some nice bits of townscape such as the formal green square enclosed by properties and the overall layout structure seems an appropriate response to the character of the area. Some initial concerns were raised in respect of parking provision and its integration within the scheme. In addition there were concerns that the level of Public Open Space was poorly located and that permeability within the site could be improved.

9.24 Amended plans were sought and the concerns raised above have been addressed. A revised layout is included within appendix 2 of this report. The revised scheme scaled back the detail of the proposed plans to a more schematic proposal given that the only matters for consideration at this stage are the principle of development and access.

9.25 It is noted that there are still some significant parking courts to the rear of properties that will not be acceptable and would need to be broken down in size into separate courts in any subsequent applications for detailed reserved matters. There would also need to be a better mix of parking solutions generally which again could affect the density / number of units proposed and this has been relayed to the applicant so that any reserved matters applications can take account of this. However as detailed matters are not part of these applications, Doncaster's Urban Design Officer considers the latest masterplan sets out an acceptable framework for the layouts at this stage in the design process and which can be developed further moving forward.

9.26 Whilst it is acknowledged that the appearance of the land would invariably change in the event that planning permission is granted, the proposed development would be seen as an extension to the existing built environment and spatially would help to compliment the character of the surrounding area. It is also acknowledged that the land is currently undeveloped, however it has been allocated within the Local Plan and previously within the UDP. It was clearly the intention, over a number of years for this site to be developed. In the event that permission is approved, a suitably worded condition is proposed requiring the submission of a design statement shall be submitted prior to the first phase of reserved matters and will include details such as:

- Movement hierarchy and street types- the network of streets and car free routes and how these integrate into existing networks, using street sections and plans to illustrate the hierarchy,
- Urban design principles- how the development will create a permeable and secure network of blocks and plots with well-defined, active and enclosed streets and spaces,
- Legibility strategy- how the scheme will be easy to navigate using gateways, views, nodes and landmarks for orientation,
- Residential character areas- the different areas of housing within the site and details of the key characteristics of each zone in terms of layout, scale, siting, appearance, and landscape,
- Architectural appearance, building details and materials- how the development responds to local building traditions and / or aims to create an appropriate and distinctive new attractive appearance informed by a local character appraisal and community engagement,
- Open space character areas- the function, appearance and design principles for each key areas of open space,
- Vehicle and cycle parking- including details of allocated and visitor parking strategies in line with the Council's parking standards,
- Hard and soft landscape- including street surfacing, junction treatments, street furniture, signage, management and maintenance,
- Boundary treatments- details of front, side, rear and plot division boundaries for each street type / character area.

- Building for Life Statement- how BFL principles are to be met by the development (applicable to residential areas).

## Highways

### Access

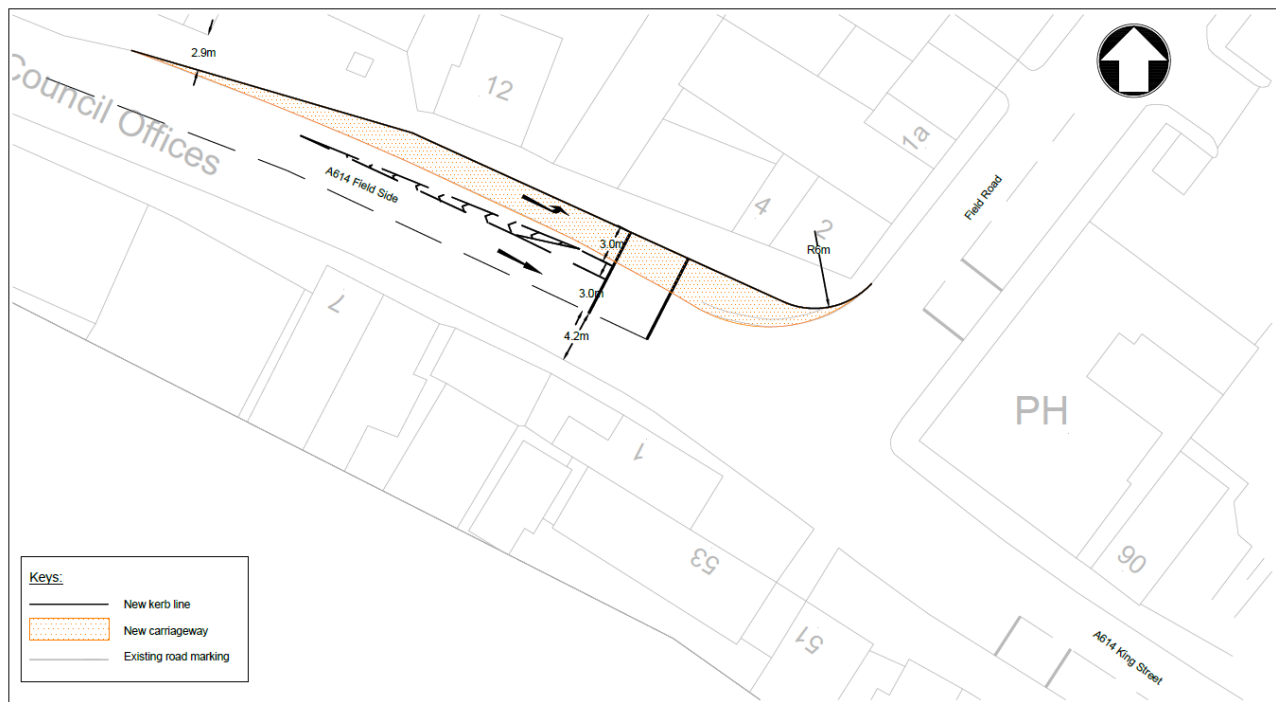
- 9.27 One of the principle concerns raised by residents is specifically in relation to traffic generation and the impact of the development on the capacity of existing junctions namely where Alexandra Road meets with King Edward Road.
- 9.28 Policy 42 lists safe and secure private property, public areas and the adoptable highway ensuring access points, street design, parking and operational highway requirements safely cater for pedestrians, cyclists and vehicles as qualities of a successful place. Policy 13 of the Local Plan states that proposals will be supported which make an overall contribution to the improvement of travel choice and the transport network.
- 9.29 As noted above, consent is sought for a proposed access leading from Alexandra Street. Plans have been submitted have allowed for a give way junction where the development site meets with Alexandra Street.
- 9.30 During the course of the application Doncaster's Highways Development Control team have been consulted and sought amendments to the indicative plan. On receipt of this information, the Highway Development Control Team have considered that the access arrangements for the site are acceptable with the visibility splays and priorities that are shown.

### Road improvements - impact on highway network and capability for emergency vehicles to access Alexandra Street.

- 9.31 Concerns have been raised that the proposal would lead to further pressure at the junction where Alexandra Street meets with King Edward Road. Paragraph 113 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment (TA) so that the likely impacts of the proposal can be assessed. A TA has been submitted and consultation has taken place with Doncaster's Highways Transportation Team who initially raised some concerns in relation to width and radius of the turning manoeuvres as well as requiring additional justification in relation to inter-green timings and swept path analysis. At traffic lights, the inter-green time is the period of time between the end of a green light phase in the driving direction and the beginning of the green light phase in the crossing direction.
- 9.32 As a result of the issues raised, additional information was provided in the form of an addendum to the TA. This provided additional justification for the improvements proposed as well as additional information in relation to the modelling data used. In short the road improvements include:
1. Mitigation to the Field Side / Field Road / King Street signalised junction
  2. Mitigation to the A614 Selby Road / Omega Boulevard signalised junction
  3. Widening of west of Alexandra Street, Lands End Road.



- 9.33 West of Alexandra Street, Lands End Road is to be widened to 6.4m with 2.0m footways provided on either side leading to a new priority-controlled junction into the proposed development. The main priority through the new junction will be into the development resulting in a change of priorities on Lands End Road. As such, 'Give way' carriageway markings are proposed on Lands End Road. The kerb arrangement along the western side of the development access road and the northern side of Lands End Road are such that they form a right angle at the give way rather than following the bend around. This reduces conspicuousness of the bend increasing the risk of inappropriate approach speeds and possible loss of control type collisions. Details of this layout can be seen in appendix 3 of this report.
- 9.34 The proposal also recognises the need for improvements to be made at Field Side / Field Road / King Street signalised junction in Thorne Town Centre. This involves widening Field Side to provide two lanes at the stop line and an indicative plan is included below:



- 9.35 Finally, consideration has also been given to mitigation to the A614 Selby Road / Omega Boulevard signalised junction. It was observed when undertaking the Road Safety Audit in association with the proposal that the pedestrian crossing on the Selby Road exit (Stage E in the existing signal specification) never changed to green during the morning peak and only changed seven times during the PM peak. Consequently, it is proposed to make minor changes to rationalise the existing following intergreen time for pedestrian crossings resulting in the junction operating with spare capacity.



- 9.36 Objectors are concerned that the proposal would result in additional household waste being generated. Doncaster's Highways Development Control Team have assessed the revised plans and are content that the road layout is capable of accommodating a refuse vehicle and consequently, would be subject to normal refuse collection protocol. The road improvements and the access that is proposed is considered to be able to adequately accommodate emergency vehicles.
- 9.37 This impact is not considered severe. Importantly, the NPPF makes clear at paragraph 111 that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 9.38 In this case, the access arrangement proposed have been technically assessed and are considered to meet with the technical specifications. In addition a Transport Assessment has been submitted with the application to consider implications on the wider highway network and potential road/signal improvements. In this case, the improvements set out above would satisfactorily address the concerns related to traffic and will be secured via a S106 agreement required in order to make the development acceptable. This weighs positively in favour of the application carrying moderate weight.
- 9.39 Finally, Highways England have been consulted as part of the application and have commented that 'having reviewed the further submissions in the current consultation, these are related to improvements which are not on the Strategic Road Network and so we have no further comment'. There are therefore no objections from Highways England.

## Location to services

- 9.40 Thorne-Moorends is designated within Policy 1 as a *main town* and the market towns of Thorne and Mexborough have the largest town centres outside Doncaster and are important service centres for local catchments.
- 9.41 National policy seeks to build prosperous and sustainable communities by improving the economic performance of towns and cities, promoting regeneration and tackling deprivation. It seeks to focus development in existing centres accessible to public transport, jobs, key services and infrastructure so as to promote their vitality and viability, support town centre regeneration and minimise the need to travel. Land should be used efficiently and priority given to re-using well located brownfield land.
- 9.42 The nearest bus stops to the site are located on King Edward Road (approximately 579m to the east ) and are served by the 86A 87 87A 87B 488 buses. They operate on a on a hail and ride basis. These buses operate on a daily basis starting at 06:28 hours and ending at 23:45 hours Monday to Friday and travel to Doncaster's Town Centre and Moorends.
- 9.43 It is widely acknowledged that that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 9.44 Section 9 (Promoting Sustainable Transport) of the NPPF goes into further detail on this core principle. Paragraph 110 states that decisions should take account of whether:
- a) Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
  - b) Safe and suitable access to the site can be achieved for all users; and
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code.
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.45 Chapter 5 (Delivering a sufficient supply of homes) of the NPPF sets out that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.46 With regard to school places, paragraph 95 states that the government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
  - b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

- 9.47 As part of the application submission the proposal has included a Transport Assessment (TA) and travel plan (TP) which deal specifically with the matter of transport sustainability. The TP set out key objectives to improve accessibility to the site by:
- making residents aware of the opportunities available for travel on foot, by bike and public transport;
  - make residents aware of the advantages for travel by more environmentally friendly modes; and
  - helping to reduce the impact of vehicles associated with the development on the local highway network.
- 9.48 As part of the Residents' Welcome Pack, local walking route maps would be provided to all residents. These will identify key routes to local bus stops and facilities such as grocery stores, doctors, dentists and pharmacies. They will also provide details of key walking routes in the area along with contact details of local organisations that actively support walking. This will help residents to appreciate the extent of the local facilities available and the routes and distances involved in accessing these on foot.
- 9.49 As with the walking route maps outlined above, cycle route maps will be provided to residents. Again, these will ideally be supplied as part of the Residents' Welcome Pack although, depending on availability, they may alternatively be placed in a central location which can be viewed by all. In addition, details of local cycle training facilities and cycle shops will also be included within the Residents' Welcome Pack.
- 9.50 Turning to consideration of the sustainability of the proposed dwellings, the Doncaster Settlement Audit (updated February 2017) considers the sustainability of the settlements throughout the borough, including Thorne. The audit categorises local services as either primary or secondary services. On page 5 of the audit, the categorisation is explained as follows:
- "Primary services are those which are considered to be very important for an area to have in order for it to be sustainable and even to be a desirable place to live. Secondary services are those which are important but not as important."*
- 9.51 The South Yorkshire Residential Design Guide SPD considers accessibility criteria for new residential development. Table N1.2 of the SPD, below, sets out the broad accessibility targets.
- 9.52 All properties will receive a Residents' Welcome Pack which will contain information on sustainable transport.
- 9.53 The Residents' Welcome Pack will provide specific information on local public transport facilities. This will include details of local bus stops, rail stations and services along with details of where residents can access additional public transport information. By offering a period of free public transport use, residents can be encouraged to develop sustainable travel patterns which will then continue once the free period has ended. The welcome pack will therefore also include an application form to allow residents to request one free SYConnect+ (South Yorkshire) pass per household. This can be used on all buses, trains and trams within South Yorkshire. Requests for passes will be sent to the developers nominated Travel Plan co-ordinator who will process and issue the passes.

- 9.54 Given the proximity of the site shops and other services it would be reasonable to suggest that the site lies within a main centre location given its proximity to local services, health and education as well as access to sustainable transport.
- 9.55 In terms of average walking speeds, the SPD states that as a general rule of thumb a 5 minute walk equates to a distance of 400 metres for non-disabled people and for different groups of disabled people, these distances are significantly less. This calculation concurs with the Institute for Highways and Transportation (IHT) 'Guidelines for Providing Journeys on Foot' published in 2000, which calculated a reasonable walking pace as 3 miles or 5 kilometres per hour.
- 9.56 The IHT document refers to 400 metres as a desirable walking distance and 800 metres as an acceptable distance for trips on foot outside town centres (save for commuting/schools/sightseeing where the figures are instead 500m and 1000m respectively). The application site lies 590m from the nearest school (King Edward Primary) and approximately 1200m from the nearest supermarket located within Thorne town centre.
- 9.57 When considered against the distance criteria set out in the South Yorkshire Residential Design Guide and also the guidelines set out by the Institute for Highways and Transportation the development measures well in terms of access to public transport and local services. Consequently the proposal adheres to Policy 13 of the Local Plan.
- 9.58 Taken in the round, the proposal is considered to be located within a sustainable location within a reasonable proximity to bus services, shops and medical facilities carrying significant weight in favour.

#### Network Rail

- 9.59 During the course of the application, Network Rail objected to the application on the basis that the proposal would increase the possibility for people to cross the railway line therefore increase the risk at the pedestrian crossing. Additional clarity has been sought with the developer and Network Rail and an initial objection was received to the development on the grounds of the potential impact of the proposals on operational railway safety at the adjacent Lands End Road pedestrian level crossing.
- 9.60 An additional technical noted was submitted by the applicant as an addendum to the Transport Assessment in order to provide further information to Network Rail. It took account of public rights of way, usage patterns of the railway crossings as well as the catchment area for any potential crossings.
- 9.61 The report considered the location of residential areas, amenities and facilities in Thorne, and the most likely walking routes between these and the development. The quality of these walking routes has been considered, as well as onward connectivity and general pedestrian provision. Count data from the Lands End Road level crossing has been studied in order to understand patterns of current usage.
- 9.62 The results of this analysis indicate that walking and cycling trips between the proposed development and facilities in Thorne (including the town centre, Capitol Park and Thorne North station) are unlikely to use the Lands End Road level crossing. The level crossing provides the longest and least direct of any of these routes. It was therefore concluded that any potential increase in level crossing usage

would be related to the employment sites at The Range and BMW or recreational walking trips.

- 9.63 The report concludes that an additional 8 recreational trips could be generated per day, comprised of 4 return journeys. A further ten work-related trips could also be generated, however this would be dependent on new residents being employed at the sites to the west of the level crossing, which is subject to a high degree of uncertainty. Therefore, the estimated additional trips over the level crossing as a result of the proposed housing development would fall between the range of eight to eighteen trips over a 24-hour period.
- 9.64 On this basis Network Rail have been able to remove their objection subject to a suitably worded condition in relation to a standoff area for any waterbodies adjacent to the railway. It is considered that the potential for additional trips is of such a low scale that there would be no significant increase in risk.

#### Flooding and Drainage

- 9.65 The application site lies within an area designated as Flood Risk Zone 3 benefiting from flood defences. The Environment Agency have been consulted as part of the application and originally objected to the application. An updated Flood Risk Assessment (FRA) has been submitted and the Environment Agency confirmed in December 2019 that they were able to remove their objection subject to a suitably worded condition. It then turns to determine whether the proposal has adequately applied the Sequential Test and Exceptions Test.
- 9.66 The NPPF makes clear that residential developments within high flood risk zones should look to apply the Sequential Test (ST). Paragraph 161 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.
- 9.67 Table 3: Flood risk vulnerability and flood zone 'compatibility' sets out the circumstances where the Exceptions Test should be applied. Residential development is classed as more vulnerable and this in combination of the site being classified as Flood Risk Zone 3 triggers the need for an Exceptions Test.
- 9.68 At paragraph 164 of the NPPF it states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 9.69 Sequential Test information has been provided which initially indicated a search area looking at alternative sites within Thorne of a similar size +/- 25 percent of the land area. This methodology was not in accordance with Doncaster's SPD. It is noted that two application have been submitted, one to the north of Alexandra Street and the second to the south. The smaller northern site (19/00100/OUTM) has assessed sites



of a similar size whereas the SPD requires the application to look for several smaller sites, or any larger sites, that are reasonably available. In order to address this, there would be a requirement to look at other reasonably available sites (both several smaller, or any larger sites) and set out why they are not reasonably available. Or justify why their own methodological approach is justified and why they do not need to accord with the SPD.

- 9.70 Dealing specifically with the southern and current application site (19/00099/OUTM) the same approach has been taken, however given this site is far larger in size the reasonably available sites that have been identified do not provide the same numbers of housing and therefore, although the Sequential Test is lacking, the information provided in Doncaster's Policy consultation response, in conjunction with the applicants ST, has provided sufficient evidence to conclude that the ST can be passed in this instance.
- 9.71 As residential development is classed as more vulnerable by national policy and its supporting guidance, then both parts of the exceptions test must also be met in line with NPPF para.161 and Policy 57 of the Local Plan. Part 1 requires demonstration that the development provides wider sustainability benefits to the community that outweighs the residual risk.
- 9.72 It is noted 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." In considering this point,
- 9.73 Part 2 of the Exceptions Test process 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. It is considered that a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment would help to ensure that the development would be safe for the lifetime of the development. Moreover an informative has been suggested that the developer signs up to the EA's early warning flooding alert system. Part 2 of the exceptions test is considered to have been passed.
- 9.74 In conclusion, the proposal is considered to pass the Sequential Test and Exceptions Tests and no objections have been raised by the Environment Agency or internal drainage teams subject to suitably worded conditions.

#### Trees and Landscaping

- 9.75 Initially, clarification was sought from the applicant with regards to the finished site levels and the retention/improvement of areas of existing trees. The indicative plan submitted with the application has been amended and Doncaster's Tree Officer re-consulted. No objections have been received in respect of the application subject to suitably worded conditions in relation to ensuring trees are protected and the future landscaping of the site.

- 9.76 It has been commented by Doncaster's Tree Officer that firstly, it is pleasing to see the naturalistic features bordering the small field at the north west corner of the site (G34, G25-G28, T34 group) designed in to the scheme, as well as much of the central swathe of vegetation running north-south through the centre of the site (T21-T27, G20 group). With this latter group the tree officer has commented that he would expect the access roads through the group to be located so as to avoid the best trees. Whilst he believe that some of the BS5837 category B designations are somewhat generous, these trees (such as those within the internal G25-G28, T34 and T21-T27, G20 groups) could be retained as part of a naturalistic wider landscape features (whereby the 'faults' of these trees are masked).
- 9.77 Aside from the above groups, whilst the site has many trees there are very few of individual merit; these are:
- oak T2
  - birch T13
  - oak T14
  - the two oaks in G12
  - birch in G8
  - the two oaks in G8.
- 9.78 A copy of the tree survey is available to access via Doncaster's Public Access page ([www.doncaster.gov.uk/services/planning/planning-applications-online-public-access](http://www.doncaster.gov.uk/services/planning/planning-applications-online-public-access)) the survey plan was received on the 15<sup>th</sup> January 2019.
- 9.79 Finally, in addition to the retained naturalistic groups the above trees will need to be retained within the scheme, the tree officer considers the whole frontage should be replaced and re-landscaped. Suitably worded conditions have been suggested which will require a suitable landscaping scheme to be submitted and approved in writing by the Local Planning Authority (condition 23). Suitably worded conditions relating to tree protection have also been suggested (conditions 12 and 22).

#### Ecology and Wildlife

- 9.80 Doncaster's Ecologist has been consulted during the course of the application and has raised no objection to the proposal. However, additional surveys were required specifically in relation to Great Crested Newts. An updated reptile and Great Crested Newt survey has been provided and following the submission of this information, the Ecologist has commented that there are no objections subject to suitably worded conditions in relation to the Construction Environmental Management Plan (CEMP), Landscape and Ecological Management Plan and Lighting Strategy Plan – for submission and approval by the LPA.
- 9.81 In line with Paragraph 174 of the NPPF, planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Doncaster's Ecologist originally explored the need for net gain biodiversity offsetting and this was achieved through the submission of a revised biodiversity metric for this site. This simply assesses the baseline unit value of the site as it stands at present. The difficulty with the submission of an outline application is that final layout is not currently being considered and therefore an assessment about what would be lost and what would be retained or enhanced is difficult to achieve. At the time the application was presented to committee in August 2020 the approach taken was to set a



precautionary maximum possible S106 contribution, at this outline stage, as if the entire site were to be cleared. The revised metric calculations indicated that total clearance of the site would result in the loss of:

- 6.28 units of hedgerow
- 49.88 units of other habitats

- 9.82 In line with the NPPF applications need to deliver a net gain in biodiversity. So for a 10% net gain we would be looking for approximately 55 habitat units and 7 units of hedgerows. At the time the application was presented to planning committee in August 2020 BNG calculations were very much in their infancy. It was calculated that this scheme should look to provide a maximum offsite contribution via a Section 106 of £391,729.
- 9.83 As set out above, the position in relation to BNG has altered since the resolution made by planning committee in August 2020. A significant amount of work has been carried out into biodiversity net gain and the costs of delivering biodiversity units required to offset development impacts. In addition, a new biodiversity metric tool has been developed by Defra that replaces the beta test version that was originally used to assess this application. The change in metric and increased understanding of the costs involved in delivering biodiversity units mean that the figures provided in my previous comments are significantly lower than would actually be required to offset the development impact. As a result, the calculation of £391,729 previously calculated would not be sufficient in order to deliver 55 habitat units or the 7 units of hedgerow needed to offset the development.
- 9.84 The error in calculating BNG is a mistake of fact known by the Local Planning Authority and as such it is considered appropriate to present this application back to planning committee so that they are fully aware of the change in circumstances and whether it would alter the resolution made by committee.
- 9.85 In light of this it is recommend that the S106 is drafted to require the following information be provided at reserved matters stage for approval in writing by the Local Planning Authority:
- 9.86 A Biodiversity Impact Assessment using the Defra 3 Metric that details how a minimum 10% net gain in Biodiversity shall be secured post development. This shall include:
- Details of on site mitigation and unit delivery, and if required;
  - Details of off-site offsetting measures.
  - The contractual terms to secure the delivery of all onsite and offsite offsetting measures.
- 9.87 The S106 can offer flexibility to the developer in how any off-site units are secured. This may be through:
- The delivery of an offsetting scheme by the developer on land in their control and agreed as appropriate.
  - The delivery of an offsetting scheme by a third party (Either through delivery of a bespoke scheme or purchasing the required units from a habitat bank).
  - Payment of a per habitat unit fee of £25,000 to the Local Planning Authority to allow the subsequent delivery of the required biodiversity units.

- 9.88 It is vital to note that that the agreement to potentially accept a habitat unit fee by the Local Planning Authority would not mean that the complete loss of biodiversity on the site would be considered acceptable at reserved matters stage. A subsequent application must apply the mitigation hierarchy and demonstrate firstly how impacts will be avoided and the best habitats on the site retained in the context of the wider ecological network and species interests. The main habitats present on the site are grassland, scrub, hedgerows and a small area of woodland. The £25,000 per unit fee could be used to deliver any of these habitats. Separate unit fees are not proposed for the different habitats on the site. This is order to ensure that ecological best practice and the mitigation hierarchy principles guide the site layout rather than financial drivers based on a different habitat unit costs.
- 9.89 The per unit fee is derived from the following costs over a 30 year offsetting project that could be used to deliver grassland, woodland scrub or hedgerow habitats:
- Habitat creation, establishment and management (For example, site preparation, seeding/ tree planting/scrub planting, installing and maintaining fencing/stock management facilities, establishment management activities, ongoing management such as woodland thinning/ride creation, rotational scrub management, grazing stock management.
  - Land acquisition (based on purchase of grade 3 agricultural land)
  - Project development and management
  - Condition monitoring and reporting
  - A contingency fund (based on possible factors such as replacement fencing/planting/seeding costs or facilitating site access).
- 9.90 It is acknowledged that there is a large difference between the per unit figure proposed now and previously. This is due to a number of factors. The previous costs were conservative and based on a simple plan for grassland management involving taking a hay cut annually. The revised costs include fencing and low intensity grazing management, control of undesirable weed species as well as repeat treatments to try and improve the grassland diversity. This is much more labour intensive and the majority of the cost increase is due to the fact it is now recognised that, in order to achieve a good scheme, this type of habitat management would be required. In addition, the original costs did not factor in the need for condition monitoring surveys or ongoing project management both of which it is now considered would be required.
- 9.91 While the habitat unit figure proposed here may seem large, it should be noted that this would not translate to an enormous fee automatically being required at reserved matters stage for the following reasons:
- The project should be reassessed with Defra Metric 3 at the point of a reserved matters application. This assessment may slightly change the number of units present on the site although this is unlikely to be a large change. It is important to note that this does not mean that the habitats are now considered less important that they were. Unit outputs cannot be meaningfully compared between the two metrics.
  - Not all the habitats on the site will be lost to the development, and units will be delivered on site as part of proposed landscaping schemes once detailed planning applications come forward. This would mean that the financial contribution based on the habitat unit fee of £25,000 per unit would not be 25k multiplied by the number of units. For example if there was an outstanding requirement for 4 units, then the fee would be £100,000.

- The market for selling biodiversity units is developing rapidly. It is anticipated that by the time a reserved matters application is submitted there will be schemes or habitat banks within Doncaster selling biodiversity units that would be suitable to act as compensation for the proposed development. The price such projects sell units for will be based on the costs of known projects so it is anticipated that a unit would cost less than the £25,000 per unit fee proposed here. As outlined above the S106 can be worded such that there is flexibility in whether units are bought on the market at the time of the reserved matters application or paid through the habitat fee payment proposed. Providing any offsite compensation on a scheme local to the site would be the preferred option for the local authority
- 9.92 It is considered that the revised calculation of BNG, amended S106 drafting and imposition of suitably worded conditions would adequately deliver suitable biodiversity offsetting for this scheme. Biodiversity offsetting is considered to carry moderate weight in favour of the application as it would result in betterment.

#### Pollution issues

- 9.93 Concerns have been raised by objectors that the site has the potential for pollution as well as wider pollution control concerns.
- 9.94 As part of the consultation process, Doncaster's Pollution Control Team and Air Quality teams have been consulted and originally requested an Air Quality Assessment (AQA). This has subsequently been provided and Doncaster's Pollution Control Team have raised no objections subject to a condition requiring air quality mitigation being submitted and approved in writing by the LPA. Condition 04 also requires detailed information in respect of EV charging points across the development site.
- 9.95 Concerns have been raised by residents in relation to additional noise pollution being created. It is anticipated that noise associated with the development will largely be confined to the construction of the site and whilst this is a negative aspect of the proposal it carries limited weight given the relatively short term nature of the harm. To further mitigate this harm condition 19 & 20 require the submission and implementation of a Construction Method Statement (CMS) and Construction Impact Management Plan (CIMP) which will further seek to minimise the potential disturbance to existing residents.

#### **9.96 Conclusion on Environmental Issues**

- 9.97 Para. 8 of the NPPF (2021) 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.
- 9.98 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 and a S106 contribution. As such, moderate weight can be attached to this in favour of the development through the achievement of road improvements and biodiversity offsetting.

- 9.99 The proposal has demonstrated that the development would be safe for the lifetime of the development (as set out above) through the imposition of a planning condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment. In addition, sufficient information has been supplied to demonstrate that the application has passed the Sequential Test and that in this case the development would as a result of being allocated for housing, located within a sustainable location and through the imposition of conditions would provide wider sustainability benefits to the local community in line with the Exceptions Test. This weighs positively in favour of the application carrying moderate weight.
- 9.100 Impact on the character of the area - whilst it is acknowledged that the appearance of the land would invariably change in the event that planning permission is granted, the proposed development would be seen as an extension to the existing built environment and spatially would help to compliment the character of the surrounding area. The general appearance of the site will alter if planning permission is approved from what is currently undeveloped land to a new housing estate. However, the conditions relating to landscaping works and the final design of the future housing development will ensure that the proposal is designed and integrated into the existing settlement when seen against its backdrop. Consequently, the impact of the development on the appearance of the surrounding area is considered to weigh neutrally.
- 9.101 Additional noise issues associated with the development are considered to be short term negative impacts which can be mitigated through appropriate conditions. Given the relative short term nature of the potential construction noise and disturbance when viewed over the lifetime of the development, it is considered that this carries limited weight against the proposal.

#### **9.102 ECONOMIC SUSTAINABILITY**

- 9.103 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.

#### **9.104 Conclusion on Economy Issues**

- 9.105 Para 8 a) of the NPPF (2021) 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.
- 9.106 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.

#### **9.107 Planning Obligations**

9.108 Concerns have been raised by objectors that the proposed development would have an adverse impact on existing facilities. Paragraph 55 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

9.109 Paragraph 57 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.

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

#### Affordable Housing

9.103 To accord with policy 7 of the Local Plan, the scheme should provide 23% on site affordable housing, as more than 15 dwellings are proposed.

#### Public Open Space

9.104 Concerns have been raised by objectors that the development of the site would result in the loss of play space. The site is not designated as open space within the Local Plan but is instead allocated as a future housing site. Local Plan Policy 28 states that proposals will be supported which contribute 10% to 15% of the site as on-site open space to benefit the development itself – the nature and type of which will be determined by having regard to the Council's Green Space Audit and Playing Pitch Strategy.

9.105 The 2013 Green Space Audit shows the Thorne community profile area is deficient in informal open space and public parks. As the Green Space Audit shows both accessibility issues and a variety of open spaces deficiencies, 15% on site provision should be provided in the first instance. Where this cannot be provided, the Local Planning Authority may accept a commuted sum to offset the required POS.

9.106 The applicants have accepted that a reserved matters scheme will look to incorporate 15% on site POS.

#### Education

9.107 Policy 65 of the Local Plan deals specifically with developer contributions. Where necessary, directly related to the development, and fair and reasonable in scale and kind, developer contributions will be sought to mitigate the impacts of development through:

*provision off site, to ensure the development can be delivered in line with other policy objectives, and to a safe and satisfactory standard (such as off-site affordable housing, education facilities, biodiversity net gain, flood mitigation, or highways improvements).*

Education team have been consulted and 31 additional school places are required with a total educational contribution calculated at £1,101,499.

### Highway Improvements

9.108 As set out above, the proposal looks to make road and signal improvements outside of the redline boundary of the application site and in order to secure this, the development must enter into a S106 agreement with the Council. The improvements are summarised as:

1. Mitigation to the Field Side / Field Road / King Street signalised junction
2. Mitigation to the A614 Selby Road / Omega Boulevard signalised junction
3. Widening of west of Alexandra Street, Lands End Road.

9.109 The S016 agreement also looks to secure 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.

### Biodiversity offsetting

9.110 Paragraph 174 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by:

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.111 In line with the NPPF applications need to deliver a net gain in biodiversity. So for a 10% net gain the developer should deliver approximately 7 units of hedgerow 55 units of other habitats. As set out above there would need to be a significant increase the amount of BNG monetary compensation required to offset the development since the resolution by members to grant permission in August 2020. Should members resolve to grant permission the updated S106 requirement in respect of BNG would be required and this can be seen in recommendation section below (paragraph 11.1).

## **10.0 PLANNING BALANCE & CONCLUSION**

10.1 In accordance with Paragraph 11 of the NPPF (2021) 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 earmarked for residential development in the Local Plan and this weighs considerably in favour of the application. In addition the indicative 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 proposed road and signal improvements together with the potential biodiversity net gain 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.

- 10.3 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.
- 10.4 The noise and smells associated with equipment used during the construction of the site can be mitigated and controlled by condition and the short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.
- 10.5 The proposal is subject to a Section 106 Agreement and the proposed heads of terms are outlined below.

## **11.0 RECOMMENDATION**

### **11.1 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 THE FOLLOWING MATTERS AND THE HEAD OF PLANNING BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE LEGAL AGREEMENT:**

- a) 23% Affordable Housing to be provided onsite.
- b) Proposal to provide 15% on site Public Open Space (POS) including ongoing management and maintenance.
- 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.
- f) In conjunction with the submission of the first reserved matters application a Biodiversity Impact Assessment and Biodiversity Offsetting Scheme to assess biodiversity losses and gains and compensate for any biodiversity loss with a minimum 10% net gain, either through on site mitigation and/or by off site offsetting and/or by payment of an Offsetting Contribution calculated at £25,000 per Biodiversity Unit.

## **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 (as are defined in Condition 03) 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 (as are defined in Condition 03), 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 of the Town and Country Planning Act 1990 (as amended).

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

REASON

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

04. 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 13 and 54 of the Doncaster Local Plan.

05. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to the Local Planning Authority for approval in writing. The plan shall include details of all the mitigation and avoidance measures to be implemented on the site during construction as outlined in the submitted Ecological Impact Assessment and Reptile and Great Crested Newt Report. The approved plan shall then be implemented in full.

REASON

In line with Policies 29 and 30 of the Doncaster Local Plan to ensure the ongoing ecological interests of the site with respect to bats are maintained.

06. With the submission of a reserved matters application a Lighting Strategy Plan shall be submitted to the local planning authority for approval in writing. This shall include details of all lighting proposed on the site post construction and how this shall be designed in order to ensure no negative impacts on bats and their habitats.

REASON

In line with Policies 29 and 30 of the Doncaster Local Plan to ensure the ongoing ecological interests of the site with respect to bats are maintained.

07. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref July 2019 / 42866/4007/North / Peter Brett Associates LLP 2019 & email "Alexandra Street Thorne 19/00099/OUTM and 19/00100/OUTM" dated 12/12/2019), and the following mitigation measures it details:

- o Finished floor levels shall be set no lower than 3.5m above Ordnance Datum (AOD).
- o Resistance and Resilience measures shall be included up to a level of 4.1m AOD
- o All sleeping accommodation shall be above the level of 4.1m AOD (first floor and above)



- o 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. Prior to the operation/opening of the development hereby approved, an air quality mitigation plan shall be submitted to and approved in writing by the local planning authority. This plan should demonstrate how the damage costs have been utilised to offset vehicle emissions during the lifetime of the development. Measures in any mitigation plan should be in addition to those provided as a requirement for other Planning matters. The mitigation plan should be implemented prior to the completion of the development.

**REASON**

To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with policies 13 and 54 of the Doncaster Local Plan.

09. No development shall take place within a stand-off distance of 3.5 (three point five) at each side of the sewer centre-line and neither should trees be planted within 5 (five) meters of the sewer centre-line.

**REASON**

In order to protect existing drainage networks.

10. Prior to the first submission of an application for Reserved Matters for housing development, a Design Statement should be submitted and approved in writing by the Local Planning Authority. The statement shall inform all subsequent Reserved Matters submissions for development within the site unless otherwise agreed in writing with the Local Planning Authority. The statement should follow the layout structure and principles established in the illustrative masterplan. The document to be produced shall refer to and reflect the Council's current design policy and SPD, and cover the following key detailed design matters:

- o Movement hierarchy and street types- the network of streets and car free routes and how these integrate into existing networks, using street sections and plans to illustrate the hierarchy,
- o Urban design principles- how the development will create a permeable and secure network of blocks and plots with well-defined, active and enclosed streets and spaces,
- o Legibility strategy- how the scheme will be easy to navigate using gateways, views, nodes and landmarks for orientation,
- o Residential character areas- the different areas of housing within the site and details of the key characteristics of each zone in terms of layout, scale, siting, appearance, and landscape,
- o Architectural appearance, building details and materials- how the development responds to local building traditions and / or aims to create an appropriate and distinctive new attractive appearance informed by a local character appraisal and community engagement,
- o Open space character areas- the function, appearance and design principles for each key areas of open space,

- o Vehicle and cycle parking- including details of allocated and visitor parking strategies in line with the Council's parking standards,
- o Hard and soft landscape- including street surfacing, junction treatments, street furniture, signage, management and maintenance,
- o Boundary treatments- details of front, side, rear and plot division boundaries for each street type / character area.
- o Building for Life Statement- how BFL principles are to be met by the development (applicable to residential areas).

It is recommended for further detailed advice, applicants speak to the Council prior to developing the design statement.

#### REASON

To ensure a consistent and co-ordinated design approach, in the interests of the satisfactory function and appearance of the development.

11. Notwithstanding the illustrative layout shown on the site plan (ref. 2018-ID-28-PL001a dated November 2018), the layout of the proposed development shall be based on the principle of ensuring realistic long-term retention of all sound and healthy trees within and overhanging the site. The siting of any proposed building, carriageway, path, wall, service run, and built or excavated earthwork shall be based on the tree survey commissioned in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations and shall give full regard to the root protection area, shading potential and future growth of each tree and the aspect and topography of the site.

#### REASON

To ensure that appropriate trees are retained and given due consideration in site planning in compliance with Local Plan Policy 32.

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 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.

13. 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 provided to and 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 in writing 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.

14. 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 in writing 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.

15. 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.

16. No construction of waterbodies shall be undertaken within 20m of the boundary with Network Rail unless otherwise agreed in writing with the Local Planning Authority.

REASON

In order to protect rail safety

17. The first submission of Reserved Matters for housing shall include a public open space delivery and maintenance strategy, which shall include details of the locations of open space within the overall development and the size and type open spaces, to be approved in writing by the Local Planning Authority, and this shall be applied to all subsequent Reserved Matters submissions within the site. The first submission of Reserved Matters for housing shall also include details of the design, layout, future maintenance and arrangements for the long term retention of public open space within that phase of development and shall be carried out in accordance with the approved details.

REASON:

To ensure the adequate provision of public open space across the development.

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

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

REASON:

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

19. Before any construction works are started on the application site, a Construction Impact Management Plan, indicating measures to be taken to mitigate the effects of the construction activity and associated vehicle movements upon the living conditions of neighbouring residents and highway safety shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall include provision for the following: the limitation of noise, the means of enclosure of the construction sites, and any proposed external security lighting installation; the control of dust emissions; the control of deposition of mud or debris on the highway, and the routing of contractors' vehicles. The mitigation measures so approved shall

be carried out at all times during the construction of the development hereby approved.

REASON:

To safeguard the living conditions of neighbouring residents.

20. 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.

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

REASON:

To ensure that all trees are protected from damage during construction in accordance with Local Plan Policy 32.

22. 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 Local Plan Policy 32.

### INFORMATIVES

01.                   INFORMATIVE

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

02.                   INFORMATIVE

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

The document can be found at the following web address:

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

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

03.                   INFORMATIVE

Level crossing safety leaflets shall be provided and included in any welcome pack provided to new residents. Alternatively, the information is available online if the residents could be directed to the Network Rail website <https://www.networkrail.co.uk/communities/safety-in-the-community/level-crossing-safety/>.

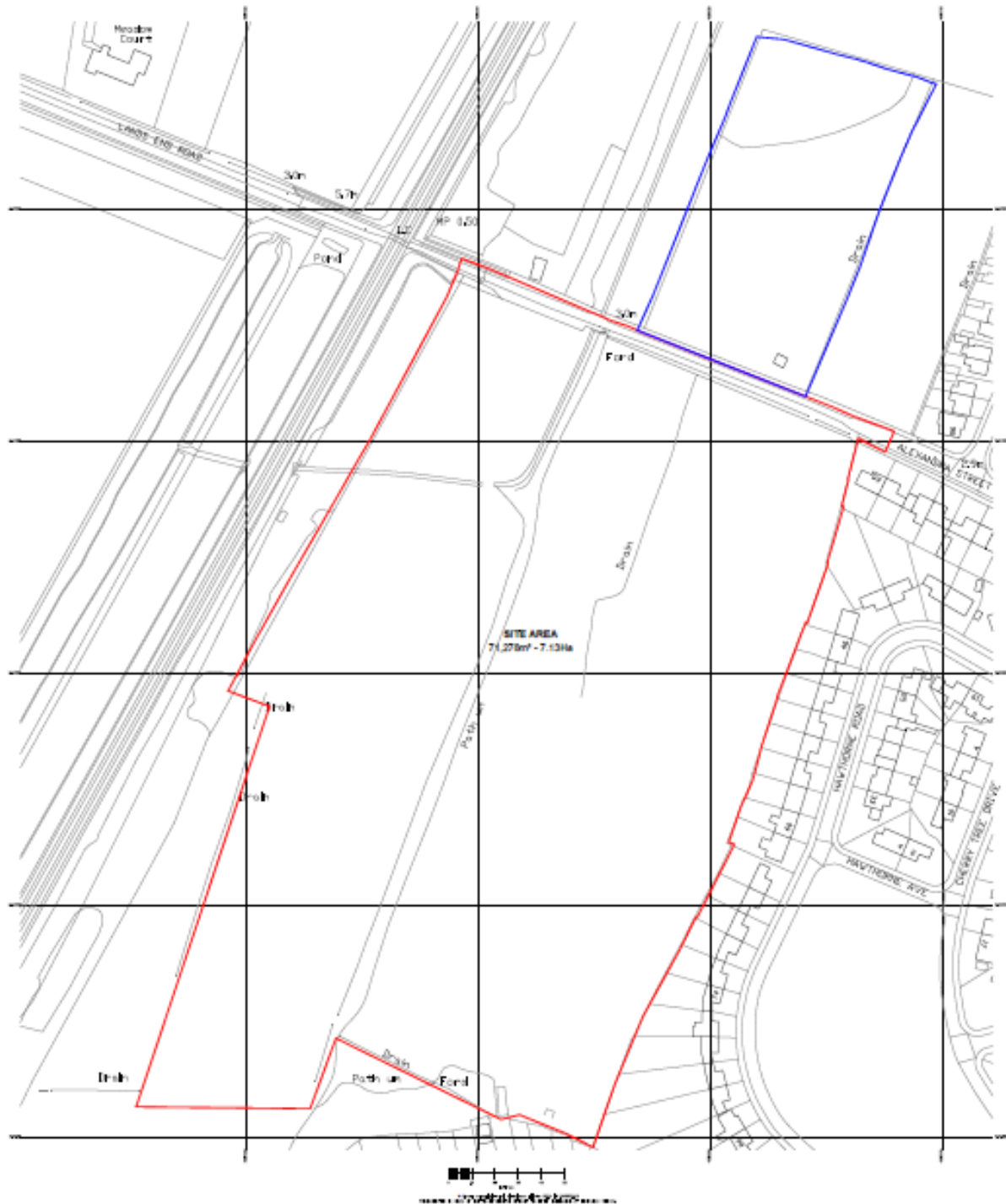
### STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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:

- Additional information in relation to Air Quality
- Amendments to the plans to show indicative layout
- Transport assessment updated with technical information
- Additional information supplied to overcome Network Rail concerns

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

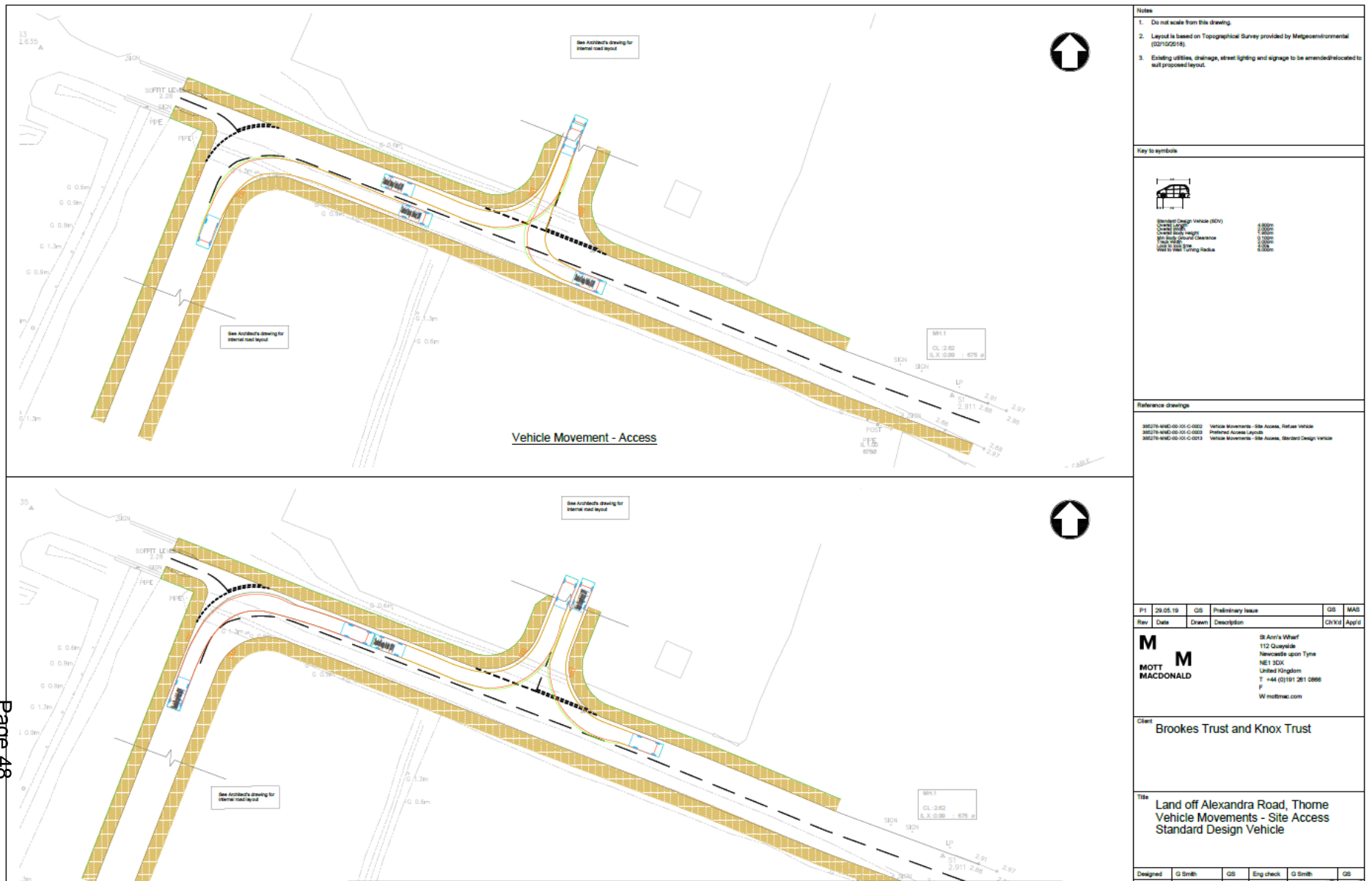




## Appendix 2: Site Plan



## Appendix 3 – Site access



<b>Application</b>	<b>2.</b>
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<b>Application Number:</b>	16/02136/OUTA
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<b>Application Type:</b>	Outline Planning Major (EIA Development)
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<b>Proposal Description:</b>	Outline application for the demolition of the existing building on site and proposed employment development consisting of light industrial (Use Class B1c), general industrial (Use Class B2) and storage and distribution (Use Class B8) units and associated service roads, parking areas, landscaping and pedestrian and cycle ways on approx. 74ha of land (Approval being sought for access)
<b>At:</b>	Land On The North East Side Of Selby Road, Thorne, Doncaster DN8 4JE

<b>For:</b>	Mr Don Parkinson & Mr Kim Parkinson & Wilton (Thorne) Limited
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<b>Third Party Reps:</b>	189	<b>Parish:</b>	Thorne
		<b>Ward:</b>	Thorne and Moorends

<b>Author of Report</b>	Mark Sewell
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## SUMMARY

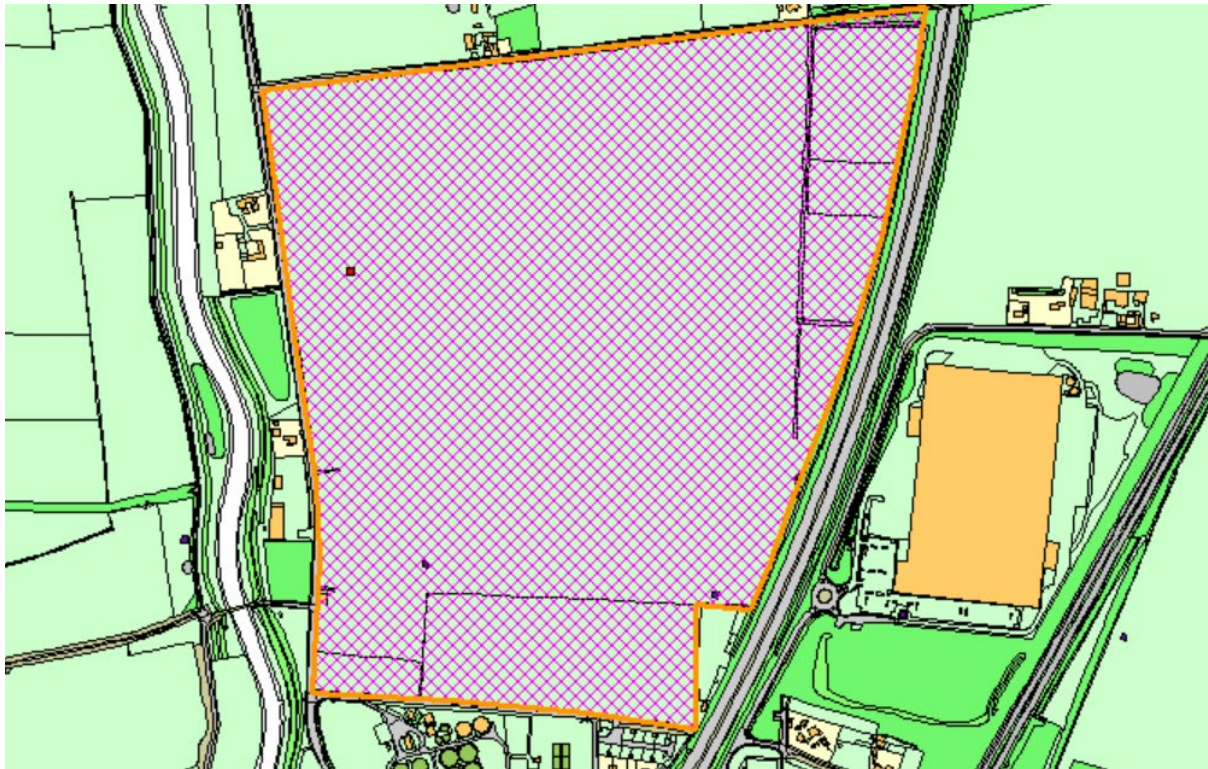
The application seeks outline planning permission for for up to 330,000 m2 (GIA) of B1(c) (business), B2 (general industry) and B8 (storage and distribution) uses, alongside ancillary office use.

The application site is located to the west of the Principle Town of Thorne, on a greenfield site allocated for employment uses under Policy 3 of the Local Plan.

The application has attracted substantial local interest, as well as being a major development, and so is being presented to the Planning Committee

This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development is in accordance with the applicable local and national policies.

**RECOMMENDATION: GRANT planning permission subject s106**



## **1.0 Reason for Report**

- 1.1 This application is being presented to planning committee as the scheme represents a major development and has attracted significant local interest.

## **2.0 Proposal**

- 2.1 The submitted planning application seeks outline planning permission with all matters reserved excepting access, for employment development consisting of light industrial (Use Class B1c), general industrial (Use Class B2) and storage and distribution (Use Class B8) units and associated service roads, parking areas, landscaping and pedestrian and cycle ways on approx. 74ha of land, including the demolition of an existing building on the site.
- 2.2 When submitted, the proposal fell within Schedule 2 'Urban Development Projects' of the Town and Country Planning (Environmental Impact Assessment('EIA')) Regulations 2011 ('2011 Regulations'). The proposal was considered to have the potential to give rise to significant environmental impacts, constituting EIA development. As such, the application was accompanied by an Environment Statement. Since the original submission, the site owner has appointed a development partner (the joint applicant) to progress the application. Given the length of time since the original submission, a comprehensive update of the application was undertaken to reflect the latest proposals, and to take account of consultation responses received and unresolved issues. This in turn resulted in the need to update the original Environmental Statement, which has led to the production of the original Supplementary ES in April 2020, and further Supplementary ES in October of this year. Both Supplementary ESs' include new and updated survey information to address matters where required, the scope of which has been agreed with consultees.
- 2.3 The updated information comprises further information and evidence as defined by the 2011 Regulations. As such the Supplementary ESs' will continue to be considered under the 2011 Regulations (in accordance with the 'transitional arrangements' set out within the Town and Country Planning and Infrastructure Planning (EIA) (Amendment) Regulations 2017 (as amended) (the 2017 EIA Regulations). Notwithstanding this, consideration is given to the implications of the changes introduced by the 2017 EIA Regulations where relevant throughout the Supplementary ESs. This is an approach has been agreed with the Council and which ensures consistency with the 2017 EIA Regulations notwithstanding the continued application of the 2011 Regulations by virtue of the transitional arrangements.
- 2.4 The EIA submitted considers the likely effects of the proposal that may arise during both the construction and operation of the development, with consideration given to nearby potential receptors, as well as the relationship of the development to other emerging schemes in the area. The following matters are addressed within the EIA;
- Transport;
  - Ecology;
  - Socio-Economics;
  - Landscape and Visual Impact;
  - Flood Risk and Drainage;



- Air Quality;
- Noise;
- Heritage (above ground);
- Ground Conditions;
- Heritage (below ground)
- Cumulative Impact Assessment

- 2.5 As the application is in outline form with all matters reserved excepting access, the precise final form of development is not known at this stage. As such, the Supplementary ESs' and supporting surveys and information are supported by a parameters plan which sets out details of the maximum development parameters, which include landscape zones, ground levels and maximum building heights. Should permission be granted, subsequent reserved matters application will have to be submitted in accordance with the parameters plan with regards to the internal access arrangements, the appearance of the scheme, landscaping, layout and scale.
- 2.6 In terms of the parameters, the application seeks consent for up to 330,000 m<sup>2</sup> (GIA) of B1(c) (business), B2 (general industry) and B8 (storage and distribution) uses, alongside ancillary office use. In terms of site levels, following agreement with the Environment Agency, the minimum finished floor level on the site will be 4.4m AOD, which takes account of the latest critical flood level data. For any buildings where commercial and operational requirements dictate, floor levels will be set at a level of 5.23m AOD to provide mitigation in the event of a major breach of the defences on the River Don. Offices within the proposed industrial and warehouse units will be set at a minimum FFL of 5.23m AOD. The site is currently generally flat, with ground levels ranging typically from 3 to 4m AOD. Earthworks will be required to form the development plateaus, with site won materials to be re-used on site where possible.
- 2.7 In terms of building heights, and incorporating the above mentioned minimum floor levels, the maximum development height on the site is proposed to be 40.23m AOD. Jointly, the FFL's and maximum development heights will control the building heights at the site. There will be reduced building development zones within the north, west and south of the site, taking account of the FFL the maximum height in these zones will be 26.23m. This approach ensures that the tallest buildings will be restricted to the centre of the site, furthest from any potential receptors.
- 2.8 In terms of building design, this will be subject to and agreed as part of any future reserved matters applications. The developers anticipate that designs will be of a contemporary and modern approach with a colour palette sympathetic to the surroundings. Buildings on the site will have to adhere to the Council's requirements in respect of achieving BREEAM Very Good standard and obtaining 10% of energy from renewable sources (or equivalent savings) as outlined in Policy 46 of the Local Plan.
- 2.9 In terms of drainage, the proposal's surface water drainage strategy is to discharge into existing watercourses that bisect the site at a restricted rate

equivalent to greenfield runoff rate, an approach which has been agreed by the Internal Drainage Board and DMBC Drainage. Onsite attenuation will also be required and is proposed to be designed into the landscaping proposals. Foul drainage is proposed to discharge to the existing water treatment works to the south of the site.

- 2.10 The submission includes indicative site wide landscaping proposals. A landscaping buffer will be incorporated into the eastern part of the site, and buffer will also be incorporated into the sites periphery, two landscaping corridors are shown running east to west along the existing retained drainage ditches, and new areas of open space will be provided. Individual plots will come forward with their own landscaping proposals as well, as part of future reserved matters applications.
- 2.11 Means of access are being formally agreed as part of the application, and full details have been provided of the proposed point of access to be taken from the A614 Selby Road on the western side of the site. A secondary emergency access on to North Common Road to the north is also proposed, details of which will be agreed as part of subsequent detailed approvals, as will the internal access roads, parking and servicing areas for the individual development plots. The existing Public Right of Way that runs through part of the site will be required to be stopped up temporarily during construction, whilst additional pedestrian routes are proposed to connect the east of the site to the west. Offsite access improvements are also proposed, including a new footway around the northern side of the Junction 6 roundabout, a new uncontrolled pedestrian crossing across the southern exit and northbound entry slip roads and Paddock Lane; and a pedestrian access point in the south west corner of the site. This will also include a new uncontrolled pedestrian crossing on Selby Road.
- 2.12 The applicants state that the development is likely to be brought forward in phases based on the market demand for the employment uses proposed. The first phase of the development will include the delivery of site preparation works and access arrangements for the site. It is assumed that the site preparation and infrastructure works will take between 12 and 18 months following the grant of outline planning permission and the discharge of relevant pre-commencement planning conditions. This will include delivery of the proposed access roundabout on the A614 Selby Road, an initial section of the access road into the site, the construction compound, and waste, fuel and material storage areas. It is assumed that this phase will begin in late 2020/early 2021.
- 2.13 It is assumed that subsequent phases will deliver the respective units over a period of 10 years (to 2030/ 2031), depending upon market demand. Each phase and development plot will include its own associated infrastructure, including car parking facilities and turning areas brought forward during the appropriate development phase. It is anticipated that the internal access road will be constructed on a phased basis alongside delivery of individual phases.

### 3.0 Site Description

- 3.1 The application site comprises of 76.63ha of agricultural land in arable use, and is located off Selby Road to the north west of the settlement of Thorne, to the west of the M18 motorway and to the north of Junction 6 of the M18. A small derelict building is located to the south west corner of the site, and two drainage ditches bisect the site from west to east.
- 3.2 Internally, the site is relatively open with limited field boundary vegetation, and trees mostly confined to the edges of the site. Roadside hedgerows and planting are in situ along parts of the northern, western and southern boundaries. The existing vehicular access to the site is from North Common Road to the northern boundary. North Common Road connects with Selby Road to the west, which in turn connects with the M18 to the south at Junction 6. There is an internal access route, known as Thorne and Dikemarsh Road which runs north to south through the eastern part of the site, terminating within it, along with a Public Right of Way which runs along this internal access road.
- 3.3 In terms of the immediate site boundaries, to the north of the site lies North Common Lane with further agricultural land beyond. The M18 motorway lies to the east of the site, beyond which is a warehouse development and then residential areas of the settlement of Thorne. A BMW Distribution Centre is located to the southeast of the site beyond the M18. A vehicle storage area is located between the site and the M18 in the south east corner of the site. Immediately to the south of the site is Lands End Road, beyond which is a water treatment plant and a travellers camp. Finally, as previously mentioned, the A614 Selby Road is located to the west of the site. A small scale commercial operation and a residential property are located on the western side of the road, beyond which is further open countryside.

### 4.0 Relevant Planning History

Application Reference	Proposal	Decision
15/02252/OUTM	Outline application for proposed employment development consisting of warehousing, distribution and light manufacturing units and associated service roads, parking areas, landscaping and pedestrian and cycle ways on approx. 74ha of land (Approval being sought for access)	Withdrawn

### 5.0 Site Allocation



- 5.1 Within the Local Plan, the site itself (referenced EMP04) is identified under Policy 3 (Employment Allocations) as land specifically allocated for employment uses. The policy states that only research and development, light industrial, general industry and storage and distribution uses will be permitted on these sites unless the proposal is ancillary to the employment use.
- 5.2 National Planning Policy Framework (NPPF 2021)**
- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning applications 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:
- Section 2: Achieving Sustainable Development
  - Section 3: Plan-making
  - Section 4: Decision-making
  - Section 6: Building a strong, competitive economy
  - Section 8: Promoting healthy and safe communities
  - Section 9: Promoting sustainable transport
  - Section 11: Making effective use of land
  - Section 12: Achieving well-designed places
  - Section 14: Meeting the challenge of climate change, flooding and coastal change
  - Section 15: Conserving and enhancing the natural environment
- 5.4 Fundamentally, the framework's guiding principles set out in Paragraph 8 recognise that there are 3 overarching objectives for the planning system, which are to be pursued in mutually supportive ways. The economic objective is to help to 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. With regards to the social objective of the framework, planning should support strong, vibrant and healthy communities. This should be achieved through the provision of the correct supply and range of housing for future needs, providing well designed, and safe places with accessible services and open spaces designed to meet current and future needs. Finally, the environmental objective seeks to protect and enhance our natural, built and historic environment, through the effective and efficient use of land, improving biodiversity, minimising waste and pollution and mitigating and adapting to climate change.
- 5.5 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means that;
- c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.6 Paragraph 55-56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.7 Paragraph 57 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.
- 5.8 Paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.9 Paragraph 104 states that transport issues should be considered from the earliest stages of plan making and development proposals, to ensure that the impacts of development upon networks can be addressed, to ensure that opportunities from existing or proposed transport infrastructure are realised, to promote opportunities for walking, cycling and public transport, and to ensure that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account. Furthermore, para 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 Paragraph 126 states that 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.

- 5.11 Paragraph 162 states 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. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 5.12 With regards to the natural environment, the framework at para 174 seeks to ensure that development minimise the impacts upon and provide net gains for biodiversity, including by establishing coherent ecological networks.
- 5.13 Local Plan
- 5.14 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case.
- 5.15 Policy 1 relates to Settlement Hierarchy, focussing on delivering sustainable growth, and stating that new development (including homes, supporting services and associated jobs) will be focussed in and around existing urban areas (primarily Doncaster's 'Main Urban Area', its 7 'Main Towns' and 10 'Service Towns and Villages'). The policy states that major new employment sites are to be focused at locations attractive to the market with good access to the Strategic Transport Network.
- 5.16 Policy 3 is concerned with Employment Allocations. The application site is one of these allocated sites, referenced as EMP04 (East of Selby Road, Thorne) within the Policies Map. The policy states that only research and development, light industrial, general industry and storage and distribution uses will be permitted on these sites unless the proposal is ancillary to the employment use. Such sites will be developed out in accordance with specified development requirements and other relevant Local Plan policies. It is also expected that where any development is proposing 20 or more direct jobs, the Council will seek to enter into a Local Labour Agreement.
- 5.17 Policy 13 is concerned with Promoting Sustainable Transport in New Developments. The policy seeks to ensure that new development makes appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impacts. Access to the development should be made by a wide choice of transport modes, and walking and cycling are encouraged within the development and beyond. Development must not result in unacceptable impact on highway safety, or severe residual cumulative impacts on the road network, and new developments will need to provide, as appropriate, Transport Statements, Transport Assessments and Travel Plans to ensure the delivery of travel choice and sustainable opportunities for travel in line with the latest government guidance and best practice.

- 5.18 Policy 30 deals with the need to value biodiversity, and to ensure that in dealing with proposals the mitigation hierarchy is applied so that firstly harm is avoided wherever possible, then appropriate mitigation is provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity.
- 5.19 Policy 32 deals with woodlands, trees and hedgerows. Proposals will have to demonstrate that these features have been adequately considered during the design process, so that significant adverse impact can be avoided. Where such loss is unavoidable, there should be sufficient provision of replacement planting.
- 5.20 Policy 33 deals with landscape and states that where development proposals will most likely result in a significant impact on the Borough's landscape the proposals should assess the potential impact and propose how any negative effects will be minimised.
- 5.21 Policy 39 deals with the need to take into account archaeological assets.
- 5.22 Policy 46 deals with design of non-residential, commercial and employment developments. All must be designed to be high quality, attractive, and make a positive contribution to the area in which they are located.
- 5.23 Policy 54 identifies the need to take into account air and noise pollution.
- 5.24 Policy 56 identifies the need for satisfactory drainage including the use of SuDS.
- 5.25 Policy 58 deals with low carbon and renewable energy within new developments.
- 5.26 Thorne & Moorends Neighbourhood Plan (NP)
- 5.27 A neighbourhood plan for Thorne and Moorends is currently in preparation. Pre-submission consultation and publicity has taken place and is currently at what is known as Regulation 14 stage. Consequently it is considered that the weight to be afforded to the Thorne and Moorends NP is moderate.
- 5.28 The application site is not allocated within the Neighbourhood Plan (although note that it is an allocation in the adopted Local Plan), however the following policies are applicable:

Policy E2 : Development of non-neighbourhood plan allocated employment sites. This policy states that the allocation of sites along the M18 in the Doncaster Local Plan will be supported given the economic and logistical significance of this strategic transport route. Provision is expected to be made within development, through the layout of proposals, to promote physical connectivity with Thorne and Moorends.

- 5.29 Policy DDH3 sets out the need for good design.
- 5.30 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.

5.31 Other material planning considerations and guidance

- 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 way of direct neighbour notification, site notices erected adjacent to the site and via a press advertisement.

6.2 189 representations have been received in response to the proposal, from 25 different parties. The main points raised include;

- The scale of the proposal and the associated traffic noise, additional vehicular movements
- The impact upon drainage and flood risk in the area
- The impact upon wildlife and habitats
- The height of proposed buildings and impact upon rural character
- Construction and traffic noise
- Highway safety
- Increased noise and disturbance
- The loss of greenfield land
- The impact upon air quality
- The principle of accepting updated application information so long after the initial application submission
- The quality of information within the submitted ES
- Prematurity of the application

## **7.0 Parish Council**

7.1 Thorne Town Council originally raised concerns over the application when received in 2016, mainly relating to access and also stating that they would like to be satisfied that matters relating flood risk and drainage were adequately dealt with as part of the process

## **8.0 Relevant Consultations**

- 8.1 **Highways Development Control** – Initially requested amendments to the scheme in respect of the design of the proposed new access road into the site. The applicants have provided updated drawings in line with the comments made. No objections are raised, and conditions recommended in terms of construction management and traffic
- 8.2 **Highways Transportation Officer** – No objections to the scheme on the basis that the proposal will not have an unacceptable impact upon the local road network. A travel bond, and traffic monitoring counts to be secured via s106. Conditions in respect of detailed travel plans and electric vehicle charging points.
- 8.3 **Environment Agency** – No objections, suggested conditions in respect of flood risk.
- 8.4 **South Yorkshire Archaeology Service (SYAS)** – No objections, suggested condition requiring written scheme of investigation, and works to be carried out in accordance with it,
- 8.5 **Environmental Health** – No objections, suggested conditions concerning construction management plan and construction impact management plan and noise mitigation.
- 8.6 **Internal Drainage Officer** – No objections subject to a condition in relation to full details of foul and surface water drainage.
- 8.7 **Ecology Officer** – Conditions are recommended to ensure a Biodiversity Mitigation Monitoring and Enhancement Plan, a Construction Environmental Management Plan, Biodiversity Net Gain Requirement, and Light Sensitive Biodiversity Lighting Scheme.
- 8.8 **Trees & Hedgerows Officer** – No objections to the scheme, request conditions for landscaping, tree protection.
- 8.9 **Conservation Officer** – No objections.
- 8.10 **Public Rights of Way Officer** – Notes that the appropriate consents will be required for any affected public rights of way, separate from the planning process
- 8.11 **Area Manager** – No comments received.
- 8.12 **National Grid** – No comments received.
- 8.13 **Urban Design Officer** – No objections to the principle of the development, recommend conditions around sustainability measures and design guidance

- 8.14 **Black Drain Internal Drainage Board** – No objections
- 8.15 **Yorkshire Water** – No objections subject to a condition in relation to full details of foul and surface water drainage
- 8.16 **Yorkshire Wildlife Trust** – Object to the scheme on the basis of loss of habitat across the site, and question the proposed mitigation. Have liaised with DMBC Ecology to ensure that the proposed conditions secure the best possible biodiversity outcomes.
- 8.17 **Network Rail** – No objections, however raised queries over the potential for increased use of level crossings, and the routing of abnormal loads. The applicant has provided a note in response to the points raised, and no further comments have been received.
- 8.18 **Highways England** –Initially raised concerns over the impact of proposal upon Junction 5 and 6 of the M18. Following discussions with the applicants and DMBC, no objections are raised subject to a condition limiting the amount of development that can take place before a further assessment, and potential mitigation, of the junctions takes place
- 8.19 **DMBC Pollution Control** – No objections, suggested conditions relating to contaminated land and air quality
- 8.20 **Natural England** – No objections

## **9.0 Assessment**

- 9.1 The principal issues for consideration under this application are as follows:
- Principle of development;
  - The impact of the development on the character of the area;
  - Whether there is any impact on residential amenity & quality of life;
  - Highway safety and traffic issues;
  - Drainage;
  - Ecology;
  - Trees;
  - Archaeology;
  - 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 Sustainability**

- 9.4 The National Planning Policy Framework (NPPF, 2021) 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.
- 9.5 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**

#### **9.6 Impact on Residential Amenity**

- 9.7 The nearest residential properties lie to the west of the site on the other side of the A614 Selby Road, to the north on North Common Road, as well as a travellers site located to the south of the application site. The development will be in relatively close proximity to these properties, and so will affect their views. The submitted parameters plan show that the tallest buildings within the site will be located furthest from these properties, with a low building zone shown to the south, west and north of the application site. Buildings in this zone will stand to a maximum height of just over 26m AOD. Whilst the development will be visible from those properties, given the separation distances, the intervening highway, and the lower level of the frontage buildings, it is not considered that the proposal would adversely affect neighbouring properties through excessive levels of overshadowing or dominance. Equally, there will be an impact on the view from the closest neighbouring dwellings, however in planning terms this is not a material consideration. The development will result in increased traffic along the A614, however this is an established and well trafficked highway currently, and the additional movements would not be at a level to cause such further harm as to be unacceptable. The impacts of traffic are discussed later in the report. Other issues relating to noise, disturbance and air quality are also discussed in detail within the report and assessed there.

#### **9.8 Principle of Development**

- 9.9 As already stated, the application site forms an employment allocation within the recently adopted Local Plan. The site is referenced as site EMP04 - Land to the east of Selby Rd, Thorne - where up to 73.63ha of employment uses including light industrial / research and development (B1b/c), general



industrial (B2) and storage and distribution (B8) are considered appropriate under Policy 3: Employment Allocations (Strategic Policy).

- 9.10 The scheme seeks to deliver up to 349,650m<sup>2</sup> of B1(c) (light industrial), B2 (general industrial) and B8 (storage and distribution) uses, alongside ancillary office use, over an area of approximately 73.63ha on this allocated site. The quantum and type of development are entirely consistent with the policy allocation, and will make a significant contribution to the aim of delivering at least 481ha of employment land over the plan period up until 2035, as set out in Policy 2: Level of Growth (Strategic Policy).
- 9.11 The aim of Policy 2 of the Local Plan is to set out the levels and distribution of growth for employment, housing and town centre uses (such as retail, leisure, office, culture and tourism) across the borough over the plan period. Meanwhile Policy 1 – Settlement Hierarchy, states that decisions on the location and scale of development should be informed by Doncaster's Settlement Hierarchy, and read in conjunction with Policy 2. Thorne and Moorends is classed a Main Town within the Hierarchy. The policy states that major new employment sites will be focused in locations accessible from the 'Main Urban Area' and 'Main Towns' at locations attractive to the market with good access to the Strategic Transport Network. These settlements (Main Towns) will be the focus for substantial housing growth, supported by appropriate levels of employment and retail growth and wider service provision.
- 9.12 On this basis, in locational terms, the development complies with both Policies 1 and 2. These policies direct growth in the logistics, light industry and manufacturing sectors to locations along the M18 corridor that can accommodate large buildings with good access to the M18/M180 motorways and strategic road network. These policies also seek to distribute growth to the Main Towns, including Thorne and Moorends, to ensure that regeneration benefits are spread across the Borough. In particular, employment sites are required in locations where there is strong accessibility and connectivity between where people live and the employment opportunities to be provided.
- 9.13 On the basis of the above, the principle of development is shown to be entirely in accordance with the provisions of the newly adopted Local Plan. The proposed location and quantum of uses are consistent with the provisions of Policies 1,2 and 3, which seek to promote a strong economy and delivering employment land in the right locations. The proposal is also consistent with the aims of the NPPF in terms of Building a Strong Competitive Economy. On this basis, the principle of development is shown to be acceptable and consistent with both local and national planning policies.

## **Conclusion on Social Impacts**

- 9.14 Paragraph 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services

and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

- 9.15 In conclusion the proposal would not adversely affect neighbouring residential properties by virtue of the separation between the proposed buildings and existing properties. The proposal would bring forward job opportunities over the next few years for the local population as well as much needed amenities and facilities, which will be a great social benefit. When combining these factors, this weighs considerably in favour of the application

## **ENVIRONMENTAL SUSTAINABILITY**

### **9.16 Design and Impact upon the character of the area**

- 9.17 The newly adopted Local Plan has a series of policies relating to design issues which will form part of the consideration of the application. Policy 41 is concerned with Character and Local Distinctiveness, stating that "Imaginative design and development solutions will be encouraged, including innovative and contemporary architecture and public art, to ensure that proposals respect and enhance identity, character and local distinctiveness through adherence to the following principles:..."

Development proposals will be supported where they:

1. recognise and reinforce the character of local landscapes and building traditions;
2. are of a high quality design that contributes to local distinctiveness;
3. respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and
4. integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.

The policy goes on to state that in all cases, applications and design proposals will need to demonstrate an understanding of the context, history, character and appearance of the site, adjacent neighbourhood and the wider area, to inform the appropriate design approach. For major applications this understanding should be informed by the views of local communities affected by the proposal, and alongside the adopted design approach, is to be clearly explained and presented within the Design and Access Statement.

- 9.18 Policy 42 of the Local Plan is concerned with Good Urban Design, stating that high quality development that reflects the principles of good urban design will be supported. The policy goes on to state that in all cases the components of a development, including use mix, layout, density and appearance must be designed and assessed to ensure that the proposal is attractive and appropriate to the area, robustly designed, works functionally. The policy then sets out a series of qualities which contribute towards successful place making.

- 9.19 Policy 46 of the Local Plan sets out the Authority's expectations around the Design of Non-Residential, Commercial and Employment Developments. As above, it seeks to ensure that such proposals are designed to be high quality, attractive and make a positive contribution to the area in which they are located. Development should be sympathetic to the local character, not cause unacceptable negative effects on local amenity, promote accessibility, be architecturally appropriate and reducing bulky and bland elevations through quality materials and detailing, ensuring that parking and servicing areas are sensitively located, and to be well landscaped.
- 9.20 As mentioned earlier, the submitted application seeks outline permission with all matters reserved except for access, for up to 330,000 m<sup>2</sup> (GIA) of B1(c) (business), B2 (general industry) and B8 (storage and distribution) uses, alongside ancillary office use. Alongside the parameters plan described earlier in the report, which sets out minimum floor levels, maximum building heights and landscaped areas, the application has also been accompanied by a Design and Access Statement and an illustrative layout plan. The parameters plan provides the Authority and prospective occupiers with certainty about the development and allows for a robust assessment of potential impacts, whilst providing flexibility as to how the site is ultimately developed.
- 9.21 The illustrative masterplan has been developed following an assessment of the opportunities and constraints presented by the site, as well as being informed by the technical assessment work provided as part of the application. Input has also been gained from commercial agents and known market requirements, which provides the element of deliverability and likely design / layout solutions.
- 9.22 The illustrative masterplan demonstrates how the proposed mix of uses could be accommodated on the site alongside the known constraints and required mitigation measures, which include landscaping, drainage, on site infrastructure and retention of ditched together with ecological buffers. The plan also shows how pedestrian linkages through the site and into the wider surroundings will be incorporated.
- 9.23 As mentioned previously in the report, it is envisaged that buildings on the site will adopt a contemporary architectural approach whilst respecting the character of the surroundings. Sustainability measures including BREEAM Very Good and energy from low carbon sources will also be incorporated.



Illustrative Masterplan

- 9.24 The Council's Built Environment officer has assessed the application, and provided comments during the processing of the scheme. No objections are raised, with the officer stating that they are satisfied with the level of detail provided within the proposed illustrative masterplan and the parameters plan at this stage. It is considered important that these aspects are retained in future reserved matters applications, and so a condition is suggested to ensure that the development is carried out in accordance with the principles and parameters submitted. Conditions are also suggested in terms of BREEAM and low carbon energy.
- 9.25 In terms of the impact of the proposal upon the character of the surroundings, the applicants have also provided as part of the Environmental Statement a chapter on Landscape and Visual Impact, supported by a Landscape and Visual Impact Assessment (LVIA). The assessment was updated during the course of the application to address consultee responses and any proposed amendments. In order to provide a more detailed representation of the impacts, the applicants also provided wire frame photomontages following

comments from the Council. The details provided within the LVIA are representative of the updated Parameters Plan, showing the maximum development ridgelines at 40.23m AOD for the main development zone and 26.23m AOD for the areas indicated on the updated Parameters Plan as reduced building zones.

- 9.26 Together with the above mentioned policies around character and local distinctiveness and design, Policy 33 of the Local Plan is concerned with Landscape. The policy includes a requirement for development proposals to consider the potential impacts on the Borough's landscape, including any cumulative impacts.
- 9.27 In a wider context, the application site has been recently allocated for employment uses within the Local Plan, and as such the principle of visual impacts deriving from large scale employment uses has been accepted and deemed appropriate in this location in order to meet an agreed need for employment provision.
- 9.28 The assessment considers the predicted effects of the development upon the surrounding landscape, as well as the visual impact of the proposal when seen from the zone of visibility, and agreed viewpoints, around the application site. It is noted that the application site is not subject to any formal landscape quality designation. Whilst the site does have some landscape value, it contains no rare or important landscape features, and is located in close proximity to a motorway and large commercial units. On this basis, the LVIA concludes that the application site forms part of a landscape of medium / low value.
- 9.29 The LVIA identifies that the number of receptors that are of a higher sensitivity to change in close proximity to the site are limited to the users of the public rights of way, and the nearby residential properties. In terms of the wider landscape, the topography, existing vegetation and surrounding developments limit visibility of the site. These longer range views also often include existing development and infrastructure, such as the raised M18 motorway and the employment units on the eastern side of it.
- 9.30 Once the development has been completed, the LVIA concludes that the scheme would result in a high magnitude of landscape change within the site and its immediate surroundings. This is not unexpected though for a large scale employment development on a greenfield site. The proposed landscape corridors and green infrastructure within the site will provide some localised mitigation over time which will reduce to a degree the landscape effects of the proposal.
- 9.31 The LVIA concludes that the effects of the proposal within the wider landscape will be restricted due to the relatively flat surrounding land and the intervening vegetation and built development. The receptors of high sensitivity as mentioned above – those nearby residential properties and users of public rights of way – are localised. So these effects are considered to be significant,

however they are restricted to the close surroundings and limited in terms of the number of receptors.

- 9.32 Overall, the scheme is considered to be acceptable in terms of its landscape and visual impacts. Whilst there would be a loss of currently open countryside, there are no unusual or highly valued landscaped features. The impacts of the proposal within the wider landscape are considered to be limited, whilst it is accepted that the views of the limited number of more localised and sensitive receptors will be permanently altered by the application, the overall balance of assessment is that the scheme would not cause such a level of harm as to warrant a refusal. The site has been allocated for such uses, and so there is an acceptance of large scale employment development in this location, which is consistent with other sites along the M18 corridor.

### **9.33 TRANSPORTATION AND HIGHWAYS**

- 9.34 As part of the application, the submitted Environmental Statement includes an assessment of the potential effects of the proposal during both the construction and operational phases, and is based upon a detailed Transport Assessment, the scope of which was agreed with Highways England and the Local Authority. The Council's Transportation team and Highways England have also been consulted and provided comments on the proposal. Policy 13 of the Local Plan is concerned with Promoting Sustainable Transport in New Developments, and seeks to ensure that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. Access to developments should be able to be made by a wide range of transport modes, with walking and cycling encouraged within the development and beyond. Appropriate levels of parking provision shall be made in accordance with the overarching objectives of the Sheffield City Region Transport Strategy (2018-2040), and site layouts should be design to control traffic speeds through a street hierarchy that promotes road safety for all. Developments should also not result in unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.
- 9.35 The proposed main point of access to the site will be from the A614 Selby Road, to the western side of the site. It is proposed that a roundabout will be provided to accommodate the access to the development, and this will be sited approximately 200m to 300m north of the existing Ferry Road junction. The access can be delivered within land controlled by the applicant. It is also proposed that an additional vehicular access point for use in emergency situations will be provided on the northern boundary of the development, with access on to North Common Road. It is envisaged that this will be in the form of a 3.7m wide footway / cycleway with a removable bollard, and is shown on the submitted parameter plans. The details of this however, as with the design of the future internal road layout, will be determined as part of future reserved matters applications. The applicants have also carried out a Stage 1 Road Safety Audit in discussions with the Council, which confirms that the access proposals are satisfactory, subject to matters that can be addressed as part of the detailed design works. It is also proposed that the PROW Thorne 3 will be

re-routed though the proposed landscaped buffer along the eastern edge of the site. Pedestrian link footpaths will be created and will run west to east along the proposed landscaping corridors. Any diversions or works to Public Rights of Way will be subject to separate procedures and legislation.

- 9.36 In terms of external connections, the applicants have investigated the feasibility of providing a shared pedestrian / cycle route along the eastern side of Selby Road, in order to connect to existing infrastructure to the east of Junction 6, and provide a segregated footway and cycle route between Thorne and the development site. There is however insufficient width within the adopted highway along Selby Road to deliver this route, and such works would require land under the control of third parties, and so are not currently deliverable by the applicant. This notwithstanding, in order to encourage trips to the development site from Thorne by foot, new pedestrian footways and crossings will be provided around the northern side of the Junction 6 roundabout, including new uncontrolled pedestrian crossings across the southbound exit and northbound entry slip roads and Paddock Lane. A pedestrian access point will also be provided in the south west corner of the site, providing a direct pedestrian route to the development from Thorne. A further option for cyclists and pedestrians to access the site would be from Mount Pleasant Road continuing to the site via North Common Road to the north. Whilst this route is less direct, it does provide an adequate alternative to access the development from Thorne.
- 9.37 The application site is not currently served by direct bus services, however opportunities do exist to provide public transport connections to the site directly, either by the extension of existing bus service routes or the by way of the provision of bespoke operator specific shuttle services timed to coincide with likely shift patterns.
- 9.38 The submitted Environmental Statement identifies that the main effects during the construction and operation of the development will be traffic movements associated with the transport of construction material, and the addition of traffic on the highway network associated with the operational phase of the development. The ES concludes that the effects of construction traffic on the operation of the transport network will be of temporary, short term, minor adverse significance. In terms of the operational phase, the ES concludes that the completed development would result in a permanent, localised impact of minor adverse significance on the highway network.
- 9.39 The submitted Transport Assessment sets out the anticipated trip generation associated with the proposed development, and the applicants have agreed the scope of assessment with both Highways England and DMBC over the junctions on the local and strategic road network to be assessed.
- 9.40 The application seeks consent for a total of 330,000m<sup>2</sup> of B2 and B8 employment uses. 70% of this floorspace is to be for B8 use, and the trip generation associated with this element is estimated based on trip rates surveyed at the Redhouse Interchange Industrial Park, on the west side of Doncaster, adjacent to Junction 38 of the A1(M). The remaining 30% of

floorspace will be for B2 industrial use, and trip generation for this element has been estimated based on multi-modal trip rates derived from the TRICS database. This approach has been agreed with Highways England and DMBC.

- 9.41 The TA sets out the anticipated trip generation for B2 and B8 uses separately, and then goes on to look at existing traffic flows at agreed local junctions, and then the resulting traffic flows with the proposed development (including any other agreed committed developments). In terms of the B2 use, the TA shows a maximum person trip generation of 871 in the morning peak hour, and 732 in the afternoon peak hour. HGV traffic has been estimated separately, showing 39 movements in the morning peak, and 17 in the afternoon. With regards the B8 uses, a maximum vehicular trip generation of 441 in the morning peak is shown, with 380 in the afternoon. In terms of HGV's, this is shown to be 95 trips in the morning peak, and 77 in the afternoon. The Council's Transportation team have confirmed that they have found the trip rates within the Transport Assessment to be robust. A query was raised over the volume of HGV trips associated with the B8 use in the morning peak, however the Transportation team have confirmed that they are satisfied with the balance overall, and that the change in development traffic will not be significant.
- 9.42 The TA then sets out the distribution of trips and the potential impacts of the development on nearby junctions, as agreed with DMBC. These include the proposed new access on to Selby Road, the Selby Road / Lands End junction, the Selby Road/ Ferry Road junction, and the Selby Road / North Common Road junction. These assessments include predicted trips up to the year 2035, as well as committed developments. The Council's Transportation team have assessed the information provided, and are satisfied that the junctions assessed will operate either within capacity, or that there will be a negligible impact upon them.
- 9.43 The applicants have also assessed the potential impacts of the proposal upon the Strategic Road Network (SRN), and Highways England have been consulted upon the application. Junction 6 of the M18 is located to the south of the application site, linked via Selby Road, and this is where the bulk of vehicular movements will access the site from. Further assessment of Junction 5 to the west has also been provided. Following discussion with Highways England over the potential impacts of traffic upon Junctions 5 and 6 of the M18, the applicants have provided an SRN Mitigation Strategy document. This sets out the number of trips generated by the development that can be accommodated on these junctions prior to further assessment needing to be carried out, which may result in further mitigation. The strategy shows that at Junction 5, development delivering up to 485 vehicle trips in the morning peak and 408 in the afternoon can be delivered, whilst at Junction 6 this would be 568 trips in the morning peak and 494 in the afternoon peak. Beyond this, and as agreed with Highways England, further assessment will be carried out, which will include a model using software agreed with all parties, traffic survey of the respective junction to specification agreed, and an automatic monitoring system at the proposed vehicular access point to the



development (to be controlled by planning condition). From there, a Transport Assessment would be submitted to identify any impacts of the development upon the respective junction, and thus confirm whether it is necessary to implement a mitigation scheme at the junction. Should it be confirmed that mitigation is necessary, there are schemes agreed with Highways England for each junction to be implemented.

- 9.44 The SRN Mitigation Strategy was developed following discussion with Highways England, and following consultation, HE have confirmed that they have no objections to the application. Conditions are recommended on the above basis, restricting the amount of development that can take place before further assessments on Junctions 5 and 6 are carried out.
- 9.45 The applicant has also provided a Framework Travel Plan with the application, which sets out the existing sustainable transport linkages and opportunities, whilst also setting out a series of measures to promote sustainable travel patterns and reduce the reliance on the car. These include;
- Active promotion of Public Transport Information to Staff and encouraging staff to use public transport;
  - Distribution and display of bus stop and service information;
  - Investigating the feasibility of providing bus services to the site
  - Promoting a local car share scheme for employees, together with the preparation and maintenance of a car sharing data base.
  - Adequate cycle parking, display of information showing cycle routes serving the site, cycle training for staff and potential discounts on the purchasing of cycling equipment (eg Cycle to Work scheme).
  - The provision of internal and external pedestrian routes
  - Annual surveys to identify and resolve potential issues that may be preventing / dissuading people from using sustainable means of transport. This can also inform potential additional future measures.
- 9.46 The Framework Travel Plan sets out a target of reducing single occupancy car journeys by 10% over 5 years. Monitoring surveys of staff travel patterns will be undertaken annually by the Occupier Travel Plan Coordinators, who will be responsible for the individual Occupier Travel Plans once buildings are operational on the site. The Council's Transport team have raised no objections to the Framework Travel Plan. A commitment to 5 years traffic monitoring to inform the targets within the Travel Plan and trip generation shown within the TA will be secured via s106 agreement. Similarly, a Travel Plan Bond will also be required, to be utilised to implement sustainable travel mitigation measures should the Travel Plan targets not be met, also to be secured via s106. Furthermore, and following discussions with the Council's Transportation team and the South Yorkshire Passenger Transport Executive, the applicants will also provide moneys to enable a bus service to serve the site from Thorne North Station during the minimum periods of 7-9 AM and 4-6PM.

- 9.47 Overall, the scheme is considered to be acceptable in terms of transportation issues. The applicant has provided the necessary information to the Council's Transportation team and Highways England to demonstrate that the scheme would not cause an unacceptable impact upon the local and strategic highway network. On this basis, the scheme is considered to be acceptable in terms of its impacts upon both the local and strategic road network and is therefore in accordance with Policy 13 of the Local Plan.
- 9.48 The Council's Highways Team have also been consulted as part of the proposal. Comments were originally made on the application when initially submitted, raising concerns over the provision of 2 access points on to North Common Road, the geometry and design of the main roundabout access on Selby Road, visibility splays and cycle connectivity. The applicants have updated all of the transport information and highways design during the life of the application to address the concerns raised. As such, the Highways team have confirmed that the information provided now addresses the concerns previously raised or they will be addressed in subsequent reserved matters applications that will be considered when these are submitted.
- 9.49 The Highways team have confirmed that the recommendations of the Road Safety Audit have been accepted or mitigation provided. The main concern is that cyclists will be required to use the Selby Road carriageway as the land is not within the applicants control to establish a segregated cycle route. As previously outlined however, there is an alternative cycle route to the site using a lightly trafficked route to the north of the site, and therefore there is an acceptable route for cycling to the site which should be promoted as part of the travel plan for the site. As also previously mentioned, this alternative route has been identified within the Framework Travel Plan, together with measures to promote all cycling routes to the site.
- 9.50 Beyond this, it is noted that the roundabout to provide access to the site will require technical approval as part of the S278 process, and a condition is also to be added to ensure that full technical detailed drawing of the site access are agreed prior to any development taking place.
- 9.51 Policy 15 of the Local Plan seeks to ensure that development on sites that are likely to generate significant HGV movements, such as strategic employment sites, must accommodate suitable on-site lorry parking and turning facilities, along with welfare facilities, or provide contribution towards the additional provision of facilities. The submitted information shows that plots will have their own parking and servicing areas, and it is considered that the adequate provision of lorry parking can be considered as part of subsequent reserved matters applications.
- 9.52 It is also recommended that a Construction Management Plan is agreed prior to any construction, in order to minimise that impact of the construction period and which will include a routing strategy and also demonstrate how the junction will be constructed and maintain the accessibility for the existing highway throughout the construction period.

### 9.53 ECOLOGY AND TREES

- 9.54 Policy 32 of the Local Plan is concerned with Woodlands, Trees and Hedgerows. The policy seeks to ensure that proposals will only be supported where it is demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided.
- 9.55 As part of the application the Council's Trees and Hedgerows Officer has been consulted with the proposals. The tree officer notes that, internally, there is nothing of especial value except for the smaller, lush paddocks in the extreme SW corner of the site which have the better hedgerows, with this part of the site vastly different in character from the prairie-like nature of the remainder. On this basis, it is considered that the issue with this site is landscaping and boundary treatment where the presumption would be integration of the existing boundary hedgerows in to the wider landscaping scheme. Given this, no objections are raised in terms of the scheme's impact upon trees and hedgerows, however conditions are recommended to ensure that an appropriate landscaping scheme is agreed, as well as to ensure that details are provided for the protection of any retained trees on the site.
- 9.56 The indicative layout does show that there will be likely to be incursion into the root protection areas of a number of trees around the site perimeter. As noted however by the Tree Officer, the proposed floor spaces are shown as "up to", and so this issue can be dealt with at detailed reserved matters stage and would be unlikely to result in further tree removal. The Assessment also sets out that during construction, protective fencing will be erected around retained specimens to prevent damage.
- 9.57 Policy 30 of the Local Plan is concerned with Valuing Biodiversity and Geodiversity, which seeks to protect the Borough's habitats, sites and species. The policy states that all proposals will be considered in light of the mitigation strategy in accordance with National Policy. Furthermore, any proposals which cause harm to or loss of designated Local Wildlife Sites, Local Geological Sites, Priority Habitats, Priority Species, protected species or non-designated sites or features of biodiversity interest, will only be supported where they can demonstrate that a proposal will deliver a minimum of 10% net gain for biodiversity, protecting and enhancing appropriate buffers around wildlife features and bridge gaps to link these to the wider ecological network. Proposals will also expect to deliver long term management for wildlife sites as well as newly created or restored habitats, and can demonstrate that the need for the proposal outweighs the value of any features lost.
- 9.58 The submitted Environmental Statement and the updated supplementary statement includes within it a chapter dealing with biodiversity issues, and this is supported by a Preliminary Ecological Assessment, an updated Ecology Survey Report, Wintering Bird Surveys and Biodiversity Net Gain (BNG) assessment. Given the location of the site in relation to the Habitats

Regulations sites at Thorne and Hatfield Moors Special Protection Area (SPA) and the Thorne Moors Special Area of Conservation (SAC), it was deemed required that an Habitats Regulations Assessment (HRA) screening should be carried out. This was submitted as a 'shadow' HRA which provided sufficient information for the LPA as the 'competent authority' to ascertain if an 'appropriate assessment' would be required. The 4 identified impact pathways: air quality, water quality, loss of supporting habitat and construction disturbance were assessed on against the qualifying features of the Habitats Sites and the potential for any significant impact. This assessment also included the potential for 'in-combination effects' which took into account other plans or projects independent of this application. The shadow HRA, informed by baseline ecological studies concluded that there would be no likely significant effects from the proposed project and hence no requirement for an 'appropriate assessment'. The Local Planning Authority are in agreement with that assessment.

- 9.59 As stated previously, the application site comprises predominantly arable land which results in a low level of nature conservation interest. In terms of habitat, the site is dominated by arable crops and small parcels of grassland, with gapped hedgerows to the periphery and field boundaries. There are also a small number of semi-mature trees, which again are predominantly located to the edges of the site associated with the hedgerows. The drainage ditched bisecting the site offer a receptor for wildlife and habitat for water voles, whilst the southwestern corner of the site also provides bird nesting opportunities and the hedgerows along the southern boundary and in the south western/south eastern corners also provide value for wildlife.
- 9.60 With regards to species, as mentioned above, the site's drainage ditches provide potential habitat for water vole. A number of surveys have been carried out since the submission of the application, water voles shown to be present in the ditches in 2015 and in subsequent years to 2019. The Council's ecologist requested that further survey work be carried out, which was reiterated by the Yorkshire Wildlife Trust in their consultation response. These most recent surveys showed no water voles to now be present in the ditches surveyed within the site. It was also reported within the survey work that an off-site drain that runs adjacent to the M18 had been very thoroughly cleared out in 2021 with the drain invert scoured and vegetation removed. This ditch is on land in the control of Highways England, over which the applicants have no control. The Council's ecologist feels that this may have been a feeder drain for water voles to perhaps move into the site drains, and it may help to repopulate the onsite drains if this were allowed to revegetate. On this basis, the Council's ecologist recommends that habitat improvements and a minimum 10m stand-off from drains should be part of a management plan for any subsequent reserved matters submission. There should also be a monitoring and reporting provision to identify if water voles re-establish on the site.
- 9.61 The applicants have also carried out a number of surveys for amphibians since the application was originally submitted. Original surveys in 2015 showed small numbers of frogs and smooth newts, and further surveys in

2016 and 2020 returned a negative results and the assessment that great crested newts were likely to be absent from the site and adjoining areas. As great crested newts have not been found on site mitigation or compensation for this species is not required but specific aims such as the maintenance of wet drains should be included to benefit other amphibians.

- 9.62 A number of bat surveys have been carried out across the site, firstly in 2016 and then again in 2020 and 2021. The ecologist raised concerns with the quality of the survey work originally provided, however the more recent work carried out is considered to be well planned and executed with remote recorders being sited in optimal locations according to survey guidance. The walked transect surveys recorded a low level of activity with single numbers of mostly pipistrelle being logged along with single noctule and Leisler's. Bat roost assessments of buildings and trees categorised the building as having negligible bat roost potential. Of the 9 trees surveyed for bat roost potential only one moderate potential tree and the remainder being 'low' or 'negligible'. Further surveys will be required if there is the potential for damage or loss of trees. The site overall presents a low level foraging and commuting resource for bats. It is expected that improvements to habitats in boundary and green corridors areas will be of benefit to foraging bats but this must also be carried out in conjunction with sensitive lighting plans delivered on each plot.
- 9.63 Concerns were raised originally by the Yorkshire Wildlife Trust and the council's ecologist in terms of the lack of information given in respect of the potential presence of foraging nightjar, which is a qualifying feature of the nearby SAC at Thorne Moors. There were also concerns that the proposed development may remove habitat that could be of value for nightjar using the site as a stepping stone to further suitable habitats to the west of the site. To this end, the applicants provided addition information, and any uncertainty about the presence or otherwise of nightjar on the site has been removed with the use of research data which geolocated a number (30+) of radio tagged nightjar over a 6 year period. No nightjar were located within the proposal site over the research period. This information does not definitively prove that nightjar have not or will not use the site, however it does clearly demonstrate that the site is not of significance to foraging nightjar. On this basis, the Council's ecologist has confirmed that as no nightjar are recorded on the site there is no requirement to mitigate or make provision for this species.
- 9.64 The applicants have provided breeding bird surveys as part of the application. These were originally carried out in 2016, and following best practice they were extended to wintering bird surveys which were conducted in winter 2019-20. Both breeding bird and wintering bird surveys identified a typical range of species ranging in conservation status. The site was not considered to be a significant importance in respect of particular species or numbers.
- 9.65 Policy 30 of the Local Plan requires that all developments will provide a minimum of 10% biodiversity net gain. As part of the application, and provided with the Environmental Statement, the applicants have undertaken a biodiversity calculation that set outs the baseline scenario of the type and quantum of habitat currently on the application site. This enables the Local

Planning Authority to agree the required uplift in biodiversity enhancements as the development progresses. The baseline units are shown to comprise of 9.56 site hedgerow units, 11.21 site river units and 203.97 site habitat units (of cereal crops, neutral grassland, modified grassland, bramble scrub, developed land and broadleaved woodland). The Council's ecologist has agreed with the assessment set out by the applicants, and states that the delivery of the appropriate enhancements / mitigation across all subsequent reserved matters submissions will be subject to appropriate conditions that will ensure that this is the case. It is suggested that the BNG commitments are ring fenced around each reserved matters submission, to ensure that there is clear and complete compliance with the policy requirements. In delivering the 10% BNG within future reserved matters applications, priority will be given to retaining and enhancing on-site first, in accordance with the mitigation hierarchy, then compensating through off-site contributions where necessary. Off-site contributions may be through the purchase of biodiversity offsetting units to enable provision to be made by an approved biodiversity offset provider, or direct provision of the habitat types in a suitable location by the applicant to be agreed with the Council, and on the proviso that long term maintenance and monitoring is also secured. A Biodiversity Offset Contribution to the Local Authority (if available) at a financial cost per unit would be the final option in the hierarchy.

9.66 On this basis, it is considered that the proposal is acceptable in terms of its impacts upon ecological interests, subject to the conditions proposed, and is in accordance with Policy 30 of the Local Plan. The submitted Environmental Statement states that the residual effects of the proposal with regards to ecology are largely beneficial and not significant. The Council's ecologist has raised no objections to the application, and is satisfied also that the updated information provided has addressed both his previous concerns as well as those raised by the Yorkshire Wildlife Trust. It is considered that there are no significant ecological constraints to the proposals that cannot be mitigated for. Productive engagement with consulting ecologists throughout the latter stages of the surveys and assessment have ensured that concerns and requests for additional survey information have been adequately dealt with. Conditions are recommended for the provision of a Construction Environmental Management Plan, Biodiversity Net Gain, and to ensure that updated ecological surveys are provided to inform future reserved matters applications. Natural England have also raised no objections to the scheme, considering that the proposed development will not have significant adverse impacts on designated sites Thorne, Crowle and Goole Moors SSSI, Thorne Moor SAC and Thorne and Hatfield Moors SPA.

9.67 On balance, with the imposition of these conditions and proposed mitigation, the proposal is considered to be acceptable in terms of ecology and trees.

## **9.68 Heritage**

9.69 In terms of heritage issues, there are a number of policies within the Local Plan that are concerned with both above ground and below ground heritage interests. Policy 34 – Valuing our Historic Environment, states that proposals

and initiatives will be supported which preserve, and where appropriate enhance the heritage significance and setting of the Borough's heritage assets. Policy 37, Conservation Areas, of the Local Plan seeks to ensure that proposals take fully into account the identified significance contained in the Conservation Area Appraisal for the relevant designated area where published, and proposal should not detract from the heritage significance of a conservation area. Proposal resulting in harm will be refused. Policy 39 is concerned with Archaeology, seeking to ensure that developments are located or designed to avoid archaeological remains, to ensure that these remains are preserved in situ. Where in situ preservation is not justified or feasible, and the development proposal is acceptable in principle, the developer will be required to make appropriate and satisfactory provision for the excavation and recording of the remains before planning permission is granted.

- 9.70 The Environmental Statement submitted with the application assesses the potential effects of the proposals upon the historic environment in relation to above ground heritage, as well as assessing the significance of any heritage assets and whether the proposals will have any impact.
- 9.71 With regards to above ground heritage, there are no heritage assets within the site itself. The ES identifies Thorne Conservation Area, Peel Hill Motte and Bailey Castle (Scheduled Monument), Fishlake Conservation Area and the River Don Wharf (Grade II Listed structure) as above ground assets within the locality that have the potential to maintain a visual connection to the proposed development, and as such are assessed.
- 9.72 Given the distances involved, topography, intervening buildings and vegetation the ES concludes that the effect of the development upon the significance of these heritage assets will be Nil. The Authority agrees with this conclusion, and as such the proposal is considered to be acceptable in terms of its impacts upon above ground heritage, and so in compliance with Policies 34 and 37 of the Local Plan, as well as paras 194, 195, 197, 199 and 203 of the NPPF.
- 9.73 The Environmental Statement also considers the potential effects of the proposals upon below ground heritage, and this is supported by a Desk Based Archaeological assessment. The assessment identifies one non-designated heritage asset within the site which could be impacted during the construction phase, which is the Thorne Royal Observer Corps Monitoring Post on the southern side of North Common Road. The exact location is unknown as it has previously been demolished, however there is the potential for sub-surface remains, and as such archaeological recording would be required to mitigate any harm. Beyond that, the assessment notes that there is little evidence for archaeological or historical settlement activity in the proposed development area, but as the site appears to have remained largely undeveloped this raises the possibility that early activity may survive in the area.

- 9.74 South Yorkshire Archaeology Service have been consulted as part of the application process, and raises no objections in principle to the information provided. Given the lack of evidence of archaeological remains or interest, however on the basis of the assessment being desk based, the service recommends a condition be added to ensure that further assessment work be carried out prior to the submission of any submission of reserved matters, to be agreed with South Yorkshire Archaeology Service.
- 9.75 On the basis of the information provided, and the lack of objection from both the Council's Conservation team and South Yorkshire Archaeology Service, the impacts of the proposal upon both above and below ground heritage assets are considered to be acceptable, and the proposal is in compliance with both the relevant policies of the Local Plan and NPPF.

#### **9.76 Flood Risk and Drainage**

- 9.77 In terms of flood risk and drainage, the applicant has provided a Flood Risk Assessment and outline drainage strategy. Policy 56 of the Local Plan is concerned with drainage, and seeks to ensure that development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities. The policy goes on to outline more detailed requirements concerning water runoff rates, use of SUDs, and respecting the accepted hierarchy of surface water disposal. Policy 57 concerned with Flood Risk Management, and states that all development proposals will be considered against the NPPF, including application of the sequential test and, if necessary, the exception test
- 9.78 The Flood Risk Assessment confirms that the site is located within Flood Zone 3a. In allocating the site for the recently adopted Local Plan, in accordance with para 161 of the NPPF, DMBC applied a sequential assessment for potential employment sites. Following the application of the sequential test, the Council concluded that there were no other suitable alternatives to the application site, along the M18 corridor which can deliver the level of development proposed within a lower flood risk area and that the site should be allocated for employment use. On this basis, the application site has been through the necessary sequential approach in terms flood risk. Para 166 of the NPPF goes on to state that where applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. Notwithstanding this, the applicants themselves have provided a Flood Risk Sequential Assessment, which considers the potential for the proposed development to be located in an area of lower flood risk in line with the approach set out in local and national policy. The assessment also concludes that there are no alternative sites within the relevant area of search that could accommodate the development. An Exception Test is not required to be applied in this case, as the development proposes 'less vulnerable' uses in Flood Zone 3a.
- 9.79 Although the site is located within Flood Zone 3a, it is noted that the site is protected by existing flood defences which provide protection in excess of the



1 in 100 year plus climate change and 1 in 200 year events. No part of the site experienced any fluvial flooding in the extreme flood events of November 2019 which affected the River Don in this area. The submitted Flood Risk Assessment sets out and considers the forms of flood risk at the site, those being tidal, surface water and groundwater, to be low. As previously mentioned as well, the proposed employment use is a 'less vulnerable use', which is considered to be appropriate in Flood Zone 3a under Environment Agency standing advice.

- 9.80 The Flood Risk Assessment sets out a minimum building floor level of 4.4m AOD plus a further 900mm of flood resilient construction in order to mitigate residual flood risk in the unlikely event of a breach of flood defences. A flood management and evacuation plan for the site and each building will be prepared, and each occupier required to sign up to the Environment Agency flood warning service. There are no overland flow routes draining into the site, and it is proposed that a positive surface water drainage system for the site will manage surface water run-off and restrict flows to existing greenfield run off rates.
- 9.81 The applicants have provided an outline drainage strategy with the application. The preferred hierarchy for surface water disposal states that consideration should firstly be given to discharge to soakaway/infiltration system, watercourse, and public sewer in that priority order. Available information on ground conditions shows that infiltration methods are unlikely to be viable. On this basis, the proposal is restrict flows to greenfield rates and to discharge to the existing watercourse ditches that cross the site. The drainage strategy includes preliminary calculations which have been prepared in accordance with the DMBC Development and Flood Risk SPD, and given the discharge rate and current design requirements of the site, it is considered that on-plot surface water attenuation will be required. Foul drainage is proposed to discharge to the wastewater treatment works to the south of the site.
- 9.82 The Environment Agency have been consulted as part of the application process, and raise no objections to the scheme in terms of flood risk. Conditions are recommended to ensure that the development is carried out in accordance with the mitigation measures set out in the submitted Flood Risk Assessment. The Councils Drainage team also raise no objections to the scheme, suggesting that detailed drainage arrangements are submitted to and agreed by the authority prior to the commencement of any development. The response also sets out for information the drainage design standards required by the authority. Similarly, Yorkshire Water raise no objections to the proposals, suggesting conditions to ensure that the final drainage details are agreed. The Black Drain Drainage Board, the relevant internal drainage board, also suggest a condition to ensure that final surface water drainage details are agreed, and raise no objections to the scheme.

### **9.83 Ground Conditions**

- 9.84 Policy 55 of the Local Plan is concerned with Contamination and Unstable Lane. The policy requires proposals to provide an appropriate risk assessment, and to demonstrate that there is no significant harm, or risk of significant harm, to human health, or land, natural environment, pollution of soil or any watercourse or ground water. Any remedial action necessary will be carried out to safeguard future users or occupiers of the site or neighbouring land users.
- 9.85 The submitted Environmental Statement includes a chapter on ground conditions, as well as a preliminary geoenvironmental investigation. The application site is predominantly greenfield, and the submitted information has not identified any significant potential sources of contamination at the site. Any potential sources of contamination are likely to be associated with the use of the site as agricultural fields, made ground associated with derelict farm buildings in the south west of the site, and potential contaminant from off-site sources, such as the adjacent sewage works.
- 9.86 The Council's Pollution Control team have been consulted as part of the application, and no objections raised to the submitted information. A standard condition is recommended, that will allow for more intrusive Phase 2 ground investigations where appropriate.

#### **9.87 Air Quality**

- 9.88 Policy 54 of the Local Plan is concerned with Pollution, and states that development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that pollution can be avoided, or where mitigation measures (such as those incorporated into the design and layout of development) will minimise significantly harmful impacts to acceptable levels that protect health, environmental quality and amenity. The policy goes on to state that with regards to air quality, particular consideration will be given to the impact on national air quality; especially but not limited to Air Quality Management Areas, areas potentially close to the EU limit value, other sensitive areas and the aims and objectives of the Air Quality Action Plan. An Air Quality Assessment will be required to enable clear decision making on any relevant planning application.
- 9.89 The applicants have considered air quality as part of the submitted Environmental Statement, with an assessment undertaken to understand the potential air quality impacts associated with the development.
- 9.90 The application site is not located within any of the 7 Air Quality Management Areas (AQMA) declared by DMBC, the closest being located some 15lm to the south of the site in the centre of Doncaster. The submitted assessment undertook site specific air quality monitoring to obtain data to verify modelling for the operational phase of the development. The submitted information has been updated during the course of the application following comments from the Council's Pollution Control team, to both take account of both the additional committed developments to the traffic data and to take account of updates to background concentrations and emission factors. Further roadside

monitoring data has also been utilised to inform the air quality baseline assessment as requested by the Authority. The air quality monitoring illustrates that the mean air quality concentrations at the site currently are compliant with the air quality standards.

- 9.91 The assessment sets out the human receptors likely to be affected by the proposal, which include residential properties to the north of the site on North Common Road, and to the west on Selby Road. It is noted that there are no sensitive ecological receptors within 200m of the application site.
- 9.92 The main potential effects of the proposal during the construction phase that are likely to impact air quality include the import and export of materials to and from the site, temporary stockpiling of materials, landscaping works and associated vehicular movements. The applicants have stated that best practice mitigation measures will be put in place to ensure that potential dust impacts at receptors will not result in amenity issues. A construction management plan condition is recommended, which will seek to agree methods to control issues of dust (amongst others), as well as areas of storage of materials and waste, together with the details of construction traffic routing.
- 9.93 During the operational phase of the development, the main potential for air quality impacts would come from road traffic vehicle emissions. The assessment provided has undertaken air quality testing and it is considered that the impacts in relation to the residential receptors would be not significant. The assessment shows that there are no predicted exceedances of the annual air quality concentrations that are required by industry standards. The Council's Pollution Control team have raised no issues with the submitted information and assessments. Whilst no significant effects have been identified, the scheme will be developed in accordance with DMBC's Air Quality Technical Paper Guidance. This classifies the scheme as 'major' development and based on this an assessment of pollutant emission costs is required with appropriate mitigation agreed. The Councils Pollution Control team have recommended a condition to ensure that a 'working' air quality management plan will be produced that can be updated / revisited as each phase of the development comes forward to address the emissions cost associated with the development.

#### **9.94 Noise**

- 9.95 Policy 54 of the Local Plan as already discussed above is concerned with Pollution. The policy also refers to issues of noise, stating that particular consideration will be given to the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any relevant planning application. The appendix to the policy sets out standards to be regarded to ensure that proposals are acceptable in noise impact terms.

- 9.96 The submitted Environmental Statement includes a chapter dealing with noise, and an assessment has been undertaken to understand the potential noise and vibration effects of the proposal. With regards to the existing situation, the results shows that noise levels are greatest at the eastern site boundary closest to the M18, and reducing westwards across the site. As the site is currently flat, there is direct transmission of noise across the land. The dominant noise source at the site is road traffic, from the M18 and the A614 Selby Road.
- 9.97 In order to understand the potential effects both during construction and operational phases, the nearest noise sensitive receptors have been identified, those being the five nearest residential properties. The assessment shows that during the construction phase, without mitigation, temporary substantial adverse impacts would be possible at the nearby sensitive receptors. The assessment however states that although there has been no detailed analysis of construction traffic routes or flows, suitable mitigation can be included within a Construction Management Plan to ensure that the effects are no worse than temporary and minor.
- 9.98 In terms of the operational phase of the development, the assessment states that noise impact from development-generated traffic is predicted to result in effects of negligible significance at existing noise-sensitive receptors around the site perimeter. The largest increase in noise will be at the southern section of the A614 Selby Road connecting to the proposed new roundabout junction and the M18 J6 roundabout, which would result in a permanent moderate adverse impact at high sensitivity receptors on this road link. This is however dependent on the final layout and arrangement of uses on the site, which is not fixed at the moment and will be subject to reserved matters applications. The assessment states that the potential impact of operational noise has been assessed against the existing background noise levels at receptors. Those potential effects can be mitigated through design to ensure that operational noise does not exceed those existing background levels, and as such the effect of operational noise is considered be no worse than minor adverse.
- 9.99 In terms of mitigation, it is proposed that a further noise assessment is undertaken when information in respect of plant and machinery is available for the construction phase, with the construction management plan to include measures to ensure that construction noise is restricted to industry standards at sensitive receptors. In terms of the operational phase, consideration will be given to the positioning of buildings as well as parking and servicing areas, provision of sound insulation, landscaping and bunding.
- 9.100 The Councils Environmental Health team have commented on the application and raise no objections to the information submitted. A representation was received from a neighbouring property, querying the noise information submitted, and providing a separate noise report. This report provided results of noise monitoring from one of the noise sensitive receptors, comparing with the results provided by the applicants within the Environmental Statement. Both parties query the others positioning of the noise monitoring location at this receptor, and the Council's Environmental Health Officer has provided

further comments following this additional information. The officers view is that the background noise levels quoted in the two assessments are closer than they appear, with the actual level being likely to be somewhere between. That notwithstanding, and to ensure the issue is properly addressed, conditions are recommended to make sure that further noise assessments are undertaken prior to both any construction works commencing with any phase, and prior to any occupation of buildings. Mitigation measures will be provided and agreed to ensure that noise levels are acceptable and sensitive receptors.

### **9.101 Other Issues**

9.102 The applicants have also provide an agricultural land classification and impact assessment as part of the application. The assessment shows that the land is classified as 3a, which equates to good quality – ‘capable of producing moderate to high yields of a narrow range of arable crops or moderate yields of a wider range of crops’.

9.103 3a would be considered as Best and Most Versatile (BMV) land. Although some 74ha of BMV would be lost as a result of the development, the assessment shows that the surrounding area has a high proportion of good quality agricultural land of Grades 1 and 2. The assessment sets out the criteria for assessing the effects of loss of different grades of land, and in this case the magnitude of effect would be moderate substantial adverse. Given that the site is located in an area abundant with BMV land, the effect of the loss is lesser than in comparison to other areas not surrounded by such good quality agricultural land.

9.104 Therefore, on balance, whilst it is recognised that there a negative effect, when balanced against the wider benefits the development will bring, this is considered to be acceptable.

### **9.105 Section 106 Obligations**

9.106 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’.

9.107 A legal agreement is required to secure;

- A travel plan bond
- Full Travel Plans
  - Biodiversity Net Gain of 10%
  - Local Labour Agreement
  - Provision of bus service

### **Conclusion on Environmental Issues**

- 9.108 Paragraph 8 of the NPPF (2021) 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.
- 9.109 Taken in the round, the scheme is considered to be acceptable in terms of its impacts upon environmental issues. The submitted environmental statement has set out the effects of the proposal with regards to a range of issues, and proposed mitigation measures where necessary. No objections have been received from statutory consultees, either in respect of the level and quality of information submitted, nor the proposed mitigation and design solutions. Conditions requiring management plans covering construction management and operational noise will ensure the proposal would protect surrounding residential amenity. The scheme will deliver biodiversity net gain as required by local and national policy, whilst the impact upon the wider landscape and character of the surroundings is considered to be acceptable. Consultees have confirmed they are satisfied with the scheme in terms of its impact across a range of disciplines, including heritage, drainage, air quality, transportation and ground conditions. This weighs significantly in favour of the application.

## **ECONOMIC SUSTAINABILITY**

- 9.110 The proposed development would bring forward up to 330,000 m<sup>2</sup> of employment floorspace, which will make a substantial contribution towards the 481ha of employment land set out within the Local Plan. The development has the potential to address a significant proportion of the needs and demands of the industrial and warehousing sectors. As such the development will have a beneficial effect in relation to meeting the Boroughs employment needs of the plan period to 2035.

## **Conclusion on Economy Issues**

- 9.111 Paragraph 8 a) of the NPPF (2021) 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.
- 9.112 The proposal would result in some short term economic benefit in the creation of jobs during the construction phase of the proposal and longer term would result in a significant number of new jobs once operational, predicted to be between 3498 and 5454 (net) FTE jobs, together with local training opportunities. The scheme would require the developer to enter into a Local Labour Agreement, secured through legal agreement. These factors weigh

positively in favour of the application and when combined carry significant weight.

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. 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 proposed development is entirely in accordance with the Policy 3 of the Local Plan concerned with development at Strategic Employment sites and other relevant Local Plan policies. The report shows that there are strong material considerations in favour of supporting the proposal and there are no material considerations which indicate the application should be refused.

## **11.0 RECOMMENDATION**

### **11.1 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 THE FOLLOWING MATTERS**

- **A travel plan bond**
- **Full Travel Plans**
- **Biodiversity Net Gain of 10%**
- **Local Labour Agreement**
- **Provision of bus service**

#### **Conditions/Informatives:**

01. A plan showing the proposed phases and (if required) sub phases of the development ("Phasing Plan") shall be submitted to the Local Planning Authority prior to or as part of the submission of the first application for the approval of reserved matters and no development shall commence (including any demolition, earthworks or vegetation clearance) until the Phasing Plan has been approved in writing by the Local Planning Authority. Thereafter an updated Phasing Plan may (if required) be submitted for the approval of the Local Planning Authority either alongside or independently from any subsequent application for approval of reserved matters. The development shall be carried out in accordance with the most up to date approved "Phasing Plan" 'phase', 'phases' or 'sub phases'. The conditions below shall refer to the Phasing Plan and phases thereby approved pursuant to this Condition 1.
- REASON**

To ensure a satisfactory development in a phased manner and integrates successfully with existing and future developments.

02. A Highway Works Phasing Plan showing the anticipated sequencing and general arrangement of works to improve the public highway and where relevant pedestrian and / or cycle connections within the public highway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (save for any Advance Infrastructure and Enabling Works approved pursuant to condition 7) The Highway Works Phasing Plan will make reference to and at all times accord with the phases included in the most up to date approved Phasing Plan. The highway works shall thereafter be carried out in accordance with the approved Highway Works Phasing Plan.

REASON

To ensure a satisfactory development in a phased manner and integrates successfully with existing and future developments.

03. Each phase (or sub phase) (save for any Advance Infrastructure and Enabling Works approved pursuant to condition 7) shall not commence until details of highway works as set out in the Highways Works Phasing Plan for that phase or sub phase, that has been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to occupation of each phase or sub phase.

REASON

To ensure a satisfactory development in a phased manner and integrates successfully with existing and future developments.

04. Development (including any demolition, earthworks or vegetation clearance) shall not commence on any phase or sub phase of the development (save for Advance Infrastructure and Enabling Works pursuant to condition 7) until approval of the appearance, landscaping, layout and scale (hereinafter referred to as the reserved matters) in relation to that phase or sub phase have been obtained from the Local Planning Authority. The development of each phase or sub phase shall be carried out as approved.

REASON

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

05. The first phase hereby permitted shall be implemented either before the expiration of 5 years from the date of this permission, or before the expiration of 3 years from the date of approval of the last of the Reserved Matters to be approved in relation to the first phase as identified in the approved Phasing Plan, whichever is the later. All subsequent phases shall be implemented within 12 years of the date of this permission, or before the expiration



of 3 years from the date of approval of the last of the Reserved Matters to be approved in relation to such phase, whichever is the later.

REASON

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

06. Application for approval of Reserved Matters for the first phase shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. Application for the approval of Reserved Matters for all subsequent phases shall be made to the Local Planning Authority before the expiration of 12 years from the date of this permission.

REASON

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

07. No Advance Infrastructure and Enabling Works (including but not limited to any works of demolition and/or works of a temporary nature, such as, temporary hard and/or soft landscaping or temporary vehicular and pedestrian routes if necessary, site remediation, earthworks and/or re-profiling of site levels) within a phase or sub phase (the Advance Infrastructure and Enabling Works) shall commence until details of the proposed Advance Infrastructure and Enabling Works have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure a satisfactory development in a phased manner and integrates successfully with existing and future developments.

08. The Advance Infrastructure and Enabling Works within a phase or sub phase shall be carried out in accordance with the details approved pursuant to condition 7. For the avoidance of doubt, any approved Advance Infrastructure and Enabling Works may be undertaken prior to the submission or approval of reserved matters applications pursuant to condition 4 and without compliance with pre-commencement conditions 17 and 22, 25, 26, 33 and 36.

REASON

To ensure a satisfactory development in a phased manner and integrates successfully with existing and future developments.

09. The reserved matters applications shall be submitted in accordance with the Parameters Plan (reference. 2232 - 200 Revision 2).

REASON

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

10. The development hereby permitted shall be brought forward in accordance with the following approved access drawings:
- Proposed Improvements to Existing Pedestrian Route at M18, Junction 6 (reference. 3104 SK001 07 Rev D);
  - Potential A614 Selby Road Site Access - Roundabout Option (reference. 3104 SK001 01 Rev B); and
  - Proposed Improvements to Existing Pedestrian Route Lands End Road (reference. 3104 SK001 06 Rev C).
- REASON
- To ensure that the development is carried out in accordance with the application as approved.
11. No more than 333,000 sqm (gross internal floor area) of B1c, B2 and B8 development shall be built on the site; no more than 99,900sqm (gross internal floor area) of which shall be for development falling within Use Classes B1c and / or B2.
- REASON
- To ensure that the development is carried out in accordance with the application as approved.
12. No development, including Advance Infrastructure and Enabling Works, shall commence within each phase or sub phase, until a Construction Method Statement for the phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall include:
- Details of the demolition methodology;
  - Details of the methods to be used to control dust, noise, vibration, lighting, potential water pollution and other emissions from the site;
  - The location of all temporary buildings and compound areas and arrangements for their removal following completion of construction;
  - Details of areas to be used for the storage of plant and construction materials and waste;
  - Details of temporary lighting arrangements;
  - Hours of construction work;
  - Measures, including wheel washing facilities, to ensure that construction vehicles do not deposit mud or debris on the public highway;
  - A scheme for the routing of construction vehicles accessing the site; and
  - Details of the construction earthworks methodology.
- The construction of each phase or sub phase shall be carried out in accordance with the approved construction method statement subject to any variations approved in writing by the local planning authority.
- REASON
- To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

13.

No development, including Advance Infrastructure and Enabling Works, shall commence within each phase or sub phase until a Construction Environmental Management Plan ('CEMP') for the phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, where relevant to the particular phase or sub phase:

- A General Dust Risk Plan and any required recommendations to reduce the effects of air quality, including consideration of those measures identified within Appendix 9.1 of the Supplementary Environmental Statement regarding construction activities and operations.
- The range of ecological habitats and species along with mitigation and management measures and best practice working measures as set out in Appendix 9.1 of the Supplementary Environmental Statement (October 2021) (or any measures relating to ecology subsequently approved pursuant to condition 31), including, but not limited to, procedures for site clearance and construction activities, construction lighting, protection of existing and new habitats, the requirement for bat roosts surveys (where needed) and general bat and bird mitigation.
- Pre-commencement checks for water vole at the site and off-site habitats within proximity of the site to be undertaken by a suitably qualified ecologist. If burrows are discovered, a review of appropriate mitigation is required.
- Adoption of pollution prevention guidelines relating to drainage and air quality and the construction procedures on site.
- The appointment and duties of an Ecological Clerk of Works (ECoW) generally and specific to the development area.
- A range of landscape and visual impact best practice measures if and where required and as identified within Appendix 9.1 of the Supplementary Environmental Statement (October 2021), including the protection of trees in accordance with British Standards.
- An Erosion Prevention and Sediment Control Plan, including measures to mitigate flood risk and sediment loading and emergency procedures, as set out in Appendix 9.1 of the Supplementary Environmental Statement (October 2021).
- Roles, responsibilities and communication systems to be adopted throughout the active construction periods with the local community.
- Timing of critical works where ecological supervision will be required.
- The use of protective fencing, exclusion barriers, and wildlife safety measures.

The Approved CEMP will be implemented and complied with throughout the construction period of the phase, or sub phase to which it applies.

#### REASON

To ensure the ecological interests of the site are maintained in accordance with Policy 30 of the Doncaster Local Plan

14. No more than 485 two way AM peak hour trips and 408 two way PM peak hour trips shall be generated by the development until a further assessment of the impacts of the development upon Junction 5 of the M18 has been carried out in accordance with the requirements set out in the approved SRN Mitigation Strategy Document (Version 1.1 dated 23 October 2020) and the Local Planning Authority has agreed in writing that the remainder of the development can proceed.  
REASON  
In the interests of ensuring the safe and efficient operation of the Strategic Road Network.
15. No part of the development shall be occupied until an automated system to monitor vehicle trips from the development (which shall include reporting of ongoing maintenance and the methodology for differentiating construction traffic) has been implemented at the site in accordance with full details to be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England.  
REASON  
In the interests of ensuring the safe and efficient operation of the Strategic Road Network.
16. No more than 568 two way AM peak hour trips and 494 two way PM peak hour trips shall be generated by the development until a further assessment of the impacts of the development upon Junction 6 of the M18 has been carried out in accordance with the requirements set out in the approved SRN Mitigation Strategy Document (Version 1.1 dated 23 October 2020) and the Local Planning Authority has agreed in writing that the remainder of the development can proceed.  
REASON  
In the interests of ensuring the safe and efficient operation of the Strategic Road Network.
17. Detailed engineering drawings for the proposed access arrangements shown on the plan ref (3104 SK001 01 RevB) shall be submitted for inspection and approval by the Local Planning Authority before works commence on site (save for any Advance Infrastructure and Enabling Works approved pursuant to condition 7). The construction of these works shall thereafter be completed in accordance with the approved details prior to first occupation of the development.  
REASON  
In the interests of highway safety
18. Before each phase or sub phase is brought into use, areas of the phase to be used by vehicles shall be properly laid out, drained,

surfaced/sealed and/or marked out in a manner to be approved by the Local Planning Authority and shall thereafter be retained as such.

**REASON**

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

19. A detailed travel plan for each phase or sub phase which is in accordance with the Framework Travel Plan (dated 21 February 2020, Version 3.3) and which finalises the measures to be put in place for the phase shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the phase or sub phase. The Travel Plan shall be implemented in accordance with the stated timescales. The Travel Plan shall be managed, implemented, monitored and reviewed in accordance with the approved details

**REASON**

In the interests of promoting sustainable patterns of travel in accordance with Policy 13 of the Doncaster Local Plan.

20. Prior to the occupation of each phase or sub phase details of electric charging points for that phase or sub phase shall be submitted to and approved by the Local Planning Authority. Thereafter that phase or sub phase shall be constructed in accordance with these approved details.

**REASON**

To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with policy 13 of the Doncaster Local Plan.

21. The development shall be carried out in accordance with the submitted flood risk assessment (ref [September 2020/5714-JPG-XX-XX-RP-0620-S2-P03/JPG]) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.4 metres above Ordnance Datum (AOD) to take account of the flood risk identified for the Isle of Axholme. For buildings where there are commercial and operational requirements that also need to mitigate against flood risk from a potential breach from the River Don, floor levels shall be set no lower than 5.23 metres AOD.

- All offices will have a finished floor level no lower than 5.23mAOD.

- All proposed units will have a safe place of refuge no lower than 5.23mAOD and will be large enough to accommodate all staff on site.

There will be the provision of flow paths through the development at existing ground levels. These will maintain flow routes through the site in the event of a breach in the River Don

defences as described in the FRA. Details of such must be submitted in accordance with the requirements of condition 22  
REASON

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

22. No development (save for any Advance Infrastructure and Enabling Works approved pursuant to condition 7), shall commence within each phase or sub phase until such time as a scheme detailing the flood flow routes for that phase or sub phase has been submitted to, and approved in writing by, the local planning authority. The development of the phase or sub phase shall be carried out in accordance with the approved details.

REASON

To ensure that there are no detrimental impacts to flood flow routes.

23. Prior to the first occupation of their respective building(s) within a phase or sub phase, each occupier shall prepare and submit to the Local Planning Authority for approval a Flood Management and Evacuation Plan to set out the procedures for evacuation and management in relation to that phase or sub phase in the event of an imminent flood. Thereafter each phase or sub phase will operate in accordance with the approved Flood Management and Evacuation Plan.

REASON

To ensure occupants and users of the site are safe from the risk of flood.

24. Prior to the occupation of their respective building(s) within a phase or sub phase, each occupier within the phase or sub phase shall sign up to the Environment Agency flood warning service and shall provide written evidence to this effect to the Local Planning Authority.

REASON

To ensure occupants and users of the site are safe from the risk of flood.

25. No phase or sub phase (save for any Advance Infrastructure and Enabling Works approved pursuant to condition 7), shall commence until details of the foul, surface water and land drainage systems and all related works necessary to drain that phase or sub phase have been submitted to and approved by the Local Planning Authority. The details shall be in broad accordance with the submitted Drainage and Flood Risk Statement (September 2020). No building within any phase or sub phase shall be occupied until the works relating to that building have been carried out in accordance with the approved details.

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

26. No development (save for any Advance Infrastructure and Enabling Works approved pursuant to condition 7) shall be commenced within any phase or sub phase until a scheme for the prevention of pollution within that phase has been submitted to and approved in writing by the local planning authority. The scheme shall include the following measures:
- Oil interceptors included on car parking areas and commercial hardstanding areas;
  - Rain water down-pipes sealed at ground level; and
  - Provision of settlement facility during construction period on any surface water discharge points.

The development of each phase or sub phase shall be carried out in accordance with the approved scheme.

REASON

To avoid pollution of the public sewer and land drainage system

27. Prior to the commencement of each phase or sub phase (including any Advance Infrastructure and Enabling Works) a Full Noise Assessment will be undertaken in accordance with BS5228: 2009 to assess the plant and machinery to be utilised within the construction process associated with that phase or sub phase. The Assessment shall be submitted to and approved by the Local Planning Authority.

REASON

To safeguard the living conditions of neighbouring residents.

28. Daytime construction will be controlled to no more than 70 db LAEQ outside noise sensitive receptors. Where relevant, noise mitigation measures to secure this limit shall be set out in the Full Noise Assessment to be approved pursuant to condition 27 and thereafter that phase or sub phase will be constructed in accordance with any recommendations or mitigation set out within the approved Full Noise Assessment.

REASON

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

29. Prior to the occupation of each phase or sub phase, a Noise Assessment undertaken in accordance with BS4142 shall be submitted to and approved by the Local Planning Authority. Where necessary, a noise management plan shall be prepared as part of the Noise Assessment to minimise the noise impacts associated with a specific operation and other noise sources of an industrial nature. That phase or sub phase shall be occupied and operated in accordance with any mitigation measures

identified in the approved Noise Assessment and noise management plan

**REASON**

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

30. On submission of each reserved matters application for a phase or sub phase, a lighting design strategy for light-sensitive biodiversity shall be submitted to and approved in writing by the Local Planning Authority for that phase or sub phase unless otherwise agreed in writing by the Local Planning Authority: The strategy shall show how, external lighting is specified, located and orientated so that it can be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural areas of the site and its surrounding green spaces by bats and other species. Any luminaries used in the peripheral areas of the site's adjoining areas of greenspace should be of the LED type which provide a lower intensity of light. The use of warm white spectrum (preferably 2700Kelvin) should be adopted to reduce the blue light component with a wavelength exceeding 550nm. The lighting design strategy will be designed to complement and co-ordinate with lighting designs on adjoining plots. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/18: Bats and Artificial Lighting in the UK. All external lighting shall be installed for that phase or sub phase in accordance with the specification and locations set out in the strategy and maintained as such.
- REASON**
- To ensure the ecological interests of the site are maintained in accordance with Policy 30 of the Doncaster Local Plan
31. Where development of a phase or sub phase is to commence more than two years from the date of the original protected species surveys, additional/updating surveys relevant to that phase or sub phase shall be carried out prior to commencement of that phase or sub phase to ensure that approved mitigation is appropriate for the current situation. If alternative mitigation is required, then an updated ecology mitigation strategy in Appendix 9.1 of the Supplementary Environmental Statement (October 2021) as set out in Condition 13 shall be submitted to and approved in writing prior to the commencement of that phase or sub phase of the development. Thereafter the development of the phase or sub phase shall proceed in accordance with the approved updated ecology mitigation strategy.
- REASON**
- To ensure the ecological interests of the site are maintained in accordance with Policy 30 of the Doncaster Local Plan



32. Prior to the commencement of works above the ground floor slab within each phase or sub phase a report (the initial SAP report carried out as part of Building Regulations will be sufficient information in many cases) shall be submitted to the local planning authority and approved in writing from them, explaining how CO2 emissions from the development will be reduced by providing at least 10 Percent of the development's energy through on-site renewable energy equipment or improvements to the fabric efficiency of the building. The carbon savings, which result from proposed measures, will be above and beyond what is required to comply with Part L of Building Regulations. Unless otherwise agreed in writing by the Local Planning Authority, the development shall then proceed in accordance with the approved report. Before any building is occupied or sold, the local planning authority shall be satisfied that the measures have been installed, which will enable the planning condition to be fully discharged.

**REASON**

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

33. Reserved matters applications for each phase or sub phase shall include a BREEAM pre-assessment, or equivalent assessment, demonstrating how BREEAM 'Very Good' will be met. Unless otherwise agreed in writing with the Local Planning Authority, that phase or sub phase must take place in accordance with the approved assessment. Prior to the occupation of any building within a phase or sub phase, a post construction review should be carried out by a licensed assessor for that building and submitted to the Local Planning Authority for approval.

**REASON**

In the interests of sustainability and to minimise the impact of the development on the effects of climate change.

34. Prior to the commencement of any works above ground floor slab in each phase or sub phase, details of the proposed external materials for that phase or sub phase, 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 42 of the Local Plan.

35. Prior to the first occupation of each phase or sub phase, an air quality management plan for that phase or sub phase shall be submitted to and approved in writing by the local planning authority. This plan shall calculate a damage costs calculation for that phase or sub phase undertaken in accordance with DMBC's Air Quality Technical Guidance Note and demonstrate how they have been utilised to offset vehicle emissions during the lifetime of that phase or sub phase. Measures in any mitigation plan shall be in addition to those provided as a requirement for other planning matters. The mitigation plan shall be implemented upon first occupation of that phase or sub phase. A revised or replacement management plan may be submitted to the Local Planning Authority at any time.
- REASON
- To ensure that the development does not adversely effect air quality, in accordance with Policy 54 of the Doncaster Local Plan
36. No development (including any demolition, earthworks or vegetation clearance save for any Advance Infrastructure and Enabling Works approved pursuant to condition 7) shall be commenced within any phase or sub phase 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 including footpath treatments and carriageway finishes. The soft landscape scheme shall include a soft landscape plan; 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; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. The trees in prominent locations shall be container grown or root balled and of minimum Extra Heavy Standard (14-16cm) size in accordance with table 1 of British Standard 3936-1: 1992 Nursery Stock. The pots of containerised trees must be proportionate to the size of the tree in accordance with table D4 of British Standard 8545: 2014 Trees: From nursery to independence in the landscape - Recommendations (BS8545) and the rootball of rootballed trees in accordance with table D5 of British Standard 8545. The trees shall be handled in accordance with 'Handling and Establishing Landscape Plants' by the Committee of Plant Supply & Establishment (1995) published by the Joint Council for Landscape Industries and/or section 9 Handling and Storage and Annexe E of BS8545. 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 development plot must be implemented in full accordance with the approved scheme, prior to occupation of any building within said plot, 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 in accordance with Policy 32 of the Local Plan.

37

Prior to the commencement of development (including any demolition, earthworks or vegetation clearance) within any phase or sub phase, a scheme for the protection of the root protection areas of all retained trees and hedgerows 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 retained trees and hedgerows are protected from damage during construction in accordance with Policy 32 of the Local Plan.

38.

The first submission of Reserved Matters shall contain a Design Guide, to be approved by the Local Planning Authority, which shall be applied to all subsequent Reserved Matters submissions for all other units within the site. The document to be produced

shall refer to and reflect the Council's current design guidance, and cover the following key detailed design matters:

- Urban design principles- how the development will create a permeable and secure network of blocks and plots with well-defined, active and enclosed streets and space;
- Architectural appearance, building details and materials;
- Hard and soft landscape, including fencing, lighting, signage, cycle parking.

It is recommended for further detailed advice, applicants speak to the Council prior to developing the design guide.

#### REASON

To ensure a consistent design approach to the development of the site in the interests of the satisfactory appearance of the site.

36. Prior to the submission of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. Drawing upon the results of this investigation stage, a mitigation strategy for any further archaeological works and/or preservation in situ will be approved in writing with the local planning authority and then implemented.

#### REASON

To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters and to comply with policy 35 of the Doncaster Local Plan.

37. No development shall commence within each relevant phase or sub phase (including any Advance Infrastructure and Enabling Works) without 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 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.

b) 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.

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

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

#### REASON

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

**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.**

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<b>Application</b>	<b>3.</b>
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<b>Application Number:</b>	21/00661/FULM
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<b>Application Type:</b>	Full Application.
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<b>Proposal Description:</b>	Change of use of 19, 21 & 23 from hotel to apartments and the conversion of 25 from dwelling into apartments (11 apartments in total), including demolition of rear outbuilding, erection of front boundary wall/railings, replacement windows and creation of car parking.
<b>At:</b>	19-25 Auckland Road Wheatley Doncaster DN2 4AF

<b>For:</b>	Mr J Polonijo - Moderna Developments Ltd
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<b>Third Party Reps:</b>	26 letters in opposition.	<b>Parish:</b>	N/A
		<b>Ward:</b>	Town

<b>Author of Report:</b>	Alicia Murray
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## SUMMARY

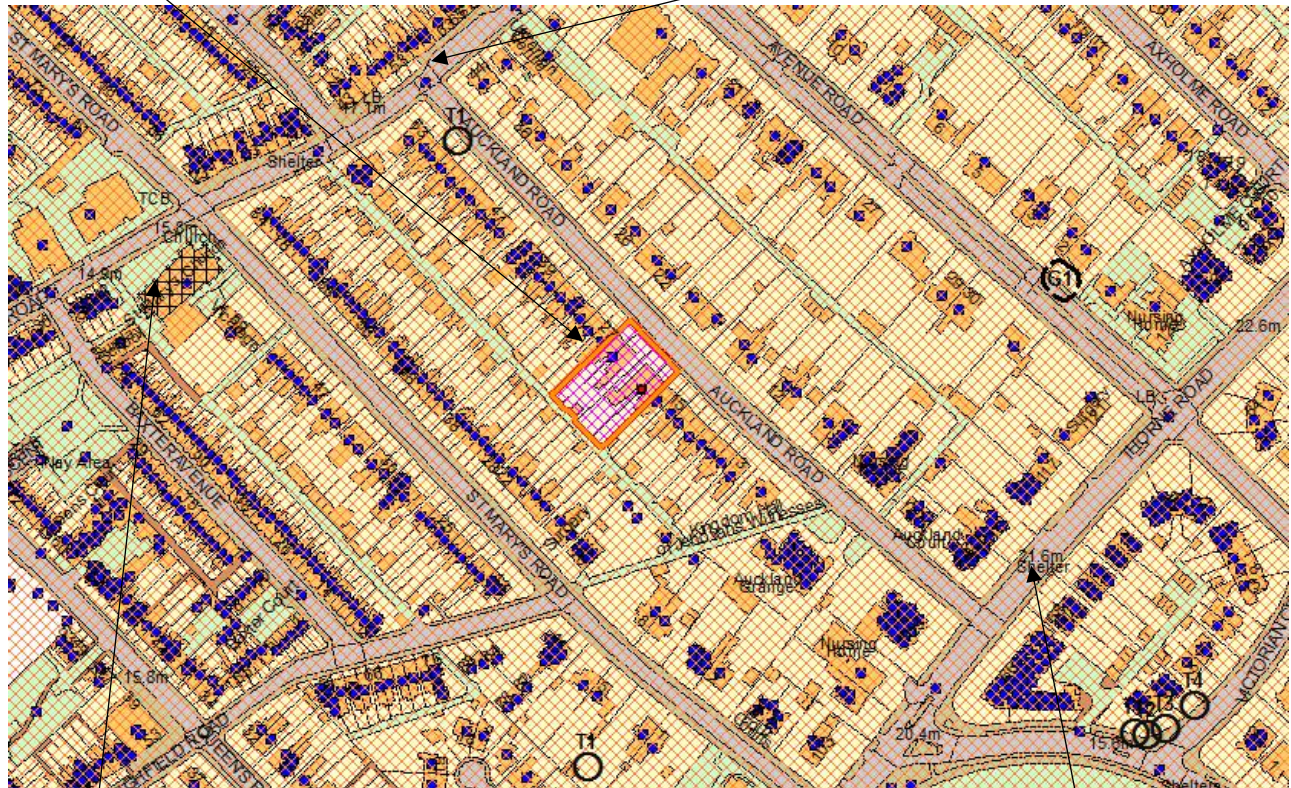
The proposal seeks permission for the change of use of a former hotel and dwelling to form 11 self-contained flats. The proposal is considered to be acceptable lying within Doncaster's allocated residential policy area and is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2021).

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, heritage assets, the highway network or the wider character of the area.

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

Application site.

Beckett Road



St. Mary's Church

Thorne Road



## **1.0 Reason for Report**

- 1.1 This application is being presented to planning committee due to the level of public interest generated in the proposal and a call in request by Councillor Dave Shaw.
- 1.2 This application has been deferred from the 9<sup>th</sup> November 2021 Planning Committee to enable members to visit the site to assess the impact on the Conservation Area and the outdoor amenity space provision. A site visit is scheduled to take place on the 3<sup>rd</sup> December 2021.
- 1.3 Amended plans have been submitted following last planning committee, the amendments have resulted in the reconfiguration of the bin store to provide additional car parking space, the site plan now shows the area for cycle storage, 2 EV charging spaces to the front, the numbering of the car parking spaces and a schedule of apartments to also show how the spaces will be distributed. Furthermore, the site plan now shows the tracking of some of the car parking spaces. There has been no objections from the key consultees in relation to the amended details.

## **2.0 Proposal**

- 2.1 Planning permission is sought for the change of use from a former hotel and dwelling to 11 self-contained apartments. The application was originally submitted for 13 apartments but has been reduced to 11 to ensure the housing environment for the residents is in accordance with Local Plan Policies.
- 2.2 The proposal includes the demolition of a rear outbuilding, erection of front boundary wall and railings, creation of car parking and improvements to the external façade of the building.

## **3.0 Site Description**

- 3.1 The application site lies within a uniform street pattern of 3 storey, terraced properties predominantly constructed from red brick. Nos. 19/21 and 23/25 are the end two units of neighbouring terraces. These terraces are quite long (one is of 10 dwellings, the other of 11) and are of red brick and of two storeys with a further attic storey. The end properties are gabled fronted with the adjoining properties having dormers. The properties subject to this application retain in the main their original timber sash windows to their frontages, although the attic windows of the end units have both been modified. That at No.21 has had its central window replaced with two shorter windows, the one at No.23 has been truncated. All properties are roofed in thick concrete roman tiles rather than the original Welsh slates. Front gardens have been completely hard landscaped with the front boundary treatment having been removed apart from in front of No.23, which has a dwarf wall with some planting behind. No.21 has a contemporary garage although given its setback it is not that noticeable. To the rear of the property is an outbuilding which would be demolished in the event that permission is granted to allow for additional parking.
- 3.2 The proposed development is located in the heart of the Doncaster Thorne Road Conservation Area. The special interest of this part of the conservation area derives

from the close character of the late Victorian terraces and their small front gardens as well as occasional detached properties. Views across rear gardens are also important and due to the street layout views of rears are also afforded.

- 3.3 The site is located approximately 700m from Doncaster's Town Centre and approximately 150m from the nearest bus stop on Beckett Road served by the number 76, 77, 480 and 76A buses operating on a hail and ride system.

#### 4.0 Relevant Planning History

Application Reference	Proposal	Decision
20/00128/FUL	Change of use of 19 and 21 Auckland Road back to dwelling houses, erection of rear extensions to 19, 21, 23 and 25 Auckland Road and partial demolition of rear projection at 21 Auckland Road.	Application granted.

#### 5.0 Site Allocation

- 5.1 The site is allocated as Residential Policy Area as defined by Doncaster's Local Plan adopted 23<sup>rd</sup> September 2021. As a consequence the following policies are applicable.

#### 5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (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 Paragraphs 55-56 states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.5 Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.6 Paragraph 126 states that 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.

## **5.7 Local Plan**

5.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case.

5.9 Policy 10 deals specifically with developments in residential policy areas.

5.10 Policy 37 deals specifically with proposals directly affecting the setting of or within conservation areas and seeks to safeguard the heritage significance of the conservation area.

5.11 Policy 45 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum.

5.12 Policy 42 deals with the need for good urban design.

## **5.13 Other material planning considerations**

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance
- South Yorkshire Residential Design Guide (SYRDG)
- Section 64 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990

## **6.0 Representations**

6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 by way of site notice, advertisement in the Sheffield Star and direct neighbour notification letters.

6.2 Twenty-six letters representation have been received objecting to the application.

6.3 The letters of objection outline the following concerns:

- Change in the character of the area (community impact)
- Imbalance the provision of a good mixture of homes
- Already a high number of HMOs and flats in the area
- Impact on the conservation area
- Proposed density too high – reduced living standards
- Lack of parking
- Insufficient wheelie bin provision
- Litter
- Anti-social behaviour & security concerns
- Noise
- Obstruction of alleyway access with bins

- Accessibility of the parking areas – use of alleyway
- Frontage parking will obstruct property frontages and vehicle domination
- Amenity area insufficient
- Overdevelopment
- Loss of family housing
- Hardstanding could cause drainage issues
- Over proliferation of rental properties
- Lack of community support from absentee landlords
- Safety of using alleyway access for vehicles
- More demand of on street parking
- Degradation of quality living environment

## 7.0 Parish Council

7.1 No parish council exists for Wheatley.

## 8.0 Relevant Consultations

8.1 **DMBC Highways Development Control** –The Highways Officer is satisfied that the proposal can accommodate sufficient parking without causing harm to the existing demand for on street parking, provide sufficient space for bin storage and collection or cause harm to the highway safety of the area, subject to condition.

8.2 **DMBC Conservation Officer** – There are no objections in principle to the change of use and the reinstatement of the original window openings to the end gables is welcomed however the Conservation Officer requested a series of amendments. The applicant worked with the Conservation Officer to overcome the concerns raised and amended plans have been submitted and reviewed by the Conservation Officer, who satisfied with the proposal and does not considered there would be harm to the Conservation Area, subject to a series of conditions.

8.3 **South Yorkshire Architectural Liaison Officer:** No objections to the application, it is apparent that safety and security has been considered. The SYALO requests the scheme be constructed in accordance with Approved Document Q of the Building Regulations 2010 and with Secured by Design standards. An informative shall be placed on the decision to that effect.

8.4 **DMBC Environmental Health:** The location is a quiet residential street and the proposed use is consistent with this. There is adequate space to the rear shown for waste storage. Following the submission of amended plans the Environmental Health Officer, who no longer objects to the application but does raise fire safety matters, which will be addressed via building regulations.

8.5 **Public Health:** This site qualifies for the completion of a Rapid Health Impact Assessment due to the number of proposed dwellings to be erected. A Rapid Health Impact Assessment has been submitted and reviewed by the Public Health Team. The Public Health team have outlined that they would like the case officer to ensure the development has the adequate provision of natural light, good access to green spaces, and cycle storage.

8.6 **DMBC Education:** No contribution is required, threshold is not met.

8.7 **DMBC Area Manager:** No comments have been received.

- 8.8 **DMBC Air Quality:** It is below our trigger values we have no comment to make for AQ.
- 8.9 **DMBC Ecology:** A Preliminary Bat Roost Survey has been submitted and reviewed by the Ecology Officer; it is recommended in the report that a single nocturnal survey is carried out and the results of this survey to be submitted for consideration of this application. The Ecology Officer has requested that this survey is carried out, the survey has been submitted and reviewed by the Ecology Officer. The survey identified that there was a high likelihood of bats being absent from the buildings subject to the proposed development, therefore no further surveys are required. There is a requirement for an Environmental Management Plan be submitted, this is secured via a condition.
- 8.10 **DMBC Trees and Hedgerow:** The Tree Officer requested additional landscaping be provided to the front boundaries and additional planting shown on the lawn areas to the rear. Amended plans have been submitted and reviewed by the Tree Officer, who considers the additional landscaping to be acceptable and has requested a condition relating landscaping details to be submitted.
- 8.11 **Yorkshire Water:** No objections received.
- 8.12 **DMBC Policy (open space):** There is no requirement for public open space as the development is below the 10 or more family sized dwellings threshold, but the addition of amenity space and landscaping is welcomed.
- 8.13 **DMBC Waste and Recycling:**  
  
Amended plans have been submitted and reviewed by the Waste and Recycling Officer and they consider that the previous concerns raised regarding waste management have been addressed and requested a condition relating to the specific details of bin storage be provided.
- 8.14 **DMBC Drainage:** No objections subject to conditions relating to surface and foul water discharge, SUDs, and piped surface water discharge.
- 8.15 **DMBC Urban Design:** The Urban Design Officer originally raised concerns regarding the size of the apartments and lack of storage provision. Amended plans have been submitted and reviewed by the Urban Design Officer, who considers the amended scheme to be acceptable, the reduced number of apartments provides suitable housing environment, subject to the provision of cycle storage, which can be secured via a condition.
- 8.16 **Councillor Tosh McDonald (no longer a Councillor):** Agrees with the issues raised by Cllr Shaw
- 8.17 **Councillor Nikki McDonald (no longer a Councillor):** Agrees with the issues raised by Cllr Shaw
- 8.18 **Councillor Dave Shaw:** Town ward Councillors wish for this application to be decided by the planning committee. The application is a massive departure from the original plan proposed by the developer. The application will lead to the over proliferation of flats in the area, potentially in part covered by Article 4 ruling. The application is contrary and detrimental to the conservation area. The application will increase issue regarding parking / or increase large areas of hardstanding leading to

localised flooding. The application will lead to a density of accommodation that is contrary to good planning with regard to public health and the covid pandemic.

- 8.19 **South Yorkshire Superfast Broadband:** Requested a condition in relation to gigabit capable broadband services being installed in the site.

## 9.0 **Assessment**

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

- Principle of development;
- The impact on the character of the conservation area;
- The impact on neighbouring properties;
- Whether the proposal would adversely affect highway safety.

- 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 application site is washed over by residential policy area and as such residential developments are acceptable in principle providing they would not adversely affect the character of the area or detrimentally affect neighbouring properties through for example excessive overshadowing, over dominance or loss of privacy.
- 9.4 In light of the policy designation set out above, the principal of the change of use to form eleven flats is considered to be acceptable. Whilst concerns have been raised by residents that the proposal would change the character of the area or result in the loss of more family homes, it is considered that the use of the building for residential purposes would maintain the residential character of the area. Furthermore, the majority of the apartments are 2 bedroom which would accommodate for small families and would still contribute to a good mix of housing in this area.
- 9.5 It is noted that the site lies within the HMO designation area, however permission is not being sought for a HMO but instead for eleven self-contained flats. Therefore Policy 9 of the Local Plan is not relevant in this case.

### 9.6 Sustainability

- 9.7 The National Planning Policy Framework (NPPF, 2021) 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 Space standards**

- 9.10 A number of concerns have been raised by residents in respect of density and space standards and this has been carefully considered by the Local Planning Authority.
- 9.11 Policy 45 of the Local Plan states that developments should adhere to the Nationally Described Space Standards. The standards state that all 1 bed 1 person 1 storey dwellings should be 37 square metres, 1 bed 2 person 1 storey dwellings should be 50 square metres, 2 bed 3 persons 1 storey dwellings should be 61 square metres and 2 bed 4 person 1 storey dwellings should be 70 square metres.
- 9.12 The space standards for each apartment are outlined within the table below:

Apartment Number	Apartment Size	Floor Space	Meets standards
Apt 1	3 person 2 bed	72sqm	Yes
Apt 2	3 person 2 bed	64sqm	Yes
Apt 3	4 person 2 bed	102sqm	Yes
Apt 4	3 person 2 bed	86sqm	Yes
Apt 5	3 person 2 bed	71sqm	Yes
Apt 6	3 person 2 bed	85sqm	Yes
Apt 7	3 person 2 bed	70sqm	Yes
Apt 8	2 person 1 bed	44sqm	No
Apt 9	3 person 2 bed	69sqm	Yes
Apt 10	3 persons 2 bed	64sqm	Yes
Apt 11	2 persons 1 bed (studio)	37.8sqm	N/A

- 9.13 Whilst apartment 8 does fall short of the required 50sqm floor space, it is considered that the level of natural light, storage and general spacing of the apartment would still provide a good level of housing environment for any future occupier. Apartment 11 is a studio apartment and the NDSS do not stipulate standards for a studio apartment but in light of providing good level of natural light, storage, and general spacing, it is considered that this results in a suitable level of accommodation. Furthermore, the remaining apartments all provide a high level of housing environment with floor spaces meeting the Nationally Described Spaced Standards, with space for storage and good provision of natural light.

- 9.14 In conclusion, the proposal would mostly meet the minimum space standards set out nationally and this weighs positively in favour of the application carrying significant weight.
- 9.15 As set out in the site and surrounding section above, the proposal lies approximately 700m from Doncaster Town Centre. The site itself lies approximately 100m from the nearest bus stop on Beckett Road served by the number 76, 77, 480 and 76A buses operating on a hail and ride system. Taking these two factors into account, it is considered that the site lies within a sustainable location close to the town centre and sustainable methods of transport. This weighs in favour of the application carrying significant weight.
- 9.16 The proposal includes shared amenity space to the rear, this is outlined as 2 patio areas directly outside the rear access and 2 lawn areas either side of the car parking. Both areas will include soft landscaping and the patio areas will offer space for the residents to sit out and utilise the outdoor space affectively. The lawn areas will soften the car park with landscaping running along the edge of the car parking and would provide additional space for the occupiers to enjoy. The applicant has outlined that continued management of this landscaping shall be secured via the management fees payable by tenants; which is common practise with apartment accommodation.

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

- 9.18 A number of concerns have been raised by surrounding residents in respect of insufficient amenity area, lack of parking, wheelie bin clutter, litter, anti-social behaviour, security concerns and noise. Taking each of these consecutively, the below will seek to address the concerns raised by residents.
- 9.19 The proposal includes minor alterations to the external appearance of the property which are mainly to repair some elements of the façade and block up some windows. There is no additional windows proposed it is therefore considered that there would be no increase in overlooking to the surrounding properties. Furthermore, the intensification of those windows is unchanged given the former hotel and residential uses at the site.
- 9.20 The proposal includes within it a bin store located at the rear of the property and this would prevent numerous bins from being located at the front of the property to the detriment of the character of the area, furthermore the bin storage provided is considered to be sufficient as outlined by the consultation response received from the Waste and Recycling Team.
- 9.21 Concerns have been raised that the proposal would increase the possibility of litter being generated, however there is no evidence that this would occur. As set out above, bin stores would ensure that waste is dealt with in an appropriate manner. The Council's Waste Team have reviewed the amended plans and have no objections to the provision of bin storage proposed, it is considered the appropriate amount of bins can be provided within the designated space and collection can be achieved from the access.
- 9.22 During the course of the application the South Yorkshire Architectural Liaison Officer has been consulted. Their role is, on behalf of SY Police, to provide guidance on safeguarding future occupants and has during the course of this application made recommendations in relation to the security of the doors. They have also accessed



the Police crime reporting system and Incident recording systems and has confirmed that there have been no recorded reports of vehicle crime or anti-social behaviour at the address; the records go back to 2015. Whilst the proposal would change the type of accommodation on site there is no evidence to suggest that this would result in an increase in anti-social behaviour.

- 9.23 Concerns have been raised that the future use of the site would mean that there would be neglect in terms of bin storage, ground maintenance, and closure of alley gates and accessibility of the alleyway for vehicles. The government's website offers advice in respect of renting properties to both landlords and tenants and advises that the *How to rent: the checklist for renting in England* be completed by both parties. It includes within it a section detailing that the landlord must maintain the structure and exterior of the property.
- 9.24 Neighbouring properties have raised concerns that the proposed change of use would result in unacceptable noise being generated by the proposal, however regard should be given to the inspector's decision at 1 Auckland Avenue (Ref: 13/00005/REF); the Inspector did not consider that the use would result in an unusual pattern or scale of noise, including from activity in the garden, which would cause disturbance to the neighbours. In this case the scale of the proposal is for apartments rather than a HMO but is still considered to utilise the outside space in similar communal basis and consequently is not considered to result in significant harm to neighbours and would therefore not conflict with Policy 10 of the Doncaster Local Plan.
- 9.25 Taking these matters into account, it is considered that the proposal would not detrimentally affect neighbouring properties through excessive overlooking, loss of privacy, noise or disturbance and this weighs positively in favour of the application carrying moderate weight.

## **9.26 Conclusion on Social Impacts.**

- 9.27 Paragraph 8 of the NPPF (2021) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 9.28 In conclusion the site lies within a sustainable location with access to sustainable methods of transport carrying significant weight. It is considered that the proposal would not adversely affect neighbouring residential properties through excessive overlooking or loss of privacy and this weighs in favour of the application carrying moderate weight.
- 9.29 The short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

## **ENVIRONMENTAL SUSTAINABILITY**

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

- 9.31 A number of objections have been raised in respect to the impact of the proposal on the character of the area. During the course of the application Doncaster's Conservation Officer has been consulted and commented that the proposed

development is located in the heart of the Doncaster – Thorne Road Conservation Area. The special interest of this part of the conservation area derives from the close character of the late Victorian terraces and their small front gardens as well as occasional detached properties. Views across rear gardens are also important and due to the street layout views of rears are also afforded. Nos. 19/21 and 23/25 are the end two units of neighbouring terraces. These terraces are quite long (one is of 10 dwellings, the other of 11) and are of red brick and of two storeys with a further attic storey. The end properties are gabled fronted with the adjoining properties having dormers. The properties subject to this application retain in the main their original timber sash windows to their frontages, although the attic windows of the end units have both been modified. That at No.21 has had its central window replaced with two shorter windows, the one at No.23 has been truncated. All properties are roofed in thick concrete roman tiles rather than the original Welsh slates. Front gardens have been completely hard landscaped with the front boundary treatment having been removed apart from in front of No.23, which has a dwarf wall with some planting behind. No.21 has a contemporary garage although given its setback it is not that noticeable. The modified windows, the concrete roof tiles and the car parking to front with removed front boundary walls are all considered detrimental features and whose rectification would be welcomed. As there is a space between No's 21 and 23 views to the rear are afforded.

- 9.32 It was further commented that whilst there is no objection in principle to the change of use, amendments were requested and subsequently submitted. The amendments see the reinstatement of boundary treatments and landscaping to the front of the site and the windows and door details will be secured via condition but it has been confirmed these shall be white/off white to ensure they are in keeping with the character of the area. The demolition of the rear outbuilding is considered acceptable given the other improvements being made to the front of the site.
- 9.33 With respect to the proposed car parking at the rear it has been commented that the outbuildings are not that apparent and their demolition is not considered controversial. The access will include a gate which will conceal the rear parking area somewhat, the details of the gates shall be secured via condition, and the applicant has confirmed that the gates will be automated to ensure the close after use. The creation of the car parking area to the rear is not objected too by the Conservation Officer. The loss of the outbuilding to the rear of no.21 is considered acceptable due to the other aesthetic benefits this proposal provides by the re-instatement of some of the front boundary wall with soft landscaping. Again a suitably worded condition has been suggested requiring a landscaping scheme to be submitted as well as the details of the re-instatement of the boundary walls to the front. These conditions will need to be discharged in combination with Doncaster's Highways Development Control Team, Tree Officer and Conservation Officer.
- 9.34 In conclusion, subject to suitably worded conditions the proposal would not detrimentally affect the character of the conservation area and in fact would result in a positive impact to the Conservation Area by the reinstatement of the front boundaries, landscaping, and bringing the vacant buildings back into use. This weighs positively in favour of the application carrying significant weight.

### **9.35 Impact upon Highway Safety.**

9.36 Concerns have been raised by residents that the proposal does not provide sufficient parking. During the course of the application Doncaster's Highways Development Control team were consulted and following the receipt of the amended plans raised no objection to the application, the parking provision proposed is considered to be satisfactory and the spaces adhere to the Doncaster Local Plan policies and appendices.

9.37 Importantly the NPPF makes clear at Paragraph 111 that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

9.38 The Council considered the proposal on a 'worst case scenario' with all of the tenants having cars, which would result in pressure for on-street parking in an area already congested. However there is no local or national policy to look at a 'worst case scenario'. The site lies within a sustainable location close to the town centre, and it is reasonable to suggest a reasonable proportion of tenants would not need access and on this basis the provision of 14 parking spaces plus 1 disabled space within the site is considered adequate for the use. The submitted plans shows that each space will be numbered and allocated to an apartment with one space per apartment being allocated. Even if from time to time a greater proportion of tenants at the property have cars, there need not be a significant increase in highway problems but the occupiers will be aware that they have only one space available. Furthermore a condition is suggested to reinstate the full height kerbs outside the newly reinstated boundary walls which remove the current roll on roll off parking; thus increasing the amount of space available for cars to park on street. The applicant has shown that 2 of the car parking spaces to the front of the property would have EV charging points, and has shown the areas where cycle storage will be provided; thus promoting other alternative modes of transport and more sustainable transport options for the future occupiers. On this basis the use generally accords with the provisions of policy 13 of the Doncaster Local Plan and based upon the highways assessment of the site, it is considered that the proposal would neither result in an unacceptable impact on the highway network nor cumulatively impact the road network and as such the bar referred to in paragraph 111 has not been met.

### **9.39 Impact upon Natural Environment**

9.40 The Trees and Hedgerows Officer has been consulted on this application. The officer has taken a pragmatic approach to the parking situation on Auckland Road where by it would be unreasonable to remove the existing parking facility and to replace it with soft landscaping. It is considered that adding some soft landscaping around the boundaries and behind the proposed railings; both of these will 'green up' the frontages. Furthermore the Tree Officer requested the lawn areas to the rear include some planting. Amended plans have been submitted addressing the original comments by the Tree Officer, who is in support of the amended proposals subject to a landscaping condition. It is considered that the landscaping makes a positive contribution to the conservation area and would result in an improvement to the current on site frontage.

- 9.41 Given the proposal includes works to the roof of the vacant properties and the demolition of an outbuilding, it is essential to establish if bats are present in the buildings subject to any works. This is a requirement from Circular 06/2005 para. 99. A Bat Survey has now been provided and the survey identified that there was a high likelihood of bats being absent from the buildings subject to the proposed development, therefore no further surveys are required. It was recommended in the bat survey report that a precautionary approach is taken to ensure that in the unlikely event of bats being present during construction works then an ecologist would be involved. There is also a recommendation for the sensitive use of lighting during construction activities. These can be conditioned as a Construction Environmental Management Plan. There is also a recommendation for the installation of bat boxes and the Ecology Officer considers that this could be added to by the installation of bird (preferably swift) boxes. Both of which are secured via planning conditions.
- 9.42 In conclusion, the proposal would not result in harm to the natural environment and the addition of landscaping and ecological enhancements would provide a positive impact to the natural environment, subject to suitably worded conditions. This weighs positively in favour of the application carrying significant weight.

#### **9.43 Conclusion on Environmental Issues**

- 9.44 Paragraph 8 of the NPPF (2021) 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.
- 9.45 Taken in the round, the proposal's design would not adversely affect the character of the conservation area, natural environment or detrimentally affect highway safety or the surrounding network. The landscaping shown will positively contribute the character of the Conservation Area and will 'Green Up' the frontage on Auckland Road. This weighs moderately in favour of the application.

### **ECONOMIC SUSTAINABILITY**

- 9.46 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.

#### **9.47 Conclusion on Economy Issues**

- 9.48 Paragraph 8 a) of the NPPF (2021) 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.
- 9.49 The proposal would result in some short term economic benefit in the creation of jobs during the construction phase of the development and as such carries limited weight in favour of the application.

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. 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.

## **11.0 RECOMMENDATION**

### **11.1 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 shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

3368-51H (proposed site layout) amended 22.11.21

3368-50G (proposed plans) amended 22.11.21

#### **REASON**

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

03. Upon commencement of the 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. 114) and Policy 21 of the Doncaster Local Plan.

04. 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.

05. The development hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be designed, managed and

maintained in accordance with the non-statutory technical standards and local standards.

**REASON**

To comply with current planning legislation - National Planning Policy Framework.

06. No piped discharge of surface water from the development shall take place prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

**REASON**

To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal.

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

**REASON**

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

08. No development (including any demolition, earthworks or vegetation clearance) 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 soft landscape scheme (based upon the site plan ref. dwg. No. 3368-51F dated 10-20) shall include a soft landscape plan; a schedule providing hedging details, shrub and tree numbers and details of the species, a nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and 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, in accordance with Policy 48 of the Doncaster Local Plan.

09. 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 and for the life of the development.

**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 13 of the Doncaster Local Plan.

10. Prior to the commencement of the development, full details of any new or replacement doors and windows on the frontage or side elevations shall be

submitted to and approved in writing by the local planning authority. Where window openings are to be amended details of the making good should also be provided including samples of any additional bricks and window heads and sills. Details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections and show their size, position, design, construction and finish. Window frames shall be white/off-white externally. Development shall be carried out in accordance with the approved details and completed prior to first occupation of the development.

**REASON**

To preserve and enhance the character and appearance of the conservation area.

11. Prior to the commencement of the development, full details of the new brick wall and railings shall be submitted to and approved in writing by the local planning authority and samples of the bricks and copings to be used shall be provided on site for the inspection by and approval in writing of the local planning authority. Prior to commencement of the development details of the gates shall be submitted and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with approved details and completed prior to first occupation of the development.

**REASON**

To preserve and enhance the character and appearance of the conservation area.

12. External materials and finishes, other than those required to be agreed in conditions 10 and 11, shall match the existing properties.

**REASON**

To ensure the satisfactory appearance of the development and conservation area.

13. Prior to commencement of the development, a Construction Environmental Management Plan shall be submitted to the Local Planning Authority for approval in writing which shall include:

- A method statement for the protection of bats if encountered on site;
- Details of the use of sensitive lighting measures in respect of light sensitive species during construction activities.

The development shall be carried out in accordance with the approved details.

**REASON:**

To ensure the ecological interests of the site those of local ecological networks are maintained in accordance with Local Plan policy 29.

14. Within one month of the commencement of the development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site and photographic evidence of the installation of such measures shall be provided to the local planning authority prior to first occupation of the site: :

- Provision and installation of 2 swift bird boxes at a height and orientation as advised by a suitably experienced ecologist
- Provision and installation of 1 Beaumaris Wood Stone bat box or similar at a height and orientation as advised by an suitably experienced ecologist

**REASON**

To ensure the ecological interests of the site and those of local ecological networks are maintained in accordance with Local Plan policy 29

15. Prior to the occupation of the development hereby approved, the existing dropped kerbs where the existing accesses are closed shall be reinstated as full height kerbs, in a manner to be approved by the Local Planning Authority.  
REASON  
In the interests of road safety, and to create additional space for on street parking.
16. 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 policy 13 of the Doncaster Local Plan.
17. No development shall take place before a method statement for the demolition of the outbuilding and the construction of the development hereby approved has been submitted to, and approved in writing by the Local Planning Authority. The demolition shall be carried out in accordance with the approved method statement.
- Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheelcleaning facilities during the demolition, any excavation, site preparation and the construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.  
REASON  
To ensure that the building is demolished and disposed of in a suitable manner.

## **INFORMATIVES**

01. The applicant is advised to seek to implement security measures into the development in order to achieve the 'Secured By Design' accreditation from South Yorkshire Police.
02. 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. As outlined within the Planning Application, the waste shall be disposed of via weekly waste collections as part of the block management responsibilities via a contract with a local waste recycling company. This company will also supply six 1100L bins and these shall be stored at the rear of the site. Furthermore this solution offers a far more frequent collection waste, helping to mitigate waste build up. Both leases and tenancies will preclude owners and tenants from ordering council bins. Doing so would break the terms of their respective contracts and as such initiate enforcement action such as forfeiture of the leasehold by the apartment owners and eviction of the tenant. This will help maintain the proposed waste management plan

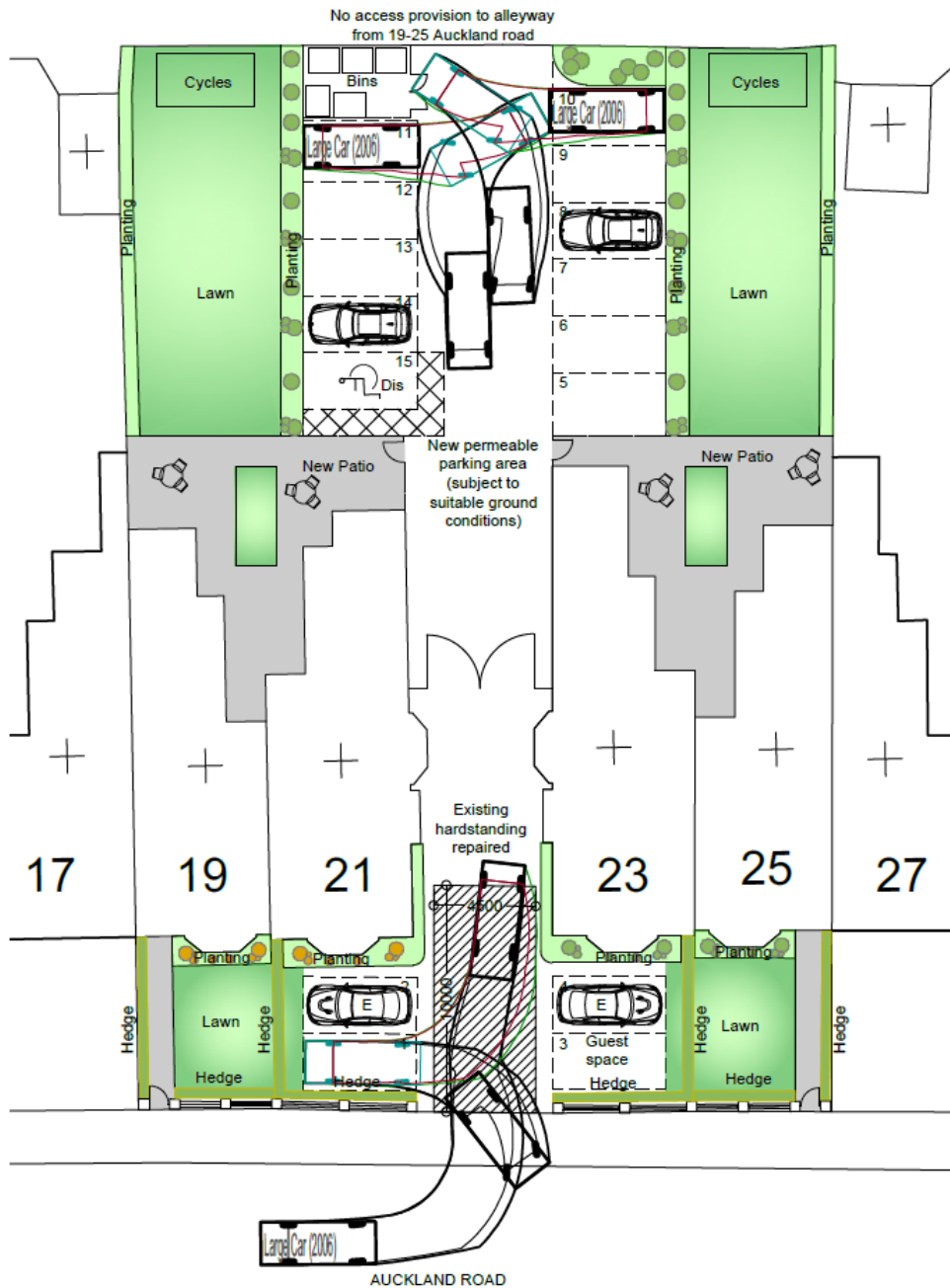


In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Amendments to the design and additional information in relation to highways, trees, noise and ecology.

**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



**LANDSCAPING**  
Hedgerow - Propose 10% Hazel, 10% Fie 300mm wide with 5 | Planting areas - to b shrubs.

**PARKING**  
Parking spaces desi points for residents | Disabled parking spi

**CYCLE STORAGE**  
Cycle storage to be type of storage to be

Parking spaces designated 'E' to be provided with Electric charging points for residents use.

<b>Application</b>	4.
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<b>Application Number:</b>	21/02348/FULM
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<b>Application Type:</b>	Full Planning
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<b>Proposal Description:</b>	Provision of an extra 163 car parking spaces within the existing distribution complex.
<b>At:</b>	Bawtry Business Park High Common Lane Tickhill Doncaster DN11 9HE

<b>For:</b>	Taurus Two Investment Ltd.
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<b>Third Party Reps:</b>	There have been no representations.	<b>Parish:</b>	Tickhill
		<b>Ward:</b>	Tickhill and Wadworth

<b>Author of Report:</b>	Alicia Murray
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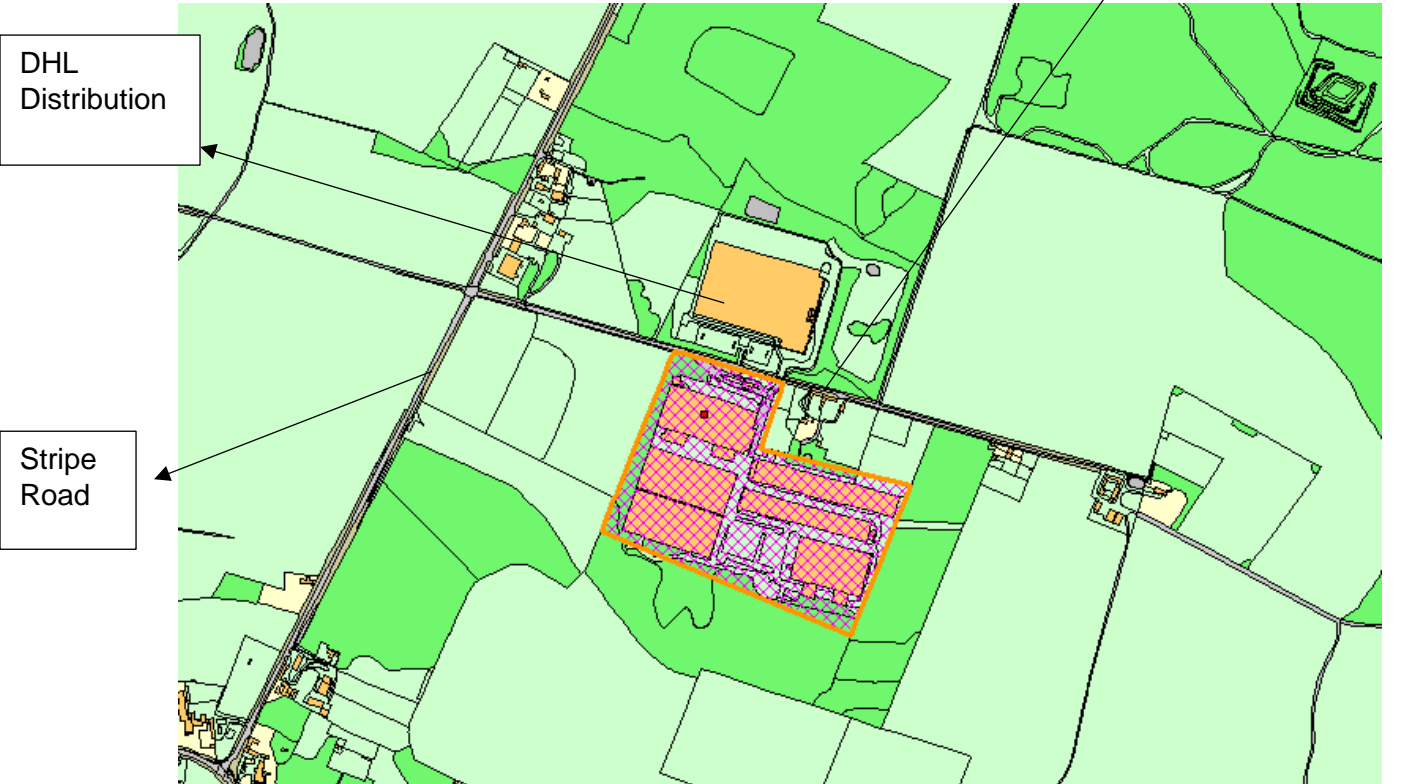
## SUMMARY

The proposal seeks full permission for the provision of an extra 163 car parking spaces within the existing distribution complex, at Bawtry Business Park, High Common Lane.

The site lies within the Green Belt and is being presented to committee as it represents a departure from the Development Plan.

This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to the openness of the Green Belt 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 committee as it represents a departure from the Development Plan.

## **2.0 Proposal and Background**

- 2.1 This application is seeking permission for the creation of an extra 163 car parking spaces within the existing distribution complex.

## **3.0 Site Description**

- 3.1 The site was formerly occupied by DHL distribution but has recently been overtaken by a new distribution company and will operate the site similarly to DHL and distribute hazardous substances and other products nationwide from the site. The additional car parking spaces are required for the new operator's requirements and to accommodate staffing levels.
- 3.2 The site is located on High Common Lane which is predominately occupied by industrial uses, the use will remain as existing and there will be no change of use or other external alterations proposed with this application.

## **4.0 Relevant Planning History**

- 4.1 The relevant planning history is as follows:

<b>Application Reference</b>	<b>Proposal</b>	<b>Decision</b>
21/00972/HAZ	Hazardous Substances Consent	Permission Granted 24.06.21
03/4605/P	Formation of additional car parking spaces.	Application refused 22.10.03, appeal allowed 22.04.04.

- 4.2 The appeal for 03/4605/P was allowed as it was determined that the development would not be inappropriate form of development harmful to the function and purpose of the Green Belt.

## **5.0 Site Allocation**

- 5.1 The site is designated as Green Belt within the Doncaster Local Plan adopted 2021.

## **5.2 National Planning Policy Framework (NPPF 2021)**

- 5.3 The National Planning Policy Framework 2021 (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 55 - 56 states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.7 Paragraph 57 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.
- 5.8 Paragraph 130 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.
- 5.9 Paragraph 148 of the NPPF states that any LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.10 Paragraphs 149 and 150 of the NPPF outline certain forms of development which are not considered to be inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it.
- 5.11 Paragraph 174 states decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 5.12 Local Plan**
- 5.13 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for

Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:

- 5.14 Policy 1 sets out the Borough's settlement hierarchy, seeking to preserve the openness and permanence of Doncaster's Green Belt. Within the Green Belt, national planning policy will be applied including the presumption against inappropriate development except in very special circumstances.
- 5.15 Policy 13 seeks to promote sustainable transport within new developments.
- 5.16 Policy 29 seeks to protect the Borough ecological networks.
- 5.17 Policy 30 deals with the need to value biodiversity.
- 5.18 Policy 32 states that the design process should consider woodlands, trees and hedgerows.
- 5.19 Policy 46 states that all non-residential and commercial developments must be designed to be high quality, attractive, and make a positive contribution to the area in which they are located by meeting a number of requirements.
- 5.20 Policy 48 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
- 5.21 Policy 55 deals with the need to mitigate any contamination on site.
- 5.22 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.23 Policy 57 deals with the need to consider flooding.
- 5.24 Policy 58 deals with low carbon and renewable energy within new developments.

**5.25 Other material planning considerations and guidance**

- 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 (as amended) by means of site notice, council website, and press advertisement. The application has been advertised as a departure.
- 6.2 No representations have been received.

## **7.0 Parish Council**

- 7.1 Tickhill Parish Council have outlined that they are neutral on this planning application.

## **8.0 Relevant Consultations**

- 8.1 HSE – Do not advise against development.
- 8.2 Highways DC – Outlined a number of concerns with the manoeuvrability around the site, parking layout and access/egress. Amended plans have been submitted and reviewed by the Highways Officer, the amended plans and confirmation of details is considered acceptable; the highways officer has requested the arrows on the circulation plan are made clearer and this should be completed before the committee date. However overall there are no objections to the proposal and no concerns relating to highway safety subject to conditions.
- 8.3 Transportation – Requested an increase in the number of cycle storage, an amended plan has been submitted showing an increase in cycle storage and the Transportation Officer has reviewed the amendments and considers the proposal acceptable, subject to the finer details of the storage being secured via a condition. The Transportation Officer has requested a condition in relation to EV charging points, which has been added to the decision notice.
- 8.4 Trees – Overall, there is no objection to the proposal from a trees and hedgerows perspective providing ecology are satisfied as well. The Tree Officer has requested a series of conditions which will be added to the decision notice.
- 8.5 Ecology – Does not have any significant objections to the proposals as there would be no loss of any priority habitats nor any significant impacts upon protected species. Before the application is determined the Ecology Officer requires the submission of a biodiversity net gain assessment using DEFRA metric 3 to be submitted in the original Excel workbook format. The Biodiversity Net Gain Assessment has been provided and reviewed by the Ecology Officer, the assessment is considered to be satisfactory subject to conditions regarding the provision of the units.
- 8.6 Highways Network Management – No comments received.
- 8.7 Drainage – Objects to planning application, as all surface water run-off from the site, excepting roof water, should be discharged to the public surface water sewer/land drainage system or highway drain via a suitable oil/petrol/grit interceptor. It is considered that other details for surface water discharge are required via a condition, the details of the interceptor would form part of those details and would not be unreasonable to be secured via a condition also. The applicant has requested that all drainage details are secured via conditions and it would be unreasonable to delay the decision on



this basis when the details can be secured via a pre-commencement condition.

- 8.8 Contaminated Land – No comments received.
- 8.9 Air Quality – Requested an air quality screening be submitted. This has been provided and reviewed by the Air Quality Officer, the air quality assessment submitted states there would be no breach of the extant air quality regulations nor is there any increase in pollution concentrations and thus a damage cost calculations is not required. The Air Quality Officer has stated that the application offers the opportunity for electric vehicle charging points and a condition is requested to secure this.
- 8.10 Yorkshire Water – No comments received.
- 8.11 Severn Trent – No comments received.
- 8.12 Yorkshire Wildlife Trust – No comments received.
- 8.13 Environment Agency – No comments received.
- 8.14 Environmental Health – No objections.
- 8.15 Public Health – Reiterated comments made by the Transportation Officer and has requested additional cycle storage be provided. Refer to the Transportation Officers final comments.
- 8.16 Ward Members – No comments received.

## **9.0 Assessment**

- 9.1 The principal issues for consideration under this application are as follows:
  - Principle of development;
  - Impact on setting of a listed building
  - Impact on residential amenity & quality of life
  - Highway safety and traffic
  - Ecology
  - Trees and landscaping
  - 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
- No

#### Principle of development

- 9.3 As stated in the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 147). This is reinforced by Policy 1 of the Local Plan. It is further stated in the NPPF (para 148) that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'
- 9.4 Paragraphs 149 and 150 of the NPPF outline certain forms of development which are not considered to be inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. However, the proposed creation of car parking for an independent business is not listed within paragraphs 149 or 150. Therefore, the proposal would constitute inappropriate development within the Green Belt and 'very special circumstances' are required to justify this proposal in line with paragraph 148 of the NPPF.
- 9.5 The case officer has requested that 'very special circumstances' be submitted and these have been outlined as the following: The storage and distribution units at the site will now be used by a diverse range of Class B8 operations as opposed to a single user as before. The necessity to ensure staff can access and support operations at the site is key to the business success. The provision of the parking spaces will be vital for the continued support of the new operative requirements and support the multiple operators on the site. Which without the provision proposed, the multiple operators would struggle to operate efficiently due to car parking provision as required. Furthermore, the site will be open and used on a 24/7 basis, meaning that economic viability will be optimised with this proposal as it allow all employees and visitors to adequately access and park at the site. Finally given the 24/7 operations of the site, it is essential to offer secure parking within the confines of the site boundary; which in turn will prevent further on street parking which can harm the character of this rural location and have a greater impact on the openness of the Green Belt.
- 9.6 The proposal is to reconfigure and create additional car parking to support the staff and operatives within an existing industrial site, continuing to support the economic benefits of this site; there would be no extension to the curtilage of the site, and the additional parking will be contained within the existing site boundary, predominately located behind existing built form or immediately next to built-form. The proposal would not conflict with the purpose of the land as its use would remain and given the fact there is no extension into the Green Belt and the car parking will be low lying and screened by new and

existing landscaping (discussed further into the report), it is considered the proposal would not harm the openness of the Green Belt and there would be no other harm resulting from the proposal, as discussed in greater detail below.

- 9.7 Therefore the very special circumstances are justified and the proposal would not harm the openness of the Green Belt nor conflict with the land use. Whilst the development does constitute inappropriate development within the Green Belt, the proposal is considered to meet paragraph 148 of the NPPF.

### Sustainability

- 9.8 The National Planning Policy Framework (NPPF 2021) 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, 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**

### Impact on Residential Amenity

- 9.10 Paragraph 130 (f) of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy 46 of the Local Plan supports non-residential, commercial and employment proposals which are designed to have no negative effects upon the amenity of neighbouring land uses or the environment.
- 9.11 The proposal is not for a change of use of land nor would it result in an increased intensification of the use of the site by the operator. The proposal would be in conjunction with the existing use of the site and therefore not harm the amenity of the neighbouring residential properties any further than the existing use.
- 9.12 The additional lighting will be minimal, hooded and be fitted with motion sensors for use at night times to reduce the impact to the neighbouring land uses.

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

- 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, and the proposal is considered to accord with paragraph 130 of the NPPF and Policy 46 of the Local Plan.

## **9.14 ENVIRONMENTAL SUSTAINABILITY**

### Impact upon the openness of the Green Belt

- 9.15 Paragraph 150 of the NPPF and Policy 1 of the Local Plan require proposals to preserve the openness of the Green Belt and not to conflict with the purposes of including land in it. The impact of the proposal on the openness of the Green Belt is therefore of paramount importance when considering if the proposed change of use is acceptable.
- 9.16 Although it is expected that there will be some new hardstanding to form the car parking spaces to the north of the site, the area of the site which will accommodate vehicle parking and turning is mostly hard surfaced, as such there is no greater harm to the openness of the Green Belt.
- 9.17 It could be considered that the parking of vehicles on the site could affect openness, however these are not in situ permanently so when the premises is not in use, there can be little change expected from the current situation. Furthermore, the site has an existing employment use and the site is concealed from the wider area by the existing built form.
- 9.18 There is negligible impact on the openness of the Green Belt from the proposed access widening, the site is currently a prominent feature in this location, and therefore it is not the case that it would open up views of the site.

### Design and impact on character of the area

- 9.19 Paragraph 130(a) states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, part (c) seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 9.20 Policy 46 of the Local Plan in part (A) requires parking, servicing and storage areas to be located unobtrusively and to reduce their visual impact through landscaping and boundary treatments. Developments should also be well landscaped, include provision of amenity areas for occupiers, visitors or workers, and ensure good quality external works are co-ordinated across the site.
- 9.21 The proposed additional car parking would be constructed with Ecoblock to minimise the impact to the existing landscaping. The new pedestrian link areas will also be created in the Ecoblock material. This material will be sensitive to its location and be appropriate to provide a good surface for vehicles whilst also ensuring the protection of the existing landscaping which in turn preserves the character of the area.

- 9.22 The proposal does include additional lighting which will be optically set to only direct light where required, minimising the impact on this Green Belt location. The lighting will be hooded and shall use motion sensors over the night time period to only allow luminance when required.
- 9.23 The development therefore complies with the above policies.

#### Impact on Highway Safety

- 9.24 In accordance with NPPF paragraph 111, 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. Policy 13 of the Local Plan states that the Council will work with developers to ensure that access to the development can be made by a wide choice of transport modes, including walking, cycling, and the private car, and public transport where appropriate; appropriate levels of parking provision should be provide in accordance with the standards sets by appendix 6 of the Local Plan. Policy 13 also re-iterates paragraph 111 of the NPPF in that development should not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developers must consider the impact of new development on the existing highway and transport infrastructure.
- 9.25 Policy 13 of the Local Plan states that new developments shall make appropriate provision for access by sustainable modes of transport to protect the highway network. Sufficient parking should be provided in line with the standards contained within appendix 6 of the Local Plan and provide access to a wide choice of transport modes including walking and cycling. Furthermore, development does not result in unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developers must consider the impact of new development on the existing highway and transport infrastructure.
- 9.26 Amended plans have been submitted to provide additional details and to ensure the parking layout is safe for all vehicles accessing the site and the associated pedestrian movements. The Transportation Officer considers the development to be acceptable subject to conditions relating to details of both the cycle storage and EV charging points being provided prior to occupation. The Highways Officer is satisfied that the development is safe for both vehicles and pedestrians subject to a number of conditions relating to gated access, and appropriate signage around the site for vehicle movements. The proposal includes the provision of a wide choice of transport modes and does not result in an unacceptable impact on highway safety.
- 9.27 The development therefore complies with the above policies.

#### Flooding and Drainage

- 9.28 The application site lies within an area designated as Flood Risk Zone 1 and has a low probability of flooding. Policy 56 of the Local Plan requires

development sites to incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities. Paragraph 167 of the NPPF states that where appropriate, applications should be supported by a site-specific flood risk assessment. Paragraph 168 states that applications for some minor development and changes of use should not be subject to the sequential test or exceptions tests but should still meet the requirements for site-specific flood risk assessments (set out by the NPPF). The site is greater than 1 hectare and in Flood Risk Zone 1.

- 9.29 A Flood Risk Assessment has been submitted. As the proposal is within flood zone 1, a sequential test is not required, and the proposed use falls under a less vulnerable use, therefore there is no greater vulnerability and an exceptions test is not required.
- 9.30 The Council's Drainage Engineer, and Yorkshire Water have all been consulted on the proposal, Yorkshire Water have no objections to the proposal. The Drainage Engineer did request details of interceptors to be provided but this is considered to be a detail which can be achieved via condition, given other drainage conditions are required for the details of the surface water discharge. The applicant has requested that this detail be secured via condition and it is not considered unreasonable for this to be done.
- 9.31 As such, in accordance with Policy 56 and the NPPF, it is not considered that there are any flooding or drainage issues which would prevent approval of the application, which carries considerable weight.

#### Trees and Landscaping

- 9.32 Paragraph 174 (b) states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Policy 32 of the Local Plan states that proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be a presumption against development that results in the loss of deterioration of ancient woodland and/or veteran trees. Part D requires proposal to include sufficient provision of appropriate replacement planting where it is intended to remove trees and hedgerows.
- 9.33 The Tree Officer has reviewed proposed plans which does result in the removal of trees to accommodate the development, however the trees to be removed are Silver Birch Trees which are of a low arboriculture value and in terms of landscape provide screening to the site as part of the wider block around the site. As a result the impact of the tree loss may be more ecological than arboricultural. The Landscape master plan submitted shows planting that once established will form dense and broad block of trees which will match what is on

site at the moment but would consist of much more species variety. The proposal includes heavy standard trees to preserve the bat corridor. It is acknowledged that in the short term there will be a noticeable impact at the site, but once established the landscaping scheme will be an improvement to the existing situation. The Tree Officer has requested a series of conditions relating to tree surgery works, tree protection, and landscaping planting to be as shown on submitted plans.

#### Ecology and Wildlife

- 9.34 Paragraph 174 part (a) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. Policy 29 of the Local Plan seeks to deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks by (A) being of an appropriate size, scale and type in relation to their location within and impact on the ecological network.
- 9.35 Consultation has taken place with the Council's Ecologist and following the submission of concluding ecological information there are no ecological objections.
- 9.36 There is a requirement for Bio-diversity Net Gain to be provided on site to negate the impact of the development, therefore a Bio-diversity Net Gain Assessment has been submitted. The Ecology Officer is satisfied with the assessment and considers the landscaping scheme to deliver the majority of the BNG units required. However, 0.76 units are required to achieve the 10% net gain; which can be secured via appropriately worded conditions for the delivery. The proposal is considered to be compliant with Policy 30 of the Local Plan. The proposal includes a lighting scheme which has also been reviewed by the Ecology Officer, it is considered that the scheme is sympathetic to its rural location with the type of lighting proposed, the Ecology Officer has requested a condition relating to the lighting. The Ecology Officer does not consider the development to harm any protected species or result in the loss of any priority habitats; the development is considered to be in accordance with Policy 29 of the Local Plan, subject to conditions.
- 9.37 As such, there is no conflict with paragraph 174 of the NPPF or Policy 29 and Policy 30 of the Local Plan.

#### Pollution

- 9.38 Consultation has taken place with the Council's Pollution Control team in respect of contaminated land and air quality. Additionally given the site and the neighbouring site do house hazardous substances, the Health and Safety Executive (HSE) have been consulted.
- 9.39 The HSE do not advise against the development and the provision of additional car parking should not impact the operations or safety of the hazardous substance storage nor will it impact the safety measures in place.

9.40 The Air Quality Officer has reviewed the Air Quality Assessment and is in agreement with the findings within the assessment but has outlined that the development provides opportunity to provide electric vehicle charging points, which has been included as a condition.

9.41 The proposal is therefore considered to accord with policies 54 and 55 of the Local Plan.

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

9.42 Para.8 of the NPPF (2021) 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.

9.43 In conclusion of the environmental issues, it is considered that issues in relation to trees, ecology, highways, flood risk and drainage and pollution have been overcome subject to suitably worded conditions. Collectively these issues weigh significantly in favour of the application. Overall therefore, the proposal is considered to balance positively in relation to environmental matters.

#### **9.44 ECONOMIC SUSTAINABILITY**

9.45 Para 8 a) of the NPPF (2021) 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.

9.46 The additional car parking spaces are required for both the existing staff of the employment use on site and the movement of operations from one company to multiple companies operating within the same buildings on site. Whilst the economic benefit of the proposal is minimal 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.

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

9.47 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, the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh any benefits identified when considered against the policies in the NPPF taken as a whole. It is considered that subject to the recommended conditions, there are no material considerations which indicate the application should be refused.
- 10.2 The proposal will allow for additional car parking to be provided to facilitate the staffing levels for the existing employment site and very special circumstances have been provided to justify the proposal. There are no other external alterations proposed to the existing built form, no expansion to the existing site curtilage, and finally the car parking will be screened by landscaping and existing built form. As such there is no harm to the openness of the Green Belt and the proposal does not conflict with the purposes of including land within it.
- 10.3 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.

## 11.0 RECOMMENDATION

Planning permission be **GRANTED** subject to the following 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 of the Town and Country Planning Act 1990 (as amended).
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:
- Circulation Plan - amended 23.11.21
  - Car Park Layout Plan - amended 23.11.21
  - Concrete Slab Layout - received 23.07.21
  - Construction Details - received 23.07.21
  - Drainage General Arrangement Plan - received 23.07.21
  - Landscaping Strategy - amended 23.11.21
  - Landscaping Masterplan and Planting Plan - received 23.07.21
  - Location Plan - received 23.07.21
  - Site Plan (General Masterplan) - amended 23.11.21
  - Site Plan (external works general arrangement) - received 23.07.21
  - Retained and Removed Tree Plan - amended 23.11.21

REASON

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

03. 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 development shall not be brought into use 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.

04. Tree surgery work and removal shall be carried out in accordance with the approved plans and particulars (TREE PROTECTION PLAN SHEET 1 and 2, reference number HCB 08) that has been submitted and approved by the Local Planning Authority. Any tree surgery work, maintenance and removal shall comply with British Standards Specification No.3998:2010 Tree Works Recommendations and unless otherwise agreed with the District Planning Authority shall be completed before the development commences.

**REASON:**

To ensure satisfactory landscape treatment of the site and to ensure protection during construction works of trees which are to be retained on or near the site in order to ensure that the character and amenity of the area is not impaired. To comply with Policy 32 of the Local Plan.

05. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars (TREE PROTECTION PLAN SHEET 1 and 2 reference number HCB 08) immediately after the facilitation tree works/tree removal and 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 protection during construction works of trees which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. To comply with Policy 32 of the Local Plan.

06. The planting scheme hereby approved in writing by the Local Planning Authority, shall be implemented in the first available planting season after commencement of development in complete accordance with the approved plans and particulars (LANDSCAPE MASTERPLAN AND

PLANTING PLAN reference number HCB 07A REV -). The Local Planning Authority shall be notified in writing within 7 working days of completion of the landscape works to the required standard (BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and the completion shall be subsequently approved in writing by the Local Planning Authority. The approved scheme shall be maintained for a minimum of five years in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and the details on the approved plans and particulars. Any landscape which is defective, damaged or removed within five years of establishment shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

**REASON:**

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policy 33 of Doncaster Local Plan.

07. All surface water run-off from the site, excepting roof water, shall be discharged to the public surface water sewer/land drainage system or Highway Drain via a suitable oil/petrol/grit interceptor. Details of these arrangements shall be approved by the Local Planning Authority prior to the commencement of the development and they shall be fully operational before the site is brought into use.

**REASON**

To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policy 56 of Doncaster Local Plan.

08. 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 and for the lifetime of the development.

**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 13 of the Doncaster Local Plan.

09. Prior to the commencement of development a Management Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management Plan shall detail the following:

- An adaptive management plan based on the Landscaping Masterplan (drawing HCB 07A) for the site, detailing the management measures to be carried out on the site in order to achieve the target conditions proposed for each habitat parcel in the

submitted DEFRA metric 2.0 High Common Lane Bawtry  
03/07/2021

- Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved.
- A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.
- That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 3, 5, 10, 15, 20, 25 and 30) immediately following habitat creation.
- Data will be provided in an agreed standard format to allow for collation into a district-wide biodiversity network database.
- Once approved in writing the management measures and monitoring plans shall be carried out as agreed.

#### REASON

To ensure the habitat creation on site and subsequent management measures are sufficient to deliver a minimum biodiversity net gain in biodiversity as required by the Local Plan Policy 30B

10. Not to commence the development (including the carrying out of any excavation works) until a Biodiversity Offsetting scheme containing details of the required number of Bio-diversity Units to be delivered off-site has been submitted to and approved in writing by the Local Planning Authority. Off-site delivery shall be provided via arrangements with a third party provider. Details of the off-site scheme shall include the following:
  - o Details of agreements and evidence of contract(s) having been entered into with third parties for the delivery of the required biodiversity net gain offsetting of 0.76 Biodiversity Units
  - o An adaptive management plan for the site detailing the management measures to be carried out to achieve target habitats and conditions according to DEFRA metric 2.0 habitat trading rules.
  - o Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved.
  - o A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.
  - o That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 3, 5, 10, 15, 20, 25 and 30) immediately following habitat creation.
  - o Data will be provided in an agreed standard format to allow for collation into a district-wide biodiversity network database.

Once approved in writing the agreed Biodiversity Offsetting scheme shall be implemented in accordance with the submitted details.

Alternatively, no development shall commence (including the carrying out of any excavation works) until a Section 106 agreement has been entered into requiring payment of a contribution for off-site delivery of 0.76 Biodiversity Units.

**REASON**

To comply with Policy 65 of Doncaster Local Plan and the requirements of the NPPF.

11. 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.

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

**REASON**

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

14. 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.

15. No construction works shall take place until full details of offsite highway works have been submitted to and agreed in writing by the Local Planning authority within a Construction Traffic Management Plan. The development shall be carried out in accordance with the agreed details and cover the following points, expanded on as required:

- Volumes and types of construction vehicles
- Identification of delivery routes;
- Identification of agreed access point
- Contractors method for controlling construction traffic and adherence to routes
- Size, route and numbers of abnormal loads
- Swept path analysis (as required)
- Construction Period
- Temporary signage
- Wheel Wash facilities
- Timing of deliveries

#### REASON

In the interests of highway safety.

#### INFORMATIVES

01. Please be aware that this decision does not constitute an exemption under the Wildlife and Countryside Act 1981 (as amended). It is an offence to disturb nesting birds or bats and their roosts even when not in use. The felling or pruning of trees or removal of climbing plants such as ivy should not be carried out unless it has been verified that no bat roosts or active bird nests are present within the tree.

#### 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: To overcome concerns raised by Ecology, Highways, and Air Quality.

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 2: Site Plan



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<b>Application</b>	<b>5.</b>
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<b>Application Number:</b>	21/02966/FUL
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	Running of child-minding business from residential property (retrospective)
<b>At:</b>	41 Lower Pasture Finningley Doncaster DN9 3RF

<b>For:</b>	Mrs V Aldridge
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<b>Third Party Reps:</b>	6 objectors, 27 supporters	<b>Parish:</b>	Blaxton Parish Council
		<b>Ward:</b>	Finningley

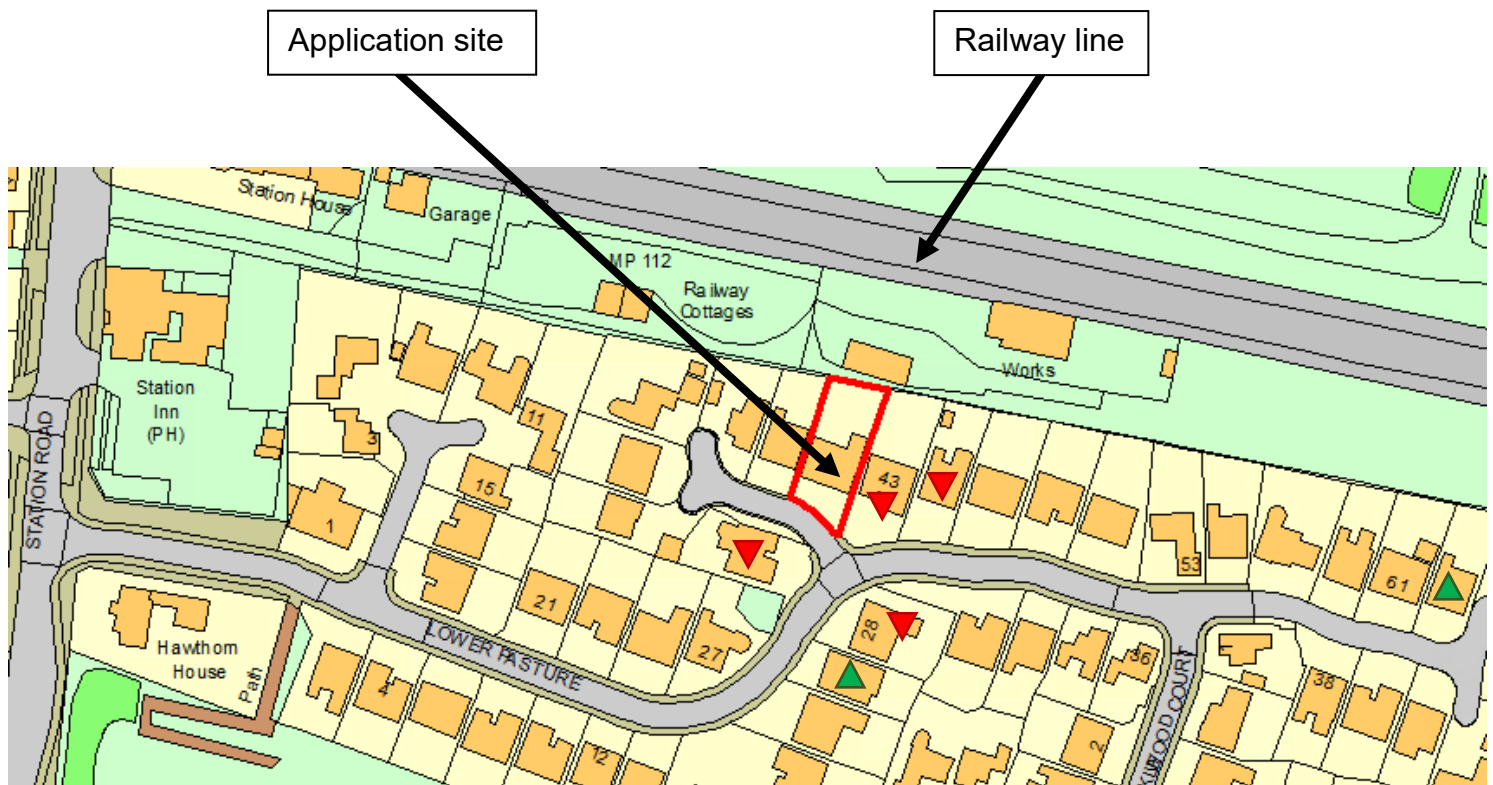
<b>Author of Report:</b>	Jacob George
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## SUMMARY

This application seeks retrospective planning permission for the running of a child-minding business from an existing detached residential dwellinghouse. At present, the child-minding business looks after in excess of 40 children, with up to 16 children present at any one time. The applicant has two part-time assistants, and the child-minding business operates between the hours of 07:15 to 18:00 on Mondays to Fridays. There are two off-street parking spaces for drop-offs and collections, in addition to the two spaces available for cars owned by the applicant's family.

The Council's Environmental Health and Highways teams consider that, without strict controls, the child-minding business has the potential to cause noise disturbance to residential neighbours, as well as highway safety issues through parking and traffic congestion. Whilst the applicant has expressed a willingness to implement mitigation measures, the extent of controls deemed necessary to minimise the impact of the child-minding business are not considered to be legally enforceable or to meet the tests for planning conditions in terms of reasonableness. On balance, it is therefore recommended that members resolve to refuse planning permission.

**RECOMMENDATION: REFUSE planning permission**



- ▼ - indicates addresses of objectors to the planning application
- ▲ - indicates addresses of supporters of the planning application (addresses of other supporters are located outside the area covered by this map)

## **1.0 Reason for Report**

- 1.1 This application is being presented to Planning Committee due to the level of interest expressed by neighbouring residents and other members of the public.

## **2.0 Proposal**

- 2.1 Planning permission is sought for the running of a child-minding business from the existing detached residential dwellinghouse at 41 Lower Pasture.
- 2.2 According to the information provided by the applicant, the child-minding business looks after in excess of 40 children at present, although not all children are present at any one time, with the busiest period involving 16 children being present at once. The applicant has two part-time child-minding assistants, and the child-minding business operates between the hours of 07:15 to 18:00 on Mondays to Fridays. The business operates during school holidays as well as term-time, but at a reduced capacity during holidays.
- 2.3 Time charts provided by the applicant show the busiest term-time periods to be between 07:15 and 08:40 (when children arrive to be taken to school by the child-minder, and there may be between 7-11 children present at once), and between 15:30 and 17:30 (when children are collected from school and sometimes given dinner, and there may be between 7-16 children present at once). In between the busy morning and afternoon periods, there are generally 2-5 children present for the rest of the day.
- 2.4 There are two off-street parking spaces for drop-offs and collections of children in addition to the two spaces available for cars owned by the applicant's family, as the entirety of the front garden has been hard surfaced under permitted development rights. According to an indicative time chart provided by the applicant, representing vehicular movements during the week beginning 8<sup>th</sup> November, the busiest period for vehicular movements was a Tuesday morning, when seven vehicular drop-offs occurred between 07:15 and 08:30.
- 2.5 Whilst the applicant has provided indicative time charts for information purposes, members are advised to acknowledge that, due to parents' childcare needs invariably fluctuating according to factors such as their shift patterns, the day-to-day operations of the business are dynamic according to families' requirements.
- 2.6 No physical alterations, extensions or other operational development are proposed in connection with the child-minding business. This planning application relates only to the change of use.

## **3.0 Site Description**

- 3.1 The application site is a detached two-storey four-bedroom house located on the north side of Lower Pasture, Finningley, accessed off a cul-de-sac section of the street. The neighbourhood is a modern late-20<sup>th</sup> century housing estate characterised by dwellings organised in an informal layout with traditional-style

architectural features. Most dwellings are detached, but with little physical separation between the buildings. Front boundaries are generally open, with few walls or fences.

- 3.2 Whilst the main section of Lower Pasture has tarmac pavements and on-street parking, the cul-de-sac section of the street is narrower, with front property boundaries abutting the highway separated only by a small section of block paving, and no formal pavements. The cul-de-sac is not wide enough to accommodate on-street parking.
- 3.3 No. 41 is a red brick building with timber features on the front-facing gables, decorative yellow brick courses, bay windows, and an integrated garage. The original block paved driveway in front of the garage is wide enough for two cars, and the remainder of the front garden has been gravelled in place of the original lawn, so as to create two additional parking spaces. A tiered garden of approximately 175 square metres is located to the rear of the house.

#### **4.0 Relevant Planning History**

<b>Application Reference</b>	<b>Proposal</b>	<b>Decision</b>
03/6719/P	Increase in roof height to provide second floor living accommodation, erection of first and second floor extension to side with pitched roof, erection of pitched roof conservatory to rear and erection of bay window to front elevation of detached house	Granted 10.02.2004
18/01563/PD	Expansion of child-minding business	Permission Required 25.06.2018

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

- 5.1 The site falls within a Residential Policy Area, as defined by the Policies Map of the Doncaster Local Plan (adopted 2021). The site is located in Flood Zone 1 and is not considered to be at high risk of flooding.
- 5.2 National Planning Policy Framework 2021 (NPPF)
- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and outlines how local planning authorities should apply these policies. 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:

- 5.4 Paragraphs 7-11 establish that all decisions should be based on the principle of a presumption in favour of sustainable development (considering the social, environmental and economic pillars of sustainability).
- 5.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permissions in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.6 Paragraphs 55-57 state that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.7 Paragraph 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places.
- 5.8 Paragraph 93 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan for local services to enhance the sustainability of communities and residential environments. Planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 5.9 Paragraph 104(a) states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that the potential impacts of development on transport networks can be addressed.
- 5.10 Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.
- 5.11 Paragraph 112(c) states that applications for development should minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- 5.12 Paragraph 119 promotes 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.

- 5.13 Paragraph 130(f) sets out that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.14 Doncaster Local Plan (adopted 2021)
- 5.15 The Local Plan was adopted by Full Council on 23 September 2021, and now forms part of the development plan for Doncaster.
- 5.16 Policy 10 states that within Residential Policy Areas, 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.
- 5.17 Policy 13 states that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact. The Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards contained within Appendix 6 of the Local Plan. Development should not result in unacceptable impacts on highway safety, or the severe residual cumulative impacts on the road network. Developers must consider the impact of new development on the existing highway and transport infrastructure.
- 5.18 Criterion 2 of policy 46(A) states that non-residential proposals will be supported where they are designed to have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.
- 5.19 Policy 50 states that the Council will improve and promote strong, vibrant and healthy communities by ensuring a high quality environment is provided with local services to support health, social and cultural wellbeing.
- 5.20 Other material planning considerations
- Development Requirements and Guidance Supplementary Planning Document (SPD) (adopted 2015)
  - South Yorkshire Residential Design Guide 2011 SPD (adopted 2015)
  - National Planning Practice 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 (as amended) as follows:
- Advertised on the Council website
  - Notification letters sent to all neighbouring properties with an adjoining boundary
- 6.2 Objections to the planning application were received from four neighbouring households. Two further objections were received from relations of the



residents of one of these neighbouring properties, but it is considered that these objections should be afforded less weight than the comments received from local residents themselves, given that the impacts of the development predominantly affect only the immediate neighbours on a day-to-day basis. The objections received can be summarised as follows:

- Customers of the child-minding business queue along the driveway, staring into the next-door property and impacting upon privacy
- Customers walk across neighbouring front gardens to access their cars
- Over the past six months, there has been a marked rise in traffic entering the cul-de-sac due to the business
- Increased traffic is impacting upon air quality, and customers leave vehicles running as they drop off their children
- Cars associated with the business park in an unsafe manner
- Visiting cars obstruct neighbours' private driveways
- Noise caused by slamming gates causes a nuisance
- Noise from the narrow pathway to the side of the house causes disturbance to the next-door property
- Gates have been secured to the property unlawfully
- The property is in breach of restrictive covenants
- The early opening times cause disruption to neighbours' sleep patterns
- The intensity of the operations represent a full-blown nursery, not just a child-minding business
- Visiting cars cause traffic and road obstructions
- When visiting a friend at a neighbouring property, it has been impossible to park outside due to the cars dropping off children at the child-minding business
- The noise coming from 41 Lower Pasture is unacceptable for a residential area
- Cars parking on the corner create a blind corner which is dangerous for residents entering or leaving the estate
- Parents and children create noise disturbance through slamming car doors
- Children are noisy in the garden and play ball games against the garden boundary wall
- The choice of location is not appropriate or suitable for child-minding
- There are alternative local childcare facilities available
- The business causes disturbance to everyday life
- The number of representations made by parents is an indication of the large scale of the childminding business
- The opening hours of the business are unsociable
- Over the last two years, there has been an increase in the number of parents dropping off and collecting children from the house
- Physical changes to the house do not have planning permission
- Parked cars on the pavement have increased in mornings and evenings
- Alternative premises are available outside the residential estate
- Children are being dropped off and collected on an unsafe bend

- 6.3 Matters relating to highway safety and residential amenity, including noise disturbance to residential neighbours, are discussed in the Assessment section of this report (section 9).
- 6.4 The presence or lack of alternative facilities and/or premises is not a material consideration, as the planning application must be assessed on its own merits based on the context of the application site. Any covenants on the property are a legal matter separate to the planning assessment, and are not taken into account. The behaviour of individual parents, such as those said to be leaving car engines running, cannot be controlled by the planning system. To the best knowledge of the local planning authority, no physical alterations or extensions to the property which might require planning permission have been undertaken without consent.
- 6.5 27 comments have been received in support of the planning application. With the exception of three supportive comments from local residents on the estate, and one supportive comment from a person that previously resided in the property next door to the application site, all supportive comments are from parents of children cared for by the applicant's business. It is considered appropriate to afford the most weight to comments from neighbouring residents, with that weight being greater or lesser depending on proximity to the application site. Comments from parents are taken into consideration, given that the planning system supports the availability of essential local facilities (such as childcare) to serve communities, but it must be acknowledged that parents are likely to have a personal interest in the continuation of the child-minding business, and that they may not be as acutely aware of the everyday impacts of the child-minding business for residents on the street. Comments from ex-neighbours hold limited weight, as the childminding business has grown in recent years (as acknowledged in the applicant's planning statement). Representations in support of the application are summarised as follows:
- The applicant goes above and beyond in her care for the children
  - The child-minding service has been vital for key workers
  - If the business were to close, children may need to move school as the school drop-off service would be lost
  - The business is irreplaceable
  - The applicant is incredible at her job and flexible in her childcare provision
  - The idea of restricting a small business from a residential property is an archaic and outdated notion
  - Covid-19 has forced workers to seek local childcare support
  - The business offers huge support for working professionals in the area and boosts economic growth
  - The business does cause any traffic problems
  - The proposal does not give rise to any environmental issues (such as the storage of potentially hazardous chemicals or air pollution)
  - The business gives prosperity and wealth to the area
  - The loss of the service would cause erosion of community spirit and a strain on mental health

- There is only one other child-minder in Finningley, who is currently full
- Without the child-minding service, parents would be unable to work
- Parents rely heavily upon the service
- Children adore the child-minder
- The child-minding setting is welcoming and homely
- School does not provide sufficient wrap-around cover for working parents
- The applicant has years of experience in child-care
- The availability of the service helps with mental health
- The withdrawal of the child-minding provision would be unsettling for children currently in the applicant's care
- The child-minding service enables children to socialise together
- A standard nursery isn't an option due to start and finish times
- This is the only child-minder with the flexibility to work around parents' shifts
- The service of walking children to school reduces car journeys, promoting a healthy lifestyle and being better for the environment
- Parents have been told they can only park in the allocated spaces to the front of the property
- There is no issue with parking and the area is not overcrowded
- The applicant's services were essential during lockdown
- Numerous provisions have been made to ensure ease of access
- Many parents walk, and parents collect their children in a staggered nature
- Cars relating to the applicant's property are never parked on the road
- Children have formed a bond with the child-minder
- Cars never cause obstructions
- When previously living next door, noise disturbance was never an issue
- The needs of the many parents using the service outweigh those few aggrieved neighbours
- Everyone spoken to in the estate has no issues with the business
- Being a neighbour, there has never been any experience of disruption through noise or cars
- Noise comes from trains and planes, not from children
- Parents, carers and neighbours always respect speed limits
- The business supports parents working from home

6.6 Comments defending the business in terms of supposed parking and noise disturbance are related to material planning considerations discussed in section 9 below. The application must be considered on its own merits based on the site context, and the availability of alternative childcare is not directly relevant. However, the community benefits of the proposal in terms of providing a childcare service are a material planning consideration, discussed below. Comments relating to the applicant in a personal capacity, or celebrating her skills as a child-minder and her connection with the children, cannot be taken into account in decision-making. Planning permission applies to the site rather than the specific applicant, and the proposal is assessed based on the principle of the development rather than the practices of this particular child-minder.

## **7.0 Parish Council**

- 7.1 Blaxton Parish Council have taken a position of neutrality on this planning application.

## **8.0 Consultations**

### **8.1 Environmental Health**

Concerns raised regarding the number of children at the property, as up to 16 children may be present at one time. With the property being detached, problems related to noise are likely to be from when the children are outside.

On the basis that the number of children using the garden and the hours of garden use cannot be restricted by condition, the Chartered Environmental Health Practitioner objects. The number of children at the property, based on the figures supplied by the applicant, would exceed what would be expected as part of normal family occupation, and use of the outside areas is likely to have a detrimental effect on residential amenity due to noise.

### **8.2 Highways Development Control**

A space measuring 12 metres by 5 metres is available for parking at the front of the house. The applicant's family have two cars, leaving two spaces available for the child-minding business.

Although the road to the development is situated on a cul-de-sac, the traffic using the business still needs to be regulated and controlled in a reasonable and practical manner. Young children are likely to be unaware of the risks cars pose. Because of their small stature, children are not easily visible to car drivers. It also means they are more susceptible to head injuries if they were involved in an accident with a car, with a higher risk of fatality than an adult, especially at lower speeds.

To make the proposal acceptable, it would be necessary to condition that 15-minute slots are assigned to each of the two spaces for parents/guardians to drop off and pick up children. This gives enough flexibility for them to arrive and depart, as well as allowing the child/children to exit/enter the car in a controlled manner, allowing for fastening/unfastening of seat belts, unloading of children's bags/equipment, and time to briefly speak with the child-minder.

Any child that arrives on foot or in a pushchair will not need to be assessed in terms of traffic, but this does not mean that they can park on-street close-by and walk. In terms of on-street parking, part-time staff may use this facility but away from the development so as not to interfere with its operation.

The child-minding business will continually change, so these parameters would maintain a reasonable level of control whilst being sympathetic to neighbours and residents so as not to create a nuisance.

After speaking with the Council's legal officer, the planning case officer has come to the conclusion that the conditions requested by Highways Development Control would not meet the tests for conditions set out in the NPPF, and would not be legally enforceable.

Highways Development Control have therefore revisited their comments, and have advised that without any legally enforceable mitigation or control measures in place to regulate drop-offs and pick-ups, the impact on the highway can only be assessed in relation to the worst-case scenario, which would be up to 16 parents potentially arriving at the same time. If this were to occur, there would be a real risk of an adverse effect on the highway, as the surrounding road, cul-de-sac and driveway are not designed to cater for this amount of traffic arriving/departing at a single dwelling at the same time.

### **8.3 Other Consultees**

No comments were received from Ofsted or from DMBC Children and Families.

## **9.0 Assessment**

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

- The Principle of the Development
- Residential Amenity
- Provision of Childcare
- Highway Safety and Parking

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

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

### **The Principle of the Development**

9.3 Whether or not the running of a child-minding business from a residential property requires planning permission is a matter of fact and degree, in terms of assessing whether the development constitutes a material change of use. In some cases, a small-scale child-minding operation can be considered ancillary to the residential use of a dwellinghouse. However, when the child-minding enterprise reaches a scale and intensity at which the property is effectively operating as a business premises to an equal or greater degree than as a residential dwelling, a material change to a mixed-use site will occur, meaning that planning permission is required. A number of factors may contribute to the

consideration of whether the use needs planning permission, including the number of children looked after, number of staff, operating hours, number of vehicular movements created, and how much physical space on the site is taken up by the business as opposed to the use as a residential dwelling.

- 9.4 The nature of the child-minding enterprise at 41 Lower Pasture, as described in information provided by the applicant, has undoubtedly reached a scale at which planning permission is required, as it is a full-time business (07:15-18:00 on Mondays to Fridays) looking after up to 16 children at once and in excess of 40 children overall, with two members of staff in addition to the applicant. This constitutes a material change of use from the singular use of the site as a dwellinghouse to a combination of commercial and residential functions.
- 9.5 The carrying out of development (including a material change of use) without the necessary permission constitutes a planning breach. As set out in section 171 of the Town and Country Planning Act 1990 (as amended), unauthorised development becomes immune from enforcement action if no action is taken within 10 years of a material change of use.
- 9.6 As set out in the applicant's planning statement, child-minding activities at the application site have been taking place for approximately nine years. The applicant has explained to the case officer that when the business first started, there were approximately 12-15 children registered in total, including the applicant's own children, and there was one assistant. The business has grown substantially to its current form today, as there are now over 40 children registered and two assistants.
- 9.7 It is difficult to pinpoint exactly when a 'material change of use' as described above is likely to have occurred. It is also acknowledged that instances of unauthorised development are not always intentional, and sometimes planning breaches may occur due to uncertainty over whether or not permission is actually required. However, in this case, it is certain that the business has been operating from the site for less than 10 years, and so the unauthorised development is not immune from enforcement action and has not become lawful through the passage of time.
- 9.8 Consequently, this planning application seeks retrospective permission for the change of use, in order to regularise the development and continue operating the child-minding activities from the application site without the threat of enforcement action. Although the application is retrospective and the business has been operational for a number of years, it must still be assessed with regard to the relevant planning policies set out above, and the proposal is best considered as a 'new' business for the purposes of the assessment, as if the application had been submitted prior to the change of use occurring. Comments submitted by members of the public in relation to the existing and past operations of the business (both in support and in opposition) are relevant and are taken into account as useful evidence, but the local planning authority must also make a fresh assessment and consider whether it would support the establishment of the proposed child-minding activities at this site as a matter of principle, regardless of the unauthorised site history.

- 9.9 The application site is located in a Residential Policy Area. Policy 10 of the Local Plan states:

*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.*

Accordingly, the acceptability of this application rests upon an assessment of the impact of the change of use upon the residential amenity of neighbouring properties, as well as determining whether or not the business is of an “appropriate scale” for its residential neighbourhood. In this case, noise and traffic/parking are the most relevant aspects of residential amenity to consider. These matters are discussed in detail below.

## **9.10 SOCIAL SUSTAINABILITY**

### Residential Amenity

- 9.11 As set out above, policy 10 of the Local Plan supports non-residential uses in Residential Policy Areas only where they would not cause an unacceptable loss of residential amenity. Criterion 2 of policy 46(A) also states that non-residential and commercial developments should “have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment”. Paragraph 130 of the NPPF states that planning decisions should:

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*

- 9.12 Three of the objections received from neighbouring residents relate explicitly to disturbance to their residential amenity. A further two objections from relations of one of the neighbours also refer to matters of residential amenity, although these are afforded less weight, as those members of the public do not live on the street and would not be expected to experience the impact of the business on a day-to-day basis. Most of the objections relate to noise, although one neighbouring household also cites concerns over privacy, due to children and parents looking into their front windows. It is not considered that the proposal is harmful to neighbouring privacy, as passers-by are always able to look into front windows regardless of whether there may be a neighbouring business use on the street, and the proposal does not impact upon privacy to the rear.
- 9.13 Turning to the issue of noise disturbance, Environmental Health have raised concerns over the number of children cared for at the property, and the associated noise created. The application property benefits from being a detached house, thus limiting transmission of internal noise as there are no party walls shared with neighbouring properties. However, the noise created through outdoor play in the rear garden area on a regular basis could be harmful to the amenity of neighbouring residents.

- 9.14 Environmental Health have discussed the possibility of limiting the total number of children permitted to play in the garden area at any one time, and/or restricting the number of hours for which children may be permitted to play in the garden. The applicant has expressed a willingness to accept planning conditions to this effect, and to manage outdoor noise generation appropriately. However, the local planning authority must have regard to paragraph 56 of the NPPF in considering the use of planning conditions, which states:

*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*

- 9.15 It is not considered that conditions restricting the use of the garden area would meet the tests for conditions set out in paragraph 56. Crucially, such conditions would not be legally enforceable, as it would not be possible to monitor a private garden area, and any complaints from neighbouring residents would be difficult to substantiate with evidence, leading to potential future conflict between the child-minding business and neighbouring residents. The local planning authority would be unable to take any meaningful action against the child-minder should a breach of condition be alleged. Furthermore, such restrictive conditions cannot be considered reasonable, as it would be unfair to force the child-minder to keep large numbers of children inside during the summer months without the opportunity to engage in beneficial outdoor play.
- 9.16 In discussion with the Council's Senior Legal Officer, the case officer has determined that very few possibilities exist for reasonable and enforceable conditions which might effectively limit the intensity of the business and its associated noise generation. The conditions which could be applied in this case are limited to a restriction on the number of children to be cared for by the child-minder at any one time; a restriction on the overall operating hours of the business; and a limit on the number of staff.
- 9.17 Whilst the local planning authority has no reason to consider that the applicant would not seek to control noise to the best of her ability, it is necessary to consider the worst-case scenario of potential noise disturbance without any legally enforceable controls on outdoor play. If applying only the above conditions discussed in paragraph 9.16, the worst-case scenario could, in theory, entail 16 children and three staff members spending all day outside for five days a week, creating a level of noise inappropriate for a residential area. Improbable as this specific scenario may be in reality, it must be acknowledged that a very high level of noise disturbance would be made lawfully possible if the Council were to grant planning permission.
- 9.18 It is also critical to note that planning permission applies to the application site, and *not* to the specific applicant or site user. Therefore, even if the applicant were to personally take all possible measures to restrict noise to a reasonable level, it is feasible that the property could, in future, be placed on the market and advertised as a premises with permission for a child-minding business. This could pave the way for another child-minder to then operate from the site at the



maximum capacity permitted by planning conditions, without being as sensitive to neighbours. The worst-case scenario discussed above could then become more likely.

- 9.19 Even irrespective of outdoor play, there exist other potential sources of noise disturbance, such as the noise generated on the street by the regular comings-and-goings of children and parents, including conversations, car engines and slamming doors. In particular, the early opening time of 07:15 may result in regular disturbance at unsociable hours, and one objector has indeed made reference to disruption to sleep patterns. During the dark winter months, the headlights of increased cars on the street could also create light pollution which might disturb neighbours at an early hour. None of these factors could be controlled through planning conditions.
- 9.20 Overall, whilst the applicant has attempted to cooperate with the Council to minimise noise generation, it is not considered that so many children can be looked after at one property in a residential street without causing considerable disturbance to neighbours, unless very restrictive measures are applied. Given that the extent of measures necessary would not be in accordance with the tests for planning conditions set out in the NPPF, there is a need to consider the worst-case scenarios in the absence of such controls. The potential for noise disturbance caused by the development is deemed to be unacceptable for a residential area, and it is therefore considered that the proposal is harmful to residential amenity, being contrary to policies 10 and 46 of the Local Plan, and to paragraph 130(f) of the NPPF.

#### Provision of Childcare

- 9.21 Testimonies from the parents of children looked after at the application site demonstrate that the child-minding business is a valued local service which enhances the local community and is beneficial for the well-being of both children and parents. It is clear that childcare is of great importance to people in terms of enabling parents to work, allowing children to socialise, and improving mental health. To this extent, the proposal brings clear benefits in terms of social sustainability, and paragraphs 92 and 93 of the NPPF and policy 50 of the Local Plan are therefore relevant.
- 9.22 Paragraph 92 of the NPPF states that planning decisions should “aim to achieve healthy, inclusive and safe places”. Paragraph 93 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
  - b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*

- c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

9.23 Policy 50 of the Local Plan states:

*The Council will improve and promote strong, vibrant and healthy communities by ensuring a high quality environment is provided with local services to support health, social and cultural wellbeing.*

- 9.24 It is accepted that, should this planning application be refused and the child-minding business required to cease operating, there would be upsetting and challenging implications for parents and children. However, this must be balanced against the harm to residential amenity identified above. The Council will seek to support high-quality childcare provision, but this must be in appropriate locations, with an integrated approach to considering the location of community services in relation to housing (see paragraph 93(e) of the NPPF).
- 9.25 As discussed in paragraphs 9.5-9.8, the change of use to a child-minding business, which has already occurred, is an unauthorised development which does not benefit from an existing planning permission and is not immune from enforcement action. Therefore, whilst the business has been operational for a number of years, the planning application must now be assessed largely as a new proposal, as the Council has not previously been afforded the opportunity to assess the impacts of the change of use. As such, paragraph 93(c) of the NPPF, which guards against the “unnecessary loss of valued facilities and services”, is not directly relevant, as the existing child-minding business is not *lawfully* established in planning terms. Although it is acknowledged that the closure of the business may reduce the parents’ ability to meet day-to-day needs, for reasons discussed above in relation to residential amenity it is considered that a childcare facility of this scale is not appropriate to a residential area, and is unlikely to have been supported if a planning application had been submitted prior to the child-minding business expanding to its current level.
- 9.26 Due to the child-minding business not being a lawfully established use of the site in planning terms, it is not for the local planning authority to consider the availability of alternative childcare provision to compensate for the potential ‘loss’ of the facility. The social benefits of the service for the community of parents and children are clear, but planning assessments must also consider development proposals in spatial terms, in relation to impacts on the application site and its immediate context. On balance, the identified harm to residential amenity is considered to outweigh the social and community benefits of the childcare provision in this case.

## Conclusion on Social Impacts

- 9.27 Whilst the applicant has displayed a willingness to implement controls on outdoor play to mitigate noise disturbance, such controls cannot be legally enforced through planning conditions, and so there would be an inappropriate reliance on goodwill in minimising the harmful impacts of the development. Taking into account worst-case scenarios in the absence of enforceable planning conditions, it is considered that the proposal is harmful to residential amenity due to noise generation, and is therefore inappropriate for a residential area. Social benefits of the proposal have been identified in terms of supporting the well-being of children and parents, but on a finely balanced judgement, it is not considered that the benefits would outweigh the significant potential harm to residential amenity. Therefore, the proposal is considered to be harmful overall in terms of social sustainability, being contrary to policies 10 and 46 of the Local Plan, and to paragraph 130(f) of the NPPF.

## 9.28 ENVIRONMENTAL SUSTAINABILITY

### Highway Safety and Parking

- 9.29 Part A of policy 13 of the Local Plan states that it should be ensured that:

6. *development does not result in unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developers must consider the impact of new development on the existing highway and transport infrastructure. Where necessary, developers will be required to mitigate (or contribute towards) any predicted adverse effects on the highway and the wider transport network.*

- 9.30 Paragraph 111 of the NPPF 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.*

- 9.31 Objections to the planning application have frequently raised concerns about highway safety, obstructions, and difficulty with parking on the street, caused by the increased journeys created by drop-offs and collections associated with the child-minding business. On a visit to the site on 12 November 2021, the case officer did not witness any traffic congestion or cars causing obstructions to neighbouring driveways or the cul-de-sac. It was clear to see that the hardstanding to the front of the property did leave space for two cars in addition to the applicant's family's own vehicles. However, the case officer's visit was in the middle of the day, and not during peak times for drop-offs and collections as shown on the indicative time charts provided by the applicant. The site conditions seen on this visit represented a snapshot in time, and cannot be taken as a representation of the site at its busiest periods. Reports of parking nuisances by neighbours who experience the everyday impact of the business should still be afforded significant weight.

- 9.33 Highways Development Control have raised concerns regarding the trip generation of a child-minding business with over 40 children registered, even if not all children will be present at one time. The cul-de-sac does not have space for on-street parking, and any additional cars waiting outside the property could block the cul-de-sac if the two allocated spaces for the business were to already be occupied. With unregulated traffic, safety could be put at risk, particularly in relation to young children. An extreme example of a dangerous situation which could feasibly occur would be that obstructions on the cul-de-sac could potentially prevent an emergency vehicle from accessing dwellings at the end of the cul-de-sac, lengthening response times in critical situations.
- 9.34 Highways Development Control consider that a system of staggered arrival and collection times could manage traffic and parking in a manner sufficient to prevent the types of issues described above. A proposal was made to apply a condition to the effect that no more than two vehicular drop-offs or collections should be permitted within any 15-minute period, with these drop-offs and pick-ups to take place only on the allocated spaces on the driveway. The applicant has expressed a willingness to cooperate with the Council and implement the suggested measures.
- 9.35 Unfortunately, similarly to the controls on garden use suggested to mitigate noise disturbance (discussed in sections 9.14-9.15), it is not considered by the case officer and the Senior Legal Officer that such a condition would meet the tests for conditions set out in paragraph 56 of the NPPF, in terms of reasonableness and enforceability. Despite the best will of the applicant, there is always a possibility of parents running late, staying for longer than their time slot to speak to the child-minder about issues during the day, or simply failing to pay attention to the child-minder's rules on parking. Therefore, a strict condition on staggered arrivals would be difficult to comply with, and would consequently be considered unreasonable. As with the proposed condition on garden use, the proposed staggered vehicular movement condition would not be legally enforceable, as there would be no mechanism by which the Council could ensure parents' punctuality. The Council would be virtually powerless to respond in a meaningful way to any complaints raised by neighbours regarding possible breaches of the condition, which could give rise to unresolved conflict between the child-minders and the neighbours.
- 9.36 Whilst it would be reasonable to at least implement planning conditions to reserve two spaces for drop-offs and collections during the operating hours of the business, there is no sound planning mechanism by which the staggering of these vehicular movements could be guaranteed and legally enforced, meaning that the goodwill of the applicant would again be relied upon to ensure proper management. Despite all indications from the applicant of willingness to cooperate, a planning decision cannot be made on a basis of personal trust, due to the permission applying to the site rather than to the applicant – consequently, worst-case scenarios must again be considered.
- 9.37 In the absence of any enforceable mitigation or control measures in place relating to staggered arrival and collection times, the worst-case scenario would

involve up to 16 parents arriving at the same time. Highways Development Control highlight that this could cause a real risk of an adverse effect on the highway, as the cul-de-sac is not designed to cater for such a large amount of traffic at once.

- 9.38 Without legally enforceable conditions to ensure traffic is appropriately managed, the development is therefore contrary to policy 13 of the Local Plan, having an unacceptable impact on highway safety which would represent grounds for refusal based on the criteria set out in paragraph 111 of the NPPF.

### **Conclusion on Environmental Issues**

- 9.39 As the application relates only to a material change of use with no physical interventions proposed, the development has no environmental implications in terms of design, character, visual impact, ecology, biodiversity, or tree protection. The only relevant environmental consideration is the impact on highway safety. As discussed above, there are no appropriate conditions which could ensure the proper management of vehicular arrivals and departures in a staggered manner, and due to the constrained nature of the cul-de-sac, it is possible that traffic associated with the child-minding business could create highway safety issues without any legally enforceable measures in place. Therefore, the proposal is contrary to policy 13 of the Local Plan.

### **9.40 ECONOMIC SUSTAINABILITY**

- 9.41 The proposal would bring some private economic benefits, in providing a source of income for the applicant and her two assistants. The child-minding business also brings micro-economic benefits to parents, as provision of wrap-around childcare widens the possibilities of different employment opportunities for parents who might otherwise be constrained by childcare duties. In terms of macro-economic benefits, there are some limited positive implications of more parents being economically active in the workplace, thus contributing more to the local economy. However, it is not possible to make properly substantiated claims regarding the overall economic impact of the proposal, since parents may be able to find alternative childcare arrangements. Overall, the demonstrable economic benefits of the proposal are limited.

### **Conclusion on Economy Issues**

- 9.42 The development brings minor economic benefits including a source of income for the applicant and her assistants, and the facilitation of widened employment opportunities for parents who might otherwise be time-limited by the need to care for their children. To a limited extent, the proposal would support the economic objective of sustainable development as set out in paragraph 8 of the NPPF.

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development. The

proposal is considered to bring limited social and economic benefits in terms of supporting the well-being of children and parents, as well as widening opportunities for parents to participate in the local economy due to the help received with childcare. However, it is deemed that it would not be possible to implement planning conditions which would adequately mitigate identified harm to residential amenity and highway safety through increased noise generation and vehicular movements. Consequently, the application is contrary to policies 10, 13 and 46 of the Local Plan, and to policy 130(f) of the NPPF, and is therefore recommended for refusal.

## **11.0 RECOMMENDATION**

### **11.1 MEMBERS RESOLVE TO REFUSE PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT, FOR THE REASONS SET OUT BELOW:**

#### **Reasons for Refusal**

01. The development would be harmful to the amenity of neighbouring residential properties by virtue of the noise disturbance caused by children playing in the outdoor garden area and by the comings and goings of parents and children throughout the day. Therefore, the proposal is contrary to policies 10 and 46 of the Doncaster Local Plan (adopted 2021) and to paragraph 130(f) of the National Planning Policy Framework (2021).
02. The development would cause potential highway safety issues by virtue of the increased vehicular movements associated with the business, with a heightened risk of obstructions to the highway due to the lack of a suitable mechanism to ensure staggered arrival and departure times. As a result, the proposal is contrary to policy 13 of the Doncaster Local Plan (adopted 2021).

**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

Without prejudice to the Planning Committee's decision, if members were minded to grant approval contrary to the officer recommendation of refusal, the case officer would respectfully advise that the following planning conditions should be considered:

### Conditions

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

#### REASON

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

02. The operating hours of the childminding business shall be restricted to 07:15-18:00 on Mondays to Fridays, and at no time on Saturdays, Sundays or bank holidays.

#### REASON

To protect neighbouring amenity, in accordance with policies 10 and 46 of the Local Plan.

03. Two car parking spaces within the curtilage of the application property shall be reserved exclusively for the drop-off and collection of children during the entirety of the operating hours of the business. Staff members shall not be permitted to park in these designated spaces.

#### REASON

In the interests of highway safety, in accordance with policy 13 of the Local Plan.

04. The child-minding business hereby approved shall be permitted to employ no more than two members of staff and a staff register shall be maintained and made available for inspection for the life of the development by the Local Planning Authority on request.

#### REASON

To prevent the over-intensification of the business in a residential area, in accordance with policies 10 and 46 of the Local Plan.

05. No more than 16 children shall be cared for at the premises at any given time. A weekly register of those registered children shall be maintained and made available for inspection on request by the Local Planning Authority for the lifetime of the development. No less than six consecutive months' worth of registers shall be available for inspection.

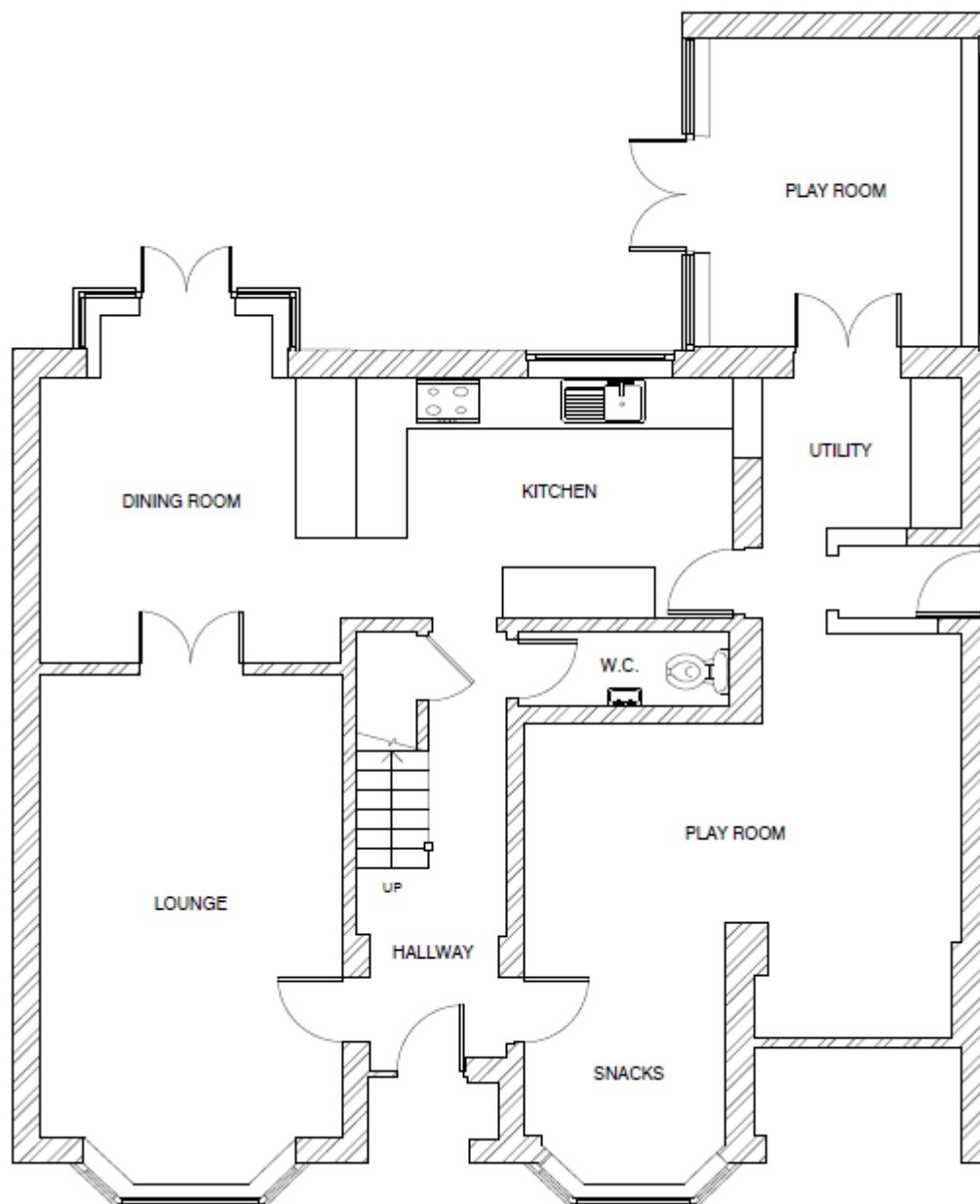
**REASON**

To prevent the over-intensification of the business in a residential area, in accordance with policies 10 and 46 of the Local Plan.

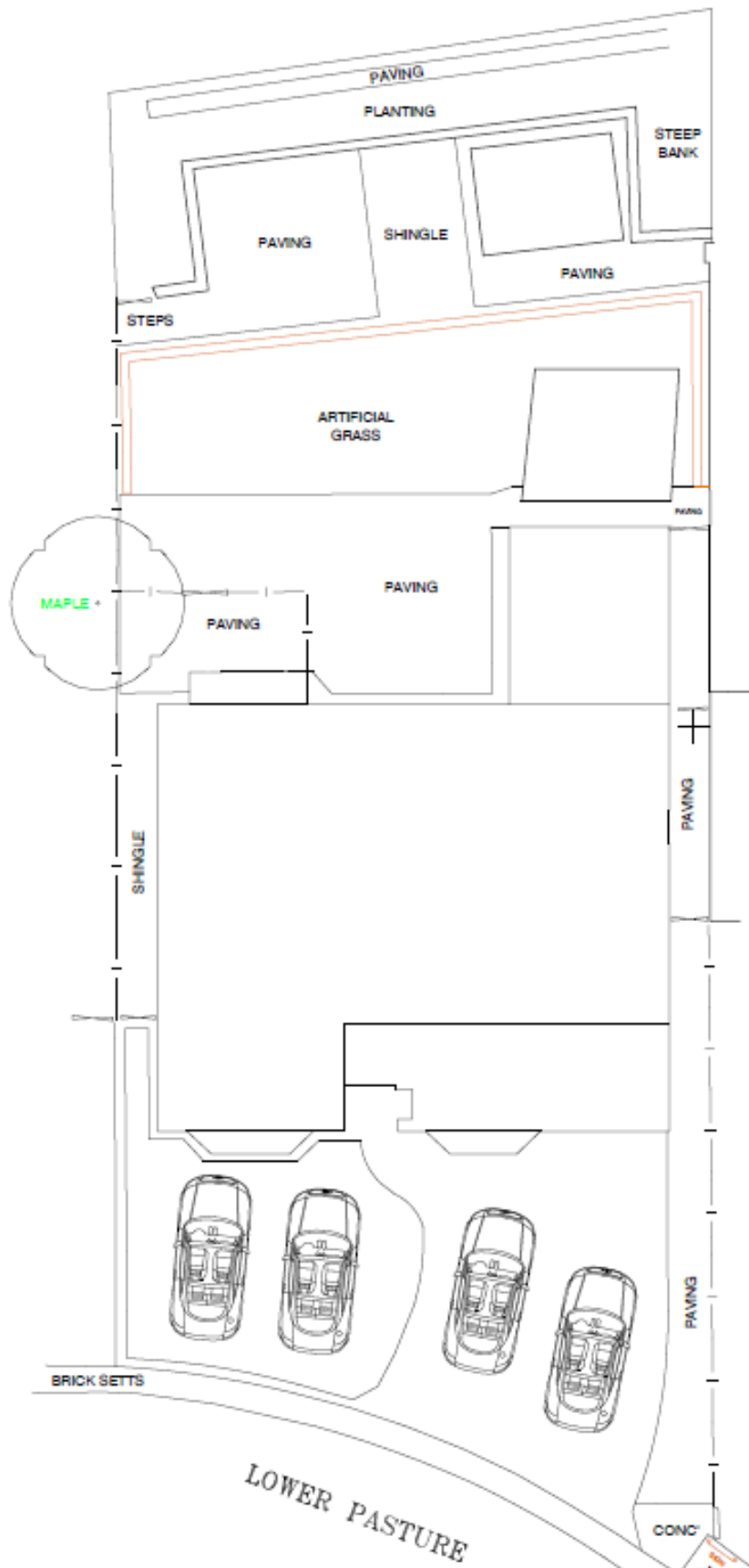


## APPENDIX 2

### Ground Floor Plan



### APPENDIX 3 Site Plan



**APPENDIX 3**  
**Site Photograph**



## APPENDIX 4

### Indicative Time Charts

(Recreated from charts provided by the applicant)

1. Chart showing the current pattern of arrivals and departures of children throughout the days of the week, including children of workers on shift patterns. The numbers in brackets are the number of children over the age of 8 (relevant for Ofsted compliance but not relevant to planning).

Time and Day	Monday	Tuesday	Wednesday	Thursday	Friday
7.15am – 8.40am (Children leave for school by 8.40am)	8 (4)	7 (3)	11 (7)	7 (6)	7 (2)
7.15am – 3.00pm (Pre-school children stay for the day. Variable leaving times upto 3pm)	2	4	5	5	5
3.30pm – 5.30pm (Children arrive back at 3.45pm)	14 (8)	16 (8)	15 (7)	14 (7)	7 (3)
Children collected between 4-5pm	8 (4)	4 (2)	7 (2)	4 (2)	2 (1)
Children staying for dinner and collection at 5.30pm	6 (4)	12 (5)	8 (5)	10 (5)	5 (3)

2. Children of workers on shift patterns (e.g. NHS staff, teachers, police etc.) vary in days and hours – this chart shows added numbers who may come per week on each day.

	Monday	Tuesday	Wednesday	Thursday	Friday
AM drop-off	2 (1)	2 (1)	1 (1)	1 (1)	1 (1)
Daytime	2	1	1	2	1
PM school pick-up	2 (2)	2 (1)	2 (1)	2 (1)	2 (1)

3. This chart shows the actual number of drop-offs and pick-ups by car during the week commencing 8 November 2021. The number in red represents the possibility of a vehicular movement from a shift pattern parent.

Day	AM drop-off 7:15 – 8:30	Mid-morning drop-off 9:00 – 12:00	Pre-school pick-up 13:00 – 15:30	Pre-dinner pick-up 16:00 – 17:00	After-dinner pick-up 17:00 – 18:00
Monday	6 1	2	1	5 1	4
Tuesday	7 1	1 1	1	5 1	5
Wednesday	6 1	1 1	2	4 1	4 1
Thursday	5 1	2 1	1 1	3 1	4
Friday	2 1	2	2	1 1	0 1

4. Chart showing average numbers of children during school holidays.

Time and Day	Monday	Tuesday	Wednesday	Thursday	Friday
Morning session (leave at lunchtime/1pm)	2	2	2	3	2
All-day session (8am – 5:30pm)	4	5	6	5	6
Afternoon session (Arrive after 1pm)	-	-	-	-	3



**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 SC Date 24/11/2021]**

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 24/11/2021]**

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 24/11/2021]**

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

#### **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 24/11/2021]**

12. There are no technology implications arising from the report

#### **HEALTH IMPLICATIONS [Officer Initials RS Date 24/11/2021]**

13. It is considered that there are no direct health implications although health should be considered on all decisions.

#### **EQUALITY IMPLICATIONS [Officer Initials JML Date 24/11/2021]**

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
20/00992/FUL	Demolition of nissen hut and erection of 9 dwellings (being resubmission of 19/01422/FUL). at Land South Of Ridgill Avenue, Skellow, Doncaster, DN6 8HS	Appeal Dismissed 16/11/2021	Adwick Le Street And Carcroft	Committee	No
20/00207/H	Appeal against enforcement action for alleged unauthorised creation of vehicular access with turning facility to front of house in Conservation Area (refused under 19/01163/FUL and dismissed on appeal under 19/00031/HOUSE) under grounds F at 9 Town Moor Avenue, Town Fields, Doncaster, DN2 6BL	ENF-App Dis/Upheld Sub to Correction/Var 26/10/2021	Town		No

## REPORT AUTHOR & CONTRIBUTORS

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**Dan Swaine**  
**Director of Economy and Environment**

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## Appeal Decision

Site visit made on 20 September 2021

**by L Wilson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 November 2021**

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**Appeal Ref: APP/F4410/W/21/3276971**

**Land South Of Ridgill Avenue, Skellow, Doncaster DN6 8HS**

- 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 Brian Sables against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 20/00992/FUL, dated 3 April 2020, was refused by notice dated 16 December 2020.
  - The development proposed is described as demolition of nissen hut and erection of 9 x 3 bedroom dwellings (in the temporary siting of a mobile home during construction). Resubmission of 19/01422/FUL.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Since making its decision, the Council has adopted the Doncaster Local Plan (2021) (LP). The reasons for refusal did not refer to the LP due to the limited weight given to it at the time of determination of the application. The Doncaster Unitary Development Plan (1998) and Doncaster Council Core Strategy 2011-2028 (2012) have therefore been superseded and the policies referred to in the reasons for refusal are no longer relevant. In addition, a revised version of the National Planning Policy Framework (Framework) has been published since the application was determined. The main parties were given the opportunity to comment on any relevant implications for the appeal. Based on the evidence before me, the most relevant local planning policies to this appeal are: Policies 1, 30, 42, 44, 48 and 57 of the LP.

### Main Issues

3. The main issues are:
  - Whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
  - The effect of the proposal on the openness of the Green Belt;
  - The effect of the proposal on the living conditions of the occupiers of 42 and 44 Repton Road, having regard to outlook and light;
  - The effect of the proposed development on the character and appearance of the surrounding area;

- Whether the proposal would comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding;
- The effect of the development on biodiversity; and
- If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

## Reasons

### *Inappropriate development*

4. As part of the development of the recently adopted LP, the appellant made representations to the Council to promote the appeal site as a potential housing allocation for removal from the Green Belt. The site was not included as an allocation in the adopted LP and therefore remains in the Green Belt.
5. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. These include e) limited infilling in villages, f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) and g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
6. The appellant has drawn my attention to a Court of Appeal judgement<sup>1</sup> regarding infill development. In that case it was common ground between the parties that the boundary of a village defined in a local plan would be a relevant consideration in determining whether or not a proposed development constitutes limited infilling in a village, but it would not necessarily be determinative. Thus, consideration should also be given to the situation 'on the ground' as well as relevant policies.
7. Although the site lies close to built development and the appellant considers that local residents do not typically associate themselves as living in a 'rural area', there is a clear break in development to the south and west of the site. The amenity spaces of the properties to the north and east also adjoin the site. Visually, the site does not read being associated with nearby built development. Instead, it is viewed more in the context of open land to the south and west. Consequently, given the separation distance to built development and the relationship with the adjacent dwellings, the scheme would not represent infill development.
8. The appellant states that the proposal would result in housing of an affordable nature. They intend to provide starter homes but are open to consider all options of affordable housing, as defined in the Framework. They have also

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<sup>1</sup> Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

provided a property valuation report and discussions have taken place with a registered social provider. However, a viability assessment has not been undertaken. Moreover, the application submitted did not include an affordable or starter home scheme.

9. There is an absence of convincing evidence to demonstrate that the scheme would provide affordable housing or represent a rural exception site, having regard to the definition in the Framework. Furthermore, the appellant has not provided any legal certainty that the affordable homes would be delivered.
10. The site is located at the end of a residential street. It is currently overgrown and contains a Nissen hut. Having regard to the relevant definition within the Framework, the whole of the site cannot be considered previously developed land. This is because the Nissen hut occupies only a small proportion of the site whereas the proposed development would occupy a significantly larger proportion of the site. Even if the proposal amounted to development on previously developed land, the scheme would have a significantly greater impact upon the openness of the Green Belt than the existing development. This matter is addressed in more detail in the following section.
11. Accordingly, the proposal would not fall under any of the exceptions listed in the Framework and would be inappropriate development in the Green Belt, having regard to Policy 1 of the LP and paragraph 149 of the Framework.

#### *Openness*

12. Paragraph 137 of the Framework confirms that 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.
13. The proposal would have a visual and spatial impact upon the Green Belt. The existing built development and trees would partially screen the scheme. Nonetheless, the dwellings would be conspicuous from the surrounding area. The nine dwellings would have a significantly greater scale, bulk and volume than the existing Nissen hut because they would be two-storey dwellings with accommodation in the attic and would have a raised floor level to mitigate flood risk. The proposal would substantially increase the level of built development on the site and would introduce buildings where there are currently none.
14. Consequently, the development would have a significant adverse impact on both the spatial and visual openness of the Green Belt. As such, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open.

#### *Living conditions*

15. The site adjoins the bungalows on Repton Road. I observed on my site visit that the bungalows have a communal private amenity space which adjoins the site, and they have windows which would face the development.
16. The blank side elevation of the end dwelling of the eastern-most Block C, nearest to the bungalows, would be visible from the windows and amenity space of the bungalows. Due to the height of this proposed dwelling and its proximity to the common boundary, the side elevation of the end dwelling would compromise the outlook from the windows of 42 and 44 Repton Road in

particular. It would result in an oppressive form of development which would create a claustrophobic feeling. The development would therefore have an overbearing impact upon the occupiers of Nos 42 and 44.

17. I am not convinced that the proposal would result in unreasonable loss of daylight to the bungalows amenity space to a degree that would warrant planning permission being refused given the orientation of the proposed dwellings and size of the amenity space. Based on the evidence presented, the bungalows amenity space would still receive adequate daylight and sunlight.
18. Although the proposed development would not result in unreasonable loss of light, it would adversely affect the living conditions of the occupiers of Nos 42 and 44, having regard to outlook. Accordingly, it would conflict with Policy 44 of the LP which seeks, amongst other matters, to ensure developments protect existing amenity and do not significantly impact on the living conditions of neighbours or be overbearing. It would also not comply with section 12 of the Framework which seeks to achieve well-designed places and requires new development to provide a high standard of amenity for existing users.

#### *Character and appearance*

19. The layout of the development would result in parking spaces across the entire frontage of the dwellings. The turning area and visitor spaces would require further hardstanding. Existing trees and hedgerows would be retained to ensure a visual barrier between the built form and the Green Belt.
20. The supporting text of Policy 48 of the LP seeks to maximise the benefits of tree planting in housing areas and aims for a minimum of 1 tree per dwelling, including street trees to be designed into the public realm.
21. The proposed layout would have a frontage dominated by parking and hardstanding with extremely limited space for soft landscaping including trees. The proposal would not include appropriate soft landscaping and the hard landscaping would dominate the street scene. Accordingly, the development would be poorly designed in this respect.
22. The proposed dwellings would be higher than the two-storey dwellings within the surrounding area primarily due to flood risk mitigation measures. Furthermore, they would be substantially higher than the neighbouring bungalows. As a result of the proposed dwellings' height, they would appear at odds with the character of the surrounding area and would be a dominant addition.
23. For these reasons, the proposal would cause harm to the character and appearance of the surrounding area. Consequently, the scheme would conflict with Policies 42, 44 and 48 of the LP. These policies seek, amongst other matters, to promote good design and ensure housing proposals are sympathetic to the character of the area and provide a high quality, attractive hard and soft landscaping. It would also conflict with section 12 of the Framework which seeks to ensure new development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping as well as being sympathetic to local character.

### *Flooding*

24. Paragraph 159 of the Framework 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). The site is located within Flood Zone 3 (area with a high probability of flooding). The appellant highlights that neither the site or immediate vicinity have been affected by recorded historical flooding events which is likely to be due to existing flood defences.
25. Given the flood zone location, the Council must apply the Sequential Test. It is the responsibility of the applicant to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
26. The Sequential Test submitted covers Skellow, Carcroft and within approximately a three-mile search of Skellow. It concluded that there were no other suitable alternative sites.
27. The appellant has made reference to an approved application which covered a similar search area<sup>2</sup>. However, I understand that the highlighted application, and search area, cannot be compared to the scheme before me as it related to land designated within the settlement boundary.
28. The appellant states that a borough wide search would not be justified for the affordable starter home model, which is specifically tailored for local need. However, as stated above, the appellant has not robustly demonstrated that the scheme would comprise affordable housing.
29. The Council's Development and Flood Risk Supplementary Planning Document (2010) (SPD) sets out that the area of search will normally apply to the whole borough, with some variation possible dependent on the scheme type and location. Whilst a whole borough search might be excessive in this instance, having regard to the SPD, the area of search within the Sequential Test is extremely limited and has not been robustly justified.
30. The sequential test must be passed before the exception test can be applied. Given my findings above, my decision does not turn on whether the exception test has been passed. Similarly, in the absence of an appropriate sequential test, the proposed development is unacceptable in principle. It is therefore not necessary for me to consider the mitigation measures.
31. For these reasons, the proposal would not comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding. Consequently, it conflicts with Policies 1 and 57 of the LP which states, amongst other matters, that all development proposals will be considered against the Framework, including application of the sequential test. It would also conflict with section 14 of the Framework which seeks to avoid inappropriate development in areas at risk of flooding and to steer new development to areas with the lowest risk of flooding. Additionally, it would not comply with the SPD which seeks to manage flood risk within Doncaster and acknowledges the need to facilitate the regeneration of deprived communities.

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<sup>2</sup> 18/01230/FULM

### *Biodiversity*

32. The site was previously part of the former Brodsworth Tip site which is an area of good ecological value.
33. I acknowledge that, whilst the Biodiversity Net Gain units are negligible on this site when reviewed by the DEFRA metric 2.0, the Ecological Appraisal states there is some value for nesting and foraging birds. Thus, there is still a requirement to negate the loss of biodiversity following the site clearance and the demolition of the Nissen hut.
34. The appellant highlights that no protected species will be endangered, and they would accept a condition in relation to this matter. The appellant has also stated that they would be open to a unilateral undertaking to provide a commuted sum towards enhancing the green infrastructure in the village.
35. There is limited scope to provide biodiversity enhancements within the site because the development would be dominated by hard surfaces. Hence, based on the evidence submitted, I am not satisfied that an appropriately worded condition could address this matter due to the limited space available to enhance the site for biodiversity.
36. Furthermore, a unilateral undertaking has not been justified and would not be appropriate. This is because the scheme fundamentally would not provide comprehensive landscaping due to the extent of proposed hard surfacing. This results in a poorly designed development, where opportunities to improve biodiversity in and around the development have not been integrated in the design. In this instance, there is no appropriate mechanism before me by which I can be certain that the compensatory measures would be secured.
37. For these reasons, the appellant has failed to demonstrate that the proposal's effect on biodiversity would be acceptable. Accordingly, the proposal would conflict with Policy 30 of the LP. This policy states, amongst other matters, that all proposals shall be considered in light of the mitigation hierarchy in order to ensure ecological features are protected and harm to biodiversity is minimised. It would also conflict with section 15 of the Framework which seeks to protect and enhance biodiversity.

### *Other considerations*

38. The proposal would provide new homes in an accessible location which could help boost the local economy, including services and facilities. Furthermore, there would potentially be jobs for local tradespeople during construction. Based on the evidence submitted, the Council is able to demonstrate a 5 year housing land supply. The provision of nine market dwellings would provide a modest contribution to the supply of homes and the local economy. Consequently, given the scale of the scheme, I attach limited weight to the benefits of the proposed development.
39. Although the existing building is of no architectural or historic merit and may be replaced in the future, this does not constitute a fall back position. Based on the evidence submitted, planning permission has not been approved for an alternative development. Thus, this consideration does not amount to a positive factor in favour of the development.



40. The appellant considers that the proposal would represent an improvement in visual terms, particularly as a result of the proposed high quality and eco-friendly materials. They also highlight that the site is vulnerable to fly-tipping and trespassers. However, the appearance and security of the site could be improved without constructing nine new dwellings. Furthermore, the appellant has not submitted any robust evidence to demonstrate that the design would be of exceptional quality. In any event, the absence of harm and compliance with local and national planning policies does not amount to a positive factor in favour of the scheme.

*Whether very special circumstances exist*

41. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. It would also cause harm to the openness of the Green Belt. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt and 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.
42. The other considerations relating to the benefits of the proposed development, including housing supply as well as economic benefits, are given limited weight. The other considerations in relation to the existing building and the appearance and security of the site are given neutral weight in that they neither weigh in favour or against the proposal.
43. When drawing this together, the other considerations advanced in support of the appeal whether taken individually or cumulatively, do not, clearly outweigh the totality of the harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist.

**Planning Balance and Conclusion**

44. I conclude that the proposal would amount to 'inappropriate development'. There are no very special circumstances to outweigh the harm caused. This would be contrary to Policy 1 of the LP, which confirms that national planning policy will be applied including the presumption against inappropriate development except in very special circumstances, and the aforementioned paragraphs 148 and 149 of the Framework as set out above.
45. The scheme would also adversely affect the living conditions of the occupiers of Nos 42 and 44, cause harm to the character and appearance of the surrounding area, would not comply with planning policy with regard to flood risk and the appellant has failed to demonstrate that the proposal's effect on biodiversity would be acceptable. Accordingly, there would be conflict with LP Policies 1, 30, 42, 44, 48 and 57 and sections 12, 14 and 15 of the Framework.
46. I note the appellant considered the local plan policies to be out of date but given the recent adoption of the LP, the basket of the most important policies is not out-of-date in this case and therefore paragraph 11(d) of the Framework is not engaged.
47. The benefits associated with the development would be limited, due to its scale. The benefits do not outweigh the deficiencies that would arise as a result of the conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict.

48. For the reasons given above, the appeal is dismissed.

*L M Wilson*

INSPECTOR



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## Appeal Decisions

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2021

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**Appeal A Ref: APP/F4410/C/21/3277903**

**Appeal B Ref: APP/F4410/C/21/3277904**

**Land at 9 Town Moor Avenue, Town Fields, Doncaster DN2 6BL**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - Appeal A is made by Mrs Maria Blackie against an enforcement notice issued by Doncaster Metropolitan Borough Council.
  - Appeal B is made by Mr Robert Blackie against an enforcement notice issued by Doncaster Metropolitan Borough Council.
  - The enforcement notice was issued on 18 May 2021.
  - The breach of planning control as alleged in the notice is: The Land is situate in a designated Conservation Area and has without planning permission, the unauthorised development of the creation of a vehicular access to the front boundary of a residential property on the Land in the position marked blue on Plan A.
  - The requirements of the notice are:
    - (i) Make good the boundary treatment by carrying out the required works to restore the part-demolished red-bricked wall as shown at Position 'A to B' on Plan A to its former condition and erect the original pedestrian gate on the Land as shown in Annex B attached to this Notice.
  - The period for compliance with the requirements is one month.
  - The appeals are proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended.
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### Decisions

1. The enforcement notice is corrected and varied by:
  - (1) Deleting the allegation within section 3 of the enforcement notice (the breach of planning control alleged) and replacing it with the following:  
*Without planning permission the creation of a vehicular access in the position marked blue on Site Plan A attached to this Notice.*
  - (2) Deleting the requirement in section 5 of the enforcement notice and replacing it with the following: *(i) Restore the boundary treatment as shown at position 'A to B' on Site Plan A to its former condition as shown in Site Plan B attached to this Notice, except for the hedge.*
2. Subject to this correction and variation the appeals are dismissed, and the enforcement notice is upheld.

### Preliminary Matter

3. In reviewing the file, it appeared that the appeals could be determined without a site visit – without causing prejudice to any party. This is because the parties have submitted sufficient evidence to understand the nature of the site given the ground of appeal and points in dispute.

## **The Enforcement Notice**

4. The allegation is worded in a complicated manner which makes it difficult to follow and determine what the act of development subject to the notice is. However, the description does not render the notice completely unclear, and it is evident to me that the appellants understand the allegation. I have a duty to get a notice in order if I can. Pursuant to section 176 of the Act I have power to correct any defect, error or mis-description provided I am satisfied there will be no injustice to either party. I have corrected the allegation to remove superfluous wording so that it clearly sets out the matter which constitutes the breach of planning control. This correction neither enlarges or reduces the scope of the allegation and as such there is no injustice to either party.
5. I have corrected the allegation to refer to Site Plan A and the requirement to Site Plan A and Site Plan B, since this is how the attachments are labelled.

## **The appeals on ground (f)**

6. An appeal on ground (f) is a claim that the requirements of the notice exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any injury to amenity resulting from the breach.
7. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first s173(4)(a) is to remedy the breach of planning control which has occurred. The second s173(4)(b) is to remedy any injury to amenity which has been caused by the breach.
8. In this case the enforcement notice requires the boundary to be restored to its former condition. As such, I find that its purpose is to remedy the breach of planning control that has occurred. That purpose can only be achieved by restoring the boundary to its former condition.
9. The appellants stated that they no longer have the original materials. However, providing that the replacement wall and gate match those removed, that would comply with the purpose of the requirements of the notice – to remedy the breach of planning control. Consequently, I consider that the requirement to reinstate the *original* [my emphasis] pedestrian gate is excessive, and I will therefore vary the notice accordingly.
10. As issued and varied the enforcement notice does not require the reinstatement of the hedge, since its removal does not constitute development.
11. The appellants suggested a lesser step of installing a wider gate or a combination of railings and a gate, which they consider would enhance the area. However, no specific details have been provided and, in any event, this and arguments about the number of houses which have off road parking to the front are matters which relate to planning merits.
12. Where there is no appeal under ground (a) consequently there is no deemed application for planning permission, as such there can be no arguments about the planning merits of the development under ground (f). Similarly, the appellants' misgivings about the Council's handling of the case and the costs associated with complying with the requirements are matters which have no bearing on this ground of appeal. The only consideration is whether the requirements exceed what is necessary to achieve the identified purpose.

13. Since as varied the requirements would do no more than seek to achieve the purpose of the notice - to remedy the breach of planning control, it is not excessive. There is partial success under the ground (f) appeals.

**Conclusion**

14. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with a correction and variation.

*Felicity Thompson*

INSPECTOR

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